C.R

In The State of South Carolina
In The Court of Appeals

RECEIVED
APR 01 2014
SC Court of Appeals

Court of General Sessions
John C. Hayes, III, Presiding Judge

Criminal Case No.: 98-65-46-2847-2852

Antonio Gordon — Plaintiff,

Vs.

Honorable John C. Hayes, III, and
York County Clerk of Court — Defendant

Petition for writ of Mandamus

Plaintiff Antonio Gordon, hereby moving in this Honorable Court for a writ of mandamus compelling the Cheif Administrative Judge, Honorable John C. Hayes, III, and York County Clerk of Court to file Plaintiff "motion to withdrawal and vacate void guilty plea" based upon after-discovered evidence, Lack of Jurisdiction over the subject matter and lack of Jurisdiction over Plaintiff, and grant Plaintiff a hearing, and or allow Plaintiff to withdraw and vacate his void guilty plea based on South Carolina Jurisdiction law.

In the case at hand Plaintiff filed in the York County Clerk of Court a Pro Se motion to withdraw and vacate void guilty plea on February 5, 2014. See Attachment (A) On March 11, 2014, Plaintiff recieved a letter from the York County clerk of Court indicating the cheif Administrative Judge instructed their office to Place Plaintiff motion to withdraw and Vacate void guilty plea in Plaintiff General Sessions file without given Plaintiff notice and opportunity to be heard. See Attachment (b)

Complaint

On July 23, 1998, Plaintiff was taken into custody for murder and several other felonies. On July 16, 1999, Plaintiff Plead guilty as charge, and on July 19, 1999, the Honorable John C. Hayes, III, sentence Plaintiff to thirty years imprisonment for murder and ten years imprisonment for attempted armed robbery to Run Consecutively to the murder. FN!

In Kent V. U.S., 86 S.Ct 1045 (1966), the united States Supreme Court held before a Juvenile be waived to stand trial as an adult he must be afforded the right to notice, hearing, full investigation, Counsel, access to materials considered by the Court, and a statement of reason as being certified to stand trial as an adult. Kent, 383 U.S. at 562, 86 S.Ct 1045 (1966). In the Present case Plaintiff was not Provided with Notice, hearing, full investigation, Counsel, access to materials considered by the Court and a Statement of reason in Family Court.

On or about 12-30-2013, Plaintiff recieved a "Sixteen Year old defendant transfer order who Charged with murder that Complied with Kent V. U.S., 86 S.Ct 1045 (1966). See Exhibits C, b, and 10. This after-discovered evidence indicate Plaintiff's guilty Plea is void, in violation of Kent V. U.S., in violation of Plaintiff's Fourteenth Amendment right to Equal Protection and due Process of law rights to the United States Constitution. This new evidence show that Plaintiff was not Provided notice, hearing, Full investigation, access to materials Considered by the Courts and a Statement of Reason in family Court as those "Similarly Situated", less than seventeen Years of age Charged with a class A, B, C or D felony, in Violation of Barbier V. Connolly, 113 U.S. 27 (1885) (finding all Persons "similarly Situated Shall be treated alike").

This new evidence clearly establish and show that S.C. Code Ann § 20-7-6605(1) title Define "[C]hild" statutory is vague, indefinite, ambiguous and unconstitutional on it face. Plaintiff assert the deliberate indifference of the unconstitutional Statute Section 20-7-6605(1) which is being used to "exclude" the Plaintiff as a "class of one" "[C]hild" under the age of seventeen Charged with a class A, B, C

FN! When Plaintiff was taken into Custody On July 23, 1998, he was Sixteen Years of age.

D felony, as those "similarly situated", violate Plaintiff's rights and constitutes a due Process and equal Protection violation of the Fourteenth Amendment to the united states constitution. See Long V. Robinson, 316 F. supp. 22 (1970) (The Long Court found a similar statute unconstitutional).

