

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Dorchester County

Diane Schafer Goodstein, Circuit Court Judge

S.C. Supreme Court

JOSHUA MONROE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000342

APPENDIX

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) FIRST JUDICIAL CIRCUIT
 COUNTY OF DORCHESTER) CASE NO.: 2008-GS-18-1090
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 2008-GS-18-1099
 2008-GS-18-1100
 2008-GS-18-1102
 2008-GS-18-1104

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 JOSHUA ANDREW MONROE,)
)
 DEFENDANT.)
 _____)

PLEA

held before the Honorable R. Ferrell Cothran, Jr.

Melissa Singletary, Circuit Court Reporter

Transcribed by Susan "Mia" Perron, Circuit Court Reporter

in the Dorchester County Courthouse

St. George, South Carolina

on November 14, 2011

SUSAN "MIA" PERRON, CVR-CM-M
 Circuit Court Reporter - 9th Judicial Circuit
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APPEARANCES OF COUNSEL

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EXHIBITS

[None]

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MS. SUGGS: Good morning, Judge.

THE COURT: Good morning.

MS. SUGGS: My name is Michelle Suggs. I'm one of the new Dorchester County public defenders.

THE COURT: Okay. Nice to meet you.

MS. SUGGS: May I approach?

THE COURT: Certainly.

[Whereupon, Ms. Suggs proffers documents to the Court]

MS. SUGGS: This gentleman is coming from the department of corrections. He's pleading guilty and part of the negotiated plea is that his charges run concurrent with what he was sentenced to in Charleston.

Just for your information, those are all the charges that he pled to in Charleston and their indictment numbers.

THE COURT: Okay.

MS. SUGGS: I don't know if you'll need those or not.

[Off the record momentarily]

THE CLERK OF COURT: Please raise your right hand.

[Whereupon, Mr. Monroe complies]

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1 THE CLERK OF COURT: State your full name for
2 the record.

3 MR. MONROE: Joshua Monroe.

4 [Whereupon, Mr. Monroe is duly sworn by the
5 clerk of court as follows: do you solemnly swear or
6 affirm to tell the truth, the whole truth, and nothing
7 but the truth]

8 MR. MONROE: Yes.

9 THE CLERK OF COURT: Thank you.

10 MR. HILTON: May it please the Court, Your
11 Honor.

12 THE COURT: Yes.

13 MR. HILTON: Before you is Defendant Joshua
14 Andrew Monroe. He's charged with indictment 2008-GS-
15 18-1102 with assault and battery of a high and
16 aggravated nature. He's also charged in indictment
17 2008-GS-18-1104 with kidnaping. Again, 2008-GS-18-
18 1100 for armed robbery; 2008-GS-18-1099 for kidnaping;
19 and 2008-GS-18-1090 for armed robbery, as well.

20 As his public defender, Ms. Suggs, indicated to
21 the Court, he pled guilty in Charleston County, along
22 with his codefendants, back on November 18th of 2010.
23 His codefendants actually pled guilty to the
24 Charleston County and the Dorchester County charges at
25 the same time. I actually went to Charleston County

MIA PERRON, CVR-CM-M

-5-

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1 and did that plea in Charleston. It was because of
2 some scheduling issues with Mr. Monroe's attorney at
3 the time, Mr. Scott Bischoff, and we were unable to do
4 that plea in Charleston, as well.

5 The plea here today, Your Honor -- and we want
6 to make it clear for the record that this is to be
7 pleaded as one occurrence. It's to be treated as if
8 he had pled the same time in Charleston and this would
9 not be a subsequent strike on Mr. Monroe's record,
10 giving him two -- two most serious strikes. This
11 would be his first most serious strike as it was in
12 Charleston back on November 18th and be treated today
13 as if it was still all one occurrence.

14 THE COURT: I notice that some of these plea
15 sheets -- are they Alford pleas?

16 MS. SUGGS: Some of them are, Judge.

17 THE COURT: So some are not and some are.

18 If any of these kidnapings involve a sexual
19 issue, is he going to need to be on the register?

20 MS. SUGGS: No, sir.

21 There are charges in Charleston that were
22 associated with some criminal sexual conduct charges,
23 but the ones up here are not associated with any.

24 MR. HILTON: That's correct.

25 THE COURT: Mr. Monroe, do you want to plead

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guilty, sir?

MR. MONROE: Yes.

THE COURT: Have you had enough time to talk to your lawyer about this decision?

MR. MONROE: Yes, sir.

THE COURT: Satisfied with her representation?

MR. MONROE: Yes.

THE COURT: Have any complaints against her?

MR. MONROE: No.

THE COURT: And outside of the negotiations that your lawyer and the State have entered into, has anybody promised you anything or threatened you in any way to get you to plead guilty?

MR. MONROE: No.

THE COURT: Are you pleading freely and voluntarily?

MR. MONROE: Yes.

THE COURT: And on the plea sheet before me is assault and battery of a high and aggravated nature and it is a negotiated sentence of ten years to run concurrent with your now charges. Do you understand that?

MR. MONROE: Yes, sir.

THE COURT: And since all of these are negotiated, if I -- after I hear the facts, and I

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1 don't feel like I can follow the negotiations, I will
2 allow you to withdraw your plea because it's
3 negotiated. Do you understand?

4 MR. MONROE: Yes, sir.

5 THE COURT: Okay. And on the charge of
6 kidnaping in indictment 1104, you understand that it
7 carries up to thirty years and it's a twenty-year
8 negotiated sentence on that? Do you understand that?

9 MR. MONROE: Yes.

10 THE COURT: Okay. And then I have an armed
11 robbery that it appears that you want to plea under
12 North Carolina v. Alford. Is that correct?

13 MR. MONROE: Yes, sir.

14 THE COURT: And it is also a twenty-year
15 negotiated sentence. Do you understand that? And
16 it's a violent and most serious. And as the solicitor
17 told you on the record, that the State's intention
18 this is not to add an additional strike. Do you
19 understand?

20 MR. MONROE: Yes, sir.

21 THE COURT: And then I have another indictment,
22 2008-GS-18-1099, for kidnaping, which is another
23 negotiated twenty-year sentence under North Carolina
24 v. Alford. Do you understand that?

25 MR. MONROE: Yes, sir.

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1 THE COURT: And then indictment 1092 is another
2 kidnaping, with a twenty-year negotiated sentence
3 under, Alford. Do you understand that?

4 MR. MONROE: Yes.

5 THE COURT: And then indictment 1090 is an armed
6 robbery with a negotiated twenty-year sentence. Do
7 you understand that?

8 MR. MONROE: Yes, sir.

9 THE COURT: All right, sir. Are you under the
10 influence of alcohol or drugs?

11 MR. MONROE: No, sir.

12 THE COURT: Do you have any mental diseases that
13 would keep you from understanding what you're doing?

14 MR. MONROE: No, sir.

15 THE COURT: How far did you go in school?

16 MR. MONROE: Eleventh grade.

17 THE COURT: By pleading guilty to these charges,
18 you've given up your constitutional right to remain
19 silent because you're telling me you're guilty. Do
20 you understand that?

21 MR. MONROE: Yes, sir.

22 THE COURT: You're also giving up your right to
23 a jury trial on each one of these. In those trials
24 you would be presumed innocent. The State would have
25 to prove you guilty beyond a reasonable doubt, all

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1 twelve jurors. You would be able to sit in this
2 courtroom and confront the witnesses that would
3 testify against you. Your lawyer could put up any
4 defenses she may have. She could cross-examine the
5 State's witnesses. She could call witnesses to
6 testify in your behalf. Do you understand that?

7 MR. MONROE: Yes, sir.

8 THE COURT: But when you plead guilty, you give
9 that up. Do you understand that?

10 MR. MONROE: Yes, sir.

11 THE COURT: And you've given up any appeals that
12 could come out of that trial by pleading guilty. Do
13 you understand that?

14 MR. MONROE: Yes, sir.

15 THE COURT: Now, if you want to appeal this
16 guilty plea and sentence today, your lawyer must file
17 an appeal with the clerk of court's office within ten
18 days or you give up that right. Do you understand
19 that?

20 MR. MONROE: Yes, sir.

21 THE COURT: Have you got any questions you want
22 to ask me concerning your rights?

23 MR. MONROE: No.

24 THE COURT: The solicitor is going to give me
25 the factual basis for these pleas and I'm going to

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1 come back and ask you if they're correct or not.

2 MR. HILTON: Thank you, Your Honor. May it
3 please the Court.

4 The first offense -- and I may not be going in
5 chronological order. But as to indictment 2008-GS-18-
6 1102 and 1104, the kidnaping -- actually, the assault
7 and battery of a high and aggravated nature and the
8 kidnaping offense actually began at Chucky-Cheese,
9 which is actually located in Charleston County off of
10 Rivers Avenue. It was there that Mr. Monroe, along
11 with his codefendants Brian Milligan and Corey Larken,
12 sat outside the business waiting on the business to
13 close and the manager to come out hopefully with the
14 cash bag. There was a tractor-trailer parked in an
15 adjacent parking lot with somebody in it and that
16 foiled their plans to prey upon that victim at that
17 incident location. He ended up getting in his car and
18 driving back to [REDACTED], which is his
19 residence in the Corey Wood subdivision. The
20 defendants followed him and when he got into his
21 driveway, they pulled up behind him in his driveway.

22 At that time, they got out of their car with --
23 armed with stun guns and pistols, ordered him back
24 into his car, whereby one of them got into his car
25 while the others followed in their car. They followed

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1 him down the interstate. Along the way, they struck
2 him with a pistol. That's the assault and battery of
3 a high and aggravated nature charges, the pistol-
4 whipping. And they ended up taking him back to the
5 store, where they completed a Charleston County
6 robbery and so forth that he has pled to in Charleston
7 County.

8 So the kidnaping would be taking him from his
9 home in the Corey Woods subdivision.

10 As to the --

11 THE COURT: That's -- excuse me. That's 1102
12 and 1104?

13 MR. HILTON: Yes, sir. Yes, sir.

14 As for the second group of charges, indictment
15 2008-GS-18-1100 and 1099, those offenses occurred --
16 that would be an armed robbery and a kidnaping charge.
17 Those offenses occurred on May 10th, 2008, at 5000
18 Ashley Phosphate Road, which is the Frankie's Fun Park
19 located there at the corner of Ashley Phosphate and
20 Dorchester Road.

21 On the incident date there, likewise they went
22 to that business waiting on that business to close
23 when the employees come out with the -- with the cash
24 from the business to be deposited at the bank. When
25 the employees came out, again, armed with guns and

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1 stun guns, they ordered them back into the business,
2 forced them to open the safe, whereby they consummated
3 that robbery.

4 The final set of charges he'll be pleading to
5 are 2008-GS-18-1092 and 1090. That would be another
6 kidnaping and armed robbery which occurred at 4910
7 Ashley Phosphate Road, which is Appleby's Restaurant.
8 This occurred on May 14th, 2008. Appleby's is just
9 down the road from Frankie's Fun Park, all in that
10 Hunter Bridge area, Ashley Phosphate Road area.

11 On that occasion, the facts are very similar.
12 The employees -- they waited for the business to
13 close. When the employees came out, they ordered them
14 back into the business, ordered them to lie face down
15 on the floor, held them at gunpoint while they got the
16 cash from the business.

