

VOLUME II of II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Walton J. McLeod, IV, Circuit Court Judge

RECEIVED

Sep 16 2026

S.C. SUPREME COURT

TIMIYA RASHAD MASSEY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-001040

APPENDIX

WANDA H. CARTER
Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

KYLEE KANEALEY
Assistant Attorney General
PO Box 11549
Columbia, SC 29211-1549

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED NOVEMBER 6-8, 2026	1
APPLICATION FOR POST-CONVICTION RELIEF	461
RETURN.....	469
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED FEBRUARY 5, 2026.....	476
COURT’S EXHIBIT NO. 1 (EMAIL)	546
ORDER OF DISMISSAL WITH PREJUDICE	547
INDICTMENTS AND SENTENCE SHEETS.....	560

Timiya Massey - Direct

1 hands.

2 Q Okay. Now, at your trial, there was no testimony
3 regarding gun powder residue and whether there was residue on
4 your hands or not. Is that correct?

5 A Yes, sir.

6 Q Did you and Mr. Steele discuss any DNA evidence in the
7 matter? Did he go over any DNA evidence?

8 A No. My DNA was never found nowhere on no gun, nowhere in
9 his apartment, nowhere on the stairwells. I never was in his
10 apartment, period. If my DNA -- when I got shot, my blood
11 would be in the apartment if I got shot in these people's
12 apartment.

13 Q Okay. Now, did you and Mr. Steele ever discuss whether
14 there was any fingerprint evidence against you?

15 A Fingerprint evidence? No, sir.

16 Q Did y'all talk about that, whether there were any
17 fingerprint evidence?

18 A No, sir, but I know for a fact there was never no
19 fingerprint evidence.

20 Q How well did you know -- there was a gentleman that
21 testified in your case by the name of Nyerere Williams. Do
22 you know him?

23 A No, I do not know him.

24 Q Had you ever met Mr. Williams prior to the date of this
25 incident?

Timiya Massey - Direct

- 1 A No, sir.
- 2 Q How about a Mr. Terry Harris? Did you know Terry Harris?
- 3 A Terry Harris was going with a girl who was from my
4 neighborhood, and I used to sell Terry Harris marijuana.
- 5 Q You used to -- okay. So how well did you know Terry
6 Harris?
- 7 A I didn't know him well. He testified in court that he'd
8 known me for ten years, and when this case happened I was 25,
9 I believe -- 26, and if he'd known me for 10 years, that mean
10 he been knowing me since I was in high school, when I was 16
11 years old, which is a lie.
- 12 Q Is there any other -- are there any other witnesses that
13 you and Mr. Steele discussed prior to your going to trial as
14 potential witnesses other than the surgeon? You mentioned the
15 surgeon. Any other witnesses that you all talked about as
16 potential witnesses?
- 17 A I tell him -- I asked Mr. Steele am I going to have a DNA
18 expert there to talk for me, and he said that they were going
19 to use the same one as the one that was going to be there. He
20 was going to cross-examine him to get all the questions out of
21 him, and the other witness is supposed to have been the fourth
22 codefendant to testify for me so he can let them know I never
23 was in the car with nobody. I never rode in the car with
24 Terry Harris, Nyerere, or the other guy, period.
- 25 Q All right. How did you get to the scene, then?

Timiya Massey - Direct

- 1 A My brother.
- 2 Q Your brother?
- 3 A Yeah.
- 4 Q You never rode with Mr. Nyerere Williams or -- who's the
- 5 other gentleman? I'm sorry.
- 6 A Terry Harris.
- 7 Q Terry Harris. You never rode to the scene with them?
- 8 A No, sir.
- 9 Q They testified that you did ride with them.
- 10 A Yes. They are intensive for the State.
- 11 Q They're what, now?
- 12 A I said they were people that was for -- that was going to
- 13 testify against me to get a deal from the State because of
- 14 some reason. I don't know why. They don't even know me. I'm
- 15 a victim in the case.
- 16 Q And that's your position, that you are a victim?
- 17 A Yes, sir.
- 18 Q And not a perpetrator of this crime?
- 19 A Definitely not a perpetrator.
- 20 Q Did you talk with Mr. Steele -- obviously there was a
- 21 verdict, and you were found guilty.
- 22 A Yes, sir.
- 23 Q Did you ever talk with Mr. Steele after the verdict?
- 24 A I talked to him. He said he was going to put in for my
- 25 direct appeal and for things that have been preserved for the

Timiya Massey - Direct

1 Court. It would be on -- he said it should be in my
2 transcript, and I would be able to use it on my appeal.

3 Q Did Mr. Steele file an appeal in this case?

4 A Yes, sir.

5 Q Then what happened? He filed it timely. Correct?

6 A Yes, sir.

7 Q And what else did you -- how was that appeal resolved?

8 Do you recall? Do you know what happened in the appeal?

9 A No, sir. They sent my appeal to, I think, the Supreme
10 Court.

11 Q Right.

12 A And they pushed it back down.

13 Q Okay. All right. Now, Mr. Massey, I'm going to go over
14 my notes. You and I have had extensive conversations.

15 Correct?

16 A Correct.

17 Q And you have given me some things -- let me ask you this.
18 You allege that there was hearsay testimony in this matter?

19 A Yes, sir.

20 Q What hearsay testimony are you alleging? And tell me the
21 testimony -- hearsay testimony that you're alleging that took
22 place in the hearing.

23 A The hearsay testimony is from them saying that they
24 believe --

25 Q Them who? You've got to identify them.

Timiya Massey - Direct

1 A Terry Harris and Nyerere testified against me in the
2 trial, and the hearsay is what they told about me -- that was
3 a lie. There was never no facts --

4 Q Well, let me ask a question. That would be more direct
5 evidence. Tell me how that's hearsay evidence. If they were
6 telling the jury what they saw you -- happened -- how was that
7 hearsay testimony? I want you to tell the Court why you think
8 that was hearsay testimony.

9 A I'm going to find my paperwork right here. The hearsay
10 came along with the leading the witnesses.

11 Q That's different. Now, that's a different objection.
12 Leading and hearsay, those are two different things. Tell me
13 about the hearsay that you allege was elicited in your trial
14 that Mr. Steele should have objected to.

15 A (No response.)

16 Q Okay. Let me ask you another question. You also alleged
17 in this three-page statement that you gave me that there was
18 unreliable forensic evidence that I guess you're alleging that
19 Mr. Steele should have objected to?

20 A Yes, sir.

21 Q Tell me about it.

22 A Joshua Spurgeon [phonetic] -- he had citations and
23 disciplinary action.

24 Q Joshua Spurgeon being whom?

25 A The Forensics.

Timiya Massey - Direct

1 Q Okay. But, now, Mr. Massey, wasn't that explored at the
2 trial? Didn't -- I think it might have been Mr. Richardson or
3 Mr. Conits go into those alleged allegations against him that
4 took place at some time prior to his conducting an
5 investigation. Do you recall Mr. Conits and Mr. Richardson
6 going into that information?

7 A Yes, I recall, but the situation is he had disciplinary
8 action from the time before -- before my case happened all the
9 way to after my case happened, so I don't believe nothing that
10 he put in the records was correct.

11 Q It's your position that you don't believe any testimony
12 that Mr. Spurgeon --

13 A I believe all his records should have been suppressed,
14 and I asked my lawyer to suppress them.

15 Q But isn't it correct that Mr. Steele had an opportunity
16 to cross examine Mr. Spurgeon, this gentleman that had all of
17 these -- all of these prior indiscretions in conducting his
18 job at some other place? That was all discussed and examined
19 at trial. Correct?

20 A Yes, sir.

21 Q Okay. And also, you allege that Mr. Steele failed to
22 impeach witnesses. Is that correct?

23 A Yes, sir. He failed to impeach the witnesses, because
24 Mr. Steele showed -- that Mr. Steele failed to challenge the
25 credibility of Terry Harris from showing the prior warrants

Timiya Massey - Direct

1 and similar charges, also the videos and the witness
2 interrogation charges in a different case. If the jurors
3 would have heard them, they would've took credibility away
4 from the witness.

5 Q All right. Now --

6 A The outcome would've been different in my case.

7 Q These warrants that you're talking about -- I went and
8 got copies of these warrants based on what you told me. Okay?

9 A Okay.

10 Q Now, Terry Harris -- he had -- your case went to trial in
11 2017. Right?

12 A '17.

13 Q And do you realize -- you're telling me, now, because I
14 went and researched, and I double-checked it again last night
15 -- these warrants against Mr. Harris that you are talking
16 about, they are murder, burglary, armed robbery, attempted
17 armed robbery, possession of a weapon during a violent crime,
18 and the Attorney General has all this information on assault
19 and battery first degree, and I even gave these warrants to
20 Mr. Richardson, who prosecuted you. Okay?

21 A Yes, sir.

22 Q Now, these warrants -- and I looked them up. You went to
23 trial in 2017, but according to the court records, these
24 warrants against Mr. Harris were dismissed on September 6th of
25 2016. Were you aware of that?

Timiya Massey - Direct

- 1 A No, sir.
- 2 Q Okay. Now you are aware of that. Is that right?
- 3 A I'm aware of it now.
- 4 Q Tell me how do you believe that warrants that were
- 5 dismissed in 2016 could have been used against Mr. Harris to
- 6 impeach his credibility in 2017 when they were dismissed in
- 7 2016?
- 8 A That's not all that I have. Mr. Harris -- that's not
- 9 everything that I have. Mr. Harris also testified on the
- 10 scene -- on testimony, he said -- said directly that he was
- 11 testifying because of he was going to get a sentence ran
- 12 concurrently with 120 months in a -- from this federal case.
- 13 Q I saw that.
- 14 A And that's on page -- that's in transcript page 330,
- 15 lines 120 to transcript page 331, lines one through 25 and
- 16 transcript page 332, lines one and two.
- 17 Q Right. So, he testified to that?
- 18 A Yes, sir. So, he got probably good reason to lie on me,
- 19 because he already got a whole lot of stuff going on.
- 20 Q Right. Well, let me ask you this, though. Let's say
- 21 that's true. How does that show that Mr. Steele -- if all of
- 22 that was elicited at the trial against Mr. Harris, how does
- 23 that show that Mr. Steele was ineffective in representing you,
- 24 because all of that is on the record?
- 25 A Mr. Steele didn't push the issue.

