

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Pickens County
G. Edward Welmaker, Circuit Court Judge

RECEIVED

OCT - 8 2014

S.C. Supreme Court

RODNEY DAVID YOUNG,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000296

APPENDIX

CARMEN V. GANJEHSANI
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

KAREN RATIGAN
Senior Assistant Deputy Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA)

) COURT OF GENERAL SESSIONS

2 COUNTY OF PICKENS)

) 2011-GS-39-1793-1800

3)
4)
5 STATE OF SOUTH CAROLINA)

) TRANSCRIPT OF RECORD

6 -vs-)

7 Rodney Young)

)

8 -----
9 January 28, 2013
Pickens, South Carolina

10 B E F O R E:

11 THE HONORABLE EDWARD W. MILLER, Judge.

12 A P P E A R A N C E S

13 BAKER CLEVELAND, Esquire
14 Assistant Solicitor
Attorney for the State

15 JOHN DEJONG, Esquire
16 Attorney for the Defendant

17
18 CAROLINE HISKELL
Thirteenth Circuit Court Reporter
19
20
21
22
23
24
25

I N D E X

(There were no exhibits or witnesses presented).

State versus Robert Young

P R O C E E D I N G S

THE CLERK: Your Honor, this is 2011-GS-39-1799, the State versus Rodney Young, indicted for distribution of cocaine base within a half mile of a park; 2011-GS-39-1800, indicted for distribution of marijuana within close proximity of a park; 2011-GS-39-1798, indicted for distribution of marijuana; 2011-GS-39-1794, indicted for distribution of cocaine base.

Raise your right hand, please.

RODNEY YOUNG, having been duly sworn, testified as follows:

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

MR. CLEVELAND: He has 715 days, Your Honor.

THE COURT: Mr. Young, in the last 24 hours, have you had any drugs, alcohol, or medication?

DEFENDANT YOUNG: No, sir.

THE COURT: Have you ever been treated for substance abuse or mental illness?

DEFENDANT YOUNG: Mental illness.

THE COURT: What?

DEFENDANT YOUNG: Impulse control disorder, bi-polar, antisocial personality disorder and some other stuff.

THE COURT: Are you supposed to be on

State versus Robert Young

1 medication?

2 DEFENDANT YOUNG: Yes, but I'm having
3 difficulties at the LEC getting on my right medication.

4 THE COURT: Well, does the fact that your
5 medication is not up to par, does that limit your ability
6 to understand what's going on?

7 DEFENDANT YOUNG: No, sir.

8 THE COURT: Any competency issues,
9 Mr. Dejong?

10 MR. DEJONG: There is not, Your Honor.

11 THE COURT: I've got four indictments. The
12 first one I've got I'm looking at is 2011-1794. It
13 alleges that you did in Pickens County, January 6, 2011
14 distribute to an undercover operative a quantity of crack.
15 The second offense carries a minimum of 5 to 30 years, up
16 to \$50,000 fine. Do you understand that?

17 DEFENDANT YOUNG: Yes, sir.

18 THE COURT: You are also here on 2011-1798
19 alleges you did in Pickens County, January 21, 2011
20 distribute to an undercover operative a quantity of
21 marijuana, second offense, up to 10 years, \$10,000. Do
22 you understand that?

23 DEFENDANT YOUNG: Yes, sir.

24 THE COURT: 2011-1799 alleges you did in
25 Pickens County January 6, 2011 distribute a quantity of

State versus Robert Young

1 crack within a half mile of Hagood Park, carries 10 years.
2 It's also a Serious Offense. If you get convictions for
3 three or more Serious Offenses, you're eligible for life
4 in prison without parole. Do you understand that?

5 DEFENDANT YOUNG: Now, I do.

6 THE COURT: 2011-1800 and it alleges you did
7 in Pickens County January 1, 2011 distribute a quantity of
8 marijuana within a half mile of Hagood Park.

9 I think we got the sentencing sheets mixed
10 up. They're both CDR Code 107. It's just that the
11 marijuana proximity charge the sentencing sheet describes
12 it as crack within proximity. It is a scribbler's area.
13 The statutes are the same?

14 MR. CLEVELAND: The statutes are the same.

15 THE COURT: Do you understand that?

16 DEFENDANT YOUNG: Yes, sir.

17 THE COURT: The CDR Codes are the same, the
18 statute numbers are the same, the description is just
19 apparently mistyped. That also carries 10 years and it's
20 also a Serious Offense, do you understand that?

21 DEFENDANT YOUNG: Yes, sir.

22 THE COURT: Understanding the nature of the
23 charges against you and the maximum possible punishment,
24 how do you want to plead?

25 DEFENDANT YOUNG: Guilty.

State versus Robert Young

1 THE COURT: Is that your free and voluntary
2 decision?

3 DEFENDANT YOUNG: Yes.

4 THE COURT: You understand you have an
5 absolute right to a trial by jury where you'll be presumed
6 innocent unless and until the State could prove you guilty
7 beyond a reasonable doubt of each and every element of
8 each offense that you're charged with. You would have a
9 right to confront and cross-examine the witnesses and the
10 evidence put up against you by the State. You would have
11 a right to compel in court all relevant and competent
12 evidence in your own defense or you could remain silent
13 and your silence can not be held against you and you can
14 never be compelled to incriminate yourself. Do you
15 understand all those rights?

16 DEFENDANT YOUNG: Yes.

17 THE COURT: Do you want to give up all those
18 rights to enter this plea?

19 DEFENDANT YOUNG: Yes.

20 THE COURT: Are you guilty?

21 DEFENDANT YOUNG: Yes, sir.

22 THE COURT: Are you totally satisfied with
23 your lawyer?

24 DEFENDANT YOUNG: Yes.

25 THE COURT: Do you have any complaints you

State versus Robert Young

1 want to make about the way you've been treated in the
2 case?

3 DEFENDANT YOUNG: No, sir.

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

6 DEFENDANT YOUNG: Yes, sir.

7 THE COURT: Okay. Please listen while they
8 tell us a brief recitation of what they would prove at
9 trial.

10 MR. CLEVELAND: The case that's on the trial
11 docket is the crack indictments. They stem from incidents
12 that occurred on January 6, 2011. The evidence the State
13 would produce is that a confidential informant called
14 Mr. Young inquiring to by a 30 which meant \$30 worth of
15 crack cocaine. Mr. Dejong told him he could get that.
16 The informant wired and surveillance and went to his
17 apartment ---

18 THE COURT: I don't think it was Mr. Dejong.

19 MR. CLEVELAND: Mr. Young.

20 MR. DEJONG: I was getting concerned there.

21 MR. CLEVELAND: Mr. Young. The informant
22 went to Mr. Young's apartment which was in Pickens County
23 in the City of Easley and purchased a quantity of crack
24 cocaine for \$30. Lab analysis confirmed that to be crack
25 cocaine.

State versus Robert Young

1 His apartment, which is 505 West Main Street
2 in Easley is within about 300 yards, 400 yards or so of
3 Ha good Park which is a public park right down the way.
4 You can actually see the park from the parking lot
5 complex.

6 The case that he is also pleading too which
7 happened at the same location is a marijuana distribution
8 case. It happened on January 21, 2011. The same
9 informant contacted the defendant inquiring to buy some
10 crack. He said he did not have some crack but he had some
11 marijuana. The informant went and bought \$40 of what the
12 lab tested to be marijuana at the same location within the
13 proximity of the park.

14 THE COURT: Is all that substantially true
15 and correct?

16 DEFENDANT YOUNG: Correct, Your Honor.

17 MR. CLEVELAND: There was a co-defendant,
18 Your Honor, who also pled and she is serving her time on
19 these charges as well. They were both present during
20 those instances.

21 THE COURT: I'll accept the plea as being
22 free, voluntarily and intelligently made with the advice
23 of a very competent attorney with whom he states he is
24 well satisfied and there is a substantial basis for the
25 plea.

State versus Robert Young

1 MR. CLEVELAND: He does have a prior record,
2 Your Honor, going back to 1992. In 1992 he was convicted
3 of robbery second degree and intent to obtain
4 transportation without paying. That is a New York
5 offense. In 1995, he had a threatening to burn a
6 dwelling, obstruction of justice, felony robbery and
7 felony larceny charges. Those were in Richmond, Virginia.

8 In 1996, he was convicted of assault in
9 Richmond, Virginia. In 1998, he was convicted of robbery
10 second degree again in New York State for which he served
11 nine years.

12 In 2000, he was convicted of assault second
13 degree with intent to cause physical injury also in New
14 York for which he did five years or was sentenced to five
15 years.

16 In 2005, in New York he was convicted of
17 making or possessing dangerous contraband while in prison.
18 He was given an 18 month to three year sentence on that.
19 And then in South Carolina in June of 2010, he was
20 convicted of PWID marijuana within proximity of a school.
21 This was at a different residence in Easley. He was
22 sentenced to 10 years suspended upon the service of 90
23 days followed by probation. He was on probation at the
24 time these incidents occurred and he was substantively
25 revoked and given an 18 months sentence on that.

State versus Robert Young

1 THE COURT: Alright, Mr. Dejong.

2 MR. DEJONG: Your Honor, I hardly know where
3 to start on this case. We spent hours and hours on this
4 case. Mr. Young is 40 years of age, Your Honor. He's
5 been a very pleasant gentleman to represent. I'm not sure
6 if he is married but he has a child with Kelly Sloan.

7 He has never had the opportunity to spend any
8 time with the child. The child was born after he was
9 incarcerated on February 15, 2011.

10 He did some time on the probation revocation,
11 Your Honor. He has never had the opportunity for any drug
12 rehab. Actually at the probation violation, I believe he
13 asked for that. That was not a part of the revocation.
14 He just got 18 months straight.

15 In this case, Your Honor, I don't know but he
16 had more charges and he is having those charges dismiss.
17 They were all over a short period of time. Quite candidly
18 I don't think that Easley was looking for drugs from
19 Mr. Young. I think there was an ulterior motive there. I
20 think they were going to get some guns, they didn't get
21 any guns, and then after all of that they charged him with
22 these drug charges.

23 A search warrant was executed on that
24 residence in February and Ms. Sloan was charged on
25 February 7th and then Mr. Young was charged after that.

State versus Robert Young

1 Let me back up just a moment, on the
2 marijuana charge, Mr. Young has never denied that he sold
3 marijuana. He has very candidly, not to prejudice him, he
4 sold marijuana. The crack cocaine was not his forte.
5 That is not what he sold. He's a grown man and he hooked
6 up with Kelly Sloan. Frankly, I think Kelly Sloan was the
7 more culpable of the two. Now he's a grown man and he did
8 what he did and he stood here and pled guilty.

9 But if you look at the records especially the
10 prior drug records, Ms. Sloan had the worse prior drug
11 record and I believe she may have one prior marijuana
12 charge and three or four prior crack charges. Well,
13 actually the last time she came into court, she was on
14 probation and then the companion cases on this charge was
15 -- the bottom line is she received eight years on
16 everything.

17 I share that, Your Honor, and obviously
18 Mr. Young has some record. Most of it is pretty old.
19 He's done his time and it certainly was not in this area
20 but that doesn't diminish the conviction, but it was
21 certainly not in this area.

22 Mr. Young has repeatedly shared with me that
23 it is his desire he wants to get out, he has learned a
24 lesson in all of this, and he I think he has. But his
25 major desire is to get back so he can get with his child

State versus Robert Young

1 and help take care of his child and that is what he has
2 shared with me from day one.

3 Your Honor, we have talked and obviously the
4 sentencing is up to Your Honor, but I believe looked at
5 Ms. Sloan's sentence and now Mr. Young, I believe a five
6 year sentence would certainly be a fair sentence in this
7 case and I would ask Your Honor to consider that.

