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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Thomas William McGee, III, Circuit Court Judge

AARON J. WHITE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-001434

APPENDIX

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON)

THE STATE OF SOUTH CAROLINA, PLAINTIFF, vs. AARON JORDAN WHITE, DEFENDANT.	TRANSCRIPT OF RECORD 2018-GS-10-2776 2018-GS-10-2809 2018-GS-10-2813 2018-GS-10-2818, 2828

November 13th, 2019
Charleston, South Carolina

B E F O R E:

THE HONORABLE R. MARKLEY DENNIS, JR., JUDGE.

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

BRUCE DURANT
ASSISTANT SOLICITOR
Attorney for the State

ASHLEY PENNINGTON
PUBLIC DEFENDER
Attorney for the Defendant

PHYLLIS NORTON
Circuit Court Reporter

Transcribed by Pamela E. Green, Circuit Court Reporter

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INDEX OF WITNESSES

(WHEREUPON, there were no exhibits marked during this hearing.)

P R O C E E D I N G S

THE COURT: Aaron White.

Mr. White, I've been handed a number of indictments. You've sent -- you're standing with your lawyers.

Have they explained to you each of the charges contained in these indictments?

THE DEFENDANT: Yes, sir.

THE COURT: And have they also explained the possible punishment for them?

THE DEFENDANT: Yes, sir.

THE COURT: Indictment 2018-2776 charges you with the offense of murder.

You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Your lawyers have explained that that carries a, a minimum sentence of 30 years and a maximum sentence of life imprisonment?

THE DEFENDANT: Yes, sir.

THE COURT: And that that 30 year sentence is a day for day sentence --

THE DEFENDANT: Yes, sir.

THE COURT: -- or any time imposed is in -- well, incrementally is a day for day sentence.

You understand that?

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THE DEFENDANT: Yes, sir.
THE COURT: You understand that it's also a most serious offense?
THE DEFENDANT: Yes, sir.
THE COURT: And obviously, as I've stated, it is non-parolable.
You understand that?
THE DEFENDANT: Yes, sir.
THE COURT: Understanding that, what is your plea?
THE DEFENDANT: Guilty.
THE COURT: Indictment 2018-2809 charges you with the offense of attempted murder.
Do you understand that?
THE DEFENDANT: Yes, sir.
THE COURT: And your lawyers have explained that charge to you as well?
THE DEFENDANT: Yes, sir.
THE COURT: And that carries up to -- is it up to 30 years?
SOLICITOR DURANT: That's correct. Thirty years, Your Honor---
THE COURT: Zero to 30?
MR. PENNINGTON: Yes, sir, zero to 30.
THE COURT: You understand that, sir?
THE DEFENDANT: Yes, sir.

THE COURT: That also is a most serious offense.

Are you aware of that?

THE DEFENDANT: Yes, sir.

THE COURT: And that that is a -- non-parolable meaning that, if any sentence imposed, you'd be required to serve 85 percent of that sentence, and then it -- upon release, you would be required to complete, satisfactorily, a two year community supervision program.

Do you realize that?

THE DEFENDANT: Yes, sir.

THE COURT: And you understand that -- that that program, if you violate it, is basically probation for two years, and, if you violate it, then you can be returned to prison up to one year at a time until the balance of your sentence is satisfied.

You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Understanding all of that, what is your plea?

THE DEFENDANT: Guilty.

MR. PENNINGTON: Your Honor, I've also pointed out that that is not a suspendible sentence.

THE COURT: Okay. Thank you, Mr. Pennington. I appreciate that too.

MR. PENNINGTON: Yes, sir.

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THE COURT: It's very important to say that as well.
You understand that, sir?
THE DEFENDANT: Yes, sir.
THE COURT: Indictment 2018-2813 charges you with possession of a weapon during the commission of a violent crime.
Are you aware of that?
THE DEFENDANT: Yes, sir.
THE COURT: And your lawyer's explained that that carries a potential sentence of up to five years in jail?
THE DEFENDANT: Yes, sir.
THE COURT: And it is a day for day sentence.
You understand that?
THE DEFENDANT: Yes, sir.
THE COURT: Understanding that, what is your plea?
THE DEFENDANT: Guilty.
THE COURT: Indictment 2018-2818 charges you with burglary in the second degree.
Do you understand that?
THE DEFENDANT: Yes, sir.
THE COURT: Your lawyer's explained that charge to you and the possible punishment for a violent offense of up to 15 years in jail?
THE DEFENDANT: Yes, sir.
THE COURT: What is your plea?

THE DEFENDANT: Guilty.
THE COURT: You're also aware that it is a serious offense, and, by, by its name, is a violent offense as well?
THE DEFENDANT: Yes, sir.
THE COURT: And you understand the significance of those terms?
THE DEFENDANT: Yes, sir.
THE COURT: Indictment 2018-2828 charges you with attempted armed robbery.
You understand that?
THE DEFENDANT: Yes, sir.
THE COURT: And your lawyer's explained that charge to you and explained that it is also a most serious offense and a violent offense.
You understand that?
THE DEFENDANT: Yes, sir.
THE COURT: It is also a non-parolable offense meaning that you will be required to serve at -- 85 percent of any sentence imposed.
You understand that?
THE DEFENDANT: Yes, sir.
THE COURT: And, again, as we previously discussed, you'd have to complete the two years community supervision and could be returned up to one year at a time until the balance of the sentence is satisfied.

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You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: And it carries a potential sentence of up to 20 years in jail.

What is your plea?

THE DEFENDANT: Guilty.

THE COURT: Are you totally satisfied with your lawyers?

THE DEFENDANT: Yes, sir.

THE COURT: Any complaints about anything they've done or not done for you?

THE DEFENDANT: No, sir.

THE COURT: Are you today under the influence of any medication, any alcohol, any type of drug?

THE DEFENDANT: No, sir.

THE COURT: Have you been treated for any emotional illness or mental illness or emotional problems in the past?

THE DEFENDANT: Anxiety and depression with Zoloft.

THE COURT: When?

How long ago?

THE DEFENDANT: Within this year.

THE COURT: Before this incident or after this incident?

THE DEFENDANT: Before the -- prior to the incident.

THE COURT: Prior to it.

Are you---

MR. PENNINGTON: And, and in jail, Your Honor.

THE COURT: And in jail.

Are you taking any medication in con -- connection with that treatment?

THE DEFENDANT: I'm currently on medication but I stopped taking it.

THE COURT: When did you stop taking it?

THE DEFENDANT: About two, three weeks ago.

THE COURT: Was that pursuant to the instruction of your physician?

THE DEFENDANT: No, sir.

THE COURT: You just did it both -- yourself?

THE DEFENDANT: Yes, sir.

MR. PENNINGTON: It's anxiety medication.

THE COURT: I understand that.

MR. PENNINGTON: It's not psychotropic.

THE COURT: Well, I appreciate---

MR. PENNINGTON: It's Zoloft.

THE COURT: Does it affect you -- any way your ability to think and reason?

THE DEFENDANT: No, sir.

THE COURT: You understand that I'm -- will be relying on your responses today?

THE DEFENDANT: Yes, sir.

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THE COURT: I'm gonna be relying on several factors. First, the completeness of the responses.

You understand what I mean by that meaning that you've given me complete answers to my questions?

THE DEFENDANT: Yes, sir.

THE COURT: I'm gonna rely on the accuracy of your responses.

You understand what that means?

THE DEFENDANT: Yes, sir.

THE COURT: And that I'm gonna rely on the fact that it's your response and a truthful response in every way, and that means, cause I've heard over the years, I've heard in other proceedings where someone's commented or testified that I wasn't saying what I believed. I was saying what my lawyers or somebody told me I had to say to get through the plea.

That's not -- doesn't apply to you.

Is that correct?

THE DEFENDANT: No, sir.

THE COURT: Okay. Solicitor, it appears. From the review of the sentencing sheets. There, there will be no recommendation.

Is that correct?

SOLICITOR DURANT: That is correct, Your Honor.

THE COURT: Mr. Pennington, is that correct?

MR. PENNINGTON: That's correct, Your Honor.

THE COURT: Have you had the opportunity to investigate this matter fully on your client's behalf?

MR. PENNINGTON: We have, Your Honor.

THE COURT: And you have shared the results of that investigation with him?

MR. PENNINGTON: Yes, we have.

THE COURT: After consulting with you, he indicated his desire to enter the pleas that we've just discussed?

MR. PENNINGTON: He is indicated he wishes to plead guilty and he's been consistent about that, Your Honor.

THE COURT: Did you both advise him of the rights that he would be relinquishing and the consequence of his decision?

MR. PENNINGTON: Yes, Your Honor. And I should add for the record that we've also -- he's been evaluated by various -- a, a therapist and a psychologist, psychiatrist and they don't indicate any questions at all about his competence.

THE COURT: Okay.

MR. PENNINGTON: They do validate the anxiety that was described earlier and supported the Zoloft prescription and he's taking it as needed essentially.

THE COURT: All right. Do you, do you concur with the decision to enter the guilty plea in each case?

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MR. PENNINGTON: We do. I do.
THE COURT: And, Ms. Norris, do you?
MS. NORRIS: Yes, sir.
THE COURT: Mr. White, is all that correct, sir?
THE DEFENDANT: Yes, sir.
THE COURT: Then you understand, sir, that, if I accept your guilty pleas today, you will not have a jury trial --
THE DEFENDANT: Yes, sir.
THE COURT: -- in, in any of these matters?
You realize that?
THE DEFENDANT: Yes, sir.
THE COURT: You understand what the requirements that you would have to, would have to prove nothing at all?
Do you understand that?
THE DEFENDANT: Yes, sir.
THE COURT: That the State is the only party that has any burden of proof?
THE DEFENDANT: Yes, sir.
THE COURT: And, if you had a trial, in order to prove that, the State, of course, would have to present witnesses and you, through your lawyers, would have a chance to challenge that testimony. That means confront those witnesses.
You understand that?
THE DEFENDANT: Yes, sir.

THE COURT: Obviously, because we're not gonna have a trial, that's not gonna happen.

You understand that as well, sir?

THE DEFENDANT: Yes, sir.

THE COURT: And another very valuable right, in fact I'm in a trial right now and that's what I told the jury yesterday in my opening remarks, don't expect the Defendant to prove or disprove anything at all. He has no obligation to present any evidence and has no obligation to say a word.

You understand that?

THE DEFENDANT: Yes, sir.

THE COURT: But when you answer my questions, and you enter your guilty plea, you're giving up that right to -- that Constitutional right to remain silent.

Do you realize that?

THE DEFENDANT: Yes, sir.

THE COURT: Have there been any threats made to you to get you to plead guilty?

THE DEFENDANT: No, sir.

THE COURT: Have there been any promises made to you to get you to plead guilty?

THE DEFENDANT: No, sir.

THE COURT: Then your sole motivation is the fact that, after discussing it fully with your lawyers, and they answering any questions and, and discussing fully the

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elements of each of these crimes, you have made a conscience decision for yourself that you're pleading guilty and the reason for it is you are, in fact, guilty?

THE DEFENDANT: Yes, sir.

THE COURT: Solicitor, if you would please tell me the facts. I think I had some fam -- general familiarity with this situation but please feel free to go---

SOLICITOR DURANT: Yes, sir, Your Honor.

