

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Robin B. Stilwell, Circuit Court Judge

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JUL 28 2014

S.C. Supreme Court

JOSHUA ADRIAN PARIS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002542

APPENDIX

CARMEN V. GANJEHSANI
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

KAREN RATIGAN
Senior Assistant Deputy Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
 -VS-)
)
 JOSHUA A. PARIS,)
)
 DEFENDANT.)
 _____)

2009-GS-23-05301; 05305 - 05308

TRANSCRIPT OF RECORD

MAY 23, 2011
GREENVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE EDWARD W. MILLER

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

CHRISTY SUSTAKOVITCH
ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

E. P. GODFREY, ESQUIRE

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

INDEXWITNESSPAGE NO.

CERTIFICATE OF REPORTER

30

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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(No exhibits were presented during this hearing)

1 MADAME CLERK: Your Honor, these are cases 2009-GS-23-
2 5301, the State versus Joshua Adrian Paris, who was indicted
3 for conspiracy. And he is pleading to the same.

4 In the case of 2009-GS-23-5305, 5306 and 5307, Mr.
5 Paris is indicted for armed robbery. And he is pleading to
6 the same.

7 In the case of 2009-GS-23-5308, Mr. Paris is indicted
8 for attempted armed robbery. And he is pleading to the
9 same.

10 Sir, would you, please, raise your right hand. Do you
11 promise to tell the truth, the whole truth and nothing but
12 the truth so help you God?

13 MR. PARIS: I do.

14 THE COURT: Thank you very much. Does he have any jail
15 credit?

16 MS. SUSTAKOVITCH: We'll double check, Your Honor. I
17 believe it may be sixty days. We'll double check that.

18 THE COURT: Okay.

19 MS. SUSTAKOVITCH: Bill, do you know?

20 MR. GODFREY: I thought it was closer to ninety, but I
21 don't ---

22 MS. SUSTAKOVITCH: Okay. We'll double check.

23 THE COURT: All right. Mr. Paris, in the last twenty-
24 four hours have you had any drugs, or alcohol or medication?

25 MR. PARIS: No, sir.

1 THE COURT: Have you ever been treated for the abuse of
2 alcohol, or drugs, or for mental illness or emotional
3 problems?

4 MR. PARIS: No, sir.

5 THE COURT: You sober today?

6 MR. PARIS: Yes, sir.

7 THE COURT: You know what you're doing?

8 MR. PARIS: Yes, sir.

9 THE COURT: Okay. You're up here on five indictments.
10 The first one I've got is 09-5308. It alleges you did in
11 Greenville County, December 14th, 2008, armed with a deadly
12 weapon or alleging you were, using a representation of one
13 you attempted to take by force or intimidation goods or
14 monies from Nathan Anthony Thomas. Twenty years?

15 MS. SUSTAKOVITCH: Ten to thirty, Your Honor.

16 THE COURT: Ten to thirty, okay, on an attempted armed
17 robbery. This is a violent offense, which means basically
18 no parole. And it's a most serious offense. And if you get
19 convictions for two or more most serious offenses you are
20 eligible for life in prison without parole. Do you
21 understand that?

22 MR. PARIS: Yes, sir.

23 THE COURT: You're also here on 2009-5307. Alleges you
24 did in Greenville County, December 14, 2008, armed with a
25 deadly weapon or alleging you were by -- and using a

1 representation of one you took by force or intimidation U.S.
2 currency belonging to McDonald's restaurant from Nathan
3 Anthony Thomas. That's also ten to thirty years. It is
4 also a violent and a most serious offense. Do you
5 understand that?

6 MR. PARIS: Yes, sir.

7 THE COURT: You're also here on '09-5306. It alleges
8 you did in Greenville County, December 14, '08, armed with a
9 deadly weapon or alleging that you were, using a
10 representation of one, you took by force or intimidation a
11 cell phone from Guadalupe Alex Olava (phonetics). That's
12 also ten to thirty years. It is violent and most serious.
13 Do you understand that?

14 MR. PARIS: Yes, sir.

15 THE COURT: You're also here on indictment '09-5305,
16 alleges you did in Greenville County, December 14, '08,
17 armed with a deadly weapon or alleging you were, took by
18 force or intimidation a wallet from Paul Dixon Burdick. And
19 that's ten to thirty years. It is a violent offense and a
20 most serious. You understand that?

21 MR. PARIS: Yes, sir.

22 THE COURT: You're also here on '09-5301, alleges you
23 did in Greenville County, December 14, '08, unlawfully and
24 wilfully combine with Tycree Waite and/or Comenci Watts
25 and/or Daryl Donaldson for the purpose of accomplishing an

1 unlawful object or a lawful object by unlawful means; that
2 is armed robbery. Five years for general conspiracy, you
3 understand that?

4 MR. PARIS: Yes, sir.

5 MS. SUSTAKOVITCH: Your Honor, may it please the Court.
6 I apologize. On 2009-GS-23-530 -- I believe that's 8, the
7 attempted armed robbery.

8 THE COURT: Uh-huh (affirmative).

9 MS. SUSTAKOVITCH: I was hearing that as an armed
10 robbery. You are correct, it's zero to twenty.

11 THE COURT: Okay.

12 MS. SUSTAKOVITCH: And the others are ten to thirty.

13 THE COURT: You understand that, up to twenty? It's
14 still violent, it's still most serious. You understand
15 that?

16 MR. PARIS: Yes, sir.

17 THE COURT: All right. Now, understanding the nature
18 of all these charges against you and the maximum possible
19 punishment, how do you want to plead?

20 MR. PARIS: Guilty.

21 THE COURT: All right. Has anybody forced you in any
22 way, or coerced you, threatened you or promised you anything
23 to get you to enter that plea?

24 MR. PARIS: No, sir.

25 THE COURT: You're doing this freely and voluntarily?

1 MR. PARIS: Yes, sir.

2 THE COURT: You understand you have an absolute right
3 to a trial by jury where you would be presumed innocent
4 unless and until the State could prove you guilty beyond any
5 reasonable doubt of each and every element of each offense
6 that you are charged with?

7 MR. PARIS: Yes, sir.

8 THE COURT: You would have a right to confront and
9 cross examine the witnesses and the evidence put up against
10 you by the State. You would have a right to use the
11 subpoena power of the State to compel in court all relevant
12 and competent evidence in your own defense or you can remain
13 silent. Your silence can never be held against you. And
14 you cannot be compelled to incriminate yourself. Do you
15 understand all those rights?

16 MR. PARIS: Yes, sir.

17 THE COURT: I don't know if you made a statement in
18 this case. But if you made a statement and you enter this
19 plea, and I accept the plea, then you waive or give up your
20 right to challenge the constitutional propriety of any
21 statement that you made. Do you understand that?

22 MR. PARIS: Yes, sir.

23 THE COURT: The same applies to evidence. I have no
24 idea what evidence was seized in the case or would be
25 presented by the State, but if you enter this plea, and I

1 accept it, then you give up your right to challenge the
2 constitutional propriety of the evidence that's offered
3 against you. Do you understand that?

4 MR. PARIS: Yes, sir.

5 THE COURT: You also give up your right to present any
6 potential defense that you might have. Do you understand
7 that?

8 MR. PARIS: Yes, sir.

9 THE COURT: Understanding all of these rights, do you
10 want to give them all up to enter these pleas?

11 MR. PARIS: Yes, sir.

12 THE COURT: Are you guilty of each and every one of
13 these charges?

14 MR. PARIS: Yes, sir.

15 THE COURT: Are you totally and completely satisfied
16 with the representation of your attorney?

17 MR. PARIS: Yes, sir.

18 THE COURT: Has he done everything that you think he
19 reasonably should have done in order to adequately prepare
20 your defense?

21 MR. PARIS: Yes, sir, I do.

22 THE COURT: All right. Has he done anything that you
23 think he should not have done?

24 MR. PARIS: Not to my knowledge, no.

25 THE COURT: Okay. And you've met with him as often and

1 for as long as you think is necessary?

2 MR. PARIS: Yeah, I mean, it was kind of off and on,
3 but, yes, sir, meeting with him ---

4 THE COURT: Okay.

5 MR. PARIS: --- pretty regular.

6 THE COURT: And did you understand your talks with him?

7 MR. PARIS: Yes, sir, I did.

8 THE COURT: All right. Do you have any complaints you
9 want to make against anybody with respect to how you've been
10 treated in this -- these matters?

11 MR. PARIS: No, sir.

12 THE COURT: And have you had enough time to review the
13 evidence the State has against you?

14 MR. PARIS: Yes, sir.

15 THE COURT: Okay. Listen while the State tells us the
16 facts they would prove at trial.

17 MS. SUSTAKOVITCH: Thank you, Your Honor. May it
18 please the Court. The armed robbery in this case occurred
19 on December 14th, 2010, no, 2008, rather, around three am in
20 the morning. It was the McDonald's that's located on
21 Laurens Road within the City limits in Greenville County.

22 In that armed robbery two men with guns and a third man
23 were let into the McDonald's by this Defendant. One of the
24 men went back to the back, loaded up a bag of money with
25 this Defendant.

1 Two of the men that had guns forced three of the
2 employees at gunpoint face-down on the floor. They were
3 searched. One of the employees had his cell phone taken.
4 One of the employees had his wallet taken. And a third
5 employee of the attempted armed robbery had his keys pulled
6 off of him and thrown down when they realized they couldn't
7 get anything of value off of him.

8 At the time that police first arrived -- Detective
9 Garrison is present in the courtroom. He's the lead
10 investigator on this case, Your Honor. When police first
11 got to the scene they started talking to witnesses trying to
12 sort out what had happened.

13 This Defendant initially -- he worked at the
14 McDonald's, and he was an employee there. He gave a
15 statement claiming to be a victim. And in his initial
16 statement he said that these men had forced their way in.

17 I won't go through all the details of it, but what had
18 happened is he had let one of them in initially. That
19 person walked into the store and when Paul Burdick, who is
20 present in the courtroom, one of the victims, he saw this
21 masked person walk in the store. That Defendant, a co-
22 defendant, ran out.

23 At that point they -- the three co-defendants sat in
24 the parking lot. They waited on this Defendant to send a
25 message to them that things had calmed down, that the

1 employees had calmed down. After they'd checked all the
2 doors, he let them back in, and that's when the robbery
3 occurred.

4 When police got on the scene they read this Defendant's
5 statement and things were not making sense to them. He made
6 statements that he was thrown on the floor. And there was
7 no water on any of his clothing. He also made statements
8 that he had opened the door to look outside for this masked
9 robber, which made no sense to the officer either because
10 all he had to do was look out the window.

11 Detective Garrison did get a statement from this
12 Defendant where once he realized that the initial I'm-a-
13 victim-story was not going to work, he gave a statement.
14 And I'll just read very briefly.

15 He said, I work at McDonald's. They wanted me to
16 participate and help them. At first I was like, it's a big
17 risk, but they, according to him, kept pressuring me into
18 it. I talked to Comenci, and that would be a co-defendant,
19 on Saturday and he said they were coming to rob the store.

20 And he goes on to say that he helped, he let them in
21 the office. He unlocked the door. And at the end he said,
22 I know I made a mistake, and I'm sorry about what happened.

23 Your Honor, his statement's what led to the arrest of
24 this investigation. Police then went and talked to Comenci
25 Watts. He gave a statement.

1 His version of what happened is different. His version
2 is that this Defendant really -- it was his idea to rob the
3 McDonald's. He came to Comenci and he gave the idea of
4 robbing the store because he thought it would be easy, that
5 there were no cameras.

6 Comenci Watts then went to the other two co-defendants,
7 who, evidence at trial would, the State would show really
8 didn't know this Defendant. And Comenci Watts was the
9 common link between this Defendant and the other two.

10 That is -- the State would present all three co-
11 defendants at trial who are here in the courthouse to
12 testify. They are going to say that this Defendant was the
13 one who came up with the idea to rob the McDonald's, but
14 they all admit their responsibility in it and admit that
15 they were a part of it.

16 The victims in this case -- Paul Burdick is here from
17 Florida. He arrived in town last night. And he, as I
18 stated before, had his wallet stolen.

19 And, Your Honor, we were going to produce two other
20 witnesses at trial who stated that this Defendant -- this
21 robbery happened in December of 2008. One witness was going
22 to state that this Defendant mentioned robbing the
23 McDonald's as early as April of 2008.

24 Another witness, who is a friend of this Defendant and
25 a co-defendant said that this Defendant made statements to

1 him the Fall of 2008 about how easy it would be to rob the
2 McDonald's, how they didn't have cameras. And he had
3 discussed it with this witness and the witness didn't take
4 him serious until the robbery happened. That would be what
5 the State would present at trial.

6 THE COURT: Okay. Does he have a prior criminal
7 history?

8 MS. SUSTAKOVITCH: Your Honor, he has no prior criminal
9 record. And at the appropriate time I'll advise the Court
10 the status of the three pending co-defendants.

11 THE COURT: Okay.

12 MS. SUSTAKOVITCH: Or three co-defendants, rather.

13 THE COURT: Is what she told me factually correct?

14 MR. PARIS: Yes, sir.

15 THE COURT: Is that what you did?

16 MR. PARIS: Well, when I opened the door it wasn't
17 meaning to let them back in. Like I was actually -- I
18 looked out the peephole, but the peephole has blind spots on
19 both sides. And so I opened it to make sure they were gone.

20 THE COURT: Well, was it your idea to do this?

21 (Whereupon the Defendant was consulting with his
22 attorney)

23 MR. PARIS: Yes, sir.

24 THE COURT: Okay. Now's your judgment day, okay? So
25 what do you want to tell me about what happened? Anything

1 else?

