

ORIGINAL

STATE OF SOUTH CAROLINA
In The Supreme Court

Appeal from Florence County
Court of Common Pleas

The Honorable William H. Seals Jr., Circuit Court Judge

Appellate Case No. 2014-000068

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S.C. Supreme Court

ANTHONY TOMMY WILSON,.....PETITIONER,

v.

STATE OF SOUTH CAROLINA,.....RESPONDENT.

SUPPLEMENTAL 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

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE)

State of South Carolina,)

AFFIDAVIT OF DEFENDANT FOR
GUILTY PLEA

-vs-)

Anthony T. Wilson,)

Defendant.)

The Defendant states to the Court that the Defendant wants to plead guilty to the following charge(s): MURDER UNDER N.C. VS. ALFORD and
Burglary, 1st Degree

In connection with the plea, I certify that the answers to the following questions are true:

BACKGROUND OF DEFENDANT

- 1) How old are you? 18
- 2) How far did you go in school? 9th Grade
- 3) (a) Can you read and write the English language? ☒ YES ☐ NO
(b) Are you able to read and understand this form? ☒ YES ☐ NO
(c) If not, who is explaining it to you and filling out your answers?

Name of person: Defendant understands, attorney completing form

- 4) What kind of work do you do? Plumbing, Electrical work
- 5) Have you ever been treated for abuse of alcohol or drugs or for mental illness?
☐ YES ☒ NO

If so, when? N/A

For How long? N/A

Did you successfully complete the program? N/A YES ☐ NO ☐

- 6) Have you taken any medication, drugs or alcohol in the last 24 hours?
☐ YES ☒ NO

If yes, What? N/A

How much? N/A

When? N/ADoes this affect your ability to know and understand what you are doing here today? YES N/A NO

- 7) Are you today under the influence of any medications, drugs or alcohol?
YES N/A NO
- 8) Are you today aware of any physical, emotional or nervous problem that might keep you from understanding what you are doing?
YES ✓ NO
- 9) Have you ever been ordered by a Judge to submit to a mental evaluation to determine your competency to stand trial?
YES ✓ NO

WAIVER OF CONSTITUTIONAL RIGHTS

- 1) Do you understand that you have a right to remain silent, that is your rights against self incrimination? You cannot be compelled or forced to testify or give evidence against yourself. Do you understand this right?
✓ YES NO
- Do you wish to give up this right and plead guilty?
✓ YES NO
- 2) Do you understand that you have right to a jury trial; you have a right to have a jury decide whether or not you are guilty beyond a reasonable doubt? They would base their decision upon evidence which the state presents and on any evidence you might wish to introduce. In a trial, you would be presumed innocent, and the state would have to produce evidence that would convince all 12 members of the jury that you were guilty beyond a reasonable doubt. Do you understand this right?
✓ YES NO
- Do you wish to give up your right to a jury trial and plead guilty?
✓ YES NO
- 3) Do you understand that you have the right to confront and be confronted by the witnesses against you, that is, the right to see, hear and cross examine any witness that may be called against you during the trial and the right to subpoena and call witnesses in your own behalf? Do you understand these rights?
✓ YES NO

Do you wish to give up these rights and plead guilty? ✓ YES NO

- 4) If your case has not been before the grand jury, you have the right to have the case presented to the grand jury. After hearing evidence, 12 of the 18 people on the grand jury would have to agree that you were probably guilty before the charge(s) against you could be reported out as a True Bill ready for trial. A grand jury might return a No Bill, which would mean that the charge(s) would be dismissed. Do you understand this right?
✓ YES NO

This case was presented to the grand jury and true bill

Do you wish to give up your right to have the grand jury examine your case?
N/A YES _____ NO

- 5) Do you understand that when you plead guilty you give up these constitutional rights?
 _____ YES ☒ _____ NO

Is that what you want to do? ☒ YES _____ NO

Do you understand that you will not get a jury trial if you plead guilty?
☒ YES _____ NO

NATURE OF THE CHARGE(S) AND CONSEQUENCES OF PLEADING GUILTY

- 1) Has your attorney discussed with you the charge(s) and possible punishment for the charge(s)?
☒ YES _____ NO

2) What acts did you do which causes you to think that you are guilty of the charge(s) to which you now want to plead guilty? I entered the victims residence in the night time w/ the intent to take away items from the home. As to murder, I believe the state has sufficient to obtain a conviction and accordingly, this murder plea is entered pursuant to NC vs. Alford.