8 Anything you want to add, Mr. Young?
9 Anything I left out.

10 DEFENDANT YOUNG: I just want to see my son.

11 THE COURT: The co-defendant got eight.

12 MR. CLEVELAND: Yes, Your Honor. The
13 co-defendant got eight. She had some priors but she had
14 nowhere near as many prior priors. I do want to address
15 one things briefly. Detective Hammey who is accompanying
16 me here says they were actually able to purchase a gun
17 from Mr. Young and Ms. Sloan. ATF was the driving force
18 behind that. The opted not the charge in that case. From
19 what I understanding there was some meddling between who
20 was more culpable, Kelly or Rodney.

21 So that affect, not only does he has a
22 violent record, he was still dealing with guns to some
23 extent and even on the marijuana charge which would have
24 been tried after this case, there was some discussion
25 between him and the informant on buying a gun. So we

State versus Robert Young

1 think that was something that was well in the works but
2 never came quite to fruition.

3 He did nine years back in 1998 and he got
4 right back in the saddle. He was given probation on his
5 first charge and less than six months later he was back at
6 it full swing. I think that a 10 year active sentence
7 followed by some probation would be completely appropriate
8 in this case to make sure not only he does his time and
9 understands there are some consequences to escalating
10 behavior but he does have some supervision on the back end
11 when he is ultimately released.

12 THE COURT: I'm going to give him 18 provided
13 on the service of 8, balance is suspended three years
14 probation, substance abuse counseling, random drug and
15 alcohol testing, \$500 Public Defender Fund, eight on all
16 the rest of them and all run concurrent.

17 Good luck to you. Take advantage of the drug
18 treatment program when you get out. No one can make you
19 quit but you. He's entitled to 715 days.

20 MR. DEJONG: Thank you, Your Honor.

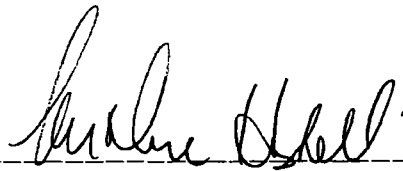
21 ---END OF TRANSCRIPT RECORD---

22
23
24
25

State versus Robert Young

1
2 I, the undersigned, Caroline Hiskell, the
3 Official Court Reporter for the Thirteenth Judicial
4 Circuit of the state of South Carolina, do hereby certify
5 that the foregoing is a true, accurate, and complete
6 transcript of record of all the proceedings had and
7 evidence introduced in the trial of the captioned case,
8 relative to appeal, in the Court of General Sessions
9 Court, South Carolina on 28th day of January, 2013.

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

12
13
14 

15 Caroline Hiskell
16
17
18
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21
22
23
24
25

FORM 5

STATE OF SOUTH CAROLINA

County of PickensBodney David Young 345281

Full name and prison number (if any) of Applicant

JUN 3 17

2013-CP-39-

649

v.

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay 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 216 Lec Road Pickens South Carolina
29671
2. Name and location of Court which imposed sentence Pickens County
Court House 214 E. Main St. Pickens South Carolina
29671
3. Name(s) of co-defendant(s) (if any) Kelly Michelle Sloan
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2011 GS3901792 Poss. of Stolen Pistol
 - (b) 2011 GS3901793 Drugs/Manuf. Dist. Meth

(c) 2011 GS 3901795 Drugs/Dist. Within Prov.

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

(a) 1/29/2013 - 2011 GS 3901794, 2011 GS 3901799

(b) 1/29/2013 - 2011 GS 3901798, 2011 GS 3901800

(c) 1/29/2013 - 2011 GS 3901792, 3901793, 3901795

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ☒

(b) after a plea of not guilty

(c) after a plea of nolo contendere

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

NO

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

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

i.

ii.

iii.

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

i.

ii.

iii.

(c) the date of each such result:

i.

ii.

iii.

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

i.

ii.

iii.

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

(a) I was informed by Atty John DeJong of Pickens County Public Defender Office there is no appeal after a guilty plea only a PCR.

(b)

Continuation of #4

- (D) 2011-GS-3901796 Drugs/manuf, Dist
- (E) 2011-GS-3901797 Drugs/ Dist within Prox
- (F) 2012-GS-392790 Prisoners, Contraband (g
- (G) 2011-GS-3901794 Drugs/manuf. Dist 2nd
- (H) 2011-GS-3901799 Drugs/ Dist within Prox
- (I) 2011-GS-3901800 Drugs/ Dist within Prox
- (J) 2011-GS-3901798 Drugs/ Dist. Marijuana 2nd

Continuation of #5

All indictments in Letter A I was given 18 years provided that upon the Service of 18 years, The balance is Suspended with Probation for 3 years, NON-Violent/Serious-With Special Conditions Substance Abuse Counseling, Random Drug/Alcohol testing.

Section B is the Same Sentence as Section A above,

Section C along with 2011 GS 3901796, GS 3901797 and 2012 GS 392790 were dismissed.

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) I was indicted Jan 24, 2012 but was arrested Feb. 15 2011 (delayed indict
- (b) Never received A Preliminary Hearing nor given the form
- (c) Co-defendant warrant claims she had no Co-defendant
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) ON Feb 15, 2011 I was Apprehended at Greenville Lib by
- (b) upon me being processed I went before Judge Whish and
- (c) On my warrants it states Co-defendant on Wife Warrants there
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

10(D) UPON apprehension I was not Presented with or Viewed Arrest Warrant Pursuant to § 17-13-50 And § 22-5-190. Nor was my Arresting officer ever mentioned in my Rule 5 MY Attorney John D. Jong is full aware of these Issues and I Repeatedly Asked him to Look into the matter and he Said he would but failed to do so. Issue was Recorded on Transcript. (Number 10 Cont. on Separate Sheet)

11(A) Cont.

master Deputy of the Pickens County Warrant Div. Scott Tickner or ticknor UPON me entering the Lie to Charge Phone Deputy Ticknor Came behind me and Showed me A Photo of MYSELF and Asked me is This You I did not Reply Another Deputy Grab me and asked "Where is the Phone. I asked "who Are You and What is this about" The Reply from Deputy ticknor was " You know exactly what's going on" and then confiscated my Phone looked in the back and asked "where is the other one You can make this Easy or Hard its Your Choice NewYork" Not Once did he Identify himself Nor Presented Documents for MY Arrest. I was Placed in handcuffs and Placed in the vehicle and UPON in Route to Easley P.D. I was Questioned continuously about my Phone that they used to track me down I asked him his name he told me then I requested A Lawyer However he Continued to ask about the Phone and a female Named Ashley Williams / Ashley Masters; There UPON I Refused to Speak MY Miranda Rights was not Read to me as well.

11(B) Cont.

And Given A Bond of 50,000 for Charges I was not Given or told About A Preliminary I questioned MY Attorney About this and he Said he Don't Know Anything About A Preliminarys I told him I was in Allendale Corr. Fac. At the Time of the Preliminary if one was held he Said he did not Go to it and he don't know who did. I have documents to Prove Violation and it is mention on transcript

11(C) Cont.

There is NO mention of Co-defendant for Crack-Cocaine charges. I have Evidence. I ASK MY Attorney to Look into this issue but

10(E) I was Coerced to lie under oath. Evidence is Documented on Transcript; I WAS told that I would have to Plea Guilty to All Charges including the Charges of Distribution of Crack Cocaine & in the Prox. I told my Attorney "I like to only Plea to what I Am Guilty of" He responded and told me in order for the Judge to Go with the Plea You would have to Plea out to the Crack-Cocaine Charges As well; On Court transcript he explains to Judge Miller that I Plead to the Crack-Cocaine Charges Only so I can Get A Good Plea Deal; And that Evidence Shows the Main Corporate which is Kelly Sloan. He emphasized to me that if I take this Plea I'll be Eligible for Parole & Work Release etc. And that it's Non-Violent 65 Percent that's the Best it Gets, However I'm Doing Contrary 85 Percent Non-Violent Non Eligible for Parole, or Work Release.

10(F) I was Not Given Adequate Legal Information Pertaining to Original two Plea offers especially The Second which was A Cap. 10, He Simply Said The Judge can't Go over 10 Years. I Again asked for some Case Laws or/and Statute he said OK but never did I have Documents to Show I addressed this →

This Issue And it is mentioned on
the Court Transcript as well Dated
1/29/13 ~~or 1/28/13~~

10(G) On Feb 23, 2012 A Bond Reduction was
requested my Attorney Completed the Attorney
Section and Submitted to the Clerk of
Court of Pickens County And the Clerk of
Court Forwarded to the Solicitor's Office
However the form was not Completed and
ignored I addressed this issue on Numerous
occassions and mentioned this in Writing
and Verbal to the Judge as well as my
Attorney to find out the Problem Check
Court's transcript Dated: 1/29/2013. and
Check clerk of Court's File.

10(H) On Numerous occassions I Asked my
Attorney to produce the Original Warrant for
Feb. 3, 2011 Reason being the warrant I
have is Written in Ink it is Not a
Copy and it Appears to be forged and
My Attorney agreed and Nothing was
Looking into about it. I have that
Warrant.

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

NO

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

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

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

- i. _____
- ii. _____
- iii. _____

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

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

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

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

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

(a) the name and address of each attorney who represented you:

- i. _____
- ii. Att. John Dejong Pickens County Court House 214 E. Main St
Pickens, S.C. 29671
- iii. Att. John Dejong Pickens County Court House 214 E Main
St. Pickens, S.C. 29671

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

- i. Motion proceedings
- ii. Voir Dire
- iii. Plea without negotiations or Recommendation

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

Dismissal of All Cases

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

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

NO

STATE OF SOUTH CAROLINA)

County of Columbia)

VERIFICATION

I, Rodney David Young 345281, 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.

Rodney Young

SWORN to and subscribed before me this 7
day of May, 2013.

Virginia Robinson (L.S.)
Notary Public

My Commission Expires: May 20, 2021

2013 MAY 13 PM 3:17

649

CLERK OF COURT
 PICKENS COUNTY
 APPLICATION TO PROCEED WITHOUT PAYMENT
 OF COSTS AND AFFIDAVIT
 IN SUPPORT THEREOF

I, Prodney David Young 345281, 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.

Prodney David Young
 Applicant

SWORN or affirmed to and subscribed before me this

7 day of May, 2013.

Virginia Robinson
 Notary Public

My Commission Expires: May 24, 2021

26 STATE OF SOUTH CAROLINA

COUNTY OF 0

IN THE COURT OF COMMON PLEAS

RODNEY DAVID YOUNG MAY 13 PM 3:17 CIVIL ACTION COVERSHEET

Plaintiff(s)

CLERK OF COURT

PICKENS COUNTY

SOUTH CAROLINA

2013-CP-39-649

State of South Carolina

Defendant(s)

Submitted By:

Address:

SC Bar #: 001620

Telephone #: 864-890-5577

Fax #:

Other: Cell - 864-982-0124

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)**If Action is Judgment/Settlement do not complete*

- ☒ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
- ☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -CP- ____
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Label (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
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☐ Mechanic's Lien (430)
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☐ Possession (450)
☐ Building Code Violation (460)
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| Inmate Petitions
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☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
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☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
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☐ Death Settlement (700)
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☐ Zoning Board (970)
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| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | |

Submitting Party Signature: Rodney D. YoungDate: 5/5/13

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. No. 2013-CP-39-0649
COUNTY OF PICKENS	)	
	)	
Rodney David Young,	)	
S.C.D.C. No. 345281,	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

2013 OCT 17 PM 2 19
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

In response to the post-conviction relief application filed May 13, 2013, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Pickens County Clerk of Court's orders of commitment. The Pickens County Grand Jury indicted the Applicant at the September 2012 term of General Sessions for distribution of cocaine base (crack cocaine) (2011-GS-39-1794), distribution of marijuana (2011-GS-39-1798), distribution of crack cocaine within 1/2 mile of a park (2011-GS-39-1799), and distribution of marijuana within close proximity of a park (2011-GS-39-1800). John W. DeJong, Esquire represented the Applicant.

