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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

S.C. Supreme Court

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

BRANDON CROFT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000838

APPENDIX

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ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA) GENERAL SESSIONS COURT
 2 COUNTY OF GREENVILLE) 2009-GS-23-3464, 65
 3) 2009-GS-23-3471, 4231, 4234
 4 State of South Carolina) TRANSCRIPT OF RECORD
 5)
 6 -vs-)
 7 Brandon Croft)

8 March 13, 2012
 9 Greenville, South Carolina

10 B E F O R E:

11 THE HONORABLE C. VICTOR PYLE, Judge.

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

13 Howard Steinberg, Esquire
 14 Assistant Solicitor
 15 Attorney for the State

16 Scott Robinson, Esquire
 17 Attorney for the Defendant

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

State versus Croft

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I N D E X

(There were no exhibits or witnesses presented).

State versus Croft

1 THE CLERK: Your Honor, this is 2009-GS-23-3464,
2 Brandon Cornelius Croft indictment for armed robbery and
3 possession of a weapon during the commission of a violent
4 crime. He is pleading to the same and it is a True Bill.
5 2009-GS-23-3465 indictment for assault and battery of a
6 high and aggravated nature, pleading to the same. It is
7 as True Bill. 2009-GS-23-3471 indictment for attempted
8 armed robbery and possession of a weapon during the
9 commission of a violent crime. He is pleading guilty to
10 the same and it is a True Bill.

11 2009-GS-23-4231, indictment for armed robbery
12 and possession of a weapon during the commission of a
13 violent crime. He is pleading to the same. It is a True
14 Bill and there is an order of restitution. 2009-GS-
15 23-4232 indictment for assault and battery of a high and
16 aggravated nature, pleading to the same. It is a True
17 Bill. 2009-GS-23-4233 indictment for armed robbery and
18 possession of a weapon during the commission of a violent
19 crime pleading to the same. It is a True Bill. 2009-GS-
20 23-4234 indictment for assault and battery of a high and
21 aggravated nature, pleading to the same. It is a True
22 Bill.

23 Could you raise your right hand, please.

24 BRANDON CROFT, having been duly sworn,
25 testified as follows:

State versus Croft

1 Thank you.

2 THE COURT: You are Brandon Cornelius Croft.

3 DC: Yes, sir.

4 THE COURT: And how old are you, sir?

5 DC: Twenty-seven.

6 THE COURT: How much education do you have?

7 DC: I went to the eleventh grade, Brown

8 School.

9 THE COURT: So you know how to read and

10 write.

11 DC: Yes, sir.

12 THE COURT: And have you ever worked?

13 DC: No, sir.

14 THE COURT: You never been employed.

15 DC: No, sir.

16 THE COURT: Mr. Robinson is your lawyer?

17 DC: Yes, sir.

18 THE COURT: Have you talked with him as often

19 and as long as you feel necessary for him to properly

20 represent you?

21 DC: I talked to him a good bit of time, yes,

22 sir.

23 THE COURT: Do you need any more time to talk

24 with him? Has he done everything you wanted him to do for

25 you or do you have any complaints that you want to make?

State versus Croft

1 DC: No, sir.

2 THE COURT: So you're satisfied with him
3 representing you; is that right?

4 DC: Yes, sir.

5 THE COURT: Okay. Now, has anyone used any
6 force or made any threats to you in order to get you to
7 plead guilty?

8 DC: No, sir.

9 THE COURT: Has anybody promised you a
10 lighter sentence for pleading guilty?

11 DC: No, sir.

12 THE COURT: Has anybody promised you anything
13 for pleading guilty?

14 DC: No, sir.

15 THE COURT: Are you pleading guilty
16 voluntarily, that is of your own free will?

17 DC: Yes, sir.

18 THE COURT: Now, you understand that the
19 maximum sentence for armed robbery is 30 years in prison?

20 DC: Yes, sir.

21 THE COURT: Ten years for each of the assault
22 and battery of a high and aggravated nature, do you
23 understand that?

24 DC: Yes, sir.

25 THE COURT: Five years for possession of a

State versus Croft

1 weapon during the commission of a violent crime, do you
2 understand that?

3 DC: Yes, sir.

4 THE COURT: And 20 years for attempted armed
5 robbery, do you understand that?

6 DC: Yes, sir.

7 THE COURT: Now, you don't have to plead
8 guilty. You have a perfect right to a jury trial, do you
9 understand that?

10 DC: Yes, sir.

11 THE COURT: If you had a jury trial,
12 Mr. Robinson could cross-examine all witnesses who
13 testified against you. You wouldn't have to take the
14 stand to testify or present evidence because that's your
15 constitutional right. The burden would be on the State to
16 prove you guilty beyond a reasonable doubt, do you
17 understand that?

18 DC: Yes, sir.

19 THE COURT: You give up all those rights when
20 you plead guilty, is that what you want to do?

21 DC: Yes, sir.

22 THE COURT: Are you under the influence of
23 any alcohol drug or any other substance right at this
24 moment?

25 DC: No, sir.

State versus Croft

1 THE COURT: You're sober.

2 DC: Yes, sir.

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

4 DC: Yes, sir.

5 THE COURT: And you want to plead guilty?

6 DC: Yes, sir.

7 THE COURT: Alright, solicitor.

8 MR. FRETWELL: May it please the Court, Your
9 Honor. All of these charges arose out of incidents that
10 occurred in the early morning hours of February the 25th
11 of 2009 where this defendant along with four co-defendants
12 were in a vehicle driven by this defendant and attacks
13 that occurred -- armed robberies and attacks that occurred
14 within the City of Greenville.

15 Your Honor, the first individual that this
16 group approached is an unidentified individual that they
17 approached approximately at 1:20 in the morning who was
18 simply walking down the street. Co-defendant Travis
19 Smiley pointed the gun at the victim and told him to give
20 it up. The victim quickly took off running while the
21 other individuals in the vehicle started laughing. These
22 defendants then, driving by this defendant, Mr. Croft,
23 drove near the Spinx station on Pendleton Street in
24 Greenville County where they encountered an individual by
25 the name of J [REDACTED] Y [REDACTED] behind the Cash and Carry.

State versus Croft

1 This individual, Mr. Croft, pointed out
2 Y ██████████ to the group and the defendants got out of the
3 vehicle, attacked Mr. Y ██████████, took his wallet, took
4 his cell phone. I believe the wallet was thrown back at
5 him and it didn't have any contents and the cell phone was
6 taken from this individual. Shortly thereafter, actually
7 just pulling out, basically the front parking lot of the
8 Cash and Carry, they encountered the next victim which was
9 M ██████████ M ██████████. He was walking from the Spinx station
10 near the Cash and Carry. The individuals, Smiley, the
11 co-defendant, got out pulling a gun as he had in the
12 earlier cases pointed a gun. They were wearing masks.
13 They demanding this individual give up his money and the
14 cell phone, struck Mr. M ██████████ knocking him to the
15 ground, took \$7 off of him along with his cell phone. He
16 was kicked by a number of these defendants

17 Approximately 10 minutes or so later, the
18 defendants pulled down Mulberry Street and Hampton Avenue
19 along side E ██████████ D ██████████. Ms. D ██████████ was simply walking
20 across the Hampton Avenue bridge. They pulled up to
21 Ms. D ██████████. Mr. Smiley, again, pointed the gun at
22 Ms. D ██████████. She indicated she didn't have anything,
23 emptied her pockets out, pulled her shirt up, to tell them
24 she didn't have anything and said, maybe somebody else
25 down the street does.

State versus Croft

1 So they then left Ms. D [REDACTED]. They drove down
2 the street where they encountered Mr. M [REDACTED] M [REDACTED].
3 Mr. M [REDACTED] is there along with another individual. They
4 got out, pointed guns at Mr. M [REDACTED], struck Mr. M [REDACTED]
5 knocking him to the ground, took his wallet which
6 contained approximately \$100 that he had just gotten out
7 of the ATM machine in downtown Greenville. They also took
8 the contents of his wallet including his personal ID,
9 social security card, et cetera.