2 MR. PARIS: No.

3 MR. GODFREY: Well, ---

4 MS. SUSTAKOVITCH: Your Honor, so it's clear on the
5 record, defense counsel knows, the State has always had the
6 position in this case that if all of these young men
7 cooperated and owned up to their responsibility the State
8 would recommend a mandatory minimum ten years. By
9 cooperation we meant if we had to go to trial and testify
10 and they would fully allocute on the record.

11 What happened in this is last year Comenci Watts, he
12 pled in front of Judge Addy, he did give a statement to law
13 enforcement, he did agree to testify at trial. And the
14 State recommended ten years on his case.

15 Tygree Waite pled before Judge Stilwell last year. His
16 was slightly different. He wanted to plead guilty, but he
17 did not want to cooperate. He did not want to, quote,
18 snitch on his friend. There was a pending co-defendant at
19 that point.

20 So the State did tell Judge Stilwell on the record that
21 our ten year recommendation was based on cooperation and he
22 wasn't doing that. Judge Stilwell sentenced him to fourteen
23 years.

24 Daryl Donaldson pled last month in front of Judge
25 Verdin. He did not give a statement at the time this case

1 occurred, but he did agree to speak with me and he fully
2 allocuted on the record. And he got a ten year
3 recommendation.

4 I did want to let Your Honor know, Tycree Waite in the
5 past year has had a change of heart. He has cooperated now
6 with the State. He has fully given a statement as to what
7 his part was.

8 And I do know his attorney is intending to ask for a
9 reduction to the ten year sentence, which based on the
10 statute that was passed last Summer in the Omnibus Bill, the
11 State is not going to have any opposition to Tycree getting
12 that sentence based on his willingness to testify had this
13 case gone forward today. But we have not had that from this
14 Defendant.

15 And I would note there are two witnesses here from
16 Florida that, one being a victim, one being an officer, the
17 State has had to expend a lot of time and resources to get
18 to this point. Thank you, Your Honor.

19 THE COURT: Yeah, what -- do the co-defendants have
20 prior records? I just ---

21 MS. SUSTAKOVITCH: No, sir. They all had no prior
22 records. These young men, three of them were in high
23 school, at Greer High School. I believe this Defendant had
24 -- was taking night classes. He was no longer at Greer
25 High. But they were all seventeen and eighteen years old at

1 the time that this occurred.

2 THE COURT: All right. Mr. Godfrey. But first,
3 anything -- any victim input or anything they want to say?

4 MS. SUSTAKOVITCH: They are present. Paul Burdick is
5 on the front row. Anthony Thomas is on the front row. And
6 then the owners of the McDonald's, Selina and Tony Cipolla,
7 they want to leave the sentence in the discretion of the
8 Court. This was a very traumatic experience for them.

9 THE COURT: Sure.

10 MS. SUSTAKOVITCH: And they wanted me to relay that to
11 the Court.

12 THE COURT: All right. Mr. Godfrey.

13 MR. GODFREY: May it please the Court. Your Honor,
14 first and foremost my client wishes to apologize to all of
15 the victims in this case. I have advised my client that he
16 can only address the Court and not turn around and address
17 any victims. He is extremely remorseful about what
18 happened.

19 Judge, he has a good number of family with him here.
20 His grandfather, his father, his pastor, his mother and his
21 fiancé are all here in the court.

22 This is one of the most saddest cases that I have seen
23 in a long time. Judge, my client was barely eighteen years
24 old when this occurred. It appears from going over the
25 evidence with my client, he was making a statement several

1 months earlier.

2 This was -- about the McDonald's, this was a new
3 McDonald's that had been built. And he was talking about
4 how easy it would be to -- for somebody to rob the place
5 because there was no cameras in it. And I think that idea
6 got put in the back of his mind.

7 He was seventeen years old at the time. Judge, he was
8 legally married. And he had a child. And he and his wife
9 separated. They're still not completely divorced, but
10 they're headed that way. They're going to be divorced.

11 And he was working very hard. He was trying to make
12 enough money to support himself. And he dropped out of high
13 school. He did get his GED with honors. First time I've
14 ever seen anybody with a GED with honors. But he got a GED
15 with honors. Money was real tight. And he was working at
16 the McDonald's.

17 Comenci Watts was his friend. And Comenci Watts at one
18 point in time picked my client up when he had a flat tire.
19 And my client was talking about how easy it would be to rob
20 the place. And apparently Mr. Watts needed some money as
21 well. So they hatched this scheme. Stupid scheme.

22 My client was working on the night-shift when only the
23 drive-thru windows were open. The restaurant was closed.
24 And the plan was that he was going to leave the side door
25 open and they were going to rush in.

1 On this particular evening he talked to his manager,
2 who was Nathan Thomas. He told Nathan Thomas that Josh,
3 himself, would like to do the deposit that night. And
4 Nathan Thomas thought that a little bit odd because nobody
5 wants to do a deposit. But my client told him, you know, he
6 needed the practice.

7 What Josh did, he wanted to be the one that was back
8 there in the office. He thought it would be safer so that
9 somebody else would not be there. These folks got over to
10 the McDonald's and a couple of them went in.

11 There was a man at the drive-thru window who saw one of
12 the fellows in there. And the folks in the restaurant
13 started looking around. The guy ran out. Then after a few
14 minutes they came back in.

15 My client went to the door, which was locked at that
16 point in time. He opened the thing so you could look out,
17 the little window so you could look out. And then he opened
18 the door and they rushed in.

19 Judge, my client initially had signed up to plead
20 guilty more than a year ago. And that did not happen. I
21 had great difficulty explaining to my client the fact that
22 this is what it is whether he was holding a gun or not. And
23 we had to talk a lot about accomplice liability and the fact
24 that the hands of one is the hands of all. And, in fact,
25 Josh told me he didn't realize that they were going to be

1 having guns when they got in there.

2 Then, Judge, this case has gotten old. And it's not
3 really because of my client's fault. You know, I had some
4 problems last year and I was out for about almost a year.
5 And, in fact, I was out totally in November and December.

6 At any rate, Your Honor, this young man is extremely
7 sorry about what happened. When I was able to come back to
8 work, which was actually about the first of this year, I met
9 with Josh.

10 And he wanted to put this off for a very practical
11 reason. He and his first wife had both moved on with their
12 lives and my client is -- has a fiancé. When he gets
13 divorced he's going to marry this young lady back here.
14 And, Judge, she was pregnant. And he wanted to see his
15 child born.

16 And, actually, the little fellow came eight days ago.
17 He's premature. And he's in the NICU. He's doing well.
18 But my client really didn't want to do anything because he
19 really wanted to see his son.

20 We have talked about this case many, many times. It's
21 one of the dumbest things. Detective Garrison knew, in
22 fact, Officer Odom, both of them knew what happened before
23 he ever told them. He gave a statement there at the
24 restaurant. Odom realized it wasn't right. Detective
25 Garrison realized it wasn't right.

1 Detective Garrison got Sergeant Gault to take him back
2 to CID. And then my client gives a statement that was read
3 to you and then takes the officer over and shows him where
4 two of the houses are where these folks lived. They didn't
5 arrest my client that night because they didn't want to tip
6 off the co-defendants in the case.

7 Judge, it's a horrible, violent, stupid case.
8 Everybody in this thing was young. Nobody had any
9 convictions on their record. It's incredible that it
10 happened at all, but it did.

11 My client is extremely remorseful. He knows there's no
12 way that he can make up for it. And, Judge, he's been out
13 on bond. And he walked in here today freely and voluntarily
14 knowing that he's going to go to prison. It's just very
15 sad.

16 Judge, my client has his grandfather, his father and
17 his pastor. And all three would like to briefly address the
18 Court.

19 THE COURT: All right.

20 MR. GODFREY: Phillip Paris, Sr. Just from right
21 there.

22 MR. PARIS, SR.: This is my great grandson. He's been
23 with us a long time. I've got a lot of grandchildren, a lot
24 of children.

25 Josh has been a fellow that helped us in many funerals,

1 read some of the finest poetry that could ease the pain of
2 many people. I could trust him with my grandmother's roach
3 -- brooch.

4 He's been good to me. He's helped me in the gardens.
5 He's helped me with many things. He can work on cars. He
6 can do anything that you ask him to do and he's more than
7 glad to do it.

8 Like I say, he was remorseful for the things that
9 happened. And I've been with him. I can trust him. He
10 wants to spend time -- I'd like to see him raise his
11 children. He's got a beautiful little daughter and this
12 beautiful little son still in the hospital. He'll get out
13 today or tomorrow. He hadn't been able to hold the baby.

14 He's worked just about all the time. He hadn't failed.
15 He's offered to pay the restitution. Many ways that -- he's
16 not disappeared trying to get out. He knows that the
17 mistake was made. But we're asking you to have mercy upon
18 him and his family.

19 But I can stand up for Josh and say he'll be a number
20 one man wherever he goes because he's been a good one
21 always. He's stood with us. We've had ups and downs
22 probably. Not many disagreements. I'd say, Josh, can you
23 work on my car? Will you do this? Yeah, Pop, I'll do it,
24 I'll do it. He's helped many people.

25 And, like I say, this mistake that was made, he

1 realizes. Sometimes there are mistakes made. But we just
2 ask you today if mercy walks in, even the clients that he
3 maybe offended or whatever, but we just thank you for the
4 time.

5 And we thank thee for Josh and his family. And God's
6 got things for me to do, that I thought this was going to be
7 a day of confirmation for me. But one way or the other,
8 however this goes, I'll still do what God would have me to
9 do. Thank you very much.

10 THE COURT: All right. Thank you.

11 MR. GODFREY: Phillip, Jr., Phillip Paris, Jr., his
12 father.

13 MR. PARIS, JR.: This is my son. He was taught to be a
14 good son. He was taught right and wrong. Always excellent
15 grades in school, 4.0, 4.1 GPAs. He started hanging with
16 the wrong crowd, kind of getting mixed up in something he
17 shouldn't have.

18 After it happened, we talked. He was tremendously
19 upset. He said he did not realize that it was going to
20 happen the way it did. He's always been a smart child.
21 Whether it would be mine or someone else's, I would have
22 said the same. But he's a great kid.

23 I've got two great grandchildren, not great grand, but
24 good grandchildren from him. His youngest, like Bill said,
25 was eight days old, over at the NICU. And, you know, I just

1 -- he knows he did wrong.

2 And as far as a family standpoint, I tried to raise him
3 as best I could. I was a single father for him for most of
4 his life. I had custody of him and his sister, both. I
5 raised them the best I could, taught them right from wrong.
6 And it was just a bad judgment on his part about what
7 happened. And I wish that, you know, it didn't happen. And
8 I feel remorse for the victims also.

9 And I hope that the Court will be lenient on him
10 because of no prior record and his lifestyle ever since he's
11 been out. He's been doing everything he should to raise his
12 family, trying to be the best that he can. He's got his own
13 home. He's living right. He's going to church trying to
14 raise his children the best he can the same way I did with
15 him.

16 And, you know, I just hope that y'all can have a little
17 lenience on him so that he can see his newborn son or at
18 least hold him a little bit before he does have to do
19 whatever sentence that the Court may see fit to give him.
20 Thank you.

21 THE COURT: All right. Thank you very much.

22 MR. GODFREY: And Pastor Jane Evans.

23 PASTOR EVANS: Yes. I'd like to say I've had the honor
24 of knowing Josh and his family. At our church, they come
25 faithfully. And we love him and his fiancé, little

1 children. And they're very dedicated.

2 And I've had the opportunity to counsel with Josh, talk
3 with him and pray with him. And he has expressed to me his
4 great remorse for what has happened in the past. And he has
5 a desire to move on with his life and to, like his dad said,
6 to raise his children the best that he can, keep them in
7 church.

8 And he regrets very much what happened to those that
9 are present today. And he has told me if there was any way
10 possible that he could go back and change things, he would.
11 And I have talked with him and tried to encourage him along
12 the way.

13 And like his grandfather said, you know, we all have
14 made mistakes in life that we regret, but we have to stand
15 and let it be known how remorseful that we are and just ask
16 God's help for us to move on in our life. And I'm just
17 believing that things are going to work out so that like
18 they have said, he'll get to at least hold his little
19 newborn baby before he has to carry on with the verdict
20 made.

21 And I just appreciate your time here, giving me the
22 opportunity to speak in his behalf because he is a very --
23 they're just a very good family. Like I say, they're
24 dedicated to coming to church. He'll do anything in the
25 church we've asked him to do. He don't hesitate whatsoever.

1 Very respectful, he and his whole family are very
2 respectful people. And I appreciate that as being a pastor.
3 I have nothing that I can say against him as far as the
4 person himself. I appreciate it.

5 THE COURT: All right. Thank you very much.

6 MS. SUSTAKOVITCH: Your Honor, if I could put one last
7 tidbit on the record that I did not. I neglected to put on
8 about law enforcement's input in this case.

9 First, this is a horrible situation. There is no
10 winner in this situation. And the State takes no pleasure
11 in seeing young kids lose a significant chunk of their life
12 because of one bad decision one night. But at the end of
13 the day, there are real victims who were laying face-down on
14 the floor, who are here in this courtroom, who thought they
15 might die that night.

16 Law enforcement in this case has always felt that
17 twelve years was an appropriate sentence. The State went to
18 ten years as long as there was allocution, there was
19 cooperation and there was real apology for what happened.

