

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Williamsburg County

R. Knox McMahon, Circuit Court Judge

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SEP 10 2014

S.C. Supreme Court

ALEXANDER SAMUEL,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002630

APPENDIX

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State of South Carolina)
)
County of Williamsburg)
)

The State of South Carolina,) Transcript of Plea
Plaintiffs) 2009-GS-45-00050
)

vs.

Alexander Samuel, Quentin Samuel) July 14, 2009
Antonio McKnight,) Kingstree, S.C..
Defendants)

Before the Honorable Ralph King Anderson, Judge.

A-P-P-E-A-R-A-N-C-E-S

Ms. Kimberly V. Barr
Assistant Solicitor for the State

Mr. David Craig Brown,
Attorney for the Quentin Samuel

Mr. W. Legrand Carraway,
Attorney for Alexander Samuel

Mr. Verdell Barr,
Attorney for Antonio McKnight

Margaret T. Sullivan
Court Reporter

2009-07-14

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1	Alexander Samuel				
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Exhibits

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1 MS. BARR: Your Honor, May it Please the
2 Court, we are back on the record under Indictment
3 2009-GS-45-50. Again, it is the State versus
4 Quentin Samuel, Alexander Samuel and Antonio
5 McKnight.

6 Present before you now is Mr. Alexander
7 Samuel with his attorney, Mr. Legrand Carraway.
8 Also present before you is Mr. Quentin Samuel,
9 with his attorney, Mr. Craig Brown. Your Honor,
10 may recall that we selected a jury in this case.
11 The defendants entered a not guilty plea. It's my
12 understanding through plea negotiations, Mr.
13 Alexander Samuel and Mr. Quinton Samuel wish to
14 change their plea of not guilty to that of guilty.

15 Under plea negotiations Alexander Samuel
16 is entering a plea to armed robbery, criminal
17 conspiracy and burglary in the first degree.

18 THE COURT: Give me that again, real
19 slowly.

20 MS. BARR: I'm sorry, burglary in the
21 first degree.

22 THE COURT: That's Alexander Samuel.
23 Burglary in the first degree.

24 MS. BARR: And armed robbery.

25 THE COURT: Armed robbery one count?

1 MS. BARR: Yes, sir.

2 THE COURT: Okay.

3 MS. BARR: And criminal conspiracy.

4 THE COURT: Yes.

5 MS. BARR: And this, the rest of the
6 counts will be dismissed against him.

7 Mr. Quentin Samuel is pleading guilty to
8 burglary first degree.

9 THE COURT: Okay.

10 MS. BARR: One count of armed robbery.

11 THE COURT: Okay.

12 MS. BARR: One count of possession of a
13 weapon during the commission of a violent crime.
14 Your Honor, in exchange for their guilty pleas,
15 the defendants have agreed they will provide
16 truthful, accurate and complete information
17 regarding their planning, participation and
18 carrying out of the crimes involving the victims,
19 Freddie Martin, Brandon Martin and Victoria
20 Martin. They will be testifying at trial against
21 the co-defendants.

22 And, judge, I also want to place on the
23 record what I expect and anticipate their
24 testimony would be.

25 THE COURT: Do you want to do that now?

Alexander Samuel-direct by Ms. Barr

1 MS. BARR: Yes, sir.

2 THE COURT: Okay.

3 MS. BARR: And, Judge, may we swear them
4 in?

5 THE COURT: Ms. Clerk, give both of them
6 the oath.

7 (Whereupon, the defendants are sworn.)

8 MS. BARR: I will start with Mr. Alexander
9 Samuel.

10 Direct Examination By Ms. Barr:

11 MS. BARR: Mr. Samuel, you understand that
12 you have been sworn.

13 THE DEFEDANT: Yes.

14 MS. BARR: You understand you have to the
15 truth.

16 THE DEFENDANT: Yes, ma'am.

17 MS. BARR: You understand there is a
18 penalty, criminal penalty, if you fail to tell the
19 truth.

20 THE DEFENDANT: Yes, ma'am.

21 MS. BARR: Have you participated in the
22 plea negotiations regarding these charges? Have
23 you decided that you want to plead guilty to some
24 of these charges?

25 THE DEFENDANT: Yes, ma'am.

Alexander Samuel-direct by Ms. Barr

1 MS. BARR: And do you understand that in
2 exchange for any recommendation that the state may
3 make, that you have to provide truthful testimony?
4 You understand that?

5 THE DEFENDANT: Yes, ma'am.

6 MS. BARR: If you will, please tell me
7 whose idea it was to commit this robbery.

8 THE DEFENDANT: It was my idea.

9 MS. BARR: And who did you have with you
10 participating in the robbery?

11 THE DEFENDANT: Quentin Samuel, Antonio
12 McKnight, Creed Bateman.

13 MS. BARR: Where did you all go?

14 THE DEFENDANT: I went down, left my
15 sister's house. I went uptown. We came back from
16 uptown, after we saw Mr. Freddie's truck pass by.
17 I turned around at supplies, came back up. Went
18 to Moseley. Made a left turn and went straight on
19 to Mr. Freddie's residence. And I dropped Quentin
20 Samuel off; Antonio McKnight and Creed Bateman
21 off.

22 MS. BARR: Where did you drop them off at?

23 THE DEFENDANT: It was like at a work
24 place. And when they got in the vehicle, they
25 went in this little wooded area.

Alexander Samuel-direct by Ms. Barr

1 MS. BARR: Was either one of them or any
2 of them armed with a weapon?

3 THE DEFENDANT: Kreed Bateman.

4 MS. BARR: Had a what?

5 THE DEFENDANT: An automatic.

6 MS. BARR: Okay, and don't go too fast.

7 But for the sake of time, kind of tell me what
8 happened at that point.

9 THE DEFENDANT: Are you talking about when
10 I dropped them off?

11 MS. BARR: Yes, sir.

12 THE DEFENDANT: When I dropped them off,
13 they went in the woods. And I backed up and left.
14 I went and parked down a dirt road. Mr. Freddie
15 came home. That's when I called Quentin and let
16 Quentin know that he was on the way coming.

17 MS. BARR: Yes, sir.

18 THE DEFENDANT: And after Freddie came
19 home the first time, he didn't stay too long.
20 Quentin called me back and let me know that he was
21 leaving back out. And I told him I saw the truck
22 leaving back out. And when Quentin called me the
23 last time, that's when I know I didn't see
24 Freddie's truck never did come back in. But I
25 figured he may have went on the other paved road

Alexander Samuel-direct by Ms. Barr

1 and came home.

2 MS. BARR: Did you at some point move your
3 vehicle from the dirt road to the residence of
4 Freddie Martin?

5 THE DEFENDANT: That's when Quentin Samuel
6 called me and when I got there, that's when they
7 was coming out of the house. Because they called
8 me and told me they was ready to go.

9 MS. BARR: When you say they were coming
10 out of the house, who are they?

11 THE DEFENDANT: Quentin Samuel, Antonio
12 McKnight and Kreed Bateman.

13 MS. BARR: Did they have anything in their
14 hands?

15 THE DEFENDANT: Antonio had a Play Station
16 in his hands.

17 MS. BARR: Go ahead.

18 THE DEFENDANT: Kreed Bateman had a gun.

19 MS. BARR: Did you ever go inside the
20 resident?

21 THE DEFENDANT: Not at that time. I told
22 them that -- after I got there, Quentin told me to
23 pull up to the back of the house. And I asked him
24 to pull to the back of the house for what. And he
25 told me to pull to the back of the house.

Alexander Samuel-direct by Ms. Barr

1 MS. BARR: Okay.

2 THE DEFENDANT: When I pulled to the back
3 of the house, that's when they started putting
4 stuff in the vehicle after I had stopped.

5 MS. BARR: And at that point after that,
6 did you then go in the house?

7 THE DEFENDANT: I didn't went in the house
8 right there.

9 MS. BARR: Okay. At some point did you go
10 in the house?

11 THE DEFENDANT: When Mr. Freddie was
12 coming home, that's when I got back in the truck.
13 I pulled up on the side of the house as
14 Mr. Freddie was pulling up on the side of the
15 house; where you couldn't see my vehicle. And
16 that's when Mr. Freddie must have went in the
17 house. And Quentin was still in the house at that
18 time. Kreed was on the outside. And when
19 Kreed -- when Mr. Freddie must have went in the
20 house, that's when I hear the booming noise and
21 stuff like that.

22 So by the time when Kreed came back, Kreed
23 told me to back up. So I back up, and they
24 started putting the rest of the stuff in the
25 vehicle. So I got the mask from Antonio McKnight.

Alexander Samuel-direct by Ms. Barr

1 MS. BARR: You got a mask from Antonio
2 McKnight.

3 THE DEFENDANT: Yes, ma'am. And went
4 inside in the house. And that's when I saw
5 Mr. Freddie and his wife and his son laying down
6 on the floor tied up.

7 MS. BARR: Okay. Judge, that's all the
8 questions I have of Mr. Alexander Samuel.

9 THE COURT: All right, proceed with
10 Mr. Quentin Samuel.

11 Direct Examination by Ms. Barr:

12 MS. BARR: Mr. Quentin, you are entering
13 into a plea, to plead guilty of certain offenses;
14 is that correct?

15 THE DEFENDANT: Yes.

16 MS. BARR: And you understand in
17 consideration of any recommendations that the
18 state may provide, you have to give truthful
19 testimony concerning the planning, and your
20 involvement in these crimes, as well as, the
21 involvement of your co-defendant.

22 THE DEFENDANT: Yes.

23 MS. BARR: And you understand, you have
24 just been given an oath.

25 THE DEFENDANT: Yes.

Quentin Samuel-direct by Ms. Barr

1 MS. BARR: Have you testified truthfully
2 in that regard?

3 THE DEFENDANT: Yes.

4 MS. BARR: If you will, kind of briefly
5 tell us your involvement in these crimes.

6 THE DEFENDANT: Like Alexander said, he
7 came to me with the idea of robbing Freddie. And
8 we decided we needed some more people.

9 MS. BARR: Okay.

10 THE DEFENDANT: And that's when we went to
11 Kreed Bateman and Antonio McKnight. And they all
12 agreed to join in. So the night -- that night we
13 went to see if Freddie was still at work. So when
14 we were going to see if he was still at work, he
15 was leaving. We saw him pass by. We turned
16 around. We went back. And we saw he was going to
17 Food Lion. We went on to his house. And I was
18 going to drop us off to a little lumber plant. I
19 think that's what it is, right next door to his --
20 Freddie and them's house.

21 And me and Antonio and Kreed got out.
22 Went into a little wooded area. And we waited
23 there. And while we were waiting, we saw a white
24 truck pull up to the garage behind the house. And
25 saw the people came out talking. And they went

Quentin Samuel-direct by Ms. Barr

1 back in. They went back in the shed. And not
2 long Mr. Freddie came home, but he didn't stay
3 long. He left back out. When he left back out,
4 that's when we went up to the -- me and Antonio
5 and Kreed went up to the shed.

6 MS. BARR: And who had the gun?

7 THE DEFENDANT: Kreed.

8 MS. BARR: Did you see Brandon Martin when
9 you went up to the sled?

10 THE DEFENDANT: Yes, he was sitting down
11 inside the stable.

12 MS. BARR: Did someone point a firearm at
13 Brandon Martin?

14 THE DEFENDANT: Yes, Kreed Bateman.

15 MS. BARR: Did someone tie Brandon Martin
16 up?

17 THE DEFENDANT: Yes, I did.

18 MS. BARR: Did you demand money or
19 property from him?

20 THE DEFENDANT: No, we just -- after we
21 tied him up, we searched him.

22 MS. BARR: All right, did you at some
23 point, or one of the co-defendant's, take him in
24 the house?

25 THE DEFENDANT: Yes, I did.

Quentin Samuel-direct by Ms. Barr

1 MS. BARR: And his mother was in the
2 house?

3 THE DEFENDANT: Yes.

4 THE COURT: And who tied up his mother?

5 THE DEFENDANT: I did.

6 MS. BARR: And you forced them both to the
7 floor?

8 THE DEFENDANT: No, I just asked them to
9 get on the floor, and they got down on the floor.

10 MS. BARR: And you all took various items
11 out of their house?

12 THE DEFENDANT: Yes.

13 MS. BARR: And when Freddie Martin came
14 up, who approached him?

15 THE DEFENDANT: Creed was behind the door
16 when he came home.

17 MS. BARR: Okay.

18 THE DEFENDANT: So when he came in the
19 house him and Creed was tussling. And I walked up
20 behind Freddie and grabbed him from behind.

21 MS. BARR: Okay. Did you end up tying up
22 Freddie Martin as well?

23 THE DEFENDANT: Yes.

24 MS. BARR: Did you all take guns from the
25 residence of the victims?

Quentin Samuel-direct by Ms. Barr

1 THE DEFENDANT: Yes.

2 THE COURT: How many guns?

3 THE DEFENDANT: About four.

4 MS. BARR: Was Antonio McKnight inside the
5 residence taking items as well?

6 THE DEFENDANT: Yes.

7 MS. BARR: Was he assisting you all?

8 THE DEFENDANT: Yes.

9 MS. BARR: Judge, I think that's all the
10 questions I have for purposes of the plea.

11 THE COURT: All right. Mr. Alexander
12 Samuel.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You are standing before the
15 court in regard to a proffered guilty plea. Do
16 you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Mr. Quentin Samuel.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You are standing before the
21 court in regard to a proffered guilty plea. Do
22 you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right, I will start with
25 you, Mr. Alexander Samuel. You are represented

1 by Mr. Carraway. How long has he been
2 representing you in regard to these charges,
3 several days, several weeks or several months?

4 THE DEFENDANT: About 7 months, I think.

5 THE COURT: During that period of time,
6 have you talked to him in detail in regard to
7 these charges?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You have got to answer up now
10 so we can take it down. In regard to your
11 conferences with him, did you ask him everything
12 you had on your mind concerning these matters?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Are you satisfied with the
15 conferences you had with your lawyer?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Are you satisfied with his
18 legal representation?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you satisfied with
21 everything he has done for you?

22 THE DEFENDANT: Yes.

23 THE COURT: You are now ready to proceed
24 in regards to this particular guilty plea?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you need any further
2 opportunity to talk to your lawyer before we go
3 forward? Are you ready to go forward?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. And you had a
6 conference with your lawyer. Are you satisfied
7 with that conference?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You are now ready to proceed
10 with the guilty plea?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Counsel, I ask you in regard
13 to your representation of this defendant, have you
14 talked to him in detail concerning these pending
15 charges?

16 MR. CARRAWAY: I have, Your Honor.

17 THE COURT: Have you discussed with him
18 all the facts and circumstances surrounding these
19 charges?

20 MR. CARRAWAY: I have, Your Honor.

21 THE COURT: Have you discussed with him
22 any possible witnesses he might have?

23 MR. CARRAWAY: I have, Your Honor.

24 THE COURT: Have you discussed with him
25 any possible defenses he might have?

1 MR. CARRAWAY: I have, Your Honor.

2 THE COURT: Based on your conferences with
3 him and his statements to you as an officer of the
4 court, can you tell me if in fact he is guilty of
5 these charges to which he is tendering a plea of
6 guilty?

7 MR. CARRAWAY: He is guilty of these
8 charges.

9 THE COURT: Are you ready to proceed?

10 MR. CARRAWAY: I am ready to proceed.

11 THE COURT: All right. Mr. Quentin
12 Samuel, I will come back to you in just a moment.
13 Mr. Alexander Samuel.

14 Mr. Quentin Samuel, I will ask you this
15 now. In regard to this matter you understand you
16 are standing before the court to plead guilty.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you understand that you
19 are presenting yourself in regard to three
20 offenses; do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And you have been represented
23 by Mr. Craig Brown on these charges. How long has
24 he been helping you on these charges, several
25 days, several weeks or several months?

1 THE DEFENDANT: Several months.

2 THE COURT: During that period of time,
3 have you talked to him in detail in regard to
4 these charges?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you satisfied with the
7 conferences you had with him?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Are you satisfied with his
10 legal representation?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Are you satisfied with
13 everything he has done for you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Counsel, based on your
16 conferences with him, and his statements to you,
17 as an officer of the court, can you tell me if in
18 fact he is guilty of these three charges?

19 MR. BROWN: Yes, sir, he is.

20 THE COURT: Are you ready to proceed?

21 MR. BROWN: Yes, sir.

22 THE COURT: Have you talked to him about
23 any potential witnesses he might have?

24 MR. BROWN: Yes, sir.

25 THE COURT: Have you talked to him about

1 any possible defenses he might have?

2 MR. BROWN: Yes, sir.

3 THE COURT: You are now ready to proceed?

4 MR. BROWN: Yes, sir. For the record,

5 Your Honor, I was appointed to represent

6 Mr. Samuel back in January of this year. As you

7 well know, Mr. Wallace Jordan practices law with

8 me. I know Mr. Jordan has come down here 2 or 3

9 times and met with him Mr. Samuel as well as I

10 have.

