

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

Lee S. Alford, Circuit Court Judge

RECEIVED

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S.C. Supreme Court

RAYMOND BERNARD MURRAY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF YORK) SIXTEEN JUDICIAL CIRCUIT
1987-GS-46-1525
2010-GS-46-1404

STATE OF SOUTH CAROLINA.,)
PLAINTIFF,)
-V-) TRANSCRIPT OF RECORD
RAYMOND MURRAY.,)
DEFENDANT.)

JUNE 8, 9, 2010
YORK, SOUTH CAROLINA

B E F O R E:

THE HONORABLE LEE S. ALFORD, JUDGE.

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

MS. ERIN JOYNER
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ATTORNEY FOR THE PLAINTIFF

MS. MELISSA INZERILLO
MR. JONATHAN SULLIVAN
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AT LARGE

ORIGINAL

1 (ON THE RECORD TUESDAY, JUNE 8, 2010 AT 5:10 P.M..)

2 (BLACK MALE ENTERING COURTROOM.)

3 THE COURT: All right.

4 SOLICITOR JOYNER: May it please the court, Your
5 Honor. We are before the court by request of Mr. Raymond
6 Bernard Murray. He is set to go to trial tomorrow on a
7 simple possession of crack cocaine. I received - -

8 THE COURT: Let's kind of have order in the courtroom.

9 BAILIFF WILLIAMS: All right order you all.

10 THE COURT: All right go ahead.

11 SOLICITOR JOYNER: Thank you, Your Honor. He is
12 represented by Ms. Melissa Inzerillo in these pending
13 criminal matters but he's apparently ask to come before the
14 court without the benefit of counsel. He served the State
15 with a motion, Your Honor, and I'm not sure if he has a
16 copy for Your Honor. I will hand up my copy. He's asking
17 to reopen a 1987 guilty plea. And I will tell the court
18 that if the court just that the State's position would be
19 that there is no jurisdiction to reopen - - -

20 THE COURT: I will start off by saying that.

21 Mr. Murray, I'll be glad to hear from you but I don't
22 have any jurisdiction over a 1987 case. Either that case
23 needs to be appealed or if you feel like it needs to be set
24 aside even though there are time limits in the statutes
25 that prevent post conviction relief applications after a

1 certain time this matter will have to be taken care of
2 through some other matter. I don't have any jurisdiction
3 to reopen it. I'll be glad to hear from you. I just want
4 to be up front. I don't have any authority or jurisdiction
5 the legal word to do anything from a 1987 sentence but go
6 ahead.

7 MR. MURRAY: Your Honor, I would like to address the
8 court by saying that this charge right here is a sexual
9 registration list and by me being on the South Carolina
10 registration list states that anytime you have to register
11 as a sex offender you have to register up under the correct
12 heading. So this charge right here has me registered up
13 under the wrong heading for a crime that I did not even
14 commit. I have been locked up for criminal failure to
15 register four times I pleaded out. One time because I had
16 already served ninety days in jail. Now if I would a
17 stayed longer I would a took a trial. So therefore Your
18 Honor if I would take a trial for failure to register the
19 indictment would have had to be presented to what made me
20 plead guilty to criminal sexual conduct in the beginning.
21 So I have to register for a sex offender because of this
22 charge.

23 THE COURT: I'm not following you. It says here that
24 it was criminal sexual conduct that you waive presentment
25 and plead guilty to having sexual intercourse with Tanzilla

1 Boger. She was fourteen and you were older than she was.

2 MR. MURRAY: What date was it on I was supposed to
3 have committed the crime?

4 THE COURT: On or about the first day of June 1987.

5 MR. MURRAY: Your Honor, if you will look at the other
6 indictment it would shown that I was being convened in
7 General Sessions and it was True Billed on the first day of
8 June for the same victim using the same witness. I mean we
9 both know that criminal sexual conduct in the third degree
10 is not the defense so it was only one crime committed.

11 THE COURT: Well but you waived presentment of the
12 charge with which you pled. I'm not going to get into a
13 debate with you. All I can tell you is I don't have any
14 authority - -

15 MR. MURRAY: So I have to register as a sex offender?

16 THE COURT: Well here's what I'm going to do. I'm
17 going to deny your motion based on my lack of jurisdiction.
18 If you feel that you can appeal that then maybe that's the
19 way you can go that you can file an appeal. I don't know
20 if there is any merit to it but I am going to enter an
21 order denying your motion. We will do a little short
22 written order saying that you made this motion and I'm
23 denying it because of lack of jurisdiction. It may be -- I
24 can't give you legal advice and I don't know if this will
25 work but if you think you got merit in it then perhaps you

1 ought to file an appeal and see if the Supreme Court the
2 Court of Appeals will send it back saying I do have
3 jurisdiction but I don't have jurisdiction.

4 MR. MURRAY: Your Honor, can I say one more thing?

5 THE COURT: Yes, sir.

6 MR. MURRAY: I already have the letters. If I would a
7 knew I was going to have to come up here and present this
8 myself I could have brought the letters that the Supreme
9 Court and the Attorney General's office and the US Judicial
10 Department mailed me back which I wrote you a letter and
11 said something about it to you. I do have letters from
12 which they already said there was an error that was
13 committed in Circuit Court that needed to be handled in
14 Circuit Court.

15 THE COURT: Well I don't have those letters and I
16 don't know - -

17 MR. MURRAY: If you can postpone it until tomorrow and
18 let me bring the letters back up?

19 THE COURT: Yeah we'll take a look. Bring those
20 letters up.

21 MR. MURRAY: Thank you, sir.

22 THE COURT: I don't think it's going to change
23 anything I can do because I don't have jurisdiction. I
24 don't think the Attorney General can give me jurisdiction,
25 I don't think the court can give me jurisdiction. I either

1 got it or I don't. I don't think I have it. We will take
2 this up tomorrow.

3 If you all bring him back up here with his paperwork.

4 SOLICITOR JOYNER: Thank you, Your Honor. And Ms.
5 Inzerillo advised that Mr Murray had some other matters
6 that he wished to present to the court as a pro se person.

7 THE COURT: What else?

8 MS. INZERILLO: May I have a moment, Your Honor.

9 (PAUSE.)

10 THE COURT: Yes, sir, anything else?

11 MR. MURRAY: Yes, sir. I have some personal concerns
12 and some issues that I been dealing with Ms. Erin Joyner in
13 the past, Your Honor. When I first came back this time,
14 Your Honor, for some charges that I was trying to get
15 dismissed or I was working on with the court Ms. Erin
16 Joyner the last time she was solicitor in the case - -

17 Ms. Erin Joyner, you had took Ms. Kindle Johnson off
18 my case that's been my lawyer because she violated
19 confidentiality. Immediately Ms. Erin Joyner she went and
20 she indicted me the same day in which - you know what I'm
21 saying I'm saying she wasn't supposed to do that.

22 THE COURT: Well I don't know what you're saying.

23 MR. MURRAY: Okay.

24 THE COURT: I'm completely confused. But let me tell
25 you another thing. I don't have any authority over who

1 prosecutes you or what they prosecute you for. Go ahead
2 I'll be glad to listen to you but I think you are talking
3 here about things I don't have no control over.

4 MR. MURRAY: What I want to express to your court is,
5 Your Honor, we have a personal conflict of interest.

6 THE COURT: She's supposed to have a conflict of
7 interest.

8 MR. MURRAY: Okay. But then to get into my personal
9 life by having me checked out for HIV; calling my co-
10 defendants, telling people not to talk to me on the phone
11 peoples that's not involved in my case. I mean that's just
12 too personal to find out what's running through my things.
13 That's personal. And I done told - I told my lawyer in the
14 beginning. I know she's against me but still though if you
15 go to that extent to where I know that I feel that I don't
16 trust you and I got a lawyer who I really don't trust I
17 feel like I'm gonna be sold out or you gonna be taking my
18 information I give to you back to the Solicitor and if I
19 don't' feel comfortable with that it's not right. I mean
20 look at all the things they done to me in the past and look
21 at the things that you are doing to me now. You calling
22 people on the phone and you listen to my phone calls you
23 call people and tell them not to accept more calls from me.
24 The tapes we have tapes that I can't even listen to but I
25 gave her the dates what dates to get them. You have me

1 take a HIV test and then contact the people and tell them
2 that I don't have it. And I'm pretty sure that its already
3 been worked out or you all already know about it. I mean
4 I'm pretty sure of that.

5 THE COURT: Do you have anything? You don't have to
6 defend yourself but if you want to say anything just on the
7 record. Somebody might read this later.

8 SOLICITOR JOYNER: Just for clarification, Your Honor,
9 Mr. Murray was previously here in 2008 with a set of
10 charges they were originally assigned to me. I have no
11 recollection of Ms. Johnson violating any confidentiality
12 speaking to me about anything that Mr. Murray told her in
13 confidence or whether she was removed. Ultimately those
14 cases were transferred to Mr. Springs. I received an
15 incredible amount of warrants at one time and Mr. Murray
16 received I think a time served and probation. He is
17 currently on that probation he got that deal from Mr.
18 Springs. I have listened to some of his jail phone calls
19 turned over I believe five phone calls to the Defense
20 attorney. I've never had Mr. Murray take an HIV test.
21 There was a question about whether the victim was concerned
22 that he might be HIV positive. Discussed that directly
23 with Ms. Inzerillo and whether he would consent to take a
24 test because he does have a pending CSC first charge.

25 MR. MURRAY: Excuse me, pending what?

1 SOLICITOR JOYNER: CSC criminal sexual conduct in the
2 first degree charge.

3 MR. MURRAY: When's that happened?

4 SOLICITOR JOYNER: Mr. Murray is aware of the pending
5 charge, Your Honor, it's been served upon him.

6 MS. INZERILLO: It's CSC third.

7 THE COURT: CSC third.

8 SOLICITOR JOYNER: Third. I'm sorry I mis-spoke. So
9 there was discussion with Ms. Inzerillo about whether he
10 would take an HIV test but ultimately we determined that it
11 wasn't necessary. The victim came back to me and said that
12 she did not any longer have any concerns about that. I
13 never discussed that with anybody other than the victims
14 and Ms. Inzerillo. I don't know what he's talking about
15 about telling people not to talk to him. I'm completely
16 unaware of what he's referencing there. I believe that
17 covers everything that Mr. Murray has said. I don't have a
18 personal problem with him, Your Honor.

19 THE COURT: All right anything else, Mr. Murray?

20 MR. MURRAY: I just want to get it all. I knew it
21 wouldn't do any good because you know. I just thought I
22 would say because it was in my heart and I know and she
23 knows this as well if you were to check the indictments you
24 would know the date that you relieved Kindle Johnson on the
25 case was December 10th and I was indicted December the 10th

1 the exact same day which we know that the Grand Jury don't
2 convene the same time General Sessions is. It was pretty
3 much personal and then you did relief yourself off my case
4 and you did. It still don't change the fact what went on
5 at that time. And me being on the phone which I have not
6 heard the phone call. I got a letter stating you know I
7 was going to listen to the tapes. And my co defendant did
8 tell me said yéah me and Erin Joyner we did talk. She told
9 me don't' talk to you bla za bla za bla za. She wasn't a
10 co defendant no more at that time. My case was dismissed
11 and her case was dismissed and so I felt that you do have a
12 conflict of interest against me and I did sign to take a
13 HIV test and my lawyer did tell me that she told you about
14 it. I mean I feel like you violated my constitutional
15 rights by having me take the test.

16 THE COURT: Have you taken the test?

17 MR. MURRAY: Sir, when I was in the Department of
18 Corrections - -

19 THE COURT: If you haven't taken the test lets don't
20 worry about that.

21 MR. MURRAY: My results came back. Yes, sir, Your
22 Honor, my results came back from the test from my HIV test.

23 THE COURT: You did have a test while you were in the
24 Department of Corrections?

25 MR. MURRAY: While I was in the Department of

1 Corrections what they sent for while I was here to let the
2 victim know.

3 THE COURT: In any event she don't have anything to do
4 with the Department of Corrections nor do I. And as far as
5 her having a conflict of interest like I said she's
6 supposed to. She's not on your side she's a hundred
7 percent against you.

8 MR. MURRAY: She's not. She's not.

9 THE COURT: She's a hundred percent against you and
10 that's what she is and if she isn't a hundred percent
11 against you she's not doing her job.

12 MR. MURRAY: Is it a hundred percent against me to
13 call somebody on the phone?

14 THE COURT: I'm not going to tell her how to run her
15 job she don't tell me how to run mine.

16 MR. MURRAY: You're not going to tell her how to run
17 her job but to tell somebody or a personal family member
18 who I'm living with not to talk to me or to threaten to
19 have something over me at the same time that's not
20 personal?

21 THE COURT: There are other ways you can handle that.
22 I guess I don't know. There's certainly nothing I can do
23 about it.

24 MR. MURRAY: Okay.

25 THE COURT: Thank you.

1 SOLICITOR JOYNER: Your Honor, can I state for the
2 record I never told anybody not to speak with Mr. Murray.
3 I did have a conversation with the former co-defendant Ms.
4 Chisholm after I dismissed both of their charges - - -

5 MR. MURRAY: No.

6 SOLICITOR JOYNER: - - - and I dismissed four charges
7 against Mr. Murray for lack of merit.

8 MR. MURRAY: No.

9 SOLICITOR JOYNER: I did not instruct her not to speak
10 to him.

11 THE COURT: I don't think the two of you are going to
12 agree on anything and you don't have to.

13 MR. MURRAY: That's why I wanted you to hear the tape
14 for yourself, Your Honor. If you heard the tapes - -

15 THE COURT: I'm not going to listen to no tape.

16 MR. MURRAY: I know you're not. I know you're not.

17 (BACK ON THE RECORD WEDNESDAY, JUNE 9, 2010 AT 9:35 A.

18 M..)

19 MS. INZERILLO: Good morning, Your Honor. Your Honor,
20 just briefly two things; Mr. Murray is going to enter a
21 plea to a crack charge today and a probation violation. He
22 did bring the two letters that he told you he was going to
23 bring yesterday so he's just going to show you those. John
24 and I aren't involved in that. I just wanted to make you
25 aware.

1 THE COURT: Thank you.

2 (NOTE: DEFENDANT ENTERING COURTROOM.)

3 THE COURT: Good morning, Mr. Murray.

4 MR. MURRAY: Good morning.

5 THE COURT: Yes, ma'am, Ms. Joyner.

6 SOLICITOR JOYNER: May it please the court. Your
7 Honor, Mr. Murray is before the court was set for trial
8 today on Indictment 2010-GS-46-1404 for possession of crack
9 cocaine first offense. He now indicates that he wishes to
10 enter a guilty plea. Your Honor, because this case was set
11 for trial this plea will be without any recommendation or
12 negotiation. He also has a probation violation.

13 THE COURT: Have you been served anything on that?

14 PROBATION OFFICER BARBARA CLARK: I'll serve him, Your
15 Honor.

16 THE COURT: Why don't you wait until he pleads.

17 They will serve what's called a citation on you. Go
18 ahead and anticipate it in that entering this plea will be
19 a violation of your probation so we will get to that in
20 just a minute. First you are forty-one?

21 MR. MURRAY: Yes, sir.

22 THE COURT: Are you represented by Ms. Inzerillo and
23 Mr. Sullivan?

24 MR. MURRAY: Yes, sir.

25 THE COURT: You are charged with possession of crack

1 cocaine. The indictment alleges that on or about December
2 6, 2009 you possessed a quantity of crack cocaine a
3 controlled substance and you did this in violation of the
4 laws of this state. This carries up to three years in
5 jail; it is a misdemeanor. Do you understand the charge
6 and the potential penalty?

7 MR. MURRAY: Yes, sir.

8 THE COURT: How do you plead to this charge?

9 MR. MURRAY: I plead guilty.

10 THE COURT: Other than the -- Well there is no
11 recommendation so has anybody made any promises or threats
12 to cause you today to enter your plea of guilt to this
13 charge?

14 MR. MURRAY: No, sir.

15 THE COURT: Are you today under the influence of
16 anything that would cause you to be intoxicated?

17 MR. MURRAY: No, sir.

18 THE COURT: Are you entering your plea today of this
19 charge freely and voluntarily?

20 MR. MURRAY: Yes, sir.

21 THE COURT: Mr. Murray, you have a right to a trial by
22 a jury on the charge and you are presumed innocent of this
23 charge until such time as the State is able to prove if it
24 can your guilt beyond a reasonable doubt. As to the charge
25 you have the right to remain silent; the right to confront

1 witnesses against you and you have the right to have your
2 witnesses made to come to court to testify on your behalf.
3 Do you understand you have these rights?

4 MR. MURRAY: Yes, sir.

5 THE COURT: Do you have any questions about them?

6 MR. MURRAY: No, sir.

7 THE COURT: I advise you that by entering a plea of
8 guilt you are giving up these rights. You are also giving
9 up any defense that you might have to the charge. Do you
10 understand that?