THE COURT: ---into as much detail as necessary, sir.

SOLICITOR DURANT: This occurred on February the 23rd, 2018, at 3030 Matipan Avenue, which is over off Azalea Drive in North Charleston. Although this is a -- for law enforcement, enforcement purposes, in Charleston County Sheriff's Office jurisdiction.

That location there, there was a house being renovated. It was being renovated as a program of -- to provide housing for wounded veterans, and the surviving victim, Michael Cooke, who is in the courtroom, and the deceased victim, Bryan Cooke, who is his son, they volunteered their services to perform some plumbing work at the house, and they were actually there that morning replacing the sink and, and lavatory in the bathroom.

Shortly before eleven o'clock in the morning, Aaron White, and his friend and codefendant, Da'Quintez Gadsden, were on their way to school. They were on foot and they

were students at Greg Mathis Charter High School, which is located on Azalea Drive. And, for some reason, he decided he was gonna take a .40 caliber handgun to school.

According to Da'Quintez Gadsden, on the way to school he showed him the gun, asked him if he would be interested in helping him do a lick or committing a robbery, and Da'Quintez said sure, I'm in. And so they set off looking for someone to rob.

So, they went into the neighborhood. This, this neighborhood where Matipan is is kind of catty-cornered across the street from their high school and were walking around looking for targets. And they happened to see the Cooke's at 3030 Matipan, and the door was open, and could see that they were in there and decided, uh huh, this is it.

So, they go into the house. Mr. White is the -- is armed. He goes in first. Mr. Gadsden goes in behind him. They confront the deceased victim, Bryan Cooke, who is standing outside right at the doorway into the bathroom. Mr. White presents his weapon, demands money. Mr. Cooke puts his hands in the air and asked him not to shoot, and, for some reason, he shot.

Bryan Cooke runs out of the residence. He then confronts Michael Cooke, who is in the bathroom actually performing the, the, the plumbing work, and also demands money from him. Mr. Cooke tries to explain that he's got no

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money, and, once again, for some unknown reason, he shoots him three times before fleeing from the residence.

Bryan Cooke, after being shot, stumbles outside, gets about to the street where he collapses and dies before the EMS can get there. He's basically shot in one side and it goes through both lungs and comes out the other side.

Mr. Michael Cooke, despite being, being severely injured, was able to crawl out of the house, out into the front yard, where he called 9-1-1 on his cell phone and EMS got there and transported him to MUSC where he was hospitalized and, thankfully, survived.

The investigation in this case really didn't take too long. Right after -- while they got there, right after the Sheriff's Office getting there, they learned, from just sending someone to the school, that Mr. White and Da'Quintez Gadsden showed up to school late, right after the shooting had occurred, and both of them appeared to be sweating.

Investigators went to the school. Detective Muirheid interviewed the Defendant, Aaron White, initially at school, and although he initially denied any involvement in it, he was taken to headquarters and pretty quickly ended up confessing.

During the confession he indicated that yes, it was his gun or that he had brought the gun. He was the only one armed, and that he was responsible for shooting both, both

Mr. Bryan Cooke and Mr. Michael Cooke and here we are today.

He has no prior record, Your Honor. He does have a pending possession of a weapon by a minor charge in Dorchester County, which I'm assuming will be ended as a result of this plea.

They're a number of folks from family and friends of, of the Cooke's here. Three of whom would like the opportunity to speak when the Court will allow. That would be the surviving victim, Mr. Michael Cooke, Jenna Cooke, who is the widow of Bryan Cooke, and a cousin, Will Smith.

THE COURT: Thank you, Mr. Durant.

SOLICITOR DURANT: Thank you, sir.

THE COURT: As you said, I'll be delighted to hear from them too.

Mr. White, the factual recitation by the Solicitor, is it accurate?

(WHEREUPON, there was no audible response.)

THE COURT: Is it correct?

THE DEFENDANT: For the most part, yes, sir.

THE COURT: Well, what's not?

(WHEREUPON, there was no audible response.)

THE COURT: Tell me what's not.

(WHEREUPON, there was no audible response.)

THE COURT: Mr. White, let me -- before you open -- say another word, let me express something that I have expressed

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and your lawyers have heard this before cause I've said it a number of times in my career, and I do it because I want the person that I'm talking with to understand that's my feeling. And I do it because I want to constantly remind myself of what I'm about to say because it really is something that I take very seriously and I should and I think any judge should.

It doesn't take very long to do what we're doing right now. But, in all candor, I don't know anything that I do as a judge that has -- that's more critical, more important than this because what I'm doing is I'm hearing something in a very short period of time, and I'm dealing with somebody's personal freedom, and dealing with their Constitutional privileges, which are incredibly important.

This -- we just -- we take it for granted in this country but it's amazing. It makes me proud to be where we are, proud to be with all these people here. But one thing's for sure, I don't take guilty pleas to accommodate anybody.

Now, I'll confess, when I practiced law, I probably asked and wanted some accommodation guilty pleas. I don't do it as a judge.

So, before you answer this question, if you -- if you're asking me to accept the guilty plea, you're gonna have to convince me that you're guilty, and the critical

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question now -- all these other things were very important because what you've said is I'm giving up the right to have -- hear the witnesses and challenge the witnesses who would testify, in certainly greater detail, but would testify to the summary given by Mr. Durant.

So, if you're saying well, that's not correct, I need to know what because it may have a bearing on -- as your lawyers have explained, beyond a reasonable doubt is a very, very difficult standard. And if there's anything, then it could be that one fiber, and it doesn't have to be much, to be the real -- the reasonable doubt.

So, I'm not going to accept it.

So, you tell me now what is not correct.

(WHEREUPON, there was no audible response.)

THE COURT: Do you understand what I'm asking you?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Well, what is not correct?

(WHEREUPON, there was no audible response.)

THE DEFENDANT: Do you need to consult your lawyers?

(WHEREUPON, there was no audible response.)

THE COURT: Well, why aren't you answering my question?

THE DEFENDANT: I don't have anything to say.

THE COURT: What do you mean you don't have anything to say?

You say it -- that it's basically correct. I'm asking

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you what's not correct.

THE DEFENDANT: It's correct.

THE COURT: Well, why didn't you tell me that the first -- when I first asked you?

(WHEREUPON, there was no response.)

THE COURT: I'm -- you're not gonna answer that question?

(WHEREUPON, there was no response.)

THE COURT: Mr. White, I, I want to be -- give you a full opportunity. But, frankly, we don't need to sit here, and these people don't need to sit here, if you're gonna continue to do what you're doing right now.

THE DEFENDANT: It's correct, Your Honor.

THE COURT: Why did you not tell me that when I asked you initially?

That's what I asked you.

THE DEFENDANT: My apology. My apologies for the word -- the miss -- miss -- your misinterpretation of what I say when I said for the most part it was correct.

THE COURT: Well, I asked you what now and you, you -- again you restate for the most part.

What is not correct, because when you qualify it, you're saying some, some parts are not correct.

What's not correct?

THE DEFENDANT: Nothing's incorrect, sir.

THE COURT: All right. Let me ask Ms. Norris and Mr., Mr. Pennington.

Your investigation on behalf of your client confirmed the essence of what was just told me?

MR. PENNINGTON: The essence, yes.

THE COURT: Insofar as the, the fundamental elements of each crime?

MR. PENNINGTON: Precisely, Judge. In terms of the basic operative facts about who was the shooter, the planning, who carried the gun --

THE COURT: Who shot.

MR. PENNINGTON: -- the cover up, who shot, all those facts are completely not in dispute. Frankly, I -- I've noticed, at times, Aaron will have a little latency in terms of thinking through his answers for me. But I have no reason to think that this time he's disputing these facts cause I -- do I have that correct, Aaron?

THE DEFENDANT: Yes, sir.

THE COURT: And you -- again, I reiterate, you wish me to rely on the accuracy of your responses, correct?

THE DEFENDANT: Yes, sir.

THE COURT: And there's no question that you were the shooter, correct?

THE DEFENDANT: Yes, sir.

THE COURT: It was your idea to go rob people --

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someone?

THE DEFENDANT: Yes, sir.

THE COURT: So, you were the leader, correct?

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Mr. -- I will accept his plea. I find certainly there's a sufficient factual basis to support the plea in each case. I find that certainly Mr. White has had the benefit of very competent counsel with whom he's indicated he's totally satisfied. I find his plea to be freely, voluntarily, knowingly, and intelligently made, and I appreciate his patience with me in explaining what -- why his hesitation.

I find that that is not, in any way, suggestive that he is not, in fact, desirous of pleading guilty, and that's his decision, and he wants me to accept his plea.

Is that correct, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Thank you.

Mr. Durant, I'll be delighted to hear from anyone who wishes to speak.

SOLICITOR DURANT: Thank you very much.

THE COURT: And y'all may be seated if you wish.

SOLICITOR DURANT: Thank you, Your Honor.

THE COURT: Good morning. And I would just ask each of you if you will give me your full names for the court

reporter's benefit please.

MR. SMITH: My name is William Edwin Smith, II.

THE COURT: Yes, sir, Mr. Smith.

MR. SMITH: I'm a long time resident of Mount Pleasant in Charleston County.

My wife, Jennifer, is first cousins with one of the victims in this crime, Bryan Cooke.

I say one of the victims because an event like this leaves a swath of victims in its path.

As I sat in church this past Sunday listening to our new worship leader sings songs of praise and hope, I spotted my niece across the room in the arms of her grandfather. They stood next to her grandmother, who was barely holding it together, as she listened to songs that her son use to sing.

We have a new worship leader at our church because, when your worship leader is murdered, you need a new worship leader. And when you're six and your father's murdered, you need someone else to hold you during worship songs. And when your son is murdered, it's hard to listen to some of those songs that he use to sing.

Not all the victims of this crime died on February 23rd, 2018. My niece, Sophia, will not walk down the aisle with her father when she marries. He will not coach her softball teams though he was certainly qualified

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to do so having played baseball in high school and college.

They will never take another nap together or dance to Maroon 5 together again. He will not hug her and tell her things are okay when she has her heart broken or doesn't make the team or makes a bad grade. He won't be there to be her father when she gets in a fight with her mom who's overtired and missing her life partner and true love. Sophia suffered tremendously during this.

My Aunt Lynda's an amazing wife, mother, and YaYa. When her husband's church needed a, a guitarist, for example, she learned to play the guitar. She's been a rock of a wife, a giving friend and aunt, and an absolutely amazing YaYa.

She will do anything for her family but she reserves some of her best stuff for her son, Bryan. Together they learned -- led worship at Life Community Church. Even into Bryan's forties they went to Christian concerts together to hone their craft. They connected on a spiritual level that was amazing to behold.

Lynda has not sung in church since just before February 23rd, 2018. There are victims of this crime sitting in that church every Sunday. All of them deprived of Lynda's passion for worship.

My Uncle Mike may have suffered the most throughout this. He was at the scene and received multiple gunshot

wounds. His physical recovery has been long and difficult. I'm certain that he would tell you that the physical recovery has been inconsequential when compared to the emotional toll that this has taken on him.

His son died at the scene. He called 9-1-1 while bleeding from his multiple wounds. It is been his job to keep his family and his congregation together.