Timiya Massey - Direct

1 Q What do you mean didn't push the issue?

2 A What I mean by he didn't push the issue is, like, he
3 didn't go into depth of the case or go into depth of the
4 charges or let the jury know that Mr. Terry Harris is only up
5 here testifying because he's getting a deal with the State.

6 Q Right. So, it's your contention that Mr. Steele should
7 have explored those warrants further against Mr. Harris?

8 A Yes, sir.

9 Q Even though they were dismissed?

10 A No, not those warrants. What he testified.

11 Q Testified -- what do you mean what he testified?

12 A What I mean is when he said that -- when Terry Harris got
13 up there and said that he was making -- he got up there and
14 said in transcript --

15 Q Let me find it. Let the State find it too. What are you
16 referring to?

17 A 330.

18 Q 330. Let me find it.

19 A Mr. Steele asked him --

20 THE COURT: What page are you on?

21 THE WITNESS: 330. Line 20.

22 MR. JOHNSON: What line?

23 THE WITNESS: 20.

24 MR. JOHNSON: Thank you.

25 THE WITNESS: Mr. Steele asked him -- he said, "And are

Timiya Massey - Direct

1 you charged as you said to the lawyer for government you have
2 been charged with everything that Timiya Massey has been
3 charged with. Haven't you?" Answer: yes. "But you haven't
4 pled guilty to none of this yet. Have you?"

5 By Mr. Johnson:

6 Q Keep on reading.

7 A I'm going to keep on reading. He said no. He said you
8 are planned to -- he said, are you planning to plead guilty?
9 Yes. When are you going to plead guilty? I guess whenever
10 they come with it. What kind of sentence are you expecting?
11 Trying to at least get something ran concurrent with my
12 federal time. That's what you're expecting. Isn't it? Yes.
13 And that translates to laypersons when you get concurrent
14 sentences with the federal 10-year sentence that means you
15 wouldn't serve no extra time at all. Right? He said yes. He
16 said that's the ideal situation. Isn't it? Yes. That's what
17 you're trying to get at. Isn't it? Yes. That's what you're
18 hoping for. Witness nods his head. Question. Sir? Yes.
19 Why -- why aren't you testifying here today -- testifying here
20 today? Isn't it?

21 And then on page 331 -- 332, lines one and two. And are
22 you planning to plead guilty to it? Yes.

23 So, I feel like the fact that Terry Harris said that he
24 was already guilty and he knows that he was guilty of this
25 crime, my lawyer should have pushed even more for this jury to

Timiya Massey - Direct

1 know that he was the one that did this and that he was the one
2 that --

3 Q How could he have -- tell me -- tell me -- now, you tell
4 me, based on -- this is Mr. Steele cross-examining Mr. Harris
5 regarding any possible deal or any -- how more or what else
6 could Mr. Steele have done in impeaching -- excuse me --
7 impeaching his credibility? Tell me what more do you think he
8 could have done?

9 A I could -- I think he should have just let them know he
10 was an intensive witness.

11 Q He was a what now?

12 A Intensive witness. He was a witness who had motive to
13 get up there tell a lie. That's what I believe, and I know
14 that. That's why I feel Mr. Steele should have did it, and I
15 tell Mr. Steele -- when he came back to the table, I said you
16 should've pushed for them to know that this guy got motive to
17 get up there and tell a lie on me.

18 Q Okay. And you feel Mr. Steele didn't fully explore that,
19 even though he went through a litany -- a colloquy of
20 questions regarding what we just talked about?

21 A That's what I feel.

22 Q All right. Thank you. Now, there was also another
23 witness, Nyerere Williams. Do you recall Mr. Williams
24 testifying against you?

25 A Yes, sir.

Timiya Massey - Direct

1 Q And it appears that Mr. Williams, at some point when he
2 was involved with the officers at the investigative level,
3 told something different to law enforcement than he testified
4 to on the stand. Is that right?

5 A Yes, sir.

6 Q Now, it appears that that area was discussed by Mr.
7 Richardson on direct or Mr. Conits, and that Mr. Steele also
8 addressed that issue on cross-examination of Mr. Williams. Do
9 you recall that?

10 A Yes, sir.

11 Q And do you think Mr. -- and is it your position that Mr.
12 Steele should have examined him further regarding his giving
13 an inconsistent statement during the initial investigation?

14 A Yes, sir, because --

15 Q Why?

16 A Why would you lie for -- why would you say one initial
17 thing and then turn around and change it up and say something
18 else after you done talked to the State and they done told you
19 they going to give you a deal? Why would you do that?

20 Because they wanted him to be a witness, too, but they started
21 to collaborate like that.

22 Q Let me ask you a question. Do you recall -- tell me if
23 you do -- whether there would have been a victim's brother.
24 He testified, too, in this case. Correct?

25 A Yes, sir.

Timiya Massey - Direct

1 Q And do you know whether there was ever -- there was -- it
2 came out in the evidence that the victim's brother had a
3 weapon also. Correct?

4 A Yes, sir.

5 Q Do you know if that weapon was ever located based on you
6 and Mr. Steele's investigation?

7 A No, sir.

8 Q It was never located?

9 A He said that -- he said he lost it.

10 Q Okay. Now, we've gone over a lot of stuff, and I've
11 taken the time, and the Court has granted you an opportunity
12 to present your position as to what happened, and the Court
13 graciously did that, because your position is that you wanted
14 to testify but you were convinced by Mr. Steele not to.

15 Now, we've gone over a lot of stuff, and I want you to
16 take your time to be deliberate. Is there anything else that
17 you want to tell the Court, because we've met several times,
18 and I took copious notes, and I might forget something, but
19 this is your opportunity. If I forgot something that you
20 think is important to establish that Mr. Steele was
21 ineffective, would you please tell the Judge what that might
22 be at this point? And I'm going to look at my notes, too.

23 A This is an exhibit. May I please the Court. This PCR
24 hearing is concerning the constitutional violation that
25 undermined the fairness of Mr. Massey's trial. The physical

Timiya Massey - Direct

1 evidence placing Mr. Massey inside the home, no DNA, no gun,
2 no fingerprints, no firearm evidence identifies --

3 Q Excuse me, Mr. Massey. We've already gone over that. Do
4 you want to tell the Judge --

5 A Yes, I know, but I want to put this on record.

6 Q All right. Go ahead. Put it on the record.

7 A State's rely on the evidence handled by the forensic
8 officers was documented as a disciplinary violation for losing
9 and mishandling the evidence --

10 Q What evidence do you have of that, losing evidence or
11 mishandling evidence, that Mr. Steele failed to present to the
12 Court?

13 A They presented it to the Court. This right here is from
14 Mr. Douglas Richardson, and this is everything that they gave
15 me five or ten minutes before the trial ever started.

16 Q Hang on a minute. Are you on a transcript page?

17 A No.

18 Q You're not on a transcript page. What is that that you
19 have in your hand?

20 A This right here is an exhibit to show where Mr. Joshua
21 Spurgeon --

22 Q Excuse me. Is there an exhibit number?

23 A I'm trying to push it into an exhibit.

24 Q I understand, but is there an exhibit number on it?

25 A 2.

Timiya Massey - Direct

1 Q Okay. 2. Go ahead. Exhibit Number 2.

2 A And this -- this explains from July 2015 that he had a
3 letter written -- a written warrant of insufficiency and
4 performance of his duties failing to do acceptable work by
5 putting incorrect information and failing to put information
6 into a V-Connect system.

7 Q Is that Joshua Spurgeon that you're referring to?

8 A Yes.

9 Q Okay.

10 A And on January 15 he was suspended for a 12-hour shift
11 for losing evidence. Specifically, he lost a very small piece
12 of paper that was to be processed, prints apparently by
13 filing, to repackage it, process disciplinary actions,
14 including other incidents involving improper packaging of
15 evidence and scanning of evidence.

16 Q All right. Mr. Massey, let me ask you this. Did you
17 recall that line of questioning being discussed at the trial
18 and that some of that information was elicited from Mr.
19 Spurgeon?

20 A Yes.

21 Q Okay.

22 A I still want to put it all on record.

23 Q You still want to put it on the record. All right. Go
24 ahead.

25 A I got the right to do that. Right?

Timiya Massey - Direct

1 MR. JOHNSON: You sure do. That's why I'm allowing you
2 to -- the Judge is graciously allowing you to do it. Go
3 ahead.

4 THE COURT: Go ahead.

5 THE WITNESS: Okay. But this -- I want to present this
6 into an exhibit, this paper right here. You said -- I said a
7 number. I got to give y'all the paper. Right?