11 MR. MURRAY: Yes, sir.

12 THE COURT: Knowing all those things I again ask how
13 do you plead to this charge?

14 MR. MURRAY: I plead guilty.

15 THE COURT: All right. Tell me the facts and his
16 prior record.

17 SOLICITOR JOYNER: Yes, sir, Your Honor. The facts
18 are that on December 6th 2009 at approximately 7:15 p.m.
19 Officer Lambert of the Rock Hill Police Department was on
20 routine patrol when he observed Mr. Murray walking down the
21 500 block of Roule Street which is in Rock Hill within York
22 County, South Carolina. Officer Lambert had a clear view
23 of Mr. Murray and was able to identify him based on prior
24 experiences with Mr. Murray. And Officer Lambert also knew
25 that Mr. Murray had an active warrant for his arrest for

1 false information to the police. Officer Lambert stopped
2 Murray at the corner of Roule Street and Wellhurst Court by
3 turning on his blue lights and pulling up beside Mr.
4 Murray. Mr. Murray stopped briefly then began to argue
5 with Officer Lambert stating what did I do this time?
6 Murray had his left hand in his coat pocket. Officer
7 Lambert ordered Murray two times to take his hand out of
8 his pocket for officer safety at which point Mr. Murray
9 fled on foot. He was ordered to stop and he was called by
10 name. Mr. Murray then threw a white object to the ground
11 in the 300 block of Wellhurst Court behind a car in an
12 apartment parking lot. Officer Lambert was approximately
13 fifteen feet behind Mr. Murray at this time. Mr. Murray
14 then stopped running and said okay I will stop. He was
15 placed under arrest for false information. The false
16 information warrant at which point Mr. Murray advised he
17 was aware that that warrant existed. He was searched
18 nothing was located on his person but Officer Lambert was
19 able to go right back to the location where he saw Mr.
20 Murray drop a white object and recover from the ground a
21 crack rock wrapped in a white -- At the corner of a white
22 plastic grocery bag. That was turned in for testing and it
23 was determined to be .12 grams of crack cocaine or cocaine
24 base.

25 THE COURT: Do you agree with those facts, Mr. Murray?

1 MR. MURRAY: Yes, sir.

2 THE COURT: All right I accept your plea. I find it
3 is freely and voluntarily knowingly and intelligently
4 entered; entered with the advice of competent counsel with
5 whom you are satisfied. I find the facts support your
6 plea. Now I am going to hear what your record is.

7 SOLICITOR JOYNER: Yes, sir. Your Honor. Mr.
8 Murray's record begins in 1986 with simple assault and
9 battery. 1987 damage to property. Again in 1987 criminal
10 sexual conduct with a minor in the second degree that is
11 the subject of Mr. Murray's motion from yesterday. Grand
12 larceny burglary second degree and B&E auto.

13 THE COURT: Don't go quite so fast, Ms. Nelson, has to
14 keep up with you.

15 SOLICITOR JOYNER: I'm sorry, Your Honor. And
16 following those in 1987 for CSC Grand Larceny burglary
17 second and B&E. He was again convicted in 1990 for
18 distribution of cocaine and driving under suspension. In
19 1992 trespassing; also in 1992 criminal domestic violence.
20 In 1993 public disorderly conduct. In 1994 assault and
21 battery. Then in 1995 Mr. Murray entered guilty pleas to
22 strong armed robbery, resisting arrest SubSection A, PWID
23 crack, burglary second degree, strong armed robbery again.
24 Driving under suspension, possession of a sawed off shot
25 gun and I believe there is an additional count of burglary

1 second degree. He was released from custody of the
2 Department of Corrections in 2002. In 2003 he was
3 convicted of assault and battery of a high and aggravated
4 nature. In 2007 failure to register as a sex offender. In
5 2008 assault and battery of a high and aggravated nature
6 and another failure to register as a sex offender in
7 January of this year. He pled guilty in City Court by
8 affidavit to receiving stolen property less than one
9 thousand dollars and that is the extent of his record, Your
10 Honor.

11 THE COURT: All right. Ms. Clark, you want to serve
12 the citation on him?

13 PROBATION AGENT BARBARA CLARK: Yes, sir, Your Honor.
14 There's two warrants.

15 THE COURT: Oh two warrants.

16 (DEFENDANT SERVED WITH CITATIONS FOR PROBATION
17 VIOLATION BY PROBATION PARDON PAROLE AGENT BARBARA CLARK.)

18 THE COURT: Mr. Murray, you now have been served with
19 a citation by Probation. This citation alleges that you
20 violated the probationary sentence imposed by -- I can't
21 read the judge's name --

22 AGENT CLARK: Couch I believe, your Honor.

23 THE COURT: Judge Couch. He sentenced you on February
24 28th 2008 for assault and battery of a high and aggravated
25 nature; seven years. That was suspended upon time served

1 with two years probation. Is that correct?

2 MR. MURRAY: Yes, sir.

3 THE COURT: The citation alleges that you violated
4 that sentence by entering this plea. Of course you have
5 entered this plea and I find that is a substantial
6 violation. You also were served with warrants on January
7 7th 2010 and March 26, 2010 regarding this same sentence.
8 The January warrant alleges that at that time -- This
9 charge was pending and there were other charges; it looks
10 like criminal conspiracy, burglary, possession, and making
11 instruments used in crime, petty larceny, What happened to
12 those?

13 MS. INZERILLO: They've been dismissed, Your Honor.

14 THE COURT: Okay. All right. The only substantive
15 matter there was that you received this additional charge
16 to which you've just pled. The second arrest warrant in
17 March alleges that you were arrested for criminal sexual
18 conduct third degree by the Rock Hill City Police on
19 January 19th 2010 and failed to notify the agent that that
20 happened where you were arrested and that you did not
21 notify your agent.

22 MR. MURRAY: Sir, I turned myself in for the burglary
23 charge and that charge popped up while I was here twenty
24 some days later. I didn't have a chance to go find out
25 about it.

1 THE COURT: What's happened to that charge?

2 MS. INZERILLO: Its still pending, Your Honor.

3 THE COURT: Well I won't consider that because
4 entering this plea today is a sufficient substantial
5 violation of Judge Couch's sentence. I also the Court will
6 take into consideration his prior record. I do have the
7 NCIC although it's pretty much read into the record. All
8 right I will be glad to hear from your attorneys and then
9 from you.

10 MS. INZERILLO: Thank you, Your Honor, may it please
11 the court. Your Honor, regarding Mr. Murray's case and we
12 would just ask the court for current time in this case. He
13 understands that he does have -- By the sentence have seven
14 years hanging over his head and it appears that a prior
15 violation in front of Judge Alford in which he got a year
16 on that. He's stands before you today because not really
17 because of the crack charge. He wasn't really ever
18 fighting the crack charge; the situation was always the sex
19 charge which is still pending. And then this issue that he
20 made the court aware of yesterday and had made Mr. Sullivan
21 and I aware of prior -- A little bit prior to that
22 regarding his classification at the jail and that was a
23 stumbling block for him. Once he had a chance to put that
24 before Your Honor yesterday I believe that he saw more
25 clearly and wanted to come before you and take care of this

1 charge today and not waste the court's time and the jury's
2 time.

3 THE COURT: And he's got those letters?

4 MR. MURRAY: Yes, sir.

5 THE COURT: Won't you hand those to the Clerk. She
6 will make me a copy and make copies and hand the originals
7 back to you.

8 MS. INZERILLO: Thank you, Your Honor. Your Honor,
9 Mr. Murray on the crack charge spent one day in jail bonded
10 out and then was picked up again and has been in jail
11 continuously since January 4th of this year. So we would
12 ask just for simplicity sake for him to receive time served
13 on the crack charge which will be a day. He understands
14 the bulk of his time if the court does run it concurrent
15 would come from the probation case. By my calculation he
16 is entitled to a hundred and fifty-two days which would be
17 from January 7th which is service of the probation
18 violation warrant on the probation case. But we would ask
19 for the time to be run concurrent in this case, Your Honor.

20 THE COURT: Mr. Sullivan, do you want to add anything?

21 (NEGATIVE RESPONSE.)

22 THE COURT: Mr. Murray, you want to add anything?

23 MR. MURRAY: Yes, sir. I just say I take full
24 responsibility for what my action was. I'm not going to
25 make up any excuses because simply if I wouldn't a been out

1 there then I wouldn't have been charged with the charge.

2 That's basically all I got to say.

3 THE COURT: All right I'm looking at the two letters.

4 Let's go back. I signed an order earlier this morning

5 which will be filed and you will be given a copy. In fact

6 why don't we make sure he gets that before we take him back

7 in the holding cell. We're doing basically what I told you

8 yesterday saying that I don't have jurisdiction. I don't

9 know that you can do anything about it but at least you

10 would have an order and in the process at least I've ruled

11 on your motion.

12 MR. MURRAY: Right.

13 THE COURT: The ruling was I couldn't rule on it but

14 still that's a ruling. Kind of doesn't make sense.

15 MR. MURRAY: Makes sense.

16 THE COURT: Okay. I've got these two letters. Dan

17 Shearouse from the Clerk of Court, Supreme Court, just

18 indicated you needed to consult with an attorney. And the

19 assistant US Attorney for the Department of Justice is

20 recommended you contact the South Carolina Attorney General

21 or private counsel. So that really doesn't change what I

22 did yesterday but I appreciate you bringing me these

23 letters so I can see what compelled you or encouraged you

24 to do what you were doing. Again I don't have no problem

25 with you doing that but thank you for bringing those

1 letters. Anything else you want to say?

2 MR. MURRAY: No, sir.

3 THE COURT: All right. I'm going to find substantial
4 violation of your probationary sentence from Judge Couch
5 and revoke that. I'm going to give you three years
6 concurrent on the charge today, the crack cocaine charge
7 and it's to run concurrent with the probation revocation.
8 And I give him credit for a hundred and fifty-two days.

9 MS. INZERILLO: Thank you, Your Honor.

10 THE COURT: Thank you all.

11 -- END OF TRANSCRIPT OF RECORD --
12
13
14
15
16
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18
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21
22

23 REPORTER'S NOTE: NO EXHIBITS WERE ENTERED.
24
25

CERTIFICATE

I, THE UNDERSIGNED WANDA NELSON, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE SIXTEEN
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT IS A
TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF
ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE
HEARING OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN
THE CIRCUIT COURT FOR YORK COUNTY, SOUTH CAROLINA, ON
THE 17TH DAY OF JULY, 2009.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

Wanda Nelson

WANDA NELSON, CVR
OFFICIAL COURT REPORTER
NOTARY PUBLIC IN AND FOR THE
STATE OF SOUTH CAROLINA
DATE: _____/_____/_____

MY COMMISSION EXPIRES: 12/10/2010

2010-CP-46-425

FORM 5

STATE OF SOUTH CAROLINA

County of York

York County S.C.

Full name and prison number (if any) of Applicant

Raymond Bernard Murray 217417

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

16th Judicial Circuit

APPLICATION FOR

POST-CONVICTION RELIEF

DAVID HAMILTON
C.C. & GS.
YORK COUNTY, SC

2010 SEP 30 PM 2:20

FILED-RECEIVED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (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 an answer to a particular question on the reverse side of the page or on an additional page. Applicant shall not bear which question any such continued answer refers.

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

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

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2010 OCT -8 PM 2:25

CERTIFIED TRUE COPY

1. Place of detention Broad River Correctional Inst.

2. Name and location of Court which imposed sentence York County Mass

Justice Center. York SC. 20745

3. Name(s) of co-defendant(s) (if any) NONE

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

(a) 2010 GS-4601404 - Poss. Crack Cocaine 1st

(b) 2007-GS-46-4285- ABHAN probation Violation

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) Sentence Imposed June 9-2010 3 years Concurrent
- (b) Sentence Imposed June 9-2010 4 years Concurrent
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Involuntary guilty plea of guilty.
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Defendant Attempted to appeal.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. NONE
- ii. NONE
- iii. NONE
- (b) the result in each such Court to which you appealed:
- i. Documents was unanswered.
- ii. NONE
- iii. NONE
- (c) the date of each such result:
- i. NONE
- ii. NONE
- iii. NONE
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Defendant Have documents from the
- ii. Clerks Office of York County.
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:

~~(a)~~ _____

~~(b)~~ _____

(c) Counsel Induced Petitioner to plea guilty Rec'd

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

(a) Petitioner NEVER POSSESS Crack Cocaine.
 (b) Petitioner was threaten to plea.
 (c) Evidents of Crack never was shown to Petitioner

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

(a) Petitioner Have Incidents Reports
 (b) Photo's of the Crack Cocaine wasn't package.
 (c) Petitioner was threaten with more time.

See
Attachment
Sheet.

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

(a) any petition in a State Court under South Carolina Law? NO
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? NO

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

(a) the specific nature thereof:

i. NONE
 ii. NONE
 iii. NONE
 iv. NONE

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

i. NONE
 ii. NONE
 iii. NONE
 iv. NONE

(c) the disposition thereof:

- i. NONE
- ii. NONE
- iii. NONE
- iv. NONE

(d) the date of each such disposition:

- i. NONE
- ii. NONE
- iii. NONE
- iv. NONE

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

- i. NONE
- ii. NONE
- iii. NONE
- iv. NONE

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

NONE

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

(a) which grounds have been presented:

- i. NONE
- ii. NONE
- iii. NONE

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

- i. NONE
- ii. NONE
- iii. NONE

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

(a) Petitioner stated in open Court Aug 3 2010 cont
→
 (b) _____
 (c) _____

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

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

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

(a) the name and address of each attorney who represented you:
 i. Assistant Public Defender, Melissa Inzerillo. 16th Judicial Circuit
Public Defender Office Moss Justice Center
1675-1 E York Hwy York SC 29745.
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. JUNE 9 2010 FOR indictment 2010-
GS-4601404 - 07-GS-46-4285
 ii. _____
 iii. _____

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

for Sentences to be dismissed / Sentences
vacated

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

NO

STATE OF SOUTH CAROLINA)

County of Richland)

VERIFICATION

I, Raymond Bernard Murray, 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.

Raymond Bernard Murray

SWORN to and subscribed before me this 27TH
day of September, 2010.

[Signature] (L.S.)
Notary Public

My Commission Expires
August 25, 2015

My Commission Expires: _____

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

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

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Raymond Bernard Murray
Applicant

SWORN or affirmed to and subscribed before me this
27th day of September, 2010.

Donald J. Liddell

Notary Public

My Commission Expires

My Commission Expires: August 25, 2015

Attachment Page (2)

- B) The Result In Each Such Court to which you appealed :
- 1) Petitioner Respectfully Requested An appeal within the 10 days Required,
 - 2) Petitioner Counsel Refused to filed the Motion.
 - 3) Petitioner wrote the clerk office requesting to file for an appeal for the sentencing But All Motion Have to BE filed By Attorney.

3) Petitioner Has Handwritten letter from
Lawyer which Both Assistant Solicitor and
Counsel Breach their Promise After in-
ducing Petitioner to An sentence of guilty.

(3)

Attachment (5)

(b) IF Any ground set forth in (10) has not previously been presented to Any Court, State or federal set forth the ground and state concisely the reasons why such ground has not previously been presented.

(A) Petitioner mention the motion which he wanted filed in arraignment Aug 3 2010.

(B) Petitioner stated to the court Aug 3, 2010 that his lawyer was ineffective in both cases.

(C) The Honorable Judge Hayes removed the petitioner ~~from~~ counsel from case Aug 3 2010.

(II) Petitioner State Concisely And In the Order the facts which support each of the grounds set out in "10"

(A) Petitioner never Poss Crack cocaine nor Did the Appointed counsel Produce All the Evident to the Defendant Before Inducing the Petitioner until A Plea.

(B) Petitioner was threaten to Plea guilty of Receive tougher Sentencing on unRelating Charges.

(C) Counsel was Ineffective with Waving the Petitioner Right to An Preliminary Hearing.

(D) Petitioner Contact the Supreme Court of South Carolina Office of Disciplinary Counsel on or about April 3 2010, Concerning the Ineffective of Counsel.

(E) Petitioner Have documents, such as letters from the Clerk of Court office as Proof that Counsel with Ineffective

(2) Petitioner Has Police Reports that was Held out of the Motion of Discovery.

(A) That the Counsel was Ineffective.

(B) The Petitioner stated in Arraignment that the Counsel held evidents induces the petitioner with handwritten letter to plea. Ect.

State of South Carolina
County of York

FILED-RECEIVED

2010 SEP 30 PM 2:20

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

IN THE COURT OF GENERAL
SESSIONS.

SIXTEENTH JUDICIAL CIRCUIT

Motion to Expedite
Proceeding.

VS.
Raymond B. Murray

2010-CP-46-4234

I Inmate Raymond Bernard Murray 217477# Is held
Here At the Broad River Correctional Inst, where I discover
on informed my condition for H.I.V, Upon my arrive, my
Health has dramatically decline due to stress and the fact
of my state appointed lawyer was ineffective with Assistant
me with the case number 2010-GS-460404, Poss. Crack-
Cocaine first and Probation Violation, Aug 3. 2010 I was
Brought Back for an arrangement for 1st Degree Criminal
Sexual Conduct, However my appointed lawyer induced
me with a Handwritten letter to plea guilty to the Drug
charge in return the sexual offense would be dismissed
But instead the charge was amended from 3rd to 1st
degree which caused my CDH counts to fall and my viral
load rise. I Raymond Murray wrote the clerk office
in preference of my Involuntary Plea as well as the Imp
ing Honorable Judge Hayes III within in the 10 day guide
lines.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2010 OCT -8 PM 2:26

CERTIFIED TRUE COPY

Raymond Murray
R-04-11

38 State of South Carolina
County of York
State of South Carolina
v.
Raymond Murray
Defendant

Affidavit of Defendant
Raymond B. Murray
In Support of Motion
To Expedite.