There are untold emotional and psychological wounds throughout our family, and I'm sure that they're times that Mike would like just to sit back and miss his son and the times that they spent working and worshiping together.

They won't share any more conversations over coffee. Bryan will never handle another tool. Bryan will never explain to him how the Gamecocks will salvage the game or the season. They'll never remiss about the times that Mike was coaching and Bryan was playing third as he climbed the ranks from Little League to college baseball. I greatly admire the attitude that Mike manifests but there can be no doubt that he is haunted by the events of February, 2018.

Bryan left behind a sister who thought he hung the moon and why not. Even when it wasn't cool, Bryan included Lauren in everything that he did.

Lauren had to hear about her brother's death via cross country telephone call. Sitting in a coffee shop in Albuquerque, New Mexico on a Friday morning she learned that

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her brother had been senselessly murdered.

She and her husband and two children, children gave up an opportunity to move to New York after her brother was murdered to move to Charleston to be near her family. They were not moving to New York to work on Wall Sheet. Lauren's husband, Eric, is an elite all rescue officer in the Air Force. His job in New York would of been participating in rescue missions all over the world. Instead, he's had a desk job for the last two years so that Lauren could help her family heal.

I have no idea who may of been victimized by Eric not being where he was suppose to be. It may be dramatic to say that lives were lost in Sierra -- or, or Afghanistan or anywhere else because Eric was riding a desk. However, it's not out of the, out the -- completely beyond the pale. It wouldn't -- these lives, had Eric saved them, would not be the first lives that he saved. Again, there were many victims on that day.

Our community at large was a victim on that day. To say that Bryan was colorblind is a huge understatement. He did not just hire people who didn't look like him. He hired them. He embraced them. He loaned them money that, that he didn't have. In short, he was a man of the people.

In a place that has often experienced racial division, he was a guiding light. Without a doubt, Bryan's wife,

Jenna, is the biggest victim in this crime. He can not be called the primary earner because that implies that's there's a secondary earner. There is no secondary earner in this case.

Jenna is a stay-at-home mom who became a widow, a single mom, and a person relying on government money for the first time in her life within a matter of hours one Friday in February. Knowing something of Jenna's financial situation, I can attest that this situation has presented a tremendous financial hardship for she and Sophia. Were it not for the generosity of this community, I can not imagine where she would be.

I do know that she has suffered tremendously both emotionally and psychologically. However, not being a psychologist, I can not pretend to begin to describe this damage. Suffice it to say that Jenna has suffered beyond words for an inane act.

In closing, I pray that the Court has a discernment and wisdom to ensure that the guilty in this case are punished in a manner commensurate with what was lost while understanding that what was lost is immeasurable.

Thank you, Your Honor.

THE COURT: Thank you, sir.

Yes, sir.

MR. COOKE: Your Honor, my name is Charles Michael

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Cooke.

THE COURT: Mr. Cooke.

MR. COOKE: For the last 687 days I've awakened to this reality that my son is gone. The pain and separation has yet to be resolved. I, along with my family and his friends this day, come into your Court hopeful that resolution can begin today.

We gather today on November 13th as a just society to hopefully begin that process for me, for my wife who I stand and represent, my daughter, Lauren, and for her husband, Eric. I stand also, and in just a moment you will hear Bryan's widow speak, and I stand for her, Jenna Iriart Cooke, and for her daughter, my granddaughter, Sophia Grace.

We're a family obviously longing for justice to be done. That the tragedy which has visited us through the violent loss of unprovoked death of Bryan Cooke will always remain a moment in a time of our life which never, ever, ever needed to happen.

THE COURT: Amen.

MR. COOKE: The grace and the justness of our God in the midst of this tragedy has allowed us an opportunity to see that in a world where violent crime is perpetrated upon an innocent society there must be justice that is equal for both victim and for the perpetrator.

My son, Bryan, lived for 41 years in love with his God

and with those whom God had brought into his life as Mr. Smith has already identified. Love, to Bryan, was not an emotion. It was an action. He was a gentleman who went out of his way to help people.

What's amazing about this event is had Mr. White simply waited before pulling that trigger, he would of learned something about the depth of my son. To Bryan, caring for others wasn't a commandment to be obeyed. It was an opportunity to build a friendship regardless of who they were.

Life wasn't something to take from others. Life was what God gave us to share with others. This loss has cut a deep and dark canyon in the lives of our entire family and many, many close friends. That canyon includes the trauma that we have endured and continue to endure, the despair, the darkness, the nightmares, the pain, the suffering, and the consistent ambush of grief which never leaves you for long.

On that morning, the Defendant, Mr. Aaron White, apparently made a decision in what has been cast as a robbery to shoot Bryan, an unarmed victim. I did not witness the shooting of my son but I did share in what turned out to be an aggressive attempt to kill me as well.

Taking aim just 5-feet away from me inside of a bathroom with no escape, like shooting fish in a barrel, no

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warning, no help, no way out, the shooter appeared in the doorway of the bathroom. His first shot entered my right flank and exited my left flank hitting a waynescoated wall and then falling in-between my legs below me and spinning. At that point I said oh, my God, I've been shot and the shooter said to me that's right and I'm going to shoot you again unless you give me all your money.

The second shot entered my abdomen and lodged in my left side. His third shot entered my right arm and ran completely through it. The impact of that .40 caliber was so strong that I collapsed forward onto the floor. The shooter moved closer into the room and his fourth shot went through my head.

I was told later by the MUSC trauma team that the bullet hit my carotid artery, severed my esophagus, and ran through the bilingual nerve on the left side of my head before somehow exiting my mouth.

After that final shot I turned and I looked into the shooter's eyes. Unable to speak, choking as blood gathered in my throat, unable to swallow or expectorate that blood, I knew that I was drowning. It was at that point that the shooter ran down the hallway and out the back-door leaving me for dead.

I was discharged from the hospital 10 days later only to have to return for more surgery in regards to that left

flank wound. I went through an extensive work to learn how to swallow again because of my esophagus being severed, to learn how to eat solid foods.

My wife, Lynda, and daughter, Lauren, her husband, Eric, and myself, within three days began grief therapy in the hospital which entered into our lives for an entire year of work with a therapist. Lynda and I have been in PTSD therapy for over a year. We are still patients of that program today.

The irony, Your Honor, is that this so called robbery, turned murder, turned attempted murder was that once mine and Bryan's personal effects were returned to us, I sat down and counted $1.61 that I had that day, that morning. I called Jenna and asked her to allow me to look at Bryan's returns. Together we had $5.64.

Today our family is anxious to learn what an unprovoked murder of an innocent man, for the traumatic shooting of a defenseless man actually will ultimately cost and as well what costs can be calculated, as Mr. Smith shared, for a widow with a precious six year old daughter to raise without a father.

I thank you for your patience, Your Honor---

THE COURT: Yes, sir.

MR. COOKE: ---for hearing what I've had to say and to speak to me.

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Thank you.

I'd like to make one last point. Bryan lived his life as if the option of redemption is always on the table through God.

So, Mr. White, I would like to say that I will pray for you to find that redemption in Jesus.

THE COURT: Thank you, Mr. Cooke.

MRS. COOKE: Your Honor, my name is Jenny Iriart Cooke---

THE COURT: Yes, ma'am.

MRS. COOKE: ---and I'm Bryan's wife and this is my father and (indiscernible) stating that (indiscernible). Your Honor, (indiscernible) I've been forced to live without my husband and our six year old daughter, Sophia Grace, has had to live without her daddy.

Bryan left for work on February 23rd and did not come home because two horrible men took his life. That day, they took everything from Sophia Grace and myself and from so many others.

The next day I had to sit down and tell our five year old that her daddy wasn't coming home and he was in Heaven and that's something I should never have had to tell her.

Bryan was the kindest person. He would of given everything that he had but he was not given the chance. Instead, his life was taken.

Bryan and I had been together since May of 2009. We met when he was coaching my brother's baseball team volunteering. We got married in August, 2011, and our sweet Sophia Grace was born in [redacted] 2013, on her daddy's birthday.

When I asked Bryan that year what he wanted for his birthday, all he said was her and Sophia came a few days early. God gave him to her.

Bryan worked really hard. So I was blessed to be able to stay at home with her and see every day the excitement she had when she heard him coming from -- home from work. Each day watching her run to him saying daddy, arms reached out, for him to pick her up and hold her, followed with a trip to the pantry to have a double stuffed Oreo before dinner. I got to enjoy her time with him playing, dancing, listening to music, and playing with our dog, and just laughing together.

Now those are memories that she has and I have to make sure, with the help of all these people, that they are memories that she remembers for herself and not just stories she is told about her daddy.

That day my world changed forever. The love of my life, my soulmate, was taken from me. My life was turned upside down. The future we wanted was taken from us. I was 32 years old and Bryan had just celebrated his 41st

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birthday.

We should of had so many, many more years together. Instead we didn't even get eight.

This year I watched Sophia Grace graduate kindergarten. A time that should of been so joyous had a dark cloud over it because it was a milestone and Bryan should have been -- that should have seen and celebrated it with us.

In August Sophia Grace struggled to start a new school. She was sad that her new school and new teachers don't know her daddy. That's something else that he should of been at. She needed him to hold her hand that day and walk her into class on her first day of the new school. The teacher should have been able to meet her daddy. He should of been able to tell her it's going to be okay, and she was going to love her new school, and she would make so many friends.

I should of had him with me and to cry that our little girl was growing up and for the first time going to school all day. But he was not there to experience this was -- with us and it is one of many things that he does not get to be a part of.

This September our six year old little girl asking mommy, you told me daddy went to Heaven, but you didn't tell me what happened. I said I know and if you want to know what happened we can talk about it. She said mommy, you didn't tell me because it was really scary. My response was

yes. She then asked did someone shoot daddy and then I had to explain to an innocent little girl, who did not know there was such evil in this world, that someone decided to kill her daddy that morning.

There were tears. She said but why. I told her they wanted to steal from him. Again, through tears, she asked what did they take. My answer was nothing.

You took nothing. That day nothing monetary was stolen but his life was taken.

What was taken was her world, our world. I had to explain to a six year old that believes in magic, unicorns, Santa, and all things Disney that there's pure evil in the world, and that that is what took her daddy from us. Having to, to tell her this was soul crushing. She is six and now is, is trying to grasp something, as an adult, I do not understand why someone could kill someone who was a complete stranger and innocent.

How could someone just take someone's life?

Bryan was a protector, our provider, our rock. He made us laugh and he loved us with his whole heart and, in an instant, all that was gone.

We have to celebrate every holiday, birthday, and anniversary without him. Sophia Grace's biggest of fan and supporter will not be there to watch her grow, to see her perform in plays, to sing solos, compete in gymnastics, and

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anything else she will do.

Bryan couldn't wait until she was old enough to play softball and able to coach her. He will never get to do that and she will never get to have that -- him as her coach.

We won't get to watch another Braves baseball season or Gamecocks or Cowboys football season together, and he will not get to teach Sophia Grace the sport he love -- sports that he loved. There won't be more trips to the beach, evening walks, dinners together, vacations, or anything else.

Bryan won't be there to see Sophia Grace go on her first date, have her heart broken, teach her to drive, see her graduate high school and college, see her get married, and have children of her own. And everything in-between that she will do, he will not be there to see all the amazing things I know she will accomplish.