Plaintiff assert the unconstitutional statute section 20-7-6605 (1) which is being used to "exclude" him as a "child" as those "similarly situated", less than seventeen years of age charge with a class A, B, C or D felony, "cannot" be used to deprive Plaintiff of "family Court exclusive original Jurisdiction", and to a Kent V. U.S hearing, therefore, Pursuant to Kent V. U.S., State V. England, 245 S.E.2d 608 (S.C. 1978); Barbier V. Connolly, Long V. Robinson, and S.C. Code Ann § 20-7-400 (a)(3) title "Exclusive original Jurisdiction of family Court", see FN2 Plaintiff was under family Court exclusive original Jurisdiction when he Plead guilty because "family Court" never "[r]elinquished" it Jurisdiction to General sessions Pursuant to S.C. Code Ann § 20-7-7605 (4)(6)(10) (supp. 1998) title "Transfer of Jurisdiction". Plaintiff's guilty Plea is void and should be withdrawn and vacated as a matter of South Carolina Jurisdictional law and a matter of Constitutional law, Fourteenth Amendment to the united states Constitution.

A motion to withdraw of guilty Plea is within sound discretion of trial Judge. State V. Riddle, 278 S.C. 148, 292 S.E.2d 795 (1982), and a motion to withdraw guilty Plea after sentencing can be brought. See State V. Gilliam, 262 S.E.2d 923 (1980). If a Court lacks Jurisdiction over a Party, then it lacks "all Jurisdiction" to adJudicate that Party's rights, whether or not the subject matter is Properly before it. Kulko V. Superio Court, 436 U.S. 84 (1978), Lack of subject matter Jurisdiction can be raised at anytime. State V. Funderburk, 259 S.C. 256, 191 S.E.2d 520 (1972); Anderson V. State, 527 S.E.2d 398.

FN2 Section 20-7-400 (a)(3) states in relevant Part: (a) Except as otherwise Provided herein, the court shall have exclusive original Jurisdiction and shall be the sole Court for initiating action.... (3) Concerning any child seventeen years of age or over, living or found within the geographical limits of the Court's Jurisdiction, alleged to have violated or attempted to violate any state or local law or municipal ordinance "[P]rior" to having become seventeen years of age and such Person "shall" be dealt with under the Provision of this Chapter relating to children....

The General sessions Court Cheif administrative Judge inappropriately dismissed Plaintiff case "without" informing him he was contemplating such action. A Court should not dismiss an action Pending before it without first Providing the adversely affected Party with notice and an opportunity to be heard. Acosta V. Artuz, 221 F.3d 117, 124 (2d Cir. 2000). Notice Serves several important Purpose. It gives the adversely affected Party a chance to develop the record to Show why dismissal is improper: it facilitates de novo review of legal conclusions by ensuring the Presence of fully developed record before an appellate Court. See D.F. Goodrick V. Betkoski, 99 F.3d 505, 508 (2d Cir. 1996); and, it helps the trial Court avoid the risk that it may have over looked valid answers to what it perceives as defects in Plaintiff's case. Snider V. Melindez, 199 F.3d 108, 113 (1999). For example, while motion for withdrawal of Plea is at the sound discretion of the Sentencing Judge. See State V. Gilliam, Supra, and Plaintiff subject matter Jurisdiction claim can be raised for the first time on motion to Vacate and withdraw Void Guilty Plea State V. Funderburk, Supra, and if the underlying Judgment is Void, it is Per se abuse of discretion for a Court to deny motion to Vacate Judgment. Antoine Vs. Atlas Turner, Inc, 66 F.3d 105 (6th Cir. 1995).

The cheif Administrative Judge deprive Plaintiff the right to appeal his decision based on abuse of discretion State V. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980) (Finding trial Judge did not abuse his discretion in failing to grant a motion to withdraw guilty Plea), therefore, it was error for the cheif administrative Judge to dismiss Plaintiff motion to withdraw and Vacate Void Guilty Plea without giving Plaintiff "Notice and opportunity to be heard." Acosta V. Artuz. This Court should Compell the cheif administrative Judge Honorable John C. Hayes, III, and York County clerk of Court to file Plaintiff's motion to withdraw and Vacate Void Guilty Plea, Perform a hearing, and or allow Plaintiff to withdraw and Vacate Void Guilty Plea Pursuant to Kent V. U.S., State V. England, Barbier V. Connolly, Long V. Robinson, and S.C. Code Ann § 20-7-400 (a)(3) (Supp. 1985 and 1998).

A writ of mandamus is available only to confine an inferior court to a lawful exercise of its Prescribed authority, or compel it to exercise its authority when it is its duty to do so. Moss H. Cone Memorial Hospital v. Mercury Construction Corp, 460 u.s. 1, 18, 103 S.ct 927 (1983). Mandamus is an extraordinary remedy, and the writ normally is not to be granted if the Relief Sought could be obtained by means of a direct appeal. See Helstoski v. Meanor, 442 u.s. 500, 505-508 (1970). Plaintiff reach all convention for mandamus.