8 By Mr. Johnson:

9 Q We want to introduce that into evidence?

10 A Yes, because why not? That's part of what I'm
11 presenting.

12 Q And what is it? Let's lay a foundation for -- what is
13 it?

14 A There is no blood.

15 Q No. What is this? We got to lay the foundation for you
16 to try to get it in. What is this?

17 A This is the mishandling of the forensics.

18 Q It is from Doug Richardson. This is an email from Doug
19 Richardson to Carlyle Steele. Correct?

20 A Yes, sir.

21 Q Dated October 31st, 2017. Looks like two or three weeks
22 before your trial.

23 A Yes, but they didn't give us this paper until the day of.

24 Q Okay.

25 A Mr. Steele never discussed none of this with me, period.

Timiya Massey - Direct

1 Q He didn't?

2 A Never.

3 Q Okay. How did you get this?

4 A Got it from Doug Richardson.

5 Q You got it from Doug Richardson?

6 A I think so. I think that's who my lawyer got it from.

7 I'm not certain who he got it --

8 Q But who did you get it from? Did you get it from Mr.

9 Richardson or Mr. Steele?

10 A I got it originally from my transcript whenever I filed
11 my Rule 5.

12 Q Okay. All right.

13 A Losing evidence, serious chain of custody concerns the
14 farther --

15 MR. JOHNSON: Hold on. I'm showing this to the State.

16 Your Honor, at this time the Petitioner moves to
17 introduce this exhibit that has been established as
18 Applicant's -- for admission into evidence as Applicant's
19 Evidence.

20 THE COURT: And it's an email?

21 MR. JOHNSON: Yes.

22 MS. KANEALEY: We would object, Your Honor.

23 THE COURT: What is it? Just -- is this part of the
24 record from the original case?

25 MS. KANEALEY: I'm not entirely sure, Your Honor.

Timiya Massey - Direct

1 (Pause in proceedings.)

2 THE COURT: All right. So, this appears to be a letter -
3 - an email from Doug Richardson to Carlyle Steele that
4 references previous disciplinary actions against a member of
5 the staff, a forensic officer of the Greenville County
6 Sheriff's Office, who had since resigned.

7 MR. JOHNSON: And Doug Richardson is here, by the way,
8 Your Honor.

9 THE COURT: Okay. Well, my only question is this appears
10 to be more of a general statement. I don't -- maybe I'm
11 wrong. Maybe I'm missing -- it doesn't say that specific
12 evidence in this case was mishandled.

13 MR. JOHNSON: I understand.

14 THE COURT: But, I mean, I've been involved in another
15 case where if someone was sort of relieved of duties, of
16 course it connects with every file they've ever touched, but
17 it may not involve that specific case.

18 THE WITNESS: That's all I'm saying, Your Honor.

19 THE COURT: Okay. Well --

20 MR. JOHNSON: And Judge, this question, as you've heard -
21 - Mr. Spurgeon, that forensic officer was examined -- cross-
22 examined extensively at the trial, but it's my position --
23 it's my job to represent Mr. Massey, and he's --

24 THE COURT: He still testified at trial? Spurgeon.

25 MR. JOHNSON: Yes, sir.

Timiya Massey - Direct

1 THE COURT: Okay. And the Solicitor's Office informed
2 your attorney, Mr. Steele, that he'd had disciplinary actions
3 in advance of the trial?

4 MR. JOHNSON: Yes, sir.

5 THE COURT: I don't have the testimony -- I do have the
6 testimony, but I can't point to it, but did that come up at
7 all on cross examination at trial?

8 MR. JOHNSON: It did, sir.

9 THE COURT: Okay.

10 MR. JOHNSON: And that line of questioning has been
11 examined here today.

12 THE COURT: Sir -- okay. What's your objection?

13 MR. KANEALEY: Sorry, Your Honor. We would just object,
14 because he can't authenticate this document. Also, I object
15 to relevance. He's -- all of this already did come out at
16 trial.

17 THE COURT: In your review of the transcript --

18 MS. KANEALEY: This document's not relevant.

19 THE COURT: -- he was cross-examined on these issues?

20 MS. KANEALEY: Thoroughly, on all his disciplinary
21 actions, yes, Your Honor.

22 THE COURT: Okay. So, it doesn't really go to deficient
23 performance, because he addressed it at trial. Is that right?
24 He did address Mr. Spurgeon about the errors and the way he
25 handled some evidence in various cases?

Timiya Massey - Direct

1 THE WITNESS: Yes, sir.

2 THE COURT: We can make it a Court Exhibit. I'm not
3 going to admit it into evidence.

4 MS. KANEALEY: Okay.

5 THE COURT: I'll let him do that, since it's proper.
6 We'll make it a Court Exhibit in this hearing.

7 MR. JOHNSON: It's a Court Exhibit at this point, Your
8 Honor and --

9 THE COURT: I don't think it touches on deficiency --

10 MR. JOHNSON: Right.

11 THE COURT: -- based on what you're telling me.

12 MR. JOHNSON: It remains questionable whether it would.

13 THE COURT: But it's part of the record, it's just not --
14 I'm not admitting it into evidence, but I'm going to make it a
15 Court Exhibit.

16 MR. JOHNSON: Okay. It's a Court Exhibit, and it's not
17 in actual evidence.

18 THE COURT: That way, Court would be able to look at it.

19 MR. JOHNSON: And I want him to understand that this is
20 not actual evidence at this point. It's only for -- it's a
21 Court Exhibit at this point. Okay?

22 THE WITNESS: I'm not professional with the law words.

23 MR. JOHNSON: I understand.

24 THE WITNESS: I did all this by myself, so, like,
25 everything I'm putting on record right now is what I came up

Timiya Massey - Direct

1 with, and I just want to put it all the record, because --

2 THE COURT: And I agree with you. I'm letting you talk
3 at length, because your attorney's not here to talk,
4 unfortunately, but from hearing from the State, hearing from
5 your attorney, hearing from you, I think that's relevant to
6 the constitutional or procedural defects from the trial.

7 MR. JOHNSON: I understand, Your Honor.

8 By Mr. Johnson:

9 Q Okay. Go ahead, Mr. -- if I -- have I ever -- have I
10 omitted anything? Because this is your one and only chance to
11 address the Court regarding your allegation that Mr. Steele
12 was ineffective in representing you.

13 One other thing I want -- while you're looking at that,
14 you also told me that you felt that Mr. -- that Mr. Steele
15 should have objected to the Judge's charge that the hand of
16 one is the hand of all. Right?

17 A Yes, sir.

18 Q Why?

19 A That's the accomplice liability theory. Okay. The *Black*
20 *Law* defines accomplice liability as -- 1958, criminal
21 responsibility, one who aids and abets another during or in
22 that crime, 18 U.S. Dot -- 18. Dot -- 18 U. Dot. S. Dot.
23 C. A-2. Code of law, South Carolina, 1976.

24 Q Let me cut you short there. You're alleging that
25 accomplice liability is akin to the law that is still

Timiya Massey - Direct

1 effective in this state in good -- law in this state that the
2 hand of one is the hand of all?

3 A No.

4 Q Or how does accomplice liability -- how is that different
5 from the hand of one is the hand of all?

6 A I never had no mutual agreement with nobody. I never was
7 with them. Nyerere Williams testified that he got all of his
8 orders from Terry Harris.

9 Q Right. But Mr. Massey, the Court -- correct me if I'm
10 wrong, but the Court never charged accomplice liability --
11 never made that -- that was not a part of a charge that was
12 given to the jury. Was it?

13 A It was malice.

14 Q It was what, now?

15 A Malice.

16 Q Malice?

17 A That was in an opening statement from my counsel. He
18 should've objected. He said the hands of one is the hands of
19 all. Right?

20 Q Right.

21 A The hands of one is the hands of all is saying one person
22 is guilty, then all is guilty.

23 Q That's right.

24 A Yes, so --

25 Q And Mr. Steele should've objected to the hand of one is

Timiya Massey - Direct

1 the hand of all charge that was given to the jury?

2 A Yes, sir.

3 Q And he didn't?

4 A He didn't.

5 Q Okay. What else, if there's anything else?

6 A Trial Counsel and -- attorney did not object to
7 accomplice liability instruction being -- let me find the
8 right page -- being discussed in the chambers off record,
9 which an objection was required in the *State v. Washington*.
10 The second -- that's the first prong.

11 The second prong is trial Counsel erred in allowing the
12 jury to be given and should not have been given, therefore
13 depriving me of a fair trial. Due process violation, because
14 the trial court's accomplice liability instruction was
15 presented as Massey -- the evidence that Massey shot the
16 victim was not overwhelming and a lot of inconsistencies with
17 the two alleged codefendants.

18 Q All right. That might in fact be the case, and how are
19 you attaching that to Mr. Steele being ineffective in
20 representing you? I understand your contention that this was
21 a weak case and all of that, and that's fine. That's
22 certainly right within your beliefs, but how does this show
23 that Mr. Steele was ineffective?

24 A Mr. Steele didn't let me testify, for one. He took that
25 from me, for me to be able to get up there and say what I

Timiya Massey - Direct

1 needed to get up there and say.

2 Q That's right.

3 A For two, we had already discussed everything about the
4 defense, and then I'm trying to figure out how do they have
5 all these facts in the case, and they still listen to a
6 witness that got motive to lie on me.

7 Q You're talking about the jury. Right?

8 A Yes, sir.

9 Q I understand that, but let me ask you this, but I want
10 you to narrow it down, because we're getting long in the hour.
11 How is all of that relevant to Mr. Steele being ineffective in
12 representing you?

13 A He didn't do his job. He didn't represent me what me and
14 him talked about, but I got a letter -- I got something to put
15 on trial from Mr. Steele. Like, Your Honor, I wish to
16 respectfully note that the trial counsel is now deceased and
17 that therefore cannot testify or dispute any of these issues
18 raised. Therefore, today, I am not here to impose Counsel
19 personally, but the record show that certain critical issues
20 including challenging to the chain of custody evidence, proper
21 impeachment, intent of witnesses, and contradiction and the
22 forensic evidence were not raised or preserved at trial.

23 Because Counsel is unable to respond to the Court, you
24 must consider that these omissions were never officially
25 addressed. I respectfully submit this contribution to this

Timiya Massey - Direct

1 depriving the constitutional rights of the Sixth Amendment and
2 the standard set forth in the *Strickland v. Washington*. I do
3 not question these unjust issues impacting the fairness of the
4 trial and show that be considered in determining relief.