11 THE COURT: Thank you. Gentlemen, I will

12 ask both you to respond as I posit these questions

13 to you. Are you in fact pleading guilty freely

14 and voluntarily?

15 THE DEFENDANT: Yes, sir.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And has anyone put any

18 pressure on your in any way to cause you to plead

19 guilty?

20 THE DEFENDANT: No, sir.

21 THE DEFENDANT: No, sir.

22 THE COURT: Has anyone threatened you in

23 any way to make you plead guilty?

24 THE DEFENDANT: No, sir.

25 THE DEFENDANT: No, sir.

1 THE COURT: You are pleading guilty today
2 because you are in fact guilty?

3 THE DEFENDANT: Yes, sir.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: In regards to sentencing,
6 under State vs. Thrift, a major State Supreme
7 Court case, the court and counsel and defendants
8 are mandated to put on the record any plea
9 negotiations. So for the record, the plea
10 negotiations under State v. Thrift, are exactly
11 what, Ms. Solicitor?

12 MS. BARR: Your Honor, Please the Court,
13 in exchange for their truthful, complete and
14 accurate testimony regarding their involvement of
15 themselves as well as their co-defendants in these
16 crimes, the state would make a sentence
17 recommendation of 23 years.

18 THE COURT: 23 years total.

19 MS. BARR: Concurrent, yes.

20 THE COURT: Mr. Carraway, is that your
21 understanding of the plea negotiations?

22 MR. CARRAWAY: That is my understanding.

23 THE COURT: Mr. Alexander Samuel, is that
24 your understanding of the plea negotiations?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Quentin Samuel, is that
2 your understanding of the plea negotiations?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, gentlemen, I want to make
5 sure exactly what is occurring here. If we
6 proceed now from this point, you will actually
7 receive a 23-year-sentence. Do you understand
8 that?

9 THE DEFENDANT: Yes, sir.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Any question about that?

12 THE DEFENDANT: No, sir.

13 THE DEFENDANT: No.

14 THE COURT: In regard to this particular
15 plea, I ask you again, do you understand that you
16 are under oath?

17 THE DEFENDANT: Yes, sir.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: I tell you now we have a
20 statute in this state called perjury. We also
21 have a common law offense called perjury. Do you
22 understand that you can in fact be sentenced for
23 perjury if you do not tell the truth in regard to
24 the upcoming trial?

25 THE DEFENDANT: Yes, sir.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that you can
3 in fact be charged with perjury if you have not
4 told me the truth in this guilty plea?

5 THE DEFENDANT: Yes, sir.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are there any questions that
8 you have not understood?

9 THE DEFENDANT: No, sir.

10 THE DEFENDANT: No, sir.

11 THE COURT: In reference to these pending
12 charges, the solicitor has stated that she will
13 call each of you as a witness. Mr. Alexander
14 Samuel, will you in fact tell the truth, the whole
15 truth and nothing but the truth so help you God in
16 this trial?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Mr. Quentin Samuel, will you
19 in fact in this trial, tell the truth, the whole
20 truth and nothing but the truth so help you God?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Carraway, in regard to
25 this guilty plea, are there any other matters that

1 you would like to put on the record?

2 MR. CARRAWAY: None, Your Honor.

3 THE COURT: Mr. Brown?

4 MR. BROWN: Your Honor, the only thing if
5 you are asking with regards to other plea
6 negotiations.

7 THE COURT: Yes.

8 MR. BROWN: No, there are not.

9 THE COURT: In regards to any aspect of
10 this guilty plea, Mr. Carraway, are you satisfied
11 with the questions that I have asked you or your
12 lawyer? I meant you and your client. I will get
13 it right in a minute. You and your client?

14 MR. CARRAWAY: I am, Your Honor.

15 THE COURT: Mr. Brown, are you satisfied
16 with the questions I have asked you and your
17 client?

18 MR. BROWN: I have, Your Honor. I would
19 just like to reiterate -- put on the record, that I
20 have in fact discussed the fact with him that this
21 is a most serious offense. The consequences of a
22 most serious offense. The potential consequences
23 would be that he would receive a conviction on
24 another most serious offense, as well as, the fact
25 that these charges for which he is pleading guilty

1 to are essentially no parole offenses; that he has
2 to do at least 85 percent before he is even
3 considered for parole.

4 And I have discussed that with my client
5 and he understands that.

6 THE COURT: And is that your
7 understanding, Mr. Quentin Samuel?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Carraway, have you talked
10 to Mr. Alexander Samuel about the consequences of
11 a serious offense?

12 MR. CARRAWAY: I have, Your Honor. And I
13 also told him the potential sentences we have for
14 each of the counts that he is pleading guilty to,
15 which are burglary first degree, which are armed
16 robbery and criminal conspiracy. And he
17 understands all that.

18 THE COURT: Thank you. I have a written
19 form that I use in Florence. Would you fill that
20 out, Counsel? Let the record show that I now have
21 received for the record, an affidavit of the
22 defendant for a guilty plea, signed by Quentin
23 Samuel. And an affidavit of defendant for guilty
24 plea signed by Alexander Samuel.

25 In addition, Counsel, in each instance has

1 signed a Certificate of Counsel, Mr. Craig Brown,
2 has signed for Quentin Samuel. And, Mr. Carraway,
3 I am trying to read your first name.

4 MR. CARRAWAY: Legrand Carraway. That's
5 it.

6 THE COURT: Legrand. These forms,
7 Gentlemen, these forms are forms that cover your
8 constitutional rights. Do you understand that,
9 Mr. Samuel?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Mr. Quentin Samuel, do you
12 understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: These forms cover your
15 constitutional rights, and you have waived or
16 given up your constitutional rights in regard to
17 this guilty plea, do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Ms. Court Reporter, for the
20 record, mark each one of these, well State's
21 Exhibit 1 through 4. The affidavit is marked
22 separately. Certificate of Counsel is marked
23 separately. Certificate of Counsel is the back
24 page.

25 MR. BROWN: Your Honor, for the record, I

1 did not fill in, when I handed up, I thought about
2 this. I did not fill in exactly what he was
3 pleading guilty to. Did not fill that in, but I
4 did fill in on the first part, or the first part
5 of the affidavit.

6 THE COURT: Please fill it in and then we
7 will mark them.

8 (Affidavits and Certificates of Alexander
9 and Quentin Samuel marked State's Exhibit Nos. 1
10 through 4 into evidence.)

11 THE COURT: For the record, Ms. Court
12 Reporter, in order to provide exactitude for the
13 record concerning a guilty plea, I use an
14 affidavit of defendant for a guilty plea. Which
15 is an outline of questions seriatim, relating to
16 constitutional rights and consequences of a guilty
17 plea.

18 Additionally, I ask counsel to sign a
19 Certificate of Counsel explaining the various
20 aspects of a guilty plea. I do that so that in
21 case there is any kind of appellate review, the
22 matters are presented with certitude for the
23 record. But in order to buttress all that I have
24 done, Gentlemen, I now will talk to you about
25 the constitutional rights that are included in

1 that form. Do you understand that, Mr. Alexander
2 Samuel?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that, Mr.
5 Quentin Samuel?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: In this form, you are giving
8 up certain constitutional rights. There are three
9 constitutional rights that I am going to cover
10 with you again on the record. One, you have the
11 absolute right to remain silent, to say nothing,
12 to do nothing. By pleading guilty, you give up
13 that right, because you come forward and admit
14 your guilt and ask for the mercy of the court. Do
15 you freely and voluntarily give up your right to
16 remain silent?

17 THE DEFENDANT: Yes, sir.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You have the absolute right to
20 confront the witnesses against you. It's called
21 the right of confrontation under the constitution.
22 What that means is, you have the right to see and
23 hear the witnesses testify on this witness stand
24 to my right, and you have the right to have them
25 questioned in your presence as they testify. By

1 pleading guilty before the court, you give up your
2 right to confront the witnesses because we do not
3 conduct a trial.

4 Do you freely and voluntarily give up your
5 right to confront the witnesses against you?

6 THE DEFENDANT: Yes, sir.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You have the absolute right to
9 a jury trial under the constitution. We would
10 draw a jury as we have done in this case,
11 consisting of 12 members of the jury and two
12 alternates. The jury has already been selected in
13 your case. The jury is back in the jury room
14 waiting for us to begin. By pleading guilty, you
15 give up your right to have the jury listen to the
16 witnesses and then decide the case and decide your
17 guilt or innocence.

18 Do you freely and voluntarily give up your
19 right to a jury trial?

20 THE DEFENDANT: Yes, sir.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: In regards to this particular
23 guilty plea sentence, I ask you now, have you
24 understood everything that I have discussed with
25 you, because you are under oath?

1 THE DEFENDANT: Yes, sir.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Anything further you want to
4 put on the record, Mr. Carraway?

5 MR. CARRAWAY: Nothing, Your Honor.

6 THE COURT: Mr. Brown?

7 MR. BROWN: No, sir.

8 MR. BARR: Your Honor, on behalf of what
9 has transpired, I would like an opportunity to
10 consult with my client one more time.

11 THE COURT: Absolutely. I would encourage
12 that. And in addition, I would say, counsel, at
13 the appropriate time if you and your client decide
14 to go forward, I will discuss on the record under
15 State vs. Orr, O-R-R and State vs. Brown, I
16 believe it's Brown versus State, because it's a
17 PCR, the right of testifying or not testifying. I
18 always take that up on the record not only with
19 counsel, but with the defendant.

20 MR. BARR: Yes, sir.

21 THE COURT: All right, everybody gets a 15
22 minute recess.

23 (Whereupon, the court takes a short
24 recess.)

25 MR. BROWN: We plead guilty before you,

1 with the sentencing to be concluded with this
2 trial. From my understanding, we are not going to
3 complete this trial with one co-defendant still
4 out there. I didn't know if Your Honor wanted to
5 retain jurisdiction or if you want to bring those
6 defendants back in here to allow the court to
7 address that issue.

8 I've told my client back here. My
9 understanding we would not complete the trial, and
10 I wanted to bring that to Your Honor's attention.

11 THE COURT: Well that does present a
12 conundrum, because ordinarily the judge who takes
13 the guilty plea is the judge who sentences.

14 MR. BROWN: Right.

15 THE COURT: And there is a serious legal
16 theory as to allowing another judge to take that
17 sentencing part of the plea. What do you say, Ms.
18 Solicitor?

19 MS. BARR: Your Honor, I believe if you
20 are comfortable we can do it.

21 THE COURT: What is the status of those
22 other defendants that are named on the indictment?

23 MS. BARR: Mr. Kreed Bateman was ordered
24 to undergo a competency evaluation and criminal
25 responsibility evaluation. He underwent the

1 competency evaluation. And the psychologist
2 rendered an opinion that indicated he was
3 competent to stand trial. Apparently the criminal
4 responsibility evaluation has not been scheduled
5 yet.

6 THE COURT: Well we can do, Counsel, since
7 I've told the state to wait until that case is
8 disposed of. I will retain jurisdiction. And the
9 chief can just send me down here one day, and we
10 will complete that at later time.

11 MS. BARR: That is fine me, Judge.

12 MR. BROWN: That's fine.

13 THE COURT: Is that suitable?

14 MS. BARR: Yes, sir.

15 THE COURT: Let the record show that I am
16 retaining jurisdiction in regard to the guilty
17 plea of Quentin Samuel, Alexander Samuel, and will
18 do the sentencing at a separate, agreed upon time
19 later on this year.

20 MR. BROWN: Your Honor, will you advise
21 him of that?

22 THE COURT: Just let them know that that
23 will took place. Since I am going to retain
24 jurisdiction, I mean that's exactly what is going
25 to happen anyway.

1 MR. BROWN: Yes, sir. Okay. Thank Your
2 Honor.

3 THE COURT: Thank you for bringing that to
4 my attention. Counsel, are you ready to proceed?

5 MR. BARR: Your Honor, may we approach?

6 THE COURT: Sure.

7 (Attorneys approach and confer with
8 judge.)

9 (Whereupon, defendant McKnight is first
10 duly sworn.)

11 THE COURT: Let the record show, Ms. Court
12 Reporter, that he has been sworn and under oath.
13 This is Mr. Antonio McKnight? You have got to
14 answer up now so we can take it down.

15 THE DEFENDANT: Oh, yes, sir.

16 THE COURT: In regard to this particular
17 matter you are standing with your counsel. Have
18 you talked to him in detail concerning these
19 charges?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you satisfied with your
22 conferences with him?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you satisfied with
25 everything he has done for you?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You are now ready to go
3 forwards?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Counsel, have you talked to
6 him in detail concerning the facts and
7 circumstances from his standpoint?

8 MR. BARR: Yes, Your Honor, I have.

9 THE COURT: Based on your conferences with
10 him and his statements to you, as an officer of
11 the court, can you tell me if he is in fact
12 guilty?

13 MR. BARR: Yes, sir, I believe he is.

14 THE COURT: Are you ready to proceed?

15 MR. BARR: Yes, Your Honor.

16 THE COURT: Ms. Solicitor, do you want to
17 put on the record his testimony?

18 MS. BARR: I do not need that, Your Honor.

19 THE COURT: In regard to this particular
20 case, he is pleading to what offenses, Ms.
21 Solicitor?

22 MS. BARR: Your Honor, he is pleading
23 guilty to burglary in the first degree, one count
24 of armed robbery and criminal conspiracy.

25 THE COURT: Thank you.

1 MR. BARR: Your Honor, for the record, we
2 would ask that the court note that the defendant
3 would be pleading under State v. Alford.

4 THE COURT: All right, we will proceed
5 with that. Mr. McKnight.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Listen to me carefully.

8 Listen to me closely. You are in here today, and
9 you and your lawyer tells me that you pleading
10 under Alford vs. North Carolina case. Did you and
11 your lawyer talk about that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Well let me tell you what that
14 means. Alford says, and it's a United States
15 Supreme Court case. Alford says that the
16 defendant can come forward with permission of the
17 court to prove under Alford where the defendant
18 says I do not admit my guilt, but I do admit that
19 as I look at the evidence from the state's
20 standpoint, that I most probably would be
21 convicted. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Is that what you want to do?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: I can tell you now, and from

1 my standpoint, that will be no difference in
2 regards to sentencing in reference to an Alford
3 plea as just opposed to a guilty plea. I treat
4 them all the same. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: But the real purpose is your
7 desire to come forward and say that I not admit my
8 guilt, but as I look at the evidence from the
9 state's standpoint, I do admit that I would most
10 probably be convicted. Do you understand that
11 now?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you pleading freely and
14 voluntarily.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Has anyone put any pressure on
17 you in way to cause you to plead guilty?

18 THE DEFENDANT: No, sir.

19 THE COURT: Anyone threatened you in any
20 way to make you plead guilty?

21 THE DEFENDANT: No, sir.

22 THE COURT: Did in you in fact in the
23 County of Williamsburg, commit these three
24 offenses?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is that true and correct?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: In reference to any plea
4 negotiations under the State vs. Thrift, the
5 solicitor, the defendant, defendant's counsel and
6 the court, are mandated to put on the record, the
7 plea negotiations with exactitude. Ms. Solicitor,
8 what are the plea negotiations?

9 MS. BARR: The state is recommending a
10 sentence of 23 years, Your Honor.

11 THE COURT: The recommendation is 23
12 years. Is that your understanding of the plea
13 negotiations, Counsel?

14 MR. BARR: Yes, sir, it is, but we would
15 ask the court to consider varying from that.

16 THE COURT: But that is not a part of the
17 plea negotiations.

18 MR. BARR: No, sir.

19 THE COURT: The plea negotiations is 23
20 years---

21 MR BARR: Yes, sir.

22 THE COURT: ---recommendation from the
23 state.

24 MR. BARR: Yes, sir. That's correct.

25 THE COURT: Is that correct, Mr. McKnight?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Now let me tell you, please
3 listen. I may take the state's recommendation. I
4 may deviate from the state's recommendation, but I
5 am definitely going to give you jail time. Do you
6 understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I wanted to make sure you
9 understand that now. I repeat again. The state
10 is recommending 23 years. Your counsel is asking
11 me to consider a lesser sentence, but I am
12 definitely going to give you jail time. Do you
13 understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Any question about that?

16 THE DEFENDANT: No, sir.

17 THE COURT: You and your counsel have
18 signed various forms. You signed an affidavit of
19 the defendant for a guilty plea; is that correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: That's a sworn statement in
22 regard to going over your constitutional rights
23 and your background. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you signed that with the

1 full knowledge of what it contains.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Did you understand everything
4 that was in this form?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Counsel, in regard to this
7 Certificate of Counsel, did you go over all these
8 questions with the defendant?