On January 29, 2013, the Applicant pled guilty.¹ The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of eighteen years suspended on service of eight

¹ The State not prossed indictments for possession of a pistol by a person convicted of a violent crime (2011-GS-39-1792), two counts of distribution of cocaine base (crack cocaine) (2011-GS-39-1793, -1796), two counts of distribution of cocaine base within 1/2 mile of a park (2011-GS-39-1795, -1797), and possession of contraband in county prison (2012-GS-39-2790).

years and three years probation for distribution of cocaine base, second offense, eight years for distribution of marijuana, second offense, eight years for distribution of crack cocaine within 1/2 mile of a park, and eight years for distribution of marijuana within close proximity of a park. The Applicant did not appeal.

Attached herewith and incorporated herein by reference are the records of the Pickens County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript.

II.

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

1. "I was indicted Jan 24, 2013 but was arrested Feb 15, 2011."
2. "Never received a preliminary hearing nor given the form."
3. "Co-defendant warrant claims she had no co-defendant."
4. "Upon apprehension I was not presented with or viewed arrest warrant pursuant to §17-13-50 and §22-5-190. Nor was my arresting officer ever mentioned in my Rule 5. My attorney . . . is full aware of these issues and I repeatedly asked him to look into the matter and he said he would but failed to do so."
5. "I was coerced to lie under oath. . . . I told my attorney 'I like to only plea to what I am guilty of' he responded and told me in order for the judge to go with the plea you would have to plea out to the crack-cocaine charges as well. . . . He emphasized to me that if I take this plea I'll be eligible for parole & work release etc. and that its non-violent 65 percent thats the best it gets, however I'm doing contrary 85 percent non-violent non eligible for parole, or work release."
6. "I was not given adequate legal information pertaining to original two plea offers especially the second which was a cap 10, he simply said the judge can't go over 10 years. I again asked for some case laws or/and statute he said ok but never did."
7. "On Feb 23 201 a bond reduction was requested my attorney completed the attorney section and submitted to the clerk of court of Pickens County and the clerk of court forwarded to the solicitor's office however the form was not completed and ignored."
8. "On numerous occasions I asked my attorney to produce the original

warrant for Feb. 3, 2011 reason being the warrant I have is written in ink it is not a copy and it appears to be forged and my attorney agreed and nothing was looking into about it.”

III.

The Respondent interprets several of the Applicant's issues to be that he believes his plea attorney was ineffective. The Respondent asserts such issues are without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of “reasonableness within professional norms” for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that “counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

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

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at

2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

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

IV.

The Applicant's assertion that his guilty plea was coerced and thus involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An Applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the Applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of

attorneys in criminal cases.” Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985); Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

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

When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000).

The Respondent submits the record fully supports the knowing and voluntary nature of the Applicant’s plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the

record. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue.

See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248.

V.

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

VI.

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

Respectfully submitted,

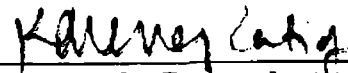
ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

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

By:


Attorneys for Respondent

Oct. 14, 2013

STATE OF SOUTH CAROLINA 2013 OCT 17 PM 2 19

COUNTY OF PICKENS

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

2013-CP-39-0649

RODNEY DAVID YOUNG, 345281

Applicant,

vs

STATE OF SOUTH CAROLINA,

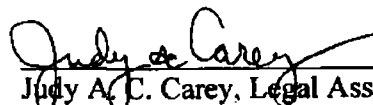
Respondent.

AFFIDAVIT OF SERVICE BY MAIL

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

**Rodney David Young, 345281
Ridgeland Correctional Institution
Post Office Box 2039
Ridgeland SC 29936-2039**

DATED this 14th day of October, 2013.


Judy A. C. Carey, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE COURT OF COMMON PLEAS

RODNEY DAVIS YOUNG,

PLAINTIFF,

-VS-

STATE OF SOUTH CAROLINA,

DEFENDANT.

2013-CP-39-00649

DECEMBER 16, 2013

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE G. EDWARD WELMAKER, JUDGE

APPEARANCES:

R. MILLS ARIAIL, JR.
ATTORNEY FOR THE PLAINTIFF

KAREN RATIGAN
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS
CIRCUIT COURT REPORTER

1

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EXHIBITS

(NONE)

1 **DECEMBER 16, 2013**

2 (WHEREUPON, court convened with all parties
3 present and the following proceedings were had.)

4 THE COURT: All right. Ready to proceed?

5 MS. RATIGAN: Yes, Your Honor. May it please
6 the court. This is the case of Rodney Davis Young
7 versus the State of South Carolina. Docket number is
8 2013-CP-39-0649. Mr. Young was indicated for
9 distribution of cocaine base, distribution of
10 marijuana, distribution of crack cocaine within half
11 mile of a park, and distribution of marijuana within
12 proximity of a park. He was represented on these
13 charges by Mr. DeJong.

14 On January 29th of 2013, he pled guilty. I will
15 note that the state nolle prossed several charges.
16 They're listed in the footnote of the state's return.
17 Judge Miller sentenced Mr. Young to concurrent terms of
18 eighteen years, suspended on the service of eight years
19 and three years probation for distribution of cocaine
20 base, second offense. Eight years for distribution of
21 marijuana, second offense. Eight years for
22 distribution of crack cocaine within proximity. And
23 eight years for distribution of marijuana within
24 proximity. Mr. Young did not file an appeal. The
25 state is ready to proceed.

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)

4

Rodney Davis Young - Direct Examination by Mr. Ariail

1 THE COURT: Mr. Ariail.

2 MR. ARIAIL: Yes, Your Honor, we're ready to
3 proceed. I call Mr. Young to the stand.

4 THE COURT: All right. If you would come
5 around to be sworn, please, Mr. Young.

6 If you would, please, sir, put your left hand on
7 the bible and as best you can and raise your right
8 hand.

9 Do you swear or affirm the testimony you're about
10 to give the court will be the truth, the whole truth
11 and nothing but the truth, so help you God?

12 THE WITNESS: Yes, I do.

13 THE COURT: All right. If you'll just have a
14 seat, please.

15 **RODNEY DAVIS YOUNG,**

16 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

17 **DIRECT EXAMINATION**

18 **BY MR. ARIAIL:**

19 Q. Mr. Young, how you doing today?

20 A. Doing okay.

21 Q. Good. Just want to go through a little bit of
22 background. You filed a PCR and you were represented
23 by Mr. DeJong; correct?

24 A. Yes, sir.

25 Q. Let's go through a little bit. One of your

1 allegations in your PCR complaint is that you didn't
2 get a preliminary hearing?

3 A. Yes, sir.

4 Q. So when were you -- you were appointed Mr.
5 DeJong; correct?

6 A. Yes, sir.

7 Q. Okay. So when did you, I guess, get appointed
8 him? How long after you were incarcerated?

9 A. I was incarcerated in Allendale Correctional
10 Facility when I got a letter stating that he was my
11 attorney.

12 Q. Okay. So you were already in Allendale when you
13 got these charges; is that right?

14 A. I was serving my probation violation, eighteen
15 months.

16 Q. Okay. So you were serving that at the time. You
17 got the charges. When did you get served with the
18 charges, I guess?

19 A. I got served with the charges when I was in
20 Pickens County -- no, in fact, I got served with the
21 charges at the Easley Police Department on February the
22 15th. I didn't get locked up February the 14th. I was
23 locked up February the 15th.

24 Q. Okay. And you were given the information and you
25 filed for a preliminary hearing; correct?

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
Rodney Davis Young - Direct Examination by Mr. Ariail

6

1 A. Yes.

2 Q. Did you send it in or did you ask Mr. DeJong to
3 send it in?

4 A. I was told I could file for a preliminary
5 hearing. I was never given a form.

6 Q. Okay. Did you ask Mr. DeJong to file for a
7 preliminary hearing?

8 A. I had asked Mr. DeJong do he have any preliminary
9 form or who went to my preliminary hearing. And he
10 sent me a letter back stating that he don't know who
11 went to the preliminary hearing and he didn't go and he
12 don't have the form.

13 Q. Okay. Were you at the preliminary hearing?

14 A. No, I wasn't.

15 Q. So you don't know if one was held or not?

16 A. No, I don't know. I don't know.

17 Q. Okay. Now, you list -- I'm going to go through
18 and I want to make sure I've -- we've discussed some of
19 these items, and I want to go through them to kind of
20 give a synopsis of what you believe some of the issues
21 are in regards to this. Now, one of the main things in
22 this, I guess, case, off the bat, you went through.

23 First of all, did you review the discovery or have a
24 conversation with Mr. DeJong about the discovery?

25 A. We briefly reviewed the discovery. I guess his

1 documents would show. We briefly -- we never discussed
2 no defense or anything like that.

3 Q. Okay. You had a lot of different charges;
4 correct?

5 A. Yes.

6 Q. And I think in all it might have been nine or so;
7 I can't remember. You got ---

8 A. Nine, I believe.

9 Q. Nine charges. You got five of them dismissed,
10 nolle prossed, based upon the plea; is that right?

11 A. Yes.

12 Q. Okay. And it really came down to this is a
13 distribution case, I guess a couple of them; is that
14 correct?

15 A. Yes.

16 Q. Okay. So did you discuss the evidence that was
17 against you in regards to these distribution cases with
18 Mr. DeJong?

19 A. Yes. And in fact, I asked for some law cases so
20 I could do some research, too, to find out, you know,
21 exactly what was going on about the weight and things
22 of that nature, about the documented money, as far as
23 documented money needed. He told me, no, documented
24 money is not needed. And I asked for cases so that I
25 could look it up, and he never provided that for me.

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
Rodney Davis Young - Direct Examination by Mr. Ariail

8

1 Q. Okay. But he explained to you what -- I mean,
2 this was a distribution case with a confidential
3 informant; right?

4 A. Right.

5 Q. And did he explain to you the elements or what
6 they had to show to be able to prove it?

7 A. He did mention something about they have to show
8 ownership, that I have complete control over the drugs
9 or something like that.

10 Q. Okay.

11 A. And which I didn't have complete control, and he
12 agreed with me. He agreed with me with that. He said,
13 you're right; that would show that you didn't have
14 control of the drugs.

15 Q. Okay. And you went through -- I guess the
16 argument was, there was a distribution, a confidential
17 informant was saying that you sold the drugs within a
18 half mile of a school; correct?

19 A. Correct.

20 Q. And based on your conversations, I guess you went
21 forward and decided to plead guilty; right?

22 A. No. No, I didn't decide to plead guilty. I was
23 told to plead guilty.

24 Q. Okay. Then that's what I'm trying to figure out.
25 Why -- what were you told -- I guess why did you plead

1 guilty? What were you being told by Mr. DeJong?

2 A. That they had me. That the state had me.

3 Q. Okay. And there was some -- you put something in

4 your PCR application that basically says, I told my

5 attorney I like to only plead to what I am guilty of?

6 A. Yes, sir.

7 Q. What do you mean by that?

8 A. Meaning that I don't sell crack cocaine. I

9 admitted that I sell marijuana.