20 And I'm not, you know, Tycree Waite pled. And, Your
21 Honor, what he did was he stood there, he wanted to plead,
22 but he did not want to just come out and say I did this and
23 I was wrong.

24 So I did want to put on the record law enforcement's
25 input in the case. And I'm not certain I've heard Mr. Paris

1 say that he is one hundred percent in this deal as the other
2 co-defendants were.

3 THE COURT: Well, you -- law enforcement was asking for
4 twelve two years ago, is that right?

5 MS. SUSTAKOVITCH: Well, this has always been the
6 position. And the State felt like we would do ten if they
7 would cooperate and if they would show sincere apology for
8 what they did.

9 THE COURT: Let me talk to you two lawyers up here for
10 a second.

11 (Whereupon a bench conference was held off the record)

12 THE COURT: Okay.

13 MS. SUSTAKOVITCH: Thank you, Your Honor.

14 THE COURT: Mr. Godfrey.

15 MR. GODFREY: May it please the Court. Judge, this
16 young man, he is extremely remorseful. There was an offer
17 for ten years.

18 Obviously, this is off the trial docket. Part of the
19 reason we're standing here today is because I was out of
20 work for a good period of time. And part of the reason is
21 because this young man had real difficulties understanding
22 why he should be held accountable for a gun that he didn't
23 hold.

24 Your Honor, he comes from a very good family. Ever
25 since he's been out on bond he has been employed. I don't

1 think he has gone more than two or three days without
2 employment. He lost a job over at Columbia Farms because he
3 had to take his wife to the hospital on another occasion
4 when there was some false labor.

5 And he immediately got another job at Morgan AM&T. He
6 is trying very hard to do the right thing. And we would
7 respectfully request the Court's mercy.

8 THE COURT: All right. Anything you want to tell me?

9 MR. PARIS: Yes, sir. I want to make it known I'm
10 really sorry about what happened. And I'm sorry that
11 anybody was hurt in any way. And if I could take it back, I
12 would. I wish it wouldn't have happened.

13 THE COURT: Okay. Well, it's a real bad offense. And,
14 you know, when you come to the precipice of the cliff,
15 everybody's sorry about what happened. But how did you get
16 here? And it wasn't through your own -- you didn't step up.

17 I'm going to give you fifteen years on everything with
18 exception for the conspiracy. And I give you five on that.
19 Credit for any time he's entitled to.

20 MS. SUSTAKOVITCH: Thank you, Your Honor.

21 THE COURT: Good luck.

22 MR. GODFREY: May it please the Court.

23 THE COURT: Um-hum (affirmative).

24 MR. GODFREY: My client and the family wanted me to
25 request -- I would move that my client be allowed to self-

1 report ---

2 THE COURT: No, sir. No. All right.

3 MR. GODFREY: Can he say goodbye to his family?

4 THE COURT: No, it's whatever they ...

5 (Hearing ended at 12:35 pm)

6 (End of requested transcript of record)

1

2

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16

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF Greenville)Joshua Adrian Paris, #346142
Full name and prison number (if any) of Applicant.)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2012-CP-23- 03348

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing, (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make 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 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 Lee Correctional Institution, 990 Wisacky Hwy, Bishopville, SC 29010
2. Name and location of Court which imposed sentence Greenville County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) Camenci Watts, Tyreese Waite, Daryl Donalson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2009GS2305301 Conspiracy/Criminal Conspiracy, Common Law Conspiracy
 - (b) 2009GS2305305 Armed Robbery
 - (c) 2009GS2305306 Armed Robbery
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) May 23, 2011 5 years Concurrent
 - (b) May 23, 2011 15 years Concurrent

Revised 3/2003

- (c) May 23, 2011 15 years Concurrent
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?
Yes, I did.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. September 9, 2011
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (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) Involuntary Guilty Plea
 (c) Equal Protection of Law

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

- (a) See Additional Page 1
 (b) Resulting from ineffectiveness of counsel
 (c) See Additional Page 1

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

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

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

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

~~ix.~~ _____

(d) the date of each such disposition:

i. N/A

~~ix.~~ _____

~~ix.~~ _____

~~ix.~~ _____

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

i. N/A

~~ix.~~ _____

~~ix.~~ _____

~~ix.~~ _____

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?

No, they have not.

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

(a) which grounds have been presented:

i. N/A

~~ix.~~ _____

~~ix.~~ _____

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

i. N/A

~~ix.~~ _____

~~ix.~~ _____

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) (10)(a) First Collateral Attack

(b) (10)(b) First Collateral Attack

(c) (10)(c) First Collateral Attack

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

- (a) your arraignment and plea? Yes, I was.
- (b) your trial, if any? N/A
- (c) your sentencing? Yes, I was.
- (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? N/A

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

- (a) the name and address of each attorney who represented you:
- i. Everett P. Godfrey; 10 East Avenue, Greenville, South Carolina
- ix. _____
- ix. _____
- (b) the proceedings at which each such attorney represented you:
- i. Plea and Sentencing
- ix. _____
- ix. _____

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

Based on the above, plea and sentences reversed and remanded for a new trial, (continued on reverse side)

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

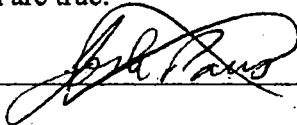
No, I am not.

STATE OF SOUTH CAROLINA)

County of Greenville)

VERIFICATION

I, _____, 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.



SWORN to and subscribed before me this 3
day of May, 2012.

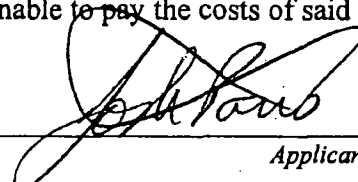
Debra Surin (L.S.)
Notary Public

My Commission Expires: 11-4-2015

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

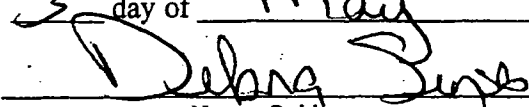
I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (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.



Applicant

SWORN or affirmed to and subscribed before me this

3 day of May, 2015


Notary Public

My Commission Expires: 11-4-2015

11. a) Failure to compel compliance with plea agreement; failure to move to withdraw plea of guilty; failure to move for reconsideration of Sentence; failure to properly prepare for trial; failure to investigate

c) My constitutional amendment XIV was violated because the court did not uphold the "Equal Protection of Law" clause. My codefendants and I were under like circumstances since I was charged according to the "Hands of One is the Hands of All." I was punished more severely than they were. This is a violation of "Equal Protection of Law" which requires that the rights of every person must be governed by the same law under similar circumstances and, in the administration of criminal justice, the imposition of different punishments of different degrees of punishment upon one than is imposed upon all for like offenses is a denial of such right.

But that no charges or burdens shall be laid on him which are not equally borne by others, and that in the administration of criminal justice shall suffer for his offenses no greater or different punishments.

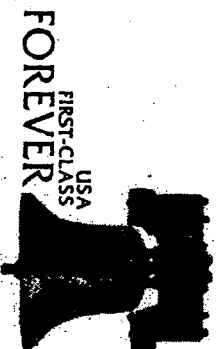
d) The judge showed vindictiveness by sentencing me to a harsher sentence than was imposed upon my codefendants because I chose to exercise my right to trial but then pled out on the morning of my trial. This is why I received a harsher sentence than my violent codefendants and it is not just or fair. I should not be punished more severely for exercising my rights.

I believe I have additional claims for post-conviction relief, but i do not have collateral counsel, access to discovery process, or funds for expert services to investigate these claims.

wa A. Davis #346142
Correctional Institution #244
ter North 1240
7 Wilsacky Hwy
republic, SC 29010

66121210962

2012-CP-23-03348



Paul B. Dickensimer
Greenville County Clerk of Court
305 East North Street
Greenville, South Carolina 29601



002:00 \$

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. No. 2012-CP-23-3348
COUNTY OF GREENVILLE	)	
	)	
Joshua Adrian Paris,	)	
S.C.D.C. No. 346142,	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

In response to the post-conviction relief application filed May 17, 2012, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the June 2010 term of General Sessions for conspiracy (2009-GS-23-5301), three counts of armed robbery (2009-GS-23-5305, -5306, -5307), and attempted armed robbery (2009-GS-23-5308). E.P. "Bill" Godfrey, Jr., Esquire represented the Applicant.

On May 23, 2011, the Applicant pled guilty as indicted. The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of five years for conspiracy, fifteen years for each count of armed robbery, and fifteen years for attempted armed robbery.

A notice of appeal was filed on the Applicant's behalf at the South Carolina Court of Appeals. By order filed September 9, 2011, the Court of Appeals dismissed the appeal based on the Applicant's failure to provide a written explanation as to what issues could be reviewed. See

Rule 203(d)(1)(B)(iv), SCACR.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, and the appellate records. 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. Failed to compel compliance with plea agreement.
 - b. Failed to move to withdraw plea.
 - c. Failed to move for reconsideration of sentence.
 - d. Failed to prepare for trial and investigate.
2. Involuntary guilty plea.
3. Equal protection of law.

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 to evaluate claims 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. 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.” Id. 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).

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’s assertion that his guilty plea was involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d

742, 747 (1999). An Applicant 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 Applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). In Boykin, the United States Supreme Court held that before a court can accept a guilty plea, a criminal defendant must be advised of the constitutional rights he is waiving. Id. at 243, 89 S. Ct. at 1712. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) (citation omitted). A criminal defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "must be established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000).

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).

The Respondent submits the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248 (1983).

V.

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

VI.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held and counsel appointed to represent the Applicant.

Respectfully submitted,

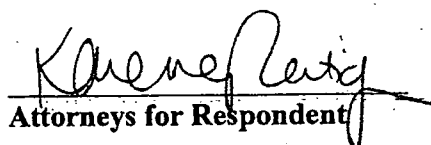
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

KAREN C. RATIGAN
Assistant Deputy Attorney General
P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

August 31, 2012

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS)

2012-CP-23-3348)

JOSHUA ADRIAN PARIS, 346142)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL)

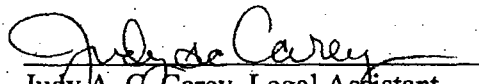
STATE OF SOUTH CAROLINA,)

Respondent.)

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

**Joshua Adrian Paris, 346142
 Lee Correctional Institution
 990 Wisacky Highway
 Bishopville SC 29010**

DATED this 31st day of August, 2012.


 Judy A. Carey, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joshua A. Paris,

Applicant

v.

State of South Carolina

Respondent.

) IN THE COURT OF COMMON PLEAS

)

) THIRTEENTH JUDICIAL CIRCUIT

) C.A. No.: 2012-CP-23-3348

)

)

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AMENDED PETITION FOR
POST CONVICTION RELIEF2013 AUG 27 5 01 PM
CLERK OF COURT

The Applicant, by and through his counsel, Caroline M. Horlbeck, respectfully amends his Petition for Post Conviction Relief to add the following allegations:

1. Counsel was ineffective by failing to object to the State's failure to present an indictment to the Grand Jury within ninety (90) days after receipt of the arrest warrant;
2. Counsel was ineffective by failing to object to the State's failure to petition the Court for an order delaying action on the warrant for successive ninety (90) day period;
3. Counsel was ineffective in failing to object to the Court's harsh sentencing of Applicant in comparison to co-defendants in violation of Applicant's right to Equal Protection;

Respectfully submitted,

Caroline Horlbeck
 Caroline Horlbeck
 Attorney for the Defendant
 101 Whitsett Street
 Greenville, S.C. 29601

Greenville, South Carolina
 27th day of August, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF COMMON PLEAS
2012-CP-233348

JOSHUA ADRIAN PARIS)

APPLICANT)

vs.)

STATE OF SOUTH CAROLINA)

RESPONDENT)

ORIGINAL

TRANSCRIPT OF RECORD

August 28, 2013
Greenville, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, Judge.

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

CAROLINE HORLBECK, ESQ.
Attorney for the Applicant

KAREN C. RATIGAN, ESQ.
Attorney for the Respondent

APRIL HERRON
Official Court Reporter

INDEX OF WITNESSES

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PHILLIP PARIS

Direct By Ms. Horlbeck 21

Cross By Ms. Ratigan 24

Redirect By Ms. Horlbeck 25

BILL GODFREY

Direct By Ms. Ratigan 26

Cross By Ms. Horlbeck 34

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There were no exhibits.

Certificate of Reporter 42

1 THE COURT: Yes, ma'am.

2 MS. RATIGAN: Thank you, Your Honor, may it please
3 the Court. This is the case of Joshua Paris vs. The State
4 of South Carolina. The docket number is 2012-CP-23-3348.
5 Mr. Paris was indicted for conspiracy and three counts of
6 armed robbery and one count of attempted armed robbery.
7 He was represented on these charge by Mr. Godfrey. On May
8 23rd of 2011 he pled guilty before Judge Miller. He
9 received concurrent sentences for five years for
10 conspiracy, 15 years for each count of armed robbery and
11 15 years for attempted armed robbery. He did file an
12 appeal. That was dismissed September 9th of 2011 by the
13 Court of Appeals under Rule 203. As, Your Honor, knows
14 when a guilty plea is appealed, counsel or the Applicant
15 or the Defendant must provide a reason why the case should
16 be heard because it was a guilty plea. And the Court of
17 Appeals dismissed the appeal and found that that burden
18 had not been met. So, that was September of 2011 and the
19 application was therefore timely filed. And The State is
20 ready to proceed.