9 MR. BARR: Yes, sir, Your Honor, I did.

10 THE COURT: Do you believe he understands
11 those questions and answers?

12 MR. BARR: Yes, Your Honor, I believe he
13 does.

14 THE COURT: Do you think those questions
15 have called for truthful answers from him?

16 MR. BARR: Yes, sir, I believe it does.

17 THE COURT: Mr. McKnight, in addition to
18 the form which I will make a part of the record
19 for purposes of appellate review and any other
20 matters, I am going to go over with you three
21 constitutional rights. One, you have absolute
22 right to remain silent, to say nothing; to do
23 nothing. By pleading under Alford, you give up
24 your right to remain silent, because you come
25 forward and say, as I look at the state's

1 evidence, I most probably would be convicted.

2 Do you freely and voluntarily give up your
3 right to remain silent?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You have the absolute right to
6 confront the witnesses against you. It's called
7 the right to confrontation under the constitution.
8 What that means is, you have right to see and hear
9 the witnesses from the state take this witness
10 chair, testify under oath in open court in your
11 presence. By pleading under Alford you give up
12 your right to confront the witnesses against you.

13 Do you freely and voluntarily give up your
14 known right of confrontation of witnesses?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You have the absolute right to
17 a jury trial. In this case, we have already drawn
18 your jury. And in this case, the jury is sitting
19 in the back room probably wondering what in the
20 world we are doing. But they are ready to proceed
21 for a trial. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: By pleading under any Alford,
24 you give up your right to that jury trial. Do you
25 freely and voluntarily give up your right to a

1 jury trial?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You are pleading under Alford
4 now freely and voluntarily.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Has anyone put any pressure on
7 you to cause you to plead under Alford?

8 THE DEFENDANT: No, sir.

9 THE COURT: Did anyone threaten you in any
10 way to make you pled under Alford?

11 THE DEFENDANT: No, sir.

12 THE COURT: You are pleading under Alford
13 because that's what you want to do?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you and your lawyer have
16 talked about that in detail?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you satisfied with the
19 conferences with him about that matter?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Counsel, in regard to the
22 proffer of the plea under Alford, are you
23 satisfied now that your client fully and
24 completely understands a plea under Alford?

25 MR. BARR: Yes, sir, I am.

1 THE COURT: You are satisfied that that's
2 in his best interest?

3 MR. BARR: Yes, sir, I am.

4 THE COURT: And you are now ready to
5 proceed?

6 MR. BARR: Yes, sir.

7 THE COURT: Ms. Solicitor.

8 MS. BARR: Your Honor, Please the Court,
9 this incident happened on October 23, 2008, at a
10 residence here in Andrews, the Williamsburg County
11 portion of Andrews. The victims in the case are,
12 Mr. Freddie Martin, his wife, Victoria Martin, and
13 their adult son Brandon Martin.

14 It happened at about 9:30 at night. And
15 the victim Freddie Martin is a business owner. He
16 tows vehicles. And based on the statements of the
17 co-defendants, we believe one of them actually
18 knows Mr. Martin, and believed that he carried
19 money. The plan between all of these gentlemen
20 including the defendant and the co-defendant who
21 has not been before the court, Mr. Creed Bateman,
22 was to rob the victim at his business. They went
23 to the business. They saw him leaving. And
24 apparently saw him go to Food Lion.

25 So they then proceed to his residence.

1 Alexander Samuel who is driving the vehicle,
2 parked some ways down from the victim's home,
3 while the other three; including, Mr. McKnight,
4 got out and waited in some bushes. And apparently
5 saw his wife, Ms. Victoria Martin, interact with
6 her son, Brandon Martin, and saw her go back home.

7 At some point later, Freddie comes home.
8 Only stays for a minute. Apparently gets a call,
9 a wrecker call, and then he leaves. Once he
10 leaves, they notice that Brandon is in a garage on
11 the outside of the residence. They go and attack
12 him. And co-defendant Creed Bateman points a gun
13 at him. They are telling him where is the money;
14 give me the money. They are approaching him for
15 money.

16 While they do that, apparently we believe
17 Tony then goes into the house along with Creed
18 Bateman. They see the wife who is watching TV.
19 They point it -- Mr. Bateman points a gun at her.
20 All the while, Judge, all three of them are
21 wearing masks to conceal their identity. They
22 then ask Ms. Freddie Martin where is the money.
23 Show me where the safe is; guns, they are
24 demanding everything. They bring the son Brandon
25 in the house. Of course, he is tied up. They lay

1 him face down on the floor.

2 Eventually they lay the wife, Ms. Victoria
3 Martin, face down on the floor. All the while,
4 her hands are tied behind her back. They search
5 through the house. They take various items out of
6 the house including, guns, coins. They take all
7 the victim's cell phones. They take a play
8 station. And I believe you heard during my query
9 of one of the defendant's, that Mr. McKnight took
10 a play station from the residence.

11 At some point, there was communication
12 between Alexander Samuel and Quentin Samuel.
13 Mr. Martin comes back home. And so Alexander
14 Samuel makes the decision to park his vehicle on
15 the side of the road so Mr. Martin doesn't see
16 them when he comes up. When he comes up,
17 Mr. Martin is confronted by Creed Bateman and
18 Quentin Samuel. The struggle that you heard the
19 other defendants talking about were a -- was a
20 fight between the victim Freddie Martin and Creed
21 Samuel. (sic.)

22 Again, Mr. Samuel has a weapon. They
23 bring Mr. Martin in the house. He sees that his
24 wife and son are tied up. They tied him up. They
25 asked for guns. They asked where is the safe. He

1 indicates he doesn't have a safe. They go into
2 his truck and take things out of his truck. In
3 any event at some point, they lay the sofa over
4 the victims while they are on the floor. And then
5 they leave. I think then the victims waited, I
6 imagine for them, it seemed like forever before
7 Ms. Martin is able to untie her hands and get
8 herself free. Untie her husband and her son, and
9 run to a neighbor's house and call 911.

10 Your Honor, when the police officers
11 realized once they got to the scene, that the
12 victim's phone wires were cut. So they would not
13 be able to summon for help. Approximately 3 weeks
14 to a month later, Quentin Samuel was found to be
15 using the cell phone of Brandon Martin. And
16 that's how law enforcement was able to catch him.
17 Your Honor, these witnesses were subpoenaed here
18 today, confirmed with law enforcement that Quentin
19 Samuel was the one calling, who called her from
20 that number. And of course once law enforcement
21 realized it, he has proof of the crime in his
22 truck. Including the rope that was used to tie up
23 the victim's, the mask, and other things that
24 belonged to the witnesses.

25 The co-defendant's Alexander Samuel and

1 Quentin Samuel, gave statements to the police
2 after their arrest and implicated themselves; as
3 well as, the other two other co-defendant's.

4 THE COURT: Are those facts essentially
5 true and correct, sir?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Counsel, I want to make sure
8 we have this record presented with certitude. In
9 the affidavit that we have before the court now, I
10 think we misnumbered one of the particular
11 offenses. In terms of the 330(a) 5 years for the
12 maximum on the criminal conspiracy. I think we
13 may need to look at these statutes, and let me
14 pass this to you. You may need to just revisit
15 these as we go down the list. Burglary in the
16 first degree is 16-11-311. 16-11-311 is the
17 burglary first degree statute. And that is not
18 listed on the form.

19 MR. BARR: Okay.

20 THE COURT: Now what it lists on the form
21 is 16-11-330 (a) that is armed robbery.

22 MR. BARR: Yes, sir.

23 THE COURT: And then criminal conspiracy
24 is 16-17-410. I want to make sure we get the
25 record complete, Ms. Solicitor. Do you agree with

1 those statutory enumerations?

2 MS. BARR: Yes, sir.

3 THE COURT: And of course the burglary
4 first carries 15 years to life. 15 years to life
5 is the burglary.

6 MR. BARR: Yes, sir.

7 THE COURT: The armed robbery is 10 years
8 to 30 years with an absolute 7 years' service
9 before eligibility for parole. But it is a most
10 serious offense now. And conspiracy is 5 years.
11 Those are backwards. Do you agree with that, Ms.
12 Solicitor?

13 MS. BARR: Absolutely, Your Honor.

14 MR. BARR: Okay. For clarification again,
15 Your Honor, 16-11-330 is first?

16 THE COURT: No. 16-11-330(a) is armed
17 robbery.

18 MR. BARR: That is the armed robbery.

19 THE COURT: 16-11-330(a) is armed robbery.

20 MR. BARR: Okay.

21 THE COURT: Burglary in the first degree
22 is 16-11-311.

23 MR. BARR: Okay.

24 THE COURT: And then the criminal
25 conspiracy to 16-17-410. Are we straight now?

1 MR. BARR: Yes, sir. I think we are
2 straight now. A range on 16-17-410.

3 THE COURT: The 410 the maximum is
4 5 years.

5 MR. BARR: And 330(a)?

6 THE COURT: The armed robbery is 10 years
7 to 30 years. And then it has that 7-year
8 eligibility, but that's the subject scenario of
9 taking care of by a most serious definition of the
10 offense.

11 Mr. McKnight.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You have signed this form.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: But it now has been amended.
16 And so that you recognize that the statute in each
17 instance has been cited 16-11-330(a) is the armed
18 robbery. The 16-11-311 is the burglary. And the
19 criminal conspiracy 16-11-410.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: I think we still need to make
22 sure we have got armed robbery in here counsel.

23 Let me pass that to you again. I think that needs
24 to be designated as burglary, that last one down
25 there. 16-11-311 is burglary first. Now I think

1 we have everything straight.

2 MR. BARR: Thank you, Your Honor.

3 THE COURT: Thank you. Now you understand
4 that, Mr. McKnight?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You are facing a lot more jail
9 than 23 years. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right, anything further,
12 Ms. Solicitor, in regard to this matter? Prior
13 record? We are going to sentence him now; is that
14 correct?

15 MS. BARR: That is correct, Your Honor.

16 THE COURT: Prior record?

17 MS. BARR: Your Honor, the defendant has a
18 conviction back in 2005 for trespass. He has
19 several convictions for public disorderly conduct
20 through from 2004 to 2008. Probably 4 or 5
21 different convictions for disorderly conduct. He
22 also has a conviction in 2006 for indecent
23 exposure. And that's the extent of his record.

24 MS. BARR: Judge, I do believe that one or
25 more of the victims wishes to address the court

1 prior to sentencing.

2 THE COURT: Bring them around. Pass this
3 to the Court Reporter. Give me your full name for
4 the record.

5 MR. MARTIN: Freddie Martin.

6 THE COURT: Freddie Martin?

7 MR. MARTIN: Yes, sir.

8 THE COURT: Yes, Mr. Martin.

9 MR. MARTIN: Yes, sir. Since this here
10 has happened, on the night that it happened, I sat
11 there with a gun at my forehead. Not knowing if I
12 was going to be killed. They promised they was
13 going to kill us. I'm sitting there trying to
14 think of what a bullet would feel like going
15 through the head. Is it going to hurt. Are you
16 going to live. Are you going to live 5 or 10
17 minutes, or what is it going to be.

18 I look at my grandchildren knowing I won't
19 see them again, and it's hard to take imagining
20 what the bullet is going to feel like at any
21 point. And since that has happened, when I have
22 to go to wrecker calls, I have to get a grandson
23 up when he's staying with us. And it's hard to
24 get 6 year old out of bed 3 o'clock in the
25 morning to go on wrecker calls.

1 I can't go to wrecker calls when he can't
2 get up, or won't get up. So I have lost a lot of
3 business. The impact has caused me to lose a lot
4 of money. It has cost us, all my guns that we
5 had: One of the guns being one that was left to
6 me from my grandfather. He died when I was 5.

7 The gun was left to him from his father. So it
8 was handed down. We haven't seen the gun since.
9 We don't know if we will ever get them back. But,
10 you know, that's a loss that we will never recover
11 from.

12 I can walk outside the house 12, 1, 2
13 o'clock in afternoon, no matter what time it is on
14 the weekends when I am home, if when I walk
15 outside the door, I have to call back in to let my
16 wife know that I am coming back in because all the
17 doors are locked. It's very inconvenient to have
18 to be locked up in your own home. So I wish you
19 would take this into consideration how it has
20 caused us so much impact on us. And from the
21 time of the incident, it took me about 2 months to
22 get back home, because my wife wouldn't go back to
23 the house.

24 If it hadn't been for the grandson asking
25 to come back home, we probably still would be gone

1 from the house.

2 THE COURT: Thank you very much. The
3 recommendation from the state is 23 years. Do you
4 understand that?

5 MR. MARTIN: Yes, sir.

6 THE COURT: And you concur with the
7 recommendation made by the solicitor? Do you
8 agree to that?

9 MR. MARTIN: I think it should be a lot
10 longer, but yes.

11 THE COURT: Mr. Martin, I don't want to
12 leave you hanging in the sense of any ambivalence.
13 You've got to think straight up.

14 MR. MARTIN: Yes, sir.

15 THE COURT: The Florence Morning News had
16 a big article Monday morning about a judge whose
17 sentence, they didn't name the judge, but it
18 wasn't me. But the victim had complained. And I
19 went to the Morning News to name the judge. Put
20 the name out there. And that's why I'm asking you
21 now, if you don't agree now, you tell me straight
22 up if you don't agree.

23 MR. MARTIN: Yes, I agree.

24 THE COURT: Because if you do agree then I
25 expect you to remember that, and to say that I did

1 agree to that in open court.

2 MR. MARTIN: Yes, sir.

3 THE COURT: You do agree? Sir?

4 MR. MARTIN: Yes, sir.

5 THE COURT: No question about that.

6 MR. MARTIN: No, sir.

7 THE COURT: Your name, please.

8 MS. BARR: Judge, she is one of the
9 investigators. I would like her to speak prior to
10 sentencing.

11 THE COURT: Does the investigator want to
12 talk?

13 THE INVESTIGATOR: No, sir.

14 THE COURT: Okay.

15 MS. BARR: I think she is just here for
16 security purposes.

17 MS. BARR: Judge, when we realized we were
18 going to call this case for trial, I met with
19 Mr. and Mrs. Martin maybe 2 or 3 weeks ago, and we
20 talked about an hour and a half. And they shared
21 with me how something like this has impacted their
22 lives. And of course as lawyers, as Your Honor
23 knows from dealing with this for years and years,
24 unfortunately we see the worse of the worse. But
25 for them, this was the worst day of their life.

1 There is that sense of my life before this
2 burglary and my life after this burglary.

3 And so what was important to them as they
4 communicated to me was that we wanted to make sure
5 that all the people who were responsible for this
6 were prosecuted and went to prison. And so I
7 explained to them sometimes the difficulty when
8 you have multiple defendants, and how fortunately
9 we have to speak when no one else will speak.

10 And so while Mr. Martin has indicated to
11 the court and he indicated to me, well I think
12 there should be a law. Well I understand that and
13 I absolutely understand it. He and his wife, he
14 said we just had a weekend, we were afraid. They
15 talked to our pastor. And they called me after
16 they had done those things and said, whatever the
17 state chose to do we would be satisfied with it.

18 So I think that's why he expressed that
19 sentiment to you. Judge, we view the facts in
20 this case as simply one that, although he is not
21 the one that had the weapon, he played an active
22 role. We believe that given the amount of time
23 that he could be facing; that the 23 years that we
24 recommended were appropriate under the facts and
25 circumstances. And we believe all these

1 defendants should be fed out of the same spoon.
2 And we would ask the court to certainly accept our
3 recommendation.

4 THE COURT: Mr. McKnight, understand the
5 law of this state historically, we recognize what
6 is called the right of allocution. I have six
7 books on the law, and I suppose that does date me
8 in terms of my service on the bench. And a lawyer
9 prior to that. But the right of allocution is, a
10 defendant has a right to address the court before
11 sentence is passed. So I now give you the right
12 of allocution under the law. Counsel, I will
13 recognize you first. Which way you want to do
14 that?

15 MR. BARR: Your Honor, if it Pleases the
16 Court, Mr. McKnight is here today. He is
17 30 years. His sister is here with him, and I
18 believe her husband. I saw him earlier. He was
19 here as well. He is behind me, I missed him.
20 Your Honor, I would first of all apologize to the
21 Martin Family. Many of us have suffered this form
22 of invasion, and we realize how difficult it is to
23 deal with the notion that someone would deprive
24 you of the privilege of the privacy your own home
25 and threaten your life and that sort of thing.

1 So nothing that we say would be in any
2 attempt to ignore the seriousness of that kind of
3 thing. But on behalf of my client though, Your
4 Honor, and I am here representing him today. He
5 is 30-years-old and has been cited by the
6 solicitor. Mr. McKnight has never involved
7 himself in anything beyond a misdemeanor in life.
8 And most of them stem from the fact that he tends
9 to drink too much.

10 But as far as a criminal background and a
11 criminal intent, that's mostly what he has done
12 wrong in the eyes of the law. With regard to this
13 incident, Your Honor, I by the evidence at trial
14 would show that Alexander Samuel had this idea;
15 that he involved his nephew Quentin Samuel to plan
16 this event; that they decided at that point that
17 they needed some additional muscle. And that
18 Mr. McKnight has a social relationship with Lottie
19 Samuel who is Mr. Alexander Samuel's sister. And
20 Ms. Lottie Samuel and Mr. McKnight for the lack of
21 a better word cohabiting or living together at
22 that time.

