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**S.C. Supreme Court**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Orangeburg County

Edgar W. Dickson, Circuit Court Judge

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DARONE DERRICOTT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2011-205308

---

APPENDIX

---

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG

FIRST JUDICIAL CIRCUIT

COUNTY OF BAMBERG

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

) TRANSCRIPT OF RECORD

versus

) DATE:

) JANUARY 15-16, 2008

) JANUARY 23, 2008

DARRELL CORNELIUS GLEATON,

BRANDON ALZANTE STALEY,

WILLIAM ANTONIO GLEATON,

RICARDO JOHNSON, AND

DARONE DERRICOTT, JR.,

DEFENDANTS

BEFORE:

HONORABLE JAMES C. WILLIAMS, JR., PRESIDING JUDGE

APPEARANCES:

BENJAMIN R. MOORE, ESQUIRE

ASSISTANT SOLICITOR, SECOND JUDICIAL CIRCUIT

KELLEY BURBAGE, ESQUIRE

ASSISTANT SOLICITOR, FIRST JUDICIAL CIRCUIT

FOR THE STATE

GERALD DAVIS, ESQUIRE

CHRIS WILSON, ESQUIRE

ATTORNEYS FOR DEFENDANT, DARRELL CORNELIUS GLEATON

CARL GRANT, ESQUIRE

ATTORNEY FOR DEFENDANT, BRANDON ALZANTE STALEY

SCOTT PALMER, ESQUIRE

ATTORNEY FOR DEFENDANT, WILLIAM ANTONIO GLEATON

JOSHUA KOGER, JR., ESQUIRE

ATTORNEY FOR DEFENDANT, RICARDO JOHNSON

GLEN WALTERS, ESQUIRE

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COURT REPORTER, FIRST JUDICIAL CIRCUIT

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NOTE: ALL COURT'S EXHIBITS ATTACHED TO ORIGINAL OF  
THIS TRANSCRIPT OF RECORD.

1 DATE:

2 JANUARY 15, 2008

3 THE COURT: ALRIGHT, SOLICITOR.

4 SOLICITOR BURBAGE: THANK YOU,  
5 YOUR HONOR, MAY IT PLEASE THE COURT.

6 THE COURT: YES, MA'AM.

7 SOLICITOR BURBAGE: STANDING

8 BEFORE YOU IS DARRELL GLEATON AND BRANDON STALEY. CAN  
9 WE DO THESE BOTH AT THE SAME TIME, YOUR HONOR, IS THAT  
10 OKAY?

11 THE COURT: MA'AM?

12 SOLICITOR BURBAGE: CAN WE DO  
13 THESE BOTH AT THE SAME TIME?

14 THE COURT: YES, MA'AM, WE'LL DO  
15 THEM TOGETHER.

16 SOLICITOR BURBAGE: DARRELL

17 GLEATON IS STANDING BEFORE YOU TODAY WITH BOTH OF HIS  
18 ATTORNEYS, MR. GERALD DAVIS, AS WELL AS CHRIS WILSON.  
19 HE'S PLEADING GUILTY TODAY TO ONE COUNT OF ASSAULT AND  
20 BATTERY WITH INTENT TO KILL, TRUE BILLED INDICTMENT  
21 2007-GS-38-1374, ONE COUNT OF BURGLARY, FIRST, 2007-  
22 GS-38-1373, KIDNAPING, 2007-GS-38-0438, ARMED ROBBERY,  
23 2007-GS-38-0441, AS WELL AS BURGLARY, FIRST, 2007-GS-  
24 38-0437, AND ONE COUNT OF CRIMINAL SEXUAL CONDUCT,  
25 FIRST DEGREE, 2007-GS-38-0436. HE IS ALSO PLEADING

1 TODAY TO SOME BAMBERG COUNTY CHARGES. MR. BEN MOORE  
2 IS GOING TO ALSO READ THOSE INTO THE RECORD.

3 SOLICITOR MOORE: OKAY. YOUR  
4 HONOR, AS FAR AS DARRELL GLEATON, HE IS PLEADING TO  
5 BURGLARY IN THE FIRST DEGREE, INDICTMENT 2007-GS-05-  
6 144. HE ALSO PLEADING GUILTY TO ASSAULT AND BATTERY  
7 WITH INTENT TO KILL, THAT IS INDICTMENT 2007-GS-05-  
8 145.

9 SOLICITOR BURBAGE: YOUR HONOR,  
10 ALSO STANDING BEFORE YOU IS BRANDON STALEY WITH IS  
11 ATTORNEY, CARL GRANT. HE'S PLEADING GUILTY TO ONE  
12 COUNT OF BURGLARY, FIRST, 2007-GS-38-1372, ONE COUNT  
13 OF - - -

14 THE COURT: ALRIGHT, JUST HOLD UP  
15 ONE MINUTE. YES, MA'AM, I'M SORRY.

16 SOLICITOR BURBAGE: ONE COUNT OF  
17 ASSAULT AND BATTERY WITH INTENT TO KILL, 2007-GS-38-  
18 1371, BURGLARY, FIRST, 2007-GS-38-0430, ARMED ROBBERY,  
19 2007-GS-38-0432, AS WELL AS ONE COUNT OF KIDNAPING,  
20 2007-GS-38-0431. HE ALSO IS PLEADING TO BAMBERG  
21 CHARGES, MR. STALEY IS, AS WELL, YOUR HONOR.

22 SOLICITOR MOORE: YOUR HONOR, MR.  
23 STALEY IS PLEADING GUILTY TO 2007-GS-05-180, THAT IS  
24 BURGLARY IN THE FIRST DEGREE.

25 THE COURT: ALRIGHT, JUST GIVE ME

1 JUST A MINUTE. LET ME GET EVERYTHING MATCHED.

2 ALRIGHT, I'VE GOT THEM. FINE. I WANTED TO BE SURE

3 I'VE GOT THE BAMBERG'S. TWO BAMBERG INDICTMENTS FOR

4 MR. GLEATON AND ONE FOR MR. STALEY?

5 SOLICITOR MOORE: CORRECT.

6 THE COURT: ALRIGHT. YOU ARE MR.

7 - - -

8 DEFENDANT BRANDON STALEY: STALEY.

9 THE COURT: AND YOU ARE MR.

10 GLEATON?

11 DEFENDANT DARRELL GLEATON: YES,

12 SIR.

13 THE COURT: ALRIGHT, BOTH OF YOU

14 RAISE YOUR RIGHT HAND.

15 (Whereupon, Brandon Staley

16 and Darrell Gleaton

17 are duly sworn.)

18 THE COURT: ALRIGHT, YOU CAN PUT

19 YOUR HAND DOWN. NOW, GENTLEMEN, I HAVE SOME QUESTIONS

20 TO ASK YOU. THEY ARE BASICALLY THE SAME QUESTIONS TO

21 EACH OF YOU. WHEN I ASK YOU THE QUESTION, MR.

22 STALEY, YOU ANSWER THE QUESTION FIRST, AND MR.

23 GLEATON, YOU ANSWER THE QUESTION SECONDLY. ALRIGHT.

24 (NOTE: Blank lines on this page do not indicate any

25 part of record has been omitted.)

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

8

1 EXAMINATION OF BRANDON STALEY AND DARRELL GLEATON

2 BY THE COURT:

3 Q. HOW OLD ARE YOU?

4 A. (STALEY) TWENTY-ONE, SIR.

5 A. (GLEATON) NINETEEN, SIR.

6 Q. HOW FAR DID YOU GO IN SCHOOL?

7 A. (STALEY) GRADUATED.

8 A. (GLEATON) ELEVENTH GRADE.

9 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE,  
10 ALCOHOL ABUSE, OR MENTAL ILLNESS?

11 A. (STALEY) NO, SIR.

12 A. (GLEATON) NO, SIR.

13 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION, OR  
14 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD  
15 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN  
16 COURT TODAY?

17 A. (STALEY) NO, SIR.

18 A. (GLEATON) NO, SIR.

19 Q. EACH OF YOU HAVE CHARGES IN BAMBERG COUNTY AS  
20 WELL AS ORANGEBURG COUNTY. YOU HAVE A RIGHT TO  
21 HAVE THE CHARGES IN BAMBERG COUNTY HEARD IN  
22 BAMBERG COUNTY RATHER THAN ORANGEBURG. DO YOU  
23 UNDERSTAND THAT?

24 A. (STALEY) YES, SIR.

25 A. (GLEATON) YES, SIR.

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

9

1 Q. AND DO YOU WISH TO GIVE UP YOUR RIGHT TO HAVE  
2 THEM HEARD IN BAMBERG, AND HAVE ME HEAR THEM HERE  
3 IN ORANGEBURG?

4 A. (STALEY) YES, SIR.

5 Q. ALRIGHT, YOU'VE GOT TO SPEAK LOUD ENOUGH - - -

6 A. (STALEY) YES, SIR.

7 Q. OKAY. BECAUSE THIS LADY'S GOT TO WRITE IT DOWN  
8 AND THAT MIKE'S GOT TO PICK IT UP, TOO.

9 A. (GLEATON) YES, SIR.

10 (NOTE: Blank lines on this page do not indicate any  
11 part of record has been omitted. Headers on testimony  
12 pages and hard page breaks between testimony are now  
13 required by the Court. See next ensuing page for  
14 sequential continuation of record.)

EXAM-DEFENSE COUNSEL GRANT, DEFENSE COUNSEL  
DAVIS AND DEFENSE COUNSEL WILSON BY THE COURT

10

1 EXAMINATION OF DEFENSE COUNSEL GRANT, DEFENSE COUNSEL

2 DAVIS AND DEFENSE COUNSEL WILSON BY THE COURT:

3 Q. ALRIGHT, NOW, MR. GRANT, YOU REPRESENT MR. STALEY  
4 FOR THE ORANGEBURG AND BAMBERG CHARGES, IS THAT  
5 RIGHT?

6 A. (GRANT) THAT IS CORRECT, YOUR HONOR.

7 Q. ALRIGHT. AND MR. GERALD DAVIS, YOU REPRESENT MR.  
8 GLEATON ON THE ORANGEBURG COUNTY CHARGES, IS THAT  
9 RIGHT?

10 A. (DAVIS) THAT IS CORRECT, YOUR HONOR.

11 Q. AND MR. WILSON, YOU REPRESENT MR. GLEATON ON THE  
12 BAMBERG COUNTY CHARGES, IS THAT RIGHT?

13 A. (WILSON) CORRECT, YOUR HONOR.

14 Q. ALRIGHT, AS I ASK YOU QUESTIONS, MR. GRANT, YOU  
15 ANSWER THE QUESTION FIRST, PLEASE, MR. DAVIS,  
16 SECONDLY, AND MR. WILSON, THIRD. HAVE YOU  
17 EXPLAINED TO YOUR CLIENT THE CHARGES THEY ARE  
18 FACING, THE EVIDENCE THE STATE HAS AGAINST HIM,  
19 THE POSSIBLE PENALTIES, WHICH I'M ABOUT TO GO  
20 OVER, AND THEIR CONSTITUTIONAL RIGHTS?

21 A. (GRANT) I HAVE, YOUR HONOR.

22 A. (DAVIS) I HAVE, YOUR HONOR.

23 A. (WILSON) I HAVE.

24 Q. ALRIGHT, NOW, IN REGARD TO MR. STALEY IN BAMBERG  
25 COUNTY HE'S CHARGES WITH BURGLARY IN THE FIRST

EXAM-DEFENSE COUNSEL GRANT, DEFENSE COUNSEL  
DAVIS AND DEFENSE COUNSEL WILSON BY THE COURT

11

1 DEGREE, WHICH CARRIES A MINIMUM OF FIFTEEN YEARS  
2 UP TO LIFE IN PRISON. HE'S CHARGED WITH KIDNAPING  
3 IN ORANGEBURG COUNTY WHICH CARRIES UP TO THIRTY  
4 YEARS. HE CHARGED WITH ARMED ROBBERY IN  
5 ORANGEBURG COUNTY WHICH CARRIES UP TO THIRTY  
6 YEARS, HE'S CHARGED WITH ASSAULT AND BATTERY WITH  
7 INTENT TO KILL IN ORANGEBURG COUNTY WHICH CARRIES  
8 UP TO TWENTY YEARS, ANOTHER BURGLARY, FIRST --  
9 TWO BURGLARY FIRSTS IN ORANGEBURG, EACH OF WHICH  
10 CARRIES FROM FIFTEEN YEARS TO LIFE. THIS IS ON  
11 MR. STALEY. IS THAT RIGHT, MR. GRANT?

12 A. (GRANT) THAT IS CORRECT, YOUR HONOR.

13 Q. ALRIGHT. AND MR. GLEATON IS CHARGED IN BAMBERG  
14 COUNTY WITH ASSAULT AND BATTERY WITH INTENT TO  
15 KILL WHICH CARRIES UP TO TWENTY YEARS, BURGLARY,  
16 FIRST, WHICH CARRIES FIFTEEN YEARS UP TO LIFE. IS  
17 THAT RIGHT, MR. WILSON?

18 A. (WILSON) THAT IS CORRECT.

19 Q. ALRIGHT. AND IN ORANGEBURG COUNTY MR. GLEATON IS  
20 CHARGED WITH CRIMINAL SEXUAL CONDUCT IN THE FIRST  
21 DEGREE WHICH CARRIES UP TO THIRTY YEARS, TWO  
22 COUNTS OF BURGLARY, FIRST, EACH OF WHICH CARRIES  
23 UP TO THIRTY YEARS -- NO, I'M SORRY, EACH OF  
24 WHICH CARRIES FROM FIFTEEN YEARS MINIMUM UP TO  
25 LIFE IN PRISON, AND AN ARMED ROBBERY WHICH

EXAM-DEFENSE COUNSEL GRANT, DEFENSE COUNSEL  
DAVIS AND DEFENSE COUNSEL WILSON BY THE COURT

12

- 1 CARRIES UP TO THIRTY YEARS, AND ASSAULT AND  
2 BATTERY WITH INTENT TO KILL WHICH CARRIES UP TO  
3 TWENTY YEARS. IS THAT RIGHT, MR. DAVIS?  
4 A. (DAVIS) THAT'S CORRECT, YOUR HONOR, ONE COUNT OF  
5 ASSAULT AND BATTERY.  
6 Q. RIGHT. WITH INTENT TO KILL.  
7 A. (DAVIS) WITH INTENT TO KILL.  
8 Q. ALRIGHT. NOW, DO YOU BELIEVE YOUR CLIENT  
9 UNDERSTANDS WHAT YOU'VE EXPLAINED TO HIM?  
10 A. (GRANT) I DO, YOUR HONOR.  
11 A. (DAVIS) I DO, YOUR HONOR.  
12 A. (WILSON) I DO, YOUR HONOR.  
13 Q. AND HOW HAVE THEY ADVISED YOU THEY WISH TO PLEAD?  
14 A. (GRANT) GUILTY, YOUR HONOR.  
15 A. (DAVIS) GUILTY, YOUR HONOR.  
16 A. (WILSON) GUILTY.  
17 Q. AND DO YOU CONCUR IN THEIR DECISION TO PLEAD  
18 GUILTY?  
19 A. (GRANT) YES, SIR, I DO.  
20 A. (DAVIS) I DO, YOUR HONOR.  
21 A. (WILSON) I DO.  
22 (NOTE: Blank lines on this page do not indicate any  
23 part of record has been omitted. Headers on testimony  
24 pages and hard page breaks between testimony are now  
25 required by the Court.)

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

13

1 EXAMINATION OF BRANDON STALEY AND DARRELL GLEATON

2 BY THE COURT CONTINUES;

3 Q. ALRIGHT, MR. STALEY AND MR. GLEATON, YOUR  
4 ATTORNEYS TELL ME THEY'VE EXPLAINED TO YOU THE  
5 CHARGES THAT YOU ARE FACING, THAT I JUST WENT  
6 OVER, I JUST LISTED. THEY TELL ME THEY'VE  
7 EXPLAINED TO YOU THE EVIDENCE THAT THE STATE HAS  
8 AGAINST YOU FOR EACH ONE OF THESE CHARGES. THEY  
9 TELL ME THEY'VE EXPLAINED TO YOU YOUR  
10 CONSTITUTIONAL RIGHTS AND THE POSSIBLE PENALTIES  
11 YOU COULD RECEIVE. AND THEY TELL ME THAT THEY  
12 BELIEVE YOU UNDERSTAND ALL OF THESE MATTERS AND  
13 THAT YOU'VE DECIDED YOU WANT TO PLEAD GUILTY TO  
14 ALL OF THESE CHARGES. IS THAT RIGHT?

15 A. (STALEY) YES, SIR.

16 A. (GLEATON) YES, SIR.

17 Q. NOW, IN ORDER TO PLEAD GUILTY YOU HAVE TO GIVE UP  
18 CERTAIN RIGHTS THAT YOU HAVE. THE FIRST OF THESE  
19 IS YOUR RIGHT TO REMAIN SILENT. THAT IS YOUR  
20 RIGHT TO SAY NOTHING ABOUT THESE CHARGES. YOU  
21 CANNOT BE FORCED TO TESTIFY AGAINST YOURSELF.  
22 BUT IF YOU PLEAD GUILTY TO ANY CHARGE YOU MUST  
23 GIVE UP THAT RIGHT TO REMAIN SILENT IN ORDER TO  
24 ADMIT THE TRUTH OF THE CHARGES AGAINST YOU.  
25 THAT'S WHAT A GUILTY PLEA IS, AN ADMISSION THAT

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

14

1 THE CHARGES ARE TRUE.

2 SECONDLY, YOU HAVE A RIGHT TO A JURY TRIAL. THAT  
3 IS YOUR RIGHT TO HAVE A JURY DETERMINE WHETHER OR  
4 NOT YOU ARE, IN FACT, GUILTY OF THESE CHARGES  
5 BEYOND A REASONABLE DOUBT. A JURY WOULD BASE ITS  
6 DECISION ON THE TESTIMONY AND THE EVIDENCE PUT UP  
7 BY THE STATE'S WITNESSES. YOUR ATTORNEYS COULD  
8 CROSS-EXAMINE THOSE WITNESSES, THEY COULD CALL  
9 WITNESSES ON YOUR OWN BEHALF AND PUT UP ANY  
10 DEFENSE THAT YOU MIGHT HAVE TO THESE CHARGES.  
11 YOU COULD TESTIFY IF YOU WANTED TO TESTIFY, BUT  
12 BECAUSE OF YOUR RIGHT TO REMAIN SILENT YOU WOULD  
13 NOT HAVE TO TESTIFY. THE JURY WOULD BASE THEIR  
14 DECISION ON THAT EVIDENCE PUT UP BY THE STATE.  
15 THEY WOULD HAVE TO FIND YOU GUILTY, ALL TWELVE OF  
16 THEM, BEYOND A REASONABLE DOUBT. YOU WOULD BE  
17 PRESUMED TO BE INNOCENT IF YOU HAD A JURY TRIAL.  
18 DO YOU UNDERSTAND BOTH OF THOSE RIGHTS, MR.  
19 STALEY?

20 A. (STALEY) YES, SIR, YOUR HONOR.

21 Q. MR. GLEATON?

22 A. (GLEATON) YES, SIR.

23 Q. NOW, DO YOU UNDERSTAND THAT IF YOU WANT TO PLEAD  
24 GUILTY YOU HAVE TO GIVE UP BOTH OF THOSE RIGHTS?

25 A. (STALEY) YES, SIR.

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

15

1 A. (GLEATON) YES, SIR.

2 Q. AND THAT'S WHAT YOU WANT TO DO?

3 A. (STALEY) YES, SIR.

4 A. (GLEATON) YES, SIR.

5 Q. ALRIGHT. WE'LL START WITH MR. STALEY ON THE  
6 BAMBERG CHARGE. MR. STALEY, IN BAMBERG COUNTY  
7 YOUR ARE CHARGED WITH BURGLARY IN THE FIRST  
8 DEGREE, AND THE ALLEGATIONS ARE THAT YOU, WITH  
9 OTHER PEOPLE, IN BAMBERG COUNTY, ON OR ABOUT  
10 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,  
11 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF  
12 DAMEON McDONALD WITHOUT CONSENT, WITH INTENT TO  
13 COMMIT A CRIME IN THAT DWELLING, AND THAT THIS  
14 OCCURRED IN THE NIGHTTIME, AND THAT YOU WERE  
15 ARMED WITH A DEADLY WEAPON. DO YOU UNDERSTAND  
16 THAT CHARGE?

17 A. (STALEY) YES, SIR, YOUR HONOR.

18 Q. HOW DO YOU PLEAD TO THAT CHARGE?

19 A. (STALEY) GUILTY, YOUR HONOR.

20 Q. ALRIGHT. IN ORANGEBURG COUNTY -- IT WOULD BE  
21 GOOD IF I COULD TAKE THESE IN ORDER ALSO --  
22 INDICTMENT 1372 SAYS THAT IN ORANGEBURG COUNTY,  
23 ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND  
24 AND SIX, THAT YOU WILLFULLY AND UNLAWFULLY  
25 ENTERED THE DWELLING OF VANCE POLITE, SENIOR, AND

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

16

1 ANNA BELLE POLITE, WITHOUT CONSENT, WITH INTENT  
2 TO COMMIT A CRIME IN THAT DWELLING, AND THAT YOU  
3 DID THIS IN THE NIGHTTIME WHILE ARMED WITH A  
4 WEAPON. DO YOU UNDERSTAND THAT CHARGE?

5 A. (STALEY) YES, SIR, YOUR HONOR.

6 Q. HOW DO YOU PLEAD TO THAT CHARGE?

7 A. (STALEY) GUILTY, YOUR HONOR.

8 Q. AND INDICTMENT 1371 SAYS THAT ON THAT SAME  
9 OCCASION WHEN YOU WENT INTO MR. POLITE'S HOME,  
10 THAT WITH MALICE AFORETHOUGHT YOU COMMITTED AN  
11 ASSAULT AND BATTERY UPON MR. POLITE, THAT HE WAS  
12 SHOT WITH A HAND GUN. AND I UNDERSTAND YOU MIGHT  
13 NOT BE THE TRIGGER MAN, BUT YOU UNDERSTAND, THE  
14 HAND ONE IS THE HAND OF ALL?

15 A. (STALEY) YES, SIR, YOUR HONOR.

16 Q. AND YOU'VE DISCUSSED THAT FULLY WITH YOUR  
17 ATTORNEY?

18 A. (STALEY) YES, SIR.

19 Q. SO, TO THIS CHARGE OF ASSAULT AND BATTERY WITH  
20 INTENT TO KILL ON MR. POLITE ON THAT SAME NIGHT  
21 IN ORANGEBURG COUNTY, HOW DO YOU PLEAD?

22 A. (STALEY) GUILTY, YOUR HONOR.

23 Q. ALRIGHT. INDICTMENT 430 SAYS THAT IN ORANGEBURG  
24 COUNTY, ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO  
25 THOUSAND AND SIX, YOU WILLEFULLY AND UNLAWFULLY

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

17

1 ENTERED THE DWELLING OF ERIC OR JENNIFER GRANT,  
2 WITHOUT CONSENT, WITH INTENT TO COMMIT A CRIME  
3 THEREIN, AND THIS OCCURRED IN THE NIGHTTIME  
4 AND/OR WHILE YOU WERE ARMED WITH A WEAPON. DO  
5 YOU UNDERSTAND THAT CHARGE?

6 A. (STALEY) YES, SIR, YOUR HONOR.

7 Q. HOW DO YOU PLEAD TO THAT CHARGE?

8 A. (STALEY) GUILTY, YOUR HONOR.

9 Q. AND INDICTMENT 432 SAYS THAT ON THAT OCCASION,  
10 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,  
11 THAT YOU COMMITTED A ROBBERY BY FELONIOUSLY OR  
12 WRONGFULLY TAKING FROM THE PERSON OR PRESENCE OF  
13 THE VICTIM, ERIC GRANT, BY MEANS OF FORCE OR  
14 INTIMIDATION SOME MONEY AND SOME OTHER GOODS, A  
15 NINETEEN NINETY-FOUR BUICK LESABRE, AND SOME  
16 OTHER PERSONAL ITEMS WHILE YOU WERE ARMED WITH A  
17 DEADLY WEAPON. DO YOU UNDERSTAND THAT CHARGE?

18 A. (STALEY) YES, SIR, YOUR HONOR.

19 Q. HOW DO YOU PLEAD TO THAT CHARGE?

20 A. (STALEY) GUILTY, YOUR HONOR.

21 Q. AND INDICTMENT 431 SAYS THAT ON THAT OCCASION  
22 THAT YOU UNLAWFULLY SEIZED OR CONFINED OR  
23 ABDUCTED OR KIDNAPED FLEMING BRIGGS OR ERIC GRANT  
24 OR JENNIFER GRANT, ALL OF WHOM I THINK WERE  
25 PRESENT IN THAT HOME THAT NIGHT, WITHOUT

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

18

1           AUTHORITY OF LAW. DO YOU UNDERSTAND THAT CHARGE  
2           OF KIDNAPING?

3   A.   (STALEY) YES, SIR, YOUR HONOR.

4   Q.   HOW DO YOU PLEAD TO THAT CHARGE?

5   A.   (STALEY) GUILTY, YOUR HONOR.

6   Q.   ALRIGHT. MR. GLEATON, IN REGARD TO THE BAMBERG  
7           COUNTY CHARGES, THE FIRST ONE IS BURGLARY IN THE  
8           FIRST DEGREE. THE ALLEGATIONS ARE THAT IN  
9           BAMBERG COUNTY YOU, WITH OTHER PEOPLE, DID ON OR  
10          ABOUT THE EIGHTEENTH OF DECEMBER, TWO THOUSAND  
11          AND SIX, WILLFULLY AND UNLAWFULLY ENTER THE  
12          DWELLING OF DAMEON McDONALD WITHOUT CONSENT, WITH  
13          INTENT TO COMMIT A CRIME IN THAT DWELLING, AND  
14          THIS OCCURRED IN THE NIGHTTIME WHILE YOU WERE  
15          ARMED WITH A DEADLY WEAPON. DO YOU UNDERSTAND  
16          THAT CHARGE?

17   A.   (GLEATON) YES, SIR, YOUR HONOR.

18   Q.   HOW DO YOU PLEAD TO THAT CHARGE?

19   A.   (GLEATON) GUILTY, YOUR HONOR.

20   Q.   AND INDICTMENT NUMBER 620, WHICH IS ASSAULT AND  
21          BATTERY WITH INTENT TO KILL, ALLEGES THAT ON OR  
22          ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND AND  
23          SIX, WITH MALICE AFORETHOUGHT, THAT YOU COMMITTED  
24          AN ASSAULT AND BATTERY UPON DEMON McDONALD WITH  
25          INTENT TO KILL HIM, MR. McDONALD WAS SHOT. DO

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

19

1 YOU UNDERSTAND THAT CHARGE?

2 A. (GLEATON) YES, SIR, YOUR HONOR.

3 Q. HOW DO YOU PLEAD TO THAT CHARGE?

4 A. (GLEATON) GUILTY, YOUR HONOR.

5 SOLICITOR MOORE: YOUR HONOR, I

6 THINK YOU SAID INDICTMENT 620, IT'S 145 AND 144.

7 THE COURT: IT IS 145.

8 SOLICITOR MOORE: OKAY.

9 THE COURT: IT'S THE NEW FORM, AND  
10 I'M USED TO OLD HABITS, AND THE INDICTMENT NUMBERS ARE  
11 SO SMALL I CAN HARDLY READ IT, AND THE CODE NUMBER IS  
12 STANDING OUT IN BIG LETTERS WHERE THE INDICTMENT  
13 NUMBER USED TO BE. SO THAT IS, THAT'S INDICTMENT 144.  
14 THE FIRST INDICTMENT FOR BURGLARY -- OR THE INDICTMENT  
15 FOR BURGLARY IS 144, THE INDICTMENT FOR ASSAULT AND  
16 BATTERY WITH INTENT TO KILL IS THE BAMBERG COUNTY  
17 INDICTMENT 2007-145.

18 SOLICITOR MOORE: CORRECT.

19 THE COURT: THANK YOU FOR BRINGING  
20 THAT TO MY ATTENTION.

21 SOLICITOR MOORE: THANK YOU, TOO,  
22 YOUR HONOR.

23 Q. ALRIGHT, IN REGARD TO THE ORANGEBURG COUNTY  
24 INDICTMENTS, FIRST WE'LL DO INDICTMENT 2007-1373,  
25 WHICH IS INDICTMENT FOR BURGLARY IN THE FIRST

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

20

1 DEGREE, AND THE ALLEGATIONS ARE THAT ON OR ABOUT  
2 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,  
3 THAT YOU WILLFULLY AND UNLAWFULLY ENTERED THE  
4 DWELLING OF VANCE POLITE, SENIOR, AND/OR ANNA  
5 BELLE POLITE WITHOUT CONSENT WITH INTENT TO  
6 COMMIT A CRIME, AND THAT THIS OCCURRED AT  
7 NIGHTTIME, OR THAT YOU WERE ARMED WITH A WEAPON.  
8 DO YOU UNDERSTAND THAT CHARGE?

9 A. (GLEATON) YES, SIR, YOUR HONOR.

10 Q. HOW DO YOU PLEAD TO THAT CHARGE?

11 A. (GLEATON) GUILTY, YOUR HONOR.

12 Q. AND INDICTMENT 1374 SAYS THAT IN ORANGEBURG ON  
13 THAT SAME NIGHT, THAT WITH MALICE AFORETHOUGHT  
14 YOU COMMITTED AN ASSAULT AND BATTERY UPON THE  
15 VICTIM, VANCE POLITE, SENIOR, BY MEANS OF  
16 SHOOTING HIM WITH A GUN WITH INTENT TO KILL MR.  
17 POLITE. DO YOU UNDERSTAND THAT CHARGE?

18 A. (GLEATON) YES, SIR, YOUR HONOR.

19 Q. AND HOW DO YOU PLEAD TO THAT CHARGE?

20 A. (GLEATON) GUILTY, YOUR HONOR.

21 Q. ALRIGHT. INDICTMENT NUMBER 437 ALLEGES THAT IN  
22 ORANGEBURG COUNTY ON OR ABOUT DECEMBER THE  
23 EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU  
24 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF  
25 ERIC GRANT AND/OR JENNIFER GRANT WITHOUT CONSENT

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

21

1 WITH INTENT TO COMMIT A CRIME IN THAT DWELLING,  
2 AND THAT THIS OCCURRED AT NIGHTTIME OR WHILE YOU  
3 WERE ARMED WITH A DEADLY WEAPON. DO YOU  
4 UNDERSTAND THAT CHARGE?

5 A. (GLEATON) YES, SIR, YOUR HONOR.

6 Q. HOW DO YOU PLEAD TO THAT CHARGE?

7 A. (GLEATON) GUILTY, YOUR HONOR.

8 Q: AND INDICTMENT NUMBER 441 ALLEGES THAT IN  
9 ORANGEBURG COUNTY, ON OR ABOUT DECEMBER THE  
10 EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU  
11 COMMITTED ROBBERY BY FELONIOUSLY OR WRONGFULLY  
12 TAKING FROM THE PERSON OR PRESENCE OF THE VICTIM,  
13 ERIC GRANT, SOME MONEY OR GOODS AND A NINETEEN  
14 NINETY-FOUR BUICK LESABRE WHILE YOU WERE ARMED  
15 WITH A DEADLY WEAPON. DO YOU UNDERSTAND THAT  
16 CHARGE?

17 A. (GLEATON) YES, SIR, YOUR HONOR.

18 Q. HOW DO YOU PLEAD TO THAT CHARGE?

19 A. (GLEATON) GUILTY, YOUR HONOR.

20 Q. AND INDICTMENT NUMBER 438, ON OR ABOUT DECEMBER  
21 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU  
22 UNLAWFUL SEIZED OR CONFINED OR KIDNAPED JENNIFER  
23 GRANT AND/OR FLEMING BRIGGS AND/OR ERIC GRANT  
24 WITHOUT ANY AUTHORITY OF LAW. DO YOU UNDERSTAND  
25 THAT CHARGE OF KIDNAPING?

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

22

- 1 A. (GLEATON) YES, SIR, YOUR HONOR.
- 2 Q. HOW DO YOU PLEAD TO THAT CHARGE?
- 3 A. (GLEATON) GUILTY, YOUR HONOR.
- 4 Q. AND INDICTMENT 436 SAYS THAT ON OR ABOUT DECEMBER
- 5 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU
- 6 WILLEFULLY AND UNLAWFULLY ENGAGED IN CRIMINAL
- 7 SEXUAL CONDUCT IN THE FIRST DEGREE, IN THAT YOU
- 8 COMMITTED A SEXUAL BATTERY ON THE VICTIM,
- 9 JENNIFER GRANT, BY MEANS OF AGGRAVATED FORCE
- 10 AND/OR WHILE THE VICTIM WAS UNDER CIRCUMSTANCES
- 11 OF FORCIBLE CONFINEMENT OR KIDNAPING OR BURGLARY.
- 12 DO YOU UNDERSTAND THAT CHARGE?
- 13 A. (GLEATON) YES, SIR, YOUR HONOR.
- 14 Q. HOW DO YOU PLEAD TO THAT CHARGE?
- 15 A. (GLEATON) GUILTY, YOUR HONOR.
- 16 Q. NOW, I THINK THAT THE ONLY AGREEMENT OR
- 17 RECOMMENDATION IN THIS CASE IS THAT MR. STALEY'S
- 18 SENTENCE WOULD BE CAPPED AT TWENTY YEARS, IS THAT
- 19 RIGHT, MR. STALEY?
- 20 A. (STALEY) YES, SIR, YOUR HONOR.
- 21 Q. AND THAT MR. GLEATON'S SENTENCE WOULD BE CAPPED
- 22 AT THIRTY-FIVE YEARS. IS THAT RIGHT, MR.
- 23 GLEATON?
- 24 A. (GLEATON) YES, SIR, YOUR HONOR.
- 25 Q. AND YOU BOTH UNDERSTAND THAT THESE ARE VIOLENT

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

23

1 OFFENSES, THAT THEY ARE NO PAROLE OFFENSES?

2 A. (STALEY) YES, SIR, YOUR HONOR.

3 A. (GLEATON) YES, SIR, YOUR HONOR.

4 Q. OTHER THAN THAT, HAS ANYBODY PROMISED YOU  
5 ANYTHING OR THREATENED YOU TO GET YOU TO PLEAD  
6 GUILTY?

7 A. (STALEY) NO, SIR, YOUR HONOR.

8 A. (GLEATON) NO, SIR, YOUR HONOR.

9 Q. ARE YOU SATISFIED WITH YOUR ATTORNEYS?

10 A. (STALEY) YES, SIR.

11 A. (GLEATON) YES, SIR, YOUR HONOR.

12 Q. DID YOU TELL YOUR ATTORNEYS EVERYTHING ABOUT ALL  
13 OF THESE CASES SO THAT YOUR ATTORNEYS COULD GIVE  
14 YOU PROPER ADVICE?

15 A. (STALEY) YES, SIR, YOUR HONOR.

16 A. (GLEATON) YES, SIR, YOUR HONOR.

17 Q. HAS YOUR ATTORNEYS FAILED TO DO ANYTHING THAT YOU  
18 THINK THEY NEED TO DO TO HELP YOU IN THIS CASE?

19 A. (STALEY) NO, SIR, YOUR HONOR.

20 A. (GLEATON) NO, SIR, YOUR HONOR.

21 Q. AND THAT APPLIES TO BOTH OF YOUR ATTORNEYS?

22 A. (GLEATON) YES, SIR.

23 Q. ALRIGHT, SIR. DO YOU UNDERSTAND THAT IF YOU  
24 WANTED -- OR HAVE YOU ANSWER ALL OF -- HAVE YOU  
25 UNDERSTOOD ALL OF MY QUESTIONS?

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

24

- 1 A. (STALEY) YES, SIR, YOUR HONOR.
- 2 A. (GLEATON) YES, SIR, YOUR HONOR.
- 3 Q. HAVE YOU ANSWERED MY QUESTIONS TRUTHFULLY?
- 4 A. (STALEY) YES, SIR.
- 5 A. (GLEATON) YES, SIR.
- 6 Q. DO YOU UNDERSTAND THAT IF YOU WANTED TO FILE AN
- 7 APPEAL IN THIS CASE YOU WOULD HAVE TO DO THAT
- 8 WITHIN TEN DAYS AFTER YOU ARE SENTENCED?
- 9 A. (STALEY) YES, SIR, YOUR HONOR.
- 10 A. (GLEATON) YES, SIR, YOUR HONOR.
- 11 Q. DO YOU HAVE ANY QUESTIONS ABOUT WHAT WE'VE DONE
- 12 HERE IN THE LAST HALF HOUR OR SO?
- 13 A. (STALEY) NO, SIR.
- 14 A. (GLEATON) NO, SIR.
- 15 Q. AND DO YOU UNDERSTAND THAT AS A PART OF THIS PLEA
- 16 AGREEMENT YOU HAVE AGREED TO TESTIFY AGAINST THE
- 17 OTHER THREE INDIVIDUALS WHO WERE INVOLVED IN
- 18 THESE INCIDENCES THAT NIGHT, AND IF CALLED UPON
- 19 BY THE STATE YOU WILL TESTIFY TRUTHFULLY AS TO
- 20 THE MATTERS THAT HAPPENED AND TO ALL INVOLVEMENT
- 21 OF ALL FIVE OF YOU, IS THAT RIGHT?
- 22 A. (STALEY) YES, SIR, YOUR HONOR.
- 23 Q. IS THAT RIGHT, SIR?
- 24 A. (GLEATON) YES, SIR, YOUR HONOR.
- 25 Q. AND DO YOU UNDERSTAND THAT IF YOU FAIL TO DO

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

25

1           THAT, THAT ANY RECOMMENDATION OR PROMISE OF A CAP  
2           ON THE SENTENCE WILL BE NULLIFIED, - - -

3   A.   (STALEY) YES, SIR.

4   Q.   --- DO YOU UNDERSTAND THAT, SIR?

5   A.   (STALEY) YES, SIR, YOUR HONOR.

6   A.   (GLEATON) YES, SIR, YOUR HONOR.

7   Q.   AND THE STATE COULD PROCEED TO GO TO TRIAL ON ALL  
8           THESE CHARGES?

9   A.   (STALEY) YES, SIR.

10   A.   (GLEATON) YES, SIR.

11                   THE COURT:  ALRIGHT, SIR.  MR.  
12   GRANT, DO YOU HAVE ANYTHING TO ADD AS FAR AS THE PLEA  
13   IS CONCERNED, HAVE I FULLY COVERED ALL THE  
14   DISCUSSIONS, PROMISES, INDICATIONS OR ANYTHING IN  
15   REGARD TO THE PLEA FOR YOUR CLIENT, MR. STALEY - MR.  
16   GLEATON?

17                   MR. GRANT:  MR. STALEY.

18                   THE COURT:  MR. STALEY.  OKAY.

19                   MR. GRANT:  YES, SIR.  THE ANSWER  
20   IS YES, YOUR HONOR, YOU HAVE COVERED EVERYTHING.

21                   THE COURT:  ALRIGHT.  MR. DAVIS?

22                   MR. DAVIS:  YOUR HONOR, I WOULD  
23   JUST ASK THE COURT TO VOIR DIRE MR. GLEATON IN  
24   REFERENCE TO A STATEMENT THAT HE GAVE AT THE TIME OF  
25   HIS ARREST, INASMUCH AS THAT STATEMENT MAY OR MAY NOT

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

26

1 BE USED IN COURT AGAINST HIM, OR WOULD HE STILL PLEAD  
2 GUILTY IF HE KNEW IT COULD OR COULD NOT BE USED?

3 Q. DID YOU OFFER A STATEMENT AT THAT TIME, AT  
4 ANYTIME, HAVE YOU GIVEN A STATEMENT TO POLICE  
5 OFFICERS OR ANY LAW ENFORCEMENT OR ANYBODY ELSE  
6 ABOUT YOUR INVOLVEMENT IN THIS MATTER?

7 A. (GLEATON) YES, SIR.

8 Q. WAS IT IN WRITING OR WAS IT ORAL?

9 A. (GLEATON) SIR?

10 Q. WAS IT A WRITTEN STATEMENT THAT YOU SIGNED?

11 A. (GLEATON) A WRITTEN STATEMENT.

12 Q. AND OF COURSE, YOU MIGHT HAVE MADE A SPOKEN  
13 STATEMENT, TOO, I DON'T KNOW.

14 A. (GLEATON) YES, SIR.

15 Q. WELL, WHAT MR. DAVIS IS SAYING IS THAT, AND I  
16 DON'T KNOW ANYTHING ABOUT THE STATEMENTS, OF  
17 COURSE, SO I HAVE NO OPINION ABOUT THIS, BUT IF  
18 YOUR STATEMENT WAS NOT GIVEN FREELY AND  
19 VOLUNTARILY IT COULD NOT BE USED AGAINST YOU IN  
20 COURT. DO YOU UNDERSTAND THAT?

21 A. (GLEATON) YES, SIR.

22 Q. BUT IF -- AND YOU WOULD HAVE A RIGHT TO BRING  
23 THAT QUESTION UP TO THE COURT BEFORE IT COULD BE  
24 USED, FOR THE COURT TO DECIDE WHETHER OR NOT YOUR  
25 STATEMENT WAS GIVEN FREELY AND VOLUNTARILY. AND

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

27

1 IF THE COURT DECIDED YOUR STATEMENT WAS NOT GIVEN  
2 FREELY AND VOLUNTARILY, BUT IF YOU WERE  
3 THREATENED OR COERCED OR PROMISED SOMETHING  
4 UNREASONABLE, PROMISED ANYTHING AT ALL THAT LED  
5 YOU TO MAKE THAT STATEMENT THEN THE COURT COULD  
6 DETERMINE THE STATEMENT COULD NOT BE USED. IF  
7 THE COURT DETERMINED THAT THE STATEMENT WAS  
8 FREELY AND VOLUNTARILY GIVEN BY YOU WITHOUT ANY  
9 COERCION OR FEAR, THEN IT COULD BE USED AGAINST  
10 YOU. DO YOU UNDERSTAND THAT?

11 A. (GLEATON) YES, SIR, YOUR HONOR.

12 Q. THE POSSIBILITY -- I DON'T KNOW ANYTHING ABOUT  
13 YOUR CASE SO I'M NOT EXPRESSING AN OPINION ABOUT  
14 IT, BUT THE POSSIBILITY THAT THAT STATEMENT MIGHT  
15 BE SUPPRESSED OR NOT BE ALLOWED TO BE USED  
16 AGAINST YOU, WOULD THAT AFFECT YOUR DECISION TO  
17 PLEAD GUILTY IN THESE CHARGES? IF YOU KNEW THE  
18 STATEMENT COULD NOT BE USED, JUST SUPPOSE THAT  
19 YOU KNEW THE STATEMENT COULD NOT BE USED AGAINST  
20 YOU, WOULD THAT AFFECT YOUR DECISION TO PLEAD  
21 GUILTY TO THESE CHARGES?

22 A. (GLEATON) NO, SIR.

23 THE COURT: ALRIGHT. DID YOUR  
24 CLIENT MAKE A STATEMENT?

25 MR. GRANT: HE DID, YOUR HONOR,

EXAM-BRANDON STALEY AND DARRELL GLEATON  
BY THE COURT

28

1 BUT IT'S MY PROFESSIONAL OPINION WE WOULD NOT SURVIVE  
2 A JACKSON V. DENNO HEARING IF WE BROUGHT IT UP. AND I  
3 KNOW YOUR ADVICE WOULD OBVIOUSLY APPLY TO HIM, AS  
4 WELL, IF YOU DECIDE TO DO AN INQUIRY.

5 Q. MR. STALEY, DO YOU UNDERSTAND WHAT I JUST TOLD  
6 MR. GLEATON ABOUT THE STATEMENT?

7 A. (STALEY) YES, SIR.

8 Q. IF YOU THOUGHT THAT YOU HAD A REAL GOOD CHANCE OF  
9 GETTING YOUR STATEMENT SUPPRESSED WOULD THAT HAVE  
10 ANY EFFECT ON YOUR WILLINGNESS TO PLEAD GUILTY  
11 TODAY?

12 A. (STALEY) NO, SIR, NO, SIR.

13 THE COURT: ALRIGHT. MR. WILSON,  
14 DO YOU HAVE ANYTHING TO ADD ABOUT THE PLEA ITSELF?

15 MR. WILSON: NOTHING, YOUR HONOR.

16 THE COURT: ALRIGHT. NOW, I  
17 UNDERSTAND WE'RE GOING TO DEFER SENTENCING UNTIL A  
18 LATER TIME.

19 IS THERE ANYTHING THE STATE WANTS  
20 TO ADD AT THIS TIME?

21 SOLICITOR BURBAGE: WOULD YOU LIKE  
22 A FACTUAL BASIS AT THIS TIME?

23 THE COURT: WELL, YEAH, I NEED TO  
24 DO THAT.

25 SOLICITOR BURBAGE: YOUR HONOR,

29

1 THIS INCIDENT OCCURRED BETWEEN DECEMBER EIGHTEENTH AND  
2 DECEMBER NINETEEN OF TWO THOUSAND AND SIX, LATE NIGHT  
3 HOURS OF DECEMBER EIGHTEENTH, EARLY MORNING OF  
4 DECEMBER NINETEENTH. IT STARTED ACTUALLY IN BAMBERG  
5 COUNTY, SO I'LL DEFER TO MR. MOORE, HE'S GOING TO GIVE  
6 THOSE FACTS FIRST, AND THEN I'LL GO BACK TO THE TWO  
7 INCIDENTS THAT OCCURRED IN ORANGEBURG.

8 THE COURT: ALRIGHT. YES, SIR,  
9 MR. MOORE.

10 SOLICITOR MOORE: THANK YOU, YOUR  
11 HONOR. THIS STARTED OUT IN THE TOWN OF DENMARK, IT  
12 HAPPENED ABOUT TEN:FORTY-FIVE IN THE EVENING ON  
13 MONDAY, DECEMBER EIGHTEENTH, TWO THOUSAND SIX. THESE  
14 TWO DEFENDANTS WERE ALONG WITH THREE OTHERS, A TOTAL  
15 OF FIVE. THEY WENT TO A RESIDENCE, A TRAILER THAT WAS  
16 ON SAWDUST STREET IN DENMARK. THEY -- WHAT ACTUALLY  
17 HAPPENED IS, THEY WENT TO THE DOOR, MR. STALEY -- THEY  
18 ALL ARRIVED IN ONE CAR, MR. STALEY WAS DRIVING THE  
19 CAR. HE REMAINED IN THE CAR, DID DRIVE AROUND IN THE  
20 AREA. MR. GLEATON AND THE FOUR, THE FOUR OTHER CO-  
21 DEFENDANTS ALL WENT TO THE TRAILER DOOR. AT THAT TIME  
22 THEY KNOCKED ON THE DOOR. MR. DAMEON McDONALD CAME TO  
23 THE DOOR, AT THAT TIME MR. WILLIAM GLEATON BRANDISHED  
24 A SHOT GUN. WHEN MR. McDONALD SAW THE SHOT GUN AND  
25 THE PEOPLE THERE HE STARTED TO RUN. MR. WILLIAM

1 GLEATON ENDED UP ENTERING THE TRAILER, ENDED UP FIRING  
2 THE SHOT GUN, AND ENDED UP HITTING MR. McDONALD IN THE  
3 LEFT SHOULDER AREA. THEY ALL ENDED UP FLEEING THE  
4 SCENE, GETTING BACK IN THE CAR WITH MR. STALEY AND  
5 DRIVING AWAY. MR. McDONALD WAS ABLE TO FIND HELP  
6 NEARBY, HE WAS TAKEN TO THE BAMBERG COUNTY EMERGENCY  
7 ROOM. EVENTUALLY HE WAS TAKEN TO COLUMBIA TO OVERCOME  
8 HIS INJURIES FOR MEDICAL TREATMENT. THAT'S BASICALLY  
9 WHAT HAPPENED THERE. MR. DARRELL GLEATON,  
10 SPECIFICALLY ABOUT HIM, THE STATE IS ALLEGING THAT HE  
11 WENT TO THE DOOR WITH WILLIAM GLEATON, WAS POSSIBLY  
12 THE PERSON WHO ACTUALLY KNOCKED ON THE DOOR. HE WAS  
13 ARMED WITH A HAND GUN. THE OTHER INDIVIDUALS WHO,  
14 BESIDES MR. STALEY, WHO WENT TO THE DOOR WERE ALL  
15 ARMED WITH HAND GUNS AND MR. WILLIAM GLEATON WITH A  
16 SHOT GUN. IT'S GOING TO COME OUT LATER AS THE FACTS  
17 UNFOLD, BUT JUST FOR NOW, THESE INDIVIDUALS WERE  
18 CAUGHT. THE TWO YOUNG MEN BEFORE YOU TODAY, MR.  
19 STALEY AND MR. GLEATON, DARRELL GLEATON, DID GIVE  
20 STATEMENTS OF THEIR INVOLVEMENT, DID GIVE STATEMENTS  
21 AS TO WHAT THE CO-DEFENDANTS DID, AND IT'S CONSISTENT  
22 WITH THE FACTS THAT I'VE GIVEN, AND BASICALLY, YOU  
23 KNOW, THIS WAS A TRAGIC START TO THIS EVENING. FROM  
24 HERE THEY WENT TO NORWAY AND THAT LED TO THE OTHER  
25 CRIMES HAPPENING IN ORANGEBURG COUNTY.

