

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

Appeal from Greenville County

JUL 23 2014

Robin B. Stilwell, Circuit Court Judge **S.C. Supreme Court**

CHRISTOPHER BERNARD ANDERSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002409

APPENDIX

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Deputy Chief Appellate Defender

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	
COUNTY OF GREENVILLE)	TRANSCRIPT OF RECORD
)	
State of South Carolina,)	
)	
Plaintiff,)	Case No(s) : 2010GS2300713,
)	2010GS2300714,
-VS-)	2010GS2300715
)	
Christopher Anderson,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	
)	
Plaintiff,)	Case No(s) : 2011GS2304503
)	
-VS-)	
)	
Travis Adams,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	
)	
Plaintiff,)	Case No(s) : 2011GS2302063
)	
-VS-)	
)	
Michelle Mobley,)	
)	
Defendant.)	
<hr/>		
State of South Carolina,)	
)	
Plaintiff,)	Case No(s) : 2011GS2300732,
)	2011GS2302850,
-VS-)	2010GS2309102
)	
James Childs,)	
)	
Defendant.)	
<hr/>		

June 16, 2011
Greenville, South Carolina

2
B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

JOYCE MONTS, Esquire
Assistant Attorney

CHARLES SCHULTZ, Esquire
Attorney for Defendant Anderson

LARRY COOKE, Esquire
Attorney for Defendant Adams

THOMAS HOSKINSON, Esquire
Attorney for Defendant Mobley

BRIAN SMITH, Esquire
Attorney for Defendant Childs

Teresa B. Johnson
Circuit Court Reporter

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 16th day of June, 2011 at approximately 12:00 p.m.)

THE CLERK: Your Honor, this is case number 2010-GS-23-713, Christopher Bernard Anderson, indictment for Manufacturing Cocaine Base. Pleading to the same. It is a true bill. Manufacturing Crack Cocaine second offense, Your Honor. And it is a true bill. 2010-GS-23-714, indictment for Possession of Cocaine base with Intent to Distribute. Pleading to Possession with Intent to Distribute Cocaine base second offense. It is a true bill. 2010-GS-23-715, indictment for Trafficking Cocaine. Pleading to the same. It is a true bill.

2011-GS-23-4503, Travis Shane Adams, indictment for Possession of Methamphetamine. Pleading to the same, Your Honor. It is a waiver.

2011-GS-23-2063, Michelle N. Mobley, indictment for Financial Transaction Card Fraud. Pleading to the same. It is a waiver and there is an order of restitution.

2011-GS-23-732, James Ray Child -- Childs, indictment for Manufacturing Methamphetamine. Pleading to the same. It is a waiver. 2011-GS-23-

1 2850, indictment for Possessing or Receiving Stolen
2 Goods. Pleading to the same. It is a waiver.
3 2010-GS-23-9102, indictment for Domestic Violence
4 of a High and Aggravated Nature. Pleading to
5 Criminal Domestic Violence first. It is a waiver.
6 **(WHEREUPON, each defendant is first duly sworn.)**

7 **THE COURT:** All right. Mr. Anderson, you are
8 pleading to Manufacturing Crack, uh, second offense
9 -- looks like that carries 5 to 30 years --
10 Trafficking Cocaine, which is not suspendable, 5 to
11 30 years, and Possession with Intent to Distribute
12 Crack second offense which carries 5 to 30 years.
13 Is that your understanding?

14 **MR. ANDERSON:** Yes, ma'am.

15 **THE COURT:** Mr. Adams, you are pleading to
16 Possession of Methamphetamine. That carries up to
17 three years. Is that your understanding?

18 **MR. ADAMS:** Yes, ma'am.

19 **THE COURT:** Okay. Ms. Mobley, you are
20 pleading to Financial Transaction Card Fraud. That
21 carries up to five years. Is that your
22 understanding?

23 **MS. MOBLEY:** Yes, ma'am.

24 **THE COURT:** Mr. Childs, you are pleading to
25 Criminal Domestic Violence first offense which

1 carries up to 30 days, uh, I guess Possessing or
2 Receiving Stolen Goods which carries up to five
3 years and Manufacturing Methamphetamine which
4 carries up to 15 years. Is that your
5 understanding?

6 MR. CHILDS: Yes, ma'am.

7 THE COURT: All right. Have you discussed
8 these charges with your lawyer, Mr. Anderson?

9 MR. ANDERSON: Yes, ma'am.

10 THE COURT: Mr. Adams?

11 MR. ADAMS: Yes, ma'am.

12 THE COURT: Ms. Mobley?

13 MS. MOBLEY: Yes, ma'am.

14 THE COURT: Mr. Childs?

15 MR. CHILDS: Yes, ma'am.

16 THE COURT: You happy with what your
17 lawyer's done for you, Mr. Anderson?

18 MR. ANDERSON: Yes, ma'am.

19 THE COURT: Mr. Adams?

20 MR. ADAMS: Yes, ma'am.

21 THE COURT: Ms. Mobley?

22 MS. MOBLEY: Yes, ma'am.

23 THE COURT: Mr. Childs?

24 MR. CHILDS: Yes, ma'am.

25 THE COURT: Uh, do you have any complaint to

1 make against law enforcement, the Solicitor's
2 office or your attorney whatsoever, Mr. Anderson?

3 **MR. ANDERSON:** No, ma'am.

4 **THE COURT:** Mr. Adams?

5 **MR. ADAMS:** No, ma'am.

6 **THE COURT:** Ms. Mobley?

7 **MS. MOBLEY:** No, ma'am.

8 **THE COURT:** Mr. Childs?

9 **MR. CHILDS:** No, ma'am.

10 **THE COURT:** Has anyone forced you or
11 threatened you or done anything like that to get
12 you to plead guilty here today, Mr. Anderson?

13 **MR. ANDERSON:** No, ma'am.

14 **THE COURT:** Mr. Adams?

15 **MR. ADAMS:** No, ma'am.

16 **THE COURT:** Ms. Mobley?

17 **MS. MOBLEY:** No, ma'am.

18 **THE COURT:** Mr. Childs?

19 **MR. CHILDS:** No, ma'am.

20 **THE COURT:** Has anybody promised you
21 anything to get you to plead guilty, Mr. Anderson?

22 **MR. ANDERSON:** No, ma'am.

23 **THE COURT:** Mr. Adams?

24 **MR. ADAMS:** No, ma'am.

25 **THE COURT:** Ms. Mobley?

Guilty Plea

7

1 MS. MOBLEY: No, ma'am.

2 THE COURT: Mr. Childs?

3 MR. CHILDS: No, ma'am.

4 THE COURT: How old are you and how far did
5 you go in school, Mr. Anderson?

6 MR. ANDERSON: 35, 9th grade.

7 THE COURT: Mr. Adams?

8 MR. ADAMS: 25, 11th grade.

9 THE COURT: Ms. Mobley?

10 MS. MOBLEY: 34, some college.

11 THE COURT: And Mr. Childs?

12 MR. CHILDS: 30-- I'm sorry. 37, two years
13 of college.

14 THE COURT: Okay. Uh, when you plead
15 guilty, you give up certain constitutional rights.
16 One is your right to remain silent about these
17 charges. Do you understand that, Mr. Adams --
18 Anderson?

19 MR. ANDERSON: Yes, ma'am.

20 THE COURT: Mr. Adams?

21 MR. ADAMS: Yes, ma'am.

22 THE COURT: Ms. Mobley?

23 MS. MOBLEY: Yes, ma'am.

24 THE COURT: Mr. Childs?

25 MR. CHILDS: Yes, ma'am.

1 **THE COURT:** You also give up your right to a
2 jury trial. At that trial, your attorney can call
3 witnesses on your behalf and cross-examine
4 witnesses against you. When you plead guilty, you
5 give up that right to a jury trial on these
6 charges. You understand that, Mr. Anderson?