Conclusion

Accordingly, the writ of mandamus should issue for all of the above reasons.

Respectfully Submitted

Antonio Gordon

March 30, 2014

State of South Carolina
County of York
State of South Carolina

Vs.

Antonio Gordon
Defendant

In The Court of General Sessions
Sixteenth Judicial Circuit

Criminal Case No.: 98-GS-46-2847-2852

Motion to Withdraw and Vacate Void Guilty Plea based on After-Discovered Evidence

Attachment (a)

Now Comes the Defendant in the above-Captioned matter, Pro se, respectfully moving this Honorable Court to grant a motion to withdraw and Vacate Void Guilty Plea based on After-Discovered Evidence and lack of Jurisdiction over the Subject matter and lack of Jurisdiction over the Defendant. In Support of this motion, the Defendant would show unto this Court the following.

Background

The Defendant was charge with murder, two Counts of attempted armed robbery, Criminal Conspiracy, Possession of a firearm by a Person under twenty-one, and three Counts of Possession of a weapon during the Commission of a Violent Crime in Connection with a shooting death of Eric Peter Kremn on July 23, 1998. On July 16, 1999, the Defendant Plead Guilty as charged. On July 19, 1999, Honorable John C. Hayes, III, Presiding Circuit Court Judge, Sentenced the Defendant to thirty Years imPrisonment for murder, five Years imprisonment for the firearm charges, five Years imprisonment for the Conspiracy charge, and ten Years imPrisonment for each attempted armed robbery charges. The Sentences were each to Run Concurrently, with the exception of one-ten Year attempted armed Robbery sentence, which was ran Consecutively to the remaining Sentences.

Argument

The only way a defendant can depart from a guilty plea he must offer a valid Reason why he should be Permitted to depart from the apparent truth of his earlier statement. McCarthy v. U.S., 89 S.Ct 1166, State v. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980). If a court lacks Jurisdiction over a Party, then it lacks "all Jurisdiction" to adJudicate that Party's rights, whether or not the Subject matter is Properly before it. Citing Kulko v. Superio Court, 436 U.S. 84 (1978). Defendant Contends General Sessions was without Jurisdiction to accept his guilty plea, which substantiate a valid reason to depart from the apparent truth of his earlier statement, and withdrawal and vacating the void guilty plea is appropriate.

Defendant hereby assert that he was under family Court's "Exclusive original Jurisdiction" Pursuant to section § 20-7-400(a)(3) (SUPP. 1985 and 1998) title "Exclusive Original Jurisdiction of family Court"; when he Pled guilty because family Court never [r]elinquished its Jurisdiction to general sessions Pursuant to S.C. Code Ann § 20-7-7605(4)(6)(10) (SUPP. 1998) title "Transfer of Jurisdiction"; Defendant's Plea is in Violation of State v. England, 245 S.E.2d 608 (S.C. 1978) (Finding that Appellant was a Person under family Court's exclusive original Jurisdiction and that since Jurisdiction has not been [r]elinquished in favor of another court under applicable Statute, that section states that..... such Person shall be dealt with under the Provisions of this chapter relating to children: It is clear, therefore, that charge against appellant should have been dealt under § 14-21-620).

However, Defendant have after-discovered evidence that indicate his guilty plea is void, in violation of Kent v. U.S., 383 U.S. at 562, 86 S.Ct 1045 (1966), In Violation of Defendant's Fourteenth Amendment Right to Equal Protection of the law, as well, in Violation of Defendant's Declaration of Human Rights Article 7, 8 and 9, and finally in Violation of Defendant's Fourteenth Amendment Right to Due of Laws.

This new evidence show that Defendant was not Provided (Notice), (hearing), (full investigation), (counsel), (Access to materials to be considered by the Courts), and a (Statement of reason as being certified to stand trial as an adult), as those similarly situated in violation of Barbier v. Connolly, 113 u.s. 27 (1885) (Finding the classification must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that "all Persons Similarly situated shall be treated alike".) See Exhibit C, B, 10 from a Jurenile 16 Years of age transfer hearing that fit in Defendant's "Class of one" less than Seventeen Years of age.