1                   THE COURT: YES, MA'AM.

2                   SOLICITOR BURBAGE: AND YOUR

3 HONOR, THE NEXT HOUSE THEY WENT TO IS THE HOME OF MR.

4 VANCE POLITE, SENIOR, AND MS. ANNIE BELL, AT [REDACTED]

5 [REDACTED] IN THE TOWN OF NORWAY HERE IN

6 ORANGEBURG COUNTY. YOUR HONOR, THEY WERE DRIVING,

7 THEY WERE ACTUALLY IN THE VEHICLE BELONGING TO TONY

8 GLEATON, ONE OF THE CO-DEFENDANT'S GIRL FRIEND, IT WAS

9 HER VEHICLE. THE VEHICLE WAS DRIVEN TO THAT LOCATION.

10 MR. POLITE WHO IS AROUND EIGHTY-ONE YEARS OF AGE, CAME

11 TO THE DOOR. TONY GLEATON WENT TO THE FRONT DOOR AND

12 WHEN MR. POLITE OPENED IT THE DEFENDANTS, I BELIEVE

13 FOUR OF THE FIVE, RUSHED IN THE HOME. YOUR HONOR, MR.

14 TONY GLEATON PISTOL WHIPPED AND BEAT MR. POLITE ABOUT

15 THE HEAD AND THE BODY AND THEN ACTUALLY SHOT MR.

16 POLITE IN THE GROIN. DURING THIS INCIDENT, WHILE THEY

17 WERE ALL ARMED THEY WENT INTO ONE OF THE BEDROOMS

18 WHERE MRS. POLITE WAS, TOOK FROM HER A BUCKET WITH

19 MONEY IN IT, TOOK LIQUOR FROM THE HOUSE, ALSO TOOK A

20 PISTOL THAT BELONGED TO MR. POLITE FROM THAT RESIDENCE

21 DURING THIS INCIDENCE, IT WAS FORTY-ONE CALIBER

22 REVOLVER. YOUR HONOR, MRS. POLITE WAS ABLE TO

23 POSITIVELY IDENTIFY TWO OF THE INDIVIDUALS, DARRELL

24 GLEATON AND DARONE DERRICOTT. THEY THEN LEFT THAT

25 RESIDENCE AND SOME SIX HUNDRED AND SIXTY FEET FROM

1 THERE THE CAR RUNS OUT OF GAS. THEY GO TO ANOTHER  
2 RESIDENCE, THE HOME OF MR. ERIC AND MRS. JENNIFER  
3 GRANT. ONCE THEY ARRIVED AT THAT LOCATION THE FORCED  
4 ENTRY INTO THE HOME. IN THE HOME WAS FLEMING BRIGGS,  
5 WHO IS THE BROTHER OF MRS. GRANT, ONE OF THE HOME  
6 OWNERS. MR. GRANT, MRS. GRANT, AS WELL AS THEIR TWO  
7 CHILDREN, A ONE YEAR OLD AND ANOTHER LITTLE GIRL THAT  
8 WAS IN ANOTHER ROOM. YOUR HONOR, WHEN THE ENTERED THE  
9 HOME MR. BRIGGS WAS IN THE FRONT ROOM, IN THE DEN  
10 ASLEEP. WHILE ALL ARMED WITH GUNS, BASICALLY THEY  
11 RANSACKED THE HOME DEMANDING MONEY, CAR KEYS. MR.  
12 BRIGGS WAS PISTOL WHIPPED, HE WAS KICKED ABOUT HE FACE  
13 AND THE BODY. MULTIPLE DEFENDANTS ALL WENT INTO THE  
14 BEDROOM OF MR. AND MRS. GRANT. MR. GRANT WAS PISTOL  
15 WHIPPED, BEATEN, HE HAD A DRESSER THROWN ON THE BACK  
16 OF HIM. HE'S IN THE SAME ROOM WITH HIS WIFE, MRS.  
17 GRANT, WHO WAS THEN FORCED BY DARRELL GLEATON, WHO  
18 STANDS BEFORE YOU TODAY, WHOM MR. GLEATON FORCED HER  
19 TO HAVE ORAL SEX AS WELL AS VAGINAL SEX, ALSO  
20 THREATENED TO KILL HER CHILD IF SHE DID NOT COMPLY,  
21 ALL OF THIS WHILE MR. GRANT WAS IN THE ROOM BEING  
22 BEATEN AND THE BABY WAS IN THE ROOM. ALSO, YOUR  
23 HONOR; THE BABY, THE ONE YEAR OLD WAS STRUCK IN THE  
24 FACE WITH A PISTOL AS WELL DURING THIS INCIDENT.  
25 MULTIPLE SHOTS WERE FIRED IN THE RESIDENCE DURING THIS

1 WHOLE INCIDENT. YOUR HONOR, AGAIN, THEY TOOK THE  
2 VEHICLE BELONGING TO MR. GRANT AND LEFT THE RESIDENCE.  
3 THEY LEFT THERE AND THEN SUBSEQUENTLY THE CAR WRECKED,  
4 THEY SET THE CAR ON FIRE, AND THEN ALL FIVE DEFENDANTS  
5 DISBURSED. MR. DARRELL GLEATON WAS FOUND NEAR THE  
6 VEHICLE. HE THEN GAVE THE NAMES OF THE CO-DEFENDANTS,  
7 AND IT WAS FROM THERE THAT THE NUMEROUS AGENCIES WERE  
8 ABLE TO LOCATE ALL OF THEM. MR. STALEY TURNED HIMSELF  
9 IN. RICARDO JOHNSON AS WELL AS DARONE DERRICOTT, TWO  
10 OF THE CO-DEFENDANTS, WERE CAUGHT AT A BUS STATION BY  
11 TASK FORCE IN COLUMBIA. RICARDO JOHNSON HAD A HAND  
12 GUN IN HIS POCKET WHEN HE WAS CAUGHT. AND THEN, MR.  
13 TONY GLEATON WAS FOUND IN WILLISTON IN SOME WOODS BY A  
14 SLED TRACKING TEAM. HE WAS FOUND NEAR TWO ABANDONED  
15 MOBILE HOMES. UNDER THOSE MOBILE HOMES, YOUR HONOR,  
16 THERE WAS A SHOT GUN FOUND AS WELL AS A REVOLVER, THE  
17 REVOLVER BEING THE REVOLVER THAT WAS TAKEN FROM THE  
18 POLITE'S HOME AS WELL AS THE SHOT GUN THAT WAS FOUND  
19 UNDER THE TRAILER WAS ALSO THE SHOT GUN THAT WAS USED  
20 IN THE INCIDENT IN DENMARK.

21 YOUR HONOR, JUST FOR THE RECORD, I  
22 WOULD JUST SAY, EVEN THOUGH WE ARE NOT SENTENCING,  
23 THAT WE HAVE A NUMBER OF THE VICTIMS PRESENT IN THE  
24 COURTROOM TODAY. MR. GRANT, HIS MOTHER, AS WELL AS  
25 HIS AUNT AND ONE OF HIS UNCLES. MRS. GRANT HAD

1 PREPARED SOMETHING FOR TODAY IN CASE THERE WAS  
2 SENTENCING. SHE WASN'T ABLE PHYSICALLY, SHE DIDN'T  
3 WANT TO COME HERE TODAY, SHE WAS TOO NERVOUS TO BE  
4 HERE. AND THEN, ALSO MR. POLITE, HIS SON AS WELL AS  
5 HIS DAUGHTER, AND HIS DAUGHTER-IN-LAW, AS WELL AS HIS  
6 BROTHER AND HIS COUSIN ARE ALL HERE TODAY IN THE  
7 COURTROOM TODAY. AND YOUR HONOR, THAT WOULD BE THE  
8 EXTENT OF THE FACTS.

9 THE COURT: ANYTHING ELSE, MR.  
10 GRANT?

11 MR. GRANT: NOT FOR PURPOSES OF  
12 GUILT AND INNOCENCE, YOUR HONOR.

13 THE COURT: MR. DAVIS?

14 MR. DAVIS: NOT AT THIS TIME, YOUR  
15 HONOR.

16 THE COURT: MR. WILSON?

17 MR. WILSON: NOT AT THIS TIME.

18 THE COURT: ALRIGHT, I WILL ACCEPT  
19 THE PLEAS, I FIND THERE'S A SUBSTANTIAL FACTUAL BASIS  
20 FOR EACH ONE OF THESE PLEAS. I FIND THAT THE  
21 DEFENDANTS HAVE FREELY, VOLUNTARILY, KNOWINGLY AND  
22 INTELLIGENTLY WAIVED THEIR RIGHT TO A JURY TRIAL, AND  
23 THEIR RIGHT TO REMAIN SILENT, AND THEY'VE ALL BEEN  
24 REPRESENTED BY COMPETENT ATTORNEYS WITH WHOM THEY SAY  
25 THEY ARE SATISFIED. SO, I ACCEPT THE PLEAS.

1                   AND I UNDERSTAND MEMBERS OF THE  
2   FAMILY ARE HERE, AND YOU ALL UNDERSTAND THAT THERE'S  
3   NOT GOING TO BE A SENTENCING TODAY, THAT THAT  
4   SENTENCING IS GOING TO BE AT A LATER TIME, BUT IF YOU  
5   WOULD LIKE TO SPEAK I WOULD BE GLAD FOR ANY OF YOU TO  
6   SPEAK IF YOU WOULD LIKE TO DO SO AT THIS TIME. JUST,  
7   YOU DON'T HAVE TO, BUT -- AND YOU WILL HAVE AN  
8   OPPORTUNITY LATER ON IF YOU WANT TO SPEAK LATER ON.

9                   SOLICITOR BURBAGE: I DON'T BELIEVE  
10  ANYONE WISHES TO SPEAK AT THIS TIME, YOUR HONOR.

11                  THE COURT: ALRIGHT, THANK YOU  
12  VERY MUCH, AND THIS MATTER IS IN RECESS.

13                  SOLICITOR BURBAGE: THANK YOU, YOUR  
14  HONOR.

15                                 (Recess)

16                  SOLICITOR BURBAGE: YOUR HONOR, MAY  
17  I APPROACH?

18                  THE COURT: YES, MA'AM.

19  (Whereupon, a bench conference  
20  is held out of the hearing  
21  of the court reporter.)

22                  SOLICITOR BURBAGE: I CALL WILLIAM  
23  ANTONIO GLEATON.

24                  THE COURT: ALRIGHT.

25                  SOLICITOR BURBAGE: YOUR HONOR, MR.

1 GLEATON IS PLEADING GUILTY TO ONE COUNT OF POINTING A  
2 PRESENTING A FIREARM, 2007-GS-38-0445, ONE COUNT OF  
3 ARMED ROBBERY, 2007-GS-38-044, EXCUSE ME. 0444, I'M  
4 SORRY, YOUR HONOR, I'M GOING TO TRY TO GET THESE IN  
5 ORDER. ONE COUNT OF BURGLARY, FIRST, 2007-GS-38-0446,  
6 ONE COUNT OF POSSESSION OF A WEAPON DURING THE  
7 COMMISSION OF CERTAIN CRIMES, 2007-GS-38-0447, I'M  
8 SORRY, YOUR HONOR, 0442, AND THEN ONE COUNT OF BURGLARY,  
9 FIRST, 2007-GS-38-1370, AS WELL AS ONE COUNT OF ASSAULT  
10 AND BATTERY WITH INTENT TO KILL, 2007-GS-38-1369.  
11 AGAIN, I BELIEVE MR. MOORE ALSO HAS SOME BAMBERG CHARGES  
12 AS WELL THAT HE WOULD LIKE TO PLACE ON THE RECORD.

13 THE COURT: ALRIGHT.

14 SOLICITOR MOORE: THANK YOU, YOUR  
15 HONOR. HE'S ALSO PLEADING GUILTY TO 2007-GS-05-148,  
16 BURGLARY IN THE FIRST DEGREE, AND 2007-GS-05-149,  
17 ASSAULT AND BATTERY WITH INTENT TO KILL.

18 THE COURT: ALRIGHT, MR. MOORE -- I'M  
19 SORRY, MR. GLEATON, RAISE YOUR RIGHT HAND, PLEASE.

20 (Whereupon, William Antonio Gleaton  
21 is duly sworn.)

22 THE COURT: ALRIGHT, SIR. I WILL  
23 NEED YOU TO SPEAK A LITTLE LOUDER. WE NEED TO GET IT ON  
24 THE MICROPHONE AND THIS LADY NEEDS TO HEAR YOU SO SHE  
25 CAN WRITE IT DOWN.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

37

1 EXAMINATION OF WILLIAM ANTONIO GLEATON2 BY THE COURT:

3 Q. HOW OLD ARE YOU, MR. GLEATON?

4 A. TWENTY-SIX.

5 Q. HOW FAR DID YOU GO IN SCHOOL?

6 A. I GRADUATED.

7 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE, ALCOHOL  
8 ABUSE, OR MENTAL ILLNESS?

9 A. NO, SIR.

10 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION OR  
11 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD  
12 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN  
13 COURT TODAY?

14 A. NO, SIR.

15 (NOTE: Blank lines on this page do not indicate any  
16 part of record has been omitted. Headers on testimony  
17 pages and hard page breaks between testimony are now  
18 required by the Court. See next ensuing page for  
19 sequential continuation of record.)

EXAM - DEFENSE COUNSEL PALMER BY THE COURT

38

1 EXAMINATION OF DEFENSE COUNSEL PALMER2 BY THE COURT:

3 Q. MR. PALMER, HAVE YOU EXPLAINED TO YOUR CLIENT THE  
4 CHARGES HE IS FACING, THE EVIDENCE THE STATE HAS  
5 AGAINST HIM, THE POSSIBLE PENALTIES ON EACH OF  
6 THESE CHARGES WHICH I'LL GO OVER IN JUST A MINUTE,  
7 AND HIS CONSTITUTIONAL RIGHTS?

8 A. I HAVE, YOUR HONOR.

9 Q. AND DO YOU BELIEVE HE UNDERSTANDS ALL OF THOSE  
10 MATTERS?

11 A. I DO.

12 Q. AND HOW HAS HE ADVISED YOU HE WISHES TO PLEAD?

13 A. HE'S TOLD ME HE WANTS TO PLEAD GUILTY, YOUR HONOR.

14 Q. AND DO YOU CONCUR IN HIS DECISION TO PLEAD GUILTY?

15 A. I DO.

16 (NOTE: Blank lines on this page do not indicate any  
17 part of record has been omitted. Headers on testimony  
18 pages and hard page breaks between testimony are now  
19 required by the Court. See next ensuing page for  
20 sequential continuation of record.)

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

39

1 EXAMINATION OF WILLIAM ANTONIO GLEATON

2 BY THE COURT CONTINUES

3 Q. ALRIGHT, WE HAVE -- FIRST, MR. GLEATON, DO YOU  
4 UNDERSTAND THAT THESE TWO BAMBERG COUNTY CHARGES,  
5 YOU HAVE A RIGHT TO HAVE THEM HEARD IN BAMBERG  
6 COUNTY. DO YOU UNDERSTAND THAT?

7 A. YES, SIR.

8 Q. DO YOU WANT TO GIVE UP THAT RIGHT TO HAVE THEM  
9 HEARD IN BAMBERG AND LET ME HEAR THEM WHEN I HEAR  
10 ALL THE OTHER CASES NOW?

11 A. YES, SIR.

12 Q. ALRIGHT, SIR. NOW, INDICTMENT NUMBER 148 FOR  
13 BURGLARY IN THE FIRST DEGREE CARRIES UP TO A  
14 MINIMUM OF FIFTEEN YEARS AND UP TO LIFE IN PRISON.  
15 INDICTMENT NUMBER 149 FOR ASSAULT AND BATTERY WITH  
16 INTENT TO KILL CARRIES UP TO TWENTY YEARS IN  
17 PRISON. AND IN ORANGEBURG COUNTY, INDICTMENT 445  
18 FOR POINTING AND PRESENTING A FIREARM CARRIES UP  
19 TO FIVE -- I THINK.

20 SOLICITOR BURBAGE: THAT'S CORRECT,  
21 YOUR HONOR.

22 Q. INDICTMENT NUMBER 442, POSSESSION OF A WEAPON  
23 DURING THE COMMISSION OF A VIOLENT CRIME, I THINK  
24 THAT CARRIES UP TO FIVE?

25 SOLICITOR BURBAGE: POINTING AND

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

40

1 PRESENTING IS FIVE, YOUR HONOR.

2 SOLICITOR MOORE: THEY'RE BOTH FIVE.

3 Q. AND INDICTMENT 446, BURGLARY IN THE FIRST DEGREE,  
4 CARRIES A MINIMUM OF FIFTEEN UP TO LIFE IN PRISON.  
5 INDICTMENT 1370, BURGLARY IN THE FIRST DEGREE,  
6 CARRIES THE SAME SENTENCE. INDICTMENT 444, ARMED  
7 ROBBERY, CARRIES UP TO THIRTY YEARS IN PRISON.  
8 INDICTMENT 1369, ASSAULT AND BATTERY WITH INTENT  
9 TO KILL, CARRIES UP TO TWENTY YEARS IN PRISON.  
10 ALL OF THESE CHARGES ARE SERIOUS, OR MOST SERIOUS,  
11 MOST SERIOUS, ALL OF THESE ARE NO PAROLE.

12 THE COURT: HAVE YOU EXPLAINED ALL  
13 THAT TO HIM?

14 MR. PALMER: YES, SIR.

15 Q. ALRIGHT, SIR. NOW, MR. GLEATON, YOUR ATTORNEY  
16 TELLS ME -- I'LL BE GLAD TO PAUSE IF YOU NEED A  
17 MINUTE TO TALK WITH HIM.

18 A. I'M STAYING.

19 Q. ALRIGHT. THE NO PAROLE PROVISION MEANS THAT YOU  
20 HAVE TO SERVE A MINIMUM OF EIGHTY-FIVE PER CENT OF  
21 THESE CASES AND THEN YOU WOULD GET OUT ON  
22 COMMUNITY SUPERVISION, WHICH IS KIND OF LIKE BEING  
23 ON PROBATION. AND IF YOU VIOLATE THAT COMMUNITY  
24 SUPERVISION THEN YOU CAN GO BACK TO PRISON AGAIN.  
25 BUT IT'S NO PAROLE. DO YOU UNDERSTAND THAT?

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

41

1 A. YES, SIR.

2 Q. ALRIGHT, SIR. NOW, YOUR ATTORNEY TELLS ME HE'S  
3 EXPLAINED TO YOU ALL OF THESE CHARGES, THE  
4 EVIDENCE THE STATE HAS AGAINST YOU ON ALL OF THESE  
5 CHARGES, THE POSSIBLE PENALTY, AND HE'S EXPLAINED  
6 TO YOU YOUR CONSTITUTIONAL RIGHTS. HE SAYS THAT  
7 HE BELIEVES THAT YOU UNDERSTAND ALL OF THOSE  
8 MATTERS AND THAT YOU WANT TO PLEAD GUILTY. IS THAT  
9 RIGHT?

10 A. YES, SIR.

11 Q. NOW, IF AT ANYTIME YOU DON'T UNDERSTAND WHAT I'M  
12 SAYING YOU STOP US, JUST RAISE YOUR HAND OR SPEAK  
13 TO YOUR LAWYER, AND WE'LL -- BECAUSE I WANT YOU TO  
14 UNDERSTAND, THAT'S VERY IMPORTANT.

15 NOW, IN ORDER TO PLEAD GUILTY TO THESE CHARGES YOU  
16 HAVE TO GIVE UP CERTAIN RIGHTS THAT YOU HAVE. THE  
17 FIRST OF THESE IS YOUR RIGHT TO REMAIN SILENT.  
18 THAT IS YOUR RIGHT TO SAY NOTHING ABOUT THE  
19 CHARGES. YOU CANNOT BE FORCED TO TESTIFY AGAINST  
20 YOURSELF. BUT IF YOU PLEAD GUILTY YOU HAVE TO  
21 GIVE UP THAT RIGHT IN ORDER TO ADMIT THE TRUTH OF  
22 THE CHARGES AGAINST YOU.

23 SECONDLY, YOU HAVE THE RIGHT TO A JURY TRIAL.  
24 THAT IS YOUR RIGHT TO HAVE A JURY OF TWELVE PEOPLE  
25 DECIDE WHETHER OR NOT YOU ARE, IN FACT, GUILTY OF

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

42

1           THESE CHARGES BEYOND A REASONABLE DOUBT. A JURY  
2           WOULD BASE ITS DECISION ON THE TESTIMONY AND THE  
3           EVIDENCE PUT UP BY THE STATE'S WITNESSES. YOUR  
4           ATTORNEY COULD CROSS-EXAMINE THOSE WITNESSES AND  
5           CALL WITNESSES ON YOUR OWN BEHALF, AND PUT UP ANY  
6           DEFENSE YOU MIGHT HAVE TO THESE CHARGES. YOU  
7           WOULD BE PRESUMED TO BE INNOCENT IF YOU HAD A JURY  
8           TRIAL, THE BURDEN WOULD BE ON THE STATE TO  
9           CONVINCE ALL TWELVE JURORS OF YOUR GUILT. DO YOU  
10          UNDERSTAND BOTH YOUR RIGHT TO REMAIN SILENT AND  
11          YOUR RIGHT TO HAVE A JURY TRIAL?

12   A.    YES, SIR.

13   Q.    DO YOU UNDERSTAND THAT IN ORDER TO PLEAD GUILTY  
14          YOU HAVE TO GIVE UP BOTH OF THOSE RIGHTS?

15   A.    YES, SIR.

16   Q.    AND THAT'S WHAT YOU WANT TO DO?

17   A.    YES, S IR.

18   Q.    YOU DON'T WANT A JURY TRIAL ON ANY OF THE CHARGES?

19   A.    I PLEAD GUILTY, SIR.

20   Q.    ALRIGHT. WE'LL TAKE THE BAMBERG CHARGES FIRST.  
21          BURGLARY, FIRST DEGREE, SAYS THAT IN BAMBERG  
22          COUNTY, ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO  
23          THOUSAND AND SIX, THAT YOU WILLFULLY AND  
24          UNLAWFULLY, WITH OTHER INDIVIDUALS, ENTERED THE  
25          DWELLING OF DAMEON McDONALD, WITHOUT CONSENT, WITH

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

43

1 INTENT TO COMMIT A CRIME IN THAT DWELLING, AND  
2 THAT YOU WERE ARMED, AND THAT THIS OCCURRED AT  
3 NIGHTTIME. DO YOU UNDERSTAND THAT CHARGE?

4 A. YES, SIR.

5 Q. HOW DO YOU PLEAD TO THAT CHARGE?

6 A. GUILTY, SIR.

7 Q. INDICTMENT 149 SAYS THAT ON OR ABOUT THAT SAME  
8 DATE, DECEMBER EIGHTEENTH, WITH MALICE  
9 AFORETHOUGHT, YOU COMMITTED AN ASSAULT AND BATTERY  
10 UPON DAMEON McDONALD WITH INTENT TO KILL THIS  
11 VICTIM, THAT YOU SHOT HIM. DO YOU UNDERSTAND THAT  
12 CHARGE?

13 A. YES, SIR.

14 Q. HOW DO YOU PLEAD TO THAT CHARGE?

15 A. GUILTY, SIR.

16 Q. ALRIGHT. IN ORANGEBURG COUNTY, WE'LL TAKE  
17 INDICTMENT 1370, IT SAYS THAT ON OR ABOUT DECEMBER  
18 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU  
19 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF  
20 VANCE POLITE, SENIOR, AND ANNIE BELL POLITE,  
21 WITHOUT CONSENT AND WITH INTENT TO COMMIT A CRIME  
22 IN THAT DWELLING, AND THIS OCCURRED WHILE YOU WERE  
23 ARMED AND AT NIGHTTIME. DO YOU UNDERSTAND THAT  
24 CHARGE?

25 A. YES, SIR.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

44

1 Q. HOW DO YOU PLEAD TO THAT CHARGE?

2 A. GUILTY, SIR.

3 Q. AND INDICTMENT 1369 SAYS THAT ON THAT OCCASION  
4 WHEN YO WENT INTO THE HOME OF MR. POLITE, THAT  
5 WITH MALICE AFORETHOUGHT YOU COMMITTED AN ASSAULT  
6 AND BATTERY UPON MR. POLITE BY MEANS OF SHOOTING  
7 HIM WITH A GUN AND STRIKING HIM WITH THAT GUN WITH  
8 THE INTENT TO KILL MR. POLITE. DO YOU UNDERSTAND  
9 THAT CHARGE?

10 A. YES, SIR.

11 Q. HOW DO YOU PLEAD TO THAT CHARGE?

12 A. GUILTY, SIR.

13 Q. INDICTMENT 446, BURGLARY IN THE FIRST DEGREE, SAYS  
14 THAT ON OR ABOUT THAT SAME NIGHT, DECEMBER THE  
15 EIGHTEENTH, TWO THOUSAND AND SIX, YOU WILLFULLY  
16 AND UNLAWFULLY ENTERED THE DWELLING OF ERIC AND  
17 JENNIFER GRANT WITHOUT CONSENT WITH INTENT TO  
18 COMMIT A CRIME IN THAT DWELLING, AND IT OCCURRED  
19 AT NIGHTTIME WHILE YOU WERE ARMED WITH A WEAPON.  
20 DO YOU UNDERSTAND THAT CHARGE?

21 A. YES, SIR.

22 Q. HOW DO YOU PLEAD TO THAT CHARGE?

23 A. GUILTY, SIR.

24 Q. INDICTMENT 444 SAYS THAT WHEN YOU WENT INTO THE  
25 GRANT'S DWELLING THAT NIGHT THAT YOU COMMITTED

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

45

1 ROBBERY BY FELONIOUSLY OR WRONGFULLY TAKING FROM  
2 THE PERSON OR PRESENCE OF THE VICTIM, ERIC GRANT,  
3 BY MEANS OF FORCE OR INTIMIDATION SOME GOODS, IT  
4 COULD HAVE BEEN MONEY, A NINETEEN NINETY-FOUR  
5 BUICK LESABRE, AND OTHER PERSONAL PROPERTY WHILE  
6 YOU WERE ARMED WITH A DEADLY WEAPON. DO YOU  
7 UNDERSTAND THAT CHARGE?

8 A. YES, SIR.

9 Q. HOW DO YOU PLEAD TO THAT CHARGE?

10 A. GUILTY, SIR.

11 Q. INDICTMENT 442 SAYS THAT ON THAT NIGHT WHEN YOU  
12 COMMITTED THE CRIME OF BURGLARY THAT YOU HAD IN  
13 YOUR POSSESSION OR VISIBLY DISPLAYED A FIREARM.  
14 DO YOU UNDERSTAND THAT CHARGE?

15 A. YES, SIR.

16 Q. HOW DO YOU PLEAD TO THAT CHARGE?

17 A. GUILTY, SIR.

18 Q. INDICTMENT 445 SAYS THAT ON THAT NIGHT, ON  
19 DECEMBER THE EIGHTEENTH, THAT YOU WILLFULLY AND  
20 UNLAWFULLY POINTED OR PRESENTED A WEAPON AT  
21 FLEMING BRIGGS. DO YOU UNDERSTAND THAT CHARGE?

22 A. YES, SIR.

23 Q. HOW DO YOU PLEAD TO THAT CHARGE?

24 A. GUILTY, SIR.

25 Q. NOW, MR. GLEATON, IN REGARD TO ALL OF THESE

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

46

1 CHARGES, DID YOU TELL YOUR ATTORNEY, MR. SCOTT,  
2 EVERYTHING ABOUT THESE FACTS IN THIS CASE SO THAT  
3 HE COULD GIVE YOU CORRECT ADVICE?

4 A. YES, SIR.

5 Q. HAS HE FAILED TO DO ANYTHING THAT YOU THINK HE  
6 NEEDS TO DO TO HELP YOU IN THIS CASE?

7 A. NO, SIR.

8 Q. HAVE YOU UNDERSTOOD ALL THE QUESTIONS THAT I HAVE  
9 ASKED YOU?

10 A. YES, SIR.

11 Q. HAVE YOU ANSWERED THEM TRUTHFULLY?

12 A. YES, SIR.

13 Q. DO YOU UNDERSTAND THAT IF YOU WANTED TO FILE AN  
14 APPEAL IN THIS CASE YOU WOULD HAVE TO DO THAT  
15 WITHIN TEN DAYS?

16 A. YES, SIR.

17 Q. NOW, A FEW MINUTES AGO I TOOK A PLEA I THINK FROM  
18 YOUR BROTHER, WAS HE ONE OF THE YOUNG MEN THAT  
19 STOOD UP?

20 A. YES, SIR. HE WASN'T MY BROTHER, BUT WE'RE RELATED.

21 Q. WELL, TWO OF THEM, MR. STALEY AND MR. GLEATON.

22 A. YES, SIR.

23 Q. AND YOU HEARD AT THAT TIME THE STATE, THESE TWO  
24 ATTORNEYS OVER HERE, RECITED THE FACTS THAT THEY  
25 ALLEGE HAPPENED BOTH IN BAMBERG AND ORANGEBURG

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

47

1 COUNTY, YOU HEARD ALL OF THOSE FACTS RECITED AT  
2 THAT TIME?

3 A. YES, SIR.

4 Q. IS THERE ANY SIGNIFICANT DIFFERENCE IN YOUR  
5 VERSION OF WHAT HAPPENED AND THEIRS? DO YOU WANT  
6 THEM TO REPEAT ALL OF THOSE FACTS?

7 A. NO, SIR.

8 COURT REPORTER: NO, SIR?

9 Q. YOU HEARD THEM AND UNDERSTOOD THEM AT THAT TIME?

10 A. SIR, DID I HEAR ALL OF THE FACTS?

11 Q. YES, SIR.

12 A. YES, SIR, I HEARD ALL THE FACTS.

13 Q. I'LL BE GLAD TO GET THEM TO REPEAT THOSE FACTS  
14 AGAIN, BUT YOU HEARD THEM, AND I - - -

15 A. I HEARD IT.

16 Q. SIR?

17 A. I HEARD IT.

18 Q. DO YOU DISAGREE WITH ANY OF THOSE FACTS?

19 A. NO, SIR.

20 THE COURT: ALRIGHT, SIR. I'LL  
21 ACCEPT THE PLEA, I FIND A SUBSTANTIAL FACTUAL BASIS FOR  
22 THE PLEA, HIS DECISION TO PLEAD GUILTY IS FREELY AND  
23 VOLUNTARILY MADE, HE'S KNOWINGLY AND INTELLIGENTLY  
24 WAIVED HIS RIGHT TO A JURY TRIAL, AND HE'S HAD THE  
25 SERVICES OF AN ATTORNEY WITH WHOM HE SAYS HE'S

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

48

1 SATISFIED. AND, OF COURSE, SENTENCE WILL BE DEFERRED -  
2 OH YEA, IN DISCUSSIONS I HAVE AGREED WITH YOUR ATTORNEY  
3 THAT I WILL CAP ANY SENTENCE GIVEN TO YOU, A SENTENCE OF  
4 FORTY YEARS, WHICH WOULD MEAN UP TO FORTY YEARS, BUT I  
5 HAVE AGREED I WOULD NOT GO OVER FORTY YEARS. DO YOU  
6 UNDERSTAND THAT?

7 A. YES, SIR.

8 Q. AND OTHER THAN THAT, HAS ANYBODY PROMISED YOU  
9 ANYTHING OR THREATENED YOU TO GET YOU TO PLEAD  
10 GUILTY?

11 A. NO, SIR.

12 Q. ALRIGHT, SIR. YOU DON'T HAVE ANY COMPLAINTS  
13 AGAINST ANYBODY AT THIS TIME?

14 A. NO, SIR.

15 THE COURT: ALRIGHT, SIR.

16 MR. MOORE, ANYTHING YOU NEED TO ADD?

17 OH, YEAH, THERE'S A BARNWELL COUNTY CASE.

18 SOLICITOR MOORE: YES, SIR, JUST - -

19 -

20 DEFENDANT GLEATON: LET ME SAY, WITH  
21 MY SENTENCING, COULD YOU BE, LIKE, A LITTLE LENIENT ON  
22 ME SO I WOULD STILL BE ABLE TO COME HOME WITH MY KIDS,  
23 OR WHATEVER?

24 THE COURT: MR. GLEATON, I WILL  
25 CONSIDER GOING LESS THAN THE FORTY YEARS. I'M NOT, I

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

49

1 DON'T WANT TO GIVE YOU ANY HOPES THAT I WILL GO LESS  
2 THAN THE FORTY YEARS, BECAUSE YOU'VE PLED GUILTY TO  
3 ABOUT AS BAD A THINGS AS A MAN CAN DO, AND A WHOLE LOT  
4 OF THEM. AND YOU WERE LOOKING AT LIFE IN PRISON, VERY  
5 EASILY, VERY EASILY YOU COULD BE GETTING LIFE IN PRISON.  
6 AND I KNOW THAT'S NOT A GOOD FEELING FOR YOU TO STAND  
7 THERE. I CAN'T PROMISE YOU I WILL GIVE YOU A DAY LESS  
8 THAN FORTY YEARS, I CAN ONLY PROMISE YOU I WILL NOT GIVE  
9 YOU ANYMORE THAN FORTY YEARS. IT WILL BE A LONG TIME  
10 UNDER ANY CIRCUMSTANCES BEFORE YOU WILL BE COMING HOME  
11 TO SEE YOUR CHILDREN. I MEAN, IN PRISON THEY MAKE  
12 ARRANGEMENTS FOR THE CHILDREN TO COME UP AND VISIT YOU,  
13 BUT THERE'S JUST NO WAY IN THE WORLD THAT I COULD  
14 GUARANTEE YOU COMING HOME ANYTIME SOON TO SEE YOUR  
15 CHILDREN. BUT I'LL BE GLAD TO HEAR FROM YOU AT THE TIME  
16 OF YOUR SENTENCING. AT THAT TIME THE FAMILIES OF THE  
17 VICTIMS AND ALL WILL BE HERE AND THEY WILL GET TO SPEAK.  
18 I'LL BE GLAD TO HEAR FROM YOU AT THAT TIME, I'LL BE GLAD  
19 TO HEAR FROM YOUR MOTHER ANYBODY ELSE, YOUR ATTORNEY,  
20 WHO WANTS TO SPEAK ON YOUR BEHALF. BUT THE ONLY PROMISE  
21 I'VE MADE IS THAT I WILL NOT GO OVER FORTY YEARS. DO YOU  
22 UNDERSTAND THAT?

23 A. YES, SIR.

24 THE COURT: ALRIGHT, MR. MOORE.

25 SOLICITOR MOORE: THANK YOU, YOUR

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

50

1 HONOR, JUST BRIEFLY, HE HAS A PENDING ARMED ROBBERY  
2 CHARGE FROM BARNWELL COUNTY, IT'S UNRELATED TO THESE  
3 EVENTS THAT WE'VE GONE OVER TODAY. I'M GOING TO GIVE HIS  
4 ATTORNEY, MR. KENT KIRKLAND, OPPORTUNITY TO REVIEW IT  
5 AND CONSULT WITH HIM, AND GIVE HIM THE OPPORTUNITY TO  
6 WORK SOMETHING OUT IN THE FUTURE. IN ESSENCE, WHAT I'M  
7 SAYING IS, I'M NOT GOING TO AUTOMATICALLY SEEK A LIFE  
8 WITHOUT PAROLE SENTENCE. I WILL GIVE HIM AN OPPORTUNITY  
9 TO WORK IT OUT. AND I JUST WANTED TO PUT THAT ON THE  
10 RECORD, THAT IT'S - - -

11 THE COURT: WELL, YOU SAID THAT YOU  
12 WERE NOT GOING TO AUTOMATICALLY SEEK LWOP. I MEAN, I  
13 THOUGHT PART OF THE AGREEMENT WAS THAT THAT SENTENCE WAS  
14 GOING TO BE CONCURRENT WITH THESE. IS THAT NOT THE  
15 AGREEMENT?

16 SOLICITOR MOORE: WELL, THAT'S WHAT  
17 I ORIGINALLY OFFERED, AND HIS ATTORNEY WAS NOT FAMILIAR  
18 WITH THAT CASE, HE WASN'T READY TO PLEAD TO THAT  
19 BARNWELL COUNTY CHARGE, SO I'M GOING TO GIVE HIM AN  
20 OPPORTUNITY FOR CONCURRENT AT A LATER DATE IS BASICALLY  
21 - - -

22 THE COURT: ARE YOU GOING TO OFFER -  
23 - -

24 SOLICITOR MOORE: --- CONSISTENT  
25 WITH WHAT WE - - -

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

51

1                    THE COURT:    YOU'RE GOING TO OFFER  
2 MR. GLEATON THE OPPORTUNITY TO PLEAD GUILTY TO THE  
3 BARNWELL COUNTY CHARGE FOR A SENTENCE CONCURRENT WITH  
4 THE SENTENCE I'M GOING TO GIVE HIM HERE?

5                    SOLICITOR MOORE:    YES SIR.

6 Q.    DO YOU UNDERSTAND THAT, MR. GLEATON?

7 A.    YES, SIR.

8 Q.    NOW, IF YOU TURN THAT DOWN WHEN THE TIME COMES,  
9        AND HE TRIES YOU IN BARNWELL, THEN YOU'RE SUBJECT  
10       TO GETTING LIFE IN PRISON. HE'S OFFERED YOU TO  
11       WRAP THE BARNWELL COUNTY SENTENCES UP IN THIS ONE,  
12       BUT I CAN'T TAKE THAT PLEA TODAY BECAUSE YOUR  
13       LAWYER IS NOT HERE. TELL ME WHAT YOUR QUESTIONS  
14       ARE.

15 A.    SEE, ON THAT CHARGE I WAS ALREADY LOCKED UP ON A  
16       BENCH WARRANT WHEN THEY BROUGHT ME -- THE DATE OF  
17       THE OTHER CHARGE I WAS ALREADY INCARCERATED AND  
18       THEN THEY BROUGHT ME THE CHARGE, ME AND THE CHIEF  
19       OF POLICE ALREADY TALKED ABOUT THAT, YOU KNOW WHAT  
20       I'M SAYING? THAT CHARGE WAS SUPPOSED TO HAVE BEEN  
21       GONE BUT IT'S STILL HERE, I DON'T KNOW WHY. I WAS  
22       INCARCERATED. THE CHIEF WAS ASKING ME, DID YOU  
23       BROKE OUT AND WENT AND ROBBED SOMEBODY AND CAME  
24       BACK, OR WHATEVER? I WAS INCARCERATED WHEN I GOT  
25       THAT CHARGE.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

52

1 Q. WELL, I DON'T WANT YOU TO TELL ME WHETHER YOU'RE  
2 GUILTY OF THAT CHARGE OR NOT, I DON'T WANT YOU TO  
3 SAY THAT, BECAUSE YOU HAVE AN ATTORNEY THAT'S  
4 REPRESENTING YOU ON THAT CHARGE. WHAT MR. MOORE  
5 IS TELLING YOU, THAT IF YOU DECIDE, IF YOU DECIDE  
6 THAT YOU WANT TO PLEAD GUILTY TO THAT CHARGE, THAT  
7 THE SENTENCE WOULD BE CONCURRENT WITH THESE  
8 SENTENCES, WHICH MEANS YOU WOULD SERVE THAT  
9 SENTENCE AT THE SAME TIME YOU SERVE THESE  
10 SENTENCES, IT WOULD NOT ADD ANY TIME TO WHAT  
11 YOU'VE GOT TO SERVE, IF YOU DECIDE YOU WANT TO  
12 PLEAD GUILTY. DO YOU UNDERSTAND THAT?

13 A. YES, SIR.

14 THE COURT: IF YOU DECIDE YOU DON'T  
15 WANT TO PLEAD GUILTY TO THAT CHARGE, NOW THAT CHARGE IS  
16 STILL STANDING OUT THERE, AND YOU WILL HAVE TO DEAL WITH  
17 THAT LATER ON.

18 DEFENDANT GLEATON: I'LL HAVE TO DEAL  
19 WITH THAT LATER ON.

20 THE COURT: AND SINCE YOU'VE ALREADY  
21 PLED TO THESE, THIS IS WHAT WE CALL A ONE STRIKE, UNDER  
22 THE TWO STRIKE LAW. IF YOU WERE TO GO TO TRIAL ON THE  
23 BARNWELL COUNTY CHARGE, AND IF YOU WERE FOUND GUILTY,  
24 THEN YOU WOULD GET LIFE IN PRISON, BECAUSE THAT WOULD BE  
25 THE SECOND STRIKE UNDER THE TWO STRIKE LAW. NOW, I'M

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

53

1 JUST KIND OF EDUCATING YOU BECAUSE THE BARNWELL COUNTY  
2 CASE IS NOT BEFORE ME.

3 I WOULD JUST ASK YOU THIS, MR.  
4 MOORE, YOU DISCUSSED IT WITH HIS LAWYER, AND OF COURSE,  
5 HIS LAWYER -- WHO IS IT, MR. WHO?

6 SOLICITOR MOORE: MR. KIRKLAND.

7 THE COURT: KIRKLAND?

8 SOLICITOR MOORE: YES, SIR.

9 THE COURT: OKAY. YOU DISCUSS THAT  
10 WITH MR. KIRKLAND AND YOU TELL MR. KIRKLAND THAT I, THAT  
11 IF HE WANTS TO ACCEPT THE OFFER YOU HAVE MADE AFTER HE  
12 DISCUSSES IT WITH THE CLIENT, I WANT HIM TO DO IT IN  
13 ORANGEBURG WHEN WE DO THIS PLEA. THERE'S NO USE FOR YOU  
14 TO HAVE TO GO BACK TO BARNWELL AND TAKE ANOTHER PLEA. WE  
15 NEED TO WRAP IT ALL UP AND THAT WILL TAKE CARE OF IT.  
16 THERE'S NO REASON HE CAN'T DO THAT, HE COULD MAKE  
17 ARRANGEMENTS TO DO THAT. SO, HE NEEDS TO TALK WITH HIS  
18 CLIENT PRETTY QUICKLY.

19 SOLICITOR MOORE: YES, SIR.

20 THE COURT: ALRIGHT, SIR. WHERE  
21 DOES MR. KIRKLAND PRACTICE?

22 SOLICITOR MOORE: HE'S THE PUBLIC  
23 DEFENDER FOR BARNWELL AND BAMBERG, AND HE'S IN BARNWELL.

24 THE COURT: OKAY. WELL, HE CAN  
25 HANDLE THAT.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

54

1 Q. DO YOU UNDERSTAND THAT, MR. GLEATON?

2 A. YES, SIR.

3 Q. OKAY. YOU'RE NOT OBLIGATED TO PLEAD GUILTY TO THAT  
4 CHARGE, HE'S JUST TELLING YOU THAT IF YOU DO  
5 DECIDE YOU WANT TO PLEAD GUILTY - - -

6 A. COULD I ASK YOU ANOTHER QUESTION, MR. WILLIAMS?

7 Q. YES, SIR.

8 A. WHY IS MY COUNT SET AT FORTY AND - - -

9 COURT REPORTER: I'M SORRY?

10 A. WHY IS MY COUNT SET AT FORTY, FORTY YEARS, AND  
11 I'VE GOT ANOTHER CO-DEFENDANT, AND HIS COUNT WAS  
12 SET AT TWENTY, WITH MORE CHARGES THAN ME?

13 Q. WELL, I DON'T HAVE TO ANSWER THAT QUESTION, YOU  
14 KNOW, BUT I WILL ANSWER THAT QUESTION. WHEN WE  
15 TALKED ABOUT IT WITH ALL THE LAWYERS PRESENT, YOUR  
16 LAWYER AND THE OTHER LAWYERS PRESENT, AND THE  
17 PROSECUTORS PRESENT, THESE TWO LAWYERS AND THE  
18 LAWYERS FOR THE OTHER CASES, AND WE WENT OVER THE  
19 FACTS OF THE CASE, WHAT THE STATE IS ALLEGING  
20 HAPPENED IN THAT CASE, AND TRIED TO DETERMINE WHO,  
21 WHOSE CONDUCT WAS THE WORSE, AND YOUR, AND THE  
22 THINGS THAT YOU DID WERE ABOUT AS, OR WORSE THAN  
23 THE GUY THAT GOT THE CAP AT TWENTY. HE DIDN'T  
24 SHOOT ANYBODY. AND SO, THAT'S ONE OF THE THINGS  
25 THAT A JUDGE CONSIDERS WHEN HE'S TALKING ABOUT A

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

55

1 SENTENCE, IS WHAT EACH INDIVIDUAL DID, ALTHOUGH,  
2 TECHNICALLY, UNDER THE LAW YOU'RE BOTH GUILTY OF  
3 THE SAME CRIME, YOU KNOW, YOU PULLED THE TRIGGER  
4 IN BAMBERG, AND HE DIDN'T, IF YOU'RE TALKING ABOUT  
5 THE GUY WITH TWENTY.

6 A. SO, LIKE, ON, I THOUGHT THE MAXIMUM FOR ASSAULT  
7 AND BATTERY WITH INTENT TO KILL WAS, LIKE, TWENTY  
8 YEARS.

9 Q. IT IS, BUT THAT'S JUST ONE CHARGE. AND I HAVE TO  
10 LOOK AT ALL OF THE CHARGES TOGETHER, I HAVE TO  
11 LOOK AT EVERYTHING THAT HAPPENED THAT NIGHT, AND  
12 EVERYTHING YOU DID, EVERYTHING EACH ONE OF THEM  
13 DID. I TRY TO LOOK AT THEM INDIVIDUALLY AND SEE  
14 WHAT EVERYBODY DID AND TRY TO MAKE SOME  
15 APPROPRIATE SENTENCE. THAT'S THE REASON. YOU  
16 KNOW, AND WE'LL -- I'LL GIVE YOU AN OPPORTUNITY TO  
17 SAY WHATEVER YOU WANT TO SAY WHEN WE HAVE THE  
18 SENTENCING, BUT MR. GLEATON, YOU ARE, YOU ARE  
19 REALISTICALLY LOOKING AT SPENDING THE REST OF YOUR  
20 LIFE IN PRISON. AND WHEN I SAY, THE REST OF YOUR  
21 LIFE, I MEAN UNTIL THE DAY YOU DIE. I MEAN, THERE  
22 AIN'T NO PAROLE, THERE AIN'T NO EARLY OUT. I MEAN,  
23 YOUR MAMA WOULD SAY, I'LL NEVER SEE MY SON AGAIN.  
24 SHE'S HOPING NOW SHE'LL LIVE LONG ENOUGH TO SEE  
25 YOU WALK THE STREET, AND CHANGES ARE GOOD THAT

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

56

1 SHE'LL DO THAT, BUT I MEAN, BUT THE CHARGES  
2 AGAINST YOU, IF YOU GET THE FULL FORTY YEARS  
3 YOU'RE GETTING A GOOD DEAL. IT'S A LONG TIME TO  
4 SERVE, BUT COMPARED TO WHAT YOU COULD BE LEAVING  
5 HERE FACED WITH, IT'S A LOT BETTER THAN YOU COULD  
6 BE LOOKING AT. SO, YOU NEED TO CONSIDER THAT SIDE  
7 OF IT, WHAT YOU COULD GET ON THE TOP SIDE, AS WELL  
8 AS WHAT SOMEBODY ELSE MIGHT GET ON THE BOTTOM  
9 SIDE. ALRIGHT, SIR?

10 A. YES, SIR.

11 THE COURT: ALRIGHT. THANK YOU VERY  
12 MUCH.

13 SOLICITOR BURBAGE: THANK YOU, YOUR  
14 HONOR.

15 THE COURT: COURT WILL BE IN RECESS  
16 UNTIL NINE:THIRTY IN THE MORNING.

17 (Recess for the day)

18 DATE:

19 JANUARY 16, 2008

20 SOLICITOR BURBAGE: THE STATE CALLS  
21 RICARDO JOHNSON. JUDGE, MAY I APPROACH?

22 THE COURT: YES, MA'AM.

23 SOLICITOR BURBAGE: IS THERE ANY WAY  
24 THAT HELPS YOU TO KEEP THEM IN ORDER WHEN I HAND YOU ALL  
25 THESE THINGS? BECAUSE I'VE GO THE BAMBERG ONES AND THE

1 OTHER STUFF HERE. IS THAT HELPFUL OR NOT?

2 THE COURT: YEAH.

3 SOLICITOR BURBAGE: OKAY. AND I'LL  
4 DO THEM IN ORDER OF INDICTMENT.

5 THE COURT: AND I LIKE THE PLEA  
6 SHEET ON TOP.

7 SOLICITOR BURBAGE: ON TOP? OKAY.

8 THE COURT: BUT IF YOU HAVEN'T GOT  
9 THEM DONE THAT WAY - - -

10 SOLICITOR BURBAGE: I THINK THEY'RE  
11 THAT WAY THIS TIME, ACTUALLY.

12 THE COURT: OKAY.

13 SOLICITOR BURBAGE: OKAY. YOUR  
14 HONOR, STANDING BEFORE YOU IS RICARDO JOHNSON, WITH HIS  
15 ATTORNEY, JOSH KOGER. YOUR HONOR, HE IS PLEADING GUILTY  
16 TO TWO INDICTMENTS OUT OF BAMBERG COUNTY. HE'S WAIVING  
17 VENUE ON THOSE. YOUR HONOR, I'M STANDING IN FOR THE  
18 SOLICITOR, BEN MOORE, ON THOSE CASES. THE FIRST ONE IS  
19 2007-GS-05-165, FOR ASSAULT AND BATTERY WITH INTENT TO  
20 KILL, AS WELL AS 2007-GS-05-164, FOR BURGLARY, FIRST.

21 YOUR HONOR, IN ORANGEBURG COUNTY  
22 HE'S PLEADING GUILTY TO ONE COUNT OF BURGLARY, FIRST,  
23 2007-GS-38-0433, AS WELL AS ONE COUNT OF ARMED ROBBERY,  
24 2007-GS-38-0434. HE'S ALSO PLEADING GUILTY TO  
25 INDICTMENT NUMBER 2007-GS-38-0435, FOR POSSESSION OF A

1 WEAPON DURING THE COMMISSION OF CERTAIN CRIMES. IN  
2 ORANGEBURG AS WELL, 2007-GS-38-1367, FOR BURGLARY,  
3 FIRST, AND 2007-GS-38-1368, FOR ASSAULT AND BATTERY WITH  
4 INTENT TO KILL.

5 THE COURT: RAISE YOUR RIGHT HAND,  
6 PLEASE, SIR, AS BEST YOU CAN.  
7 (Whereupon, Ricardo Johnson  
8 is duly sworn.)

9 THE COURT: ALRIGHT.

10 (NOTE: Blank lines on this page do not indicate any  
11 part of record has been omitted. Headers on testimony  
12 pages and hard page breaks between testimony are now  
13 required by the Court. See next ensuing page for  
14 sequential continuation of record.)

EXAM - RICARDO JOHNSON BY THE COURT

59

1 EXAMINATION OF RICARDO JOHNSON2 BY THE COURT:

3 Q. HOW OLD ARE YOU, SIR?

4 A. TWENTY, I'LL BE TWENTY-ONE ON MARCH ELEVENTH.

5 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE, ALCOHOL  
6 ABUSE, OR MENTAL ILLNESS?