7 **MR. ANDERSON:** Yes, ma'am.

8 **THE COURT:** Mr. Adams?

9 **MR. ADAMS:** Yes, ma'am.

10 **THE COURT:** Ms. Mobley?

11 **MS. MOBLEY:** Yes, ma'am.

12 **THE COURT:** And Mr. Childs?

13 **MR. CHILDS:** Yes, ma'am.

14 **THE COURT:** Additionally, Mr. Adams, Ms.
15 Mobley and Mr. Childs, you have charges that have
16 not been presented to the Greenville County Grand
17 Jury. You have a right to have those charges
18 presented to the Grand Jury. You want to waive
19 that right and go forward and plead guilty today,
20 Mr. Adams?

21 **MR. ADAMS:** No, ma'am.

22 **THE COURT:** Okay. Let's talk about that a
23 little bit. I can't take your plea unless you
24 waive your right to have that case go to the Grand
25 Jury. If -- now, if you want to waive that right,

1 then I can take your plea today. But I can't
2 unless you waive it. So do you waive that right?

3 **MR. ADAMS:** Yes, ma'am.

4 **THE COURT:** You think you understand what I
5 was asking?

6 **MR. ADAMS:** Yes, ma'am.

7 **THE COURT:** I might have asked it in a bad
8 way. I apologize.

9 Ms. Mobley, do you waive your right to ---

10 **MS. MOBLEY:** Yes, ma'am.

11 **THE COURT:** --- have your charges presented
12 to Grand Jury?

13 And Mr. Childs?

14 **MR. CHILDS:** Yes, ma'am.

15 **THE COURT:** All right. You have ten days
16 from today's date to appeal this plea if you so
17 choose, but you must do so in writing to this
18 court.

19 Yes, ma'am.

20 **MRS. MONTS:** Your Honor. May it please the
21 Court. Regarding, uh, Mr. Anderson, uh, he was
22 previously represented by Timothy Sullivan. Mr.
23 Schultz was just hired this week. This case was
24 going on the trial docket, but Mr. Schultz asked
25 for the previous reduction which was from a third

1 offense to a second offense to, uh, be continued
2 through this week, which we have done. So these
3 charges have been reduced from third offenses which
4 is a mandatory 25-year sentence to a second
5 offense. And law enforcement does have some input
6 I can give at the end.

7 Regarding the facts, this occurred on or about
8 August 21st of 2009. Deputies with the Greenville
9 County Sheriff's Office responded to 24 First
10 Street in Greenville county regarding a
11 prostitution investigation. One person was
12 handcuffed on the porch. Officers did a protective
13 sweep. As the door was opened, the defendant was
14 at the kitchen table with a pile of white powder,
15 scales, baking soda, Pyrex dishes. And one of the
16 Pyrex dishes did have finished product on it.

17 A search warrant was obtained. Officers did
18 collect all the items. They -- this did include
19 \$1,209 which was on the defendant, 9.69 grams of
20 crack cocaine was in the kitchen where the
21 defendant had been, also 7.78 grams of cocaine and
22 13.34 grams of cocaine in the kitchen apparently
23 about to be cooked into crack cocaine or cocaine
24 base, also .62 grams was also found. The total
25 weight of the crack was 9.69 grams. The total

1 weight of the cocaine was 27.32 grams. The
2 defendant does have prior records including at
3 least two prior drug offenses.

4 **THE COURT:** All right. I'll hear his
5 record.

6 **MRS. MONTS:** Your Honor, 1994, Possession of
7 Marijuana and Possession with Intent to Distribute
8 Crack Cocaine; 1995, Interference with Officers and
9 Resisting Arrest; 1998, Possession of Marijuana and
10 Resisting Arrest; 1999, False Information to
11 Police, Possession of Marijuana and Receiving
12 Stolen Goods; 2000, Loitering to Engage in Drug
13 Activity and Unlawful Occupancy of a Dwelling;
14 2002, Possession with Intent to Distribute Crack
15 Cocaine, which he received a 15-year sentence and
16 Possession of an Unlawful Weapon. And law
17 enforcement does have input at the appropriate
18 time.

19 **THE COURT:** All right.

20 **MRS. MONTS:** Your Honor, they are asking for
21 substantial jail time. They understand I'm
22 reducing it off the 25. But they did still want me
23 to ask for substantial jail time.

24 **THE COURT:** All right.

25 **PROBATION AGENT:** Just for the Court's

1 information, he is on parole on that 15-year
2 sentence. He came out in March of '07. It's due
3 to expire next week, June the 19th of 2011. Of
4 course, if they did violate, that would be handled
5 by the parole board.

6 **THE COURT:** Sure. Thank you.

7 Mr. Schultz.

8 **MR. SCHULTZ:** Thank you, Your Honor. May it
9 please the Court. Mr. Anderson is 35 years old.
10 He has a 9th grade education. He actually
11 completed and does have a GED. He has three
12 children, ages 2, 3, and 17. Two children,
13 actually three children that actually live with him
14 right now.

15 His fiancé is in the court. She would like to
16 be addressed at the appropriate time. But I just
17 wanted to let the Court be aware that he does have
18 some family members that would like to address the
19 Court at the appropriate time.

20 **THE COURT:** All right. I'll probably hear
21 from Mr. Anderson, but I don't know about the
22 family members. Go ahead.

23 **MR. SCHULTZ:** Okay. I know the family will
24 be very short with what they're going to say, Your
25 Honor. As far as his work history, he worked for

1 Brockman Electrical. He's a super -- he was the
2 supervisor there. He's a very intelligent man.
3 And Your Honor, I believe that if he wouldn't be
4 doing these types of elicit activities, I believe
5 that he would be a very successful professional or
6 engineer or something like that.

7 He's always asked very perceptive questions of
8 myself. And he understands a lot about the case.
9 Him and I have gone through a bunch of legal
10 defenses as far as the case goes. I believe there
11 are some good defenses for his case as far as the
12 officers exceeding the scope of the arrests of the
13 two individuals that were caught with Mr. Anderson
14 and to believe that we may have succeeded on the
15 merits if we would have gone to trial. But more or
16 less, I do feel that he should be given credit by
17 taking this plea and doing things of that nature.

18 Your Honor, as to what led into these kind of
19 activities, he basically grew up in this kind of
20 environment. He didn't have a father. I know,
21 Judge, that when you presided in Family Court, you
22 saw this all the time. Spartanburg, Greenville, it
23 doesn't change. An individual is born, doesn't
24 have a father, has a father that's working.
25 There's no supervision whatsoever. Mr. Anderson is

1 one of those individuals that just fell into this
2 trap. And I would argue, probably from maybe a
3 more liberal perspective that he didn't have a
4 choice about this. And obviously from a more
5 conservative perspective, I think, yeah, you do
6 have a choice in this. I think there's free will
7 in everything. Nevertheless, you are a product of
8 your environment. I think everybody in the
9 courtroom here today would agree with that.
10 Education was not stressed. Sometimes this is what
11 happens with individuals like this. They find that
12 easier money is made doing elicited activities rather
13 than something legitimate.

14 Your Honor, he was sentenced back in 2002 on a
15 charge like this. So he's spent the better part of
16 a decade staying out of trouble, raising his kids.
17 He has a two and three-year-old. He wants to be a
18 part of their lives. The 17-year-old, for a
19 significant portion of time, he was not a part of
20 his life. I think now he has done what's right.
21 He's trying to get involved in his children's
22 lives. A lot of people depend on him. He can get
23 a good job. He can -- it's all within his power.
24 Nevertheless, he finds himself in this trap.