10 Q. Okay.

11 A. And again today, I admit, yes, if marijuana was

12 sold out that house, I sold that marijuana. I do not

13 sell crack cocaine.

14 Q. Okay.

15 A. And I always told DeJong that. DeJong admitted

16 that to the judge.

17 Q. And he put that in -- basically, I think on page

18 eleven of your guilty plea, he says, let me back up

19 just a moment on the marijuana charge. Mr. Young has

20 never denied that he sold marijuana. He was very

21 candidly, not to prejudice him, he sold marijuana. The

22 crack cocaine was not his forte. That is not what he

23 sold. But here's my question. If that was the case

24 and you weren't selling cocaine, why then would you

25 plead to it?

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
Rodney Davis Young - Direct Examination by Mr. Ariail

10

1 A. Because he told me to plead to it; that's the
2 best it gets.

3 Q. Well, my question is, why wouldn't you just say,
4 hey, look, I'm going to plead to the distribution of
5 marijuana?

6 A. Because I was going under the advice of my
7 attorney. This is what, this is what he told me to do,
8 and this is what I done. I was told to do it.

9 Q. Okay. Did you have any conversation with him to
10 say, look, I'm willing to plead to the distribution of
11 marijuana, but I'm not going to do the distribution of
12 cocaine?

13 A. I had said that -- matter of fact, I said that at
14 first and Teal Johnson, another attorney, was present,
15 and he had told me that, listen, in order for the plea
16 to go through I'll have to plead to all charges. And
17 that's what I done. I plead to all charges in order
18 for it to go through.

19 Q. Okay. Sitting here today, you're saying you were
20 not guilty of that distribution of cocaine?

21 A. That's what I'm saying today.

22 Q. But you're not arguing in regards to the
23 distribution of marijuana. You're saying you did that?

24 A. No. I'm not arguing that.

25 Q. Okay.

1 A. I'm not arguing that at all.

2 Q. Now, there was some question in this as to
3 whether or not you received a plea offer. Do you
4 remember that?

5 A. The plea offer that I remember was the cap ten.
6 And I asked DeJong for some legal information on a cap
7 ten.

8 Q. What did he tell you?

9 A. Huh?

10 Q. What did he tell you about a cap ten?

11 A. He had told me, he says that he never read any
12 information on the cap ten, but I read two cases on a
13 cap ten where one defendant had charged his lawyer
14 because his lawyer was supposed to made sure that he
15 take, made sure that he take that cap ten. That's what
16 he told me.

17 Q. Okay. So when he came to you and explained to
18 you what a cap of ten years is, did he tell you, you
19 can't get more than ten years?

20 A. Only thing that he told me was the judge can't go
21 over ten years. And I said, I believe that this case
22 is -- I don't think it's just -- I don't think it's
23 simple like that. The law is not a once sentence of
24 cap ten years, can't go over ten years. That's when I
25 told him, I believe there is more to it than that. And

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
Rodney Davis Young - Direct Examination by Mr. Ariail

12

1 not on one occasion, on numerous occasions, I have
2 asked him about a cap sentence. And I have
3 documentations here to show that. I always kept
4 documentations of every time I've written him and his
5 response back.

6 Q. Okay. So in regards to the, I guess, testimony
7 -- I mean, the issue in your case was there was a
8 confidential informant involved and there was some
9 audio; correct?

10 A. Yes, there was audio.

11 Q. And did you hear the audio?

12 A. I heard one audio. Well, correction. I heard
13 parts of all the audios at one time. Then he came back
14 up there with the audio itself. The previous one,
15 little bits and pieces of it, it was off his phone. So
16 I only caught bits of it. So he brought one of them
17 back. That was on January the 6th. And I'm not on the
18 audio, period. Nothing on that indicates that I was
19 there present. My name wasn't mentioned. Drugs wasn't
20 mentioned. The only thing that was mentioned on that
21 audio, or what could be heard on that audio was my
22 wife, which is Kelly Sloan, and the C.I., and that's
23 it.

24 Q. Okay. And in this case -- I mean, Kelly Sloan,
25 she was your wife, she was the co-defendant; correct?

1 A. Yes, she was.

2 Q. Did you go over anything about -- I mean, were
3 y'all legally married?

4 A. No. Common law.

5 Q. Common law, okay. Did y'all go over any type of
6 issues in regards to her testimony or her being
7 required to testify against you?

8 A. Well, she came down in December. He did ask me
9 somewhere just before trial would my wife testify
10 against me? And I said no. So then I have letters in
11 my bag out there where my wife told me exactly what
12 happened when she came down in December where the
13 narcotic agent, the solicitor, and I guess the attorney
14 General was trying to get her to testify against me.
15 And she's willing to come forward and testify on my
16 behalf on that.

17 Q. Okay. And the key is, I mean, I guess you were
18 thinking she wasn't going to testify against you;
19 right, at trial?

20 A. Well, yeah.

21 Q. So then you would have the confidential informant
22 that would be the one that would be testifying?

23 A. Yeah.

24 Q. That would be mainly the evidence you got?

25 A. Yes, sir.

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)

14

Rodney Davis Young - Direct Examination by Mr. Ariail

1 Q. And you were arguing that your name wasn't on the
2 audio tape?

3 A. Yes, sir.

4 Q. Okay. So it comes down to that, is whether or
5 not you bought it from that confidential informant;
6 right? Pretty much?

7 A. I didn't hear what you just said.

8 Q. Whether or not the confidential informant was
9 going to be the one that was going to provide enough
10 evidence to convict you. Is that pretty much the basis
11 of the case?

12 A. I believe so.

13 Q. Okay. Did you ask him to investigate any other
14 matters or ---

15 A. Yes.

16 Q. What else?

17 A. I asked him about what I thought to be a forged
18 warrant. I don't know whether it's forged or not,
19 because the investigation was never done. I also asked
20 him to investigate against the bond -- there was a bond
21 reduction hearing that he put in on February the 22nd
22 or February the 23rd. So as months went by, I asked
23 him about it again, and he -- when he got the form, the
24 form is incomplete. This was eleven months later. And
25 a form was incomplete. I said, what happened to the

1 bond reduction? They didn't say yes, they didn't say
2 no. Don't this bond person got to go in front of a
3 judge? And he said, well, I'll look into it. And
4 never got back with me on it at all. I don't know
5 whether my bond reduction was granted, whether my bond
6 reduction was denied. I don't know.

7 Q. Okay. I'm going through. We've talked a lot.
8 The other question I've got. Apparently you're having
9 some issue in SCDC with either an eighty-five or sixty-
10 five percent. And I tried to help you work that out;
11 correct?

12 A. Yes.

13 Q. I've been told by the Department of Corrections
14 that your correct -- I guess all the numbers are
15 correct. And you're saying, no, you should have gotten
16 -- you should be getting out earlier; is that correct?

17 A. My issue is this. Just like we agreed to over
18 the phone, I said, if my calculation time was correct,
19 I wouldn't go through this. My intention is to get
20 home to my son. That's all I want. I don't want to
21 keep going through the -- and I always emphasized this
22 with John DeJong, that I'm just trying to get home to
23 my son. And I know that they didn't give me my county
24 time. If they would have gave me my county time, I
25 wouldn't be here today.

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)

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Rodney Davis Young - Direct Examination by Mr. Ariail

1 Q. Okay. And how much time did you serve in county?

2 A. In county I served seven hundred and fifteen
3 days.

4 Q. Seven hundred and fifteen. And on the sentencing
5 sheets, and I want to go back, and I want to make sure.
6 It says seven hundred and fifteen days were given
7 credit to you on this.

8 A. Well, the judge had, I guess, recommended for me
9 to get the seven hundred fifteen days, but when you get
10 to SCDC, they are the one that calculate the time. And
11 they have not calculated my time. If they would have
12 calculated my time, I would be going home, like you
13 calculated it, February the 19th, 2015.

14 Q. I hope you do get it. My question is, when you
15 were entering into this guilty plea, did you have any
16 discussions with Mr. DeJong about how you would be
17 classified, violent or non-violent?

18 A. Yes. Him and Teal Johnson had sat there and was
19 always talking, and we sat there and we calculated the
20 time. And he had told me that I'll be doing sixty-
21 five, and I'll be eligible for parole and work release.
22 And that also helped, that also helped me make up my
23 mind to plea out. I didn't know I was going to do
24 eighty-five. If I had known I was going to do eighty-
25 five, I would never plea out to it.

1 Q. Okay.

2 MR. ARIAIL: That's all the questions I have,
3 Your Honor.

4 THE COURT: You may cross-examine the
5 witness.

6 MS. RATIGAN: Thank you, Your Honor.

7 **CROSS EXAMINATION**

8 **BY MS. RATIGAN:**

9 Q. How many time would you say you met with Mr.
10 DeJong before the plea; do you remember?

11 A. Quite a few. Quite a few times. I don't know
12 exactly the number, but quite a few times.

13 Q. And did you go over the state's evidence with him
14 before the plea?

15 A. Not all of it, no.

16 Q. Did you go over the police reports, incident and
17 supplemental reports?

18 A. We went over the -- yes, we did go over the
19 supplemental report. I believe we went over there.

20 Q. Did you go over the drug analysis?

21 A. Some of it, because there is no drug analysis for
22 the marijuana, so some of it.

23 Q. And you knew there was a confidential informant
24 in the case?

25 A. Yes. And I've always known that.

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
Rodney Davis Young - Cross Examination by Ms. Ratigan

18

1 Q. Okay. And so you testified on direct you heard
2 kind of bits and pieces of all the audio tapes one
3 time?

4 A. Bits and pieces, yes.

5 Q. And then you said you heard it later January 6th
6 with Mr. DeJong. Did you hear all the audio at that
7 point or just one of those tapes?

8 A. One.

9 Q. Okay.

10 A. I have emails from him and the solicitor where
11 DeJong asks for the audios, the rest of the audios, and
12 the solicitor said, well, you can review with him in my
13 office at your convenience.

14 Q. Okay. And do you know, did Mr. DeJong ever tell
15 you if he reviewed those audio tapes at the solicitor's
16 office?

17 A. I believe he did review them because he tried to
18 record it on a phone at one time. That was the little
19 bits and pieces that he came and showed me.

20 Q. Did Mr. DeJong tell you, you know, I listened to
21 the audio tapes; this is what I heard? Did he kind of
22 tell you what was on the tapes?

23 A. He told me that I am nowhere on the tapes.
24 That's what he told me. He says, there's nothing
25 pointing that I was present there.

1 Q. Okay. So you had talked with Mr. DeJong about
2 the fact that, you know, you admitted to the marijuana,
3 you denied the crack. You told him that?

4 A. Yeah, I told him that.

5 Q. All right. And at some point the state made an
6 offer for a ten year cap?

7 A. That I wasn't aware of.

8 Q. Okay.

9 A. Oh, wait, wait, wait, excuse me. Yes. Yes.

10 Yes, yes, yes. There was one before that, I think it
11 was a straight ten or something like that. I wasn't --
12 I really wasn't aware of that one. And if DeJong did
13 tell me that, maybe I was on my medication at that
14 time, because I do take medication.

15 Q. And why did you decide to turn down that ten year
16 cap? Do you remember?

17 A. Because I didn't understand the ten year cap.

18 Q. Okay. So you didn't understand what a ten year
19 cap would mean?

20 A. No. No.

21 Q. The thing about the warrant, you said the warrant
22 is forged. Are you talking about the arrest warrant or
23 search warrant?