7 A. NO, SIR.

8 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION OR  
9 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD  
10 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN  
11 COURT TODAY?

12 A. NO, SIR, BESIDES MY PAIN MEDICINE.

13 Q. WHY ARE YOU TAKING PAIN MEDICINE?

14 A. FOR SICKLE CELL ANEMIA.

15 Q. AND YOU TAKE THAT ALL THE TIME?

16 A. YES, SIR.

17 Q. WHAT DO YOU TAKE?

18 A. TYLOX, FOLIC ACID.

19 Q. DOES ANY OF THAT MEDICATION PREVENT YOU FROM  
20 UNDERSTANDING WHAT'S GOING ON IN COURT?

21 A. NO, SIR.

22 Q. AND YOU'RE GETTING IT LIKE YOU'RE SUPPOSED TO?

23 A. YES, SIR.

24 (NOTE: Blank lines on this page do not indicate any  
25 part of record has been omitted.)

EXAM - DEFENSE COUNSEL KOGER BY THE COURT

60

1 EXAMINATION OF DEFENSE COUNSEL KOGER2 BY THE COURT:

3 Q. MR. KOGER, HAVE YOU EXPLAINED TO YOUR CLIENT THE  
4 CHARGES HE IS FACING, THE EVIDENCE THE STATE HAS  
5 AGAINST HIM, THE POSSIBLE PENALTY -- IN BAMBERG  
6 COUNTY HE'S GOT AN ASSAULT AND BATTER WITH INTENT  
7 TO KILL THAT CARRIES TWENTY YEARS, AND A BURGLARY,  
8 FIRST, WHICH CARRIES NO LESS THAN FIFTEEN YEARS  
9 AND UP TO LIFE. IN ORANGEBURG COUNTY HE'S GOT A  
10 BURGLARY, FIRST, THAT CARRIES UP TO LIFE AND NO  
11 LESS THAN FIFTEEN, AND AN ASSAULT AND BATTERY WITH  
12 INTENT TO KILL WHICH CARRIES UP TO TWENTY, AND  
13 ALSO IN ORANGEBURG A BURGLARY, FIRST, WHICH  
14 CARRIES UP TO LIFE IN PRISON WITH NO LESS THAN  
15 THIRTY, AN ARMED ROBBERY, WHICH CARRIES UP TO  
16 THIRTY, POSSESSION OF A WEAPON DURING THE  
17 COMMISSION OF A CRIME, A VIOLENT CRIME, WHICH  
18 CARRIES UP TO FIVE. AND HAVE YOU EXPLAINED TO HIM  
19 HIS CONSTITUTIONAL RIGHTS?

20 A. YES, YOUR HONOR.

21 Q. AND DO YOU BELIEVE HE UNDERSTANDS THESE MATTERS?

22 A. YES, YOUR HONOR.

23 Q. AND HOW HAS HE ADVISED YOU HE WISHES TO PLEAD?

24 A. GUILTY, YOUR HONOR.

25 Q. DO YOU CONCUR IN HIS DECISION TO PLEAD GUILTY?

EXAM - DEFENSE COUNSEL KOGER BY THE COURT

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- 1 A. YES, YOUR HONOR.
- 2 (NOTE: Blank lines on this page do not indicate any
- 3 part of record has been omitted. Headers on testimony
- 4 pages and hard page breaks between testimony are now
- 5 required by the Court. See next ensuing page for
- 6 sequential continuation of record.)

EXAM - RICARDO JOHNSON BY THE COURT

62

1 EXAMINATION OF RICARDO JOHNSON2 BY THE COURT CONTINUES

3 Q. MR. JOHNSON, YOUR ATTORNEY TELLS ME HE'S EXPLAINED  
4 TO YOU ALL OF THESE CHARGES, BOTH ORANGEBURG AND  
5 BAMBERG. HE SAYS THAT HE BELIEVES YOU -- HE'S  
6 EXPLAINED TO YOU THE EVIDENCE THAT THE STATE HAS  
7 AGAINST YOU ON ALL OF THESE CHARGES, THAT HE'S  
8 EXPLAINED TO YOU THE POSSIBLE PENALTIES, WHICH I  
9 JUST WENT OVER, AND YOUR CONSTITUTIONAL RIGHTS,  
10 AND HE SAYS HE BELIEVES YOU UNDERSTAND THOSE  
11 MATTERS AND YOU WANT TO PLEAD GUILTY. IS THAT  
12 RIGHT?

13 A. YES, SIR.

14 Q. NOW, IN ORDER TO PLEAD GUILTY YOU HAVE TO GIVE UP  
15 CERTAIN RIGHTS THAT YOU HAVE. THE FIRST OF THESE  
16 IS YOUR RIGHT TO REMAIN SILENT. THAT IS YOUR  
17 RIGHT TO SAY NOTHING ABOUT THESE CHARGES. YOU  
18 CANNOT BE FORCED TO TESTIFY AGAINST YOURSELF. BUT  
19 IF YOU WANT TO PLEAD GUILTY YOU HAVE TO GIVE UP  
20 THAT RIGHT IN ORDER TO ADMIT THE TRUTH OF THESE  
21 CHARGES. THAT'S WHAT A GUILTY PLEA IS, AN  
22 ADMISSION THAT THE CHARGES ARE TRUE.

23 ALSO, YOU HAVE THE RIGHT TO A JURY TRIAL. THAT IS  
24 YOUR RIGHT TO HAVE A JURY DETERMINE WHETHER OR NOT  
25 YOU ARE, IN FACT, GUILTY OF THESE CHARGES BEYOND A

EXAM - RICARDO JOHNSON BY THE COURT

63

1 REASONABLE DOUBT. A JURY WOULD BASE ITS DECISION  
2 ON THE TESTIMONY AND THE EVIDENCE PUT UP BY THE  
3 STATE'S WITNESSES. YOUR ATTORNEY COULD CROSS-  
4 EXAMINE THOSE WITNESSES AND CALL WITNESSES ON YOUR  
5 OWN BEHALF, AND PUT UP ANY DEFENSE YOU MIGHT HAVE  
6 TO THESE CHARGES. YOU WOULD BE PRESUMED TO BE  
7 INNOCENT IF YOU HAD A JURY TRIAL, THE BURDEN WOULD  
8 BE ON THE STATE TO CONVINCE ALL TWELVE JURORS OF  
9 YOUR GUILT. DO YOU UNDERSTAND YOUR RIGHT TO  
10 REMAIN SILENT AND YOUR RIGHT TO HAVE A JURY TRIAL?

11 A. YES, SIR.

12 Q. DO YOU UNDERSTAND THAT IN THE BAMBERG COUNTY  
13 OFFENSES YOU HAVE THE RIGHT TO HAVE THEM HEARD IN  
14 BAMBERG COUNTY?

15 A. YES, SIR.

16 Q. DO YOU WANT TO WAIVE THAT RIGHT AND LET ME HEAR  
17 THEM IN ORANGEBURG, OR DO YOU WANT TO PUT THOSE  
18 ASIDE AND HAVE THEM HEARD LATER IN BAMBERG?

19 A. I WANT TO WAIVE THAT RIGHT AND HAVE IT HEARD IN  
20 FRONT OF YOU.

21 Q. HAVE IT HEARD RIGHT NOW. ALRIGHT. NOW, AND YOU  
22 DON'T WANT A JURY TRIAL?

23 A. NO, SIR.

24 Q. ALRIGHT. WITH THE BAMBERG CHARGES, WE'LL START  
25 WITH THE BURGLARY IN THE FIRST DEGREE, INDICTMENT

EXAM - RICARDO JOHNSON BY THE COURT

64

1        NUMBER 2007-164, THE ALLEGATIONS ARE THE YOU, WITH  
2        OTHER PEOPLE, IN BAMBERG COUNTY, ON OR ABOUT  
3        DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,  
4        WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF  
5        DAMEON McDONALD WITHOUT CONSENT, WITH INTENT TO  
6        COMMIT A CRIME IN THAT DWELLING.    AND THIS  
7        OCCURRED AT NIGHTTIME WHILE YOU WERE ARMED WITH A  
8        DEADLY WEAPON.    DO YOU UNDERSTAND THAT CHARGE?

9    A.    YES, SIR.

10   Q.    HOW DO YOU PLEAD TO THAT CHARGE?

11   A.    GUILTY.

12   Q.    INDICTMENT 165 SAYS THAT IN BAMBERG COUNTY, ON OR  
13        ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND AND  
14        SIX, THAT WITH MALICE AFORETHOUGHT YOU COMMITTED  
15        AN ASSAULT AND BATTERY UPON DAMEON McDONALD WITH  
16        INTENT TO KILL MR. McDONALD, HE WAS SHOT. AND I  
17        DON'T THINK YOU WERE THE TRIGGER MAN BUT YOU WERE  
18        THERE INVOLVED IN IT.    DO YOU UNDERSTAND THAT  
19        CHARGE?

20   A.    YES, SIR.

21   Q.    HOW DO YOU PLEAD TO THAT CHARGE?

22   A.    GUILTY.

23   Q.    IN ORANGEBURG COUNTY, BURGLARY, FIRST DEGREE,  
24        INDICTMENT 1367 - - -

25                    THE COURT: WE'VE GO THE PLEA SHEETS

EXAM - RICARDO JOHNSON BY THE COURT

65

1 AND THE INDICTMENTS MIXED UP, SO LET ME JUST GET THEM  
2 STRAIGHT.

3 SOLICITOR BURBAGE: SORRY, YOUR  
4 HONOR.

5 Q. 433, OKAY. THIS IS INDICTMENT 1367, IT'S A GOOD  
6 THINK I LOOKED, - - -

7 SOLICITOR BURBAGE: SORRY, YOUR  
8 HONOR.

9 Q. --- IT SAYS, IN ORANGEBURG COUNTY, ON OR ABOUT  
10 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX, YOU  
11 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF  
12 VANCE POLITE, SENIOR, AND ANNIE BELL POLITE  
13 WITHOUT CONSENT AND WITH INTENT TO COMMIT A CRIME  
14 IN THAT DWELLING, AND THAT OCCURRED AT NIGHTTIME,  
15 AND YOU WERE ALSO ARMED. DO YOU UNDERSTAND THAT  
16 CHARGE?

17 A. YES, SIR.

18 Q. HOW DO YOU PLEAD TO THAT CHARGE?

19 A. GUILTY.

20 Q. INDICTMENT 1368, ASSAULT AND BATTER WITH INTENT TO  
21 KILL, SAYS THAT ON OR ABOUT DECEMBER THE  
22 EIGHTEENTH, TWO THOUSAND AND SIX, WITH MALICE  
23 AFORETHOUGHT YOU COMMITTED AN ASSAULT AND BATTERY  
24 UPON THE VICTIM, VANCE POLITE, BY SHOOTING HIM  
25 WITH A GUN WITH THE INTENT TO KILL HIM, AND HE WAS

EXAM - RICARDO JOHNSON BY THE COURT

66

1 ALSO STRUCK WITH A GUN ABOUT THE HEAD OR BODY. DO

2 YOU UNDERSTAND THAT CHARGE?

3 A. YES, SIR.

4 Q. HOW DO YOU PLEAD TO THAT CHARGE?

5 A. GUILTY, EVEN THOUGH I DIDN'T - - -

6 Q. YOU DIDN'T HIT HIM, BUT YOU WERE THERE AND  
7 INVOLVED IN IT?

8 A. YES, SIR.

9 Q. AND YOUR LAWYER HAS EXPLAINED TO YOU WHAT WE MEAN  
10 BY THE HAND OF ONE IS THE HAND OF ALL?

11 A. YES, SIR.

12 Q. AND YOU UNDERSTAND THAT?

13 A. YES, SIR.

14 Q. AND IF YOU WERE THERE AND PART OF WHAT WAS GOING  
15 ON YOU'RE RESPONSIBLE FOR EVERY ACT. AND ON THAT  
16 BASIS YOU'RE PLEADING?

17 A. GUILTY.

18 Q. GUILTY. ALRIGHT, SIR. INDICTMENT NUMBER 433,  
19 BURGLARY, FIRST, SAYS THAT ON OR ABOUT THE  
20 EIGHTEENTH OF DECEMBER, TWO THOUSAND AND SIX, IN  
21 ORANGEBURG COUNTY, THAT YOU WILLEFULLY AND  
22 UNLAWFULLY ENTERED THE DWELLING OF ERIC AND  
23 JENNIFER GRANT WITHOUT CONSENT WITH INTENT TO  
24 COMMIT A CRIME IN THAT DWELLING, AND THAT ALSO  
25 OCCURRED IN THE NIGHTTIME WHILE YOU WERE ARMED.

EXAM - RICARDO JOHNSON BY THE COURT

67

1 DO YOU UNDERSTAND THAT CHARGE?

2 A. YES, SIR.

3 Q. HOW DO YOU PLEAD TO THAT CHARGE?

4 A. GUILTY.

5 Q. INDICTMENT 434, ARMED ROBBERY, SAYS THAT ON OR  
6 ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND AND  
7 SIX, YOU COMMITTED ROBBERY BY FELONIOUSLY OR  
8 WRONGFULLY TAKING FROM THE PERSON OR PRESENCE OF  
9 ERIC GRANT BY MEANS OF FORCE OR INTIMIDATION WHILE  
10 ARMED WITH A DEADLY SOME GOODS INCLUDING A  
11 NINETEEN NINETY-FOUR BUICK LESABRE. DO YOU  
12 UNDERSTAND THAT CHARGE?

13 A. YES, SIR.

14 Q. HOW DO YOU PLEAD TO THAT CHARGE?

15 A. IN INDICTMENT, POSSESSION OF A WEAPON, IT SAYS  
16 THAT IN ORANGEBURG COUNTY, ON OR ABOUT DECEMBER  
17 THE EIGHTEENTH, TWO THOUSAND AND SIX, WHILE  
18 COMMITTING A VIOLENT CRIME OF BURGLARY, FIRST,  
19 THAT YOU HAD IN YOUR POSSESSION OR VISIBLY  
20 DISPLAYED A FIREARM. DO YOU UNDERSTAND THAT  
21 CHARGE?

22 A. YES, SIR.

23 Q. HOW DO YOU PLEAD TO THAT CHARGE?

24 A. GUILTY.

25 THE COURT: MR. KOGER, HAS THERE

EXAM - RICARDO JOHNSON BY THE COURT

68

1 BEEN ANY RECOMMENDATION?

2 MR. KOGER: NONE, OTHER THAN  
3 CONCURRENT.

4 THE COURT: SIR?

5 MR. KOGER: CONCURRENT SENTENCES.

6 SOLICITOR BURBAGE: THAT'S CORRECT,  
7 YOUR HONOR, OUR OFFER IS THAT THE SENTENCES RUN  
8 CONCURRENT.

9 Q. ALRIGHT. THAT MEANS THAT WHATEVER SENTENCES YOU  
10 GET ON THESE SENTENCES YOU WOULD SERVE THEM ALL AT  
11 ONE TIME AND NOT STACK THEM ONE ON TOP OF THE  
12 OTHER. OTHER THAN THAT, HAS ANYBODY PROMISED YOU  
13 ANYTHING OR THREATENED YOU TO GET YOU TO PLEAD  
14 GUILTY?

15 A. NO, SIR.

16 Q. ARE YOU SATISFIED WITH YOUR ATTORNEY?

17 A. YES, SIR.

18 Q. HAVE YOU UNDERSTOOD ALL THE QUESTIONS THAT I HAVE  
19 ASKED YOU?

20 A. YES, SIR.

21 Q. HAVE YOU ANSWERED THEM TRUTHFULLY?

22 A. YES, SIR.

23 Q. DO YOU UNDERSTAND IF YOU WANTED TO FILE AN APPEAL  
24 IN THIS CASE YOU WOULD HAVE TO DO THAT WITHIN TEN  
25 DAYS?

EXAM - RICARDO JOHNSON BY THE COURT

69

1 A. YES, SIR. TEN DAYS OF WHEN?

2 Q. OF THE DATE YOU ARE SENTENCED.

3 A. YES, SIR.

4 Q. NOW, ALSO AS I UNDERSTAND IT, THE CONDITION OF  
5 THIS PLEA, THAT YOU HAVE AGREED, AND I THINK THERE  
6 WERE FIVE YOUNG MEN INVOLVED IN THIS, THREE OF  
7 THEM HAVE ALREADY PLED GUILTY, THERE'S STILL ONE  
8 THAT HAS NOT, AND THAT YOU HAVE AGREED THAT IF THE  
9 STATE CALLS UPON YOU TO TESTIFY IN HIS TRIAL, THAT  
10 YOU WILL TESTIFY TO THE TRUTH AS TO YOUR  
11 INVOLVEMENT AND TO THE INVOLVEMENT OF EVERYBODY  
12 ELSE THAT WAS INVOLVED IN THE CASE. IS THAT  
13 RIGHT, SIR?

14 A. YES, SIR.

15 Q. AND YOU UNDERSTAND THAT IF YOU DIDN'T FULFIL THAT  
16 OBLIGATION THE STATE COULD WITHDRAW THEIR CONSENT  
17 TO THIS PLEA AND CHARGE YOU WITH ALL OF THESE  
18 CRIMES AGAIN? IN OTHER WORDS, THAT'S A CONDITION  
19 OF THE PLEA, YOU HAVE TO AGREE TO TESTIFY  
20 TRUTHFULLY, AND IF YOU DON'T WE'RE BACK AT SQUARE  
21 ONE. DO YOU UNDERSTAND THAT?

22 A. YES, SIR.

23 THE COURT: WAS THERE SOMETHING ELSE  
24 I NEEDED TO ASK HIM OR IS THAT IS? I THINK THAT'S IT.

25 SOLICITOR BURBAGE: I BELIEVE THAT'S

EXAM - RICARDO JOHNSON BY THE COURT

70

1 ALL, YOUR HONOR.

2 Q. DO YOU HAVE ANY QUESTIONS? OH, YEAH, ARE YOU  
3 SATISFIED, YOU SAID YOU'RE SATISFIED WITH YOUR  
4 LAWYER?

5 A. YES, SIR.

6 Q. DID YOU TELL HIM EVERYTHING ABOUT ALL OF THESE  
7 CASES, ABOUT EVERYTHING THAT HAPPENED THAT NIGHT  
8 IN BAMBERG, I MEAN, DENMARK, NORWAY, EVERYWHERE?

9 A. YES, SIR.

10 Q. SO HE -- BECAUSE HE CAN'T GIVE YOU GOOD ADVICE IF  
11 HE DOESN'T KNOW WHAT YOU SAY. AND DO YOU HAVE ANY  
12 COMPLAINTS AGAINST HIS SERVICES?

13 A. NO, SIR.

14 Q. THERE'S NOTHING YOU'VE ASKED HIM TO DO THAT YOU  
15 THINK HE SHOULD HAVE DONE THAT HE'S FAILED TO DO  
16 FOR YOU?

17 A. NO, SIR.

18 THE COURT: ALRIGHT. I'LL ACCEPT  
19 HIS PLEA, I FIND THERE'S A SUBSTANTIAL FACTUAL BASIS FOR  
20 HIS PLEA, HIS DECISION TO PLEAD GUILTY IS FREELY AND  
21 VOLUNTARILY MADE, HE'S KNOWINGLY AND INTELLIGENTLY  
22 WAIVED HIS RIGHT TO A JURY TRIAL, HE'S WAIVED HIS RIGHT  
23 TO HAVE THE BAMBERG CHARGES HEARD IN BAMBERG COUNTY, AND  
24 HE'S HAD THE SERVICES OF AN ATTORNEY WITH WHOM HE SAYS  
25 HE'S SATISFIED.

EXAM - RICARDO JOHNSON BY THE COURT

71

1 I KNOW THE OTHER THING.

2 Q. YOU UNDERSTAND THAT YOU'RE NOT GOING TO BE  
3 SENTENCED UNTIL EITHER ALL FIVE OF YOU HAVE PLED  
4 GUILTY OR UNTIL THE TRIAL OF THE ONE REMAINING  
5 DEFENDANT IS OVER, AND AT THAT TIME YOU'LL BE  
6 SENTENCED. DO YOU UNDERSTAND THAT?

7 A. YES, SIR.

8 Q. IN OTHER WORDS, YOU'RE NOT GOING TO BE SENTENCED  
9 TODAY. DO YOU UNDERSTAND THAT?

10 A. YES, SIR.

11 THE COURT: AND I THINK MR. KOGER  
12 WANTED TO GET YOUR MOTHER DOWN HERE BEFORE THAT ANYHOW,  
13 ISN'T THAT RIGHT?

14 MR. KOGER: THAT'S CORRECT, YOUR  
15 HONOR.

16 THE COURT: ALRIGHT, SIR. I DON'T  
17 NEED TO HEAR ANYTHING ELSE FROM THE STATE. YEAH, I  
18 GUESS I DO, BECAUSE I HAVEN'T HEARD -- I HEARD ALL THE  
19 FACTS YESTERDAY, BUT I'LL HEAR THEM AGAIN. YOU NEED TO  
20 PUT THEM ON AT THIS TIME.

21 SOLICITOR BURBAGE: YOUR HONOR, THIS  
22 INCIDENT OCCURRED ON -- ALL THESE INCIDENTS OCCURRED  
23 BETWEEN DECEMBER EIGHTEENTH OF O-SIX, LATE NIGHT, AND  
24 EARLY MORNING DECEMBER NINETEENTH. THEY STARTED IN  
25 DENMARK IN BAMBERG COUNTY, AT THIRTY-SEVEN SAWDUST,

EXAM - RICARDO JOHNSON BY THE COURT

72

1 WHICH WAS A SINGLE WIDE MOBILE HOME. YOUR HONOR, ALL OF  
2 THESE INDIVIDUALS WERE TOGETHER, WENT TO THAT RESIDENCE.  
3 MR. BRANDON STALEY WAS DRIVING THE VEHICLE. MR.  
4 DERRICOTT, DARONE DERRICOTT, AS WELL AS RICARDO JOHNSON,  
5 STOOD NEAR THE OUTSIDE OF THE TRAILER. MR. DARRELL  
6 GLEATON AS WELL AS WILLIAM ANTONIO GLEATON WENT TO THE  
7 DOOR AND MR. TONY GLEATON SHOT THE VICTIM, MR. DAMEON  
8 McDONALD, WITH A SHOT GUN. YOUR HONOR, FROM THERE THEY  
9 THEN LEFT THAT RESIDENCE IN THE VEHICLE AND DROVE TO --  
10 WHICH WAS THE VEHICLE BELONGING TO ANTONIO GLEATON,  
11 WILLIAM ANTONIO GLEATON'S GIRL FRIEND, THEY DROVE TO THE  
12 HOME OF MR. VANCE POLITE, SENIOR, AND MRS. ANNIE BELL  
13 POLITE, WHICH WAS [REDACTED] IN THE  
14 TOWN OF NORWAY IN ORANGEBURG COUNTY. WHEN THEY GOT TO  
15 THAT RESIDENCE MR. POLITE CAME TO THE FRONT DOOR. HE WAS  
16 EIGHTY-ONE YEARS OF AGE. TONY GLEATON WENT TO THE FRONT  
17 DOOR. MR. POLITE OPENED THE DOOR AND THE DEFENDANTS, WE  
18 BELIEVE, YOUR HONOR, FOUR OF THEM RUSHED IN THE HOME  
19 WHILE ARMED WITH HAND GUNS AND SHOT GUN, AND THIS  
20 INCIDENT MR. STALEY WAS POSSIBLY STILL IN THE VEHICLE,  
21 THE OTHER FOUR WENT IN, TONY GLEATON PISTOL WHIPPED MR.  
22 POLITE, SEVERELY BEAT HIM ABOUT THE FACE AND HIS BODY,  
23 THE OTHER INDIVIDUALS WENT THROUGHOUT THE HOUSE  
24 SEARCHING MONEY, DEMANDING MONEY, FORCING MRS. POLITE,  
25 WHO IS SEVENTY-SIX YEARS OF AGE, WHO WAS ALSO IN THE

EXAM - RICARDO JOHNSON BY THE COURT

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1 HOME, TO GIVE MONEY TO THESE DEFENDANTS. ALSO DURING THE  
2 INCIDENT A REVOLVER WAS TAKEN THAT BELONGED TO MR.  
3 POLITE, AS WELL AS LIQUOR, AS WELL AS THE MONEY, THERE  
4 WAS SOME MONEY IN A WHITE BUCKET THAT WAS TAKEN FROM THE  
5 RESIDENCE. MRS. POLITE IDENTIFIED POSITIVELY DARRELL  
6 GLEATON AS WELL AS DARONE DERRICOTT. YOUR HONOR, SOME  
7 SIX HUNDRED AND SIXTY FEET FROM THAT RESIDENCE MR., ALL  
8 OF THESE INDIVIDUALS LEFT IN THAT VEHICLE, IT RAN OUT OF  
9 GAS, THEY THEN RAN INTO A RESIDENCE AT [REDACTED]  
10 [REDACTED] WHICH WAS THE HOME OF ERIC AND  
11 JENNIFER GRANT, AND THAT WAS ALSO IN ORANGEBURG COUNTY.  
12 ONCE THEY GOT TO THAT HOME THEY ALL FORCED ENTRY WHILE  
13 ARMED WITH HAND GUNS AND SHOT GUN, ALL OF THEM WENT INTO  
14 THE HOME. YOUR HONOR, MR. FLEMING BRIGGS WAS IN THE  
15 FRONT ROOM SLEEPING IN A CHAIR IN THE DEN. JENNIFER  
16 GRANT WAS ALSO IN THE HOME AS WELL AS ERIC GRANT AND  
17 THEIR TWO CHILDREN. YOUR HONOR, THESE INDIVIDUALS  
18 PISTOL WHIPPED AND BEAT MR. BRIGGS WHO AS IN THE FRONT  
19 ROOM, DEMANDING FOR MONEY, DEMANDING FOR CAR KEYS.  
20 ALSO, MULTIPLE DEFENDANTS WENT INTO THE BEDROOM WHERE  
21 MR. AND MRS. GRANT WERE. MRS. GRANT WAS FORCED TO HAVE  
22 ORAL AS WELL AS VAGINAL SEX WITH ONE OF THE DEFENDANTS,  
23 DARRELL GLEATON. HE WAS BASICALLY -- MR. GLEATON  
24 THREATENED THAT HE WOULD KILL HER ONE YEAR OLD WHO WAS  
25 ALSO IN THE ROOM IF THE VICTIM DID NOT COMPLY. ALSO IN

EXAM - RICARDO JOHNSON BY THE COURT

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1 THE ROOM AGAIN WAS MR. ERIC GRANT WHO MULTIPLE  
2 DEFENDANTS BEAT HIM ABOUT HIS BODY, PISTOL WHIPPED HIM,  
3 THREW A DRESSER ON HIM, ALL OF THIS WITH THE CHILD IN  
4 THE ROOM. THE CHILD WAS ALSO HIT IN THE FACE WITH A  
5 PISTOL DURING THAT INCIDENT, AND THERE WAS ANOTHER CHILD  
6 IN ANOTHER ROOM DURING THIS WHOLE INCIDENT. ALSO, YOUR  
7 HONOR, MULTIPLE SHOTS WERE FIRED BY PISTOLS AS WELL AS  
8 SHOT GUN IN THE RESIDENCE DURING INCIDENT. AND AFTER  
9 THIS THEY TOOK THE LESABRE THAT BELONGED TO MR. GRANT  
10 AND THEN LEFT THERE, WRECKED THAT VEHICLE. AT THAT  
11 POINT THEY SET THE CAR ON FIRE AND ALL FIVE OF THEM  
12 DISBURSED. YOUR HONOR, DARRELL GLEATON WAS FOUND  
13 NEARBY, MR. BRANDON STALEY TURNED HIMSELF IN. RICARDO  
14 JOHNSON WHO IS STANDING BEFORE YOU TODAY, AS WELL AS  
15 DARONE DERRICOTT WERE IN COLUMBIA AT THE BUS STATION,  
16 THEY WERE LOCATED BY A FUGITIVE TASK FORCE, THEY LOCATED  
17 BOTH OF THESE INDIVIDUALS. MR. JOHNSON HAD A HAND GUN  
18 ON HIS PERSON AT THE TIME THAT THEY WERE APPREHENDED.  
19 MR. WILLIAM GLEATON WAS APPREHENDED IN WILLISTON I  
20 BELIEVE THE NEXT DAY BY A SLED TRACKING TEAM, AND WHEN  
21 MR. GLEATON WAS FOUND HE WAS FOUND IN SOME WOODS, HE WAS  
22 ALSO NEAR TWO ABANDONED MOBILE HOMES. UNDERNEATH EACH OF  
23 THOSE MOBILE HOMES, ONE WAS A SHOT GUN AND UNDER THE  
24 OTHER ONE WAS A PISTOL, THE PISTOL THAT WAS TAKEN FROM  
25 MR. POLITE'S HOUSE, THE SHOT GUN BEING THE ONE THAT WAS

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1 USED BY TONY TO SHOOT THE VICTIM, MR. DAMEON McDONALD,  
2 THE FIRST INCIDENT. YOUR HONOR, THAT'S THE FACTS IN  
3 THIS CASE.

4 THE COURT: MR. KOGER, ANYTHING YOU  
5 WANT TO ADD AT THIS TIME?

6 MR. KOGER: YOUR HONOR, JUST, I  
7 REALIZE THAT A SENTENCING IS GOING TO BE HELD IN THE  
8 NEAR FUTURE, AND AT THAT PARTICULAR TIME WE WOULD LIKE  
9 TO PRESENT SOME MITIGATING CIRCUMSTANCES AS TO THE  
10 VARIOUS FACTS THAT WERE RELATED BY THE SOLICITOR'S  
11 OFFICE, BUT WE WOULD RESERVE TO MAKE THOSE ARGUMENTS AT  
12 THAT PARTICULAR TIME WITH HIS MOTHER BEING BY HIS SIDE.

13 THE COURT: ALRIGHT, SIR. DO YOU  
14 HAVE ANY QUESTIONS, MR. JOHNSON?

15 DEFENDANT JOHNSON: NO, SIR.

16 THE COURT: ALRIGHT, THANK YOU VERY  
17 MUCH. THIS MATTER WILL BE IN RECESS.

18 MR. KOGER: THANK YOU.

19 SOLICITOR BURBAGE: THANK YOU, YOUR  
20 HONOR.

21 (Recess for the day.)

22 DATE:

23 JANUARY 17, 2008

24 THE COURT: SOLICITOR.

25 SOLICITOR BURBAGE: THANK YOU, YOUR

1 HONOR, THE STATE WOULD CALL DARONE DERRICOTT, JUNIOR.

2 THE COURT: ALRIGHT.

3 COURT REPORTER: HOW DO YOU SPELL THE  
4 LAST NAME?

5 SOLICITOR BURBAGE: D-E-R-R-I-C-O-T-  
6 T.

7 YOUR HONOR, MR. DERRICOTT IS HERE  
8 WITH HIS ATTORNEY, GLEN WALTERS. HE'S PLEADING GUILTY TO  
9 A NUMBER OF INDICTMENTS. THE FIRST INDICTMENTS HE'S  
10 LEADING TO ARE ACTUALLY BAMBERG COUNTY INDICTMENTS,  
11 2007-GS-05-134, FOR BURGLARY, FIRST, AS WELL AS 2007-GS-  
12 05-135, FOR ASSAULT AND BATTERY WITH INTENT TO KILL.

13 I BEG THE COURT'S INDULGENCE.

14 YOUR HONOR, HE'S ALSO PLEADING  
15 GUILTY TO - - -

16 THE COURT: ALRIGHT, THAT CARRIES  
17 TWENTY YEARS. ALRIGHT.

18 SOLICITOR BURBAGE: THAT'S CORRECT,  
19 YOUR HONOR.

20 THE COURT: WHY DON'T YOU GIVE US  
21 THE SENTENCE ON EACH ONE WHEN YOU DO IT AND THAT WILL  
22 SAVE ME FROM HAVING TO DO THAT AGAIN.

23 SOLICITOR BURBAGE: OKAY. OKAY,  
24 YOUR HONOR, THE BURGLARY, FIRST, FIFTEEN YEARS TO LIFE,  
25 YOUR HONOR, ASSAULT AND BATTERY WITH INTENT TO KILL, UP

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1 TO TWENTY YEARS. HE'S ALSO CHARGED WITH 2007-GS-38-  
2 0425, FOR ASSAULT AND BATTERY WITH INTENT TO KILL, UP TO  
3 TWENTY YEARS, YOUR HONOR, BURGLARY, FIRST, 2007-GS-38-  
4 0423, FIFTEEN TO LIFE, YOUR HONOR. HE'S ALSO CHARGED  
5 WITH KIDNAPING, 2007-GS-38-0422, I BELIEVE, YOUR HONOR,  
6 THAT CARRIES UP TO - - -

7 THE COURT: WHICH, ASSAULT AND  
8 BATTERY?

9 SOLICITOR BURBAGE: KIDNAPING.

10 THE COURT: THIRTY, UP TO THIRTY.

11 MR. WALTERS: THIRTY.

12 SOLICITOR BURBAGE: THIRTY, YOUR  
13 HONOR, BURGLARY, FIRST, 2007-GS-38-0424, IT WOULD BE  
14 FIFTEEN TO LIFE, YOUR HONOR, AS WELL AS ARMED ROBBERY,  
15 2007-GS-38-0426, WOULD BE TEN TO THIRTY, YOUR HONOR.

16 THE COURT: ALRIGHT, MR. DERRICOTT,  
17 WILL YOU RAISE YOUR RIGHT HAND, PLEASE.  
18 (Whereupon, Darone Derricott, Jr.,  
19 is duly sworn.)

20 THE COURT: ALRIGHT, SIR. IF YOU  
21 HAVE ANY QUESTIONS AT ANYTIME JUST ASK YOUR ATTORNEY OR  
22 ASK ME. DO YOU NEED TO SPEAK WITH HIM A SECOND?

23 DEFENDANT DERRICOTT: I JUST HAD ONE  
24 QUESTION.

25 THE COURT: SURE. GO AHEAD.

1 (Whereupon, Defendant and  
2 Defense Counsel confer  
3 off the record.)

4 THE COURT: READY?

5 DEFENDANT DERRICOTT: YES, SIR.

6 THE COURT: ALRIGHT, SIR.

7 (NOTE: Blank lines on this page do not indicate any  
8 part of record has been omitted. Headers on testimony  
9 pages and hard page breaks between testimony are now  
10 required by the Court. See next ensuing page for  
11 sequential continuation of record.)

EXAM - DARONE DERRICOTT, JR., BY THE COURT

79

1 EXAMINATION OF DARONE DERRICOTT, JR.,

2 BY THE COURT:

3 Q. HOW OLD ARE YOU?

4 A. NINETEEN YEARS OLD, SIR.

5 Q. HOW FAR DID YOU GO IN SCHOOL?

6 A. TWELFTH GRADE.

7 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE, ALCOHOL  
8 ABUSE OR MENTAL ILLNESS?

9 A. YES, SIR.

10 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION OR  
11 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD  
12 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN  
13 COURT TODAY?

14 A. NO, SIR.

15 (NOTE: Blank lines on this page do not indicate any  
16 part of record has been omitted. Headers on testimony  
17 pages and hard page breaks between testimony are now  
18 required by the Court. See next ensuing page for  
19 sequential continuation of record.)

EXAM - DEFENSE COUNSEL WALTERS BY THE COURT

80

1 EXAMINATION OF DEFENSE COUNSEL WALTERS2 BY THE COURT:

3 Q. MR. WALTERS, HAVE YOU EXPLAINED TO YOUR CLIENT THE  
4 CHARGES HE IS FACING THAT THE SOLICITOR JUST WENT  
5 OVER, THE EVIDENCE THE STATE HAS ON THESE CHARGES,  
6 THE POSSIBLE PENALTY ON EACH OF THESE CHARGES  
7 WHICH THE SOLICITOR JUST WENT OVER, AND HIS  
8 CONSTITUTIONAL RIGHTS?

9 A. YES, SIR, YOUR HONOR, WE'VE MET ON NUMEROUS  
10 OCCASIONS AT THE JAIL. AS THE PROSECUTION, WHEN  
11 THEY PRESENTED THE RULE FIVE INFORMATION THERE'S A  
12 CONFESSION BY MY CLIENT. WE CAREFULLY WENT  
13 THROUGH THE CONFESSION ON TWO OR THREE DIFFERENT  
14 OCCASIONS WITH REGARDS TO THIS MATTER AND WE  
15 BELIEVE IT'S IN HIS BEST INTEREST AT THIS TIME  
16 THAT WE ENTER INTO A PLEA.

17 Q. SO, YOU AGREE WITH HIS DECISION TO PLEAD GUILTY?

18 A. YES, SIR, YOUR HONOR.

19 Q. AND YOU'VE EXPLAINED TO HIM THAT THESE ARE VIOLENT  
20 AND MOST SERIOUS OFFENSES?

21 A. YES, SIR, WE'VE DISCUSSED THE ISSUE WITH REGARDS  
22 TO STRIKES. WE'VE ALSO DISCUSSED THE ISSUE WITH  
23 REGARDS TO THE OFFENSE BEING VIOLENT, AND IN  
24 ADDITION TO THAT WE'VE ALSO TALKED ABOUT THE  
25 POSSIBILITY OF CONSECUTIVE TIME AS OPPOSED TO

EXAM - DEFENSE COUNSEL WALTERS BY THE COURT

81

1 CONCURRENT TIME, AND IN ADDITION TO THAT THE  
2 POSSIBILITY OF SURVIVING A TRIAL IN ORANGEBURG AND  
3 SURVIVING A TRIAL IN BAMBERG. THERE WERE SERIOUS  
4 IMPLICATIONS -- SERIOUS PROBLEMS HERE, AND BECAUSE  
5 OF THE COMPLEXITY OF THE CASE ITSELF FOR A  
6 NINETEEN YEAR OLD KID TO TAKE THIS RISK, A  
7 NINETEEN YEARS OLD GROWN MAN TO TAKE THIS RISK I  
8 DO NOT BELIEVE IT'S IN HIS BEST INTEREST TO  
9 PROCEED FORWARD AT TRIAL, AND WE'VE DISCUSSED THIS  
10 MATTER.

11 Q. AND HE UNDERSTANDS ALL THOSE MATTERS ABOUT THE  
12 VIOLENCE AND MOST SERIOUS AND NO PAROLE?

13 A. YES, SIR, YOUR HONOR.

14 (NOTE: Blank lines on this page do not indicate any  
15 part of record has been omitted. Headers on testimony  
16 pages and hard page breaks between testimony are now  
17 required by the Court. See next ensuing page for  
18 sequential continuation of record.)

EXAM - DARONE DERRICOTT, JR., BY THE COURT

82

1 EXAMINATION OF DARONE DERRICOTT, JR.,

2 BY THE COURT CONTINUES:

3 Q. MR. DERRICOTT, YOUR ATTORNEY TELLS ME HE'S  
4 EXPLAINED TO YOU EACH OF THESE CHARGES THAT WE'VE  
5 TALKED ABOUT. HE'S EXPLAINED TO YOU THE EVIDENCE  
6 THE STATE HAS AGAINST YOU ON THE CHARGES, HE'S  
7 EXPLAINED TO YOU THE POSSIBLE PENALTIES WHICH WE  
8 JUST STATED INTO THE RECORD, AND YOUR  
9 CONSTITUTIONAL RIGHTS. HE'S EXPLAINED TO YOU THE  
10 OTHER CONSEQUENCES SUCH AS THEM BEING MOST SERIOUS  
11 AND VIOLENT OFFENSES AND THE NO PAROLE PROVISIONS.  
12 HE SAYS HE BELIEVES THAT YOU UNDERSTAND ALL OF  
13 THOSE MATTERS AND THAT YOU WANT TO PLEAD GUILTY.  
14 IS THAT RIGHT?

15 A. YES, SIR.

16 Q. DO YOU HAVE ANY QUESTIONS ABOUT THOSE MATTERS THAT  
17 WE JUST TALKED ABOUT?

18 A. NO, SIR.

19 Q. ALRIGHT. IN ORDER TO PLEAD GUILTY YOU HAVE TO  
20 GIVE UP CERTAIN RIGHTS THAT YOU HAVE. THE FIRST  
21 OF THESE IS YOUR RIGHT TO REMAIN SILENT. THAT IS  
22 YOUR RIGHT TO SAY NOTHING ABOUT THE CHARGES. YOU  
23 CANNOT BE FORCED TO TESTIFY AGAINST YOURSELF. BUT  
24 WHEN YOU PLEAD GUILTY YOU GIVE UP THAT RIGHT IN  
25 ORDER TO ADMIT THE TRUTH OF THE CHARGES AGAINST

EXAM - DARONE DERRICOTT, JR., BY THE COURT

83

1        YOU. THAT'S WHAT A GUILTY PLEA, AN ADMISSION THAT  
2        THE CHARGES ARE TRUE.

3        SECONDLY, YOU HAVE THE RIGHT TO A JURY TRIAL.  
4        THAT IS YOUR RIGHT TO HAVE A JURY DETERMINE  
5        WHETHER OR NOT YOU ARE, IN FACT, GUILTY OF THESE  
6        CHARGES BEYOND A REASONABLE DOUBT. A JURY WOULD  
7        BASE ITS DECISION ON THE TESTIMONY AND THE  
8        EVIDENCE PUT UP BY THE STATE'S WITNESSES. YOUR  
9        ATTORNEY COULD CROSS-EXAMINE THOSE WITNESSES AND  
10       CALL WITNESSES ON YOUR OWN BEHALF AND PUT UP ANY  
11       DEFENSE YOU MIGHT HAVE TO THESE CHARGES. YOU  
12       WOULD BE PRESUMED TO BE INNOCENT IF YOU HAD A JURY  
13       TRIAL, THE BURDEN WOULD BE ON THE STATE TO  
14       CONVINCE ALL TWELVE JURORS OF YOUR GUILT.

15       DO YOU UNDERSTAND BOTH YOUR RIGHT TO REMAIN SILENT  
16       AND YOUR RIGHT TO HAVE A JURY TRIAL?

17    A.    YES, SIR.

18    Q.    DO YOU UNDERSTAND THAT IN ORDER TO PLEAD GUILTY  
19        YOU HAVE TO GIVE UP BOTH OF THOSE RIGHTS?

20    A.    YES, SIR.

21    Q.    AND IS THAT WHAT YOU WANT TO DO?

22    A.    YES, SIR.

23    Q.    YOU DON'T WANT A JURY TRIAL ON ANY OF THESE  
24        CHARGES?

25    A.    NO, SIR.

EXAM - DARONE DERRICOTT, JR., BY THE COURT

84

1 Q. THE BAMBERG COUNTY CHARGES, YOU WOULD ALMOST  
2 CERTAINLY BE ENTITLED TO A TRIAL IN BAMBERG  
3 COUNTY. DO YOU UNDERSTAND THAT?

4 A. YES, SIR.

5 Q. AND YOU HAVE A RIGHT TO HAVE THIS PLEA ON THE  
6 BAMBERG COUNTY CHARGES HEARD IN BAMBERG COUNTY.  
7 DO YOU WANT TO HAVE IT HEARD OVER THERE, IN  
8 BAMBERG, OR DO YOU WANT TO WAIVE THAT RIGHT AND  
9 LET ME HEARD IT HERE TODAY?

10 A. I'LL LET YOU HEAR IT HERE TODAY, SIR.

11 Q. ALRIGHT. FIRST WE'LL START WITH THE BAMBERG  
12 CHARGES. INDICTMENT NUMBER 134, FOR BURGLARY, IN  
13 THE FIRST DEGREE. THE INDICTMENT SAYS THAT HERE,  
14 OR THERE IN BAMBERG COUNTY THAT YOU WITH SOME  
15 OTHER PEOPLE, ON OR ABOUT DECEMBER THE EIGHTEENTH,  
16 TWO THOUSAND AND SIX, WILLFULLY AND UNLAWFULLY  
17 ENTERED THE DWELLING OF DAMEON McDONALD WITHOUT  
18 CONSENT, WITH INTENT TO COMMIT A CRIME, AND THIS  
19 OCCURRED IN THE NIGHTTIME WHILE YOU WERE ARMED  
20 WITH A DEADLY WEAPON. DO YOU UNDERSTAND THAT  
21 CHARGE?

22 A. YES, SIR.

23 Q. HOW DO YOU PLEAD TO THAT CHARGE?

24 A. GUILTY.

25 Q. INDICTMENT 135 SAYS THAT ON OR ABOUT THAT SAME

EXAM - DARONE DERRICOTT, JR., BY THE COURT

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1       DATE, DECEMBER THE EIGHTEENTH, TWO THOUSAND AND  
2       SIX, IN BAMBERG COUNTY, WITH MALICE AFORETHOUGHT,  
3       YOU COMMITTED AN ASSAULT AND BATTERY UPON DAMEON  
4       MCDONALD WITH INTENT TO KILL MR. McDONALD, AND HE  
5       WAS SHOT IN THE SHOULDER. DO YOU UNDERSTAND THAT  
6       CHARGE?

7   A.   YES, SIR.

8   Q.   HOW DO YOU PLEAD TO THAT CHARGE?

9   A.   GUILTY, SIR.

10   Q.   AND ON INDICTMENT 423, ORANGEBURG COUNTY  
11       INDICTMENT, IT SAYS THAT ON OR ABOUT THE  
12       EIGHTEENTH OF DECEMBER, TWO THOUSAND AND SIX, THAT  
13       YOU WILLFULLY AND UNLAWFULLY, WITH OTHERS, ENTERED  
14       THE DWELLING OF VANCE AND ANNIE BELL POLITE  
15       WITHOUT CONSENT, WITH INTENT TO COMMIT A CRIME IN  
16       THAT DWELLING, AND THIS ALSO OCCURRED AT NIGHT  
17       WHILE YOU WERE ARMED WITH A WEAPON. DO YOU  
18       UNDERSTAND THAT CHARGE?

19   A.   YES, SIR.

20   Q.   HOW DO YOU PLEAD TO THAT CHARGE?

21   A.   GUILTY, SIR.

22   Q.   AND INDICTMENT 425 SAYS THAT ON THAT OCCASION WHEN  
23       YOU WENT INTO MR. POLITE'S HOUSE THAT YOU  
24       COMMITTED AN ASSAULT AND BATTERY WITH MALICE  
25       AFORETHOUGHT BY SHOOTING MR. POLITE, AND HE WAS

EXAM - DARONE DERRICOTT, JR., BY THE COURT

86

1           ALSO STRUCK ABOUT THE FACE AND BODY.   DO YOU

2           UNDERSTAND THAT CHARGE?

3   A.    YES, SIR.

4   Q.    HOW DO YOU PLEAD TO THAT CHARGE?

5   A.    GUILTY.

6   Q.    AND INDICTMENT 424 SAYS THAT IN ORANGEBURG COUNTY,  
7           ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND  
8           SIX, YOU WILLFULLY AND UNLAWFULLY ENTERED THE  
9           DWELLING OF ERIC AND JENNIFER GRANT WITHOUT  
10          CONSENT, WITH INTENT TO COMMIT A CRIME IN THAT  
11          DWELLING. THIS ALSO OCCURRED AT NIGHT WHILE YOU  
12          WERE ARMED. DO YOU UNDERSTAND THAT CHARGE?

13   A.   YES, SIR.

14   Q.   HOW DO YOU PLEAD TO THAT CHARGE?

15   A.   GUILTY, SIR.

16   Q.   INDICTMENT 426 SAYS THAT ON THAT SAME OCCASION,  
17          DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX, IN  
18          ORANGEBURG COUNTY, YOU COMMITTED ROBBERY BY  
19          FELONIOUSLY OR WRONGFULLY TAKING FROM THE PERSON  
20          OR PRESENCE OF THE VICTIM, MR. GRANT, BY MEANS OF  
21          FORCE OR INTIMIDATION SOME GOODS OR MONIES,  
22          INCLUDING A NINETEEN NINETY-FOUR BUICK LESABRE  
23          AUTOMOBILE WHILE YOU WERE ARMED WITH A DEADLY  
24          WEAPON. DO YOU UNDERSTAND THAT CHARGE?

25   A.   YES, SIR.

EXAM - DARONE DERRICOTT, JR., BY THE COURT

87

1 Q. HOW DO YOU PLEAD TO THAT CHARGE?

2 A. GUILTY, SIR.

3 Q. AND INDICTMENT 422 SAYS THAT IN ORANGEBURG COUNTY,  
4 ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND  
5 AND SIX, YOU WILLFULLY AND UNLAWFULLY SEIZED OR  
6 CONFINED OR KIDNAPED MR. FLEMING BRIGGS AND/OR  
7 ERIC GRANT AND/OR JENNIFER GRANT WITHOUT AUTHORITY  
8 OF LAW. DO YOU UNDERSTAND THAT CHARGE?

9 A. YES, SIR.

10 Q. HOW DO YOU PLEAD TO THAT CHARGE?

11 A. GUILTY, SIR.

12 Q. NOW, IN DISCUSSING THESE MATTERS WITH YOUR  
13 ATTORNEY AND WITH THE SOLICITOR, I HAVE AGREED  
14 THAT I WOULD CAP ANY POSSIBLE SENTENCE YOU MIGHT  
15 GET A TWENTY-FIVE YEARS. THAT MEANS YOU WOULD NOT  
16 GET MORE THAN TWENTY-FIVE YEARS. YOU COULD GET  
17 LESS, NO GUARANTEE YOU WOULD GET LESS, BUT A  
18 GUARANTEE THAT YOU WILL NOT GET MORE THAN TWENTY-  
19 FIVE YEARS. DO YOU UNDERSTAND THAT?

20 A. YES, SIR.

21 Q. AND THAT ALL THE SENTENCES WOULD BE CONCURRENT,  
22 WHICH MEANS YOU WOULD SERVE ALL OF THEM AT ONE  
23 TIME, THEY WOULD NOT BE ADDED TO EACH OTHER. DO  
24 YOU UNDERSTAND THAT?

25 A. YES, SIR.

EXAM - DARONE DERRICOTT, JR., BY THE COURT

88

1 Q. OTHER THAN THAT, MR. DERRICOTT, HAS ANYBODY  
2 PROMISED YOU ANYTHING OR THREATENED YOU TO GET YOU  
3 TO PLEAD GUILTY?