FILED-RECEIVED
2010 SEP 30 PM 2:20
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

217477, # Personally Appeared, before me Raymond Murray
Whom being duly Sworn deposed and Stated.

- ① I Am Currently being housed at Broad River Correction Inst.
In A HIV/Aids unit.
- ② I Have personal Knowledge of the fact In this Affidavit And I Am
Competent to Swear to the Matter here In and do so of My own
Free Will.
- ③ I Witnessed A drop In my CD4 and Rise In my Viral load.
- ④ Defendant, Raymond Murray Is sending the York County Clerk
office and Copy of the Handwritten letter which Induced the
defendant to Plea guilty.
- ⑤ Assistant Public Defender, MS Melissa Inzerillo Inform
the Defendant that the Crack Cocaine wasnt packaged up
as the officer claimed.
- ⑥ The Ass'stant Public Defender, MS. Melissa Inzerillo never
Produce the photo's of the Crack Cocaine.
- ⑦ The Assistant Public Defender MS. Melissa Inzerillo never
Produce The Incident Reports of the officer changing His
Story. Which was favorable to the Defendant.

Raymond Murray
09-27-10

STATE of South Carolina

County of York

Raymond Bernard Murray 217477
Full Name / Prison number

State of South Carolina

IN THE COURT OF COMMON PLEAS
INDICTMENT / CASE 2010GS4601404

Amendment to Application
For Post Conviction Relief.

Now Comes the Applicant, the undersigned, moving to Amend the Post Conviction Relief Application filed on or about the Month of September 2010. I Reserve the Right to Amend After Attorney App

The Applicant Herby Amends His Post-Conviction Relief Application Pursuant to Rule 71.1 (D) of The South Carolina Rules of Civil Procedure to Include the following Grounds upon which Relief should Be Granted. The Additional Grounds ARE to BE ADDED to PARAGRAPHS NINE and ten of the ORIGINAL Application for Post Conviction Relief as follows:

- (9) A. Ineffective Assistance of Counsel IN Support of These Grounds The Applicant would Amend PARAGRAPH (10) of The Application to Include the following facts IN Support of PARAGRAPH (9) A.
- (10) ~~10~~ Counsel Render Ineffective Assistance of Counsel By failing to Produce Documents of Arresting officer / Incident Reports, Photos of Drugs ect, as Evidence favorable to Applicant, Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure.
- (10) a-2. Counsel Render Ineffective Assistance of Counsel By failing to Subpoena Witnesses / Phone Records of the Applicant as Requested By Applicant.
- (10) a-3. Counsel Render Ineffective Assistance of Counsel By failing to file Motion for An Preliminary Hearing.
- (10) a-4. Counsel Render Ineffective Assistance of Counsel By failing to challenge the Indictment As Subject Matter of Jurisdiction

40) A.5. Counsel RENDER Ineffective Assistance of Counsel By Failing to Move for Indictment to BE Dismissed for lack of Evidents.

(10) A.6. Counsel RENDER Ineffective Assistance of Counsel By failing TO Honor Promise of Plea agreement.

(10) A.7. Counsel RENDER Ineffective Assistance of Counsel By Representing a Charles Ray 10.6.1961 for unrelated Charges But was a witness to the Applicant.

(10) A.8. Counsel RENDER Ineffective Assistance of Counsel By failing to Challenge the State Solicitor to Indictment 2010 GS 4601404 AND allowing Applicant to BE scheduled for trial, for Possession of Crack the week of June 7, 2010, without Presenting Evidents.

(10) A.9. Counsel RENDER Ineffective Assistance of Counsel By Failing to Represent the Applicant fairly

(10) A.10. Counsel Ineffective Assistance of Counsel By Failing a motion for 87-GS-46 1525 and stated that the Applicant would get jail time.

STATE of South Carolina > Revised 3/2003
County of York > Verification
>

I Raymond Bernard Murray 000217477, 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.

Raymond B. Murray

Sworn to and Subscribed before me this 13th day of October, 2010

Susan J. Jones

My Commission Expires
March 5, 2018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	
	)	2010-CP-46-4234
	)	
Raymond Bernard Murrery, 217497,	)	
	)	
Applicant,	)	RETURN AND PARTIAL
	)	MOTION TO DISMISS
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed September 30, 2010, and amended on October 19, 2010, would respectfully 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 York County. On February 28, 2008, the Applicant pled guilty to Assault and Battery of a High and Aggravated Nature (2007-GS-46-4285), and Failure to Register as a Sex Offender, first offense (2007-GS-46-4287). The Honorable Roger L. Couch sentenced the Applicant to a negotiated sentence of seven (7) years, suspended upon time served with probation for two years for the ABHAN charge, and ninety (90) days for Failure to Register. The Applicant did not appeal these convictions or sentences.

On July 7, 2008, and January 5, 2010, arrest warrants were issued for the Applicant for probation violations. The Applicant was then indicted at the April 2010 term of the York County Grand Jury for Possession of Crack Cocaine (2010-GS-46-1404). The Applicant was represented by Melissa Inzerillo. The Applicant subsequently filed a motion to reopen a 1987 case in which

he pled guilty to Criminal Sexual Conduct with a Minor (1987-GS-46-1525). (Tr. p. 2). On June 8, 2010 – the day before the Applicant was scheduled to proceed to trial on the possession charge – the Applicant appeared before the Honorable John C. Hayes, III,¹ to discuss his motion to reopen. (Tr. p. 2). Judge Hayes held he lacked jurisdiction over a 1987 case (Tr. p. 4-5), and issued a written Order the next day to that effect. (See attached appellate records). On June 9, 2010, the Applicant opted to forego trial and pled guilty as indicted to the possession charge. Judge Hayes sentenced the Applicant to three (3) years for the possession charge. Judge Hayes also revoked in full the Applicant's probationary sentence from his ABHAN conviction and ordered him to serve the remaining seven (7) year sentence.

The Applicant did not appeal his convictions or sentences. However, the Applicant did appeal the order denying his motion to reopen his 1987 case. Lanelle C. Durant, Esquire, filed an appellate brief on the Applicant's behalf pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967). The matter is presently pending before the South Carolina Court of Appeals.

Attached herewith and incorporated herein by reference are the records of the York County Clerk of Court regarding the subject convictions, the Applicant's records from the Department of Corrections, the plea transcript, and the Applicant's appellate records, including a copy of his motion and the order denying it. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges he is being held unlawfully for the following reasons:

I. "Petitioner never poss. crack cocaine"

¹ The transcript cover indicates the Honorable Lee S. Alford presided over the hearing. Upon information and belief, the hearing was actually presided over by the Honorable John C. Hayes, III.

- a) "Petitioner have incidents reports"
 - b) "Nor did appointed counsel produce all the evident to the Defendant before inducing the Petitioner until a plea"
- 2. "Petitioner was threaten to plea"
 - a) "Petitioner was threaten with more time"
 - b) "Petitioner was threaten to plea guilty or receive tougher sentencing on unrelating charges"
- 3. "Evidence of crack never was shown to Petitioner"
 - a) "Photos of the crack cocaine wasn't package"
- 4. "Counsel was ineffective with waving the Petitioner right to an preliminary hearing"
- 5. "Petitioner have documents, such as letters from the clerk of court office as proof that counsel with ineffective"
- 6. "Petitioner has police reports that was held out of the motion of discovery"
- 7. "Petitioner has handwritten letter from lawyer which both assistant solicitor and counsel breach their promise after inducing Petitioner to an sentence of guilty"

In his Amended Application, the Applicant further alleges he is being held unlawfully for the following reasons:

- 1. Ineffective assistance of counsel
 - a) Failure "to produce documents of arresting officer/ incident reports, photos of drugs, etc., as evidence favorable to Applicant pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure"
 - b) Failure "to subpoena witnesses/ phone records of the Applicant as requested by the Applicant"
 - c) Failure "to file motion for a preliminary hearing"
 - d) Failure "to challenge the indictment as subject matter of jurisdiction"
 - e) Failure "to move for indictment to be dismissed for lack of evident"
 - f) Failure "to honor promise of plea agreement"

- g) Counsel represented “a Charles Ray 10.6.1961 for unrelating charges but was a witness to the Applicant”
- h) Failure “to challenge the State Solicitor to indictment 2010-GS-46-1404 allowing Applicant to be scheduled for trial, for possession of crack the week of June 7, 2010, without presenting evident”
- i) “Counsel ineffective . . . by failing a motion for 87-GS-46-1525 and stated that the Applicant would get jail time”

III.

Respondent interprets all of the Applicant’s allegations to be claims he received ineffective assistance of counsel. In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel’s performance was deficient. Under this prong, the court measures an attorney’s performance by its “reasonableness under professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland.

Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Respondent submits the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise questions of fact that are not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on these allegations. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

To the extent Applicant makes any claims concerning his 1987 conviction, Respondent submits these claims 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 (1976). 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). This Application was filed on September 30, 2010, well over twenty years after the Applicant was convicted.

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) 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 all claims concerning the Applicant’s 1987 conviction for failure to file within the time mandated by the Post-Conviction Procedure Act. The Applicant cannot circumvent the statute of limitations by claiming that plea counsel for his June 9, 2010 convictions was somehow ineffective with regards to his 1987 conviction.

The Respondent further submits the doctrine of laches bars the Applicant from raising allegations concerning his 1987 conviction. Absent some explanation or justification for the delay in seeking post-conviction relief, laches will prevent an Applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to refute the applicant's claims. McElrath v. State, 276 S.C. 282, 277 S.E.2d 890 (1981); Honeycutt v. Ward, 612 F.2d 36 (2nd Cir. 1979). Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002).

The Applicant's delay has greatly prejudiced the Respondent. A transcript of the Applicant's 1987 hearing, witnesses, and other records are likely unavailable. If the Applicant had sought post-conviction relief within a reasonable time after his plea these problems would not exist. Therefore, the Court should summarily dismiss the Application based on the Applicant's lack of diligence in processing his claim for relief.

Further, the Applicant appealed the order denying his motion to reopen his 1987 case, and the matter is presently pending before the South Carolina Court of Appeals. Jurisdiction,

therefore, is presently with the Court of Appeals. Accordingly, Respondent submits any and all claims concerning the Applicant's 1987 conviction should be summarily dismissed pursuant to S.C. Code Ann. § 17-27-70 (1976) on the grounds there is no issue of material fact relating to these allegations, and these allegations should be dismissed as a matter of law.

V.

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

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

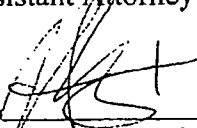
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

HARRISON D. BRANT
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

April 22, 2011.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

2010-CP-46-4234

RAYMOND B. MURRAY,

Applicant,

vs

AFFIDAVIT OF SERVICE BY MAIL

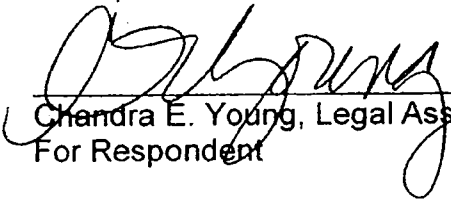
STATE OF SOUTH CAROLINA,

Respondent.

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

R. Chadwick Smith, Esquire
P.O. Box 11808
Rock Hill, SC 29731

DATED this 22nd day of April, 2011.


Chandra E. Young, Legal Assistant
For Respondent

State of South Carolina.,)
)
)
)
)
 County of York.)
)
 _____)

In the Common Pleas
 Court of York
 Case No.: 2010-GS-46-04234

Raymond Bernard Murray.,)
)
 Applicant.,)
)
 -vs.-)
)
 State of South Carolina.,)
)
 Respondent.)
)
 _____)

Transcript of Record
 Post Conviction Relief

June 3, 2011
 York, South Carolina

B E F O R E:

Honorable Lee S. Alford, Judge.

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

Mr. R. Chadwick Smith
 Attorney at Law
 Rock Hill, South Carolina
 For the Applicant

Mr. Harrison D. Brant
 Assistant Attorney General
 Columbia, South Carolina
 For the Respondent

Wanda Nelson
 Official Court Reporter
 Sixteenth Judicial Circuit

I-N-D-E-XWITNESSPAGE NO.

Raymond Murray

P.4-13

By Mr. Smith

By Mr. Brant

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MELISSA INZERILLO

By Mr. Brant

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By Mr. Smith

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Reporter's Note: No exhibits were received into evidence.

1 (ON THE RECORD FRIDAY, JUNE 3, 2011, AT 09:25 AM.)

2 THE COURT: Is the Murray case still on?

3 MR. BRANT: The attorneys back there talking to him.

4 (APPLICANT, BLACK MALE, ENTERING COURTROOM.)

5 MR. BRANT: May it please the Court?

6 THE COURT: Yes, sir, Counsel.

7 MR. BRANT: Your Honor, this is York County case
8 2010-CP-46-4234. The applicant's name is Raymond Murray.
9 SCDC Number is 217497.

10 On February 28, 2008, Mr. Murray pled guilty to
11 assault and battery of a high and aggravated nature.
12 Failure to register as a sex offender, first offense.
13 Judge Couch sentenced him to a negotiated sentence of seven
14 years, suspended upon time served with probation for two
15 years for the ABHAN charge. And then ninety days for
16 failure to register.

17 July 7th, 2008, and January 5th, 2010, arrest warrants
18 were issued for Mr. Murray for probation violations.

19 He was then indicted in April of 2010 for possession
20 of crack cocaine. He was represented in that charge by
21 Melissa Inzerillo.

22 During that, I think, the day before the plea, he
23 filed a pro se motion to reopen a 1987 case in which he
24 pled guilty to criminal sexual conduct with a minor. And
25 the judge denied that motion on the grounds that he did not

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4

1 have subject matter jurisdiction. Just for the record, if
2 he brings up any allegations of that, we will strenuously
3 object.

4 And it looks like on June 9th, 2010, he opted for a
5 trial and pled guilty as indicted to the possession charge.
6 He was sentenced to three years. Judge Hayes also revoked
7 in full his probationary sentence from his ABHAN conviction
8 and ordered him to serve the remaining seven years. He did
9 not appeal his conviction or the probation revocation.

10 And it looks like he filed his PCR on September 3rd,
11 2010 and amended it on October 19th, 2010. The State filed
12 it's return on April 26th, 2011. He is represented today
13 by Chad Smith, and I'll turn it over to him at this point.

14 THE COURT: Counsel.

15 MR. SMITH: May it please the Court?

16 THE COURT: Yes, sir.

17 MR. SMITH: The Petitioner calls Raymond Murray to the
18 stand.

19 MADAME CLERK: Mr. Murray, I need you to place your
20 left on the Bible, and raise your right.

21 (WHEREUPON: RAYMOND MURRAY, BEING
22 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

23 DIRECT EXAMINATION

24 RAYMOND MURRAY BY MR. SMITH:

25 Q. You are Raymond Murray; is that correct?

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5

1 A. Yes, sir.

2 Q. And, Mr. Murray, you currently are incarcerated at
3 Broad River Correctional Institution?

4 A. Yes, sir.

5 Q. And what are you incarcerated for currently?

6 A. I'm incarcerated for possession of crack cocaine and a
7 probation violation.

8 Q. Okay. And did you plead guilty to a crack cocaine
9 charge here in York County?

10 A. Yes, sir.

11 Q. And do you remember when that happened?

12 A. It was June the 9th.

13 Q. Okay.

14 A. 2010.

15 Q. Okay. And were you in front of Judge Hayes when you
16 pled guilty to that charge?

17 A. Yes, sir.

18 Q. Okay. And also at that time, did Judge Hayes deal
19 with a probation violation or revocation hearing?

20 A. Yes, sir.

21 Q. Okay. You have alleged in your complaint -- or in
22 your petition that you filed --. You filed two; is that
23 correct? You filed one post-conviction relief application,
24 and then you filed an amended - - -

25 A. Right.

1 Q. - - - application?

2 A. Yes, sir.

3 Q. And your asking the Court to consider both of those
4 applications; is that correct? Everything you've stated in
5 both of those.

6 A. Yes, sir.

7 Q. Okay. And in your application -- Well, let me back up
8 one second. You were represented by Melissa Inzerillo; is
9 that correct?

10 A. Yes, sir.

11 Q. And in your application, you have stated that you feel
12 that you were being held unlawfully because you had
13 ineffective assistance of counsel; is that correct?

14 A. Yes, sir.

15 Q. Okay. Tell the Court how you feel like your counsel
16 was not effective for you.

17 A. I feel that my counsel was not effected -- I mean, was
18 ineffective for the simple fact that she -- Ms. Melissa
19 Inzerillo failed to investigate my case fully.

20 I had a drug charge that I know that I was being
21 falsely accused of. I kept asking my counsel to
22 investigate into it more deeply, and she would find that,
23 you know -- that the officer was simply just putting this
24 charge on me. However, a criminal sexual conduct charge
25 popped up, and I just wasn't getting any fair

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1 representation because I was asking to review evidence, to
2 listen to phone calls, tapes. The charge was going from
3 first to -- I was being told it was first one minute, third
4 one minute, first one minute. The crack charge, uh, uh, --
5 They would be talking on the phone about other crack deals.
6 And I'm asking to hear this information and I just wasn't
7 getting anywhere with nothing.