17 THE COURT: Are those facts correct, Mr. Monroe?

18 MR. MONROE: Yes.

19 THE COURT: Do you plead guilty because you are
20 guilty?

21 MR. MONROE: Yes.

22 THE COURT: Do you understand these armed
23 robbery charges and the kidnaping charges are no-
24 paroleable offenses? Do you understand that?

25 MR. MONROE: Yes.

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1 THE COURT: I find that there is a factual basis
2 for your plea. It's freely and voluntarily entered
3 into, that you've had advice of competent counsel with
4 whom you tell me you're satisfied, and I'll accept
5 your plea.

6 Ms. Suggs, do you want to tell me anything else?

7 MS. SUGGS: Judge, just that his credit on his
8 time will date back to the date of his arrest, which
9 was June 6, 2008. By my calculations, that puts it at
10 1,256 days.

11 We would ask that you accept the negotiation.
12 If you're not inclined to accept the negotiation, I
13 can give further mitigation as to why you should.

14 THE COURT: All right. I will accept it.

15 MS. SUGGS: Thank you, Judge.

16 MR. HILTON: And, Judge, he had no prior record
17 prior to his guilty plea in Charleston.

18 THE COURT: All right. The sentence on
19 indictment 2008-GS-18-1090, armed robbery, sentenced
20 to the State Department of Corrections for a term of
21 twenty years. It's to run concurrent with all other
22 charges. And give him credit for time served. On
23 indictment ten thousand ninety -- I'm sorry -- 1092,
24 2008-GS-18-1092, kidnaping, the sentence is twenty
25 years to run concurrent with all other charges and

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1 credit for time served. On indictment 2008-GS-18-
2 1102, assault and battery of a high and aggravated
3 nature, is ten years to run concurrent with all other
4 charges, with credit for time served. And on
5 indictment 2008-GS-18-1004, kidnaping, the sentence is
6 twenty years to run concurrent with all the other
7 charges and credit for time served. And indictment
8 1100, armed robbery, is twenty years to run concurrent
9 with all other charges and give him credit for time
10 served. And the kidnaping, on indictment 1099, is
11 twenty years to run concurrent with all other charges
12 and credit for time served.

13 [PLEA CONCLUDES]
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C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the plea held before the Honorable R. Ferrell Cothran, Jr., on November 14, 2011.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 29th day of December, 2012.

Mia Perron

Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

- (b) 08-GS-18-1104 / Kidnapping / ABHAN 08-GS-18-1102
- (c) 08-GS-18-1100 / Armed Robbery / 08-GS-18-1090 Armed Robbery

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

- (a) all charges Nov 14, 2011
- (b) 20 yrs on each Kidnapping - 10 yrs ABHAN
- (c) 20 yrs on each Armed Robbery Concurrent

6. Check whether a finding of guilty was made:

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

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

NO

8. If you answered Ayes@ to (7), list:

- (a) the name of each Court to which you appealed:
 - i. N
 - ii. _____
 - iii. _____
- (b) the result in each such Court to which you appealed:
 - i. _____
 - ii. _____
 - iii. _____
- (c) the date of each such result:
 - i. _____
 - ii. _____
 - iii. A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. N
 - ii. _____
 - iii. _____

9. If you answered Ano@ to (7), state your reasons for not so appealing:

- (a) _____ A

(b) _____ N | _____

(c) _____ A | _____

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

(a) Ineffective Assistance of counsel

(b) Guilty plea "was not" voluntarily or intelligently made

(c) _____

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

(a) Counsel, Michelle R. Suggs Failed to investigate or properly

inform me of the matter surrounding my case

(b) I re-state (a) above

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 Ayes to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. _____ N | _____

ii. _____

iii. _____

iv. _____ A | _____

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

i. _____ N | _____

ii. _____

iii. _____ A | _____

iv. _____ N/A

(c) the disposition thereof:

i. _____ N

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____ A

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

i. _____ N

ii. _____

iii. _____

iv. _____ A

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?

_____ N | A

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

(a) which grounds have been presented:

i. _____ N

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____ A

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) See 10 (a) Applicant first time presenting ground
- (b) See 10 (a) " " " " "
- (c) _____

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

- (a) your arraignment and plea? YES
- (b) your trial, if any? N/A
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? None

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

- (a) the name and address of each attorney who represented you:
 - i. Michelle R. Suggs Dorchester P.D Office
107 West 6th N. St. Suite 100 Summerville, SC 29403
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Plea & Sentencing
 - ii. _____
 - iii. _____

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

plea agreement kept and or statement suppressed and or
pleas vacate and or New trial and or any other relief
I may be entitled to and or the courts deems just and fair.

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

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Me Cormick)

VERIFICATION

I, Joshua Monroe, 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.

J. Monroe

SWORN to and subscribed before me this 02 day of OCT, 2012.

J. Franklin (L.S.)
Notary Public

My Commission Expires: 12-16-2019

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

2012-CP-18- 2306

I, Justin Monroe, 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.

J. Monroe
Applicant

SWORN or affirmed to and subscribed before me this

02 day of Oct, 2012.

J. Franklin
Notary Public

My Commission Expires: 12-16-2019

FILED - RECORDED
2012 OCT 10 AM 11:50
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 Joshua A. Monroe, 344735)
)
 Applicant)
)
 State of South Carolina)
)
 Respondent;)
 _____)

IN THE COMMON PLEAS COURT

DOCKET NO.: 2012-CP-18-2306

AMENDMENT TO
POST CONVICTION RELIEF
APPLICATION

The Applicant through undersigned Counsel wishes to Amend his Application for Post Conviction Relief filed on October 10, 2012 as follows:

SEE ATTACHED TOTALING 11 PAGES

RESPECTFULLY SUBMITTED ON BEHALF OF

APPLICANT, JOSHUA A. MONROE

 Charles T. Brooks, III
 Attorney for Applicant
 309 Broad Street
 Post office Box 3512
 Sumter, South Carolina, 29150
 (803) 418-5708

October 10, 2013

Charles T. Brooks, III
 CLERK OF COURT
 DORCHESTER COUNTY

CERTIFIED COPY
 2013 OCT 15 PM 12:57

COUNSEL WAS INEFFECTIVE FOR ADVISING THE APPLICANT TO PLEAD GUILTY WHEN COUNSEL NEVER INVESTIGATED THE CASE IN AN EFFORT TO DETERMINE HOW TO PROCEED, WHICH RENDERED THE APPLICANT'S GUILTY PLEAS INVALID BECAUSE THEY WERE NOT KNOWINGLY, VOLUNTARILY OR INTELLIGENTLY MADE, AND WAS A DENIAL OF DUE PROCESS OF LAW.

The Applicant faced several criminal charges in Charleston County and retained the services of Attorney Michael Dupree for representation in relations to the charges.

The Applicant has two co-defendants who are also charged with the Charleston County cases, they were also charged along with the Applicant with crimes that occurred in Dorchester County of which the Applicant has no knowledge of.

While awaiting trial for the Charleston County charges and being housed in the Charleston County Detention Center, on June 9, 2008, officers from the Dorchester County Sheriff's Office arrived at the Charleston County Detention Center to transport the Applicant and one of his co-defendant, Bryan Mulligan, to Dorchester County to be questioned in reference to crimes that occurred in that county. Before leaving Charleston County the Applicant requested that the officers allow him to call his lawyer, Michael Dupree, before being questioned. The officers assured the Applicant that he would be allowed to confer with his attorney before any questions were asked.

Upon arrival at the Dorchester County facilities the Applicant was allowed to make a phone call to his attorney, Michael Dupree. Attorney Dupree advised the Applicant that he should speak with the officers and answer any questions they may

ask.

Based on the advice of counsel, the Applicant answered questions asked by the officers, incriminating himself in a variety of unlawful activities in Dorchester County. Once the Applicant was returned to the Charleston County Detention Center Attorney Dupree visited him and the Applicant informed Attorney Dupree of the predicament he had put himself in by answering questions from the authorities without the aid of counsel. For reasons unknown to the Applicant, Attorney Dupree walked out of the conference room and the Applicant has not seen him since.

In light of Attorney Dupree's action, the Applicant filed a complaint with the Fee Dispute Board attempting to retrieve the seven thousand (\$7,500.00) five hundred dollars that his family had paid Attorney Dupree. See copy of the results of the Fee Dispute Board's decision in favor of Attorney Dupree. Exhibits A-C, attached. The Applicant was appointed new counsel to represent him on the Charleston County charges. The Applicant pled guilty to the Charleston County charges and was told that in light of his guilty pleas in Charleston County, the Dorchester County charges would be dropped. After the pleas and sentencing in Charleston County the Applicant was transported to the South Carolina Department of Corrections to begin serving his sentences.

Once the Applicant was in the Department of Corrections he found out that the Dorchester County charges were still pending against him and on November 14, 2011, the Applicant, on advice of

newly court-appointed counsel, Michelle R. Suggs, pled guilty to the Dorchester County charges.

Ms. Suggs's advising the Applicant to plead guilty was prejudicial to the Applicant because he did not participate in any crimes committed in Dorchester County. Counsel never investigated the circumstances of the statement the Applicant allegedly made. Counsel doesn't even know the contents of the statement because it was not submitted by the State in the "Discovery" material, nor was the "Rights Waiver Form" allegedly signed by the Applicant in Dorchester County submitted by the State.

Therefore, counsel does not know what the circumstances are that would have made the Applicant waive his right to remain silent and not give a statement. Since counsel never knew a "statement" existed she could have advised the Applicant that had he gone to trial she could have moved to have the statement suppressed because he waived the right to remain silent on advice of an attorney (Michael Dupree) who later abandoned him.

Had the Applicant known he could have had this statement suppressed, he would not have pleaded guilty and would have insisted on going to trial, because, at trial, counsel could have moved to have a pretrial hearing conducted outside the presence of the jury to determine the voluntariness of the Applicant's waiver before the State could have used the statement against the Applicant during a trial, and without the "statement", there is no evidence connecting the Applicant to any crimes committed in

Dorchester County. See Sims v. Georgia, 385 U.S. 538, 543-44 (1967); see also Jackson v. Denno, 378 U.S. 368, 376-77 (1964).

In this case, the Applicant was coerced by counsel to plead guilty under North Carolina v. Alford, 400 U.S. 25 (1970), where counsel convinced the Applicant that it wasn't really a guilty plea that he was entering. Under the Alford theory, a defendant may consent to the imposition of a sentence without admitting culpability where the defendant intelligently concludes the guilty plea is in his best interest. Here, the Applicant never determined that pleading guilty in this matter was in his best interest.

In U.S. v. Dollard, 780 F.2d 1118, 1112-23 (4th Cir. 1985), the Fourth Circuit Court of Appeals found that the trial court erred because, over defendant's objection, the court placed defendant in position of having to take the stand in front of the jury to challenge the voluntariness of his confession. Here, the Applicant was prejudiced by not having the opportunity at all to challenge the voluntariness of the alleged confession due to counsel's ineffectiveness.

The Applicant insisted that he was not guilty of the Dorchester County charges, but counsel was persistent that the Applicant should plead guilty, even though counsel had not investigated the circumstances around the case. Counsel never read the incriminating statement that the Applicant signed, counsel never spoke with any law enforcement officials concerning

the case, nor did counsel discuss with Michael Dupree as to why he allowed the Applicant to speak with the police without the assistance of counsel.