5 Q Mr. Massey, it is certainly unfortunate that Mr. Steele
6 is not here to answer to your concerns about his being
7 ineffective. Okay? And that is a given, and the Court knows
8 that; the State knows that; I know that; you know that; but
9 was there anything else that you want to -- that I can elicit
10 from you that you can tell the Judge we've gone over that you
11 just alluded to as to why Mr. Steele was ineffective in
12 representing you?

13 A I got trial Counsel was ineffective for not objecting to
14 the opening statement. That's the transcript page 55.

15 Q Okay. Let's go there. Page 55?

16 A Yes, sir, through transcript page --

17 Q Hold on. Hold on. The Court has to find it, the State
18 has to find it, and I have to find it. Okay. Page 55. Tell
19 me about it. What line?

20 A Lines one and two.

21 Q This is the opening statement?

22 A Yes, sir.

23 Q Okay. Go ahead.

24 A From the -- he was supposed to object to the solicitor in
25 transcript page 57, lines 1 and 21. There was no evidence

Timiya Massey - Direct

1 presented at trial that I was in the victim's apartment, that
2 I killed the victim. Trial Counsel should've objected to
3 these statements, because there was no evidence of such. If
4 trial Counsel objected, there is a reasonable probability that
5 the outcome would have been different.

6 Q All right. And that -- I will give you credit. I had
7 that highlighted too, and I'm glad you brought that up, but a
8 defendant -- Mr. Conits in the opening statement told the jury
9 that the -- that this is what the evidence would show.

10 A Yes, sir.

11 Q Was that your position, that the Defendant put on a mask,
12 and he had a gun, and that the others that were with him in
13 his group, they did too. Now, as the Defendant was leading
14 his group toward Nutridge's apartment unit, they approached
15 another individual at the door at Nutridge's apartment. The
16 evidence will show that Anthony Nutridge answered the door,
17 and when the individual knocked on it and Mr. Nutridge opened
18 the door, the Defendant in this case pistol-whipped him and
19 rushed him into the apartment. Now, that's what Mr.
20 Richardson or Mr. Conits told the jury that the State would
21 show and prove. Right?

22 A Yes, sir.

23 Q And your contention is that that did not happen. They
24 didn't show that.

25 A They didn't show that, because the testimony of the

Timiya Massey - Direct

1 witnesses -- Nyerere Williams say that he got all of his
2 orders from Terry Harris. Then, he said that Terry Harris was
3 the one leading them in the front, not Timiya Massey, because
4 Timiya Massey was never with them.

5 Q And let me go on to say down on page 56 at line 12, this
6 is Mr. Conits in his opening statement that the Defendant in
7 this case shot and killed Anthony Nutridge in his apartment
8 that night. The evidence will also show that the Defendant
9 himself was shot in the leg and was found outside the
10 apartment laying on top of his gun holster with a gun and a
11 mask nearby. That's what the State told the jury that they
12 would prove. Right?

13 A That's what they said.

14 Q And you're saying that the State didn't prove that?

15 A They didn't.

16 Q And that had you testified you would have refuted what
17 the State told the jury that they would hear in this case.
18 Right?

19 A Yes, sir.

20 Q Now, anything else?

21 A No, sir.

22 Q You got anything else you want to tell the Judge? This
23 is your chance.

24 A I maintain my innocence. There is no physical evidence
25 proving I was inside of the home --

Timiya Massey - Direct

1 Q We know that. You've made that abundantly clear. Go
2 ahead. Go ahead.

3 A -- and that I fired a weapon. My conviction rests on
4 unreliable evidence and incentivized testimony. I
5 respectfully ask the Court to correct this injustice.

6 Q Okay. Anything else?

7 A And the DNA -- I had dreads, Your Honor. So, like, I had
8 dreadlocks, and they said that I had a mask on, and if I had
9 on -- if I had dreads, Your Honor, and I got dreadlocks, my
10 DNA would be inside of this mask, and they never found my DNA,
11 period, inside of no mask, Your Honor.

12 THE COURT: Okay.

13 THE WITNESS: And let me say one more thing. This was
14 another exhibit. That's it, Your Honor.

15 By Mr. Johnson:

16 Q Okay. Now, you are testifying here that you feel you
17 fully presented your case in this matter as to why you feel
18 Mr. Steele was ineffective in representing you. Is that
19 right?

20 A Yes, sir.

21 Q Have I omitted anything?

22 A No.

23 Q Have you omitted anything?

24 A No.

25 MR. JOHNSON: Thank you. No further questions.

Timiya Massey - Cross

1 THE COURT: Cross-examination?

2 MS. KANEALEY: Briefly, Your Honor.

3 Cross Examination

4 By Ms. Kanealey:

5 Q Okay. Mr. Massey, you told the Court that you decided
6 not to testify?

7 A It was an agreement between me and my lawyer.

8 Q But you told the Court -- and I quote -- "I decided not
9 to"?

10 A Because my lawyer told me not to. He said the burden was
11 on the State. That's the reason why I didn't.

12 Q Okay. And you also told the Court that it was your
13 decision not to testify?

14 A It was my decision?

15 Q That's what you told the Court. Correct?

16 A It was me and my lawyer's decision.

17 Q Okay. But you told the Court that it was your decision.

18 A No.

19 MR. KANEALEY: Okay. And that is page 381, Your Honor.
20 Nothing further.

21 THE COURT: Any redirect?

22 MR. JOHNSON: I would just happen to have a chance to
23 look at page 381 referenced by the State and answer the
24 question based on what's stated as to his response, because I
25 don't think that was ever investigated in my cross-examination

Timiya Massey - Redirect

1 [sic].

2 THE COURT: All right. 381. I'm there.

3 Redirect Examination

4 By Mr. Johnson:

5 Q You got it, Mr. -- all right. I got it. Let's see. I'm
6 going to help you little bit. 381, line 22 -- on line 19.

7 All right, Mr. Massey. "Mr. Massey, have you decided whether
8 you will testify or not?" Your response was, "I decided not
9 to." "And that's your decision, Mr. Massey?" "Yes, sir."

10 Now, how can you expand upon what's stated in the record?

11 A Yes. I understand it was in the record, sir, but at that
12 present time, I'm not knowing exactly really what's going on
13 with the court system. Me and my lawyer talked about me
14 testifying, and I didn't get to testify, because the State
15 never played the video of -- I mean, of -- they never played
16 the video of Kenneth Leach to let the jury hear the video, so
17 my lawyer told me not to testify, that the burden was on the
18 State, so we decided then that I would not testify.

19 MR. JOHNSON: All right. Okay. And you -- that's fine.

20 No further questions, Your Honor.

21 THE COURT: No redirect?

22 MR. JOHNSON: Nothing other than what I've already --

23 THE COURT: All right. Any recross?

24 MS. KANEALEY: No, Your Honor.

25 THE COURT: All right. This witness may step down.

Doug Richardson - Direct

1 Thank you.

2 Any other witnesses for the Applicant?

3 MR. JOHNSON: No further witnesses, Your Honor.

4 THE COURT: Any witnesses for the State?

5 MS. KANEALEY: Yes, Your Honor. The State would call
6 Doug Richardson to the stand.

7 THE CLERK: Mr. Richardson.

8 (Whereupon, Doug Richardson was duly sworn.)

9 THE COURT: All right. You may proceed.

10 MS. KANEALEY: May it please the Court.

11 Direct Examination

12 By Ms. Kanealey:

13 Q Mr. Richardson, were you the solicitor in this case?

14 A I was.

15 Q Okay. How long have you been practicing the law?

16 A Approximately 33 years.

17 Q And how much of that has been criminal?

18 A Approximately 21.

19 Q Okay.

20 A Maybe 22.

21 Q And --

22 A All of it -- I'm sorry. All of it has been criminal, but
23 I was a defense attorney -- as a prosecutor it's been 22
24 years.

25 Q Okay. And did you provide trial Counsel with a copy of

Doug Richardson - Direct

1 the discovery in this case?

2 A I did.

3 Q Okay. And can you give us a brief overview of the
4 evidence in this case?

5 A Yes, ma'am, I can. The -- there were four individuals
6 involved with this who had gotten together in a particular
7 vehicle that I can't recall the make and model of. One of
8 those individuals drove them to a spot that was a parking lot
9 that was on the opposite side of a wooded area from the
10 incident location. They got out of the vehicle. They put
11 masks on. They had guns. They approached the apartment
12 complex, and an individual who was the -- not their target at
13 the time was standing outside of that apartment complex.

14 They, at that point in time, attempted to rob him,
15 according to his testimony. When they ascertained that he had
16 nothing on him to rob and to get from him, they then forced
17 him up a set of stairs to the second level of the apartment
18 complex. They had him knock on the door of that particular
19 apartment that they were attempting to enter. The victim in
20 the case answered that door. Upon answering that door, the
21 Defendant pistol-whipped him, knocked him to the ground.

22 He -- also located inside the apartment was his brother.
23 His brother was in a back bedroom. At the point of the knock-
24 down, that commotion taking place, his brother came out to
25 find the Defendant on top of the victim, yelling, "Give me" --

Doug Richardson - Direct

1 excuse my language, Judge -- "the shit." That ultimately came
2 out in testimony that what they were trying to do was rob him
3 of drugs.

4 He had a gun pointed to him. "Give me the shit. Give me
5 shit." The brother then obtains a gun, and a shootout takes
6 place, at which point in time the State maintains that this
7 Defendant was shot. They all leave the scene. They -- the
8 other individuals got away from the actual incident location.
9 The police were called out, started doing a search of the
10 area. They searched for approximately -- and I'm not going to
11 get this exactly right. It's been a while, but approximately
12 two hours or so with dogs and everything. Ultimately, the
13 Defendant was found in the wooded area between where he
14 would've come through from the car to this apartment complex,
15 was found in that wooded area, and if memory serves, he had
16 covered himself up with some debris.