10 In fact, Mr. M [REDACTED] would testify that he
11 was struck in the back of his head with one of the guns
12 that one of the co-defendants was using.

13 Judge, all of these events happened in and
14 around the Greenville area. These individuals pulled down
15 near the Hot Spot, Texaco off of Shaw Street where they
16 encountered another individual, attempted to rob him at
17 gunpoint. The individual ran off dropping his bag of
18 groceries he just picked up from the Spinx station. They
19 got the chips and other items from this bag of groceries.

20 A lot of these items, Your Honor, were found
21 in the vehicle. Police pulled into Texaco and stopped
22 these five individuals in the vehicle. They had the \$7
23 they took from Mr. M [REDACTED], his cell phone taken from
24 Mr. Y [REDACTED], the hundred dollar bill in new twenties
25 that had been taking from Mr. M [REDACTED]. The chips were in

State versus Croft

1 the back of the car along with brass knuckles, a .25
2 caliber silver handgun, a large black air pistol, that
3 looks like a 9mm and was described that way by
4 Mr. M [REDACTED].

5 All of these items along with a billy club
6 and other bandanas and other implements of violence were
7 located in this vehicle at that time.

8 The individuals were captured on the officers
9 video coming out of the vehicle there at the Texaco. At
10 least two of the victims were brought over there,
11 identified the vehicle, identified some of the individuals
12 and the individuals's clothing

13 The defendant does have a prior juvenile
14 record.

15 THE COURT: Mr. Croft, you heard what
16 allegedly happened that night. Is that what happened?

17 DC: Your Honor, some things happened and I
18 was young.

19 THE COURT: Say what? I just want to know if
20 that's what happened.

21 DC: Yes, sir.

22 THE COURT: Alright. I will accept the plea
23 as being voluntarily made and having a substantial factual
24 basis.

25 Solicitor, do you want to tell me his record?

State versus Croft

1 MR. FRETWELL: I do, Your Honor, and there
2 may be possibly some of the victims that would like to
3 address the Court. I will note for the record, Your
4 Honor, Detective Brad Lass was the case officer on this
5 case and he's here representing the City of Greenville
6 Police Department and then maybe some or more of the
7 victims would like to address the Court.

8 Just to let the Court know about the
9 defendant's juvenile record, it's a 2003 unlawful carrying
10 of a pistol and a petty larceny, 2004 lynching in the
11 second degree, probation violation, 2005 additional
12 probation violation and assault and battery.

13 THE COURT: Alright.

14 MR. FRETWELL: Mr. M [REDACTED].

15 MR. M [REDACTED]: Your Honor, I was born in
16 Detroit, Michigan and this stuff was common place then. I
17 came to South Carolina and I thought I had gotten away
18 from it. I've been to Greenville a handful of times when
19 this happened. I had heard Greenville is a beautiful city
20 and now I know it to be true.

21 This defendant didn't care about any of us
22 when he was doing this and to be honest with you so I
23 don't see why he should have any compassion today.

24 MR. FRETWELL: Just for the record, that's
25 M [REDACTED] M [REDACTED]. And then we also have Mr. M [REDACTED] or

State versus Croft

1 Ms. D [REDACTED].

2 MS. D [REDACTED]: Your Honor, I've never been so
3 scared in my life.

4 MR. FRETWELL: Your Honor, that's E [REDACTED]

5 D [REDACTED].

6 THE COURT: Alright. Mr. Robinson.

7 MR. ROBINSON: Your Honor, I have with me
8 today Brandon's mother as well as his aunt and they'd like
9 to speak in a second on Brandon's behalf.

10 Brandon has been talking to me about his life
11 as a juvenile and the things that he went through and the
12 mistake he made in this case and how sorry he is. Your
13 Honor, as far as the time he's been jail I believe it's
14 been over a thousand days almost.

15 MR. FRETWELL: I think it's 1046, Your Honor.

16 MR. ROBINSON: And I would ask you to
17 incorporate the time he's already done. When I spoke to
18 Brandon, he is so sorry for being at the wrong place at
19 the wrong time. He was the driver, wasn't the person that
20 got out of the car, didn't hit anybody. He was at the
21 wrong place at the wrong time with the wrong people and he
22 understands that.

23 He wants to get his GED. He wants to do
24 something with himself. He's only 20 years old. His mom
25 has a lot of faith in him that he's going to do better in

State versus Croft

1 life. This is a heck of a way to learn from a mistake
2 but, Your Honor, because of a lack of an adult record we
3 would ask for the minimum sentence in this case.

4 Your Honor, I would ask that the mother speak
5 on his behalf.

6 Please identify yourself.

7 MS. CROFT: My name is Lauren Croft, I'm
8 Brandon Croft's mother. I'm so shaken up right now I
9 don't know what time say. He is a very good guy but I
10 just -- I feel for him by him being out there with the
11 wrong people. I just ask that whatever you do with him
12 just be lenient, Your Honor, because he is a very good
13 child. Because once he gets to understand what things are
14 really going on -- really Brandon has a mind of a child to
15 be honest with you so I don't know what he was doing that
16 night. I'm not worrying about that but my thing is the
17 victims when this occurred and my understanding and all of
18 them is okay. Whatever you do I'm fine with it, but like
19 I said he's a very good child and if you could kind of be
20 lenient on him a little bit, it's your decision, this is
21 your courtroom. Like I said he's a very good child. He
22 just got mixed up with the wrong crowd.

23 As far as his juvenile history, that doesn't
24 have anything to do with what's going on right here at
25 this present time. He was a child, you know. Children do

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1 all types of things when they're a certain age and they
2 get into trouble and when he was a juvenile, I did as much
3 as I could but I wasn't hard on him because that's still
4 my child and I love him, but he'll get it together and I
5 hope he get it together as of this morning.

6 Like I said, he's a very good child and if
7 you could just do that for me if you can. If you can't, I
8 understand. Just be lenient on him a little bit if you
9 can. That's all I have to say.

10 THE COURT: Anything you want to say,
11 Mr. Croft?

12 DC: Yes, sir. Your Honor, I was young
13 riding with the wrong people. I was driving the car,
14 never took place in any picking up a gun and doing this
15 and doing that, but I was therefore I was guilty by
16 association, sir. I mean I apologize for the whole court
17 for coming up here standing in front of y'all today for
18 those charges. I apologize to the victims. I've talked
19 to one before and apologized to him, didn't even know him.
20 But, you know, there's things people going through in
21 life, growing up, younger, people go through things. I
22 just end up going through this. I want to do the right
23 things with my life after all this get out the way and
24 done with. But I just end up getting into some mischief,
25 sir.

State versus Croft

1 THE COURT: Anything else?

2 MR. STEINBERG: Just to address ---

3 MR. ROBINSON: I just like to add one more
4 thing.

5 THE COURT: I'm sorry. Go ahead.

6 MR. ROBINSON: Your Honor, there's no excuse
7 for this, of course, and in my conversations with him he's
8 not coming before the Court saying he's perfect. He's
9 not. He's a young man who has made a terrible mistake and
10 it's something he has to live with. And for the victims,
11 it's the same exact way, he's sorry that he got messed up
12 and mixed up in this whole thing he's got himself into.
13 But, Your Honor, he's come before the Court today
14 acknowledging he's guilty.

15 He is acknowledging he's made horrible
16 mistakes on that night and we're asking the Court, if the
17 Court sees fit, to impose the minimum sentence in this
18 case, Your Honor, incorporating the time served he's done.