8 Q. Okay. Did you have meetings with your attorney?

9 A. I had a meeting with my attorney. I think she came
10 and pulled me out on the date of -- It was April the 21st
11 when she had signed to have me brought down front to listen
12 to some tapes or to see some video. And when I got there,
13 she stated to me that she didn't have no way to play those
14 items for me. And she told me that -- She talked about the
15 sex charge. We talked about the victim and saying that my
16 DNA wasn't back yet, and things of that nature.

17 Q. Okay. Let me ask you about the sex charge. Was that
18 still a pending charge when you were discussing -- or when
19 you had the crack charge?

20 A. Both charges.

21 Q. Okay, so both charges --

22 A. Both charges together. I was being represented by Ms.
23 Melissa Inzerillo for both charges - - -

24 Q. On both of those charges.

25 A. - - - at the same time.

1 Q. Okay.

2 A. Uh-huh.

3 Q. Did you plead guilty to the sex charge?

4 A. No, sir.

5 Q. Okay. What happened to that charge?

6 A. That charge was dismissed.

7 Q. Okay. So the only charge you pled guilty to was the
8 crack cocaine charge; is that correct?

9 A. Yes, sir.

10 Q. Okay. Do you remember, or can you recall how many
11 times you may have met with your attorney prior to pleading
12 guilty?

13 A. Prior to pleading guilty? I met with my counselor --
14 one, two, three -- three times.

15 Q. Okay. You have, again, you have stated in your
16 application that you feel like your guilty plea was
17 involuntarily given. Did you have anything hanging over
18 your head or anything like that when you were coming into
19 the guilty plea?

20 A. I had -- Yes, sir, I had something hanging over my
21 head. What I had hanging over my head was, the day before
22 I had addressed the court, Mr. Hayes -- Judge Hayes. I was
23 telling him about a situation that I was dealing with, with
24 my counselor that I feel that I didn't trust my counselor
25 or the Solicitor at that particular time.

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1 Q. And why did you feel like you didn't have any trust?

2 A. Because I -- I was locked up one time before in 2008

3 with Ms. Erin Joyner representing me. And some issues --

4 some things went bad in that deal as far as the way that I

5 was being -- the way that my case was being handled. I was

6 being indicted without an attorney. I was requesting

7 hearings. I was just doing a lot of things, just trying to

8 do right. And I wrote Erin Joyner, and I told her, I said,

9 you're violating rules. And I was quoting those rules with

10 her. And I'm pretty sure I probably pissed her off because

11 I was acting as I was lawyer like I had all the sense and

12 knew everything, but --

13 MR. BRANDT: Your Honor, I object at this point. I

14 don't think there's any relevance to the ineffectiveness of

15 counsel.

16 THE COURT: Yeah, well of course, I'll agree with you.

17 I think he's just generally trying to say whatever he's

18 going to say. I don't think it has any relevance. But,

19 I'll let him finish what he's saying.

20 A. How it was -- Thank you, Your Honor.

21 How it was -- I feel that it was ineffective, Your

22 Honor, is when -- when I was telling the judge that my

23 counselor wasn't letting me listen to the evidence. I was

24 requesting to listen to phone calls. I was requesting to

25 listen to anything that had something to do with my case.

1 And the judge simply told me that he couldn't get involved
2 in it.

3 Q. Okay. Prior to pleading guilty to the crack charge,
4 did you ever listen to any tapes?

5 A. I never listened to any evidence on neither one of my
6 cases.

7 Q. Did you have a chance to sit down with your attorney
8 and go through the evidence, review the evidence, that
9 might be presented against you?

10 A. No, sir.

11 Q. Okay. The day that you pled guilty, before that, were
12 you and your lawyer appearing to go to trial?

13 A. The day that I pled guilty?

14 Q. Well, let me ask that a different way. Were you
15 preparing to go to trial on the crack charge?

16 A. Yes, sir. I was well prepared to go to trial.

17 Q. Okay. When did you make the decision, if you recall,
18 to plead guilty to the charge?

19 A. When I realized that I wasn't going to be -- On the
20 morning of trial date, when I realized that I wasn't going
21 to be able to listen to any evidence, when I realized that
22 I was pretty much screwed.

23 Q. Do you know if your attorney had interviewed any
24 witnesses who may testify on your behalf in a trial?

25 A. I don't know. My attorney never told me that she

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11

1 interviewed anybody. I don't know. We never discussed
2 anything other than I would be found guilty if I go to
3 trial.

4 Q. Okay. Now, tell the Court what relief you were asking
5 for as part of this PCR application.

6 A. As a part of this PCR, what I was asking for is
7 relief. I done already maxed -- I'll be already maxing out
8 the time for the drug conviction next month. But the
9 probation sentence is what's -- is what's holding me to do
10 an extra year. I would just simply asking if I can just
11 plea out in the -- dismiss the probations part of the
12 sentence and just let me go on back to another state and
13 just get on out of your care and York County where, you
14 know, I can go back home where my family is -- where my
15 family is. Because I'm here without any family, and that's
16 what I just wanted for relief is just the --

17 THE COURT: You can't get that relief.

18 MR. MURRAY: Well --

19 THE COURT: I don't have the authority of jurisdiction
20 to give you that relief. I can't dismiss and send you on
21 your way.

22 MR. MURRAY: Well, no not just - -

23 THE COURT: That's not the way it works. And the only
24 thing I can do -- The only jurisdiction I have on a post-
25 conviction leave proceeding is to determine whether you

1 have proven -- You have to prove it. The State has to
2 prove you guilty in a criminal case. This is a civil case
3 and you have the burden of proof by preponderance of the
4 evidence - - -

5 MR. MURRAY: Right.

6 THE COURT: - - - whatever allegations you raised.
7 But if the Court found you are entitled any relief, the
8 only thing the Court would do is to vacate your sentences
9 and bring you back, and you can go to trial on those
10 issues. And if you go back to trial, of course, there's no
11 plea bargain agreement -- no plea agreement and start from
12 scratch. And then if you were found not guilty by the
13 jury, that would be the end of it. If you were found
14 guilty by the jury then the Court would sentence you the
15 way the Court wanted to sentence you. It might be more, it
16 might be less. But I can't change the sentence.

17 MR. MURRAY: Right.

18 THE COURT: That's the only relief that can be granted
19 in here. Just have your sentence vacated and you come back
20 to court, and you go to trial on those charges if you wish.
21 That's where you are. So, I can't just simply release you
22 and allow you to leave York County.

23 All right, go ahead.

24 MR. SMITH: Thank you, Your Honor.

25 Q. And hearing that from Judge Alford, you understand, is

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13

1 that what you're asking for today for your sentence to be
2 vacated?

3 A. I'm asking for my sentence to be vacated.

4 Q. Okay. Is there anything else regarding your
5 allegation of ineffective assistance of counsel that you'd
6 like to tell the Court about why you are testifying right
7 now?

8 A. Yes, sir. I just feel that my counsel was ineffective
9 due to the fact that I didn't -- I didn't have adequate
10 counseling to consult with me about making decisions on how
11 the outcome of this case would be. I wasn't able to listen
12 to any of the evidence as I stated. I just don't think
13 that I had a fair shake on the deal.

14 Q. Okay. Do you feel like you would have pled, or that
15 you would have gone to trial if you -- Let me ask this
16 another way, Mr. Murray. Do you feel like you were coerced
17 into pleading guilty or you felt that you had no other
18 choice except to plead guilty?

19 A. I feel like I had no other choice to plead guilty due
20 to the fact if I would have been found guilty at trial, I
21 would assume that I would get consecutive sentenced to
22 three and then start on the seven year sentence. So I felt
23 that I was being forced into that plea.

24 Q. Okay. Mr. Murray, answer any questions that the
25 Attorney General may have for you.

CROSS EXAMINATION

RAYMOND MURRAY BY MR. BRANT:

Q. Mr. Murray, you said that your attorney never showed you any evidence. Correct?

A. No, sir.

Q. Did she ever explain to you the evidence or tell you what the evidence was?

A. No, sir.

Q. And you said -- Earlier you said you pled guilty because you hadn't seen any evidence; is that correct?

A. I hadn't seen anything, sir.

Q. Why would you plead guilty to a charge where there's -- you don't know of any evidence against you?

A. Why would I plead guilty?

Q. Yeah.

A. Simply because I said, if I would have went to trial and got found guilty, then I would be given a consecutive sentence, three years for the crack charge and seven years for the probation violation. I mean --

Q. So you thought if you went to trial, that you would have been found guilty?

A. Yes, sir.

Q. Why did you think that?

A. Because I hadn't seen any evidence. I wouldn't want to go into trial and not been reviewing any evidence. And

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15

1 like I stated, my counselor told me one time before, she
2 said, "I listened to some phone calls where you and
3 somebody was talking about drugs." So, I didn't want that
4 tape to pop up in the courtroom at the last minute, or into
5 a jury trial.

6 Q. So she explained to you that she had listened to a
7 tape?

8 A. She explained to me that she had heard me and somebody
9 talking about drugs on the phone.

10 Q. Was that tape evidence?

11 A. It was turned over from the Prosecutor. So, I don't -
12 - I don't -- I consider it was evidence. It was turned
13 over to the Prosecutor.

14 Q. So she did discuss some evidence with you?

15 A. She did say that she heard me say something about
16 crack on the phone. But I never listened to it.

17 Q. Yeah, well you just changed your story. Earlier it
18 was there was no evidence, and now she did tell you about
19 - -

20 A. No, I didn't change my story. I don't know what
21 evidence they had because I never saw any evidence. I
22 didn't change my story. I never saw any evidence. I never
23 heard any evidence or reviewed any evidence. I just only
24 went by what my counselor stated. She stated that she
25 heard a tape.

1 Q. In your plea hearing, do you remember discussing,
2 answering questions from the judge?

3 A. Sure, yes, sir.

4 Q. And he discussed with you your right to a jury trial,
5 your right to remain silent, those kind of things?

6 A. Yes, sir.

7 Q. And you said you understood those rights?

8 A. Yes, sir.

9 Q. And that you were giving up the right to assert any
10 defenses?

11 A. Yes, sir.

12 Q. And he asked you if you had any questions, and you
13 said, "No."

14 A. Yes, sir.

15 Q. Why did you tell the judge you didn't have any
16 evidence or you hadn't seen any evidence?

17 A. I told the judge the day before, Your Honor -- I mean,
18 sir. I told him the day before in a hearing where I told
19 him I didn't -- I have given my lawyer dates and times to
20 pull evidence, and I still hadn't heard those evidences.
21 It's on page 7 in my transcript.

22 Q. Well, then the Solicitor gave the facts or the
23 evidence they would have presented at your trial. Do you
24 recall that at your plea hearing?

25 A. Right.

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17

1 Q. And the Court asked if you agreed with those facts,
2 and you said, "Yes."

3 A. Yes, sir.

4 Q. Do you still agree with those facts?

5 A. No, sir.

6 Q. And what changed?

7 A. I sent off through the Freedom of Information Act and
8 got a copy of how the drug arrive. The office said that
9 the facts was that by the statement that what I would -- I
10 was going to be sentenced for having a white baggy of crack
11 when I didn't throw any crack. But the officer turned in
12 something else other than what he said he found. The
13 officer put the charge on me, and I was proving those
14 facts. But I couldn't get my lawyer to see that my way.
15 So, I agreed to the facts and to keep from getting a
16 consecutive sentence.

17 Q. So at the time, you maintain that you never threw a
18 bag of crack on the ground?

19 A. Right.

20 Q. But when they said you threw a bag of crack on the
21 ground, you said you agreed with that fact?

22 A. I said I agreed to my fact in my plea hearing.

23 Q. And why did you say that?

24 A. That's the only way that your plea is going to be
25 accepted. You have to agree with the facts.

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18

1 Q. So, it wasn't true?

2 A. Excuse me?

3 Q. It wasn't true that you agreed with the facts?

4 A. No the -- No the incident -- I didn't -- Yeah, I
5 agreed with the facts, but it wasn't true. The facts
6 wasn't true.

7 Q. So then you didn't tell the truth on that day?

8 A. No, I didn't tell the truth.

9 MR. BRANDT: Okay. Nothing further, Your Honor.

10 MR. SMITH: Nothing further, Your Honor.

11 THE COURT: Mr. Murray, you've cluttered up the record
12 with some things that are not relevant to this case. But I
13 want to just state for the record that I've read the plea
14 transcript. And with regard to requiring him to take HIV
15 and all of that, that's all very clear on the transcript of
16 the record, Ms. Joyner didn't require him to do that. I
17 think he didn't have anything to do with this charge,
18 possession of crack cocaine and violation of probation.
19 But he brought that up at the plea hearing, and with regard
20 to a prior criminal sexual conduct third charge. And I
21 think that the question about for the victim's sake, the
22 victim was concerned about him possibly having HIV and
23 wanted to be tested for that so she would know that. And I
24 think Ms. Joyner had ask Ms. Inzerillo based on what's on
25 the transcript. I don't know anything about it, but I

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19

1 wasn't there.. The transcript says that Ms. Joyner says,
2 "No, she had mentioned that the victim was concerned about
3 that and asked Ms. Inzerillo, 'Would he be willing to take
4 -- to be tested for HIV for the victim's sake?'" And he --
5 Of course that was not done. He didn't do that. And they
6 withdrew that request saying it wasn't necessary for
7 whatever reason. But anyway, that's just kind of
8 cluttering the record on this. But I think that's very
9 clear on the record: She denies she required him to do
10 that. I think she had made an inquiry about whether he
11 would be willing to do that. All right.

12 But it has nothing to do with the charges. The only
13 thing that's before the court is possession of crack
14 cocaine and a probation violation matter. And I wanted to
15 make that clear.

16 (PAUSE.)

17 THE COURT: Mr. Murray, you've got a lengthy criminal
18 record, hadn't you?

19 MR. MURRAY: Yes, sir.

20 THE COURT: Dating all the way back to 1987?

21 MR. MURRAY: Yes, sir.

22 THE COURT: Even in 1990 and 1994?

23 MR. MURRAY: Yes, sir.

24 THE COURT: So, you're familiar with the court system
25 and the justice system and the way it works. Aren't you?

1 MR. MURRAY: Yes, sir, all due to the fact that I was
2 plain guilty at those times before and not challenging
3 those pleas.

4 THE COURT: You didn't challenge this one either at
5 your plea hearing; did you?

6 MR. MURRAY: No, sir, I didn't.

7 THE COURT: You're challenging it now, after the fact,
8 but you didn't challenge it at the plea hearing. You
9 agreed to all of it at the plea hearing, although you
10 raised some of these other issues about Ms. Joyner. But
11 you -- which weren't relevant, and the Court didn't find
12 them relevant. But you pled guilty and admitted to the
13 facts, the exact facts which they said the police stopped
14 you, and talked to you, and you ran. And they saw you drop
15 the crack cocaine. I know you'll disagree with it today,
16 but you agreed with it on that day when the officer saw you
17 drop a bag, a baggie with white substance in it. And they
18 caught you and placed you under arrest for giving false,
19 and they brought you back and picked it up where he found
20 it. And you agreed with that, that day; didn't you?

21 MR. MURRAY: I agreed with it that day, yes, sir.
22 May I address you, Your Honor?

23 THE COURT: Yes, sir.

24 MR. MURRAY: Also on page 20 of my transcript where my
25 counselor even -- She addressed the Court -- She even tell

RAYMOND MURRAY: CROSS BY MR. BRANT .

21

1 the Court that I stand before her today not really because
2 of the crack charge. It was because of the criminal sexual
3 conduct charge. That was the charge that was over my head.
4 So, I pled guilty because I was in fear. I mean, I've
5 cried out to the Court, and I asked them to help me out or
6 try to resolve these issues. I mean, I didn't listen -- I
7 didn't have any evidence to go about it. I didn't know
8 what I was facing. I mean, my plea can't be -- I mean,
9 can't be intelligent if I don't know the full circumstances
10 of the evidence of my case.

11 THE COURT: I disagree with you on that.

12 MR. MURRAY: Okay.

13 THE COURT: You're just whispering in the wind right
14 now.

15 What ever happened with the sex abuse charge?
16 Criminal sexual conduct charge? Did anybody work out that?
17 Did they dismiss it, or did he ever -- I'll wait until Ms.
18 Inzerillo gets up here.

19 If they dismissed that, you got a great bargain by
20 pleading guilty.

21 You know, that's all the questions I have. Any
22 questions related to the questions I ask from either side?
23 Any follow-up to what I asked?

24 MR. SMITH: The only question I would ask is, Mr.
25 Murray, do you know what happened to the criminal sexual

1 | conduct charge?

2 MR. MURRAY: Yes, sir. I was brought back to the
3 courtroom. And I was served a warrant for criminal sexual
4 conduct first degree. And I asked to be relieved of
5 Counsel, Ms. Inzerillo, and I was given another lawyer.
6 And we were scheduled to go to trial all the way up to the
7 trial date. The charge got dismissed.

8 MR. SMITH: That's all the questions I have.

9 THE COURT: Thank you, sir. You may stand down, sir.

10 (WITNESS LEAVING WITNESS STAND.)

11 THE COURT: Anything else, Mr. Smith?

12 MR. SMITH: No, sir, Your Honor.

13 MR. BRANDT: Your Honor, the State would call Melissa
14 Inzerillo. Melissa Inzerillo.

15 (WHEREUPON: MELISSA INZERILLO,

16 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

17. MS. INZERILLO: Can you hold this for me?

18 MADAME COURT REPORTER: Yes, ma'am. I'm sorry.

19 MS. INZERILLO: That's okay.

20 (NOTE: COURT REPORTER HELD FILES FOR MS. INZERILLO.)

