

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
J. Mark Hayes, II, Circuit Court Judge

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JAN 30 2014

S.C. Supreme Court

SHANNON TREMELL HOPKINS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001799

APPENDIX

BENJAMIN JOHN TRIPP
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

SUZANNE H. WHITE
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....i

GUILTY PLEA HEARING TRANSCRIPT (AUGUST 25, 1998)..... 1

APPLICATION FOR POST-CONVICTION RELIEF31

ORDER DENYING MOTION FOR RECONSIDERATION OF SENTENCE.....36

MEMORANDUM OF LAW (SUPPORT OF PCR) 38

RETURN AND MOTION TO DISMISS.....48

POST-CONVICTION RELIEF HEARING TRANSCRIPT (APRIL 3, 2013)53

CONDITIONAL ORDER OF DISMISSAL.....78

ORDER OF DISMISSAL 81

CLERK OF COURT RECORDS87

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG)

The State,)
)
-vs-) TRANSCRIPT OF RECORD
) 98-GS-42-2730;2731
Shannon Tremell Hopkins,)
) August 25, 1998
Defendant.) Spartanburg, South Carolina

B E F O R E:

HONORABLE J. DERHAM COLE, JUDGE

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

BEVERLY DORINE JONES, ESQUIRE
Attorney for the State

MICHAEL DAVID MORIN, ESQUIRE
Attorney for the Defendant

Linda D. Moffitt
Circuit Court Reporter

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Guilty plea -- page 3.

No sworn testimony; no exhibits entered into evidence.

1 (Proceedings August 25, 1998)

2 MS. JONES: Your Honor, these are two indictments, both
3 the State vs. Shannon Tremell Hopkins. 98-2730 is an
4 indictment for attempted armed robbery; 98-2731 is an
5 indictment for armed robbery.

6 Mr. Hopkins stands before you indicating by his
7 signature on the indictments he wishes to plead guilty.
8 Both of the indictments have been true billed by the grand
9 jury. Mr. Hopkins is represented by Mr. Morin of the public
10 defender's office.

11 Your Honor, there is no recommendation in this case.

12 THE COURT: You are Shannon Tremell Hopkins.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You are charged in two separate
15 indictments, one with armed robbery and one with attempted
16 armed robbery.

17 Indictment 98-2730 alleges that you did on or about
18 December the 13th of 1997 while armed with a deadly weapon,
19 being a handgun, attempt to take, steal and carry away from
20 the person or presence of Mendy Parker and Nickie Parker by
21 the use of force or intimidation certain goods or monies
22 belonging to Mendy Parker and Nickie Parker and that you
23 intended to take the money with the intention of depriving
24 the true owners of possession of the property. That
25 constitutes armed robbery.

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1 Taking property belonging to another by the use of
2 force or intimidation is robbery. If you do it accompanied
3 by the use of a deadly weapon, it's armed robbery. A
4 handgun is a deadly weapon.

5 Indictment 98-2731 also charges armed robbery. That
6 indictment alleges on December the 13th of 1997 that you
7 did, while armed with a deadly weapon, being a handgun,
8 take, steal and carry away from the person or presence of
9 Bobbie Brown by the use of force or intimidation certain
10 goods or monies from Sellars Seafood and that you took the
11 money with the intention of permanently depriving the owner
12 of the use and possession of the property. That constitutes
13 armed robbery.

14 You could receive up to 30 years in prison as to each
15 of the separate indictments.

16 Do you understand the nature of the charge?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand the possible sentences
19 that you could receive if I accept your pleas of guilty?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you still wish to plead guilty to each
22 of the charges as you have indicated by your signature on
23 the back of each indictment?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Mr. Morin is your lawyer.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: How long has he been representing you in
3 these matters?

4 THE DEFENDANT: Ever since I caught the charges.

5 THE COURT: Ever since what?

6 MR. MORIN: Shortly after he was arrested. I have seen
7 him in the jail over the last eight months, Your Honor.

8 THE COURT: You've been in jail since the time of your
9 arrest?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: During that period of time have you had
12 plenty of time and opportunity to discuss your cases with
13 Mr. Morin?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Did he go over each of these indictments
16 with you and explain to you the allegations that are set
17 forth in each?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did he explain to you the offenses of
20 attempted armed robbery and of armed robbery?

21 THE DEFENDANT: Yes, sir, he did.

22 THE COURT: Did he explain to you the elements that
23 make up each of those separate offenses?

24 THE DEFENDANT: Yes, sir, he did.

25 THE COURT: Did he explain to you what the state would

1 have to prove before you could be convicted of armed
2 robbery?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Of attempted armed robbery?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Did you explain to him all of the facts and
7 circumstances that relate to each of these separate offenses
8 as you understand the facts and circumstances to be?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did you and Mr. Morin discuss whether or
11 not you have some defense to either of the charges set forth
12 in each of these indictments?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And do you have a defense as to either
15 charge?

16 THE DEFENDANT: What do you mean by that?

17 THE COURT: Well, a defense would be some legal reason
18 or some factual reason why you should not be convicted or
19 why you should not be found guilty of either or both of the
20 charges.

21 THE DEFENDANT: No, sir.

22 THE COURT: No, sir, what? Does that mean you do not
23 have a defense?

24 (Pause.)

25 MR. MORIN: Just a moment, Your Honor. I think we have

1 gone back and forth with the "yes, sirs," and, "no, sirs."

2 (Pause.)

3 THE DEFENDANT: No, sir, I don't have a defense.

4 THE COURT: So you have no reason why you should not be
5 convicted.

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you satisfied with Mr. Morin's
8 representation?

9 THE DEFENDANT: Yes, sir, I am.

10 THE COURT: I misspoke earlier when I said you could
11 receive up to 30 years for attempted armed robbery. You can
12 receive up to 20 years for attempted armed robbery. You can
13 receive up to 30 years for armed robbery. Do you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Understanding that, do you still wish to
17 enter a plea of guilty as you have indicated?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Before I can accept your plea, I've got to
20 ask you a number of questions in addition to those that I've
21 already asked. The purpose of these questions is for me to
22 simply find out whether or not you understand what you're
23 doing here today, that you knowingly and intelligently have
24 made a decision to enter these pleas of guilty and that you
25 understand the constitutional rights that you give up in

1 order to enter a plea of guilty.

2 So if at any time during the course of these questions
3 you do not understand the question that I ask you, let me
4 know of that fact. I'll try to repeat it or to clarify it
5 so that you will understand it because it is important, of
6 course, that you do.

7 If at any time you need additional time to talk with
8 your lawyer about your case or about this process or about
9 your decision to plead guilty, let me know that also. I'll
10 give you additional time to talk with your lawyer should you
11 desire that.

12 Now, you have certain constitutional rights, as I
13 indicated to you, that you must give up in order for me to
14 accept your plea of guilty.

15 Did Mr. Morin explain to you each of those
16 constitutional rights that you give up when you plead
17 guilty?

18 THE DEFENDANT: Yes, he did.

19 THE COURT: Do you understand that you have a right to
20 remain silent?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand that if you choose to
23 remain silent you cannot be asked any questions?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You cannot be required to make any

1 statement.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You cannot be required to take the witness
4 stand and testify under oath.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that even though you may
7 be guilty of a criminal offense you can never be required to
8 plead guilty to that offense?

9 THE DEFENDANT: Yes, sir, I understand.

10 THE COURT: And you can never be required to admit any
11 fact or any act that might tend to prove that you are guilty
12 of the crime alleged against you.

13 THE DEFENDANT: Yes, sir, I understand that.

14 THE COURT: And you do understand your right to remain
15 silent.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Understanding it, do you wish to give it
18 up?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you wish to answer my questions?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand that your responses to
23 many of my questions will tend to incriminate you or will
24 tend to prove you guilty?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you still wish to answer them?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You also have a constitutional right to
4 confront the state's witnesses, and that simply means that
5 you have got a right to require the solicitor to bring her
6 witnesses into court, require them to take the witness stand
7 and testify under oath in your presence.

8 You can see them; you can hear them. Your lawyer can
9 cross-examine them.

10 Do you understand the right you have to confront the
11 witnesses that would offer evidence against you?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Understanding it, do you wish to give that
14 right up?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you also understand that you have a
17 right to have a jury trial and have a jury decide whether or
18 not you are guilty of either of the crimes alleged against
19 you?

20 THE DEFENDANT: Yes, sir, I understand.

21 THE COURT: If you elected to have a jury decide your
22 guilt, you would participate in the selection of a jury of
23 12 people. Those 12 would be chosen from a larger panel or
24 pool of jurors that would be here at the courthouse. You
25 could help in that selection, you and your lawyer and the

1 solicitor.

2 Once those 12 jurors were selected, they would sit over
3 there in that jury box to your right, and they would be
4 called upon to listen to all of the testimony to be received
5 from witnesses, and they would be called upon to consider
6 any other evidence offered during the trial of your cases.
7 Based upon their consideration of that evidence, they would
8 decide whether or not you are guilty of attempted armed
9 robbery and/or armed robbery.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, do you understand that if you elected
12 to have a jury trial you still could not be required to
13 testify?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You still would not have to offer any
16 evidence.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You still would not have to answer any
19 questions.

20 THE DEFENDANT: Yes, sir, I understand that.

21 THE COURT: The burden is always upon the state in
22 bringing the charge against you to prove that you are
23 guilty, and the burden is never upon you to prove that you
24 are not guilty. So as I have stated, you can have a jury
25 trial and still remain silent and rest upon the burden that

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1 the state would have to prove your guilt beyond a reasonable
2 doubt. Do you understand that?

3 THE DEFENDANT: Yes, sir, I understand that.

4 THE COURT: Do you also understand that before a jury
5 could find you guilty of either charge that they would all
6 12 have to be convinced of your guilt beyond a reasonable
7 doubt?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: If some thought you were guilty and some
10 weren't sure, they could not return a verdict, because the
11 verdict or decision of the jury must be unanimous. All 12
12 must be in agreement. And before a jury can find you guilty
13 of a charge, all 12 must be in agreement and be convinced of
14 that fact beyond a reasonable doubt. Do you understand that
15 fact?

16 THE DEFENDANT: Yes, sir, I do.

17 THE COURT: Did your lawyer explain it to you?

18 THE DEFENDANT: Yes, sir, he did.

19 THE COURT: Understanding your right to have a jury
20 determine your guilt, do you wish to give that right up?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Has anybody promised you anything in order
23 to get you to arrive at your decision to plead guilty?

24 THE DEFENDANT: No, sir.

25 THE COURT: Has anybody threatened you or placed any

1 pressure upon you in order to get you to arrive at your
2 decision?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you entering these pleas of guilty
5 freely and voluntarily?

6 THE DEFENDANT: Yes, sir, I am.

7 THE COURT: Are you pleading guilty to attempted armed
8 robbery because you did on or about December the 13th of
9 1997 attempt to take, steal and carry away monies from Mendy
10 Parker and Nickie Parker by the use of a deadly weapon?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And are you pleading guilty because you did
13 on or about December the 13th of 1997 take, steal and carry
14 away money belonging to Sellars Seafood by taking that money
15 from Bobby Brown who was employed there and you did that by
16 the use of a handgun?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Has your lawyer explained to you that the
19 offenses of armed robbery and of attempted armed robbery is
20 a violent offense and is classified as a violent offense
21 under the law of this state?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Does he have a prior criminal record?