In light of Attorney Dupree's action in advising the Applicant to speak with officers without Attorney Dupree being present, which resulted in the Applicant giving a "written" statement incriminating himself in various crimes that allegedly occurred in Dorchester County, it is no doubt that had the Applicant gone to trial, the alleged statement would have been suppressed on a proper motion from trial counsel.

Since Attorney Suggs never received the "statement" in the Discovery material, she had no reason to advise the Applicant to plead guilty because there were no other evidence connecting the Applicant to these charges.

The Due Process Clause of the Fourteenth Amendment requires that guilty pleas are entered into voluntarily, knowing and intelligently. See Boykin v. Alabama, 395 U.S. 238 (1969); Pittman v. State, 337 S.C. 597, 524 S.E.2d 623 (1999).

Counsel's failure to investigate prior to advising the Applicant to plead guilty is contrary to the South Carolina Supreme court's ruling in the case of Ard v. Catoe, 642 S.E.2d 590, 597 (S.C. 2007), where the Court stated that, "without a doubt, '[a] criminal defense attorney has a duty to investigate, but this duty is limited to reasonable investigation'". Citing Thompson v. Wainwright, 787 F.2d 1447, 1450 (11th Cir. 1986); also Strickland v. Washington, 466 U.S. at 691, 104 S.Ct. 2052.

In the instant case, it was unreasonable that counsel did not conduct any credible investigation before advising the Applicant to plead guilty. Had counsel investigated, counsel would have found that the only evidence connecting the Applicant to these crime was an illegally obtained statement.

The Applicant's right to the effective assistance of counsel and due process of law was violated under Article I, §14 and §3 of the South Carolina Constitution and the Sixth and Fourteenth Amendments of the United States Constitution.

CONCLUSION

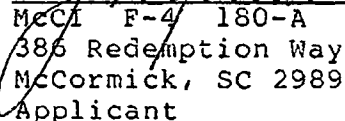
In light of the foregoing, the Applicant received ineffective assistance of counsel during his guilty plea proceeding. If not for counsel's unprofessional errors, the Applicant would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 106 S.Ct. 366 (1985).

The Applicant believes that he was denied his Fourteenth Amendment right to Due Process of Law.

This 7 day of October, 2013

Respectfully submitted,

Joshua Monroe #344735



McC1 F-4 180-A
386 Redemption Way
McCormick, SC 29899
Applicant

Exhibit - A
 received
 11-5-10

JOHN E. ROMANOSKY, JR.
 ATTORNEY AT LAW
 ONE COOL BLOW STREET, SUITE 201
 CHARLESTON, SOUTH CAROLINA 29403

TELEPHONE
 843-724-1054
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MAILING ADDRESS
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 CHARLESTON, S. C. 29402

November 3, 2010

Natalie Parker Bluestein, Chairman
 Ninth Circuit Panel, SC Fee Disputes Board
 One Carriage Lane, Building D, Second Floor
 Charleston, SC 29407

Re: Joshua Monroe against Michael DuPree, Esquire

Dear Natalie:

I have complete my investigation and review of the above referenced fee dispute after several attempts to visit Joshua Monroe who is incarcerated in the Charleston County Jail. I met personally with Mr. Monroe on November 2, 2010. I met personally with Michael DuPree on July 9, 2010, obtained a copy of his file, and have spoken to him by telephone on three occasions.

Mr. Monroe, his father, and his grandmother met with Mr. DuPree in June of 2008, because he had been implicated in a string of robberies at Applebee's, Frankie's Fun Park, Chuck E Cheese, and the Noisy Oyster. Monroe's father hired DuPree to represent his son who had not yet been arrested. Mr. DuPree prepared a written fee contract agreeing to represent Mr. Monroe for a flat fee of \$15,000.00. Monroe's father paid Mr. DuPree \$7,500.00 with the remaining \$7,500.00 due prior to the final disposition of the case. The fee agreement was signed by DuPree, but was never signed by Monroe or his father.

Monroe told DuPree that he had an alibi and that he was not present during the robberies. DuPree hired a private investigator to check out the alibi and interview witnesses; DuPree met several times with the North Charleston Police Department to discuss the alibi. The Police Department showed DuPree a video which they said showed Monroe participating in the robbery at Chuck E Cheese. Mr. DuPree's investigator was unable to confirm or support Monroe's alibi.

DuPree met with Monroe to discuss the results of the investigation and the surveillance video from the Chuck E Cheese robbery. Shortly after that meeting, Monroe and DuPree met with the North Charleston Police Department where Monroe signed a statement admitting to being the lookout at the Applebee's robbery, admitting that he participated in the Chuck E Cheese robbery, but denying being present at the robberies at Frankie's Fun Park and the Noisy Oyster.

CERTIFIED COPY
 2013 OCT 15 PM 12:15
 Clerk of Court
 Charleston County

Exhibit-B

CERTIFIED COPY

Natalie Parker Bluestein, Chairman
 November 3, 2010
 Page Two

2013 OCT 15 PM 12:53

Cheryl Beahm
 CLERK OF COURT
 CHARLESTON COUNTY

Mr. Monroe was arrested and charged with (i) kidnaping, (ii) possession of a firearm during violent crime, (iii) armed robbery (person), (iv) armed robbery (person), (v) burglary 2nd, and (vi) criminal sexual conduct 1st. Bond was set at \$250,000.00. Monroe was unable to post bond and has been incarcerated since June of 2008.

DuPree requested and attended a preliminary hearing for Monroe. DuPree negotiated a Proffer Agreement with the Ninth Circuit Solicitor's office and began working on a plea agreement with Assistant Solicitor Burns Whetmore.

In September of 2008, DuPree learned that Monroe had written a suicide letter to his father and had been placed on suicide watch at the Charleston County Jail. He went to see Monroe, who then recanted the statement he had given to the North Charleston Police Department. Monroe asked DuPree to "undo" his statement to the Police Department. DuPree told Monroe he could not "undo" the prior statement. DuPree's representation of Monroe ended in late December of 2008 or January of 2009.

Monroe's complaints against DuPree are as follows:

- that DuPree coerced him into signing the statement admitting participation in two of the robberies when there was no evidence to support the same;
- that DuPree lost photos transmitted electronically by Monroe's mother in Florida to DuPree proving that Monroe was in Florida when the robberies were committed;
- that DuPree refused or neglected to meet with him when requested at the County Jail;
- that DuPree did no work which was of benefit to Monroe;
- that he (Monroe) is now in a worse legal position in his case by signing a confession;
- that DuPree unilaterally withdrew from representation in the case without any offer to refund any portion of the fee.

I asked Monroe if there was anyone else he would like me to speak with regarding his application to the Fee Disputes Board. He asked me to call his mother in Florida to confirm the loss of the photos and to call his aunt in Charleston who could confirm his complaints against DuPree. He specifically told me not to contact his father, and not to let his mother know that I talked to his aunt, and vice versa. My call to Monroe's mother, Marian Bray, at 914-762-9110, was not returned. In my conversation with Monroe's aunt, Evelyn Jaime, she stated she was trying to help her nephew obtain

Exhibit - C

CERTIFIED COPY

Natalie Parker Bluestein, Chairman
November 3, 2010
Page Three

2013 OCT 15 PM 12:58

Christy Beahm
CLERK OF COURT
BERKELEY COUNTY

the return of the fee paid to DuPree and that she supported him in his claim that he is now in a worse legal position after giving the statement.

DuPree feels that he was in the process of getting a favorable plea agreement for Monroe at the point when Monroe decided to withdraw or recant his statement. He estimates his time in the file to be somewhere between 20 and 30 hours, together with out of pocket expenses for investigative work. He denies ever receiving any photographs from Monroe's mother in Florida.

My efforts to negotiate a compromise of this fee dispute between the parties was unsuccessful.

My review of DuPree's file substantiates and confirms that he hired and worked with Vance Investigations, LLC, to investigate Monroe's case. Vance Investigations took written statements from witnesses and wrote a synopsis report. Monroe's four page statement to the North Charleston Police Department presents a very detailed description of his participation in the Applebee's and Chuck E Cheese robberies, the weapons used, the planning and the amount of money he received after all participants divided up the cash. The file also reflects that DuPree scheduled a preliminary hearing; there is a proposed Proffer Agreement in the file from the Ninth Circuit Solicitor's office.

I am satisfied from my investigation in this case that Michael DuPree spent sufficient time, effort and resources on behalf of Mr. Monroe to justify and earn a fee of \$7500.00, particularly in light of the seriousness of the charges and the number of charges. Regarding the circumstances surrounding Monroe's statement and the lost photographs, it is my impression that those matters would have to be addressed in another forum or through post conviction relief. Accordingly, I recommend that this fee dispute be resolved in favor of Michael DuPree.

Respectfully submitted,

John E. Romanosky, Jr.
John E. Romanosky, Jr.

JER,jr/jtb

cc: Ms. Claudia Kea, SC Fee Disputes Board

STATE OF SOUTH CAROLINA)
 COUNTY OF DORCHESTER)
)
)
)
 Joshua Monroe, #344735,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT

2012-CP-18-2306

RETURN

The Respondent, making its Return to the application for post-conviction relief filed October 10, 2012, 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 Dorchester County Clerk of Court, as well as pursuant to orders of commitment of the Charleston Clerk of Court which are not subject to this application for post-conviction relief.¹ The Applicant was indicted during the September 2008 term of the Dorchester County Grand Jury for two charges of Armed Robbery (2008-GS-18-1090, -1100), three charges of Kidnapping (2008-GS-18-1092, -1099, -1104), and Assault and Battery of a High and Aggravated Nature (2008-GS-18-1102). Applicant was represented by Michelle Suggs, Esquire. On November 14, 2011, the Applicant pled guilty pursuant to Alford v. North Carolina to two charges of Armed Robbery, two charges of Kidnapping, Assault and

¹ Applicant is currently serving a concurrent sentence for the following charges from Charleston County: three charges of Kidnapping (2008-GS-10-8123, -8145, -8111), for which he received a sentence of twenty five years imprisonment for each charge, two charges of Armed Robbery (2008-GS-10-8149, -8120), for which he received a sentence of twenty five years imprisonment for each charge, Attempted Armed Robbery (2008-GS-10-8109), for which he received a sentence of twenty years imprisonment, and Criminal Sexual Conduct – 1st Degree (2008-GS-10-8143), for which he received a sentence of twenty five years imprisonment.

Battery of a High and Aggravated Nature, and an additional charge of Kidnapping. Pursuant to plea negotiations between the Applicant and the State, the Honorable R. Ferrell Cothran, Jr. sentenced Applicant to confinement for a period of twenty years for each charge of Armed Robbery and Kidnapping and ten years confinement for Assault and Battery of a High and Aggravated Nature; with all sentences to be served concurrently. No direct appeal was filed.

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

II.

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

1. Ineffective assistance of counsel; and
 - a. "Counsel, Michelle R. Suggs failed to investigate or properly inform me of the matter surrounding my case."
2. Guilty plea "was not" voluntarily or intelligently made.
 - a. "I re-state (a) above."