21 (NOTE: MS. INZERILLO TOOK WITNESS STAND.)

22 MADAME COURT REPORTER: I'll lay it right here,
23 Melissa, and I think you can handle it right there.

24 MS. INZERILLO: Thank you.

25 MADAME COURT REPORTER: You're welcome.

MELISSA INZERILLO: DIRECT BY MR. BRANT

23

DIRECT EXAMINATION

MELISSA INZERILLO BY MR. BRANDT:

Q. Ms. Inzerillo, do you remember representing Mr. Murray on the crack charge?

A. Yes.

Q. When were you - -

THE COURT: Counsel, let me interrupt you. I'm sorry to interrupt.

Counsel, approach just a minute.

(BENCH CONFERENCE OFF THE RECORD)

THE COURT: Counsel, the transcript directed of the plea hearing in this case was the front page of the transcript indicates that I was the judge there. And, of course, I was not the judge, Judge Hayes was the judge. He signed the sentencing sheets. He was the one that, of course, addressed Mr. Murray during the hearing. So, that's an obvious typo on there, and I'm not the -- I was not the judge who heard this. And Judge Hayes is the one who heard it. So, he signed the sentencing sheets and addressed it. So, I want to get that on the record and clarify that. That's an obvious error that just needs to be corrected.

MR. BRANDT: Do you want me to ask Ms. Inzerillo to confirm?

THE COURT: Ms. Inzerillo, I was not the judge who

1 heard this.

2 MS. INZERILLO: No, Your Honor.

3 THE COURT: Judge Hayes was the judge.

4 MS. INZERILLO: That's correct, Your Honor.

5 THE COURT: Judge John C. Hayes, III. That's just a
6 typo in here.

7 Proceed, Counsel.

8 MR. BRANT: Thank you, Your Honor.

9 Q. Ms. Inzerillo, when were you appointed to represent
10 him on the possession of crack cocaine charge?

11 A. I think I was officially appointed probably sometime
12 in December of '09. His initial appearance was January of
13 2010, which would have been my first potential interaction
14 with him.

15 Q. Do you recall how many times you met with him?

16 A. I don't have that exact number, but it was somewhere
17 between maybe ten and twenty times.

18 Q. And did you file a motion for discovery?

19 A. I did.

20 Q. Did you review discovery?

21 A. I did.

22 Q. And what do you recall was in the discovery?

23 A. The discovery contained incident reports filed by the
24 officers at the scene. I believe there was a General
25 Sessions Case Summary. There was an evidence log. And

MELISSA INZERILLO: DIRECT BY MR. BRANT

25

1 later on in the case after the drugs were tested, we
2 received the drug report back.

3 Q. Did you get a chance to review all of that with Mr.
4 Murray?

5 A. I did.

6 Q. Did you physically show him the discovery?

7 A. I did. In fact, I have a note on my file that all
8 this discovery was sent on March 2nd, 2010.

9 Q. And when you reviewed it with him, did it appear that
10 he understood everything that you were explaining to him
11 that you knew?

12 A. Yes.

13 Q. Did you conduct any independent investigation in the
14 case?

15 A. I did. When I spoke with Mr. Murray about the crack
16 charge, his main concern to me was the fact that they were
17 arresting him on a false information to police warrant. He
18 very vociferously denied that particular charge. And the
19 discussions that we had about the case sort of mirrored
20 that concern. He indicated that he was found not guilty of
21 that charge. We did obtain the records from Magistrate
22 Court that, that was correct, that he did -- was found not
23 guilty of the charge. He spoke about witnesses in the
24 crack case that he thought would be witnesses for the
25 trial. The witnesses that he discussed essentially went

1 mainly to the false information to police. It explained
2 the context of the false information to the police, but it
3 did not go to the actual crack charge. So we discussed the
4 fact that in a trial, I did not think that those witnesses
5 would be relevant. That it did not go to whether the
6 central question of fact, which was whether he threw down

7 - -

8 THE COURT: Mr. Murray, you're interrupting.

9 Go ahead and proceed.

10 MS. INZERILLO: Thank you, Your Honor.

11 A. Whether he threw down the crack or not. And so we did
12 not plan on calling any of his witnesses.

13 Q. Did he provide you any witnesses with regards to the
14 crack charge?

15 A. The only ones were -- It will take me a minute. There
16 was -- His position was he was being confused with someone
17 named Ray Charles. And he did talk to us about that
18 person. There may have been one or two others. But all of
19 them went to whatever happened, an incident prior that was
20 the basis for them getting that warrant and not -- These
21 people weren't at the scene, didn't see him throw the crack
22 down, anything like that, that would have affected how the
23 jury saw that case.

24 Q. Okay. And you were preparing to go to trial, and it's
25 indicated from the transcript and Mr. Murray's testimony.

MELISSA INZERILLO: DIRECT BY MR. BRANT

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1 Correct?

2 A. Yes, in fact, from my notes in the file, it looks like
3 we had actually done pretrial. I have notes in my pretrial
4 notes, which I always do when we've actually held pretrial
5 in a case.

6 Q. And when was -- When did the Solicitor make the offer
7 to this charge?

8 A. She made it sometime prior. By way of background, Mr.
9 Murray had several pending charges that I represented him
10 on. He had burglary and some other charges. Those were
11 dismissed pretty early on. He had the drug charge, and
12 then he had the CSC charge. From my discussions with the
13 Solicitor, the CSC charge was really the overriding charge.
14 So a lot of the offers that we got were sort of package
15 offers. All of the discussions were package offers. I
16 can't remember exactly if the offer -- what the exact
17 nature of those offers were. But those were the
18 discussions essentially to handle everything. Mr. Murray
19 did not want to plead to the CSC case. We had lengthy
20 discussions about the problems in that case. And we were
21 actually looking towards a trial on that case. And then
22 from my recollection, once it was clear that he was not
23 going to plead to the CSC case, then the focus reverted
24 back to the crack case.

25 Q. And did he plead guilty pursuant to negotiations or

1 was it straight up?

2 A. There was some discussion; there was no formal
3 negotiation. Essentially, when we came to meet with Mr.
4 Murray the next day, which would have been starting
5 testimony in the trial, and we were bringing him clothes,
6 he indicated that he wanted to plead. It was a complete
7 about face. We really didn't see it coming. And he was
8 very insistent that he wanted to plead. In fact, he didn't
9 even dress out for court. He pled in his -- in his jail
10 attire.

11 So, there was no offer at that point. There was some
12 discussion. I can't remember if there was some discussion
13 about the sex case at that point. Or if we were just going
14 to handle just the crack case since we had started the
15 trial at that point.

16 Q. Did you in any way coerce him to plead guilty.

17 A. No, in fact, we had extensive discussions with him
18 about what he was looking at in terms of the case. From my
19 file, it appears he was indicted for a second. I think she
20 did let him plead for a first. He -- We had discussions
21 with him that it would, in fact, violate his probation,
22 that, that would probably be the overriding sentence if he
23 plead.

24 THE COURT: Let me ask you. It clearly would have
25 been a second, wouldn't it?

MELISSA INZERILLO: DIRECT BY MR. BRANT

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1 MS. INZERILLO: That's -- that's what I have in my
2 notes, Your Honor, that he was --

3 THE COURT: He was on trial, he had a previous record
4 for drugs. So, if he'd gone to trial, they would have
5 indicted him on a second. And if he had gone to trial, and
6 if he was convicted, it would have been a second.

7 MS. INZERILLO: Yes, Your Honor.

8 THE COURT: They agreed to reduce it to a first?

9 MS. INZERILLO: Yes, Your Honor, I have a sticky note
10 indicating that he pled to a first.

11 THE COURT: Proceed. I'm sorry to interrupt.

12 MS. INZERILLO: That's okay.

13 A. And so we did explain it to him in great detail. He
14 ask several questions about how the time would be
15 calculated. How much time he would actually be looking at.
16 But he was extremely adamant that he did want to plead to
17 the charge. He did not want to go forward with the trial.

18 Q. And what was your advice in regards to pleading guilty
19 on the charge?

20 A. My advice was, if he wanted to plead, that's what we
21 would do.

22 Q. No doubt in your mind that it was his decision to
23 plead?

24 A. Oh, completely his decision.

25 MR. BRANT: I beg the Court's indulgence.

1 (PAUSE.)

2 Q. Just to clarify, did he plead guilty, based on your
3 conversations with him, understanding knowing the evidence
4 that would be presented against him?

5 A. Yes.

6 Q. At trial?

7 A. Yes.

8 And can I comment on that. There were no tapes with
9 the crack case. It was a -- The discovery that we had was
10 that they recognized him because they knew there was an
11 outstanding warrant. They saw him throw down the crack.
12 They arrested subsequent to that.

13 The tapes that's he's referencing were jail phone
14 calls that were recorded by the Solicitor's Office that
15 were turned over to us as part of the CSC case. In my
16 discussions with Mr. Murray, it was clear that in that case
17 involved exchange of drugs for sex situation. And in the
18 phone calls, there is discussion of drugs, but in relation
19 to that girl. And he's talking to, I think, a friend of
20 his that he and I had actually talked about possibly
21 subpoenaing and some other people where he's discussing
22 that case.

23 So there is a discussion of drugs, but it's not in
24 relation to the crack case. There is no video or -- The
25 jail phone calls or anything did not cover the crack case,

MELISSA INZERILLO: DIRECT BY MR. BRANT
CROSS BY MR. SMITH

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1 it covered, primarily, the CSC case.

2 MR. BRANDT: Okay. Nothing further, Your Honor.

3 CROSS EXAMINATION

4 RAYMOND MURRAY BY MR. SMITH:

5 Q. Ms. Inzerillo, do you remember how many meetings that
6 you had with Mr. Murry?

7 A. I don't know an exact number. I would guesstimate
8 probably between ten and twenty.

9 Q. And did all of those meetings occur at the jail? Or
10 was he ever not incarcerated when you met with him?

11 A. Every time I met with him, he was incarcerated. It
12 appears from my file, he did not appear to his initial
13 appearance in January 11, 2010, so I think he was probably
14 in the community at that point. But very, I think, shortly
15 after that or perhaps he had just been picked up on a new
16 charge, which would have been a second initial appearance
17 date. But every time I met with him, he was in jail.

18 Q. Okay. Did you discuss with him the possible sentences
19 of the Court with charges that he was facing?

20 A. I did.

21 Q. And were there any -- This was just a straight-up
22 plea. Correct?

23 A. Yes.

24 Q. Okay. When he pled guilty, was the crack charge
25 really the main focus of the case, or was it the criminal

1 sexual conduct charge?

2 A. On that day of his plea, the crack was because we were
3 in trial on the crack.

4 Q. Okay.

5 A. But, as background, the CSC really was sort of the
6 more overriding charge.

7 Q. Okay. And on the day of the guilty plea to the crack
8 charge, was the criminal sexual conduct charge still a
9 pending charge?

10 A. It was.

11 Q. Okay. So, he still had that hanging over his head?

12 A. Yes, because he was clear he wanted to take that to
13 trial.

14 Q. And that charge was ultimately dismissed. Correct?

15 A. That is my understanding. I was relieved prior to the
16 dismissal, but it is my understanding it was dismissed.

17 Q. Did Mr. Murray -- And you were preparing for trial, to
18 go forward for the trial on the crack charge. Correct?

19 A. That's -- We were in trial. Yes, sir.

20 Q. Okay. And as part of any pretrial motion, were there
21 any motions made to suppress any evidence or anything like
22 that?

23 A. Wait one minute.

24 (WITNESS REVIEWING FILES/NOTES.)

25 A. No.

MELISSA INZERILLO: CROSS BY MR. SMITH

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1 Q. And the particular -- the tapes that you referred to
2 just a minute ago, did Mr. Murray ever have a chance to
3 listen to those tapes?

4 A. No --

5 MR. BRANDT: I object, Your Honor. It's not relevant
6 in this case.

7 THE COURT: Well, I agree, it's not relevant. Mr.
8 Murray wants to make everything relevant in this case, but
9 it's not. But, I'll let her answer that question since he
10 raised it.

11 MR. BRANT: Thank you, Your Honor.

12 A. When I -- He's correct. I did have a contact visit
13 with him. I did take the tape down there. There was a
14 problem with the computer or something. It wasn't playing.
15 So, I told him we couldn't listen to it. But I did review
16 what was on the tape so that he was aware of the
17 information that was on the tapes before we could revisit
18 that because that dealt with the CSC case. The drug case
19 intervened.

20 Q. And do you recall when that would have happened, that
21 particular meeting? And my question deals with more that
22 meeting in the proximity of the time to the guilty plea.

23 A. I don't know. I'll be honest with you, I don't know.

24 Q. Was other evidence in the case as you were preparing
25 for trial, did you discuss that information with Mr.

1 Murray?

2 A. I did. Prior to trial, I went and viewed the crack
3 cocaine. In the case file, it did indicate that Mr. Murray
4 threw down a piece of crack that was in a baggy. So he and
5 I had discussed a possible line of questioning about
6 fingerprinting that baggy. As one of the questions that we
7 would -- or several questions that we would ask the
8 officer, when I went down and viewed the evidence, it was
9 not in a baggy. And so I did relay that to Mr. Murray.
10 Told him that would, of course, change possibly anything,
11 but that I also thought that it was an inconsistency that
12 we could bring up at trial. So, I did convey to him. And
13 I marked on my notes when I went to see it.

14 Q. Did Mr. Murray provide you with a list of witnesses
15 that you may want to call at a trial?

16 A. He did discuss some people with us, like I indicated
17 the Ray Charles guy and maybe a few other people. But it
18 was our determination that went to a prior incident from
19 which the false information to police arose and not --
20 There weren't witnesses that viewed what happened at the
21 scene with throwing down the crack.

22 Q. Did you talk with those witnesses or an investigator
23 with your office talk with those witnesses?

24 A. I don't know that we did, honestly, because Mr. Murray
25 indicated they weren't at the scene. He was very specific

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REDIRECT BY MR. BRANT

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1 about what they would testify to, and that their only
2 connection was this prior incident. And since they didn't
3 really have any connection to the crack charge, we did not
4 talk to them.

5 I will, by contrast, Mr. Smith, indicate that we
6 discussed extensively some witnesses to -- on the CSC case
7 that did view. So, I do think he knew the difference
8 because he did provide some discussion about witnesses that
9 saw the girl after the alleged attack and that type of
10 thing.

11 Q. Okay. And at the time of the guilty plea, that
12 charge, the criminal sexual conduct charge was still
13 pending. Correct?

14 A. That's correct.

15 Q. Thank you, ma'am. No further questions.

16 MR. BRANT: I beg the Court's indulgence.

17 Just briefly, Your Honor.

18 REDIRECT EXAMINATION

19 MELISSA INZERILLO BY MR. BRANDT:

20 Q. Ms. Inzerillo, you said that you did not make any
21 motions pretrial to suppress any evidence. Correct?

22 A. That's right.

23 Q. Can you elaborate on that further for the
24 circumstances behind that?

25 A. Yes, we felt like it was a throw-down case. And that

1 the name of the case escapes me where the -- In the case,
2 the person was running away and threw down the drugs, and
3 that was the intervening act that would give the police
4 probable cause to arrest for the crack charge. And we felt
5 -- Or I felt, based on that, we didn't have a motion to
6 suppress at that point, based on the discovery we had been
7 provided. And I'm sorry I can't remember the name of that
8 case. It escapes me at the moment.

9 MR. BRANT: Nothing further, Your Honor.

10 THE COURT: And let me be clear, Mr. Murray wants to
11 make this PCR about everything except the crack cocaine
12 charge. But really, he had criminal charges pending,
13 criminal sexual conduct from sometime back -- I take it
14 these were old charges?

15 MS. INZERILLO: Actually this CSC charge arose after
16 this crack cocaine charge?

17 THE COURT: They did? At any rate, he had that charge
18 pending and you were representing him on that charge at
19 that time?

20 MS. INZERILLO: On the CSC charge?

21 THE COURT: Yeah.

22 MS. INZERILLO: Yes, sir.

23 THE COURT: And also the possession of crack cocaine
24 would have been a second drug offense. Correct?

25 MS. INZERILLO: Yes, sir.

1 THE COURT: You were representing him on that.
2 Correct?

3 MS. INZERILLO: Yes, sir..

4 THE COURT: And you were talking to him. And the jail
5 conversations that were recorded, made by him, really had
6 to do with the CSC case and not with the crack cocaine
7 case; is that correct?

8 MS. INZERILLO: Yes, Your Honor.

9 THE COURT: And so you took something down there that
10 was provided you by the Solicitor and you went down and
11 tried to play it for him. It wouldn't work. But you
12 explained to him everything that was on it. Right?

13 MS. INZERILLO: Yes, Your Honor.

14 THE COURT: But it didn't have anything to do with
15 this case, crack cocaine charge? It had to do with
16 criminal sexual conduct?

17 MS. INZERILLO: That's correct.

18 THE COURT: Not relevant to this case at all. And so
19 he gave you some witnesses, but these witnesses were asked
20 to -- really kind of interaction with the police on the
21 prior occasions, and not any witnesses to see whether he
22 actually ran and dropped the crack cocaine, as the police
23 testified, nobody actually saw that.