24 MS. JONES: Yes, sir, but not of violence.

25 THE COURT: Do you understand that should you be

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1 convicted or be found guilty in the future of a crime which
2 is classified as a violent crime under the law of this state
3 that upon that conviction you would not be eligible for
4 parole on that future sentence?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Did your lawyer also explain to you that
7 armed robbery and attempted armed robbery are classified as
8 no-parole offenses under the law of this state?

9 THE DEFENDANT: Yes, sir, he did.

10 THE COURT: Do you understand that notwithstanding any
11 other provision of law that may be applicable to some
12 criminal offenses, that based upon your being convicted of
13 robbery -- of armed robbery and of attempted armed robbery
14 that you would not be eligible for early release, discharge
15 or community supervision until you have served at least
16 eighty-five percent of the actual term of any imprisonment
17 that I might impose?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And, as I have indicated to you, the
20 maximum on armed robbery is 30 years and the maximum on
21 attempted armed robbery is 20 years.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You could receive -- do you understand that
24 those sentences could be run either concurrently or
25 consecutively, depending upon what I determine to be

1 appropriate?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Did your lawyer explain to you the
4 difference between concurrent sentences and consecutive
5 sentences?

6 THE DEFENDANT: Yes, sir, he did.

7 THE COURT: Did your lawyer also explain to you that
8 armed robbery and attempted armed robbery are classified as
9 most serious offenses under the law of this state?

10 THE DEFENDANT: Yes, sir, he did.

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

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand that should you be
15 convicted or found guilty in the future of a crime
16 classified as a most serious offense under the law of this
17 state that upon your conviction for that future offense you
18 must be sentenced to a term of imprisonment for life without
19 the possibility of parole?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Understanding that, do you still wish to
22 enter a plea of guilty as you have indicated?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: How old are you?

25 THE DEFENDANT: Thirty-one.

1 THE COURT: How far did you go in school?
2 THE DEFENDANT: All the way to the twelfth grade.
3 THE COURT: And you are able to read and write.
4 THE DEFENDANT: Yes, sir.
5 THE COURT: Are you married?
6 THE DEFENDANT: No, sir.
7 THE COURT: Do you have children?
8 THE DEFENDANT: Yes, sir.
9 THE COURT: How many?
10 THE DEFENDANT: One.
11 THE COURT: And where does the child reside?
12 THE DEFENDANT:
13 THE COURT: And with whom does the child reside?
14 THE DEFENDANT: Erika Jackson.
15 THE COURT: That's the child's mother?
16 THE DEFENDANT: Yes, sir.
17 THE COURT: And where do you reside?
18 THE DEFENDANT: with my
19 grandmother.
20 THE COURT: Have you ever been treated for any type of
21 substance abuse?
22 THE DEFENDANT: No, sir.
23 THE COURT: Have you ever suffered any type of an
24 addiction to any type of alcohol or other drug?
25 THE DEFENDANT: No, sir.

1 THE COURT: Have you ever been treated for any type of
2 mental illness or emotional disturbance?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you suffer from any type of illness or
5 emotional disturbance which would prevent you from
6 understanding what you're doing here today?

7 THE DEFENDANT: No, sir.

8 THE COURT: Do you understand fully the consequences of
9 your entering these pleas of guilty?

10 THE DEFENDANT: Yes, sir, I do.

11 THE COURT: Do you have any questions you would like to
12 ask me about this process or about your decision?

13 THE DEFENDANT: No, sir.

14 THE COURT: Do you need additional time to talk with
15 your lawyer?

16 THE DEFENDANT: No, sir.

17 THE COURT: I am going to ask you to listen to the
18 solicitor. She's going to tell me about the facts that
19 relate to each of the charges. Listen to what she tells me,
20 because when she's through, I'll ask you if you agree or
21 disagree with her version of those facts.

22 MS. JONES: Your Honor, the first of these
23 chronologically is the attempted armed robbery of the
24 Parkers. Both events, Your Honor, occurred in the afternoon
25 on December the 13th.

1 The first, as I stated, was the Parker attempted armed
2 robbery. Ms. Minnie Parker who is an elementary teacher up
3 at Boiling Springs who is not present -- she initially
4 indicated she was going to be here, but she said she would
5 try to make it. She obviously taught school today and
6 didn't know if she could get here quickly enough.

7 She's an elementary teacher. She was in a vehicle with
8 her two daughters, her 19-year-old daughter Nikki and her
9 14-year-old daughter, Minor .

10 This afternoon at about 20' after 2:00 they had turned
11 onto Wofford Street off Main Street to drive by the
12 Wakefield Body Shop. Your Honor may be familiar with it.
13 It's not in the best area. I don't think she was really
14 that aware of how bad that area is when she drove up there,
15 but Nikki had a friend who had been in an automobile
16 accident and the car was, as I understand it, basically
17 totalled. She was just curious to see what the car looked
18 like.

19 So they drove up there. They didn't pull into the lot.
20 They stopped at the curb. She indicated that as she pulled
21 onto the street she passed a large number of young men of
22 which it appeared Mr. Hopkins was one.

23 She passed them and went on down into the lot and
24 pulled up next to the body shop. While they were sitting
25 there looking at the vehicle discussing the wreck and the

1 friend, Mr. Hopkins alone walked up to the vehicle. The
2 others were still back there in the corner at Main Street.

3 He initially approached the vehicle and asked what time
4 it was. Ms. Parker said she looked over toward the radio to
5 see the time, and when she looked back, there was a handgun
6 that had been placed in a couple of inches at her window
7 that was cracked and was pointed in her face. It was within
8 six inches of her face.

9 She said Mr. Hopkins said something to her. She does
10 not -- she did not understand what he said, but her
11 daughter, Nikki, who was sitting in the front seat said that
12 he indicated he wanted her to give him something.

13 At that point Ms. Parker had the presence of mind to
14 put the car in gear and take off as quickly as she could.
15 She fled and went straight to the police department and
16 reported this incident.

17 Your Honor, the second incident occurred ten minutes
18 later at Sellars Seafood Market which is over on West Henry.
19 It's across Main Street about a block and a half away from
20 the body shop. It's in very close proximity.

21 At that time at 2:30 in the afternoon, Ms. Bobbie Brown
22 who is seated in the courtroom next to her son, Rob Brown,
23 she was the cashier working for the Sellars at the market.

24 Also present was Richard Reed who is second from the
25 end on the first row. He works there stocking the fish in

1 the cooler cases. He has done that since he was 14 years
2 old. Ms. Brown has worked there for 28 years. She is now a
3 part-time worker because of some serious heart problems she
4 has that she had prior to this.

5 They indicate, and also according to a lady who was
6 present in the store seated waiting for some fish to be
7 filleted that she had asked for with her four-year-old
8 child, saw Mr. Hopkins walk in. Ms. Reed, the witness,
9 indicated he seemed rather nervous. He was looking around
10 at everybody like he was trying to figure out who all was
11 there and where they were.

12 At that point she called her child, Minor, the four-
13 year-old, over to her and told her to stay there with me.
14 She began to sense something was wrong.

15 He went. He asked for one kind of fish and was told
16 they didn't have it. He picked out a piece of fish. Ms.
17 Brown picked it out, weighed it and went to the cash
18 register where Mr. Hopkins followed her.

19 At that point he began to fumble in his coat pocket
20 which Ms. Brown thought he was looking for his money.
21 Instead, he produced a handgun and held it on Ms. Brown at
22 the register, leaned over the register and began taking the
23 money.

24 When she saw the gun, she turned to Mr. Reed and said
25 Richard, Richard, which attracted his attention. He began

1 to move toward her as if to help her.

2 Mr. Hopkins turned to Mr. Reed, pointed the gun at him
3 and told him that if he made one more step toward her, he
4 was going to shoot a part of his abdomen and try to kill
5 him. He threatened him, so Mr. Reed got down on the floor
6 to get out of the way because he felt like he was in danger
7 because the gun was pointed directly at his head.

8 Your Honor, Mr. Hopkins, after gathering the money,
9 fled the establishment and took off. All the people
10 indicated, as they saw him leave they indicated, the same
11 direction that he travelled.

12 Two days later the police, based on some information
13 from someone else, questioned Mr. Hopkins. Initially he
14 denied any involvement whatsoever, but he did admit this,
15 but he admitted there was a phantom second person standing
16 beside him that made him do this and that was holding the
17 gun.

18 No one in the fish market saw anyone but Mr. Hopkins,
19 so that wasn't -- I may be saying something Mr. Morin is
20 going to say, but that wasn't going to be much of a defense
21 because there was only one person that committed the
22 robbery.

23 Your Honor, his record shows in '93, four counts of
24 burglary third, lewd act on a minor, petty larceny. It
25 shows as a disposition DJJ and parole in '95. So I'm not

1 clear. I usually don't see juvenile convictions on an adult
2 rap, so I am not really sure what that means.

3 Since then in '95, a shoplifting, excuse me. In '95
4 there were three shopliftings, and also one from '96. Also,
5 '96, September of '96, petty larceny in February of '97, and
6 another shoplifting for which he received some probation in
7 '97.

8 Your Honor, again, I want to stress the danger that
9 everyone in this situation felt. Ms. Parker, I know if she
10 were here, would tell you at great length about her 14-year-
11 old. She indicated to us that it's only been in the last
12 couple of months that she has gotten the child to sleep
13 alone again because it terrified her to have somebody stick
14 a gun inside her car.

15 Also, Ms. Brown's son who was the assistant director of
16 Advent Church indicated again to me today just the gravity
17 in the actual health danger that it posed to Ms. Brown to
18 have this kind of life-threatening situation placed on her
19 because she had an aortic aneurism not too long before this
20 happened, sometime, I think, a year before that required
21 ten-hour surgery. She has a very tenuous health situation.

22 And one thing that Ms. Reed, the lady with the daughter
23 in the fish market, told me unsolicited, she remembers very
24 vividly Ms. Brown clutching her chest in the midst of this.
25 Whether that was just a fear reaction or a reaction to some

1 pain, she does remember Ms. Brown reacting that way.

2 Ms. Brown has indicated she feels more comfortable
3 being seated back there. I don't know if she now has a
4 desire to speak to the Court or does her son or Mr. Reed,
5 but previously they had indicated they didn't want to.

6 THE COURT: All right. Mr. Hopkins, you heard what the
7 solicitor has told me about the facts that relate to each of
8 the charges, both the attempted armed robbery and the armed
9 robbery. Do you agree or disagree with her version of those
10 facts?

11 THE DEFENDANT: I agree.

12 THE COURT: You agree that they are correct.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You have also heard what she told me about
15 your previous criminal record, criminal history.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you agree that that was accurate?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And agreeing to each of those, do you still
20 wish for me to accept your pleas of guilty?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. I'll accept each of your pleas
23 of guilty and I'll be glad to hear from you and Mr. Morin.

24 MR. MORIN: Thank you, Your Honor.

25 Your Honor, as the solicitor explained, these two

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1 events happened almost within ten minutes of each other.
2 They were part of the same incident. Obviously if there was
3 going to be a trial, it would be a spree, and they would
4 both be tried together as one trial. I discussed that with
5 Mr. Hopkins quite extensively over the last few months.