- 3) Are you pleading guilty for any reason other than the fact that you are guilty?
Burglary ☒ YES ☒ NO

If so, what is the other reason? murder - plea pursuant to NC v. Alford
I want the benefit of a negotiated sentence on the murder charge.

- 4) As you understand, the maximum possible punishment for this charge is: _____
Burglary - Life
Murder - Life

- 5) If an offense with graduated penalties: Do you understand that if you plead guilty to this offense and you are convicted at a later time of the same crime, the punishment will be higher the next time?

N/A YES _____ NO

- 6) Do you have any questions about the nature of the charge(s) against you and the possible punishment?
 _____ YES ☒ NO

If so, please write your question(s) here: N/A

- 7) Do you understand that when you plead guilty you admit the truth of the charge(s) against you?

☒ YES Burglary ☒ NO Murder, NC v. Alford

- 8) You may have defenses to the charge(s) against you. The Judge does not know whether you do or not. Do you understand that if you plead guilty you will waive or give up any defense to the charge(s)?
☒ YES ☐ NO
- 9) You may have given an incriminating statement in this case. Do you understand that if you plead guilty you waive or give up the right to contest or challenge whether such a statement was freely and voluntarily given in accordance with your constitutional rights?
☒ YES ☐ NO
- 10) Understanding the nature of the charge(s) against you and the consequences of a guilty plea, do you still wish to plead guilty?
☒ YES ☐ NO

TWO AND THREE STRIKES RULE AND NO PAROLE OFFENSES

- 1) Do you understand that the charge(s) you are pleading to is/are considered a serious/most serious offenses under South Carolina's laws?
☒ YES ☐ NO
- 2) Do you understand that that means they are considered strikes in South Carolina's two and three strikes laws?
☒ YES ☐ NO
- 3) Do you understand that under the two strikes law, if you were to be convicted of two most serious offenses in your lifetime then you would face a mandatory sentence of life in prison without parole?
☒ YES ☐ NO
- 4) Do you understand that under the three strikes law that if you were convicted of three serious offenses or a combination of three serious and most serious offenses, that you would then face a mandatory sentence of life in prison without parole?
☒ YES ☐ NO
- 5) Do you understand that the charge(s) you are pleading guilty to is/are considered no parole offense(s) under South Carolina law?
☒ YES ☐ NO
- 6) Do you understand that means that any sentence you receive in this case you would have to serve at least 85% of that sentence before you would be eligible for release and that you may have to do everyday of the sentence day for day?
☒ YES ☐ NO
I understand murder is day for day sentence.
- 8) Do you understand that if you are pleading guilty to murder, then any sentence you get will have to be done day for day. In other words if you receive a thirty

(30) year sentence then you will be required to do all thirty years before you can be released. *negotiated credit for time served since Aug. 27, 2008*

☒ YES ☐ NO

- 7) Do you understand that upon your release from that sentence you would be required to serve a two year period under community supervision and if you violated the conditions of that program you could have that supervision revoked and be required to serve up to one year in prison as a result?

☒ YES ☐ NO

- 8) Do you understand the charge(s) you are pleading guilty to are also considered violent offenses under South Carolina law?

☒ YES ☐ NO

- 9) Do you understand that the violent distinction affects parole eligibility?

☒ YES ☐ NO

- 10) Do you understand that a second conviction for a violent offense would render you ineligible for parole?

☒ YES ☐ NO

- 11) Understanding all of that, do you still wish to plead guilty?

☒ YES ☐ NO

PLEA NEGOTIATIONS

- 1) Has any plea agreement been made by you with the Solicitor's Office?