24 A. The arrest warrant.

25 Q. Okay.

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
Rodney Davis Young - Cross Examination by Ms. Ratigan

20

- 1 A. It appeared to me as being that way, but ...
- 2 Q. And so you did bring that up to Mr. DeJong?
- 3 A. Yes.
- 4 Q. And what did he say about it when you talked
- 5 about it?
- 6 A. He said that he'll get his investigator to look
- 7 into it or something like that. Something to that
- 8 nature.
- 9 Q. And you just never heard back from him about
- 10 that?
- 11 A. Never heard nothing else about it.
- 12 Q. So why did you finally decide to go ahead and
- 13 plead guilty?
- 14 A. I pled guilty because I really trusted DeJong. I
- 15 mean, I'm not saying that DeJong did anything wrong to
- 16 me, but I actually trusted him until when I got to my
- 17 jail and I started doing my legal homework and I
- 18 started seeing that there wasn't no -- the conflict of
- 19 statements in the reports, the audio don't match up
- 20 with the statements, the police reports and things of
- 21 that nature. So ...
- 22 Q. So you trusted Mr. DeJong and when he said you
- 23 should plead to these charges to get it over with, you
- 24 just decided to go along with it?
- 25 A. Yeah.

1 Q. Okay. And it wasn't until after the plea you did
2 a little bit of research and you realized there were
3 some problems with the case; is that fair to say?

4 A. Yes.

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

6 THE COURT: Any redirect?

7 MR. ARIAIL: No, Your Honor.

8 THE COURT: All right. Thank you, Mr. Young.
9 You may step down.

10 THE WITNESS: Thank you.

11 MR. ARIAIL: Your Honor, I call Mr. DeJong to
12 the stand.

13 THE COURT: Mr. DeJong, if you'll come around
14 and be sworn.

15 THE CLERK: Place your left hand on the bible
16 and raise your right hand.

17 Do you solemnly swear or affirm the testimony
18 you're about to give in this case will be the truth,
19 the whole truth and nothing but the truth, so help you
20 God?

21 THE WITNESS: I do.

22 THE CLERK: State your full name for the
23 record.

24 THE WITNESS: John, J-o-h-n, William, W-i-l-
25 l-i-a-m, DeJong, D-e-J-o-n-g.

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
John William DeJong - Direct Examination by Mr. Ariail

22

1 **JOHN WILLIAM DEJONG,**

2 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

3 **DIRECT EXAMINATION**

4 **BY MR. ARIAIL:**

5 Q. Thank you, Mr. DeJong. In regards to Mr. Young's
6 case, you were called -- I guess the circumstances
7 surrounding his case ---

8 A. When you say ---

9 Q. Cases. Excuse me.

10 A. Thank you, sir. That's where a lot of the
11 confusion comes in, I think. But yes, sir, I am.

12 Q. And I think he stated that he had nine charges at
13 one time?

14 A. That is correct according -- we were appointed on
15 one, two, three, four, five, six, seven, eight, nine.

16 It appears those warrants were served on him on
17 February the 15th of 2011. And we were appointed to
18 represent him on those charges on the 14th day of
19 September of 2011 by the Clerk of Court.

20 Q. Okay. I'm going to go through a little bit of
21 his testimony. Did you see anything in regards to the
22 arrest warrants being invalid or forged or any issues
23 with that?

24 A. I did not. I know I talked with Mr. Young about

1 that at one point in time and he was quite upset and
2 quite adamant about it. Looks like they were issued by
3 two different Easley judges, Judge Walsh, and I can't
4 read the other judge's signature, in all honesty, Mr.
5 Ariail.

6 Q. There's nothing you found that showed that they
7 were forged or any issues with that?

8 A. No, sir.

9 Q. If they were, you would have filed a motion or
10 some type -- a motion to dismiss those?

11 A. Yes.

12 Q. Okay. And in regards to this case, I think the
13 two -- or the four charges you had left over, they were
14 proximity charge for, I guess, distribution of
15 marijuana with a proximity charge and a distribution of
16 cocaine charge -- I think it was either crack or
17 cocaine -- and then a half a mile charge, too; correct?

18 A. Correct.

19 Q. Was it the same C.I. on both of them from your
20 recollection?

21 A. I think it was. That's just going on my memory.

22 Q. Right. And Mr. Young has testified and I'm
23 trying to -- I guess there was a co-defendant and his
24 wife involved in this -- or common law wife that was
25 involved in this; correct?

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
John William DeJong - Direct Examination by Mr. Ariail

24

1 A. That is correct.

2 Q. Do you recall what she -- I guess she was
3 implicated in this or she was in the house when the
4 confidential informant came; correct?

5 A. Correct. Now, whether it was the case he pled on
6 or not, I am not sure.

7 Q. Okay.

8 A. But I know in one instance the C.I. went -- on
9 one of the tapes you really could not hear Mr. Young.
10 Certainly we discussed that. The C.I. said he was
11 present. But the only voices you really heard on one
12 of the tapes -- now whether that was the one he pled on
13 or not, I don't recall. But it was mostly he and the
14 C.I. and Kelly Sloan that you heard.

15 Q. Okay. So I guess the main evidence against him
16 would be the confidential informant testifying at
17 trial?

18 A. That's correct.

19 Q. And I guess did you go through and explain to him
20 the elements they had to prove in regard to get a
21 conviction on him?

22 A. I did.

23 Q. And I think he was -- I don't really -- he was
24 looking at distribution second offense. Did you go
25 over with him what the maximum and minimum on those

1 charges?

2 A. I did. And one of the concerns with Mr. Young's
3 case was because of the numerous charges. What I
4 shared with him, I felt like the state was trying to
5 set him up for a life without parole. And certainly
6 had he gone to trial, we can't say he would have been
7 convicted. But had he been convicted, the state
8 certainly could have served life without at some point
9 in all of those charges.

10 Q. Okay. So you remember having a conversation with
11 him that if he was convicted on a distribution second,
12 they could retry him on the, I guess for the marijuana,
13 they could try him for the distribution of cocaine and
14 do it a third offense and possibly get life without
15 parole?

16 A. Yes. We had that conversation on more than one
17 occasion.

18 Q. Okay. And the C.I., I know -- he says there was
19 an issue in regards to the audio. Were there any other
20 issues you saw with the C.I. that, you know, could be
21 addressed or any credibility issues?

22 A. I think where some of it was, there were phone
23 calls that were made from the C.I. to Mr. Young. And
24 again, whether it in this case that he pled to or one
25 of the cases that was dismissed, those were shared.

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John William DeJong - Direct Examination by Mr. Ariail

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1 The C.I. on this case, as I'm sure, I'll put it that
2 way, the solicitor's office will not allow us or give
3 us C.D.'s unless it is on the trial docket and ready to
4 go. So the C.D. that Mr. Young heard was the one that
5 was set on the trial docket on the day that he pled.
6 That one we listened to -- actually we timed it because
7 the C.I. did a lot of walking on that case. I think I
8 pulled my cell phone out and we actually put a stop
9 watch on it to see how long it took him to get from
10 where the law enforcement drug boys let him out to
11 actually get to the appointment.

12 Q. Okay. And you went over all this evidence with
13 him -- I guess he was on the trial docket for one of
14 them and he says he has a cap of ten year plea offer
15 that was given to him. Do you remember that?

16 A. I remember that quite vividly. Mr. Young and I
17 had a lot of conversations about a cap, along with a
18 lot of other things. I provided a lot of case law to
19 Mr. Young during the course of his time in the jail,
20 which I did not mind doing, but nonetheless, that's
21 kind of an aside. He asked for case law on a cap. I
22 shared with him I couldn't find any. There may have
23 been some PCR cases. I may have given him something.
24 I don't know if I did or not. I tried to explain the
25 cap to him. He could not, quite candidly, quite grasp

1 cap. And I'll be honest with you, I told him that I
2 was not fond of caps, because I've found that most
3 judges, if you walk into the courtroom with a cap, you
4 were going to walk out with the cap. I don't mean that
5 despairingly to the judge, but that's just been my
6 experience with caps.

7 Q. Okay. Now, the violent versus non-violent aspect
8 of this, I guess there was some issues he had in
9 regards to whether or not there was a discussion
10 between sixty-five percent and eighty-five percent. Do
11 you remember that? What's your normal approach in
12 regards to that?

13 A. I remember that. And I believe I probably shared
14 with him it was not eighty-five percent, as memory
15 serves me.

16 Q. Okay.

17 A. And candidly, he asked me before this hearing
18 started about that, and I told him I would look into
19 it. But I can't honestly say that I told him it would
20 be an eighty-five percent.

21 Q. Okay. Do you remember any other witnesses or any
22 other aspects he asked you to investigate in regards to
23 this?

24 A. We did talk about his wife coming to testify, and
25 as my memory goes, we agreed that she probably would

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John William DeJong - Cross Examination by Ms. Ratigan

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1 not help him. But that's -- I'm just going on my
2 memory on that.

3 Q. Do you remember what happened -- she was charged
4 with the same thing, too; correct?

5 A. Yeah. I don't think she had the marijuana
6 charges. I think she simply had the crack charges.
7 And I will say what Mr. Young said on the witness stand
8 is -- he told me that repeatedly during my course of
9 representation. He was a marijuana seller. He was not
10 a crack seller.

11 Q. Okay. Now you just felt the evidence in this
12 case, based on what you saw, showed that he had sold
13 that cocaine that day?

14 A. That, and again, my fear of the life without
15 parole down the road. I mean, I thought there was a
16 high likelihood that he would be convicted on this
17 case. And had he been convicted on this case with the
18 other charges out there, I felt he was certainly
19 looking at life without parole.

20 Q. Okay. Thank you, John. I have no further
21 questions.

22 THE COURT: You may cross-examine the
23 witness, Mr. Ratigan.

24 MS. RATIGAN: Thank you, Your Honor.

25

CROSS EXAMINATION

1 **BY MS. RATIGAN:**

2 Q. So, Mr. DeJong, you would have filed the usual
3 Brady Rule 5 motions?

4 A. I did, yes, ma'am, on all the charges.

5 Q. And did you receive the evidence on all the
6 charges?

7 A. We received everything, to my knowledge, kind of
8 a Yogi Berra-ism, I can't know what I don't know. But
9 as far as I know, I received everything, with the
10 exception of the audios.

11 Q. Right. And the evidence you did receive, did you
12 review that with Mr. Young?

13 A. I did. And actually he was given a copy of it.

14 Q. Were all these charges with the same C.I.? Do
15 you recall?

16 A. I think they were, but I cannot honestly say
17 that.

18 Q. But they all were C.I. cases?

19 A. Yes, ma'am.

20 Q. Okay. And you testified that you had to wait
21 until the case was on the trial docket until you got
22 more information about the C.I.?

23 A. Yeah. Not so much information about the C.I.,
24 but just getting the audio.

25 Q. And there were tapes of all these different

Rodney Davis Young -vs- State of South Carolina (2013-CP-39-00649)
John William DeJong - Cross Examination by Ms. Ratigan

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1 transactions?

2 A. Yes, ma'am.

3 Q. And did you go to the solicitor's office and sit
4 there and listen to the tapes?

5 A. As memory serves me, I did.

6 Q. Once the case was put on the trial docket, was
7 Mr. Young able to also listen to these tapes? Do you
8 recall?

9 A. On the one that was on the trial docket. Not on
10 the other ones.

11 Q. Would you have explained to him what you heard on
12 these other tapes?

13 A. If I listened to them, I'm sure I would have.
14 Again, I can't sit here and honestly say that I did.

15 Q. But that would have been your practice if you
16 listened to them, to kind of relay what you heard?

17 A. Yes, ma'am.

18 Q. Now, the cases that he pled to, were these the
19 ones that were put on the trial docket?

20 A. As memory serves me they were, yes, ma'am.
21 Whether they were all on the trial docket or not, I
22 don't know. Surprisingly enough, we had a bit of an
23 offer, I guess, even though he was on the trial docket
24 to dismiss some of the other pending charges. He may
25 have pled to one or two of the other pending charges.