23 I think that Mr. McKnight made the mistake
24 of going along with this. But I think If this
25 case had gone to trial, Your Honor, and even with

1 the testimony given thus farther, no one will say
2 or could say that Mr. McKnight pointed a gun at
3 anyone. No one could say that Mr. McKnight tied
4 up anyone. No one would be able to say that
5 Mr. McKnight in any way harassed anyone.

6 I think the testimony would show that he
7 did go into the house along with the group. And I
8 think the testimony would probably show that
9 Mr. McKnight came away with a play station. Mr.
10 McKnight, Your Honor, is on disability. He is
11 not finished high school. And he is the kind of
12 person that tends to be gullable. He will go
13 along to sort of get along. But I don't think
14 that Mr. McKnight formulated in his mind, and
15 that's why we are using Alford, an intent to harm
16 the Martin's in anyway.

17 Your Honor, I think the testimony would
18 show he didn't go in carrying a gun. He didn't
19 come out with a gun. And in the aftermath of the
20 distribution of all of the guns, he didn't have
21 one; that he didn't have money from this; that he
22 didn't have, you know, the jewelry. He did not
23 have any of the precious weapons that Mr. Martin
24 referred to. He came away wanting a toy. He came
25 away with a play station. And I think the

1 evidence would show that that's what he got.

2 He and I have talked about this. And we
3 have talked about the likelihood of him being
4 convicted; when all of the co-defendants or at
5 least two of them would say yes, he was there.
6 Yes, he was present. He did this. And to some
7 degree that might have been proven that he was
8 actually there. But he wasn't the one tussling
9 with Mr. Martin. He wasn't the one tying up
10 Ms. Martin. He wasn't the one pointing the gun at
11 Brandon. He simply just didn't do those things.

12 And for those reasons, Your Honor, we are
13 asking that the court considers deviating from the
14 23 years that they are getting, because he didn't
15 plan any of this. I don't think had they not been
16 related to his girlfriend, and come to him and
17 said let's do this, or come ride with us, I think
18 Mr. McKnight would have never formulated in his
19 mind the notion of harming the Martins. Your
20 Honor, I think the testimony would show that he
21 never knew the Martins. Never knew anything about
22 Mr. Martin carrying money from his wrecker
23 business or anything like that. You know, that
24 would be one of the co-defendants who knew
25 Mr. Martin well, who decided Mr. Martin was a

1 viable target because he had money.

2 But again, you know, Your Honor, not to
3 belabor this, for those reasons, you know given
4 the fact that Mr. McKnight does not have a single
5 felony or any serious crime in any way of
6 attempting to hurt anyone as a part of his record.

7 And he has lived 30 years. I simply wouldn't want
8 to see Mr. McKnight spend another 30 years of his
9 life in prison because he made the mistake of
10 believing that he should ride with the brother of
11 his girlfriend as they went on this venture.

12 But, again, Your Honor, we think that the
13 facts at trial would be sufficient to show that he
14 was there; not that he planned it; not that he
15 pointed a weapon at anyone; not that he took
16 anything other than the play station; not that he
17 tied up or harassed anyone, but that he took a
18 play station and he was in the house.

19 THE COURT: Mr. McKnight, do you want to
20 tell me anything?

21 (Whereupon, the defendant nods in the
22 negative.)

23 THE COURT: Ms. Solicitor, anything
24 further?

25 MS. BARR: Nothing else from the state,

1 Your Honor.

2 MR. BARR: Your Honor, at this time, I
3 would ask that the court considers hearing from
4 Mrs. Jessica Palmer if she wants to say anything.

5 THE COURT: Okay.

6 MS. PALMER: I would just say that Antonio
7 is not a bad person. He really just got caught up
8 with the wrong people. Like Mr. Barr said, he is
9 quick to want to be around others and follow
10 people. And to the Martin Family, we apologize to
11 you guys. I don't know. We apologize. My family
12 deeply apologizes to you guys, because we had no
13 idea that Antonio was down in Andrews robbing
14 anyone. Had Antonio stayed in his house that we
15 bought him, this would have never happened.

16 I begged him not to hang with the people
17 that he hung with. But Antonio, like I said, he
18 drinks a lot. He does not have a mind of his own.
19 Sometimes that's how I feel. I tried to be there
20 for him. I moved him to Columbia with me. He has
21 never been in any trouble there. Everyone loves
22 him where I live. And for him to go down to
23 Andrews and get in this kind of trouble, I do not
24 understand why he would do this. I don't know.

25 MR. BARR: Thank you, Your Honor.

1 THE COURT: After 30 years on the bench, I
2 have come to the ineluctable conclusion that the
3 most difficult facet of being a judge is
4 sentencing a defendant unless the statute mandates
5 a certain sentence without any discretion. In
6 this circumstance, it is obvious and apodeictic
7 that the facts arising out of this event are
8 nefarious and negativistic to the nth degree in
9 regard to the victim.

10 The court must give that consideration.
11 On the other hand, there is the obvious
12 consideration of a defendant and the impact of
13 sentencing upon a defendant. But in this case, I
14 am doing what I believe to be justice under the
15 law of the circumstances. And I take
16 responsibility for that. Burglary in the first
17 degree Indictment 200-GS-45-50, the defendant is
18 committed to the State Department of Corrections
19 for a term of 23 years.

20 Armed robbery Indictment 2009-GS-45-50,
21 the defendant is committed to the State Department
22 of Corrections for a term of 23 years. It is
23 concurrent. It is concurrent to the sentence for
24 burglary and concurrent to the sentence for
25 criminal conspiracy. The Sentence of the Court in

1 regard to conspiracy, 2009-GS-45-50, the defendant
2 is committed to the State Department of
3 Corrections for a term of 5 years. And it is
4 concurrent. It is concurrent to burglary first
5 degree and armed robbery. Thank you very much.

6 -----End of Requested Transcript of Record-----

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the
Third 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 General Sessions Court on
July 14, 2009, in Williamburg County, Kingstree, South
Carolina.

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

6/18/13
DATE

Margaret T. Sullivan

COURT REPORTER

My Commission expires: 9/7/21

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG } GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
09-GS-45-0050

ALEXANDER O. SAMUEL,)
QUENTEN SAMUEL,)

DEFENDANTS.)

October 21, 2009
Florence, South Carolina

B E F O R E :

THE HONORABLE RALPH KING ANDERSON, JR., JUDGE

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

KIMBERLY V. BARR, ESQ.
Assistant Solicitor

LEGRAND CARRAWAY, ESQ.
Attorney for defendant Alexander Samuel

WALLACE "JAY" JORDAN, ESQ.
Attorney for defendant Quenten Samuel

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

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Sentence of the Court	10

(There were no exhibits submitted.)

1 THE COURT: Ms. Barr, and you lawyers,
2 listen to me carefully to make sure we have a
3 pristine record. I was assigned to General Sessions
4 Court in Williamsburg County during the week of
5 July 13, 2009. During that term of court I took the
6 guilty plea of Alexander O. Samuel to burglary in
7 the first degree, armed robbery, and criminal
8 conspiracy. I took the guilty plea of Quenten
9 Samuel to burglary in the first degree, armed
10 robbery, and possession of weapon during violent
11 crime. I took the guilty plea in full. I conducted
12 a guilty plea hearing. The court reporter assigned
13 to me was Margaret T. Sullivan, 504 Henderson
14 Street, Sumter, South Carolina 29150. Jurisdiction
15 attached at that time in regard to the guilty plea
16 in Williamsburg County in regard to both defendants.
17 At that time on the request of the State and the
18 defendants and defendants' counsel, I delayed
19 sentencing and took sentencing under advisement.

20 Now Ms. Barr, is that your understanding
21 of what has occurred in regard to these two
22 defendants to this point?

23 MS. BARR: That's my understanding, Your
24 Honor.

25 THE COURT: Mr. Carraway, Mr. Legrand

1 Carraway represents -- your defendant is?

2 MR. CARRAWAY: Alexander Samuel.

3 THE COURT: Is that your understanding of
4 the record to this point?

5 MR. CARRAWAY: It is, Your Honor.

6 THE COURT: Mr. Jordan, is -- you are
7 representing this defendant Quenten Samuel. At the
8 time that I took the plea your partner Craig Brown
9 was representing him in Kingstree, but is that your
10 understanding of the trial record to this point?

11 MR. JORDAN: That is correct, Your Honor.
12 Your Honor, Mr. Brown and I have both assisted Mr.
13 Samuel in this matter. He was present at the time
14 of the guilty plea. I, of course, am here today but
15 that is according to the recitation of the facts as
16 I understand them, Judge.

17 THE COURT: A cornucopia of cases are
18 extant in regard to jurisdiction emanating from the
19 South Carolina Court of Appeals and the South
20 Carolina Supreme Court. In my former life I wrote
21 some of those opinions on behalf of the Court of
22 Appeals; but suffice it to say, jurisdiction
23 attaches here today without doubt or without
24 question because I took the guilty plea in
25 Williamsburg on assignment from the Chief Justice.

1 Now is there any question about that, Ms. Solicitor?

2 MS. BARR: No, Your Honor.

3 THE COURT: Mr. Carraway?

4 MR. CARRAWAY: None, Your Honor.

5 THE COURT: Mr. Jordan?

6 MR. JORDAN: No, sir.

7 THE COURT: Today we proceed now in regard
8 to sentencing, and the matter was presented to me in
9 Williamsburg County in regard to a plea bargain
10 arrangement inter sese State and Alexander Samuel
11 and Quenten Samuel. Is that your understanding,
12 Ms. Solicitor?

13 MS. BARR: Yes, sir, Your Honor.

14 THE COURT: Is that your understanding,
15 Mr. Carraway?

16 MR. CARRAWAY: That is my understanding.

17 THE COURT: Is that your understanding,
18 Mr. Jordan?

19 MR. JORDAN: Yes, sir.

20 THE COURT: I will recite for the record
21 my memory re-call and you lawyers help me in this
22 regard. As I recall the matter, we had a plea
23 bargain arrangement and the plea was presented under
24 circumstances where Alexander Samuel and Quenten
25 Samuel would testify against other defendants and

1 would testify truthfully and in full. Is that your
2 understanding, Ms. Solicitor?

3 MS. BARR: Yes, sir, Your Honor.

4 THE COURT: Is that your understanding,
5 Mr. Carraway?

6 MR. CARRAWAY: Yes, Your Honor.

7 THE COURT: Mr. Jordan?

8 MR. JORDAN: Yes, sir.

9 THE COURT: I have not been privy to what
10 has developed since I left Kingstree that term. Is
11 the file now complete in regard to the testimony of
12 both defendants?

13 MS. BARR: It is, Your Honor.

14 THE COURT: Did the defendants comply with
15 their plea agreement?

16 MS. BARR: They did, Your Honor.

17 THE COURT: In full?

18 MS. BARR: Yes, sir.

19 THE COURT: Truthfully?

20 MS. BARR: Yes, sir.

21 THE COURT: We then come to the point now
22 of enforcing the plea agreement and proceeding with
23 sentencing. At this point facially I am presented
24 with the plea agreement for 23 years. Is that
25 correct, Mr. Carraway?

1 MR. CARRAWAY: That is, Your Honor.

2 THE COURT: Is that correct, Mr. Jordan?

3 MR. JORDAN: Yes, sir.

4 THE COURT: I note the two defendants --
5 excuse me, not only did my bifocals jump but my
6 brain clicked out again. I note the two victims who
7 appeared before me in Kingstree are present in the
8 courtroom. Would you folks stand please. State for
9 the record your full name please for the record.

10 VICTIM MS. MARTIN: Victoria Martin.

11 VICTIM MR. MARTIN: Freddie Martin.

12 THE COURT: You have listened to me recite
13 this matter bringing it from Williamsburg County to
14 Florence County to a point of finality. I think you
15 talked to the solicitor in detail about this plea
16 bargain arrangement back in Kingstree; is that
17 correct?

18 VICTIM MR. MARTIN: Yes, sir.

19 THE COURT: And that's your understanding
20 in regard to the plea bargain arrangement?

21 VICTIM MR. MARTIN: Yes, sir.

22 THE COURT: All right. Mr. Carraway,
23 anything further?

24 MR. CARRAWAY: Nothing, Your Honor.

25 THE COURT: Anything further, Mr. Jordan?

1 MR. JORDAN: No, sir.

2 THE COURT: Anything further, Ms.
3 Solicitor?

4 MS. BARR: No, Your Honor.

5 THE COURT: So as to give some degree of
6 certitude to the record, the defendant in each
7 instance is entitled to credit under the law
8 concerning time already served. How long has
9 Mr. Alexander O. Samuel been in jail?

10 MS. BARR: Judge, I believe he's been
11 incarcerated since November the 16th of 2008.

12 THE COURT: November 16, 2008. Some of
13 you mathematicians who can count, I need the days,
14 the number of days.

15 MR. CARRAWAY: 340.

16 THE COURT: Mr. Carraway comes up with 40.
17 Is that —

18 MS. BARR: That sounds about right, Judge.

19 MR. CARRAWAY: 25 days less than 365?

20 THE COURT: I will take the Kingstree math
21 today. All right, how many days has Mr. Quenten
22 Samuel been in jail?

23 MS. BARR: He's been in jail since
24 November the 14th of 2008.

25 THE COURT: So he gets 336; is that right?

1 MR. CARRAWAY: 338.

2 THE COURT: 338, that's right.

3 MR. JORDAN: Judge, was it — what was
4 that number?

5 THE COURT: 338.

6 MR. JORDAN: Should it be 340— I'm out of
7 my element of course. 342, -4 days, -2, excuse me,
8 340.

9 THE DEFENDANT: Two days before then.

10 THE COURT: 342?

11 MR. JORDAN: I believe that's right.

12 THE COURT: Counsel, just bear with me.
13 I've got these sentencing forms, and as you know, it
14 requires a multiplicity of entries.

15 Mr. Alexander Samuel.

16 DEFENDANT ALEXANDER SAMUEL: Yes, sir.

17 THE COURT: Mr. Quenten Samuel?

18 DEFENDANT QUENTEN SAMUEL: Yes, sir.

19 THE COURT: First and foremost, I
20 certainly am appreciative from the Court standpoint
21 of your complying with the plea bargain agreement by
22 testifying truthfully in regard to the other
23 defendants, and I commend you for that. Obviously
24 the case presented very egregious, traumatic
25 circumstances to the victims and ultimately I think

1 without doubt or question justice has been done.

2 Are we ready to proceed, Ms. Solicitor,
3 for final sentencing?

4 MS. BARR: Judge, we're ready.

5 THE COURT: Ready, Mr. Carraway?

6 MR. CARRAWAY: Ready, Your Honor.

7 THE COURT: Ready, Mr. Jordan?

8 MR. JORDAN: Yes, sir.

9 THE COURT: Alexander Samuel?

10 DEFENDANT ALEXANDER SAMUEL: Yes, sir.

11 THE COURT: Burglary first degree, the
12 defendant is committed to the State Department of
13 Corrections for a term of 23 years. The sentence is
14 concurrent with any other sentence imposed today.
15 He is given credit for 340 days already served.

16 Alexander O. Samuel, in regard to armed
17 robbery, the defendant is committed to the State
18 Department of Corrections for a term of 23 years.
19 He is given credit for 340 days already served.
20 That sentence is concurrent to any other sentence
21 imposed today, concurrent in all aspects.

22 The sentence of the Court in regard to
23 Alexander O. Samuel, criminal conspiracy, the
24 defendant is committed to the State Department of
25 Corrections for a term of five years. That sentence

1 is concurrent to any other sentence imposed today.
2 The defendant is given credit for 340 days already
3 served against that sentence.

4 The ultimate conclusion, Ms. Court
5 Reporter, is that this is a 23 year sentence, and it
6 is completely, totally concurrent with each and
7 every sentence imposed.

8 The sentence of the Court in regard to
9 Quenten Samuel, burglary in the first degree, the
10 defendant is committed to the State Department of
11 Corrections for a term of 23 years. That sentence
12 is concurrent to any other sentence imposed today.
13 He's given credit for 342 days already served. The
14 sentence of the Court in regard to armed robbery,
15 Quenten Samuel is committed to the State Department
16 of Corrections for a term of 23 years. That
17 sentence is concurrent to any other sentence imposed
18 today. He's given credit for 342 days already
19 served. The sentence of the Court in regard to
20 possession of a weapon during a violent crime, the
21 defendant is committed to the State Department of
22 Corrections for a term of five years. That is
23 concurrent to any other sentence imposed today.
24 He's given credit for 342 days already served.