25 I think the important parts for you to

1 remember is that his mother, biological mother
2 recently passed away. And this was in 2009 when
3 this case -- when he was arrested. I talked to him
4 several times about this. I think that was the
5 main part of his motivation. His mother died at a
6 very young age of an aneurysm. His step-father
7 also passed away. He never knew his real father.
8 So he finds himself in this position.

9 I think the Court -- I believe I would at
10 least make the argument that the Court may have the
11 power to give -- I know the State is asking for
12 jail time and I would believe that it may not be in
13 the best interest of Mr. Anderson or the state for
14 him to receive an active sentence because I don't
15 believe that would serve an purpose. Obviously,
16 I'm biased when it comes to that obviously. But I
17 believe for something like this, an active sentence
18 would break up his family.

19 Obviously, he has to bear the responsibility
20 for what he did. But I would ask that you sentence
21 him on the low end of 5 to 30 range. At the very
22 least, even if he gets active time, he can still be
23 part of his family's life, his children's life.
24 And that's what he wants to do. Thank you.

25 **THE COURT:** Uh, well, I take into

1 consideration the fact that he's been involved in
2 this before, been sentenced to a significant amount
3 of time and went right back to it. Not right back
4 to it, but went back to it. It is a tragic
5 situation. It's a tragic situation for his family
6 now. It's a tragic situation for his mother that
7 died to have seen her son live that kind of life.
8 It's a tragic situation all the way around.

9 Uh, I'll run each of them concurrent but the
10 sentence of the court is 18 years. Good luck to
11 you, sir.

12 (WHEREUPON, the guilty plea of Christopher Anderson
13 concludes at approximately 12:14 p.m.)
14
15
16
17

FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)

IN THE COURT OF COMMON PLEAS

Christopher B. Anderson ^{TOD 237423})
Full name and prison number (if any) of Applicant)

2012-CP-23- 03899

v.)

State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

FILED
2012 JUN 14
PM 4:05
CLERK OF COURT

INSTRUCTIONS B READ CAREFULLY

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

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

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

1. Place of detention SCDC Kirkland Corr.

2. Name and location of Court which imposed sentence ~~Greenville Court House~~
Greenville County Court House, Greenville, SC

3. Name(s) of co-defendant(s) (if any) _____

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

(a) 2010CS2300713 / Manufacture Crack / Cocaine Base, 2ND Offe.

- (b) 2010 GS 2300114 / Possession with intent to distribute crack Cocaine, 2nd off
- (c) 2010 GS 2300715 / Trafficking in Cocaine, 1g or more, but less than 28g - 2nd offence

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

- (a) Co-16-2011 18 years
- (b) Co-16-2011 18 years
- (c) Co-16-2011 8 years

6. Check whether a finding of guilty was made:

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

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

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

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

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

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

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

(c) the date of each such result:

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

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

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

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

- (a) My lawyer informed my family he would file an appeal.

(b) _____

(c) _____

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

(a) Ineffective Assistance of Counsel

(b) Illegal search & seizures

(c) _____

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

(a) See Failure to withdraw guilty plea; for ~~that~~ Unkempt Plea Barga

(b) See ~~AA~~ Attached sheets (with amendments)

(c) _____

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

(a) any petition in a State Court under South Carolina Law? N/A

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

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____

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

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application: N/A

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof: *N/A*

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. *N/A*

ii. _____

iii. _____

iv. _____

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

i. *N/A*

ii. _____

iii. _____

iv. _____

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

N/A

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

(a) which grounds have been presented:

i. *N/A*

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

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

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. E. Joshua Schultz
184 N. Daniel Morgan Avenue Special Spartenburg, S.C. 293
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. plea
 - ii. _____
 - iii. _____

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

Evidentiary Hearing; For PCR Counsel to Amend
this Case Application; Grant PCR, Reverse and/or
Remand Case to Reconsider Lesser sentence

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

N/A

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Greenville)

VERIFICATION

I, Christopher B. Anderson ^{aka} 237423, 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.

Christopher B. Anderson

SWORN to and subscribed before me this 7th
day of June, 2012.

[Signature] (L.S.)
Notary Public

My Commission Expires
October 8, 2014

My Commission Expires: _____

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

I, Christopher B. Anderson ID# 237423, 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.

Christopher B. Anderson
Applicant

SWORN or affirmed to and subscribed before me this
7th day of June, 2012.

[Signature]
Notary Public

My Commission Expires
October 8, 2014

My Commission Expires: _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Christopher Bernard Anderson,)
 S.C.D.C. No. 237423,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 C.A. No. 2012-CP-23-3899

RETURN

In response to the post-conviction relief application filed June 14, 2012, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the February 2010 term of General Sessions for manufacturing cocaine base (2010-GS-23-0713), possession with intent to distribute (PWID) cocaine base (2010-GS-23-0714), and trafficking cocaine (2010-GS-23-0715). Joshua Schultz, Esquire represented the Applicant.

On June 16, 2011, the Applicant pled guilty. The Honorable Letitia H. Verdin sentenced the Applicant to concurrent terms of eighteen years for manufacturing cocaine base, second offense, eighteen years for PWID cocaine base, second offense, and eighteen years for trafficking cocaine (10-28 grams), second offense. The Applicant did not appeal.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions and the Applicant's records from the

South Carolina Department of Corrections. The plea transcript will be forwarded upon receipt.

II.

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

1. Ineffective assistance of counsel:
 - a. Failure to withdraw plea because of "unkempt plea bargain."
2. Illegal search and seizure.

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged 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 on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel.

First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). 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. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Applicant challenges the underlying searches and seizures in his case. The Respondent submits the Applicant has not raised issues that are cognizable in a PCR action. Rather, these allegations raise direct appeal issues that are procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). The Applicant could have raised these issues on appeal.

The failure to do so has waived these allegations as grounds for relief.

V.

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

VI.

WHEREFORE, having made its Return, the Respondent requests that: (1) a hearing be held solely on the issue of ineffective assistance of plea counsel and (2) counsel appointed to represent the Applicant.

Respectfully submitted,

ALAN WILSON
Attorney General

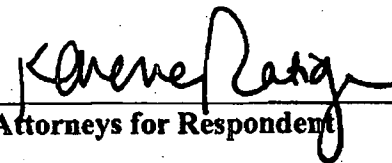
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P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

Oct.
September 8, 2012

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
)
)
 CHRISTOPHER BERNARD ANDERSON, 237423)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS

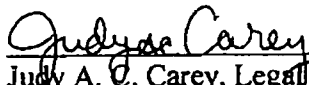
2012-CP-23-3899

AFFIDAVIT OF SERVICE BY MAIL

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

Christopher Bernard Anderson, 237423
Kirkland Correctional Institution
4344 Broad River Road
Columbia SC 29210

DATED this 8th day of October, 2012.



 Judy A. C. Carey, Legal Assistant
 For Respondent

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There were no exhibits.

Certificate of Reporter 30

1 THE COURT: Yes, ma'am.

2 MS. RATIGAN: Thank you, Your Honor, may it please
3 the Court. This is the case of Christopher Anderson vs.
4 The State of South Carolina, docket number
5 2012-CP-23-3899. Mr. Anderson was indicted for
6 manufacturing cocaine base, possession with intent to
7 distribute cocaine base and to trafficking cocaine. He
8 was represented on those charges by Mr. Shultz. On
9 June 16th of 2011 he pled before Judge Verdin. He
10 received concurrent sentences of 18 years of manufacturing
11 cocaine base, second offense. Eighteen years for
12 possession with intent to distribute cocaine base, second
13 offense. Eighteen years for the trafficking cocaine 10 to
14 28-grams, second offense. He did not file an appeal. The
15 application was timely filed and The State is ready to
16 proceed.