17 When they found the Defendant, he was in close proximity
18 to the weapon that was eventually established at trial to be
19 the weapon that -- one of the weapons that were shot. There
20 were shell casings inside the apartment. Those shell casings
21 were found outside the apartment down on the ground as the
22 Defendant just testified to, and that along with a holster --
23 and you've got to understand that the testimony of this was
24 throughout that he had a holster. It was very consistent with
25 everybody saying he had a holster. He got on top of the

Doug Richardson - Direct

1 victim with the gun, saying, "Give me the shit," and
2 ultimately the one that shot the victim had a holster. That
3 was found underneath the Defendant where he had hid himself in
4 the woods.

5 The codefendants were arrested initially. They were
6 arrested at separate times. They each gave statements
7 involving themselves and also the Defendant, and those
8 statements were consistent, yet they were arrested at
9 different times and were talked to at different times. One of
10 them did, in fact, not tell the truth at first but ultimately
11 came around and said basically the same thing that
12 corroborated the evidence that we presented at trial.

13 Q And was there any of Applicant's DNA found on anything?

14 A Yes. To the best of my recollection, there was DNA found
15 on the mask. According to the testimony, it was the mask of
16 the individual standing over them victim with -- who he shot
17 with the gun.

18 Q Okay. And do you know whether or not there was a GSA
19 test completed on Applicant in this case?

20 A GSR?

21 Q GSR, yes. Sorry.

22 A Yes, ma'am. I don't believe one was done. He -- at the
23 time -- once he was found and it was ascertained he was shot,
24 medical personnel started working on him. He had been out
25 there for some time. It had been raining that particular

Doug Richardson - Direct

1 evening. They did a medical procedure on him. They took him
2 to the hospital, and the best of my recollection, Judge, is
3 that he -- once he got to the hospital he had a serious leg
4 wound from the shot, he went into surgery, and that prevented
5 us from getting GSR at that particular time, and then of
6 course there's a six-hour limit when you're dealing with SLED
7 and that type of thing.

8 Q Okay. Did you ask the codefendant Terry Harris about the
9 charges he was facing in this case?

10 A I did.

11 Q Okay. And did you ask the other codefendant Nyerere
12 Williams about the charges he was facing in this case?

13 A I did. I always do that.

14 Q Okay. So that information was brought out in front of
15 the jury?

16 A Yes.

17 Q Okay. And do you recall whether the Court fully advised
18 Applicant of his right to testify?

19 A Yes, to the best of my recollection I do, but I also read
20 the transcript, and it appeared that way throughout.

21 Q Okay. And do you recall trial Counsel thoroughly cross-
22 examining Joshua Sturgeon about his previous disciplinary
23 actions?

24 A Yes. We had an in-chambers conference. A lot of
25 information about that I objected to it. The Judge let most

Doug Richardson - Cross

1 of it in.

2 MS. KANEALEY: Nothing further, Your Honor.

3 THE COURT: Cross-examination.

4 MR. JOHNSON: Thank you, Your Honor.

5 Cross Examination

6 By Mr. Johnson:

7 Q Mr. Williams -- so, it is a fact that at some point one
8 of your witnesses -- one of the State's witnesses, Mr. Nyerere
9 Williams, was not actually candid initially with law
10 enforcement. Is that correct?

11 A That's correct.

12 Q Do you know about the statement -- what his initial
13 statement was to law enforcement?

14 A I don't off the top of my head. I'm sorry.

15 Q Do you recall -- you and Mr. Conits prosecuted the case.
16 Correct?

17 A I'm sorry?

18 Q You and Mr. Conits prosecuted the case. Right?

19 A Yes.

20 Q All right. Now, do you know whether there was -- there
21 was shooting -- according to the State's evidence, there was a
22 shooting inside of the apartment of Mr. Nutridge, the victim
23 in this case. Right?

24 A That's correct.

25 Q Shooting people -- multiple people were shooting. Right?

Doug Richardson - Cross

1 A Yes. The Defendant's brother shot the -- I mean, excuse
2 me. The victim's brother.

3 Q The victim's brother fired shots?

4 A Yes.

5 Q Were other shots fired by various people, or do you know
6 who else was that -- in fact, who else was allegedly shooting
7 a weapon? We know the victim's brother was. Who else do you
8 know was shooting a gun in that apartment based on evidence?

9 A Yeah, I can't recall, but there were multiple shell
10 casings in there, and that there was -- very well could have
11 been other shooters, being the other codefendants.

12 Q So, it's your testimony today that you don't know today
13 whether Mr. Massey actually fired a gun inside that apartment.
14 Do you?

15 A Well, I do from my standpoint, and here's why --

16 Q How do you --

17 A The gun was found.

18 Q Go ahead.

19 A The gun was found in close proximity to Mr. Massey, where
20 he was hiding in the woods, and that gun was matched to shell
21 casings within the --

22 Q That's a given, and that's circumstantial evidence, but
23 how do you know that Mr. Massey actually fired a gun in that
24 apartment other than --

25 A Sometimes --

Doug Richardson - Cross

1 MR. JOHNSON: Hold on. Let me finish.

2 THE COURT: Y'all are talking over each other. Start
3 again.

4 By Mr. Johnson:

5 Q Other than circumstantial evidence that a gun that was
6 fired in the apartment was in the vicinity of Mr. Massey?

7 A The gun that was fired in that apartment was found in the
8 vicinity of Mr. Massey, and that's the evidence that we
9 presented to the jury.

10 Q Okay. And that's circumstantial evidence that Mr. Massey
11 might have fired that gun. Right?

12 A I think it's direct, too.

13 Q Okay. Well, we agree to disagree about that. Was there
14 any fingerprints in that apartment found that belonged to Mr.
15 Massey?

16 A Not that I recall.

17 Q Okay. Tell me about the mask that was found in the
18 vicinity of Mr. Massey. Did you say that that mask had DNA
19 evidence of --

20 A There was DNA evidence taken from the mask of Mr. Massey.

21 Q Okay. How about any fingerprints on any weapons
22 allegedly used by Mr. Massey. Did you find any evidence of
23 fingerprints on a weapon allegedly used by Mr. Massey?

24 A No fingerprints at all were found on the gun.

25 Q No fingerprints.

Doug Richardson - Cross

1 A At all.

2 Q At all. Did you find any evidence -- any blood taken
3 from the apartment of Mr. Nutridge that matched any blood from
4 Mr. Massey?

5 A I don't recall that, no. I don't believe so.

6 Q Okay. And are these warrants that you had that I
7 referenced -- I guess they -- the gentlemen that testified
8 against Mr. Harris -- did you handle these charges that I
9 testified -- that Mr. Massey testified to?

10 A Are those the ones from 2016 --

11 Q Yes, sir.

12 A -- that were referred to? That was another solicitor.

13 Q That was another?

14 A Solicitor. Martin Moore, I believe.

15 Q Martin Moore. Do you know what Mr. Moore did with these
16 warrants? Did he dismiss them?

17 A Yes. Based upon my research when this came up, I went
18 back and looked at those, and that's been dismissed prior to
19 trial, had nothing to do with my trial.

20 Q Okay. Let me ask you this. Was there a -- was there --
21 do you recall whether the -- whether there was actually a K-9
22 unit that was called to the scene?

23 A Yes. One was.

24 Q And do you know whether the K-9 that was conducted -- the
25 K-9 that was at the scene -- whether he picked up the scent of

Doug Richardson - Cross

1 any other person other than Mr. Massey?

2 A I don't recall.

3 Q Okay. Do you recall whether the K-9 actually went to the
4 point where Mr. Massey was allegedly hiding, which he says he
5 was conscious? Do you know whether that K-9 actually went to
6 the exact --

7 MR. KANEALEY: Your Honor, I'll just object. We're
8 getting really off-base from the PCR. He's trying the case
9 here.

10 THE COURT: Where are you going with your line of
11 questioning?

12 MR. JOHNSON: I'm going with the fact that they're -- Mr.
13 Massey has -- the Judge has allowed him to testify to say that
14 he was not involved and any evidence regarding where Mr.
15 Richardson knows where the K-9 -- whether the K-9 actually
16 tracked Mr. Massey to some woods is relevant, because, if so,
17 that's circumstantial evidence, but it's not direct evidence.

18 THE COURT: And how does this go back to constitutional,
19 procedural defects of the trial?

20 MR. JOHNSON: Well, it --

21 THE COURT: Because that's what we're here for.

22 MR. JOHNSON: I understand, and Judge --

23 THE COURT: I got to make a record, too, every once in a
24 while.

25 MR. JOHNSON: I understand, but this -- I'll withdraw the

Doug Richardson - Cross

1 question.

2 THE COURT: I'm not asking you to -- well, okay. Very
3 well. Fair enough.

4 MR. JOHNSON: There's no way that I can formulate the
5 question at this point, because we -- Mr. Massey's already
6 testified. I'll withdraw the question.

7 THE COURT: Very well. Any other questions?

8 By Mr. Johnson:

9 Q Okay. Are you aware as to whether Joshua Spurgeon
10 handled any critical evidence?

11 A In this case?

12 Q In this case.

13 A No.

14 Q How about in any other cases?

15 A He had another individual that was also with him, who
16 also testified, because he processed the scene.

17 Q Was the ski mask that was found in the vicinity of Mr.
18 Massey -- was it tested for hair DNA?

19 A The -- to the best of my recollection, hairs were found
20 in the mask, but they were unable to obtain DNA, because in
21 order to obtain DNA from hair, you have to get the root. It
22 can't just be from the -- you know, the superficial part of
23 it.