4 A. NO, SIR.

5 Q. ARE YOU SATISFIED WITH YOUR ATTORNEY?

6 A. YEAH, I'M PRETTY SATISFIED WITH MY ATTORNEY, SIR.

7 Q. ALRIGHT, SIR. HAVE YOU UNDER --- DID YOU TELL HIM  
8 EVERYTHING ABOUT ALL OF THESE CASES SO HE COULD  
9 GIVE YOU GOOD ADVICE?

10 A. YES, SIR.

11 Q. HAS HE FAILED TO DO ANYTHING YOU THINK HE NEEDS TO  
12 DO TO HELP YOU IN THIS CASE?

13 A. I BELIEVE HE'S DONE A WONDERFUL JOB, SIR.

14 Q. ALRIGHT, SIR. I AGREE, BECAUSE, I MEAN, THESE ARE  
15 SOME SERIOUS CHARGES. HAVE YOU UNDERSTOOD ALL THE  
16 QUESTIONS THAT I HAVE ASKED YOU?

17 A. YES, SIR.

18 Q. HAVE YOU ANSWERED THEM TRUTHFULLY?

19 A. YES, SIR.

20 Q. DO YOU UNDERSTAND IF YOU WANTED TO FILE AN APPEAL  
21 IN THIS CASE YOU WOULD HAVE TO DO THAT WITHIN TEN  
22 DAYS - - -

23 A. YES, SIR.

24 Q. --- FROM THE DATE YOU ARE SENTENCED, WHICH WOULD  
25 BE ONE DAY NEXT WEEK. DO YOU UNDERSTAND THAT?

EXAM - DARONE DERRICOTT, JR., BY THE COURT

89

1 A. YES, SIR.

2 THE COURT: I'LL ACCEPT HIS PLEAS,  
3 I FIND A SUBSTANTIAL FACTUAL BASIS FOR HIS PLEAS, HIS  
4 DECISION TO PLEAD GUILTY IS FREELY AND VOLUNTARILY MADE.  
5 HE'S KNOWINGLY AND INTELLIGENTLY WAIVED HIS RIGHT TO A  
6 JURY TRIAL, AND HE'S HAD THE SERVICES OF AN ATTORNEY  
7 WITH WHOM HE SAYS HE'S SATISFIED. AND THE SENTENCING,  
8 THEN, WILL BE ONE DAY NEXT WEEK, WHATEVER TIME Y'ALL  
9 WORK IT OUT, AND OF COURSE, I'LL BE GLAD TO HEAR FROM  
10 YOU, MR. ENDICOTT, AS WELL AS YOUR ATTORNEY, AND -- I  
11 MEAN, MR. DERRICOTT, AND ANY MEMBERS OF YOUR FAMILY WHO  
12 WANT TO SPEAK ON YOUR BEHALF AT THAT TIME.

13 DEFENDANT DERRICOTT: ALRIGHT, THANK  
14 YOU, SIR.

15 THE COURT: ALRIGHT. ANYTHING, MR.  
16 WALTERS, YOU NEED TO ADD?

17 MR. WALTERS: THERE'S NOTHING MORE  
18 TO SAY, YOUR HONOR.

19 SOLICITOR BURBAGE: I DON'T KNOW  
20 THAT MR. DERRICOTT'S HEARD THE FACTS, YOUR HONOR.

21 THE COURT: OH, THAT'S RIGHT, WE'VE  
22 GOT TO HEAR THE FACTS. GO AHEAD.

23 SOLICITOR BURBAGE: YOUR HONOR, THE  
24 FIRST INCIDENT OCCURRED AT THIRTY-SEVEN SAWDUST AT A  
25 MOBILE HOME LOCATED IN DENMARK IN BAMBERG COUNTY. YOUR

EXAM - DARONE DERRICOTT, JR., BY THE COURT

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1 HONOR, THAT WAS THE RESIDENCE BELONGING TO DAMEON  
2 McDONALD. THESE INDIVIDUALS WENT TO THAT RESIDENCE.  
3 THE, ONE OF THE CO-DEFENDANTS, BRANDON STALEY, WAS  
4 DRIVING A VEHICLE THAT BELONGED TO WILLIAM ANTONIO  
5 GLEATON, ANOTHER CO-DEFENDANT'S GIRL FRIEND. THEY DROVE  
6 THAT VEHICLE TO THE RESIDENCE. MR. DARRELL GLEATON AS  
7 WELL AS WILLIAM GLEATON WENT TO THE FRONT DOOR, MADE  
8 ENTRY INTO THE RESIDENCE AND MR. TONY GLEATON DID SHOOT  
9 MR. DAMEON McDONALD WITH A SHOT GUN. THE, MR.  
10 DERRICOTT, AS WELL AS MR. JOHNSON STOOD OUTSIDE THE  
11 VEHICLE NEARBY DURING THIS INCIDENT, SORT OF SERVING AS  
12 A LOOKOUT, YOUR HONOR. AFTER THIS INCIDENT THEY THEN  
13 GOT INTO THE VEHICLE AND DROVE TO THE SECOND LOCATION  
14 WHICH WAS THE HOME OF MR. VANCE POLITE, SENIOR, AND MRS.  
15 ANNIE BELL POLITE AT [REDACTED] IN  
16 NORWAY HERE IN ORANGEBURG COUNTY. ONCE AT THAT  
17 RESIDENCE FOUR OF THESE INDIVIDUALS, WE BELIEVE FOUR OF  
18 THESE INDIVIDUALS LEFT THE VEHICLE, POSSIBLY MR. STALEY  
19 STAYED IN THE VEHICLE, THE OTHER FOUR INDIVIDUALS,  
20 INCLUDING THE DEFENDANT STANDING BEFORE YOU TODAY, MR.  
21 DERRICOTT, WENT IN THE HOME. TONY GLEATON WAS THE FIRST  
22 TO GO TO THE FRONT DOOR, AND WHEN MR. POLITE OPENED THE  
23 DOOR MR. POLITE WAS STRUCK ABOUT THE BODY AND HIS FACE  
24 WITH A PISTOL. HE WAS ALSO SHOT IN THE GROIN BY MR.  
25 TONY GLEATON. ALL OF THESE INDIVIDUALS WENT IN THE HOME

EXAM - DARONE DERRICOTT, JR., BY THE COURT

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1 ARMED WITH GUNS, THEY WENT IN AND FORCED MRS. POLITE TO  
2 HAND OVER ANY SORT OF MONEY, THREATENING TO KILL HER IF  
3 SHE DIDN'T GIVE THEM MONEY. THERE WAS A WHITE BUCKET  
4 THAT CONTAINED SOME MONEY THAT THEY TOOK. THEY TOOK  
5 SOME LIQUOR FROM THE RESIDENCE AS WELL AS A PISTOL, I  
6 MEAN, A REVOLVER BELONGING TO MR. POLITE, ALL THIS WHILE  
7 THEY ARMED WITH GUNS. YOUR HONOR, MRS. POLITE  
8 POSITIVELY IDENTIFIED DARREL GLEATON AND DARONE  
9 DERRICOTT. YOUR HONOR, THEY LEFT THAT RESIDENCE IN THE  
10 VEHICLE THAT THEY HAD BEEN DRIVING PREVIOUSLY, THAT  
11 VEHICLE RAN OUT OF GAS. THEY THEN WENT TO THE HOME OF  
12 ERIC AND JENNIFER GRANT WHICH WAS AT [REDACTED]  
13 [REDACTED] NORWAY ROAD. YOUR HONOR, AT THAT LOCATION ALL  
14 FIVE FORCED ENTRY INTO THE HOME. WHEN THEY GOT INSIDE  
15 THE HOME MR. FLEMING BRIGGS WAS IN THE HOME, HE'S THE  
16 BROTHER OF JENNIFER GRANT, ONE OF THE HOME OWNERS, HE  
17 WAS ASLEEP IN THE FRONT ROOM. YOUR HONOR, ALL OF THESE  
18 INDIVIDUALS WERE ARMED WITH GUNS. THEY WENT IN, MR.  
19 BRIGGS WAS BEAT ABOUT HIS BODY AND HIS FACE, HE WAS  
20 PISTOL WHIPPED. ALSO, A NUMBER OF DEFENDANTS WENT INTO  
21 THE BACK ROOM, OR INTO THE BEDROOM WHICH IS WHERE MR.  
22 GRANT WAS AS WELL AS MRS. GRANT AND THEIR ONE YEAR OLD  
23 CHILD. WHILE IN THAT BEDROOM DARRELL GLEATON DID  
24 FORCIBLY RAPE MRS. GRANT, FORCING HER TO HAVE ORAL SEX  
25 AS WELL AS VAGINAL INTERCOURSE, THREATENING TO KILL HER

EXAM - DARONE DERRICOTT, JR., BY THE COURT

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1 CHILD IF SHE DID NOT COMPLY. MULTIPLE DEFENDANTS WERE  
2 IN THE ROOM ALSO PISTOL WHIPPING, BEATING MR. GRANT  
3 ABOUT HIS BODY. A DRESS WAS THROWN ON HIM. ALSO DURING  
4 THAT INCIDENT THE ONE YEAR OLD WAS STRUCK IN THE FACE  
5 WITH A PISTOL. YOUR HONOR, THERE WAS ALSO ANOTHER CHILD  
6 IN THE HOME IN ANOTHER BEDROOM DURING THIS INCIDENT.  
7 AGAIN, ALL OF THEM WERE ARMED WITH WEAPONS. A NUMBER OF  
8 THESE WEAPONS WERE FIRED WHILE IN THE HOME. AND AFTER  
9 ALL OF THE INDIVIDUALS, THEY TOOK THE KEYS TO THE  
10 LESABRE BELONGING TO MR. GRANT, LEFT THAT RESIDENCE, AND  
11 YOUR HONOR, THE CAR WAS WRECKED. ONCE THE CAR WAS  
12 WRECKED THEY SET IT ON FIRE AND ALL FIVE OF THE  
13 INDIVIDUALS DISBURSED. MR. DARRELL GLEATON WAS FOUND  
14 NEARBY, BRANDON STALEY LATER TURNED HIMSELF IN, DARONE  
15 DERRICOTT WHO IS STANDING BEFORE YOU TODAY AS WELL AS  
16 MR. RICARDO JOHNSON WERE CAUGHT AT A BUS STATION IN  
17 COLUMBIA BY A FUGITIVE TASK FORCE. AGAIN, MR. RICARDO  
18 JOHNSON HAD A HAND GUN IN HIS POCKET. AND THEN, WILLIAM  
19 GLEATON WAS LATER FOUND IN WILLISTON HIDING IN THE WOODS  
20 BY ANOTHER TASK FORCE AND HE WAS FOUND NEAR TWO  
21 ABANDONED MOBILE HOMES. UNDER THOSE MOBILE HOMES, ONE,  
22 THERE WAS THE PISTOL, OR EXCUSE ME, REVOLVER THAT WAS  
23 TAKEN FROM THE HOME OF MR. POLITE, AND UNDER ONE OF THE  
24 OTHER ABANDONED MOBILE HOMES THERE WAS A SHOT GUN AND  
25 THAT SHOT GUN WAS THE ONE THAT WAS USED TO SHOOT MR.

1 POLITE, OR EXCUSE ME, YOUR HONOR, MR. McDONALD IN THE  
2 FIRST INCIDENT IN BAMBERG.

3 YOUR HONOR, THAT WOULD BE THE EXTENT  
4 OF THE FACTS IN THIS CASE.

5 THE COURT: ANYTHING YOU WANT TO ADD  
6 AT THIS TIME?

7 MR. WALTERS: NO, SIR, YOUR HONOR.

8 THE COURT: DO YOU HAVE ANY  
9 DISAGREEMENT WITH WHAT SHE SAID, MR. DERRICOTT?

10 DEFENDANT DERRICOTT: NO, SIR.

11 THE COURT: ALRIGHT. WE'LL BE IN  
12 RECESS ON THIS MATTER THEN UNTIL WE FINISH IT UP NEXT  
13 WEEK.

14 SOLICITOR BURBAGE: THANK YOU, YOUR  
15 HONOR.

16 MR. WALTERS: THANK YOU, YOUR HONOR.

17 (Recess for the day.)

18 DATE:

19 JANUARY 23, 2008

20 MR. GRANT: YOUR HONOR, MAY WE  
21 APPROACH?

22 THE COURT: YES, SIR.

23 SOLICITOR PASCOE: WILLIAM ANTONIO  
24 GLEATON, DARRELL GLEATON, RICARDO JOHNSON, BRANDON  
25 STALEY, AND DARONE DERRICOTT.

1                    COURT REPORTER:    SOLICITOR, CALL  
2   THEIR NAMES OUT IN THE ORDER THAT THEY ARE STANDING,  
3   PLEASE.

4                    SOLICITOR BURBAGE:    OKAY. WE HAVE  
5   WILLIAM ANTONIO GLEATON, WHOSE REPRESENTED BY SCOTT  
6   PALMER, DARRELL GLEATON, WHOSE REPRESENTED BY GERALD  
7   DAVIS AS WELL AS CHRIS WILSON.

8                    MR. CHANDLER:            THIS IS STEVE  
9   CHANDLER STANDING IN FOR CHRIS, YOUR HONOR. CHRIS HAD  
10   TO BE OUT OF STATE.

11                   SOLICITOR BURBAGE:    RICARDO JOHNSON,  
12   WHO I BELIEVE IS STILL IN THE BACK, WHOSE REPRESENTED BY  
13   JOSH KOGER.

14                   THE COURT:        WELL, WAIT A MINUTE,  
15   WHERE IS YOUR CLIENT?

16                   SOLICITOR BURBAGE:    THEY'RE GETTING  
17   HIM, YOUR HONOR.

18                   THE COURT:        WE JUST AS WELL WAIT  
19   UNTIL THEY GET HIM.

20                   SOLICITOR BURBAGE:    FIRST WE HAVE  
21   WILLIAM ANTONIO GLEATON WHOSE REPRESENTED BY SCOTT  
22   PALMER.    DARRELL GLEATON WHOSE REPRESENTED BY GERALD  
23   DAVIS AS WELL AS STEVE CHANDLER.    JOSH KOGER IS  
24   REPRESENTING RICARDO JOHNSON.        GLEN WALTERS IS  
25   REPRESENTING DARONE DERRICOTT.    CARL GRANT IS

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1 REPRESENTING BRANDON STALEY. THAT'S ALL THE DEFENDANTS,  
2 YOUR HONOR.

3 THE COURT: ALRIGHT.

4 SOLICITOR PASCOE: MAY IT PLEASE THE  
5 COURT.

6 THE COURT: YES, SIR. FIVE OF THESE  
7 GENTLEMEN HAVE PLED TO VARIOUS VERY SERIOUS CHARGES. I  
8 HAVE ACCEPTED THEIR PLEAS AND THEY ARE BEFORE ME TODAY  
9 FOR SENTENCING.

10 ALRIGHT, SOLICITOR, I'LL HEAR FROM  
11 YOU AND THEN I'LL HEAR FROM ANYBODY ON BEHALF OF THE  
12 VICTIMS' FAMILIES AND THEN I'LL HEAR FROM EACH ATTORNEY,  
13 AND ANYBODY WHO WANTS TO SPEAK ON BEHALF OF THEIR  
14 CLIENTS, AND THEN I'LL SENTENCE ALL FIVE OF THEM.

15 ALRIGHT, SIR.

16 SOLICITOR PASCOE: YES, SIR. AS YOUR  
17 HONOR STATED, ALL FIVE OF THESE DEFENDANTS PLED GUILTY  
18 LAST WEEK AND ACCEPTED RESPONSIBILITY AND CULPABILITY  
19 FOR THESE HOME INVASIONS. THE HOME INVASION OF MR. AND  
20 MRS. POLITE, AS WELL AS THE HOME INVASION OF MR. AND  
21 MRS. GRANT WHO LIVE IN ORANGEBURG COUNTY TOWARDS NORWAY  
22 IN THE NEESES AREA, YOUR HONOR. MS. BURBAGE LAST WEEK  
23 WENT OVER A GREAT DEAL OF THE FACTS. IF THE COURT WOULD  
24 LIKE I CAN GO OVER A COUPLE MORE FACTS OR GO OVER WHAT  
25 NOW WE BELIEVE WE WOULD HAVE PROVEN WITH REGARD TO EACH

1 DEFENDANT - - -

2 THE COURT: ALRIGHT, SIR.

3 SOLICITOR PASCOE: --- INVOLVED IN  
4 THE HOME INVASIONS.

5 THE COURT: ALRIGHT, SIR.

6 SOLICITOR PASCOE: YOUR HONOR, FIRST  
7 WITH REGARDS TO MR. AND MRS. POLITE'S HOME WHICH WAS  
8 INVADED THAT NIGHT OF DECEMBER THE EIGHTEENTH, AS MS.  
9 BURBAGE POINTED OUT LAST WEEK, WE WOULD HAVE PRODUCED  
10 EVIDENCE WHICH WOULD HAVE PROVEN THAT TONY GLEATON  
11 REALLY WAS THE RING LEADER OF THAT. HE'S THE ONE THAT  
12 CHOSE THAT HOUSE AFTER THEY COMMITTED THEIR HOME  
13 INVASION IN BAMBERG WHICH YOU HEARD THE FACTS OF LAST  
14 WEEK. WHEN THEY GOT TO THE POLITES' HOUSE WE WOULD HAVE  
15 PUT UP EVIDENCE THAT MR. TONY GLEATON KNOCKED ON THE  
16 DOOR. MR. POLITE, WHO IS -- HOW OLD KELLY? EIGHTY-ONE  
17 YEARS OLD AND PRESENT TODAY, OPENED THE DOOR. TONY  
18 GLEATON BEGAN TO PISTOL WHIP MR. POLITE, NEARLY PISTOL  
19 WHIPPED HIM TO DEATH, IT'S A MIRACLE THAT HE'S HERE  
20 TODAY ALIVE. IN FACT, I REMEMBER GETTING THE PHONE CALL  
21 THE NEXT MORNING, AND THE SLED AGENT IN CHARGE OF THE  
22 CASE, CAPTAIN ROGER HEATON, TOLD ME THAT MR. POLITE WAS  
23 NOT GOING TO BE WITH US. HE SAID POINT BLANK THAT THIS  
24 WAS GOING TO BE A MURDER CASE. BUT SOMEHOW MR. POLITE  
25 SURVIVED THAT PISTOL WHIPPING. HE ALSO, AS YOUR HONOR

1 KNOWS, WAS SHOT IN THE GROIN AREA WE BELIEVE  
2 INTENTIONALLY BY THE DEFENDANT, TONY GLEATON. ALSO  
3 INSIDE THAT HOUSE WE WOULD HAVE PUT UP EVIDENCE THAT  
4 FOUR OF THE DEFENDANTS WENT INSIDE, IT WAS DARRELL  
5 GLEATON, TONY GLEATON, RICARDO JOHNSON AND DARONE  
6 DERRICOTT. MR. BRANDON STALEY STAYED OUTSIDE, AND OF  
7 COURSE, BUT PLED GUILTY OF THESE CHARGES UNDER THE HAND  
8 OF ONE IS THE HAND OF ALL. INSIDE THE HOUSE THERE ARE  
9 WITNESSES' STATEMENTS THAT POSSIBLY DARRELL GLEATON WAS  
10 GOING TO ATTEMPT TO SEXUALLY ASSAULT MRS. POLITE, WHO IS  
11 IN HER SEVENTIES, AND THAT IT WAS DARONE DERRICOTT, MR.  
12 WALTERS' CLIENT, WHO TOLD HIM NOT TO DO IT. BUT ONCE  
13 INSIDE ALL OF THEM DID STEAL SOME MONEY, A GUN AND SOME  
14 OTHER ITEMS, AND LIQUOR FROM INSIDE THE HOUSE.

15 THEY THEN, OF COURSE, GO TO THE  
16 GRANT'S HOME AFTER THEIR VEHICLE BROKE DOWN, WHICH WE  
17 WENT INTO LAST WEEK. INSIDE THE GRANT'S HOME  
18 SPECIFICALLY WITH EACH DEFENDANT, THESE, THE VICTIMS,  
19 MR. AND MRS. GRANT AND THEIR BROTHER, OR BROTHER-IN-LAW,  
20 THEY WERE VERY SPECIFIC AS TO BEING ABLE TO PICK THE  
21 DEFENDANTS OUT AND WHAT THEY DID INSIDE THE HOME.  
22 ACCORDING TO MR. AND MRS. GRANT ALL OF THE DEFENDANTS  
23 WERE JUST ABOUT EQUALLY CULPABLE INSIDE THAT HOME. THEY  
24 WERE PISTOL WHIPPED BY ALL OF THEM, PARTICULARLY TONY  
25 GLEATON, WHO OF COURSE, COMMITTED A SEXUAL ASSAULT

1 INSIDE THE HOME THAT YOUR HONOR KNOWS ABOUT, OR EXCUSE  
2 ME, DARRELL GLEATON, DARRELL GLEATON WHO COMMITTED THE  
3 SEXUAL ASSAULT. TONY GLEATON WAS PICKED OUT OF LINEUPS  
4 AS HAVING PISTOL WHIPPED PEOPLE. RICARDO JOHNSON WAS  
5 PICKED OUT OF LINEUPS AND IDENTIFIED BY THE VICTIMS AS  
6 PISTOL WHIPPING PEOPLE. BRANDON STALEY IDENTIFIED FROM  
7 THE LINEUPS AS POSSESSING A SHOT GUN, PISTOL WHIPPING  
8 INDIVIDUALS, AND FIRING A SHOT GUN INSIDE THE RESIDENCE.  
9 MR. DERRICOTT WAS PICKED OUT BY ONE OF THE VICTIMS AS  
10 POSSIBLY HITTING SOMEONE WITH A GUN. BUT MOSTLY,  
11 ACCORDING TO THE VICTIMS IN THAT CASE MR. DERRICOTT WAS  
12 GOING AROUND THE HOUSE LOOKING FOR KEYS TO THE VEHICLE.  
13 AGAIN, THEY WERE VERY POSITIVE ON THEIR IDENTIFICATIONS,  
14 IT WAS EASY FOR THEM TO IDENTIFY SOME BECAUSE THEY HAD  
15 DIFFERENT TRAITS, EACH DEFENDANT, AND THAT'S HOW THEY  
16 WERE ABLE TO IDENTIFY THEM VERY EASILY.

17 WITH REGARDS TO PRIOR RECORDS, I  
18 DON'T KNOW IF KELLY WENT OVER THESE LAST WEEK, BUT TONY  
19 GLEATON, YOUR HONOR, HAS A PRIOR RECORD, TWO THOUSAND,  
20 SIMPLY ASSAULT AND BATTERY, TWO THOUSAND AND TWO,  
21 BURGLARY IN THE SECOND DEGREE FOR WHICH HE RECEIVED A,  
22 IT LOOKS LIKE A SUSPENDED YOA, AND TWO THOUSAND AND  
23 FOUR, POSSESSION OF CRACK.

24 AS FAR AS RICARDO JOHNSON, HE HAS A  
25 PWID DRUG CHARGE WHERE HE GOT ONE YEAR PROBATION IN

1 MARYLAND, YOUR HONOR.

2 MR. BRANDON STALEY HAS A RESISTING  
3 ARREST FROM TWO THOUSAND AND FOUR.

4 THAT'S ALL WE HAVE WITH REGARDS TO  
5 FACTS AND RECORDS.

6 THE COURT: DARRELL GLEATON AND  
7 DARONE HAVE NO RECORDS?

8 SOLICITOR PASCOE: NO RECORDS, YOUR  
9 HONOR, NONE THAT WE HAVE ON THE RAP SHEET.

10 THE COURT: ALRIGHT. ALRIGHT, I'LL  
11 BE GLAD TO HEAR FROM ANYBODY ON BEHALF OF THE VICTIMS.

12 SOLICITOR BURBAGE: YOUR HONOR,  
13 PRESENTLY IN THE COURTROOM TODAY WE HAVE ERIC AND  
14 JENNIFER GRANT, DOROTHY GRANT ISAAC, WHO IS ERIC GRANT'S  
15 MOTHER, GLADYS SCOTT, WHO IS AN AUNT, WILLIE GRANT, WHO  
16 IS AN UNCLE.

17 ALSO, YOUR HONOR, FROM THE POLITE'S  
18 FAMILY, MR. AND MRS. POLITE ARE NOT PRESENT IN THE  
19 COURTROOM. HOWEVER, THEIR SON AND THEIR DAUGHTER ARE,  
20 VERTA POLITE JONES, THE DAUGHTER, IS PRESENT, VANCE  
21 POLITE, JUNIOR, THE SON, IS HERE, GLEN POLITE, WHO IS  
22 ALSO ANOTHER SON OF MR. POLITE, IS PRESENT, DIANE  
23 POLITE, A DAUGHTER-IN-LAW, DANIEL POLITE, A NEPHEW, JOHN  
24 ALBERT POLITE, ANOTHER NEPHEW, STANLEY POLITE, THE  
25 BROTHER OF MR. POLITE, AS WELL AS ELI GILMORE WHO IS

1 ALSO A COUSIN, YOUR HONOR.

2 ALSO PRESENT IN THE COURTROOM IS  
3 INVESTIGATOR CRAFT OF THE ORANGEBURG COUNTY SHERIFF'S  
4 OFFICE, AS WELL AS CRAIG COLLIER ON BEHALF OF SHAWN  
5 HARLEY WITH SLED.

6 YOUR HONOR, I BELIEVE THAT MR.  
7 GRANT, ERIC GRANT, AS WELL AS WILLIE GRANT WOULD LIKE TO  
8 ADDRESS THE COURT, AS WELL AS GLEN POLITE.

9 THE COURT: ALRIGHT, I'LL BE GLAD TO  
10 HEAR FROM YOU. YOU JUST STAND RIGHT THERE, MR. POLITE,  
11 JUST SPEAK LOUD ENOUGH FOR THE COURT REPORTER TO HEAR  
12 YOU, AND TELL US YOUR NAME FIRST.

13 SOLICITOR PASCOE: THIS IS MR.  
14 GRANT, YOUR HONOR.

15 THE COURT: I MEAN MR. GRANT, YES,  
16 SIR.

17 ERIC GRANT: YOUR HONOR, IT HURTS  
18 REAL BAD. I MEAN, THIRTY-ONE YEARS OLD, I DON'T BOTHER  
19 NOBODY, I DON'T DO NOTHING TO NO ONE, AND HERE IT IS, ME  
20 AND MY FAMILY, WE JUST ASLEEP, AND YOU KNOW, AT THE SAME  
21 TIME, HEAR YOUR DOOR BEING KICKED IN AND JUST IN  
22 GENERAL, FROM A MAD POINT OF VIEW, IT'S NOT FUN TO FEEL  
23 HELPLESS IN YOUR HOUSE AND YOU CAN'T PROTECT YOUR WIFE,  
24 YOUR KIDS, AND THAT HURTS SO BAD. I MEAN, AND AT THE  
25 SAME TIME, AND SEEING YOUR LITTLE SON GETTING HIT AND

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1 THEN SOMEONE, SOMEBODY JUST RAPING YOUR WIFE, THAT HURT,  
2 THAT HURT. I MEAN, IT'S NO OTHER WAY I CAN REALLY SAY.  
3 I MEAN, TO ME, I DIDN'T DO ANYTHING TO Y'ALL. I'M NOT  
4 A BAD PERSON. I MEAN, BOTTOM LINE, IF Y'ALL WANTED THE  
5 CAR, TAKE THE CAR, BUT MAN, THAT'S MY WIFE, AND THAT'S  
6 MY LITTLE BOY. HOW WOULD Y'ALL FEEL IF THAT WAS ME  
7 COMING TO Y'ALL'S HOUSE, MAN? Y'ALL WOULDN'T LIKE THAT.  
8 AND AT THE SAME TIME YOU FEEL HELPLESS, AND AT THE SAME  
9 TIME, SAY IF THAT WAS Y'ALL'S GIRL FRIEND OR Y'ALL'S  
10 WIFE I WAS DOING THAT TO. Y'ALL WOULDN'T LIKE THAT. I  
11 MEAN, IT HURT, Y'ALL, I MEAN, BOTTOM LINE, I'M THE TYPE  
12 OF PERSON LIKE THIS, I CAN GIVE YOU THE SHIRT OFF MY  
13 BACK IF I GOT IT. I MEAN, IT JUST, MAN, IT'S ROUGH.  
14 IT'S, OH, BOY, MAN, I MEAN -- ALL I CAN SAY, MAN, Y'ALL  
15 JUST BREAK ME, I MEAN, IT'S - - -

16 SOLICITOR BURBAGE: AND YOUR HONOR,  
17 MRS. GRANT I BELIEVE WANTED TO ADDRESS THE COURT.  
18 HOWEVER SHE HAD PREPARED A LETTER THE LAST TIME WHEN SHE  
19 WASN'T SURE IF SHE COULD, SO I TOLD HER I'D READ THE  
20 LETTER TO THE COURT. SHE DOESN'T FEEL LIKE SHE COULD  
21 READ IT OUT LOUD.

22 THE COURT: ALRIGHT.

23 SOLICITOR BURBAGE: "I'D LIKE TO  
24 ADDRESS THE COURT BY SAYING THIS FOR MYSELF, I THINK  
25 WHAT THEY DID TO ME WAS WRONG.

1                    COURT REPORTER: MA'AM, YOU HAVE TO  
2 SLOW DOWN.

3                    SOLICITOR BURBAGE: "I WOULD LIKE TO  
4 ADDRESS THE COURT BY SAYING THAT FOR MYSELF I THINK WHAT  
5 THEY DID TO ME WAS VERY WRONG. I NEVER THOUGHT IN MY  
6 LIFE THAT I WOULD EVER HAVE GOTTEN RAPED UNTIL THE NIGHT  
7 OF DECEMBER EIGHTEENTH, TWO THOUSAND AND SIX. I HATE  
8 THE FACT THAT I GOT RAPED, ESPECIALLY NOT IN FRONT OF MY  
9 SON. I DO NOT EVEN FEEL LIKE MYSELF AGAIN. MYSELF AND  
10 MY FAMILY WERE DOING FINE UNTIL THE NIGHT OF DECEMBER  
11 THE EIGHTEENTH OF TWO THOUSAND AND SIX. BEFORE THAT  
12 NIGHT MY DAUGHTER WAS NOT AFRAID TO STAY WITH ME. SHE  
13 WAS ASLEEP WHEN IT HAPPENED BUT SHE IS STILL AFFECTED BY  
14 IT BECAUSE SHE KNOWS THAT SOMETHING HAPPENED TO US.  
15 WHENEVER MY HUSBAND GOES ANYWHERE SHE WANTS TO GO. IF  
16 I WOULD SAY NO, SHE KICKS, BITES SCREAMS TO GO BECAUSE  
17 SHE IS SCARED THAT IF SHE WOULD STAY WITH ME THAT  
18 SOMETHING MIGHT HAPPEN. MYSELF, MY HUSBAND, MY SON AND  
19 DAUGHTER HAD TO GO TO COUNSELING FOR A WHILE. I MYSELF  
20 HAVE NOT GOTTEN OVER WHAT HAPPENED TO ME BECAUSE EVER  
21 SINCE I GOT RAPED I FEEL THAT SOMETIMES MY LIFE IS NOT  
22 THE SAME. I FEEL ANGRY AND VERY SCARED. I HATE WHAT HE  
23 DID TO ME AND MY FAMILY, WE DID NOT DO NOTHING WRONG. I  
24 REALLY, REALLY HATE WHAT HE DID TO ME, ESPECIALLY NOT IN  
25 FRONT OF MY SON. I HATE WHAT HE DID, BECAUSE EVERY DAY

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1 I HAVE TO LIVE WITH THE FACT THAT I AM A RAPE VICTIM AND  
2 I'M SCARED FOR THE REST OF MY LIFE. BECAUSE OF WHAT  
3 HAPPENED TO US WE HAD TO MOVE AND OUR LIVES WILL NEVER  
4 BE THE SAME. SINCE THAT WE'RE GOING TO HAVE ANOTHER  
5 BABY, BUT I THINK WHAT HAPPENED TO ME AND GET UPSET, AND  
6 I KNOW I SHOULDN'T GET UPSET BECAUSE I'M PREGNANT, BUT  
7 DEALING WITH THE PREGNANCY, DEALING WITH MY DAUGHTER,  
8 KNOWING THE FACT THAT I GOT RAPED, DEALING WITH MOVING  
9 AND HAVING NOBODY THAT UNDERSTANDS ME I GET REALLY  
10 UPSET. I TRY TO SAY TO MYSELF THAT IT'S GOING TO GET  
11 BETTER BUT I DON'T KNOW WHEN. A LOT OF PEOPLE DO NOT  
12 UNDERSTAND WHAT BEING RAPED DOES. WHEN I GOT RAPED I  
13 WAS FORCE SLAPPED LIKE I WAS NOTHING. THEY ALSO HIT US  
14 LIKE WE WERE ANIMALS. WE GOT HIT IN THE HEAD, KICKED,  
15 AND WHEN I GOT RAPED IN FRONT OF MY SON THAT WAS THE  
16 WORSE THING THAT CAN EVER HAPPEN. I GOT RAPED AND I AM  
17 A LIVING TESTIMONY. I'M A RAPE VICTIM FOR THE REST OF  
18 MY LIFE. I HATE WHAT HE DID TO ME AND MY FAMILY."

19 AND YOUR HONOR, I BELIEVE WE HAVE  
20 ONE MORE, MR. GRANT'S, ONE OF THEIR UNCLES WOULD LIKE TO  
21 ADDRESS THE COURT AS WELL.

22 THE COURT: ALRIGHT, YES, SIR.

23 WILLIE GRANT: YOUR HONOR, MY NAME  
24 IS WILLIE GRANT, AND I WOULD LIKE TO SAY HOW IT AFFECTED  
25 ME AND MY NEPHEW, ERIC. HE HAD RECENTLY MOVED FROM THE

1 HOUSE THAT THIS HAPPENED, AND IN THE NEW HOUSE HE'S  
2 GOING THROUGH CHANGES OF WANTING TO BAR HIS DOORS, IN  
3 WHICH THE LANDLORD OF THAT APARTMENT WON'T ALLOW THAT.  
4 OTHER WORDS, HE, JUST A PART, WHEN HE CALLED ME AND SAID  
5 -- MY NICKNAME IS BUBBA - HE SAID, BUBBA, I NEED TO LOCK  
6 UP MY HOUSE, I'VE GOT TO PROTECT MY FAMILY. BUT IN HIS,  
7 IN TRYING TO DO THAT THE PEOPLE SAID, NO, YOU CAN'T DO  
8 THAT. AND JUST TO SEE HIM GO THROUGH THIS, YOU KNOW,  
9 TRYING TO PROTECT HIS FAMILY, AND TALKING TO ME, AND  
10 HE'S MY DRUMMER FROM MY CHOIR IN MY CHURCH, AND SOMETIME  
11 HE GETS TO THINKING ABOUT IT AND HE STARTS MISSING  
12 NOTES, KEYS ON HIS DRUM SET, IT JUST GETS OVERWHELMING  
13 FOR HIM, YOU KNOW. AND I JUST HATE TO SEE HIM GOING  
14 THROUGH THIS ALL BECAUSE OF THE SITUATION THAT HE'S IN.  
15 AND IT HAS AFFECTED ME, AND IT HAS AFFECTED HIM AND HIS  
16 FAMILY.

17 THE COURT: THANK YOU, SIR.

18 YES, SIR.

19 GLEN POLITE: YOUR HONOR, MY NAME IS  
20 GLEN POLITE. YOU KNOW, YOUR HONOR, WHEN I THINK ABOUT  
21 IT, IN OUR SOCIETY TODAY DATES ARE VERY IMPORTANT. AND  
22 NORMALLY IT'S IMPORTANT BECAUSE IT MARKS AN UNCHANGING  
23 EVENT THAT TAKES PLACE IN OUR LIFE, OUR BIRTHDAY, OR  
24 MARRIAGE DATE, OUR GRADUATION DATES, THINGS THAT SHOULD  
25 BE IMPORTANT AND HAPPY. BUT THERE'S A DATE, DECEMBER

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1 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT IS GOING TO  
2 BE UNCHANGING FOR A LOT OF FOLKS, FOR THE VICTIMS AS  
3 WELL AS FOR THE DEFENDANTS. MY PARENTS, MY FATHER WHO  
4 IS EIGHTY-TWO, MY MOTHER WHO IS SEVENTY-SEVEN, THEY  
5 MOVED TO NORWAY IN NINETEEN FORTY-NINE, FOR FIFTY-SIX  
6 YEARS NOT AN EVENT HAPPENED WITHIN THEIR HOME UNTIL THE  
7 NIGHT OF DECEMBER EIGHTEENTH. MY MOM, WHO IS A  
8 DIABETIC, WAS ALMOST RAPED DUE TO THIS SITUATION. MY  
9 FATHER, WHO IS EIGHTY-TWO, NEVER BEEN TO A DOCTOR WITH  
10 THE EXCEPTION OF IN THE YEAR TWO THOUSAND WHEN HE WENT  
11 IN FOR AN OPERATION FOR CARCINOID CANCER, NEVER AGAIN  
12 HAS HE SEEN A DOCTOR UNTIL THIS EVENT. SINCE DECEMBER  
13 EIGHTEENTH HE HAS BEEN TO THE DOCTOR TWENTY-TWO TIMES,  
14 TWENTY-TWO TIMES. EVERYONE THAT KNOWS MY FATHER KNOWS  
15 THAT HE'S ACTIVE, OUT ON HIS TRACTOR, OUT IN THE FIELDS,  
16 PLANTING VEGETABLES FOR ANYBODY TO COME PICK AND TO  
17 HAVE. BUT SINCE DECEMBER EIGHTEENTH IT WAS JUST UNTIL  
18 YESTERDAY THAT HE WAS ABLE TO STEP BACK ON HIS TRACTOR  
19 AGAIN. ANYONE THAT KNOWS MY FATHER AND KNOWS THAT  
20 BECAUSE OF THE BEATING THAT HE TOOK IN HIS HEAD, HIS  
21 MENTAL CAPABILITIES, HIS CAPACITIES IS NOT THERE. HIS  
22 MEMORY IS NOT THERE AS IT USED TO BE. HE'S NOT AS FUN  
23 AS HE USED TO BE BECAUSE HE BREAKS DOWN WHEN HE THINKS  
24 ABOUT WHAT HAPPENED TO HIM ON DECEMBER THE EIGHTEENTH.  
25 ANYONE THAT KNOWS ANNIE BELL POLITE AND VANCE POLITE,

1 THEY KNOW THAT IF YOU ASK FOR IT THEY WOULD GIVE IT.  
2 BUT THAT NIGHT THEY WERE VIOLATED, IT WAS TAKEN. I THINK  
3 THAT IF EITHER ONE OF THE DEFENDANTS AND THEIR FAMILIES  
4 WERE TO LOOK AT THE OTHER SIDE OF THE FENCE AND TO HAVE  
5 THAT HAPPEN TO THEIR PARENTS THEY WOULD EXPECT YOU, AS  
6 UPHOLDING THE LAW FOR THE STATE OF SOUTH CAROLINA, TO DO  
7 WHAT IS JUST, AND THAT'S ALL WE ASK OF YOU TODAY.

8 THE COURT: THANK YOU, SIR.

9 SOLICITOR PASCOE: THANK YOU, YOUR  
10 HONOR.

11 THE COURT: ALRIGHT.

12 SOLICITOR PASCOE: THAT'S ALL WE'D  
13 HAVE.

14 THE COURT: ALRIGHT. MR. PALMER.

15 MR. PALMER: THANK YOU, YOUR HONOR,  
16 MAY IT PLEASE THE COURT. PLEASE PARDON MY VOICE, I'M A  
17 LITTLE BIT UNDER THE WEATHER. YOUR HONOR, I JUST WANT  
18 TO SAY A FEW WORDS ON BEHALF OF WILLIAM ANTONIO GLEATON.  
19 THERE'S BEEN SOME TALK THROUGHOUT THIS CASE ABOUT HIM  
20 BEING THE RING LEADER. HOWEVER, I WOULD QUESTION  
21 SPECIFICALLY WHAT FACTS MAKE HIM THE RING LEADER. THE  
22 CASE FILE CONTAINS SOME ALLEGED STATEMENTS THAT HE MADE  
23 BEFORE THIS TURN OF EVENTS, BUT OF COURSE, MAKING  
24 STATEMENTS ISN'T A CRIME.

25 WITH REGARD TO THE SPECIFIC CHARGES,

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1 HE'S BEEN CHARGED WITH ABWIK, SEVERAL COUNTS OF  
2 BURGLARY, FIRST, USING A WEAPON, ARMED ROBBERY, AND  
3 KIDNAPING. THE KIDNAPING CHARGE WAS DROPPED, SO HE'S  
4 PLED TO EVERYTHING BUT THAT. THERE'S NO CHARGE OF  
5 CRIMINAL SEXUAL CONDUCT, THERE'S NO EVIDENCE THAT HE  
6 ENGAGED IN THAT.

7 WITH REGARD TO THE ABWIK, YOUR  
8 HONOR, MR. GLEATON WOULD ACCEPT THE MAXIMUM SENTENCE ON  
9 THAT. AND MY POINT WITH THIS, YOUR HONOR, IS THAT THESE  
10 MEN WERE ALL OPERATING TOGETHER. THERE WAS NO RING  
11 LEADER, THEY WERE ALL ENGAGED IN IT EQUALLY. IN FACT,  
12 THERE'S SOME EVIDENCE THAT MR. GLEATON TRIED TO STOP OF  
13 THESE CRIMES, ESPECIALLY WITH REGARD TO THE CRIMINAL  
14 SEXUAL CONDUCT. WITH REGARD TO THE SHOOTING OF MR.  
15 POLITE, AS UNFORTUNATE AND TRAGIC AS THAT IS, THERE IS  
16 SOME EVIDENCE THAT IT WAS THE RESULT OF A STRUGGLE AND  
17 PERHAPS NOT INTENTIONAL.

18 NOW, WITH REGARD TO WILLIAM GLEATON,  
19 YOUR HONOR, THESE ARE SOME OF THE MOST SERIOUS CRIMES  
20 THAT CAN BE COMMITTED, AS YOU'VE ALREADY POINTED OUT,  
21 AND YOU WOULD THINK THAT ANYBODY CAPABLE OF THIS WOULD  
22 BE A COLD BLOODED PERSON INCAPABLE OF REMORSE. YOUR  
23 HONOR, I'VE SEEN OTHERWISE IN THIS MAN. I'VE SEEN HIM  
24 EXPRESS REMORSE, ESPECIALLY WHEN HE'S INTERACTING WITH  
25 HIS FAMILY. THERE IS SOME GOOD IN THIS MAN, YOUR HONOR,

1 AND I THINK THAT HE DOESN'T NEED THE MAXIMUM SENTENCE.  
2 HE NEEDS TO BE PUNISHED FOR WHAT HE DID AND NO MORE. HE  
3 NEEDS TO BE PUNISHED ACCORDING TO WHAT HE DID AND NO  
4 MORE. HE NEEDS TO BE PUNISHED EVENLY ALONG WITH THESE  
5 OTHER FIVE DEFENDANTS, BUT NOT SINGLE HIM OUT AS THE  
6 RING LEADER, BECAUSE I DON'T THERE'S ANY REAL EVIDENCE  
7 OF THAT, THEY WERE ALL WORKING TOGETHER, THEY ALL KNEW  
8 WHAT THEY WANTED TO DO.

9 AND FINALLY, YOUR HONOR, I WOULD  
10 OFFER THAT, IN MITIGATION, THAT THERE IS SOME EVIDENCE  
11 THAT MR. GLEATON AND SOME OF THESE OTHER GUYS WERE OUT  
12 OF THEIR MINDS ON CONTROLLED SUBSTANCES. WHILE THAT'S  
13 NO EXCUSE, AS EVERYONE HERE KNOWS, IT CERTAINLY CAN BE  
14 CONSIDERED, THAT UNDER HIS NORMAL STATE OF MIND WILLIAM  
15 GLEATON, I TRULY BELIEVE, WOULDN'T EVEN HAVE CONSIDERED  
16 ANY OF THESE ACTIONS.

17 YOUR HONOR, I HAVE TODAY WITH ME MS.  
18 MARY GLEATON, WHO IS WILLIAM'S MOTHER.

19 THE COURT: YES, SIR.

20 MR. PALMER: I THINK SHE'S LIKE TO  
21 ADDRESS THE COURT BRIEFLY.

22 THE COURT: I'LL BE GLAD TO HEAR  
23 FROM YOU, MA'AM.

24 MARY GLEATON: FIRST OF ALL, AS HIS  
25 MOTHER, AND I HAD A CHANCE TO BE AROUND ALL THE YOUNG

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1 MEN, AND I AM SAVED AND WITH THE HOLY SPIRIT, I CAN TELL  
2 WHEN WHO'S GOT A SWEET SPIRIT. AND I KNOW THESE BOYS  
3 DIDN'T DO WHAT THEY DID, THEY WAS UNDER THE INFLUENCE OF  
4 THE DRUGS AND THE ALCOHOL. JUST LIKE YOU SAY, IT  
5 DOESN'T MAKE IT RIGHT, BUT I KNOW JUST FROM BEING AROUND  
6 THEM AND TALKING TO THEM, IF IT WASN'T FOR THE DRUGS AND  
7 THE ALCOHOL AND SATAN GOT A HOLD OF THEM, THEY DON'T  
8 WORK AND BE LIKE THAT, NONE OF THEM. AND I JUST ASK,  
9 AND I APOLOGIZE TO THE FAMILIES, I'M SORRY FOR WHAT  
10 HAPPENED TO YOU ALL, AND IF I COULD UNDO IT I WOULD, BUT  
11 I CAN'T. AND I JUST ASK YOU ALL MERCY FOR THEM FROM THE  
12 COURT AND FROM GOD, IN THE NAME OF JESUS, AND THAT'S IT.

13 THE COURT: THANK YOU, MA'AM.

14 MR. PALMER: JUST FURTHER, SOME  
15 BRIEF WORDS FROM MR. GLEATON'S PASTOR, YOUR HONOR.

16 THE COURT: YES, SIR, SURE.

17 REV. LINDSEY AMAKER: I'D LIKE TO  
18 ADDRESS THE COURT AND THE FAMILY AGAIN. WE ARE SORRY,  
19 BUT WE KNOWING THIS, THAT ALL OF US ARE VICTIMS IN THIS.  
20 THAT FAMILY HURT, THEIR FAMILY HURT. I WAS TALKING TO  
21 MR. GLEATON IN COMING, AND HE DOES HAVE GREAT REMORSE.  
22 I GUESS ALL THE DEFENDANTS DOES. AND TO KNOW HIM, TO  
23 SAY THAT HE'S A RING LEADER, I WASN'T THERE, BUT TO KNOW  
24 HIM AND TALK TO HIM, THAT HE HAS REMORSE. AND HE WAS  
25 TELLING ME SOME THINGS THAT WAS GOING ON, AND HE HAVE

1 CHILDREN. AND AS TO THE MANNER OF SPEAKING, WHEN YOU'RE  
2 HELPLESS YOU CAN'T TAKE CARE OF YOUR FAMILY. WE PRAY  
3 THAT THE JUDGE WILL SEE THESE YOUNG MEN AS SALVAGEABLE,  
4 THAT THEY CAN BE SAVED AND USED FURTHER IN LIFE AS  
5 CITIZENS, BECAUSE IF WE WIPE THEM ALL OUT, ALL OF THESE  
6 MEN, AND WE PUT THEM ALL AWAY AND JUST FORGET ABOUT  
7 THEM, THEN WHAT ARE WE SAYING? THAT THEY ARE NOT SORRY?  
8 DRUGS AND ALCOHOL, I DID IT, AND THEY DO MAKE YOU DO  
9 THINGS THAT ARE NOT NORMAL IN YOUR MIND. AND WHAT THEY  
10 DID WAS HORRENDOUS AND TERRIBLE, GOD KNOWS IT WAS, BUT  
11 ARE WE TO THROW THEM AWAY? ARE WE JUST TO WALK AWAY AND  
12 SAY WHAT THEY DID DESERVE THE MAXIMUM OF EVERYTHING?  
13 AND THEN YOU TURN, AFTER THEY DO THEIR MAX AND BE OLD  
14 MEN, THEY LET THEM OUT INTO THE STREET, THEY HAVE NO  
15 HOPE, THEY HAVE NO DESIRE TO DO GOOD. I PRAY FOR ALL  
16 THESE YOUNG MEN. I PRAY THAT, JUDGE, THAT YOU HAVE TO  
17 FOLLOW THE LETTER OF THE LAW, THAT YOU HAVE SOME MERCY,  
18 BECAUSE THOUGH THEY WENT THROUGH A TRAGIC THING, GOD  
19 BROUGHT THEM THROUGH. AND THIS YOUNG LADY WILL HAVE TO  
20 BATTLE WITH THAT SITUATION. I WAS PRAYING FOR HER WHILE  
21 THEY WAS EXPLAINING. BUT EVERYBODY IN THIS COURTROOM IS  
22 HURT TODAY, EVERYBODY. AND I ASK THAT YOU JUST HAVE  
23 MERCY, JUDGE.

24 THE COURT: YOUR NAME, SIR?

25 REV. LINDSEY AMAKER: REV. LINDSEY

1 AMAKER.

2 THE COURT: THANK YOU, REV. AMAKER.

3 MR. PALMER: FINALLY, YOUR HONOR, IN  
4 LIEU OF ADDRESSING THE COURT DIRECTLY, MR. GLEATON,  
5 HIMSELF, HAS PREPARED A BRIEF STATEMENT AND I'D LIKE TO  
6 READ IT INTO THE RECORD.