17 THE COURT: Okay, good enough.

18 Ms. Horlbeck.

19 MS. HORLBECK: Your Honor, we'd call Mr. Anderson to
20 the stand.

21 THE COURT: Mr. Anderson, if you'll come on up, sir.
22 Take the oath of the witness and we'll hear from you.

23 THE CLERK: Place your left hand on the Bible, raise
24 your right hand.

25 CHRISTOPHER ANDERSON, after being duly sworn,

1 testified as follows:

2 THE CLERK: Thank you, please be seated. State your
3 name for the record.

4 THE WITNESS: Christopher Bernard Anderson.

5 DIRECT EXAMINATION

6 BY MS. HORLBECK:

7 Q Mr. Anderson, who was your first attorney? Who
8 represented you on these charges?

9 A Mr. Tim Sullivan.

10 Q All right. At some point did you hire another
11 attorney to represent you?

12 A Yes, ma'am.

13 Q What was the second attorney's name?

14 A Mr. Josh Shultz.

15 Q All right. And at what point in the process did you
16 hire Mr. Shultz to represent you?

17 A Well, at first it was like Mr. Sullivan was like
18 inadequate because he was -- I missed two court
19 appearances due to him not communicating with me, telling
20 me to come to court. And so, I hired Mr. Shultz to try to
21 get me some house arrest and probation due to a family
22 member, a friend of the family, he had got them some
23 probation and house arrest time. So, I just needed some
24 help.

25 Q All right. Was Mr. Shultz hired in the last couple

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 of weeks of the case?

2 A Yes, ma'am.

3 Q Okay. And when you hired Mr. Shultz was your case on
4 the trial docket?

5 A I'm not sure it if was on the trial docket or not.

6 Q All right.

7 A But he did tell me that he begged her to take it off
8 the trial docket, but I don't know. So, after she agreed
9 to take it off, I imagine that's when he got on with the
10 case. But he was on working my case like a week.

11 Q When you say he was only working on your case for a
12 week, was that the week before you pled guilty?

13 A Yes, ma'am, a week before I pled guilty.

14 Q Okay. Do you know of any reason why he only
15 represented you for a week? Was there a reason that the
16 case was schedule so quickly, do you know?

17 A I would imagine that -- he kept telling me that he
18 had to be out to town for a conference the following week,
19 if I was going to get into court that week that he would
20 not be there to represent me if they brung me up the
21 following week.

22 Q All right. Were you comfortable with him
23 representing you for just a week?

24 A No, ma'am.

25 Q Okay. Tell the Court a little bit about that. Did

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 you want more time, did you want less time?

2 A Well, I figured we needed more time for him to
3 adequately prepare a defense. He never got to question
4 any witnesses, never got to do any type of proper
5 investigation of evidence or anything. So, I feel he
6 needed more time.

7 Q Did you give him any names of witnesses that you
8 wanted him to contact?

9 A Yes, ma'am.

10 Q All right. What names of witnesses did you want him
11 to contact?

12 A Mr. Stanley of Green Mackey.

13 Q Okay, who else.

14 A Ms. Delores Chandler.

15 Q Okay. And did he contact those witnesses?

16 A I have no idea.

17 Q All right. Did he -- did he discuss whether or not
18 he had contacted those witnesses?

19 A Not that I recall.

20 Q All right. So, you asked him, just to recap, you
21 asked him to contact these witnesses, is that correct?

22 A Yes, ma'am.

23 Q Was there any further discussion between you and
24 Mr. Shultz about the results of him contacting these
25 witnesses?

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 A No, ma'am.

2 Q Okay. All right. Did you and Mr. Shultz discuss a
3 potential -- any motions or potential defenses in this
4 case?

5 A Yes, ma'am.

6 Q What did you discuss with him?

7 A Motion of suppression of the evidence due to the
8 illegal proper -- illegal search and seizure.

9 Q All right. Let's talk just briefly about the facts.
10 What type of investigation did this case start out? Was
11 it always a drug investigation or?

12 A It was a prostitution sting that was doing.

13 Q Okay.

14 A And they approached the house--

15 Q When you say they, who is they?

16 A The officers.

17 Q Okay.

18 A The undercover unit. Now, this is what was told me
19 to me and what's in my paper work.

20 Q When you say paper work, do you mean discovery?

21 A Yes, ma'am.

22 Q All right.

23 A Okay, the officers came, they asked for the lady of
24 the house, could they get a girl. And she made a call --
25 she made a call or something and she said she couldn't get

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 one. So, they left and they came right back and arrested
2 them on the porch, all right. And asked if anybody was in
3 the house. The lady said, No. Then maybe her grandson
4 was in the house. So, next thing I know -- well, from
5 what I know period, the officers asked me to come out the
6 house so I was coming out the house. I see them outside,
7 I didn't know what was going on really at the time. And
8 next thing I know I'm being tackled over the couch. Just
9 walking, being tackled over the couch and they break my
10 thumb for no apparent reason. So, they placed all of us
11 on the porch, then they went and got a warrant.

12 Q Okay.

13 A A search warrant.

14 Q Okay. Let me just back you up a little bit because
15 is it you or somebody else?

16 A No, Mr. Mackey and Ms. Delores.

17 Q Okay. All right. So, two people are arrested on the
18 porch, neither of which is you, correct?

19 A Yes, ma'am.

20 Q Where were you at the time of these other two were
21 being arrested on the porch?

22 A In the house.

23 Q Okay.

24 A I had just came out of the restroom, I guess.

25 Q All right. Now, did -- how did the -- did the

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 homeowner give consent for the officers to go into the
2 house or did they break the door down?

3 A The door was opened but she never gave any consent.

4 Q Okay. All right. So, the officers -- am I correct
5 when I say the officers just came on in? Or how did
6 that -- just tell the Court a little bit about how the
7 officers went into the house.

8 A I just imagine they came on in. From what she said
9 they just walked in the house. And she told them not to
10 go in the house. They just walked on in anyway.

11 Q All right. Did the police give any reason for coming
12 in the house? To your knowledge?

13 A No, ma'am. Just what was on the motion of discovery.

14 Q Okay. What did your motion of discovery say about
15 the reason the police stated they came inside the house?

16 A A protective sweep.

17 Q Okay. All right. And did you discuss the
18 circumstances of the police coming into the house with
19 Mr. Shultz?

20 A Yes, ma'am.

21 Q All right. And what -- what was Mr. Shultz's advice
22 about that issue?

23 A Well, he said we had a pretty good cause because they
24 did enter the house illegally. So, we had a pretty good
25 case to get that suppressed. To get the evidence

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 suppressed at trial, yes, ma'am. But...

2 Q Okay. All right. But -- and did you and Mr. Shultz
3 ever discuss the potential penalty that you faced in this
4 case if you pled guilty or if you got convicted a trial?

5 A Yes, ma'am.

6 Q Okay. What was your understanding about what penalty
7 you potentially faced?

8 A Five to 25.

9 Q Okay.

10 A Third dropped to a second, five to 25.

11 Q All right. Was there any discussion between you and
12 Mr. Shultz about a probationary sentence?

13 A Yes, ma'am. If he could have gotten the charges
14 dropped I could have got probation.

15 Q Okay. All right. But the charges that you pled to,
16 did you know that you were not eligible for probation?

17 A No, ma'am, no.

18 Q Did Mr. Shultz tell you that the charges you pled to
19 were eligible for probation or that you could get
20 probation on these charges?