19 MR. STEINBERG: Normally, I wouldn't respond
20 to anything presented by the defense, but to be clear for
21 the Court the evidence in this case that would be
22 presented at trial from the co-defendants is that the ring
23 leaders of this little group were Mr. Croft, the driver,
24 the defendant in front of you, and Mr. Smiley who had a
25 gun the entire night and pointed a gun at every one of the

State versus Croft

1 victims.

2 The evidence is that this defendant got out
3 of the car, that he had in his possession on at least one
4 of the attacks he had the bebe gun that looks like a 9mm
5 described by Mr. M [REDACTED], that he was egging on the
6 individuals in the back seat, Mr. Matt, Mr. Gault and
7 Mr. Williams who are a little bit younger than these
8 individuals. That's the evidence that would be presented
9 at trial.

10 MR. ROBINSON: Your Honor, I would take into
11 effect his young age and the fact that he has no adult
12 record. He did go through some stuff when he was younger,
13 but it's a tragedy in some respects because it's a tragedy
14 in the fact with these kind of issues and this is wrong
15 because the Court knows that when you are with people who
16 are bad, you're bad. He's just as bad. He's a criminal
17 too, but Your Honor, we'd ask the Court to -- he has come
18 forward, acknowledged his mistakes. He's not perfect but
19 he's apologized to the victims in this case.

20 We dispute that he was the ring leader in
21 this case, but we'd ask the Court for leniency and mercy
22 if the Court sees fit, Your Honor.

23 THE COURT: Mr. Croft, on 2009-3464, armed
24 robbery, the sentence of the Court is that you committed
25 to the Department of Corrections for a period of 25 years.

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1 You are entitled to the time that you served. On that
2 same indictment, possession of a weapon during the
3 commission of a violent crime, five years concurrent.

4 On the other two armed robbery indictments 25
5 years concurrent, five years concurrent on the possession
6 of a weapon during the commission of a violent crime.

7 On the indictment for attempted armed
8 robbery, 20 years concurrent, five years current on the
9 possession of a weapon during the commission of a violent
10 crime. On each of the assault and battery, the sentence
11 is 10 years on each concurrent.

12 MR. STEINBERG: Thank you, Your Honor.

13 MR. ROBINSON: Thank you, Your Honor.

14 ---END OF TRANSCRIPT RECORD---

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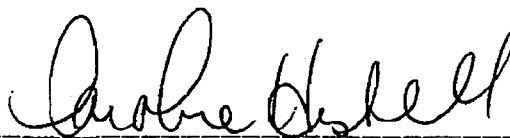
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25

State versus Croft

1
2 I, the undersigned Caroline Hiskell, Official
3 Court Reporter for the Thirteenth Judicial Circuit of the
4 State of South Carolina, do hereby certify that the
5 foregoing is a true, accurate, and complete transcript of
6 record of all the proceedings had and evidence introduced
7 in the trial of the captioned case, relative to appeal, in
8 the Court of General Sessions, Greenville, South Carolina
9 on the 13th, March, 2012.

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
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STATE OF SOUTH CAROLINA)
)
County of Greenville)

IN THE COURT OF COMMON PLEAS

Brandon Cornelius West # 260090)
Full name and prison number (if any) of Applicant)

2012-CP-23- 06445

v.)

State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

FILED
CLERK OF COURT
MAY 21 - 9 AM 9:24

INSTRUCTIONS TO 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 Kirkland P+E 4344 Broad River Road Columbia S.C. 29210
2. Name and location of Court which imposed sentence Greenville County Courthouse
305 E. North Street, Greenville S.C. 29601-2120
3. Name(s) of co-defendant(s) (if any) Trevin O'Brien Smiley, Delius Lamar Mepp,
James Dejuan Gault, and Elijah Donfor Williams.
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 09-4233 16-11-330, 09-4233 16-23-990, 09-4234 C12, 09-3964 16-11-330 ->

(b) _____
(c) _____

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

(a) March 13, 2012 25 years
(b) _____
(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty I was sentence to 25 years
(b) after a plea of not guilty _____
(c) after a plea of nolo contendere _____

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

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

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

i. _____
ii. N/A
iii. _____

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

i. _____
ii. N/A
iii. _____

(c) the date of each such result:

i. _____
ii. N/A
iii. _____

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

i. _____
ii. N/A
iii. _____

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

(a) The reason for not appealing is because once you are in a plea of guilty there is no →

- (b) _____
- (c) _____

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

- (a) Ineffective Assistance of Counsel
- (b) _____
- (c) _____

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

- (a) I Beaten Cornelius Craft Blame it to my Public Defender →
- (b) _____
- (c) _____

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

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

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

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

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

N/A

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

N/A

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

i. _____

ii. _____

iii. _____

iv. _____

N/A

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 this is my first file for post-conviction relief.

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

N/A

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

i. _____

ii. _____

iii. _____

N/A

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

- (a) The reason why such grounds has not previously been presented is because not
- (b) _____
- (c) _____

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

- (a) your arraignment and plea? NO
- (b) your trial, if any? NO
- (c) your sentencing? NO
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

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

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

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

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

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

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

I Brandon Cornelius Craft wish to take this relief in front of supreme court because I think general sessions court understated my reasons for post-conviction. I think 25 years is to much time for no evidence in my case. And if I do give some time but I wish for my

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

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Greenville)

VERIFICATION

I, Brandon Cornelius Craft, 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.

Brandon C. Craft

SWORN to and subscribed before me this 19th day of September, 2012.

[Signature] (L.S.)
Notary Public

My Commission Expires: October 8, 2014

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

I, Brendan Cornelius Craft, 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.

Brendan C. Craft
Applicant

SWORN or affirmed to and subscribed before me this
19th day of September, 2012.

[Signature]
Notary Public

My Commission Expires
My Commission Expires: October 8, 2014

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	C.A. No. 2012-CP-23-6445
COUNTY OF GREENVILLE)	
)	
Brandon Cornelius Croft,)	
S.C.D.C. No. 350090,)	
)	
Applicant,)	
)	RETURN
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

In response to the post-conviction relief application filed October 9, 2012, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Applicant was indicted at the November 2009 term of the Greenville County Grand Jury for three counts of armed robbery (2009-GS-23-3464, count 1, -4231, count 1, -4233, count 1), four counts of possession of a weapon during the commission of a violent crime (2009-GS-23-3464, count 2, -3471, count 1, -4231, count 2, -4233, count 2), three counts of assault and battery of a high and aggravated nature (ABHAN) (2009-GS-23-3465, -4232, -4234), and attempted armed robbery (2009-GS-23-3471, count 2). Scott D. Robinson, Esquire, represented the Applicant.

On March 13, 2012, the Applicant pled guilty. The Honorable C. Victor Pyle, Jr. sentenced the Applicant to concurrent terms of twenty-five years for each count of armed robbery, five years for each count of possession of a weapon during the commission of a violent crime, ten years for each count of ABHAN, and twenty years for attempted armed robbery. The

Applicant did not appeal.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, and the 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. Ineffective assistance of counsel.

III.

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

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

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

S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

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

V.

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

VI.

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

Respectfully submitted,

ALAN WILSON
Attorney General


JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

KAREN C. RATIGAN
Assistant Deputy Attorney General

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

By:


Attorneys for Respondent

May 2, 2013

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
)
)
 BRANDON CORNELIUS CROFT, 350090)
)
)
)
 Applicant,)
)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS


2012-CP-23-6445

AFFIDAVIT OF SERVICE BY MAIL

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

Brandon Cornelius Croft, 350090
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

DATED this 2nd day of May, 2013.