7 THE COURT: ALRIGHT, SIR. YES, SIR.

8 MR. PALMER: "JUDGE WILLIAMS, DEAR,  
9 YOUR HONOR, FIRST OF ALL I WANT TO APOLOGIZE TO ALL THE  
10 VICTIMS AND FAMILY MEMBERS THAT WERE INVOLVED IN THIS  
11 CASE. I'M TRULY SORRY FOR ALL OF THE PAIN AND PROBLEMS  
12 THAT I'VE CAUSED ANY AND EVERYONE MENTALLY AND/OR  
13 PHYSICALLY, YOUR HONOR. I'VE MADE A FEW BAD DECISIONS  
14 IN MY LIFE AND I DESERVED TO BE PUNISHED, YOUR HONOR. I  
15 ASK YOU FOR YOUR MERCY UPON THE COURT, YOUR HONOR, I'M  
16 A FATHER OF TWO BEAUTIFUL LITTLE GIRLS WHICH I LOVE  
17 DEARLY. I'M TWENTY-SIX, AND MY MOM IS SIXTY-ONE.  
18 BESIDES MY MOM THE ONLY FAMILY I HAVE IS MY SISTER WHO  
19 IS NOW FORTY-THREE. I KNOW THAT I'M GOING TO HAVE TO  
20 FACE SOME FACTS, BUT YOUR HONOR, I ASK YOU FOR A LIGHT  
21 ENOUGH SENTENCE SO THAT WHEN I DO GET RELEASED FROM  
22 REHABILITATION MYSELF I'LL STILL HAVE SOME FAMILY THAT  
23 CAN HELP ME ADJUST AND BASICALLY GET ME A JOB AND NOT  
24 DEPEND ON NO ONE TO TAKE CARE OF ME. YOUR HONOR, I'M  
25 TRULY SORRY FOR THE WRONG I'VE DONE AND I'M READY TO GET

1 THIS BEHIND ME AND MOVE FORWARD FROM MY PAST MISTAKES  
2 AND DO BETTER FOR MY KIDS, MYSELF AND MY FUTURE. THANK  
3 YOU FOR YOUR TIME, YOUR HONOR. WILLIAM ANTONIO  
4 GLEATON." AND WE WOULD ASK THAT THIS BE MADE PART OF  
5 THE FILE, YOUR HONOR.

6 THE COURT: YES, SIR, JUST PASS IT  
7 TO THE COURT REPORTER. THANK YOU, SIR.

8 COURT REPORTER: COURT'S ONE.

9 (Court's Exhibit One  
10 marked and filed.)

11 MR. PALMER: AND IN CLOSING, YOUR  
12 HONOR, WE ARE ASKING THAT THE SENTENCE BE FAIR, EVEN-  
13 HANDED, CONSIDERING THE OTHER DEFENDANTS, AND THAT'S,  
14 WE'LL BE SATISFIED WITH THAT, YOUR HONOR. THANK YOU.

15 THE COURT: ALRIGHT, SIR.

16 MR. DAVIS.

17 MR. DAVIS: YOUR HONOR, IF IT PLEASE  
18 THE COURT, I REPRESENT DARRELL GLEATON, ALONG WITH  
19 STEPHEN CHANDLER. YOUR HONOR, HE'S STANDING IN FOR MR.  
20 CHRIS WILSON WHO WAS THE ORIGINAL ATTORNEY WHO COULD NOT  
21 BE HERE TODAY.

22 THE COURT: THAT'S ON THE BAMBERG  
23 CHARGE?

24 MR. DAVIS: ON THE BAMBERG CHARGES,  
25 YOUR HONOR, HE WAS CHARGED IN BAMBERG AND WITH TWO

1 SEPARATE SETS OF CHARGES IN ORANGEBURG COUNTY.

2 YOUR HONOR, IF IT PLEASE THE COURT,  
3 DARRELL GLEATON IS EIGHTEEN YEARS OLD, YOUR HONOR. ON  
4 THE NIGHT THESE CRIMES WERE COMMITTED HE'D ONLY BEEN  
5 ALIVE EIGHTEEN YEARS. UP UNTIL THAT POINT HE HAD  
6 ABSOLUTELY NO RECORD. IF YOU COULD REMOVE THAT ONE NIGHT  
7 FROM HIS LIFE WE WOULDN'T BE HERE TODAY, YOUR HONOR.  
8 HOWEVER, HE'S FREELY AND OPENLY ADMITTED IN COURT THAT  
9 HE'S GUILTY, AND HE'S PLED GUILTY TO THE FACTS OF THIS  
10 CASE, YOUR HONOR. HE TELLS ME THAT ON THAT PARTICULAR  
11 NIGHT IN QUESTION HE HAD TAKEN SOME ILLEGAL DRUGS,  
12 SMOKED SOME MARIJUANA. HE SAYS THAT WHAT HAPPENED WAS  
13 NOT HIM. HE'S EVER SO REMORSEFUL AND REPENTANT. YOUR  
14 HONOR, HE IS A PERSON THAT NORMALLY WOULDN'T DO  
15 SOMETHING LIKE THIS. AND HOWEVER, HE'S NOT USING THE  
16 DRUGS AS AN EXCUSE, HE SIMPLY SAYS THAT HAD HE NOT TAKEN  
17 THOSE DRUGS HE WOULDN'T BE HERE TODAY.

18 YOUR HONOR, ON THE NIGHT IN QUESTION  
19 WHEN THE POLICE CAME LOOKING AFTER THEY HAD THE REPORT  
20 OF THE CRIME, THEY RAN INTO MR. GLEATON, DARRELL  
21 GLEATON. AND HE TELLS ME THAT HE TURNED HIMSELF IN WHEN  
22 HE SAW THE POLICE OUT IN THE FIELDS LOOKING FOR HIM. HE  
23 PROVIDED THE NAMES OF ALL THE CO-DEFENDANTS WHICH  
24 ENABLED THE POLICE TO MAKE A SPEEDY RECOVERY OF THE  
25 OTHER CO-DEFENDANTS, YOUR HONOR, AND POSSIBLY PREVENTING

1 OTHER CRIMES BEING COMMITTED. YOUR HONOR, HE LATER,  
2 SUBSEQUENTLY THAT NIGHT OR THE NEXT DAY GAVE A STATEMENT  
3 IMPLICATING HIMSELF, FREELY ADMITTING HIS INVOLVEMENT,  
4 YOUR HONOR. AND ADDITIONALLY, HE'D AGREED TO TESTIFY IN  
5 THE EVENT THAT THESE CASES HAD GONE TO COURT, YOUR  
6 HONOR. HOWEVER, THEY DID NOT, BUT HE STOOD READY TO DO  
7 THAT. YOUR HONOR, HE SAYS THAT HE UNDERSTANDS THAT HE'S  
8 CAUSED THESE VICTIMS A LIFETIME OF PAIN. HE HURLED THEM  
9 INTO AN ETERNAL DISTRUST OF PEOPLE. HE KNOWS THAT  
10 THEY'RE SUFFERING GREAT PAIN AS A RESULT OF HIS ACTIONS,  
11 AND HE SAYS THAT HE'S NOT BLAMING ANYONE OTHER THAN  
12 HIMSELF, YOUR HONOR. HE DOESN'T BLAME HIS CO-  
13 DEFENDANTS. YOUR HONOR, WE WOULD SIMPLY ASK THAT THE  
14 COURT SENTENCE HIM TO A DETERMINATE AMOUNT OF TIME IN  
15 JAIL AND THAT YOUR HONOR NOT SENTENCE HIM TO A PERIOD  
16 LONGER THAN TWENTY-FIVE YEARS. YOUR HONOR, HE'LL BE IN  
17 A PLACE WHERE HE WON'T BE ABLE TO CAUSE ANYBODY ANY  
18 HARM. TWENTY-FIVE YEARS IS A LONG, LONG TIME. YOUR  
19 HONOR, TO SAVE HIS SOUL HE HAS THRUST HIMSELF UPON  
20 JESUS, TO SAVE HIS BODY HE HAS THRUST HIMSELF UPON THE  
21 MERCY OF THIS COURT.

22 THANK YOU.

23 THE COURT: THANK YOU, SIR.

24 MR. CHANDLER.

25 MR. CHANDLER: JUDGE, I THINK WE

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1 NEED FOR THE RECORD JUST TO WAIVE ANY -- FOR SENTENCING  
2 PURPOSES, JUST A COUPLE OF BRIEF COMMENTS AFTER THAT,  
3 AND THAT IS, MR. PALMER STATED THAT HIS CLIENT WAS NOT  
4 IN HIS NORMAL STATE OF MIND AND HAD HE BEEN NORMAL HE  
5 WOULDN'T HAVE COMMITTED THESE ACTS. AND I THINK A GOOD  
6 INDICATION OF WHAT THAT NORMAL STATE OF MIND IS, IS WHAT  
7 THEY DID BEFORE THAT NIGHT. AND YOU KNOW, MY CLIENT  
8 DOES NOT EVEN HAVE A JUVENILE RECORD. HE LIVED WITH HIS  
9 MOM AND DAD, HE WAS, HE WAS CLOSE TO GRADUATING FROM  
10 HIGH SCHOOL, NO JUVENILE RECORD, NO ADULT RECORD, AND  
11 REALLY, WE'RE TALKING ABOUT ONE NIGHT WITH MARIJUANA AND  
12 ECSTASY, AND THIS IS THE FLY THAT BASICALLY GOING TO  
13 SPOIL THE OINTMENT OF HIS LIFE. WE WOULD JUST ASK THE  
14 COURT TO CONSIDER, TO THE EXTENT THAT IT MITIGATES AT  
15 ALL WHAT HE'S DONE, THE FACT THAT THIS ISN'T COMING FROM  
16 HIS NORMAL CHARACTER, BECAUSE IF HIS CHARACTER WAS THAT  
17 CORRUPT YOU WOULD HAVE SEEN SOMETHING IN IT BEFORE THIS  
18 NIGHT; THAT THIS WAS THE RESULT OF THE INFLUENCE OF THIS  
19 HORRIBLE DRUG. AND SO, WE WOULD ASK THAT WHEN THE COURT  
20 IMPOSES JUDGEMENT IT DOES CONSIDER THAT AND GIVE HIM  
21 SOME MERCY.

22 THANK YOU, YOUR HONOR.

23 THE COURT: ALRIGHT, THANK YOU, SIR.

24 MR. CHANDLER: I THINK HE HAS A  
25 COUPLE OF WORDS THAT HE WOULD LIKE TO SAY.

1                   THE COURT: YES, SIR.

2                   DARRELL GLEATON: YOUR HONOR, I  
3 WOULD LIKE TO APOLOGIZE TO THE VICTIMS. I'D LIKE TO SAY  
4 I'M SORRY FOR ALL THE THINGS THAT HAPPENED THAT NIGHT,  
5 WHICH Y'ALL ARE GOING THROUGH. I WASN'T RAISED TO BE  
6 LIKE THIS, AND I WANT TO SAY I'M SORRY FOR ALL THAT  
7 HAPPENED.

8                   THE COURT: THANK YOU, SIR.

9                   ANYONE ELSE?

10                  MR. DAVIS: NO, YOUR HONOR.

11                  THE COURT: ALRIGHT. MR. KOGER.

12                  MR. KOGER: YOUR HONOR, MAY IT  
13 PLEASE THE COURT. I REPRESENT RICARDO JOHNSON WHO'S  
14 STANDING BEFORE YOU, HAD PLED GUILTY ON LAST WEEK, IS  
15 NOW BEFORE YOU PRONOUNCING SENTENCE. AND BY HIS SIDE  
16 BEHIND HIM IS HIS MOTHER WHO I'VE BEEN IN CONSTANT  
17 CONTACT WITH, MS. BARBARA JOHNSON, SINCE THE BEGINNING  
18 OF THIS CASE, AND HE HAS SOME OTHER FAMILY MEMBERS HERE  
19 STANDING BEHIND HIM, NOT ONLY ON THIS DAY BUT BEFORE  
20 THAT FATEFUL NIGHT, AND WILL BE STANDING BEHIND HIM LONG  
21 AFTER THIS FATEFUL DAY.

22                   YOUR HONOR, I HAD OPPORTUNITY TO  
23 MEET WITH MR. JOHNSON NUMEROUS TIMES IN MY PREPARATION  
24 AND REPRESENTATION OF MR. JOHNSON ON THIS PARTICULAR  
25 CASE. I THINK WE HAD ABOUT FOUR OR FIVE, MAYBE SIX

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1 VISITS THEN. WHAT STRUCK ME AT THE INITIAL MEETING  
2 ABOUT MR. JOHNSON IS THAT, HOW THIS TYPE OF PERSON COULD  
3 BE CHARGED WITH THESE HORRENDOUS CRIMES. AND INDEED,  
4 JUDGE WILLIAMS, WE HAVE, I HAVE APPEARED BEFORE YOU MANY  
5 TIMES WHEN I WAS THE PUBLIC DEFENDER DOWN IN BAMBERG  
6 COUNTY, AND I HAVE APPEARED BEFORE YOU WITH SOME  
7 HORRENDOUS CRIMES, AND THIS EASILY RANKS, I THINK THE  
8 CASES THAT I HAVE BEEN INVOLVED WITH PROBABLY IN THE TOP  
9 FIVE, SO HORRENDOUS AND HORRIFIC. AND FROM THE VERY  
10 FIRST TIME I SPOKE WITH RICARDO ABOUT THESE CHARGES HE  
11 WAS VERY REMORSEFUL, AND JUST BASICALLY, BASICALLY  
12 DIDN'T KNOW WHAT HAPPENED. NOW, NOT WHAT HAPPENED IN  
13 THE SENSE THAT HE'S TRYING TO EVADE RESPONSIBILITY,  
14 BECAUSE HE PLED GUILTY TO THESE CHARGES, HE PLED GUILTY  
15 TO HIS PART IN THESE CHARGES, WHETHER DIRECTLY OR BEING  
16 INVOLVED WITH THE, UNDER THE THEORY, THE HAND OF ONE,  
17 THE HAND OF ALL. AND SO MANY TIMES IN OUR  
18 CONVERSATIONS, YOUR HONOR, WE, YOU KNOW, IF HE HAD MADE  
19 ONE OTHER MOVE, MADE ONE OTHER DECISION, BECAUSE MOST  
20 IMPORTANTLY WE WOULDN'T HAVE VICTIMS IN THIS CASE. AND  
21 ALSO ALMOST AS IMPORTANT, WE WOULDN'T HAVE MR. JOHNSTON  
22 BEFORE YOU AND HIS FAMILY STANDING BEHIND HIM.  
23 BASICALLY, WHEN THE GUNS, AND ACCORDING TO DISCOVERY,  
24 WHEN THE GUNS WERE GIVEN, WHEN THE GUN WAS GIVEN TO MR.  
25 JOHNSON HE COULD HAVE SAID, NO WAY, I'M NOT GOING TO BE

1 A PARTY TO THIS. HE WOULDN'T HAVE BEEN HERE. IF HE HAD  
2 NOT GONE IN OR ACTED AS A LOOKOUT, OR GOTTEN IN THE CAR  
3 TO GO TO THE NEXT PLACE HE COULD HAVE MINIMIZED OR  
4 MITIGATED HIS INVOLVEMENT. AND THE LONGER THAT HE  
5 STAYED WITH IT BRINGS US TO THIS PORTION RIGHT HERE.

6 NOW, AGAIN, MY COLLEAGUES HAVE  
7 SPOKEN AND THE VICTIMS HAVE SPOKEN ABOUT THAT FATEFUL  
8 NIGHT IN TWO THOUSAND SIX, DECEMBER EIGHTEENTH, AND LORD  
9 KNOWS, EVERYONE HERE, IF THEY, IF IT COULD HAVE BEEN  
10 DIFFERENT EVERYONE WOULD HAVE HAD IT OCCUR DIFFERENTLY.  
11 BUT UNFORTUNATELY AND TRAGICALLY, WE'RE HERE. AND JUST  
12 AS MY COLLEAGUES WANT YOU TO LOOK AT WHAT THEIR CLIENTS,  
13 AND IN THIS CASE WHAT MR. JOHNSON DID BEFOREHAND, I'M  
14 ASKING FOR YOUR HONOR TO DO THE SAME THING. NOW, ONE,  
15 ONE CORRECTION, I THINK THE SOLICITOR STATED THAT HE HAD  
16 A POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA, AND  
17 FROM MY CONVERSATIONS WITH MR. JOHNSON, THAT WAS A  
18 SIMPLE POSSESSION OF MARIJUANA.

19 YOUR HONOR, I HAVE SOME CHARACTER  
20 LETTERS AND I WOULD LIKE TO, AS I KNOW YOU WOULD, TAKE  
21 TIME TO GO THROUGH THESE LETTERS, THAT WOULD OUTLINE THE  
22 TYPE OF PERSON THAT MR. JOHNSON WAS UP UNTIL DECEMBER  
23 EIGHTEENTH, TWO THOUSAND AND SIX, AND THAT I THINK MR.  
24 JOHNSON IS CURRENTLY RIGHT NOW, AND WAS IMMEDIATELY  
25 AFTER HE ENGAGED IN THAT NIGHT OF HORROR. AND I'D LIKE

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1 THE OPPORTUNITY TO PASS THESE UP AND GIVE YOU A CHANCE  
2 TO LOOK AT THEM.

3 THE COURT: ALRIGHT. THANK YOU,  
4 SIR.

5 (Whereupon, Court examines  
6 letters handed up by Mr. Koger.)

7 THE COURT: MARK THOSE AS COURT'S  
8 EXHIBIT TWO, PLEASE, MA'AM.  
9 (Court's Exhibit Two  
10 marked and filed.)

11 MR. KOGER: AND YOUR HONOR, AT THE  
12 APPROPRIATE TIME HIS MOTHER, MS. JOHNSON, WOULD LIKE TO  
13 SPEAK. I HAD AN OPPORTUNITY TO SPEAK TO THE YOUNG MAN  
14 FOR ABOUT TEN HOURS IN MY REPRESENTATION, BUT I THINK  
15 IT'S DEFINITELY MORE APPLICABLE THAT YOU HEAR FROM HIS  
16 MOTHER IN THIS PARTICULAR MATTER. AS MANY CONVERSATIONS  
17 AS I HAD WITH MR. JOHNSON ON THIS CASE, I PROBABLY HAD  
18 EVEN MORE WITH HIS MOTHER, WHO RESIDES IN THE D.C. AREA,  
19 AND WHO I HAVE BEEN CONSTANTLY IN CONTACT WITH.

20 AS YOU SEE FROM THE LETTERS THAT HE  
21 ATTENDED NORTHWESTERN HIGH, ONE OF THE LETTERS WAS FROM  
22 HIS COACH AND THEN, OF COURSE, THE OTHER LETTER WAS FROM  
23 A FAMILY FRIEND THAT ATTESTED TO HIS CHARACTER. BEFORE  
24 WE WAS, CAME TO THIS PLACE HERE TODAY HE HAD ASPIRED TO  
25 BE A BARBER, THAT WAS HIS ASPIRATION IN LIFE. AND HE

1 SUFFERS FROM SICKLE CELL ANEMIA, AND OF COURSE, THE  
2 MOTHER WILL GO INTO GREAT DETAIL WITH THAT, AND OF  
3 COURSE, THAT'S BEEN A LIFELONG ORDEAL. AND FROM HIS TIME  
4 OVER AT THE DETENTION CENTER HE HAD HAD SEVERAL SERIOUS  
5 ORDEALS. AT THE APPROPRIATE TIME WHEN I ASK YOU TO  
6 CONSIDER LENIENCY IN SENTENCING WE ALSO WOULD MAKE A  
7 REQUEST THAT ANY TYPE OF INCARCERATION TIME WOULD BE  
8 EITHER DONE IN A MEDICAL FACILITY OR HIS FILE WOULD BE  
9 EAR MARKED FOR THAT PARTICULAR THING. BUT I THINK AT  
10 THIS TIME MS. JOHNSON WOULD LIKE TO ADDRESS THE COURT  
11 AND THEN MAYBE ANOTHER FAMILY MEMBER, AND THEN MR.  
12 JOHNSON WOULD LIKE TO ADDRESS THE COURT, AND THEN I  
13 WOULD LIKE TO HAVE SOME CLOSING REMARKS ONCE WE GO  
14 THROUGH THAT.

15 THE COURT: ALRIGHT, SIR, I'LL BE  
16 GLAD TO HEAR FROM THEM.

17 BARBARA JOHNSON: MY NAME IS BARBARA  
18 JOHNSON, AND I APOLOGIZE TO THE STATE OF SOUTH CAROLINA  
19 AND TO THE VICTIMS AND THEIR FAMILIES. AND I'M FROM A  
20 COUNTRY DON'T RESPECT WOMEN AND THEY RAPE THEM, AND I'VE  
21 A VICTIM OF RAPE SO I KNOW WHAT IS RAPE, AND I'VE A  
22 VICTIM OF HOW MEN CAN BEAT WOMEN. AND I'M NOT  
23 JUSTIFYING NOTHING FOR MY SON, I RAISED MY SON  
24 PRACTICALLY IN CHILDREN'S HOSPITAL, ALL THE HOSPITALS,  
25 ALL THE HOSPITALS, YOUR HONOR. NO, MY SON, MY SON HAS

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1 SICKLE CELL ANEMIA, THAT GIVES HIM PNEUMONIA, GIVE HIM  
2 A FEVER OF A HUNDRED AND FIVE, AND AT ONE TIME THE  
3 DOCTORS CALLED ME AND THEY TOLD ME COME AND GET YOUR  
4 SON, WE CAN'T DO NOTHING MORE FOR HIM BECAUSE HE LOSE SO  
5 MUCH OF HIS BODY FAT. AND I COME TO THIS COUNTRY, AND  
6 I WORK HARD, I'M A HAIR STYLIST IN D.C., AND I WORK HARD  
7 AND I MAKE SURE THAT MY CHILDREN IS PROVIDED WELL AND  
8 ARE SENT TO SCHOOL. I BE THERE FOR HIM, I'M HIS FRIEND,  
9 I'M EVERYTHING. I RAISED MY SON WITHOUT A FATHER, AND  
10 NEVER LET HIM KNOW HIS FATHER OR WHATEVER, BUT I RAISED  
11 MY SON AND I KNOW I RAISED MY SON GOOD. I RAISED MY SON  
12 IN CHURCH, AND I RAISED MY SON AND I TALKED TO MY SON,  
13 AND I WASN'T SCARED TO GIVE HIM THE BELT, BECAUSE IN MY  
14 COUNTRY WE GAVE THEM THE BELT, AND I PUNISHED HIM. AND  
15 WHEN MY SON, ALL MOST OF HIS LIFE HE WAS RAISED IN THE  
16 HOSPITAL, HE NEVER HAD A CHILDHOOD LIFE, BUT HE GO TO  
17 SCHOOL, AND I KNOW MY SON IS EDUCATED, AND I KNOW  
18 WHATEVER WENT ON IS SO WRONG. BUT YOUR HONOR, I'M  
19 ASKING YOU FOR YOUR LENIENCY ON MY SON, ON HIS SENTENCE.  
20 AND I'M JUST PRAYING FOR ALL THESE YOUNG MEN, THAT  
21 WHATEVER HAPPENED, THAT Y'ALL WILL CHANGE YOUR LIFE,  
22 BECAUSE WHAT Y'ALL DID WAS NOT RIGHT. AND I KNOW THIS  
23 IS SO WRONG, BUT I'M JUST ASKING YOUR HONOR IF YOU COULD  
24 HAVE YOUR LENIENCY ON MY SON. AND IF YOU HAVE TO GIVE  
25 HIM A HIGH SENTENCE PLEASE SEND MY SON TO A MEDICAL

1 FACILITY SO -- I'M NOT NO YOUNG GIRL SO I CAN GO VISIT  
2 MY SON BEFORE, YOU KNOW, I LEAVE THIS EARTH OR IF HE  
3 DIE, I GIVE HIM A GOOD BURIAL. BUT I KNOW WHAT HE DID  
4 IS WRONG, AND I'M ASKING YOUR HONOR AND THE STATE OF  
5 SOUTH CAROLINA, HAVE LENIENCY ON MY SON. AND I  
6 APOLOGIZE AGAIN TO THE FAMILIES AND THE VICTIMS,  
7 ESPECIALLY THE PERSON WHO GOT RAPED. JUST, I APOLOGIZE.

8 THE COURT: THANK YOU, MA'AM.

9 RICARDO JOHNSON: I'D LIKE TO  
10 ADDRESS THE VICTIMS. I'D LIKE TO SAY I'M SORRY FOR WHAT  
11 HAPPENED THAT NIGHT. I THINK ABOUT IT ALL THE TIME, AND  
12 I KNOW THAT THINGS THAT HAPPENED WENT BEYOND MY CONTROL.  
13 I KNOW THAT IT HURTS BECAUSE I THINK ABOUT THE  
14 SITUATIONS AND HOW, HOW IT HAPPENED. I KNOW YOU'LL  
15 PROBABLY NEVER GET OVER THIS, AND I KNOW THAT YOU ARE  
16 CHRISTIANS, SO I KNOW THAT YOU KNOW THAT GOD DOES  
17 FORGIVE. I JUST ASK YOU PLEASE FIND IT IN YOUR HEART TO  
18 SOME WAY FORGIVE ME FOR THE THINGS THAT HAPPENED THAT  
19 NIGHT. I DON'T WANT TO BLAME IT ON ANYONE ELSE BUT  
20 MYSELF BECAUSE I HAVE A MIND TO THINK ON MY OWN, BUT I  
21 JUST WANTED TO SAY THAT THE THINGS THAT WENT ON THAT  
22 NIGHT WAS WRONG, AND I JUST ASK YOU, PLEASE FORGIVE ME  
23 BECAUSE I KNOW THAT YOU'LL NEVER BE ABLE TO FORGET ABOUT  
24 IT. BUT I JUST WANT YOU TO KNOW THAT SINCERELY I KNOW  
25 WHAT YOU'RE GOING THROUGH, AND I KNOW IT HURTS, BECAUSE

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1 I THINK ABOUT IT ALL THE TIME, I THINK ABOUT IT EVERY  
2 NIGHT. AND I ALWAYS TOLD MYSELF WHEN I WAS GROWING UP  
3 AND I WATCHED T.V. AND HEAR THINGS LIKE THAT, I ALWAYS  
4 SAY IT WOULD NEVER BE ME, IT WOULD NEVER BE ME. BUT  
5 JUST A SECOND PASSED AND ALL THOSE THINGS WERE PART OF  
6 MY LIFE, JUST THAT QUICK. I JUST ASK YOU, PLEASE  
7 FORGIVE ME FOR THE THINGS THAT HAPPENED. AND I'D LIKE  
8 TO SAY THAT, AS YOU KNOW, I HAVE A BAD SICKNESS, AND YOU  
9 KNOW, FOR, TO DO SO MANY DECADES, IT'S NOT PROMISED BUT  
10 AT THE SAME TIME I DO ACCEPT RESPONSIBILITIES FOR THE  
11 ACTIONS OF ME AND MY PEERS, EVEN THOUGH I'M VERY SORRY  
12 FOR IT. AND YOU PROBABLY LOOK AT ME AND SAY, WELL, HE'S  
13 IN FRONT OF THE JUDGE TODAY AND HE'S IN FRONT OF SO MANY  
14 PEOPLE SO HE'S SAYING HE'S SORRY, BUT I REALLY FEEL IT  
15 IN MY HEART, BECAUSE I HAVE A MOTHER AND SHE'S BEEN  
16 THROUGH ALL THE SAME THINGS, AND IF I HAD A CHOICE  
17 NOTHING LIKE THAT WOULDN'T HAPPEN, SIR, AND THE REST OF  
18 THE FAMILY. AND I'D JUST LIKE TO SAY THAT WHATEVER YOU  
19 DO, I'D JUST ASK THAT WHATEVER YOU DO, I HAVE NO OTHER  
20 CHOICE BUT TO LIVE OUT MY SENTENCE BECAUSE LIFE GIVES  
21 YOU, LIFE PLAYS YOU CARDS AND YOU HAVE NO CHOICE BUT TO  
22 PLAY THEM. IF YOU THROW THEM IN THAT SUICIDE. AND I  
23 PLAN TO KEEP ON LIVING AS LONG AS GOD WILL LET ME, BUT  
24 I'D JUST ASK THAT YOU PLEASE GRANT ME A LITTLE BIT OF  
25 LENIENCY ON MY BEHALF. AND I'D LIKE TO SAY ONCE AGAIN

1 THAT I'M SORRY. I KNOW THAT IT WOULD HAVE BEEN AGAINST  
2 THE LAW TO SPEAK TO YOU DURING ME BEING INCARCERATED,  
3 BUT I JUST WANTED Y'ALL TO KNOW, ALL ALONG THAT I'VE  
4 BEEN HOLDING THIS SPEECH INSIDE FOR ALMOST A YEAR AND  
5 SOME MORE NOW. I JUST WANTED TO LET Y'ALL KNOW THAT I'M  
6 SORRY. I'D JUST LIKE TO TELL EVERY SINGLE MEMBER THAT,  
7 I'M SORRY, REALLY, TRULY, IN MY HEART. THANK YOU.

8 THE COURT: THANK YOU, SIR.

9 MR. KOGER: JUDGE, JUST  
10 ADDITIONALLY, BRIEFLY, IT WAS INDICATED IN DISCOVERY  
11 THAT DURING A COUPLE OF TIMES IT WAS MR. JOHNSON THAT  
12 EMPLOYED, DON'T KILL THE VICTIMS, DON'T KILL THE  
13 VICTIMS. AGAIN, YOU KNOW, JUST TO TRY TO, THAT WAS A  
14 LITTLE REASON IN THE EVENING OF JUST HORRIFIC EVENTS.  
15 AND WE'D JUST ASK, WE REALIZE THE CAP IS TWENTY-FIVE ON  
16 THIS PARTICULAR CASE, BUT WE ASK THAT YOU WOULD CONSIDER  
17 SOMETHING SOMEWHAT LESS THAN THE TWENTY-FIVE. WE'RE  
18 DEALING WITH PARAMETERS WITH THE MINIMUM ON BURGLARY,  
19 FIRST DEGREE, OF FIFTEEN YEARS, AND WE'D ASK YOUR HONOR  
20 RESPECTFULLY AND HUMBLY TO CONSIDER SENTENCING MR.  
21 JOHNSON TO THE FIFTEEN YEARS, OR SOMETHING NOT TOO MUCH  
22 MORE THAN THAT, AND NOT SENTENCE HIM TO THE CAP ON THIS  
23 PARTICULAR CASE.

24 THANK YOU.

25 THE COURT: THANK YOU, SIR.

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1 MR. WALTERS.

2 MR. WALTERS: MAY IT PLEASE THE  
3 COURT.

4 THE COURT: YES, SIR.

5 MR. WALTERS: YOUR HONOR, I  
6 REPRESENT MR. DARONE ANTONIO DERRICOTT, JUNIOR. HE'S  
7 NINETEEN YEARS OLD. YOUR HONOR, UNDER THE CIRCUMSTANCES,  
8 THIS IS A SAD EVENT BECAUSE THIS IS WHAT HAPPENS WHEN  
9 ECSTASY IS MIXED WITH MARIJUANA AND YOUNG MEN GO OUT FOR  
10 THE NIGHT, AND ONE NIGHT OF GOING OUT LEADS TO THE  
11 HORRIFIC EVENTS THAT WE HAVE BEFORE THE COURT.

12 WHEN I TALK ABOUT MR. DERRICOTT, THE  
13 FIRST ISSUE I'D LIKE TO POINT OUT TO THE COURT WITH  
14 REGARDS TO THE FACTS, AS FAR AS CULPABILITY HERE, UNDER  
15 THE HAND OF ONE, THE HAND OF ALL, IF WE LOOK CAREFULLY  
16 AT ALL THE FACTS, AND I'VE GONE THROUGH THIS WITH THE  
17 SOLICITOR'S OFFICE I GUESS TWO OR THREE TIMES, AS FAR AS  
18 THE CULPABILITY OF MY CLIENT, HIS INVOLVEMENT WITHIN  
19 THIS PROCESS, I BELIEVE HE'S THE LEAST CULPABLE OF ALL.  
20 IN FACT, IN DISCUSSING THIS MATTER, IT'S CLEARLY STATED  
21 IN THE CONFESSION THAT WAS GIVEN BY MY CLIENT THAT HE  
22 WAS REFERRED TO AS A PUSSY BECAUSE HE WOULD NOT  
23 PARTICIPATE FULLY IN THE ACTIVITIES THAT WERE GOING ON  
24 IN EACH OF THE HOMES. IN FACT, HE WAS DEGRADED FOR NOT  
25 PARTICIPATING IN THE BEATINGS. AS THE SOLICITOR STATED,

1 THE VICTIM STATED HE POSSIBLY COULD HAVE BEEN ONE OF THE  
2 PERSONS. EACH OF THE EVENTS THAT OCCURRED IN EACH OF  
3 THE HOMES, THIS WAS THE INDIVIDUAL THAT WAS GOING AROUND  
4 TO SEE IF THERE WERE CAR KEYS, IF THERE WAS SOMETHING  
5 THAT HE COULD GRAB. BUT AS FAR AS HIS CULPABILITY IN  
6 THIS SITUATION UNDER THE EVENTS, EACH TIME HE WAS  
7 REFERRED TO AS A PUSSY BECAUSE HE WOULD NOT PARTICIPATE  
8 IN THE RAPE, HE WOULD NOT PARTICIPATE IN THE PHYSICAL  
9 BEATINGS THAT OCCURRED. HE'S NINETEEN YEARS OLD. BEING  
10 ON ECSTASY AND MARIJUANA, THAT'S NO EXCUSE FOR THE  
11 BEHAVIOR THAT'S BEEN EXHIBITED UNDER THE CIRCUMSTANCES.  
12 AND OF COURSE, YOUR HONOR, IN ASSESSING WHAT'S  
13 APPROPRIATE HERE, THE VICTIMS IN THIS PARTICULAR CASE,  
14 WE CANNOT RESTORE, WE CAN'T GIVE THEM THEIR DIGNITY  
15 BACK, WE CAN'T GIVE THEM THEIR HONOR BACK. AND OF  
16 COURSE, WE HAVE A YOUNG MAN THAT'S BEFORE THE COURT  
17 THAT'S NINETEEN YEARS OLD, NEVER BEEN IN TROUBLE BEFORE.  
18 HIS MOTHER'S NEVER BEEN DIRECTLY INVOLVED IN HIS LIFE,  
19 AND HIS FATHER IS HERE BEFORE THE COURT ALONG WITH HIS  
20 STEP MOTHER. UNDER THE CIRCUMSTANCES, ONE NIGHT IN  
21 ORANGEBURG COUNTY, AND THIS IS A YOUNG MAN THAT WAS  
22 RAISED IN WASHINGTON, D.C., HE'S MADE A TERRIBLE  
23 MISTAKE. HE'S REMORSEFUL ABOUT WHAT HAS OCCURRED. TO  
24 WALK IN HERE AND SAY, WELL, I WAS THE PERIPHERAL GUY  
25 BECAUSE I RAN AROUND AND GOT THE CAR KEYS, AND I DIDN'T

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1 PARTICIPATE IN THE BEATINGS, IT DOESN'T CHANGE THE HAND  
2 OF ONE IS THE HAND OF ALL. AND CERTAINLY, THE VICTIMS  
3 THAT ARE BEFORE THIS COURT, WE'RE ALL FLOORED AND HURT  
4 BY THE WORDS, ESPECIALLY OF MR. POLITE AND WHAT HE HAD  
5 TO SAY. UNDER THE CIRCUMSTANCES, YOUR HONOR, I WOULD  
6 SIMPLY ASK THAT YOU CONSIDER THE FACT THAT HE IS VERY,  
7 VERY YOUNG. HE'S NINETEEN YEARS OLD. HE HAS DONE  
8 SOMETHING OF A PROLIFIC NATURE AS FAR AS STUPIDITY IS  
9 CONCERNED. HE'S PUT HIMSELF IN A POSITION WHERE HE COULD  
10 HAVE ACTUALLY GONE TO JAIL FOR THE REST OF HIS LIFE.  
11 MR. DERRICOTT IS HERE BEFORE YOU TODAY, HE'S ACCEPTED  
12 RESPONSIBILITY FOR WHAT HAS OCCURRED, AND MOST  
13 IMPORTANTLY, I ASK THAT YOU PLEASE TAKE INTO  
14 CONSIDERATION, AND I DISCUSSED THIS MATTER WITH THE  
15 SOLICITOR'S OFFICE, AND I TOLD HIM, I SAID, YOU WERE  
16 THERE SO THAT MAKES YOU PART OF THIS ENTIRE EVENT. BUT  
17 IF WE LOOK AT THE FACTS CAREFULLY, HE WAS THE KID THAT  
18 WAS ON THE PERIPHERAL, HE WAS THE KID THAT WAS CALLED A  
19 PUSSY, HE WAS THE KID THAT WOULDN'T USE THE GUN, HE WAS  
20 THE KID THAT DIDN'T PARTICIPATE IN THE BEATINGS, BUT HE  
21 WAS THERE. SO, WE'RE HERE TO ACCEPT FULL RESPONSIBILITY  
22 FOR WHAT WE'VE DONE. AND MR. DERRICOTT WOULD LIKE TO  
23 STATE SOMETHING TO THE COURT ALSO.

24 THE COURT: YES, SIR.

25 DARONE DERRICOTT, JR.: FIRST OF ALL

1 I'D LIKE TO APOLOGIZE TO THE FAMILIES, THE GRANTS AND  
2 THE POLITES, BECAUSE I DON'T KNOW WHAT Y'ALL ARE GOING  
3 THROUGH, I WOULD BE LYING IF I SAID I DID, BECAUSE I  
4 NEVER WENT THROUGH WHAT Y'ALL WENT THROUGH. I NEVER HAD  
5 A FAMILY MEMBER WHO WAS RAPED BEFORE SO I CAN'T SAY THAT  
6 I KNOW HOW THAT FEELS, BUT I KNOW THAT IT MUST FEEL  
7 HORRIBLE FOR YOU NOT TO BE ABLE TO -- YOU TO HAVE TO  
8 DEAL WITH THAT FOR THE REST OF YOUR LIFE, I'D LIKE TO  
9 APOLOGIZE FOR ALL THE PAIN, EVERYTHING THAT Y'ALL ARE  
10 GOING THROUGH. AND I ALSO WOULD LIKE TO APOLOGIZE TO  
11 THE FAMILY MEMBERS OF THE GRANTS AND THE POLITES BECAUSE  
12 BY Y'ALL BEING RELATED Y'ALL HAVE TO BE THERE TO CARE  
13 FOR THEM AND SUPPORT THEM AND ENCOURAGE THEM, AND Y'ALL  
14 ARE FEELING THE SAME THING THAT THEY FEEL. SO, I'M HERE  
15 TO TELL Y'ALL TODAY THAT I APOLOGIZE FOR ALL MY ACTIONS  
16 THAT TOOK PLACE ON THE NIGHT OF DECEMBER EIGHTEENTH, AND  
17 I ASK THAT Y'ALL FORGIVE ME. I ALSO WOULD LIKE TO  
18 APOLOGIZE TO MY FAMILY BECAUSE AS I SAID, THE ACTIONS OF  
19 PEOPLE, THEY ALSO AFFECT YOUR FAMILY MEMBERS, WHETHER  
20 THEY DID IT OR THEY DIDN'T. IT ALSO AFFECTS PEOPLE  
21 AROUND YOU, AS WELL AS MY CO-DEFENDANTS AND THEIR FAMILY  
22 MEMBERS, SO I'D LIKE TO APOLOGIZE TO ALL OF Y'ALL, TOO,  
23 BECAUSE EVERYBODY HERE HAS TO GO THROUGH THE SAME THING.  
24 AND I ASK THAT Y'ALL JUST FORGIVE US FOR THE ACTIONS  
25 THAT TOOK PLACE. I'M NINETEEN, YOUR HONOR, I MADE IT TO

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1 THE TWELFTH GRADE, BUT I DIDN'T COMPLETE DUE TO MY  
2 INCARCERATION, BUT I DID TAKE MY G.E.D. DURING THE  
3 THIRTEEN MONTHS OF MY INCARCERATION. AND I HAVE A  
4 SEVENTEEN MONTH OLD DAUGHTER, AND I'M NOT HERE TO, I  
5 MEAN, I'VE USED DRUGS IN MY LIFE, I USED DRUGS THE NIGHT  
6 OF THIS INCIDENT, AND I WAS GOING THROUGH A LOT OF  
7 THINGS IN MY LIFE, BUT I'M NOT BLAMING THAT AND I'M NOT  
8 TRYING TO MAKE THAT THE REASON FOR THE ACTIONS THAT TOOK  
9 PLACE BECAUSE, I MEAN, WHEN YOU CHOOSE TO DO THINGS  
10 THERE ARE CONSEQUENCES AND YOU HAVE TO BE ABLE TO ACCEPT  
11 FULL RESPONSIBILITY FOR THE CONSEQUENCES OF YOUR  
12 ACTIONS. AND I'M HERE TODAY TO LET YOU KNOW THAT I AM  
13 WILLING TO ACCEPT FULL RESPONSIBILITY OF MY ACTIONS.  
14 AND I ALSO WOULD JUST LIKE TO, IF I DO MAKE IT OUT OF  
15 PRISONS I WOULD LIKE TO BECOME A POSITIVE INPUT IN  
16 SOCIETY, AND NOT ONLY SOCIETY, BUT MY FAMILY, BECAUSE I  
17 DON'T WANT MY DAUGHTER OR MY YOUNGER BROTHERS AND  
18 SISTERS AND MY LITTLE COUSIN TO GO THROUGH WHAT I WENT  
19 THROUGH. AND I'M JUST HERE TO LET YOU KNOW I'M WILLING  
20 TO ACCEPT FULLY RESPONSIBILITIES FOR MY ACTIONS, YOUR  
21 HONOR, AND I'D LIKE TO APOLOGIZE TO ORANGEBURG COUNTY AS  
22 A COMMUNITY BECAUSE THE CRIME TOOK PLACE IN THIS  
23 COMMUNITY, AND THE COMMUNITY WAS AFFECTED BY OUR ACTIONS  
24 AS WELL. THAT'S ALL I HAVE TO SAY. AND MY MOTHER, MY  
25 STEP-MOTHER, SHE HAD SOMETHING THAT SHE WANTED TO SAY,

1 TOO.

2 THE COURT: ALL RIGHT, SIR. THANK  
3 YOU, SIR.

4 MAGGIE DERRICOTT: MY NAME IS MAGGIE  
5 DERRICOTT, I'M DARONE'S STEP-MOTHER. AND YOUR HONOR, I  
6 JUST WANT TO APOLOGIZE TO THE FAMILY TO WHAT HAS  
7 OCCURRED. I'M TRULY SORRY. DARONE WAS NOT RAISED THIS  
8 WAY, AND I'M JUST APOLOGETIC TO YOU ALL FOR HIS ACTIONS.  
9 I DO HAVE SOME CHARACTER WITNESSES AND WOULD LIKE ALSO  
10 TO SPEAK ON BEHALF OF DARONE. I HEAR HIM TALKING TODAY  
11 AND I'M PROUD. I TELL RON ALL THE TIME THAT THERE ARE  
12 CONSEQUENCES TO HIS ACTIONS, I TELL HIM THAT HIS ACTIONS  
13 NOT ONLY AFFECT HIM, THEY AFFECT OTHERS. I TELL HIM  
14 THAT, YOU KNOW, IT'S VERY SELFISH TO JUST DO THINGS AND  
15 NOT HAVE ANY REMORSE OR ANY FEELINGS AS TO HOW IT  
16 AFFECTS OTHERS. AND I HEAR HIM STANDING HERE TODAY AND  
17 I KNOW THAT HE'S LISTENED TO WHAT I'VE TOLD HIM, AND I'M  
18 PROUD OF HIM. I'M TRULY SORRY FOR THE ACTIONS THAT HE'S  
19 DONE, BUT I CAN HEAR THE REMORSE IN HIS VOICE, I CAN  
20 HEAR THE REHABILITATION, I CAN HEAR THE WORDS COMING  
21 BACK, AND I JUST PRAY THAT YOU'LL HAVE MERCY AND  
22 LENIENCY WHEN YOU SENTENCE HIM. I DO REALIZE THAT HE HAS  
23 DONE AN AWFUL THING, ALL OF THEM HAVE, AND THEY DESERVE  
24 WHAT IS DUE TO THEM. HOWEVER, I DO ASK FOR MERCY AND  
25 LENIENCY IN WHAT YOU'RE GOING TO SENTENCE HIM. I DO

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1 HAVE SOME CHARACTER LETTERS.

2 THE COURT: YES, MA'AM, PASS THEM  
3 UP. THANK YOU, MA'AM.

4 (Whereupon, the Court examines  
5 documents.)

6 THE COURT: MARK THESE AS COURT'S  
7 EXHIBIT THREE.

8 (Court's Exhibit Three  
9 marked and filed.)

10 MR. WALTERS: MAY IT PLEASE THE  
11 COURT, MR. DERRICOTT WOULD ALSO LIKE TO SPEAK, YOUR  
12 HONOR.

13 THE COURT: YES, SIR.

14 DARONE ANTONIO DERRICOTT, SENIOR:  
15 HOW ARE YOU DOING, YOUR HONOR, MY NAME IS DARONE ANTONIO  
16 DERRICOTT, SENIOR. AND I MIGHT APOLOGIZE TO THE VICTIMS  
17 OVER THERE. I KNOW THE POLITES BECAUSE I USED TO LIVE  
18 THERE. AND PRETTY MUCH, YOU RAISE A KID THE BEST WAY  
19 YOU CAN. THEY MAKE BAD DECISIONS. AND I DON'T ACTUALLY  
20 KNOW WHAT HAPPENED THAT NIGHT BUT I KNOW SOMETHING WENT  
21 BAD SOMEWHERE. AND I MEAN, EVERY KID IN HERE, THEY'RE  
22 YOUNG, THEY'RE EIGHTEEN, NINETEEN, AND FOR THEM TO LOSE  
23 THE REST OF THEIR LIFE AND NEVER HAVE A CHANCE TO GROW  
24 UP. AND I KNOW THEY MADE A MISTAKE AND THEY'VE GOT TO  
25 PAY THE PRICE, BUT I JUST HOPE AND PRAY THE PRICE IS NOT

1 TOO BIG, BECAUSE IF IT WAS TO ME I'D GIVE MY LIFE RIGHT  
2 NOW FOR MY SON, FOR WHAT HE DID, BECAUSE I WOULDN'T  
3 NEVER DO THAT. AND I FEEL BAD FOR ALL THE REST OF THE  
4 FAMILIES BECAUSE I KNOW THESE PEOPLE, TOO. AND THE KIDS  
5 JUST MADE A BAD MISTAKE, OR A LOT OF MISTAKES. FOR WHAT  
6 REASON, I GUESS THEY WAS ON WHATEVER THEY WAS ON, BUT I  
7 HOPE THE VICTIMS AND YOU CAN FORGIVE THEM FOR WHAT  
8 THEY'VE DONE AND CUT THEM SOME TYPE OF BREAK TO GIVE  
9 THEM A CHANCE TO GET THEIR LIFE BACK TOGETHER AND GROW  
10 UP AS AN ADULT, BECAUSE THEY HAVEN'T HAD A CHANCE TO DO  
11 THAT YET. THANK YOU.

12 THE COURT: THANK YOU, SIR.

13 MR. WALTERS: YOUR HONOR, THIS IS  
14 MS. PATRICIA DERRICOTT.

15 THE COURT: ALRIGHT, YES, MA'AM.

16 PATRICIA DERRICOTT: GOOD EVENING,  
17 YOUR HONOR. I'D FIRST LIKE TO APOLOGIZE TO THE VICTIMS,  
18 AND I'D LIKE TO SAY, YOU KNOW, THAT I'M TRULY -- DARONE  
19 AND THE REST OF THE GENTLEMEN, I KNOW SOMETHING WENT ON  
20 THAT NIGHT, YOU KNOW. I'VE BEEN DOWN HERE IN SOUTH  
21 CAROLINA, I'M FROM D.C., A FEW TIMES, AND I KNOW THIS IS  
22 NOT THEM AS A NATURAL, YOU KNOW, AND I ASK YOU THAT YOU  
23 MAY HAVE MERCY UPON THEM, YOU KNOW, AND I'VE BEEN  
24 PRAYING, YOU KNOW, THAT GOD HAVE MERCY UPON THEM, YOU  
25 KNOW, AND TO GIVE THEM ANOTHER CHANCE AT LIFE, YOU KNOW,

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1 TO GET THEIR LIFE TOGETHER. I'VE BEEN LISTENING TO ALL  
2 THE GENTLEMEN, YOU KNOW, AND YOU KNOW, THIS DRUG THAT  
3 THEY TOOK, YOU KNOW, IT'S JUST SO SAD THAT IT'S BEING  
4 PUT OUT HERE, THAT YOU KNOW, OUR CHILDREN, YOU KNOW, ARE  
5 TAKEN UPON IT, AND IT DOES SOMETHING TO THE MIND, YOU  
6 KNOW, THAT THEY JUST LOSE TOTAL CONTROL. YOU KNOW, I  
7 WANT TO APOLOGIZE, YOU KNOW, FOR IT. AND DARONE IS A  
8 GREAT PERSON, HE'S A GREAT PERSON. HE'S A SECURITY  
9 LEADER AT NEW COMMANDMENT BAPTIST CHURCH IN WASHINGTON,  
10 D.C., YOU KNOW. HE'S A RESPECTABLE PERSON. I'VE SPENT  
11 A LOT OF TIME WITH HIM AND MY KIDS TOGETHER, SO I JUST  
12 ASK YOU TO HAVE MERCY UPON THEM.