25 Once again, this is a 23 year sentence.

1 It is absolutely concurrent with any other sentence
2 imposed today.

3 Anything further, Ms. Solicitor?

4 MS. BARR: Not from the State, Your Honor.

5 THE COURT: From you, Mr. Carraway?

6 MR. CARRAWAY: Nothing, Your Honor.

7 THE COURT: You, Mr. Jordan?

8 MR. JORDAN: No, sir.

9 THE COURT: Good luck, gentlemen.

10

11 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

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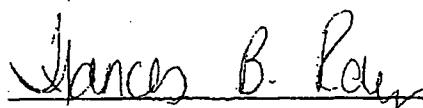
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA }
COUNTY OF FLORENCE }

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 12th day of February, 2013.



FRANCES BAKIS-RAY, RPR

FORM 5

10 CP45 429

STATE OF SOUTH CAROLINA)

County of WILLIAMSBURG)ALEXANDER O. SAMUEL, #337536)

Full name and prison number (if any) of Applicant)

v.)

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

State of South Carolina)

HENRY D. McMASTER)

ATTORNEY GENERAL, RESPONDENT.)

FILED
10 OCT 19 AM 9:55
CLERK OF COURT
WILLIAMSBURG, S.C.

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 the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention BROAD RIVER CORRECTIONAL INSTITUTION
MONTICELLO #170- 4460 BROAD RIVER ROAD, COLUMBIA, S.C. 29210
2. Name and location of Court which imposed sentence COURT OF GENERAL SESSION
WILLIAMSBURG COUNTY COURTHOUSE- WILLIAMSBURG, S.C.
3. Name(s) of co-defendant(s) (if any) QUENTIN SAMUEL, ANTONIO L. MCKINGHT
KREED C. BATEMAN
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) ARMED ROBBERY 209-GS-45-50
 - (b) BURGLARY 1ST DEGREE 2009-GS-45-50

A CERTIFIED TRUE COPY

Sharon W. Staggers
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

(c) CRIMINAL CONSPIRACY 2009-GS-45-50

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

(a) 10-21-09 23-YRS.

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty XXX

(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

8. If you answered "yes" to (7), list:

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

i. THE SOUTH CAROLINA COURT OF APPEALS

ii. _____

iii. _____

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

i. APPEAL DISMISSED

ii. _____

iii. _____

(c) the date of each such result:

i. NOVEMBER 11, 2009

ii. _____

iii. _____

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

i. PURSUANT TO SCACR 203 (D)(IV).

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) SEE ATTACHED PAGE
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) SEE ATTACHED PAGE
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? 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. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

STATE OF SOUTH CAROLINA-COUNTY OF WILLIAMSBURG
 IN THE COURT OF COMMON PLEAS
 ATTACHED SHEET FROM P(a) 10 (a) PAGE (3)

ALEXANDER O. SAMUEL, #337536)

APPLICANT-PRO-SE)

VS.)

STATE OF SOUTH CAROLINA)

HENRY D. McMASTER, ATTORNEY)

GENERAL, RESPONDENT.)

APPLICATION FOR POST-CONVICTION

APPLICANT ASSERTS THAT HIS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL, AS GUARANTEED BY THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I SECTION 14 OF THE SOUTH CAROLINA CONSTITUTION, AS VIOLATED. IN THAT TRIAL COUNSEL FAILED TO PROVIDE REASONABLE PROFESSIONAL ASSISTANCE, WITHIN THE STANDARD OF PROFORMANCE DEMANDED OF ATTORNEYS REPRESENTING CLIENTS IN CRIMINAL MATTERS. FOR WHICH APPLICANT REQUEST THIS HIS CONVICTIONS BE REVERSED/REMANDED.

Alexander O. Samuel
 ALEXANDER O. SAMUEL, #337536
 MONTICELLO #167
 4460 BROAD RIVER ROAD
 COLUMBIA, S.C. 29210

SWORN TO AND BEFORE ME
 THIS 14th DAY OF October, 2010

Susan J. Johnson (L.S.)
 NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires
 MY COMMISSION EXPIRES: March 5, 2018

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

NO

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

(a) which grounds have been presented:

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

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

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

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

(a) PCR IS THE AVENUE TO RAISE THESE ISSUES

(b) _____

(c) _____

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

(a) your arraignment and plea? YES

(b) your trial, if any? N/A

(c) your sentencing? YES

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? YES

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. LEGRAND CARRAWAY, OFFICE OF PUBLIC DEFENSE

P.O. BOX 819, KINGSTREE 29556

ii. _____

iii. _____

(b) the proceedings at which each such attorney represented you:

i. COURT OF GENERAL SESSIONS 3RD JUDICIAL CIRCUIT (TRIAL)

ii. _____

iii. _____

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

SEE ATTACHED SHEET

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

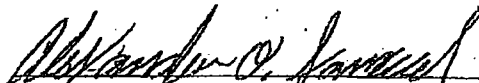
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STATE OF SOUTH CAROLINA)

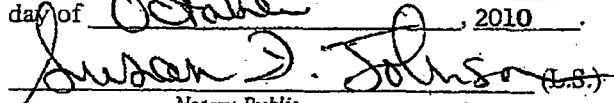
County of WILLIAMSBURG)

VERIFICATION

I, ALEXANDER SAMUEL, 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.


ALEXANDER O. SAMUEL #337536

SWORN to and subscribed before me this 14th
day of October, 2010


Notary Public

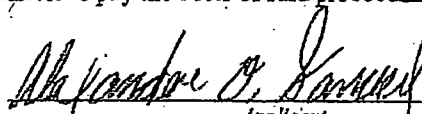
My Commission Expires
March 5, 2018

My Commission Expires: _____

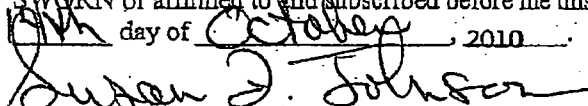
**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, ALEXANDER O. SAMUEL, 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
day of October, 2010.


Notary Public

My Commission Expires
March 5, 2018

My Commission Expires: _____

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

2010-CP-45-429

Alexander Samuel, #337536,

Applicant,

v.

State of South Carolina,

Respondent.

RETURN

The Respondent, making its Return to the application for post-conviction relief filed October 19, 2010,¹ would respectfully show this Court:

I

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. The Applicant was true bill indicted at the March 2009 term of the Williamsburg County Grand Jury for Burglary—First Degree; three counts of Armed Robbery; three counts of Kidnapping; Possession of a Weapon During Violent Crime; Criminal Conspiracy. (2009-GS-45-50). LeGrand Carraway, Esquire, represented Applicant. On October 21, 2009, the Applicant pled guilty as indicted before the Honorable Ralph K. Anderson, Jr. Pursuant to a recommendation by the State, the Applicant was sentenced to twenty-three years imprisonment for Armed Robbery, twenty-three years imprisonment for Burglary in the First Degree, and five years for Criminal Conspiracy, with all charges to run concurrent. No direct appeal was filed.

¹ The application was received by Respondent on January 17, 2013.

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

II.

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

1. Ineffective Assistance of Counsel

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

III.

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

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

V.

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

Respectfully submitted,

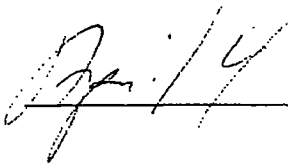
ALAN WILSON
Attorney General

DAVID SPENCER
Assistant Deputy Attorney General

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

By:


Attorneys for the Respondents

, 2013.

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS

2010-CP-45-0429

ALEXANDER SAMUEL, 337536,

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:

James M. Saleeby Jr., Esquire
Aiken Bridges Elliott Tyler & Saleeby, P.A.
Post Office Drawer 1931
Florence, SC 29503

DATED this 9th day of April, 2013.

Lauren Meara
Lauren Meara, Legal Assistant
For Respondent

1 State of South Carolina)

In the Court
Of Common Pleas

2 County of Williamsburg)

3 Docket No. 2010-CP-45-0429

4
5
6 Alexander Samuel,)
Applicant,)

7
8 vs.)

Transcript of Record

9
10 State of South Carolina,)
Respondent)

11
12 October 3, 2013
13 Sumter, South Carolina

14
15 B E F O R E:

16 The Honorable R. Knox McMahon, Judge.

17
18 A P P E A R A N C E S:

19 Charles Brooks, Esquire
20 Attorney for the Applicant

21 Daniel Gourley, Assistant Attorney General
22 Attorney for the Respondent

23
24 Brenda J. Sigwald, Circuit Court Reporter
For the Honorable R. Knox McMahon
25 P.O. Box 206, Jackson, South Carolina 29831

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(REPORTER'S NOTE: There were no exhibits
entered during this hearing.)

1 POST CONVICTION RELIEF HEARING

2 THE COURT: All right. Mr. Gourley.

3 MR. GOURLEY: Yes, Your Honor, the next case is
4 Alexander Samuels versus State of South Carolina, Docket
5 No. 2010-CP-45-429. The applicant is presently confined in
6 the South Carolina Department of Corrections pursuant to
7 orders of commitment of the Williamsburg County Clerk of
8 Court. The applicant was true bill indicted in the March
9 2009 term of the Williamsburg County grand jury for
10 burglary in the first-degree, three counts of armed
11 robbery, three counts of kidnapping, possession of a weapon
12 during a violent crime and criminal conspiracy.

13 Mr. Caraway represented him and October 21st, 2009,
14 the applicant pled guilty as indicted before the Honorable
15 Ralph King Anderson, Jr. and pursuant to a recommendation
16 by the State, the applicant was sentenced to twenty-three
17 years imprisonment for armed robbery, twenty-three years
18 imprisonment for burglary in the first-degree, and five
19 years criminal conspiracy with all charges running
20 concurrently.

21 He did not file a direct appeal. Subsequently, the
22 applicant filed a timely application for post conviction
23 relief on October 19, 2010. This was received by our
24 office on February 17, 2013, alleging that he was being
25 held in custody unlawfully based on ineffective assistance

1 of counsel for failing to investigate and present facts,
2 failing to view physical evidence or seeing photos, and
3 failing to object to policeman's conduct in court.

4 The State made its return on April 14, 2013. He's
5 represented here today by Mr. Charles Brooks, who has a
6 motion before the Court, Your Honor.

7 THE COURT: All right. Thank you. Thank you very
8 much.

9 Mr. Brooks?

10 MR. BROOKS: If it please the Court, Judge. My
11 client, Mr. Samuel is respectfully asking the Court for a
12 continuance in this matter. He's indicated that he wants
13 to do some checking into his codefendant and statements
14 that his codefendant had given that he thinks is very
15 potentially prejudicial to him to not have at the time of
16 his plea.

17 THE COURT: All right. Thank you.

18 Mr. Gourley?

19 MR. GOURLEY: Yes, Your Honor. The State would
20 oppose any motion of continuance at this point.
21 Mr. Caraway is here. He's graciously given up his time to
22 be here today. The State's expended resources to transport
23 Mr. Samuels here today. We're here today prepared to go
24 forward, Your Honor. We'd ask that you deny his motion for
25 continuance.

Alexander Samuel - Direct Examination by Mr. Brooks

1 And Your Honor, just for the record, he pled at the
2 same time as two other codefendants, Antonio McKnight and
3 Quinton Samuel.

4 THE COURT: I would respectfully deny the motion
5 for continuance, Mr. Brooks.

6 MR. GOURLEY: Thank you, Your Honor.

7 THE COURT: You may call your first witness.

8 MR. BROOKS: I'd call Mr. Samuel to the stand,
9 Judge.

10 THE COURT: All right. If you would come around
11 and be sworn.

12 ALEXANDER SAMUEL,
13 having been duly sworn, testified as follows:

14 THE BAILIFF: State your name, please, sir, and
15 spell your last name for the record.

16 THE WITNESS: Alexander Samuel, S-a-m-u-e-l.

17 THE COURT: All right. Mr. Brooks?

18 **DIRECT EXAMINATION**

19 BY MR. BROOKS:

20 Q Mr. Samuel, I'm going to ask you a couple of
21 background questions like we talked about before. You
22 understand you're here for a post conviction relief matter
23 and that the only remedy we can get from the Court is to
24 get a new trial, basically start over. You understand
25 that?

Alexander Samuel - Direct Examination by Mr. Brooks

1 A Yes, sir.

2 Q And you understand that you -- currently you're
3 serving a twenty-three year sentence for a number of
4 charges that you heard the attorney general put on the
5 record; you understand that?

6 A Yes, sir.

7 Q And you understand that if we go forward and we
8 convince the Court that your plea was not voluntarily given
9 and it was coerced and tricked and your guilty plea is
10 overturned, you will go back and face all those charges all
11 over again. You understand that?

12 A Yes, sir.

13 Q And you understand what you could potentially face?

14 A Yes, sir.

15 Q All right. Knowing that, is it your decision to
16 still go forward and ask for a new trial?

17 A Yes, sir.

18 Q Okay. Now, you ended up having Mr. Caraway
19 represent you?

20 A Excuse me?

21 Q You had Mr. Caraway representing you?

22 A Yes, sir.

23 Q And he was court appointed?

24 A Yes, sir.

25 Q Do you remember how long you talked to him?

Alexander Samuel - Direct Examination by Mr. Brooks

1 A Well, I only talked to him one time since he was
2 appointed to me.

3 Q Okay. Tell the Court why you ended up pleading
4 guilty?

5 A Well, he told me that I was looking at natural life
6 sentence and the best thing for me to do was go ahead and
7 plea to the twenty-three years to testify against the
8 codefendants.

9 Q Okay.

10 A Antonio McKnight and Creed Bateman.

11 Q Okay. And what you do you know now that if you'd
12 known then you would have totally rejected that deal?

13 A If I had known that the codefendant that I
14 testify -- was going to testify against me was going to get
15 twenty-three years, the same as me, I wouldn't have
16 testified. I would have went ahead with a trial.

17 Q Okay. Even though you knew you could get life?

18 A Yes, sir.

19 Q Okay. All right. Did you -- what else did
20 Mr. Caraway tell you as part of the plea?

21 A Nothing else as far as I know.

22 Q Okay. Did you discuss with him about any prospect
23 of going to trial?

24 A No, sir.

25 Q All right. So basically what you're saying is he

Alexander Samuel - Direct Examination by Mr. Brooks

1 basically gave you some bad advice about what a codefendant
2 had; is that right?

3 A Excuse me on that?

4 Q I mean basically you're saying Mr. Caraway gave you
5 bad advice that caused you to plead guilty?

6 A Yes, sir.

7 Q And that was, Hey, you go ahead and plead and make
8 this deal, you'll get twenty-three, and you found out that
9 happened to be the same amount of time that one of the
10 codefendants got?

11 A Same amount that the codefendant got that was going
12 to testify -- that was going to go to trial.

13 Q Okay. All right. And that codefendant ended up
14 pleading guilty as well?

15 A Yes, sir.

16 Q Okay. And got the same amount of time that you
17 got?

18 A Yes, sir.

19 Q So basically, you think that's not fair because
20 that codefendant was more responsible than you were?

21 A Yes, sir.

22 Q Okay. All right. What else did you want to tell
23 the Court about Mr. Caraway's representation or about
24 anything else that supports why you should get a new trial?

25 A Well, from -- the time when they had me in the back

Alexander Samuel - Direct Examination by Mr. Brooks

1 that supposed been a plea negotiation. He had me in the
2 back with Ms. Brenda Lambert and the solicitor and he had
3 me give them a statement onto what took place at the crime
4 scene and all. My part of what I'd done at the crime
5 scene. And after giving them the statement, that's when
6 the solicitor told him that I picked up a criminal
7 conspiracy charge and when I went to get sentenced, he told
8 me that the criminal conspiracy charge was supposedly
9 dropped.

10 Q But now, the criminal conspiracy -- that was one
11 that was actually run concurrent with what you -- with the
12 twenty-three years, right?

13 A Yes, sir.

14 Q So you didn't get -- it wasn't like you got
15 twenty-three plus another five. You got twenty-three and
16 the five was rolled into that?

17 A Yes, sir.

18 Q All right. Anything else?

19 A Well, at the time when I went back and got
20 sentenced, when he came into court in Florence County, he
21 told me, said, don't forget that Antonio McKnight got
22 twenty-three years as well and when the judge started
23 asking questions to the solicitor and the attorneys, did
24 anything change over time that the plea was on hold, he
25 told them no.

Alexander Samuel - Direct Examination by Mr. Brooks

1 Q And you think that's when he should have spoken
2 up --

3 A He should object right there and told them that the
4 solicitor give the codefendant that was going to trial
5 twenty-three years as well as they give me.

6 Q All right. And so basically, that's the real
7 reason why -- that caused you to be upset about what you
8 got; is that right?

9 A Yes, sir.

10 Q Okay. Is that you had made the deal with the State
11 to start testifying. Your willingness to testify caused
12 the more responsible people to belly up and plea?