24 MS. INZERILLO: That's correct.

25 THE COURT: All right. And then he had some witnesses

1 with regard to the criminal sexual conduct case he wanted
2 you to interview. But again, that didn't have anything to
3 do with this case. Correct?

4 MS. INZERILLO: That's correct, and I was relieved
5 prior to.

6 THE COURT: And you were relieved fully. But the
7 point is, what happened on the CSC case and any of that,
8 discovery on that, witnesses on that, and any prior
9 interaction with the police have nothing to do with this
10 case. So they were going to trial solely on the possession
11 of crack cocaine charge?

12 MS. INZERILLO: Yes, sir.

13 THE COURT: Is that correct?

14 MS. INZERILLO: Yes, sir, yes, sir.

15 THE COURT: Did you prepare for trial on that?

16 MS. INZERILLO: Yes, Your Honor.

17 THE COURT: You did pretrial motions on it?

18 MS. INZERILLO: Yes, sir.

19 THE COURT: You all were about to go into a trial?

20 MS. INZERILLO: Yes, sir.

21 THE COURT: Mr. Murray made the decision he didn't
22 want to go to trial?

23 MS. INZERILLO: That's correct.

24 THE COURT: He wanted to plead guilty of the crack
25 cocaine charge. It has nothing to do with anything else,

1 the CSC, and all of that stuff, only the crack cocaine
2 charge. Right?

3 MS. INZERILLO: Yes, sir. He was, in fact, very
4 adamant that he still wanted to pursue the CSC at trial,
5 but he wanted to go ahead and plead to the crack cocaine
6 charge.

7 THE COURT: Crack cocaine charge. And that's all you
8 were going to trial on that day?

9 MS. INZERILLO: Yes, sir.

10 THE COURT: That he decided to plead guilty to?

11 MS. INZERILLO: Yes, sir.

12 THE COURT: And your testimony is, it was his
13 decision. He was adamant that he wanted to plead guilty of
14 the crack cocaine charge?

15 MS. INZERILLO: Yes, sir.

16 THE COURT: You knew he had the probation violation,
17 this would be a violation of his probation. Did you
18 explain that to him?

19 MS. INZERILLO: That's correct.

20 THE COURT: He understood that?

21 MS. INZERILLO: Yes, sir.

22 THE COURT: And the plea was straight-up, except that
23 they agreed and let him plead to possession of crack
24 cocaine first rather than a second?

25 MS. INZERILLO: That's my recollection. Yes, sir.

1 THE COURT: But he still knew he had the probation
2 violation. And there were no recommendations or
3 negotiations as to sentence?

4 MS. INZERILLO: That's correct. And I will note, Your
5 Honor. I believe Mr. Murray indicated he was afraid of
6 consecutive time. We discussed that with him. Any
7 possible sentencing scheme that could happen, concurrent
8 time, consecutive time, anything like that, so that he
9 fully understood the nature of the plea.

10 THE COURT: All right, thank you. And I think the
11 record is clear.

12 Any questions as a follow-up to the questions I asked
13 Ms. Inzerillo?

14 MR. BRANT: No, Your Honor.

15 MR. SMITH: No, sir.

16 THE COURT: Thank you, ma'am.

17 MS. INZERILLO: Thank you, Your Honor.

18 (WITNESS LEAVING WITNESS STAND.)

19 MS. INZERILLO: Thank you.

20 MADAME COURT REPORTER: Thank you, yes, ma'am.

21 (COURT REPORTER HANDS FILES TO MS. INZERILLO.)

22 THE COURT: Anything further from the State?

23 MR. BRANT: Nothing, Your Honor.

24 THE COURT: Anything in reply?

25 MR. SMITH: No, sir.

1 THE COURT: Counsel, I'll take the matter under
2 advisement. I'll need to have a further look at it.

3 MR. SMITH: Thank you, sir.

4 -- END OF TRANSCRIPT IN THE MATTER OF RAYMOND BERNARD
5 MURRAY, CASE NO. 2010-CP-46-04234, FRIDAY, JUNE 3,
6 2011. --

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CERTIFICATE OF REPORTER

State of South Carolina)

)

County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for York County, South Carolina, on the 3rd day of June 2011.

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

Wanda Nelson

Wanda Nelson, CVR

Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/20~~2~~1DATE: November 28/ 2011

STATE OF SOUTH CAROLINA
COUNTY OF YORK

FILED-RECEIVED
IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC 2010-CP-46-4234

Raymond Bernard Murray, #217497,

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

This matter comes before the Court by way of Application for Post-Conviction Relief filed September 30, 2010, and amended on October 19, 2010. The Respondent filed its Return on April 26, 2011. An evidentiary hearing into the matter was convened at the Moss Justice Center in York County on June 3, 2011. The Applicant was present at the hearing and was represented by R. Chadwick Smith, Esquire. The Respondent was represented by Harrison D. Brant, Esquire, of the South Carolina Attorney General's Office.

The Applicant testified on his own behalf at the hearing. The Applicant's trial counsel, Melissa Inzerillo, Esquire, also testified at the hearing. This Court had before it the records of the York County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, and the Applicant's plea transcript.

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 York County. On February 28, 2008, the Applicant pled guilty to Assault and Battery of a High and Aggravated Nature (2007-GS-46-4285), and Failure to Register as a Sex Offender, first offense (2007-GS-46-4287). The

Honorable Roger L. Couch sentenced the Applicant to a negotiated sentence of seven (7) years, suspended upon time served with probation for two years for the ABHAN charge, and ninety (90) days for Failure to Register. The Applicant did not appeal these convictions or sentences.

On July 7, 2008, and January 5, 2010, arrest warrants were issued for the Applicant for probation violations. The Applicant was then indicted at the April 2010 term of the York County Grand Jury for Possession of Crack Cocaine (2010-GS-46-1404). The Applicant was represented by Melissa Inzerillo. The Applicant subsequently filed a motion to reopen a 1987 case in which he pled guilty to Criminal Sexual Conduct with a Minor (1987-GS-46-1525). (Tr. p. 2). On June 8, 2010 – the day before he was scheduled to proceed to trial on the possession charge – the Applicant appeared before the Honorable John C. Hayes, III,¹ to discuss his motion to reopen. (Tr. p. 2). Judge Hayes held he lacked jurisdiction over a 1987 case, Tr. p. 4-5, and issued a written Order the next day to that effect. (See attached appellate records). On June 9, 2010, the Applicant opted to forego trial and pled guilty as indicted to the possession charge. Judge Hayes sentenced the Applicant to three (3) years for the possession charge. Judge Hayes also revoked in full the Applicant's probationary sentence from his ABHAN conviction and ordered him to serve the remaining seven (7) year sentence, concurrent to his other sentence.

The Applicant did not appeal his convictions or sentences. However, the Applicant did appeal the order denying his motion to reopen his 1987 case. Lanelle C. Durant, Esquire, filed an appellate brief on the Applicant's behalf pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967). The matter is presently pending before the South Carolina Court of Appeals.

¹ The transcript cover indicates the Honorable Lee S. Alford presided over the hearing. . Upon information and belief, the hearing was actually presided over by the Honorable John C. Hayes, III.

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ALLEGATIONS

In his application for post-conviction relief, and in his amended application, the Applicant listed a plethora of allegations.² However, at the evidentiary hearing the Applicant only presented testimony and evidence relevant to the following allegations:

1. Ineffective assistance of counsel
 - a) Failure to adequately investigate
 - b) Failure to advise Applicant of evidence against him

STATEMENT OF FACTS

On December 6, 2009, a Rock Hill patrol officer observed the Applicant walking down the street. (Tr. p. 15). The officer had a clear view of the Applicant, and knew there was an active warrant for his arrest for giving false information to the police. (Tr. p. 15-16). He was able to identify the Applicant based on prior experiences he had with him. (Tr. p. 15). The officer turned on his blue lights pulled up beside the Applicant. (Tr. p. 16). The Applicant stopped and began to argue, and asked, "What did I do this time?" The Applicant had his left hand in his coat pocket, and the officer twice ordered him to take his hand out of his pocket for safety reasons. At that point, the Applicant fled on foot. The officer pursued him on foot, and ordered him to stop. The Applicant then threw a white object to the ground behind a car in an apartment parking lot while the officer was about fifteen feet behind him. The Applicant then stopped running, and was arrested for the false information charge. The officer was able to go back to the location where he saw the Applicant drop the object and recovered a crack rock

² To the extent the Applicant raised other allegations in his applications, he failed to present any testimony or evidence in support of these claims. Therefore, he failed to meet his burden of proof as to these claims. See Smith v. State, 369 S.C. 135, 631 S.E.2d 260 (2006) (holding averments in PCR application, without more, are insufficient to warrant granting of relief). Accordingly, these claims are denied and dismissed.

wrapped in a white plastic grocery bag. The evidence was tested and determined to be .12 grams of crack cocaine.

SUMMARY OF TESTIMONY

The Applicant testified counsel failed to investigate his case. He stated he was falsely accused of this offense by his arresting officer who turned something in as evidence other than what he actually found that day. He testified he met with counsel three times, and at one of those meetings she was supposed to let him listen to some tapes, but she was unable to do so. He stated counsel did listen to the tapes, but all she told him was that she heard his voice. He stated he never saw any evidence from this case or another case involving a sex charge, and he told the judge this the day before he pled guilty. He testified he was preparing to go to trial; however, on the morning of his trial date, he decided to plead guilty when he realized he was not going to get the evidence. He stated he does not know whether counsel interviewed any witnesses. He stated he never threw down crack, and he was not truthful on the day of his plea when he admitted he did.

Counsel testified she met with the Applicant ten to twenty times. She stated she discussed with him the charge and the potential sentence he faced. She testified she received and reviewed the State's discovery for this charge which included an incident report, case summary, evidence log, and later a drug report, and she also went and personally viewed the drug evidence. She stated she discussed all of this evidence with the Applicant. She stated she also discussed with the Applicant the possibility of fingerprinting the plastic bag the officer said he found the drugs in; however, when she viewed the evidence there was no plastic bag. She stated she discussed with the Applicant the possibility of using this inconsistency at trial against the officer on cross-examination. She testified she did not make a pre-trial motion to suppress the drug

evidence because case law supports the admissibility of evidence thrown down by an individual while being pursued.

Counsel testified the Applicant did provide her with names of witnesses; however, they could only provide information as to the CSC charge or the false information warrant the Applicant was wanted for. She testified she did not interview them because the Applicant indicated none of these witnesses were at the scene nor had any information pertaining to the possession charge; therefore, she concluded they would not have been helpful in this case.

Counsel testified there were no audiotapes involved in this case. She explained she also represented the Applicant on a criminal sexual conduct (CSC) charge that arose after the possession charge. She stated the CSC charge involved the exchange of drugs for sex, but was unrelated to the possession charge. She testified the CSC charge involved audio recordings of jail phone calls, the contents of which she listened to and later discussed with the Applicant. She stated the Applicant never got to listen to the tapes because she tried one time to play them for him, but she could not get the device to work. Before she had another chance to play the tape for the Applicant, he pled guilty to the possession charge. She testified the CSC charge was ultimately dismissed subsequent to the Applicant's plea in this case.

Counsel testified that on the day of trial the Applicant said he wanted to plead guilty. She stated she then had extensive discussions with the Applicant about his plea, after which the Applicant indicated he still wanted to plead guilty and did not want to go to trial. She testified the Applicant pled guilty knowing and understanding the evidence the State would present against him at trial. She stated she explained to the Applicant that his plea would be a probation violation, and that it was a straight-up plea although the State was allowing him to plead to a first

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offense instead of a second. She stated she also explained to him the difference in concurrent and consecutive sentences.

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 at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel/ Involuntary Guilty Plea

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this

prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

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

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the post-conviction relief hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

This Court finds the Applicant's allegations of ineffective assistance of counsel to be without merit. As a threshold matter, the Court had the opportunity to observe the witnesses when testifying. This Court finds the testimony of counsel very credible, and finds the Applicant not credible. The Applicant has a lengthy criminal history dating back to 1987. He asks this Court to accept and believe that he lied to the trial court when he agreed to the facts as stated by the Solicitor, that he is innocent of this crime and was set up by a police officer, and that he only

pled guilty because he never saw any evidence against him. However, "[a] guilty plea is a solemn, judicial admission of the truth of the charges against an individual." Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct.App.2007). "Therefore, statements made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874. This Court finds the Applicant's story is clearly not credible; therefore, he failed to present valid reasons why he should be allowed to depart from statements he made at his guilty plea.

Furthermore, he took this opportunity to try and interject allegations about other charges that were pending against him at the time of this case, but they are totally irrelevant to this case. Counsel represented him on a number of separate charges which occurred on other dates and are not connected to the possession of crack cocaine charge to which he pled guilty in this case. She represented him on a burglary charges and several other charges she was able to get dismissed. She also represented him on a CSC 3rd charge. She was later relieved as his attorney on that charge, and it was thereafter dismissed. When the Applicant alleges he did not get to listen to tape recordings of conversations, he is referring to taped telephone calls he made from the York County Detention Center provided by the Solicitor in connection with the CSC 3rd case. Counsel testified she tried to play the tapes for him, but the equipment did not work properly. She told him about the substance of the tapes, but again, they were not relevant to the case at hand, only to the CSC 3rd charge which was later dismissed.

The Applicant also alleges to some extent that counsel did not interview witnesses. These witnesses were only relevant to the CSC 3rd charge or the false information charge for which the police sought to arrest him. There were no witnesses to the incident relevant to the instant case when he ran from a police officer, and the officer saw him throw down a baggy with

a rock of crack cocaine inside. Therefore, to the extent the Applicant alleges counsel failed to interview witnesses, this allegation is without merit.

This PCR Application concerns only the possession of crack cocaine charge. To the extent the Applicant alleges counsel otherwise failed to investigate his case, this Court finds the Applicant failed to meet his burden of proof. An allegation asserting counsel failed to adequately investigate must be supported by evidence that through further investigation counsel would have discovered evidence or a witness favorable to applicant. Stalk v. State, 383 S.C. 559, 562-63, 681 S.E.2d 592, 594-95 (2009). The Applicant failed to present any such evidence. Therefore, the Applicant failed to meet his burden of proof, and this claim is denied and dismissed.

Further, counsel's testimony establishes the Applicant was advised and understood all of the evidence the State intended to use against him. Pre-trial was conducted and a trial was about to begin when the Applicant, on his own, decided to plead guilty. Since the case was about to go to trial, there was no plea offer and he pled straight up. However, he was allowed to plead to a first offense instead of a second offense. He was advised and understood the possible consequences of his plea, and that his guilty plea constitutes a violation of his probation. This Court finds he freely and voluntarily entered his plea after being advised of all the evidence against him, his rights, and the consequences of his plea. This Court also finds the Applicant knowingly and intelligently pled guilty based upon the effective assistance of counsel.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence trial counsel committed either errors or omissions in his representation of the Applicant.

9
200

This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by counsel's performance. This Court concludes Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. Therefore, the allegation of ineffective assistance of counsel is denied.

CONCLUSION

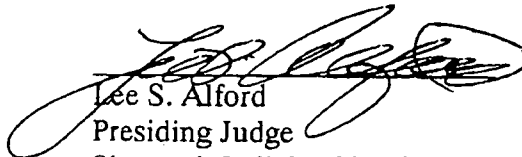
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court advises the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty (30) days after receipt by counsel of notice of entry of this order. See Rules 203 and 243 of the South Carolina Appellate Court Rules. This Court notes that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 11th day of August, 2011.


Lee S. Alford
Presiding Judge
Sixteenth Judicial Circuit

York, South Carolina.

#11
208

Arrest Warrant
 Approved by
 Attorney General
 Section 17-13-160
 March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Probation

ARREST WARRANT

Indictment Number 07-GS-46-04285

Warrant Number W-46-10-0006

State Identification No. (SID) 00541939

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF ROCK HILL, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that RAYMOND BERNARD MURRAY, did on the 5 day of January, 2010 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of Probation

Now, therefore, you are empowered and directed to arrest the said defendant and bring RAYMOND BERNARD MURRAY 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. Done at ROCK HILL, S. C. this 5 day of January, 2010.

Dwight Burns (L.S.)
 Signature of Probation and Parole Agent

County of YORK

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Dwight Burns, who, first being duly sworn, deposes and says that RAYMOND BERNARD MURRAY did within this County and State on the 5 day of January, 2010, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of Probation

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failed to follow the advice and instructions of the agent, based on a preponderance of the evidence subject was arrested on 12/7/ 09 and 1/4/10 (seen on the YCSD website Jail List) there is probable cause to believe that subject committed the crimes of being in poss. of less than one gram of meth?cocaine 1st on 12/7/09, and Criminal Conspiracy, Burglary 2nd (violent) , poss. making implements being used in the crime , and petty larceny on 1/4/10 in York ; Failed to pay sf as ordered being \$200 in arrears at issuance of the warrant, failed to pay rest. as ordered being \$160 in arrears at issuance of the warrant .Such actions constitutes a willful violation of sections 1,2,3,5,7,9,10, and sc of the original probationary agreement .

Sworn to and Subscribed before me
 this 5 day of January, 2010.