21 A Yes, ma'am.

22 Q He did. Okay. All right. And did you discuss that
23 potential penalty with anyone else besides Mr. Shultz?

24 A No, ma'am. Just Mr. Sullivan.

25 Q Okay. All right. Well, you knew -- if you knew you

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 had a pretty good issue to pursue at trial, that may
2 result in the suppression of the drugs, why did you plead
3 guilty?

4 A Well, I had to think about my family, you know. I
5 have to small children so I had to think about them. And
6 Mr. Shultz, it was like he had to go out of town the
7 following week. So, I felt kind of pressured. And we had
8 already discussed that the Solicitor would not be making a
9 recommendation for any time.

10 Q Okay.

11 A So, but during the course of the plea, it was clear
12 that she made a recommendation of a high sentence at the
13 end of her argument. And, you know, me knowing that I
14 would have -- I probably would have went to trial. I
15 would have never took the plea. If I knew she was going
16 to have a recommendation.

17 Q Okay. All right. So, when you pled guilty, was it
18 your understanding that the State would not be making a
19 recommendation?

20 A Yes, ma'am.

21 Q All right. And when you pled guilty, was it your
22 understanding that it was possible for you to get a
23 probationary sentence?

24 A Yes, ma'am.

25 Q Okay. And did you think your attorney was going to

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 be asking for probation?

2 A Yes, ma'am.

3 Q All right. Now, during the plea, in front of the
4 Judge, on Page 11 Lines 22 and 23, did the Solicitor end
5 up making a recommendation or telling the Judge what sort
6 of sentence The State wanted?

7 A Yes, ma'am.

8 Q Do you recall what The State said about that, what
9 the Solicitor said about that?

10 A She said The State recommends a high sentence, Your
11 Honor.

12 Q All right. Did the -- let me just -- did the
13 Solicitor actually say substantial jail time? Do you
14 recall that or not? On Page 11?

15 A No, ma'am.

16 Q Lines 22 and 23. But they were asking for a
17 sentence, right?

18 A Yes, ma'am.

19 Q And your understanding was that The State would make
20 no recommendation, is that correct?

21 A That's my understanding.

22 Q All right. Was the recommendation box checked on the
23 sentencing sheet?

24 A Yes, ma'am.

25 Q It was?

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 A The no recommendation box was checked.

2 Q Okay. All right. Okay. When the Solicitor started
3 talking, telling the Judge that the police wanted
4 substantial jail time, did your attorney object?

5 A No, ma'am.

6 Q All right. And if you had known that The State was
7 making a recommendation and if you had known that you
8 probably were not eligible for probation, would you have
9 done anything differently or would you have pled guilty?

10 A I probably had went to trial. I wouldn't just pled
11 guilty like. Because he didn't have enough time to even
12 work on the case.

13 Q Okay. All right. Are there any other mistakes that
14 Mr. Shultz made during his representation of you that you
15 want to go over with the Court? Besides -- in addition to
16 what you've already testified to? Is there anything that
17 I've missed?

18 A I don't think so.

19 Q Okay.

20 All right, please answer any -- well do you
21 understand today that the Judge can only grant your
22 petition or deny your petition, do you understand that?

23 A Yes, ma'am.

24 Q Do you understand that the Court can't do anything to
25 change your sentence?

CHRISTOPHER ANDERSON-DIRECT BY MS. HORLBECK

1 A Yes, ma'am.

2 MS. HORLBECK: Please answer any questions that the
3 Attorney General may have for you.

4 CROSS-EXAMINATION

5 BY MS. RATIGAN:

6 Q When you met with Mr. Shultz, did you talk about your
7 version of what happened that day?

8 A Yes, ma'am.

9 Q And did you go over with him The State's evidence,
10 the discovery materials?

11 A Yes, ma'am.

12 Q And did you talk with him about what The State's
13 version of the facts were going to be?

14 A I don't recall.

15 Q Okay. And your testimony today is that you were
16 coming out of the bathroom when the cops came in?

17 A Yes, ma'am.

18 Q Now, at the plea hearing The Solicitor stated that
19 the police came into house and saw you at a table with
20 some white powder residue. Is that what they said at the
21 plea?

22 A Yes, ma'am.

23 Q Okay. And you're saying today that's not true?

24 A Yes, ma'am.

25 Q Okay. Well, why didn't you tell the Judge that day

CHRISTOPHER ANDERSON-CROSS BY MS. RATIGAN

1 that The State's version of what happened was not true?

2 A Well, you're like told, when you're coming up, you're
3 told not to -- not to, I guess, say certain things in
4 court, you know. I really -- I really just relied on
5 Mr. Shultz's expertise at this time.

6 Q So, you were just kind of going along with it?

7 A Yes, ma'am, going along with it, yeah.

8 Q You testified today you kind of felt a little bit of
9 pressure to plead guilty because Mr. Shultz was going out
10 of town?

11 A Yes, ma'am.

12 Q And you knew the day you pled guilty that you had not
13 talked about these witnesses with Mr. Shultz, correct?

14 A Say I had not talk--

15 Q Right. You had giving the name of the witnesses to
16 contact but you never heard anything about it after you
17 told him that?

18 A Yes, ma'am.

19 Q But you still told the Judge that day that you were
20 satisfied with Mr. Shultz, do you remember?

21 A Yes, ma'am.

22 Q But today you're saying you weren't satisfied with
23 him, is that correct?

24 A Yes, ma'am.

25 Q Well, again, why did you tell Judge Verdin that day,

CHRISTOPHER ANDERSON-CROSS BY MS. RATIGAN

1 I'm feeling pressured, he's not doing what I asked him to
2 do, I'm not satisfied. Why didn't you tell her that day
3 that you were unhappy with him?

4 A Because I really felt that he could -- he could get
5 me down to a low end of a plea deal, that the solicitor
6 had no recommendation for me at all. So I solely, really
7 based my decision on her not having a recommendation and
8 him being able to talk to get me the low end of the
9 sentence. Because I know if I went to trial, it's like my
10 record would automatically convicted me.

11 Q Right.

12 A Yes, ma'am.

13 Q So again, you were just going along with it hoping
14 Mr. Shultz would work something out?

15 A Due to the -- due to the solicitor not making a
16 recommendation, yes, ma'am.

17 Q Right. Now, when the solicitor said that the police
18 wanted substantial time in the case, did you talk to
19 Mr. Shultz? Did you say anything like, wait a minute?
20 Did y'all have a conversation?

21 A No, ma'am, it was already too late. I had already
22 accepted the plea.

23 Q Okay.

24 MS. RATIGAN: That's all I have, Your Honor.

25 THE COURT: Any redirect?

CHRISTOPHER ANDERSON-CROSS BY MS. RATIGAN

1 MS. HORLBECK: Just real briefly.

2 REDIRECT EXAMINATION

3 BY MS. HORLBECK:

4 Q You stated tell solicitor told the judge that the
5 police wanted substantial jail time, the plea had already
6 been accepted by the Judge?

7 A Yes, ma'am.

8 Q All right. And again, your attorney did not make any
9 objection at that point?

10 A No.

11 MS. HORLBECK: That is all I have, thank you.

12 EXAMINATION

13 BY THE COURT:

14 Q Mr. Anderson, ask you a couple of questions. This
15 was originally a third offense, is that right?

16 A Yes, sir.

17 Q So they reduced it to a second?

18 A Yes, sir.

19 Q Now, you understand and your lawyer asked you this,
20 if I were to grant your Post-conviction Relief
21 Application, then you would be going back facing the
22 mandatory minimum of 25, I believe, am I right about that?