6 In looking at this case, and this is the second time in
7 the last two days that I've had to talk to a judge about an
8 armed robbery.

9 Unfortunately, this young man, for whatever reason, and
10 this happens all too often, he just does not grasp the
11 magnitude of what it is, armed robbery is, that it means
12 that you're going to have to do eighty-five percent, that
13 you can hurt other people and that you can be hurt yourself.

14 Not to make an excuse or reason for this, Your Honor,
15 however, in speaking with him, there was, and it sounds
16 somewhat trifling, but there was some peer pressure in that
17 group that led to this. There is a gentleman who gave him
18 the gun just prior to the attempt and took the gun back
19 shortly after the actual robbery. I asked Mr. Hopkins about
20 the money. He said it was his and he spent it.

21 THE COURT: What about the gun? Who gave him the gun
22 and who did he give it back to?

23 THE DEFENDANT: Eric Sims.

24 THE COURT: Eric Sims?

25 THE DEFENDANT: Yes, sir.

1 MR. MORIN: He understands, Your Honor, that basically
2 he can go to jail for that for the rest of his life. That
3 probably would have had a much greater impact if he had --
4 if he had known that prior to doing this, but obviously it's
5 too late now. He understands that he's looking at some
6 serious, serious time in jail. He has a young child who is
7 going to be an adult when he sees him again.

8 We would ask you to consider a concurrent sentence on
9 this. Obviously, as you've already pointed out to him, he's
10 going to have to do eighty-five percent. He's going to have
11 several other restrictions that are going to affect the rest
12 of his life. He is 21 and has a high school degree. He's
13 sorry for what he did and is ready to take obviously
14 whatever sentence the Court deems appropriate. We would ask
15 that you consider a concurrent sentence and take into
16 account the eighty-five percent and his age of being 21. He
17 obviously did some very stupid things this day. That is the
18 only real excuse he has. That's my client's position, Your
19 Honor.

20 THE COURT: What did he indicate to you that he had
21 learned from his prior experience with being in jail and---

22 MR. MORIN: Your Honor, I didn't speak to him too much
23 about his record other than the fact that he has some
24 shopliftings. I didn't speak to him, but obviously they all
25 indicate that his time in jail was fairly short, if at all.

1 THE COURT: Mr. Hopkins, have you got anything you want
2 to add to what your lawyer has told me?

3 THE DEFENDANT: Yes, sir. I just want to say, I mean,
4 I'm sorry for what I did and wish I could go back and turn
5 back the hands of time, but it is too late for that. I
6 mean, I didn't mean to hurt anybody. I was influenced by a
7 group of fellows and, being me, I did it and I want to tell
8 everybody that I'm sorry for what I did. I never meant to
9 hurt anybody. I was influenced. I am sorry.

10 THE COURT: Do you mean some other people made you take
11 a gun and go into a store and aim it at somebody's head and
12 take their money?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: What kind of folks would do that? Who all
15 did that?

16 THE DEFENDANT: Just a dude, Eric Sims. He gave me the
17 gun and told me to go rob a place and, being me, stupidity,
18 I did it.

19 THE COURT: How old is Eric?

20 THE DEFENDANT: Eighteen.

21 THE COURT: And you're 21?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Why didn't you tell him to take the gun and
24 go rob his own store? I don't understand what goes on in
25 people's minds about that. I mean, you've been through this

1 process before. You've been to court before.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You didn't learn anything from that
4 experience?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: What did you learn?

7 THE DEFENDANT: The last time I was in jail, I was in
8 jail for shoplifting and they gave me probation and I got
9 out, but I still had another charge on me and I came back to
10 court and they gave me 30 more days and then I got back out
11 and I got me a job at Hardees. I was working for about
12 three or four months and I lost my job. I couldn't find
13 another job. I just---

14 THE COURT: What kind of record did Mr. Sims have?

15 THE DEFENDANT: I don't know, Your Honor.

16 THE COURT: You don't know about his?

17 THE DEFENDANT: No, sir. I just met him. He had came
18 down from Gaffney and we was hanging around, and I just, you
19 know, I had just met him. I didn't know him.

20 THE COURT: You didn't even know a fellow who told you
21 to take a gun and go and rob a store?

22 THE DEFENDANT: We had been hanging around all of that
23 day. He came down from Gaffney on a Friday. I was over
24 there in Cammie Claggett and he hung around for about like
25 two days and I knowed him pretty well, but I didn't know him

FORM LASER BOND A PENGAD/INDY 1-800-631-6989

1 that good.

2 THE COURT: That kind of makes you out to be pretty
3 dangerous, doesn't it? Anything else you want to tell me?

4 THE DEFENDANT: I just want -- I just want everybody to
5 know that I'm sorry for what I did and I never meant to hurt
6 anybody. I just wish I could change everything around,
7 change everything back around, but I can't.

8 THE COURT: What about those four burglaries? When did
9 those occur?

10 THE DEFENDANT: I don't know nothing about no
11 burglaries, I mean.

12 THE COURT: Well, I asked you earlier if you agreed
13 with her.

14 THE DEFENDANT: I don't know what the burglaries are
15 for, first of all.

16 THE COURT: Well, didn't I ask you earlier if you
17 agreed with your record?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You said you did. You don't now?

20 THE DEFENDANT: I agreed to the shoplifting charges and
21 lewd act on a minor.

22 THE COURT: Well, that was part of it.

23 THE DEFENDANT: But I don't know nothing about them
24 burglary charges. I don't know nothing about that.

25 THE COURT: Let me see that. Talk to your lawyer about

1 it and see if he can jog your memory.

2 (Pause.)

3 THE COURT: So you did commit those four burglaries.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: What else do you want to tell me?

6 THE DEFENDANT: I have got nothing else to say, Your
7 Honor.

8 THE COURT: And you didn't have any reason to commit
9 armed robbery other than Mr. Sims told you to do it.

10 THE DEFENDANT: Yes, sir. I was influenced by Mr.
11 Sims.

12 THE COURT: All right. Indictment 98-2731, that's an
13 indictment for armed robbery, the Sentence of the Court is
14 you, Shannon Tremell Hopkins, be confined to the South
15 Carolina Department of Corrections for a period of 30 years.

16 Indictment 98-2730, attempted armed robbery, you are to
17 be confined to the South Carolina Department of Corrections
18 for a period of 20 years. That sentence is concurrent with
19 that sentence imposed on 98-2731.

20 END OF REQUESTED TRANSCRIPT OF RECORD

21

22

23

24


25

CERTIFICATE

1
2 I, the undersigned Linda D. Moffitt, Official Court
3 Reporter for the Seventh Judicial Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate and complete Transcript of Record of all the
6 proceedings had and evidence introduced in the trial of the
7 captioned cause, relative to appeal, in the Court of General
8 Sessions for Spartanburg County, South Carolina, on the 25th
9 day of August 1998.

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

12
13
14
15 January 8, 1999

16
17 

18 Linda D. Moffitt

19 Circuit Court Reporter
20
21
22
23
24
25

127

2011-CP-42-2460

STATE OF SOUTH CAROLINA

County of Spartanburg

#252133

Shamon Tremell Hopkins

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

vs.

Attorney General

Name of Respondent.

State of South Carolina

In the Court of Common Pleas

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 JUN -1 PM 1:45
M. LOPE BLANCKLEY

APPLICATION FOR

POST-CONVICTION RELIEF

§ 17-24-10 (B) § (C) § 17-27-4 (C);

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 it clear to which question any such continued answer refers.

Since every application must be sworn to 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 applicant was convicted.

- Place of detention McCormick Correctional Inst 386
Redemption Way McCormick SC 29899
- Name and location of Court which imposed sentence Spartanburg County Court
of General Sessions
- The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - 98-GS-42-2730
 - 98-GS-42-2731
 -
- The date upon which sentence was imposed and the terms of the sentence:
 - August 25, 1998
 -
 -

Warrant

no

1 copy mailed back

5. Check whether a finding of guilty was made

- (a) after a plea of guilty YES
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

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

Yes

7. If you answered "yes" to (6), list .

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

- i. S.C. Supreme Court
- ii. _____
- iii. _____

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

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

(c) the date of each such result:

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

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

- i. unknow 10-14-0 10-14-0
- ii. _____
- iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

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

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

(a) Support By Attachment Support of memorandum of Law

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) Support By Attachment memorandum of Law
- (b) _____
- (c) _____

SUPREME COURT
 2011 JUN 21 PM 11:42
 M. H. P. BLACK

11. Prior to this application have you filed with respect to this conviction NO

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

(b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? NA

(c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? NA

(d) any other petitions, motions or applications in this or any other Court? NA

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NA

CLERK OF COURT
 SP/RT ANDRUS COUNTY
 2011 JUN -1 PM 1:45
 H. HOPE BLACKLEY

(a) which grounds have been presented:

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

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

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

15. If any ground set forth in (9) 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) NA
- (c) _____

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

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

17. If you answered "yes" to one or more parts of (16), list:

- (a) the name and address of each attorney who represented you
 - i. Michael Morin Public Defender office at Bar
 - ii. SC Appellate Defense
 - iii. _____

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

- Guilty Plea
- Notice of Appeal
- _____

18. State clearly the relief you seek in filing this application.

Reverse the conviction and sentence

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

NA

STATE OF CONNECTICUT
 SUPERIOR COURT
 HARTFORD
 JUDGE: _____
 CLERK: _____
 FILED: _____
 JUN 21 2011

STATE OF SOUTH CAROLINA

VERIFICATION

County of McCormick

I, Shannon Tremell Hopkins #252133, 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.

Shannon Hopkins

SWORN to and subscribed before me this 24

day of May 2011

Joyce L Young (L.S.)
Notary Public

My Commission Expires: 8 28 2011

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 JUN -1 PM 1:45
M. HOPE BLACKLEY

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

I, Shannon Tremell Hopkins #252133, 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 therefor.

Shannon Hopkins
Applicant

SWORN or affirmed to and subscribed before me this

24 day of May 2011

Joyce L Young
Notary Public

My Commission Expires 8 28 2011

After carefully reviewing the additional evidence in mitigation and the circumstances of the crimes as originally presented, I do not find that a reduction in sentence is warranted under the evidence.

THEREFORE, IT IS ORDERED that Defendant's motion for reconsideration of sentence is DENIED!

IT IS SO ORDERED!