In Kent V. United States, 86 S.Ct 1045 (1966) the united States Supreme Court held before a Jurenile be waived to stand trial as an adult he must be afforded the right to notice, hearing, full investigation, counsel, access to materials to be considered by the court, and a statement of reason as being certified to stand trial as an adult. Exhibit C, B, 10 In violation of Defendant's Fourteenth Amendment Right to due Process of law to the united states constitution as well in violation of Kent V. U.S, Supra

Finally this new evidence clearly establish that section § 20-7-6605 (1) title Define "[c]hild" is vague and or indefinite on its face and unconstitutional. Defendant assert that the deliberate indifference of the unconstitutional statute section § 20-7-6605 (1) which is being used to "Exclude" the Defendant as a "Class of one" "[c]hild" under the age of Seventeen charged with a class A, B, C or D felony, as those similarly situated, violate Defendant's Rights and Constitutes a due Process, and equal Protection of the Fourteenth Amendment to the united States Constitution and Article 7, 8, and 9 Provisions of the Declaration of Human Rights. Citing Long V. Robinson, 316 F. Supp. 22 (1970) (Finding the exception to Maryland Statutory treatment of 16 and 17 Year-old offenders as Juveniles created by section Providing that until a specified

date 16 and 17 Year-old Youths who are arrested in Baltimore City be tried as adults is arbitrary and is a denial of equal Protection and due Process clauses of Fourteenth Amendment to the united States Constitution.

The Defendant assert that the unconstitutional statute which is being used to "Exclude" him as a "child" as those similarly situated "Cannot" be used to deprive Family Court of its "[e]Xclusive original Jurisdiction". Long V. Robinson, Therefore, Pursuant to Kent V. U.S., supra, State V. England, supra, Barbier V. Connolly, supra, Long V. Robinson, supra, and S.C. Code Ann § 20-7-400 (a)(3) (SuPP 1985 and 1998), the Defendant's Guilty Plea is Void and should be withdrawn and Vacated as a matter of Constitutional law, Fourteenth Amendment to the united states Constitution. FN1

Conclusion

Wherefore, having establish his Guilty Plea is Void in Violation of S.C. Jurisdiction law, the Defendant Respectfully Requests that this Court grant the Defendant's motion to withdraw and Vacate his Guilty Plea, which is Void Ab initio without force of law.

Antonio Gordon

Antonio Gordon
ECI SMU 232
610 Hwy 9 West
Bennettsville, SC 29512

FN 1 Defendant assert that Counsel Constitutionally rendered ineffective Assistance when he failed to lodge the Proper Jurisdiction objection objection and assert, and challenge Defendant's Statutory and federal Constitutional rights to notice, hearing, full investigation, Counsel, access to materials to be considered by the Courts, and a statement of reason as being certified to stand trial as an adult, and the Right to be treated the same as those similarly situated. Defendant assert but for counsel error's and omissions, he would not have Pled guilty. Citing Hill V. Lockhart, 474 U.S. 52 (1985)

State of South Carolina
County of York
State of South Carolina

V.

Antonio Gordon
Defendant

In The Court of General Sessions
The Sixteenth Judicial Circuit

Criminal Case No.: 98-GS-46-2847;2853

Affidavit of Antonio Gordon in support of motion to withdraw and Vacate Void Guilty Plea based on After-discovered evidence

Attachment (a)

Antonio Gordon hereby declares:

On or about 12-30-2013, I was Provided exhibit C (b) and 10 by Willie J. Sterky, which is documents Pertaining to a 16 Year old defendant's waiver hearing from family Court to General sessions Court:

upon information and belief, Sterky recieved exhibit C, B) and 10 either from James Patrick Brown himself himself OR from another inmate:

At all times before, and during the acceptance of my guilty Plea I was not Provided a full investigation or hearing. See exhibit 4 1999 guilty Plea of Antonio Gordon:

I declare under the Penalty of Perjury the foregoing is true and correct only but the information based upon information and belief. 28 U.S.C. 1746

Antonio Gordon
Feb 5\2014

CLERK OF COURT'S OFFICE
Post Office Box 649; York, South Carolina 29745

February 24, 2014

Antonio Gordon #259798
Evans Corr Inst
610 Hwy 9 West
Bennettsville SC 29512

Your letter/motion to vacate and withdraw guilty plea was presented to our chief administrative judge, who has instructed the Clerk to file it in the General Sessions file. What you are seeking is a civil matter which much be addressed through post-conviction relief or a Habeas petition.