23 A Yes.

24 Q Okay. So you know if you roll the dice you're
25 looking at getting a harsher sentence than you got the

CHRISTOPHER ANDERSON-EXAMINATION BY THE COURT

1 first time around, do you understand that?

2 A Yes, sir.

3 Q Okay. And you want to roll that dice?

4 A Yes, sir.

5 Q Okay. Okay.

6 All right, that's all I got. You can take your seat.

7 Anything further from the Applicant?

8 MS. HORLBECK: Your Honor, we call Beverly Adams to
9 the stand.

10 THE CLERK: Place your left hand on the Bible, raise
11 you right hand.

12 BEVERLY ADAMS, after being duly sworn, testified
13 as follows:

14 THE CLERK: Thank you, you may be seated. State your
15 name for the record.

16 THE WITNESS: Beverly Adams.

17 DIRECT EXAMINATION

18 BY MS. HORLBECK:

19 Q How do you know Mr. Christopher Anderson?

20 A He's my fiance and my kids father.

21 Q Okay. And do you remember hiring someone for
22 Mr. Anderson on anything?

23 A Yes.

24 Q All right. And did you have any discussion with
25 Mr. Shultz about the case?

BEVERLY ADAMS-DIRECT BY MS. HORLBECK

1 A I did.

2 Q All right. How many discussions did you have with
3 Mr. Shultz about Mr. Anderson's case? Just to your
4 recollection?

5 A Five, I guess.

6 Q Okay. Did you and Mr. Shultz discuss the potential
7 sentence that Mr. Anderson could receive?

8 A Yes.

9 Q And just for the record as to the sentence, what did
10 Mr. Shultz tell you Mr. Anderson faced?

11 A He told me that he was facing 60 years. And that he
12 had to go to a convention. He would come up to court
13 before that but I would try him without him having a
14 lawyer present.

15 Q Okay. All right. And was there -- because of the
16 convention, was this case scheduled before Judge Verdin
17 for a plea prior to the convention? Does that make sense?

18 A Are you saying did Josh schedule it?

19 Q Was this hearing, to your knowledge, did this plea
20 take place before Mr. Shultz went to the convention?

21 A Not to my knowledge.

22 Q How long before the plea did you hire Mr. Shultz?

23 A Eight days.

24 Q Okay. It is fair to say then Mr. Shultz represented
25 Mr. Anderson for a little more than a week?

BEVERLY ADAMS-DIRECT BY MS. HORLBECK

1 A Yes.

2 Q All right. Did you discuss with Mr. Shultz what kind
3 of recommendation he would make or what he would ask the
4 Judge to give Mr. Anderson?

5 A Yes. He didn't promise me but he was saying that he
6 was pushing for the five year probation or five years, you
7 know, in prison.

8 Q Okay.

9 A He was pushing for. He didn't promise it but he was
10 pushing for it.

11 Q All right. Did you discuss that with Mr. Anderson,
12 the five year or five year active sentence with
13 Mr. Anderson?

14 A I did discuss it with him.

15 Q All right. Ultimately, Mr. Anderson pled guilty, is
16 that correct?

17 A He did.

18 Q Okay.

19 MS. HORLBECK: That's all I have. Please answer any
20 questions that Ms. Ratigan may have for you.

21 MS. RATIGAN: I don't have any questions for
22 Ms. Adams.

23 THE COURT: Thank you, ma'am, you may step down. I
24 appreciate you being here.

25 MS. HORLBECK: That's the Applicant's case, Judge.

BEVERLY ADAMS-DIRECT BY MS. HORLBECK

1 THE COURT: Okay, anything from the State?

2 MS. RATIGAN: Yes, we call Mr. Shultz.

3 THE COURT: Mr. Shultz, please come forward, sir.

4 THE CLERK: Place your left hand on the Bible, raise
5 your right hand.

6 JOSHUA SHULTZ, after being duly sworn, testified
7 as follows:

8 THE CLERK: Thank you, you may be seated. State your
9 name for the record.

10 THE WITNESS: Attorney Joshua Shultz.

11 DIRECT EXAMINATION

12 BY MS. RATIGAN:

13 Q Mr. Shultz, do you recall representing Mr. Anderson
14 on these charges?

15 A I do.

16 Q There's been some testimony here today that you were
17 hired approximately a week before the plea, does that
18 sound accurate?

19 A Yes.

20 Q Did you receive discovery from The State?

21 A I did.

22 Q Did you have accurate time to review that?

23 A Yes.

24 Q Did you discuss it with Mr. Anderson?

25 A The discovery, yes.

JOSHUA SHULTZ-DIRECT BY MS. RATIGAN

- 1 Q Yes, sir. Did he tell you his version of what
2 happened that night?
- 3 A Yes.
- 4 Q Did he give you the name of any witnesses to call or
5 contact?
- 6 A Yes.
- 7 Q Do -- who are those people?
- 8 A I can't remember, I would have to look at my file if
9 that's permissible.
- 10 THE COURT: Sure.
- 11 A It was Chandler and Mackey.
- 12 Q Okay. And were you able to locate and talk to those
13 individuals?
- 14 A No.
- 15 Q Did you tell Mr. Anderson that you were unable to
16 contact them?
- 17 A I don't remember specifically but I probably did.
- 18 Q Did you discuss with him the potential of filing a
19 motion to suppress?
- 20 A Yes.
- 21 Q Can you discuss -- or can you recount what that
22 discussion entailed?
- 23 A Well, the case law on suppression motions, when a
24 defense attorneys file for such a motion, would be -- it
25 would be difficult to suppress the evidence with a

JOSHUA SHULTZ-DIRECT BY MS. RATIGAN

1 protective sweep. The case law is mixed on it. I felt
2 that we had -- we had a shot at maybe suppressing the
3 evidence. Because my understanding is that the protective
4 sweep was done prior to them executing the search warrant.
5 So, there was no search warrant at the time the sweep was
6 done. But nevertheless, that's when the, I guess, proof
7 of the illegal activity was found during the protective
8 sweep. If we would have won that motion based upon the
9 Fourth Amendment issue, then everything would have been
10 suppressed. And the search warrant probably would have
11 been -- the subsequent search warrant probably would have
12 been invalid based upon the fact that it was fruit of the
13 poisonous tree. But nevertheless, we never had a chance
14 to do it.

15 Q Let me back up just a tiny bit. When you were hired,
16 was this case already on the trial docket?

17 A I believe so.

18 Q And why did you chose not to go forward with the
19 motion to suppress?

20 A Because I felt that if we would have lost on our
21 motion, that the consequences for Mr. Anderson would have
22 been far worst. Now, looking back on it, I wish we had
23 done it. Because Mr. Anderson received a 18 year
24 sentence. He was looking at, if they would have convicted
25 him of trafficking third, he would have been looking to 25

JOSHUA SHULTZ-DIRECT BY MS. RATIGAN

1 to 30. Just on one charge. Then he had other charges as
2 well. If you add it up, I think it comes to 50 or 60
3 years or something like that. That would have been just a
4 terrible sentence. So, that was my logic in it.

5 Q Did you explain to him the risks and the advantages
6 of a plea versus a trial?

7 A Yes.

8 Q And did he ultimately make the decision to plead
9 guilty?

10 A I believe so, yes.

11 Q Now, since you come on the case about a week to spare
12 and it was already on the trial docket, were you able to
13 do any kind of negotiation with The State at all?

14 A Yes.

15 Q Okay. Can you explain those to the Court?

16 A Well, this is more than two years ago. But what I
17 remember is that they were pushing for substantial jail
18 time with it. They were about to put it on the trial
19 docket and at that point all deals, the way I understand
20 the policy here in Greenville, is that all deals would be
21 off. I was able to get back the trafficking, second off
22 to I believe five to 20. And that's ultimately what
23 Mr. Anderson pled to.