J. Derham Cole

J. DERHAM COLE, PRESIDING JUDGE

November 4, 1998

Spartanburg, S.C.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 JUN - 1 PM 1:46
M. HOPE BLACKLEY

MARK HAMMOND
NOV 5 PM 2:22
#2

A CERTIFIED COPY
Mark Hammond

M. HAMMOND
CLERK OF COURT
SPARTANBURG COUNTY
BY: _____ D.C.
DATED 11-5-98

8 State of South Carolina | In the court of Common Pleas
 county of spartanburg | CASE NO# _____
 Shannon Tremell Hopkins |
 Applicant | Memorandum of LAW
 V.S | support of P.C.R
 State Respondent | § 17-24-10 (B) § 17-27-
 45 (C)
 To Respondent

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2011 JUN - 1 PM 1:48
 M. HOPE BLACKLEY

I. Procedural History

This matter comes before the court by of the defendant was sentence by Honorable Judge Derham Cole; Thirty years for Armed Robbery and twenty years for attempted Armed Robbery And defendant was representing by Esquire Michael Morin; for the state assistant solicitor Beverly Jones;

Motion order denying motion for Reconsideration was filed by counsel;

A Notice of Appeal was filed by counsel Michael Morin in the South Carolina Supreme Court on November 6, 1998; A Affirmed decision from the South Carolina Supreme Court;

I. Argument:

Applicant was mentally incompetent at the time Armed Robbery & Attempted armed in 1998 and at the time of the guilty, Plea in 1998 and was allowed to Plead guilty in Violation of the South Carolina Constitution, United States Constitution, and the Federal Constitution's Fourteenth Amendment due process clause. Incorporated into allegations applicant was denied effective assistance of counsel and Due process of Law at guilty Plea for Armed Robbery & attempted armed, because he was in mentally incompetent at the time of this crime in 1998 and at 1998 guilty Plea;

In the applicant case there is Genuine material evidence to support his claim that the applicant has long mental Health history seen the applicant was Juvenile child; and counsel was ineffective failing to investigate and Request for mental Examination in support of the defendant defense; and applicant has evidence and medical Records to support his claim from the S.C. Dept of mental Health; Spartanburg County;

Also applicant informed counsel before hand about his medical records, counsel was ineffective for failing to investigate and Request for medical records.

Due process footnote (4) Prohibits the conviction of A person who is mentally incompetent. Bishop v. United States 350 U.S. 861, 161 S.Ct. 440, 100 L.Ed 835 (1956) "this Constitutional Right cannot be waived by the incompetent - by guilty Plea or other words" Carroll v. Beto, 421 F.2d 1065, 1067, (5th Cir. 1970)

FILED
CLERK OF COURT
STERLING COUNTY
2011 JUN - 20 PM 1:26
DR. HOPE J. ASKLEY

While A guilty Plea may only be attacked on the basis that it was not knowing and Voluntary. It Contradictory to argue that A defendant may be incompetent, and yet knowingly OR intelligently waive his rights Pate v Robinson, 383 U.S. 374, 384, 86 S.Ct. 836, 841, 15 L. Ed 2 1966

(3) Pate v. Robinson 383 U.S. 375, 86 S.Ct. 836, 15 L.E. 2d 815 (1966 makes it clear that the conviction of an accused person who is not mentally competent to stand trial violate due process. This constitutional

right cannot be waived by the incompetent - by guilty Plea OR other wise - and thus it must be protected by adequate state procedures.

Applicant is seeking post-conviction Relief, Asserts with substantial fact to back up his allegation, that and the of his guilty Plea that he was incompetent Plea guilty, and there was resolution that precise issue before he was convicted and sentenced, the protection of the fourteenth amendment to the constitution requires that such conviction and sentence be set aside unless upon adequate hearing it is shown that he was mentally competent to stand trial or Plea guilty (386 F2d at 105)

3) Constitutional Law 268, 2 (2)

As a matter of procedural due process procedures, a criminal defendant is entitled to an evidentiary hearing on claim of mental incompetency. If he present clear and convincing evidence to create a real, substantial and legitimate doubt as to

42. his mental capacity to meaningfully participate and cooperate with counsel.

In this claim Petitioner was not on his medication of the date of these offense named Robbery attempted named Robbery A defense of such mentally incompetency Person cannot be procedural default.

Petitioner's claim of incompetency trial, insanity at time of act, and an unknown involuntary guilty plea were not barred by the procedural default rule of Wainwright v. Sykes, at Horace V Wainwright 781 F2d 1558 (11th Cir 1986),

Petitioner ARGUES his counsel was ineffective for failing to Request a mental examination which may have formed the basis of an insanity defense or a determination that he was not competent to stand trial, cite at Jeter v State, 417 S.E.2d 594 (S.C. 1992).

under Strickland v Washington 466 U.S. 668, 104 S.Ct 2052, 80 LEd 2d 674 (1984) applicable to guilty Pleas under Hill v Lockhart. 474 U.S. 52, 106 S.Ct 366, both deficient performance and prejudice to prevail on an ineffective assistance of Counsel claim.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 JUN - 1 PM 1:46
M. HOPE BLACKLEY

Conclusion

Wherefore the applicant both amendment ineffective assistance of Counsel under Standard standard Strickland v. Washington, and; Applicant 14th amendment in violation of Due Process Law; and a evidentiary hearing "must" be schedule.

Date 5-25- 2011

si. Shannon Hopkins

State of South Carolina
County of Spartanburg

In The Court of Common
Pleas

Shannon Tremell Hopkins,
Applicant.

Case _____

vs

Summons

State
Respondent

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 JUN - 1 PM 1:46
M. HOPE BLACKLEY

To Respondent:

You are hereby summoned and required
to service upon the applicant Shannon
Tremell Hopkins, whose address is listed
below, an answer to the Post-Conviction
Relief which is herewith served upon
you, within (60) days after service of
this summons upon you, exclusive
of the day of service if you fail
to do so a judgment by default will
be taken against you in this cause
of action.

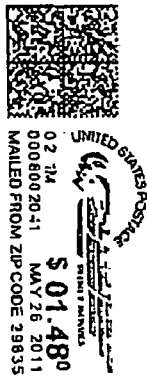
Date May 25 2011

Shannon Hopkins
386 Redemption Way
McCormick, SC 29899

Shannon Hopkins # 252133
34 192
386 Redemption Way
McCormick, S.C. 29899

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 JUN -6 AM 9:36
M. HOPE BLACKLEY

Legal mail



M. Hope Blackley
Clerk of Court Spartanburg
County
Post Office Box 3483
Spartanburg, S.C. 29304-3483

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
)	
Shannon Tremell Hopkins, #252133,)	2011-CP-42-2460
)	
Applicant,)	
)	
v.)	RETURN AND MOTION TO DISMISS
)	
State of South Carolina,)	
)	
Respondent.)	
)	

In response to the post-conviction relief application filed June 1, 2011, the Respondent would show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Spartanburg County. The Applicant was indicted at the June 1998 term of the Court of General Sessions for Spartanburg County for attempted armed robbery (98-GS-42-2730) and armed robbery (98-GS-42-2731). He was represented by Michael Morin, Esquire. On August 25, 1998, the Applicant pled guilty as indicted. He was sentenced by the Honorable J. Derham Cole to confinement for a period of thirty years for armed robbery and twenty years for attempted armed robbery. A Motion for Reconsideration was filed and dismissed by Judge Cole on November 4, 1998.

The Applicant filed a timely notice of appeal. An Anders brief was filed on Applicant's behalf. The South Carolina Court of Appeals dismissed the appeal. State v. Hopkins, Op. No. 2000-UP-032 (filed January 11, 2000). The Remittitur was returned on January 28, 2000.

II.

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

- 1) Ineffective assistance of counsel, in that;
 - a) Counsel allowed Applicant to proceed with guilty plea, even though he was mentally incompetent at the time of the commission of the crimes and at the time of the guilty plea,
 - b) Counsel failed to investigate Applicant's mental health history and request mental health examination,

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

III.

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160.

S.C. Code Ann. §17-27-45(a) reads as follows:

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

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense(s) he challenges in this Application on August 25, 1998. The Remittitur was returned after his unsuccessful appeal on January 28, 2000. The Applicant was therefore required to file his application before January 28, 2001. This

Application was filed on June 1, 2011, which was more than ten years beyond the expiration of the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Respondent requests that this Court summarily dismiss the application for post conviction relief for failure to file within the time mandated by the Post Conviction Procedure Act.

IV.

The Respondent denies each allegation that is not expressly admitted, qualified or explained.

V.

WHEREFORE, Respondent moves to summarily dismiss the application because it was filed after the statute of limitations had expired.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY ELLIOTT
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE
Assistant Attorney General

By: 
Attorneys for the Respondents

Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211
(803) 734-3737

January 10, 2012.

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Shannon Tremell Hopkins,
Applicant,

2011-CP-42-2460

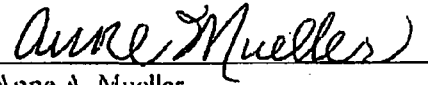
v.

CERTIFICATE OF SERVICE

State of South Carolina,
Respondent.

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

Shannon Tremell Hopkins, SCDC No. 252133
Kershaw Correctional Institution
4848 Goldmine Highway
Kershaw, South Carolina 29067



Anne A. Mueller
Legal Assistant for the Respondent

DATED this 10th day of January, 2012.

1 STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 2 COUNTY OF SPARTANBURG)
 3
 Shannon Tremell Hopkins,)
 4) TRANSCRIPT OF RECORD
 Applicant,) 2011-CP-42-2460
 5 -vs-)
)
 6 The State,)
)
 7 Respondent.) April 3, 2013
 Spartanburg, South Carolina

8

9

10

11 B E F O R E:

12 HONORABLE J. MARK HAYES, II, JUDGE

13

14

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

16 W. BARRY BLAND, ESQUIRE
 Attorney for the Applicant

17

18 SUZANNE H. WHITE, ESQUIRE
 Attorney for the Respondent

19

20

21

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23

Margaret A. Woods
 Circuit Court Reporter

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ORIGINAL

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INDEX

WITNESSES

PAGE

SHANNON TREMELL HOPKINS

Direct examination by Mr. Bland

5

Cross-examination by Ms. White

18

Certificate of reporter

25

MOTIONS AND MATTERS

1 THE COURT: Alright.

2 MS. WHITE: Thank Your Honor, excuse me, this is the case
3 of Shannon Hopkins vs. the State, it's Case Number
4 2011-CP-42-2460. Mr. Hopkins was indicted in June of 1998 for
5 attempted of armed robbery and armed robbery. He ultimately
6 pled on August 25th 1998 and received a sentence of 20 years
7 for attempted armed robbery and 30 for armed robbery. There
8 was an *Anders* brief that was filed but the conviction and
9 sentence were affirmed, the remittitur was returned I believe
10 January 28th 2000. This application was filed June 1st 2011,
11 ten years after the statute a limitations for this case. The
12 State just -- there's a, kind of a strange procedural history
13 to it. The State filed a motion to dismiss based on the
14 statute a limitations. After a conditional order of dismissal
15 was was, uh, signed the applicant submitted some documentation
16 alleging incompetence at the time of his plea. The final
17 order was signed, he appealed. The Supreme Court, uh, decided
18 and filed an order for us to remand the the case back, and it
19 should be in your packet, Your Honor, I've got -- should be
20 one of the I think the first things, the Supreme Court order
21 remanding back to the circuit court for a hearing pursuant to
22 *Ferguson v. State*. I've laid that case up on Your Honor's,
23 um, bench, a case where it says that the statute a limitations
24 for the filing of a PCR can be tolled if the applicant can
25 show that he was incompetent during the period of time that

MOTIONS AND MATTERS

1 that the statute a limitations ran, so at this point we, uh,
2 Mr. Hopkins was appointed an attorney, Mr. Bland now
3 represents him, and essentially we are here on the State's
4 motion to dismiss for his failure file a timely application
5 and pursuant to the *Ferguson v. State* and Supreme Court's
6 order I believe my understanding is the hearing is based on
7 whether or not his burden of indicating that that 10-year time
8 period should be tolled, uh, based on alleged incompetence.