21 THE COURT: Okay, Ms. Horlbeck.

22 MS. HORLBECK: Your Honor, we would call Joshua Paris
23 to the stand.

24 THE COURT: All right, Mr. Paris, come on up, put
25 your hand on the Bible and swear in.

1 JOSHUA PARIS, after being duly sworn, testified
2 as follows:

3 THE CLERK: Thank you, you may be seated. State your
4 full name for the record.

5 THE WITNESS: Joshua Adrian Paris.

6 DIRECT EXAMINATION

7 BY MS. HORLBECK:

8 Q Mr. Paris, who represented you in this case?

9 A Mr. Bill Godfrey.

10 Q Do you recall when you hired Mr. Bill Godfrey? I
11 don't necessarily need a specific date. I'm kind of -- I
12 guess I'm asking how long did he represent you before you
13 pled guilty?

14 A He represented me -- he was my attorney for two
15 years.

16 Q Okay.

17 A My family, I believe, hired him in probably February
18 of 2009.

19 Q Okay. How many -- during that two year time period
20 that he represented you, how many times do you recall
21 meeting with Mr. Godfrey?

22 A I know he had some health problems so he was out for
23 about a good year.

24 Q Okay.

25 A But all together the amount of times we met, were

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 probably about ten or less.

2 Q Okay. Were you out on bond at the time?

3 A Yes, ma'am, I was.

4 Q Okay. Where did you and Mr. Godfrey meet?

5 A I believe my dad received a letter at the house
6 about, you know, some attorneys had sent him letters
7 wanting to represent me when I was arrested. And they met
8 with him.

9 Q Here, let me ask you this, let me rephrase that
10 question. When you and Mr. Godfrey met to discuss your
11 case, where did those meetings take place? Did y'all meet
12 at the courthouse or his office?

13 A I met at his office a few times. And the other times
14 I met with him when I came to roll call.

15 Q Okay. All right. Now, you said that Mr. Godfrey was
16 ill part of the time?

17 A Yeah, he was out almost a year. Because I think he
18 had some problems with his back.

19 Q Okay. During the time that he was ill, were you able
20 to meet with him or meet with anybody else from his
21 office?

22 A No, I was not able to meet with him.

23 Q Okay.

24 A I really didn't hear from him. I was wondering what
25 was going on. I didn't find out until later that he was

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 ill.

2 Q Okay.

3 A But the only person I seen is when I went to make my
4 payments, you know, I gave my payment to his paralegal.

5 Q Okay. Did Mr. Godfrey keep all of the appointments
6 that you scheduled with him?

7 A Well, right before trial I had about six weeks before
8 I was supposed to go to trial and I would have
9 appointments set up and he canceled some of those.
10 Whether it was migraines or said he had a client that was
11 at the county, that he was going to be there as opposed to
12 meeting with me to prepare me for trial.

13 Q Okay. Were the meetings that were canceled, were
14 they rescheduled?

15 A No, we had a few more meetings, like two more
16 meetings before I actually went and pled on my trial date.

17 Q Okay. When an appointment was canceled, did you call
18 the office to try to reschedule it?

19 A I did go up there one time when we were supposed to
20 meet and talk to his paralegal and she told me she didn't
21 know anything about it.

22 Q Okay.

23 A And it was supposed to be rescheduled.

24 Q All right. And when you met with Mr. Godfrey, did
25 you and he review discovery?

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 A We did go over a few of the statements with me. We
2 never went over my discovery in its entirety.

3 Q Okay.

4 A And I never did receive everything, the DVD and stuff
5 that was up in evidence against me.

6 Q Did you request a copy of your discovery package?

7 A I did request and I received, you know, the type
8 written stuff but I didn't receive the DVD that had some
9 other information on it. I actually received that after I
10 was incarcerated.

11 Q What part of that did you receive after your
12 incarceration, the DVD or the actual--

13 A Well, I received everything at that point. I wrote
14 and told them, you know, I would like a copy of my
15 discovery.

16 Q Okay.

17 A And he sent me everything with the DVD and all.

18 Q All right. Before you pled guilty, though, you had
19 requested all of your discovery?

20 A Yes.

21 Q And you how much of it did you get before you pled
22 guilty?

23 A I got pretty much all of the written the stuff. The
24 only thing I really didn't get was the DVD that, you know,
25 might have had some evidence against me.

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 Q Okay. Did you and Mr. Godfrey have an opportunity to
2 discuss your Indictment?

3 A Actually, we never -- we discussed like my charges
4 but the Indictments we never did discuss as far as the
5 time and stuff going before the Grand Jury.

6 Q Okay. And you raised an issue in your petition about
7 the Indictment, is that correct?

8 A Yes, ma'am. Because I was -- I was made aware that
9 with Indictments they're supposed to go before the Grand
10 Jury. I believe you told me it was 90 days they had to
11 get the Indictment in front of the Grand Jury. And I was
12 arrested in December of 2008 and my Indictments actually
13 did not go before the Grand Jury until June of 2010.

14 Q Okay. All right. And you said that you didn't know
15 about this -- do you know what rule? Did you do -- I
16 think you said you had done some research. If you don't
17 remember that's fine.

18 A Yeah, it's --

19 Q Is it Rule 3 of the South Carolina Rules of Criminal
20 Procedure?

21 A Yeah, I believe so, I can't remember exactly.

22 Q Okay. That's all right. Did you know about that
23 rule before you went to the Department of Corrections?

24 A No, ma'am.

25 Q All right. Did Mr. Godfrey advise you of that rule?

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 A No, ma'am.

2 Q All right. And was a motion or a written or a verbal
3 ever made regarding the State's failure to comply with
4 that time limit?

5 A Well, I never did a motion on that because--

6 Q But did your attorney do that motion, that's what I'm
7 asking?

8 A No, ma'am. My attorney never did the motion on that.

9 Q Okay. All right. And it is your argument today that
10 your attorney should have made that motion?

11 A Yes, ma'am.

12 Q Okay. Do you think that making that motion would
13 have altered the outcome of your case and would have done
14 anything differently if your attorney had made that
15 motion?

16 A Well, if he had informed me of that I would have
17 asked him to make the motion because it could have
18 resulted in, you know, whether the Indictments could have
19 been thrown out or...

20 Q Would you have pled guilty knowing that you could
21 have made this motion, possibly had your Indictment thrown
22 out, would you still have pled guilty?

23 A Not if there was a possibility that, you know, I
24 could have gotten off.

25 Q Okay. Did you and Mr. -- did you write a statement

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 in this case or did you speak to the police in this case?

2 A Yes, ma'am.

3 Q Okay. What happened? Did you and Mr. Godfrey
4 discuss the circumstances surrounding the things that you
5 told the police?

6 A Well, you know, I talked to him because, you know,
7 the--

8 Q You talked to who?

9 A Mr. Godfrey.

10 Q Okay.

11 A Because the statement I ended up making was
12 incriminating, we never went over all the details. I
13 know, I believe, I informed him, you know, that the reason
14 my statement changed from where I had nothing to do with
15 it to my self-incriminating statement was because the
16 police had told me if I cooperated they would help me.
17 Because, you know, they knew I had children. Told me if I
18 didn't cooperate then I would go to a maximum security
19 prison. And if I cooperated they would try to help me to
20 get a lesser sentence or possible PTI.

21 Q Okay. How many statements do you recall making in
22 this case to the police?

23 A Two.

24 Q Okay. All right. And you said that the two
25 statements said different things?

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 A Yes, ma'am.

2 Q Is that fair to say?

3 A Yes, ma'am.

4 Q Okay. And the reason your second statement was
5 different was because of things that the police had told
6 you?

7 A Yes, ma'am.

8 Q Okay. All right. Did you discuss the -- you said
9 that the police had promised you some help or that they
10 would do what they could for you if you cooperated?

11 A Yes, ma'am. They told me if I cooperated, you know,
12 they would help out. I did cooperate which is the reason
13 that, you know, my Co-defendants were arrested.

14 Q Okay. All right. And were you able -- did
15 Mr. Godfrey ever -- did Mr. Godfrey ever ask you about,
16 you know, why your statement changed and did the police
17 promise you anything? Did he ever ask you any of those
18 questions?

19 A No, ma'am, he never really did go over that with me.

20 Q Did you tell him?

21 A Yes, ma'am, I did let him, you know, that they had
22 said PTI before. But when I met with him at first he told
23 me not to worry about my armed robberies that, you know,
24 my worst case scenario was strong armed robbery. But I
25 didn't have a weapon and I'd probably be looking at a

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 youthful offender.

2 Q Okay. All right. Did Mr. -- did you -- were you
3 able to apply to pre-trial intervention?

4 A No, ma'am, I wasn't. Because of the seriousness of
5 my crime.

6 Q Okay.

7 A It was a violent charge.

8 Q And were the charges -- was there ever an offer from
9 The State to reduce the charges to strong armed robbery?

10 A No, ma'am. No, ma'am.

11 Q Okay. And after the things that the police promised
12 you did not happen, what -- did you and Mr. Godfrey ever
13 talk about challenging the circumstances surrounding your
14 statements?

15 A No, he never made mention of it.

16 Q Okay. Did you -- were you aware that you could
17 challenge the admissibility of your statements at trial?

18 A I really wasn't because I never been in trouble
19 before so I really didn't know the law that well.

20 Q Okay. Did Mr. Godfrey tell you that if you pled
21 guilty that you would forever waive your right to
22 challenge those statements?

23 A No, ma'am.

24 Q Okay. All right. And if you'd known that you had
25 the right to challenge the admissibility of those

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 statements at your trial, would you still have pled
2 guilty?

3 A No, ma'am.

4 Q All right. All right. Did you and Mr. Godfrey ever
5 talk about the potential penalty you faced?

6 A As far as a plea agreement?

7 Q Well, that and also did he tell you what that -- what
8 the minimum and maximum sentence could be?

9 A Yes, ma'am, he did tell me that the minimum was ten
10 and the maximum was 30.

11 Q Okay. Was there ever a recommendation in this case?

12 A The State had made a few recommendations of ten
13 years.

14 Q Okay.

15 A I actually was going to accept one one time.

16 Q Okay.

17 A And we ended up changing our mind and, you know,
18 Mr. Godfrey told me he would be willing to go to trial
19 with me.

20 Q Okay.

21 A And The State offered a few more ten year plea
22 agreements.

23 Q Okay.

24 A And I turned them down.

25 Q Okay. Was this case always going to be a trial?

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 A Actually, I was going to push it to trial, yes,
2 ma'am.

3 Q Okay. And if it was always a trial, what made you
4 plead guilty?

5 A Well, you know, I kind of felt I wasn't prepared to
6 go to trial.

7 Q Okay, why is that?

8 A Because we had not met very many times.

9 Q Okay, who is we?

10 A Me and Mr. Godfrey.

11 Q Okay.

12 A And actually the last week and a half, I didn't
13 really hear anything from Mr. Godfrey before my actual
14 trial date.

15 Q This is the last week and a half prior to trial?

16 A Yes, ma'am.

17 Q Okay.

18 A And actually he called me Saturday, which was May
19 21st of 2011 and told me that he wanted to meet with me on
20 Sunday. And me and my father, we went up there that
21 Sunday and he met with me and told me he had talked to the
22 Solicitor on Friday. And she said if I went to trial she
23 was going to push for the maximum and I would probably get
24 in the range of 20 to 25.

25 Q Uh-huh.

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 A But he told me if I went ahead and pled out, she
2 wouldn't knock my head off and I'd probably get 12.

3 Q Okay. Did Mr. Godfrey say whether or not The State
4 was making a recommendation if you pled guilty?

5 A He told that the Solicitor had said 12.

6 Q Okay. All right. Do you recall whether or not The
7 State made that recommendation of 12 years during your
8 plea?

9 A Well, I remember the Solicitor did mention about the
10 police were good with the 12 year sentence.

11 Q Uh-huh.

12 A And the Judge came back and said, Well that was two
13 years ago.

14 And she said, That's always been the position was 12
15 years.

16 Q Okay. Well, when you pled guilty though, The State
17 wasn't making a recommendation, were they?

18 A I was aware of that after I was sentenced.

19 Q Okay.

20 A I received my sentencing sheets that say, you know,
21 without recommendation or negotiation.

22 Q Okay.

23 A But I would not have pled to an open plea because I
24 could have received the maximum of 30 years because it was
25 opened. I could have received the same end result with

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 trial.

2 Q Okay. Okay. Did you enter your guilty plea with the
3 understanding in your mind that you were receiving a 12
4 year recommendation from The State?

5 A Yes, ma'am, I was.

6 Q Okay. All right. And when The State didn't make a
7 recommendation, did Mr. Godfrey make an objection or say
8 anything?

9 A He made no objection, no, ma'am.

10 Q Okay. All right. If you'd known The State was not
11 making the 12 year recommendation, would you have done
12 anything differently?

13 A If I had known I was pleading to an opened plea, I
14 would have just went ahead and went to trial because the
15 end result would have been the same.

16 Q Okay. Mr. Godfrey, I believe, filed an appeal in
17 this case, is that correct?

18 A Yes, ma'am.

19 Q All right. Did he file a -- did you request that he
20 file anything else after you were sentenced?

21 A Well, I actually spoken with my family and told them,
22 you know, if they could at least speak with Mr. Godfrey
23 and let him know I needed him to file anything that could
24 get me back to court.

25 Q Okay.

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 A To get my sentence reduced.

2 Q All right. Did you ask your family -- did you talk
3 to anybody about a motion to reconsider?

4 A Yes.

5 Q Okay.

6 A When I actually found out about it, you know, exactly
7 that we do have a motion to reconsider.

8 Q Right.

9 A But by that point it was too late. Like I said, I
10 told my family, let them know I needed anything to file to
11 get back into court to have my sentence reduced.