Any claims not specifically enumerated in the post-conviction relief application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his 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).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent

requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit. In post-conviction relief cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that: (1) counsel was ineffective; and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that 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 a question of fact which is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

Each and every allegation contained within the application not hereinbefore either 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
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT

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

March 13, 2013.

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

CASE NO. 2012CP18-2306

JOSHUA MONROE

)
)
)
)
)

vs.

TRANSCRIPT OF RECORD

STATE OF SOUTH CAROLINA

NOVEMBER 1, 2013
ST. GEORGE, SC

B E F O R E:

HONORABLE DIANE SCHAFER GOODSTEIN

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

MEGAN E. HARRIGAN, ESQUIRE
Attorney for the State

CHARLES T. BROOKS, III, ESQUIRE
Attorney for the Applicant

Ruth L. Mott, RPR, CRR
Official Court Reporter

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E X H I B I T S

(NONE MARKED)

1 MS. HARRIGAN: Your Honor, the next matter is Joshua
2 Monroe versus the State of South Carolina Docket No.
3 2012CP18-2306. He is presently confined in the South
4 Carolina Department of Corrections pursuant to both orders
5 from the Dorchester County Clerk of Court as well as orders
6 of commitment from the Charleston County Clerk of Court,
7 which are not subject to this application. He has another
8 pending application with another division of our office for
9 the Charleston charges. We're here today only on the
10 Dorchester County guilty pleas and sentences. He was
11 indicted during the September 2008 Term of the Dorchester
12 County Grand Jury for two counts of armed robbery, three
13 counts of kidnapping and assault and battery of a high and
14 aggravated nature. He was represented by Michelle Suggs. On
15 November 14th, 2011 he plead guilty pursuant to North
16 Carolina versus Alford for two charges of armed robbery, two
17 charges of kidnapping, assault and battery of a high and
18 aggravated nature and an additional charge of kidnapping not
19 pursuant to Alford. Pursuant to plea negotiations between
20 Mr. Monroe and the State the Honorable R. Ferrell Cothran,
21 Jr., sentenced applicant to confinement for a period of 20
22 years for each armed robbery and for kidnapping and for ten
23 years for the assault and battery of a high and aggravated
24 nature, and all sentences were to be served concurrently and
25 concurrent to his other sentences he received at that time

1 from Charleston. No direct appeal was taken. He did,
2 however, file a timely application for post conviction relief
3 on March 13th of this year alleging ineffective assistance of
4 counsel for failing to investigate or properly inform him of
5 matters surrounding his case as well as involuntary guilty
6 plea. The State made its return on October 18th and he's
7 represented in this action by Charles T. Brooks, III. On
8 October 15th of this year he also filed an amended
9 application alleging more or less the same grounds for
10 relief.

11 THE COURT: Okay. Mr. Brooks.

12 MR. BROOKS: How are you doing this morning, Judge?

13 THE COURT: I'm fine. How are you doing?

14 MR. BROOKS: Wonderful, wonderful.

15 THE COURT: Good.

16 MR. BROOKS: My client respectfully wants to ask the
17 Court to grant a continuance. He indicates that there's some
18 phone records between himself and his prior counsel, Mr.
19 Michael DuPree, that he wants to obtain.

20 THE COURT: Meaning what?

21 MR. BROOKS: I've actually subpoenaed Mr. DuPree, who is
22 actually here today at my client's request.

23 THE COURT: Yes.

24 MR. BROOKS: Mr. DuPree was not the counsel during the
25 plea, Ms. Suggs was, and she's here as well.

1 THE COURT: Right.

2 MR. BROOKS: Nevertheless, my client indicated that he
3 wanted me to ask for that this morning.

4 THE COURT: Very well. And the phone -- the purpose of
5 the subpoena of his office records, the subpoena of his cell
6 phone records, what are we talking about specifically, texts,
7 what is he looking for?

8 MR. BROOKS: These are records where he called from the
9 Dorchester County Jail to Mr. DuPree's office.

10 THE COURT: Okay. And why didn't he ask you to do that,
11 Mr. Brooks? What's the reason that hasn't been done?

12 MR. BROOKS: He told me that this morning.

13 THE COURT: I know that. I figured that. How come he
14 didn't mention it to you? Because you know how to do that.

15 Very well. With all due respect, I would deny the
16 motion for continuance on that basis. If he had asked --
17 given you like more than five seconds to do it, you could
18 have done it, and so I'd respectfully deny the motion.
19 Everybody's here and ready to go forward. You can subpoena
20 Mr. DuPree, and he's here. Obviously he knows you know how
21 to handle a subpoena, so I would respectfully deny the
22 motion, and I would note your exception thereto.

23 MR. BROOKS: Yes, ma'am.

24 THE COURT: Very well. Are you ready to proceed?

25 MR. BROOKS: Be that as it may, Judge, we would call Mr.

1 Monroe to the stand.

2 THE COURT: Very well. Come on, Mr. Monroe, over here.

3 JOSHUA MONROE,

4 being first duly sworn, testified as follows:

5 THE COURT: Very well. State your full name for the
6 record for me.

7 THE APPLICANT: Joshua Andrew Monroe.

8 THE COURT: And, Mr. Florencio, would you just pull that
9 microphone down for him just a little bit. There you go.
10 This is a sound check. Would you state your full name for
11 the record again, please.

12 THE APPLICANT: Joshua Andrew Monroe.

13 THE COURT: Very well. Your witness.

14 DIRECT EXAMINATION BY MR. BROOKS:

15 Q. Mr. Monroe, I'm going to ask you a couple background
16 questions to get us started. Now, you're serving a
17 negotiated sentence of 20 years as a part of these things in
18 Dorchester County; is that correct?

19 A. Yes, sir.

20 Q. And you're also serving it concurrent with 25 down in
21 Charleston for some things down there; is that correct?

22 A. Yes, sir.

23 Q. Now, we talked about this, but I just want to make sure
24 we put on the record, you told me how you feel about it, you
25 understand that the only thing that Judge Goodstein can do

1 for you here today is, if everything lines up for you, she
2 could give you a new trial; you understand that?

3 A. Yes, sir.

4 Q. And if you got a new trial, you could end up going back,
5 facing all of these charges in Dorchester County again, and
6 as I understand it, by looking at your record and looking at
7 these charges, you could potentially face a life sentence.
8 Do you understand that?

9 A. Yes, sir.

10 Q. Okay. And knowing that, you're fully aware of that, and
11 knowing that, it is still your desire to go forward?

12 A. Yes, sir.

13 Q. Okay. All right. Now, you've alleged that your
14 counsel, Ms. Suggs, was ineffective in this case and you
15 ended up pleading guilty; is that correct?

16 A. Yes, sir.

17 Q. What are you saying that Ms. Suggs did wrong?

18 A. I said she didn't properly investigate the circumstances
19 of the statement that was written on my behalf to lead me up
20 to pleading.

21 Q. Okay. And she didn't investigate the statement, and we
22 subpoenaed Mr. DuPree here, and why did you want Mr. DuPree
23 to be here?

24 A. Mr. DuPree was my present attorney at the time when
25 Dorchester County came and transported me from Charleston

1 County to question me, and I contacted him before my
2 questioning began.

3 Q. Okay. Now, and Mr. DuPree was the one that you say got
4 you to do the statement?

5 A. Yes, sir.

6 Q. All right. And in hindsight you think that that was
7 harmful to you; is that correct?

8 A. Yes, sir.

9 Q. And if you had to do it all over again, you wouldn't do
10 that?

11 A. No, not at all.

12 Q. Okay. And you think Ms. Suggs should have tried to do
13 something to have that statement suppressed?

14 A. Yes, sir.

15 Q. Okay. What else should she have done?

16 A. I think she should have put more effort into looking
17 into my case, period.

18 Q. All right. And when you say more effort into looking
19 into your case, what else would have come about of that, and
20 here's a better question for you Joshua, what do you know now
21 that if you knew it way back then you would never have plead
22 guilty?

23 A. I know that the moment that you state that you want your
24 attorney present for questioning, that all interrogation is
25 supposed to stop.

1 Q. Okay. Did you give a statement without any lawyer being
2 present on your behalf?

3 A. Yes, sir.

4 Q. Okay. All right. And what else, what else do you know
5 that would have caused you not to plead?

6 A. The fact that there was really nothing linking me to any
7 crime other than me incriminating myself.

8 Q. Okay. All right. There was no other evidence in any of
9 these crimes in Dorchester County that would have implicated
10 you; is that what you're saying?

11 A. Yes, sir.

12 Q. Okay. So why did you end up pleading guilty?

13 A. I plead guilty because I only had Michelle Suggs -- I
14 think I seen her -- I saw her twice. She came and saw me in
15 the Department of Corrections to tell me that I should plead
16 due to the fact that my codefendants already pled in
17 Charleston County at the same time. This was November 2011.
18 I got sent to the Department of Corrections February 2011.
19 So her initial reason for coming to see me was basically to
20 convince me to plea due to the fact that it would be easier
21 if I did what my codefendants did.

22 Q. Okay. Had you already pled to your Charleston County
23 charges?

24 A. Yes, sir.

25 Q. Okay. So you'd already pled to your Charleston County

1 charges, and you knew that you could have been tried
2 separately from the -- on the Dorchester County stuff, and
3 you got a 20-year deal here --

4 A. Mm-hmm.

5 Q. -- to run concurrent with the 25 you were already taking
6 in Charleston?

7 A. Yes, sir.

8 Q. Okay. And you want that plea wiped away?

9 A. Yes, sir.

10 Q. Okay. What else do you want to tell the Court why you
11 should get a new trial?

12 A. Equally, a fair chance, a fair chance. I was dealt --
13 handed a numerous amount of charges in Dorchester County.

14 Q. Okay.

15 A. My incriminating statement only placed me in one crime.

16 Okay. Every other charge I had came from -- I really don't
17 know, but I was stuck with all those charges instead of
18 actually the charge that I myself admitted to.

19 Q. Okay. All right. Anything else you want to tell the
20 Court? This is your bite at the apple. You want that new
21 trial. Tell Judge Goodstein what you think she should hear
22 to get you a new trial. I think we've covered it all, but I
23 want to make sure you get it all out.

24 A. Looking through my transcript.

25 Q. That's fine.

1 THE COURT: And as I understand it, excuse me,
2 Mr. Monroe, your PCR on the Charleston matter is still
3 pending, isn't it?

4 THE APPLICANT: Yes, ma'am.

5 THE COURT: Okay. In other words, just so I'm clear
6 with you why I would ask that question, you've got a 25-year
7 sentence in Charleston. This one runs concurrent. And while
8 at first blush somebody would say, what difference does that
9 make if they're running concurrent, but your point would be,
10 wait a minute, I have -- by the same token, if I'm successful
11 with my PCR in Charleston and I didn't file the PCR in
12 Dorchester County, then I haven't helped myself; in other
13 words, it's important to do both is what you would tell me
14 today, right?

15 THE APPLICANT: Yes, ma'am.

16 THE COURT: Okay. I got it. Now, I want you to take
17 your time, flip through your paperwork. I know you've got
18 your transcript. I've got a copy of your application. Do
19 you want me to hand you that? Have you got it where you can
20 put your hands on it? Because you can borrow mine. I've
21 already looked at it.