9 THE COURT: And and so at at this hearing the burden is
10 on the applicant?

11 MS. WHITE: Yes, Your Honor, it's ---

12 THE COURT: The ---

13 MS. WHITE: --- my understanding.

14 THE COURT: --- the burden of proof is preponderance?

15 MS. WHITE: Yes, sir. It -- there has to be a showing
16 that the entire period 'cuz if at any time during that time
17 period he had become competent, he could have filed, that
18 tolling then stops so ---

19 THE COURT: Okay, ---

20 MS. WHITE: --- so ---

21 THE COURT: --- you ---

22 MS. WHITE: --- we will turn it over to Mr. Bland at this
23 time.

24 THE COURT: Alright. Yes, sir.

25 MR. BLAND: (Coughed.) Sorry, if you give me one second.

1 THE COURT: It's alright.

2 MR. BLAND: We're ready to go forward.

3 THE COURT: Yes, sir.

4 MR. BLAND: Go ahead.

5 THE COURT: Mr. Hopkins, just c'mon around up here
6 (indicating). As best you can, I'll need you to place your
7 left -- right hand on the Bible, raise your left hand.

8 (Whereupon, the applicant came forward.)

9 (Whereupon, a discussion was held off the record.)

10 THE COURT: There you go.

11 SHANNON TREMELL HOPKINS,
12 having been first duly sworn, testified as follows:

13 THE COURT: Alright, sir, just have a seat in the red
14 chair and be careful with that first step up as you, uh, go to
15 the red chair and pull the red chair up to the microphone.
16 The lady beside me is a court reporter, she's taking down
17 everything that's said so please speak up loud enough so that
18 both she and I can hear you.

19 DIRECT EXAMINATION BY MR. BLAND:

20 Q. Would you state your name.

21 A. Shannon Hopkins.

22 Q. Mr. Hopkins, by way of background you understand that the
23 Court has granted you a right to discuss whether you were
24 incompetent while you missed the statute a limitations.

25 Q. Yes, sir.

SHANNON TREMELL HOPKINS - DIRECT EXAMINATION BY MR. BLAND

1 A. And so what we're gonna start with is that very question,
2 okay? Your appeal, uh, was returned on January the 28th 2000,
3 is that correct?

4 A. Yes, sir.

5 Q. And then you filed your application on January the 1st,
6 uh, 2011.

7 A. I didn't file it, I didn't file it myself, I had help
8 because I didn't, I didn't know nuttin' 'bout the law.

9 Q. Alright, but either way was 11 years later when it was
10 filed.

11 A. Yeah.

12 Q. Alright, give us a little background of your mental
13 health history.

14 A. Well I've been, I've been takin' medi ---

15 Q. You can, you can sit back, it'll pick ya up.

16 A. I've been takin' medication all, you know, for the
17 majority a my life and and it basically started, you know,
18 when I was a little kid but, uh, my medicine it it it keeps me
19 to a point where I can kinda control myself ---

20 Q. Um-hum.

21 A. --- 'cuz I was takin' Mellaril, Prozac and
22 Lithium ---

23 Q. Okay.

24 A. --- and with ---

25 Q. When did you start takin' those medicines?

SHANNON TREMELL HOPKINS - DIRECT EXAMINATION BY MR. BLAND

1 A. I started, I started takin' my my first time takin'
2 medication was when I was sent to juvenile R&E and they
3 evaluated me and said that they felt as though I needed
4 medication.

5 Q. How old were ya roughly?

6 A. I couldn't been no more than about 12, 13-years-old.

7 Q. Okay, so you've taken what one would call psychiatric
8 medications ---

9 A. Yeah.

10 Q. ---- since you're 12.

11 A. Yes, sir.

12 Q. Alright. Now did ya have some difficulties after you
13 were in court during the time you were in department a
14 corrections? I think there was an issue about your
15 medication.

16 A. At that time I was in, I was in the county and and I was
17 without my medicine for so long so and when it came time for
18 me to come to court which I didn't know, I didn't know what
19 was goin' -- I didn't know the outcome what would happen ---

20 Q. Um-hum.

21 A. --- and then I wasn't focused and my so-called lawyer
22 didn't come talk to me or nothin'. I stayed at the county
23 jail eight months not knowin' what, not know, not knowin' what
24 would take place so when he got to talkin' to me I got to the
25 point where okay, uh, I don't I'm I'm confused, I'm lost, I

1 mean, I don't know what's goin' on so I pled guilty not
2 knowin' what would be the outcome of the charges. I didn't
3 know.

4 Q. Now when you'd taken your medicine then at that point ---

5 A. I I wasn't on any medicine.

6 Q. Okay, but well were you supposed to be on medicine?

7 A. Supposed to have been on it but the medicine was so high
8 that my people didn't have the kinda money to afford that
9 medicine, see ---

10 Q. High means cost, right?

11 A. Yeah, it was, ---

12 Q. Okay.

13 A. --- it was like almost \$10 a box, I mean, too much money
14 so that so that basically just led me to the point where I I
15 wasn't focused, I I I, you know, I wasn't, basically I wasn't
16 in control of myself and if somebody would come to me and
17 influence me to do some, more than likely like like a little
18 child I will do it.

19 Q. Well that was gonna be my next question. When you
20 weren't takin' your medicine, what effect did it have on
21 you?

22 A. I mean, it's like people will constantly pick on me, pick
23 on me, you know, and I would let it affect me 'til I get to
24 the point where I will do what, do what they want me to do,
25 not and not knowin' what would actually happen afterwards.

SHANNON TREMELL HOPKINS - DIRECT EXAMINATION BY MR. BLAND

1 Q. Do you know what, if anything, do you know what you've
2 ever been diagnosed as as having wrong with ya
3 psychiatrically?

4 A. Uh, I've been treated for -- I was, I've let -- I I was
5 goin' through mental health when I was on the streets and I
6 was treated for signs of -- they signs of retardation and, uh,
7 bi --- bipolar problems, ---

8 Q. Um-hum.

9 A. --- thing -- things like that.

10 Q. Okay, do you ever hear voices or anything like that?

11 A. Every now and then, you know, ---

12 Q. Okay.

13 A. --- it it it it all depends on my mood swings. If I'm,
14 if I'm on my medicine, I'm basically alright but if I miss it
15 'cuz I missed it it's just, it's like a whole 'nother, it's
16 just somethin' inside of me that that I can't control. If I
17 got my medicine, I can control it, if I don't have it, I mean,
18 I can't -- if I, if I don't have the money for it, what am I
19 supposed to do, I can't go steal it.

20 Q. Alright, now let's move forward a little bit, okay? You
21 understand there's a thing called a "statute a
22 limitations", ---

23 A. Yeah.

24 Q. ---- otherwise you have a year from when your case ends
25 to file a P -- a post-conviction relief, right?

1 A. Yes, sir.

2 Q. Alright, and that's part of what the State's claimin' is
3 you didn't do that, right?

4 A. Um-hum.

5 Q. Alright. January 28th 2000 that's when the Supreme Court
6 handed down the decision or the Court of Appeals, whichever
7 one it was, uh, in regards to your original case, okay, now
8 from January 28th 2000 to 2011, some 11 years later, tell the
9 Court if you would what prevented you from being able to
10 understand you needed to file a PCR.

11 A. Because they -- I had several guys talk to me, you now,
12 and they, and they was just infinite in my case and see know
13 what was I, you know, what took place and there was a couple a
14 guys they they explained my case to me 'cuz I didn't know, I
15 didn't, I didn't know nuttin' 'bout the law.

16 Q. Okay, but in that 11-year period, what was your mental
17 situation?

18 A. I didn't, I didn't know how to file no PCR, I didn't know
19 what were the proper procedure for a PCR and I went around and
20 asked for help from other guys to help me do this thing 'cuz I
21 didn't -- because I didn't know how to do it at all ---

22 Q. Um-hum.

23 A. --- so ---

24 Q. Were you, uh, this is probably not the best way to put it
25 but let me try it this way: Were ya in your right mind or were

SHANNON TREMELL HOPKINS - DIRECT EXAMINATION BY MR. BLAND

1 ya not in your right mind?

2 A. To be honest I don't, I don't think I was in, I don't
3 think I was in, I don't think I was in my right mind because
4 I, the time that I was in prison, I didn't, I didn't, I didn't
5 get started on -- I didn't get back on my medication 'til like
6 the end of 2009 goin' in, goin' into 2010.

7 Q. Okay, so this medication issue we were talkin' about when
8 they fixed it was when? 2010?

9 A. When I was at Perry Correctional, ---

10 Q. Okay.

11 A. --- Perry Correctional Institution, I was at Perry and
12 all -- and and they sent me a OTR to go see the psych
13 doctor which ---

14 Q. Okay.

15 A. --- which I didn't wanna see because I didn't, I I felt
16 like I didn't, I felt like I didn't need to talk to nobody ---

17 Q. Okay.

18 A. --- but they forced me to go over there and talk to these
19 people. They ran tests on me. The man said, Well I'm gonna
20 put you on some medication to see if it will help you and I
21 told him, I said, Man, it probly won't do no good, know what
22 I'm sayin', ---

23 Q. Okay.

24 A. --- but over the, over the, over the process I could I I
25 myself could see a little change in myself ---

1 Q. Um-hum.

2 A. --- and that's what made me get to the point where, you
3 know, I'm gonna go see if I can get in the law library now and
4 try to see if I can do anything might get help with my case.

5 Q. Okay, so but the time that this medication, uh, began to
6 take effect it was sometime in 2010?

7 A. Two thousan -- 2010 when I was at Perry, ---

8 Q. Okay.

9 A. --- that's when I basically, that's when I basically got
10 back on my medicine 'cuz my counselor was Ms. Jackson.

11 Q. Okay.

12 A. She would, she would come and talk to me on a regular
13 because she knew I had some serious issues that she would call
14 me to her office basically almost every day ---

15 Q. Okay.

16 A. --- and she would constantly check up on me 'cuz I used
17 to, I know I told her one time before either my mama passed,
18 my family don't even know this, that when my mama died, you
19 know, I basically cut on myself, you know, I was, you
20 understand, I cut all over my wrist, ---

21 Q. Um-hum.

22 A. --- know what I'm sayin', because I was just like ---

23 Q. That's while you're in S, uh, department a corrections?

24 A. Yeah. Yes, sir, like I basically tried to kill myself
25 and ---

1 Q. And and did this cutting continue until 2010?

2 A. It, I mean, it, I mean, it crossed my mind but I I did, I
3 cut on myself again when I got to McCormick Institution, they
4 shipped me from Perry, ---

5 Q. Um-hum.

6 A. --- and the thought came across my mind again and I got a
7 razor from my next-door neighbor on lockup and I cut myself
8 again and they took, ---

9 Q. Okay.

10 A. --- they took me, strip me out, put me, uh, butt naked
11 cell and had people come and check on me ---

12 Q. Okay.

13 A. --- over and over and they didn't, they and they felt
14 like I was a threat to the general population so they left me
15 on lockup 'bout three to four weeks until they did an
16 evaluation and then they sent me back to the yard, put me back
17 in general population.