13 A Yeah.

14 Q And they got the same time that you did, so you
15 feel like you should have got less time?

16 A Yes.

17 Q Okay. And now, you understand Judge McMahon can't
18 change the sentence. He can't cut your time or anything
19 like that. The only thing he can do is give you a new
20 trial and start over?

21 A Yes, sir.

22 Q Now, I have to ask this again, Mr. Samuels. I know
23 you've got a significant sentence, but your max-out date is
24 like 15 years from now; is that correct? It's like 2028?

25 A Yes, sir.

Alexander Samuel - Cross-Examination by Mr. Gourley

1 Q Okay. I have to ask you this, do you understand
2 that by going forward in your PCR, you will be giving up no
3 more than 15 years for the potential prospect of a life
4 sentence. You fully understand that? That's the only
5 thing Judge McMahon can do is put you back in that
6 position, which we know is a dangerous position. You
7 understand that?

8 A Yes, sir.

9 Q Okay. And you're fully aware -- you still want
10 that new trial?

11 A Yes, sir.

12 Q Okay.

13 MR. BROOKS: No other questions.

14 THE COURT: Thank you, Mr. Brooks, Mr. Gourley?

15 MR. GOURLEY: Thank you, Your Honor.

16 **CROSS-EXAMINATION**

17 BY MR. GOURLEY:

18 Q Mr. Samuel, it's your testimony that you only met
19 one time with your counsel prior to your guilty plea?

20 A Yes.

21 Q Did you go over any type of discovery material or
22 anything, talk about evidence with your counsel prior to
23 your guilty plea?

24 A No other than when we was at court. He wanted me
25 to testify against the codefendant. That's the only thing

Alexander Samuel - Cross-Examination by Mr. Gourley

1 me and him ever talked about.

2 Q And you ended up giving testimony against your
3 codefendant, right?

4 A Yes, sir.

5 Q Okay. You talk -- y'all discuss any possible
6 defenses or anything like that?

7 A No, sir.

8 Q Okay. But you recall telling the judge that you
9 were satisfied with your attorney, that he'd done
10 everything that you asked of him?

11 A Yes.

12 Q Okay. Now, you gave a proffered statement on the
13 record during your guilty plea, did you not? Against your
14 codefendants?

15 A Yes, that was part of the plea negotiations.

16 Q Right. And you recall that statement? That you
17 testified that it was your idea to go rob Mr. Freddy
18 Martin?

19 A Yes.

20 Q Okay. And that you picked up your codefendants and
21 dropped them off at a little gas station or some kind of
22 place for them to go in the woods and hide out until this
23 Freddy Martin left?

24 A Essentially. Well, it really wasn't -- it was my
25 idea of knowing that he had money.

Alexander Samuel - Cross-Examination by Mr. Gourley

- 1 Q Okay.
- 2 A But it wasn't my idea at the time to go forward to
3 robbing him.
- 4 Q Okay. But you knew --
- 5 A The idea of that was Quinton Campbell.
- 6 Q Yeah, but you and Creed Bateman had the automatic
7 weapon on him, didn't you?
- 8 A Not at the time until after he got the vehicle.
- 9 Q But you knew he had a weapon on him before he
10 entered the house?
- 11 A I was at the home.
- 12 Q You were at home?
- 13 A I was at the victim home.
- 14 Q You went -- you never went in the victim's house?
- 15 A I was nowhere around at the time when they went in
16 the home.
- 17 Q But you went in the victim's house, right?
- 18 A That was after they keep -- after they called me to
19 pick them up.
- 20 Q Okay. And you put on a mask that you were given
21 from Antonio McKnight before you went in the victim's
22 house, right?
- 23 A Yes.
- 24 Q Okay. And then you went in and you saw Freddy
25 Martin, his wife and his son, tied up on the floor, right?

Alexander Samuel - Cross-Examination by Mr. Gourley

- 1 A Yes.
- 2 Q Okay. Now let's just kind of get this timeline
- 3 right. You picked the codefendants up and you dropped them
- 4 off to go rob Freddy Martin, right? And then you saw Creed
- 5 Bateman have an automatic pistol, correct?
- 6 A Yes, sir.
- 7 Q Okay. And then you got a phone call from your
- 8 codefendants saying, Hey, come pick us up, we're ready to
- 9 go, right?
- 10 A Yes, sir.
- 11 Q At that time you went to go pick them up and you
- 12 backed the truck up to the back of the house, right?
- 13 A No, when I got to the home, he was telling me to
- 14 pull to the back of the house and I asked him pull to the
- 15 back of the house for what.
- 16 Q Right.
- 17 A So he just told me to pull to the back of the
- 18 house.
- 19 Q And you --
- 20 A So I pulled to the back of the house, that's when
- 21 they started putting stuff in the vehicle that they had on
- 22 the outside.
- 23 Q Okay. And at that point, Freddy Martin came
- 24 pulling up and you took the truck and hid around back where
- 25 he couldn't see the vehicle?

Alexander Samuel - Cross-Examination by Mr. Gourley

1 A As Freddy Martin was pulling up on this side of his
2 house, I was pulling up on the other side where he couldn't
3 see my vehicle.

4 Q Okay. And then Freddy Martin went into the house
5 and you heard a loud noise?

6 A Yes.

7 Q And then you got a mask from Antonio McKnight,
8 right?

9 A Well, after the noise, that's when Creed Bateman
10 came back and told me to back up, back the truck up.

11 Q Okay. And at that point you got a mask from
12 Antonio McKnight?

13 A Yes.

14 Q And then you went in the house and you saw Freddy
15 Martin and his wife and his son tied to the floor?

16 A Yes, sir.

17 Q And then y'all left?

18 A Yes.

19 Q Okay. You understand the hand of one is the hand
20 of all law?

21 A No, sir.

22 Q That you could be guilty of any and all crimes that
23 were committed that day due to your involvement?

24 A No, sir, I wasn't aware of the hands of one and
25 hands of all until after I went to court.

Alexander Samuel - Cross-Examination by Mr. Gourley

1 Q Okay. And you want a trial on these charges?

2 A Sir?

3 Q You want a trial on these charges?

4 A I want a trial on them?

5 Q Do you want a new trial on these charges?

6 A Yes, because I feel as though I was treated
7 wrongly. I mean for -- I give them a true statement. I
8 cooperated with them, but they still railroaded me.

9 Q They railroaded you by giving you twenty-three
10 years when you were facing a potential life sentence?

11 A By giving the codefendant that was going to trial
12 twenty-three years and he didn't give them testimony or
13 testify against anybody.

14 Q I understand that you're upset about that, but you
15 also understand that you are just as guilty as he is?

16 A He just as guilty as I is too.

17 Q Absolutely. And y'all got the same sentence,
18 right?

19 A Yes, but --

20 Q And that's what you're upset about?

21 A Yes, sir.

22 MR. GOURLEY: All right. No further questions,
23 Your Honor.

24 THE COURT: Redirect?

25 MR. BROOKS: No, sir, Your Honor.

LeGrand Carraway - Direct Examination by Mr. Gourley

1 THE COURT: Thank you. Thank you very much, Mr.
2 Samuel. You may step down.

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

4 THE COURT: Thank you, thank you, Mr. Brooks.

5 All right. Mr. Gourley, you want to call your
6 witness?

7 MR. GOURLEY: Thank you, Your Honor. The State
8 would call Mr. LeGrand Carraway.

9 THE COURT: All right. If you'd come around and be
10 sworn for us, please.

11 LEGRAND CARRAWAY,
12 having been duly sworn, testified as follows:

13 THE BAILIFF: State your name, please and spell
14 your last name for the record.

15 THE WITNESS: LeGrand Carraway, C-a-r-r-a-w-a-y.

16 **DIRECT EXAMINATION**

17 **BY MR. GOURLEY:**

18 Q Mr. Carraway, were you appointed in this case?

19 A Yes, I was.

20 Q Do you know approximately how many times you met
21 with the applicant prior to his guilty plea?

22 A Ten or fifteen times.

23 Q All right. You received discovery in this case?

24 A Yes, I did.

25 Q Did you review it with the applicant?

LeGrand Carraway - Direct Examination by Mr. Gourley

- 1 A Yes, I did.
- 2 Q You discuss any kind of possible defenses or
3 anything of that nature?
- 4 A No.
- 5 Q Okay. Now, based upon your meetings and review of
6 the discovery, were you able to form an opinion regarding
7 the State's ability to prove his guilt beyond a reasonable
8 doubt?
- 9 A Yes.
- 10 Q And what was that?
- 11 A That he would be found guilty.
- 12 Q Would you classify the State's evidence as
13 overwhelming?
- 14 A More than overwhelming.
- 15 Q Okay. You feel you had enough time to prepare this
16 case if it were to go to trial?
- 17 A Yes.
- 18 Q You recall any plea negotiations in this case?
- 19 A I don't recall exactly what they were, but I mean,
20 he was going to testify at trial, yes.
- 21 Q And he got twenty-three years at the State's
22 recommendation?
- 23 A Yes.
- 24 Q That's what he received?
- 25 A Yes, he did.

LeGrand Carraway - Cross-Examination by Mr. Brooks

1 Q And it was his -- whose decision was it to plead
2 guilty?

3 A It was his.

4 Q Okay. You were about to say something and I cut
5 you off?

6 A No.

7 Q Okay. Did you explain to him the hand of one is
8 the hand of all law?

9 A No.

10 Q Okay. Did he appear satisfied with his plea
11 negotiation or recommendation from the State?

12 A Well, I'm sure he would have liked for it to be
13 less, but, you know, he -- it was -- he understood he
14 didn't have much choice.

15 Q Yes, sir. And did he ever tell you he wanted a
16 new -- a trial on these cases?

17 A No.

18 Q Okay.

19 MR. GOURLEY: No further questions, Your Honor.

20 THE COURT: Mr. Brooks?

21 CROSS-EXAMINATION

22 BY MR. BROOKS:

23 Q Mr. Carraway?

24 A Yes, sir.

25 Q You remember the codefendants in this case?

LeGrand Carraway - Cross-Examination by Mr. Brooks

1 A Yes, I do.

2 Q And they got the same sentence? Is that right?

3 A Let me tell you -- you want me to explain to you
4 what happened here?

5 Q Sure.

6 A Here's what happened here.

7 Q Okay.

8 A Alexander had the idea -- Alexander said that he
9 had the idea that they would rob Freddy Martin, who owns
10 a -- he repairs cars and he has a body shop in Anderson and
11 he said he had the idea to do that. He went to -- I think
12 his cousin, Quinton Samuels and told him about, I think
13 Freddy's got some money here. It was Quinton's plan to do
14 this and what they did is they recruited -- I think on the
15 day that they were going to do this, Creed Bateman and even
16 later in the day, they picked up Antonio McKnight. They
17 picked him up here. So it happened pretty much as he said.

18 This was -- but it was Quinton Samuels plan or
19 whatever to do this. So they did, they went there and like
20 he said, basically Quinton and Creed went into the house.
21 The interesting thing that he's talking about that's upset
22 about Antonio McKnight getting twenty-three years, all the
23 testimony was that Antonio stayed outside. He didn't go in
24 the house except the one time. He ran in the house and
25 grabbed a PlayStation and ran back out.

LeGrand Carraway - Cross-Examination by Mr. Brooks

1 Q And he got twenty-three years.

2 A And he got twenty-three years. And Verdell Barr
3 represents him and, you know, you start hearing the
4 solicitor and -- the solicitor talk about oh, well, let's
5 feed them out of the same spoon here or whatever.

6 Q So everybody got twenty-three years?

7 A No, not everyone got twenty-three years. We're
8 getting onto that.

9 Q All right.

10 A Antonio McKnight got twenty-three years and they
11 start telling Judge Ralph King Anderson, well, I think we
12 just ought to feed all of them out of the same spoon here.
13 Well, I mean, you got -- one man plans it, one guy carries
14 it out, one guy, Creed Bateman, who's basically the trigger
15 man with the gun and everything and then you've got a guy
16 running in with a -- running in and grabbing a PlayStation
17 and running back out and they all get the same time.

18 Well, that doesn't sound like -- it didn't sound
19 like to us, somebody that was really thinking a whole lot
20 there, but anyway, that's what they did on this or
21 whatever. I think judge Anderson thought that was a
22 good -- a fair resolution here. We couldn't foresee that.

23 So here's what happens: Antonio McKnight pleads
24 guilty, so Creed Bateman wants a trial here. He wants a
25 trial and Guy Ballenger from -- they bring him from -- I

LeGrand Carraway - Cross-Examination by Mr. Brooks

1 think he is with the Ballenger Law Firm in Florence and
2 what happened was they in the Williamsburg County phone
3 book, so he got appointed to Creed Bateman. So he comes in
4 and they have a trial there and Alexander just testifies
5 truthfully to every single thing.

6 How they got caught was four or five months after
7 that, they all wore masks, and nobody knew where it
8 happened. Quinton used Freddy Martin as well phoned about
9 four or five months later and they traced it back on the
10 cell phone is how this -- how they were caught. If he
11 hadn't used that cell phone, they would not have been
12 caught on this. But this is four or five months later.

13 So they go to them and Alexander and Quinton, you
14 know, of course, they fess up to exactly what happened and
15 they tell everything; and we're having a trial here and
16 Alexander testifies; just -- very much in detail. You
17 know, shouldn't have been much doubt about it. Alexander
18 Samuels -- excuse me Quinton Samuels testifies to the same
19 thing, what happened. And Creed Bateman really was the
20 meanest guy in a house or whatever. He slapped some people
21 around, hit some people with some guns and tried to
22 strangle somebody with a rope or whatever there.

23 And he's right. I he will say that Antonio
24 McKnight actually stayed outside most of the time. But it
25 was Creed Bateman and Quinton that went in and did most of

LeGrand Carraway - Cross-Examination by Mr. Brooks

1 it. And it was Creed Bateman with the gun and everything.
2 And Freddy Martin and his wife even were pretty much to
3 tell size-wise that there was another person in there and
4 the other person was not Alexander, so they go ahead and
5 testify it through.

6 And as we know and as the judge knows and from
7 being a solicitor, what happens is once every ten years,
8 you start thinking that this is a trial that just can't go
9 but one way. And I've never seen a trial where the
10 evidence is more overwhelming than this trial here. And
11 you just think -- and if you've done this like we've done
12 it for a long time, that's when you start worrying just a
13 little that -- how can anything go wrong here. Well, the
14 jury found Creed Bateman not guilty.

15 That's what happened. And this was Alexander just
16 told straight up everything we planned and when we picked
17 him up and we went here and we did all this and then
18 Quinton Samuel comes in after being sequestered and tells
19 exactly the same story about what we did and when -- of
20 course Quinton was in the house a little more with Creed
21 when this happened or whatever; and he testifies for
22 Antonio McKnight, I don't know that he testified at the
23 trial or whatever, but this is what happened --

24 Q Let me ask you this: What you're saying is that
25 everybody that pled got the same time?

LeGrand Carraway - Cross-Examination by Mr. Brooks

- 1 A That's exactly right.
- 2 Q But the one guy that went to trial --
- 3 A The one guy that went to trial --
- 4 Q Was --
- 5 A -- was found not guilty and you just -- something
- 6 in the back of -- if you're around criminal court all of
- 7 the time, something in the back of your mind just said,
- 8 this just seems -- you just worry about it. Just something
- 9 happened -- I can remember talking to the solicitor about
- 10 it before and everything. It was just -- they testified
- 11 straight up about it. Had no reason to -- to say it was
- 12 him if it was somebody else. Clearly there was a third
- 13 person in there or whatever, but -- and Mr. Ballenger, you
- 14 know, he did -- he's tried the case is what he did and
- 15 just, well, okay. Let everybody speak and then -- but they
- 16 found him not guilty.
- 17 So that's what happened. And for him to be upset
- 18 about -- Antonio was the one this was upset. Why am I
- 19 getting -- all I did was run in and get a PlayStation and
- 20 I'm getting the same amount of time as all of these people
- 21 who had planned this and everything, but that's what --
- 22 that's exactly what happened here.
- 23 Q And the more culpable -- most culpable guy got off?
- 24 A He was -- he didn't come up with the idea. He
- 25 didn't plan it, but once it started, he was certainly the

1 person who -- and from what Freddy Martin said about the
2 size of the people -- there was one guy who was
3 particularly mean or whatever and that had this weapon and
4 that was Creed Bateman.

5 Q Okay.

6 MR. BROOKS: Beg the Court's indulgence.

7 (WHEREUPON there was a pause in the proceedings.)

8 MR. BROOKS: No other questions, Judge.

9 THE COURT: Redirect?

10 MR. GOURLEY: No further questions Your Honor.

11 THE COURT: Thank you. Thank you Mr. Carraway.

12 You may step down.

13 Reply?

14 MR. BROOKS: No, sir, judge.

15 THE COURT: All right. I'm sorry any -- did you
16 say no other witnesses?

17 MR. GOURLEY: No other witnesses, Your Honor.

18 MR. BROOKS: We just want to get a post conviction
19 relief, Judge, and have the plea overturned and give Mr.
20 Samuel a new trial.