12 Q All right. You also raised as issue in your petition
13 concerning the different sentences or the lighter
14 sentences that your co-defendants received in this matter,
15 do you recall that issue?

16 A Yes, ma'am.

17 Q Okay.

18 A You know, I did have an issue with that because they
19 were technically the violent ones in the crime because
20 they did possess the weapons and actually do the robbing
21 of the place.

22 Q Okay.

23 A And I didn't feel I should receive more time than
24 them. Because with equal protection it even states that,
25 you know, hold one second. It states that equal

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 protection of the law requires that the rights of every
2 person must be governed by the same rule of law under
3 similar circumstances. And in administration of criminal
4 justice the imposition of different punishments or
5 different egregious punishment upon one of them is posed
6 upon all for like offenses a denial of such right.

7 Q Okay.

8 A And with me being charged as the same charge as them,
9 when the hand's on one is the hand's of all, that put us
10 under like circumstances. So, I didn't feel I should have
11 been charged or sentenced differently. Then, if I was
12 going to be charged according to those because of their
13 actions.

14 Q Okay. Did your attorney object or make a motion
15 regarding that issue that you just...

16 A No, ma'am, he didn't.

17 Q Okay. All right. Is there any other issues you want
18 to raise that I haven't covered here?

19 A Let me look at a copy of my PCR real quick. I know I
20 filed a PCR about vindictiveness because I believe that,
21 you know, I might have received a harsher sentence because
22 I did actually push, you know, to go to trial as opposed
23 to just pleading out at the beginning.

24 Q Okay.

25 A And I know at my sentencing time, you know, the

JOSHUA PARIS-DIRECT BY MS. HORLBECK

1 Solicitor did make the statement about, you know, they
2 spent money and they didn't feel that I was very
3 apologetic and that I wasn't sincere.

4 Q Okay.

5 A In my plea.

6 Q All right. It is your -- are you asking the Court
7 today to grant your petition?

8 A Yes, ma'am.

9 MS. HORLBECK: Okay, all right. Please, answer any
10 questions that Ms. Ratigan may have for you.

11 MS. RATIGAN: I don't have any questions on cross,
12 Your Honor.

13 THE COURT: Okay, Mr. Paris, thank you, you may step
14 down.

15 Anything further the Applicant?

16 MS. HORLBECK: Just briefly, Judge. We could call
17 Phillip Parish. I'm sorry, Paris.

18 THE CLERK: Please place your left hand on the Bible,
19 raise your right hand.

20 PHILLIP PARIS, after being duly sworn, testified
21 as follows:

22 THE CLERK: Thank you, please be seated. State your
23 full name for the record.

24 THE WITNESS: My name is Phillip Adrian Paris, Jr.

25

DIRECT EXAMINATION

PHILLIP PARIS-DIRECT BY MS. HORLBECK

1 BY MS. HORLBECK:

2 Q Mr. Paris, how are you related to Joshua Paris?

3 A I am his father.

4 Q Okay. And did -- did you and your other family
5 members retain Mr. Godfrey in this case to represent your
6 son?

7 A Yes, we did.

8 Q Okay. How long, to your recollection, do you think
9 Mr. Godfrey represented your son?

10 A It was two years, maybe a little longer.

11 Q Okay. And did you accompany Josh on his meetings
12 when he met with Mr. Godfrey?

13 A Every chance that I could, yes.

14 Q Okay.

15 A And there wasn't that many.

16 Q Okay. Did you have an occasion to meet with Josh and
17 Mr. Godfrey before the trial?

18 A The night before the trial, yes.

19 Q Okay. And was this -- when you say night before,
20 what night of the week was it?

21 A It was a Sunday night.

22 Q Okay.

23 A May 22nd, I believe.

24 Q Okay. All right. And was there a discussion about
25 whether or not The State was going to recommend anything?

PHILLIP PARIS-DIRECT BY MS. HORLBECK

1 A Well, we were talking about the recommendations and
2 everything and Mr. Godfrey said, you know, waiting this
3 time, went ahead and pled guilty is your best choice
4 instead of going to trial because you could face the
5 maximum if you went to trial. And he said that they were
6 going to recommend 12 years.

7 Q Okay. Who is they?

8 A Mr. Godfrey and the Solicitor.

9 Q Okay.

10 A He said that, you know, because he did wait, he would
11 probably get maybe two more years added to his sentence
12 out of the plea deal because he waited so long.

13 Q Okay.

14 A And he told my son, Josh, that that would be his best
15 outcome to go ahead and plea guilty.

16 Q Okay.

17 A The morning of the trial. I mean, we met with him at
18 like 6:00 p.m. that Sunday night. And he said that, you
19 know, you go to court. He said, I'll fight for 12 years
20 for you. And that didn't happen.

21 Q What didn't happen?

22 A He suggested 12 years, Bill Godfrey.

23 Q Okay.

24 A The day that my son pled guilty, he suggested 12
25 years. And Judge Miller actually said, Well, I was going

PHILLIP PARIS-DIRECT BY MS. HORLBECK

1 to give him a lot more than that.

2 Q Okay.

3 A And that was all that was said about the 12 years.

4 And Mr. Godfrey did not say, Well, Your Honor, you know, I
5 think this is what the man deserves or whatever. He did
6 not put up a fight or anything against what Judge Miller
7 had said.

8 Q Okay. And to your knowledge, you may or may not
9 know, was this case always going to trial or? Just to
10 your knowledge. If you didn't know...

11 A In the beginning we were talking to Mr. Godfrey, we
12 told him pretty much the circumstances. And I asked him
13 himself, I said, You know, if this was your son, how would
14 you do it?

15 He said, Oh, I would take it to trial.

16 So, the whole time we were looking for trial. He
17 said he would go to trial with Joshua. He said, you know,
18 we'll take it to the Court.

19 Q Okay.

20 A And say they were recommendations. There were plea
21 deals of ten years.

22 Q Uh-huh.

23 A And several times Mr. Godfrey said, No, we'll go
24 ahead and take it to trial, you have a good chance at
25 trial. I'm going to try to get it reduced to strong armed

PHILLIP PARIS-DIRECT BY MS. HORLBECK

1 instead of armed robbery because he had never been in
2 trouble with the law. Never had any run-ins with them.
3 And, you know, he did not have a weapon. And at the time
4 he had just turned -- he was probably two weeks of being
5 18 years old. He was married, just had a grandbaby.

6 Q Uh-huh.

7 A My grandchild.

8 Q Uh-huh.

9 A And, you know, he said, You have ask a good chance of
10 getting, you know, whatever, PTI, I believe. And he said,
11 but -- he said we got to get it reduced down to strong
12 armed instead of armed robbery. And that had never taken
13 place. That never had never even been discussed.

14 MS. HORLBECK: All right, please, answer any
15 questions that Ms. Ratigan may have for you.

16 THE WITNESS: Sure.

17 CROSS-EXAMINATION

18 BY MS. RATIGAN:

19 Q Just one question. Mr. Godfrey, the night before the
20 plea, he told you that The State would recommend 12 years
21 or them he would try to get The State to recommend 12
22 years?

23 A He said that if he went to court and pled guilty
24 instead of went to trial, if he went to trial that he was
25 looking at 20 to 30 years max. And he said that if you

PHILLIP PARIS-CROSS BY MS. RATIGAN

1 plead guilty you're looking at more along the lines of
2 ten, possibly 15, but more than likely 12, that's what I'm
3 going to push for. And said the Solicitor said possibly
4 two more years than what she had pled out the other
5 defendants for. Which equals 12.

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

7 THE COURT: Anything in addition?

8 REDIRECT EXAMINATION

9 BY MS. HORLBECK:

10 Q Did Mr. Godfrey say that The State was recommending
11 that or?

12 A Said that she was probably going to recommend the 12
13 years and that's what we're looking at, also.

14 Q All right. Now, were there further discussions that
15 you were party to where Mr. Godfrey said she's not going
16 to recommend the 12?

17 A No.

18 MS. HORLBECK: Okay. All right, that's all I have,
19 thank you.

20 THE COURT: All right, thank you, Mr. Paris, you may
21 step down. Thank you for being here, I appreciate it.

22 MS. HORLBECK: Judge, the Applicant rests.

23 THE COURT: All right.

24 MS. RATIGAN: Your Honor, The State would call
25 Mr. Godfrey.

PHILLIP PARIS-REDIRECT BY MS. HORLBECK

1 THE CLERK: Mr. Godfrey, please, place your left hand
2 on the Bible, raise your right hand.

3 BILL GODFREY, after being duly sworn, testified
4 as follows:

5 THE CLERK: Thank you. Please, state your full name
6 for the record.

7 THE WITNESS: It's Everett P. Godfrey and everybody
8 calls me Bill.

9 DIRECT EXAMINATION

10 BY MS. RATIGAN:

11 Q Mr. Godfrey, do you call representing Mr. Paris on
12 these charges?

13 A Yes, I do.

14 Q And you were, in fact, retained by the family?

15 A That is correct.

16 Q And did you file the usual discovery motions?

17 A Yes, I did.

18 Q Did you receive those materials from The State?

19 A Yes, I did.

20 Q Did you review them with your client?

21 A Yes, I did.

22 Q Did you review with him the statement that he had
23 given to police?

24 A Yes.

25 Q And, I believe, Mr. Paris testified he actually gave

BILL GODFREY-DIRECT BY MS. RATIGAN

1 two conflicting statements adult y'all talk both of those?

2 A Yes.

3 Q Did you review with him the impact that both of those
4 statements would have on the Defense's case?

5 A I was hoping they would help because in the second
6 statement he told that basically he was coerced into doing
7 what happened. And he actually drove the officers or road
8 with the officers and showed them where the Co-defendants
9 lived. He was very cooperative of the officers. The
10 officers did not arrest him that night, they let him go.
11 And I was hoping that that initial cooperation would help
12 us throughout the case but it didn't.

13 Q And I believe at least one of his Co-defendants gave
14 a statement, is that correct?

15 A I'm sorry, say that...

16 Q I'm sorry, I believe at least one his Co-defendants
17 gave a statement, is that right?

18 A Yeah, his -- depending on whose set of facts you want
19 to believe, his best friend gave a statement. Comanche
20 [ph] whatever his name was.

21 Q Okay. And you discussed that statement with
22 Mr. Paris?

23 A Yes.

24 Q And Mr. Paris testified that when he gave that second
25 statement the officer said they would help him if he

BILL GODFREY-DIRECT BY MS. RATIGAN

1 cooperated, is that what he told you?

2 A Yes.

3 Q Okay. Did you actually speak to the officers and ask
4 if they were willing to basically assist in getting the
5 charges reduced?

6 A They weren't. And I did.

7 Q Okay. Did the officers ever tell you they had talked
8 about PTI if he cooperated?

9 A No.

10 Q Did you ever tell Mr. Paris or his family that he
11 would likely be able to plea to strong armed or maybe
12 under a YOA sentence?

13 A I told them that I was going to try to get the
14 charges reduced to a YOA based on his cooperation. And if
15 we get to a YOA based on the fact that he had no record
16 and was doing everything correctly, that the Solicitor
17 might go along with PTI. Josh, the entire time that I
18 knew him worked. He was out on bond immediately. He has
19 an absolutely great family. He was raised by his father.
20 His father did a great job. His father was concerned.
21 Always came -- well came to many of the meetings that I
22 had with Josh. Josh lost his job one time because he had
23 to take someone to the hospital, I believe it was his wife
24 at the time. The whole time that I knew him, he worked,
25 never did anything wrong. Josh is a good kid. He made a

BILL GODFREY-DIRECT BY MS. RATIGAN

1 bad mistake but Josh is good.

2 Q And The State would never go along with reducing it
3 down to a strong armed?

4 A I talked to the Solicitor Sustakovitch until I was
5 blue in the face trying to get that to come down. And
6 Sustakovitch told me that she was going to treat everybody
7 the same way. And she says, I hate it for him, she says
8 everybody in this is a pretty good kid. And they were.
9 The other kids didn't have records either.

10 And she says, The best I'm going to be able to do is
11 offer 10 years. She said, The officers want 12 years.
12 And she said, I've already made them mad going down to the
13 10 years. She says, I'm never going to go down to strong
14 armed robbery.

15 And she never did.

16 Q And you discussed that 10 year offer with Mr. Paris?

17 A Yes.

18 Q Let me circle bark around a little bit. In
19 discussing the case with him, did you explain to him the
20 hand of one and accomplice liability?

21 A Yes. We went over that many, many times because
22 that's a difficult concept for an average person to grasp.
23 He didn't hold a gun. He never touched a gun. So, how
24 can it be armed robbery and how can they look at me the
25 same way? We talked about that a lot. Okay.

BILL GODFREY-DIRECT BY MS. RATIGAN

1 Q And after he rejected that 10 year offer y'all ended
2 up on the trial docket?

3 A Eventually. She said she was going to put it on the
4 trial docket. And as she started working on the case, she
5 found another witness. And this witness didn't know
6 anything about the factual nature of the case, this
7 witness was going to testify about the close friendly
8 relationship that Josh had with, I think, his name was
9 Comanche. And that flew in the face of our defense of
10 coercion because what Josh was saying the whole time is
11 that he was coerced by these people to do it. So, people
12 were basically in a gang, they were threatening him. And
13 the fact that that witness was found certainly would have
14 hurt us at trial.