I don't get to hear him laugh anymore, have conversations with, kiss goodnights, even an argument. We don't get to do any of that anymore.

He is -- he's not here to, to hold my hand and help me navigate life. We have to live a new normal and it's a normal neither one of us want to live.

Your Honor -- Your Honor, I ask that, as you pass sentencing, that you take into consideration all the things

that I've said and everything that was taken from me and our little girl.

Thank you.

THE COURT: Thank you, Mrs. Cooke.

All right. Mr. Pennington, I'll be glad to hear from you.

MR. PENNINGTON: Thank you very much, Your Honor.

Your Honor, this is a excruciatingly painful case.

THE COURT: It is.

MR. PENNINGTON: It's one where it's hard to accept the loss because what occurred here to the Cooke family, who were two men who were glorifying God with their lives out in the community --

THE COURT: Absolutely.

MR. PENNINGTON: -- and who were attacked.

There's some things though that the Court needs to know because this is the first time that my client's been in this courtroom at all in this case, and there is -- the reason that we're here is largely because he accepted responsibility early on in this case, and I want to talk with the Court about that process.

I want to talk with the Court about what I've learned through investigating his background, about his contrasting disadvantages that you're going to see and learn about in terms of where he came from. And it's not in any way

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offered, and it's not gonna be offered to anyone in this courtroom as a defense or a justification or anything to legitimate the terrible, terrible choices that he made that morning in February of last year.

But it does, the Court knows, that part of the responsibility is to figure out what justice is in a case and a justification in this case would have retribution to it. But, in my view, our justice is best explained with a justice or a retribution tempered with some compassion, which allows some room for hope, and I will tell you that my client could have made this process much more difficult. It's hard to imagine that but we see it every day.

I get cases where the -- there is not a defendant who was faced with a set of facts that were murky to the law enforcement because we've gone back and reconstructed, I think the Solicitor will agree, that but for my client's readiness to say it was me, it was not my codefendant, let me tell you what happened, the facts were ambiguous. The victim's saw a man with a hat, that was the codefendant, and thought that he was the shooter.

There was blood on the codefendant, and in spite of these facts, what happened, my client, is that when he went back to law enforcement and they confronted him with the question about what happened, you saw the same kind of latency, the same kind of thinking and pause that you saw

today, and he said that I need to face this like a man. And, in fact, the detective strangely commended him about exactly that, that he didn't try to sluff it off or act like it didn't happen, or make any kind of lame excuses.

But for that case, but for that statement, and that confession, this would of been a difficult case to prove.

THE COURT: I understand.

MR. PENNINGTON: Another difference is, is that we knew we were walking into a very traumatic moment here this morning because there's never been any pretrial litigation. We attended the bond hearing for the codefendant, and I was able to relay, we knew the Court had heard these, many of these same facts at the bond hearing, and my client elected not to proceed or request bond given what he knew to be his responsibility in this case and not put the family through the pain of coming up here needlessly an extra time.

And my client could have said well, this is a -- there can not be no happy ending. The Court's recited the max -- the punishments that are available to the Court, and how often do we see defendants will who essentially say well, let's just roll the dice, see what happens. Maybe this -- that high burden that the Court would mention would have to be met. Maybe some miracle could occur.

But he is never said that that was the approach he wanted to take. In fact, he's encouraged me and we have

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made active outreach, through the victim's friends, to try to begin to explain and take account of this case.

I want to share with you what I've learned about him and his background because this crime, its cruelty and it's insensibility, are inescapable. But he came from an environment where I think he felt totally lost. In fact, the police interviewed witnesses the day before who saw him the day before that said that he felt lost, that his life was not suppose to be like this, that he didn't know how to cope, that he didn't know what he was gonna do.

Part of this comes from the profound instability of his upbringing. He was -- his mother was -- conceived him while she was still a high school student in a relationship that was never intended to be headed toward marriage, and she went on in her life and had been the sole breadwinner provider for this young man.

What has flowed from that has been, I think by all accounts, a series of -- she's had a series of unstable relationships that have come through the household. Some of them not happy, some of them violent, some of them angry, and my client was on the receiving end of some of that violence.

In spite of that, he deeply, deeply loves his mother and his bother, Darius. His mother, Anesta White, is the lady in the red sweater here. Darius, his brother, is

seated toward the back and he has an uncle, a cousin, an aunt. There's a big family out there.

Still the reality was -- is that without stable income, they drifted from parts of the county -- from one part of the county to another depending upon these relationships, these unstable relationships.

Immediately preceding the weeks of this, my client had been attempting to provide, put bread on the table, by working at a restaurant down in Hollywood that -- as a dishwasher. And when they were forced to move from Hollywood up to Summerville, he could not, did not have any transportation to get back and forth. And he was chronically unable to provide the way he wished he could for his family, for his mother, and his younger brother, who is attending the military magnet school.

The -- he was someone who also didn't shrink from responsibility. Some of these young men that you see standing before you run the streets, go out with gangs, arrested repeatedly. He's a fellow that stayed home, did household chores, and that, again, I told you was eager to work to help support his mother and brother.

He suffered, I think undiagnosed at that time, depression and anxiety, the stuff that was not recognized, and he was three months into his -- past his 18th birthday.

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The Court has -- the Supreme Court has talked about the fact that it's inescapable that, if you look at the way that humans develop, particularly young males, that there is a lack of an ability to weigh consequences and risks that's still evolving, and that character and personality traits are not fixed, and that there's sometimes an inability to really foresee the consequences, the outcomes.

My, my contention, Your Honor, is that, based on the work that we've done, my client, while having committed an evil act, is -- was, at that time, very highly immature and impulsive and he is not someone who fits the definition of being irreparably corrupt. We know that from the work that he's done in the county jail since we've started representing him.

The books that he's asked us to order that he's read, he's developed a spiritual life on his own where I think I've order a number of books and discussed them with him in depth. In spite of the instability, he was going to this charter school and was due to be the highest ranking grade earner in his class that semester.

So that there's a real irreconcilable paradox here of it's, in some ways, the choices you make, and, in some ways, the luck of the draw of where you land and the circumstances that you find yourself in. Again, not an excuse, not a defense, not a justification but perhaps a bit of a

contextual explanation.

On the night before this incident he had had problems at home with his mom, mom, and he didn't feel that he could go home. And so he stayed out on the street in the neighborhoods near the school. He was with friends. He smoked some marijuana, and, on that morning, he smoked some more marijuana so that I think he was disinhibited by that as well.

He is not someone who has been a suspect or is suspected of having engaged in other assaults like this. He is not suspected of other robberies.

This was an idea that he cooked up in this confused state of mind on the fly because he had this .40 caliber pistol and thought that he could get some quick money. And when he confronted these brave and good men, he panicked because they gestured, they moved in a way that frightened him, and he fired.

He had had -- he has had circumstances recently. His own father -- his own uncle had died unexpectedly 11 months before. Darius's father, another fight -- figure in his life, had passed on recently. I think he was feeling alone, without anyone to turn to on that particular day.

This doesn't explain or justify but it begins to give you a sense of who he is. My own sense of this young man is, is that he -- the Court must impose no less than 30

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years day for day, and my -- since he was 18 at the time, it's not hard to calculate how the impact of the sentence will then play out.

But the Court has available to it a mechanism by which two of those sentences can be suspended, both the attempted armed robbery or the burg second violent, to impose a period of, of supervision, probationary supervision, on top of whatever active sentence that the Court deems is appropriate.

I've had the chance to work on this case now for a year and a half. It's never been pretty. It's never been easy. But we had a team of people that met with Aaron and did a psychological assessment that ruled out things like he's just conscienceless, remorseless, totally indifferent to human life, that this was really an impulsive, incredibly stupid, and wrong thing to have done.

But what makes him different I think to the Court is that we could have spent a week litigating this case. I -- the Court may be confused about him standing here before you and being so thoughtful because I've tried to teach him to be thoughtful and to think through his answers and to be accurate insofar as how he proceeds through it with his life.

He's read spiritual works, the Christian spiritual works, Islamic spiritual works, and he's looking for

answers. My hope is -- and he knows, by the way, that I've had a friend of mine, Willie Campbell, who did 37 years in our State Department of Corrections, come in and talk to him about how to serve time and to stay out of the way you can be drawn into the evil side of our state prison system. And I believe that he's listened to that and was ready, without flinching, to come here today.

We've talked about this for weeks with the solicitor. We set this date up weeks ago and he's never balked about coming and facing the music in this horrific set of circumstances.

I will just point to the strengths. I'll end with that. I've already talked about his instability but he's a person who loves learning more than the average client that I've represented, and I think is open to that message that Pastor Mike talked about about salvation.

He loves his mother deeply. He wants to continue that relationship and build on that. He thinks that -- he still feels that she needs him.

And for his younger brother, younger brother, Darius, seated in the courtroom, we were reluctant to have Darius here. We don't want Darius to be discouraged but to be encouraged because Aaron intends to be a positive role model for his brother as he serves every day remembering what he did and throughout this entire sentencing for the rest of

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his life.

It is our hope, Your Honor, that the Court will consider a sentence that will be profound. We know it will be lengthy. But will give him enough positive incentive that he will see that he has something to build on down the road. By that I mean a spiritual life and vocational skills.

We know that the Court will do the best it can under those circumstances. But, in my view, he is someone who responds and has responded well to this process. I would like to continue rather than have him be lost in our legal system.

I've been told by his mother that -- and she apologized for her tardiness here today. She's never been in this courthouse before. She---

THE COURT: She doesn't need to.

MR. PENNINGTON: ---apologizes also to the families who waited so long and patiently for this proceeding. That she intends to remain still in touch with him, still supporting him as he serves his sentence. And I believe that he -- the family did not indicate that they wished to address the Court unless that's changed.

Ms. White, do you have anything that you wish to add?

(WHEREUPON, there was no audible response.)

THE COURT: Okay.

MR. PENNINGTON: But I do know that my client wishes to address the Court and the family.

THE COURT: Be delighted to hear from him.

THE DEFENDANT: To the victim's family, I want to say that I know an apology isn't going to bring your loved one back or change what happened. But I truly and sincerely apologize for the fact that parents had to bury their child, a child has to grow up without they father, and a wife lost her significant other.

To my beloved family members, I apologize for my actions. The Court (phonetic) consider me and it landed me in this predicament stripping me of my freedom and away from the ones who truly love me. You truly loved me and cared.

At the end of the day, Your Honor, I'm a man that's willing to accept the consequences and repercussions and reactions that derived from my actions and peace be upon you all.

THE COURT: Thank you, Mr. White. I appreciate that.

Well, one thing's for sure. I think I've presided over six death penalty cases and imposed death six times. This job is extremely difficult and, and we start -- talked about discernment. You know, that's, that's an interesting word in justice. I wonder what that word means in the human context.

I know there's a justice. Thank God for mine and his

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justice.

But the one thing I do know is that, and I was sitting here thinking, and I've said this a number of times in my career, didn't realize how it would play into my life, I'm proud to have an article that's on my wall. One of my law clerks gave it to me. It's a picture of my grandfather and the title is Mayhem in Berkeley. The mayhem, he was gunned down on Main Street, shot. He was a state senator and he was assassinated.

My dad -- my father was 13 years old. My grandmother had seven children and he was taken away.