22 THE APPLICANT: Okay.

23 THE COURT: You want to borrow that one? I'm going to
24 put that one down for you, and you just look through it.
25 Now, I've got to retrieve it from you because my clerk's

1 office will get mad at me, but if you need an extra copy of
2 it, you let me know and I'll get you one, okay?

3 THE APPLICANT: Yes ma'am.

4 THE COURT: Now, don't flip too fast. Flip a little bit
5 slower than that. Take your time.

6 Q. Are you finished, Josh?

7 A. Yes, sir.

8 THE COURT: Okay. I'm going to just get that back from
9 you just, again, so I don't get in trouble with my clerk.
10 Thank you. All right.

11 Q. Is there anything else that we haven't covered to put on
12 the record? We filed all the amendments and all that. Is
13 there anything else you need to tell the Judge other than
14 what you've said already?

15 A. As far as my reason for wanting a continuance was
16 because I felt really that if I had not been advised by my
17 attorney to speak to the police after our meeting, knowing
18 that I was looking for representation, I wouldn't be going
19 through this today, and I really felt like the phone records
20 from me discussing it with him wouldn't be just a mere
21 speculation, it would actually be some type of proof to show
22 that, okay, well, he did call his attorney, he was able to
23 talk to him, and then afterwards that's when they got the
24 charges.

25 Q. Okay. Anything else?

1 A. No, that's it for right now.

2 MR. BROOKS: All right. Answer any questions of the
3 Attorney General.

4 MS. HARRIGAN: May it please the Court?

5 THE COURT: Yes, ma'am.

6 CROSS-EXAMINATION BY MS. HARRIGAN:

7 Q. Mr. Monroe, your testimony is that you met with your
8 second attorney, Ms. Suggs, twice before your guilty plea,
9 correct?

10 A. Yes, ma'am.

11 Q. Did you review any of the discovery materials with her?

12 A. Some of it.

13 Q. What do you recall reviewing with her?

14 A. I know we didn't review my statement.

15 Q. And had you previously seen the statement when you were
16 represented by Mr. DuPree?

17 A. I saw the statement when I first wrote it.

18 Q. So you already knew what was in the statement, correct?

19 A. Yes, ma'am.

20 Q. And what was in the statement?

21 A. I can't remember quite everything.

22 Q. But you testified before your statement only implicated
23 yourself in one of the incidents in Dorchester County,
24 correct?

25 A. Yes, ma'am.

1 Q. And the Dorchester County indictments involved a robbery
2 and kidnapping of a Frankie's Fun Park, correct?

3 A. Yes.

4 Q. And an Applebee's, same sort of scenario, correct?

5 A. Yes.

6 Q. As well as a Chuck E. Cheese where there was also an
7 assault and battery of a high and aggravated nature, correct?

8 A. I believe so.

9 Q. So which one of these incidents did you implicate
10 yourself in?

11 A. I was implicated in the Chuck E. Cheese.

12 Q. And that's where there was the assault and battery,
13 correct?

14 A. Yes, ma'am.

15 Q. And do you recall the facts the solicitor stated during
16 your guilty plea?

17 A. I have the transcript right here.

18 Q. Do you remember agreeing with the facts the solicitor
19 stated?

20 A. Yes.

21 Q. And during the Chuck E. Cheese kidnapping the victim was
22 actually followed home by yourself and the codefendants,
23 correct?

24 A. Allegedly.

25 Q. You plead guilty to that, correct?

- 1 A. Yes, ma'am.
- 2 Q. And you gave a statement admitting to that, correct?
- 3 A. Allegedly.
- 4 Q. Did you give a statement involving the Chuck E. Cheese
5 incident?
- 6 A. Yes, ma'am.
- 7 Q. And you gave that statement after you talked to your
8 attorney, Mr. DuPree, correct?
- 9 A. Yes, ma'am.
- 10 Q. Did you request your attorney again before you made the
11 statement?
- 12 A. When I spoke to him, he told me to go ahead and talk to
13 the Dorchester County Detectives.
- 14 Q. When you talked to the Charleston County Detectives --
- 15 A. I mean Dorchester County.
- 16 Q. -- Dorchester County, did you invoke your right to
17 counsel, did you say, I don't want to say anything without
18 talking to my attorney first?
- 19 A. I said that before they questioned me, before they
20 started to question me.
- 21 Q. And then you were allowed to call your attorney,
22 correct?
- 23 A. Yes.
- 24 Q. And then you made your statement after that, correct?
- 25 A. After he told me to.

1 Q. Was your statement accurate?

2 A. Somewhat.

3 Q. So it was a true statement?

4 A. Somewhat.

5 Q. Implicating you in the Chuck E. Cheese kidnapping, armed
6 robbery and assault and battery of a high and aggravated
7 nature.

8 A. No, no, no, Chuck E. Cheese robbery is in Charleston
9 County.

10 Q. This was a string of armed robberies all across the
11 North Charleston area, correct?

12 A. Yes.

13 Q. And you plead guilty to these Charleston County
14 indictments on November 18th of 2010, correct?

15 A. November 18th, 2010.

16 Q. Does that sound correct?

17 A. Yes.

18 Q. That was before you pled to these Dorchester County
19 charges, correct?

20 A. I pled to my charges in Charleston County, but I didn't
21 get sentenced when I pled first hand.

22 Q. You ultimately received a sentence of 25 years from
23 Charleston County, correct?

24 A. Yes.

25 Q. And you had two codefendants involved in these

1 incidents, correct?

2 A. Yes.

3 Q. And you were all implicated in this entire string of
4 armed robberies, correct?

5 A. Yes.

6 Q. And in Charleston County you received a sentence of 25
7 years for three separate counts of kidnapping, correct?

8 A. Yes.

9 Q. And two separate counts of armed robbery where you got
10 25 years each, correct?

11 A. Yes.

12 Q. As well as an attempted armed robbery where you received
13 a 20-year sentence, correct?

14 A. Yes.

15 Q. And then a criminal sexual conduct in the first degree
16 where you received a 25-year sentence correct?

17 A. Yes.

18 Q. And your current sentence that you received that you're
19 challenging today in Dorchester County was for 20 years,
20 correct?

21 A. Yes.

22 Q. And that was concurrent to your previous sentences in
23 Charleston?

24 A. Yes.

25 Q. You testified earlier that there was no other evidence

1 implicating you in these crimes besides your own statement,
2 correct?

3 A. Yes, ma'am.

4 Q. But your statement only implicated yourself in one
5 incident, correct?

6 A. Yes, ma'am.

7 Q. The Chuck E. Cheese incident you said?

8 A. Yes, ma'am.

9 Q. And you said that statement is partially accurate and
10 true, correct?

11 A. Yes, ma'am.

12 Q. And one of your grounds for relief is that your current
13 attorney at the time of plea should have moved to suppress
14 the statement, correct?

15 A. Yes, ma'am.

16 Q. But you gave the statement after speaking to your
17 attorney and then didn't request to speak to your attorney
18 again, correct?

19 A. Yes, ma'am.

20 MS. HARRIGAN: Court's indulgence.

21 THE COURT: Okay.

22 Q. Are you aware of any videos showing the armed robberies
23 occurring for any of the incident locations?

24 A. There's supposed to be one.

25 Q. Are you aware if you are identified on that videotape?

1 A. No, I wasn't identified.

2 Q. Have you ever had a chance to look at these videos?

3 A. Yes, ma'am.

4 Q. In regards to your allegation that your attorney didn't
5 perform enough investigation, what other investigation did
6 you want her to do?

7 A. Investigate the circumstances of DuPree being my
8 attorney.

9 THE COURT: Say again? I just didn't hear you.

10 THE WITNESS: I said investigate the circumstances of
11 DuPree being my attorney.

12 THE COURT: Gotcha.

13 Q. So you just wanted her to look into your prior attorney
14 Michael DuPree's representation of you?

15 A. Yes.

16 Q. You didn't want her to hire a private investigator, do
17 any sort of crime scene analysis, anything like that?

18 A. As an attorney I feel those are things that she should
19 already be doing when it comes to investigating the case of a
20 client.

21 Q. Have you done any of that in preparation for your
22 hearing here today?

23 A. I have gotten -- I just got my transcript probably about
24 two months ago so...

25 Q. So you haven't done any investigation before coming to

1 court today?

2 A. No, ma'am.

3 Q. Did you ever give her the name of any potential
4 witnesses?

5 A. I told her about my mother.

6 Q. How would you have used your mother as a witness?

7 A. My mother had video footage of me during some of these
8 attempted alleged robberies.

9 Q. So it would be an alibi defense?

10 A. Yes, ma'am.

11 Q. Did you give her any of these videos?

12 A. I don't have the video. The videos randomly
13 disappeared.

14 Q. And so you don't have those videos here today to show
15 the Court?

16 A. No, ma'am.

17 Q. So it's really just speculative whether these would have
18 provided an alibi?

19 A. Yes, ma'am.

20 Q. And you discussed your plea offer made by the State for
21 the negotiated 20 years with your attorney, correct?

22 A. Yes, but I told her I didn't want to plead, first and
23 foremost. That's something that I stressed that I did not
24 want to do, period, because I wasn't willing to accept all
25 these charges. That's where the Alford versus North Carolina

1 plea came into play, where it was made to me seem like it was
2 a not guilty plea but then a guilty plea. But in all
3 actuality the Alford versus North Carolina is just basically
4 saying you're not going to admit anything but you're
5 accepting guilt.

6 Q. But not all of your pleas were entered pursuant to
7 Alford, some of them were, correct?

8 A. Yes.

9 Q. But some weren't. You just plead guilty to some of
10 them, correct?

11 A. Yes.

12 Q. So you are guilty of those offenses that you plead
13 guilty to.

14 A. No. I wanted to plead Alford vs. North Carolina to all
15 of them. Mrs. Suggs told me I wouldn't be able to do that
16 because then the Judge wouldn't accept the plea.

17 Q. You were under oath during the guilty plea, correct?

18 A. Yes.

19 Q. And you told the Court you were guilty during your
20 guilty plea, correct?

21 A. Yes.

22 Q. And you're under oath today, correct?

23 A. Yes.

24 Q. And you're telling the Court today now that you're not
25 guilty of the offenses you plead guilty to.

1 A. I have one charge, that's what I was guilty of. Every
2 other charge I did not say I was involved in.

3 Q. So you are guilty of that one charge that wasn't
4 pursuant to Alford.

5 A. Allegedly.

6 Q. You plead guilty under oath, correct?

7 A. Yes.

8 Q. Okay. So were you lying to the Court then when you said
9 you were guilty, or are you lying to the Court now when you
10 say you are not guilty?

11 A. I ain't lying. I didn't lie then. I'm not lying now.

12 Q. How do you explain the inconsistency between pleading
13 guilty and now today telling the Court you're not guilty?

14 A. Pleading guilty, being told something by somebody who's
15 supposed to be in your best interest of a situation that you
16 really don't have any knowledge of or understanding of is
17 basically doing what you feel is best at the time, so it
18 wouldn't be an inconsistency or a lie if I tell my attorney I
19 don't want to plead from jump but they persistent enough to
20 get me to plea.