24 Q So, you were able to get the charges reduced from
25 third down to second?

JOSHUA SHULTZ-DIRECT BY MS. RATIGAN

1 A Yes.

2 Q Did The State ever make, while you represented him,
3 any specific offers in terms of years?

4 A No, there was no negotiated sentence.

5 Q Did you explain to Mr. Anderson when he pled guilty
6 that day, that The State was not making any kind of
7 recommendation as to the sentence?

8 A I can't remember specifically.

9 Q Is that something you would have explained to him,
10 the consequences of that straight up plea?

11 A I probably would.

12 Q Okay. Did you ever tell Mr. Anderson that you would
13 ask for probation on these charges?

14 A I can't remember that. I wouldn't think I would
15 have. Being that this is a mandatory sentence of prison
16 time. Specifically, best case scenario, five years. I've
17 had -- I've been successful maybe one time out of ten
18 specifically speaking, having a traffic case, second
19 offense, being put on five years home detention. But
20 that's few and far between. I was hoping for the sentence
21 of five to ten years.

22 Q Do you recall -- do you recall meeting with Beverly
23 Adams prior to the plea?

24 A Yes.

25 Q Were you present for Ms. Adams testimony a few

JOSHUA SHULTZ-DIRECT BY MS. RATIGAN

1 minutes ago?

2 A Yes.

3 Q Do you recall telling her that you would push for
4 five years, five years with probation?

5 A Five years or five years probation?

6 Q Right.

7 A I remember saying I was pushing for the minimum
8 sentence. But I don't remember specifically saying
9 anything about probation. I may have said home detention
10 or something like that. But maybe something like that
11 five years followed by probation. I -- I can't remember.

12 Q Now, during the plea when Ms. Monts stated that the
13 officers wanted quote, Substantial time, did you feel
14 there was a basis to object to that statement?

15 A Yes, yes, I did.

16 Q Were you surprised that she asked for a harsh
17 sentence?

18 A Yes.

19 Q Do you feel that that violated any kind of agreement
20 that you had?

21 A I was just surprised. I mean, I thought as long as
22 she was pleaing a case and that the Defendant pled guilty
23 to it, I knew he was looking at time so yes, it did kind
24 of catch me off guard.

25 MS. RATIGAN: That's all I have, Your Honor.

JOSHUA SHULTZ-DIRECT BY MS. RATIGAN

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MS. HORLBECK:

4 Q Okay, Mr. Shultz, just briefly. You testified on
5 direct that you probably have explained the consequences
6 of a straight up plea with Mr. Anderson but you can't
7 recall specifically, is that what -- if I'm wrong in
8 saying that you just correct me. But is that what you
9 testified to?

10 A I believe so, yes.

11 Q All right. All right. And you also testified you
12 would not think that you would have discussed probation
13 with Mr. Anderson but you can't recall that specifically
14 either?

15 A I can't recall that specifically.

16 Q Okay. And you also testified that in the past you've
17 been successful with home incarceration or home detention,
18 I think is the way you put it?

19 A Yeah, that's right. In drug cases that I handle,
20 because they're minimum, mandatory sentences, possession
21 with intent to distribute, especially if there -- well, if
22 they're second or third offenses, either for trafficking
23 or what have you, probation is not an option. However,
24 home detention would be an option. It may not be a
25 reasonable option to have but that would be the only way

JOSHUA SHULTZ-CROSS BY MS. HORLBECK

- 1 that I could get some sort of good sentence with it.
2 Because of the mandatory minimum.
- 3 Q Okay. And your understanding of the plea agreement
4 was that The State was not going to make a recommendation,
5 is that fair to say?
- 6 A Yes.
- 7 Q And you testified that you were surprised and caught
8 off guard when suddenly The State pops up and asks or
9 tells the Court that the police wanted substantial jail
10 time, is that correct?
- 11 A That is correct.
- 12 Q All right. And you believe now that would have been
13 a basis for an objection on your part?
- 14 A Yes.
- 15 Q And you didn't object, did you?
- 16 A I did not.
- 17 Q Okay.
- 18 MS. HORLBECK: That's all I have, thank you.
- 19 THE COURT: Any redirect?
- 20 MS. RATIGAN: No, Your Honor, The State rest at this
21 time.
- 22 THE COURT: All right, thank you, you can step down.
23 All right, anything in reply?
- 24 MS. HORLBECK: No, Judge, no witnesses.
- 25 THE COURT: Okay. Good enough. Well, I'll take it

JOSHUA SHULTZ-CROSS BY MS. HORLBECK

1 under advisement.

2 MS. RATIGAN: Thank you, Your Honor.

3 (WHEREUPON, the proceedings were concluded.)

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Christopher Bernard Anderson,)
 S.C.D.C. No. 237423,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 C.A. No. 2012-CP-23-3899

ORDER OF DISMISSAL

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSHER
 2013 OCT 10 AM 10:10

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed June 14, 2012. The Respondent made its return on October 8, 2012. An evidentiary hearing into the matter was convened on August 27, 2013 at the Greenville County Courthouse. The Applicant was present at the hearing and represented by Caroline Horlbeck, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying were Beverly Adams and the Applicant's plea counsel, Joshua Schultz, Esquire. The Court had before it the transcript of the guilty plea hearing, the Greenville County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Applicant was indicted at the February 2010 term of the Greenville County Grand Jury for manufacturing cocaine base

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(2010-GS-23-0713), possession with intent to distribute (PWID) cocaine base (2010-GS-23-0714), and trafficking cocaine (2010-GS-23-0715). He was represented by Joshua Schultz, Esquire.

On June 16, 2011, the Applicant pled guilty. The Honorable Letitia H. Verdin sentenced the Applicant to concurrent terms of eighteen years for manufacturing cocaine base, second offense, eighteen years for PWID cocaine base, second offense, and eighteen years for trafficking cocaine (10-28 grams), second offense. The Applicant did not appeal.

ALLEGATIONS

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

- 1. Ineffective assistance of counsel:
 - a. Failure to withdraw plea because of "unkempt plea bargain."
- 2. Illegal search and seizure.

At the PCR hearing, the Applicant proceeded upon grounds of ineffective assistance of plea counsel and involuntary guilty plea.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel/Involuntary Guilty Plea

The Applicant alleges his guilty plea was involuntary and that he received ineffective

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assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)).

The Applicant stated plea counsel was hired one or two weeks before the plea hearing and in order to obtain a sentence of house arrest. The Applicant stated he and plea counsel reviewed the State's evidence and his version of events. The Applicant stated they also discussed a possible motion to suppress and that plea counsel said they had a good case. The

Applicant stated plea counsel said he faced up to a twenty-five year sentence after the third offense was reduced to a second and that he was eligible for probation. The Applicant stated he thought plea counsel would ask for a probation sentence. The Applicant stated plea counsel told him that he had to plead guilty that week because he would be out of town the following week. The Applicant stated he was not comfortable with this because plea counsel had not done a proper investigation or questioned witnesses (Stanley Mackie and Delores Chandler). The Applicant stated he pled guilty because (1) he had to think about his family and (2) plea counsel was going out of town. The Applicant stated he would not have pled guilty if he had known the State would ask for a substantial sentence.

Beverly Adams, the Applicant's fiancée, stated she hired plea counsel eight days before the plea hearing. Adams stated she spoke with plea counsel five times and that they discussed the Applicant's potential sentence. Adams stated plea counsel said the Applicant was facing a sixty-year sentence but that he would push for a sentence of five years or five years and probation. Adams admitted plea counsel did not promise the Applicant would receive such a sentence.