 Judy A. O. Carey, Legal Assistant
 for Respondent

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

BRANDON CROFT,)
)
 PLAINTIFF,)
)
 -VS-)
)
 STATE OF SOUTH CAROLINA,)
)
 DEFENDANT.)
 _____)

2012-CP-23-06445

FEBRUARY 18, 2014

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE G. EDWARD WELMAKER, JUDGE

APPEARANCES:

MILLS ARIAIL, ESQUIRE
ATTORNEY FOR THE PLAINTIFF

KAREN RATIGAN, ESQUIRE
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS
CIRCUIT COURT REPORTER

1

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PLAINTIFF'S EXHIBITS

NO	DESCRIPTION	ID	EV
	(NONE)		

DEFENDANT'S EXHIBITS

	(NONE)		

COURT'S EXHIBITS

	(NONE)		

Brandon Croft -vs- State of South Carolina (2012-CP-23-06445)
PCR Hearing

5

1 they're necessary, but he has asked me to make a motion
2 to continue so that he can get that information. And I
3 don't know what information he's ---

4 THE COURT: What documents do you need, Mr.
5 Croft?

6 MR. CROFT: Your Honor, I would ask you, due
7 to the fact that they had locked me up on the weapons
8 charge at the institution that I'm in right now,
9 basically they had locked me up so all my legal work
10 and everything that I know of for my case.

11 THE COURT: But what do those documents have
12 that we need to address the case today?

13 MR. CROFT: As far as the facts that I'm
14 arguing upon as far as me coming up here for my PCR to
15 try to get it.

16 THE COURT: Well, are those papers in the
17 file?

18 MR. CROFT: Yes, sir. It's in all my ---

19 THE COURT: Have they been filed with the
20 court?

21 MR. CROFT: Yes, sir.

22 THE COURT: Okay. Ms. White, can you perhaps
23 just let them look at the file. I'll give you a moment
24 or two to go through the file and that ought to help.
25 We've got the file here. I'll give you a chance --

1 just take a few moment, Mr. Ariail, and go through the
2 file, as much time as you need. We'll work with you on
3 that. Maybe that'll help you out, Mr. Croft, and I'll
4 be reviewing my file, as well.

5 (WHEREUPON, the court stood at recess for a short
6 break.)

7 MR. ARIAIL: Your Honor, I believe based on
8 this that he's going to proceed right now.

9 THE COURT: All right. You may call your
10 first witness.

11 MR. ARIAIL: Mr. Croft, I call you to the
12 stand, Brandon Croft.

13 THE COURT: Come around and be sworn, please.

14 THE CLERK: Mr. Croft, please place your left
15 hand on the bible and raise your right hand.

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

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Thank you. Please state your
22 full name for the record.

23 THE WITNESS: Brandon Cornelius Croft.

24 THE CLERK: Thank you. You may be stated.

25 **BRANDON CORNELIUS CROFT,**

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

2 **DIRECT EXAMINATION**

3 **BY MR. ARIAIL:**

4 Q. All right. Mr. Croft, in regards to this case,
5 you were represented by Scott Robinson; correct?

6 A. Yes, sir.

7 Q. Did you have an attorney before Mr. Robinson?

8 A. Yes, sir.

9 Q. Who did you have?

10 A. I had John Abdalla.

11 Q. Okay. And then how long had Mr. Robinson
12 represented you before your plea?

13 A. Probably like -- not long. It wasn't too long,
14 it wasn't too long. I can't really just give you the
15 dates like off the head, because, I mean, but it wasn't
16 too long. It probably was like, I'd say about -- he
17 probably represented me like -- well, probably not a
18 year.

19 Q. But somewhere close to a year?

20 A. Somewhere close to that.

21 Q. Okay. How many times did you talk to Mr.
22 Robinson?

23 A. I probably talked to him like -- I seen him at
24 the Greenville County Detention Center probably like
25 three -- about three or four times.

1 Q. Okay. So did y'all discuss the case, all your
2 cases?

3 A. Yeah. We started discussing the case when it was
4 time for me to start coming -- like coming toward my
5 trial.

6 Q. Okay. So was he appointed for you?

7 A. Yes. He was appointed to me.

8 Q. Okay. Now, in regards to your cases, you had a
9 variety -- I think there was numerous -- I think there
10 was three armed robberies, four possession of a weapon
11 during a violent crime, three counts of assault and
12 battery of a high and aggravated nature and attempted
13 armed robbery; is that right?

14 A. Yes, sir.

15 Q. Okay. So you had to go through, I guess there
16 were three or four different circumstances and
17 occasions that you had discussions with him. Did you
18 discuss all those with him?

19 A. Yes, sir.

20 Q. Okay. Did you understand the facts or the
21 evidence that the state had against you?

22 A. No, sir, I didn't understand it.

23 Q. Did he explain to you how they were going to try
24 to prove that you were guilty of these?

25 A. He told me that, he told me that he a DVD showing

Brandon Croft -vs- State of South Carolina (2012-CP-23-06445)
Brandon Croft - Direct Examination by Mr. Ariail

9

1 that I was at the scene with my co-defendants at a
2 store.

3 Q. Okay.

4 A. He said that he -- that they had evidence and
5 people that was going to testify against me, which is
6 what my co-defendants and one of my -- my co-defendant
7 that was my cousin, he said that my cousin was going to
8 testify against me, which that was a lie. And he --
9 basically he said he had a DVD and he never showed
10 forth -- forth with it. I never seen it.

11 Q. So you're saying there was a DVD ---

12 A. Yeah. Yes, sir.

13 Q. --- that was going to show that you did this?

14 A. Yes, sir.

15 Q. Your cousin was going to testify?

16 A. Yes, sir.

17 Q. Was your cousin a co-defendant?

18 A. Yes, sir.

19 Q. Okay. Did your cousin plead guilty?

20 A. Yes, sir.

21 Q. Okay. So did he plead guilty before you pled
22 guilty?

23 A. Yes, sir. He pled guilty way before me.

24 Q. Okay. The question was whether or not he was
25 going to testify at your trial?

- 1 A. Yes, sir. He told me he was.
- 2 Q. Okay. Let me ask you this. When he pled guilty
3 was he sentenced at that time?
- 4 A. He was already sentenced. He pled guilty to ten
5 years before me.
- 6 Q. Okay. So the question was whether or not he was
7 going to testify against you?
- 8 A. That's what he told me.
- 9 Q. I mean, that was something he said was a
10 potential at your trial?
- 11 A. No. He told me that he was -- he said, your
12 cousin is going to testify against you. So this is
13 what we need to do.
- 14 Q. Okay. How did you -- did he tell you that the
15 solicitor said this is what's going to happen?
- 16 A. He said the solicitor, he said the solicitor,
17 nine times out of ten, was going to give me twenty
18 years. If I go ahead and take this plea -- he said
19 your cousin's going to testify against you and you've
20 already got three other people testifying against you.
21 You need to just go ahead, you need to go ahead and
22 take this plea.
- 23 Q. Okay. So you got twenty-five years when you pled
24 guilty in front of Judge Pyle; is that right?
- 25 A. Yes, sir.

1 Q. Okay. Now, tell me -- I'm sitting here and I
2 want you to go through. What were your defenses or
3 what did you tell him, hey, look, I didn't do this, or
4 how were you going to prove or put up evidence in
5 regards to that?

6 A. My whole defense, my whole defense was, okay, if
7 I was the one who robbed these people, why didn't they
8 know me? These people didn't know me from Adam and
9 Eve. Didn't nobody know me. I'm talking about period.
10 In their statements that they gave saying that I was
11 supposed to rob them, it didn't even add to who I am,
12 right now to this day. They said I was supposed to
13 been five seven, had a black mask on my face, black
14 clothes. I had on a white t-shirt, blue jean pants
15 with orange, green, red, and all different colored
16 color on it. They said they found a gun. I didn't
17 even have a gun on me.

18 Q. Did you discuss all that with him?

19 A. I discussed everything with him. Everything.

20 Q. Now, and despite all that, and knowing that, you
21 still went forward with the guilty plea; right?

22 A. Yeah, because he told me, I need to just go ahead
23 and do this because your cousin's going to take -- he's
24 going to take the stand on you and it's four against
25 you, basically. It's four against you. So it's not

1 going to -- you're not going to win.