21 Q. Did you tell her you weren't guilty of the charge that
22 you plead guilty to?

23 A. Yes. I told her I didn't want to take any plea, period.

24 Q. Did she advise you to lie to the Court and say you were
25 guilty when you weren't?

1 A. No. She told me that I could plead under Alford versus
2 North Carolina.

3 Q. But you didn't plea pursuant to Alford v. North Carolina
4 to all of your charges, correct?

5 A. No, because she said the Judge wouldn't take my plea if
6 I did that.

7 Q. And you wanted the benefit of the State's plea bargain
8 correct?

9 A. It wasn't really a benefit.

10 Q. You wanted the 20 years negotiated concurrent to your 25
11 years in Charleston, correct?

12 A. No, I didn't want that.

13 Q. You didn't want to risk more time at trial, did you?

14 A. I would have rather gone to trial.

15 Q. And you testified a moment ago, I believe, that you do
16 recall telling the plea Court that you were guilty of that
17 one charge that wasn't pursuant to Alford?

18 A. I said allegedly.

19 Q. So you're disputing the transcript showing where you
20 plead guilty?

21 A. I'm not disputing the transcripts, but I'm telling you I
22 did what my attorney told me to do.

23 Q. So, again, your attorney told you to lie?

24 A. I never said that.

25 Q. Do you recall waiving your constitutional rights at your

1 guilty plea?

2 A. Yes, ma'am.

3 Q. Had your attorney advised you of your constitutional
4 rights prior to the guilty plea?

5 A. No.

6 Q. She never informed you you had a right to a trial?

7 A. That's about the only thing, but that's not the only
8 thing she should have informed me of.

9 Q. Did she advise you of your right to remain silent and
10 that you wouldn't have to testify at a trial?

11 A. No.

12 Q. Did she inform you that by pleading guilty you were
13 waiving any defenses you would have had if you'd proceeded to
14 trial?

15 A. No.

16 Q. Do you recall the Judge going over those with you during
17 your guilty plea?

18 A. Yes, ma'am.

19 Q. At any point during your guilty plea did you ask the
20 Court for more time to talk to your attorney to go over those
21 rights?

22 A. No.

23 Q. So did you understand those rights as the Judge read
24 them to you and explained them to you?

25 A. At the time.

1 Q. And you understand them now?

2 A. I understand them now.

3 Q. Do you recall telling Judge Cothran that you were
4 satisfied with your attorney's representation?

5 A. Yes, ma'am.

6 Q. But at that time she hadn't done this investigation,
7 correct?

8 A. Correct.

9 Q. She hadn't found the video of your alibi defense from
10 your mother, correct?

11 A. She didn't investigate anything.

12 Q. But you still at that time while under oath told Judge
13 Cothran you were satisfied with her representation, correct?

14 A. Yes.

15 Q. And you're aware that if you are successful on your
16 application for post conviction relief, all of the charges
17 you are facing in Dorchester County will come back, correct?

18 A. Yes.

19 Q. And you could receive consecutive sentences potentially.

20 A. Yes.

21 Q. Which could amount to a life sentence.

22 A. Yes.

23 MS. HARRIGAN: No further questions, Your Honor.

24 THE COURT: All right. Redirect?

25 MR. BROOKS: No, ma'am.

1 THE COURT: All right. Mr. Monroe, you can come right
2 on down back to the table with Mr. Brooks, okay? Mr.
3 Florencio will help you put your things back together so you
4 have your papers.

5 MR. BROOKS: Your Honor, we would call Michael DuPree.

6 MICHAEL DUPREE,
7 being first duly sworn, testified as follows:

8 THE COURT: When you are seated if you would state your
9 full name for the record.

10 THE WITNESS: Michael DuPree, D-U capital P-R-E-E.

11 THE COURT: Your witness, Mr. Brooks.

12 DIRECT EXAMINATION BY MR. BROOKS:

13 Q. Mr. DuPree?

14 A. Yes, sir.

15 Q. Do you know Mr. Monroe?

16 A. I do.

17 Q. How do you know him?

18 A. Mr. Monroe came to me sometime I guess back in June of
19 '08, and he and his family came to see me about some
20 accusations of some very serious crimes that he was looking
21 at, so I met with Mr. Monroe and all of his family members in
22 my office, and they proceeded to give me an alibi defense,
23 and at that time I went out and hired Lieutenant -- or
24 retired Lieutenant Dick Vance, who was with the Charleston
25 Police Department, and he went out and started looking

1 through the information that was provided, and when
2 Lieutenant Vance came back to me with his report, he said
3 there were problems with the alibi. So at that point I
4 brought -- I believe I brought the Monroe family back in, and
5 I told them about that, but in the meantime I went out and
6 called Captain Scott Deckard, who was in charge of central
7 over at North Charleston, and Captain Deckard told me to come
8 on by and take a look at some of the evidence. At that point
9 I went over and met with Captain Deckard, and he showed me a
10 video of one of the crimes, and in that video, after meeting
11 with Mr. Monroe and his family, I was able to actually
12 recognize Mr. Monroe in the video. I then went back to the
13 office, and I called Mr. Monroe, and I brought him back into
14 the office, along with his family members, and they came in
15 and they still continued to say that he didn't have anything
16 to do with it. At that point I brought him into my office,
17 just me and him, and I proceeded to talk to him some more
18 about what was going on and what I had seen and what we had
19 uncovered through our investigation. At that point no one
20 else had been arrested, and I knew that there were other
21 people involved in these crimes, and so I was a prosecutor
22 for 14 years prior to going into private practice, and
23 knowing how some of these things work and how -- being
24 involved in some of these things, I thought it was best that
25 we get to the police department first before anybody else was

1 arrested and anybody else was picked up so that we could sort
2 of be first to the table and provide our information in order
3 to get a better deal later on. We did a proffer statement
4 through the solicitor's office I believe Burns Wetmore may
5 have been the prosecutor handling the case at that time, and
6 Mr. Monroe gave a statement implicating himself and others as
7 to what took place in Charleston, and from there --

8 Q. Let me ask you this, you were present when that
9 statement --

10 A. I was present when he wrote that statement to North
11 Charleston.

12 Q. Okay.

13 A. From there I think we went and did a preliminary hearing
14 on the stuff in Charleston. All those charges were bound
15 over. At some point in time I spoke to a Sergeant Waits from
16 my notes I took in my file in Dorchester County, and a bond
17 of \$300,000 was set on the Dorchester County charges. I do
18 not recall, and I'm not saying it didn't happen, but I do not
19 recall ever speaking to Mr. Monroe about the Dorchester
20 County statement that he made. At that point -- at a certain
21 point in time I no longer was Mr. Monroe's attorney. I
22 believe they got Milton Stratos for the Charleston cases, and
23 at that point in time I was -- I was out of the case.

24 Q. Okay.

25 A. So I cannot tell you what occurred after, after what I

1 just told you, so as far as what happened in Dorchester
2 County.

3 Q. And you don't recall him calling you from the jail?

4 A. I do not recall. I know that I had a conversation with
5 the sergeant who was the detective leading the case, but that
6 was merely to talk about a bond, and a bond was set at,
7 according to my notes, \$300,000.

8 MR. BROOKS: All right. Beg the Court's indulgence.

9 THE COURT: Sure.

10 MR. BROOKS: No other questions.

11 THE COURT: Okay. Cross-examination.

12 CROSS-EXAMINATION BY MS. HARRIGAN:

13 Q. Mr. DuPree, how long have you been practicing law?

14 A. About 25 years now.

15 Q. What's your prior experience regarding criminal law?

16 A. I was a prosecutor for 14 years, and I guess I left the
17 solicitor's office in '03 and -- yes, I left the solicitor's
18 office in '03 and went into private practice.

19 Q. What percentage of your practice is comprised of
20 criminal defense at this point or at the time of
21 representation?

22 A. At the time probably 60 to 70 percent.

23 Q. And either as a prosecutor for 14 years or as a criminal
24 defense attorney had you previously represented clients
25 charged with armored robbery?

1 A. I have, I've prosecuted and -- yes, I've done it all.

2 Q. So these weren't new charges that you were inexperienced
3 to handle.

4 A. No.

5 Q. Do you recall when you were retained by Mr. DuPree?

6 A. By Mr. Monroe?

7 Q. I'm sorry, yes, by Mr. Monroe.

8 A. I do, yes.

9 Q. What was that date?

10 A. Bear with me. It was sometime around June 6th, I
11 believe, according to the contract that I have. And again, I
12 met with Mr. Monroe and his family on several occasions. You
13 know, he provided me an alibi that I had someone go look at.
14 I actually went and looked at all the evidence from the
15 Charleston case.

16 Q. During your representation were you aware that there
17 were also pending Dorchester County charges?

18 A. Yes, because everything kind of happened in North
19 Charleston, so it was all kind of -- all these charges all
20 accumulated within a short time period, and I think North
21 Charleston, a lot of these happened in the North Charleston
22 area, so it was kind of like right on the county line between
23 Dorchester County and Charleston County.

24 Q. And I believe you testified before you employed a
25 private investigator, correct?

1 A. I did.

2 Q. And he was a member of -- former member of the
3 Charleston County Police Department?

4 A. He was a retired lieutenant with the City of Charleston.

5 Q. What sort of investigation did he do?

6 A. Mr. Monroe told me that he had been -- that he had
7 purchased a car and that he'd gone down to Florida, and he
8 had purchased a car, but none of the times fit. The alibi
9 just didn't work. And so at that point I called Captain
10 Deckard, and he let me come over and look at the evidence.

11 Q. Did you have an opportunity to look at any of the
12 evidence from the Dorchester County charges?

13 A. You know, at the time I looked at everything that he
14 had. I distinctly remember a videotape, and from my meetings
15 with Mr. Monroe I was able to spot and tell which one he was.

16 Q. And you -- did Mr. Monroe have an opportunity to look at
17 this videotape while you were his counsel?

18 A. You know, I don't know.

19 Q. Do you recall when you ceased being his counsel, when
20 you stopped representing him?

21 A. It would have been sometime in the winter of '08,
22 sometime around -- sometime November, December.

23 Q. And I believe you testified prior that you were present
24 when he gave a statement to the North Charleston Police
25 Department?

1 A. Yes, I was present for that.

2 Q. Can you give the Court a summary of what that statement
3 said?

4 A. It was actually implicating himself and the others who
5 were involved with the charges and the amounts of money that
6 was taken and what all took place.

7 Q. And in one of these incidents arising out of Charleston
8 County there was also an allegation of criminal sexual
9 conduct, correct?

10 A. That is correct.

11 MS. HARRIGAN: Court's indulgence.

12 (Brief pause.)

13 Q. And again, you don't recall him ever calling you from
14 the jail inquiring about statements for the Dorchester County
15 charges?

16 A. I do not recall that.

17 THE COURT: Say that again, I'm sorry, ask that question
18 again.

19 MS. HARRIGAN: Whether or not you recall him calling you
20 regarding the Dorchester County charges.

21 THE COURT: Okay.

22 THE WITNESS: I said I do not recall.

23 Q. I believe your testimony prior was that it was in his
24 best interest to get to the police and make a statement
25 before his codefendants, correct?