1 I'm not sure. I don't have the sentencing sheets nor
2 the trial docket in front of me. But it was kind of a
3 package deal to try to get rid of everything at the
4 same time, which was my advice to him, was to get rid
5 of everything at the same time so he could not be set
6 up for the life without.

7 Q. And did you explain to him your concerns about
8 him being LWOP'ed on these charges?

9 A. More than once.

10 Q. Did he appear to understand your kind of
11 rationale behind this?

12 A. To some degree, yes. To another degree, no. One
13 of the things, as memory serves me, was on
14 distribution, he was quite adamant that -- I think that
15 you had to sell or distribute more than one gram. We
16 had a lot of conversations about that. But I think he
17 was initially more set on going to trial to -- not
18 necessarily that he felt he had to prove his innocence,
19 but maybe some vindication. But that's when we started
20 having the life without parole conversations.

21 Q. And there's been discussion of this offer from
22 the state for a ten year cap?

23 A. Yes, ma'am.

24 Q. And did you explain to him the concept of the
25 cap?

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John William DeJong - Cross Examination by Ms. Ratigan

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1 A. The best I could. I shared with him the judge
2 could not go over the cap. They could only come under
3 the cap. But again, as I shared with him, I have never
4 had much success, quite candidly, with caps.

5 Q. Do you recall why he decided not to take that
6 offer?

7 A. Because -- well, my impression was because --
8 maybe because of what I told him, but I felt like he
9 would walk out with a ten year cap -- with the ten
10 years.

11 Q. So when he ended up going to the plea, it was
12 straight up?

13 A. Yes, ma'am.

14 Q. And the state had come to you at some point, once
15 he was on the trial docket, and made this offer to
16 nolle pros the other charges?

17 A. Excuse me. I believe it was actually on the
18 morning of the trial, if I'm not mistaken.

19 Q. And did you explain to Mr. Young if he went ahead
20 and pled guilty to these four charges, the other five
21 would be dismissed as part of the package?

22 A. Yes, ma'am.

23 Q. And did you explain to him the sentencing ranges
24 for each of the charges he did plead to?

25 A. As memory serves me, I did. Yes, ma'am.

1 Q. Did he appear to equivocate at all once y'all
2 were there to plead guilty or did y'all just go
3 forward? Did he waiver at all or ---

4 A. During the plea itself?

5 Q. Yes, sir.

6 A. My recollection is he did not waiver.

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

8 MR. ARIAIL: Nothing further, Your Honor.

9 THE COURT: Okay.

10 **EXAMINATION**

11 **BY THE COURT:**

12 Q. I haven't read the transcript, Mr. DeJong. Was
13 there something said about the seven hundred and
14 fifteen days credit for time served?

15 A. I think there was, because I think the question
16 on that became, as Mr. Young said, I believe he was
17 actually serving his probation violation when these
18 warrants were served on him. And whether or not he was
19 going to get credit, and I think the conversation was,
20 he would get credit from the day that -- from the day
21 -- words don't want to come out. From the time -- from
22 the date that the warrants were served forward, he
23 would get credit for all that time. And I believe that
24 was seven hundred and fifteen days, if I'm not
25 mistaken.

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John William DeJong - Examination by the Court

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1 Q. And the judge wrote that on all the sentencing
2 sheets, I believe?

3 A. I do not have the sentencing sheets in front of
4 me, but that was my impression when Mr. Ariail was
5 examining Mr. Young.

6 Q. All right. Thank you, Mr. DeJong.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: You may call your next witness,
9 Mr. Ariail?

10 MR. ARIAIL: Nothing further, Your Honor.
11 That's our case.

12 THE COURT: Anything from the state?

13 MS. RATIGAN: No, Your Honor.

14 THE COURT: All right. I'll review the
15 papers and try to issue an order in the next week or
16 so.

17 MS. RATIGAN: Thank you, Your Honor.

18 MR. ARIAIL: Okay.

19 THE COURT: Thank you very much.

20

21 END OF REQUESTED TRANSCRIPT OF RECORD

1 CERTIFICATE OF REPORTER

2 I, the undersigned Danette P. Hanks, Official
3 Court Reporter for the Thirteenth Judicial Circuit of
4 the State of South Carolina, do hereby certify that the
5 foregoing is a true, accurate, and complete transcript
6 of record of all the proceedings had and evidence
7 introduced in the trial/hearing of the captioned case,
8 relative to appeal, in the Court of Common Pleas for
9 Pickens County, South Carolina, on the 16th day of
10 December, 2013.

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.

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

15 May 1, 2014

16

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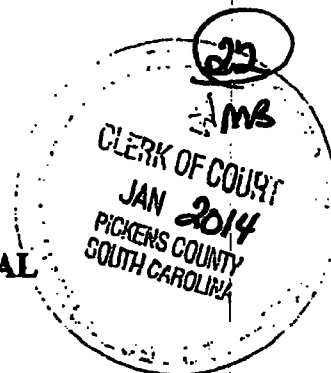
A handwritten signature in cursive script, reading "Susan Danette Hanks", written over a horizontal line.

Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
 COUNTY OF PICKENS)
)
 Rodney David Young,)
 S.C.D.C. No. 345281,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 C.A. No. 2013-CP-39-0649

ORDER OF DISMISSAL



This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 13, 2013. The Respondent made its return on October 14, 2013. An evidentiary hearing into the matter was convened on December 16, 2013 at the Pickens County Courthouse. The Applicant was present at the hearing and represented by R. Mills Ariail, Jr., 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, John W. DeJong, Esquire. The Court had before it the transcript of the guilty plea hearing, the Pickens County Clerk of Court records, the Applicant's South Carolina Department of Corrections (SCDC) records, the PCR application, and the return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Pickens County Clerk of Court. The Applicant was indicted at the September 2012 term of the Pickens County Grand Jury for distribution of cocaine base (crack cocaine) (2011-GS-39-1794), distribution of marijuana (2011-GS-39-1798), distribution

[Handwritten signature]

of crack cocaine within 1/2 mile of a park (2011-GS-39-1799), and distribution of marijuana within close proximity of a park (2011-GS-39-1800). He was represented by John W. DeJong, Esquire.

On January 29, 2013, the Applicant pled guilty.¹ The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of eighteen years suspended on service of eight years and three years probation for distribution of cocaine base, second offense, eight years for distribution of marijuana, second offense, eight years for distribution of crack cocaine within 1/2 mile of a park, and eight years for distribution of marijuana within close proximity of a park. The Applicant did not appeal.

ALLEGATIONS

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

1. "I was indicted Jan 24, 2013 but was arrested Feb 15, 2011."
2. "Never received a preliminary hearing nor given the form."
3. "Co-defendant warrant claims she had no co-defendant."
4. "Upon apprehension I was not presented with or viewed arrest warrant pursuant to §17-13-50 and §22-5-190. Nor was my arresting officer ever mentioned in my Rule 5. My attorney . . . is full aware of these issues and I repeatedly asked him to look into the matter and he said he would but failed to do so."
5. "I was coerced to lie under oath. . . . I told my attorney 'I like to only plea to what I am guilty of' he responded and told me in order for the judge to go with the plea you would have to plea out to the crack-cocaine charges as well. . . . He emphasized to me that if I take this plea I'll be eligible for parole & work release etc. and that its non-violent 65 percent thats the best it gets, however I'm doing contrary 85 percent non-violent non eligible for parole, or work release."
6. "I was not given adequate legal information pertaining to original two plea

¹ The State not prossed indictments for possession of a pistol by a person convicted of a violent crime (2011-GS-39-1792), two counts of distribution of cocaine base (crack cocaine) (2011-GS-39-1793, -1796), two counts of distribution of cocaine base within 1/2 mile of a park (2011-GS-39-1795, -1797), and possession of contraband in county prison (2012-GS-39-2790).

² *[Handwritten signature]*

offers especially the second which was a cap 10, he simply said the judge can't go over 10 years. I again asked for some case laws or/and statute he said ok but never did."

7. "On Feb 23 201 a bond reduction was requested my attorney completed the attorney section and submitted to the clerk of court of Pickens County and the clerk of court forwarded to the solicitor's office however the form was not completed and ignored."
8. "On numerous occasions I asked my attorney to produce the original warrant for Feb. 3, 2011 reason being the warrant I have is written in ink it is not a copy and it appears to be forged and my attorney agreed and nothing was looking into about it."

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

Ineffective Assistance of Counsel/Involuntary Guilty Plea

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

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective

performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

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

The Applicant stated he had several meetings with plea counsel and that, while they "briefly" reviewed the discovery materials, they never discussed any defenses. The Applicant stated he heard parts of all the audiotapes once and then heard the plea audiotape on one case – but that he was not on that tape. The Applicant stated he asked plea counsel to look into his arrest warrant because it appeared to be forged. The Applicant stated plea counsel said he would have his investigator look into the warrant but that they never discussed it again. The Applicant stated plea counsel told him the State had made a plea offer for a cap of ten years. The Applicant stated plea counsel did not give him any information about the cap, except to say the plea judge would not give a sentence in excess of ten years. The Applicant stated plea counsel should have made him accept the recommendation of a ten year cap. The Applicant stated he pled guilty

because plea counsel told him to do so. The Applicant stated he was guilty of the marijuana charge and would have pled guilty to that, but that plea counsel said he had to plead guilty to all charges. The Applicant stated five of his charges were nol prossed after he pled guilty. The Applicant stated plea counsel told him that he would serve 65% of his sentence if he pled guilty.

Plea counsel testified he filed discovery motions, received those materials, reviewed them with the Applicant, and provided him a copy of the materials. Plea counsel testified he explained the elements of the offenses to the Applicant, as well as the sentencing ranges. Plea counsel testified they discussed that the key evidence against him was the confidential informant's testimony. Plea counsel testified he believed he listened to the audiotapes but that the Applicant was only allowed to hear the tape for the case that was on the trial docket. Plea counsel testified he would have discussed the contents of the audiotapes with the Applicant. Plea counsel testified there was no issue with the arrest warrant but that, while he spoke to the Applicant about it, the Applicant remained adamant. Plea counsel confirmed the State made a plea offer for a ten year cap and said that he explained the idea of a cap to the Applicant. Plea counsel confirmed the Applicant did not accept this plea offer. Plea counsel testified the Applicant eventually pled guilty without a sentence recommendation and that he explained the sentence ranges to him. Plea counsel testified the State offered to nol pros numerous charges if the Applicant pled guilty. Plea counsel testified the Applicant did not waver during the plea hearing. Plea counsel testified he believes he told the Applicant that he would not have to serve 85% of the sentence.

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

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thoroughly competent in his representation.

The Applicant admitted to the plea judge both that he was guilty and that the facts recited by the solicitor were true. (Plea transcript, p.6; p.8). The Applicant also told the plea judge that he understood the trial rights he was waiving in pleading guilty and was satisfied with counsel. (Plea transcript, p.6). This Court finds there is no evidence in the guilty plea transcript to support the Applicant's assertion that he was pressured into entering a guilty plea; therefore the transcript has refuted this allegation. See Stalk v. State, 375 S.C. 289, 300, 652 S.E.2d 402, 407 (Ct. App. 2007); see also Rayford v. State, 314 S.C. 46, 48-49, 443 S.E.2d 805, 806 (1994) (where transcript of guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, grant of PCR was inappropriate notwithstanding applicant's claim lawyer misadvised him). This Court finds the Applicant entered a knowing and voluntary guilty plea. See Boykin v. Alabama, 395 U.S. at 243-44, 89 S. Ct. at 1712.