18 Q. And this was when?

19 A. This was in 2011 when I got shipped from Perry and they
20 sent me to McCormick.

21 Q. Okay, and that was during the period of time that you're
22 actually right af -- when you filed this case.

23 A. Yeah.

24 Q. Alright. Now let's go ahead and go back to the date a
25 sentencing, okay? The sentencing that took place what was

1 your, uh, mental, uh, situation that day?

2 A. When when they came and got me and brought me over here
3 to face Judge Cole, I didn't really know what was, I didn't
4 really know what was goin' on.

5 Q. Um-hum..

6 A. I I didn't understand nothin' because ain't nobody come
7 talk to me. I've been in the county jail eight months, aint
8 nobody come talk to me, tell me nothin'. He talked to me one
9 time, that was the time when it came time for court. He
10 didn't, he didn't prepare me for nothin'.

11 Q. Um-hum.

12 A. I wrote him several re -- wrote him several
13 requestses [sic] askin' him what's goin' on my case, no answer

14 Q. Um-hum.

15 A. He talked to me one time, that was the time we came to
16 court and and that was it and I -- and Judge Cole asked me all
17 these questions and I'm basically just sayin' yes, sir, no,
18 sir, because I don't know what's goin' on. I don't know
19 what's go -- I don't know what's gonna happen.

20 Q. Were you on your medication that day?

21 A. I wasn't on any medicine ---

22 Q. Okay.

23 A. --- at all.

24 Q. Is that when the county -- was the county giving you any
25 medicine?

1 A. They wasn't givin' me no medicine at all, none..

2 Q. Did you have medication that was prescribed for you at
3 that point though?

4 A. I didn't have no medicine at all. I I got locked up, I
5 didn't -- I wasn't -- when they locked me up, I wasn't takin'
6 no medicine period ---

7 Q. Okay, let me ---

8 A. --- at all.

9 Q. --- let me ask ya this: Were you supposed to be taking
10 medicine?

11 A. I was, I was supposed to have been takin' it but I wasn't
12 gettin' it.

13 Q. Okay. As far as the doctors were concerned you were
14 supposed to have medicine.

15 A. Supposed to have but I I I wasn't gettin' it ---

16 Q. Okay, ---

17 A. --- at all.

18 Q. --- and what were you supposed to be taking?

19 A. Mellaril, Prozac and Lithium ---

20 Q. Okay.

21 A. --- and I was gettin' none a that.

22 Q. Alright, and so how long had you had none a that prior to
23 the day you came to court?

24 A. The first time I come to court?

25 Q. Yeah, when you came for the plea that day.

1 A. I didn't, I didn't get no medicine until I went down the
2 road and I -- my medicine didn't start 'til I got to Perry
3 Correctional Institution.

4 Q. Okay, so the whole time you were in the county jail you
5 received none of your medicine?

6 A. No medicine at all, ---

7 Q. And you, ---

8 A. --- none.

9 Q. --- and you went straight from the county jail to your
10 plea ---

11 A. Exactly.

12 Q. --- and you spent how long in the county jail?

13 A. I I stayed in the county jail eight months.

14 Q. Alright. Is there anything else that you, uh, wish to
15 make the Court aware of this morning that I have not
16 covered?

17 A. I I I I basically answered everything you, uh, asked of
18 me and I'm I'm ---

19 Q. We've covered what you wanted to talk about.

20 A. Yeah, I mean, ---

21 Q. Okay. Uh, and have you understood your conversations
22 with me?

23 A. Yes, sir, I have.

24 Q. And have you understood my questions to ya here this
25 mornin'?

SHANNON TREMELL HOPKINS - DIRECT EXAMINATION BY MR. BLAND

1 A. Yes, sir.

2 Q. And you're okay as far as today's concerned with your
3 medicine.

4 A. Oh, yes, I am. I'm right now, right now I'm, my medicine
5 right now today bein' that I I haven't had none since for two
6 days now because the medicine I got they won't -- I can't
7 bring it with me ---

8 Q. Okay.

9 A. --- so they keep it at the institution.

10 Q. Okay.

11 A. --- and I need, I need it 'cuz I ain't had it in two
12 days.

13 Q. Okay, but you arrived here last night?

14 A. Yeah.

15 Q. Okay, so you've been here in Spartanburg County less than
16 twenty-four hours.

17 A. Yes, sir, without my medicine.

18 Q. Okay, and you take your medicine how many times a day?

19 A. Two times a day.

20 Q. Okay, so you missed, what, one dose so far?

21 A. Two, ---

22 Q. Two?

23 A. --- two doses.

24 Q. Alright. Is there anything you're confused about right
25 now as far as me and you talkin'?

1 A. No, I I'm I I'm I'm alright with ---

2 Q. Okay.

3 A. --- alright.

4 Q. That's all I have.

5 CROSS-EXAMINATION BY MS. WHITE:

6 Q. Just briefly. And, Mr. Hopkins, you filed the
7 application in 2011 alleging that you had trouble
8 understanding what was goin' on durin' your guilty plea ---

9 A. Yeah.

10 Q. --- and that we filed a motion to dismiss because it was
11 filed ten years after the statute a limitations had run, ---

12 A. Um-hum.

13 Q. --- you responded with some documents, uh, alleging still
14 that you were incompetent at the time of the plea, did you
15 ever respond or allege that you were incompetent and unable to
16 file the PCR within that entire 10-year period?

17 A. I didn't know anything about the court system, I didn't
18 know nothin' about it, ---

19 Q. Okay.

20 A. --- I had help I mean.

21 Q. So when you had seen that we had moved to dismiss, you
22 had someone help you file the responses?

23 A. Yeah, because I didn't know how to do it. I didn't, I
24 didn't know nothin' nothin' 'bout it at all, period.

25 Q. Okay. Now you said that you got on your medicine when

1 you got to Perry, we, when we have an applications filed, we
2 get the SCDC records, ---

3 A. Okay.

4 Q. --- is -- I've got it indicates that you've been moved or
5 gone to Perry at various times or been in Perry, gone between
6 Perry and Kirkland for administrative or medical since 2004
7 for various reasons.

8 A. I've been on many runs for glasses and for my feet.

9 Q. Okay, so when when you go to Kirkland for medical, is
10 that where you go for medical, ---

11 A. Yeah.

12 Q. --- you're goin' for other reasons.

13 A. Yes, I ---

14 Q. So it ---

15 A. --- I I've been to Kirkland several times to get my eyes
16 checked, my glasses and X-rays, that's about it.

17 Q. Okay, so if the, if the documents say that you were in
18 Perry as early as July 2004, in 2006 and 7 and 8 were you
19 there?

20 A. I didn't arrive at Perry until 2005.

21 Q. Okay. And in regards to the time period even from 2005
22 to 2011, what -- why were you not un -- able to file the
23 application, just because you didn't know about it?

24 A. Because like I said, I didn't know nuttin' about how to
25 file PCRs and at the time I wasn't on no medication so

1 therefore I wasn't in the right state a mind to even ask for
2 help about a PCR 'cuz I didn't know.

3 Q. Alright, now you said earlier that you did get on your
4 medication when you got to Perry.

5 A. I did 2010.

6 Q. Okay, so you were at Perry for five years before they put
7 you on any medication?

8 A. Exactly.

9 Q. Okay, and did you not meet with your counselor, talk to
10 them at all during that time?

11 A. I wasn't assigned a counselor until like 2006, 2007,
12 Ms. Jackson. I was on her caseload.

13 Q. Okay. And she helped you. Did ya talk with her about
14 wantin' to attack your conviction or anything ever?

15 A. No, I just told -- I was just talkin' to her about some a
16 the problems I had 'bout myself.

17 Q. Okay, so she was more for you just to talk with her about
18 your issues and maybe if there were concerns that you had
19 medically or with your mental health?

20 A. She she was, she was, she was basically concerned about
21 my mental health because I guess she musta seen things in me
22 that I really needed help with and she was willin' to help me
23 if I let her help me.

24 Q. Right. And so I guess my question is the reason you
25 waited so long to file the application was not because you

1 wanted to file it and and couldn't but you didn't even know
2 about the fact that this was available?

3 A. I didn't know nuttin' about it until it was brought to my
4 attention by some older guys and they was askin' me about my
5 my about the status, uh, was I take any medication. I told
6 'em, Yeah, but I haven't, I haven't took my medicine since
7 such and such and they said, Well you might be, uh, what they
8 call "mentally incompetent" and I never knew what that meant,
9 that was knew to me, but when it was brought to my attention
10 and when they showed it to me and what and I feel as though I
11 am, I am mentally incompetent, if I wasn't, I mean, it's it's,
12 I mean, I can't, I can't, I can't explain, I mean, I I don't
13 know.

14 Q. Okay. Alright, but here today we don't have any records,
15 you don't have any mental health stays where you've had to go
16 to the psychiatric ward and you haven't been able to to to
17 actively function in a daily situation.

18 A. The only records that they have of me is when when they
19 take me or when I get in a different kinda mood, whatever,
20 they will come, they will take me, put me on assess, strip me
21 naked and my counselor will come talk to me and she would
22 evaluate me further to see if I'm ready to go back to the yard
23 or not because like like I told my lawyer I cut on myself
24 several times due to the fact I get stressed out when I think
25 about my mama and that's -- it's c -- and it's crazy bein'

1 back there and and everybody I get around I just cut 'em all
2 off. I don't really wanna talk to nobody, just leave me
3 alone. I I'll go to my cell, I might even put the flap for
4 don't nobody no what's goin' on behind that door, it's just I
5 I get like that sometimes.

6 Q. Okay. And I think that's all, Your Honor. Thank you,
7 Mr. Hopkins.

8 THE COURT: Any redirect limited to what she went into?

9 MR. BLAND: Uh, none.

10 THE COURT: Thank you, sir, you may step down.

11 MR. BLAND: That be our showing.

12 (Whereupon, the applicant left the stand.)

13 MS. WHITE: Thank Your Honor and the State has no
14 witnesses. We have Mr. Morin here but I think for the
15 purposes of this hearing that we don't, we don't need his
16 testimony now.

17 THE COURT: Alright, um, I have question. If I read
18 *Ferguson* correctly, this deals simply with the issue of the
19 tolling of the statute a limitations and it seems like
20 *Ferguson* that the Court reiterates its desire to, uh, be sure
21 that anybody that's convicted has the right to direct appeal
22 and also has the one bite at the apple on a PCR and that for
23 what I'm supposed to determine is whether or not, uh, in this
24 particular case the, uh, mental incapacity prevented the
25 applicant, uh, prevented such an application, such a PCR

MOTIONS AND MATTERS

1 application, to be filed within one year, uh, and all that I
2 in gleaning from the opinion was just mental incapacity was
3 the term that was used; does mental incapacity mean something
4 along the lines of mental retardation or does mental
5 incapacity mean that, uh, the applicant, it's sufficient for
6 an applicant to show that he or she suffered from personality
7 disorder that made them anti-social so they wouldn't interact
8 with people? Does it mean insanity? Uh, does it mean a
9 complete ability to function normally? Did -- do ya'll know
10 if there's any guidance out there as to what I'm I'm supposed
11 to look at in making this determination of his mental
12 incapacity?

13 MR. BLAND: No, sir. I don't, I don't think there is and
14 and of course our position is it means all of the above. It's
15 a very, very broad term and if they had intended to be narrow,
16 they'd have said it in a narrow way so I think any kind of
17 mental incapacity of any sort like the ones you just
18 mentioned, multiple different kinds, would qualify under this
19 particular interpretation this case.