2 Q. All right. But my question is, you made a
3 decision at some point in time to plead guilty; right?

4 A. Yeah. I just went ahead and pled guilty, because
5 he told me it was going to be even worsser.

6 Q. I'm trying to understand and so the court, I know
7 Judge Welmaker is trying to understand, why would you
8 go ahead and plead guilty if you say you -- this wasn't
9 you, you didn't do it?

10 A. Because this man right here told me that it's
11 four against one. And he say he got a videotape saying
12 that he seen me with these people and all that.

13 Q. Okay. Did you give any type of statements to the
14 police or anything?

15 A. No.

16 Q. Did you say you were involved in this or was
17 there any other evidence against you about ---

18 A. No. I did say that the car that I, the car that
19 I had was my brother's car, yeah, because it was my
20 brother's car.

21 Q. Was your brother involved in this?

22 A. No. My brother was nowhere around.

23 Q. Okay. You had a plea offer at one time; is that
24 right?

25 A. Yeah. I had a plea offer for ten to fifteen. He

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Brandon Croft - Direct Examination by Mr. Ariail

13

1 told me that I couldn't get that plea no more.

2 Q. Okay. And why -- was that plea offer, did it
3 occur while he was your attorney?

4 A. No. It was John Abdalla, he was my attorney, but
5 when I came back to the Greenville County Detention
6 Center, I was under the impression that I was still
7 getting this plea. But when I asked him, he was like,
8 no, I can't get that plea.

9 Q. But I guess what I'm trying to figure out is, you
10 had a plea offer at one time and you got that while you
11 were represented by John Abdalla; correct?

12 A. Yes, sir.

13 Q. Okay. And then at some point in time, they
14 either withdrew that plea offer -- was that during the
15 point in time you were represented by Mr. Robinson?

16 A. There never was -- I never -- if they did
17 withdraw the plea, I never knew nothing about it.

18 Q. Okay. At the time Mr. Robinson took over your
19 representation, was the plea offer still on the table?

20 A. No. We wasn't even talking about a plea until
21 the last minute.

22 Q. I'm a little confused at that. So you say there
23 was a plea offer, but y'all weren't talking about a
24 plea offer ---

25 A. No. We never talked -- we never had talked about

1 it. I just knew that I had a ten to fifteen plea
2 before I ever even seen Mr. Robinson.

3 Q. Okay. Are you saying that he failed to represent
4 or provide you that plea offer or anything like that?

5 A. Yeah. Because he was saying that it was off the
6 table, basically.

7 Q. Okay. What other items are you saying he was
8 ineffective in regards to your representation?

9 A. As far as like when he came upon my case, if he
10 knew that I had these stacked charges on me, which is
11 all these gun charges and all these armed robberies and
12 all these ABHANS, and all of them was really based on
13 one big charge, why didn't you take me to the circuit
14 court or wherever I needed to be to go as far as my
15 preliminary hearing so they can understand that these
16 charges was just that charge, because basically I've
17 got all these twenty-fives and all these twenties and
18 these fifteens and all these ten years for really three
19 charges. It was three armed robberies, so okay, I
20 understand the three armed robberies. But all these
21 gun charges is -- they only got one gun so why do I got
22 all these five years for all these gun charges? You
23 only got one gun and you didn't even get it from me.

24 Q. Okay.

25 MR. ARIAIL: Your Honor, I have no further

1 questions.

2 THE COURT: You may cross examine the
3 witness.

4 MS. RATIGAN: Thank you, Your Honor.

5 **CROSS EXAMINATION**

6 **BY MS. RATIGAN:**

7 Q. So when you met with Mr. Robinson, did y'all talk
8 about the state's evidence against you?

9 A. We talked about -- yes, ma'am.

10 Q. So that would have been like witness statements,
11 police reports, stuff like that?

12 A. No. We just talked about my co-defendant
13 basically was -- I guess they was supposed to be the
14 witnesses or whatever.

15 Q. Okay.

16 A. And the DVD he was supposed to have.

17 Q. How many co-defendants did you have?

18 A. Travis Snyder, Jamal Gault, Elijah Williams.
19 Just them. That's it. Just them.

20 Q. And one of them was your cousin?

21 A. (No verbal response.)

22 Q. Okay. Now, when you met with Mr. Robinson, did
23 you tell him your version of what had happened that
24 night with all these people?

25 A. Yeah. I had tell him, but I never put myself

1 with them.

2 Q. Okay. And did Mr. Robinson explain to you the
3 idea -- have you ever heard of the phrase the hand-of-
4 one is the hand-of-all?

5 A. I always heard it, yes, ma'am.

6 Q. Okay. Did he explain to you what that meant?

7 A. Yes, ma'am.

8 Q. And you're saying today you pled guilty -- one of
9 the reasons you pled guilty is because Mr. Robinson
10 said that one of your co-defendants would testify
11 against you?

12 A. He was saying I was basically outnumbered by a
13 longshot.

14 Q. Okay. Did he tell you all the co-defendants
15 would or just your cousin?

16 A. He said, he said that basically all of them was
17 going to testify but they just needed my cousin just to
18 put icing on the cake, basically.

19 Q. Now, you just testified you were under the
20 impression when you pled guilty that you could still
21 get that plea offer?

22 A. That's what I was under the impression, I was set
23 to get ten to fifteen, yes, ma'am.

24 Q. Okay. Why did you -- why were you under that
25 impression?

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Brandon Croft - Cross Examination by Ms. Ratigan

17

1 A. Because nobody never told me that, oh, you can't
2 get this ten to fifteen no more or your plea
3 arrangement has done went from zero to twenty or none
4 of that. They never said that. It was just the last
5 thing I had -- knew about as far as what was the plea
6 was the ten to fifteen.

7 Q. Okay. Did you -- did anyone ever tell you that
8 that plea offer had an expiration date?

9 A. No, ma'am. But I did ask him about that plea
10 arrangement, though.

11 Q. Okay. And that plea offer was made when you were
12 still represented by Mr. Abdalla?

13 A. Yes, ma'am.

14 Q. And when you went to plead guilty that day before
15 Judge Pyle, did you think the offer was still there or
16 did Mr. Robinson tell you, you're pleading without any
17 kind of offer?

18 A. No. I still thought it was there. Then that's
19 when he let me know that I was pleading without an
20 offer.

21 Q. Okay. So before you went in to plead, Mr.
22 Robinson told you that no offer?

23 A. After I asked him, after I asked him about the
24 ten to fifteen, he was like, no, no, no, there ain't no
25 offer. You've got to go in there on zero for --

1 basically an open plea, zero to whatever.

2 Q. Okay. And did he tell you that the day of the
3 plea or had he told you that beforehand?

4 A. No. He told me that the day of that plea, the
5 day that I was going to take that plea.

6 Q. Okay. And you admitted to Judge Pyle during the
7 plea that you were there, but you were the driver?

8 A. Yeah.

9 Q. Is that correct?

10 A. Yeah, yeah, yeah.

11 Q. Okay.

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

13 MR. ARIAIL: Nothing further, Your Honor.

14 THE COURT: All right. Thank you, sir. You
15 may step down, Mr. Croft.

16 You may call your next witness.

17 MR. ARIAIL: Your Honor, that's our case.

18 THE COURT: Anything from the state?

19 MS. RATIGAN: Yes, Your Honor, we would call
20 Mr. Robinson.

21 THE CLERK: Mr. Robinson, please place your
22 left hand on the bible and raise your right hand.

23 You do solemnly swear or affirm that the testimony
24 you're about to give in this case will be the truth,
25 the whole truth and nothing but the truth, so help you

1 God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you. Please state your
4 full name for the record.

5 THE WITNESS: Scott David Robinson.

6 SCOTT DAVID ROBINSON,

7 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MS. RATIGAN:

10 Q. Mr. Robinson, do you recall representing Mr.
11 Croft on these charges?

12 A. I do.

13 Q. And were you appointed in this case or were you
14 retained?

15 A. I was appointed on May 16th, 2011.

16 Q. And did you file discovery motions?

17 A. I did.

18 Q. Did you receive those materials from the state?

19 A. Yes.

20 Q. Did you review them with Mr. Croft?

21 A. Yes. He received my copy and I went over it with
22 him on March 21st, 2011, it looks like.

23 Q. 2011 or 2012?

24 A. 2012, excuse me.

25 Q. And did Mr. Croft, in your meetings with him, did

1 he ever tell you his version of what had happened?