13 THE COURT: THANK YOU, MA'AM.

14 MR. WALTERS: IN CLOSING, YOUR  
15 HONOR, I'D ASK THAT THE COURT PLEASE CONSIDER THE FACT  
16 THAT THIS IS THE KID THAT'S INVOLVED IN THIS PARTICULAR  
17 EVENT. HE'S ACCEPTED FULL RESPONSIBILITY FOR WHAT HE'S  
18 DONE. HE'S THE KID THAT'S INVOLVED THAT WAS CALLED NAMES  
19 AND WENT ALONG WITH THE GROUP AND CONTINUED TO GO ALONG  
20 WITH THE GROUP, AND AS A RESULT OF THAT -- HE SIMPLY  
21 COULD HAVE WALKED AWAY -- HE'S IN A WORLD OF TROUBLE AT  
22 THIS TIME. I ASK THAT YOU CONSIDER HIS YOUTH AND THAT  
23 THERE'S STILL SOME GOOD WITHIN DARONE DERRICOTT, AND  
24 POSSIBLY HE COULD BE A MEANINGFUL CONTRIBUTOR TO OUR  
25 SOCIETY. BUT MOST IMPORTANTLY, WE DO ACCEPT FULL

1 RESPONSIBILITY FOR WHAT WE HAVE DONE.

2 THANK YOU.

3 THE COURT: ALRIGHT, MR. GRANT.

4 MR. GRANT: YES, SIR, YOUR HONOR.

5 MAY IT PLEASE THE COURT, YOUR HONOR. YOUR HONOR, OF  
6 COURSE, I'M HERE REPRESENTING BRANDON STALEY. AND OF  
7 COURSE, THE COURT BY NOW HAS HEARD THE VARIOUS STORIES  
8 AND THE VARIOUS ARGUMENTS MADE REGARDING RELATIVE  
9 INVOLVEMENT OF EACH DEFENDANT IN THIS CASE. LET ME SAY  
10 FIRST AND FOREMOST, WITH REGARDS TO MR. STALEY, WE FIND  
11 IT COMPELLING THAT THE SOLICITOR OBVIOUSLY HAS NOW  
12 CONCEDED, AS HE HAD TO UP FRONT, BECAUSE THE DISCOVERY  
13 IN THE CASE, THAT FOR FIFTY PER CENT OF WHAT HE'S  
14 CHARGED WITH, THAT IS THE SITUATION WITH THE POLITE  
15 FAMILY, BRANDON STALEY ADMITTEDLY DID NOT EVEN GO IN THE  
16 HOUSE. HE HAS ACCEPTED RESPONSIBILITY UNDER THE LEGAL  
17 THEORY, THE HAND OF ONE IS THE HAND OF ALL.

18 NOW, ACCEPTANCE OF RESPONSIBILITY IN  
19 THE CRIMINAL JUSTICE SYSTEM AS WE WELL KNOW IS THE FIRST  
20 STEP TOWARDS REHABILITATION. NUMBER ONE, THE DRUNK  
21 DRIVER CANNOT ACCEPT RESPONSIBILITY UNLESS HE GOES TO  
22 ALCOHOLICS ANONYMOUS, AND FIRST HE MUST CALL HIMSELF,  
23 WHAT, AND ALCOHOLIC. SO, THIS YOUNG MAN HAS ACCEPTED  
24 RESPONSIBILITY BY STANDING BEFORE THE COURT. AND BEFORE  
25 WE GET TO WHAT RELATIVE PUNISHMENT THE COURT SHOULD GIVE

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1 HIM, LET'S TALK ABOUT THE FACT THAT, NUMBER ONE, WHEN HE  
2 ACCEPTED RESPONSIBILITY, WHEN HE ADMITTED HIS GUILT, AND  
3 THE VERY MOMENT THAT THE COURT ACCEPTED HIS GUILTY PLEA  
4 BY LAW BY STATUTE HE IMMEDIATELY WOULD FACE A MINIMUM OF  
5 FIFTEEN YEARS IN PRISON, NON-PAROLABLE TIME, WHERE HE  
6 WOULD POSSIBLY SERVE DAY FOR DAY, FIFTEEN YEARS FOR HIS  
7 INVOLVEMENT IN THIS MATTER. NO ONE CAN ARGUE, AT LEAST  
8 NOT HONESTLY, THAT THAT WOULD BE JUST A SLAP UPON HIS  
9 WRIST. NO ONE CAN ARGUE THAT. SO, HE'S FACING FIFTEEN  
10 YEARS MINIMUM FOR HIS INVOLVEMENT IN THIS MATTER.

11 NOW, WHEN YOU TALK ABOUT THE GRANTS'  
12 HOME, THE SOLICITOR HAS INDICATED THAT BRANDON DID GO IN  
13 THE HOUSE. THE SOLICITOR HAS INDICATED THAT THERE ARE  
14 STATEMENTS THAT BRANDON SHOT A SHOT GUN AND PISTOL  
15 WHIPPED SOMEONE. PLEASE KNOW THAT WE PART COMPANY WITH  
16 THOSE STATEMENTS, BUT WE ACCEPT RESPONSIBILITY, ONCE  
17 AGAIN, UNDER THE HAND OF ONE IS THE HAND OF ALL.

18 BRANDON TELLS ME THAT HE DEFINITELY  
19 HAS NO PREVIOUS RECORD. THE SOLICITOR INDICATES THERE'S  
20 A PREVIOUS CONVICTION FOR RESISTING ARREST, I THINK, IN  
21 TWO THOUSAND AND FOUR. BRANDON INDICATES THAT THAT  
22 CHARGE IS ACTUALLY STILL PENDING. IF HE'S RIGHT THEN  
23 THERE'S NO PREVIOUS RECORD. THAT, TOO, YOUR HONOR, IS  
24 A MITIGATING FACTOR AND CIRCUMSTANCE WITH REGARDS TO  
25 THIS CASE.

1 MR. STALEY IS ONLY TWENTY-ONE YEARS  
2 OLD, HE IS A LIFETIME RESIDENT OF ORANGEBURG COUNTY, AND  
3 HE ALSO HAS A TWO YEAR OLD SON. HE IS A MEMBER OF THE  
4 BUSHY POND BAPTIST CHURCH, AND HE ATTENDED HUNTER-  
5 KINARD-TYLER HIGH SCHOOL IN NORWAY. HE ALSO ATTENDED  
6 DENMARK TECH AND GOT SOME COLLEGE EDUCATION UNDER HIS  
7 BELT.

8 THE QUESTION BEFORE THE COURT IS, OR  
9 SHOULD BE BEFORE THE COURT IS, NUMBER ONE, DESPITE WHAT  
10 HE'S PLEADING TO, DOES HE HAVE REHABILITATIVE POTENTIAL?  
11 IS HE SALVAGEABLE? CAN HE COME FORTH ONE DAY AND BE A  
12 PRODUCTIVE CITIZEN IN OUR SOCIETY AND BE A GOOD MAN AND  
13 LEARN FROM THIS AND BE THE POSTER CHILD, IF YOU WILL, IN  
14 THE COMMUNITY AND TELL YOUNG PEOPLE ABOUT WHAT CAN  
15 HAPPEN IF YOU TAKE ONE SINGLE NIGHT, GET INTO A WILD  
16 SITUATION, AND HOW IT CAN LITERALLY DESTROY THE REST OF  
17 YOUR LIFE? I THINK HE IS SALVAGEABLE.

18 I HAVE SEVERAL STATEMENTS, AND I'LL  
19 HAND THOSE UP TO THE COURT IN A MINUTE, BUT I HAVE HIS  
20 MOM HERE, MRS. BELL, AND HIS DAD, MR. BELL. AND I HAVE  
21 A GROUP OF PEOPLE -- IF YOU ALL CAN STAND UP THOSE WHO  
22 CAME ON BEHALF OF BRANDON -- A GROUP OF PEOPLE WHO ARE  
23 FAMILY MEMBERS AND FRIENDS, YOUR HONOR. YOU CAN SIT  
24 BACK DOWN. AND OF COURSE, I WON'T BELABOR THE RECORD IN  
25 HAVING ALL OF THEM COME UP HERE AND TALK, BUT SUFFICE IT

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1 TO SAY, JUDGE, THAT THESE PEOPLE SAY THAT THIS IS A  
2 YOUNG MAN WHO SHOWED MANNERS, THE KIND OF YOUNG MAN WHO  
3 WHEN HE DEALT WITH ELDERLY PEOPLE MANNERS. MAYBE THAT'S  
4 THE REASON WHY HE COULDN'T FIND IT IN HIS HEART TO GO  
5 INSIDE A HOUSE WHERE SOMEBODY'S DOING SOME DAMAGE TO AN  
6 EIGHTY-ONE YEAR OLD MAN. AND LET ME SAY, NO MATTER HOW  
7 WE ARGUE AS LAWYERS, NO MATTER WHAT WE MAY SAY TO THESE  
8 VERY FINE PEOPLE AND THESE FAMILIES, NOTHING IS GOING TO  
9 EASE THEIR PAIN OTHER THAN PRAYER, OTHER THAN A BELIEF  
10 AND A HOLDING ON THAT GOD WILL CERTAINLY MAKE IT RIGHT.  
11 BECAUSE THERE'S POWER IN SHOWING MERCY. JESUS, HIMSELF,  
12 SAID, BLESSED ARE THE MERCIFUL. AND, OF COURSE, WE'RE  
13 GOING TO ASK THE COURT FOR MERCY UPON BRANDON. WHY?  
14 BECAUSE NUMBER ONE, HIS RELATIVE INVOLVEMENT, WHEN YOU  
15 SORT OUT WHO DID WHAT IN THIS PARTICULAR CASE. IT'S  
16 BEEN ARGUED THAT SOMEONE ELSE WAS LEAST CULPABLE. I  
17 THINK THE FACTS INDICATE HE TRULY WAS INDEED LEAST  
18 CULPABLE.

19 YOUR HONOR, I WANT YOU TO UNDERSTAND  
20 THAT WHEN WE MAKE THIS ARGUMENT WE'RE CERTAINLY NOT  
21 TRYING TO SLIGHT WHAT HAPPENED HERE. WE'RE CERTAINLY  
22 NOT TRYING TO IN SOME WAY MAKE IT LOOK AS THOUGH THIS IS  
23 NOT A VERY SERIOUS MATTER, BECAUSE IT IS. BUT FOR HIM  
24 TO STAND BEFORE YOU -- HE COULD HAVE SAID, I WANT TO GO  
25 TO TRIAL. WE TALKED ABOUT THAT NUMEROUS TIMES. HE

1 COULD HAVE SAID, I DIDN'T GO IN THAT HOUSE, GRANT, I  
2 WANT TO GO TO TRIAL. WE KNOW THAT IF HE HAD GONE TO  
3 TRIAL THIS PROBABLY WOULD HAVE BEEN A TRIAL LASTING I  
4 WOULD IMAGINE TWO TO THREE WEEKS IF THEY TRIED EVERYBODY  
5 TOGETHER. THERE WOULD HAVE BEEN A LOT OF RESOURCES  
6 SPENT BY THE SOLICITOR'S OFFICE, SPENT BY THE STATE, A  
7 LOT OF TIME, AND MOST UNFORTUNATELY, IT WOULD HAVE PUT  
8 THIS POOR GOOD PEOPLE THROUGH THIS HORRIBLE EVENT OVER  
9 AND OVER AGAIN. BUT INSTEAD, WHEN BRANDON FOUND OUT THE  
10 POLICE WERE LOOKING FOR HIM HE TURNED HIMSELF IN.  
11 BRANDON ALSO IMMEDIATELY, THROUGH ME, AS HIS LAWYER,  
12 REPORTED TO THE SOLICITOR'S OFFICE. HE WAS WILLING TO  
13 ASSIST THE PROSECUTION IN THE PROSECUTION OF ANY AND  
14 EVERYBODY WHO DOES NOT WANT TO PLEAD GUILTY. SO, WE  
15 ARGUE THAT HE DESERVES CREDIT FOR HIS SUBSTANTIAL  
16 ASSISTANCE TO THE STATE IN CONVINCING SOME OF THESE  
17 OTHER FELLOWS TO PLEAD GUILTY, HE DESERVES CREDIT FOR  
18 THAT.

19 I WANT TO LET THE COURT, IF YOU  
20 DESIRE, JUDGE, TO HEAR FROM MOM, DAD, THEN BRANDON, AND  
21 I'LL HAND THOSE STATEMENTS UP TO YOU LATER.

22 THE COURT: ALRIGHT, SIR.

23 SHEILA BELL: HI, YOUR HONOR, MY  
24 NAME IS SHEILA BELL. BEFORE I SAY ANYTHING ABOUT MY SON  
25 I WOULD LIKE TO ADDRESS THE VICTIMS AND THEIR FAMILIES.

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1 I CAN'T IMAGINE WHAT YOU'VE GONE  
2 THROUGH. I CAN'T SAY I FEEL WHAT YOU'VE GONE THROUGH, I  
3 CAN'T SAY I FEEL YOUR PAIN, BUT I DO HURT, BECAUSE YOU  
4 ARE MY FAMILY, I GREW UP, MY FAMILY ORIGINATED FROM  
5 NORWAY, THE JAMES AND THE BELL FAMILY, THAT'S MY FAMILY.  
6 I'M NOT HERE TO MAKE MY SON RIGHT, HIS WRONG RIGHT. HE  
7 HAS TO PAY FOR WHAT HE HAS DONE. BUT I'M ASKING THAT  
8 YOU ACCEPT OUR APOLOGY, AND I HOPE THAT SOME DAY YOU'LL  
9 BE ABLE TO FORGIVE HIM, OUR FAMILY, ALL OF US. WE'RE ALL  
10 FAMILY, FORGIVE US FOR WHAT, FORGIVE THEM FOR WHAT  
11 THEY'VE DONE. AND TO YOU, YOU'VE BEEN, WHAT YOU'VE BEEN  
12 THROUGH, MS. GRANT, I HOPE SOMEDAY THAT YOU CAN FIND  
13 SOME KIND OF PEACE WHERE YOU CAN SLEEP AT NIGHT, YOU  
14 KNOW, AND I PRAY, AGAIN I SAY, I PRAY THAT YOU ALL WILL  
15 SOMEDAY FORGIVE US FOR WHAT WE'VE DONE. AND YOUR HONOR,  
16 I STAND UP HERE ASKING FOR YOUR MERCY AND YOUR LENIENCY  
17 ON MY SON, NOT JUST MY SON BUT ALL THE FELLOWS HERE. I  
18 CAN SAY THAT I HAVE A GOOD SON AND I LOVE HIM VERY MUCH.  
19 AND HE HAS A SON. HOPEFULLY, ONE DAY HE'S OUT OF HERE  
20 HE CAN COME HOME AND HE CAN RAISE HIS SON. ALL I CAN  
21 SAY IS THAT I'M SORRY AGAIN, AND I DO ASK FOR YOUR  
22 MERCY.

23 THE COURT: THANK YOU, MA'AM.

24 YES, SIR.

25 ERIC BELL: MY NAME IS ERIC BELL.

1                   THE COURT: YES, SIR.

2                   ERIC BELL: AND I'D JUST LIKE TO  
3 APOLOGY, FOR Y'ALL TO ACCEPT MY APOLOGY, BECAUSE I KNOW  
4 SOME OF THE POLITES, I KNOW THE GRANTS, WE WENT TO  
5 SCHOOL TOGETHER. I'D JUST LIKE Y'ALL'S APOLOGY FOR MY  
6 SON, FOR WHAT THEY DID. I'M SO SORRY IT HAPPENED, I'M  
7 SO SORRY. Y'ALL JUST PLEASE FORGIVE US, PLEASE FORGIVE  
8 US. AND I ASK FOR MERCY FROM THE COURT ON MY SON, SIR.  
9 HAVE MERCY ON HIM, SIR, PLEASE. THANK YOU.

10                  THE COURT: THANK YOU, SIR.

11                  MR. GRANT: BRANDON WOULD LIKE TO  
12 HAVE A COMMENT, YOUR HONOR.

13                  THE COURT: ALRIGHT, SIR.

14                  BRANDON STALEY: WELL, YOUR HONOR,  
15 IT ISN'T REALLY TOO MUCH I CAN SAY, JUST, I MEAN, I'M  
16 SORRY FOR WHAT HAPPENED, I MEAN, BECAUSE I'VE GOT A  
17 MAMA, A FATHER, AND A SON, SO I KIND OF UNDERSTAND WHAT  
18 Y'ALL ARE GOING THROUGH, BUT REALLY I DON'T, BUT I'D  
19 JUST LIKE TO APOLOGIZE FOR EVERYTHING AND HOPE THAT  
20 Y'ALL WILL FORGIVE US ONE DAY, ME AND MY COUSINS, CO-  
21 DEFENDANTS, JUST FORGIVE US FOR WHAT WE DONE. I'M  
22 SORRY.

23                  MR. GRANT: MAY I APPROACH, YOUR  
24 HONOR?

25                  THE COURT: YES, SIR.

1                    MR. GRANT:    YOUR HONOR, I HAVE  
2 CHARACTER STATEMENTS WRITTEN BY SEVERAL PEOPLE ON BEHALF  
3 OF BRANDON STALEY. YOUR HONOR, I'VE ALREADY GIVEN THE  
4 SOLICITOR A COPY OF THESE DOCUMENTS.

5                    THE COURT:    ALRIGHT, SIR.

6                    MR. GRANT:    AFTER THE COURT HAS  
7 REVIEWED THOSE DOCUMENTS I'LL BE PREPARED TO MAKE MY  
8 CLOSING COMMENTS.

9                    THE COURT:    ALRIGHT, JUST GIVE ME A  
10 FEW MINUTES.

11                   MR. GRANT:    YES, SIR.

12 (Whereupon, the Court examines  
13 documents handed up by Mr. Grant.)

14                   THE COURT:    MARK THESE AS COURT'S  
15 EXHIBIT FOUR.

16 (Court's Exhibit Four  
17 marked and filed.)

18                   THE COURT:    ALRIGHT, SIR.

19                   MR. GRANT:    THANK YOU, YOUR HONOR,  
20 AND NOW THAT YOU'VE CONSIDERED THOSE STATEMENTS, YOUR  
21 HONOR, I HOPE THAT YOU SEE THAT AS ADDITIONAL EVIDENCE  
22 THAT THIS TRAGIC AND SAD EVENT WAS TRULY OUT OF  
23 CHARACTER FOR THE YOUNG MAN STANDING BESIDE ME, BRANDON  
24 STALEY. HE OBVIOUSLY MADE A TERRIBLE, TERRIBLE MISTAKE  
25 IN JUDGEMENT. NATURALLY, FIFTEEN YEARS IS A VERY LONG

1 TIME. IT IS THE MINIMUM SENTENCE, AND IT MIGHT BE  
2 TRITE, BUT IT IS DEFINITELY TRUE, THERE'S NOTHING  
3 MINIMAL ABOUT THE MINIMUM SENTENCE IN THIS CASE.  
4 FIFTEEN YEARS IS A VERY LONG TIME. HIS MOST PRODUCTIVE  
5 YEARS HE WILL HAVE TO SPEND IN A PRISON CELL. HE'S  
6 ACCEPTING RESPONSIBILITY FOR THAT, JUDGE. WE'RE ASKING  
7 YOU, WHEN YOU CONSIDER WHAT SHOULD BE THE SENTENCE IN  
8 THIS CASE, AND I KNOW THAT YOU OBVIOUSLY HAVE TO SORT IT  
9 THROUGH IN YOUR OWN MIND AND IN YOUR OWN HEART, AND THEN  
10 THE QUESTION BECOMES, WHO DESERVES PUNISHMENT? THEY ALL  
11 DO. WHO DESERVES MERCY? THEY ALL DO, TO RELATIVE  
12 DEGREES, I WOULD IMAGINE, BASED UPON THEIR RELATIVE  
13 INVOLVEMENT. BUT I'M ASKING THE COURT THAT WHEN YOU GO  
14 TO THE POWERS OF MERCY AND YOU GO TO THE POWERS OF  
15 PUNISHMENT, WHEN YOU GET TO THE MERCY POWER, IF THERE IS  
16 ANYTHING LEFT I ASK THAT YOU HEAP IT UPON THE HEAD OF  
17 BRANDON STALEY.

18 THANK YOU, YOUR HONOR.

19 THE COURT: THANK YOU, SIR.

20 ANYTHING ELSE FROM ANY OF THE FAMILY  
21 MEMBERS? ANYTHING ELSE FROM THE STATE?

22 SOLICITOR PASCOE: YOUR HONOR, I'D  
23 LIKE TO SHOW THIS TO MR. GRANT. AND I'LL BE THE FIRST  
24 TO CONCEDE THAT MR. STALEY'S PRIORS ARE INSIGNIFICANT TO  
25 WHAT HE'S LOOKING AT TODAY, BUT I WANT TO SHOW HIM HIS

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1 RAP SHEET, THAT IT DOES SAY THAT IN AUGUST ELEVENTH, OF  
2 TWO THOUSAND AND FOUR, HE WAS CONVICTED OF JUST  
3 RECKLESS DRIVE, RESISTING ARREST IN OPERATING A MOTOR  
4 VEHICLE.

5 THE COURT: ALRIGHT, SIR.

6 MR. GRANT: OKAY. HE TOLD ME THAT  
7 WAS INCORRECT, BUT THAT'S FINE.

8 THE COURT: ALRIGHT. ANYTHING ELSE  
9 FROM ANYBODY?

10 ALRIGHT, YOU'LL HAVE TO GIVE ME A  
11 FEW MINUTES TO PULL OUT THESE SHEETS.

12 YOU SEE A LOT OF TERRIBLE THINGS IN  
13 THIS COURTROOM AND ALL THE COURTROOMS IN THIS COUNTRY.  
14 I DON'T BELIEVE THERE'S EVER BEEN ONE FILLED WITH MORE  
15 TRAGEDY THAN WE SEE IN THIS COURTROOM TODAY. TO THE  
16 POLITE FAMILIES AND THE GRANT FAMILIES, I KNOW YOUR  
17 FAMILIES, I KNOW SOME OF YOU PERSONALLY, INDIVIDUALLY.  
18 I KNOW BOTH OF YOUR FAMILIES. I CAN'T IMAGINE WHAT  
19 YOU'RE GOING THROUGH AND WHAT YOU'RE GOING TO CONTINUE  
20 TO GO THROUGH. BUT PLEASE KNOW THAT MY HEART GOES OUT  
21 TO YOU, MY PRAYERS GO OUT TO YOU. AND TELL VANCE AND  
22 MRS. POLITE THAT I SEND THEM MY BEST WISHES AND I'LL  
23 KEEP THEM IN MY PRAYERS, PLEASE.

24 TO THE FIVE OF YOU YOUNG MEN, I  
25 DON'T THINK I'VE EVERY HAD THIS MANY DEFENDANTS CHARGED

1 WITH THIS MANY CRIMES, AND NONE OF YOU HAS A SERIOUS  
2 CRIMINAL BACKGROUND.

3 MR. ANTONIO GLEATON, YOU HAVE A  
4 RECORD, IT'S NOT A BAD RECORD, IT'S NOT A GOOD RECORD,  
5 BUT YOU HAVE A RECORD.

6 BUT THIS WAS A ONE NIGHT EVENT, BUT  
7 UNDERSTAND, THE CONSEQUENCES OF ONE NIGHT HAVE BEEN LIFE  
8 CHANGING FOR JUST DOZENS AND DOZENS AND DOZENS OF  
9 PEOPLE. THE GRANT FAMILY, THE POLITE FAMILY, ALL OF  
10 YOUR FAMILY AND FRIENDS.

11 PASTOR, I AGREE WITH YOU THAT  
12 EVERYBODY IS HURTING IN THIS COURTROOM TODAY. THE  
13 DIFFERENCE IS THAT THE GRANT FAMILIES AND THE POLITE  
14 FAMILIES ARE INNOCENT. THEY DIDN'T HAVE ANYTHING TO DO  
15 TO BRING THIS DOWN ON THEIR HEADS. THEY'RE NOT  
16 RESPONSIBLE FOR ONE IOTA, THEY JUST HAPPENED TO BE IN  
17 THE WRONG PLACE AT THE WRONG TIME. THESE YOUNG MEN  
18 VOLUNTARILY TOOK INTOXICATING DRUGS KNOWING THE RESULTS  
19 THAT IT CAN CAUSE. THEY ARE ONE HUNDRED PER CENT  
20 TOTALLY RESPONSIBLE IN THE EYES IN THE LAW AND IN THE  
21 EYES OF GOD FOR WHAT THEY HAVE DONE. THE FACT THAT THEY  
22 WERE ON DRUGS EXPLAINS WHY THEY DID IT, BUT IT DOESN'T  
23 FORGIVE THEM IN THE SLIGHTEST, NOT AT ALL.

24 EACH OF YOU YOUNG MEN IS LOOKING AT  
25 THREE LIFE SENTENCES. SO WHEN YOU GO BACK TO THE

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1 COMPLEX TONIGHT AND TO THE DEPARTMENT OF CORRECTIONS  
2 SOON COMPLAINING ABOUT THE SENTENCES THAT YOU'RE FIXING  
3 TO GET IN THIS COURTROOM, REMEMBER THAT YOU ARE  
4 LEGITIMATELY LOOKING AT THREE LIFE SENTENCES. THE  
5 LEGISLATURE OF THE STATE OF SOUTH CAROLINA SAYS THAT  
6 WHEN YOU GO INTO A MAN'S HOME AT NIGHT WITH THE INTENT  
7 TO COMMIT A CRIME, LIFE SENTENCES IS A POSSIBLE AND  
8 APPROPRIATE PUNISHMENT.

9 NOW, WE'VE TALKED A LOT ABOUT THE  
10 HAND OF ONE IS THE HAND OF ALL. THAT'S A FAIR DOCTRINE,  
11 BECAUSE THE BANK ROBBER ISN'T GOING TO ROB THE BANK  
12 UNLESS HE'S GOT SOMEBODY SITTING OUT IN THE CAR TO DRIVE  
13 HIM AWAY. AND SO, THE LAW RECOGNIZES THAT THEORY, THAT  
14 WHEN TWO OR MORE PEOPLE GET TOGETHER AND PLAN TO DO  
15 SOMETHING THEY FEED ON EACH OTHER, THEY GROW STRENGTH  
16 FROM EACH OTHER. AND SO, AS FAR AS THE LAW IS CONCERNED  
17 THERE IS NO DIFFERENCE IN YOUR CULPABILITY FROM THE  
18 FIRST TO THE LAST, EACH OF YOU DESERVES THE FULL  
19 PUNISHMENT OF THE LAW WHICH WOULD BE THREE LIFE  
20 SENTENCES PLUS MANY YEARS ON TOP OF THAT. AND SO, ALL OF  
21 YOUR ARE GETTING STIFF SENTENCES, ALL OF YOU, AND YOU'RE  
22 GOING TO HAVE TO SERVE THESE SENTENCES WITHOUT PAROLE.  
23 EVEN THE OLDEST OF YOU GETTING THE STIFFEST SENTENCE  
24 WILL BE YOUNGER THAN I AM TODAY WHEN YOU GET OUT OF  
25 JAIL. SO, YOU'VE GOT A FUTURE TO YOUR LIFE. AND BE

1 THANKFUL THAT YOU'RE NOT WALKING OUT OF HERE WITH A LIFE  
2 SENTENCE.

3 MR. GRANT WAS SPEAKING THE TRUTH  
4 WHEN HE SAID, EVERYBODY DESERVES PUNISHMENT AND  
5 EVERYBODY DESERVES A REASONABLE MEASURE OF MERCY. WELL,  
6 YOU'RE ALL GETTING PROBABLY MORE MERCY THAN YOU DESERVE  
7 IN THIS COURTROOM TODAY. AND WHAT YOU DO WITH YOUR LIFE  
8 AFTER YOU LEAVE HERE TODAY IS UP TO YOU. YOU CAN BLAME  
9 OTHER PEOPLE, YOU CAN BLAME DRUGS, AND YOU CAN SPEND  
10 THESE YEARS IN THE PENITENTIARY IN MISERY, HATING, AND  
11 THAT HATE GROWING MORE AND MORE AND IT WILL DESTROY YOU  
12 FOREVER. THEN YOU JUST AS WELL BE GETTING A LIFE  
13 SENTENCE. OR YOU CAN TAKE IT LIKE A MAN AND YOU CAN  
14 SAY, I DID IT, I TOOK THE DRUGS, I DIDN'T MEAN FOR THIS  
15 TO HAPPEN BUT I AM SOLELY RESPONSIBLE, JUST LIKE YOU'VE  
16 SAID STANDING IN FRONT OF ME IN THE COURTROOM TODAY, I'M  
17 SOLELY RESPONSIBLE FOR WHAT I'VE DONE, AND I'M GOING TO  
18 TAKE MY MEDICINE, I'M GOING TO SERVE MY TIME, I'M GOING  
19 TO BE GRAY HEADED WHEN I GET OUT OF PRISON BUT I'M GOING  
20 TO BE A DIFFERENT MAN WHEN I GET OUT OF PRISON AND I'M  
21 GOING TO DO SOMETHING WITH MY LIFE, BECAUSE YOU CAN DO  
22 THAT. IT'S ENTIRELY UP TO YOU. A POET SAID, TWO MEN  
23 LOOKED OUT THROUGH PRISON BARS AND ONE SAW MUD AND ONE  
24 SAW STARS. IT'S BECAUSE ONE WAS LOOKING DOWN AND PITY ON  
25 HIMSELF, AND THE OTHER WAS LOOKING UP AT WHAT GOD HAD

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1 MADE IN HIS CREATION AND SAID, I CAN DO SOMETHING WITH  
2 MY LIFE WHEN I FINALLY WALK OUT THAT DOOR. SO, I  
3 CHALLENGE ALL FIVE OF YOU TO TAKE THAT ATTITUDE, SERVE  
4 YOUR TIME, PAY YOUR PRICE, AND THEN YOU CAN GET OUT AND  
5 HAVE A REASONABLE COMFORTABLE LIFE. LIKE I SAY, EVEN  
6 THE OLDEST OF YOU WILL BE YOUNGER THAN I AM TODAY. AND  
7 I DON'T CONSIDER MYSELF NEARLY THROUGH WITH MY LIFE. I  
8 DON'T KNOW WHAT GOD'S PLANS ARE FOR ME, BUT I DON'T  
9 CONSIDER THAT MY LIFE IS NEARLY OVER.

10 EVEN THOUGH IN THE EYES OF THE LAW  
11 YOU ARE EQUALLY GUILTY, MORALLY AND PRACTICALLY SPEAKING  
12 THERE ARE SOME DIFFERENCES IN THE CULPABILITY HERE.

13 MR. WILLIAM GLEATON, YOU SHOT TWO  
14 PEOPLE. YOU ARE TWENTY-SIX YEARS OLD. YOU'RE A THIRD  
15 AGAIN AS OLD AS ANY OF THESE OTHER YOUNG MEN. YOU  
16 SHOULD HAVE BEEN A LEADER TO THEM IN POSITIVE THINGS AND  
17 NOT NEGATIVE THINGS, AND I THINK THERE IS EVIDENCE THAT  
18 YOU WERE THE LEADER OF THIS GROUP.

19 MR. GLEATON, YOU RAPED A WOMAN, MR.  
20 DARRELL GLEATON.

21 THE OTHER THREE OF YOU WERE THERE.  
22 I PROMISE YOU, IF THE THREE OF YOU HADN'T BEEN THERE  
23 GOING ALONG WITH IT, WHAT THESE TWO DID WOULDN'T HAVE  
24 HAPPENED. IT CERTAINLY WOULDN'T HAVE HAPPENED TO THE  
25 EXTENT THAT IT DID. THEY DREW ON YOUR OWN STRENGTH AND

1 YOUR PRESENCE, YOU BEING THERE. EVEN IF YOU'RE ONLY  
2 DRIVING THE CAR YOU'RE CONTRIBUTING VERY STRONGLY TO  
3 WHAT THE REST OF THEM DID AND YOU'VE GOT TO PAY YOUR  
4 PRICE ALSO.

5 SENTENCE OF THE COURT AS TO

6 WILLIAM ANTONIO GLEATON

7 MR. WILLIAM GLEATON, ON INDICTMENT  
8 148, BURGLARY IN THE FIRST DEGREE -- AND THAT'S THE  
9 BAMBERG COUNTY INDICTMENT, INDICTMENT 1370, BURGLARY IN  
10 THE FIRST DEGREE, INDICTMENT 446, BURGLARY IN THE FIRST  
11 DEGREE, ON EACH OF THOSE INDICTMENTS THE SENTENCE IS  
12 THAT YOU BE COMMITTED TO THE STATE DEPARTMENT OF  
13 CORRECTIONS FOR A PERIOD OF FORTY YEARS.

14 ON INDICTMENT 444, ARMED ROBBERY,  
15 INDICTMENT 1369, ASSAULT AND BATTERY WITH INTENT TO  
16 KILL, BAMBERG COUNTY INDICTMENT OF 149, ASSAULT AND  
17 BATTERY WITH INTENT TO KILL, IN EACH OF THOSE  
18 INDICTMENTS -- WELL, ON THE ARMED ROBBERY AND THE  
19 ASSAULT AND BATTERY WITH INTENT -- ARMED ROBBERY IS  
20 THIRTY YEARS, ASSAULT AND BATTERY WITH INTENT TO KILL,  
21 TWO COUNTS, IS TWENTY YEARS EACH.

22 ON THE POINTING AND PRESENTING A  
23 FIREARM, THE SENTENCE IS FIVE YEARS.

24 POSSESSION OF A WEAPON DURING THE  
25 COMMISSION OF A CERTAIN CRIME, THE SENTENCE IS FIVE

1 YEARS.

2 THEY ARE ALL CONCURRENT. YOU'LL GET  
3 CREDIT FOR ALL THE TIME THAT YOU'VE SERVED.

4 SENTENCE OF THE COURT AS TO

5 DARRELL CORNELIUS GLEATON

6 MR. DARRELL GLEATON, ON INDICTMENTS  
7 437, 1373 IN ORANGEBURG COUNTY, INDICTMENT 144 IN  
8 BAMBERG COUNTY, ALL INDICTMENTS FOR BURGLARY IN THE  
9 FIRST DEGREE, THE SENTENCE OF THE COURT IS THAT YOU BE  
10 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A  
11 PERIOD OF THIRTY-FIVE YEARS.

12 ON INDICTMENT 438, KIDNAPING,  
13 INDICTMENT 441, ARMED ROBBERY, INDICTMENT 436, CRIMINAL  
14 SEXUAL CONDUCT IN THE FIRST DEGREE, ON EACH OF THOSE  
15 INDICTMENTS THE SENTENCE IS THIRTY YEARS.

16 ON INDICTMENT FROM BAMBERG COUNTY  
17 NUMBER 145, AND ORANGEBURG NUMBER 1374, EACH OF THOSE AN  
18 INDICTMENT FOR ASSAULT AND BATTERY WITH INTENT TO KILL,  
19 THE SENTENCE ON EACH OF THOSE INDICTMENTS IS TWENTY  
20 YEARS.

21 THE SENTENCES ARE CONCURRENT, AND  
22 YOU GET CREDIT FOR ANY TIME THAT YOU'VE SERVED.

23 SENTENCE OF THE COURT AS TO

24 RICARDO JOHNSON

25 MR. RICARDO JOHNSON, ON INDICTMENT

1 164 FROM BAMBERG COUNTY, INDICTMENT 1367 FROM ORANGEBURG  
2 COUNTY, INDICTMENT 433 FROM ORANGEBURG COUNTY, EACH OF  
3 THOSE BEING INDICTMENTS FOR BURGLARY IN THE FIRST  
4 DEGREE, THE SENTENCE OF THE COURT IS THAT YOU BE  
5 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A  
6 PERIOD OF TWENTY YEARS.

7 ON INDICTMENT 434, ARMED ROBBERY,  
8 THE SENTENCE IS TWENTY YEARS.

9 ON INDICTMENT 1368, ASSAULT AND  
10 BATTERY WITH INTENT TO KILL IN ORANGEBURG COUNTY, AND  
11 INDICTMENT 165, ASSAULT AND BATTERY WITH INTENT TO KILL  
12 IN BAMBERG COUNTY, ON EACH OF THOSE INDICTMENTS THE  
13 SENTENCE IS TWENTY YEARS.

14 ON INDICTMENT 435, POSSESSION OF A  
15 WEAPON DURING THE COMMISSION OF A VIOLENT CRIME THE  
16 SENTENCE IS FIVE YEARS.

17 EACH OF THOSE SENTENCES IS  
18 CONCURRENT, AND YOU GET CREDIT FOR THE TIME THAT YOU'VE  
19 SERVED.

20 SENTENCE OF THE COURT AS TO

21 DARONE DERRICOTT, JR.

22 MR. DARONE DERRICOTT, JR., ON  
23 INDICTMENT 424, FROM ORANGEBURG COUNTY, AND 423 FROM  
24 ORANGEBURG COUNTY, AND INDICTMENT 134 FROM BAMBERG  
25 COUNTY, EACH OF THOSE BEING INDICTMENTS FOR BURGLARY IN

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1 THE FIRST DEGREE, THE SENTENCE OF THE COURT IS THAT YOU  
2 BE COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR  
3 A PERIOD OF TWENTY YEARS.

4 ON INDICTMENT 426, ARMED ROBBERY,  
5 THE SENTENCE IS TWENTY YEARS.

6 ON INDICTMENT 135, BAMBERG COUNTY  
7 INDICTMENT, AND INDICTMENT 422, KIDNAPING IN ORANGEBURG  
8 COUNTY, ON EACH OF THOSE -- AND ASSAULT AND BATTERY WITH  
9 INTENT TO KILL IN ORANGEBURG COUNTY INDICTMENT 425, ON  
10 EACH OF THOSE INDICTMENTS THE SENTENCE IS TWENTY YEARS.

11 THEY ARE ALL CONCURRENT AND YOU GET  
12 CREDIT FOR THE TIME THAT YOU'VE SERVED.

13 SENTENCE OF THE COURT AS TO

14 BRANDON ALZANTE STALEY

15 MR. BRANDON STALEY, ON INDICTMENT  
16 FROM BAMBERG COUNTY NUMBER 120, WHICH IS BURGLARY IN THE  
17 FIRST DEGREE, ON INDICTMENT 1372, AND INDICTMENT 430 IN  
18 ORANGEBURG, INDICTMENTS FOR BURGLARY IN THE FIRST  
19 DEGREE, INDICTMENT 431 FROM ORANGEBURG COUNTY,  
20 KIDNAPING, INDICTMENT 432 FOR ARMED ROBBERY, INDICTMENT  
21 1371 FROM ORANGEBURG COUNTY, ASSAULT AND BATTERY WITH  
22 INTENT TO KILL, ON EACH OF THOSE INDICTMENTS THE  
23 SENTENCE OF THE COURT IS THAT YOU BE COMMITTED TO THE  
24 STATE DEPARTMENT OF CORRECTIONS FOR A PERIOD OF TWENTY  
25 YEARS.

1                   THEY ARE ALL CONCURRENT, AND YOU GET  
2 CREDIT FOR THE TIME THAT YOU'VE SERVED.

3                   MAY GOD HAVE MERCY ON ALL OF YOU.  
4 GOOD LUCK TO YOU.

5                   SOLICITOR PASCOE: THANK YOU, YOUR  
6 HONOR.

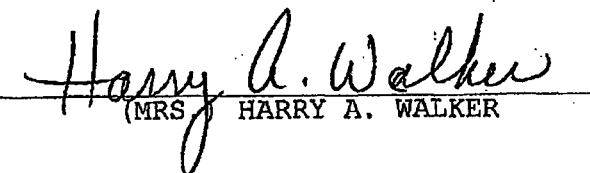
7                   SOLICITOR BURBAGE: THANK YOU, YOUR  
8 HONOR.

CERTIFICATE

1  
2 I, THE UNDERSIGNED, MRS. HARRY A. WALKER, OF  
3 ROWESVILLE, SOUTH CAROLINA, OFFICIAL COURT REPORTER FOR  
4 THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH  
5 CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A  
6 TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL  
7 THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE  
8 CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE COURT OF  
9 GENERAL SESSIONS FOR ORANGEBURG AND BAMBERG COUNTIES,  
10 SOUTH CAROLINA, ON THE 15TH - 17TH DAYS OF JANUARY,  
11 2008, AND JANUARY 23, 2008.

12 I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,  
13 COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

14  
15 DATE: APRIL 9, 2008

16  
17   
18 (MRS) HARRY A. WALKER  
19

## FORM 5

STATE OF SOUTH CAROLINA )

County of Orangeburg )Daronte Derricott Jr. 0032628 )  
Full name and prison number (if any) of Applicant )

V. )

State of South Carolina )

IN THE COURT OF COMMON PLEAS

2008-CP-38-1951FILED FOR RECORD  
LISA M. HIZEL  
CLERK OF COURT  
ORANGEBURG, SC

2008 NOV 24 P 4:23

APPLICATION

POST-CONVICTION RELIEF

INSTRUCTIONS-READ CCAREFULLY

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 of 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 established 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 \_\_\_\_\_
2. Name and location of Court which imposed sentence Orangeburg County  
General Sessions Court, Orangeburg, S.C.
3. Name(s) of co-defendant(s) (if any) Ricardo Johnson, Brandon  
Staley, William Gleaton and Darrell Gleaton
4. The indictment number or numbers (if known) upon which and the offenses for which

sentence was imposed:

- (a) 1<sup>st</sup> Degree Burglary - case# 2007 65-134
- (b) Assault and Battery with intent to Kill - case# 2007 65-134
- (c) 1<sup>st</sup> Degree Burglary - case# 2007-65-38-0423

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

- (a) 1/23/08, 20 years violent / 85%
- (b) 1/23/08, 20 years violent / 85%
- (c) 1/23/08, 20 years violent / 85%

6. Check whether a finding of guilty was made:

- (a) ☒ after a plea of guilty \_\_\_\_\_
- (b) after a plea of not guilty \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_

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

NO

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

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(c) the date of each such result:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_

Indictment numbers and offenses for sentence imposed

4. (D) Assault and Battery with Intent to Kill. case# 200765-38-0425
- (E) Kidnapping case# 2007-65-38-0422.
- (F) Armed Robbery case# 2007-65-38-0426
- (G) 1st Degree Burglary case# 2007-65-38-0424

5. The Date on which the sentence was imposed; Terms of the sentence.

- (D) 1/23/08 20 years violent/85%
- (E) 1/23/08 20 years violent/85%
- (F) 1/23/08 20 years violent/85%
- (G) 1/23/08 20 years violent/85%

iii. \_\_\_\_\_

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

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

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

(a) My attorney didn't file any motions.

(b) I wasn't aware of the fact that I could appeal.

(c) \_\_\_\_\_

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

(a) Ineffective assist of counsel

(b) Rule 1.2 Scope of Representation

(c) Constitutional amendment 6

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

(a) My lawyer withheld information regarding a plea-offer

(b) My lawyer didn't consult with me as to the means

(c) My lawyer didn't argue the fact that the Judge

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

State concisely and in the same order the Facts which Support each of the grounds Set out in (10):

11.(b) by which they were to be pursued.

(c) was personally Familiar with the victim and Family. He didn't file requested motions in order to have the case heard in front of another Judge in another County.... change of Venues.

(d) any other petitions, motions or applications in this or any other Court? NO

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

(a) the specific nature thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(b) the name and location of the Court in which each was filed:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(c) the disposition thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

- i. \_\_\_\_\_

- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

NO

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

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

(a) I Felt that the PCR is the first step needed.

(b) \_\_\_\_\_

(c) \_\_\_\_\_

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

(a) your arraignment and plea? Yes

(b) your trial, if any? \_\_\_\_\_

- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?  
\_\_\_\_\_
- (e) preparation, presentation or consideration of any petitions, motions or applications  
with respect to this conviction, which you filed? NO

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

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

i. Glenn Walters P.O. BOX 1346  
348 St. Paul Street Orangeburg, SC 29116

ii. \_\_\_\_\_

iii. \_\_\_\_\_

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

i. Preparation of my case & sentencing.

ii. \_\_\_\_\_

iii. \_\_\_\_\_

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

I would like to receive a lesser  
sentence for my charges, due to the  
fact of unlawful convictions.

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

NO.

STATE OF SOUTH CAROLINA )

County of \_\_\_\_\_ )

VERIFICATION

I, \_\_\_\_\_, 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.

SWORN to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(L.S.)

*Notary Public*

My Commission Expires: \_\_\_\_\_

Mr. Darone A. Derricott, Sr. # 326281 RICO118B  
 Lee Correctional Institution - Ches. S  
 990 WISACKY Highway, Bishopville, S.C.  
 29010

2008-CP-38-1951

December 8th 2009

In Re: Post Conviction Relief application  
 Re-filing of PCR application

Dear clerk:

Please be advised that a copy of the Memo-Letter before you has been sent also to the Law office of Tricia A. Blanchette: Attorney at Law, to ensure adequate redress of the above reference matter.

I was recently informed by my Lawyer and Mrs. Mary S. Williams - Assistant Attorney General for the 1st Circuit, that my submitted Reformed PCR Application has yet to be filed with your office. I properly filed stated application on January 2009, meeting the required guidelines set forth in the Presiding Courts.

I am now seeking a disposition as to why your office has not filed my submitted PCR application and has not ruled on my submitted - Motion of Clarification. I have sent three (3) Memo-letters to your office prior to the one before you and have yet to receive a response.

Mrs. Mary S. Williams - Assistant Attorney General  
has been notified in Concern with the re-filing  
if deemed necessary - of my PCR application.  
I take this time to request Two (2) Regular  
Post Conviction Relief Application from Your  
office, or a Stamped-filed COPY of the  
Original PCR application filed by my Person  
In January 2009.

I thank You In advance for Your time and  
Patients.

15) Darone Pericott 12-8-2009

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

I, \_\_\_\_\_ hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefore. In support of my application I declare under penalty or perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

\_\_\_\_\_  
*Applicant*

SWORN or affirmed to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
*Notary Public*

My Commission Expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA )

COUNTY OF ORANGEBURG )

IN THE COURT OF COMMON PLEAS

2008-CP-38-1951

Darone Derricott, #326281, )

Applicant, )

v. )

State of South Carolina, )

Respondent. )

**RETURN**

(Appointment of Counsel Requested)

The Respondent, making its Return to the application for post conviction relief (PCR) filed November 24, 2008,<sup>1</sup> would respectfully show this Court:

## I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Orangeburg County Clerk of Court. The Applicant was indicted for Kidnapping (2007-GS-38-0422), Burglary – First Degree (2007-GS-38-0423), Burglary – First Degree (2007-GS-38-0424), Assault and Battery with Intent to Kill (“ABWIK”) (2007-GS-38-0425), and Armed Robbery (2007-GS-38-0426). Applicant was represented by Glenn Walters, Esquire. On January 23, 2008, the Applicant pled guilty before the Honorable James C. Williams, Jr. Applicant was sentenced to concurrent terms of twenty (20) years incarceration for each count. Applicant did not appeal his conviction and sentence.

Attached herewith and incorporated herein are the records of the Orangeburg County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina

<sup>1</sup> The application was received by Respondent on July 21, 2010.

Department of Corrections, and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

## II.

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

1. Ineffective assistance of counsel.
  - a. "My lawyer withheld information regarding a plea offer."
  - b. "My lawyer didn't consult with me as to the means."
  - c. "My lawyer didn't argue the fact that the judge was personally familiar with the victim and family. He didn't file requested motions in order to have the case heard in front of another judge in another county ... change of venue."

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

## III.

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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

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

#### IV.

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

V.

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

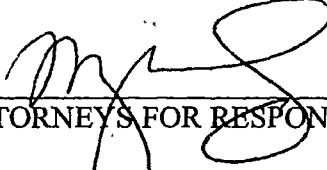
Respectfully submitted,

HENRY D. McMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

MARY S. WILLIAMS  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

11/2, 20 10

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

DARONE DERRICOTT, 326281

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

2008-CP-38-1951

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:

**Belinda Davis-Branch, Esquire**  
**1111 Doyle St.**  
**Orangeburg, SC 29115**

DATED this 3rd day of November, 2010.

Lauren Meara  
 Lauren Meara, Legal Assistant  
 For Respondent

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF ORANGEBURG

FIRST JUDICIAL CIRCUIT

DARONE DERRICOTT, JR.,

CASE NO. 2008-CP-38-01951

APPLICANT

 )  
 ) POST CONVICTION  
 ) RELIEF HEARING  
 ) TRANSCRIPT OF RECORD

versus

 )  
 ) DATE:

STATE OF SOUTH CAROLINA,

 )  
 ) SEPTEMBER 1, 2011

DEFENDANT

BEFORE:

HONORABLE EDGAR W. DICKSON, PRESIDING JUDGE

APPEARANCES:

BELINDA DAVIS-BRANCH, ESQUIRE

ATTORNEY AT LAW

FOR THE APPLICANT

ROB CORNEY, ESQUIRE

ASSISTANT ATTORNEY GENERAL

FOR THE STATE

 HARRY A. WALKER (MRS.)  
 COURT REPORTER, FIRST JUDICIAL CIRCUIT  
 POST OFFICE BOX 127  
 ROWESVILLE, SOUTH CAROLINA 29133

I N D E X

| <u>WITNESS</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|----------------|---------------|--------------|-----------------|----------------|
|----------------|---------------|--------------|-----------------|----------------|

## MOTION FOR CONTINUANCE:

DARONE DERRICOTT

|                  |   |  |  |  |
|------------------|---|--|--|--|
| MS. DAVIS-BRANCH | 7 |  |  |  |
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| THE COURT | 10 |  |  |  |
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MR. CORNEY

## PCR HEARING TESTIMONY:

|                  |    |  |    |  |
|------------------|----|--|----|--|
| DARONE DERRICOTT | 14 |  | 62 |  |
|------------------|----|--|----|--|

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| MR. CORNEY |  | 31 |  |  |
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| THE COURT | 65 |  |  |  |
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GLENN WALTERS, SR.

|                  |    |  |  |  |
|------------------|----|--|--|--|
| MS. DAVIS-BRANCH | 40 |  |  |  |
|------------------|----|--|--|--|

E X H I B I T S

| <u>NUMBER</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EV.</u> |
|---------------|--------------------|------------|------------|
|---------------|--------------------|------------|------------|

NONE

1 DATE:

2 SEPTEMBER 1, 2011

3 THE COURT: Ms. Harry Dot, are you ready?

4 COURT REPORTER: Yes, sir.

5 THE COURT: Okay. And Mr. Corney, if you will call  
6 this case. This is Mr. Derricott?

7 MR. CORNEY: Yes, Your Honor, this is Darone Derricott,  
8 or Darone, if I'm pronouncing that correctly, Case Number  
9 2008-CP-38-1951. Mr. Derricott was true bill indicted in  
10 August, Two Thousand Seven by the Orangeburg County Grand  
11 Jury for two counts of burglary in the first degree, two  
12 counts of assault and battery with intent to kill, armed  
13 robbery, and kidnaping. He appeared January Twenty-third,  
14 Two thousand Eight, before Judge Williams where he entered  
15 pleas to the above, to those charges I just mentioned as  
16 well as to a burglary, first, charge from Bamberg, and he  
17 was sentenced to six twenty years sentences, all to run  
18 concurrent. In addition, one count of assault and battery  
19 with intent to kill from Bamberg was nol prosed. He filed  
20 his PCR application November Twenty-fourth, Two thousand  
21 eight, and our office has it clocked as being received on  
22 July Twenty-first, Two thousand Ten, so there's a little bit  
23 of a gap there. And just for your reference, Judge, his  
24 plea starts in the transcript on Page Seventy-six because he  
25 pled with a couple of other co-defendants, and it was a

1 little later in the transcript that his plea starts.