20 MS. WHITE: And, Your Honor, I I don't know that I have
21 much clarity. Um, I was looking for the case that we
22 generally use regarding mental incapacity in in PCR is *Counsel*
23 *v. State* ---

24 THE STATE: Um-hum.

25 MS. WHITE: --- and I was tryin' to pull it up, I'm

MOTIONS AND MATTERS

1 pretty sure I have have it some, uh, location and it I think
2 defines a little more, uh, an -- and I'm tryin' to look for it
3 here as we, uh, because my understanding is generally *Counsel*
4 *v. State* says that if it's a fact-based inquiry even if
5 someone is alleging mental incompetence at the time of a PCR,
6 they can still proceed based on the record and a competent
7 attorney to assist them, um, and I think it deals with
8 somewhat of this the tolling as well but I will, I will look
9 for it and email it to see if it has any additional assistance
10 for ---

11 THE COURT: Okay.

12 MS. WHITE: --- us both.

13 MR. BLAND: Yes, sir, if I could I point out one thing as
14 to that: that is a counseled, uh, situation. The decision to
15 file a PCR would be an uncounseled so I think it's apples and
16 oranges regardless of what it says.

17 THE COURT: Okay. Alright, if ya'll, if if within the
18 next little while ya'll come up with something that you wanna,
19 uh, run across, want me to have it, send it to me but I will
20 take a look at it. Uh, Mr. Hopkins, good luck to you.

21 THE APPLICANT: Yes, sir.

22 MR. BLAND: Thank Your Honor.

23 THE COURT: Thank you.

24 MS. WHITE: Thank Your Honor.

25

CERTIFICATE OF REPORTER

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I, Margaret A. Woods, Court Reporter in and for the State of South Carolina at Large, hereby certify that I reported the preceding case on April 3, 2013 at the time and place heretofore set forth; and that the foregoing pages numbered from 3 through 24, inclusive, constitute a true and accurate transcription of my stenographic notes of the said proceeding.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties connected to the action, nor am I financially interested in the action.

October 25, 2013

Margaret A. Woods

Margaret A. Woods, Court Reporter
in and for the State of South Carolina at Large.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 Shannon Tremell Hopkins, #252133,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

2011-CP-42-2460

CONDITIONAL ORDER OF DISMISSAL

CLERK OF COURT
 SPARTANBURG COUNTY
 2012 JAN 13 PM 3:19
 HOPE BLACKLE

This matter comes before this Court by way of an application for post-conviction relief filed June 1, 2011. Respondent made its Return and Motion to Dismiss on or about January 10, 2012.

I. PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Spartanburg County. The Applicant was indicted at the June 1998 term of the Court of General Sessions for Spartanburg County for attempted armed robbery (98-GS-42-2730) and armed robbery (98-GS-42-2731). He was represented by Michael Morin, Esquire. On August 25, 1998, the Applicant pled guilty as indicted. He was sentenced by the Honorable J. Derham Cole to confinement for a period of thirty years for armed robbery and twenty years for attempted armed robbery. A Motion for Reconsideration was timely filed, but later dismissed by Judge Cole on November 4, 1998.

The Applicant filed a timely notice of appeal. An Anders brief was filed on Applicant's behalf. The South Carolina Court of Appeals dismissed the appeal. State v. Hopkins, Op. No. 2000-UP-032 (filed January 11, 2000). The Remittitur was returned on January 28, 2000.

Applicant's Current PCR Application

In his current application and supporting documents for post conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

- 1) Ineffective assistance of counsel, in that;
 - a) Counsel allowed Applicant to proceed with guilty plea, even though Applicant was mentally incompetent at the time of the commission of the crimes and at the time of the guilty plea,
 - b) Counsel failed to investigate Applicant's mental health history and request mental health examination,

Before this Court are the records of the Spartanburg County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the guilty plea transcript, Applicant's PCR application and Respondent's Return and Motion to Dismiss.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -160 (2003). S.C. Code Ann. §17-27-45(a) reads as follows:

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

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense(s) he challenges in this Application on August 25, 1998. The Remittitur was returned after his unsuccessful appeal on January 28, 2000. The Applicant was therefore required to file his application before January 28, 2001. This Application was filed on June 1, 2011, which was more than ten years beyond the expiration of the statutory filing period.

M. HOPE BLANKLEY
 2012 JAN 13 PM 3:16
 CLERK OF COURT
 SPARTANBURG COUNTY

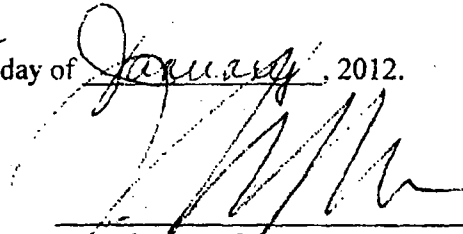
A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. §17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, this Court finds that the application for post-conviction relief is summarily dismissed for failure to file within the time mandated by statute.

Summary

Pursuant to S.C. Code Ann. §17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Spartanburg County Clerk of Court and shall serve opposing counsel at the following address:

Suzanne H. White, Esquire
 Office of the Attorney General
 P.O. Box 11549
 Columbia, SC 29211

AND IT IS SO ORDERED this 12th day of January, 2012.



J. Mark Hayes II
 Administrative Judge – Common Pleas
 Seventh Judicial Circuit

CLERK OF COURT
 SPARTANBURG COUNTY
 2012 JAN 13 PM 3:16
 M. HOPE BLACKLEY

Spartanburg South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 Shannon Tremell Hopkins, #252133,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

2011-CP-42-2460

ORDER OF DISMISSAL

This matter comes before the Court by way of an Application for Post-Conviction Relief filed June 1, 2011. An evidentiary hearing into the matter was convened on April 3, 2013, at the Spartanburg County Courthouse. The Applicant was present at the hearing and was represented by W. Barry Bland, Esquire. Suzanne H. White, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

At the hearing, the Applicant testified on his own behalf. This Court also had before it a copy of the records of the Spartanburg County Clerk of Court regarding the subject conviction. Applicant's records from the South Carolina Department of Corrections, Applicant's appellate records, Applicant's records from the dismissal and appeal of the application, and the plea transcript.

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2013 JUL 26 AM 8:46
 MICHAEL BLECKLEY

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Spartanburg County. The Applicant was indicted at the June 1998 term of the Court of General Sessions for Spartanburg County for attempted armed robbery (98-GS-42-2730) and armed robbery (98-GS-42-2731). He was represented by Michael Morin, Esquire. On August 25, 1998, the Applicant pled guilty as indicted.

SCANNED

He was sentenced by the Honorable J. Derham Cole to confinement for a period of thirty years for armed robbery and twenty years for attempted armed robbery. A Motion for Reconsideration was timely filed, but later dismissed by Judge Cole on November 4, 1998.

The Applicant filed a timely notice of appeal. An Anders brief was filed on Applicant's behalf. The South Carolina Court of Appeals dismissed the appeal. State v. Hopkins, Op. No. 2000-UP-032 (filed January 11, 2000). The Remittitur was returned on January 28, 2000.

The Applicant then filed this application on June 1, 2011. The application was summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160.

S.C. Code Ann. §17-27-45(a) reads as follows:

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

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense(s) he challenges in this Application on August 29, 1998. The Remittitur was returned after his unsuccessful appeal on January 28, 2000. The State argued that Applicant was therefore required to file his application before January 28, 2001, and the lower court agreed.

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SOUTH CAROLINA
2011 JUL 26 AM 11:46
HOSPITAL
BLACKLEY

Applicant appealed the denial of his application. On September 19, 2012, the South Carolina Supreme Court reversed the decision of the lower court summarily dismissing the application and ordered a hearing pursuant to Ferguson v. State, 382 S.C. 615, 677 S.E.2d 600 (2009). The Remittitur was issued on October 5, 2012.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

- 1) Ineffective assistance of counsel, in that;
 - a) Counsel allowed Applicant to proceed with guilty plea, even though Applicant was mentally incompetent at the time of the commission of the crimes and at the time of the guilty plea,
 - b) Counsel failed to investigate Applicant's mental health history and request mental health examination,

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

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 CLERK OF COURT
 SPARTANBURG COUNTY
 2013 JUL 26 AM 8:44
 MICHAEL BLASKLEY

Tolling of Statute of Limitations

This Court was instructed to conduct a hearing to determine if the statute of limitations for filing a post-conviction relief application, the year following Applicant's 1998 guilty plea, should be tolled due to the Applicant's mental incompetency, as indicated in Ferguson. Further, if this Court found incompetence prevented the Applicant from filing his application within the mandated statute of limitations, then this Court was to determine the duration of the incompetence and whether or not the application was filed within one year of the Applicant regaining competency.

Based upon observations of and the testimony of the Applicant, along with review of the limited information available from the file, this Court finds that the Applicant has failed to meet

his burden of proof. It appears that it is more likely than not that the reason an application was not filed for more than ten years following his guilty plea was the fact that Applicant was not aware of the process, not that he suffered from incompetence which prevented him from filing during that time period.

The only witness presented was the Applicant, who testified that he suffered from a few health/mental issues which had gone un-medicated or under-medicated while in the Department of Corrections. Viewing the testimony in a light most favorable to the Applicant, testimony was presented to indicate that the untreated health/mental issues pre-dated his guilty plea and were either not recognized or were improperly treated until the end of 2009 or beginning of 2010. Applicant testified that it was not until this 2009 or 2010 transfer to Perry Correctional facility that he was able to think "in his right mind," and found out about the PCR application process from an older inmate. However, no other witness was called to support the Applicant's factual assertions related to any health/mental issues. A reasonable assumption can be made that medical and mental health records of the Applicant exist, but no documents were presented to guide the Court in its fact finding process.

Therefore, this Court only had the records of the SCDC Offender Management System to review. This Court has closely reviewed those records for information which may support the Applicant's position. It appears that the Applicant has been able to function sufficiently well in the Department of Corrections to the extent that he has earned 1165 work credits, 279 education credits and service credits of 4893. At the time of the printing of the report, the Applicant was also employed as a food service worker and was at a level 2 security level in a minimum security prison. However, Applicant also had a history of three assaultive disciplinary charges (ultimately dropped), roughly seventy-six non-assaultive disciplinary convictions and roughly

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 SUPERIOR COURT
 STANFORD COUNTY
 2019 JUL 26 AM 8:46
 MARSHALL BLACKNEY

nine non-assaultive convictions dropped. Applicant's convictions vary from sexual misconduct, failing to obey, false statement to harm, out of place, disrespect, inciting/creating a disturbance, use of profanity, and other charges listed as major, minor, or administrative. It does appear that the Applicant has been transferred to several institutions, including several different admissions into Perry. However, this Court finds that it would require speculation to draw from these documents any conclusion other than what is obvious in the documents, which is to validate that the Applicant was admitted into Perry while in custody of the Department of Corrections.

The burden at this hearing is on the Applicant to establish that he suffered from a mental incapacity (incompetence) which prevented him from filing his PCR application within the one year statute of limitations once his right to file the application became ripe. Without more, the Applicant's testimony is insufficient in this case to carry the burden. Even assuming the Applicant had mental issues which were incorrectly being treated, there is a lack of sufficient evidence upon which this Court can rely to establish those mental issues or incorrect treatment to the Applicant resulted in him not filing his application.