General Sessions Division

Attachment (b)

Exhibit (B) (C)

STATE OF SOUTH CAROLINA	IN THE FAMILY COURT
COUNTY OF SUMTER	THIRD JUDICIAL CIRCUIT
In the Interest of:	**NOTICE**
	97-JU-43-
[A Minor Under the Age of Seventeen (17) Years]	

TO: Dept. of Juvenile Justice; _____, Attorney for the Juvenile; Celo Leneau, Parent; Det. William Kimbrell, Petitioner.

A hearing in the interest of the above-named child has been scheduled for the **2nd** day of **July**, 1997 at **10:30 A.M.**

You are hereby notified to be present at the **Sumter County Family Court** located at **108 N. Magnolia Street, Sumter, SC** at the above date and time. Please notify your witnesses and insure that they are present at the trial, if necessary.

THIRD CIRCUIT SOLICITOR'S OFFICE
WADE S. KOLB, JR., SOLICITOR

BY: Angela R. Taylor
Angela R. Taylor
Assistant Solicitor

July 1, 1997
Sumter, South Carolina

Exhibit (illegible)

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

IN THE FAMILY COURT
THIRD JUDICIAL CIRCUIT

RECORDED
97 JUL -2 AM 9:28
U.V. PLAYER, JR.
CLERK OF COURT
SUMTER COUNTY, S.C.

Det. William Kimbrell (Plaintiff)

vs.

SUMMONS

97-JU-43-193

Exhibit (B)

1 Kings St.
Sumter, SC 29150
{A MINOR UNDER THE AGE OF SEVENTEEN (17) YEARS} DOB 07/29/81

To: Celo Leneau (parents)
James Patrick Brown (juvenile)

WHEREAS, the Plaintiff of **Det. William Kimbrell** having been duly filed with this Court alleging that the above named child under the age of seventeen (17) years is charged with **Murder**

praying that summons issue thereon pursuant to statute.

NOW, THEREFORE, you, the above named child, are hereby summoned to appear before the above-named Court at **108 N. Magnolia Street** in the said County, on the **2nd** day of **July**, 1997 at **10:30 A.M.** and you, the said child's guardian, are hereby summoned to appear with the said child at the place and time above stated, if each of you fail to appear then a bench warrant shall be issued for the arrest of the juvenile and you the child's guardian.

THIRD CIRCUIT SOLICITOR'S OFFICE
WADE S. KOLB, JR., SOLICITOR

BY: Angela R. Taylor
Angela R. Taylor
Assistant Solicitor

July 1, 1997

CONTENT - ATTORNEY

Exhibit (C)

From the testimony presented, it would appear that there is no issue as to whether the victim was struck by a pistol bullet during some confrontation between the boys. Whether there are defenses available to the juvenile at trial stage is not known at this time. Accordingly, the case would indeed appear to have considerable prosecutive merit. If the death was not accidental, it was violent.

That this juvenile was reared by his maternal grandmother who at the time of the incident was in her mid-sixties. The mother died when he was a very young child. It was indicated that the juvenile knew his father who lived outside of the state and had a minimal role in his life. The juvenile suffered from a severe disabling condition when he was younger known as angioedema. This condition causes severe swelling of the body, including the limbs and airways. The psychological tests revealed that the juvenile has a low average range of intelligence with a fourth grade reading level. One other test suggested that while this juvenile shares some of the maladaptive beliefs, opinions, and attitudes that are common to juvenile delinquents, interviews suggested that he had not adopted a delinquent or antisocial identity or lifestyle. He does not appear to possess a high level of sophistication and maturity. That his past infractions would appear to support this view. He has had only two contacts with the juvenile justice system in the past -- one for petty larceny and the other for being incorrigible. Both were diverted by contract with a positive outcome. His educational and social history is another matter. He experienced many school discipline problems due to fighting and other problems. That the evaluative report and testimony revealed that there were several favorable characteristics for rehabilitation. These included his having not previously

R2

Exhibit (C)

been adjudicated delinquent, his having behaved well during the course of his detention, the absence of mental illness, his empathy and remorse for the incident, and so on.