This Court finds the Applicant failed to meet his burden of proving trial counsel did not adequately meet with him and prepare the case for trial. Trial counsel testified he met with the Applicant and that they reviewed the discovery materials. Trial counsel testified they discussed the audiotapes and his co-defendant's involvement. This Court finds the Applicant has failed to articulate what more trial counsel should have done to prepare the case. See 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 trial counsel should have challenged the arrest warrant. The Applicant has failed to present any credible evidence that the warrant in his case had been forged. See Butler v. State, 286 S.C. 441, 442, 334 S.E.2d

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813, 814 (1985) (holding that, in a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in their application).

This Court finds the Applicant failed to meet his burden of proving plea counsel did not adequately explain the plea offer. This Court finds plea counsel fulfilled his professional obligation by conveying the State's plea offer of a ten year cap to the Applicant and discussing what this would mean. Cf. Davie v. State, 381 S.C. 601, 675 S.E.2d 416 (2009) (holding counsel's failure to convey the State's plea offer to defendant constituted deficient performance). As the Applicant is the only person who can accept a plea offer, this Court finds the Applicant merely exercised his right to reject the State's offer. See Rule 1.2(a), RPC, Rule 407, SCACR.

This Court finds the Applicant failed to meet his burden of proving plea counsel misadvised him about the time he would have to serve on his sentence. This Court finds plea counsel did not err. This Court notes that an examination of the Applicant's SCDC records indicates the charges are listed as non-violent.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. This Court also concludes the Applicant has failed to

² This Court notes that if the Applicant is challenging the method used by SCDC to calculate his sentence, he must follow the procedure set forth in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000).

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meet his burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

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

CONCLUSION

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

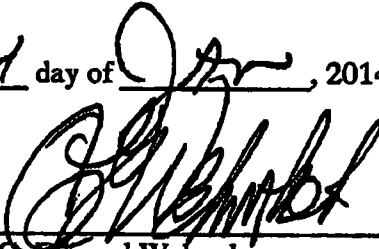
This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate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

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IT IS THEREFORE ORDERED:

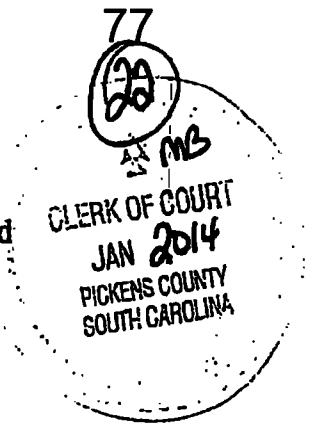
1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 21 day of Jan, 2014.



G. Edward Welmaker
Presiding Judge
Thirteenth Judicial Circuit

Pickens, South Carolina.



ARREST WARRANT

M-078289

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

THE STATE

against

YOUNG, RODNEY DAVID

Address: 9

EASLEY SC 29642

Phone: 000-000-0000 SSN:

Sex: M Race: B Height: 602 Weight: 165

DL State: SC DL#: DOB: 2 Agency ORI #: SC0390300

Prosecuting Agency: EASLEY POLICE

Prosecuting Officer: JON HAMBY

Offense: SALE OF CRACK COCAINE - 44-53-375

Offense Code: 3014

Code/Ordinance Sec. 44-53-375(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Rodney David Youngon 2/16/11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

D.J. CROWE, MUNICIPAL JUDGE

220 NW MAIN STREET

EASLEY SC 29640

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant JON HAMBY who
being duly sworn deposes and says that defendant YOUNG, RODNEY DAVID
did within this county and state on 01/06/2011 violate the criminal laws of the

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

DESCRIPTION OF OFFENSE:

SALE OF CRACK COCAINE - 44-53-375(B)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
THE ACCUSED WILFULLY AND UNLAWFULLY AND WITH A CO-DEFENDANT DID SALE A QUANTITY OF CRACK COCAINE,
A SCHEDULE II CONTROLLED SUBSTANCE UNDER TITLE 44 S. C. CODE OF LAWS 1976 AS AMENDED, TO AN
UNDERCOVER OPERATIVE WORKING UNDER THE SUPERVISION AND CONTROL OF EASLEY POLICE OFFICERS. THE
TRANSACTION WAS RECORDED USING AUDIO RECORDING DEVICES.

- (1) POLICE REPORT & INVESTIGATION CASE #2011-00050.
- (2) THE ACCUSED IS IDENTIFIED AS RODNEY DAVID YOUNG.
- (3) SUBSTANCE SEIZED FOR LABORATORY ANALYSIS.
- (4) THE OFFENSE OCCURRED WITHIN THE CITY LIMITS OF EASLEY, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

Affiant's Address 220 NW MAIN STREET

EASLEY SC 29640

Affiant's Telephone 864-855-7915

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 01/06/2011 defendant YOUNG, RODNEY DAVID

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

DESCRIPTION OF OFFENSE:

SALE OF CRACK COCAINE - 44-53-375(B)

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

Sworn to and subscribed before me

on Feb 2, 2011Signature of Issuing Judge (L.S.)Judge Code: DCJudge's Address 220 NW MAIN STREET

EASLEY SC 29640

Judge's Telephone 864-855-7915

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge Shurt

on 2-16-11

Type and Amount: \$10,000. cash

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

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

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

WITNESSES

Jonathan C Hamby

Easley Police Department

2/15/2011

ARREST WARRANT NUMBER

REF: M078289

ACTION OF GRAND JURY

(TRUE BILL)

Date

SEP 11 2012

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

AMENDED

DOCKET NO. 2011-GS-39-1794

JBC

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

SEP 11 2012 TERM 2012

THE STATE

vs.

RODNEY YOUNG

AMENDED Indictment for

3015

**DISTRIBUTION OF COCAINE BASE (CRACK
COCAINE)**

VIOLATION § 44-53-0375

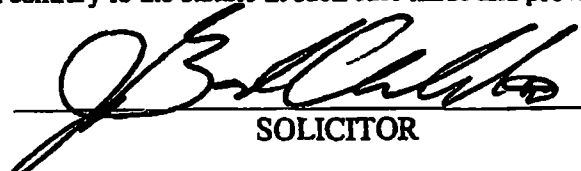
STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

**AMENDED INDICTMENT FOR
DISTRIBUTION OF COCAINE BASE (CRACK COCAINE)**

At a Court of General Sessions, convened on **SEP 11 2012** the Grand Jurors of Pickens
County present upon their oath:

That RODNEY YOUNG did in Pickens County, on or about the 6th day of January, 2011, distribute, dispense, deliver, or aid, abet, or conspire to distribute, dispense or deliver to an undercover operative a quantity of Cocaine Base (Crack Cocaine), a controlled substance, such distribution not having been authorized by law. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF Pickens
STATE VS.
Rodney Young
AKA:
Race: BLACK Sex: M Age: 40
DOB: SS#:
Address:
City, State, Zip: Easley, SC 29640
DL#: SID#:
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Drugs / Manufacture, distribution, etc. cocaine base, 2nd offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS3901794
A/W#: M078289
Date of Offense: 1/6/2011
S.C. Code § : 44-53-0375(b)(2)
CDR Code #: 3015

SENTENCE SHEET

5-30 yrs / 450 h
☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0375(b)(2) of the S.C. Code of Laws, bearing CDR Code # 3015
☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTORNEYS: Cleveland, Baker 78744 Rodney Young John W. DeJoy 001620
SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 8 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 715 DAYS
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
Proviso 47.9 (Public Def/Prob)	\$500 \$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150 \$ 150.00
§ 50-21-114(BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
Proviso 90.5 (SCCJA Surcharge)	\$5 \$ 5.00
3% to County (if paid in installments)	\$ 23.40
TOTAL	\$ 803.40

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☒
Random Drug/Alcohol testing ☒
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____
☒ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Hand P. Wellborn Jr
Court Reporter: Candice Haskell
Presiding Judge John W. DeJoy
Judge Code: 2130
Sentence Date: 1/29/13

ARREST WARRANT

M-078293

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

THE STATE

against

YOUNG, RODNEY DAVID

Address: [REDACTED]

EASLEY SC 29642

Phone: 000-000-0000 SSN [REDACTED]

Sex: M Race: B Height: 602 Weight: 165

DL State: SC DL#: [REDACTED]

JOB: [REDACTED] 2 Agency ORI #: SC0390300

Prosecuting Agency: EASLEY POLICE

Prosecuting Officer: D J LOVELL

Offense: DISTRIBUTION OF MARIJUANA 2ND -

Offense Code: 187

Code/Ordinance Sec. 44-53-370(b)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Rodney David Youngon 2/15/11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

D.J. CROWE, MUNICIPAL JUDGE

220 NW MAIN STREET

EASLEY SC 29640

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 818

Personally appeared before me the affiant D J LOVELL who
being duly sworn deposes and says that defendant YOUNG, RODNEY DAVID
did within this county and state on 01/21/2011 violate the criminal laws of the

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

DESCRIPTION OF OFFENSE:

DISTRIBUTION OF MARIJUANA 2ND - 44-53-370(b)(2)

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

THE ACCUSED WILFULLY AND UNLAWFULLY ALONG WITH A CO-DEFENDANT DID SALE A QUANTITY OF PLANT
MATERIAL, A SCHEDULE 1 CONTROLLED SUBSTANCE UNDER TITLE 44 S. C. CODE OF LAWS 1976 AS AMENDED, TO
AN UNDERCOVER OPERATIVE WORKING UNDER THE SUPERVISION AND CONTROL OF EASLEY POLICE OFFICERS.
THE TRANSACTION WAS RECORDED USING AUDIO RECORDING DEVICES.

(1) POLICE REPORT & INVESTIGATION CASE #2011-00328.

(2) THE ACCUSED IS IDENTIFIED AS RODNEY DAVID YOUNG.

(3) SUBSTANCE SEIZED FOR LABORATORY ANALYSIS.

(4) THE OFFENSE OCCURRED WITHIN THE CITY LIMITS OF EASLEY, S.C.

(5) ACCUSED HAS A PRIOR MARIJUANA CONVICTION.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

Affiant's Address 220 NW MAIN STREET
EASLEY SC 29640

Affiant's Telephone 864-855-7915

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 01/21/2011 defendant YOUNG, RODNEY DAVID

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

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

DESCRIPTION OF OFFENSE:

DISTRIBUTION OF MARIJUANA 2ND - 44-53-370(b)(2)

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

Sworn to and subscribed before me

on 2-2-11

Signature of Issuing Judge

Judge Code: DC 6070

Judge's Address 220 NW MAIN STREET
EASLEY SC 29640

Judge's Telephone 864-855-7915

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defense Attorney:

Decision:

DISPOSITION before

Judge

on

by

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

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

WITNESSES

David J Lovell

CO

Easley Police Department

2/15/2011

ARREST WARRANT NUMBER

M078293

ACTION OF GRAND JURY

TRUE BILL

DATE

JAN 24 2012

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-39-

WDR

1798

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

TERM 2011

JAN 24 2012

THE STATE

vs.

RODNEY YOUNG

Indictment for

0187

DISTRIBUTION OF MARIJUANA

VIOLATION § 44-53-0370(B)(2)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
DISTRIBUTION OF MARIJUANA

At a Court of General Sessions, convened on

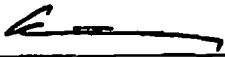
JAN 24 2012

the Grand Jurors of Pickens

County present upon their oath:

That RODNEY YOUNG did in Pickens County, on or about the 21st day of January, 2011, distribute, dispense, deliver, or aid, abet, or conspire to distribute, dispense or deliver to an undercover operative a quantity of Marijuana, a controlled substance, such distribution not having been authorized by law. This is in violation of §44-53-370 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Pickens

VS.