21 THE COURT: Thank you. Thank you, very much,
22 Mr. Brooks.

23 MR. GOURLEY: Your Honor, I believe the testimony
24 in the record regarding Quinton Samuel proffered testimony
25 against his codefendant speaks for itself. It was his idea

1 to plan this robbery and he knowingly and voluntarily pled
2 guilty to a recommended sentence and received the
3 recommendation, Your Honor; and we'd ask that you deny this
4 post conviction relief application.

5 THE COURT: Thank you. Thank you very much.
6 Thirty days for proposed orders to my law clerk.

7 MR. BROOKS: Yes, sir.

8 THE COURT: Good luck to you, Mr. Samuel.

9 * * * * * END OF TRANSCRIPT * * * * *

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1 State of South Carolina)

2 County of Aiken)

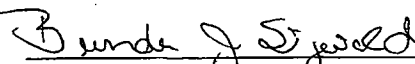
Certificate of Reporter

3
4
5
6 I, THE UNDERSIGNED, Brenda J. Sigwald, Official
7 Court Reporter for the Fifth Judicial Circuit of the State
8 of South Carolina, do hereby certify that I reported the
9 proceedings in the captioned case in the Court of General
10 Sessions in and for the State of South Carolina on the 3rd
11 day of October, 2013.

12 I FURTHER CERTIFY that the 27 foregoing pages
13 constitute a true, accurate and complete transcript of said
14 hearing.

15 I FURTHER CERTIFY that I am neither kin, counsel,
16 nor of interest to any party hereto.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal at Aiken County, this 5th day of March 2014.

19
20
21
22 

23 Brenda J. Sigwald,
24 Court Reporter and Notary Public
25 For the State of South Carolina
My commission expires
January 4, 2020.

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DEC 16 2013

S.C. Superior CourtSTATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURGIN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Alexander Samuel, #337536,

Case No. 2010-CP-45-429

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This matter comes before the Court by way of a post-conviction relief application filed on October 19, 2010 and received by the Attorney General's Office on January 17, 2013. The Respondent made its Return on April 9, 2013. An evidentiary hearing into the matter was convened on October 3, 2013 at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. Applicant was true bill indicted during the March 2009 term of the Williamsburg County Grand Jury for Burglary—First Degree; three counts of Armed Robbery; three counts of Kidnapping; Possession of a Weapon During Violent Crime; Criminal Conspiracy (2009-GS-45-50). LeGrand Carraway, Esquire, represented Applicant. On October 21, 2009, Applicant pled guilty as indicted before the Honorable Ralph K. Anderson, Jr. Pursuant to a recommendation by the State, Applicant was sentenced to twenty three years

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imprisonment for Armed Robbery, twenty three years imprisonment for Burglary in the First Degree, and five years for Criminal Conspiracy, with all charges running concurrently. No direct appeal was filed.

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

1. Ineffective assistance of counsel
 - a. Failing to investigate and present facts
 - b. Failing to view physical evidence or scene photos
 - c. Failure to object to police misconduct and coercion.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from plea counsel, Legrand Carraway, Esquire (Counsel). This Court also had before it a copy of Applicant's plea transcript, the records of the Williamsburg County Clerk of Court, and records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant testified Counsel was his court appointed attorney. Applicant testified he only met with Counsel once prior to his guilty plea. Applicant testified he did not review discovery with Counsel. Applicant testified Counsel stated his co-defendant was planning to testify against him at trial and it would be in his best interest to plead guilty. Applicant testified that his co-defendant ultimately pled guilty and received the same plea deal as Applicant. Applicant testified he was upset because he was willing to plead guilty prior to his co-defendant and in Applicant's opinion he should have received a better offer than his co-defendant. Applicant testified co-defendant was more culpable. Applicant testified and the plea transcript reflects, that he told the plea judge he was satisfied with Counsel's services (Pl. tr. p. 14). Applicant testified part of his plea agreement required him to proffer his testimony

against his fourth co-defendant who proceeded to trial. Applicant testified and the plea transcript reflects that it was Applicant's idea to rob Freddie Martin (Victim). (Tr. 5 ln 6-8). Applicant testified and the plea transcript reflects that Applicant picked up the other co-defendants including, Kreed Bateman, who possessed an automatic weapon. (Tr. p. 5 ln. 9—p. 6 ln. 5). Applicant testified and the plea transcript reflects that Applicant put on a mask and went into Victim's house. (Tr. p. 8 ln. 25—p. 9 ln. 6).

Following Applicant's testimony, Counsel was called to testify by the State. Counsel testified that he was appointed to Applicant's case. Counsel testified he met with Applicant at least ten to fifteen times prior to his guilty plea. Counsel testified he filed for and received discovery in Applicant's case. Counsel further testified he reviewed discovery with Applicant. Counsel testified based upon his meetings and review of the discovery, in his opinion the State would have been able to prove the Applicant's guilt beyond a reasonable doubt. Counsel characterized the evidence against Applicant as "overwhelming." Counsel testified he had enough time to prepare the case for trial and it was ultimately Applicant's decision to plead guilty. Counsel testified the State recommended a twenty three year sentence pursuant to Applicants guilty plea.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Specifically, this Court finds that Counsel's testimony is very credible while Applicant's testimony is less credible. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).



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

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

INEFFECTIVE ASSISTANCE OF COUNSEL

Counsel failed to investigate and present facts and view physical evidence or scene photos.

This Court finds Applicant's allegation that he was denied effective assistance of counsel due to a failure to investigate and present facts and view physical evidence or scene photos is without merit. Counsel testified he met with Applicant at least ten to fifteen times prior to Applicant's guilty plea. Counsel testified he filed for and reviewed discovery with Applicant. Counsel testified in his opinion the State would have been able to prove Applicant's guilt beyond a reasonable doubt and characterized the evidence against the Applicant as overwhelming. Further, Counsel testified he was prepared for trial. "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998). Applicant can prove no prejudice when he presents no evidence at PCR hearing to show what Counsel could have further investigated in preparation for a trial. Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998); Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997). Applicant provided no testimony or evidence which would substantiate this allegation and show what further investigation Counsel should have undertaken in preparation for a trial. Applicant has failed to meet his burden of proof and thus, this allegation is denied.

ALL OTHER ALLEGATIONS

Except as discussed above, this Court finds that the Applicant affirmatively waived the remaining allegations set forth in his application at the hearing. Specifically, Counsel's failure to object to police misconduct and coercion. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime,

307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d.282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

CONCLUSION

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

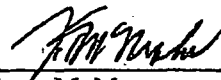
This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.



IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 14 day of Nov, 2013.



R. KNOX MCMAHON
Presiding Judge
Third Judicial Circuit


_____, South Carolina

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

CODEFENDANTS

JAMAIRO

ARREST WARRANT

M-060145

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

WILLIAMSBURG

THE STATE
against

ALEXANDER O. SAMUEL

Address: ROAD

ANDREWS SC 29510

Phone: SSN:

Sex: M Race: B Height: 6-1 Weight: 245

DL State: SC DL#:

DOB: Agency ORI#: SC0450000

Prosecuting Agency: WSCSD

Prosecuting Officer: INV. BRENDA LAMBERT

Offense: KIDNAPPING

Offense Code: 0095

Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant ALEXANDER O. SAMUEL

on 11-19-2008

Signature of Constable/Enforcement Officer

RETURN WARRANT TO:

WILLIAMSBURG COUNTY MAGISTRATE

209 SHORT STREET

KINGSTREE, SC 29556

(843) 355-9565

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

AFFIDAVIT

WILLIAMSBURG

Personally appeared before me the affiant INV. BRENDA LAMBERT

being duly sworn deposes and says that defendant ALEXANDER O. SAMUEL

did within this county and state on 10/23/2008 to 10/23/2008

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

In the following particulars:

DESCRIPTION OF OFFENSE: 16-03-0910 / KIDNAPPING

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:ON 10/23/2008 IN THE NIGHT TIME AT THE LOCATION OF LOOP LOCATED WITHIN WILLIAMSBURG COUNTY THE
DEFENDANT ALEXANDER O. SAMUEL ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF KIDNAPPING BY
ENTERING THE VICTIMS RESIDENCE WITHOUT PERMISSION. ONCE INSIDE THE RESIDENCE THE DEFENDANT AND
CO-DEFENDANTS DID TIE UP VICTIM NUMBER TWO AND MADE HIM LAY FACE DOWN ON THE FLOOR. KIDNAPPING IS IN
VIOLATION OF SC CODE OF LAWS.

Signature of Affiant

Inv. Brenda Lambert

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Affiant's Address

WMSBG CO SHERIFF, 126 S JACKSON ST.
KINGSTREE SC 29556

Affiant's Telephone 843-355-6381

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN 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 10/23/2008 defendant ALEXANDER O. SAMUELdid violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of WILLIAMSBURG) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING / KIDNAPPING

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 the 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 11/17/2008

Affiant's Signature (L.S.)

DELORES F WILLIAMS

Judge Code: 5992

ORIGINAL

Judge's Address 209 SHORT ST.

KINGSTREE SC 29556

Judge's Telephone 843-355-9565

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Case: 080847

BAIL set by

Judge

William C. Rogers

on

11-19-08

Type and Amount:

25000⁰⁰

Name of Surety:

Q/S

PRELIMINARY HEARING held by

Judge

on

Defense Attorney:

Decision:

DISPOSITION before

Judge

on

by (Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

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Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

ARREST WARRANT

M-060146

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
WILLIAMSBURG

WILLIAMSBURG

THE STATE
against

ALEXANDER O. SAMUEL.

Address: ANDREWS SC 29510 ROAD

Phone: SSN: DL#:

Sex: M Race: B Height: 6-1 Weight: 245

DOB: Agency/ORI: SC0450000

Prosecuting Agency: WSCSD Agency/ORI: SC0450000

Prosecuting Officer: INV. BRENDA LAMBERT

Offense: KIDNAPPING Offense Code: 0095

Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: RETURN

A copy of this arrest warrant was delivered to
defendant ALEXANDER O. SAMUEL
on 11-18-08

Signature of Constable/ Law Enforcement Officer

RETURN WARRANT TO:

WILLIAMSBURG COUNTY MAGISTRATE

209 SHORT STREET

KINGSTREE, SC 29556

(843) 355-9565

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
WILLIAMSBURG

AFFIDAVIT

Form Approved by
S.O. Andrew Gorman
July 23, 2003
SCCA 318

Personally appeared before me the affiant INV. BRENDA LAMBERT

being duly sworn deposes and says that defendant ALEXANDER O. SAMUEL

did within this county and state on 10/23/2008 to 10/23/2008

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

In the following particulars:

DESCRIPTION OF OFFENSE: 16-03-0910 / KIDNAPPING

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:ON 10-23-2008 IN THE NIGHT TIME AT THE LOCATION OF LOOP ANDREWS WITHIN WILLIAMSBURG COUNTY
THE DEFENDANT ALEXANDER O. SAMUEL ALONG WITH CO-DEFENDANT DID COMMIT THE OFFENSE OF KIDNAPPING. BY
ENTERING THE VICTIM'S RESIDENCE WITHOUT PERMISSION. ONCE INSIDE THE RESIDENCE THE DEFENDANT AND
CO-DEFENDANT DID THE UO THE VICTIM NUMBER THREE AND MADE HIM LAY FACE DOWN OF THE FLOOR. KIDNAPPING IS
IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS.

Signature of Affiant

Affiant's Address WMSBG CO SHERIFF, 126 S JACKSON ST.

KINGSTREE SC 29556

Affiant's Telephone 843-355-6381

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
WILLIAMSBURG

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN 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 10/23/2008 defendant ALEXANDER O. SAMUEL

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

☒ County/ ☐ Municipality of WILLIAMSBURG) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING / KIDNAPPING

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 the 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 11/17/2008)

Judge's Address 209 SHORT ST. (L.S.)

DELORES F WILLIAMS

Judge Code: 5992

Judge's Address 209 SHORT ST.

KINGSTREE SC 29556

Judge's Telephone 843-355-9565

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Case: 0808847

ORIGINAL

BAIL set by

Judge William C. Duggan

on 11-19-08

Type and Amount: \$2500.00

Name of Surety: C/S

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

ARREST WARRANT

M-060147

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

THE STATE

against

ALEXANDER O. SAMUEL

Address: ROAD

ANDREWS SC 29510

Phone: SSN:

Sex: M Race: B Height: 6-1 Weight: 245

DL State: SC DL#: Agency ORID: SC0450000

DOB: Agency ORID: SC0450000

Prosecuting Agency: WCSSD

Prosecuting Officer: INV. BRENDA LAMBERT

Offense: POSS OF A WEAPON DURING A VIOLENT

CRIME Offense Code: 0549

Code/Ordinance Sec. 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant ALEXANDER O. SAMUEL

on 11-18-2008

Signature of Constable/Enforcement Officer

RETURN WARRANT TO:

WILLIAMSBURG COUNTY MAGISTRATE

209 SHORT STREET

KINGSTREE, SC 29556

(843) 355-9565

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

AFFIDAVIT

INV. BRENDA LAMBERT

Personally appeared before me the affiant

being duly sworn deposes and says that defendant ALEXANDER O. SAMUEL

did within this county and state on 10/23/2008 to 10/23/2008

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

In the following particulars:

DESCRIPTION OF OFFENSE: 16-23-0490 / POSS OF A WEAPON DURING A VIOLENT CRIME

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:

ON 10-23-2008 IN THE NIGHT TIME AT THE LOCATION OF LOOP ANDREWS WITHIN WILLIAMSBURG COUNTY
THE DEFENDANT ALEXANDER O. SAMUEL ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF POSSESSION OF
A WEAPON DURING A VIOLENT CRIME BY ENTERING THE VICTIM'S RESIDENCE WITHOUT PERMISSION AND WITH A
HANDGUN, ONCE INSIDE THE RESIDENCE THE DEFENDANT AND CO-DEFENDANTS DID TIE UP THE VICTIMS AND MADE
THEM LAY FACE DOWN ON THE FLOOR, POSSESSION OF A WEAPON DURING A VIOLENT CRIME IS IN VIOLATION OF
SOUTH CAROLINA CODE OF LAWS.

Signature of Affiant

Inv. Brenda Lambert

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

Affiant's Address WMSBG CO SHERIFF, 126 S. JACKSON ST.

KINGSTREE SC 29556

Affiant's Telephone 843-355-6381

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN 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 10/23/2008 defendant ALEXANDER O. SAMUEL

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

☒ County/ ☐ Municipality of WILLIAMSBURG) as set forth below:DESCRIPTION OF OFFENSE: WEAPONS / POSS. WEAPON DURING VIOLENT CRIME, IF NOT ALSO
SENTENCED TO LIFE WITHOUT PAROLE OR DEATH

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 the 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 11/17/2008

Judge's Address 209 SHORT ST.
KINGSTREE SC 29556

Judge Code: 5992

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Case: 0808847

ORIGINAL

Form Approved by
5-10-00
Jan 23 1990
SCCA 318

BAIL set by

Judge William C. Maguire

on 11-19-08

Type and Amount: 5000.00

Name of Surety: q/s

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge W. C. Maguire

on _____

by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

ARREST WARRANT

M-060149

A CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

WILLIAMSBURG

THE STATE
againstSHARON W. STAGGER
CLERK OF COURT
WILLIAMSBURG COUNTY

ALEXANDER, O. SAMUEL

Address: ROAD

ANDREWS SC 2951C

Phone: SSN:

Sex: M Race: B Height: 6-1 Weight: 245

DL State: SC DL#:

DOB: Agency OR#: SC0450000

Prosecuting Agency: WSCD

Prosecuting Officer: INV. BRENDA LAMBERT

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

WILLIAMSBURG

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

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant ALEXANDER O. SAMUEL

on 11-18-2008

Signature of Constable/Enforcement Officer

RETURN WARRANT TO:

WILLIAMSBURG COUNTY MAGISTRATE

209 SHORT STREET

KINGSTREE, SC 29556

(843) 355-9565

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

WILLIAMSBURG

AFFIDAVIT

Personally appeared before me the affiant INV. BRENDA LAMBERT

who

being duly sworn deposes and says that defendant ALEXANDER O. SAMUEL

did within this county and state on 10/23/2008 to 10/23/2008 violate the criminal laws of the

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

DESCRIPTION OF OFFENSE: 16-11-0330 (A) / 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:

ON 10/23/2008 IN THE NIGHT TIME AT THE LOCATION OF LOOP LOCATED IN WILLIAMSBURG COUNTY, THE DEFENDANT ALEXANDER SAMUEL ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF ARM ROBBERY BY TAKING FROM VICTIM #1 MONEY FROM HIS PERSON AT GUN POINT. ARM ROBBERY IS IN VIOLATION OF SC CODE OF LAWS.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

Affiant's Address

WMSBG CO SHERIFF, 126 S JACKSON ST.