1 A. Exactly, because if this went to trial, this was going
2 to be bad for him, and my whole interest at that point was in
3 Mr. Monroe, because he was so young and these were such
4 horrible crimes, it was I thought in his best interest to get
5 him to the police first, if any deals were going to be made,
6 they were going to be made with him and not the other
7 codefendants, so at that point in time that's what we -- that
8 was the main purpose of him sitting down with the police
9 department.

10 Q. And he had two codefendants at that time, correct?

11 A. He did.

12 Q. And he gave a full proffer statement to the 9th Circuit
13 Solicitor's Office, correct?

14 A. He gave a proffer -- yes, I got a proffer from the --
15 from Burns Wetmore, who was prosecuting the case at the time,
16 and then we gave a statement.

17 Q. Did you explain to your client the risk of his -- one of
18 his two other codefendants possibly giving a statement
19 incriminating him?

20 A. Oh, yes. I mean, that was discussed because if they
21 came out and started pointing the finger at him, you know, he
22 basically had nothing to bring to the table at that time.

23 Q. You discussed that you reviewed all the evidence that
24 the North Charleston Police Department had. Will you briefly
25 characterize this evidence for the Court?

1 A. If my memory serves me correct, I know that there was a
2 videotape. I distinctly remember the videotape because the
3 videotape was -- just stood out. And there was some other
4 evidence that they had. I think there was some talk of some
5 clothing. I almost believe there was another female roommate
6 who was possibly dating one of the codefendants who had given
7 a statement talking about seeing, you know, these other
8 people with guns and that kind of thing.

9 Q. And again, your representation of him ceased in the
10 winter of 2008?

11 A. Yes.

12 MS. HARRIGAN: No further questions, Your Honor.

13 THE COURT: Redirect? Any redirect, Mr. Brooks?

14 (Attorney and client confer.)

15 MR. BROOKS: No other questions, Judge. I'd ask that
16 Mr. DuPree be excused.

17 THE COURT: Any objection?

18 MS. HARRIGAN: No, Your Honor.

19 THE COURT: Very well. You are free to go.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: Uh-huh. Call your next witness, please.

22 MR. BROOKS: We call Ms. Suggs to the stand.

23 MICHELLE SUGGS,

24 being first duly sworn, testified as follows:

25 THE COURT: And if you'll please be seated, Ms. Suggs,

1 and when you are seated if you would state your full name for
2 the record.

3 THE WITNESS: Michelle Ranee Suggs.

4 THE COURT: Your witness.

5 DIRECT EXAMINATION BY MR. BROOKS:

6 Q. Ms. Suggs, you represented Mr. Monroe in your capacity
7 as a public defender?

8 A. That's correct.

9 Q. And he ended up pleading guilty to these charges, is
10 that correct, one of them which was under North Carolina
11 versus Alford; is that correct?

12 A. He actually pled to six charges on November 14th, 2011
13 in Dorchester County, two of which he plead guilty to. He
14 plead guilty to assault and battery of a high and aggravated
15 nature and a kidnapping, he plead guilty. He pled under
16 North Carolina versus Alford to armed robbery -- two counts
17 of armed robbery and two counts of kidnapping.

18 Q. Did you, as far as the evidence against him, there was a
19 statement; is that correct?

20 A. There were two statements, yes.

21 Q. There were two statements?

22 A. Yes.

23 Q. And did you ever consider trying to have those
24 statements suppressed?

25 A. I discussed having those statements suppressed with

1 Mr. Monroe when I visited him at McCormick Correctional
2 Institute and told him that it was my opinion that they would
3 not -- we would not be able to suppress them if we ever went
4 to trial.

5 Q. And why did you have that opinion?

6 A. The first statement that he gave to North Charleston
7 Police Department he signed a waiver of rights form. He
8 struck me as an intelligent individual. I went over the
9 statement that he gave. His attorney at the time, Michael
10 DuPree, was present with him. At that point he admitted
11 fully to the entire set of incidents at the Chuck E. Cheese,
12 both the robbery and the kidnapping.

13 Q. And that was a Dorchester County case?

14 A. Chuck E. Cheese was actually both. The restaurant
15 itself was in Charleston County, and so when he pled in
16 Charleston County, the stuff that happened at the restaurant,
17 the armed robbery, that fell under Charleston County
18 jurisdiction. That was an unusual incident where they
19 actually were accused of following the employee to Dorchester
20 County, abducting him from his car and kidnapping him, so the
21 kidnapping actually happened in Dorchester County, the
22 kidnapping and the assault and battery of a high and
23 aggravated nature against the victim were Dorchester County
24 charges. They then took him back to Chuck E. Cheese, which
25 was the Charleston County charge.

1 Q. Okay.

2 A. Does that answer your question?

3 Q. Yes. Now, the second statement.

4 A. To Summerville Police Department.

5 Q. Yes. Why did you -- did you consider having that
6 suppressed?

7 A. He also signed an advisement of rights, initialed it,
8 signed away all of his rights, was advised that he had the
9 right to an attorney, the right to remain silent. I asked
10 him if it was his signature. He said it was. At that time
11 in my discussions with him he never indicated to me that it
12 wasn't knowing or voluntary. We discussed the evidence in
13 his case. He told me that, you know, there was no forensic
14 evidence, there were no fingerprints, there was no DNA. And
15 I told him, there are two statements incriminating you and
16 they're your statements and I have no legal reason to think
17 they would be suppressed, and at that point he never
18 indicated to me that they were not knowing or voluntary
19 statements.

20 Q. Now, the first statement that was made with Michael
21 DuPree, that statement, did that statement implicate him as
22 far as going from Charleston County where Chuck E. Cheese is
23 and coming to Dorchester County and kidnapping the employee?

24 A. Yes.

25 Q. So it was your opinion that that statement could have

1 been used in the Dorchester County cases?

2 A. Yes, absolutely, absolutely.

3 Q. Okay.

4 A. Both statements implicated him completely in the entire
5 Chuck E. Cheese incident which happened in both Dorchester
6 and Charleston County.

7 Q. Okay. All right.

8 A. And when I spoke to him, I told him -- you know, he told
9 me that I didn't do these other charges, I only did the Chuck
10 E. Cheese charge, and I told him at that point that under his
11 admission to the Chuck E. Cheese charges, that kidnapping
12 alone if he went to trial would get him life without parole
13 because he already had two prior kidnappings on his record
14 from the Charleston -- he already pled to Charleston, was
15 doing time for the Charleston kidnappings -- if he came to
16 Dorchester County and went to trial just on what he had
17 already admitted to, it was a mandatory life sentence.

18 Q. So now the other set of charges, is that where the deal
19 was fashioned to negotiate a 20, was that -- would you
20 consider that as something where prosecutors say, hey, look
21 we'll just wrap everything up, do a negotiated plea to 20
22 concurrent with the 25 you're serving in Charleston?

23 A. Yes. That was a condition of the Alford plea, that they
24 were dismissing -- they ended up dismissing ten charges
25 against him. They dismissed three kidnappings, two armed

1 robberies, two burglaries and three possession of a weapon
2 during a violent crime charges, and we negotiated 20 years to
3 run concurrent with the 25 years that he was already doing
4 and that he would actually get credit all the way back to
5 June 6, 2008, which was when he was originally arrested on
6 the Charleston County charges.

7 Q. Okay. Did you ever talk to him about possibility of
8 going to trial other than what you've testified to here
9 already?

10 A. Absolutely. I took this case -- I started with the
11 Dorchester County Public Defender's Office on October 1st,
12 2011. I inherited this case from a gentleman by the name of
13 Scott Bischoff. That was the original public defender
14 appointed. He had left the office, and I took Scott
15 Bischoff's position. I started October 1st, 2011. My notes
16 from Mr. Bischoff were that he had spoken to Mr. Monroe, that
17 Mr. Monroe was doing 25 years on some Charleston County
18 charges, that Mr. Monroe advised him he wanted to plead
19 guilty when he spoke to him at McCormick Correctional
20 Institute but that he then sent a letter saying he didn't
21 want to plead guilty, and that was kind of the status of the
22 case when I inherited it. On November 1st, 2011 I went to
23 McCormick Correctional Institute, met with Mr. Monroe, he
24 told me he wanted a trial, and so we sat and discussed
25 exactly what I've testified to today. I thought that he

1 would end up, just based on what he confessed to, with life
2 without parole. We talked about pleading guilty. We talked
3 about going to trial. We went over his statements and his
4 discovery. At the end of our discussion he said, you're
5 right, I need to plead guilty. I came back to Dorchester
6 County, called the solicitor and said we accept your plea
7 offer. The plea was scheduled for November 14th, and he came
8 and plead guilty on November 14th, 13 days after I met him in
9 McCormick Correctional Institute.

10 MR. BROOKS: Beg the Court's indulgence, Your Honor.

11 THE COURT: All right.

12 MR. BROOKS: No other questions of Ms. Suggs.

13 THE COURT: Okay. Yes.

14 MS. HARRIGAN: No cross-examination from the State.

15 THE COURT: All right. Is this witness free to leave?

16 MS. HARRIGAN: Yes, Your Honor.

17 THE COURT: Any objection?

18 MR. BROOKS: No, ma'am.

19 THE COURT: Thank you. All right. Call your next
20 witness, please.

21 MR. BROOKS: Judge, that's the applicant's case.

22 THE COURT: Very well.

23 MS. HARRIGAN: The State does not have any additional
24 witnesses to call.

25 THE COURT: Very well. All right. Anything further

1 from either one of you?

2 MR. BROOKS: No, ma'am.

3 MS. HARRIGAN: No, Your Honor.

4 THE COURT: Very well. I will continue to consider the
5 matter. I'm going to ask for a proposed order from the State
6 and want you certainly to send it to Mr. Brooks, but I will
7 certainly continue in my review of these matters.

8 MR. BROOKS: Thank you, ma'am.

9 THE COURT: Thank you so much.

10 MS. HARRIGAN: Thank you, Your Honor.

11 --- END OF TRANSCRIPT OF RECORD ---

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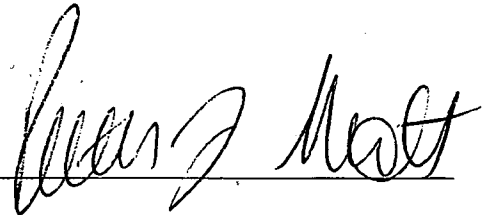
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1 CERTIFICATE OF REPORTER
2 STATE OF SOUTH CAROLINA
3 COUNTY OF DORCHESTER

4
5 I, the undersigned Ruth L. Mott, Official Court Reporter
6 for the State of South Carolina, do hereby certify that the
7 foregoing is a true, accurate and complete transcript of
8 record of all the proceedings had and evidence introduced in
9 the trial of the captioned case, relative to appeal, in the
10 First Judicial Circuit Court for Dorchester County, South
11 Carolina, on the 1st of November, 2013.

12 I further certify that I am neither related to nor
13 counsel for any party to the cause pending or interested in
14 the events thereof.

15 March 19, 2014

16
17
18 

19 Ruth L. Mott, RPR, CRR

20 Official Court Reporter
21
22
23
24
25

STATE OF SOUTH CAROLINA)
 COUNTY OF DORCHESTER)
)
 Joshua Monroe, #344735,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2012-CP-18-2306

ORDER OF DISMISSAL

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 Clerk of Court
 DORCHESTER COUNTY

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for post-conviction relief filed October 10, 2012. Respondent made its Return on March 13, 2013, requesting an evidentiary hearing be held. Thereafter, Applicant amended his application on October 15, 2013. An evidentiary hearing was convened on November 1, 2013 at the Dorchester County Courthouse. Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. Respondent was represented by Assistant Attorney General Megan E. Harrigan of the South Carolina Attorney General's Office.