Rodney Young

AKA:

Race: BLACK Sex: M Age: 40

DOB:

City, State, Zip: Easley, SC 29640

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Drugs / Distribution of Marijuana - 2nd offense

IN THE COURT OF GENERAL SESSIONS

87

INDICTMENT/CASE#: 2011GS3901798

A/W#: M078293

Date of Offense: 1/21/2011

S.C. Code § : 44-53-0370(B)(2)

CDR Code #: 0187

SENTENCE SHEET

0-10 bar up to \$10k

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0370(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0187

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

ATTEST:

Cleveland Baker

TB744
SC Bar#Rodney Young
DefendantJohn W. De Jong
Attorney for Defendant001624
SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 8 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

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

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 715 DAYS☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

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

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCAJ Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \$ 8.40

TOTAL \$ 288.40

PTUP

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date:

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCAJ17 (03/2011)

ARREST WARRANT

M-078288

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

THE STATE

against

YOUNG, RODNEY DAVID

Address: EASLEY SC 29642Phone: 000-000-0000SSN: Sex: M Race: B Height: 602 Weight: 165DL State: SC DL# DOB: Agency ORI #: SC0390300Prosecuting Agency: EASLEY POLICEProsecuting Officer: JON HAMBYOffense: SALE CRACK COCAINE PROX -Offense Code: 108Code/Ordinance Sec. 44-53-445 (B)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The Accused
s to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Rodney David Young

on 2/15/11

A. A. Little
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

J.J. CROWE, MUNICIPAL JUDGE
220 NW MAIN STREET
EASLEY SC 29640

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of
EASLEY)

AFFIDAVIT

Personally appeared before me the affiant JON HAMBY who
being duly sworn deposes and says that defendant YOUNG, RODNEY DAVID
did within this county and state on 01/06/2011 violate the criminal laws of the

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

DESCRIPTION OF OFFENSE:

SALE CRACK COCAINE PROX - 44-53-445 (B)(2)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
THE ACCUSED WILFULLY AND UNLAWFULLY AND ALONG WITH A CO-DEFENDANT DID SALE A QUANTITY OF CRACK
COCAINE, A SCHEDULE II CONTROLLED SUBSTANCE UNDER TITLE 44 S. C. CODE OF LAWS 1976 AS AMENDED, TO AN
UNDERCOVER OPERATIVE WORKING UNDER THE SUPERVISION AND CONTROL OF EASLEY POLICE OFFICERS. THE
TRANSACTION WAS RECORDED USING AUDIO RECORDING DEVICES.

(1) POLICE REPORT & INVESTIGATION CASE #2011-00050.

(2) THE ACCUSED IS IDENTIFIED AS RODNEY DAVID YOUNG.

(3) SUBSTANCE SEIZED FOR LABORATORY ANALYSIS.

(4) THE OFFENSE OCCURRED WITHIN THE CITY LIMITS OF EASLEY, S.C. AND IS WITHIN ONE HALF MILE PROXIMITY OF HAGOOD PARK.

Signature of Affiant

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of
EASLEY)

Affiant's Address 220 NW MAIN STREET
EASLEY SC 29640

Affiant's Telephone 864-855-7915

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 01/06/2011 defendant YOUNG, RODNEY DAVID

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

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

DESCRIPTION OF OFFENSE:

SALE CRACK COCAINE PROX - 44-53-445 (B)(2)

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

Sworn to and subscribed before me

on Feb 3, 2011

A. A. Little (L.S.)
Signature of Issuing Judge

Judge Code: DC 6070

Judge's Address 220 NW MAIN STREET
EASLEY SC 29640

Judge's Telephone 864-855-7915

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

MAR 10 2011

BAIL set by

Judge Shwab

on 2-16-88

Type and Amount \$ 5,000.00 cash

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

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

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

WITNESSES

Jonathan C Hamby

Easley Police Department

2/15/2011

ARREST WARRANT NUMBER

REF: M078288

ACTION OF GRAND JURY

TRUE BILL

Date

SEP 11 2012

Foreperson of Grand Jury

[Signature]

VERDICT

Foreperson of Petit Jury

Date:

AMENDED

DOCKET NO. 2011-GS-39-1799

JBC

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

SEP 11 2012

TERM 2012

THE STATE

vs.

RODNEY YOUNG

AMENDED Indictment for

0107

**DISTRIBUTION OF COCAINE BASE WITHIN 1/2
MILE OF A PARK**

VIOLATION § 44-53-0445

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

AMENDED INDICTMENT FOR
DISTRIBUTION OF COCAINE BASE WITHIN 1/2 MILE OF A
PARK

At a Court of General Sessions, convened on

SEP 11 2012

the Grand Jurors of Pickens

County present upon their oath:

That RODNEY YOUNG did in Pickens County, on or about the 6th day of January, 2011, distribute a quantity of Cocaine Base (Crack Cocaine), a controlled substance, while being within one-half (1/2) mile proximity of HAGOOD PARK. This is in violation of §44-53-445 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Pickens

VS.

Rodney Young

AKA:

Race: BLACK Sex: M Age: 40

DOB: SS#: [REDACTED]

Address:

City, State, Zip: Easley, SC 29640

DL#: SID#:

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

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

TO: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school on park

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS3901799

A/W#: M078288

Date of Offense: 1/6/2011

S.C. Code § : 44-53-0445(B)(1)

CDR Code #: 0107

SENTENCE SHEET

0-10 day 16 to 406

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0445(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0107

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.ATTEST: [Signature] SC Bar# 78744 Defendant [Signature] Attorney for Defendant 001620 SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center,for a determinate term of 8 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 715 Days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>8.40</u>
TOTAL		\$ <u>288.40</u>

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Clerk of Court/ Deputy Clerk
Court Reporter: CarolinePresiding Judge
Judge Code:
Sentence Date: 2/29/13

ARREST WARRANT

M-078294

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
EASLEY

THE STATE

against

YOUNG, RODNEY DAVID

Address: [REDACTED] 9

Phone: 000-000-0000 SSN: [REDACTED]

Sex: M Race: B Height: 602 Weight: 165

DL State: SC DL#: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0390300

Prosecuting Agency: EASLEY POLICE

Prosecuting Officer: JON HAMBY

Offense: DISTRIBUTION OF MARIJUANA PROX

Offense Code: 107

Code/Ordinance Sec. 44-53-445(B)(1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Rodney David Young

on 2/15/11

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

D.J. CROWE, MUNICIPAL JUDGE
220 NW MAIN STREET
EASLEY SC 29640

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of
EASLEY)

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant JON HAMBY who
being duly sworn deposes and says that defendant YOUNG, RODNEY DAVID

did within this county and state on 01/21/2011 violate the criminal laws of the

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

DESCRIPTION OF OFFENSE:

DISTRIBUTION OF MARIJUANA PROX PARK - 44-53-445(B)(1)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
THE ACCUSED WILFULLY AND UNLAWFULLY ALONG WITH A CO-DEFENDANT DID SALE A QUANTITY OF A PLANT
MATERIAL BELIEVED TO BE MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE UNDER TITLE 44 S. C. CODE OF
LAWS 1976 AS AMENDED, TO AN UNDERCOVER OPERATIVE WORKING UNDER THE SUPERVISION AND CONTROL OF
EASLEY POLICE OFFICERS. THE TRANSACTION WAS RECORDED USING AUDIO RECORDING DEVICES.

(1) POLICE REPORT & INVESTIGATION CASE #2011-00328.

(2) THE ACCUSED IS IDENTIFIED AS RODNEY DAVID YOUNG.

(3) SUBSTANCE SEIZED FOR LABORATORY ANALYSIS.

(4) THE OFFENSE OCCURRED WITHIN THE CITY LIMITS OF EASLEY, S.C. AND WITHIN ONE HALF MILE PROXIMITY OF
HAGOOD PARK.

Signature of Affiant

STATE OF SOUTH CAROLINA)

☐ County/ ☒ Municipality of
EASLEY)

Affiant's Address 220 NW MAIN STREET
EASLEY SC 29640

Affiant's Telephone 864-855-7915

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 01/21/2011 defendant YOUNG, RODNEY DAVID

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

☐ County/ ☒ Municipality of EASLEY) as set forth below.

DESCRIPTION OF OFFENSE:

DISTRIBUTION OF MARIJUANA PROX PARK - 44-53-445(B)(1)

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

Sworn to and subscribed before me

on Feb 2, 2011

[Signature] (L.S.)

Signature of Issuing Judge

Judge Code: DC. 6070

Judge's Address 220 NW MAIN STREET
EASLEY SC 29640

Judge's Telephone 864-855-7915

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge 10 Swat

on 2-16-11

Type and Amount: \$5,000. cash or surety

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

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

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

WITNESSES

Jonathan C Hamby

Easley Police Department

2/15/2011

ARREST WARRANT NUMBER

M078294

ACTION OF GRAND JURY

TRUE BILL

Date

JAN 24 2012

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-39-
WDR

1800

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JAN 24 2012

TERM 2011

THE STATE

vs.

RODNEY YOUNG

Indictment for

0107

DISTRIBUTION OF MARIJUANA WITHIN CLOSE
PROXIMITY OF A PARK

VIOLATION § 44-53-0445(B)(1)

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

INDICTMENT FOR
DISTRIBUTION OF MARIJUANA WITHIN CLOSE PROXIMITY OF
A PARK

At a Court of General Sessions, convened on

JAN 24 2012

the Grand Jurors of Pickens

County present upon their oath:

That RODNEY YOUNG did in Pickens County, on or about the 21st day of January, 2011, distribute a quantity of Marijuana, a controlled substance, while being within one-half (1/2) mile proximity of HAGOOD PARK. This is in violation of §44-53-445 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Pickens

VS.

Rodney Young

AKA:

Race: BLACK Sex: M Age: 40

DOB: SS#

Address:

City, State, Zip: Easley, SC 29640

DL#: SID#

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

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

TO: Drugs / Distribute, sell, purchase, manuf. drug other than crack cocaine, or pwid, near school

in violation of § 44-53-0445(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0107

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

ATTEST

Cleveland, Baker

78744 SC Bar#

Rodney Young Defendant

John W. DeJong Attorney for Defendant

001620 SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 8 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

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

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

☐ CONCURRENT .or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 7.5 DAYS☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$

\$100

\$

\$12

\$

\$25

\$

\$500

\$

\$25

\$

\$150

\$

\$50

\$

\$40/ea

\$

\$5

\$

\$

\$

\$

\$

\$

\$

\$

\$

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS3901800

A/W#: M078294

Date of Offense: 1/21/2011

S.C. Code § : 44-53-0445(B)(1)

CDR Code #: 0107

SENTENCE SHEET

0-10 days up to \$10k

☐ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0445(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0107

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

ATTEST

Cleveland, Baker

78744 SC Bar#

Rodney Young Defendant

John W. DeJong Attorney for Defendant

001620 SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 8 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

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

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

☐ CONCURRENT .or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 7.5 DAYS☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$

\$100

\$

\$12

\$

\$25

\$

\$500

\$

\$25

\$

\$150

\$

\$50

\$

\$40/ea

\$

\$5

\$

\$

\$

\$

\$

\$

\$

\$

\$

PTUP

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning ☐Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/Deputy Clerk

Court Reporter:

Presiding Judge

Judge Code:

Sentence Date:

2011 W. M. DeJong
2/13/13
1/29/13