15 Now, we also located a witness, Josh had told me
16 about a girl that he knew that Comanche had been talking
17 to and Comanche had told her about threats that he was
18 making to Josh. Or about the bad blood or something. But
19 I never could find that girl. And this is probably the
20 week before the trial was supposed to have occurred. I
21 really wanted her. I called Paul Silvaggio who was a
22 private investigator here in town. And Paul did find the
23 girl. And he talked with her and took her statement. And
24 her statement was that Comanche never said that to her,
25 that Josh ran into her, I think, at Wal-Mart where she was

BILL GODFREY-DIRECT BY MS. RATIGAN

1 working. And Josh was telling her about what Comanche was
2 saying.

3 And, in fact, there was a meeting in my office and I
4 don't remember the timing of this, it was shortly before
5 the trial. I don't know how many days. But Josh was
6 there, Paul Silvaggio was there and I was there. I don't
7 remember Mr. Paris being there, he may have been, I just
8 don't remember. And I had Paul Silvaggio tell Josh what
9 he had discovered when he found this witness that Josh
10 really want me to get for preparation for the trial. And
11 that witness just did not pan out.

12 Q Now, both -- both Mr. Paris', both Josh and his dad,
13 testified y'all had a meeting the Sunday before trial, do
14 you recall that?

15 A If they said that I'm sure it happened. I don't
16 remember at that point in time. I thought the last
17 meeting that I had with Josh was with Paul Silvaggio and
18 Joshua. It may well have been with his father, Josh and
19 me. I just don't recall.

20 Q How did Josh end up pleading guilty if y'all were on
21 the trial docket? Did he make that decision that morning
22 do you recall or was it prior to that?

23 A He had made it prior to that morning. The Solicitor
24 Sustakovitch, she actually is, she's a really good
25 solicitor and she tried to do what is right. And it was

BILL GODFREY-DIRECT BY MS. RATIGAN

1 bothering her that these kids, not just Josh, but all of
2 them, basically good kids could get messed up like this.
3 And that's why she was offering 10. She told me that the
4 officers had been wanting 12 and she told me that all
5 along. She says it's off the trial docket but she said if
6 he pleads off the trial docket, I'm still okay with the
7 12. And Judge Miller was aware that she was okay with the
8 12.

9 And if you will look at the transcript, there was a
10 bench conference. The Solicitor and I go up to the bench
11 and Judge Miller says, You really think 12 is okay? I
12 don't know about this. Said seems like he's the one that
13 came up with the plan.

14 And Sustakovitch told the Judge at the bench
15 conference, I'm still okay with the 12. And she said
16 again, you know, it's tragic that these boys got messed up
17 like this.

18 Miller says, Well, I don't know what I'm going to do.
19 Y'all go back.

20 So, we went back and we started the plea again. So,
21 I thought Miller was potentially upset with the fact that
22 it was so long after the charge had occurred and I believe
23 that's when I went into the fact in mitigation that, you
24 know, I was out for a year. That was March 15th of 2010.
25 And I had no idea that I was in that bad a shape. I just

BILL GODFREY-DIRECT BY MS. RATIGAN

1 tried a murder case. They did an emergency MRI on my
2 back. And then I was told by the doctor when they read it
3 that if I didn't have surgery very soon that I would
4 become a paraplegic and loss of bladder and bowl control.
5 I was also told that after the surgery that I wouldn't get
6 much better in my ability to walk. So I had the surgery.

7 And then, I tried to go back to work in April, end of
8 April. Tried a drug case over in Pickens County and then
9 my body just gave out. And I was in -- that whole year I
10 was basically out of the office. Aft the end of that year
11 I had asked the Chief Administrative Judge for protection
12 from court, I think, from November and December. And I
13 was finally able to get back to work in January.

14 Q Did you ever tell Mr. Paris that if he pled guilty he
15 would get 12 years?

16 A I didn't guarantee tee anything. I told him that we
17 were trying to get the 12 years.

18 Q But he was actually pleading straight up to that
19 recommendation?

20 A By the transcript it would appear to be straight up.
21 There was -- there was an understanding in the courtroom
22 about what was supposed to happen as far as a
23 recommendation of 12.

24 Q And prior to going into court you had told Mr. Paris
25 of the minimum/maximum sentences that he could get?

BILL GODFREY-DIRECT BY MS. RATIGAN

1 A He had been told the minimum/maximum a bunch of
2 times.

3 Q Okay.

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

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MS. HORLBECK:

8 Q Okay, Mr. Godfrey, you testified just a second ago
9 that there was a understanding in the courtroom about the
10 12 years, can you elaborate a little bit? Did you and the
11 Solicitor go back into chambers?

12 A We knew. Judge Miller knew that we were seeking the
13 12 years.

14 Q How did he know?

15 A We told him. The Solicitor and I.

16 Q Was that at a bench conference or was that in
17 chambers?

18 A No, that was before the bench conversation.

19 Q Okay. All right.

20 A And that's what surprised me and, I think, the
21 Solicitor, too. When we went to the bench conference and
22 Judge Miller said, Really 12, really?

23 And then, we went back out and started again.

24 Q Okay. Was -- I'm just trying to understand, was it
25 the Solicitor was not willing to state on the record that

BILL GODFREY-CROSS BY MS. HORLBECK

1 she was okay with the 12?

2 A You know there's no deals off the trial docket.

3 Q I know.

4 A You know she's not going to state it on the record.

5 Q Okay. I just wanted to kind of make sure I

6 understood that for this case. All right. But you did

7 go -- you were able to talk to the Judge?

8 A Yes.

9 Q Okay. All right. And at the time of the bench
10 conference, do you recall whether or not the Judge had
11 already accepted the guilty plea?

12 A We were into mitigation so I would assume that he
13 had.

14 Q Okay. At the point that you had the bench
15 conversation, did you -- did you see any need to sort of
16 pull the and--

17 A No.

18 Q And go to trial instead?

19 A No, because Sustakovitch really helped. I mean, she
20 didn't back off.

21 Q Okay. Was your client able to here Judge Miller
22 express his reservations about 12 years?

23 A No.

24 Q Okay. Are you -- did you tell your client that the
25 Judge was having some reservations about the 12 years?

BILL GODFREY-CROSS BY MS. HORLBECK

1 A Well, he obviously knew that when the Judge was
2 talking about -- the Judge had already made a statement
3 about he wasn't sure about this. And I forgot what the
4 transcript said but it was clear -- Mr. Paris, in fact,
5 testified that the Judge had said that. So, it was clear
6 that the Judge was having some problems.

7 Q Okay. At any point did Josh kind of start -- did he
8 start nudging you and try to say, I don't want to plea
9 because this Judge isn't -- doesn't look like the Judge is
10 going to give me 12 years?

11 A No.

12 MS. HORLBECK: All right, that's all I have. Thank
13 you.

14 MS. RATIGAN: I have nothing further, Your Honor.

15 THE COURT: Okay. All right. Mr. Godfrey, thank
16 you, sir.

17 Anything further from the State?

18 MS. RATIGAN: No, Your Honor, we rest at this time.

19 THE COURT: Okay. All right. All right.

20 Mr. Paris and Mr. and Ms. Paris I presume, I'm going
21 to deny the flicks. But I'm going to tell you why. I
22 don't want you to think I'm just doing it willy nilly
23 without giving it any consideration. I've read the
24 transcript of record and I've looked at all of these
25 documents that have been presented. And what it sounds

1 like to me, ultimately, is that if the sentence from Judge
2 Miller had been 10 years, that we would not be here. And
3 that there would not have been a Post-Conviction Relief
4 Application. And the exception that's being taken in this
5 case is not necessarily to the lawyers representation and
6 the deficiency of the same, but exception is being taken
7 to the sentence that the Judge gave. And I understand
8 entirely your position in that regard. That is, in
9 relative to the other Defendants, it was disproportionate
10 because it was more.

11 Let me just explain a few practical things to you
12 about the way criminal sentencing works. I know there
13 were some questions that were posed about why the attorney
14 didn't take exception to the sentence at the time. The
15 attorney really doesn't have the luxury of taking
16 exception to a Judge's sentence. When a lawyer is
17 practicing in a certain jurisdiction, venue or forum
18 consistently, and he or she is coming before a Judge, then
19 when that Judge hands down a sentence, it is customary
20 that that attorney doesn't take exception to the sentence.
21 Particularly, if that sentence is legal and lawful and
22 within the range of time that the legislature says that
23 Judge can sentence. There's a lot of reasons for that.
24 But one of the biggest reasons for that is that it
25 wouldn't be well received. Sentencing is a very difficult

1 thing for Judges to do. It really is.

2 Why Judge Miller elected to sentence you, Mr. Paris,
3 to 15 years, I don't know because I wasn't there. I do
4 know that for some reason, he took -- he was some deal
5 indignant about the fact that in his estimation, you did
6 not exercise contrition. I know there's a question about
7 timing. But the Judge was aware, well aware, of
8 Mr. Godfrey's health condition, I'm sure. And it doesn't
9 seem to me that it was a matter of timing that made him
10 indignant, it was a matter of contrition that made him
11 indignant. And maybe indignant is too harsh a word. But
12 that is what made him look at the sentencing differently
13 from either the prosecution or the defense.

14 In my reading of the record, it seems clear to me
15 that although The State did not make a formal
16 recommendation of 12 years, she stated on the record very
17 clearly that she thought that the appropriate sentence was
18 12 years. She says it. That we've thought all along in
19 this case, and I'm paraphrasing, but I just read it and I
20 can point it out for you, We thought all along in this
21 case that 12 years was an appropriate sentence. The Judge
22 elected not to do it. When the Judge asked that series of
23 questions and goes through the colloquy, one of the thing
24 that the Judge is very, very careful about doing is making
25 sure that you understand that there is a range in which he

1 or she can sentence a Defendant. And in this case, if I'm
2 not mistaken, it was 10 to 30 years. And with several
3 cases outstanding, in the aggregate, I think, it was over
4 100 years, am I right about? It's like four armed
5 robberies, then the possession of a weapon during the
6 commission of a violent crime.

7 And he points that out very clearly. He or she, I do
8 it, he does it, every Judge in the state does it. That's
9 because the Judge ultimately has the discretion of
10 sentencing a Defendant to whatever he or she thinks is
11 appropriate under the circumstances. The lawyers don't
12 have any control over that. The lawyers can't tell me
13 what to sentence somebody to. Regardless, of how wildly a
14 lawyer may flail his or her hands and wring their hands
15 and pull their hair out and scream and beg, there's
16 nothing that they can do to make he sentence in a way that
17 I don't think is appropriate under the circumstances.
18 They just can't do it.

19 The reason I tell you that is because I want you to
20 know it's not the deficiency of counsel to which you take
21 exception, it's the Judge's sentence. And the lawyers
22 can't do anything about that. If lawyers came in front of
23 me consistently and told me that I was crazy in my
24 criminal sentencing, then they probably wouldn't be coming
25 in front of me very often. And their clients consistently

1 would probably -- may not be getting the relief that they
2 would like in the courtroom consistently.

3 The other thing that I want to point out to you is
4 this. Mr. Paris, you're obviously a very smart young man.
5 I read the transcripts. You were getting 4's.0 in high
6 school. 4.0's, 4.1, that's what I heard. And I listened
7 to you on the stand and your intelligent. You got a
8 bright future ahead of you. And I think that you have a
9 lot of potential. And you've been reading up on the law,
10 I see that. And you have -- you've come in here armed
11 with certain notions of the law. And you espoused them on
12 the record. And I understand where you're coming from and
13 I understand what you're saying. But this is what I want
14 to tell you about the law. I have been studying the law
15 since before you were born. And I learn something every
16 single day about the law. I've learned several things
17 today in the post-conviction relief hearings that I've
18 been listening to. It's one thing to be able to read it.
19 It's another thing to be able to understand it in context
20 with jurisdiction, venue, forum that you're appearing in.

21 I would venture to guess that there is not a single
22 person in the Department of Corrections that could not
23 find a law that they could hang their hat on that they
24 could say, you know, if I had applied this, I would have
25 been successful in my trial. But understand that

1 sometimes those laws that you hit upon that you may think
2 is relevant to your case, probably wouldn't be successful
3 if it were actually -- if that motion were actually put to
4 the test in open court, okay. Fraction law is a
5 profession. And people again, learn every day more about
6 the law. And a seasoned professional has the capacity to
7 understand what is a reasonable motion to be made to the
8 court and what's not. Some of the things, if not all of
9 the things that you talked about, sound good in a vacuum.
10 But in context of established jurisprudence, you probably
11 wouldn't have gotten very far with them, okay? I tell you
12 that again, because I want you to know I heard you. I
13 heard you.

14 But also, what I would submit to you is this. If you
15 had tried those things, you might, there's a very good
16 chance that you would have been worst off then than you
17 are right now. Okay? Again, I hear that you take
18 exception to the sentence and I understand. But I cannot
19 find as a matter of law or as a matter of fact that you
20 met your burden of demonstrating that counsel was
21 deficient in this case. And I can't see that based on my
22 review of all of the evidence and the transcript of
23 record, that counsel was deficient in this matter. He
24 just wasn't. He did everything he could for you, it just
25 didn't come out the way you wanted it to. That happens

1 sometimes.

2 All right, good luck to you, sir.

3 MS. HORLBECK: Thank you, Your Honor.

4 MS. RATIGAN: Thank you, Your Honor.

5 (WHEREUPON, the proceedings were concluded.)

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CERTIFICATE OF REPORTER

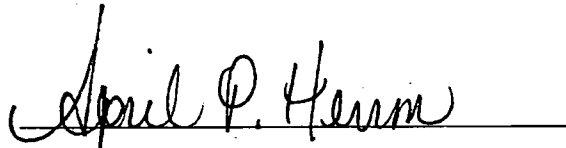
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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for the
Thirteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
Common Pleas for Greenville County, South Carolina, on the
28th day of August, 2013.