The juvenile is now sixteen years and two months old. Under current policies, if his charge was handled in Family Court and he was adjudicated delinquent and committed, he would be confined for three to five years. He will turn seventeen in ten months, and in such case will be transferred from Juvenile Justice supervision and services to the Department of Corrections. Consequently, any rehabilitation efforts by Juvenile Justice would be cut severely short by the transfer. In addition, if the juvenile has significant defenses to the charge, it may be to his benefit and the public's for a jury to have the opportunity to decide that issue.

Considering all of the Kent criteria, I find it contrary to best interest of the public that the Family Court retain jurisdiction in this case. It is

ORDERED that the charges pending against James Patrick Brown of Murder are hereby bound over to the Court of General Sessions for such further proceedings as may be appropriate.

IT IS SO ORDERED.

Ruben L. Gray

RUBEN L. GRAY, PRESIDING JUDGE
FAMILY COURT OF THE
THIRD JUDICIAL CIRCUIT

October 20, 1997

Sumter, South Carolina

ATTEST - A TRUE COPY
Elizabeth D. Lee
DEPUTY CLERK, FAMILY COURT
SUMTER, SOUTH CAROLINA

1999 Guilty Plea of Antonio Gordon
Exhibit 4

ACCESSORY AFTER THE FACT TO MURDER, AND REQUESTING 30 YEARS SENTENCE ON HIM AS WELL.

THE STATE DOES HAVE THE RECORDS OF THE DEFENDANTS YOUR HONOR, AT THE APPROPRIATE TIME.

THE COURT: ALL RIGHT. LET'S DO MR. ANTONIO GORDON. TELL ME HIS RECORD.

MR. THOMPSON: MR. ANTONIO GORDON IS ALL A JUVENILE RECORD. IN 1993 HE WAS CONVICTED OF AN ATTEMPT CHARGE. WE TRIED TO FIND OUT EXACTLY WHAT THAT IS BUT THE RECORDS WEREN'T QUITE CERTAIN. IN 1995 THREE CONVICTIONS OF BURGLARY SECOND AND MALICIOUS INJURY TO PROPERTY AND THREE COUNTS OF PETITE LARCENY AND HE WENT TO R AND E ON THOSE CHARGES.

IN 1997 ASSAULT AND BATTERY AND PETITE LARCENY TO WHICH HE WENT TO R AND E AS WELL. AND IT'S MY UNDERSTANDING THAT HE WAS RELEASED FROM R AND E IN JANUARY OF 1998 AND ABOUT THREE OR FOUR MONTHS LATER WAS RELEASED FROM PAROLE OR PROBATION FROM THAT PARTICULAR CHARGE AT THAT TIME.

THE COURT: MR. D'AGOSTINO, BE GLAD TO HEAR FROM YOU AND THEN FROM MR. GORDON.

MR. D'AGOSTINO: THANK YOU, YOUR HONOR. YOUR HONOR, AS YOU KNOW ANTONIO GORDON, HE WAS 16

MR. KRENN IS PRESENT AS WELL AS WITH CHRIS DIAZ. MR. KRENN WISHES TO ADDRESS THE COURT AT THE APPROPRIATE TIME. THERE ARE REMAINING TWO VICTIM IMPACT STATEMENTS WHICH I PASS UP TO THE COURT. I BELIEVE THEY ARE BASICALLY COPIES OF THE FIRST ONE THAT WAS HANDED UP.

TO REMIND THE COURT AS TO ANTONIO GORDON, HE PLEAD GUILTY TO MURDER, ATTEMPTED ARMED ROBBERY TWO COUNTS, CONSPIRACY, AND THREE COUNTS OF POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME. AS PART OF THE NEGOTIATIONS ON HIM, WE HAVE NEGOTIATED 40 YEARS AS THE SENTENCE THAT WE ARE REQUESTING. WE WOULD ASK FOR 30 YEARS ON THE MURDER CHARGE, THAT EVERYTHING ELSE RUN CONCURRENT WITH THAT CHARGE EXCEPT FOR ONE OF THE ATTEMPTED ARMED ROBBERIES WHICH IS TO RUN TEN YEARS CONSECUTIVE.

AS TO MONTA GORDON, HE PLEAD GUILTY TO MURDER, TWO COUNTS OF ATTEMPTED ARMED ROBBERY, CONSPIRACY, AND FAILURE TO STOP FOR A BLUE LIGHT. WE'RE ASKING, YOUR HONOR, FOR A CONCURRENT SENTENCE ON THOSE AND A 30 YEAR SENTENCE.