2 A. Yes. I think that he didn't understand the
3 concept of hand-of-one hand-of-all. I think that by
4 driving a car, he thought that he was not participating
5 in this. And I explained to him that concept and we
6 went -- we investigated the case. We had two
7 investigators, Paul Salvaggio and also Lee Conley from
8 Columbia that met with him. But we prepared trying to
9 find the problems and so forth in the case, just like a
10 trial.

11 Q. When you were appointed on this case, was there
12 an active plea offer?

13 A. No. The offer actually had expired on
14 12/27/2009.

15 Q. So you were aware of that expired plea offer?

16 A. Yes. And so was he. I'm assuming -- John
17 Abdalla is a fine lawyer and I'm sure that he sent it
18 down or gave him a copy of it and so forth.

19 Q. When you had the case had the state ever made any
20 kind of subsequent offer?

21 A. No.

22 Q. Was this case on the trial docket when he pled;
23 do you recall?

24 A. I believe it was, because in my file I had the
25 prosecution witnesses in this matter, so I think it was

1 at that time.

2 Q. Would you have explained to Mr. Croft the idea of
3 pleading guilty without a recommendation, what that
4 would mean?

5 A. Yes.

6 Q. Did you explain to Mr. Croft the sentence ranges
7 on the charges?

8 A. Yes.

9 Q. Did you explain to him the elements of these
10 different offenses?

11 A. Yes.

12 Q. Did any of the co-defendants, had they given
13 statements in this case; do you recall?

14 A. Yes.

15 Q. Did you review that with Mr. Croft?

16 A. Yes.

17 Q. Were they damaging to your case?

18 A. Not all of them were, but the majority were, yes,
19 of the co-defendants.

20 Q. If this case had gone to trial, would these co-
21 defendants have testified against your client; do you
22 know?

23 A. They were -- some of them were on the witness
24 list for the state that Mr. Fretwell had prepared. I
25 don't know what his strategy would have been, whether

1 he would have called all of them or just some of them.

2 I would assume that they would come to court and they

3 would testify if they were subpoenaed.

4 Q. And would you have explained to Mr. Croft that

5 his co-defendants could be called to testify against

6 him if he went to trial?

7 A. Yes.

8 Q. You testified that Mr. Croft seemed to have a

9 little problem understanding hand-of-one hand-of-all.

10 Did you explain to him the theory of accomplice

11 liability?

12 A. Yeah. I actually gave him -- from what I recall,

13 I gave him the most recent -- at that time the most

14 recent jury instruction on hand-of-one hand-of-all.

15 Q. Now, Mr. Croft just testified that you informed

16 him that there was a DVD showing that he committed

17 these offenses. Do you recall if there was a DVD in

18 this case?

19 A. The DVD, it was in the property and evidence, and

20 it just showed photos of the crime scene and that's my

21 -- that's what it has on it, photos of the crime and

22 photos, but nothing else.

23 Q. So it's not a video, it's just still photos?

24 A. Just photos, yeah, as I recall.

25 Q. Were you able to show these photographs to Mr.

1 Croft?

2 A. He would have seen -- anything that I had he
3 would have seen. That's typical, either through the
4 investigators or through me. I'm not sure who showed
5 him.

6 Q. Now, at some point in the plea transcript, I
7 believe it's on page fifteen, Mr. Fretwell indicates
8 that Mr. Croft was the ringleader. Is that something
9 that you were aware of, the state's position that they
10 viewed him as being kind of the ringleader of this
11 series of events?

12 A. I don't know if you would -- I don't think
13 Brandon was the ringleader of anything. I really
14 don't. I think he was just at the wrong place at the
15 wrong time. That's what I think. And I think that the
16 co-defendants in this case all kind of turned against
17 him when they realized that they could be looking at a
18 lot of time and so forth, they kind of all turned on
19 him, I think. That's what I think happened.

20 Q. But were you aware the state, if it had gone to
21 trial, would try and paint him as the ringleader?

22 A. They would have done that, because I think at
23 that point, going back, I think he was the last guy to
24 plead. And he didn't want to plead. That's what I
25 think. And I think they just said, well, okay, if you

1 don't want to help do something for us, we're going to
2 go forward with you. That's what I think.

3 Q. And would you have explained to Mr. Croft that if
4 the case had gone to trial, the state was going to
5 portray him as being the ringleader of this series of
6 events?

7 A. I would have.

8 Q. Okay.

9 A. The state had thirteen witnesses. They had
10 planned on calling -- you know, a fourth of them are
11 Greenville County and forensics and all that stuff, and
12 others are the victims and some of the co-defendants.

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

14 THE COURT: You may cross examine.

15 MR. ARIAIL: Yes, Your Honor.

16 **CROSS EXAMINATION**

17 **BY MR. ARIAIL:**

18 Q. Mr. Robinson, in regards to this -- I guess, how
19 many conversations did you have with Mr. Croft in
20 regard to the evidence?

21 A. I can't say how many conversations I had. I had
22 at least three or four.

23 Q. Three or four?

24 A. But I'll also tell you this. I had two
25 investigators during this case, Lee Conley and Paul

1 Salvaggio. And they would have seen him -- they had
2 all the investigator notes as far as when they talked
3 to him and so forth.

4 Q. In going through them, I know there was four
5 different events in this armed robbery, did you go over
6 all the facts about each of them individually?

7 A. Absolutely.

8 Q. So he understood that he was looking at a
9 substantial amount of time if he went to trial and was
10 convicted if he got consecutive sentences?

11 A. I think Judge Pyle is a fine judge and so forth,
12 but he's kind of a -- go through a jury trial and he --
13 if you're found guilty by a jury, he's a judge that is
14 a little more -- he's just a sentencer, I think in this
15 case. I don't know if I would like to be sentenced by
16 him if I was found guilty in a jury trial.

17 Q. Okay. And you explained all that to Mr. Croft?

18 A. Yes.

19 Q. And this hand-of-one hand-of-all, did you go
20 through exactly -- I guess, did he understand that
21 before his plea? From your understanding?

22 A. Other than talking to him about it numerous
23 times, other than giving him a copy of the most recent
24 jury charge comment that would have been given in
25 court, whether he connected the dots in the plea, I

1 don't know. I would assume he would.

2 Q. Okay. And he acknowledged that he was driving;
3 correct?

4 A. He said in the statement that he was driving.
5 And the weird thing that he did when he gave his
6 statement to the police, you know, he's in a car with
7 -- he's driving a car with these guys; he's just the
8 driver. But he doesn't -- he's not going to tell the
9 police who's in the car with him. He doesn't know who
10 they are.

11 Q. Okay.

12 A. And he's obviously protecting the other folks.
13 Doesn't want to get them in trouble. And so he did say
14 he was driving. And then the victim -- I think one of
15 the victims identified him. And the co-defendants in
16 this case, the ones that he was willing to protect in
17 his statement, they turn around and they said, well,
18 you were the guy.

19 Q. Okay. So you discussed all that with him?

20 A. Absolutely.

21 Q. And then the question, I guess, were there any
22 other defenses you saw? And I guess you were kind of
23 stuck with he had -- he was driving and he's saying
24 they're not -- he didn't know the individuals in the
25 car?