☒ YES ☐ NO

If so, exactly what do you understand the agreement to be? *30 years*

concurrent sentence negotiated, as to murder and Burglary 1st Degree.

- 2) Do you understand that the recommendation of the attorneys is not binding on the court and that the Judge could still sentence you up to the maximum if he/she felt it appropriate?

☒ YES ☐ NO

This is a negotiated plea

- 3) Do you still wish to plead guilty? ☒ YES ☐ NO

VOLUNTARINESS OF PLEA

- 1) Has anyone promised you anything or held out any hope of reward to get you to plead guilty?

☐ YES ☒ NO

If yes, explain: _____

- 2) Has anyone threatened you or used force to get you to plead guilty?
 _____ YES ☒ NO
- 3) Has anyone used any pressure or intimidation to cause you to plead guilty?
 _____ YES ☒ NO
- 4) Have you had enough time to make up your mind as to whether or not you want to plead guilty?
 ☒ YES _____ NO
- 5) Are you pleading guilty of your own free will and accord?
 ☒ YES _____ NO

SATISFACTION WITH ATTORNEY

- 1) Has your attorney reviewed this form with you and answered any questions you have about it?
 ☒ YES _____ NO
- 2) Are you satisfied with the manner in which your attorney has advised and represented you?
 ☒ YES _____ NO
- 3) Have you talked with your attorney as often and for as long as you feel necessary for him/her to properly represent you?
 ☒ YES _____ NO
- 4) Do you need more time to talk with your attorney?
 _____ YES ☒ NO
- 5) Have you understood your talks with your attorney?
 ☒ YES _____ NO
- 6) Has your attorney done everything for you that you feel he/she could have done or should have done?
 ☒ YES _____ NO
- 7) Has your attorney done anything in this case that you feel he/she should not have done?
 _____ YES ☒ NO

If yes, explain: _____

- 8) Are you completely satisfied with your attorneys services?
 ☒ YES _____ NO

- 9) Do you have any complaints you want to make about your attorney, the solicitor or any of the police officers? YES ✓ NO
- 10) Do you understand that you have a right to appeal your guilty plea and the sentence of the court and you must do so within 10 days of the sentence? ✓ YES NO

CONCLUDING QUESTIONS

- 1) Do you understand all of these questions? ✓ YES NO

If not, which ones do you not understand? _____

- 2) Do you now want to plead guilty? ✓ YES NO

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY, this 9th

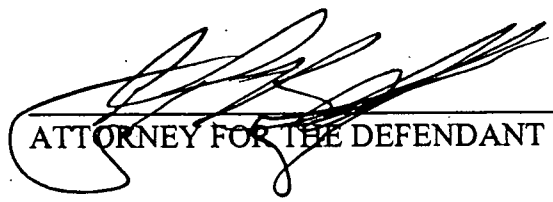
Day of March, 20 12.

Anthony T. Wilson
DEFENDANT

CERTIFICATE OF COUNSEL

- 1) Print your name and telephone number. E. Guy Ballenger
- 2) I represent the Defendant in this case.
- 3) I have read and fully explained to the Defendant the allegations contained in the indictment(s) in this case.
- 4) To the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
- 5) I have explained to the Defendant the charge(s) contained in the indictment(s), the possible punishment and his/her constitutional rights including his/her right to a jury trial.
- 6) I have explained to the Defendant the right to have this case submitted to the grand jury for its consideration.
- 7) In my opinion, the Defendant understands the charge, the punishment and the constitutional rights in this case.
- 8) The defendant has indicated to me that ~~he~~ she wishes to plead guilty.
- 9) The plea of guilty offered by the Defendant to count(s) Burglary, 1st Degree and murder under Mc v. Alford accords with my understanding of the facts that the Defendant has related to me, is consistent with my advice to the Defendant, and, in my opinion, is voluntarily and understandingly made.

SIGNERD BY ME IN PRESENCE of the Defendant and after full discussion of the contents of this certificate with the Defendant, this 9th day of March, 2012.



ATTORNEY FOR THE DEFENDANT