So, I understand what, what pain is. I saw it. I didn't, I didn't know him. I knew her and watched her. And the thought that came to me this morning listening to all of you is maybe that's the message for me is what they did after he was taken from them so cruelly and so absolutely ridiculously stated.

But there was a group of people. They were acquitted. We were -- everybody thought, they had suspicions, but this person had -- was mentally challenged and he got a Chevrolet and $500.00 to shoot him with buckshot on Main Street in Monks Corner.

He was pardoned. He was sentenced to jail and was pardoned by the governor in 1948. I haven't -- made me understand how you get out from pardon. I don't understand.

Never will.

I say that to you for this. I, I kissed my father goodbye or goodnight. He was in a hospital. He'd had a stroke and he died the next morning. And if he could of spoken, he would still have been a bitter man. His sisters, they managed through it and they, they did some things. And I share that with you to say the mission goes forward to hope -- to continue here in his memory of what he inspired, what he lived, and it's in all of us, each one of us in this room, to continue to extend that. I think that's our responsibility to each other.

It's tough. I confess that. But one thing I have -- it's come to make -- to make clear to me, a sentence that a judge imposed does not, in a criminal setting, has nothing to do with the loss. It really doesn't because the -- as bad as this may sound, if he had had no one that would of come here, not a soul, you punish the act, not the result of the act, and that's what I deal with.

There's another side that deals with a lot of what we've talked about, it's the civil side, and those are damages and we -- no need to even discuss it cause it's immeasurable. There's no figure that could -- one could conceive to put a value on what's lost. No question about it.

So what do you do in this?

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Punishment is certainly punishment and there's no question about that. That's one aspect of it.

There's one part though that I hope this sentence will do because it really and truly, Mr. White, I, I take it seriously. I don't think I've imposed -- the harsh, harshest sentence obviously is the death sentence but that's by a jury's decision. Life imprisonment is something that's just -- something that ought to be rarely used but I'm gonna tell you this one warrants it and I'll tell you why.

I hear what you said, Mr. Pennington, and I understand that and God knows we've got to do something in society to take care and address people before they do something like this.

But in this setting, I have a person, and it was interesting to hear, and I commend him, what he's done, from the reading, and the pursuit, and, and -- becoming more knowledgeable and understanding what makes us all tick.

You're 19 today. I'd have a -- I remember being 19. That's been years and years ago but I'll assure you you're gonna learn -- you're gonna grow a lot between now and when you reach 72. But you are a person that really and truly could of made some decisions.

The first shooting is one thing but what leads me to my conclusion is walking in that door and shooting another person and shooting him meticulously and methodically. That

is a callous just absolute act that we can't, as a society, tolerate, and, to me, that's what triggers what my sentence is gonna be.

I hope and pray because -- and the reluctance I also have is something that Mr. Pennington addressed and beautifully addressed it, the hope of being able to do something with your life. And I understand life imprisonment means life. But my prayer, and my hope, and my request of you is you'll mission. You've said you want to try to gleam some understanding.

They'll be people with whom you will have an opportunity to touch, and contact, to, to learn, to know. They may, while you may not be able to get out, they will and you can help them not make the mistakes. I hope you'll do that. I hope you'll be -- that you'll be really a minister among that -- those people, that you'll have an opportunity to do that.

I -- the Sentence of the Court is obviously for the murder, Indictment 2018-2776, is life imprisonment.

The Sentence on the others of -- on the -- they're possession of a weapon during the commission of a violent crime is five years, attempted armed robbery is 20 years, attempted murder is 30 years, and burglary is 15 years. They're all concurrent.

Good luck to you.

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Thank you.

MR. PENNINGTON: Thank you, Your Honor.

THE COURT: Good luck to the family and I pray that peace comes about both sides. I'm so sorry for all of you.

SOLICITOR DURANT: Thank you so much.

THE COURT: Thank you.

Ashley, thank you.

MR. PENNINGTON: Thank you for working us in.

THE COURT: Yes, sir.

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

C E R T I F I C A T E

I, Pamela E. Green, 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 the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Charleston County, South Carolina, on the 13th day of November, 2019.

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

September 14th, 2021

PAMELA E. GREEN, Court Reporter

FORM 5

2021-CP-10-3718

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
County of Charleston)

Aaron Jordan White)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR)

POST-CONVICTION RELIEF)

FILED
2021 AUG 13 AM 11:01
JULIE J. ARMSTRONG
CLERK OF COURT

INSTRUCTIONS – READ CAREFULLY

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

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

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

1. Place of detention Lee Correctional Institution

2. Name and location of Court which imposed sentence Charleston County General Sessions

3. Name(s) of co-defendant(s) (if any) Daquintez Jermont Godsden

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

(a) 2018-GS-10-02776

(b) 2018-GS-10-02809

(c) _____

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

(a) November 13, 2019, L.W.O.P

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

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

No

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

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

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) Counsel failed to appeal

(b) _____

(c) _____

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

(a) Ineffective Assistance of Counsel

(b) Involuntary Guilty Plea

(c) Counsel failed to request a blair hearing

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

(a) Counsel failed to do investigation

(b) Guilty plea was based on faulty advice

(c) Counsel failed to request documents from mental health

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

(a) any petition in a State Court under South Carolina Law? Yes

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. Motion to Reconsider Sentence

ii. _____

iii. _____

iv. _____

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

i. Charleston County General Sessions

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. Vacated for 30 years

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. June 12, 2021

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

No

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) _____

(b) _____

(c) _____

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

(a) your arraignment and plea? Yes

(b) your trial, if any? No

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes

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

(a) the name and address of each attorney who represented you:

i. D: Ashley Pennington, 101 Meeting Street, 5th Floor Charleston, SC 29401

ii: _____

iii. _____

(b) the proceedings at which each such attorney represented you:

i. Guilty Plea

ii. Sentencing and Motion to Reconsideration

iii. _____

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

Vacate Guilty Plea

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

No

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Charleston)

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

Aaron White

SWORN to and subscribed before me this 8th day of July, 2021.

Sunnie Jacobs (L.S.)
Notary Public

My Commission Expires: 4/13/25

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

I, Aaron Jordan White, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:.

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Aaron White
Applicant

SWORN or affirmed to and subscribed before me this 8th day of July, 2021.

Sianne Jacob
Notary Public

My Commission Expires: 4/13/25

Revised 3/2003

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT
Aaron J. White, #382747 Applicant,	)	Case No.: 2021-CP-10-03718
v.	)	**RETURN TO THE APPLICATION FOR POST-CONVICTION RELIEF** (Counsel Already Appointed)
State of South Carolina, Respondent.	)	

Respondent, the State of South Carolina, making its Return to the Application for Post-Conviction Relief (PCR) filed by Aaron White on August 13, 2021[1], and received by Respondent on August 16, 2021, would respectfully show this Court:

FILED
2021 DEC -6 AM 11:
JULIE J. ARMSTRONG
CLERK OF COURT
BY

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections. In June 2088, the Charleston County Grand Jury indicted Applicant for murder (2018-GS-10-10-02776), attempted murder (2018-GS-10-2809), possession of a weapon during the commission of a violent crime (2018-GS-10-02813), burglary in the second degree (2018-GS-10-02818), and attempted armed robbery (2018-GS-10-02828). Assistant Public Defender Ashley Pennington of the Ninth Circuit Public Defender's Office, represented Applicant. Assistant Solicitor Bruce Durant of the

[1] [1] Respondent's return was due to be filed on October 16, 2021. See Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.") Now, having completed the return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept this return as timely filed. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application."); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.).

Ninth Circuit Solicitor's Office prosecuted the case. On April 19, 2020, Applicant appeared before the Honorable R, Markley Dennis, Jr. to plead guilty as indicted. Judge Dennis sentenced Applicant to life imprisonment murder, thirty years for attempted murder, five years for possession of a weapon during the commission of a violent crime, fifteen years for burglary in the second degree, and twenty years for attempted armed robbery, to be served concurrently.

Motion for Reconsideration

On December 4, 2019, Applicant, through his counsel, filed a motion for reconsideration of his sentence. On April 4, 2020, Applicant amended his motion for reconsideration, raising the issue that the Court improperly considered option of the death penalty in sentencing, when that sentence was never raised by the State. Furthermore, Applicant's co-defendant was given a much shorter sentence than Applicant, although the description of the shooter fit the co-defendant. On June 11, 2021, Applicant appeared before Judge Dennis to hear the motion on reconsideration. Judge Dennis reduced Applicant's sentenced for murder from life without the possibility of parole to thirty years, to be served consecutively with his other charges.

II. SUMMARY OF FACTS

The underlying facts for the crime for which Applicant is incarcerated were articulated by the State during the plea proceedings as follows:

> This occurred on February the 23rd, 2018, at 3030 Matipan Avenue, which is over off of Azalea Drive in North Charleston. Although this is for law enforcement, enforcement purposes, in Charleston County Sheriff's Office jurisdiction.
>
> That location, there was a house being renovated. It was a being renovated as a program to provide housing for wounded veterans. The surviving victim, Michael Cooke, who is in the courtroom, and the deceased victim, Bryan Cooke, who is his son, they volunteered their services to perform some plumbing work at the house, and they were actually there that morning replacing the sink and lavatory in the bathroom.

Shortly before eleven o'clock in the morning, Aaron White, and his friend and co-defendant, Da'Quintez Gadsen, were on their way to school. They were on foot and they were students at Greg Mathis Charter High School, which is located on Azalea Drive. And, for some reason, he decided he was going to take a .40 caliber handgun to school.

According to Da'Quintez Gasdsen, on the way to school he showed him the gun, asked him if he would be interested in helping him do a lick or committing a robbery, and Da'Quintez said sure, I'm in. And so they set off looking for someone to rob.

So, they went into the neighborhood. This neighborhood where Matipan is kind of catty-cornered across the street from their high school and were walking around looking for targets. And they happened to see the Cooke's at 3030 Matipan, and the door was open, and could see they were there and decided, uh huh, this is it.

So they go into the house. Mr. White is armed. He goes in first. Mr. Gadsden goes in behind him. They confront the deceased victim, Bryan Cooke, who is standing outside right at the doorway into the bathroom. Mr. White presents his weapon, demands money. Mr. Cooke puts his hands in the air and asked him not to shoot, and for some reason, he shot.

Bryan Cooke runs out of the residence. He then confronts Michael Cooke, who is in the bathroom actually performing the plumbing work, and also demands money from him. Mr. Cooke tries to explain that he's got no money, and, once again, for some unknown reason, he shoots him three times before fleeing from the residence.

Bryan Cooke, after being shot, stumbles outside, gets about to the street where he collapses and dies before the EMS can get there. He's basically shot in one side and it goes through both lungs and comes out the other side.

Mr. Michael Cooke, despite being severely injured, was able to crawl out of the house, out into the front yard, where he called 911 on his cell phone and EMS got there and transported him to MUSC where he was hospitalized and thankfully survived.

Investigation in this case really didn't take too long. Right after the Sherriff's Office getting there, they learned, from just sending someone to school, that Mr. White and Da' Quintez Gadsden showed up to the school late, right after the shooting had occurred, and both of them appeared to be sweating.

Investigators went to the school. Detective Muirheid interviewed the Defendant Aaron White, initially at school, and although he initially denied any involvement in it, he was taken to headquarters and pretty quickly ended up confessing.