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dorchester County Clerk of Court¹. Applicant was indicted during the September 2008 term of the Dorchester County Grand Jury two counts of Armed Robbery (2008-GS-18-1090, -1100), three counts of Kidnapping (2008-GS-18-1092, -1099, -1104), and Assault and Battery of a High and

¹ Applicant is currently serving a concurrent sentence for the following charges from Charleston County: three counts of Kidnapping (2008-GS-10-8123, -8145, 8111), for which he received a sentence of twenty-five years imprisonment on each count; two counts of Armed Robbery (2008-GS-10-8149, -8120), for which he received a sentence of twenty five years imprisonment for each count; Attempted Armed Robbery (2008-GS-10-8109), for which he received a sentence of twenty years imprisonment; and Criminal Sexual Conduct in the First Degree (2008-GS-10-8143), for which he received a sentence of twenty-five years imprisonment, with all sentences to be served concurrently.

Aggravated Nature (2008-GS-18-1102). Applicant was represented by Michelle Suggs, Esquire. On November 14, 2011, Applicant appeared before the Honorable R. Ferrell Cothran, Jr., where he pled guilty as indicted.² Judge Cothran sentenced Applicant at an aggregate twenty-five year sentence to be served concurrently to his current SCDC sentence. No direct appeal was taken.

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following allegations of ineffective assistance of counsel and involuntary guilty plea based on counsel's failure to investigate or properly inform him of the matters surrounding his case. In his amended application, Applicant alleged similar grounds for relief.

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 (1985).

In a post-conviction relief action, an applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant 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 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel

² Applicant pled guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), for all counts but one count of kidnapping.

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. 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. 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 (1985).

"A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial." Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011), citing Rolen v. State, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009).

After careful review based on the standard discussed above, this Court finds that Applicant has failed to carry his burden in this action. Specifically, this Court finds that Counsel's testimony is very credible while Applicant's testimony is not credible. In support of his allegations, Applicant testified that Counsel was ineffective because she "should have put

more effort into his case.” He elaborated that Counsel should have contacted his mother, who could have provided an alibi for him, and that Counsel should have investigated whether video surveillance from the armed robberies existed. Applicant did not present any witnesses or evidence at the evidentiary hearing and was not able to articulate what benefit, if any, could have been realized from additional investigation. He acknowledged that Counsel met with him twice before his guilty plea, reviewed all discovery materials with him, discussed possible defenses with him, and answered his questions. He testified that she reviewed the maximum and minimum sentences with him and presented him with the State’s plea offer for an aggregate sentence of twenty-five years to be served concurrently to his current SCDC sentence of the same length. He testified that it was his decision to plead guilty and he pled guilty because he wanted to take advantage of the State’s favorable plea offer that would not require him to serve any additional time beyond his current SCDC sentence.

Counsel testified that she met with Applicant twice before his guilty plea, with each meeting lasting several hours. She testified that she reviewed Applicant’s discovery with him thoroughly during these meetings, including two statements Applicant gave law enforcement implicating himself in the crimes. She elaborated that the Dorchester County and Charleston County charges all stemmed from a string of Armed Robbery in the North Charleston area, spanning both counties, in which Applicant and his co-defendants all participated. She testified that at the time she was appointed, Applicant was incarcerated within SCDC serving a twenty-five year sentence from a guilty plea Applicant had already entered to the Charleston County charges. She testified that the State made Applicant a plea offer for an aggregate sentence of twenty-five years to be served concurrently to his current SCDC sentence. She testified that the plea offer was also for the dismissal of ten related charges. She testified that she fully advised

Applicant of his rights, including his right to trial. She testified that following their discussions, Applicant elected to take advantage of the states extremely favorable plea offer rather than risk a potential life sentence if convicted at trial, which was extremely likely.

This Court finds that Applicant has failed carry his burden of establishing that Counsel was ineffective for failure to investigate. Applicant failed to present any evidence or testimony to this Court as to what possible benefit could have been derived from additional investigation. "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998). The record from Applicant's guilty plea and the testimony presented at the evidentiary hearing all reveal that Counsel's performance was reasonable and prudent based on the circumstances of Applicant's case. Therefore, this allegation must be denied and dismissed with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that 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.

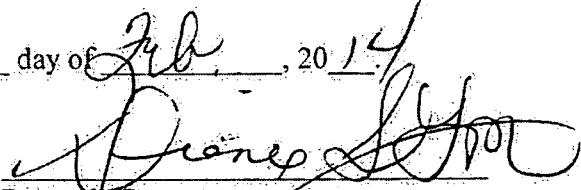
This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of 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 the Applicant's

behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That this application for post-conviction relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to and remain in the custody of the State

AND IT IS SO ORDERED this 2 day of Feb., 2014


DIANE S. GOODSTEIN
Presiding Judge
First Judicial Circuit


Sumner, South Carolina

WITNESSES

Dicenzo, Tamara

NCPD

Agency Case #: 2008-021228

ARREST WARRANT NUMBER

1102114

Arrested: Jun 11, 2008

ACTION OF GRAND JURY

TRUE BILL

DATE 9/4/08

Kara Mase

Foreperson of Grand Jury

Date: September 04, 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008GS18-1090

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 08, 2008 TERM

THE STATE

vs.

Joshua Andrew Monroe

Indictment for

ARMED ROBBERY

SC Code: 16-11-330

Class: FEL-A

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

Defendant

Witness:

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

WITNESSES

Dicenzo, Tamara

NCPD

Agency Case #: 2008-021228

ARREST WARRANT NUMBER

H02111

Arrested: Jun 11, 2008

ACTION OF GRAND JURY

TRUE BILL

DATE

9/4/08
[Signature]

Foreperson of Grand Jury
Date: September 04, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS18-1092

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 08, 2008 TERM

**THE STATE
vs.**

Joshua Andrew Monroe

**Indictment for
KIDNAPPING**

**SC Code: 16-03-010
Class: FEL-A**

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

Defendant

Witness:

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

[Faint vertical text and markings]

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

INDICTMENT
2008GS18-1092

At a Court of General Sessions, convened on September 08, 2008 the Grand
Jurors of Dorchester County present upon their oath:

KIDNAPPING

The defendant, Joshua Andrew Monroe, did in Dorchester County on or about May 14, 2008, willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away one Timothy Rabang, without authority of law. This offense being a violation of Section 16-3-910 of the South Carolina Code of Laws, as amended.

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



Russell Hilton, Solicitor

WITNESSES

Patrick, Det.

NCPD

Agency Case #: 2008-020610

ARREST WARRANT NUMBER

1182145

Arrested: Jun 11, 2008

ACTION OF GRAND JURY

ROE BILL

DATE 9/4/08

Keith Martin

Foreperson of Grand Jury
Date: September 04, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS18-1099

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 08, 2008 TERM

THE STATE
vs.

Joshua Andrew Monroe

Indictment for

KIDNAPPING

SC Code: 16-03-910
Class: FEL-A

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

Defendant

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

Defendant

Witness:

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

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STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

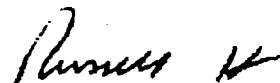
INDICTMENT
2008GS18-1099

At a Court of General Sessions, convened on September 08, 2008 the Grand Jurors of Dorchester County present upon their oath:

KIDNAPPING

The defendant, Joshua Andrew Monroe, did in Dorchester County on or about May 10, 2008, willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away one Ferdinand Lopez, without authority of law. This offense being a violation of Section 16-3-910 of the South Carolina Code of Laws, as amended.

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



Russell Hilton, Solicitor

WITNESSES

Patrick, Det.

NCPD

Agency Case #: 2008-020810

ARREST WARRANT NUMBER

H02150

Arrested: Jun 11, 2008

ACTION OF GRAND JURY

JUE BILL

9/4/08

[Signature]

Foreperson of Grand Jury
Date: September 04, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS18-1100

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 08, 2008 TERM

THE STATE

vs.

Joshua Andrew Monroe

Indictment for

ARMED ROBBERY

SC Code: 16-11-330
Class: FEL-A

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

Defendant

Witness:

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

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CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

INDICTMENT
2008GS18-1100

At a Court of General Sessions, convened on September 08, 2008 the Grand Jurors of Dorchester County present upon their oath:

ARMED ROBBERY

The defendant, Joshua Andrew Monroe, did in Dorchester County on or about May 10, 2008, feloniously take from the person or presence of the victim, Ferdinand Lopez, by means of force or intimidation and while armed with a deadly weapon being a handgun and a stun gun or while alleging, either by action or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, goods or monies of the said victim, being described as personal goods and US Currency. This offense being a violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

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



Russell Hilton, Solicitor

WITNESSES

Williams, C.

SPD

Agency Case #: 08-051921

ARREST WARRANT NUMBER

J092906

Arrested: Jun 09, 2008

ACTION OF GRAND JURY

TRUE BILL

DATE

9/4/08

Salacy Mark

Foreperson of Grand Jury
Date: September 04, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS18-1102

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 08, 2008 TERM

**THE STATE
vs.**

Joshua Andrew Monroe

Indictment for

**ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE**

SC Code: 17-25-30 C/L
Class: MIS-U

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

Defendant

Witness:

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

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CLERK OF COURT
COURT HOUSE
COLUMBIA, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

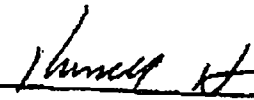
INDICTMENT
2008GS18-1102

At a Court of General Sessions, convened on September 08, 2008 the Grand Jurors of Dorchester County present upon their oath:

ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

The defendant, Joshua Andrew Monroe, did in Dorchester County on or about June 2, 2008, commit an assault and battery upon the victim, Galsom Ahlstrom constituting an unlawful act of violent injury to the person of the said victim, accompanied by circumstances of aggravation described as striking the victim in the head with a gun. This offense in violation of the Common Law of this State.

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



Russell Hilton, Solicitor

WITNESSES

Williams, C.

SPD

Agency Case #: 08-051921

ARREST WARRANT NUMBER

J082908

Arrested: Jun 09, 2008

ACTION OF GRAND JURY

TRUE BILL

DATE 9/4/08

David Mott

Foreperson of Grand Jury
Date: September 04, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS18-1104

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 08, 2008 TERM

THE STATE

vs.

Joshua Andrew Monroe

Indictment for

KIDNAPPING

SC Code: 18-03-810
Class: FEL-A

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

Defendant

Witness:

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

CLERK OF COURT
DORCHESTER COUNTY
SEP 08 2008

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

INDICTMENT
2008GS18-1104

At a Court of General Sessions, convened on September 08, 2008 the Grand Jurors of Dorchester County present upon their oath:

KIDNAPPING

The defendant, Joshua Andrew Monroe, did in Dorchester County on or about June 2, 2008, willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away one Graison Ahlstrom, without authority of law. This offense being a violation of Section 16-3-910 of the South Carolina Code of Laws, as amended.

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



Russell Hilton, Solicitor