Dwight Burns
 Affiant

Shannon Z. [Signature]
 Signature of Notary Public
10-6-2016
 My Commission Expires

CERTIFIED TRUE
 COPY OF ORIGINAL
 INSTRUMENT WHICH
 IS NOT ON FILE
 IN THIS OFFICE

Address: 1070 HECKLE BLVD.
 SUITE 201, BOX 14
 ROCK HILL, SC 29732
 YORK
 USA
 (803) 909-7282

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Probation

ARREST WARRANT

Indictment Number 07-GS-46-04285

Warrant Number W-46-10-0142

State Identification No. (SID) 00541939

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF ROCK HILL, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that RAYMOND BERNARD MURRAY, did on the 24 day of March, 2010 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation violation pursuant to Section 24-21-430/450 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge Couch at the 02/28/08 term of General Sessions Court holden in York County, York, South Carolina.

Now, therefore, you are empowered and directed to arrest the said defendant and bring RAYMOND BERNARD MURRAY 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. Done at ROCK HILL, S. C. this 24 day of March, 2010.

County of YORK

Larry Davis (L.S.)
Signature of Probation and Parole Agent

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Larry LaNary Davis, who, first being duly sworn, deposes and says that RAYMOND BERNARD MURRAY did within this County and State on the 24 day of March, 2010, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Probation violation pursuant to Section 24-21-430/450 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge Couch at the 02/28/08 term of General Sessions Court holden in York County, York, South Carolina.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failure to follow the advice and instructions of the supervising agent; failure to refrain from any law by being arrested for Criminal Sexual Conduct-3rd degree by the Rock Hill City Police on 1-19-2010 and failing to notify the agent. Such actions constitute wilful violations of sections 6 and 10.

Sworn to and Subscribed before me
this 24 day of March, 2010.

CERTIFIED TRUE
COPY OF ORIGINAL
INSTRUMENT WHICH
IS NOT ON FILE
IN THIS OFFICE

Larry Davis
Affiant

Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732
YORK
USA
(803) 909-7282

SP Walton
Signature of Notary Public

04/03/2017
My Commission Expires

Form 16.1 - Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-16Q
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Probation

ARREST WARRANT

Indictment Number 07-GS-46-04285

Warrant Number W-46-09-0325

State Identification No. (SID) 00541939

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF ROCK HILL, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that RAYMOND BERNARD MURRAY, did on the 2 day of July, 2009 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation violation pursuant to Section 24-21-430/450 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge Couch at the 02/28/08 term of General Sessions Court holden in York County, York, South Carolina.

Now, therefore, you are empowered and directed to arrest the said defendant and bring RAYMOND BERNARD MURRAY 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. Done at ROCK HILL, S. C. this 2 day of July, 2009.

Larry Davis (L.S.)
Signature of Probation and Parole Agent

County of YORK

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Larry LaNary Davis, who, first being duly sworn, deposes and says that RAYMOND BERNARD MURRAY did within this County and State on the 2 day of July, 2009, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Probation violation pursuant to Section 24-21-430/450 in that the defendant has willfully violated the conditions of his probation sentence as Imposed by Judge Couch at the 02/28/08 term of General Sessions Court holden in York County, York, South Carolina.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failure to follow the advice and instructions of the supervising agent; failure to report during the months of April 2009 and June 2009, failure to refrain from using illegal substances by testing positive for cocaine on 7-2-09, failure to gain and maintain employment, failure to pay supervision fees; being \$245 in arrears at the issuance of the warrant, failure to pay restitution; being \$332.52 in arrears at the issuance of the warrant. Such actions constitute wilful violations of sections 1, 3, 7, 9, and 10.

Sworn to and Subscribed before me
this 2 day of July, 2009.

Larry Davis
Affiant

Tracy Swanson
Signature of Notary Public

(L.S.)

Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732
YORK
USA
(803) 909-7282

10/13/16

My Commission Expires

CERTIFIED TRUE
COPY OF ORIGINAL
INSTRUMENT WHICH
IS NOT ON FILE
IN THIS OFFICE X

Form 16.1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA
COUNTY OF YORK

Probation

ARREST WARRANT

Indictment Number 07-GS-46-04285

Warrant Number W-46-08-1853

State Identification No. (SID) 00541939

TO, ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF ROCK HILL, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that RAYMOND BERNARD MURRAY, did on the 7 day of July, 2008 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Probation violation pursuant to Section 24-21-430/450 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge Couch at the 02/28/08 term of General Sessions Court holden in York County, York, South Carolina.

Now, therefore, you are empowered and directed to arrest the said defendant and bring RAYMOND BERNARD MURRAY 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. Done at ROCK HILL, S. C. this 7 day of July, 2008.

County of **YORK**


Signature of Probation and Parole Agent (L.S.)

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Allison Walters, who, first being duly sworn, deposes and says that RAYMOND BERNARD MURRAY did within this County and State on the 7 day of July, 2008, violate the criminal laws of the State of South Carolina in the following particulars:

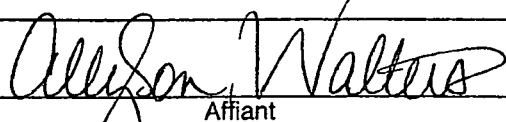
DESCRIPTION OF OFFENSE:

Probation violation pursuant to Section 24-21-430/450 in that the defendant has willfully violated the conditions of his probation sentence as imposed by Judge Couch at the 02/28/08 term of General Sessions Court holden in York County, York, South Carolina.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Failed to report as instructed by missing the reports for May & June 2008. Failed to refrain from drinking to excess as evidence of his arrest on 06/25/08 for Disorderly Conduct. Failed to work diligently at a lawful occupation having provided no proof that he is currently employed or looking for employment on a full-time basis. Failed to notify the agent of his arrest on 06/25/08 for Disorderly Conduct by Rock Hill Police Department. Failed to pay supervision fee as instructed by being \$160 in arrears at the issuance of warrant. Failed to pay surcharge as instructed by being \$100 in arrears at the issuance of warrant. Failed to pay DACOR as instructed by being \$160 in arrears at the issuance of warrant. Failed to follow the advice and instructions of the supervising agent. Such actions constitute willful violations of sections 1, 3, 5, 6, 7, 9, 10 of the original probation agreement.

Sworn to and Subscribed before me
this 7 day of July, 2008.


Affiant


Signature of Notary Public

CERTIFIED TRUE
COPY OF ORIGINAL
INSTRUMENT WHICH
IS NOT ON FILE
IN THIS OFFICE

Address: 1070 HECKLE BLVD.
SUITE 201, BOX 14
ROCK HILL, SC 29732
YORK
USA
(803) 909-7282

Sept 25, 2017
My Commission Expires

ARREST WARRANT

K- 254079

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Rock Hill

THE STATE

against

Raymond Bernard Murray

Address: _____

Phone: _____ SSN: _____

Sex: M Race: P Height: 5'6" Weight: 160DL State: SC DL#: _____DOB: 05/07/1969 Agency ORI#: SC0460300Prosecuting Agency: Rock Hill Police DepartmentProsecuting Officer: William BurrisOffense: Assault & Battery Of A. High & Aggravated NatureOffense Code: 17-25-30Code/Ordinance Sec: 17-25-30

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.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Raymond Bernard Murrayon 09-09-07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Municipal Judge,

120 East Black Street

Rock Hill, SC 29731-1706

803-329-7200

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Rock Hill

Personally appeared before me the affiant William Burrisbeing duly sworn deposes and says that defendant Raymond Bernard Murraydid within this county and state on June 1, 2007

violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Rock Hill)

as follows:

DESCRIPTION OF OFFENSE:

Assault & Battery Of A. High & Aggravated Nature

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 willfully and unlawfully violate the SC code of law section 17-25-30 Assault and Battery of a High and aggravated Nature, in that he did cut the victim Gerald Pressley above his right eye with a box cutter, as a result of the assault the victim received medical treatment at Piedmont Medical Center whereby several stitches were used to close the wound. The incident occurred in the 600 Block of Hagin Street within the city limits of Rock Hill SC

Statement from victim

Police Investigation

Signature of Affiant

William Burris

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Rock Hill

Affiant's Address 120 E. Black StreetRock Hill, SC 29731Affiant's Telephone 803-329-7295

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe the

on June 1, 2007defendant Raymond Bernard Murray

did violate the criminal laws of the State of South Carolina (or Ordinance of

☐ County/ ☒ Municipality ofRock Hill

DESCRIPTION OF OFFENSE:

Assault & Battery Of A. High & Aggravated Nature

Having found probable cause and the above affiant having sworn before me, 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.

Sworn to and subscribed before me

on

06/07/2007Denise Munde (L.S.)

Signature of Issuing Judge

Judge Code: 6703

Judge's Address

120 East Black Street

Judge's Telephone

Rock Hill, SC 29731-1706

Issuing Court:

803-329-7200☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

K-254079

Ref #: 0706010003

AFFIDAVIT

FILED-RECEIVED
2007 SEP 17 PM 4:19

DAVID HAMISTON
C.C.C.P. & G.S.
YORK COUNTY

0013

CERTIFIED TRUE COPY
2010 OCT 11 AM 10:04
DAVID HAMISTON
CLERK OF COURT
YORK COUNTY, SC

ENTERED

901

107

ARREST WARRANT

K- 386223

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill, SC

THE STATE
against

Murray, Raymond Bernard

Address: _____

Phone: _____ SSN: _____

Sex: M Race: B Height: 510 Weight: 171

DL State: _____ DL#: _____

DOB: 05-07-1969 Agency ORI#: 0460300Prosecuting Agency: RHPDProsecuting Officer: B. K. LambertOffense: VDL-Possession of Crack 2nd Offense

Offense Code: _____

Code/Ordinance Sec: 44-53-375

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.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Raymond Murray
on 12-7-09

Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:
Hill Police Dept.
Black Street
Hill, SC 29730
7200
99

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill, SC

Personally appeared before me the affiant
being duly sworn deposes and says that defendant Murray, Raymond Bernard
did within this county and state on 12-06-2009 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Rock Hill, SC)
in the following particulars:

DESCRIPTION OF OFFENSE: VDL-Possession of Crack 2nd Offense

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:

That on 12-06-2009, Raymond Murray did knowingly, willfully, and unlawfully
violate South Carolina code of law 44-53-375-VDL-Possession of crack 2nd
offense. Murray was in possession of .2 grams of crack cocaine while running
from Officer Lambert in the 300 block of Wilhurst Court. The incident location
is within the city limits of Rock Hill in York County South Carolina. Murray
has a prior distribution conviction from 01-11-1995.

**The affiant is swearing to this warrant based on information and belief
provided by the arresting officer**

Police Investigation

Evidence

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Rock Hill, SC

Affiant's Address 120 E. Black St
Rock Hill, SC 29730

Affiant's Telephone _____

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 12-06-2009 defendant Murray, Raymond Bernard
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Rock Hill, SC) as set forth below:

DESCRIPTION OF OFFENSE: VDL-Possession of crack 2nd offense

Having found probable cause and the above affiant having sworn before me, 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.

Sworn to and subscribed before me

on 12-7-09

J Mundy (L.S.)

Signature of Issuing Judge

Judge Code: 103

Judge's Address _____

Judge's Telephone _____

Issuing Court:

☐

Magistrate

☐

Municipal

☐

Circuit

ORIGINAL

AFFIDAVIT

ENTERED

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

FILED-REC'D

2009 DEC -9

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

CERTIFIED TRUE COPY
2010 OCT 19 AM 9:30
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

J-151190

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

THE STATE

200600042847

against

Raymond Bernard Murray

Address:

Phone: _____ SSN: _____

Sex: M Race: B Height: 5 10 Weight: 174

DL State: _____ DL #: _____

DOB: 5/7/1969 Agency ORI #: SC0460000Prosecuting Agency: York County SheriffProsecuting Officer: D.k. Patterson - P4352Offense: Sex / Sex Offender Registry Violation, fail to register - 1st offenseOffense Code: 2606Code/Ordinance Sec: 23-03-0470(B)(1)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 the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Raymond Bernard Murrayon 1-4-07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

York County General Sessions
1675 York Hwy
York, SC 29745☒ County/ ☐ Municipality of

York

Personally appeared before me the affiant D.k. Pattersonbeing duly sworn deposes and says that defendant Raymond Bernard Murraydid within this county and state on or about 12/01/2006State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

York

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Sex Offender Registry Violation, fail to register - 1st offense

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:

Defendant did willfully and unlawfully fail to register as a sex offender. Defendant did this by moving from the last address he provided to the York County Sheriff's Office and then did fail to notify the Sheriff's Office of his new address within 10 days as required by law. Defendant did move from 1 Rock Hill, SC on 11/27/06. As of 12/18/06 the defendant has not reported his new address to the Sheriff's Office as required. Probable cause base upon police investigation and upon records and documentation maintained by the York County Sheriff's Office located at 1675-2A York Highway in York County, SC. All against the peace and dignity of the State and such laws as made and provided.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

York

Affiant's Address Moss Justice CenterYork, SC 29745-7428Affiant's Telephone (803)628-3059

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/1/2006 defendant Raymond Bernard Murray

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of York) as set forth below:DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 1st offense

Having found probable cause and the above affiant having sworn before me, 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.

Sworn to and subscribed before me

on 12/18/2006Signature of Issuing Judge Lynne Horton Benfield (L.S.)Judge Code: 5806Judge's Address Moss Justice CenterYork, SC 29745-7423Judge's Telephone (803)628-3029Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

AFFIDAVIT

SCCA 518

FILED-RECEIVED

who

violate the criminal laws of the

DAVID HAMILTON

2602
YORK COUNTY, SC

CERTIFIED TRUE COPY
2010 OCT 19 AM 10:03
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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60 J-151664
STATE OF SOUTH CAROLINA
County/ Municipality of
York
THE STATE 200700020397
against
aymond Bernard Murray
idress:
one: SSN:
x: M Race: B Height: 5 10 Weight: 174
State: DL #:
OB: 5/ 7/1969 Agency ORI #: SC0460000
Prosecuting Agency: York County Sheriff
Prosecuting Officer: D.k. Patterson - P4352
ffense: Sex / Sex Offender Registry Violation, fail to
register - 2nd offense
ffense Code: 2607
ode/Ordinance Sec: 23-03-0470(B)(2)
is warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of
The accused
to be arrested and brought before me to be
sult with according to the law.
(L.S.)
Signature of Judge
ate:

RETURN
copy of this arrest warrant was delivered to
defendant Raymond Bernard Murray
9-10-07
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
York County General Sessions
1675 York Hwy
York, SC 29745

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AFFIDAVIT
County/ Municipality of
York
Personally appeared before me the affiant D.k. Patterson
being duly sworn deposes and says that defendant Raymond Bernard Murray
did within this county and State on or about 06/20/2007 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of York)
in the following particulars:
DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 2nd offense
C.C.P. & G.S.
YORK COUNTY, SC
2607

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:

Defendant did willfully and unlawfully fail to register as a sex offender (second offense). Defendant did this by failing to complete
a biannual registration as required. Defendant last registered on 3/30/07 with the York County Sheriff's Office. At that time he was
notified verbally and in writing that he must register again during the month of May 2007. Defendant signed documentation
indicating that he understood his requirements. As of 6/20/07, the defendant was not registered as required. The defendant was
convicted of Failure to Register 1st Offense on 3/19/07. Probable cause based on records and documents maintained at the York
County Sheriff's Office located at 1675-2A in York County, SC.
All against the peace and dignity of the State and such laws as made and provided.

Signature of Affiant
STATE OF SOUTH CAROLINA
County/ Municipality of
York
Affiant's Address Moss Justice Center
York, SC 29745-7428
Affiant's Telephone (803)628-3059

CERTIFIED TRUE COPY
2010 OCT 10 AM 10:08
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/20/2007 defendant Raymond Bernard Murray
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of York) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 2nd offense

Having found probable cause and the above affiant having sworn before me, 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
Sworn to and subscribed before me

on 06/20/2007
Judge's Address Moss Justice Center
York, SC 29745-7423
Judge's Telephone (803)628-3029
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
Signature of Issuing Judge Lynne Horton Benfield (L.S.)
Judge Code: 5806

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

110 STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York FILE
STATE VS. 2008 AUINDICTMENT#:
-RECORDED- GS- 46 - 4285
Probation C/W#s: W-46-08-1853
20 PM 2:53AKA: Raymond Bernard Murray
Race: B Sex: M
DOB: 05/07/69
SSN: _____
SID#: _____Name of Original Offense: ABJ/AN
Original AWW#: K254079
Date of Original Offense: 02/01/07
Conviction S.C. Code §: 17-25-0030 Common Law
Conviction CDR Code #: 0101113
Original Sentence: 7 yrs; upon time served; ss
ORDER 2 yrs Probation

The above named defendant has been charged with violating the conditions of probation ordered on 02/28/08 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated 07/07/08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

1, 3, 5, 6, 7, 9, 10

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☒ the suspended sentence be revoked and the above named defendant be required to serve 1 months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Additional Conditions ordered by the Court: Credit for time served since July 9, 2008.