1 A. Right.

2 Q. Were there any, I guess, defenses as he didn't
3 know they were going to do this or they got out of the
4 car and did it without his knowledge? Did you have
5 anything else you could ---

6 A. You know, I think I went down that path with him,
7 but I think he was being a little too cagey when he was
8 talking to the police, a little too -- here he is, he's
9 got guys in the car with him and he's not willing to
10 say to the police who these guys are.

11 Q. Uh-huh (affirmative).

12 A. And that was -- that could have been problematic,
13 I believe, at a trial in this case. Because that would
14 make the jury think that he's hiding something.

15 Q. Okay.

16 A. And I think that would have been possibly
17 problematic. Would it have been a problem, I can't
18 project that. But I can tell you, I would have gone
19 over with him every single possible issue that would
20 have come up with that part of it because the ironic
21 thing is that he's trying to not be a rat on people,
22 but these people turned around and ratted on him.

23 That's the ironic thing about it.

24 Q. Yeah. In the statement they provided, were they
25 -- he acknowledges he was driving. Were the statements

1 more -- did they show more of his involvement in it or
2 what were they going to testify at trial, to your
3 recollection?

4 A. Let me check the statements in my file. Yeah,
5 okay, one of the first guys, this is one of the guys
6 that was going to testify at trial. This was Jamal
7 Gault. Jamal actually says that Brandon jumped out
8 with a gun, put a gun to the guy, then hit him, fell to
9 the ground. Brandon was telling the guy -- telling E
10 -- I'm not sure who E is -- to get his necklace. He
11 wouldn't do it, so Brandon got out of the car and
12 grabbed his keys, threw them back at him and drove off.
13 Then the other guy who -- that was robbed, this guy,
14 this Jamal Gault says -- this is just Jamal Gault who
15 says this, says, Brandon was yelling at me to get his
16 wallet. I went in the white guy's wallet, grabbed his
17 wallet. So this individual -- this is actually one of
18 the individuals that was a witness for the state at the
19 trial of this case. That was just Jamal Gault. Then
20 there was Jerry. He says that Brandon stuck the gun to
21 the guy's head. Brandon started beating up the white
22 guy. So we're -- this is -- I can go on. There's five
23 more ---

24 Q. And that was what -- you discussed that with him?

25 A. Yes. He's seen all of this. He's seen it from

1 me, discovery, and he's also seen it from John Abdalla.

2 Q. John Abdalla.

3 A. That was back in 2009, I believe. So about two
4 years before I got involved.

5 Q. And I guess -- I'm trying to figure out -- there
6 were no viable defenses that you saw of this?

7 A. Well, the defenses, as you know, Mr. Ariail, in
8 these kind of cases when you're stuck with co-
9 defendants that are trying to protect themselves, it
10 puts you in a difficult position of having to attack
11 the co-defendants for what they're offered, what
12 they're given and so forth. And then going after their
13 prior records and their statements, trying to catch
14 them in lies when they're testifying, of course.

15 Q. Right.

16 A. But I didn't have an alibi. I didn't have really
17 anything as far as a good defense in this case, a valid
18 defense. But I don't think that, I don't think that
19 Brandon was given -- I think his co-defendants betrayed
20 him, I believe, in this case. I think they could have
21 just come forward in the beginning and said he was just
22 driving the car and didn't know anything about it, if
23 that was the truth. But they didn't.

24 Q. Okay.

25 A. And that's what ultimately got him in this mess.

1 MR. ARIAIL: I have no further questions,
2 Your Honor.

3 THE COURT: Any redirect?

4 MS. RATIGAN: No, Your Honor. And the state
5 would rest.

6 THE COURT: You may step down, Mr. Robinson.
7 Anything in reply?

8 MR. ARIAIL: Nothing, Your Honor.

9 THE COURT: I've had a chance to hear the
10 testimony and review the transcript of the plea here
11 with Judge Pyle. Based upon what I've heard and what
12 I've seen in the file, there's certainly not been,
13 under the standard of *Strickland*, efficient
14 performance. I see no prejudice from that. I believe
15 that the evidence does not support the petitioner's
16 claim and I deny the petition. If you would prepare me
17 an order under the standard of *Marlar v. State*.
18 Appreciate it. I fail to see that there's a violation
19 under the *Strickland* standard here.

20 MS. RATIGAN: Thank you, Your Honor.

21 MR. ARIAIL: Thank you, Your Honor.

22

23 [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 Greenville County, South Carolina, on the 19th day of
10 February, 2014.

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 June 23, 2014

16

17

18

19

20

A handwritten signature in cursive script that reads "Danette P. Hanks". The signature is written in black ink and is positioned above the printed name of the reporter.

Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Brandon Cornelius Croft,)
 S.C.D.C. No. 350090,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 C.A. No. 2012-CP-23-6445

ORDER OF DISMISSAL

2014 APR -9 P 3:03

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSIMMER

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed October 9, 2012. The Respondent made its return on May 2, 2013. An evidentiary hearing into the matter was convened on February 18, 2014 at the Greenville 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, Scott D. Robinson, Esquire. The Court had before it the transcript of the guilty plea hearing, the Greenville County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Applicant was indicted at the November 2009 term of the Greenville County Grand Jury for three counts of armed robbery (2009-GS-23-3464, count 1, -4231, count 1, -4233, count 1), four counts of possession

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of a weapon during the commission of a violent crime (2009-GS-23-3464, count 2, -3471, count 1, -4231, count 2, -4233, count 2), three counts of assault and battery of a high and aggravated nature (ABHAN) (2009-GS-23-3465, -4232, -4234), and attempted armed robbery (2009-GS-23-3471, count 2). He was represented by Scott D. Robinson, Esquire.

On March 13, 2012, the Applicant pled guilty. The Honorable C. Victor Pyle, Jr. sentenced the Applicant to concurrent terms of twenty-five years for each count of armed robbery, five years for each count of possession of a weapon during the commission of a violent crime, ten years for each count of ABHAN, and twenty years for attempted armed robbery. The Applicant did not appeal.

ALLEGATIONS

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

1. Ineffective assistance of counsel.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the

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evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

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

The Applicant stated plea counsel was his second attorney on these charges. The Applicant stated he met with plea counsel 3-4 times at the detention center and that they discussed the State’s evidence and his version of events. The Applicant stated plea counsel explained the concept of “the hand of one is the hand of all.” The Applicant acknowledged that he admitted at the plea hearing that he was present at the scene. The Applicant stated plea counsel told him that his co-defendant would testify against him and that a DVD showed he was guilty. The Applicant stated both of these things were untrue. The Applicant stated there was a 10-15 year plea offer available while he was represented by his first attorney. The Applicant stated he was under the impression that he would receive this offer if he pled guilty. The Applicant admitted, however, that plea counsel told him on the day of the plea hearing that there was no plea offer.

Plea counsel testified he was appointed on May 16, 2011. Plea counsel testified he filed discovery motions, received those materials, reviewed them with the Applicant, and provided

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him a copy. Plea counsel testified he had 3-4 meetings with the Applicant and that his investigators would have had additional meetings with him. Plea counsel testified the Applicant told him his version of events and that he explained the theory of "hand of one is hand of all" to the Applicant. Plea counsel testified the prior plea offer had expired on December 27, 2009 (prior to his appointment on the case) and that the Applicant knew this. Plea counsel testified there were no further plea offers and the case was on the trial docket. Plea counsel testified two different investigators worked on the case and he was prepared for trial. Plea counsel testified he would have told the Applicant that some of his co-defendants were on the State's witness list. Plea counsel testified at least two co-defendants (Jamar G. and Darius M.) had given very damaging statements against the Applicant. Plea counsel testified there were still photographs from the DVD and that he would have shown them to the Applicant. Plea counsel testified he told the Applicant he would be pleading guilty without a sentence recommendation and explained the elements and sentence ranges of the offenses.