24 Q Were any witnesses in this case offered by you or Mr.
25 Conits a sentence reduction?

Doug Richardson - Cross

1 A Can you clarify your question on that?

2 Q Were any witnesses -- those witnesses being Mr. Harris
3 and Mr. Williams --

4 A Yes.

5 Q Were they by you or Mr. Conits -- were they ever offered
6 any kind of plea deal to testify against Mr. Massey?

7 A No. I don't do that, and it's on the record where I
8 asked them have I made you any promises.

9 Q I understand. Did -- did you present a gun that wasn't
10 the murder weapon?

11 A To my recollection -- and I'm not sure. To my
12 recollection, I presented the gun that was the murder weapon.

13 Q Okay.

14 A I do not recall if I presented any other guns. I don't
15 think I did.

16 MR. JOHNSON: You don't recall? Thank you. And I think
17 that's -- nothing further.

18 THE COURT: Any redirect?

19 MS. KANEALEY: No, Your Honor.

20 THE COURT: All right. The witness may step down. Thank
21 you. Any other witnesses from the State?

22 MS. KANEALEY: No, Your Honor.

23 THE COURT: All right. We can attempt a brief summation,
24 but it's been a lot of material here, so I'll tell you what I
25 would like. Go ahead, Mr. Johnson.

1 MR. JOHNSON: I'd like to very briefly give a brief
2 summation. You've heard the evidence. You know Mr. Steele is
3 not here, unfortunately. My client's position is that this is
4 a case that there is some direct evidence. There's a
5 substantial amount of circumstantial evidence, and he told Mr.
6 Steele from the inception of this case that he wanted to
7 testify, and he said that Mr. Steele, in essence, advised him
8 not to testify, and that he was not versed in the law.

9 He went along with Mr. Steele's advice not to testify,
10 but Monday morning quarterback and hindsight being what it
11 should -- with hindsight being what it is, and with all of
12 this evidence that has been elicited, that Mr. Massey's
13 position is that he steadfastly wanted to testify, and that
14 had he been allowed to testify to what he testified to on the
15 stand that there could've been a possibility with all the
16 existence of circumstantial evidence, the lack of evidence, no
17 murder weapon found, no fingerprints -- all of that stuff that
18 he elicited could have possibly created reasonable doubt. Mr.
19 Steele was ineffective in not going along with his client's
20 wishes to testify.

21 Now, there have been some things that I probably didn't
22 want to elicit, but my client wanted me to, and I did it. Mr.
23 Steele probably felt that his client shouldn't have testified,
24 but he wanted to. Sometimes you have to do -- you have to let
25 your client make the decision and go with it, and Mr. Steele

1 didn't allow Mr. Massey to fully go with his gut intention,
2 and he told Mr. Steele that from the beginning, that he wanted
3 to testify, and right -- at the end of the trial, for whatever
4 reason -- I wish he were here. Mr. Steele convinced him not
5 to testify, and Mr. Massey, given the evidence that has been
6 presented, had he testified there would have been a
7 possibility that he could have been exonerated or that there
8 could have been a hung jury and a retrial. Those are
9 possibilities that could happened, but they never happened,
10 because he did not testify.

11 THE COURT: Very well. Any response from the State?

12 MS. KANEALEY: Yes. Briefly, Your Honor. On PCR, we're
13 here pursuant to *Strickland* to prove deficiency and prejudice.
14 Applicant did not prove deficiency or prejudice. The record
15 shows that Applicant was explained his right to testify and
16 that he chose not to. Further, Applicant told his story today
17 that contradicted all of the evidence that was submitted at
18 trial. We would just say that he did not meet his burden of
19 *Strickland*, and we ask that you deny his PCR.

20 THE COURT: All right. Let me take it under advisement,
21 and I'll review the record and come up with a decision. Thank
22 you all.

23 ***End of requested transcript of record***

24

25

26

Certificate of Court Reporter

I, the undersigned, Sarah L. Galanti, CVR, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of General Sessions for the Thirteenth Judicial Circuit for Greenville County, South Carolina, on the 5th day of February, 2026.

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

Sarah Galanti

Sarah L. Galanti, CVR
Official Court Reporter
June 15th, 2026

546

(Who collected evidence
From the scene)

Richardson, Douglas



From: Richardson, Douglas
Sent: Tuesday, October 31, 2017 12:08 PM
To: 'carlylesteale@bellsouth.net'
Subject: State v. Massey

Carlyle,

Josh Spurgeon was a forensic officer for Greenville County Sheriff's Office and will be testifying for the state. He resigned to go into the private sector and now works at Progressive Insurance. He had the following disciplinary actions:

On July 20, 2015 he was given a letter of written warning for inefficiency in the performance of his duties and failing to do acceptable work by putting incorrect information or failing to put information in the Vconnect system.

On January 15, 2016, he was suspended for two 12 hour shifts for losing evidence. Specifically, he lost a very small piece of paper that was to be processed for latent prints apparently by failing to repackage it after processing. The disciplinary action included other incidents involving improper packaging of evidence and scanning of evidence.

On February 29, 2016, he was issued a verbal letter of warning for inefficiency in the performance of duties for leaving a secured program open at P&E and failing to log out.

He resigned on July 4th.

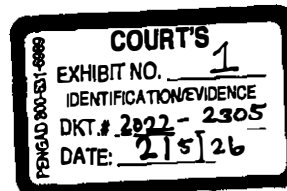
I have also requested a copy of his file.

If you have any questions or concerns, please do not hesitate contacting me.

Thanks,

Doug

W. Douglas Richardson, Jr.
Assistant Solicitor
Thirteenth Judicial Circuit
305 E. North Street, Suite 325
Greenville, SC 29601
864-467-8647
864-467-8610 (Fax)



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Timiya Rashad Massey, #322913,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2022-CP-23-2305

) **ORDER OF DISMISSAL**
) **WITH PREJUDICE**

) ENTERED COMPUTER

This matter comes before the Court by way of Timiya Rashad Massey's application for post-conviction relief (PCR) filed on May 3, 2022. Respondent filed its Return requesting an evidentiary hearing. On February 5, 2026, an evidentiary hearing was held at the Greenville County Courthouse before this Court. Applicant was present and represented by Isaac L. Johnson, Jr., Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the allegations in his application. Applicant testified on his own behalf. Respondent presented the testimony of Doug Richardson (Solicitor).¹

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an aggregate 40-year sentence. Applicant was indicted by the Greenville County Grand Jury during

¹ Trial Counsel, C. Carlyle Steele, Esquire, is deceased.

their August 2017 term for Murder and Possession of a Weapon During the Commission of a Violent Crime (2016-GS-23-8746)²; Attempted Murder (-8747); Burglary First Degree (-8748); two counts of Attempted Armed Robbery (-3412 & -3413); and Kidnapping (-3414). A jury trial was held on November 6th–8th, 2017, before the Honorable Robin B. Stilwell. Applicant was represented by C. Carlyle Steele, Esquire, and Doug Richardson, Esquire prosecuted the case. The jury found Applicant guilty as indicted and Judge Stilwell sentenced applicant to 40 years for Murder, 5 years for Possession of a Weapon During the Commission of a Violent Crime, 30 years for Attempted Murder, 30 years for Burglary First Degree, 20 years for each count of Attempted Armed Robbery, and 30 years for Kidnapping. Applicant filed a timely notice of appeal.

Chief Appellate Defender Robert Dudek represented Applicant on appeal. By a final brief of appellant filed on April 17, 2019, in the South Carolina Court of Appeals, appellate counsel raised the following issue:

1. Did the court err by “refusing to allow the defense to question alleged accomplice, Nyerere Williams, if he was aware that he could receive a life sentence if he was convicted of murder in this case, since his correct potential sentencing exposure for a crime he was charged with was well settled proper cross-examination where Williams was testifying as a state’s witness against appellant.”

The State filed its final brief in response on April 18, 2019. By an unpublished opinion on January 29, 2020, the Court of Appeals affirmed (Unpublished Opinion No. 2020-UP-020). Appellant filed a petition for rehearing on February 12, 2020. The petition was denied on April 23, 2020. On June 24, 2020, Appellant filed a petition for writ of certiorari in The Supreme Court of South Carolina. The Respondent responded to the petition on July 24, 2020. The Supreme Court

² Although it is unusual to have one indictment number for the crime of Murder and the lesser-included crime of Possession of a Weapon During the Commission of a Violent Crime, after a thorough review of the record, this is an accurate accounting of how the charges were presented to the jury and how the Applicant was convicted.

denied Appellant's petition for writ of certiorari on May 7, 2021. The remittitur was issued on May 12, 2021

CURRENT ACTION

Applicant timely filed this post-conviction relief action on May 3, 2022, alleging:

1. Ineffective Assistance of Counsel.
 - a. "Failure to independently investigate the case."
2. State misconduct and presentation of false evidence.
 - a. "Misconduct by state non-expert forensic analysis; who resigned due to remands of lost evidence."
3. Violation of constitutional rights and amendments
 - a. "Improper chain of custody."
4. After Trial Discovered Evidence
 - a. "All evidence not disclosed at trial that the GSR test was completed."

As relief, Applicant requests that this Court will vacate his sentence or alternatively that his sentence is reversed to match his co-defendant's convictions.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act³ ("the Act") provides that any person who has been convicted of a crime may seek post-conviction relief based upon the following types of allegations:

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

³ S.C. Code Ann. 17-27-10 to -160 *et seq.*

S.C. Code Ann 17-27-20(A).

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the

Greenville County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, and the records from this PCR action. Furthermore, this Court had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the *Strickland* standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by § 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudice applicant. *Strickland v. Washington*, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Butler*, 286 S.C. at 442, 334 S.E.2d at 814 (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. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. *Id.* at 117-18, 386 S.E.2d at 625.

Failure to Investigate

Applicant alleged counsel was ineffective for failing to investigate. This Court finds this allegation is without merit. In order to prevail upon a claim that counsel did not adequately prepare

or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. *Harris v. State*, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing *Jackson v. State*, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Applicant did not offer any evidence on what Counsel should have further investigated. Applicant thus failed to prove deficiency and prejudice, and this claim is denied.