Therefore, pursuant to the Order remanding this case back to the circuit court on September 19, 2012, this Court finds that the Applicant has failed to meet his burden as dictated in Ferguson v. State, 382 S.C. 615, 677 S.E.2d 600 (2009), which would allow his application to proceed. The application is dismissed as barred by the statute of limitations.

FILED
 CLARK COUNTY
 SPARTANBURG COUNTY
 2013 JUL 25 AM 8:46
 W. J. P. BLACKLEY

CONCLUSION

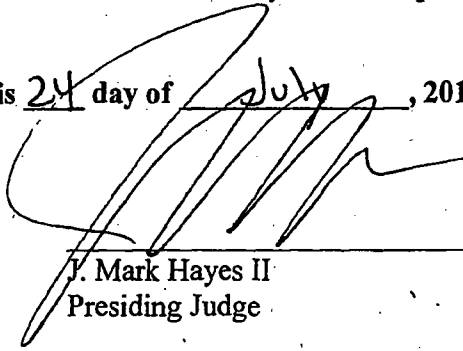
Based on all the foregoing, this Court finds and concludes that the Applicant has not met his burden of proof of establishing that mental incompetence prevented him from filing an application for almost twelve years following his guilty plea. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court cautions Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 24 day of July, 2013.



J. Mark Hayes II
Presiding Judge

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2013 JUL 26 AM 8:46
 M. HOPE BLACKLEY

F 634367

DOCKET NO - 42 - 2730

WITNESSES

David W. Hogsed
Spartanburg City Police Dept.
PO Drawer 1749
Spartanburg, SC 29304

The State of South Carolina,

County of Spartanburg (03)

12/15/97

COURT OF GENERAL SESSIONS

JUN 08 1998 TERM

Computer

1. REPORTED M

3. CARD FILED M

4. INDEXED M

ARREST CHECKED M

7. ASSIGNMENT AND M

8. TRAFFIC VIOLATIONS COPY M

ACTION OF GRAND JURY

Shannon B. ...
Michelle M. ...
Foreman of Grand Jury

VERDICT

Indictment for
ATTEMPTED ARMED ROBBERY

Holman C. Gossett

Foreman of Petit Jury

Date:

I Shannon Tremell Hopkins
hereby appear in my own proper person and plead
guilty to Attempted Armed Robbery
On the within indictment.
Witness: X Shannon Hopkins
Mark Hammon

Clerk of Court

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
)
COUNTY OF Spartanburg)

INDICTMENT FOR
ATTEMPTED ARMED ROBBERY

At a Court of General Sessions, convened on JUN 04 1998,
the Grand Jurors of Spartanburg County present upon their oath:

That Shannon Tremell Hopkins did in Spartanburg County on or about December 13, 1997, while armed with a deadly weapon, to-wit: A handgun, feloniously attempt to take from the person or presence of Mindy Parker and Nikki Parker, by means of force or intimidation goods or monies of Mindy Parker and Nikki Parker, such goods or monies being described as follows: A sum of money belonging to Mindy Parker and Nikki Parker, with intent to deprive the owners permanently of such property.

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



SOLICITOR

S E N T E N C E

STATE OF SOUTH CAROLINA

CASE NO. 98-GS-42-2730

SPARTANBURG COUNTY

0026

The defendant Shannon Lammell Hopkins is committed to the State Department of Corrections/~~County~~ for a term of 20 ~~months~~/years ~~and/or to pay a fine of \$ _____; provided upon the service of _____ months/years and/or payment of \$ _____, plus pay/waive costs and assessments as applicable*, the balance suspended with probation for _____ months/years.~~ Concurrent.

Restitution For physical injury \$ _____
Yes/No property damage \$ _____
to be paid _____

to clerk for _____ *

Other conditions _____

Date AUGUST 25 1998

[Signature]
Presiding Judge

*Costs and Assessments
Non-waivable \$ _____
Not waived \$ _____
Total \$ _____

Mark Hammond
Clerk of Court

**Pay to Victim's Compensation Fund if subrogated.

Computer

684367

STATE OF SOUTH CAROLINA
County of SPARTANBURG
Municipality of SPARTANBURG

THE STATE
against

SHANNON TREMELL HOPKINS

Address: SPARTANBURG, S.C. 29306

Phone: _____ SSN: _____

Sex: _____ Race: B Height: _____ Weight: _____

DOB: _____ DL #: _____ Agency ORI #: _____

Prosecuting Agency: CITY POLICE

Prosecuting Officer: HOGSED, DAVID W.

Offense: ATTEMPTED ARMED ROBBERY

Offense Code: _____

Code/Ordinance Sec. 16-11-330

This warrant is CERTIFIED FOR SERVICE in the County of _____ Municipality of _____

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge _____ (L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant SHANNON TREMELL HOPKINS

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

SPARTANBURG MAGISTRATE COURT
SPARTANBURG COUNTY COURTHOUSE
SPARTANBURG, S.C. 29306-2392

STATE OF SOUTH CAROLINA
County of _____ Municipality of _____

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 28, 1950
SCCA 518

Personally appeared before me the affiant HOGSED, DAVID W. SHANNON TREMELL HOPKINS who being duly sworn deposes and says that defendant 16-13-97 violate the criminal laws of the State of South Carolina (or ordinance of _____ County/ _____ Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID ATTEMPT TO TAKE MONEY FROM THE PERSON PARKER AND NIKKI PARKER BY MEANS OF FORCE AND VIOLENCE ARMED WITH A DEADLY WEAPON, BEING A HANDGUN.

AFFIANT'S BELIEF IS BASED UPON POLICE INVESTIGATION.

Sworn to and subscribed before me on _____ Day of _____ 1997

Signature of Issuing Judge _____ (L.S.)

Signature of Affiant _____
Affiant's Address: 145 BROAD ST.
SPARTANBURG, S.C. 29305
Affiant's Telephone: 596-2065

STATE OF SOUTH CAROLINA
County of SPARTANBURG
Municipality of _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

I, appearing from the above affidavit, that there is probable cause to believe that defendant SHANNON TREMELL HOPKINS did violate the criminal laws of the State of South Carolina (or ordinance of _____ County/ _____ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge _____ (L.S.)
Judge's Address: INMAN, S.C. 29349
Judge's Telephone: 472-4447

Signature of Affiant _____
Affiant's Address: _____
Affiant's Telephone: _____

ORIGINAL

A CERTIFIED COPY
M. HAMMOND
CLERK OF COURT
SPARTANBURG COUNTY
BY: _____ D. _____
DATED _____

10
F 634 368

WITNESSES

David W. Hogsed
Spartanburg City Police Dept.
PO Drawer 1749
Spartanburg, SC 29304

Computer

REPORT MADE
REPORT ENDED
CARD FILLED
INDEXED
CHECKED WARRANTS
CHECKED SIGNATURE
REGISTRATION NO.
FEE CARD MADE
TRAFFIC VIOLATIONS COPY

ACTION OF GRAND JURY

Dean R. [Signature]
Mack G. Mork
remains Grand Jury

VERDICT

Remain of Petit Jury Date

98-08-42-2731
The State of South Carolina,

County of Spartanburg (03)
12/15/97

COURT OF GENERAL SESSIONS
JUN 08 1998 TERM

THE STATE

vs.

Shannon Tremell Hopkins

Indictment for Armed
Robbery ~~and Robbery~~

Holman C. Gossett

I Shannon Tremell Hopkins
hereby appear in my own proper person and plead
guilty to Armed Robbery
On the within indictment.
Witness: X Shannon Hopkins
Mack Hammon
Clerk of Court

STATE OF SOUTH CAROLINA

CASE NO. 98-GS-42-2731

SPARTANBURG COUNTY

0139

The defendant Shannon Linnell Hopkins is committed to the State Department of Corrections/~~County~~ for a term of 30 ~~months~~/years ~~and/or to pay a fine of \$ _____; provided upon the service of _____ months/years and/or payment of \$ _____, plus pay/waive costs and assessments as applicable*, the balance suspended with probation for _____ months/years.~~

Restitution For physical injury \$ _____
Yes/No property damage \$ _____
to be paid _____

to clerk for _____

Other conditions _____

Date AUGUST 25 1998

[Signature]
Presiding Judge

*Costs and Assessments
Non-waivable \$ _____
Not waived \$ _____
Total \$ _____

Mark Hammond
Clerk of Court

**Pay to Victim's Compensation Fund if subrogated.

Computer

12-19-97 ARREST WARRANT
F- 634368

STATE OF SOUTH CAROLINA
 County/ Municipality of
SPARTANBURG

THE STATE
against

SHANNON TREMELL HOPKINS

Address: SPARTANBURG, S.C. 29306

Phone: _____ SSN: _____

Sex: M Race: B Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: _____

Prosecuting Agency: HOGSED, DAVID W.

Prosecuting Officer: ARMED ROBBERY

Offense: _____ Offense Code: _____

Code/Ordinance Sec. 16-11-330

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of _____

The accused is to be arrested and brought before me to be dealt with according to law.
Signature of Judge _____ (L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant SHANNON HOPKINS
on 12-15-97

Signature of Constable/Law Enforcement Officer
Mark T. [Signature]

RETURN WARRANT TO:

SPARTANBURG MAGISTRATE COURT
SPARTANBURG COUNTY COURTHOUSE
SPARTANBURG, SC 29306-2392

STATE OF SOUTH CAROLINA
 County/ Municipality of _____

AFFIDAVIT

Personally appeared before me the affiant HOGSED, DAVID W.
being duly sworn deposes and says that defendant SHANNON TREMELL HOPKINS
did within this county and state on 12-13-97 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of _____)
in the following particulars:

DESCRIPTION OF OFFENSE: ARMED ROBBERY
16-11-330

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID TAKE MONEY FROM SELLARS SEAFOOD BY MEANS OF
FORCE AND VIOLENCE AND WHILE ARMED WITH A DEADLY WEAPON, BEING A
HANDGUN.

AFFIANT'S BELIEF IS BASED UPON POLICE INVESTIGATION

Sworn to and subscribed before me on _____
at _____, S.C.

Signature of Affiant _____ (L.S.)
Signature of Issuing Judge _____ (L.S.)

Signature of Affiant _____
Affiant's Address: 1-15 BROAD ST.
Affiant's Telephone: 596-2765

STATE OF SOUTH CAROLINA
 County/ Municipality of
SPARTANBURG

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

I, DAVID W. HOGSED, from the above affidavit that there is PROBABLE CAUSE believe that
on _____ defendant SHANNON HOPKINS
did violate the criminal laws of the State of South Carolina (or ordinance of _____)
 County/ Municipality of ARMED ROBBERY as set forth below:
DESCRIPTION OF OFFENSE: 16-11-330

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of his execution, or as soon thereafter as is practicable.
WHL ST.

Signature of Issuing Judge _____ (L.S.)
Signature of Affiant: DAVID W. HOGSED
Judge's Address: INMAN, S.C. 29339
Judge's Telephone: 472-4447
Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
S-24-180
S-24-180
S-24-180

A CERTIFIED COPY
M. HAMMOND
CLERK OF COURT
SPARTANBURG COUNTY
BY: _____ D.C.
DATED _____