> During the confession he indicated that yea, it was his gun or that he had brought the gun. He was the only one armed, and that he was responsible for shooting both Mr. Bryan Cooke and Mr. Michael Cooke.

Plea Tr. 14-17.

III. ALLEGATIONS RAISED IN THE PCR APPLICATION

Applicant timely commences this post-conviction relief action August 13, 2021. Applicant asserts he is being held in custody unlawfully, alleging:

1. Ineffective Assistance of Counsel
    a. Counsel failed to do investigation
2. Involuntary Guilty Plea
    a. Guilty plea was based on faulty advice
3. Counsel failed to request a Blair hearing
    a. Counsel failed to request documents from mental health.

As requested relief, Applicant requests a vacation of his guilty plea.

Attached to this return and incorporated by reference are the Charleston County Clerk of Court records regarding the subject convictions; Applicant's records from the South Carolina Department of Corrections, the plea transcript and motion for reconsideration transcript, and the records of the current PCR action. The State reserves the right to amend this return upon receipt of any relevant materials.

IV. Response to Allegations of Ineffective Assistance of Plea Counsel

Applicant's allegation of ineffective assistance of counsel due to failure to investigate and failure to request a *Blair*[2] hearing is likely without merit. In a PCR action, Applicant bears the burden of proving the allegations in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial

[2] *State v. Blair*, 275 S.C. 529, 273 S.E.2d 536 (1981).

process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland.* First, Applicant must prove counsel's performance was deficient. *Id.*; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 106 (1985).

Applicant cannot satisfy either requirement of the *Strickland* test, because at the plea hearing, Applicant denied any complaints about his services when asked by Judge Dennis. Tr. p. 13. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 305 S.E.2d 247 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances

of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

Failure to Request a Competency Hearing

Applicant's allegation of ineffectiveness of counsel due to failure to request a competency hearing is likely without merit. When standing trial, a defendant must be mentally competent so that he is able to assist counsel in his own defense. *Drope v. Missouri*, 420 U.S. 162 (1975). Certainly, failure to prevent an incompetent defendant from being subjected to trial may be ineffective assistance of counsel. Additionally, allowing an incompetent defendant to plead guilty would be considered ineffective assistance of counsel. However, competency to enter a plea is not more stringent that competency to stand trial. *Jeter v. State*, 308 S.C. 230, 417 S.E.2d 594 (1992); Carnes v. State, 275 S.C. 353, 271 S.E.2d 121 (1980).

Accordingly, to sustain a claim of incompetency in fact at a plea, an applicant in a PCR proceeding must show by the preponderance of the evidence that he was incompetent at the time of the plea. *Jeter v. State*, 308 S.C. 230, 417 S.E.2d 594 (1992). Furthermore, to sustain a claim of counsel's ineffectiveness for failing to request a competency hearing, an applicant must show a reasonable probability petition would have been found incompetent. *Id.* Counsel may reasonably rely on his own perceptions in deciding a client is competent to stand trial. *Id.*

The record fully supports trial counsel understanding of Applicant's competence to stand trial. *See* Plea Tr. 12. Specifically, in a colloquy with Judge Dennis, trial counsel revealed that he had Applicant evaluated by a therapist, psychologist, and psychiatrist and they didn't indicate any issues with Applicant's competence. *Id.* However, allegations of Applicant's competency may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 305

S.E.2d 247 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

V. Response to Allegations of Involuntary Guilty Plea

Applicant also asserts his plea was involuntary because it was based on faulty evidence. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. *Al-Shabazz v. State*, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty with the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pleaded guilty and would have insisted on going to trial. *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." *Hill*, 474 U.S. at 56. Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." *McMann v. Richardson*, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." *Id.* at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. *Dalton v. State*, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Boykin v. Alabama*, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record,

and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." *Roddy v. State*, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *Dalton*, at 137-38, 654 S.E.2d at 874 (citing *Blackledge v. Allison*, 431 U.S. 63 (1977)). Therefore, admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." *Id.* (citing *Crawford v. United States*, 519 F.2d 347 (4th Cir. 1975); *Edmonds v. Lewis*, 546 F.2d 566 (4th Cir. 1976)). "In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing." *Id.* at 138-39, 654 S.E.2d at 874 (citing *Wolfe v. State*, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

The record fully supports the knowing and voluntary nature of Applicant's plea. See Tr. p. 3-14. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 305 S.E.2d 247 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

VI. Amendments and Discovery Process

Additionally, Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. Rule 11(a), SCRCP. *Pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent, or in the alternative continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) ("In most PCR cases... we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases."); *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019) ("When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record."); *see also* Rules 15(a)-(b), SCRCP (explaining how to amend a pleading).

Pursuant to section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent

requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent, pursuant to *Love* as discussed above.

VII. Denial of All Other Allegations

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

VIII. Request for an Evidentiary Hearing

WHEREFORE, Respondent requests an evidentiary hearing be held on the claims of ineffective assistance of plea counsel and involuntary guilty plea.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

LAUREN MIMS
Assistant Deputy Attorney General

By: _____
ATTORNEYS FOR RESPONDENT

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

December 3, 2021

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Aaron J. White, #382747 Applicant, vs State of South Carolina, Respondent,	IN THE COURT OF COMMON PLEAS **2021-CP-10-03718** CERTIFICATE OF SERVICE BY MAIL

FILED
2021 DEC -6 AM 11:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY DSF

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the Return in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

James K. Falk, Esquire
Falk Law Firm, LLC
Post Office Box 1058
Charleston, SC 29402

DATED this 3rd day of December, 2021.

Vickie Hall

Vickie Hall, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA IN CIRCUIT COURT, COUNTY OF CHARLESTON, SOUTH CAROLINA

2021CP1003718

Aaron J. White,
Plaintiff,

Vs.

The State of South Carolina,
Defendant

TRANSCRIPT OF RECORD,
April 14, 2026

BEFORE:
The Honorable Thomas McGee
Charleston County Courthouse
Charleston, South Carolina

APPEARANCES:

Denise G. Swope, Esquire
Attorney for the Applicant

Kylee Kanealey, Esquire
Attorney for the Defendant

Abigail M. Kiker,
Circuit Court Reporter

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EXHIBITS:

(No Exhibits were Proffered.)

ON THE RECORD: 11:35 A.M.

THE JUDGE: All right. We are getting Mr. White?

THE BAILIFF: Yes, sir.

THE JUDGE: All right. All right. Ms. Kanealey?

MS. KANEALEY: Yes. May it please the Court? This is the post conviction relief matter of Aaron J. White Vs. State, case number 2021CP103718 out of Charleston County.

In June 2018, the Charleston County Grand Jury indicted applicant for murder, attempted murder, possession of weapon during the commission of a violent crime, burglary second degree, and attempted armed robbery. Ashley Pennington represented applicant, and Assistant Solicitor Bruce Durant prosecuted the case.

On April 19th, 2020, applicant appeared before the Honorable Mark Lee Dennis to plead guilty as indicted. Judge Dennis sentenced applicant to life for murder, 30 years for attempted murder, five years for the weapons charge, 15 years for burglary in the second degree, and 20 years for attempted armed robbery, to be served concurrently. And on December 4th, 2019, applicant, through his counsel, filed a motion to reconsider his sentence. And on June 11th, 2021,

applicant appeared before Judge Dennis to hear the motion on reconsideration. And Judge Dennis reduced applicant sentence for murder from life without the possibility of parole to 30 years, to be served consecutively with his other charges.

Applicant filed this action on August 13th, 2021, alleging counsel failed to do investigation, guilty plea was based on faulty advice, and counsel failed to request a Blair hearing, slash, failed to request documents from mental health.

And then, I will turn over to Ms. Swope.

THE JUDGE: All right. Yes, ma'am, Ms. Swope?

MS. SWOPE: Yes, Your Honor. After much investigation and review of records, we would only be going forward on the second ground of the involuntary guilty plea being based on faulty advice. And for the record, we did do a request for an evaluation, and Mr. White was found to be competent. And I reviewed Mr. Pennington's records as well on that count. That's why we're not proceeding on that ground.

THE JUDGE: All right. So I think that you -- I think that there were three grounds, the ineffective assistance, the failure to request a competency hearing, and then an involuntary guilty plea? You're going forward on just number one?

MS. SWOPE: Just number two, the involuntary guilty plea, and not on grounds one or three. I think based on my review of the case, there was an investigation, and we have investigated the issues of mental health --

THE JUDGE: All right.

MS. SWOPE: -- previously before today.

THE JUDGE: Okay. So we're moving forward today only on the ground of involuntary guilty plea?

MS. SWOPE: Yes.

THE JUDGE: All right. All right. You may call your first witness.

MS. SWOPE: I would call Aaron White to the stand, please?

THE JUDGE: All right. Mr. White, please come forward and be sworn.

THE CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth shall help you God?

MR. WHITE: I do.

THE CLERK: Please be seated. Now, please state your full name into the microphone, spelling your last name for the court record?

MR. WHITE: Aaron Jordan White, W-H-I-T-E.

THE JUDGE: All right. Yes, ma'am.

DIRECT EXAMINATION

BY MS. SWOPE:

Q. Yes. Mr. White, thank you for being here today. Could you explain to the Court, please, why you feel like your guilty plea was involuntary or based on erroneous advice?

A. Mainly because I didn't even want to take the plea. I didn't want to plead guilty at all, because I felt like there was mitigating factors in the evidence that would have shown that I wasn't guilty of what I was charged with.

Q. And what changed your mind about pleading guilty? What advice were you given to -- to cause, you to change your opinion on pleading guilty?

A. Pretty much just Mr. Pennington, letting me know that the case was an open and closed case, being that I gave a confession, and that I had a co-defendant willing to come and testify against me. Just the pressure because of that -- the pressure from that, you know. And I felt like there wasn't really a willingness to try to seek out any other option. I just was like, man, I don't really have -- I'm not going to have a choice, you know, being that I was given this counsel.

THE JUDGE: I'm sorry, Mr. White. Did you -- I

apologize. Did you say that your co-defendant would or would not testify?

THE WITNESS: Would.

THE JUDGE: Would. Okay. Sorry to interrupt you, sir.

THE WITNESS: And, yeah. My family was like -- it wasn't really much support as far as, like, getting any other type of counsel, as far as, like, pur--- buying the lawyer, purchasing our own. So, I mean, I just had to work with what I was given. And, you know, the advice he was giving me was the best bet that I had was to take a plea.

BY MS. SWOPE:

Q. And did he tell you in any way how he thought the plea would turn out or what would occur if you pled guilty versus going to trial?

A. Mainly just that I wasn't going to get a life sentence, or -- they weren't seeking the death penalty, so that was never on the table. Just really, life. Running from the possibility of facing the rest of my life in prison.

Q. Were you surprised by the judge's decision based on what you had been told prior to the plea, in terms of your sentence?

A. Definitely was a surprise, because, you know,

for a plea, I got -- you know, the max to all the -- all the charges. I got life plus 70 all together. So it was definitely a surprise once I found -- once it finally hit me, and I realized what I was being faced with.