State Misconduct and Presentation of False Evidence

Applicant alleged there was misconduct by state non-expert forensic analysis who resigned due to remands of lost evidence. This is not a cognizable allegation under post-conviction relief. The allegation is dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 to -160. An applicant may commence a post-conviction relief action on the following grounds:

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

S.C. Code Ann. § 17-27-20(A). However, because an application for post-conviction relief is not a substitute for a direct appeal of trial court error, and because of the modern simplification of criminal jurisdiction jurisprudence in South Carolina, the overwhelming majority of cognizable

claims fall under the broad umbrella of "ineffective assistance of counsel," a contention under the Sixth Amendment to the Constitution of the United States. *See Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) ("Allegations of trial court error are not cognizable on PCR.").

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). APCR 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). Here, Applicant could have raised this issue during trial and thereafter on appeal. However, Applicant has waived this allegation by failing to raise it at trial or on appeal. Therefore, the allegation is dismissed for failing to state a claim cognizable under the Uniform Post-Conviction Procedure Act.

Furthermore, even assuming this was a cognizable claim, Applicant provided no evidence at the PCR hearing that this witness had done anything incorrectly in *his* case. The witness' prior disciplinary actions were thoroughly brought out and questioned about on cross-examination by trial counsel. (Trial Tr. p. 165 – 167). Therefore, in an ineffective assistance of counsel context, Applicant failed to prove deficiency and prejudice.

Improper Chain of Custody

As an initial matter, this is not a cognizable allegation under post-conviction relief. The allegation is dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 to -160. An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously

presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20(A).

However, as was stated earlier, because an application for post-conviction relief is not a substitute for a direct appeal of trial court error, and because of the modern simplification of criminal jurisdiction jurisprudence in South Carolina, the overwhelming majority of cognizable claims fall under the broad umbrella of "ineffective assistance of counsel," a contention under the Sixth Amendment to the Constitution of the United States. *See Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) ("Allegations of trial court error are not cognizable on PCR.").

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 PCR 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). Here, Applicant could have raised this issue during trial and thereafter on appeal. Applicant has waived this allegation by failing to raise it at trial or on appeal. Therefore, the allegation is dismissed for failing to state a claim cognizable under the Uniform Post-Conviction Procedure Act.

Further, Applicant failed to present any evidence, testimony, or legal authority regarding this allegation at the evidentiary hearing. "When a party provides no legal authority regarding a particular argument, the argument is abandoned, and the court will not address the merits of the issue." *Palmer v. State*, 427 S.C. 36, 47, 829 S.E.2d 255, 261 (Ct. App. 2019) (citing *State v.*

Lindsey, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011). Therefore, this Court deems this allegation abandoned.

Newly Discovered Evidence

Applicant alleges newly discovered evidence alleging that not all evidence was disclosed at trial that the GSR test was complete. This Court finds this allegation is without merit. To prevail, Applicant must show the newly-discovered evidence:

1. is such as would probably change the result if a new trial was had;
2. has been discovered since the trial;
3. could not by the exercise of due diligence have been discovered before the trial;
4. is material to the issue of guilt or innocence; and
5. is not merely cumulative or impeaching.

Hayden v. State, 278 S.C. 610, 611, 299 S.E.2d 854, 855 (1983). Applicant provided no evidence that a GSR test was ever completed. The record reflects that no GSR test was done on Applicant because Applicant suffered a gunshot wound and the priority if someone is injured is to provide aid to them and therefore EMS was called and he was transported to the hospital. (Trial Tr. p. 213). The witness further testified that if GSR was taken in this situation, it would not be reliable regardless of whether it was positive or negative because of the environment and the circumstances behind the shooting aspect itself. (Trial Tr. p. 215). Applicant's assertion that a GSR test was completed and not introduced is contradicted by the record, not supported by any evidence at the PCR hearing, and further, not newly discovered evidence. Therefore, this allegation is denied.

ADDITIONAL ALLEGATIONS RAISED AT THE HEARING

Advising Applicant Not to Testify

At the PCR hearing, Applicant alleged counsel was ineffective for advising Applicant not to testify. This Court finds this allegation is without merit.

"The decision to testify or not is a perilous one. If a defendant does not testify, he foregoes

the opportunity to tell the jury his version of events. On the other hand, if a defendant chooses to testify, he subjects himself to cross-examination" *Brown v. State*, 340 S.C. 590, 594, 533 S.E.2d 308, 310 (2000). "If a defendant chooses not to take the stand in his own defense, the trial judge must, if requested, instruct the jury that the defendant's failure to testify cannot be held against him or considered by the jury in any manner during its deliberations." *Id.* "A defendant's decision to testify or not must be made with knowledge of the consequences of either choice." *Id.*

The record reflects that the trial court engaged in a thorough colloquy with Applicant regarding his right to testify. (Trial Tr. p. 379 – 381). The record reflects Applicant told the trial court that he decided not to testify and that it was his decision. *Id.* Further, Applicant testified to his version of events at the PCR court and this Court finds his testimony not credible. Applicant contradicted himself multiple times throughout his version of events and contradicted the physical evidence presented at trial. Applicant has failed to show a reasonable probability that the outcome of the trial would have been different had he testified. *See Cherry supra*. This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failing to Impeach Witnesses

Applicant alleged counsel was ineffective for failing to impeach Terry Harris and Nyere Williams on their current and prior charges. This Court notes that the approach and scope of cross-examination should not be second-guessed. *See Sallie v. North Carolina*, 587 F.2d 636, 640 (4th Cir. 1978) (Marzullo not intended to promote judicial second-guessing on questions of strategy as basic as handling of a witness); *see also Dunham v. Travis*, 313 F.3d 724, 732 (2d Cir. 2002) ("Decisions about 'whether to engage in cross-examination, and if so to what extent and in what manner, are ... strategic in nature' and generally will not support an ineffective assistance claim." (quoting *United States v. Nersesian*, 824 F.2d 1294, 1321 (2d Cir. 1987))); *Johnson v. Hofbauer*,

159 F.Supp.2d 582, 607 (E.D.Mich. 2001) (“Impeachment strategy is a matter of trial tactics, and tactical decisions are not ineffective assistance of counsel simply because in retrospect better tactics may have been available.”) (citing *Gallo v. Kernan*, 933 F.Supp. 878, 881 (N.D.Cal.1996); *aff’d* 141 F.3d 1175 (9th Cir. 1998); *cert. den.* 525 U.S. 856 (1998)).

At the PCR hearing, Doug Richardson the Solicitor testified that he asked these witnesses about their prior charges at trial. At trial both witnesses’ current and prior charges were brought out before the jury by the Solicitor. (Trial Tr. p. 316 – 317, 340 – 341). Further, trial counsel again brought up these witnesses’ charges on cross examination (Trial Tr. p. 329 – 331, 357). The trial transcript directly refutes Applicant’s allegation.

Notably, this Court highlights that Applicant has failed to produce Terry Harris or Nyere Williams for the additional question that Applicant alleges should have been asked during cross-examination. *See Bannister v. State*, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998). This Court cannot speculate as to how Terry Harris or Nyere Williams would have responded to any additional questions Applicant asserts Trial Counsel should have asked during cross-examination. *See Glover v. State*, 284 S.C. 152, 326 S.E.2d 150 (1985) (Applicant’s mere speculation about what the witnesses’ testimony would have been cannot, by itself, satisfy the applicant’s burden of showing prejudice.) Further, Applicant failed to prove further cross-examination of either witness would have had a reasonable probability of changing the outcome of trial. Therefore, this Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failure to Object to Hand of One Hand of All

At the PCR hearing, Applicant alleged counsel should have objected to the hand of one hand of all mentioned in the opening statement and the jury instruction itself. Applicant testified that counsel should have objected because he was innocent. Applicant did not provide any actual basis

to object. This Court finds Trial Counsel was not deficient for not objecting to the opening statement nor the proper jury instruction. Further, this Court finds that any objection would have been non-meritorious. *See Miller v. Keeney*, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); *U.S. ex rel. Link v. Lane*, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding there is no prejudice from the failure to object unless there is a legally supportable argument for exclusion of the evidence). This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

CONCLUSION

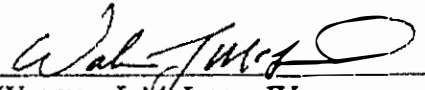
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 24 day of MARCH, 2026.


WALTON J. MCLEOD, IV
Presiding Judge
Thirteenth Judicial Circuit

 _____, South Carolina

WITNESSES

Henry Hammett

Greenville County Sheriffs Office

2/4/2016

ARREST WARRANT NUMBER

2016A2330200773

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-23-

WCM

003412

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

2017
TERM 2016

THE STATE

vs.

TIMIYA RASHAD MASSEY

Indictment for

0026 ✓

ATTEMPTED
ARMED ROBBERY

VIOLATION § 16-11-0330

FILED

APR 28 2016

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

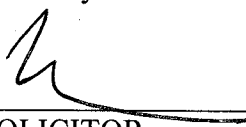
INDICTMENT FOR
ATTEMPTED
ARMED ROBBERY

At a Court of General Sessions, convened on **AUG 29 2017** the Grand Jurors of Greenville

County present upon their oath:

That TIMIYA RASHAD MASSEY did in Greenville County, on or about the 30th day of September, 2015, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, attempt to take by means of force or intimidation, goods or monies described as: drugs from the person or presence of KENNETH LEACH. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR


BAR # 11605

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE VS.