KINGSTREE SC 29556

Affiant's Telephone

843-355-6381

ARREST WARRANT

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

If appearing from the above affidavit that there are reasonable grounds to believe that on 10/23/2008 defendant ALEXANDER O. SAMUEL

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

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 the 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 11/17/2008

Judge's Address

DELORES F WILLIAMS (L.S.)

Judge's Telephone

Judge Code: 5992

ORIGINAL

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Case: 0808847

BAIL set by
Judge William C. Duggers

on 11-19-08

Type and Amount 25000.00

Name of Surety: C/S

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

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Telephone: _____

Name: _____
Address: _____

Telephone: _____

CODEFENDANTS

ARREST WARRANT

M-060150

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

THE STATE

against

ALEXANDER, O. SAMUEL

Address: ROAD

ANDREWS SC 29510

Phone: SSN:

Sex: M Race: B Height: 6-1 Weight: 245

DL State: SC DL#: Agency OR#: SC0450000

DOB: WCCSD

Prosecuting Agency: INV. BRENDA LAMBER

Prosecuting Officer: ARMED ROBBERY

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

WILLIAMSBURG

The accused

is to be arrested and brought before me to be

dealt with according to law.

Date: Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was delivered to

defendant ALEXANDER O. SAMUEL

on 11-18-2008

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

WILLIAMSBURG COUNTY MAGISTRATE

209 SHORT STREET

KINGSTREE, SC 29556

(843) 355-9565

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

AFFIDAVIT

Personally appeared before me the affiant

BRENDA LAMBERT

being duly sworn deposes and says that defendant

ALEXANDER O. SAMUEL

did within this county and state on 10/23/2008 to 10/23/2008

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

in the following particulars:

DESCRIPTION OF OFFENSE: 16-11-0330 (A) 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:

ON 10/23/2008 IN THE NIGHT TIME AT THE LOCATION OF

LOOP LOCATED WITHIN WILLIAMSBURG COUNTY,

THE DEFENDANT ALEXANDER SAMUEL ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF ARM ROBBERY BY

TAKING MONEY FROM VICTIM #2 FROM HIS PERSON AT GUN POINT. ARM ROBBERY IS IN VIOLATION OF SC CODE OF

LAWS.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

Affiant's Address

WMSBG CO SHERIFF, 126 S JACKSON ST.

KINGSTREE SC 29556

Affiant's Telephone

843-355-6381

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN 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 10/23/2008

defendant ALEXANDER O. SAMUEL

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

☒ County/ ☐ Municipality of WILLIAMSBURG

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 the 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 11/17/2008

Judge's Address

209 SHORT ST.

KINGSTREE SC 29556

Judge's Telephone

843-355-9565

Form Approved by
U.S. Department of Justice
July 25, 1998
SCCA 518

who

violates the criminal laws of the

State of South Carolina

in the following particulars:

DESCRIPTION OF OFFENSE: 16-11-0330 (A) 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:

ON 10/23/2008 IN THE NIGHT TIME AT THE LOCATION OF

LOOP LOCATED WITHIN WILLIAMSBURG COUNTY,

THE DEFENDANT ALEXANDER SAMUEL ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF ARM ROBBERY BY

TAKING MONEY FROM VICTIM #2 FROM HIS PERSON AT GUN POINT. ARM ROBBERY IS IN VIOLATION OF SC CODE OF

LAWS.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

Affiant's Address

WMSBG CO SHERIFF, 126 S JACKSON ST.

KINGSTREE SC 29556

Affiant's Telephone

843-355-6381

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN 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 10/23/2008

defendant ALEXANDER O. SAMUEL

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

☒ County/ ☐ Municipality of WILLIAMSBURG

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 the 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 11/17/2008

Judge's Address

209 SHORT ST.

KINGSTREE SC 29556

Judge's Telephone

843-355-9565

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Case: 0808847

FILE set by

Judge

William C. Duggan

on

11-19-08

Type and Amount

25000.00

Name of Surety

q/s

PRELIMINARY HEARING held by

Judge

on

Defense Attorney

Decision

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition

Sentence

JURORS

WITNESSES

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

CODEFENDANTS

ARREST WARRANT
M-060151STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of Williamsburg

WILLIAMSBURG

THE STATE
againstSHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

ALEXANDER O. SAMUEL

Address: ROAD

ANDREWS SC 29510

Phone: SSN:Sex: M Race: B Height: 6-1 Weight: 245DL State: SC DL#: 1DOB: Agency OR#: SC0450000Prosecuting Agency: WCSDProsecuting Officer: INV. BRENDA LAMBERTOffense: KIDNAPPINGOffense Code: 0095Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of

WILLIAMSBURG

The accused

is to be arrested and brought before me to be
deal with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant ALEXANDER O. SAMUEL
on 11-18-2008Signature of Constable/Law Enforcement Officer
Sgt. V. J. [Signature]

RETURN WARRANT TO:

WILLIAMSBURG COUNTY MAGISTRATE

209 SHORT STREET

KINGSTREE, SC 29556

(843) 355-9565

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

WILLIAMSBURG

AFFIDAVIT

Personally appeared before me the affiant INV. BRENDA LAMBERT

who

being duly sworn deposes and says that defendant ALEXANDER O. SAMUEL
did within this county and state on 10/23/2008 to 10/23/2008

violate the criminal laws of the

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

In the following particulars:

DESCRIPTION OF OFFENSE: 16-03-0910 / KIDNAPPINGI 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:ON 10/23/2008 IN THE NIGHT TIME AT THE LOCATION OF LOOP LOCATED WITHIN WILLIAMSBURG COUNTY
THE DEFENDANT ALEXANDER SAMUEL ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF KIDNAPPING BY
ENTERING THE VICTIM'S RESIDENCE WITHOUT PERMISSION, ONCE INSIDE THE RESIDENCE THE DEFENDANT AND
CO-DEFENDANTS DID TIE UP VICTIM #1 AND MADE HER LAY FACE DOWN ON THE FLOOR. KIDNAPPING IS IN VIOLATION OF
SC CODE OF LAWS.

Signature of Affiant

Inv. Brenda Lambert

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

WILLIAMSBURG

Affiant's Address WMSBG CO SHERIFF, 126 S JACKSON ST.

KINGSTREE SC 29556

Affiant's Telephone 843-355-6381

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN 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 10/23/2008 defendant ALEXANDER O. SAMUELdid violate the criminal laws of the State of South Carolina (or ordinance of WILLIAMSBURG) as set forth below:☒ County/ ☐ Municipality of

WILLIAMSBURG

DESCRIPTION OF OFFENSE: KIDNAPPING / KIDNAPPINGHaving 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 the 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 10/23/2008)Judge's Address 209 SHORT ST.

DELORES F WILLIAMS

(L.S.)

Judge Code: 5992Judge's Telephone 843-355-9565Issuing Court: ☒ Magistrate ☐ Municipal ☐ CircuitCase: 0808847

ORIGINAL

BAIL set by

Judge William C. Suggs

on 11-19-08

Type and Amount: 25000.00

Name of Surety: q/s

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(Indicate jury trial, bench trial, plea, ntl. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
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Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

CODEFENDANTS

WITNESSES

SHERIFF'S OFFICE

Brenda Lambert

DOCKET NO. 2009-GS-45- 50

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

MARCH TERM 2009

THE STATE

VS.

ALEXANDER SAMUEL

QUENTIN SAMUEL

ANTONIO L. MCKNIGHT

KREED C. BATEMAN

ARREST WARRANT NUMBER

M 060119 - M 060122, M 060125,
 M 060128 - M 060133, M 060136,
 M 060138 - M 060139, M 060140 -
 M 060151

D/A: 11/16/08

ACTION OF GRAND JURY

True Bill

Sharon W. Staggers
 Foreperson of Grand Jury
 Date: 3/5/09

VERDICT

Indictment for

BURGLARY - FIRST DEGREE, ARMED
 ROBBERY - THREE COUNTS,
 KIDNAPING - THREE COUNTS
 POSSESSION OF A WEAPON DURING
 VIOLENT CRIME AND CRIMINAL
 CONSPIRACY

C. KELLY JACKSON, SOLICITOR

Foreperson of Petit Jury
 Date:

A CERTIFIED TRUE COPY

Sharon W. Staggers
 SHARON W. STAGGERS

CLERK OF COURT
 WILLIAMSBURG COUNTY

CLERK OF COURT
 WILLIAMSBURG COUNTY
 09 MAR -5 PM 12:31

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR

**BURGLARY – FIRST DEGREE, ARMED
ROBBERY – THREE COUNTS, KIDNAPPING –
THREE COUNTS POSSESSION OF A
WEAPON DURING VIOLENT CRIME AND
CRIMINAL CONSPIRACY**

At a Court of General Sessions, convened on March 9, 2009, the Grand Jurors of
WILLIAMSBURG County present upon their oath:

COUNT ONE – BURGLARY – FIRST DEGREE §16-11-311

That **QUENTIN SAMUEL, ALEXANDER SAMUEL, ANTONIO L. MCKNIGHT**
and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008,
entered the dwelling of the victim without consent and the defendants entered or
remained therein in the nighttime with the intent to commit a crime therein; and when
effecting entry or while in the dwelling or in immediate flight therefrom, one or more of
the participants in the crime with was armed deadly weapon, in violation of Section 16-
11-311, South Carolina Code of Laws (1976), as amended.

COUNT TWO - ARMED ROBBERY §16-11-330(A)

That **QUENTIN SAMUEL, ALEXANDER SAMUEL, ANTONIO L. MCKNIGHT**
and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008,
violated Code Section 16-11-330 (B) of the Code of Laws of South Carolina (1976), as
amended, in that they feloniously and willfully take cash, cell phone and/or other items
of personal property from the person or presence of victim, **Freddie Martin**, while one
or more of the participants in the crime was armed with a pistol or other deadly weapon.

COUNT THREE – ARMED ROBBERY §16-11-330(A)

That **QUENTIN SAMUEL, ALEXANDER SAMUEL, ANTONIO L. MCKNIGHT**
and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008,

09 MAR -5 PM 12:31
CLERK OF COURT
KINCH

CERTIFIED TRUE COPY
Sharon W. Staggers
SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

violated Code Section 16-11-330 (B) of the Code of Laws of South Carolina (1976), as amended, in that they feloniously and willfully take cash, cell phone and/or other items of personal property from the person or presence of victim, **Victoria Martin**, while one or more of the participants in the crime was armed with a pistol or other deadly weapon.

COUNT FOUR – ARMED ROBBERY §16-11-330(A)

That **QUENTIN SAMUEL, ALEXANDER SAMUEL, ANTONIO L. MCKNIGHT** and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008, violated Code Section 16-11-330 (B) of the Code of Laws of South Carolina (1976), as amended, in that they feloniously and willfully take cash, cell phone and/or other items of personal property from the person or presence of victim, **Freddie Brandon Martin**, while one or more of the participants in the crime was armed with a pistol or other deadly weapon.

COUNT FIVE – KIDNAPPING §16-9-910

That **QUENTIN SAMUEL, ALEXANDER SAMUEL, ANTONIO L. MCKNIGHT** and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008, in that they did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away, the victim, **Freddie Martin**, without the authority of law, in violation of Section 16-3-910 of the Code of Laws of South Carolina (1976), as amended.

COUNT SIX – KIDNAPPING §16-9-910

That **QUENTIN SAMUEL, ALEXANDER SAMUEL, ANTONIO L. MCKNIGHT** and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008, in that they did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away, the victim, **Victoria Martin**, without the authority of law, in violation of Section 16-3-910 of the Code of Laws of South Carolina (1976), as amended.

COUNT SEVEN – KIDNAPPING §16-9-910

That **QUENTIN SAMUEL, ALEXANDER SAMUEL, ANTONIO L. MCKNIGHT** and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008,

in that they did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away, the victim, **Freddie Brandon Martin**, without the authority of law, in violation of Section 16-3-910 of the Code of Laws of South Carolina (1976), as amended.

COUNT EIGHT - POSSESSION OF A WEAPON DURING VIOLENT CRIME
§16-23-490

That **QUENTIN SAMUEL** and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008, wilfully possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, in violation of Code Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

COUNT NINE - CRIMINAL CONSPIRACY §16-17-410

That **QUENTIN SAMUEL**, **ALEXANDER SAMUEL**, **ANTONIO L. MCKNIGHT** and **KREED C. BATEMAN** did in Williamsburg County on or about October 23, 2008, violated Section 16-17-410 of the Code of Laws of South Carolina (1976), as amended, in that they did knowingly and unlawfully, unite, combine, conspire and agree among and between them and/or have tacit understanding with each other that they would commit the crimes of burglary and/or armed robbery.

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

C. Kelly Jacobson
 SOLICITOR

09 MAR -5
 12:31
 CLERK OF COURT
 WILLIAMSBURG COUNTY
 SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF WILLIAMSBURG

STATE VS.

ALEXANDER O. SAMUEL

AKA:

Race: Black

Sex: Male

Age:

DOB:

SS#:

Address:

, Andrews, SC 29510

DL#

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-45-0050

A/W#: M060150

Date of Offense: October 23, 2008

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Armed RobberyIn violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0111319
☐ 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 Initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kimberly V. Barr
SolicitorAlexander Samuel
Defendant[Signature]
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of Twenty three (23) 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 \$, pluscosts 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: To any other sentence imposed today.☒ 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. 340 days credit RKA☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-106.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Defendant Waives Hearing, ☐ OrderedTotal: \$ 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	\$
§35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (If paid in installments)	\$	\$
§90.11 TP (SCCJA Surcharge)	\$5	\$
TOTAL	\$	\$

Francis J. Williams
Clerk of Court/ Deputy Clerk

Court Reporter:

Francis Gray

PTUP

Obtain GED days/hours Public Service Employment

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

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

pmts. of \$ beginning\$ paid to Public Defender Fund

Other:

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

PRESIDING JUDGE

Judge Code:

Sentence Date:

[Signature]
10/21/09

STATE OF SOUTH CAROLINA

COUNTY OF WILLIAMSBURG
STATE VS.

ALEXANDER O. SAMUEL

AKA:

Race: Black Sex: Male Age: 36

DOB: SS#:

Address:

City, State, Zip Andrews, SC 29510

DL# SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-45-050

A/W#: No Warrant

Date of Offense: October 23, 2008

S.C. Code §: 16-11-0311

CDR Code #: 0 / 0 / 7 / 9

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: BURGLARY IN THE FIRST DEGREE

In violation of §16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079

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

ATTEST:


Solicitor


Defendant


Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Twenty Three (23) years or 23 months or 23 days or 23 days under the Youthful Offender Act not to exceed 23 years
and/or to pay a fine of \$0; provided that upon the service of 23 days/months/years and/or payment of \$0

plus costs and assessments as applicable, the balance is suspended with probation for 23 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: with any other sentence imposed today.
☒ 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. Credit for 340 days. RKA
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

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

\$14-1-211(A)(1) (Conv. Surcharge)

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

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

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

\$33.7, 1B TP (Drug Court Surcharge)

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

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

SPECIAL CONDITIONS:

PTUP

days/hours CAROLINE COUNTY Public Service EmploymentObtain GED CLERK OF COURTAttend Voc. Rehab. or Job Corp. WILLIAMSBURG COUNTY

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

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

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

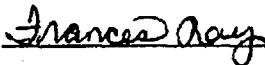
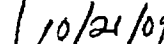

Clerk of Court Deputy Clerk

PRESIDING JUDGE

Judge Code:

Sentence Date:

Court Reporter:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF WILLIAMSBURG
STATE VS.

INDICTMENT/CASE#: 2009-GS-45-050

ALEXANDER O. SAMUEL

A/W#: No Warrant

AKA:

Date of Offense: October 23, 2008

Race: Black

Sex: Male

Age: 36

S.C. Code §: 16-17-0410

DOB:

SS#:

CDR Code #: 0 / 0 / 4 / 9

Address:

City, State, Zip

Andrews, SC 29510

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: CRIMINAL CONSPIRACY

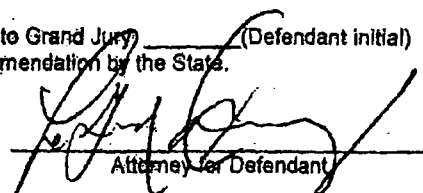
in violation of §16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

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

ATTEST:


Solicitor

Defendant


Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 11 1/2 years ☐ 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:To any other sentence imposed today.☒ 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.Credit for 340 days RKP☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

SPECIAL CONDITIONS:

PTUP

A CERTIFIED TRUE COPY

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling F. WILLIAMS

Random Drug/Alcohol Testing OF COURT

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

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: _____

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

Recipient:

*Fine:

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

\$14-1-211(A)(1) (Conv. Surcharge)

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

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

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

\$33.7, 1B TP (Drug Court Surcharge)

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

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

Frances Day

PRESIDING JUDGE

Judge Code:

Sentence Date:

10/21/09