But, it wasn't -- later on down the line, like, when I -- when I looked over the situation, and I realized what had took place, I came to grips with it, because it was like, I think I really -- I caused that on myself. Because when we was before Judge Dennis, like, he was asking me questions that day, and I'm pretty sure if I would have did a better job of answering those questions and speaking on my behalf, speaking up for myself, then the proceeding would have took -- it wouldn't have took the route that it took.

You know, he even stated one time saying that when I didn't want to answer, when I stopped answering questions verbally, he was like, you know, you do realize that we will be going -- I'm going to be -- the sentence is going to be based off of the way that you respond in this Court today, right? I said, yeah. But I didn't really understand what I was signing myself up for, you know what I'm saying? I just was ready to get it over with. I was tired.

Q. Do you feel like you were in a good emotional

place to be making a decision regarding a plea?
A. No. Frustrat--- it was all kind of emotions going on. Frustration was definitely one of them, because I felt like I didn't have no defense. I didn't feel like -- yeah.
Q. Did you feel like you would get a more lenient sentence if you pled guilty versus going to trial?
A. That's what it made it seem like, you know --
Q. Based on your discussions with counsel?
A. Yeah.
Q. Is there anything else that you would like to bring to the Court's attention? Because this is your -- your time to speak.
A. Only thing I would like to say is I would like another shot. I'd like another shot, because if -- if I could turn back the hands of time and go back to when everything was still new, I wouldn't have -- I wouldn't have -- I would remain firm on going all the way, going to trial, you know, and seeing it all the way through. So I just -- only thing I would ask the Court is if, you know, be lenient enough to give me another shot.
MS. SWOPE: Nothing further, Your Honor.
THE JUDGE: All right. Ms. Kanealey?
MS. KANEALEY: May it please the Court?
THE JUDGE: Uh-huh. Oh, I'm sorry, Mr. White.

Somebody else is going to ask you some questions.

MR. WHITE: Okay.

CROSS EXAMINATION

BY MS. KANEALEY:

Q. So your testimony today is that you wished you went to trial instead of pleading guilty?

A. Yes, ma'am.

Q. And you gave a full confession in this case, correct?

A. You said I gave one?

Q. Yes.

A. Yes.

Q. Okay. And you testified you had a co-defendant that was willing to testify against you at trial; is that correct?

A. Yes, ma'am.

MS. KANEALEY: Nothing further, Your Honor.

THE JUDGE: Ms. Swope?

MS. SWOPE: Nothing further. I would call Ashley Pennington to the stand.

THE JUDGE: All right. Mr. White, you may step down, sir. Thank you.

THE CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. PENNINGTON: I do.

THE CLERK: Please be seated. Now, please state your full name into the microphone, spelling your last name for the court record.

MS. PENNINGTON: My name is David Ashley Thurman Pennington, and Pennington is spelled P-E-N-N-I-N-G-T-O-N.

DIRECT EXAMINATION

BY MS. SWOPE:

Q. Ms. Pennington, thank you for taking the time to be with us here today. And I had just a few questions. I'm sure that opposing counsel will have quite a bit more. But what were your discussions with Aaron prior to this plea, in terms of what he thought he could expect regarding sentencing and -- and the choice to plead versus the choice not to plead?

A. I had multiple conversations with Aaron during the course of my representation. So we were discussing the possibility of pleading for -- early on, given his confession, and to be precise, around eight to 10 months prior to the plea, Aaron and I spoke, and he at that time was -- he really was not sure he wanted to plead guilty. He raised all kinds of factual questions.

At that point he was indicating that he was

considering strongly going to trial. I represented him, along with Teresa Norris, who was a senior public defender in our office. We sent him loads of documents, and I continued to have conversations with him. Based on the evidence in the case, I could not see a way that the jury could ever acquit Aaron, making him found -- be found not guilty of the charged offenses.

And I think it's responsive to your question to say that Aaron had been unusually open and frank with the detective who interviewed him on the day of his arrest. And that, to me, seemed to be both compelling, in terms of providing an evidentiary basis of guilt, but also a theory of mitigation, because he took, at that time, a very strong stance of responsibility for his actions.

And so to get to your point, there was an interval -- and I have -- I can be precise. I have to just look at my notes here. I spoke to him in February 2019. That's where we discussed the pros and cons of trial. We then -- I sent him transcripts, indictments, discovery, Daquintez, the co-defendant's proffer, etc. And then we ultimately entered the initial guilty plea, I believe in November of 2019. So there was a -- a substantial period of time in which he waited and

decided. We also had on the eve of his guilty plea, five days before, a meeting with his mother and family, where we recovered the same ground, and at that time there was no hesitancy expressed about the -- the wisdom of going forward with the plea for much of the same reasons that Aaron -- that he just gave, that he didn't really see a viable option at that time of going to trial.

Q. Did you have an expectation regarding sentencing, or a theory regarding sentencing, that you shared with Aaron if he pleaded -- if he pled versus going to trial?

A. Yes. We had multiple conversations over the period between his arrest and his ultimate plea, where we evaluated the possible judges that we could appear in front of. I -- my practice was largely dominated by handling aggravated murder cases, and so my specialty was to try to figure out how to work those cases in a way to not just avoid capital punishment, but to derive the best outcome. And so I was familiar with the judges who were on the docket for each year. And it came -- I strongly felt at the time that Judge Dennis was likely to be the most lenient, for a host of different reasons related to his role as the administrative judge and my lived experience of

resolving a number of aggravated murder cases in front of him, consistent with his policy that he did not believe in giving the maximum sentence when someone accepts responsibility and saves the State the duty of putting on their evidence at trial. So we selected Judge Dennis for all of those reasons.

My theory of what was going to happen was is that he would receive substantially less than an active life sentence. And as you know from the record, he did receive an active life sentence without parole in the initial plea. And that's where we began a whole new process through an immediate motion for reconsideration that culminated about two years later with the subsequent hearing before Judge Dennis.

Q. And what was the sentence at that time?

A. The new sentence became essentially -- the easiest way to understand it is 30 years, no parole, then 30 years consecutive with 85 percent.

MS. SWOPE: No further questions, Your Honor.

THE JUDGE: Yes, ma'am?

MS. KANEALEY: Just briefly, Your Honor.

CROSS EXAMINATION

BY MS. KANEALEY:

Q. All right. I apologize if you already testified to this, but did you discuss the charges with

applicant?
A. Yes, I did.
Q. And you went over the possible sentences he could be facing?
A. Yes, I did.
Q. Okay.
MS. KANEALEY: All right. Nothing further, Your Honor.
THE JUDGE: All right. You may step down -- oh, I apologize. Any redirect?
MS. SWOPE: Just one moment?
THE JUDGE: Yes, ma'am. Certainly.
MS. SWOPE: Nothing further, Your Honor.
THE JUDGE: Thank you, Mr. Pennington. You may step down, sir. Yes, ma'am. You may call your next witness.
MS. SWOPE: No further witnesses, Your Honor.
THE JUDGE: All right.
MS. KANEALEY: Nothing from the State, Your Honor.
THE JUDGE: All right. I'll be glad to hear from you, ma'am.
MS. SWOPE: Just very briefly, Your Honor. I believe that my client testified that he was emotionally overwhelmed by the process. He was very

young at the time, and I think the -- the record, both at the time of the reconsideration as well as the testimony today, the discussions in terms of whether to plead guilty were made by my client after discussions with Mr. Pennington, who expected a substantial -- substantially less than life plea to -- sentence, pardon me -- to come out of it. And my client still feels strongly about going forward with the trial, as you can tell. And he made the decision to plead based on the advice that he would receive substantially less than life if he took responsibility and didn't put the State through a trial. So he felt like he made the decision to plead based on that, and that's not what happened. And he would ask the Court to consider vacating that plea.

THE JUDGE: All right. Thank you, ma'am. Ms. Kanealey?

MS. KANEALEY: Yes. Your Honor, just briefly. Yes, applicant pled guilty here, and he did not provide any reason why he should depart from his guilty plea. Counsel testified that he went over everything with him in discovery, the possible sentences he was facing, the charges. And applicant, as a result, chose to plead guilty. And all this is also confirmed, the judgment of all this with him, the guilty plea as well.

And as far as the life sentence, yes, he was initially given a life sentence, but as counsel testified, the sentence was reconsidered, and he did receive a lower sentence than life. Thank you.

THE JUDGE: All right. All right. Thank you y'all. Ms. Swope, anything further?

MS. SWOPE: Nothing further, Your Honor.

THE JUDGE: All right. As with the other, I do want to make sure that I -- that I review the -- the specifics on the involuntary guilty plea ground. And so I am going to review the transcript, and again -- before I notify both of y'all in writing of my ruling. And I'll do so within the week.

MS. KANEALEY: Thank you, Your Honor.

THE JUDGE: Thank you. Good luck to you, sir.

MS. SWOPE: I realize we need to ask the deputy, but could my client stop right here and just speak with his family? I know he can't touch them, or they can't approach. Would that be acceptable?

THE JUDGE: That all right with y'all? No touching, but yeah. He just wants to speak to -- not touch, but speak to his -- his mother.

MS. SWOPE: He just wanted to thank them for coming to support him.

THE JUDGE: Yes, ma'am. Thank you for allowing

that.

OFF THE RECORD: 12:00 P.M.

CERTIFICATE

I, the undersigned, Abigail M. Kiker, 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 the hearing held in the case of Aaron J. White Vs. The State of South Carolina, held in the Circuit Court of Charleston County, Charleston County Courthouse, Charleston, South Carolina, on April 14, 2026. I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

Abigail M. Kiker

Official Court Reporter

August 12, 2026

GS
SOL
AG
AT

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT
Aaron J. White, #382747 Applicant,	)	Case No.: 2021-CP-10-03718
v.	)	**ORDER OF DISMISSAL**
State of South Carolina, Respondent.	)	

FILED
2026 MAY 15 AM 8:1
JULIE J. ARM
CLERK OF COU

This matter comes before the Court by way of Aaron J. White's application for post-conviction relief (PCR) filed on August 13, 2021. Respondent filed its Return requesting an evidentiary hearing. On April 14, 2026, an evidentiary hearing was held at the Charleston County Courthouse before the Honorable Thomas W. McGee, III. Applicant was present and represented by Denise Swope, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the sole allegation of involuntary guilty plea. Applicant testified on his own behalf. Respondent presented the testimony of Ashley Pennington, Esquire (Plea Counsel).

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. In June 2018, the Charleston County Grand Jury indicted Applicant for murder (2018-GS-10-10-02776), attempted murder (2018-GS-10-2809), possession of a weapon during the commission of a violent

crime (2018-GS-10-02813), burglary in the second degree (2018-GS-10-02818), and attempted armed robbery (2018-GS-10-02828). Assistant Public Defender Ashley Pennington, represented Applicant. Assistant Solicitor Bruce Durant of the Ninth Circuit Solicitor's Office prosecuted the case. On April 19, 2020, Applicant appeared before the Honorable R. Markley Dennis, Jr. to plead guilty as indicted. Judge Dennis sentenced Applicant to life imprisonment murder, thirty years for attempted murder, five years for possession of a weapon during the commission of a violent crime, fifteen years for burglary in the second degree, and twenty years for attempted armed robbery, to be served concurrently.