2 THE COURT: And before we get started, it's my  
3 understanding that Ms. Branch Davis?

4 MS. DAVIS-BRANCH: Davis-Branch.

5 THE COURT: Davis-Branch, excuse me.

6 MS. DAVIS-BRANCH: That's okay.

7 THE COURT: Ms. Davis-Branch, you want to make a motion  
8 of continuance?

9 MS. DAVIS-BRANCH: Yes, Your Honor.

10 THE COURT: Okay.

11 MS. DAVIS-BRANCH: On behalf of my client, Mr.  
12 Derricott, Mr. Derricott has discussed with me the request  
13 for production, asked to make a review, that his case be  
14 continued to the next term because he does not feel  
15 comfortable going forward. He's reviewed all the documents  
16 but he says each and every time he reviewed the documents  
17 there are additional things that he wants to bring to my  
18 attention. Because, Your Honor, this is a very serious  
19 matter such that if he does go forward without feeling  
20 comfortable with his present counsel, which is me, Your  
21 Honor, he would be prohibited from going forward because as  
22 you know, Your Honor, successive applications are  
23 prohibited. And we don't believe, Your Honor, that the  
24 State would be prejudiced or harmed in any way by allowing  
25 him to have this one final continuance so that he can feel

1 comfortable going in front of Your Honor, so that he can  
2 help me with his defense so that he can perhaps buttress his  
3 case as much as possible, so that he could perhaps have a  
4 successful PCR application.

5 THE COURT: Alright.. And Mr. Corney has made me aware  
6 of some prior continuances. Have our had a chance to look  
7 through your notes to see?

8 MR. CORNEY: Yes, Your Honor. In looking through the  
9 file it looks like one Order of Continuance was actually  
10 signed by this Court and that was April Twenty-eight, Two  
11 thousand eleven, from a hearing that was scheduled December  
12 Ninth, Two thousand ten. The exact language used in the  
13 Order of Continuance is, "Applicant's request for the  
14 continuance for additional preparation." We didn't opposed  
15 that continuance, it was continued at that time, scheduled  
16 for a June term of Court this past summer in front of Judge  
17 Goodstein. He requested a continuance for that, and the  
18 language in this one is also to allow additional preparation  
19 of the case. We didn't oppose that one either, continuance  
20 was granted and scheduled to be heard in this term of Court.  
21 So, that's two already just to prepare for this case as the  
22 exact language used in those Orders. So, the State would  
23 oppose that a request for continuance at this time.

24 THE COURT: Alright. And Ms. Davis-Branch, it appears  
25 that it's been continued twice now to get prepared.

1 MS. DAVIS-BRANCH: I don't refute that, Your Honor, I  
2 don't.

3 THE COURT: Okay.

4 MS. DAVIS-BRANCH: I do not refute that.

5 THE COURT: And I understand, I do understand his  
6 concern because he does only get one bite of the apple, but  
7 I'd like some explanation.

8 MS. DAVIS-BRANCH: Would Your Honor like for me to  
9 question him or put him on the stand, or do you want to talk  
10 to him, Your Honor?

11 THE COURT: You're welcome to put him on the stand.

12 MS. DAVIS-BRANCH: Okay.

13 THE COURT: Come on up, Mr. Derricott. When you get up  
14 there if you'll put your left hand on the Bible and raise  
15 your right hand, please, sir.

16 APPLICANT DERRICOTT: I'm in cuffs.

17 THE COURT: I know you can't do it real well, but just  
18 -- now, the Clerk's going to swear you in.

19 CLERK: State your name for the record.

20 APPLICANT DERRICOTT: Darone Derricott.

21 (Whereupon, Darone Derricott  
22 is duly sworn.)

23 CLERK: Thank you.

24 THE COURT: Okay. Alright.

25 MS. DAVIS-BRANCH: Thank you, Your Honor.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

7

DARONE DERRICOTT, DIRECT EXAMINATION

BY MS. DAVIS-BRANCH:

Q. Mr. Derricott, you have, -- I am your attorney, correct?

A. Yes, ma'am.

Q. And you have asked me to request the Court that you be granted a continuance, correct?

A. Yes, ma'am.

Q. And why are you asking this Court to grant you a continuance when the Court has already done so?

A. Because, I mean, the reason that we're here today is because, to prove that Mr. Walters as my prior attorney was ineffective, and by me experiencing that I understand that you really need to put a lot of effort and time into whatever you present to the Court because it will make a difference in your sentencing. And this is my life, so I've been through this prior and that's what I'm here to go against today, saying that Mr. Walters was ineffective. So, I'm not trying to just rush into something or not have enough to be efficient with the work that we present to the Judge because, it can get shot down and this is the only, like he said, is the only bite of the apple. And I'm not trying to make it a poor bite. So, I don't feel that I've had enough time to be a hundred per cent confident in coming to present more representing against Mr. Walters. So by the experience, like I said, this is what I'm here for today,

1 not having an attorney who actually took enough time to put  
2 into my paperwork and go over it and present it in the  
3 Court. So, I want to make sure that that's what I do this  
4 time because this is the last chance that I have.

5 Q. And is it your intention to hire private counsel?

6 A. I mean, if I don't, I feel that if I can't have enough  
7 time with you to actually go over every single document that  
8 I discovered, that might as well need to be done because  
9 this is a serious matter, and I mean, this is the last step  
10 of me having any chance of freedom before my sentence is up.

11 Q. Have you been reviewing the documents all along, Mr.  
12 Derricott, the documents that you have regarding your case?

13 A. The majority of the time, yes.

14 Q. Okay. And is there something else that you think that  
15 you may discover in the future that might help your  
16 attorney, whoever that might be?

17 A. Yes, ma'am.

18 Q. Okay. And so if the Court will grant you a continuance  
19 at this time, do you understand it probably would be the  
20 final continuance?

21 A. Yes, ma'am, I understand that, and I mean, that would  
22 be, I would have to just put enough effort to it within that  
23 time.

24 Q. Okay. Is there anything else you would like the Court  
25 to know?

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

9

1 A. No, ma'am.

2 MS. DAVIS-BRANCH: Thank you, Your Honor.

3 Just answer any questions the Court may have.

4 (NOTE: Blank lines on this page do not indicate any part of  
5 record has been omitted. Headers on testimony pages and  
6 hard page breaks between testimony are now required by the  
7 Court. See next ensuing page for sequential continuation of  
8 record.)

DARONE DERRICOTT - EXAM BY THE COURT

10

DARONE DERRICOTT, EXAMINATION

BY THE COURT:

Q. Mr. Derricott, you were scheduled to be in Court, - - -

THE COURT: Was it December, Two thousand and Ten?

MR. CORNEY: Yes, Your Honor, I think on December - - -

THE COURT: December Ninth?

MR. CORNEY: December Ninth, Two thousand Ten, before,  
it was before this Court.

Q. You were scheduled to appear in front of me in December  
of Two thousand Ten, and you asked for additional time for,  
to prepare this?

A. Yes, sir.

Q. Do you recall that?

A. Yes, sir.

Q. Okay. And then you again appeared in this Court in June  
of Two thousand Eleven, and requested additional time?

A. Yes, sir.

Q. You've had all the documents, you haven't gotten any new  
documents since December of Two thousand Ten, have you?

A. No, I've discovered new, new, I mean, my motion has a  
lot of paperwork and it's a lot of things that I may have  
looked over but quite didn't grasp and I feel that it makes  
a, it will make a big difference in what I present to you in  
front of the Court on making your decision.

Q. Have you gotten all of your stuff here today?

DARONE DERRICOTT - EXAM BY THE COURT

11

1 A. No, sir.

2 Q. Why don't you have it?

3 A. I mean, I have the majority of it but, I mean, it was,  
4 the most, the stuff that I went over that I had prior to is  
5 what I have today but, as I was going over my paperwork last  
6 night I also discovered other paperwork that I feel I need  
7 to look into, but they don't have the law library at the  
8 county jail, so I figured that if I got back into the  
9 institution and looked up case law behind it, it will make a  
10 bigger difference.

11 Q. Okay. You have been back away from the county system,  
12 back in -- are you at Lee?

13 A. Yes, sir.

14 Q. You've been back at Lee since December and since June,  
15 is that correct?

16 A. Yes, sir.

17 Q. Okay.

18 A. We have a lot of, we also have a lot of lock down  
19 statuses at Lee County that whoever, that stops our  
20 movement, so that's another issue. They actually stopped  
21 Ms. Branch from coming to visit me once before because of  
22 that issue.

23 THE COURT: Alright, Mr. Corney, any questions you want  
24 to ask?

25 MR. CORNEY: I don't believe I have any questions, Your

1 Honor.

2 THE COURT: Alright, Ms. Davis-Branch, anything that  
3 you want to ask him based upon the questions I've asked?

4 MS. DAVIS-BRANCH: No, Your Honor, I can't think of  
5 anything.

6 THE COURT: Okay. Alright.

7 MS. DAVIS-BRANCH: Thank you, sir.

8 THE COURT: Now, Mr. Derricott, let me explain  
9 something. It's been continued twice. Okay? I'm not  
10 continuing it a third time. Okay? We're here today, you  
11 had notice to be here today to present your case, I'm going  
12 to let you present your case.

13 Now, what I will do is, after, you know, we have the  
14 hearing today I will allow you to get with your attorney, I  
15 will hold off on making the decision for thirty days so you  
16 can submit anything else that you think we didn't cover, you  
17 can submit that to me. And then, Mr. Corney, you will have  
18 fifteen days after that to submit any response or reply to  
19 that. Okay?

20 MR. CORNEY: Thank you, Your Honor.

21 THE COURT: But we're not going to keep going on in  
22 this. This is the third time. Okay? So, we will hear it  
23 today. Do you understand that?

24 APPLICANT DERRICOTT: Yes, sir.

25 THE COURT: Do you understand the reason I'm doing

1 that?

2 APPLICANT DERRICOTT: I don't fully understand the  
3 reason for doing it because, like I said, this is my only  
4 shot, you know, and I want to make sure that I'm well  
5 prepared for it. You could say that two times was enough  
6 time to look over it, but along the course of those two  
7 times there's other issues that you're dealing with where  
8 you have the institution and they hinder you from doing what  
9 you need to do as far as your legal matters. So, no, I  
10 don't understand your reasons, honestly.

11 THE COURT: Okay. Well, I appreciate your saying that,  
12 but let me just note for the record that you were sentenced  
13 on July Twenty-third of Two thousand eight. Okay? This is  
14 now September of Two thousand Eleven. It's been three  
15 years. We've had two continuances, and it's time.

16 APPLICANT DERRICOTT: Those two continuances were  
17 within one year, correct?

18 THE COURT: I understand that. Okay?

19 Alright, it's your witness.

20 MS. DAVIS-BRANCH: Okay. Thank you, Your Honor.

21 THE COURT: Thank you, ma'am.

22 (NOTE: Blank lines on this page do not indicate any part of  
23 record has been omitted. Headers on testimony pages and  
24 hard page breaks between testimony are now required by the  
25 Court.)

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

14

DARONE DERRICOTT, DIRECT EXAMINATION

BY MS. DAVIS-BRANCH:

Q. Mr. Derricott, - - -

THE COURT: Now, if he needs any of his notes and like that you might want to go ahead and ...

Q. Do you need any of those? No.

THE COURT: Okay.

Q. Mr. Derricott, you are an inmate at the Lee Correctional Department?

A. Yes, ma'am.

Q. Okay. And how long have you been there?

A. Since I've been sentenced.

Q. Okay. And do you recall when you were sentenced?

A. On the Twenty-third of January.

Q. Okay. And did you have an attorney to represent you at that sentencing?

A. Yes, ma'am.

Q. Is that attorney here today?

A. Yes.

Q. Is it Mr. Walters who is sitting next to my right?

A. Yes, ma'am.

Q. Okay. And did you or your family hire him?

A. My family hired him.

Q. Your family. And you are from another state, correct?

A. Yes, ma'am.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

15

1 Q. Okay. Where are you from?

2 A. Washington, D.C.

3 Q. Okay. Within the reasoning of you hiring Mr. Walters, I  
4 assume that your family, or you paid Mr. Walters, correct?

5 A. Yes, my father.

6 Q. Okay. And in regards to your application for a PCR, do  
7 you recall the reasons that you feel that Mr. Walters was  
8 ineffective?

9 A. Yes, ma'am.

10 Q. Okay. What are those reasons, or you can just give me  
11 the first one?

12 A. Well, I had found out that he would fail information  
13 about a plea bargain that Ms. Burbage, I believe she was the  
14 Assistant Solicitor, sent to his office, and they also sent  
15 them another one re-extending that same offer but I never  
16 knew anything about their offer, period.

17 Q. Okay.

18 A. I never heard it, he never -- once he heard anything  
19 about it he never came and contacted me or, via phone or in  
20 person. You know, it was something that he had and I guess  
21 he made his own judgement on whether I should have took it  
22 or not.

23 Q. Okay. So, that your testimony can be clearer, let me  
24 ask you this. You said that you believed that Mr. Walters  
25 withheld information from you, correct?

1 A. Yes, ma'am.

2 Q. What information did he withhold from you?

3 A. A plea offer from the Solicitor's office.

4 Q. Okay. And how do you know that?

5 A. Because once I had been sentenced and I had got familiar  
6 with the information that I should have had, been familiar  
7 with coming in front of Judge, was my Rule Five discovery,  
8 basically photo lineups, statements, victim's statements,  
9 basically all evidence that the State have against you,  
10 claiming to have against you, I never had that prior to the  
11 sentencing or any decisions made on my sentencing. So, I  
12 went through the paperwork and I discovered that there was a  
13 plea offer given to Mr. Walters.

14 Q. Okay. And who from the Solicitor's office gave you that  
15 offer, or gave Mr. Walters that offer?

16 A. Kelly Burbage.

17 Q. Kelly Burbage?

18 A. Yes, ma'am.

19 Q. Okay. Did you have any information relative to an offer  
20 prior to MS. Burbage sending Mr. Walters an offer?

21 A. No, ma'am.

22 Q. Did you have your indictment or any information relative  
23 to a preliminary hearing, anything like that?

24 A. No, ma'am.

25 Q. Okay. Did you have your, any arrest warrants, did you

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

17

1 know any information about your co-defendants?

2 A. The only information I had was the arrest warrants, the  
3 warrants that they served me at the county - - -

4 Q. Okay.

5 A. --- from, of officers. Other than that, that's the only  
6 paperwork I ever had before sentencing.

7 Q. Would you have liked to participate in your defense?

8 A. Yes.

9 Q. Okay. But you don't feel like you had the opportunity?

10 A. No, ma'am.

11 Q. Okay. And you talked about a plea offer that was given  
12 to you ...

13 MS. DAVIS-BRANCH: Your Honor, may I approach the  
14 witness?

15 THE COURT: Sure.

16 Q. Okay. I want to show you to documents, Mr. Derricott,  
17 could you identify them, the dates and who they're from?

18 A. Well, the first, this first plea offer, David Pascoe, it  
19 says, Date: Seven/six/Two thousand Six, for me, Assistant  
20 Solicitor Kelly Burbage, and the defense attorney was Mr.  
21 Walters. Pending charges, assault with intent to kill,  
22 kidnaping, burglary, first degree, armed robbery. The plea  
23 offer was current and the offer expired August Sixth, Two  
24 thousand seven.

25 Q. Thank you.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

18

1 THE COURT: What was the offer, I mean, what was it  
2 for?

3 MS. DAVIS-BRANCH: ABHAN, kidnaping, burglary, one, and  
4 armed robbery.

5 THE COURT: Did it have anything in there about a term  
6 of years?

7 MS. DAVIS-BRANCH: No, it did not, Your Honor.

8 THE COURT: Okay. It was just pleading to?

9 MS. DAVIS-BRANCH: Yes, sir, but it did not have a  
10 term, Your Honor.

11 THE COURT: Okay. Thank you, ma'am, I'm sorry, I just  
12 wanted to make sure I understood.

13 MS. DAVIS-BRANCH: Okay. That's alright.

14 Q. And the second one, Mr. Derricott?

15 A. It stated, "Dear Mr. Walters: The State is re-extending  
16 the offer of a plea to all charges for concurrent time.  
17 Further, the plea will encompass the Bamberg charges as  
18 well. This offer will expire on January Ninth, Two thousand  
19 eight. If your client wishes to accept this offer the plea  
20 will be scheduled for the week of January Fourteenth. If  
21 your client desires a trial please take notice that the  
22 State will seek a sentence of life without parole. The  
23 State intends to call the case for trial the week of January  
24 Twenty-first, Two thousand eight. Do not hesitate to  
25 contact our office if you have further questions or concerns

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

19

1 regarding this case."

2 Q. Okay. What was the date on the one you just read, Mr.  
3 Derricott?

4 A. The date was January Third, Two thousand eight.

5 Q. Okay. So, this one would have come before or after the  
6 first one you read?

7 A. After.

8 Q. Okay. But this is the first time that you saw this --  
9 when was the first time you saw this?

10 A. Once I got my Rule Five discovery at Lee County  
11 Institution.

12 Q. And when did you receive your discovery?

13 A. After I had been sentence and I was already housed at  
14 the Institution there.

15 Q. Okay. And who gave you the discovery?

16 A. I wrote a letter, I gave you a copy of the letter that I  
17 wrote to Mr. Walters requesting my Rule Five, and he had  
18 sent me a letter that's also in there stating that he needed  
19 enough time to get it out of storage and he would send it to  
20 me. And then he mailed it to me at Lee Correction.

21 Q. So, when you first learned of the offer that was  
22 submitted to your attorney, Mr. Walters, how much time did  
23 you have to make your decision?

24 A. Before sentencing?

25 Q. Yes, sir.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

20

1 A. Maybe a day or two tops.

2 Q. A day or two?

3 A. Yes, ma'am.

4 Q. And so do you believe, were you able to make a voluntary  
5 decision, was it a meaningful, were you able to reflect upon  
6 it, understand it when you made that decision?

7 A. No, ma'am.

8 Q. Okay.

9 A. It came, we came up here and the offer, we was outside  
10 this office, out that door in the little office out there  
11 and the offer was, like, zero to twenty years or something.  
12 And I told him I didn't want it, you know. And he said he  
13 would talk to me, said he was just going to send me back to  
14 the county jail. He came to see me that following, after I  
15 guess, I assume after he left there he came to see me that  
16 night and he was, like, explaining to me that that's the  
17 offer, the final shot, that's all that they would offer.  
18 And I was, like, no, I mean, I'll plead to fifteen years.  
19 And he was, like, okay, well, I'm going to go talk to the  
20 Judge tomorrow and I'll see if we can get that, like, if you  
21 don't take this, you know what I'm saying, they're going to  
22 give you a life sentence, that's what they're trying to do.  
23 So, I didn't, I was basically between the plea that they  
24 offered or a life sentence, and I have, that was the next  
25 day that I had to go up to take this offer.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

21

1 Q. Had you received a copy or had a chance to speak to Mr.  
2 Walters from the first offer that was submitted by Ms.  
3 Burbage do you believe your decision would have been much  
4 more informed?

5 A. Yeah, I mean, I could have had a different approach.

6 Q. What would have been the difference in your approach?

7 A. I mean, I would have told him what -- I would have told  
8 him what I felt comfortable with as a plea, and charges, I  
9 mean, other charges would drop. I mean, I'd plea to all the  
10 charges that I originally was sentenced to for concurrent  
11 time, but that was the only offer in that. I mean, I know I  
12 wouldn't have took that if I had more time to make a  
13 decision on the offer versus this or a life sentence.

14 Q. So, is it your testimony that you were rushed into this  
15 plea?

16 A. Basically, yes, ma'am.

17 Q. And is it your testimony that you did not voluntarily  
18 plea?

19 A. Yes.

20 Q. Okay. How many times did Mr. Walters come and see you,  
21 Mr. Derricott?

22 A. When I, when he first was hired he came to see me both  
23 to retain a fee and what happened in my case, and then I  
24 didn't see him again until that time I'm telling you now,  
25 the week before sentencing when he came and told me, this is

1 it.

2 Q. So, how long were you in the detention center?

3 A. Thirteen months.

4 Q. Thirteen months?

5 A. Yes, ma'am.

6 Q. So, it's your testimony that Mr. Walters came to see you  
7 initially, and then the second time, or were there two times  
8 or more than two times?

9 A. It was two times.

10 Q. Okay. The second time that you saw him was relative to  
11 the plea?

12 A. Yes, ma'am.

13 Q. Okay. So there was no time in between that you all  
14 discussed the case?

15 A. No, ma'am.

16 Q. Okay. Do you know whether or not he had a chance to  
17 speak to your parents?

18 A. I called my father a few times over the phone and he  
19 told me that, I mean, he assumed that, he said Mr. Walters  
20 told him basically, like, he'd let them know when he come up  
21 with anything. Other than that there was no need to notify  
22 him. So, the whole time I was under the impression that it  
23 wasn't nothing being said pertaining to the case or a bond  
24 hearing. I mean, I was held in the county without a bond the  
25 whole time, so there was none of that. He didn't call so I

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

23

1 assume, we was assuming that, you know, when something comes  
2 up he would notify us. But once I got my Rule Five I see  
3 that, you know, he was, they were, the Solicitor's office,  
4 they copied everything that they sent to him, and they was  
5 sending him offers and just paperwork, witness statements,  
6 everything pertaining to the case but he never contacted us  
7 or nothing.

8 Q. Okay. Did you get a chance to look at any other  
9 particular documents contained in your discovery  
10 information, did you get a chance to look at any witness  
11 statements?

12 A. Before sentencing or after?

13 Q. After sentencing?

14 A. Yeah. Once I received my motion that's when I got a  
15 chance to look at all those.

16 Q. Okay. And was there anything in particular that you  
17 noticed once you reviewed those statements?

18 A. Yes, ma'am, it was just statements from the victims.  
19 They weren't, they weren't compatible with one another on  
20 what's at play, they was basically statements saying that  
21 people entered their home with masks, with shirts covering  
22 their face, but when I looked at, from the detective's  
23 investigation, they gave, they gave the victims a photo  
24 lineup like six individuals and, you know, one picture was  
25 of myself and then five other people I never seen before in

1 my life. And then, my co-defendants as well they was placed  
2 in photo lineups, and these people picked us out of these  
3 photo lineups and signed their signature on it but in their  
4 statements they're saying that they had, the people were,  
5 had coverings over their face. So, I mean, if someone was to  
6 walk in this courtroom right now with something covering  
7 their face and all of us was to look at them and then they  
8 beat us in the head with a pistol, whatever took place, any  
9 type of activity, it would be hard for you to just pick  
10 someone up out of a lineup. These lineups were dated, like,  
11 days right after this incident happened. So, it was hard  
12 for me to understand how it could have been possible.

13 Q. So, based on what you just testified to, that  
14 information, had you known that would that have affected  
15 your reasoning as to whether or not you were going to plead?

16 A. Yeah, I mean, the defense would have been -- I would  
17 have notified Mr. Walters of these discoveries because it  
18 was, it is really no evidence. All you have is someone  
19 saying something and what they're saying doesn't really too  
20 much sense.

21 Q. And had you had the opportunity you would have done what  
22 again, what would you have done?

23 A. I mean, I would notified my lawyer that we need to come  
24 up with a defense to, to present this showing that these  
25 statements and accusations are contradicting their self.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

25

1 Q. But you didn't tell Mr. Walters that, did you?

2 A. I couldn't.

3 Q. Right. And why not?

4 A. I ain't never had this paperwork until after I was  
5 already sentenced.

6 Q. Right.

7 A. I mean, all the evidence that was against me, I never  
8 had it.

9 Q. Okay. And did you ask for it?

10 A. No, ma'am, I didn't, I mean, he didn't tell me that this  
11 was something that I would be receiving or was part of, I  
12 mean, I'm pretty sure he's familiar with what goes on when  
13 you're defending someone. I mean, he knew that once I  
14 believe the SLED officers are the ones who provided these  
15 documents, but he never told me, once your Rule Five come  
16 I'll let you take a look at it, or I'll look at it and see  
17 how we can go about this case or these charges or anything.  
18 It was no talk about no Rule Five. So, I was assuming that  
19 basically I'm going off of whatever he come and tell me,  
20 which was nothing as well.

21 Q. You said you only met with him how many times?

22 A. Twice.

23 Q. Okay. And how old were you then, Mr. Derricott?

24 A. Nineteen.

25 Q. You were nineteen years old. And were you depending on

1 your attorney to guide you through the process of your  
2 defense?

3 A. Yes, ma'am, that was what I was paying him for.

4 Q. Pardon?

5 A. I said, that was the whole purpose of retaining him.

6 Q. Of hiring him. Is there anything else in the documents  
7 that you picked up that you thought might have been able to  
8 allow you to make a more informative decision?

9 A. I mean, yes, ma'am, just all the documents by the  
10 investigative reports and the statements from the victims  
11 and my co-defendants and all the majority of the paperwork  
12 that's in there, it shows, you know, what they're saying  
13 took place and what others are saying took place, and the  
14 evidence that they have against you, ballistics, guns,  
15 weapons that they said were used, they never recovered but  
16 two, two guns and they're saying that it was over four or  
17 five guns used, shots that were fired out of certain guns  
18 that bullets were never found, it was found from totally  
19 different types of guns. All of this is something that I  
20 should have had before.

21 Q. Before your sentencing?

22 A. Yes, ma'am.

23 Q. Do you recall the name of the trial judge, Mr.  
24 Derricott?

25 A. Yes, ma'am.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

27

1 Q. What was his name?

2 A. James Williams.

3 Q. Judge Williams?

4 A. Yes, ma'am.

5 Q. Okay. Do you recall anything that Judge Williams said  
6 during the time of trial that has alarmed you?

7 A. Yes.

8 Q. Okay. And what was that?

9 A. He had stated that he was familiar with the victims,  
10 the family of the victims, he said he knew them pretty well,  
11 he was familiar with them. He, I guess they were from the  
12 same town or went to the same church. He was saying he was  
13 very familiar with them, he knew them.

14 Q. Okay. And why would that information be alarming to  
15 you?

16 A. Because I believe that would make a big difference on  
17 his judgement and sentencing.

18 Q. Okay. And was there a motion filed for Judge Williams  
19 to recuse himself from that hearing, because he knew the  
20 victims?

21 A. It should have been but it wasn't.

22 Q. It wasn't?

23 A. No, ma'am.

24 Q. Okay. You're sure that Mr. Walters never made an issue  
25 of that?

1 A. No.

2 Q. Okay. Do you feel that had that motion been filed it  
3 might have been a different outcome in your case?

4 A. Yes.

5 Q. Okay. Why do you think that?

6 A. I mean, if someone you know has been harmed or saying  
7 they been harmed, and they're hurt, I mean, a lot of times  
8 we hurt as well when you have some type of ties with  
9 individuals or other people. You know, you feel, a lot of  
10 times you feel what they feel. So, you're going to have,  
11 your emotions are going to be tied in your judgement as well  
12 if you're a judge over a case and you know someone that's  
13 been harmed or hurt, you're going to, you might have a  
14 little more harsh punishment people accused of these actions  
15 because it's someone that you know personally, you know.

16 Q. Right. Mr. Derricott, did Mr. Walters file an appeal on  
17 your behalf?

18 A. No, ma'am.

19 Q. Okay.

20 A. I tried to file an appeal once I got to Kirkland, R&E, I  
21 filed it actually, but, and I have the paperwork that I  
22 showed you. Somehow it was never put on record because I  
23 had sent in a notice of withdrawal for the appeal, and Mr.  
24 Rawlings had sent me paperwork back saying that they never  
25 had it on file.

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

29

1 Q. When you hired Mr. Walters did you believe that hiring  
2 him would have included any kind of appeal if necessary?

3 A. I mean, I thought he would do all he could pertaining to  
4 the whole case, I mean, motions, appeals, events, everything  
5 that a lawyer does as a defense attorney.

6 Q. And in summing up your testimony, Mr. Derricott, do you  
7 feel that Mr. Walters as your defense counsel was  
8 ineffective?

9 A. Yes.

10 Q. Okay. And do you feel that you have been harmed because  
11 of that ineffectiveness?

12 A. Yes, ma'am.

13 Q. And how have you been harmed?

14 A. I mean, I feel like my sentence would have been much  
15 different if I had a better defense, if I was going over the  
16 case and the documentation with Mr. Walters that he had  
17 prior to my sentencing.

18 Q. And you hold Mr. Walters responsible for that?

19 A. Yes.

20 Q. Okay. Is there anything else that you want this Court  
21 to know or to hear from your words as to your request for  
22 post conviction application, anything else?

23 A. No, I mean, basically everything we discussed just now.  
24 I mean, me not having the documentation pertaining to my  
25 case really made my, made is what I went off of my decision

DARONE DERRICOTT - DIRECT BY MS. DAVIS-BRANCH

30

1 based on taking this plea because I felt like if I didn't do  
2 this I would get a life sentence. Being blind I didn't know  
3 what was going on, but now that I know that it was a lot of  
4 paperwork that I never received or seen that Mr. Walters  
5 had, the defense, we could have come up with some type of  
6 strategy or defense when going into Court, coming into  
7 Court.

8 MS. DAVIS-BRANCH: Okay. Now, please answer any  
9 questions that the attorney general may have and also the  
10 Court. Okay?

11 A. Yes, ma'am.

12 MS. DAVIS-BRANCH: Thank you.

13 Thank you, Your Honor.

14 THE COURT: Thank you, ma'am.

15 Mr. Corney, your witness.

16 MR. CORNEY: Yes, Your Honor.

17 (NOTE: Blank lines on this page do not indicate any part of  
18 record has been omitted. Headers on testimony pages and  
19 hard page breaks between testimony are now required by the  
20 Court. See next ensuing page for sequential continuation of  
21 record.)

DARONE DERRICOTT - CROSS BY MR. CORNEY

31

1 DARONE DERRICOTT, CROSS-EXAMINATION

2 BY MR. CORNEY:

3 Q. Mr. Derricott, Judge Williams discussed the cap sentence  
4 that the State was going to offer you, right, during your  
5 plea hearing?

6 A. During my plea hearing?

7 Q. Yes, he discussed with you the cap that the State was  
8 going to offer you?

9 A. Yes.

10 Q. And it was a Twenty-five year cap on all the charges?

11 A. Those, Zero to Twenty.

12 Q. Right, the cap, part of the plea offer was, he wasn't  
13 going to give you more than Twenty-five years, right?

14 A. I'm saying I thought it was Twenty years, that's what  
15 I'm telling you.

16 Q. Oh, okay. As part of the transcript, I believe Judge  
17 Williams, as part of this said, I'm not going give you more  
18 than Twenty-five years on the plea. And you're saying you  
19 thought it was Twenty years, but you remember him telling  
20 him something like that?

21 A. Yeah, yes, sir.

22 Q. Okay. But he said there was no guarantee that you'd get  
23 any less than that maximum number he told you, whether it  
24 was Twenty or Twenty-five?

25 A. Yes.

DARONE DERRICOTT -- CROSS BY MR. CORNEY

32

1 Q. The minimum you were facing on these charges was Fifteen  
2 years, right, and that's because burglary, first, carries  
3 fifteen years?

4 A. Fifteen years, yes, sir.

5 Q. Okay. And all in all, if they had run them all  
6 consecutive you were facing something like three life  
7 sentences plus a hundred and twenty years in prison?

8 A. Yes, sir.

9 Q. Okay. Do you remember Judge Williams asking you about  
10 whether you were satisfied with Mr. Walters as your  
11 attorney?

12 A. Yes, sir.

13 Q. Okay. And do you remember what you told him when you  
14 answered that?

15 A. Yes, sir.

16 Q. And what was that that you told him?

17 A. That I was.

18 Q. Okay. You even went as far as to say, I believe he done  
19 a wonderful job?

20 A. Yes, sir.

21 Q. On Page Eighty-eight, Line Thirteen of the transcript.  
22 And do you remember Mr. Walters explaining to you the hand  
23 of one is the hand of all theory?

24 A. Yes, sir.

25 Q. Okay. And he told you that even though you didn't

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1 participate in some of the crimes that were taking place  
2 here, that because you were there you were just as guilty as  
3 the others, right?

4 A. Yes.

5 Q. Okay. Did you give a confession of these crimes?

6 A. Yes, sir.

7 Q. You did. And that was part of the evidence that was  
8 against you, right?

9 A. Yes, sir.

10 Q. And one of the victims even identified you, right?

11 A. Identified me?

12 Q. Picked you out and identified you as one of the  
13 perpetrators in this crime?

14 A. Yeah, that's what I was saying that once I received the  
15 paperwork I realized that what they told the police were  
16 that it was, everyone had on masks in their statements, and  
17 I have it in my paperwork, but once they picked us out of a  
18 lineup I felt it was no way possible that they could, if  
19 they told the investigators that the perpetrators that came  
20 in the house wore shirts covering their face.

21 Q. And I don't know exactly if I understand what you're  
22 saying with this plea offer from Ms. Burbage, but you said  
23 that the letter said something about that you would get  
24 concurrent sentences and you could get rid of the Bamberg  
25 charges, too, right?

1 A. Yes, sir.

2 Q. Isn't that exactly what you pled to, isn't that what you  
3 got, you got all the charges taken care of?

4 A. Yeah, but I'm telling you is, what I'm telling you as  
5 well as the Court, this is things that I found out after I  
6 had already been sentenced. Before, like the question you  
7 asked about was I satisfied with Mr. Walters's services I  
8 said yes, because he informed me that, and my father, he had  
9 us under the illusion that there was nothing going on during  
10 this whole time period until when he came to visit. Now,  
11 once I received my Rule Five discovery I went through my  
12 paperwork and I seen that he was being informed of a lot of  
13 information that he never discussed with me or my father.  
14 So, that makes a big difference. And I was also saying that  
15 I wouldn't have been satisfied with his services because he  
16 really didn't do nothing. And the information that he was  
17 withholding would have made a totally different judgement in  
18 my plea.

19 Q. But the letter that you read a minute ago, you said it  
20 didn't say what the terms of the sentence was going to be,  
21 it just all charges and they're alla going to be run  
22 concurrent, right?

23 A. Exactly.

24 Q. And you pled guilty to all charges and they're all  
25 running concurrent, right?

DARONE DERRICOTT - CROSS BY MR. CORNEY

35

1 A. Exactly.

2 Q. Okay. So, you got exactly what that plea offer was?

3 A. I never -- yeah, but my, what I'm telling you is, if he  
4 would have -- when he received this plea offer the first and  
5 second time and notified me of it, that's not what it would  
6 have been. The reason that I took the plea was because he  
7 told me, it's either take this or take a life sentence.

8 Q. Okay. And you were facing charges in Bamberg and  
9 Orangeburg, both counties, right?

10 A. Yes, sir.

11 Q. Okay. And if you didn't plead to all of them at once  
12 they probably could have tried you separately in each  
13 county, right?

14 A. Well, they didn't have anything, as I've looked over --  
15 if they didn't have enough evidence to try me, they would  
16 have probably dropped the charges.

17 Q. Okay. But you were facing charges in both counties,  
18 weren't you?

19 A. Yes.

20 Q. Okay. Did you ever tell Mr. Walters you were concerned  
21 about Judge Williams being biased or knowing these victims?

22 A. I didn't have this knowledge until the day of  
23 sentencing.

24 Q. Okay. At the plea hearing Judge Williams went over your  
25 right to a jury trial, right?

1 A. Yes, sir.

2 Q. And you told him you didn't want a jury trial?

3 A. Exactly.

4 Q. Okay. And Judge Williams asked you ...

5 A. The reasons I told you -- excuse me, I didn't mean to  
6 cut you off, but the reason I told him that was because when  
7 Mr. Walters notified me that he was basically going to give  
8 me a life sentence.

9 Q. Okay.

10 A. And he was pretty sure of that, Mr. Walters.

11 Q. And Judge Williams asked you whether you wanted to have  
12 the charges heard in Bamberg County, and he said, do you  
13 want to take care of them all here today or do you want some  
14 of them heard in Bamberg County, do you remember that?

15 A. Yes, sir.

16 Q. Okay. And do you remember what your response was to  
17 that?

18 A. I was going to see them all here in Orangeburg County.

19 Q. That's right, you said, no, I'll let you hear it all  
20 today, right? And so, you were okay with Judge Williams  
21 hearing this plea at that point, you told him, yeah, I want  
22 you to take all these pleas from me today, right?

23 A. Yes, sir.

24 Q. Okay. So, as we said before, you're facing three life  
25 sentences plus a hundred and twenty years if they ran them

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1 all consecutive. You were offered a Twenty-five year cap,  
2 and you only got Twenty years in turn, and you think that  
3 Judge Williams was biased and harsh, sentenced you too  
4 harshly because he knew these victims?

5 A. I mean, I believe that made it much different in his  
6 sentencing, because like me and Mr. Walters discussed  
7 before, I told him that I was going to plead to fifteen  
8 years and he said that's what he was going to go and shoot  
9 for. When the Judge start sentencing and writing down what  
10 Mr. Walters said to me was, oh, it don't look like it's  
11 going like I thought. He said, he's writing too fast. He  
12 said, I think he already have his mind made up. He said, I  
13 don't think he's going to go with what we discussed.

14 Q. And you pled guilty with a couple of your co-defendants,  
15 it wasn't just you at the plea hearing that day, right?

16 A. Right. You understood what I just told you?

17 Q. Yeah, I understand. I'm just making sure I'm following  
18 up again. And there were a couple of co-defendants there at  
19 that time?

20 A. Yes, sir.

21 Q. Okay. Do you remember where you fell in the order of  
22 pleading, were you the first to plead?

23 A. No, I don't believe I was the first.

24 Q. You were toward the end, right?

25 A. Yes, sir.

1 Q. So, you saw your co-defendants go first, and all  
2 presented their cases to the Court first, right?

3 A. Yes, sir.

4 Q. Okay. Do you know how your sentence kind of stacks up  
5 against theirs, about what they received, because you were  
6 in Court that day and saw all of that?

7 A. What are you exactly are you asking?

8 Q. I'm saying, did you receive the harshest sentence of  
9 anyone, do you remember?

10 A. No.

11 Q. Okay. You got a pretty mini sentence compared to your  
12 co-defendants?

13 A. Compared to my participation?

14 Q. I'm saying compared to the what they got.

15 A. That's what the Judge sentenced me upon, right.

16 Q. Okay. But under the hand of one is the hand of all, you  
17 were just as guilty as everyone there, right?

18 A. I couldn't have been if I didn't receive the same  
19 sentence that they received.

20 MR. CORNEY: Okay. I believe that's all I have, Your  
21 Honor.

22 THE COURT: Okay. Anything on redirect?

23 MS. DAVIS-BRANCH: No, Your Honor.

24 THE COURT: Okay. Alright, Mr. Derricott, you may step  
25 down. Thank you, sir.

1 MS. DAVIS-BRANCH: Your Honor, I would like to call Mr.  
2 Walters, please.

3 THE COURT: Okay. Mr. Walters, if you would put our  
4 left hand on the Bible and raise your right hand, please.

5 MR. WALTERS: Yes, sir.

6 CLERK: Would you state your name for the record?

7 MR. WALTERS: Glenn Walters, Senior.

8 (Whereupon, Glenn Walters, Senior,  
9 is duly sworn.)

10 CLERK: Thank you.

11 THE COURT: Ms. Davis-Branch, your witness.

12 (NOTE: Blank lines on this page do not indicate any part of  
13 record has been omitted. Headers on testimony pages and  
14 hard page breaks between testimony are now required by the  
15 Court. See next ensuing page for sequential continuation of  
16 record.)

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1 GLENN WALTERS, SR., DIRECT EXAMINATION

2 BY MS. DAVIS-BRANCH:

3 Q. How are you, Mr. Walters?

4 A. Fine, ma'am, how are you?

5 Q. Fine, thank you. Mr. Walters, we -- the Court knows  
6 that you represent Mr. Derricott, correct?

7 A. Yes, ma'am.

8 Q. Okay. And in that representation, I believe Mr.  
9 Derricott, Sr., paid you for services, correct?

10 A. Yes, ma'am.

11 Q. Okay. And do you know how Mr. Derricott came to know  
12 you and your office?

13 A. No.

14 Q. Okay. They just kind of walked in your office during  
15 the day and said ...

16 A. I believe his dad came to our office.

17 Q. Okay. When you're hired by an individual to represent  
18 them what kinds of steps do you normally go through as  
19 defense counsel?

20 A. Sign a contract, get a copy of the Rule Five, and then  
21 after you review the Rule Five that determines the strategy  
22 or approach toward the case.

23 Q. Okay. Do you recall what your strategy was in Mr.  
24 Derricott's case?

25 A. Mr. Derricott was put in a position where the only out

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1 he had was to attempt to testify against his co-defendants.  
2 Each one of the co-defendants implicated him. Each one of  
3 the co-defendants stated he was present and maybe he doesn't  
4 remember what happened, but this crime spree started in  
5 Denmark, it was five individuals, they went to a trailer,  
6 they didn't know the guy living in the trailer. They  
7 knocked on the door, they had a shot gun, several pistols.  
8 The gentleman attempted to run, he was shot. They then  
9 proceeded from Denmark over to Norway, all five of them  
10 inside of a vehicle. They then went to Mr. Polite's house,  
11 he's eighty-one years old. They knocked on the door, got  
12 inside the door, they pistol whipped Mr. Polite and they  
13 beat his wife and they took her money. And I think at Mr.  
14 Polite's house Mr. Polite was shot in the penis.

15 Q. Okay.

16 A. Then they went to a third house.

17 Q. Mr. ...

18 A. They went to the third house and that was Mr. Grant's  
19 house.

20 Q. Excuse me, Mr. Walters.

21 MR. DAVIS-BRANCH: May I have a moment, Your Honor, to  
22 speak to my client?

23 THE COURT: Sure.

24 MR. DAVIS-BRANCH: Thank you.

25 THE COURT: We'll pick back up.

1 (Whereupon, a conference is had  
2 between Applicant and Counsel  
3 off the record.)

4 Q. I'm sorry, Mr. Walters. Okay, what I really want you to  
5 answer is, understand, what did your investigation consist  
6 of? You're giving me the facts of what happened at the  
7 trial, - - -

8 A. Right.

9 Q. --- my question is, what did your investigation consist  
10 of relative to the strategy of the case, not the facts?

11 A. Alright. Well, in attempting to answer your question, -  
12 - - -

13 Q. Yes, sir.

14 A. --- if I could finish.

15 Q. Yes.

16 A. They then went to a third house after shooting Mr.  
17 Staley in the penis, and when they got to the third house  
18 Mr. and Mrs. Grant were there and Mr. Grant was pistol  
19 whipped, his wife was raped, and there was a child that was  
20 a year old that was beaten. In finding out that they had  
21 gone to these three houses and what they had done, Mr.  
22 Derricott was instructed that we need to cut a deal and you  
23 need to testify against all of your co-defendants.

24 Q. When was Mr. Derricott informed of that?

25 A. Several times, but Mr. Derricott's position was, just as

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1 it is today, is this form of junky logic that I was there  
2 but I really wasn't a participant. But he was with all five  
3 of the guys, and he participated in each of the beatings  
4 that occurred in each of the houses. He didn't shoot Mr.  
5 McDonald, and he didn't shoot Mr. Staley - Mr. McDonald was  
6 shot, I believe, in the shoulder. He didn't shoot Mr.  
7 Staley in the penis, and he didn't rape Mr. Grant's wife but  
8 he was present with the group when this occurred. And each  
9 time you talked to him it was this junky logic that, you  
10 know, I was there but I really wasn't a participant. And  
11 most importantly, he needed to testify against all of the  
12 co-defendants. He aired into Orangeburg County and Bamberg  
13 County, he came down here from DC, so there was this  
14 different type or way of looking at the world that, I was  
15 present, I was high, but I really wasn't there, and what was  
16 explained to him was, is that, you're here, you're in  
17 Orangeburg County and you're in Bamberg County, and you need  
18 to cut a deal against your co-defendants. That's the only  
19 way I can see that we can work something out. And ...

20 Q. Now, what you're telling me now, Mr. Walters, are you  
21 saying that your strategy was relative to going to trial or  
22 you were asking, or informing or advising Mr. Derricott that  
23 you need to try to cut a deal, is that what you're telling  
24 me?

25 A. I advised Mr. Derricott, you're dead int he water.

1 Q. Okay.

2 A. You've got two victims ...

3 Q. You told him that without a doubt?

4 A. Oh, yeah, you've got two victims that can identify you,  
5 it appears that two people have been shot, and there's a  
6 woman that, for some reason they raped this woman, and she  
7 had to be in her fifties or sixties, she was old, but for  
8 some reason these young boys decided to rape her. And, of  
9 course, the child was beaten also. What was told to Mr.  
10 Derricott was, is that you're dead in the water. Right now  
11 you're facing a life without parole sentence, you're going  
12 to be incarcerated the rest of your life. You need to cut a  
13 deal, you need to work something out. And, of course, if  
14 the co-defendants want to go to trial you should volunteer  
15 to testify against each and every one of them. I think  
16 you're the less culpable in the crowd because you were high  
17 and you were there, but nevertheless, the hand of one is the  
18 hand of all, and you're going to go down with the rest of  
19 this group.

20 Q. Now, was this something shared with Mr. Derricott in the  
21 beginning, or the initial stages of your defense or was that  
22 the latter part?

23 A. In the beginning.

24 Q. In the beginning?

25 A. The bottom line is, is that when these people were

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1 caught they automatically started confessing. In fact, when  
2 they attempted to get away I think from the second or third  
3 house the car broke down and they stole Mr. Grant's car, I  
4 think they stole his car. But the one young man that stayed  
5 with the car, I think he gave a full statement about who was  
6 involved. It was sort of crazy, we're going to rob all  
7 these houses, we're going to rape this woman, we're going to  
8 shoot a guy in the penis, we're going to shoot another guy,  
9 and after we're caught we're going to tell everything.

10 Q. Okay. Again, I don't want the facts of what happened,  
11 what I want to know is about your strategy in terms of his  
12 defense.

13 A. The strategy was ...

14 Q. Was your strategy with him to plead because he, you  
15 thought it was best in his interest to turn evidence  
16 against his co-defendants?

17 A. The best strategy in this particular case was that he  
18 needed to cut a deal.

19 Q. Okay. And you told him that when?

20 A. Up front, the first time I met him. Now, as far as his  
21 father, he said his father was in and out of the office. It  
22 was hard to communicate with his father because his father  
23 came in, paid the retainer, and all of these people are from  
24 DC. He comes down here to Orangeburg and then he's picked  
25 up and arrested.

1 Q. Okay.

2 A. And when he was picked up, he was picked up for a  
3 felony, too. So, you had Dad who was running back and forth  
4 to the office, and then all of a sudden he was calling,  
5 saying, can somebody post a bond for me.

6 Q. Okay.

7 A. So, it appears that everybody that came down from DC and  
8 got in a world of trouble.

9 Q. Okay. Now, my client testified on direct examination  
10 that he only saw you twice in, of course, the eighteen  
11 months.

12 A. Uh-huh.

13 Q. Do you refute that?

14 A. Whatever is on the jail record, that's what it reflects  
15 and I'm - - -

16 Q. I don't know what's on the jail records, what's your  
17 recollection?

18 A. --- I'm not here, I can't remember how many times I saw  
19 him.

20 Q. Okay.

21 A. But the bottom line is, is that ...

22 Q. So, it's possible that you could have only seen him  
23 twice?

24 A. It is possible.

25 Q. Okay.

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1 A. The bottom line was, is that evaluating his case Mr.  
2 Derricott was in serious trouble. As far as the Rule Five  
3 material he claims he didn't see, when we talked about this  
4 plea -- first of all, this issue about running concurrent,  
5 and I didn't tell him, all the offer was, is that we'll run  
6 the time concurrent. They didn't state how much time. If  
7 they ran the time concurrent he was still going to get a,  
8 you know, a life sentence or whatever. But either way, we  
9 were able to negotiate a deal. And the deal we negotiated,  
10 he got less time than anyone else in the group. He was  
11 happy with it, he was pleased with it, and in our  
12 discussions he simply stated, he said, do you think this is  
13 best? I said, look, son, a woman was raped, a man was shot  
14 in the penis, and another man was shot, I believe in the  
15 shoulder or the back when he was running from the door. In  
16 addition to that you've got these burglaries, you've got an  
17 armed robbery, you've got assault and battery with intent to  
18 kill, you've been charged with kidnaping. You're crazy if  
19 you think a jury in Orangeburg County is going to set you  
20 free. There's no racial dynamic here, we don't have a bunch  
21 of white folks versus black folks, and somebody's going to  
22 come in and save you. What we've got here is, is an  
23 outsider that comes from DC, and he comes down here and says  
24 he's going to play with the country mice and he can do  
25 whatever he wants to do, and he's going to go back to DC and

1 be set free. The bottom line was, that wasn't going to  
2 happen.

3 Q. How much time do you think a defendant needs in order to  
4 have an informed decision as to whether or not to take a  
5 plea?

6 A. It depends on the defendant. Most ...

7 Q. Okay. Well, in this case with Mr. Derricott?

8 A. Alright, well, let's talk about defendants. Most young  
9 ...

10 Q. Okay. He says he only had two days.

11 A. Most of the young black men that we see between Eighteen  
12 and Twenty-five that come from the background that he comes  
13 from, they've made decisions with regards to these issues  
14 probably when they were ten or eleven years old. They've  
15 been raising themselves and they don't have the guidance of  
16 parents or whatever else, and they essentially can jump in a  
17 car and come down here from DC with a shot gun and start  
18 robbing houses.

19 Q. But how much time do you think is warranted in order to  
20 make an informed decision, that's what I'm asking you?