Plea counsel testified he was hired one week before the plea hearing (when the case was on the trial docket). Plea counsel testified he received the discovery materials and had adequate time to review them. Plea counsel testified he discussed the discovery with the Applicant and reviewed the Applicant's version of events. Plea counsel testified he discussed a possible motion to suppress and that he felt they "had a shot" at suppressing the evidence. Plea counsel testified they did not pursue the motion, however, because he was concerned the consequences for the Applicant would have been far worse if they lost. Plea counsel testified he explained to the Applicant the risks and advantages of a plea versus a trial. Plea counsel testified he would not

have told the Applicant or Adams that he would ask for a straight probation sentence because there was a mandatory prison sentence. Plea counsel testified he had a low success rate of getting a minimum sentence of home detention but that they hoped for a five or ten year sentence in this case. Plea counsel testified the Applicant asked him to contact Mackie and Chandler but that he could not locate them. Plea counsel testified the State reduced the charges to second offenses but there was no sentence recommendation. Plea counsel testified he was surprised the assistant solicitor asked for "substantial time" during the plea hearing but that he did not feel it violated any agreement he had with the State.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds the Applicant's testimony is not credible, while also finding plea counsel's testimony is credible. This Court further finds plea counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

This Court finds the Applicant failed to meet his burden of proving plea counsel did not properly investigate his case or pursue a motion to suppress. Trial counsel confirmed the Applicant asked him to contact Mackie and Chandler but testified he could not locate these witnesses. As these individuals did not testify at the evidentiary hearing, any discussion regarding what they could have testified about at a jury trial is purely speculative. See Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (the South Carolina Supreme Court "has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial.") (emphasis in original). This Court also finds the Applicant failed to prove plea counsel erred in not pursuing a suppression

motion because he failed to both articulate the grounds for such a motion or demonstrate that it would have been successful. See Sikes v. State, 323 S.C. 28, 30, 448 S.E.2d 560, 562 (1994) (“When the defendant claims that counsel’s failure to articulate a Fourth Amendment claim was ineffective assistance, defendant must show that such claim is meritorious and that the verdict would have been different absent the evidence that should have been excluded.”) (citation omitted).

This Court finds the Applicant failed to meet his burden of proving plea counsel should have objected when the State said law enforcement wanted “to ask for substantial jail time.” (Plea transcript, p.11). This Court notes there was no sentence recommendation in this case. This Court also notes plea counsel did not believe the assistant solicitor’s comment violated the spirit of any agreement made between the parties. This Court finds there was no error or prejudice from the lack of an objection to the solicitor’s statement. It is the judge – not the parties – who decides sentencing. See In re M.B.H., 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010) (“A trial judge has broad discretion in sentencing within statutory limits.”).

This Court finds the Applicant has failed to meet his burden of proving his guilty plea was involuntary. This Court notes the plea judge explained the minimum and maximum possible sentences and the Applicant made a knowing and intelligent waiver of his constitutional rights. (Plea transcript, p.4; pp.7-8). This Court notes the Applicant also stated he had not been forced into pleading guilty. (Plea transcript, p.6). This Court finds there is no evidence in the guilty plea transcript to support the Applicant’s assertion that he was pressured into entering a guilty plea; therefore the transcript has refuted this allegation. See Stalk v. State, 375 S.C. 289, 300, 652 S.E.2d 402, 407 (Ct. App. 2007); see also Rayford v. State, 314 S.C. 46, 48-49, 443 S.E.2d 805, 806 (1994) (where transcript of guilty plea proceeding refuted applicant’s claim that he did

not understand the terms of a plea bargain, grant of PCR was inappropriate notwithstanding applicant's claim lawyer misadvised him). This Court notes that a certain degree of pressure is inherent in the guilty plea process and is not a sufficient basis for granting relief in this matter. This Court finds the Applicant entered a knowing and voluntary guilty plea. See Boykin v. Alabama, 395 U.S. at 243-44, 89 S. Ct. at 1712.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by plea counsel's performance.

This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet his burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and

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sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Furthermore, the Applicant's guilty plea was entered knowingly and voluntarily within the mandates of Boykin. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 8 day of oct, 2013.


Robin B. Stilwell
Presiding Judge
Thirteenth Judicial Circuit

Giville, South Carolina.

DOCKET NO. 2010-GS-23-
JLK 000715
The State of South Carolina
County of Greenville

UN SUSPENDS

Did Clerk receive and...
YES NO

Reattached

COURT OF GENERAL SESSIONS
February TERM 2010

THE STATE

vs.

CHRISTOPHER BERNARD ANDERSON

Indictment for

0278

TRAFFICKING COCAINE

VIOLATION § 44-53-0370

WITNESSES

(DINA)

Michael Bryan

Greenville County Sheriffs Office

8/21/2009

ARREST WARRANT NUMBER

1519152

ACTION OF GRAND JURY

TRUE BILL

Ann D. Barrett

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING COCAINE

At a Court of General Sessions, convened on **FEB 16 2010** the Grand Jurors of Greenville

County present upon their oath:

That CHRISTOPHER BERNARD ANDERSON did in Greenville County, on or about the 21st day of August 2009, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 10 grams of Cocaine. This is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

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

James Monte

SOLICITOR

DOCKET NO. 2010-GS-23-
JLK 000714
The State of South Carolina
County of Greenville

COURT OF GENERAL SESSIONS
February TERM 2010

THE STATE
vs.

CHRISTOPHER BERNARD ANDERSON

Indictment for
3014

POSSESSION OF COCAINE BASE WITH INTENT
TO DISTRIBUTE

VIOLATION § 44-53-0375

WITNESSES

Michael Bryan

Greenville County Sheriffs Office

8/21/2009

ARREST WARRANT NUMBER

1519151

ACTION OF GRAND JURY

TRUE BILL

Ann S. Forester

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF COCAINE BASE WITH INTENT TO
DISTRIBUTE

FEB 16 2010

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That CHRISTOPHER BERNARD ANDERSON did in Greenville County, on or about the 21st day of August 2009, possess with intent to distribute or aid, abet, or conspire to possess with the intent to distribute a quantity of Cocaine Base (Crack Cocaine), a controlled substance, such possession not having been authorized by law. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

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

James Monto

SOLICITOR

DOCKET NO. 2010-GS-23-
JLK 000713
The State of South Carolina
County of Greenville

COURT OF GENERAL SESSIONS
February TERM 2010

THE STATE

vs.

CHRISTOPHER BERNARD ANDERSON

SAC

Sgt. Schultz

Indictment for

3014

MANUFACTURING COCAINE BASE
(CRACK COCAINE)

VIOLATION § 44-53-0375

WITNESSES

Michael Bryan

Greenville County Sheriffs Office

8/21/2009

ARREST WARRANT NUMBER

1519156

ACTION OF GRAND JURY

TRUE BILL

Ann D. Jodgett

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MANUFACTURING COCAINE BASE (CRACK COCAINE)

At a Court of General Sessions, convened on **FEB 16 2010** the Grand Jurors of Greenville

County present upon their oath:

That CHRISTOPHER BERNARD ANDERSON did in Greenville County, on or about the 21st day of August 2009, knowingly sell manufacture, deliver or bring into the State of Carolina, or did knowingly provide financial assistance or otherwise aid, abet or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of the common ingredients and supplies used in the manufacturing of Cocaine Base (Crack Cocaine). This is in violation of § 44-53-375 of the South Carolina Code of Laws (1976) as amended.

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

Joyce Morris
SOLICITOR