AS TO TERRANCE MCCREARY, HE PLEAD GUILTY TO ACCESSORY BEFORE THE FACT TO MURDER AND

1999 Guilty plea of Antonio Gordon
Exhibit 4

YEARS OF AGE AT THE TIME THIS OCCURRED. HE'S 17 YEARS OLD NOW. TODAY IN THE COURTROOM WITH HIM IS HIS MOTHER LORETTA BROOKS AND HIS STEPFATHER RANDY BROOKS.

HE DROPPED OUT OF SCHOOL IN THE 9TH GRADE. HE'S OUT OF SCHOOL. HE DIDN'T EVEN COMPLETE THE 9TH GRADE, YOUR HONOR.

THIS WHOLE SITUATION IS A VERY TRAGIC SITUATION. IT'S VERY TRAGIC FOR THE VICTIMS, THE KRENN FAMILY, MR. DIAZ AND HIS FAMILY. IT'S SOMETHING THAT NEVER SHOULD HAVE HAPPENED AND THERE IS ONLY ONE THING THAT I HAVE NOT DONE OR DID NOT DO SINCE MY REPRESENTATION OF ANTONIO BEGAN AND THAT WAS APRIL 21 WHEN I WAS FIRST APPOINTED TO REPRESENT HIM AND SOON AFTER THAT HE ALWAYS, ONE THING HE WANTED TO DO WAS APOLOGIZE TO MR. KRENN AND FOR WHAT HAPPENED, FOR WHAT HE DID, HIS ROLE IN IT AND EVERYTHING THAT WENT ON THAT NIGHT. HE WROTE ME SEVERAL LETTERS AND I, OF COURSE, COULD NOT, FOR OBVIOUS REASONS, COULD NOT ALLOW HIM TO MEET WITH HIM. AND I DIDN'T THINK HE THINK THAT MR. KRENN WOULD WANT TO MEET WITH HIM, BUT ONE THING HE DID SAY AND WANT TO DO IS APOLOGIZE FOR WHAT HE HAD DONE AND HE'S SORRY FOR WHAT HE HAD DONE. AND I WAS ALSO NOTIFIED

1999 Guilty plea of Antonio Gordon
Exhibit 4

BY THE SOLICITOR'S OFFICE THAT SOME OF THE FACTS THAT MIGHT HAVE COME OUT AT TRIAL INDICATES THAT HE WAS, IN ANY EVENT HE WAS SORRY, HE IS SORRY FOR WHAT HE DID. HE KNOWS WHAT HE DID WAS WRONG AND THERE IS NO EXCUSE AND HE'S PLEADING GUILTY. WE JUST ASK THE COURT TO GO ALONG WITH THE NEGOTIATED SENTENCE FOR 40 YEARS. IT'S GOING TO BE A VERY LONG TIME FOR HIM. HOPEFULLY HE CAN GET HIS GED WHILE HE'S DOWN THERE. YOU HEARD ABOUT HIS LIMITED MENTAL CAPACITY. ALTHOUGH HE'S NOT RETARDED BECAUSE NOBODY'S HAD THE OPPORTUNITY TO DO A FULL BACKGROUND. DR. VENN DIDN'T GET TO SPEAK WITH HIS FAMILY MEMBERS, THEY DIDN'T KNOW MUCH ABOUT HIM, BUT THE RECORDS FROM DJJ FROM 1998 AND FROM 1995 ALL INDICATE BORDERLINE FUNCTIONAL IQS. 1995 PSYCHOLOGICAL SHOWS AN IQ 68. DR. VENN'S IQ EXAMINATION SHOWS IQ 68. HE IS AN INDIVIDUAL THAT'S EASILY LEAD AROUND, BUT THAT IS NOT AN EXCUSE.

WE JUST ASK THE COURT TO GO ALONG WITH THE RECOMMENDATION.

ON BEHALF OF MR. ANTONIO GORDON, HE DOES APOLOGIZE. I KNOW IT DOESN'T CHANGE ANYTHING, BUT HE DOES APOLOGIZE TO MR. KRENN, MR. DIAZ, AND WE ASK THE COURT TO ACCEPT THE NEGOTIATED