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

February 20, 2014



APRIL P. HERRON, Court Reporter

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

C.A. No. 2012-CP-23-3348

Joshua Adrian Paris,
S.C.D.C. No. 346142,

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSALFILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2013 OCT 24 AM 8 47

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 17, 2012. The Respondent made its return on August 31, 2012. An evidentiary hearing into the matter was convened on August 28, 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 Philip Paris and the Applicant's plea counsel, E.P. "Bill" Godfrey, Jr., 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, the return, and the appellate records.

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 June 2010 term of the Greenville County Grand Jury for conspiracy (2009-GS-23-5301),

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three counts of armed robbery (2009-GS-23-5305, -5306, -5307), and attempted armed robbery (2009-GS-23-5308). He was represented by E.P. "Bill" Godfrey, Jr., Esquire.

On May 23, 2011, the Applicant pled guilty. The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of five years for conspiracy, fifteen years for each count of armed robbery, and fifteen years for attempted armed robbery.

A notice of appeal was filed at the South Carolina Court of Appeals. By order filed September 9, 2011, the Court of Appeals dismissed the appeal based on the Applicant's failure to provide a written explanation as to what issues could be reviewed. See Rule 203(d)(1)(B)(iv), SCACR.

ALLEGATIONS

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

1. Ineffective assistance of counsel:
 - a. Failed to compel compliance with plea agreement.
 - b. Failed to move to withdraw plea.
 - c. Failed to move for reconsideration of sentence.
 - d. Failed to prepare for trial and investigate.
2. Involuntary guilty plea.
3. Equal protection of law.

In an Amended Petition for Post Conviction Relief filed by counsel on August 27, 2013, the Applicant made the following allegations:

1. Ineffective assistance of counsel:
 - a. Failed to "object to the State's failure to present an indictment to the Grand Jury within ninety (90) days after receipt of the arrest warrant."
 - b. Failed to "object to the State's failure to petition the Court for an order delaying action on the warrant for successive ninety (90) day period."

- c. Failed to "object to the Court's harsh sentencing of Applicant in comparison to co-defendants in violation of Applicant's right to Equal Protection."

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 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 he had ten meetings with plea counsel and they reviewed some of the discovery materials, including his statements. The Applicant stated plea counsel never asked why his statements changed. The Applicant stated plea counsel did not make a motion regarding the fact that he was not indicted within 90 days of his arrest. The Applicant stated plea counsel told him the sentence range he was facing was 10-30 years. The Applicant stated there were a few 10-year recommendations from the State, but that he turned them down. The Applicant stated he pled guilty because he did not believe plea counsel was ready for trial. The Applicant stated he met with plea counsel the night before trial and counsel said he would get a 20-25 year sentence if he went to trial but would probably receive a 12 year sentence if he pled guilty. The Applicant stated he did not know at the time that there was not a plea recommendation and would not have pled guilty if he had known this.

Philip Paris, the Applicant's father, stated he attended several meetings with the Applicant and plea counsel. Mr. Paris stated that, in the beginning, there were ten-year plea offers but that plea counsel said there was a good chance at trial. Shortly before the plea hearing, Mr. Paris stated plea counsel told them the Applicant was facing 20-30 years if he went to trial but that counsel would push for a 12-year sentence if he pled guilty.

Plea counsel testified he filed discovery motions, received those materials from the State, and reviewed them with the Applicant. Plea counsel testified they reviewed the sentence ranges for the charges and the doctrine of accomplice liability numerous times. Plea counsel testified they also reviewed the Applicant's two statements, their impact upon the case, and the hope that they would be helpful because the second statement mentioned coercion. Plea counsel testified he told the Applicant that he would attempt to have the charges reduced to strong arm robbery but that the State would not agree. Plea counsel testified the State made an offer for a ten-year sentence and he discussed it with the Applicant. Plea counsel testified the case was eventually on the trial docket and, while there was hope of a potential helpful witness, that individual did not end up helping the case. Plea counsel testified the Applicant decided to plead guilty prior to that morning. Plea counsel testified the plea judge knew the State would be happy with a 12-year sentence but that he did not make this guarantee to the Applicant. Plea counsel testified he did not consider withdrawing the plea because the State had actually helped their case.

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.

The Applicant admitted to the plea judge both that he was guilty and that the facts recited by the solicitor were true. (Plea transcript, p.9; p.14). The Applicant also told the plea judge that he understood the trial rights he was waiving in pleading guilty, was satisfied with counsel, and had not been coerced in any way. (Plea transcript, pp.7-9). 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 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.

This Court finds the Applicant failed to meet his burden of proving plea counsel did not properly investigate or prepare his case. This Court finds plea counsel had numerous meetings with the Applicant over a two-year period and that they reviewed the discovery materials and the Applicant's statements. This Court notes plea counsel had a private investigator who located a potential witness, but that this individual did not provide any helpful information. This Court finds the Applicant has failed to articulate what more plea counsel should have done to investigate his case and change the outcome of the proceedings. See Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998) (finding the 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); Davis v. State, 326 S.C. 283, 486 S.E.2d 747 (1997) (denying relief where applicant failed to present witnesses or specific testimony establishing he would have had a defense with additional time to prepare for trial).

This Court finds the Applicant failed to meet his burden of proving plea counsel was ineffective in failing to object to the indictments being issued more than 90 days after the arrest warrants. Such a delay is not an automatic ground for relief. See State v. Culbreath, 282 S.C. 38, 40, 316 S.E.2d 681, 681 (1984) ("[T]he failure of the solicitor to act upon a warrant within

ninety (90) days . . . does not within itself invalidate a warrant or prevent subsequent prosecution.”). Further, this Court finds the Applicant cannot prevail on this allegation because he failed to provide evidence of any prejudice that resulted from the delay. See, e.g., State v. Pittman, 373 S.C. 527, 647 S.E.2d 144 (2007) (noting one must prove prejudice in order to prevail on an allegation that one’s speedy trial rights were violated).

This Court finds the Applicant failed to meet his burden of proving plea counsel misadvised him about the sentence he would receive if he pled guilty. The Applicant cannot prove plea counsel was deficient. Neither the Applicant nor Mr. Paris testified plea counsel promised the Applicant would receive a 12-year sentence if he pled guilty – only that he would push for such a sentence. Plea counsel testified that, while the State agreed in a bench conference to a 12-year sentence, he never promised the Applicant that the judge would impose this sentence. This Court finds the Applicant was advised of the sentence ranges for his charges – by both plea counsel and the plea judge. (Plea transcript, pp.5-7). While the Applicant may have hoped for a 12-year sentence, he was well aware that he could receive a harsher sentence. See Holden v. State, 713 S.E.2d 611, 617, 393 S.C. 565, 575-76 (2011) (citing Roddy v. State, 339 S.C. 29, 36, 528 S.E.2d 418, 422 (2000)) (“Wishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentences, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made.”). This Court also finds that plea counsel was not deficient in failing to move to withdraw the plea merely because the Applicant did not receive a 12-year sentence. See State v. Cantrell, 250 S.C. 376, 380, 158 S.E.2d 189, 191-92 (1967) (“An accused is not permitted to speculate on the supposed clemency of the judge and enter a plea of guilty with the right to retract it if he finds that his expectation was not realized.”).

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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.

Equal Protection

The Applicant stated his Equal Protection Rights were violated because he received a harsher sentence than his co-defendants. The United States Supreme Court has held that, in addition to showing he has been treated differently than others similarly situated, an equal protection claimant must show by direct or circumstantial evidence that discriminatory intent was the motivating factor for the differentiation in treatment. See, e.g., Village of Arlington Heights v. Metropolitan Hous. Dev. Corp., 429 U.S. 252, 97 S. Ct. 555 (1977). This Court finds the Applicant has not shown any such discriminatory intent. This Court also notes the Applicant's assertion that she received an unfair sentence is not a basis for relief. The Applicant was sentenced within the statutory range for these offenses. A judge has discretion in sentencing within statutory limits and a disparate sentence between co-defendants is not an abuse of discretion. See State v. Sidell, 262 S.C. 397, 205 S.E.2d 2 (1974); State v. Dozier, 263 S.C. 267, 210 S.E.2d 225 (1974).

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 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 22 day of OCT, 2013.



Robin B. Stilwell
Presiding Judge
Thirteenth Judicial Circuit

G'VILLE, South Carolina.

STATE OF SOUTH CAROLINA)

IN THE SUPREME COURT

COUNTY OF GREENVILLE)

JOSHUA ADRIAN PARIS,)

C.A. No. 2012-CP-23-3348

APPELLANT,)

-vs-)

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINE,)

RESPONDENT.)

This is to certify that I am an employee in the law office of Caroline M. Horlbeck, attorney for Applicant, and that I have this day caused to be served upon the person(s) named below Applicant's Notice of Appeal by placing copies of same in the United States mail, with adequate postage thereon, addressed as follows:

Ms. Lorie French
S.C. Office of Appellate Defense
1205 Pendleton St., Suite 306
Columbia, SC 29201

Karen Ratigan, Esq.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Caroline M. Horlbeck
Caroline M. Horlbeck

Greenville, South Carolina

Nov. 26, 2013

ARREST WARRANT

6360

M-067850

12/20/08

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of Greenville

THE STATE 08-89293

against

Joshua Adrian Paris

Address:

Greer, SC 29651-

Phone:

SSN

Sex: M

Race: W

Height: 6

Weight: 200

DL State: SC

DL #:

DOB:

Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: D P Garrison - 0101

Offense: Conspiracy / Criminal Conspiracy, Common Law

conspiracy defined(state)

Offense Code: 0049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(I.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Joshua A. Paris
on 12/20/08

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of Greenville

Personally appeared before me the affiant

D P Garrison

being duly sworn deposes and says that defendant Joshua Adrian Paris

did within the county and state on or about 12/14/2008

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville

in the following particulars:

DESCRIPTION OF OFFENSE Conspiracy / Criminal Conspiracy, Common Law conspiracy defined(state)

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

Affiant has a written statement from the accused, Joshua Adrian Paris, stating that he did participate in the planning and execution
of the robbery that occurred at the McDonald's restaurant where he was employed. The accused opened the storage room door
leading to the parking lot and let his accomplices into the building. Once inside the accomplices robbed the business and two
employees at gunpoint. The two employees were ordered to lie on the floor and were held there at gunpoint against their will. The
employee's wallets were taken and approximately \$2,500.00 in cash was taken from the business. The incident occurred at 2443
Lawrens Road within the city limits of Greenville, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of Greenville

Affiant's Address

4 MCGEE STREET
GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on or about 12/14/2008

defendant Joshua Adrian Paris

did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined(state)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable. Sworn to and subscribed before me on 12/16/2008

Signature of Issuing Judge

(I.S.)

Judge's Address

426 North Main Street
Greenville, SC 29601-

Judge Code: 6361

Judge's Telephone (864)467-2405

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

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ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
U.S. Attorney General
05-11-2003
05-11-2003

WITNESSES

D Garrison

Greenville Police Department

12/20/2008

DOCKET NO. 2009-GS-23-

005501

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2009

THE STATE

VS.

JOSHUA ADRIAN PARIS

ARREST WARRANT NUMBER

M067850

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

CONSPIRACY

VIOLATION § 16-17-0410

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

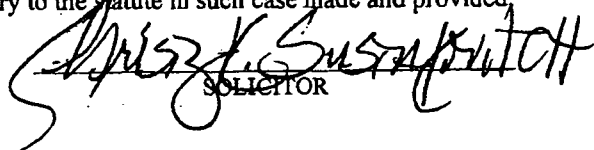
INDICTMENT FOR
CONSPIRACY

At a Court of General Sessions, convened on **JUN 22 2010** the Grand Jurors of Greenville

County present upon their oath:

That JOSHUA ADRIAN PARIS did in Greenville County, on or about the 14th day of December, 2008, willfully and unlawfully combine with Tyree Waite and/or Comenci Watts and/or Daryl Donaldson, for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: Armed Robbery. This is in violation of §16-17-410 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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Joshua Adrian Paris

AKA:

Race: WHITE Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Greer, SC 29651

DL#: SID#:

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

In disposition of the said indictment comes now the Defendant who was

TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined(state)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS2305301

A/W#: M067850

Date of Offense: 12/14/2008

S.C. Code § : 16-17-0410

CDR Code #: 0049

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Sustakovich, Christy Kednoc SC Bar# 70325 Defendant B. D. Godfrey Attorney for Defendant 13043 SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

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

Payment Terms:

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

Paul B. Wickham
S. Hudgins

Earl W. Moore
2130
5-23-11

ARREST WARRANT 6360

M-067843 1-2-09

STATE OF SOUTH CAROLINA
County/ ☒ Municipality of
Greenville

THE STATE
against 08-99283

Joshua Adrian Paris

Greenville, SC 29651-

Phone: 1 SSN: 1
Sex: M Race: W Height: 6 2 Weight: 200
DL State: SC DL #: Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: D P Garrison - 0101

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the
☒ County/ ☐ Municipality of
Greenville

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

Paris (L.S.)
Signature of Judge

Date: 12-17-08

RETURN

A copy of this arrest warrant was delivered to
defendant Joshua A. Paris
on 12/16/2008

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29601

ORIGINAL

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ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
County/ ☒ Municipality of
Greenville

Personality appeared before me the affiant

being duly sworn deposes and says that defendant Joshua Adrian Paris
did within this county and state on or about 12/14/2008

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of
in the following particulars: Greenville

DESCRIPTION OF OFFENSE

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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

Affiant has a written statement from the accused, Joshua Adrian Paris, stating that he did participate in the planning and execution
of the robbery that occurred at the McDonald's restaurant where he was employed. The accused opened the storage room door
leading to the parking lot and let his accomplices into the building. Once inside the accomplices robbed the business and two
employees at gunpoint. The two employees were ordered to lie on the floor and were held there at gunpoint against their will. The
employee's wallets were taken and approximately \$2,500.00 in cash was taken from the business. The incident occurred at 2443
Laurens Road within the city limits of Greenville, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of
Greenville

Affiant's Address: 4 MCQUEE STREET
GREENVILLE, SC 29601-

Affiant's Telephone: (864)467-5325 x 0000

ARREST WARRANT

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

It appearing from the above affidavit that there is probable cause to believe that

on or about 12/14/2008 defendant Joshua Adrian Paris
did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☒ Municipality of
Greenville)

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable Sworn to and subscribed before me on 12/16/2008

Signature of Issuing Judge

John Barksdale (L.S.)