On December 4, 2019, Applicant, through his counsel, filed a motion for reconsideration of his sentence. On April 4, 2020, Applicant amended his motion for reconsideration, raising the issue that the Court improperly considered the option of the death penalty in sentencing, when that sentence was never raised by the State. Furthermore, Applicant's co-defendant was given a much shorter sentence than Applicant, although the description of the shooter fit the co-defendant. On June 11, 2021, Applicant appeared before Judge Dennis to hear the motion on reconsideration. Judge Dennis reduced Applicant's sentenced for murder from life without the possibility of parole to thirty years, to be served consecutively with his other charges. Applicant did not file a direct appeal.

FACTS GIVING RISE TO THE CONVICTION

The underlying facts for the crime for which Applicant is incarcerated were articulated by the State during the plea proceedings as follows:

> This occurred on February the 23rd, 2018, at 3030 Matipan Avenue, which is over off of Azalea Drive in North Charleston. Although this is for law enforcement, enforcement purposes, in Charleston County Sheriff's Office jurisdiction.

That location, there was a house being renovated. It was a being renovated as a program to provide housing for wounded veterans. The surviving victim, Michael Cooke, who is in the courtroom, and the deceased victim, Bryan Cooke, who is his son, they volunteered their services to perform some plumbing work at the house, and they were actually there that morning replacing the sink and lavatory in the bathroom.

Shortly before eleven o'clock in the morning, Aaron White, and his friend and co-defendant, Da'Quintez Gadsen, were on their way to school. They were on foot and they were students at Greg Mathis Charter High School, which is located on Azalea Drive. And, for some reason, he decided he was going to take a .40 caliber handgun to school.

According to Da'Quintez Gasdsen, on the way to school he showed him the gun, asked him if he would be interested in helping him do a lick or committing a robbery, and Da'Quintez said sure, I'm in. And so they set off looking for someone to rob.

So, they went into the neighborhood. This neighborhood where Matipan is kind of catty-cornered across the street from their high school and were walking around looking for targets. And they happened to see the Cooke's at 3030 Matipan, and the door was open, and could see they were there and decided, uh huh, this is it.

So they go into the house. Mr. White is armed. He goes in first. Mr. Gadsden goes in behind him. They confront the deceased victim, Bryan Cooke, who is standing outside right at the doorway into the bathroom. Mr. White presents his weapon, demands money. Mr. Cooke puts his hands in the air and asked him not to shoot, and for some reason, he shot.

Bryan Cooke runs out of the residence. He then confronts Michael Cooke, who is in the bathroom actually performing the plumbing work, and also demands money from him. Mr. Cooke tries to explain that he's got no money, and, once again, for some unknown reason, he shoots him three times before fleeing from the residence.

Bryan Cooke, after being shot, stumbles outside, gets about to the street where he collapses and dies before the EMS can get there. He's basically shot in one side and it goes through both lungs and comes out the other side.

Mr. Michael Cooke, despite being severely injured, was able to crawl out of the house, out into the front yard, where he called 911 on his cell phone and EMS got there and transported him to MUSC where he was hospitalized and thankfully survived.

Investigation in this case really didn't take too long. Right after the Sherriff's Office getting there, they learned, from just sending someone

> to school, that Mr. White and Da' Quintez Gadsden showed up to the school late, right after the shooting had occurred, and both of them appeared to be sweating.
>
> Investigators went to the school. Detective Muirheid interviewed the Defendant Aaron White, initially at school, and although he initially denied any involvement in it, he was taken to headquarters and pretty quickly ended up confessing.
>
> During the confession he indicated that yea, it was his gun or that he had brought the gun. He was the only one armed, and that he was responsible for shooting both Mr. Bryan Cooke and Mr. Michael Cooke.

Plea Tr. 14-17.

CURRENT ACTION BEFORE THE COURT

Applicant timely filed this post-conviction relief action August 13, 2021, alleging:

1. Ineffective Assistance of Counsel
   a. Counsel failed to do investigation
2. Involuntary Guilty Plea
   a. Guilty plea was based on faulty advice
3. Counsel failed to request a Blair hearing
   a. Counsel failed to request documents from mental health.

As requested relief, Applicant requests a vacation of his guilty plea.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act[1] ("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;

[1] S.C. Code Ann. 17-27-10 to -160 *et seq.*

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[.]

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), SCRCP; 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)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985), extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel. See Padilla v. Kentucky, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel's performance under the first prong of Strickland remains unchanged, the applicant must show that counsel's representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58-59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56. The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. at 58-59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances.

Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—**not** whether counsel would have still advised him or him to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records from this PCR action. This Court has further 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 section 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." Cherry, 300 S.C at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "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 received 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.

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

Involuntary Guilty Plea

Applicant alleged his guilty plea was involuntary due to the faulty advice from counsel. This Court finds this allegation is without merit.

An applicant who enters a guilty plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty but would have insisted on going to trial instead. Roscoe v. State, 345 S.C 16, 20, 546 S.E.2d 417, 419 (2001); Richardson v. State, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whiteley, 759 F.2d 317 (4th Circ. 1985) (finding that the accuracy and truth of an accused's

statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so).

Counsel testified that he has multiple conversations with Applicant prior to the plea discussing the plea early on given the fact that Applicant gave a confession. Counsel testified that he spoke with him about the pros and cons of proceeding to trial. Counsel testified he reviewed and sent the discovery to Applicant. Counsel testified that he discussed the charges and possible sentences with Applicant. This Court finds Counsel's testimony *credible*. Applicant did not provide what alleged "faulty advice" Counsel gave. This Court finds counsel's performance was reasonable under prevailing professional norms. Applicant has failed to prove how counsel was deficient in any manner or how he was prejudiced by any advice from Counsel.

Further, Applicant told the plea court that Counsel explained the charges and sentences to Applicant. (Plea Tr. p. 3, 5). Applicant told the plea court he was totally satisfied with his Counsel and that he did not have any complaints about Counsel. (Plea Tr. p. 8). To whatever extent Applicant was not satisfied with Counsel's representation he had an opportunity to express this to the plea court and instead decided to proceed and avail himself of the benefit of pleading guilty. Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whiteley, 759 F.2d 317 (4th Circ. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so). Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty. Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Remaining Allegations

Applicant waived the remaining allegations in his application at the onset of the hearing.

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 a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, 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 4th day of May, 2026.

2786

THE HONORABLE THOMAS W. MCGEE, III
Presiding Judge
Ninth Judicial Circuit

Charleston, South Carolina

DBD/0340081
WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER
2018-002890

ARREST WARRANT NUMBER
2018A1010201049

DATE OF ARREST
02/23/2018

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: JUN 04 2018

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-10-02776

The State of South Carolina
County of Charleston

FILED
6/8/2018 10:57:22 AM
JULIE J. ARMSTRONG
CLERK OF COURT

COURT OF GENERAL SESSIONS
JUNE TERM 2018

THE STATE

VS.

AARON JORDAN WHITE
B/M DOB: [redacted]-1999

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2018, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about February 23, 2018, the defendant, Aaron Jordan White, while acting in concert with others and with malice aforethought, did kill and murder Michael Bryan Cooke by means of shooting him with a handgun, and Michael Bryan Cooke did die in Charleston County as a proximate result thereof on or about February 23, 2018 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

D. BRUCE DURANT
CHIEF DEPUTY SOLICITOR

DBD/0340081
WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER
2018-002890

ARREST WARRANT NUMBER
2018A1010201050

DATE OF ARREST
02/23/2018

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury — Date: JUN 04 2018

VERDICT

Foreperson of Petit Jury — Date:

DOCKET NO. 2018-GS-10-02809

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

JUNE TERM 2018

THE STATE

VS.

AARON JORDAN WHITE
B/M DOB: [redacted]-1999

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029
CDR Code: 3410

FILED
6/8/2018 10:57:22 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2018, the Grand Jurors of Charleston County present upon their oath:

ATTEMPTED MURDER

That in Charleston County, South Carolina, on or about February 23, 2018, the Defendant, Aaron Jordan White, while acting in concert with others did, with intent to kill and malice aforethought, attempt to kill Charles Michael Cooke. This is in violation of Section 16-3-29 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.

D. BRUCE DURANT
CHIEF DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS

STATE VS.

AARON JORDAN WHITE

AKA:

Race: Black/African American Sex: M

Age: 19

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# SC02320124

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

INDICTMENT/CASE#: 2018-GS-10-02776
A/W: 2018A1010201049
Date of Offense: 02/23/2018
S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Murder

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

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

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

ATTEST:

D. Bruce DuRant, Chief Deputy Solicitor SC Bar # 1801

X [signature] Defendant

[signature] Attorney for Defendant SC Bar # 4409

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 ~~days/months/years~~ or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and or payment of $_____;plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:_____

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

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$ 3.75
TOTAL		$ 128.75

☐ Ordered 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 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: [signature]

Court Reporter: Phyllis Martin

Presiding Judge: [signature]

Judge Code: 2060

Sentence Date: 11/13/19

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS

STATE VS.

AARON JORDAN WHITE

AKA:

Race: Black/African American Sex: M

Age: 19

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# SC02320124

INDICTMENT/CASE#: 2018-GS-10-02809
A/W: 2018A1010201050
Date of Offense: 02/23/2018
S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Attempted Murder

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 ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

D. Bruce DuRant, Chief Deputy Solicitor SC Bar # 1801

Defendant

Attorney for Defendant SC Bar # 4409

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 Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

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

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$ 3.75
TOTAL		$ 128.75

☐ Ordered 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 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Payton Mullis

Court Reporter: Phyllis Nacton

Presiding Judge:

Judge Code: 2060

Sentence Date: 11/13/19

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA * AMENDED *

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON
STATE VS.
AARON JORDAN WHITE
AKA:
Race: Black/African American Sex: M Age: 21
DOB: [redacted] SS#: [redacted]
Address: [redacted]
City, State, Zip: [redacted]
DL# [redacted] SID# SC02320124

INDICTMENT/CASE#: 2018-GS-10-02776
A/W: 2018A1010201049
Date of Offense: 02/23/2018
S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Murder

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

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

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

ATTEST:

[signature] 70502 _____ _____ 4409

Bryan A. Alfaro, Chief Deputy Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 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 Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2018GS-10-2809

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

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

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

SPECIAL CONDITIONS:

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

Total: $_____ plus 20% fee: _____ $_____ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling ☐

*Fine: _____ $_____ Random Drug/Alcohol Testing ☐

§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce, Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$ 3.75
TOTAL		$ 128.75

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 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: _____

Court Reporter: _____

Presiding Judge: [signature]

Judge Code: 2060

Sentence Date: 6/11/21

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA *AMENDED* IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

AARON JORDAN WHITE

AKA:

Race: Black/African American Sex: M Age: 21

DOB: [redacted] SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# SC02320124

INDICTMENT/CASE#: 2018-GS-10-02809
A/W: 2018A1010201050
Date of Offense: 02/23/2018
S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Attempted Murder

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 CSC w/minor 3rd) ☐ §17-25-45

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

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

ATTEST:

Brynn A. Alfaro, Chief Deputy Solicitor 70502 SC Bar # | Defendant | Attorney for Defendant 4409 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 Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

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

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

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

SPECIAL CONDITIONS:

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

Total: $_____ plus 20% fee: _____ $_____ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling ☐

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$ 3.75
TOTAL		$ 128.75

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 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: [signature]
Judge Code: 2648
Sentence Date: 6/11/21

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

SCCA/217 (04/2018)