This order satisfies all violations in W-46-08-1853

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☐ The defendant has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 8th day of August, 08
York, SC

Presiding Judge

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set forth herein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this 8th day of August, 08 at York, SC
Day Month Year City

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

111

County of York FILED-RECEIVED 07 -GS- 46 - 4285
 STATE VS. Probation C#s: W-46-09-0325

2009 AUG 19 11:10:13

AKA: Raymond Murray Name of Original Offense: ABHIN
 Race: B Sex: M Original AWW#: K254079
 DOB: 5-7-1969 Date of Original Offense: 6-1-07
 SSN: _____ Conviction S.C. Code §: 17-25-0030
 SID#: _____ Conviction CDR Code #: 010113
 Original Sentence: 7 yrs. provided upon service of time so
balisusp. 2 yrs. prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 2/28/08 in the Court of General Sessions of York County, and on the additional conditions ordered by the Court in probation continuation order(s) issued on 3-8-08, as set forth in the attached warrant(s) or citation(s) dated 7-2-09. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

1, 3, 7, 9, and 10

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$_____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☒ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Additional Conditions ordered by the Court:
Extend probation 1 year, restructure all monetary obligations, attend and complete an outpatient treatment program

This satisfies all violations on warrant # W-46-09-0325

- ☐ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 1 yr, 5 months, 18 days months/years on this sentence.
 (split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 10 day of Aug, 2009
York, SC

John C. T. [Signature]
 Presiding Judge 16th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature: Raymond B. Murray Witnessed by: Fanny Davis
 Signed this 10th day of August, 2009 at York SC
 Day Month Year City

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.

FILED-RECEIVED

INDICTMENT#:

46-4285Probation C/W#s: W-46-10-0006

JUN 16 2010

PM 3:03

W-46-10-142 + CC-46-10-32Name of Original Offense: ABHINOriginal A/W#: K254079Date of Original Offense: 6-1-07Conviction S.C. Code §: 17-25-0030Conviction CDR Code #: 0 / 0 / 1 / 3Original Sentence: 7 yrs. provided upon service of time served, but susp. 2 yrs. prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 2/28/08 in the Court of General Sessions of York County, and on the additional conditions ordered by the Court in probation continuation order(s) issued on 8-8-08, 8-10-09, as set forth in the attached warrant(s) or citation(s) dated 1-5-10. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

1, 2, 3, 5, 7, 9, 10, 46

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 7 months/years, the remainder of the original sentence, and/or pay \$_____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Additional Conditions ordered by the Court: Concurrent w/all sentences this date

This satisfies all violations on warrant # W-46-10-0006

- ☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 1 yr, 5 months, 18 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 9 day of JuneYorkYORK COUNTY, SC
CLERK OF COURT
DAVID HAMILTONJohn C. Hargett
Presiding Judge16TH

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper, or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this

Day

day of

Month

2010

Year

at

York

City

SC

Indictment Number: 113

07-GS-46-4285

PROBATION CITATION

CERTIFIED TRUE COPY

2010 OCT 11 AM 10:02

No. CC-46-10-32

SOUTH CAROLINA

COUNTY:

YORK

V.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SCDC #

SID #

541939

Raymond B. Murray

TO: Raymond B. Murray

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place	Room	Courtroom
Moss Justice Center, York	Date and Time	6-9-10

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged

Violated conditions of probation 6.10 and special/additional conditions as ordered in Indictment 07-GS-46-4285 by the York County Court of General Sessions.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:

You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

YORK, South Carolina

Probation and Parole Agent

Date 6-9-10

Barbara J. Clark Agent # 408

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place	Date and Time
MOSS JUSTICE CENTER, YORK, SC.	6-9-10
	Serving Officer's Signature
	Kelley Adkins
Sworn to and subscribed before me this <u>9th</u> day of <u>June</u> , <u>2010</u>	
<u>Stephanie Y. Naylis</u> Signature of Notary Public	My Commission Expires <u>10-10-10</u>

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY
 2010 OCT 11 AM 10:02
 AFFIDAVIT

County of YORK

Personally appeared before me, DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC Clark, who first being duly
 sworn, deposes and says that Raymond B. Murray did within this County and
 State on the 9 day of June, 2010, violate certain
 conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Probation violation concurrent to Section 24-21-430 and Section 24-21-450 in that the Defendant has violated the
 conditions of his/her probationary sentence imposed by Judge Couch at the
Febr. 28, 2008 term of General Sessions Court holden in York County, York, South Carolina.

The Affiant states that there is probable cause to believe the defendant named committed the violations
 set forth and that such probable cause is based on the following facts:

Defendant has failed to follow the advice and instructions of the probation agent; Defendant has pled guilty
 in General Sessions Court of York County this date to Indictment 10-GS-46-1404
 for the offense of Poss of Crack Cocaine

Such actions constitute violations of Sections 6, 10
 of the original probationary agreement or any subsequent probationary orders.

Sworn to and subscribed

before me this 9th day of
June, 2010

Stephanie H. Naylis
 Signature of Notary Public

Barbara J. Clark
 Affiant

My Commission Expires: 10-10-10

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

April 22, Term 2010

hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

386223

THE STATE

VS.

Defendant

ACTION OF GRAND JURY

RAYMOND MURRAY

Witness:

C.C.C. PLS. AND C.S.

TRUE BILL

reperson of Grand Jury

4-22-10

VERDICT

Indictment for

POSSESSION OF CRACK COCAINE

SC Code: § 44-53-375 (A)

CDR Code: 3009

CERTIFIED TRUE COPY
2010 OCT 11 AM 10:02
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

reperson of Petit Jury

te:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

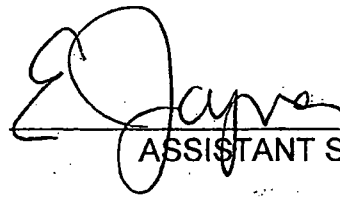
INDICTMENT

At a Court of General Sessions, convened on April 22, 2010, the Grand Jurors of York County present upon their oath:

POSSESSION OF CRACK COCAINE

That on or about December 6, 2009, in York County, South Carolina, the Defendant, Raymond Murray, did possess or otherwise aid, abet, attempt, or conspire to possess a quantity of crack cocaine, a controlled substance under provisions of Section 44-53-110, et seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law, all in violation of Section 44-53-375, Code of Laws of South Carolina (1976), as amended.

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



ASSISTANT SOLICITOR

11
WITNESSES
RHPD/Burris

tr

ARREST WARRANT NUMBER
K-254079

ACTION OF GRAND JURY

TRUE BILL

OMM Thompson
Foreperson of Grand Jury
Date: 12-6-07

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-46- 04285

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

December 6, Term 2007

THE STATE

vs.

RAYMOND BERNARD MURRAY

Indictment for

ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE

SC Code: 17-25-30
CDR Code: 013

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plea
guilty to the within indictment or to

Defendant

Witness:
Christy Benfield Ct Spec.
C.C.C. PLS AND G.S.

CERTIFIED TRUE COPY
2010 OCT 11 AM 10:04
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

118
STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on December 6, 2007, the Grand Jurors of York County present upon their oath:

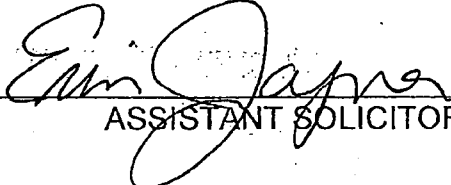
ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

The Defendant, Raymond Bernard Murray, did in York County, South Carolina, on or about June 1, 2007 commit an assault and battery upon the victim, Gerald Pressley, constituting an unlawful act of violent injury to the person of the said victim, accompanied by the following circumstances of aggravation, to wit:

- (1) the use of a deadly weapon and/or
- (2) the infliction of serious bodily injury and/or
- (3) purposeful infliction of shame and disgrace and/or
- (4) a great disparity in the ages or physical conditions of the parties.

All in violation of Section 17-25-30 (C/L) of the Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

119

WITNESSES

YCSO/Patterson

tr

ARREST WARRANT NUMBER

J-151664

ACTION OF GRAND JURY

TRUE BILL

CM Hampton
Foreperson of Grand Jury
Date: 12-6-07

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-46- 04287

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

December 6, Term 2007

THE STATE

vs.

RAYMOND BERNARD MURRAY

Indictment for

FAILURE TO REGISTER AS A SEX OFFENDER

SC Code: 23-3-470
CDR Code: 2607

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Raymond B. Murray
hereby appear in my own proper person and plead guilty to the within indictment or to

Failure to Register as a sex offender - 1st offense

Raymond B. Murray
Defendant

Witness:
Christine Benfield Ct Spec
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
2010 OCT 11 AM 10:03
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on December 6, 2007, the Grand Jurors of York County present upon their oath:

FAILURE TO REGISTER AS A SEX OFFENDER

The Defendant, Raymond Bernard Murray, did on or about June 20, 2007, willfully and unlawfully fail to register as a sex offender. Said incident having occurred within York County, South Carolina, which is the county within which the Defendant resides. All in violation of Section 23-3-470 of the Code of Laws of South Carolina, (1976 as amended).

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


ASSISTANT SOLICITOR

12

WITNESSES

YCSD\patterson

SS

ARREST WARRANT NUMBER

J-151190

ACTION OF GRAND JURY

TRUE BILL

Oliver Hampshire
Foreperson of Grand Jury

Date: 3-15-07

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2007-GS-46-00727

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

March 15, Term 2007

THE STATE

vs.

RAYMOND BERNARD MURRAY

Indictment for

FAILURE OF SEX OFFENDER TO NOTIFY OF
CHANGE OF RESIDENCE

SC Code: 23-3-470

CDR Code: 2606

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Raymond Murray
Defendant

Witness:

David Hamilton
C.C.C. PLS AND G.S.
Special

CERTIFIED TRUE COPY
2010 OCT 14 AM 10:04
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

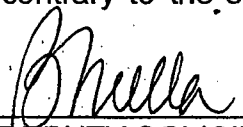
INDICTMENT

At a Court of General Sessions, convened on March 15, 2007, the Grand Jurors of York County present upon their oath:

FAILURE OF SEX OFFENDER TO NOTIFY OF CHANGE OF RESIDENCE

The Defendant, Raymond Bernard Murray, as a person required to register as a sex offender pursuant to Section 23-3-430 of the Code of Laws of South Carolina, (1976, as amended), did on or about December 7, 2006, wilfully and unlawfully fail to send written notice of change of address to the York County Sheriff's Office within 10 days of establishing new residence after being instructed to do so. Defendant was no longer residing at his registered address of _____ Rock Hill, SC as of November 27th, 2006. This incident occurred within York County, South Carolina, which is the county within which the Defendant resides. All in violation of Section 23-3-460 of the Code of Laws of South Carolina, (1976, as amended).

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



DEPUTY SOLICITOR

COUNTY OF
STATE

York

VS.

Raymond Murray

INDICTMENT/CASE#: 2007GS4600929

A/W#: J151190

Date of Offense: 12-01-2006

S.C. Code § 23-03-0470(B)(1)

CDR Code #: 2606

AKA: NG

Race: B

Sex: M

Age: 25

DOB: 5-7-69

SS#: 25

Address: 1

JOT 11 AM 10:03

SENTENCE SHEET

DL#: SID#:

DAVID HAMILTON

CLERK OF COURT

In disposition of the said indictment comes now the Defendant, Raymond Murray, CONVICTED OF or ☒ PLEADS TO: Sex / Sex Offender Registry Violation, fail to register - 1s

in violation of § 23-03-0470(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2606

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

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center, for a determinate term of 90 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 25 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 7-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

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

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

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3. 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7. 1B TP (Drug Court Surcharge) \$100 \$ _____

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

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

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

TOTAL \$ 125.00

David Hamilton

Clerk of Court/ Deputy Clerk

Court Reporter: S. McMillen

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE Test CaseJudge Code: 2111143Sentence Date: 3-19-7

SCCA/217 (9/2006)

STATE OF SOUTH CAROLINA

COUNTY OF York
 STATE VS.
Raymond Bernard Murray
 AKA: _____
 Race: B Sex: M Age: 38
 DOB: 05-07-1969 SS#: _____
 Address: _____
 DL#: _____ SID#: SC00541939

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007G4S604287
 A/W#: J151664
 Date of Offense: 6/20/2007
 S.C. Code § : 23-03-0470
 CDR Code #: 2607

ORIGINAL

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: FAILURE TO REGISTER AS SEX OFFENDER, 1ST OFFENSE

in violation of § 23-03-0470 of the S.C. Code of Laws, bearing CDR Code # 2606
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)

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

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

ATTEST: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 90 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2/28/08
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 171 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ set by SCDPPPS _____

Recipient: _____
 *Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____
 § 14-1-211(A)(1) (Conv Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
 § 56-5-2995 (DUI Assessment) \$12 \$ _____
 § 35.13 (Public Def/Prob) \$500 \$ _____
 § 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00
 § 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
 § 50-21-114(BUI Breath Test Fee) \$50 \$ _____
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 3% to County (if paid in installments) \$ _____

TOTAL \$ 125

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

☐ Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY

David Hamel
 Clerk of Court/ Deputy Clerk
 Court Reporter: Phyllis Barnett

PRESIDING JUDGE [Signature]
 Judge Code: 2111315
 Sentence Date: 2-28-08

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

125

COUNTY OF York

STATE VS.

Raymond Bernard Murray

INDICTMENT/CASE#: 2007GS4604285

AKA:

CERTIFIED TRUE COPY

A/W#: K254079

Date of Offense: 6/1/2007

Race: B

Sex: M

Age: 20 OCT 18 AM 10:05

S.C. Code § : 17-25-0030, common law

DOB: 05-07-1969

SS#

CDR Code #: 0013

Address:

DAVID HAMILTON
CLERK OF COURT

SENTENCE SHEET

ORIGINAL

DL#: SID#: SC0054YORK COUNTY, SC

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

in violation of § 17-25-0030, common law of the S.C. Code of Laws, bearing CDR Code # 0013

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

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

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

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 7 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 75 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for 2
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 171 days

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

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Heard, ☐ Waived, ☒ Ordered

Total: \$ 642.75 plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

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

3% to County (if paid in installments)

TOTAL

\$ 125PTUP ☒

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 211Sentence Date: 2-28-08

Clerk of Court/ Deputy Clerk

Court Reporter:

Phillips Brimott

York

VS.

Raymond Murray

INDICTMENT/CASE#: 2010GS4601404

A/W#: K386223

Date of Offense: 12/6/2009

S.C. Code § 44-53-0375 (A)

CDR Code #: 3009

KA:

Race: B

Sex: M

Age:

DOB: 05-07-1969

SS#

5

Address: 1

City, State, Zip: Rock Hill, SC 29730

DL#:

SID#:

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

In disposition of the said indictment comes now the Defendant was

TO: Drugs/ possession of less than one gram of ice crank or crack cocaine

in violation of § 44-53-0375 (A) of the S.C. Code of Laws, bearing CDR Code # 3009

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

ATTEST

Joyner, Erin M.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 152 241☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 (Assessments 107.5 %) \$

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

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

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

§ 47.12 (Public Def/Prob) \$500 \$

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

§ 14-1-213 (Drug Court Surcharge) \$100 \$100 -

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

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

§ 90.7 (SCCA Surcharge) \$5 \$5 -

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

TOTAL \$230 -

Clerk of Court/ Deputy Clerk: David Hamilton

Court Reporter: Wanda Nelson

SCCA/217 (11/2009)

SENTENCE SHEET

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SCCONVICTED OF or ☒ PLEADS

07-65-46-4285

PTUP

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning ☐Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2049

Sentence Date: 10-9-10

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT

COUNTY OF YORK)

FILED-RECEIVED

CERTIFIED TRUE COPY

State of South Carolina,

2008 FEB - 1) PM 1:57

C.A. No.: 07-GS-46-04281104281104

Plaintiff,

DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SCEX-PARTE ORDER
FOR HIRING OF EXPERT
ED FEWELL, PRIVATE INVESTIGATOR
CLERK OF COURT
YORK COUNTY, SC

vs.

Raymond Bernard Murray

FOR PURPOSE OF CONSULTATION
RELATING TO SUBSTANTIVE FACTS
OF THE CASE

Defendant.

This matter came before me on written ex parte motion of the Defendant Raymond Bernard Murray by and through his counsel Daniel D. D'Agostino, for an order authorizing the advance of retainers from the South Carolina Office of Indigent Defense for professional services submitted as necessary and material to the investigation and preparation of defense of the above captioned matter and referenced indictments. Such services are in the area of private investigation in regard to background investigation of assault and battery with intent to kill charges and possession of a firearm during a violent crime charges and other charges if filed against the Defendant regarding the alleged substantive facts of the case as well as the evidence found. I find that the ex parte motion is proper and that the request relates to the preparation of defense and potential attorney work product.

Based upon the written motion and affidavit submitted by the defense, I find that the request of the defense to be reasonable and essential to the preparation of the defense in this matter.

THEREFORE, IT IS ORDERED:

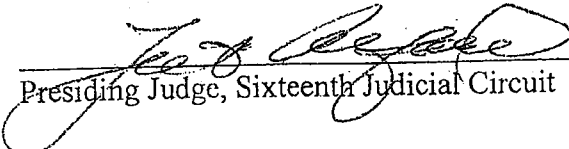
1. Daniel D. D'Agostino is authorized to, on behalf of the Defendant employ Ed Fewell, Private Investigator and is granted the authority for fees of up to \$1,000.00.
2. Any request for additional funds shall be made by the defense in the form of a motion before this Court.

3. This request and the Order shall be sealed.

AND IT IS SO ORDERED.

January 28, 2008

York, South Carolina


Presiding Judge, Sixteenth Judicial Circuit

#2
200