Judge's Address: 426 North Main Street
Greenville, SC 29601-

Judge's Telephone: (864)467-2405

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

WITNESSES

D Garrison

Greenville Police Department

12/20/2008

DOCKET NO. 2009-GS-23-

CLX

005205

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2009

5-23-11

THE STATE

VS.

JOSHUA ADRIAN PARIS

ARREST WARRANT NUMBER

M087843

ACTION OF GRAND JURY

TRUE BILL

Ann H. Fredericks

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

0139

Indictment for

ARMED ROBBERY

VIOLATION § 16-11-0330

Foreperson of Petit Jury

Date:

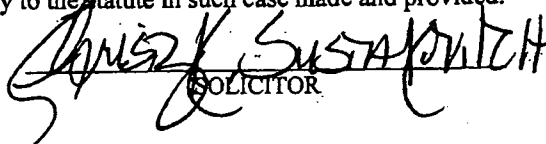
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

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

That JOSHUA ADRIAN PARIS did in Greenville County, on or about the 14th day of December, 2008, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: a wallet from the person or presence of PAUL DIXON BURDICK. This is in violation of §16-11-330 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.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Joshua Adrian Paris

AKA:

Race: WHITE Sex: M Age: 20DOB: SS#:

Address:

City, State, Zip: Greer, SC 29651DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS2305305A/W#: M067843Date of Offense: 12/14/2008S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

Christy Keditoch 70225 Bill Godfrey 13043
 Sustakovitch SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	<u>5</u>
3% to County (if paid in installments)		\$	
TOTAL		\$	

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: S. Hudger

SCCA/217 (03/2011)

Presiding Judge EDW MCJudge Code: 2130Sentence Date: 5-23-11

ARREST WARRANT

M-067845

1-2-09

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

00-89293

Joshua Adrian Paris

Address:

Greer, SC 29651-

Phone:

Sex: M

Race: W

Height: 6

SSN: 2

Weight: 200

DL State: SC

DL #: 1/8

DOB: 1/8

Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: D P Garrison - 0101

Offense: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

Signature of Judge

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant Joshua A. Paris
 on 12/24/08

RETURN WARRANT TO:

 City Of Greenville
 426 North Main Street
 P O Box 488
 Greenville, SC 29601

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant

D P Garrison

being duly sworn deposes and says that defendant

Joshua Adrian Paris

did within this county and state on or about

12/14/2008

State of South Carolina (or ordinance of

County/

Municipality of

Greenville

in the following particulars: violate the criminal laws of the

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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

 Affiant has a written statement from the accused, Joshua Adrian Paris, stating that he did participate in the planning and execution
 of the robbery that occurred at the McDonald's restaurant where he was employed. The accused opened the storage room door
 leading to the parking lot and let his accomplices into the building. Once inside the accomplices robbed the business and two
 employees at gunpoint. The two employees were ordered to lie on the floor and were held there at gunpoint against their will. The
 employee's wallets were taken and approximately \$2,500.00 in cash was taken from the business. The incident occurred at 2443
 Laurens Road within the city limits of Greenville, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCCOBB STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on or about 12/14/2008 defendant Joshua Adrian Paris

☐ County/ ☒ Municipality of Greenville

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

 DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon
 Having found probable cause and the above affiant having sworn before me, you are authorized and directed to arrest the said defendant and bring him or
 her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
 soon thereafter as is practicable. Sworn to and subscribed before me

on 12/16/2008

Judge's Address

(L.S.)

Judge's Telephone

(864)467-2403

Judge's Address

(L.S.)

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL ORIGINAL ORIGINAL

WITNESSES

D Garrison

Greenville Police Department

12/20/2008

DOCKET NO. 2009-GS-23-5306

CLK

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2008

5-23-11

THE STATE

VS.

JOSHUA ADRIAN PARIS

ARREST WARRANT NUMBER

M067845

ACTION OF GRAND JURY
TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for
0139

ARMED ROBBERY

VIOLATION § 16-11-0330

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

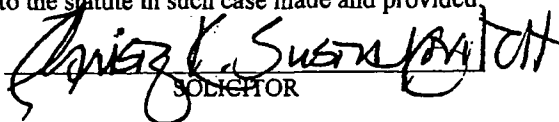
INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on **JUN 22 2010** the Grand Jurors of Greenville

County present upon their oath:

That JOSHUA ADRIAN PARIS did in Greenville County, on or about the 14th day of December, 2008, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: a cell phone from the person or presence of GUADALUPE ALEX OLIVA. This is in violation of §16-11-330 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,


SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville

STATE VS.

Joshua Adrian Paris

AKA:

Race: WHITE Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Greenville SC 29651

DL#: SID#:

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

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

INDICTMENT/CASE#: 2009GS2305306

A/W#: M067845

Date of Offense: 12/14/2008

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139.

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

Alleged Suspect

Susakovitch, Christy Kednoel

SC Bar# 7325

Defendant

B. H. Godfrey

Attorney for Defendant

13043

SC Bar#

WHEREFORE, the Defendant is committed to the

☐ State Department of Corrections,☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

Paul B. Wickens

S. Hudgin

E. W. Miller

2130

5-23-11

ARREST WARRANT 6360
M-067846 1-2-09

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
Greenville

THE STATE 08-99293

Joshua Adrian Paris

Address:

Greer, SC 29651-

Phone:

Sex: M Race: W Height: 6 Weight: 200

DL State: SC DL #: SC0230200

DOB: Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: D P Garrison - 0101

Offense: Robbery / Armed Robbery, robbery while armed
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be
 dealt with according to the law. The accused
 (L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant Joshua A. Paris
 on 12/16/08

RETURN WARRANT TO:

City Of Greenville
 426 North Main Street
 P O Box 488
 Greenville, SC 29601

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
Greenville

Personally appeared before me the affiant D P Garrison

being duly sworn deposes and says that defendant Joshua Adrian Paris

did within this county and state on or about 12/14/2008

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville)
 in the following particulars: violate the criminal laws of the

DESCRIPTION OF OFFENSE Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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

Affiant has a written statement from the accused, Joshua Adrian Paris, stating that he did participate in the planning and execution
 of the robbery that occurred at the McDonald's restaurant where he was employed. The accused opened the storage room door
 leading to the parking lot and let his accomplices into the building. Once inside the accomplices robbed the business and two
 employees at gunpoint. The two employees were ordered to lie on the floor and were held there at gunpoint against their will. The
 employee's wallets were taken and approximately \$2,500.00 in cash was taken from the business. The incident occurred at 2443
 Laurens Road within the city limits of Greenville, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on or about 12/14/2008 defendant Joshua Adrian Paris

did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☒ Municipality of Greenville)

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant and bring him or
 her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
 soon thereafter as is practicable
 Sworn to and subscribed before me

on 12/16/2008

Judge's Address 426 North Main Street
Greenville, SC 29601-

Judge's Telephone (864)467-2405

Judge Code: 6361

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

D Garrison

Greenville Police Department

12/20/2008

DOCKET NO. 2009-GS-23-

CLK

005307

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2009

5-23-11

THE STATE

VS.

JOSHUA ADRIAN PARIS

ARREST WARRANT NUMBER

MO67846

ACTION OF GRAND JURY

TRUE BILL

Wm J. Forrester

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

0139

Indictment for

ARMED ROBBERY

VIOLATION § 16-11-0330

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

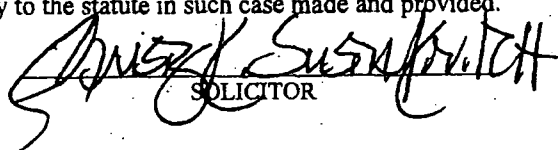
INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on **JUN 22 2010** the Grand Jurors of Greenville

County present upon their oath:

That JOSHUA ADRIAN PARIS did in Greenville County, on or about the 14th day of December, 2008, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U.S. Currency belonging to MCDONALD'S RESTAURANT from the person or presence of NATHAN ANTHONY THOMAS, an employee of McDonald's Restaurant. This is in violation of §16-11-330 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.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Joshua Adrian Paris
 AKA:
 Race: WHITE Sex: M Age: 20
 DOB: SS#: 2-4-88
 Address:
 City, State, Zip: Greer, SC 29651
 DL#: SID#:

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

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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

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

ATTEST: Susakovitch 70325 SC Bar# Defendant B. H. Godfrey 13043 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk Paul B. Wickens
 Court Reporter: S. Hudgins
 SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS2305307

A/W#: M067846

Date of Offense: 12/14/2008

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge EOCW

Judge Code: 2130

Sentence Date: 5-23-11

ARREST WARRANT C36C
M-067980 1-7-09

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE 08-89283

against

Joshua Adrian Paris

Address:

Greer, SC 29651-

Phone: SSN

Sex: M Race: W Height: 6 3 Weight: 210

DL State: SC DL #: _____

DOB: _____ Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: D P Garrison - 0101

Offense: Robbery / Attempted armed, or allegedly armed,

robbery

Offense Code: 0026

Code/Ordinance Sec: 16-11-0330(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant JOSHUA A. PARIS
11032009

Signature of Constable/ Law Enforcement Officer

RETURN WARRANT TO: CURETON #389

City Of Greenville

426 North Main Street

P O Box 488

Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant D P Garrison

being duly sworn deposes and says that defendant Joshua Adrian Paris

did within this county and state on or about 12/14/2008

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

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Attempted armed, or allegedly armed, robbery

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

AFFIANT HAS A WRITTEN STATEMENT FROM THE ACCUSED, JOSHUA ADRIAN PARIS, STATING THAT HE DID PLAN AND PARTICIPATED IN THE ARMED ROBBERY OF THE McDONALD'S RESTAURANT LOCATED AT 2443 LAURENS ROAD ON 12-14-08. DURING THE ROBBERY THREE EMPLOYEES OF THE RESTAURANT WERE ORDERED TO LIE FACE DOWN ON THE FLOOR THEY WERE SEARCHED AND ITEMS WERE TAKEN FROM TWO OF THE VICTIMS. THE THIRD EMPLOYEE, N.T., WAS SEARCHED WITH NOT ITEMS TAKEN. THE ACCUSED AND HIS ACCOMPLICES DID ATTEMPT TO DEPRIVE THE VICTIMS OF VALUABLES. INCIDENT OCCURRED WITHIN THE CITY LIMITS OF GREENVILLE, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on or about 12/14/2008

did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Attempted armed, or allegedly armed, robbery

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

Sworn to and subscribed before me on 12/29/2008

on 12/29/2008

Signature of Judge Joyce E. Heston (L.S.)

Judge Code: 6499

Judge's Address 426 North Main Street

Greenville, SC 29601-

Judge's Telephone (864)467-2405

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

WITNESSES

D Garrison

Greenville Police Department

1/5/2009

DOCKET NO. 2009-GS-23-

CLK

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2008

5-23-11

THE STATE

VS.

JOSHUA ADRIAN PARIS

ARREST WARRANT NUMBER

M067980

ACTION OF GRAND JURY

TRUE BILL

Ann Frederick

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0026

ATTEMPTED ARMED ROBBERY

VIOLATION § 16-11-0330

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED ARMED ROBBERY

At a Court of General Sessions, convened on

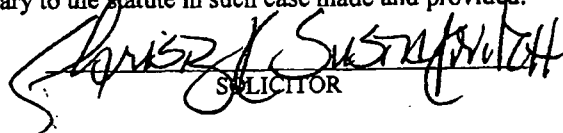
JUN 22 2010

the Grand Jurors of Greenville

County present upon their oath:

That JOSHUA ADRIAN PARIS did in Greenville County, on or about the 14th day of December, 2008, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, attempt to take by means of force or intimidation, goods or monies from the person or presence of NATHAN ANTHONY THOMAS This is in violation of §16-11-330 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.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
Joshua Adrian Paris
 AKA: _____
 Race: WHITE Sex: M Age: 20
 DOB: _____ S#: _____
 Address: _____
 City, State, Zip: Greer, SC 29651
 DL#: _____ SID#: _____

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

In disposition of the said indictment comes now the Defendant who was
 TO: Robbery / Attempted armed, or allegedly armed, robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS2305308
 A/W#: M067980
 Date of Offense: 12/14/2008
 S.C. Code §: 16-11-0330(B)
 CDR Code #: 0026

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

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

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

ATTEST
Sustakovitch Christy Kednec 70375 John Bill Godfrey 13043
 SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 15 ~~days~~ months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

60 days months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$
TOTAL		\$

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

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

Paul B. Wickens
2130
5-23-11