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

The Applicant admitted to the plea judge that the facts recited by the solicitor were true. (Plea transcript, p.10). The Applicant also told the plea judge that he understood the trial rights he was waiving in pleading guilty, was satisfied with counsel, and had not been coerced in any way. (Plea transcript, pp.4-6).

This Court finds the Applicant failed to meet his burden of proving plea counsel did not

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properly prepare his case. The Applicant and plea counsel both testified they met 3-4 times and discussed the evidence and the Applicant's version of events. Additionally, plea counsel testified he provided a copy of discovery materials to the Applicant and had two investigators working on the case. This Court finds plea counsel's testimony is credible. This Court finds there is no merit to the Applicant's contention that plea counsel misled him when he said co-defendants would testify against him. Plea counsel produced statements from his co-defendants in which they implicate the Applicant. Further, plea counsel produced a witness list indicating several co-defendants were to be called as State witnesses. Regardless, as these co-defendants did not testify at the PCR hearing, this Court cannot speculate as to what their trial testimony would have been. See Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (the South Carolina Supreme Court "has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial.") (emphasis in original). Similarly, this Court cannot speculate as to whether the DVD (or still photographs therefrom) were either harmful or helpful in the Applicant's case because they were not introduced at the PCR hearing. Cf. Palacio v. State, 333 S.C. 506, 513, 511 S.E.2d 62, 66 (1999) (holding that, since the contents of challenged documents were not presented at the PCR hearing, the Applicant could not demonstrate how the failure of counsel to obtain these documents prejudiced the defense).

This Court finds the Applicant failed to meet his burden of proving plea counsel misadvised him about the sentence he would receive if he pled guilty. It is clear the State's plea offer had expired well before plea counsel was appointed in this case. While the Applicant stated he was under the impression that this offer was still available, this Court finds this

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testimony is not credible. The Applicant admitted plea counsel advised him that he was pleading guilty without a recommendation and plea counsel confirmed this. This Court finds the Applicant was fully aware that he was pleading guilty without a sentence recommendation and has failed to prove that plea counsel was deficient.

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

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

All Other Allegations

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

CONCLUSION

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

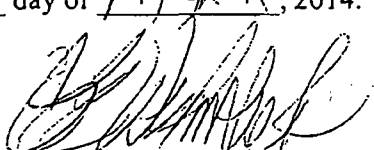
6 

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 31 day of March, 2014.



G. Edward Welmaker
Presiding Judge
Thirteenth Judicial Circuit


_____, South Carolina.

DOCKET NO. 2009-GS-23-
AOF
The State of South Carolina 003071

County of Greenville

COURT OF GENERAL SESSIONS

November TERM 2009

THE STATE

vs.

BRANDON CORNELIUS CROFT

Indictment for

0026
0549

ATTEMPTED ARMED ROBBERY and
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

VIOLATION §16-11-0330 and §16-23-0490

WITNESSES

T. Conroy

Greenville Police Department

2/25/2009

ARREST WARRANT NUMBER
M068576 and M068577

ACTION OF GRAND JURY
TRUE BILL

Alicki Cummins
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED ARMED ROBBERY and POSSESSION OF A
WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on NOV 17 2009 the Grand Jurors of Greenville
County present upon their oath:

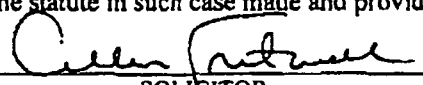
COUNT I

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009,
while armed with a deadly weapon, or while alleging either by action or words he was armed while using a
representation of a deadly weapon or any object which a person present during the commission of the robbery
would reasonably believe to be a deadly weapon, attempt to take by means of force or intimidation, goods or
monies described as: U.S. currency, from the person or presence of E [REDACTED] D [REDACTED]. This is in violation of §16-
11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT II

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009,
possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit:
ATTEMPTED ARMED ROBBERY. This is in violation of §16-23-490 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

DOCKET NO. 2009-GS-23-
AOF

✓ The State of South Carolina 003465

County of Greenville

COURT OF GENERAL SESSIONS

November TERM 2009

THE STATE

vs.

BRANDON CORNELIUS CROFT

Indictment for

0013

ASSAULT AND BATTERY OF A HIGH AND
AGGRAVATED NATURE

VIOLATION § COMMON LAW

WITNESSES

I. Conroy

Greenville Police Department

2/25/2009

ARREST WARRANT NUMBER

M068572

ACTION OF GRAND JURY
TRUE BILL

Nicki Cummins

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
NATURE

NOV 17 2009

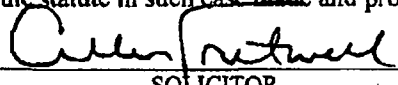
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009, willfully and unlawfully commit an assault and battery upon M [REDACTED] M [REDACTED] constituting an unlawful act of violent injury to M [REDACTED] M [REDACTED], accompanied by circumstances of aggravation, to wit: use of a deadly weapon and/or the intent to commit a felony. This is in violation of the Common Law of the State of South Carolina.

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


SOLICITOR

DOCKET NO. 2009-GS-23-

AOF

The State of South Carolina 003464

County of Greenville

COURT OF GENERAL SESSIONS

November TERM 2009

THE STATE

vs.

BRANDON CORNELIUS CROFT

Indictment for

0139 and 0549

ARMED ROBBERY and POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

VIOLATION §16-11-0330 and §16-23-0490

WITNESSES

T. Conroy

Greenville Police Department

2/25/2009

ARREST WARRANT NUMBER

M068570 and M068571

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY and POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **NOV 17 2009** the Grand Jurors of Greenville

County present upon their oath:

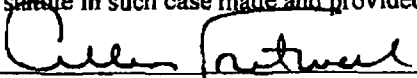
COUNT I

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U.S. currency from the person or presence of M [REDACTED] M [REDACTED] This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT II

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: ARMED ROBBERY. This is in violation of §16-23-490 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

DOCKET NO. 2009-GS-23-
AOF

004231

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November TERM 2009

THE STATE

vs.

BRANDON CORNELIUS CROFT

WITNESSES

T. Conroy

Greenville Police Department

2/25/2009

ARREST WARRANT NUMBER
M068573 and M068574

ACTION OF GRAND JURY

TRUE BILL

Nicki Cummins

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for
0139 and 0549

ARMED ROBBERY and POSSESSION OF A
WEAPON DURING THE COMMISSION OF A
VIOLENT CRIME

VIOLATION §16-11-0330 and §16-23-490

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 ARMED ROBBERY and POSSESSION OF A WEAPON DURING
 THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on ~~NOV~~ 17 2009

the Grand Jurors of Greenville

County present upon their oath:

COUNT I

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: a wallet and U.S. currency, from the person or presence of M [REDACTED] M [REDACTED]. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT II

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: ARMED ROBBERY. This is in violation of §16-23-490 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

DOCKET NO. 2009-GS-23-AOF

09/23/09

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2009

November

THE STATE

vs.

BRANDON CORNELIUS CROFT

WITNESSES

T. Canroy

Greenville Police Department

2/25/2009

ARREST WARRANT NUMBER

MD68580

ACTION OF GRAND JURY
TRUE BILL

Micki Cummings

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0013

ASSAULT AND BATTERY OF A HIGH AND
AGGRAVATED NATURE

VIOLATION § COMMON LAW

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
NATURE

NOV 17 2009

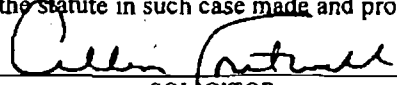
At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That BRANDON CORNELIUS CROFT did in Greenville County, on or about the 25th day of February 2009, willfully and unlawfully commit an assault and battery upon J [REDACTED] Y [REDACTED] constituting an unlawful act of violent injury to J [REDACTED] Y [REDACTED], accompanied by circumstances of aggravation, to wit: use of a deadly weapon and/or intent to commit a felony. This is in violation of the Common Law of the State of South Carolina.

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



SOLICITOR