Timiya Rashad Massey

AKA:

Race: BLACK Sex: M Age: 29

DOB: 1988 SS#: [REDACTED]

Address: Woodside Ave

City, State, Zip: Greenville, SC 29611-5302

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: Robbery, Attempted Armed Robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2303412

A/W#: 2016A2330200773

Date of Offense: 9/30/2015

S.C. Code § : 16-11-0330(B)

CDR Code #: 0026

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ § 17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, Doug

66112

SC Bar#

Defendant

STEELE, C. CARLYLE

05316

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. since 30 SEP 2015☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

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

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

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

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

3% to County (if paid in installments) \$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

Henry Hammett

Greenville County Sheriffs Office

2/4/2016

ARREST WARRANT NUMBER

2016A2330200774

**ACTION OF GRAND JURY
TRUE BILL**

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-23-

WCM

003413

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2016

THE STATE

vs.

TIMIYA RASHAD MASSEY

0026

Indictment for

**ATTEMPTED
ARMED ROBBERY**

VIOLATION § 16-11-0330

FILED

APR 28 2016

Clerk of Court
Greenville County

563

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED
ARMED ROBBERY

At a Court of General Sessions, convened on

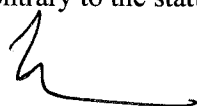
AUG 29 2017

the Grand Jurors of Greenville

County present upon their oath:

That TIMIYA RASHAD MASSEY did in Greenville County, on or about the 30th day of September, 2015, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, attempt to take by means of force or intimidation, goods or monies described as: drugs from the person or presence of ANTHONY KAREEN NUTRIDGE. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

11605
BAR # 11605

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

565

COUNTY OF Greenville
STATE VS.

Timiya Rashad Massey

AKA:

Race: BLACK Sex: M Age: 29

DOB: 1988 SS#: [REDACTED]

Address: Woodside Ave

City, State, Zip: Greenville, SC 29611-5302

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: Robbery, Attempted Armed Robbery

INDICTMENT/CASE#: 2016GS2303413

A/W#: 2016A2330200774

Date of Offense: 9/30/2015

S.C. Code § : 16-11-0330(B)

CDR Code #: 0026

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, Doug

66112

SC Bar#

Defendant

STEELE, C. CARLYLE

05316

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 28 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Since 30 Sept 2015.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

Henry Hammett

Greenville County Sheriffs Office

2/4/2016

ARREST WARRANT NUMBER

2016A2330200772

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-23-

WCM

003414

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

2017
TERM 2016

THE STATE

vs.

TIMIYA RASHAD MASSEY

Indictment for

0095 ✓

KIDNAPPING

VIOLATION § 16-03-0910

FILED

APR 28 2016

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
KIDNAPPING

At a Court of General Sessions, convened on ✓

AUG 29 2017

the Grand Jurors of Greenville

County present upon their oath:

That TIMIYA RASHAD MASSEY did in Greenville County, on or about the 30th day of September, 2015, unlawfully seize, abduct, confine, inveigle, decoy or carry away KENNETH LEACH, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR



BAR # 11605

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

568

COUNTY OF
STATE

Greenville

VS.

Timiya Rashad Massey

AKA:

Race: BLACK Sex: M Age: 29

DOB: 988 SS#: [REDACTED]

Address: Woodside Ave

City, State, Zip: Greenville, SC 29611-5302

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: Kidnapping (gs)

INDICTMENT/CASE#: 2016GS2303414

A/W#: 2016A2330200772

Date of Offense: 9/30/2015

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, Doug

66112

SC Bar#

Defendant

STEELE, C. CARLYLE

05316

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 30 2015☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.**Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.**

SPECIAL CONDITIONS:

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

PTUP

Total: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Herron

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2138Sentence Date: 8 Nov 2017

WITNESSES

Henry Hammett

Greenville County Sheriffs Office

10/20/2015

ARREST WARRANT NUMBER

2015A2330209243

2015A2330209245

**ACTION OF GRAND JURY
TRUE BILL**

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-23-
WCM

008746

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2016 ²⁰¹⁷

THE STATE

vs.

TIMIYA RASHAD MASSEY

Indictment for
0116 and 0549

**MURDER AND POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT CRIME**

VIOLATION § 16-03-0010 & §16-23-0490

FILED

SEP 30 2016

**Clerk of Court
Greenville County**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 MURDER AND POSSESSION OF A WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on

AUG 29 2017

the Grand Jurors of Greenville

County present upon their oath:

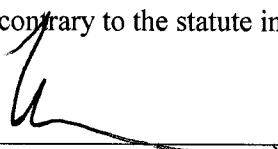
COUNT I

That TIMIYA RASHAD MASSEY did in Greenville County, on or about the 30th day of September, 2015, unlawfully and with malice aforethought kill ANTHONY KAREEN NUTRIDGE by means of shooting ANTHONY KAREEN NUTRIDGE and that ANTHONY KAREEN NUTRIDGE died as a proximate result thereof. This is in violation of §16-03-0010 of the South Carolina Code of Laws (1976) as amended.

COUNT II

That TIMIYA RASHAD MASSEY did in Greenville County, on or about the 30th day of September, 2015, possess or visibly display a handguns during the commission or attempted commission of a violent crime, to wit: murder and/or attempted murder and/or burglary. This is in violation of §16-23-0490 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

11605
 BAR # 11605

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Timiya Rashad Massey

AKA:

Race: BLACK Sex: M Age: 29DOB: 1988 SS#: [REDACTED]Address: Woodside AveCity, State, Zip: Greenville, SC 29611-5302DL#: [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: Murder (gs)

IN THE COURT OF GENERAL SESSIONS

8413571

INDICTMENT/CASE#: 2016GS2308746A/W#: 2015A2330209243Date of Offense: 9/30/2015S.C. Code § : 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, Doug66112
SC Bar#

Defendant

STEELE, C. CARLYLE05316
SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. SINCE 30 SEP 2015☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Hearn

SCCA/217 (07/2016)

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther:

☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge [Signature]Judge Code: 2138Sentence Date: 8 Nov 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

572
COUNTY OF Greenville
STATE VS.
Timiya Rashad Massey
AKA:
Race: BLACK Sex: M Age: 29
DOB: 1988 SS#: [REDACTED]
Address: Woodside Ave
City, State, Zip: Greenville, SC 29611-5302
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: Weapons / Poss. Weapon During Violent Cr

INDICTMENT/CASE#: 2016GS2308746
A/W#: 2015A2330209245
Date of Offense: 9/30/2015
S.C. Code § : 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

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

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

ATTEST: [Signature] 66112 Defendant STEELE, C. CARLYLE 05316
Richardson, Doug SC Bar# SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. since 30 Sep 2015

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment
Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Paul B. Wickens

Court Reporter: Nerron

SCCA/217 (07/2016)

Presiding Judge [Signature]

Judge Code: 2258

Sentence Date: 8 Nov 2017

☐ 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.

WITNESSES

Henry Hammett

Greenville County Sheriffs Office

11/10/2015

ARREST WARRANT NUMBER

2015A2330209849

**ACTION OF GRAND JURY
TRUE BILL**

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-23-
WCM

008747

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2016

August

THE STATE

vs.

TIMIYA RASHAD MASSEY

Indictment for

3410 ✓

ATTEMPTED MURDER

VIOLATION § 16-03-0029

FILED

SEP 30 2016

**Clerk of Court
Greenville County**

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on

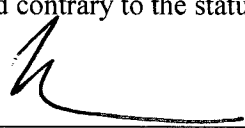
AUG 29 2017

the Grand Jurors of Greenville

County present upon their oath:

That TIMIYA RASHAD MASSEY did in Greenville County, on or about the 30th day of September 2015, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Haskell Nutridge. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR


BAR # 11605

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

575

COUNTY OF Greenville
STATE VS.

Timiya Rashad Massey

AKA:

Race: BLACK Sex: M Age: 29

DOB: 1988 SS#: [REDACTED]

Address:

City, State, Zip:

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Murder/Attempted Murder

INDICTMENT/CASE#: 2016GS2308747

A/W#: 2015A2330209849

Date of Offense: 9/30/2015

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

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

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, Doug

66112

SC Bar#

Defendant

STEELE, C. CARLYLE

05316

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. SINCE 30 SEP 2015☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.**Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.**

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk

Paul B. Wickens

Court Reporter:

Heron

SCCA/217 (07/2016)

Presiding Judge

Judge Code: Sentence Date: 8 NOV 2017

WITNESSES

Henry Hammett

Greenville County Sheriffs Office

10/20/2015

ARREST WARRANT NUMBER

2015A2330209244

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-23-

WCM

008748

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2016

2017

THE STATE

vs.

TIMIYA RASHAD MASSEY

Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION § 16-11-0311

FILED

SEP 30 2016

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 BURGLARY FIRST DEGREE

AUG 29 2017

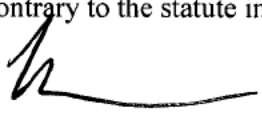
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That TIMIYA RASHAD MASSEY did in Greenville County, on or about the 30th day of September 2015, willfully and unlawfully enter the dwelling of ANTHONY KAREEM NUTRIDGE located at 1140 North Franklin Road, Apt [REDACTED] Greenville, South Carolina, without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: armed with a deadly weapon, did cause physical injury to any person who is not a participate in the crime, use or threatens the use of a dangerous instrument, displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm and the entering and/or remaining did occur during the night time hours. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

11605
 BAR # 11605

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

578
COUNTY OF Greenville
STATE VS.

Timiya Rashad Massey

AKA:

Race: BLACK Sex: M Age: 29

DOB: 1988 SS#: [REDACTED]

Address: Woodside Ave

City, State, Zip: Greenville, SC 29611-5302

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: Burglary, First Degree

INDICTMENT/CASE#: 2016GS2308748

A/W#: 2015A2330209244

Date of Offense: 9/30/2015

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

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

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)

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

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

ATTEST:

Richardson, Doug

66112

SC Bar#

Defendant

STEELE, C. CARLYLE

05316

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. SINCE 30 FEB 2015

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL \$ 128.75

PTUP

 days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

Presiding Judge

Judge Code:

Sentence Date: