

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Chesterfield County

Ralph F. Cothran, Circuit Court Judge

RECEIVED
MAY 28 2014
S.C. Supreme Court

TONY MOORE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002330

APPENDIX

BENJAMIN JOHN TRIPP
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEXi

GUILTY PLEA HEARING TRANSCRIPT (OCTOBER 5, 2011)1

APPLICATION FOR POST-CONVICTION RELIEF23

RETURN30

SUPPLEMENT TO APPLICATION FOR POST-CONVICTION RELIEF AND
INCORPORATED MEMORANDUM OF LAW.....34

POST-CONVICTION RELIEF HEARING TRANSCRIPT (JULY 17, 2013)40

ORDER OF DISMISSAL82

INDICTMENTS90

STATE OF SOUTH CAROLINA.)
) COURT OF GENERAL SESSION
 COUNTY OF CHESTERFIELD) 2011-GS-13-0529
) 2011-GS-13-0530
) 2011-GS-13-0531
) 2011-GS-13-0532
) 2011-GS-13-0533
) 2011-GS-13-0534
) 2011-GS-13-0535
) 2011-GS-13-0563

STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD
)
 TONY MOORE)
) DEFENDANT)

October 5, 2011
 Darlington, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE.

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

KERNARD E. REDMOND, DEPUTY SOLICITOR
 Attorney for the State

DANIEL JORDAN, PUBLIC DEFENDER
 Attorney for the Defendant

HATTIE O. GORDON
 Circuit Court Reporter

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Colloquy 4

TONY MOORE

 Direct By Mr. Redmond 16

Sentence of the Court 19

Certificate of Reporter 22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

COLLOQUY

1
2 MR. REDMOND: May it please the Court. Your Honor,
3 before you at this time is Tony Moore. 2011-GS-13-529 for
4 burglary second degree non-violent. 530, burglary second
5 degree non-violent. 531, burglary second degree
6 non-violent. 532 is grand larceny. 533, grand larceny.
7 534, grand larceny. 535, grand larceny. 563 is burglary
8 in the first degree, however, he's pleading to burglary
9 second-degree non-violent at this time.

10 The State's recommendation in this case is a little
11 different than what we normally do. We want some
12 consecutive time since the statute reduced the penalties
13 to ten years. And we have discussed it at length, and we
14 do want some consecutive time for the defendant. However,
15 Mr. Foard is here to speak on behalf of the victim's.

16 Let me just put this on the record real quick cause
17 there was a concern raised. Mr. Foard has not even seen
18 the discovery in this case. The Chinese wall has been put
19 up around him with regards to the facts of the case and
20 anything -- I don't even think he's reviewed the file. I
21 had the file with me in my possession the whole time.

22 He had spoken on behalf of the victims at a couple of
23 hearing that we had regarding this case, but as it relates
24 to the prosecutorial decisions that have been made and the
25 handling of this file that has strictly been with me.

1 However, he is going to speak on behalf of the family at
2 the appropriate time.

3 MR. FOARD: And I would add, Your Honor, that
4 Solicitor Redmond is correct. I've never reviewed the
5 incident report, the statements if any. I don't know
6 what's in this file as far as looking at it from a
7 prosecutorial standpoint.

8 MR. REDMOND: And the reason -- I haven't put on
9 there, but the reason, obviously, is because of his
10 in-law's are actually some of the victims in this
11 particular case. That's why that concern was raised.

12 THE COURT: Mr. Moore, I need your age.

13 MR. MOORE: Forty-two.

14 THE COURT: And your present address?

15 MR. MOORE: I done forgot what it was.

16 THE COURT: Your last address before you got
17 incarcerated?

18 MR. MOORE: Taxi Hall.

19 THE COURT: Lancaster County. Your education?

20 MR. MOORE: Ninth grade.

21 THE COURT: All right. You discussed these charges
22 with counsel?

23 MR. MOORE: Yes, sir.

24 THE COURT: Satisfied with his advice in this matter?

25 MR. MOORE: Yes, sir.

1 THE COURT: First one I pick up is 529 for burglary.
2 And you understand, now, that we're in Darlington County,
3 and you have a right to have this handled in Chesterfield
4 County, and you want to go ahead today with this
5 proceeding?

6 MR. MOORE: Yes, sir.

7 THE COURT: These, of course, have been true billed.
8 Burglary second-degree, May the 22nd 2011 in Chesterfield
9 County you entered without consent with the intent to
10 commit a crime therein the dwelling of Daniel Simpson on
11 [REDACTED] in Jefferson. You could receive up to ten
12 years on that. Used to be 15. How do you plead?

13 MR. MOORE: Guilty, Your Honor.

14 THE COURT: 530 is also for burglary second-degree
15 non-violent. Chesterfield County, May the 14th 2011 you
16 entered without consent with the intent to commit a crime
17 therein the dwelling of Ruth Allen on [REDACTED] in
18 Jefferson. Up to ten years, on that. How do you plead?

19 MR. MOORE: Guilty, Your Honor.

20 THE COURT: 531 is also for burglary second-degree.
21 May the 17th 2011. Chesterfield County when you entered
22 without consent with the intent to commit a crime therein
23 the General Store on Highway 151 in Jefferson. How do you
24 plead?

25 MR. MOORE: Guilty, Your Honor.

1 THE COURT: 532 is for grand larceny value more than
2 \$2,000, less than \$10,000 which you could receive up to
3 five years on. Chesterfield County, May the 22nd 2011,
4 you took and carried away the personal goods of Dennis
5 Simpson: Five long guns, jewelery, D.V.D's, satellite
6 box, some food items, flat screen t.v. All done with the
7 intent to deprive that owner permanently of that property
8 and convert it to your own use. As I said you can get up
9 to five years on that. How do you plead?

10 MR. MOORE: Guilty, Your Honor.

11 THE COURT: 533 is also for grand larceny. May the
12 22nd 2011 in Chesterfield County. Took and carried away
13 the personal goods of Daniel Simpson. More than \$2,000 in
14 value, but less than \$5,000. All done with the intent to
15 commit or convert, excuse me, the goods to your own use
16 and deprive the owner of that flat screen t.v, laptop
17 computer and several items of food. How do you plead?

18 MR. MOORE: Guilty, Your Honor.

19 THE COURT: 534 is also for grand larceny. More than
20 \$2,000 less than \$10,000. May the 22nd 2011.
21 Chesterfield County. Took and carried away the goods of
22 Daniel Simpson. Must have been a separate one.

23 MR. REDMOND: One of them Dennis and one is Daniel.

24 THE COURT: Maybe I misread something. No. Both of
25 these are Daniel.

1 MR. REDMOND: One of them is -- which number is that?

2 THE COURT: Indictments 533 and 534.

3 MR. REDMOND: Your Honor, if I can look at those
4 indictments and see what the warrant number is on it.
5 That way I can make sure we correct the right indictment.

6 THE COURT: We'll come back to that one while y'all
7 check that is. 535, that's a grand larceny. Chesterfield
8 County. May the 22nd 2011. Took and carried away the
9 personal goods of General Store. Value of more than
10 \$2,000 but less than \$10,000. Looks like a 60 inch
11 Mitsubishi Medallion t.v. and battery were taken with the
12 intent to deprive the owner permanent of that property and
13 convert it to your own use. Possible five years on that.
14 How do you plead?

15 MR. MOORE: Guilty, Your Honor.

16 THE COURT: And 563 is originally for burglary third
17 degree. You're pleading to burglary second-degree
18 non-violent. May the 22nd 2011. Chesterfield County.
19 When you entered the dwelling of Dennis Simpson located on
20 McCaskell Road. All don't with intent -- without consent
21 with intent to commit a crime therein. Looks like that
22 one was in the nighttime, but still up to ten years.

23 MR. REDMOND: Your Honor, that should be --
24 Indictment Number 533 is correct. 534; 313 North Main
25 Street in Jefferson should be Ruth Allen.

1 THE COURT: Ruth Allen. That's the correction.
2 Everybody in agreement with that?

3 MR. JORDAN: Yes.

4 THE COURT: How do you plead on Ruth Allen?

5 MR. MOORE: Guilty, Your Honor.

6 THE COURT: All right. You heard your jury trial
7 rights?

8 MR. MOORE: Yes, sir.

9 THE COURT: You understand them?

10 MR. MOORE: Yes, sir.

11 THE COURT: Any questions?

12 MR. MOORE: No, sir.

13 THE COURT: You don't want a jury trial?

14 MR. MOORE: No, sir.

15 THE COURT: You're satisfied with your attorney's
16 advice and services?

17 MR. MOORE: Yes, sir.

18 THE COURT: Answered all of your questions?

19 MR. MOORE: Yes, sir.

20 THE COURT: Contacted everybody you asked him to
21 contact if anybody?

22 MR. MOORE: Yes, sir.

23 THE COURT: Are you under the influence of any drugs
24 or alcohol or medication?

25 MR. MOORE: No, sir.

1 THE COURT: Do you have any condition, mental or
2 physical, that could be affecting your understanding at
3 this time?

4 MR. MOORE: No, sir.

5 THE COURT: You indeed understand what you're doing?

6 MR. MOORE: Yes, sir.

7 THE COURT: Has anybody promised you anything? Held
8 out any hope of reward or threatened you in any way in
9 order to get you to plead?

10 MR. MOORE: No, sir.

11 THE COURT: And you are entering this plea of your
12 own free will and accord?

13 MR. MOORE: Yes, sir.

14 THE COURT: I find your plea is freely, voluntarily
15 and intelligently entered into, and you've had the
16 services of competent attorney whom you say you're
17 satisfied. We'll accept the plea.

18 MR. REDMOND: Thank you, Your Honor. And, basically,
19 the indictments pretty much speak for themselves, and I'll
20 incorporate what I reference here. Just adding on the
21 fact that there were several items taken in each of those
22 burglaries.

23 I would add also the fact that at the appropriate
24 time we do want the defendant to allocute only on the
25 issues of the involvement of Angela Arant. And I think he

1 is willing to do that, and that would be brief. And I
2 think Mr. Foard will address some of the issues why that
3 is a -- pertinent. Actually a request of the family. As
4 the Court knows Angela Arant is a member of the family
5 that was victimized in this case.

6 There were several items taken. We also hope and
7 want him to be able to assist in locating some items that
8 have not been recovered. If he is willing to do so, and
9 Mr. Foard will explain, the family is agreeable to the
10 State and acting under the provisions under the Downward
11 Departure Statute after the prosecution of Miss Angela
12 Arant. And so I'll yield to Mr. Foard at this time with
13 the Court's permission.

14 MR. FOARD: Thank you, Judge. Obviously, I'm not
15 standing before you today speaking as Solicitor or as
16 Assistant Solicitor Foard. I'm here to speak on behalf of
17 the Simpson Family. In the interest of full disclosure my
18 brother, Ethan, has married Dennis Simpson's daughter who
19 is one of the victims in this matter. And Daniel Simpson
20 would be my sister in law's brother. Just to get all that
21 out there on the record.

22 Solicitor Redmond has stated things correctly. Just
23 to kind of bring some light into this situation the
24 Simpsons' live in a secluded area of Angeles, which is
25 south of Jefferson, and I'm sure that Your Honor probably

1 is acquainted with that area well. It is very secluded.
2 Those residences are not something that are easily found,
3 and Mr. Moore would have had to have assistance in find
4 those locations, and he likely would not have gone to them
5 were it not for the betrayal of Angela Arant who is a
6 family member of the Simpson Family.

7 Obviously, because of that the Simpson's are
8 extremely upset with their family member probably more so
9 than they're actually upset with Mr. Moore. And while I'm
10 here today advocating on their behalf, and I will tell
11 you, Your Honor, that we absolutely want a prison
12 sentence. We believe that consecutive sentences are
13 appropriate in this case, and we would ask for that.

14 But I want to be fair to Mr. Moore by making it clear
15 to Your Honor that were it not for the actions of his
16 codefendant these victims probably would not be victims.
17 And in the spirit of that, as I discussed with counsel and
18 Mr. Moore himself previously, as Mr. Redmond has stated,
19 if Mr. Moore cooperates in the prosecution of Miss Arant
20 that the Simpson Family is willing to come in a publicly
21 state on the record, either themselves or through me or
22 another representative, that they would be willing for him
23 to get some sort of downward departure on the back end
24 once the prosecution of Ms. Arant is complete.

25 We have not made any promises as to that figure or

1 anything of that nature because, obviously, that would be
2 in the discretion of the Judge. But we would be willing
3 to support that if in fact he does assist in the
4 prosecution of Ms. Arant.

5 I have asked him about a specific item that was never
6 recovered. I will say that most of the items that were
7 taken in this matter were recovered, but there is one lock
8 box, strong box, that has personal item which was never
9 recovered. Mr. Moore has indicated that he does not have
10 any knowledge of that. And, obviously, I have no means of
11 proving otherwise, but that is one thing that the family
12 is actively looking for, and any assistance in locating
13 that would greatly increase the positive message that the
14 Simpson Family would be willing to give at a resentencing
15 hearing, Your Honor.

16 Again, as I stated the Simpson Family are very upset
17 by what happened. It really shattered their world as far
18 as the safety they felt. The community in which they live
19 is largely made up of families. There is not a lot of
20 non-family members living around them, and so it kind of
21 rocked their world, for lack of a better way to describe
22 it, Your Honor.

23 And I know that they would have liked to have been
24 here today, but they were unable to come down here today.
25 But they would ask Your Honor to consider the consecutive

1 jail sentence that the Solicitor has recommended.

2 MR. REDMOND: I have nothing further, Your Honor.

3 THE COURT: Thank you. Mr. Jordan.

4 MR. JORDAN: Thank you, Your Honor. My client said
5 he is 42 years old. He's been married almost 20 years.
6 He's got seven children. All of his life he's lived
7 between Lancaster County, Charlotte and Jefferson, South
8 Carolina. He worked as a mechanic for a while, as a
9 doffer in a cotton mill.

10 Your Honor, while my client and I both understand the
11 Solicitor's Office to be consecutive sentences, obviously,
12 we would ask that you consider a concurrent sentence in
13 this matter. My client has said he's got a ninth grade
14 education, and as Mr. Foard representing or here on behalf
15 of the victims said Mr. Moore, my client, couldn't
16 really -- you know, probably didn't know where these homes
17 were without help.

18 Your Honor, he was merely a pawn in Miss Arant's
19 game. He has always agreed to cooperate with the
20 Solicitor's Office since the very first time I met with
21 him a few months ago. He's always agreed to cooperate and
22 help them with their case against her. And we would just
23 ask you consider a short prison sentence of a concurrent
24 nature rather than a consecutive nature.

25 MR. FOARD: Your Honor ---

1 MR. JORDAN: Your Honor, I've got a letter. My
2 client doesn't really express himself openly well. He
3 gets nervous in these situations. He does have a letter
4 for you.

5 MR. FOARD: Your Honor, if I could add a couple of
6 things briefly that I forgot to mention?

7 THE COURT: Yes, sir.

8 MR. FOARD: The -- obviously, I'm not hear speaking
9 on behalf of Ms. Ruth Allen, but I do believe that it is
10 to Mr. Moore's benefit to bring -- to correlate that in
11 here as well. Miss Allen -- well, Angela Arant was an
12 employee of Ruth Allen at the General Store. And so this
13 is the scenario where all of the victims that were
14 involved in this, they all trace back to Angela Arant.
15 They don't have anything to do with Mr. Moore.

16 And I am not absolving him. He is responsible for
17 what he's done, but I think in fairness to him we have to
18 put in perspective Ms. Arant's role in all of this or her
19 alleged role since she has not been convicted at this
20 time, obviously.

21 The other part that I would like to mention is, as
22 Solicitor Redmond said, in order to effectively prosecute
23 Ms. Arant Mr. Moore's full cooperation is going to be
24 needed, and we would specifically ask that he allocute on
25 the record today as far as what he can tell us of

1 Ms. Arant's involvement. Specifically, whether or not she
2 assisted him in just going to the location or whether she
3 took an active role in entering the home and removing
4 items from it.

5 THE COURT: Is he under oath yet?

6 MR. REDMOND: He is not under oath.

7 TONY MOORE, after being duly sworn, testified as
8 follows:

9 MR. REDMOND: And, Your Honor, I'll just simply ask
10 him.

11 DIRECT EXAMINATION

12 BY MR. REDMOND:

13 Q. First of all, could you tell us what Angela Arant was
14 in this particular transaction, I guess in these events.
15 What was her role?

16 A. She told me about the places, you know. She said she
17 knows when they're not there. Stuff like that right
18 there. And when to go there, when we could go there and
19 stuff. And so ---

20 Q. If I could get you to speak a little bit louder.
21 Speak into the microphone so the court reporter can pick
22 it up. And speak a little slower.

23 A. She told me about the relatives and stuff. When they
24 would be home and when they wouldn't be home. Said when
25 it would be a good time for us to go there. So I talked

1 to her on the phone one night, and she was saying that her
2 brothers had went to the beach and that would be a good
3 time for us to go. And I really didn't want to go. She
4 kept insisting, and so I went on.

5 And she worked for the other people. She knows when
6 the places are closed and she knows when they are open and
7 stuff like that.

8 Q. All now. Let me ask you this. Did she go into any
9 of the houses with you?

10 A. Yes, sir.

11 Q. Which houses did she go into with you?

12 A. Two houses on the dirt road and the General Store and
13 the house -- the General Store, it's a store. And it's a
14 house going down Main Street in Jefferson. A house.

15 Q. So you said to two houses, the General Store and then
16 another house on Main Street?

17 A. Yes, sir.

18 Q. That she went in with you?

19 A. That's the lady that she work for.

20 Q. Okay. And when I say, 'went in with you,' y'all
21 broke, I guess -- who broke into the houses?

22 A. Well, actually, she had a key to the house.

23 Q. Which house?

24 A. The house on Main Street.

25 Q. Okay.

1 A. But then the General store, she opened the door cause
2 she had a key, but busted the window out so it didn't come
3 back on her.

4 Q. Okay. Did you retain all of the items or did she
5 keep any of the items that were -- that y'all got?

6 A. She wanted them to be at my house cause the people
7 would know, you know, that she had them cause they were
8 related to her. If they seen them they would know it was
9 their stuff.

10 Q. All right. So everything was kept with you where you
11 were at?

12 A. Yes, sir.

13 MR. REDMOND: I think that's all we need at this
14 point, Your Honor. Can I ask one more question just out
15 of curiosity?

16 BY MR. REDMOND:

17 Q. Whose idea was it to start these robberies? How did
18 that all -- these burglaries. How did that all come to
19 be?

20 A. She just liked doing it. I don't know why. I don't
21 know cause she said when she was going around -- she drove
22 her momma's car. It was a Cadillac. I said, "Ain't this
23 something. I'll riding around in a Cadillac and looking
24 for something to steal."

25 Q. I was just curious. Thank you.

1 MR. REDMOND: Thank you, Your Honor.

2 MR. MOORE: They got money so I don't know why.

3 THE COURT: Anything else?

4 MR. MOORE: No, sir.

5 MR. JORDAN: No, Your Honor.

6 THE COURT: How many days has he been in jail?

7 MR. JORDAN: He's been in jail 135 days.

8 THE COURT: How far back in time does Miss Arant go
9 in your history of the burglaries?

10 MR. MOORE: This was it right here. Only reason I
11 know her is because a friend of mine talk to her momma.
12 That's how I got to know her. I don't have no criminal
13 record.

14 MR. REDMOND: Actually, that's true, Judge. He's
15 got -- I think there are a couple of Magistrate Court
16 charges, driving charges, but this is his first General
17 Sessions offense.

18 SENTENCE OF THE COURT

19 THE COURT: Well, he's committed some of the worse
20 offenses that you can commit as far as the public is
21 concerned with going in these houses, but I'm impressed
22 with what he has done since he got caught. He appears to
23 be trying. I think he's sincere in trying to help y'all.
24 So I want y'all to understand that what I do now I will
25 certainly adjust if all this goes as planned.

1 I'll hear you that, but right now I'm going to treat
2 it like it should be. He went in people's homes. He was
3 involved in that, and that's just going to be the --
4 initially what I'll do. But I'll help him out. We get
5 these others squared away that need to meet their day in
6 Court will be served out some justice.

7 All right, this is what is I'm going to do:

8 On 529, ten years. Concurrent. Credit for 135 days.

9 530, ten years. Concurrent. Credit for 135 days.

10 531, ten years. Concurrent. Credit for 135 days.

11 532, five years. Concurrent. 135 days credit.

12 534, five years. Concurrent. Credit for 135 days.

13 And 535, five years. Concurrent. Credit for 135
14 days.

15 On 563, that's that Simpson larceny, there is a
16 consecutive sentence of three years on top.

17 Keeping in mind that all of those can be adjusted
18 accordingly as things develop. I hope that y'all are
19 going to keep him local until you can possibly get
20 something going on all this others.

21 MR. REDMOND: Yes, sir. And, actually, with what
22 he's explained, and I've talked with Daniel Scott. He has
23 been cooperating, so I will be making a call to the
24 attorney for Miss Arant. And now that he's been sentenced
25 we'll look to moving her case forward.

1 THE COURT: All right. Well, I hope everything works
2 out we can come back and revisit this.

3 MR. REDMOND: Thank you, Judge.

4 MR. JORDAN: Thank you, Your Honor.

5 MR. FOARD: Thank you, Your Honor.

6 THE COURT: I misquoted one. I got those numbers
7 turned around. On 563 I said it was three years,
8 consecutive. That was one of the burglary ones. That's
9 ten years concurrent with credit for 135 days.

10 And the three year one is 533 on the grand larceny.
11 It's three years. Concurrent. I mean -- correction.
12 It's three years and consecutive to all other sentences of
13 this date. All of the subject to review after prosecution
14 of the codefendant.

15 END OF TRANSCRIPT OF RECORD

16

17

18

19

20

21

22

23

24

25

FORM 5

STATE OF SOUTH CAROLINA)
County of Chesterfield)
Tony Moore, # 348089)
Full name and prison number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS

2012 413-001

v.)
State of South Carolina)

APPLICATION FOR)
A True Copy, Attest)
POST-CONVICTION RELIEF)
Jaye S. Sellers)
CLERK OF COURT C.P. & G.S.)
CHESTERFIELD COUNTY, SC.)
2012 OCT 01 AM 9:53)
FAYE L. SELLERS)
CLERK OF COURT)
CHESTERFIELD COUNTY, S.C.)

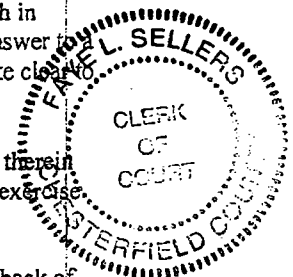
INSTRUCTIONS - READ CAREFULLY

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 particular question on the reverse side of the page or on an additional page. Applicant shall make clear 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 MacDougall Correctional Institute,
1516 Old Gilliard Road, Ridgeville, SC 29472
2. Name and location of Court which imposed sentence Chesterfield County
Court of General Sessions; Chesterfield, SC
3. Name(s) of co-defendant(s) (if any) Angela Arrat
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Indictment # 2011-95-13-0535, 0534, 0563, 0532, 0531,
 - (b) Burglary, 2nd Degree; Grand Larceny 0530, 0529



(c) _____

5. The date upon which sentence was imposed and the terms of the sentence: 13

(a) Sentence imposed on 10/5/2011 ; ~~13~~ (13) years.

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty Yes

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

2012 SEP 31 PM 9
 FAYEL S. SELLERS
 CLERK OF COURT
 CHESTERFIELD COUNTY

7. Did you appeal from the judgment of conviction or the imposition of sentence? No

A True Copy. Attest

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

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

i. N/A

ii. _____

iii. _____

Jaye S. Sellers
 CLERK OF COURT O.P. & G.S.
 CHESTERFIELD COUNTY, SC

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

i. N/A

ii. _____

iii. _____

(c) the date of each such result:

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) Did not qualify for a direct appeal; processing

(b) PCR in lieu of appeal.

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

- (a) Violation of my sixth and fourteen amendment rights to
- (b) the effective assistance of counsel and I was denied my
- (c) Due Process right to a fair trial; and Conflict of Interest.

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

- (a) Counsel failed to act diligently as my advocate to adequately
- (b) protect my interests. Counsel failed to make known
- (c) that Solicitor is related to victims - Conflict of interest.

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 or other than petitions, if any, already specified in (8)? No *Faye S. Sellers*
- (d) any other petitions, motions or applications in this State or other Court? No

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

- (a) the specific nature thereof:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. N/A
 - ii. _____
 - iii. _____
 - iv. _____

A True Copy. Attest:
Faye S. Sellers
 CHESTERFIELD COUNTY
 CLERK OF COURT
 CHESTERFIELD COUNTY, S.C.
 SEP 31 AM 9 53

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

A True Copy, Attest
Faye L. Seller
 CLERK OF COURT C.P. & G.S.
 CHESTERFIELD COUNTY, SC

2012 SEP 31 AM 9
 FAYE L. SELLER
 CLERK OF COURT
 CHESTERFIELD COUNTY, SC

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

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

A True Copy, Attest
Faye L. Seller
 CLERK OF COURT C.P. & G.S.
 CHESTERFIELD COUNTY, SC

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

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

- i. N/A
- 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) The issues under petition must be raised
- (b) through a post-conviction evidentiary
- (c) hearing.

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. Daniel Jordan
Chesterfield, SC
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Sentencing
 - ii. _____
 - iii. _____

2012 SEP 31 AM 9 54
 FAYE L. SELLERS
 CLERK OF COURT
 CHESTERFIELD COUNTY, S.C.

A True Copy. Attest
Faye L. Sellers
 CLERK OF COURT C.P. & G.S.
 CHESTERFIELD COUNTY, SC

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

Reconsideration and reduction of sentence

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

No

CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2012 SEP 31 AM 9 54
FAYE L. SELLERS

STATE OF SOUTH CAROLINA)
County of Chesterfield)

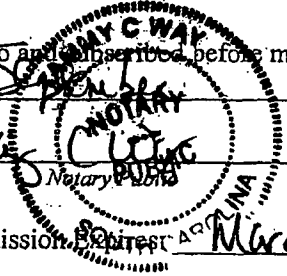
VERIFICATION

I, Tony Moore, #348089, 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.

Tony Moore

SWORN to and subscribed before me this 9th day of September, 2012.

[Signature] (L.S.)



My Commission Expires March 9, 2014

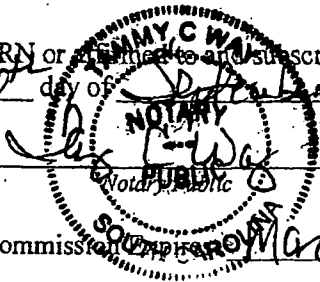
APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Tony Moore, # 348089, 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.

x Tony Moore
Applicant

SWORN or affirmed to and subscribed before me this
20th day of December, 2012.



My Commission Expires March 9, 2014

2012 SEP 31 AM 9 54
 FAYE L. SELLERS
 CLERK OF COURT
 CHESTERFIELD COUNTY

A True Copy, Attest
Faye L. Sellers
 CLERK OF COURT C.P. & G.S.
 CHESTERFIELD COUNTY, SC

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD)	
)	
)	2012-CP-13-601
)	
Tony Moore, 348089)	
)	
Applicant,)	
)	RETURN
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	

Respondent, making its Return to the Application for post conviction relief (PCR) filed October 1, 2012, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Chesterfield County Clerk of Court. Applicant was indicted by the Grand Jury for four counts of larceny/grand larceny (2011-GS-13-532, 533, 534 and 535), and three counts of burglary (2011-GS-13-5529, 530 and 531). Daniel T. Jordan, Esquire, represented Applicant.

On October 5, 2011, the Applicant plead guilty as indicted. The Honorable Paul M. Burch sentenced Applicant to an aggregate thirteen year sentence of imprisonment. Applicant did not appeal. Respondent reserves the right to amend and add further information upon receipt.

Attached herewith and incorporated herein are the records of the Chesterfield County Clerk of Court regarding the subject conviction, and Applicant's SCDC records, and if available, the

transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

Applicant alleges a "violation of my sixth and fourteen amendment rights to the effective assistance of counsel and I was denied my due process right to a fair trial and conflict of interest."

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their 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, 80 L.Ed.2d 674. 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 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.

Respondent submits that 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, 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.

The State therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the State moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

V.

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

VI.

WHEREFORE, having made its Return, the State requests that the Application be denied and the matter dismissed with prejudice.

Respectfully submitted,

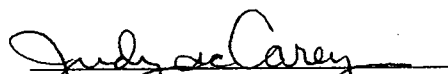
ALAN WILSON
Attorney General

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTERFIELD)	
)	
)	2012-CP-13-0601
)	
TONY MOORE, 348089)	
)	
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** of the Respondent in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Andrew F. McLeod, Esquire
Harris, McLeod & Ruffner
Post Office Drawer 1449
Cheraw SC 29520

DATED this 18th day of January, 2013.


 Judy A. Carey, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHESTERFIELD)
)
 Tony Moore,)
)
 v.)
)
 State of South Carolina.)
)
)
)
)
)

IN THE COURT OF COMMON PLEAS

2012-CP-13-0601

SUPPLEMENT TO APPLICATION FOR
 POST-CONVICTION RELIEF AND
 INCORPORATED MEMORANDUM OF LAW

A True Copy, Attest
Faye L. Sellers
 CLERK OF COURT C.P. & G.S.
 CHESTERFIELD COUNTY, SC

FAYE L. SELLERS
 CLERK OF COURT
 CHESTERFIELD COUNTY, S.C.

2013 FEB 5 AM 11 45

Petitioner Tony Moore, by and through his counsel, respectfully requests that the Court grant his petition for post-conviction relief, on the following grounds:

JURISDICTIONAL STATEMENT AND STATEMENT OF FACTS

Tony Moore (hereinafter Petitioner) was charged in Chesterfield County, S.C. with one count of Burglary 1st degree, two counts of burglary 2nd degree, non-violent, and four counts of grand larceny. He entered a plea of guilty to all counts and the state allowed petitioner to plead guilty to the lesser included crime of burglary 2nd degree, non violent from the original burglary 1st degree. Although the sentencing sheets indicate the plea was recommended by the State, there is nothing in the record that suggests that either parties agreed on a particular sentence or sentencing range. At the hearing, 4th Circuit Deputy Solicitor Kernard Redmond represented the state. Attorney Daniel Jordan represented Petitioner.

Asst. Fourth Circuit Solicitor Adam Foard addressed the court on behalf of the victims. Foard stated "I'm here to speak on behalf of the Simpson Family...My brother, Ethan, has married Dennis Simpson's daughter who is one of the victims in this matter. Daniel Simpson is my sister-in-law's brother...and while I'm advocating today on their behalf, and I will tell you, your honor, that we absolutely want a prison sentence. We believe that consecutive sentences

are appropriate in this case, and we would ask for that.” (Plea Hearing Transcript, p. 11-12, lines 15-24, lines 9-13). Petitioner was sentenced to a sentence of thirteen years. He received ten years concurrent on each count of burglary and five years concurrent on three counts of grand larceny. He received a consecutive three years on one count of grand larceny. Petitioner’s only criminal history was in relation to driving offenses in the Magistrate’s Court. Attorney Jordan never contested the Fourth Circuit Solicitor’s Office handling of the case nor Foard addressing the court on behalf of the victims. Petitioner was not informed of the relation of the victims to Assistant Solicitor Foard until the time of the plea.

FIRST GROUND FOR POST CONVICTION RELIEF:

**TRIAL COUNSEL RENDERED INEFFECTIVE ASSISTANCE OF COUNSEL UNDER
FOR FAILURE TO CHALLENGE THE SOLICITOR’S OFFICE PROSECUTING THE
CASE DUE TO A CONFLICT OF INTEREST**

Strickland v. Washington, 466 U.S. 668 (1984), set forth a two pronged test for claims of ineffective assistance of counsel: 1) that counsel’s advice was not within the range of competence demanded of attorneys in criminal cases; and 2) that there is a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty and would have insisted on a trial. Id; *see also* Hill v. Lockhart, 474 U.S. 52 (1985) (applying the Strickland standard to guilty plea challenges based on ineffective assistance of counsel). Petitioner’s statement is sufficient evidence to satisfy the prejudice prong. Jackson v. State, 321 S.C. 554 (1996) (*overruling* Judge v. State, 321 S.C. 554 (1996), which held that prejudice must be shown by objective evidence).

The Supreme Court's decision in Strickland v. Washington is the default rule for ineffective assistance of counsel claims. In Williams v. Taylor, 529 U.S. at 390-91, the Court held that applying Strickland to a particular set of facts does not constitute a new rule because Strickland is the general test governing ineffectiveness assistance claims. Id. Similarly, in Padilla v. Kentucky, 130 S.Ct. 1473 (2010), the Court applied Strickland to a particular set of facts, as opposed to creating a new rule. In his concurring opinion in Wright v. West, 505 U.S. 277, 301 (1992), Justice Kennedy stated:

If the rule in question is one which of necessity requires a case-by case examination of the evidence, then we can tolerate a number of specific applications without saying that those applications themselves create a new rule.... Where the beginning point is a rule of this general application, a rule designed for the specific purpose of evaluating a myriad of factual contexts, it will be the infrequent case that yields a result so novel that it forges a new rule, one not dictated by precedent.

Id.

The purpose of a criminal court is not to provide a forum for the ascertainment of private rights. Rather it is to vindicate the *public interest* in the enforcement of the criminal law while at the same time safeguarding the rights of the individual defendant." Standefer v. United States, 447 U.S. 10, 25, 100 S.Ct. 1999, 2008, 64 L.Ed.2d 689, 701 (1980). In carrying out his duty, the prosecutor independently decides whether to prosecute, decides what evidence to submit to the court, and negotiates the State's position in plea bargaining. See Ex parte Littlefield, 343 S.C. 212, 218, 540 S.E.2d 81, 84 (2000). The South Carolina Constitution, South Carolina statutes and case law place the unfettered discretion to prosecute solely in the prosecutor's hands. See State v. Thrift, 312 S.C. 282, 291-92, 440 S.E.2d 341, 346 (1994), citing S.C. Const. art. V, § 24; S.C. Code Ann. § 17-1-10 (2009). "The importance to the public as well as to individuals suspected or accused of crimes, that these discretionary functions be exercised 'with the highest degree of integrity and impartiality, and with the appearance thereof cannot easily be

overstated." In the matter of Richland County Magistrate Court, 389 SC 408 (2010). (citing People v. Dehle, 83 Cal.Rptr.3d 461, 465 (Cal. Ct. App. 2008)).

A solicitor should bear in mind that he is an officer of the court, who represents all the people, including the accused, and he occupies a quasi-judicial position, whose sanctions and traditions he should preserve. State v. Rayfield, 319 S.C. 106, 114-115, 631 S.E.2d 244, 248-249 (2006). It is his duty to see that justice is done. Id. He must see that no conviction takes place except in strict conformity with the law, and that the accused is not deprived of any constitutional rights or privileges Id. The duty of a solicitor is not to convict a defendant, but to see that justice is done. Id. A prosecutor "is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern *impartially* is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done". Berger v. United States, 295 U.S. 78, 88, 55 S.Ct. 629, 633, 79 L.Ed. 1314 (1935) (emphasis added). An actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendant's. Jackson v. State, 329 S.C. 345, 354, 495 S.E.2d 768, 773 (1998) (citing Cuyler v. Sullivan, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980); Duncan v. State, 281 S.C. 435, 315 S.E.2d 809 (1984)). Petitioner does not have to demonstrate prejudice if there is an actual conflict of interest. Id.

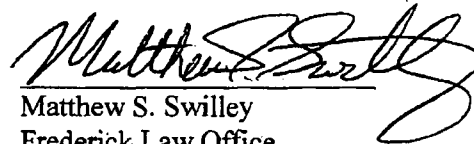
Petitioner was not given a plea offer in the present case due to the identity of the victims. Asst. Solicitor Foard personally lobbied the court to impose a consecutive sentence on Petitioner despite his lack of criminal history. Counsel was ineffective for not moving the court that the Fourth Circuit Solicitor's office be recused from the case due to a conflict of interest. Petitioner

was automatically prejudiced by the existence of a conflict of interest and Assistant Solicitor Foard requesting consecutive time for the multiple offenses to the court during the plea.

CONCLUSION

It was improper for the Fourth Circuit Solicitor's office to maintain prosecution duties in the case once there was a conflict of interest discovered. Assistant Solicitor Foard was an active member of the Solicitor's office during the prosecution of the case. Along with all other members of society, the prosecuting agency owes Petitioner a duty to conduct their duties fairly and impartially. Due to the fact that an assistant solicitor had a familial nexus to the victims in this case, Petitioner could not be treated with the fairness and impartiality he was owed. Counsel was ineffective for failing to object to the Solicitor's office continuing to prosecute Petitioner once it was discovered. Prejudice is axiomatic because of the conflict.

Respectfully submitted,



Matthew S. Swilley
Frederick Law Office
Attorney for the Petitioner
P.O. Box 8219
Myrtle Beach, S.C. 29578
843-444-6122

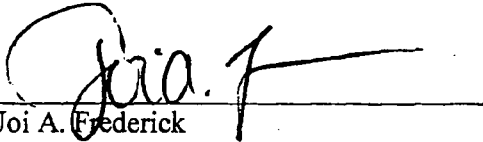
January 31, 2013

Chesterfield, South Carolina

CERTIFICATE OF SERVICE

I certify that on the 13 day of February, 2013, a copy of the Supplement to Application for Post-Conviction Relief and Incorporated Memorandum of Law in the case of Tony Moore v. State of South Carolina was served by U.S. mail to the following address:

Office of the Attorney General
Tyson A. Johnson, Sr.
P.O. Box 11549
Columbia, SC 29211



Joi A. Frederick
Legal Assistant

2013 FEB 5 AM 11 48
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTERFIELD)

COURT OF COMMON PLEAS

TONY MOORE)
348089)
PETITIONER,)

v.)

TRANSCRIPT OF RECORD
12-CP-13-0601

STATE OF SOUTH CAROLINA,)
DEFENDANT.)

July 17, 2013
Darlington, South Carolina

BEFORE :

THE HONORABLE R. FERRELL COTHRAN, JR., JUDGE

APPEARANCES:

MATTHEW S. SWILLEY, ESQ.
Attorney for the Petitioner

KAREN C. RATIGAN, ESQ.
Attorney for Respondent

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

INDEX

	Page
Procedural history of the case	3
Tony Moore:	
Direct examination	4
Cross-examination	20
Redirect examination	23
Daniel Jordan:	
Direct examination	24
Cross-examination	38

(There were no exhibits submitted.)

1 MS. RATIGAN: May it please the Court, in
2 the case of Tony Moore versus the State of South
3 Carolina. The docket number is 2012-CP-13-0601.
4 Mr. Moore was indicted for three counts of second
5 degree burglary, four counts of grand larceny, and
6 one count of first degree burglary. He was
7 represented on these charges by Mr. Jordan. He pled
8 guilty October 5th of 2011 before Judge Burch. The
9 burglary first was reduced down to burglary second.
10 He pled guilty to four counts of burglary second and
11 four counts of grand larceny. Judge Burch gave him
12 ten years on each of the burglary charges. The
13 grand larceny, he received five years on three
14 counts; that was to be concurrent with the
15 burglaries, and then three years consecutive on one
16 count. That was, I guess that's about 13 years,
17 Your Honor. Mr. Moore did not file an appeal and
18 the State's ready to proceed.

19 THE COURT: Okay. Yes, sir.

20 MR. SWILLEY: Sir, we're ready to proceed.

21 THE COURT: Okay, call your first witness.

22 MR. SWILLEY: I call Tony Moore.

23 THE COURT: All right. Mr. Moore, if
24 you'll come around and place your left hand on that
25 Bible and raise your right.

PW - T. MOORE - DIRECT

1 WHEREUPON,

2 **TONY MOORE,**

3 having been duly sworn by the Clerk of Court,
4 testified as follows:

5 BY MR. SWILLEY:

6 Q Tony, will you tell me how old you are?

7 A Forty-four.

8 Q Speak a little bit in that microphone please.

9 A Forty-four.

10 Q Okay. Where are you from?

11 A Lancaster, South Carolina.

12 Q All right. Tony, when you were arrested were
13 you — you recall the date you were arrested for
14 these charges?

15 A I don't remember the date.

16 Q I mean, do you remember when it happened?

17 A Yes.

18 Q Okay. Tony, tell me what happened when you were
19 taken into custody?

20 A Well, that was Daniel Scott. He was telling me
21 about —

22 Q Who is Daniel Scott?

23 A The detective.

24 Q Okay, with who?

25 A Chesterfield County.

PW - T. MOORE - DIRECT

1 Q Okay, continue.

2 A He was telling me about to go ahead and confess
3 and he would drop a lot of them charges; and when I
4 did, he didn't do it.

5 Q Tell me -- well, specifically tell me when you
6 were taken into custody, who took you into custody?

7 A I don't remember who it was, some white guy.

8 Q Okay.

9 A But they come to my mama's house. It was a lot
10 of them, you know, and I was sitting outside. They
11 come out the woods and then they -- when they got
12 get me to the ground I got on the ground. Then they
13 handcuffed me, and after they handcuffed me they
14 started beating me. Then they took me, then they
15 took me to jail.

16 Q All right. Tony, tell me, when you were taken
17 into custody you said you were taken to a room with
18 Daniel Scott, the investigator?

19 A Yes, sir.

20 Q Tell me, during that, during your conversations
21 was it your -- was the interview being videotaped to
22 your knowledge?

23 A That's what he told me.

24 Q Okay. And do you remember how long this
25 interview was?

PW - T. MOORE - DIRECT

1 A Probably about five minutes or so.

2 Q Okay. And before you actually started telling
3 him about, well, what you were going to tell him,
4 can you tell me specifically what promises were made
5 to you?

6 A He was telling me about confess to everything,
7 he would drop about all the charges, you know, told
8 me probably about two charges. But he didn't do it
9 after I confessed; he didn't do it. He told me he
10 was going to burn me.

11 Q Were there any threats made to you?

12 A Well, the solicitor —

13 Q No, no, about what's the State -- you're here in
14 the interview now with Daniel Scott. Were there any
15 threats made to you by law enforcement?

16 A No, he just told me he was going to burn me after
17 I told him what happened.

18 Q So it'd be fair to say you told him what happened
19 in return for — it was induced by a promise?

20 A Right.

21 Q Okay. Is that your understanding of the way
22 things were gonna be if you told him what happened?

23 A Yes, sir.

24 Q All right. And after that, Tony, where did they
25 take you?

PW - T. MOORE - DIRECT

1 A They took me back to the County.

2 Q County jail?

3 A Yes, sir.

4 Q Okay. And did you ever bond out of jail?

5 A They wouldn't give me a bond.

6 Q You never had a bond the entire time?

7 A No, sir.

8 Q Tony, and you applied for a public defender,
9 right?

10 A Yes, sir.

11 Q All right. Tell me, when was the first time you
12 made contact with Mr. Jordan?

13 A I don't know what day it was, but when he came I
14 talked to him. He told me that since I don't have a
15 record he could get me probably 90 days and
16 probation. Then he came back and told me —

17 Q Wait, wait, wait, let's go back to this first
18 meeting now. How long was that first interview?

19 A Probably about ten minutes.

20 Q Okay, all right. And when was the next time you
21 talked to him?

22 A I think probably about three or four days later.
23 And he came back and told me that the solicitor was
24 related to the victim, that they were going to burn
25 me, you know, ain't nothing he could do.

PW - T. MOORE - DIRECT

1 Q Okay. So this is a couple of days later. Did
2 you ever have a preliminary hearing?

3 A No, sir.

4 Q Okay, all right. So that was — you talked to
5 Daniel a couple of days later at the detention
6 center?

7 A Yes, sir.

8 Q Okay. And then when is the next time you talked
9 to him after that?

10 A I think when I came here to the courtroom.

11 Q Well, I mean —

12 A No, no, he came back with the solicitor.

13 Q He came back with which solicitor?

14 A Redmond I think.

15 Q Kernard Redmond?

16 A Yes, sir.

17 Q Tell me what happened at that meeting.

18 A I was — I was asking would they give me a plea,
19 and they told me no, they weren't going to give me
20 no plea. I either take a open plea or they were
21 going to bring the first degree burglary back and
22 give me life.

23 Q Okay. And who told you this specifically?

24 A Redmond.

25 Q Mr. Redmond?

PW - T. MOORE - DIRECT

1 A Right.

2 Q Did this conversation happen at the jail or at
3 the courthouse?

4 A At the jail.

5 Q Okay, all right. And the next time you met with
6 Mr. Jordan you were where?

7 A Here.

8 Q Well --

9 A At the courthouse.

10 Q In Chesterfield?

11 A Right -- no, Darlington.

12 Q Okay. Yeah, that's right. All right. You pled
13 guilty here?

14 A Right.

15 Q In Darlington? All right, tell me, the day you
16 came to Darlington to do the plea tell me what --
17 you met with Mr. Jordan then?

18 A Yes, sir.

19 Q All right. And during that conversation did he
20 ever -- did he -- at any time did he ever go over
21 any discovery with you?

22 A No, sir.

23 Q All right. And you know what discovery is; don't
24 you?

25 A Tell me what I can get and stuff?

PW - T. MOORE - DIRECT

1 Q I mean, Rule 5. Do you know what Rule 5 stuff
2 is?

3 A No, sir.

4 Q Did you ever see any incident reports?

5 A No, sir.

6 Q All right. Did he ever show you the interview
7 video from the interview of Daniel Scott?

8 A No, sir.

9 Q Ever show you any pictures from any crime scenes?

10 A No, sir.

11 Q Did he ever send you or show you anything in
12 regards to the evidence of the case?

13 A No, sir.

14 Q Okay. Did you ever speak about any such evidence
15 with him?

16 A No, sir.

17 Q Okay. Did you understand what you were being
18 charged with?

19 A Yes, sir.

20 Q Okay. Did you ever ask Daniel or Mr. Jordan to
21 show you any evidence in the case or whether there
22 was any?

23 A No, sir.

24 Q Okay. So on the date you came here to Darlington
25 to plead, did you have a conversation with

PW - T. MOORE - DIRECT

1 Mr. Jordan before you pled guilty?

2 A Yes, sir.

3 Q Okay. And during that conversation what was the
4 subject matter of the conversation?

5 A I was asking how much time he think I was going
6 to get. He said he didn't know, just take whatever
7 they give me.

8 Q Okay. And what was, what was your understanding
9 of the reason for that?

10 A 'Cause the victims were related to the solicitor.

11 Q Okay. And as far as the victims being related to
12 the solicitor, when did you find that out?

13 A The second time he came back to talk to me.

14 Q Did you ask him if you could, if there was any
15 way to get the Solicitor's Office off the case
16 because one of the solicitors was related to the
17 victim?

18 A I asked him for a change of venue. He was
19 telling me he couldn't do that.

20 Q Okay. Did you ask him if he could get the
21 Solicitor's Office off the case?

22 A No, I didn't know I could do that.

23 Q Okay. And specifically who -- what's your
24 understanding of the relationship between the
25 Solicitor's Office and the victims?

FW - T. MOORE - DIRECT

1 A He said something about his sister was married to
2 one of them or something.

3 Q All right. And let's go back to the day of your
4 plea, Tony. When you're conversating with Mr.
5 Jordan what did he tell -- he told you what now?

6 A I asked him what could I get. He told me take
7 whatever they give me.

8 Q Did y'all discuss the possibility of going to
9 trial over on any of these charges?

10 A No, sir.

11 Q All right. Did you ask him about how a trial
12 works?

13 A No, sir.

14 Q All right. Tony, how far did you go in school?

15 A The ninth.

16 Q Ninth grade?

17 A Ninth grade.

18 Q You can read and write?

19 A Yes, sir.

20 Q Can you read and write well?

21 A So-so.

22 Q Okay. Tony, when you were in society what was
23 your occupation?

24 A Auto mechanics.

25 Q Okay. And did you work full-time as an auto

PW - T. MOORE - DIRECT

1 mechanic?

2 A Well, I was helping a friend that had a shop at
3 one time. Then I started doing stuff on my own.

4 Q All right. And did you ever have any formal
5 training for that?

6 A No, sir.

7 Q Okay. And had you ever been, had you ever had a
8 case in general sessions before that, before these
9 charges?

10 A In Lancaster, that was it.

11 Q I mean in general sessions court, big court?

12 A No, sir.

13 Q Okay. So were you familiar about how the process
14 works?

15 A No, sir.

16 Q Okay. Were you confused?

17 A Yes, sir.

18 Q Okay. Tony, the day that you pled guilty did you
19 know how much time you could potentially be looking
20 at without plea?

21 A No, sir.

22 Q Okay.

23 A I really didn't know.

24 Q Did Mr. Jordan, did he tell you what each charge
25 carried?

PW - T. MOORE - DIRECT

1 A He was -- I think he said the second degree
2 burglary he told me carry like ten years, and I
3 can't remember what he said the grand larceny
4 carried.

5 Q Okay. And did you understand that they could
6 stack the sentences of the charges on you? Did you
7 understand that that could happen?

8 A Yes, sir.

9 Q Okay, you did? And Tony, do you know what
10 consecutive means?

11 A I didn't till somebody told me.

12 Q Somebody told you when?

13 A When I was at the county jail, one of the
14 inmates.

15 Q Okay. And did you understand that you could get
16 consecutive sentences when you pled guilty? Did you
17 and Daniel talk about that also?

18 A No, sir, he didn't say nothing about consecutive
19 sentence.

20 Q Okay.

21 A The county, the inmate telling me they can give
22 you consecutive or what they say, concurrent, and he
23 was telling me what it was. But Daniel Jordan, he
24 didn't explain none of that to me.

25 Q Okay. And Tony, after -- when you went to your

FW - T. MOORE - DIRECT

1 guilty plea and Mr. Foard, Adam Foard, addressed the
2 Court, did you tell Mr. Jordan anything during that
3 time? Did you whisper anything to him? Did it make
4 you feel —

5 A I told him that I didn't feel comfortable with
6 him because he's related to the victims. He said it
7 didn't matter.

8 Q Okay, he told you it didn't matter?

9 A Right.

10 Q Tony, as far as a — was it your understanding
11 that there could be — tell me about, did anybody
12 ever talk to you about testifying against Angela
13 Arrance (ph), your co-defendant?

14 A Yes, sir.

15 Q All right, tell me about that.

16 A Told me if I testify against her they will reduce
17 my sentence.

18 Q From what it was after the plea?

19 A Yes, sir.

20 Q All right. And who told you that?

21 A It was Kernard and Daniel Scott.

22 Q Kernard?

23 A And Daniel Scott.

24 Q Was that — and was your attorney around when
25 they were talking about this?

PW - T. MOORE - DIRECT

1 A I think so.

2 Q Okay.

3 A I can't remember.

4 Q Specifically, what was your understanding as to
5 that?

6 A That they would reduce my time and I'd go home
7 earlier.

8 Q Okay. And have you heard anything as relating to
9 that since that time?

10 A No, sir.

11 Q Okay.

12 A Well, yes, sir. Daniel Scott and Redmond came to
13 the prison and I was at McDougall. And they wanted
14 me to write a statement on somebody, and they told
15 me they'd reduce my time. Then they told me Angela
16 getting ready to go to court next month, and they
17 were going to have me testify against her. That's
18 probably been about almost a year and I ain't hear
19 nothing from them.

20 Q Did you have an attorney with you, your attorney
21 with you at the time that happened when you were in
22 prison?

23 A No, sir.

24 Q So it's just Investigator Scott and Kernard
25 Redmond?

PW - T. MOORE - DIRECT

1 A Right.

2 Q Did you — they told you it would be, your
3 sentence would be cut in half?

4 A Yes, sir.

5 Q From what it was, okay. And Tony, did you
6 understand you had a right to a jury trial on all of
7 these, all these cases?

8 A Yes, sir.

9 Q All right. Did you understand that your lawyer
10 was entitled to get Rule 5 evidence or discovery in
11 your case? Did you understand that?

12 A No, sir, I didn't know that.

13 Q Okay. Did you ever talk to anybody with any, the
14 narcotics agency in Chesterfield County?

15 A I talked to a guy named Chris Page. He was
16 questioning me.

17 Q Chris Pate?

18 A Page, I think it's Page.

19 Q Was that related to the burglary or was that
20 about something else?

21 A No, something else.

22 Q Okay, what was that about?

23 A He was asking me about some drug deals, stuff
24 like that there, trying to get me to talk. He said
25 he could help me but I didn't talk to him no more.

FW - T. MOORE - DIRECT

1 Q Did you and Mr. Jordan ever discuss going that
2 route?

3 A No, sir.

4 Q Did you ask Daniel about it?

5 A I asked Daniel Scott —

6 Q I'm talking about Mr. Jordan, your lawyer?

7 A Oh, no, sir. No, sir.

8 Q So you don't know if that was ever looked into or
9 not?

10 A No, sir.

11 MR. SWILLEY: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 BY MR. SWILLEY:

14 Q And Tony, do you remember at your plea that
15 Mr. Redmond gave you questions as to what happened
16 with Angela Arrance, right, on the record?

17 A Yes, sir.

18 Q All right. And you understood that they were
19 making — did you understand they were making a
20 record of all this of what you were saying that in
21 court, was being written down?

22 A Redmond?

23 Q Tony, did you understand — do you remember when
24 you were at your plea Mr. Redmond asked you about
25 what had happened, do you remember that?

PW - T. MOORE - DIRECT

1 A I can't remember. I don't.

2 Q Tony, remember back to your plea here, right?

3 A Right.

4 Q Okay. Do you remember when you were on the
5 record Mr. Redmond went and asked you to make a
6 record of what happened?

7 A Oh, yeah, I remember now.

8 Q To give testimony. You remember that, right?

9 A Now I do.

10 Q Did you understand that could be used against you
11 at a later time in a later proceeding possibly?

12 A No, sir.

13 Q Did you and Mr. Jordan discuss you doing that on
14 the record?

15 A No, sir.

16 Q And you recall telling him everything that
17 happened on the record, right?

18 A Yes, sir.

19 Q All right. And you recall going in specifics
20 about what had happened, you know, in the case on
21 the record at your plea, right?

22 A Yes, sir.

23 Q All right. And did Mr. Jordan ever render you
24 any advice as to whether or not that would be wise
25 to do at that time?

PW - T. MOORE - CROSS

1 A No, sir.

2 Q Okay. He just -- Mr. Redmond just asked you
3 questions and you answered them?

4 A Yes, sir.

5 Q And you understood -- did you understand you were
6 incriminating yourself at that time making a record
7 again of what --

8 A No, sir.

9 Q You didn't understand that, okay. All right,
10 Tony, I want you to answer any questions you have
11 for Mr. Thomas or Ms. Ratigan, okay?

12 **CROSS-EXAMINATION**

13 BY MS. RATIGAN:

14 Q So Mr. Moore, you would have met with your
15 attorney about four times, does that sound right?

16 A Yes, ma'am.

17 Q And your testimony is you never reviewed any of
18 the evidence with him?

19 A No, ma'am.

20 Q Okay. Well during these meetings what were you
21 talking about?

22 A He was telling me, you know, first like I said
23 the first time he told me he could get me 90 days
24 and probation 'cause I didn't have a record. Then
25 he came and told me the victim kin to the solicitor,

PW - T. MOORE - CROSS

1 they were gonna burn me. And I asked him what could
2 I get. He told me to take whatever they gave me.

3 Q So you never talked about the case at all? You
4 just kind of talked about what your sentence could
5 be?

6 A Right. Well, he was telling me about the — what
7 it carries and that's it.

8 Q Did you ever tell him your version of what
9 happened during these robberies?

10 A Yes. Yes, ma'am.

11 Q And did he talk to your attorney about your
12 co-defendant Angela? Did you tell him kind of how
13 she was involved?

14 A Yes, yes. Yes, ma'am.

15 Q Okay. And Mr. Jordan told you about the kind of
16 sentences you could get?

17 A Yes, ma'am.

18 Q All right. Now the day you went to court, that
19 last day, the day you pled guilty, did you know you
20 were going there that day to plead guilty?

21 A No, ma'am.

22 Q All right. When did you find out, when you
23 showed up?

24 A When they called me from the room and told me to
25 get ready, I was going to court.

PW - T. MOORE - CROSS

1 Q So after they told you to get ready, you were
2 going to court, after that is when you spoke to
3 Mr. Jordan?

4 A When I got here.

5 Q All right. And what did he tell you was going to
6 happen?

7 A He just asked -- I asked him what kind of time
8 was I going to get. He said he didn't know, just
9 take whatever they give me.

10 Q Did he tell you at that time your first degree
11 burglary charge had been reduced down to a burglary
12 second?

13 A Yes, ma'am.

14 Q And before you went into court that day did Mr.
15 Jordan tell you that you would have to testify --
16 that there was this deal to reduce your sentence if
17 you testified against your co-defendant? Did you
18 know that going in there?

19 A Yes, ma'am.

20 Q Okay.

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

23 THE COURT: Okay. You got anymore
24 questions?

25 MR. SWILLEY: Your Honor, just briefly.

PW - T. MOORE - REDIRECT

REDIRECT EXAMINATION

1 BY MR. SWILLEY:

2 Q Tony, just to clarify, you said that there was
3 a -- you understood there to be a possibility of you
4 testifying against Angela for -- to help out with
5 your sentence though, right?
6

7 A Yes, sir.

8 Q Okay. And was this ever discussed in depth
9 before your plea?

10 A Yes, sir.

11 Q Okay. With whom?

12 A It was with Daniel Scott and Redmond and Jordan.

13 Q And that was the time at the jail, right?

14 A Right.

15 Q And nothing else was said since then?

16 A No, sir.

17 Q All right.

18 MR. SWILLEY: I have nothing further, Your
19 Honor.

20 THE COURT: Did you ever testify at trial
21 against her?

22 THE WITNESS: No, sir.

23 THE COURT: Okay, thank you.

24 MR. SWILLEY: Your Honor, I have nothing
25 more for Mr. Moore.

PW - D. JORDAN - DIRECT

1 THE COURT: You can step down.

2 MR. SWILLEY: Your Honor, the Petitioner
3 calls Daniel Jordan.

4 THE COURT: Okay.

5 WHEREUPON,

6 DANIEL JORDAN,

7 having been duly sworn by the Clerk of Court,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SWILLEY:

11 Q How are you doing, Daniel?

12 A I'm good.

13 Q Daniel, you — when you got — where did you go
14 to law school?

15 A I went to the Thomas Goode Jones School of Law.
16 It's in Montgomery, Alabama.

17 Q When did you graduate there?

18 A 2010.

19 Q 2010. Where did you start working when you got
20 out of law school?

21 A I did an internship with the South Carolina Legal
22 Services over in Florence and then came to work for
23 the Fourth Circuit Public Defender's Office in June
24 of 2011.

25 Q Okay, June of '11. And I guess, were you in

FW - D. JORDAN - DIRECT

1 charge of working all counties?

2 A Well, there were about six folks or so that
3 worked for the Public Defender's Office. We shifted
4 from county to county primarily. By September of
5 2011 I was primarily over Chesterfield County.

6 Q Okay. And do you recall when you were assigned
7 to Mr. Moore's case?

8 A I don't recall. I believe it was sometime in
9 late July, maybe early August, I'm not sure.

10 Q Okay. And you, I guess it looks like you met
11 with Mr. Moore on 7/21/2011; is that correct?

12 A Sounds correct.

13 Q That was the first time you met Mr. Moore? Okay,
14 that was at the jail. And do you recall how long
15 you met with Mr. Moore the first time you met with
16 him?

17 A The first time I met with him I think it was in
18 regard he'd written some of the little inmate intake
19 forms. And I reviewed, you know, what his charges
20 were and I probably met with him for about ten
21 minutes.

22 Q Okay. And is it the protocol of the Fourth
23 Circuit Public Defender's Office for the staff to go
24 ahead and just send form Rule 5s for every?

25 A It is.

PW - D. JORDAN - DIRECT

1 Q All right, okay. And so to your knowledge Rule 5
2 and Brady requests was sent to the Solicitor's
3 Office, correct?

4 A It was.

5 Q And did you receive any discovery from the
6 Solicitor's Office?

7 A Yes, I did.

8 Q Okay. And you never received any incident
9 reports though, right?

10 A You have my file there. If there's not an
11 incident report in it I didn't.

12 Q Okay. So there were no incident reports that you
13 examined during the, during your representation of
14 Mr. Moore?

15 A No, sir.

16 Q Okay. And was any — was there a recording of
17 any interviews of Mr. Moore to any law enforcement
18 officer ever proffered to you?

19 A His testimony here today was the first time I
20 ever heard of such.

21 Q Okay. Did you ever speak with anybody at the
22 Solicitor's Office about discovery?

23 A I spoke with Kernard Redmond. He handled the
24 case.

25 Q Okay, what did he say specifically?

PW - D. JORDAN - DIRECT

1 A He was gathering the discovery from the sheriff's
2 department, and as soon as he got anything
3 additional he would give it to me.

4 Q Okay. So you weren't able to examine any
5 incident reports in the case, you weren't able to
6 examine any interviews, did you receive any written
7 statements from anybody, victims, the defendant,
8 anybody?

9 A Not that I'm aware of. Now I will go ahead and
10 put this out there, during the time that I worked
11 with the Public Defender's Office which was only a
12 six month period, I went into private practice.
13 They were transitioning from hard files or paper
14 files to defender data, and everything that came in
15 was sent to -- well, it was either scanned in
16 Chesterfield, it may have been sent to Dillon, what
17 have you, to go into defender data. Now if for some
18 reason it didn't get into the file I didn't have any
19 control over that.

20 Q Okay.

21 A One of the things that Mr. Moore -- I mean, I
22 hate to jump in, but just to kind of elaborate. One
23 of the things Mr. Moore talked about was a meeting
24 with myself and Kernard Redmond at the jail. What
25 happened in Chesterfield partially due to the

PW - D. JORDAN - DIRECT

1 shifting of papers and scanning, and things like
2 that, the Solicitor's Office would often go with me
3 and we had an open -- or they had actually an open
4 file policy. And at that point in time we did
5 review all discovery that we had to that point with
6 Mr. Moore. Daniel Scott, who was the investigator
7 on the case, was actually there and discussed the
8 evidence that he had. I'm assuming it was in the
9 Solicitor's Office file and would get to our file.

10 Q Okay.

11 A So that's actually -- yeah, I'm not trying to
12 cover my tracks or anything like that, it's just,
13 you know, he said we didn't go over discovery; we
14 went over the discovery.

15 Q So you've got an independent recollection of
16 going through the incident reports with him?

17 A I do.

18 Q Okay. And were there witness statements in there
19 as well?

20 A I don't recall there being any witness
21 statements. I think really the only witness to it
22 would have been Ms. Abraham and possibly, you know,
23 someone who recovered the stolen merchandise but...

24 Q Okay. But based upon your recollection as far as
25 Rule 5 discovery goes, there were just those

PW - D. JORDAN - DIRECT

1 incident reports that were in the Solicitor's file
2 that you went over with him from your recollection?

3 A Based on my recollection, yes.

4 Q Okay. Did you and Tony ever talk about any
5 inculpatory statements that he would have made or
6 that he did make?

7 A We talked about, one, as Tony pointed out, I
8 informed him during our second meeting that someone
9 employed with the Solicitor's Office was related to
10 the victims. And we talked before the plea. He
11 actually pled on a special plea day.

12 Q Right.

13 A I mean, he signed up to plead so he knew what he
14 was coming here for. And we talked about one of the
15 things that would help his sentence would be him
16 testifying against Ms. Arrance. And we talked about
17 the solicitor and Mr. Redmond actually I believe
18 talked with him about it as well. Really wanted to
19 get something down at his plea and he agreed to do
20 that. He understood that by doing that it would in
21 turn at some point help him with his sentence.

22 Q Okay. When did you find out that Adam Foard was
23 related to the victims?

24 A I believe after that first meeting, which by the
25 way I never offered him 90 days and probation. I

FW - D. JORDAN - DIRECT

1 didn't have offer in the file at the time. I
2 wouldn't do that especially with someone charged
3 with a burglary first. I went to the Solicitor's
4 Office, discussed the matter with the Solicitor and
5 was given an offer. And it was then Kernard Redmond
6 is the deputy Solicitor; and so it's kind of unusual
7 for him to handle, you know, just — a file like
8 this is normally handled by Mr. Foard so actually
9 went around there looking for him. And that's when
10 I was informed that Mr. Foard wasn't handling that.
11 He wasn't going to have anything to do with the
12 prosecution of the case because he was related to
13 the victims in some way.

14 Q Okay. You — did you feel like that was going to
15 prejudice Mr. Moore at all from that point?

16 A No.

17 Q Okay. Did you ever speak with Adam or any of the
18 victims in the case?

19 A I spoke with Adam regarding the victims'
20 position. And he informed me obviously that they
21 were very upset, mentioned a few items that were of
22 particular importance to them that hadn't been
23 recovered and I think their position was they really
24 wanted to get their things back. They felt
25 violated. And I asked them to convey that to the

PW - D. JORDAN - DIRECT

1 Court.

2 Q Okay. So you knew or appeared that they -- that
3 the victims wanted to be, you know, active in the
4 perpetuation of prosecution of Tony, that they
5 cared, yeah?

6 A Sure.

7 Q Did you feel like maybe at any time it may have
8 behooved Tony to make a motion for the Solicitor's
9 Office to recuse himself?

10 A I didn't feel that way. Mr. Foard at that point
11 in time had become a part-time solicitor. He was in
12 the office one day a week. He had to my knowledge
13 and I discussed the matter with Mr. Redmond numerous
14 times, no involvement in the actual prosecution. He
15 was there solely for giving their victims'
16 statement.

17 Q Okay. When you met with Tony did you talk about
18 how the trial works like how, you know, his rights
19 to a trial, how a trial works, how he had a right to
20 present his own witnesses?

21 A During our initial meeting I informed him of -- I
22 remember informing him of what he was charged with
23 which I remember this, this is what I did with
24 everyone. What he was charged with, that he had a
25 right to a jury trial, that if he didn't want a jury

PW - D. JORDAN - DIRECT

1 trial we would go forward to try to work out some
2 sort of plea deal. So yes, during that initial
3 meeting I informed him he had a right to jury trial
4 and kind of what went on at a jury trial and he told
5 me he didn't want one.

6 Q Okay. As far as, you know, admissibility of the
7 evidence, particular evidence, did you go in any
8 detail about that, you know, as far as inculpatory
9 statements that he makes, testimony, hearsay, did
10 you explain that to him?

11 A In terms of his statement regarding Ms. Arrance
12 after he pled guilty?

13 Q No, I meant, did you ever -- did you talk to him
14 about how things could be excluded at trial, things
15 could be admitted at trial?

16 A We didn't go that far. I mean, he told me
17 straight off the bat, he started talking about his
18 involvement and how he wanted a jury trial. I mean,
19 he didn't want a jury trial, I'm sorry.

20 Q Right, okay. And on the date of when Tony pled
21 that day in Darlington, beforehand did you go over
22 his rights with him again?

23 A We talked about his right to a jury trial. It
24 came in along with I believe everyone else who was
25 brought over that day, and Judge Burch advised them

PW - D. JORDAN - DIRECT

1 all of their rights. He was asked during the plea
2 if he understood what his rights were.

3 Q Okay. The day of the plea were you -- did you
4 expect Adam to speak on behalf of the victims at the
5 plea?

6 A I did.

7 Q You did? Okay. You felt -- did you feel that
8 that was going to provide, I don't know, kind of an
9 imbalance of -- well, did Tony -- did you know that
10 Tony understood, or did he seem to understand that
11 he could get consecutive sentences? Did you explain
12 what each charge carried?

13 A We -- I explained what each charge carried. I
14 remember because he was one of the few people that I
15 handled that was facing up to life in prison.

16 Q Right.

17 A I believe with all of his charges he was looking
18 at a minimum of 70 years, maximum of life --

19 Q Right.

20 A --when I first began representing him. And at
21 that point in time I explained to him how I came to
22 that number which was by consecutive sentences. And
23 then explained to him if they dropped the burglary
24 first to a burglary second he was looking at
25 something like 55 years; and explained to him once

PW - D. JORDAN - DIRECT

1 again, how I got to the 55 years which was
2 consecutive sentences. And I believe before he
3 signed up to come and plead on that special plea day
4 I explained to him that there was the potential that
5 Judge Burch could sentence him to some consecutive
6 time.

7 Q Okay. So you said you actually explained that to
8 Tony on the day of you said?

9 A I believe we talked about it the day of. I know
10 we talked about it beforehand.

11 Q Did you expect him to get consecutive time?

12 A I expected -- and I remember talking to him about
13 this on the day of the plea -- the Solicitor's
14 Office to ask for some consecutive time.

15 Q Okay. Did Tony know that they were gonna ask for
16 some consecutive time?

17 A I talked with him about that on the day of the
18 plea.

19 Q Okay. So you did know that Mr. Foard was gonna
20 get up and ask for consecutive time just to clarify?

21 A I had no idea Mr. Foard was going to ask for
22 consecutive time. I don't believe Mr. Foard did; I
23 believe Mr. Redmond did.

24 Q Okay.

25 A Mr. Foard may have agreed with Mr. Redmond; I'm

FW - D. JORDAN - DIRECT

1 not sure.

2 Q Okay. You don't recall Mr. Foard asked — you
3 said that we believe that consecutive sentences are
4 appropriate in this case and we would ask for that?

5 A I don't recall Mr. Foard saying that.

6 Q Okay. Did it ever cross your mind that maybe
7 during the plea or during Adam's, Mr. Ford's
8 addressing the Court, that maybe it would have been
9 a better idea to have the Solicitor's Office
10 recused, I mean, at any time?

11 A Like I said, Mr. Foard was working and I believe
12 still is working, as a part-time solicitor. He was
13 in the office one day a week. Mr. Redmond had done
14 an excellent job of putting up some sort of Chinese
15 wall. Mr. Foard didn't have any sort of input into
16 the prosecution of the case. So no, I didn't feel
17 that there was any need to ask that it be removed
18 from the Solicitors Office in Chesterfield or
19 handled by another circuit or handled by someone
20 else in the Solicitor's Office, maybe Marlboro
21 County or Dillon County.

22 Q Okay. And did you and Tony ever discuss the
23 options that you could have done in regards to that
24 as far as motions you could have made or anything
25 like that?

FW - D. JORDAN - DIRECT

1 A He asked me what my thoughts were. And once I
2 informed him that a member of the Solicitor's Office
3 was related to these victims, he asked me, you know,
4 what my thoughts were; and I explained to him the
5 situation, explained to him that, you know,
6 Mr. Foard was a part-time solicitor, that he didn't
7 have anything to do, you know, doesn't have anything
8 to do with the prosecution of the case, that he had
9 conveyed the victims' wishes to the Solicitor's
10 Office. But I told him that in my opinion I didn't
11 feel like allowing Mr. Redmond to go forward with
12 the prosecution, you know, and putting up that
13 Chinese wall was going to ham his defenses in any
14 way.

15 Q And I know that you were kind of new at the job.
16 Was it customary for the Solicitor's Office to, in
17 other cases in a similar nature to Tony's, was it
18 customary for them to give the same types of offers?

19 A Generally when you had that many charges it was
20 relatively customary in, I would say, I mean, if you
21 had three burglary seconds and a burglary first,
22 generally their offer was going to be something like
23 we'll reduce burglary first to burglary second.
24 They, you know, plead straight up to that.

25 Q Okay. And based upon, I guess, your experience

FW - D. JORDAN - DIRECT

1 at the time and I guess even since then, was it
2 customary for defendants to get consecutive
3 sentences for in situations like that?

4 A It ---

5 Q I mean, if you don't know it's okay.

6 A Well, I mean, I'm thinking back on other cases
7 also, and I would have to say yes. With the amount
8 of charges that Mr. Moore had, yes.

9 Q Okay. In particularly with the burg first, did
10 you know what the State alleged made --- I mean, do
11 you know which particular facts about the burg first
12 made it a burg first?

13 A I believe there was guns involved.

14 Q There were firearms in relation to have been
15 stolen?

16 A I believe so.

17 Q Was that ever followed up on as far as, I mean,
18 did you ever get an inventory report of what was
19 recovered or any kind of report as to what was
20 stolen, photographs ---

21 A Obviously the arrest warrant would be the report
22 of what was stolen.

23 Q Right.

24 A And yeah, I think they did recover the guns.

25 Q Okay.

PW - D. JORDAN - CROSS

1 A But I don't, I don't remember —

2 Q Okay.

3 A —seeing it on a piece of paper.

4 Q As far as any kind of forensics from SLED or
5 anything like that, did you know of anything of that
6 nature that, I mean, had anything been sent to SLED
7 or any prints lifted off anything?

8 A Not that I'm aware of.

9 Q Okay. And the same with DNA, you don't know if
10 there were any DNA swabs taken or anything?

11 A I do not, I do not know.

12 Q Okay, all right. Thank you, Daniel. Nothing
13 further.

14 **CROSS-EXAMINATION**

15 BY MS. RATIGAN:

16 Q Mr. Moore testified you had about four meetings
17 with him before the plea. Does that sound about
18 accurate?

19 A Yes, ma'am.

20 Q Okay. And I believe you testified that you had
21 reviewed all of the discovery materials with him?

22 A I had.

23 Q Did you ever review with him the elements of the
24 charges and the possible sentences on those charges?

25 A I did.

PW - D. JORDAN - CROSS

1 Q Did you talk to him about his version of what had
2 happened?

3 A I did.

4 Q And so you also knew about the co-defendant in
5 the case?

6 A I did.

7 Q At any time did the State make any kind of plea
8 offer?

9 A They — the plea offer that was made was to
10 reduce the burglary first to a burglary second and
11 allow him to plea straight up.

12 Q And did you explain to Mr. Moore that that was
13 the offer?

14 A I did.

15 Q Did you explain to him what straight up meant?

16 A I did.

17 Q And you knew that there was a deal to reduce his
18 sentence if he later testified against the
19 co-defendant?

20 A I did, and —

21 Q And did you explain that to your client?

22 A I did. And in keeping with that deal, the first
23 part was the guilty plea, second part was proffering
24 his testimony on the record once he pled guilty, and
25 the third part is —

PW - D. JORDAN - CROSS

1 Q Well, that was going to be my next question. Did
2 he know that he was going to have to proffer up a
3 plea?

4 A He did.

5 Q Did y'all review exactly what that would mean and
6 the kind of questions that Mr. Redmond would ask?

7 A Yes.

8 Q And do you know if the co-defendant's case has
9 ever been called for trial?

10 A I was contacted by her defense attorney
11 approximately two weeks ago. They were under the
12 impression that I was still representing Mr. Moore,
13 and I believe her case is being called for trial in
14 September.

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

17 THE COURT: Okay. Anything else?

18 MR. SWILLEY: There's not, Your Honor.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you.

21 THE COURT: Anything else?

22 MR. SWILLEY: We rest.

23 THE COURT: Anything from the State?

24 MS. RATIGAN: No, Your Honor, we'd rest.

25 THE COURT: Okay. I will review the file

1 and let y'all know. Let me ask you, the judge left
2 it open as far as his testifying. Is he planning,
3 if he's called, plan on testifying in the trial of
4 his co-defendant?

5 MR. SWILLEY: Your Honor, I think the
6 co-defendant's case is still pleading, I mean, is
7 still pending.

8 THE COURT: Right. I understand it's
9 supposed to come up in September and whether he
10 plans on — I mean, 'cause the judge left the door
11 open. He could get possibly a downward departure if
12 he testifies, and do you know whether he plans on
13 doing that or not?

14 MR. SWILLEY: Well, we haven't discussed
15 it in depth, but we're — that's definitely an
16 option that we're going to talk about, that I'm
17 gonna talk about with him.

18 THE COURT: Okay, all right. Thank y'all.

19

20 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

21

22

23

24

25

C E R T I F I C A T E O F R E P O R T E R

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 24th day of January, 2014.

Frances B. Ray

FRANCES BAKIS-RAY, RPR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHESTERFIELD)
)
 Tony Moore,)
 S.C.D.C. No. 348089,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

2012-CP-13-0601

ORDER OF DISMISSAL

2013 NOV 26 AM 9 50
 FILED
 CLERK OF COURT
 CHESTERFIELD COUNTY
 SOUTH CAROLINA

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed September 31, 2012.¹ The Respondent made its return on January 18, 2012. An evidentiary hearing into the matter was convened on July 17, 2013 at the Darlington County Courthouse. The Applicant was present at the hearing and represented by Matthew S. Swilley, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's plea counsel, Daniel T. Jordan, Esquire. The Court had before it the transcript of the guilty plea hearing, the Chesterfield County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application (and subsequent supplement), and the return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Chesterfield County Clerk of Court. The Applicant was indicted

¹ This Court acknowledges this date is in error and the filed date was most likely October 1, 2012.

at the July 2011 term of the Chesterfield County Grand Jury for three counts of second-degree burglary (2011-GS-13-0529, -0530, -0531), four counts of grand larceny (\$1000-\$5000) (2011-GS-13-0532, -0533, -0534, -0535) and first-degree burglary (2011-GS-13-0563). He was represented by Daniel T. Jordan, Esquire.

On October 5, 2011, the Applicant pled guilty to four counts of second-degree burglary and four counts of grand larceny (\$1000-\$5000). He was sentenced by the Honorable Paul M. Burch to concurrent terms of ten years for each count of second degree burglary and five years for three counts of grand larceny. On the fourth count of grand larceny (2011-GS-13-0533), Judge Burch levied a consecutive sentence of three years. The Applicant did not appeal.

ALLEGATIONS

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

1. Ineffective assistance of counsel:
 - a. "[F]ailed to act diligently as my advocate to adequately protect my interests."
 - b. "[F]ailed to make known that solicitor is related to victims. Conflict of interest."

In a "Supplement to Application for Post-Conviction Relief and Incorporated Memorandum of Law" dated January 31, 2013, the Applicant alleged the following:

1. Ineffective assistance of counsel:
 - a. Failure to challenge the solicitor's office prosecuting the case due to a conflict of interest.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

credibility. This Court has weighed the testimony accordingly.

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

Ineffective Assistance of Counsel

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

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

The Applicant stated he had four meetings with plea counsel and that, while they discussed his version of events, they never reviewed the State's evidence. The Applicant stated he and plea counsel spoke about the possible sentences he could receive, his co-defendant's participation, and the involvement of the assistant solicitor (that he was related to the victims). The Applicant stated plea counsel told him at their first meeting that, as he did not have a prior record, he could receive a sentence of 90 days and probation. The Applicant stated there was nothing he could do about the relationship of the assistant solicitor to the victims. The Applicant

stated he was aware of the State's offer to later reduce his sentence if he testified against his co-defendant. The Applicant stated he did not know he was going to plead guilty that day until he was at the courthouse. The Applicant stated plea counsel told him to "take whatever he got" from the judge that day. The Applicant stated plea counsel did not tell him that he would be giving a proffer at the plea hearing.

Plea counsel confirmed he had four meetings with the Applicant before the plea hearing. Plea counsel testified he filed discovery motions and that he received those materials pursuant to the solicitor's open file policy. Plea counsel testified he and the deputy solicitor reviewed the State's evidence with the Applicant at the jail. Plea counsel testified he and the Applicant also discussed: the State's evidence, the Applicant's version of events, the co-defendant's involvement, the right to a jury trial, the elements of the charges, and the possible sentences. Plea counsel testified he told the Applicant at their second meeting that a solicitor's office employee was related to the victims. Plea counsel testified he did not believe it was necessary to move to recuse the solicitor's office because an assistant solicitor was related to the victims. Plea counsel testified he spoke to the deputy solicitor, who assured him the assistant solicitor was a part-time employee and there was a Chinese wall surrounding this case. Plea counsel testified the Applicant knew he was in court that day to plead guilty. Plea counsel testified there was an arrangement with the State to reduce the Applicant's sentence after he testified against the co-defendant – and that the co-defendant's trial was scheduled for September 2013. Plea counsel testified the Applicant knew the first-degree burglary charge had been reduced to second-degree burglary, that he was pleading guilty without a recommendation, and that the State would ask for consecutive time. Plea counsel testified he never told the Applicant he could receive a sentence of 90 days and probation. Plea counsel testified the Applicant knew he would give a proffer at

the plea hearing and they reviewed the questions the State would ask.

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

This Court finds the Applicant failed to meet his burden of proving plea counsel did not properly discuss his case. Plea counsel testified he had several meetings with the Applicant and that they reviewed the discovery materials, his version of events, and the involvement of his co-defendant. Plea counsel testified the deputy solicitor was involved at one of these meetings. This Court finds plea counsel's testimony is credible. This Court finds plea counsel filed discovery motions and reviewed the State's evidence with the Applicant. This Court finds the Applicant has failed to articulate either what evidence he was not allowed to view before the plea hearing or what more plea counsel should have done to review his case. See, e.g., Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (holding applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

This Court finds the Applicant failed to meet his burden of proving plea counsel should have moved to recuse the solicitor's office because an assistant solicitor was related to the victims. Plea counsel testified he spoke to the deputy solicitor about this issue and was satisfied he did not need to seek recusal because: (1) the assistant solicitor was a part-time employee who only worked one day a week for the solicitor's office and (2) there was a Chinese wall in place regarding this case. This Court finds plea counsel's testimony is credible and his corroborated

by the plea transcript. This Court notes the deputy solicitor stated at the plea hearing that the assistant solicitor "has not even seen the discovery in this case. The Chinese wall has been put up around him with regards to the facts of this case and anything – I don't even think he's reviewed the file. I had the file with me in my possession the whole time." The deputy solicitor then stated "as it relates to the prosecutorial decisions that have been made and handling of this file that has strictly been with me." (Plea transcript, p.4). The Court further notes the assistant solicitor – who spoke on the victims' behalf at the plea hearing – informed the plea judge at the start of the hearing that he "never reviewed the incident report, the statements if any. I don't know what's in this file as far as looking at it from a prosecutorial standpoint." (Plea transcript, p.5). This Court finds the Applicant has failed to present any compelling evidence or testimony either that there was a conflict of interest or that any alleged conflict prejudiced his case. That a part-time solicitor's office employee spoke on the victims' behalf at the guilty plea hearing did not necessitate the recusal of the solicitor's office in this case. Cf. State v. Inman, 395 S.C. 539, 558, 720 S.E.2d 31, 41 (2011) ("There is no inherent right to disqualification when a member of the state attorney's office is called as a witness in a case prosecuted by a state attorney in the same office, unless actual prejudice can be shown.") (citation omitted).

This Court finds the Applicant failed to meet his burden of proving plea counsel did not properly advise him about the guilty plea hearing. Plea counsel testified the Applicant knew the first-degree burglary charge was reduced to second-degree burglary. Plea counsel testified the Applicant knew he was pleading guilty without a sentence recommendation and that the State would ask for part of the sentence to be consecutive. Plea counsel testified the Applicant knew he would be pleading guilty that day and that he would give a proffer. This Court finds plea counsel's testimony is credible. This Court finds notes the Applicant signed the sentencing

sheets in this case, which indicated the guilty pleas were being entered without negotiations or recommendations. This Court also finds the guilty plea transcript refutes the Applicant's allegations. See Stalk v. State, 375 S.C. 289, 300, 652 S.E.2d 402, 407 (Ct. App. 2007); see also Ravford v. State, 314 S.C. 46, 48-49, 443 S.E.2d 805, 806 (1994) (where transcript of guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, grant of PCR was inappropriate notwithstanding applicant's claim lawyer misadvised him). The Applicant did not object when the State announced at the beginning of the plea hearing that they would ask for consecutive sentencing or when the parties announced that he would proffer testimony. (Plea transcript, p.4; pp.16-19). The Applicant has failed to meet his burden of proving he was misadvised about his guilty plea hearing.²

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

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

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this

² This Court also does not find reliable the Applicant's assertion that plea counsel initially advised him that he could receive a sentence of 90 days and probation. Plea counsel testified he did not make any such statement. This Court finds plea counsel's testimony is credible – especially as the Applicant was charged with first-degree burglary, which carries a minimum 15-year sentence. See S.C. Code Ann. § 16-11-311(B) (Supp. 2003).

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

CONCLUSION

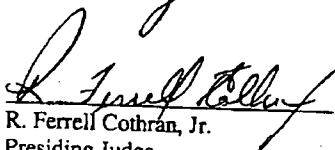
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 19 day of Aug, 2013.


R. Ferrell Cothran, Jr.
Presiding Judge

Manning, South Carolina.

WITNESSES

Corp. Daniel Scott
 Chesterfield County Sheriff
Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
H828426

ARRESTED ON: 2011-05-25

ACTION OF GRAND JURY

VERDICT

Grand Jury Foreperson
 Date

Petit Jury Foreperson
 Date

DOCKET NUMBER:
2011-GS-13-0529

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
July 2011

THE STATE
 vs. **TONY MOORE**

INDICTMENT FOR
 Burglary, Burglary (Non - Violent) (After June 20, 1985) - Second Degree

16-11-0312
 CDR Code: 0080

CLERK OF COURT, C.P. & G.S.
 CHESTERFIELD COUNTY, SC

A True Copy Attest
 William B. Rogers, Jr., Solicitor

WITNESSES

Corp. Daniel Scott

Chesterfield County Sheriff

Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
H828427

ARRESTED ON: 2011-05-25

ACTION OF GRAND JURY

*TRIPLED
MAY 20 2011*

Grand Jury Foreperson

Date

VERDICT

COPY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2011-GS-13-0530

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
July 2011

THE STATE

vs.

Tony Moore

INDICTMENT FOR

Burglary / Burglary (Non - Violent) (After
June 20, 1985) - Second Degree

§16-11-0312

CDR Code: 0080

TRIPLED COPY Arrest
CLERK OF COURT/DPT. & G.S. G.S.
CHESTERFIELD COUNTY, SC

W. L. SELL
CLERK OF COURT
CHESTERFIELD C

William B. Rogers, Jr., Solicitor

WITNESSES

Corp. Daniel Scott

Chesterfield County Sheriff

Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
H828428

ARRESTED ON: 2011-05-25

ACTION OF GRAND JURY

TRUE COPY

Grand Jury Foreperson

Date

VERDICT

COPY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2011-GS-13-0531

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
July 2011

THE STATE

vs.

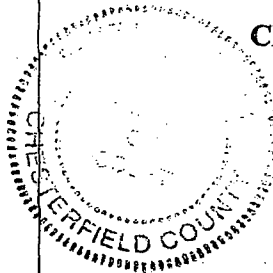
Tony Moore

INDICTMENT FOR

Burglary / Burglary (Non - Violent) (After
June 20, 1985) - Second Degree

§16-11-0312

CDR Code: 0080



CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

A True Copy Attest
Jaye S. Sellen

William B. Rogers, Jr., Solicitor
CHESTERFIELD COUNTY, SC

WITNESSES

Corp. Daniel Scott
Chesterfield County Sheriff
Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
H828429

ARRESTED ON: 2011-05-25

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

VERDICT

COPY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2011-GS-13-0532

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
July 2011

THE STATE

vs.

Tony Moore

INDICTMENT FOR

Larceny/Grand Larceny, value more than
\$2,000 but less than \$10,000

§16-13-0030(B)

CDR Code: 3420



A True Copy. Attest
Jaye S. Sellers

CLERK OF COURT C.P. & G.S.

William B. Rogers, Jr., Solicitor

A True Copy Attest
Jaye S. Sellers

WITNESSES

Corp. Daniel Scott

Chesterfield County Sheriff

Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
H828430

ARRESTED ON: 2011-05-25

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

VERDICT

COPY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2011-GS-13-0533

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
July 2011

THE STATE

vs.

Tony Moore

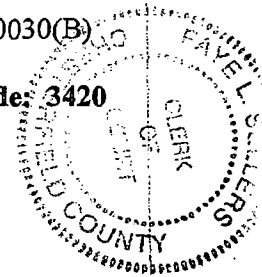
A True Copy Attest
Jaye S. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

INDICTMENT FOR

Larceny/Grand Larceny, value more than
\$2,000 but less than \$10,000

§16-13-0030(B)

CDR Code: 3420



A True Copy, Attest
Jaye S. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

William B. Rogers, Jr., Solicitor

WITNESSES

Corp. Daniel Scott
Chesterfield County Sheriff
Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
H828431

ARRESTED ON: 2011-05-25

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

VERDICT

COPY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2011-GS-13-0534

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
July 2011

THE STATE

vs.

Tony Moore

INDICTMENT FOR

Larceny/Grand Larceny, value more than \$2,000 but less than \$10,000

§16-13-0030(B)

CDR Code: 3420

A True Copy Attest
[Signature]

A True Copy Attest
[Signature]

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

William B. Rogers, Jr., Solicitor

WITNESSES

Corp. Daniel Scott

Chesterfield County Sheriff

Law Enforcement Case #:

583

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
H828432

ARRESTED ON: 2011-05-25

ACTION OF GRAND JURY

TRUE BILL
MAY 20 2011

Grand Jury Foreperson

Date

VERDICT

COPY

Petit Jury Foreperson

Date

DOCKET NUMBER:
2011-GS-13-0535

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
July 2011

THE STATE

vs.

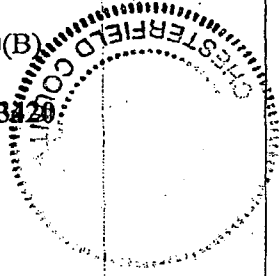
Tony Moore

INDICTMENT FOR

Larceny/Grand Larceny, value more than
\$2,000 but less than \$10,000

§16-13-0030(B)

CDR Code: 3420



CLERK OF COURT
CHESTERFIELD COUNTY, SC

A True Copy, Attest

Joyce S. Sellers

William B. Rogers, Jr. & Solicitor
CHESTERFIELD COUNTY, SC

A True Copy Attest
Joyce S. Sellers