21 A. It depends on the defendant.

22 Q. He had two days. Do you think that that was sufficient?

23 A. Considering the factors, Number One, suppose try it --  
24 and we do an algebraic equation, we're saying, define the  
25 variables and where you're going to end up. No one can

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1 tell. But let's be honest about it, if a visiting judge came  
2 other than Judge Williams, they probably would have given  
3 him a consecutive sentence. If he chose to try the case in  
4 Orangeburg and Bamberg Counties, they probably would have  
5 run the sentence consecutive.

6 Q. Okay.

7 A. In addition to that, we had other co-defendants that  
8 were looking for a deal, even though they're all friends and  
9 they're all tight, and this is my homey, the bottom line is,  
10 is that if he wanted to go to trial somebody else within the  
11 group was going to cut a deal. This kid was playing with a  
12 deck of cards and he didn't understand what he was doing,  
13 his father was incarcerated who was supposed to come down  
14 here and help him, he was alone, but the bottom line was, is  
15 that if he's man enough to kick a door in and rob somebody  
16 he can certainly handle this little court system. And now  
17 he's coming in here today saying, I'm confused, I was  
18 Nineteen years old. He was man enough to go into a place  
19 and watch a rape occur to a woman who was almost sixty years  
20 old, he walked into another house while a man got shot in  
21 the penis, and participated in the beating, and he busts  
22 open another door where another man was shot. And now he's  
23 sitting here today and saying, I don't, lacked the maturity  
24 that I should have to make a decision with regards to doing  
25 time. He's well equipped to make plenty of decisions. It's

1 just this time he got caught.

2 Q. Mr. Walters, given what you know about Mr. Derricott,  
3 and your two year representation of him, I repeat my  
4 question because I don't think you've answered it, the  
5 question is, he testified on direct examination he only had  
6 a day and a half to make a decision relative to life. In  
7 your opinion, your professional opinion, was that sufficient  
8 time for Mr. Derricott to make an informed decision?

9 A. Yes.

10 Q. Okay.

11 Q. He simply could have said, no, and he could have gone to  
12 trial. It was his choice as to what he would like to do.

13 Q. But you would agree with me that an informed decision  
14 requires sufficient information, correct?

15 A. Sure.

16 Q. Okay. You would also agree with me that having an  
17 informed decision you need to be able to reflect upon it, to  
18 be able to discuss it with people who love and care for you,  
19 would you also agree with that?

20 A. No.

21 Q. Okay. And why not?

22 A. To simply make a sound, reasonable, rational decision  
23 you need to present the facts. This is a Nineteen year old  
24 kid, he didn't need his mom, he didn't need his dad,...

25 Q. But you would agree that he -- Mr. Derricott testified

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1 ...

2 MR. CORNEY: Your Honor, I'd ask that he be allowed to  
3 answer the question, he's getting interrupted right in the -  
4 - I mean, he's just starting his answer, we don't know where  
5 he's going yet. He just continues getting interrupted and  
6 he hasn't even started forming his answer.

7 MR. DAVIS-BRANCH: Because I want him to answer the  
8 question, I don't want him to give me a dissertation as to  
9 what he did. But Your Honor, I'll let you rule, I'm so  
10 sorry.

11 THE COURT: No, that's okay. Y'all seem to be able to  
12 handle it between yourselves pretty much.

13 MS. DAVIS-BRANCH: Okay.

14 MR. CORNEY: I apologize, Your Honor.

15 THE COURT: No, that's okay, that's okay. I'm going to  
16 let them go.

17 MS. DAVIS-BRANCH: Okay.

18 A. Mr. Derricott, in my experience with him, he was  
19 competent, he was rational, he's not the type of person that  
20 you can rush into doing something. He'd pull a gun right  
21 now and put it to my head just as calm as he could.

22 Q. Okay. Mr. Walters, do you recall Judge Williams saying  
23 at anytime during the trial that he knew the victims?

24 A. Judge Williams not only said that, he was told that  
25 Judge Williams was the former mayor of Norway. In fact, I

1 believe Jimmy's daddy was the mayor of Norway, and he was  
2 told that there was a large farm over there and numerous  
3 people that worked ...

4 Q. Who was told, Mr. Derricott?

5 A. Yeah.

6 Q. Okay. You told him that?

7 A. He knew all about it. All of the lawyers that were  
8 present when we pled these co-defendants, we all brought the  
9 fact that Jimmy was the former mayor of Norway.

10 Q. And what was your purpose of asking, or telling Mr.  
11 Derricott that?

12 A. So he'd know. If the felt there was a conflict or if he  
13 felt that this Judge wasn't going to be fair. And, of  
14 course, my position was, is that you can roll the dice, but  
15 if we get the wrong Judge, they're either not going to  
16 accept this plea or they're going to give you more time than  
17 you ever dreamed of. And they're going to sit down and say,  
18 this Solicitor's office is crazy if they're going to run  
19 this time for this crime in a concurrent manner. If I was  
20 the Solicitor I would have burned everybody, consecutive.

21 Q. Consecutive.

22 A. No question about it. We got a great deal.

23 Q. Yes. It's just that he doesn't think so.

24 A. He wanted Fifteen years as opposed to Twenty-five. In  
25 fact, when the plea occurred his father stormed out of the

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1 courtroom, he kicked that door, and Judge Williams almost  
2 put him in jail for the loud noise. This kid's sitting here  
3 with Twenty years for a rape, assault and battery, two  
4 counts, with intent to kill, kidnaping, a man that's shot in  
5 the penis, a lady that was raped in her late Fifties or  
6 Sixties, and his position is, - - -

7 Q. That's ...

8 A. --- and his position is, is that, and it's his junky  
9 logic that goes on with these kids between Eighteen and  
10 Twenty-five, it just wasn't that bad.

11 Q. Mr. Walters, would you agree that a defendant is  
12 entitled to know about any offers made to them through his  
13 attorney?

14 A. If there was an offer made, and the offer that was made  
15 here was, is you can plead to everything. We're not going  
16 to - - -

17 Q. Did you share that with him?

18 A. What was shared with him was, is that we can get it run  
19 concurrent. That's what was told to him. As far as the  
20 amount of time, if you want to characterize that as a plea,  
21 that's not a plea. What that says is, is that we'll run it  
22 altogether.

23 Q. Right.

24 A. And we were going to do a bundle right here in  
25 Orangeburg County. He had the opportunity to go to another

1 county and plead, and he could take his chance on it. The  
2 problem was, is that he was dead in the water, he was going  
3 to get wiped out in each county, and he knew it.

4 Q. But you would admit that he did not know of it until - -  
5 -

6 A. Sure.

7 Q. --- you discussed it with him later on. You would admit  
8 that?

9 A. He knew about the sentence running concurrent. There  
10 was no need to run out to him and say, I've got concurrent  
11 time for you. The bottom line is, concurrent what? We're  
12 going to run it concurrent with assault and battery with  
13 intent to kill, or are we going to run it concurrent with  
14 the burglaries? What are we going to do? What offense are  
15 you going to plead to that we're going to consider running  
16 it concurrent on? That's not conveyed in those letters.

17 Q. Correct. I agree with you.

18 A. So, it's not a plea.

19 Q. Well, it may not be a plea but the heading on that  
20 correspondence said, plea, even though it didn't give a  
21 definite term and time, it did say, concurrent, would you  
22 agree with that?

23 A. I would agree that there was a heading on there, but as  
24 far as it being a plea agreement that was being offered,  
25 there's no plea agreement that was offered.

GLENN WALTERS, SR. - DIRECT BY MS. DAVIS-BRANCH

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1 Q. Did Mr. Derricott help you with his defense?

2 A. Mr. Derricott, his only concern was, is that his co-  
3 defendants had implicated him, his other concern was that he  
4 was identified within that lineup, I believe it was Mr.  
5 Polite that identified him, and most importantly, he was  
6 concerned about the doctrine of the hand of one is the hand  
7 of all. And his position simply was, I was high, I came  
8 down here from Washington. As far as breaking in these  
9 houses, I walked in the house, and I saw what was going on,  
10 but I didn't really hit anybody. But he stood there when  
11 someone was raped and he stood there when a man was shot in  
12 the penis, and he stood there when a man was shot that was  
13 running from the house.

14 Q. I repeat my question, did Mr. Derricott have an  
15 opportunity to help you with his defense?

16 A. Sure.

17 Q. He did?

18 A. If you would consider what could he do to himself. And  
19 most importantly, he's talked about all this information he  
20 didn't know, and he's leaving out one important point, he  
21 confessed to the crimes.

22 Q. Mr. Walters, a couple more final questions. Okay? Did  
23 you hire an investigator to assist you in this case?

24 A. I can't remember. What we normally do is, is if we need  
25 something on a case we'll hire Danny McDaniel or Horace

1 Leysath, and we'll say, go get this for us, go get that for  
2 us. The problem in this case was, is that we had all co-  
3 defendants implicating Mr. Derricott, and then, of course,  
4 Mr. Derricott confessed to the crimes. So as far as ...

5 Q. You has a written confession?

6 A. I believe Mr. Derricott made it clear that he was  
7 willing to come in and he was willing to state, but I can't  
8 remember, I've got the file.

9 Q. For the, I mean, when you say, Mr. Derricott confessed,  
10 you mean he confessed to you as his attorney or he confessed  
11 to the deputies, Solicitor's office?

12 A. What happened was, is that everybody had a come to Jesus  
13 meeting and the next thing you know statements started  
14 popping up, and the bottom line was, is they implicated each  
15 other, and they made it clear that Mr. Derricott was there.  
16 No one ever said that, Mr. Derricott, you've got the wrong  
17 guy. When they caught them at the bus station they were  
18 trying to get back to DC since they got tired of playing  
19 with the country mice.

20 Q. Okay. Did you get a chance to discuss your strategy to  
21 Mr. Derricott's case with the other co-defendants' counsel?

22 A. No. I was going to take them all out.

23 Q. Okay.

24 A. You know, I was ...

25 A. So, you reviewed their statements?

GLENN WALTERS, SR. - DIRECT BY MS. DAVIS-BRANCH

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1 Q. No, what I was waiting for was one of them to pop up and  
2 say, I want to go to trial, I want to be the first one in  
3 line and say, my guy will testify against them, why don't we  
4 cut his time, let's work out a deal. And, of course, my  
5 position always was, if anybody wants to go to trial I'm  
6 first in line, my guy is willing to take out whatever  
7 defendant pops up.

8 Q. And why didn't that happen?

9 A. Because all of them saw the light. They all had  
10 implicated each other. They all knew they were guilty.  
11 They all knew they had committed this crime, and most  
12 importantly, if these victims were placed in front of a jury  
13 everybody was going to go to jail, life without parole.

14 Q. Okay. Now, you've been a defense counsel for many  
15 years, have you not?

16 A. Twenty-two years.

17 Q. And you've seen clients come and go?

18 A. Yes.

19 Q. In your opinion is there anything that you could have  
20 done differently or better in regard to Mr. Derricott's  
21 case, Mr. Walters?

22 A. Mr. Derricott's sitting here and he's doing Twenty years  
23 when he could have got a life sentence. And he's walking  
24 into this courtroom saying, I think you did me wrong. It's  
25 sad that he thinks that somehow there's some injustice in

1 this world. The only injustice in this world is, is that he  
2 slipped through the crack and I led the way.

3 Q. Okay.

4 MS. DAVIS-BRANCH: One moment, Your Honor, please.

5 THE COURT: Okay.

6 Q. Mr. Walters, you didn't file an appeal on behalf of Mr.  
7 Derricott, did you not?

8 A. No.

9 Q. Any particular reason?

10 A. You've seen my contract, I think my contract says you're  
11 not hiring me to file an appeal for you. Let me take a look  
12 at it. I think my contract says, you just hired me to  
13 handle your criminal case, and it does say that. I think  
14 it's clear that we're not handling your appeal. Moreover,  
15 he stated that the plea, at the plea he said I did a  
16 wonderful job. So, why would you file an appeal for a guy  
17 that says you've got a, you've done a wonderful job, and I  
18 think the -- they pulled it out, because I think they pulled  
19 it off the side of the file when he wanted copies, but if  
20 it's the standard contract that we usually do...

21 Q. What that have been filed, or signed by Mr. Derricott or  
22 his father?

23 A. I think we got Mr. Derricott to sign it, the staff went  
24 through and he wrote a letter stating, I want my file. I  
25 can't find it here, but our standard contract always says

GLENN WALTERS, SR. - DIRECT BY MS. DAVIS-BRANCH

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1 that you're not hiring us to handle an appeal for you.

2 Q. Right.

3 A. Moreover, at the plea he said I did a wonderful job for  
4 him. He got less time than -- everybody got more time than  
5 he did - - -

6 Q. Right.

7 A. --- and he said I did a wonderful job for him. So,  
8 there was never an instruction that you need to file an  
9 appeal for me. He walked out of the courtroom and he was  
10 very satisfied.

11 Q. Did you all discuss an appeal?

12 A. No. He was very happy. When a man says, you've done a  
13 wonderful job, you don't go back and say, hey, I don't think  
14 I did, do you want me to file an appeal for you? What  
15 happened was, he got to the jail and he said, I don't like  
16 being here.

17 Q. What would it have taken for you to file an appeal for  
18 him, even though your contract would have said, this does  
19 not include an appeal?

20 A. They sign a document stating that I informed him that if  
21 he, if we win the appeal he's going to be back at Square  
22 One, and he'll get an LWOP where he'll get a life sentence  
23 without parole. In addition to that you're going to pay a  
24 retainer for me to represent you with regards to the appeal,  
25 so we would have required a retainer, he would have signed a

1 document statement, you're aware of what you're doing, and  
2 that's basically it. We would have gone to work for him.

3 Q. Right.

4 A. The problem here was, is he said he was happy.

5 Q. But my question is that because he would have probably  
6 been indigent by that time, it would not have taken much for  
7 you to file the Notice of Appeal with the Office of  
8 Appellate Defense, correct?

9 A. As far as him being indigent, that was not the case. His  
10 father paid us so that we had no knowledge of his indigence,  
11 and the way his father stormed out of the courtroom because  
12 he got Twenty years, we were under the assumption this guy  
13 could go get more money. But of course, he was paying for  
14 his own defense here in Orangeburg County.

15 MS. DAVIS-BRANCH: No further questions, Your Honor.

16 THE COURT: Anything on cross?

17 MR. CORNEY: I don't think I have any questions on  
18 cross, Your Honor.

19 THE COURT: Alright, sir. You may step down, Mr.  
20 Walters.

21 Call your next witness.

22 MS. DAVIS-BRANCH: We'd just like to call Mr. Derricott  
23 again if we may, Your Honor.

24 THE COURT: Okay. Mr. Derricott. Alright, Mr.  
25 Derricott, get comfortable, please, sir. Get comfortable,

1 you're already under oath. Remember, you were sworn in just  
2 a few minutes ago.

3 APPLICANT DERRICOTT: I didn't know if I had to do that  
4 again.

5 THE COURT: No, sir. You're still under oath. I'm  
6 just reminding you of it.

7 APPLICANT DERRICOTT: Okay.

8 THE COURT: Thank you, sir.

9 (NOTE: Blank lines on this page do not indicate any part of  
10 record has been omitted. Headers on testimony pages and  
11 hard page breaks between testimony are now required by the  
12 Court. See next ensuing page for sequential continuation of  
13 record.)

DARONE DERRICOTT - REDIRECT BY MS. DAVIS-BRANCH

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1 DARONE DERRICOTT, REDIRECT EXAMINATION

2 BY MS. DAVIS-BRANCH:

3 Q. Okay, Mr. Derricott, you heard the testimony of Mr.  
4 Walters, did you not?

5 A. Yes, ma'am.

6 Q. Okay. And Mr. Walters testified that you got less time  
7 than anybody else, correct?

8 A. Yes, ma'am.

9 Q. And is that true?

10 A. No.

11 Q. Okay. What, what do you recall, what do you know to be  
12 different?

13 A. Me and two of my other co-defendants got the same exact  
14 sentence of Twenty years.

15 Q. Okay.

16 A. So, I'm, he got Twenty and I got Twenty, and another co-  
17 defendant got Twenty. What I'm trying to understand what  
18 was so less of my sentence than the other two.

19 Q. And were those other two people, were they less culpable  
20 to you in this whole matter than, I mean, less or more  
21 culpable?

22 A. I mean, I don't know, I'm not a hundred per cent sure,  
23 but what I'm trying to understand where he keeps saying that  
24 I have received a less sentence. I mean, that's, that  
25 doesn't make sense to me.

DARONE DERRICOTT - REDIRECT BY MS. DAVIS-BRANCH

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1 Q. Hearing all of the defenses that Mr. Walters said, he  
2 said he came to see you and you knew about certain things in  
3 regard to your defense. Do you disagree with that?

4 A. Yes.

5 Q. Okay. And what do you disagree with specifically?

6 A. He stated over and over the facts of the case which  
7 someone got shot in the penis, a woman got raped, and  
8 another guy shot. I didn't do it but I was there, so I was  
9 as guilty. But I'm pretty sure he recalled that in the  
10 Polite's house a woman was about to get sexually assaulted  
11 and I stopped them. And the woman stated that someone  
12 stopped the action from happening. I'm pretty sure if you  
13 asked him about that he should have proper knowledge of  
14 that. So, someone who is so, say, junky, or whatever,  
15 junky, delusional, whatever he was saying, anybody who's  
16 trying to stop an act like that from happening, that sure  
17 isn't participation in those type of acts, especially when  
18 you wasn't someone who was shooting someone or raping  
19 someone, you was actually trying to stop someone from  
20 getting sexually assaulted prior to this. I'm pretty sure  
21 he has enough knowledge to know that that's not having  
22 participation in it. I mean, he stated those facts but he  
23 never stated that fact at all.  
24 Q. And how does that information affect his  
25 ineffectiveness?

1 A. He said that I knew about Mr. Williams being the mayor  
2 of -- like he said, I'm from DC so how could I possibly know  
3 Mr. Williams being the mayor of some town or anything like  
4 that prior to, because he didn't tell me that. That's what  
5 he's insinuating. He didn't tell me anything like that. He  
6 didn't tell me anything about the plea in the beginning like  
7 he's stating, all those are lies that Mr. Walters just sat  
8 up here and told.

9 Q. So, is it your testimony now that everything that Mr.  
10 Walters testified to, most of it was not true?

11 A. Yes.

12 MS. DAVIS-BRANCH: Okay. No further questions, Your  
13 Honor.

14 THE COURT: Alright. Mr. Derricott, let me ask you a  
15 question.

16 (NOTE: Blank lines on this page do not indicate any part of  
17 record has been omitted. Headers on testimony pages and  
18 hard page breaks between testimony are now required by the  
19 Court. See next ensuing page for sequential continuation of  
20 record.)

DARONE DERRICOTT - EXAM BY THE COURT

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1 DARONE DERRICOTT, EXAMINATION

2 BY THE COURT:

3 Q. I'm reading through this transcript. On Page Ninety-  
4 seven, it was told to the Court that you, with regard to the  
5 rape of Mrs. Polite, that you told somebody not to rape Mrs.  
6 Polite?

7 A. Is that in there?

8 Q. That's in there.

9 A. Okay. He's saying that ...

10 Q. Page Ninety-seven.

11 A. Page Ninety-seven?

12 Q. Uh-huh.

13 A. You've got Page Ninety-seven, Mr. Walters? Could you  
14 show Mr. Walters that, please?

15 Q. I'm sure he's got it. Okay? I've got that. So, we're  
16 talking, but we're also talking about, there was another  
17 rape in there, too, of the next lady?

18 A. And I wasn't, and he stated, that's what I said, he  
19 stated that I was in there. As a matter of fact, I have it  
20 in my paperwork which said the victim stated that I was in  
21 the house looking in, going from room to room looking for  
22 money while this was taking place. So, if the rape, when  
23 the rape was taking place I was not, I was not there, I  
24 didn't witness this. If I witnessed this, of course, I  
25 would have stopped it if I stopped it at a house prior going

1 to this one where one took place. If I was in there it  
2 wouldn't have happened. But Page Ninety-seven clearly  
3 states that I just tried to stop this from happening before.  
4 So, I'm trying to understand why would he think that I would  
5 actually let someone do that.

6 Q. And Mr. Derricott, when you were getting ready to plead  
7 you had a cap of Twenty-five years when you were pleading,  
8 that's in there, too?

9 A. That's what they're saying, in other words, like he said  
10 ...

11 Q. No, that's what it says in here.

12 A. Okay.

13 Q. You've got a copy of this, right?

14 A. No, I didn't, I just got the copy, but some of the pages  
15 I missed from my transcript, I just got it showing my  
16 transcript from my lawyer last night.

17 Q. Okay.

18 A. Mr. Walters also stated that, about a Fifteen years,  
19 that that's what I was saying. That's the impression that I  
20 was under the whole time was that he would get, try to get  
21 me Fifteen years, and that's what I was, that's what I  
22 thought will take place. And once Mr. Williams started  
23 writing Mr. Walters, like I said before, Mr. Walters stated  
24 that, oh, it's not going right, I think he has his mind made  
25 up. And I did state that he did a wonder job, and that's

DARONE DERRICOTT - EXAM BY THE COURT

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1 why I said, I thought he did prior to me receiving my motion  
2 and seeing that it was a lot things there the he didn't  
3 negotiate with me, like he said, would it have made a  
4 difference, or would I have got a life sentence? That might  
5 be true, I can't dispute that, but what I'm saying is, he  
6 still didn't, he didn't fulfill his duties as an attorney.

7 Q. I understand what you're saying, I understand what  
8 you're saying. Judge Williams told you that, "I have agreed  
9 that I would cap any possible sentence you might get at  
10 Twenty-five years." That's what he says in here.

11 A. Okay.

12 Q. He sentenced you to Twenty. Is that correct?

13 A. Yes, sir.

14 THE COURT: Okay. Alright, have you got any questions?

15 MR. CORNEY: Just to bring it to your attention, Your  
16 Honor, just in all candor to the Court, there were two  
17 Gleatons, Will Gleaton and Darrell Gleaton, they got Forty  
18 years and Thirty-five years. Mr. Johnson and Mr. Staley did  
19 both get Twenty years, the same as Mr. Derricott. I just  
20 wanted to make sure I cleared that up. It's in the record  
21 but ...

22 THE COURT: Okay. Thank you, sir.

23 Alright, you can step down. You can step down, thank  
24 you, sir.

25 Alright, any other witnesses, Ms. Davis-Branch?

1 MS. DAVIS-BRANCH: No, Your Honor, this concludes the  
2 Applicant's case.

3 THE COURT: Okay. Alright, thank you, ma'am.

4 MS. DAVIS-BRANCH: Thank you.

5 THE COURT: What I'll do is, I'll review the record and  
6 I will get back to y'all when my decision. Okay? Thank  
7 y'all.

8 MR. CORNEY: Thank you, Your Honor.

9 MS. DAVIS-BRANCH: Your Honor, may I approach for a  
10 moment?

11 THE COURT: Sure.  
12 (Whereupon, Counsel and the Court  
13 confer off the record.)

14 THE COURT: Now, you still wanted Thirty days to, for  
15 him to review it? Okay. I'll give you that. Okay. That's  
16 fine.

17 END OF TRANSCRIPT.

CERTIFICATE

I, the undersigned, Mrs. Harry A. Walker, of Rowesville, South Carolina, Official Court Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the post conviction relief hearing in the captioned cause, relative to appeal, in the Court of Common Pleas For Orangeburg County, South Carolina, on the First Day of September, 2011.

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

DATE: April 2, 2012

Harry A. Walker

(MRS.) HARRY A. WALKER

Judge allowed me 30 days to provide any additional documentation or newly discovered information that could be helpful to my 3 issues used at PCR hearing.

1) I have my statement, the Orangeburg count offense report and (Victim) Anna Bell Polite statement along with pg 97 of my transcript. All these documents have written/ Typed proof that I stopped Mr. D. Gleaton from sexually assaulting the victim Anna Bell Polite. My reasoning for providing the courts w/ this information is to prove that what Mr. Walters stated on the stand was false information. I also have Pgs. 125 and 127 of my transcript; where Mr. Walters is stating that I was the individual who was called a "Pussy" for not participating in the activities that were taking place in each of the homes. Far as being the kind who wouldn't participate in the beatings or using the gun. My reasoning for providing the courts with these documents, is because Mr. Walters sat on the stand and completely contradicted at (PCR Hearing) what he stated on record the day of sentencing!

2) I'm also providing the courts with Criminal Law 46.4 § Counsels duties, in representing a criminal defendant, counsel owes the client of duties. Duty of loyalty, a duty of consulting with the defendant on important decisions, a duty to keep defendant informed of important developments in the course of prosecutions and a duty to bring to bear such skills and knowledge as will render the trial a reliable adversal testing process.

\* I have attached documentation where my lawyer sent me a letter, telling me he will provide me superior service and will keep me informed of all pertinent developments. But he never sent me nor my father (who I signed a consent form for to have any information pertaining to my case) a copy of my rule 5 discovery. I specifically signed a consent form for these documentations and reason being; it is all the information the state has surrounding my case.

3) I also have included in these documents, case law on the " Hands of one Hands of all " doctrine! in the case State v. Zeigler, 364 S.C. 94 (ct. App. 2005) " there was not any direct evidence of any substantial circumstantial evidence that [Antwam] killed [McDonald]. Antwan maintains his mere presence at the scene was insufficient to prove his guilt in the murder.

\* In all 3 of the incidents I was being charged with; there is not any direct evidence of any substantial circumstantial evidence, showing that I did anything along the lines of my charges. I didn't kidnap anyone because I have the statements and offense report showing that I was going from room to room during

the crime at the Grants residence (where I was charged with kidnapping). If I was going room to room, that means I wasn't holding 3 victims against their own will. At the Polites residence I was the one who stopped the attempted sexual assault. And the victim wrote a statement verifying this, And it's stated on pg. 97 of my transcript. At the Bamberg residence, I didn't even enter the home of the victim, and was called a pussy for not partaking in the shooting! My lawyer stated these facts on pgs. 25/27 of my transcript. State v. Johnson 352, SE 2d 480 (1987) Criminal Law-key 59(3) mere presence at the scene of a crime is insufficient to convict one as principal on theory of aiding and abetting.

4) My voluntary statement clearly solidifies that I was oblivious to the actions that were about to take place from the very beginning. And I only continued on this crime spree because my co-defendant threatened my life and I believed he would live up to his word after witnessing him shoot a man and another man in the penis. I feared for my life, so I just went along but didn't participate in the activities that took place;

SLED  
CF002 5/95VOLUNTARY STATEMENT  
(NOT UNDER ARREST)PAGE NO. 1 OF 1 PAGES

31060703

GWD

01/01/17-17

I, Annice Bell Polite am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Sgt. G.W. Darwell, Sgt. S. Harley. I understand I am free to walk away without saying anything, and I volunteer the following information of my own free will for whatever purposes it may serve.

I am 76 years of age, and I live at [REDACTED] Norway, S.C. 29113.

I can ~~cannot~~ read and write and completed the 5th grade in school. DOB: 1/1/30.

On December 18, 2006 between 10:30 and 11:29 p.m. I heard a noise and my husband, Vance Polite was bawling. I was in my bed and got up to go in the sitting room where he was. Two black males came in my bedroom and pulled a gun on me. I looked at some photographs that the Agents showed me. Number 2 on the A sheet and Number 4 on the E sheet. They wanted money and I told them there it was and the dresser is a white bucket. The guy #4 of the photographs pulled my gown up and told me to spread my legs. Another one came in there and told him to leave me alone. The two in my room had a small gun and a long gun. They threatened to kill me when they were wanting money. My husband kept his pistol in the closet. After they left, I called my daughter, Kerra Jones. I told her we were being robbed. I know nothing about the case of which ever there were at least four black males in the house Annice Polite

I have read each page of this statement consisting of One page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

This statement was completed at 4:22 P.M. on the 21st day of December 2006.

SWORN TO AND SUBSCRIBED TO BEFORE  
ME THIS 21st DAY OF Dec, 2006

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 8/27/2007

Annice Bell Polite  
Signature of person giving voluntary statement

WITNESS: [Signature]

WITNESS: [Signature]

I certify that I have been given a copy of this statement consisting of 1 pages. Annice Bell Polite

Date: 12/28/06  
Time: 12:53:42

ORANGEBURG CO SO  
Offense Report

Page:  
Program: CH

1-06-016170 (Continued)

ON DECEMBER 21, 2006, A PHOTO LINEUP WAS OBTAINED AND THE VICTIM E. GRANT WAS ALLOWED TO VIEW THE LINEUP AND TRY TO IDENTIFY ANYONE THAT MAY HAVE BEEN INVOLVED, AND BRIEFLY POINT OUT WHAT INVOLVEMENT THE SUSPECT MAY HAVE HAD. THE VICTIM E. GRANT, CHOSE PHOTO NUMBER 3, WHICH WAS A PHOTO OF THE SUSPECT W. GLEATON, AND HE STATED THAT THE SUSPECT CAME IN AND HE HEARD THE SUSPECT W. GLEATON SAY THAT THE VICTIM WAS HIS PEOPLE. THE VICTIM E. GRANT, IDENTIFIED PHOTO NUMBER 6 IN ANOTHER PHOTO LINE, WHICH WAS IDENTIFIED AS SUSPECT STALEY. THE VICTIM, E. GRANT STATES THAT THE SUSPECT STALEY HAD A SHOT GUN AND THAT HE SHOT FOUR TIMES AT HIM AND HIS WIFE. THE VICTIM E. GRANT, IDENTIFIED PHOTO NUMBER 1 IN ANOTHER LINEUP, WHICH WAS IDENTIFIED AS THE SUSPECT JOHNSON. THE VICTIM STATES THAT THE SUSPECT JOHNSON HAD THE GUN POINTED AT HIM AND TOLD HIM TO GO TO THE BACK ROOM. THE VICTIM GRANT ADDS THAT THE SUSPECT JOHNSON ALSO HIT HIM IN THE HEAD WITH THE GUN THREE TIMES. THE VICTIM E. GRANT IDENTIFIED PHOTO NUMBER 2 FROM ANOTHER LINEUP, WHICH WAS IDENTIFIED AS THE SUSPECT DERRICOTT, AND STATES THAT THE SUSPECT DERRICOTT HAD A SHOTGUN AND THAT HE OBSERVED THE SUSPECT DERRICOTT HIT HIS BROTHER-IN-LAW, AND THEN GO INTO HIS KITCHEN. THE VICTIM E. GRANT, IDENTIFIED PHOTO NUMBER 4 FROM ANOTHER LINEUP, WHICH WAS IDENTIFIED AS THE SUSPECT D. GLEATON. THE VICTIM STATES THAT THE SUSPECT D. GLEATON SAID, "LET ME GET SOME OF THE PUSSY", AND HE HAD A GUN ON HIS WIFE AND BABY, THEN HE RAPED HIS WIFE.

ON DECEMBER 21, 2006, THE VICTIM J. GRANT WAS ALLOWED TO VIEW PHOTO LINEUPS AND TRY TO IDENTIFY ANYONE THAT MAY HAVE BEEN INVOLVED, AND BRIEFLY POINT OUT WHAT INVOLVEMENT THE SUSPECT MAY HAVE HAD. THE VICTIM, J. GRANT CHOSE PHOTO NUMBER 6 FROM A PHOTO LINEUP, WHICH WAS IDENTIFIED AS THE SUSPECT STALEY. THE VICTIM J. GRANT STATES THAT THE SUSPECT STALEY WAS THE PERSON WHO GOT FRUSTRATED AT THE SUSPECT D. GLEATON BECAUSE THE VICTIM J. GRANT HAD HER BABY IN BED WHILE SHE WAS BEING RAPED BY THE SUSPECT, D. GLEATON. THE VICTIM ADDS THAT SHE HEARD THE SUSPECT STALEY SAY, " I'M GOING TO KILL THIS BITCH", AND THEN FIRE SHOTS. THE VICTIM, J. GRANT CHOSE PHOTO NUMBER 2 FROM ANOTHER PHOTO LINEUP, WHICH WAS IDENTIFIED AS THE SUSPECT DERRICOTT. THE VICTIM, J. GRANT ADVISES THAT SHE REMEMBERS THE SUSPECT DERRICOTT WALKING INSIDE THE HOUSE, AND THAT THE SUSPECT DERRICOTT CAME INTO HER BEDROOM AND KITCHEN. THE VICTIM, J. GRANT CHOSE PHOTO NUMBER 3 FROM ANOTHER LINEUP, WHICH WAS IDENTIFIED AS THE SUSPECT W. GLEATON. THE VICTIM STATES THAT SHE OBSERVED THE SUSPECT W. GLEATON STANDING IN THE LIVINGROOM WITH A BLUE SCARF AROUND HIS MOUTH AND SHE REMEMBERS THE SUSPECT W. GLEATON SAYING THAT SHE HAD A BABY. THE VICTIM, J. GRANT CHOSE PHOTO NUMBER 4 FROM ANOTHER LINEUP, WHICH WAS IDENTIFIED AS THE SUSPECT D. GLEATON. THE VICTIM, J. GRANT STATES THAT THE SUSPECT GOT ON THE BED AND TOLD HER TO PUT HIS GUN IN HER MOUTH AND TO PUT HIS PRIVATE (PENIS) IN HER MOUTH. THE VICTIM, J. GRANT STATES ALSO THAT THE SUSPECT D. GLEATON TOLD HER TO TAKE HER PANTS DOWN, THEN HE PUT HIS PRIVATE (PENIS) IN HER. ON DECEMBER 21, 2006, THE VICTIM BRIGGS WAS ALLOWED TO VIEW A PHOTO LINEUP AND TRY TO IDENTIFY ANYONE THAT MAY HAVE BEEN INVOLVED, AND BRIEFLY POINT OUT WHAT INVOLVEMENT THE SUSPECT MAY HAVE HAD. THE VICTIM, BRIGGS CHOSE PHOTO NUMBER 3 FROM A PHOTO LINEUP, WHICH WAS IDENTIFIED AS W. GLEATON. THE VICTIM BRIGGS STATES THAT THE SUSPECT W. GLEATON HAD A GUN TO HIS HEAD AND WATCHED THE

1 KNOWS, WAS SHOT IN THE GROIN AREA WE BELIEVE  
2 INTENTIONALLY BY THE DEFENDANT, TONY GLEATON. ALSO  
3 INSIDE THAT HOUSE WE WOULD HAVE PUT UP EVIDENCE THAT  
4 FOUR OF THE DEFENDANTS WENT INSIDE, IT WAS DARRELL  
5 GLEATON, TONY GLEATON, RICARDO JOHNSON AND DARONE  
6 DERRICOTT. MR. BRANDON STALEY STAYED OUTSIDE, AND OF  
7 COURSE, BUT PLED GUILTY OF THESE CHARGES UNDER THE HAND  
8 OF ONE IS THE HAND OF ALL. INSIDE THE HOUSE THERE ARE  
9 WITNESSES' STATEMENTS THAT POSSIBLY DARRELL GLEATON WAS  
10 GOING TO ATTEMPT TO SEXUALLY ASSAULT MRS. POLITE, WHO IS  
11 IN HER SEVENTIES, AND THAT IT WAS DARONE DERRICOTT, MR.  
12 WALTERS' CLIENT, WHO TOLD HIM NOT TO DO IT. BUT ONCE  
13 INSIDE ALL OF THEM DID STEAL SOME MONEY, A GUN AND SOME  
14 OTHER ITEMS, AND LIQUOR FROM INSIDE THE HOUSE.  
15 THEY THEN, OF COURSE, GO TO THE  
16 GRANT'S HOME AFTER THEIR VEHICLE BROKE DOWN, WHICH WE  
17 WENT INTO LAST WEEK. INSIDE THE GRANT'S HOME  
18 SPECIFICALLY WITH EACH DEFENDANT, THESE, THE VICTIMS,  
19 MR. AND MRS. GRANT AND THEIR BROTHER, OR BROTHER-IN-LAW,  
20 THEY WERE VERY SPECIFIC AS TO BEING ABLE TO PICK THE  
21 DEFENDANTS OUT AND WHAT THEY DID INSIDE THE HOME.  
22 ACCORDING TO MR. AND MRS. GRANT ALL OF THE DEFENDANTS  
23 WERE JUST ABOUT EQUALLY CULPABLE INSIDE THAT HOME. THEY  
24 WERE PISTOL WHIPPED BY ALL OF THEM, PARTICULARLY TONY  
25 GLEATON, WHO OF COURSE, COMMITTED A SEXUAL ASSAULT

1 MR. WALTERS.

4 THE COURT: YES, SIR.

5                   MR. WALTERS:                 YOUR HONOR, I  
6 REPRESENT MR. DARONE ANTONIO DERRICOTT, JUNIOR. HE'S  
7 NINETEEN YEARS OLD. YOUR HONOR, UNDER THE CIRCUMSTANCES,  
8 THIS IS A SAD EVENT BECAUSE THIS IS WHAT HAPPENS WHEN  
9 ECSTASY IS MIXED WITH MARIJUANA AND YOUNG MEN GO OUT FOR  
10 THE NIGHT, AND ONE NIGHT OF GOING OUT LEADS TO THE  
11 HORRIFIC EVENTS THAT WE HAVE BEFORE THE COURT.

12 WHEN I TALK ABOUT MR. DERRICOTT, THE  
13 FIRST ISSUE I'D LIKE TO POINT OUT TO THE COURT WITH  
14 REGARDS TO THE FACTS, AS FAR AS CULPABILITY HERE, UNDER  
15 THE HAND OF ONE, THE HAND OF ALL, IF WE LOOK CAREFULLY  
16 AT ALL THE FACTS, AND I'VE GONE THROUGH THIS WITH THE  
17 SOLICITOR'S OFFICE I GUESS TWO OR THREE TIMES, AS FAR AS  
18 THE CULPABILITY OF MY CLIENT, HIS INVOLVEMENT WITHIN  
19 THIS PROCESS, I BELIEVE HE'S THE LEAST CULPABLE OF ALL.  
20 IN FACT, IN DISCUSSING THIS MATTER, IT'S CLEARLY STATED  
21 IN THE CONFESSION THAT WAS GIVEN BY MY CLIENT THAT HE  
22 WAS REFERRED TO AS A PUSSY BECAUSE HE WOULD NOT  
23 PARTICIPATE FULLY IN THE ACTIVITIES THAT WERE GOING ON  
24 IN EACH OF THE HOMES. IN FACT, HE WAS DEGRADED FOR NOT  
25 PARTICIPATING IN THE BEATINGS. AS THE SOLICITOR STATED,

PG.

Need 126

127

1 PARTICIPATE IN THE BEATINGS, IT DOESN'T CHANGE THE HAND  
2 OF ONE IS THE HAND OF ALL. AND CERTAINLY, THE VICTIMS  
3 THAT ARE BEFORE THIS COURT, WE'RE ALL FLOORED AND HURT  
4 BY THE WORDS, ESPECIALLY OF MR. POLITE AND WHAT HE HAD  
5 TO SAY. UNDER THE CIRCUMSTANCES, YOUR HONOR, I WOULD  
6 SIMPLY ASK THAT YOU CONSIDER THE FACT THAT HE IS VERY,  
7 VERY YOUNG. HE'S NINETEEN YEARS OLD. HE HAS DONE  
8 SOMETHING OF A PROLIFIC NATURE AS FAR AS STUPIDITY IS  
9 CONCERNED. HE'S PUT HIMSELF IN A POSITION WHERE HE COULD  
10 HAVE ACTUALLY GONE TO JAIL FOR THE REST OF HIS LIFE.  
11 MR. DERRICOTT IS HERE BEFORE YOU TODAY, HE'S ACCEPTED  
12 RESPONSIBILITY FOR WHAT HAS OCCURRED, AND MOST  
13 IMPORTANTLY, I ASK THAT YOU PLEASE TAKE INTO  
14 CONSIDERATION, AND I DISCUSSED THIS MATTER WITH THE  
15 SOLICITOR'S OFFICE, AND I TOLD HIM, I SAID, YOU WERE  
16 THERE SO THAT MAKES YOU PART OF THIS ENTIRE EVENT. BUT  
17 IF WE LOOK AT THE FACTS CAREFULLY, HE WAS THE KID THAT  
18 WAS ON THE PERIPHERAL, HE WAS THE KID THAT WAS CALLED A  
19 PUSSY, HE WAS THE KID THAT WOULDN'T USE THE GUN, HE WAS  
20 THE KID THAT DIDN'T PARTICIPATE IN THE BEATINGS, BUT HE  
21 WAS THERE. SO, WE'RE HERE TO ACCEPT FULL RESPONSIBILITY  
22 FOR WHAT WE'VE DONE. AND MR. DERRICOTT WOULD LIKE TO  
23 STATE SOMETHING TO THE COURT ALSO.

24 THE COURT: YES, SIR.

25 DARONE DERRICOTT, JR.: FIRST OF ALL

SLED  
CF001 5/95

# VOLUNTARY STATEMENT

PAGE NO. 1 OF 4 PAGES

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

PERSONALLY appeared before me Darone Darrell

FILED  
CLM 1-207  
who states:

"My name is Darone Darrell

My address is 5011 7th St.

Date of Birth 8/1/71

Social Security Number: 1871

Phone Number 202-271-5033

I completed the 11 grade in school, and I (can) cannot read and write."

Before answering any questions or making any statements SLAW, Darrell, & Hardie (SLED) Sgt. Craft (OC 50)

a person who identified himself as Police Officers

duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise or hope of reward, without fear or threat of physical harm, without coercion, favor, without leniency or offer of leniency, by any person or persons whomsoever.

JAD On Dec. 18 I was at Tony Gleaner's house in Springfield me, Ricky, Tony, Buddy Row, Darrell. I was chillin' drinking some liquor and smoking weed we had been there for a while. Tony said we were about to go eat Tony had a shotgun - Buddy Row had a hand gun, Ricky had a hand gun. We left and ended up at the first trailer in Denmark. Tony and Darrell got out and went to the trailer. Darrell knocked on the door. Me and my brother stood outside next to another house in the yard. Buddy Row pulled off and reversed back as he was pulling up I heard a loud shot like a shotgun and then Darrell and Tony ran out. Then Tony fired the shotgun at the trailer, and Ricky fired twice with the handgun, I had a gun in my possession.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 7:08pm M. on the 17th day of December, 2006

Darone Darrell

Signature of person giving voluntary statement

SWORN TO AND SUBSCRIBED TO BEFORE

ME THIS 19th DAY OF Dec., 2006

Shawn Hardie

JARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 8/25/2007

WITNESS: Antly Craft

WITNESS: Shawn Hardie

I declare that I have been given a copy of this statement consisting of

pages.

SLED  
CF003 5/95VOLUNTARY STATEMENT  
SUPPLEMENTAL

PAGE NO. 2 OF 4 PAGES

Darone Darone Jr.

Statement of, Continued.

(P.D.) at that one time ~~and~~ but I didn't fire the gun we got in the car and left. I then gave buddy Row the gun back, because Tony said I didn't need it I was being scared, because I didn't do nothing at the trailer. We were in Tony's girl friend car a blue Pontiac. Tony was drunk and kept calling ~~me~~ me & my brother pussy's. We then rode to another town to a house. Tony got out & went to the door. The man opened the door and Tony entered the house. Then me, ~~me~~ Ricky, ~~me~~ Darrell and Buddy Row ~~got~~ got out the car and entered the house. There was alot of blood on the floor when we entered. Tony was beating him with a handgun. There was a older lady in the house. The lady was in the bedroom and I seen Darrell look like he was about to have sex with her so I told him to stop, and he did, I heard a loud shot and the man screaming, we got the liquor and left. Just before I heard the shot I heard Tony say is this your dick? We drove off and ran out of gas. We started walking and someone said we need gas. We saw a gold car (Buick) in front ~~of~~ of the house. Someone looked in the car and said the doors were unlocked, but there were no keys. Tony then kicked the door in. Ricky, Darrell, Tony, and Buddy row went inside. I figured they were searching for keys so I took the car out out the back of the car so we could have room. I heard alot of noise so I entered the house to see (Lift)

Darone Darone Jr.

Signature of person giving voluntary statement

Pe on giving statement to place initials behind  
la: word of statement as appears on last page.

SLED  
CF003 5/95

VOLUNTARY STATEMENT  
SUPPLEMENTAL

PAGE NO. 3 OF 4 PAGES

Barone Derricott

Statement of, Continued.

(BAD) who was taking so long for some car keys, when I entered I saw Buddy Row, and Ricky in the living room and I <sup>(BAD)</sup> was a young adult sitting in the chair ~~looking~~ looking at the TV. I then saw Tony and Darrell in the back room. There was a lady and a child in the bed and a man on the floor. Darrell was having sex with the lady. I believe I heard two shots then we all left the house. I believe Darrell pistol whipped the little boy, because once we was in the car Tony kept saying to Darrell you stupid for having sex with that lady and pistol whipping that kid while we were riding Tony kept jumping around in the car while he held the gun in his hand, looking back at us. He then fell over from the passenger seat to the driver seat on top of Buddy Row making us crash. We all got out Buddy Row set the car on fire. Tony was still yelling at Darrell for what he did, while me, Ricky, and <sup>(BAD)</sup> Buddy Row walked off up the road. Tony and Darrell was behind us. It sounded like somebody got punched, then we heard Darrell screaming and then a shot went off, me, Ricky, and B Row walked back to see what happen Tony was on the ground and Darrell was gone. We thought Tony was shot, but he wasn't. Buddy Row said Darrell had his gun, and Ricky kept the one he had that he was arrested with at the Bus Station. Darrell also had a revolver that he got from the second house. Me, Tony, Ricky, and Buddy Row walked to

Barone Derricott

Signature of person giving voluntary statement

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last word of statement as appears on last page.

SLED  
CF003 5/95VOLUNTARY STATEMENT  
SUPPLEMENTALPAGE NO 4 OF 4 PAGES

DWD

Darlene Derricott

Statement of, Continued.

(DAD) Tony heruse and spent the night. The next morning I called my uncle to take us to the Bus Station, he didn't know what was going on until we arrived at the bus station and he got a call from my cousin Shell Boon who told him the police was looking for me, Ricky, Biveldy Lewis, Tony, and Darrell. He tried to talk us in to turning ourselves in, but we didn't he left us because he didn't want no parts of the situation. (DAD)

Pr on giving statement to place initials behind  
last word of statement as appears on last pageDarlene Derricott

Signature of person giving voluntary statement

" Lawyer "

There are two prong test evaluating claims of ineffective assistance of counsel. (1) First a PCR applicant must show that his counsel's performance was deficient such that it falls below an objective standard reasonableness. [Strickland v. Washington] 466 U.S. 668. 687. 2d 674. 693 (1984 Alexander v. State 303 S.C. 2d 484. 485 (1991) [2007 S.C. Lexis] (2) second an applicant must show there is reasonable probability, But for counsel's unprofessional errors the result of the proceeding would have been different.

Where as there's been a guilty plea, The applicant must prove prejudice by showing that, But for counsel's errors, there is a reasonable probability he would not have plead guilty and instead would have gone to trial.

Criminal Law 46.4 § Counsels duties; in representing a criminal defendant, counsel owes the client of duties/ duty of loyalty, a duty of consulting with the defendant on important decisions, a duty to keep defendant informed of important developments in the course of prosecution, and a duty to bring to bear such skills and knowledge as will render the trial a reliable adversel testing process.

\* I have documentation where my lawyer sent me a letter, telling me he will provide superior service, and will keep me informed of all pertinent developments. But he never sent me nor my father a copy of my rule 5 discovery. Which I signed a consent form along with the retaining fee documentation for Mr. Walters to mail me and my father a copy of my Rule 5. He never sent me my Rule 5 until I was convicted and housed at Lee Correctional. Any paper work that Mr. Walters have ever sent me, He has a dated copy of when he sent it, and that will prove that he never sent me a copy of my Rule 5. I never new what a Rule 5 discovery was until I came to prison and started studying Law. If he would have provided me with this information, I would've been able to study the Rule 5, and discover that the State didn't have any substantial circumstantial evidence on me, and I would have never took a plea. I also discovered two plea offer sheets that I never seen in my Rule 5. Therefore, Mr. Walters withheld information from me. He had me under the impression that I was never offered anything, until the week of my sentencing.

" Hands of One Hands of All "

State v. Zeigler 364 S.C. 94 (ct. App. 2005): " Antwan contends the trial court erred in denying his motion for a direct verdict

" because there was not any direct evidence of any substantial (Real, solidly built evidence) that [Antwan] killed [McDonald]. Antwan maintains his mere presence at the scene was insufficient to prove his guilt in the murder. He asserts the evidence against [him] only raised a suspicion of his guilt, and he was convicted based on that suspicion. "

There is no Substantial Circumstantial evidence in any statement by victims nor co-defendants stating that I held anyone against their own will or ordered anyone to move or not to move. Neither is there any substantial circumstantial evidence in any statement by victims nor co-defendants stating that I possessed an firearm in the home of the Grants and Fleming Briggs. (can't identify a masked man)

Under an accomplice liability theory " A person must personally commit the crime or be present at the scene of the crime and intentionally, or through a common design, aid, abet, or assist in the commission of that crime through some overt act " State v. Langley, 334 S.C. 643, 648-49 515 S.E. 2d 98, 101, (Quoting State v. Austin, 299 S.C. 456, 459, 385 S.E. 2d 830, 837 (1989). abet-to encourage, incite or assist-\* Statement from Anna Bell Polite states I told D. Gleaton to leave her alone, so how is that encouraging, inciting or assisting a crime? I was stopping D. Gleaton from sexually assaulting her! not personally committing the sexual assault or aiding or abetting or assisting in the commission of that crime through some overt act. Anna Bell Polite's statement is attached along with photo line up verifying that I #2 stopped D. Gleaton #4 per her picks out of line-up, from sexually assaulting her. same as pg. 97 in transcript lines 8-12

\* State v. Johnson 352 S.E. 2d. 480 (S.C. 1987)

State v. Green 200 S.E. 2d. 74 (1983) " Hand of One is not Hand of All ..... It's aiding and abetting.

State v. Tate 341 S.E. 2d. 38 (S.C. 1986) Prohibits the Admission of Photo Line-Ups which contains " mug shots "..... Counsel incompetent for failing to object.

\* Not suppose to use mug shots to identify suspect, must use actual line-ups.

\*State v. Johnson 352, S.E. 2d. 480 (1987) Criminal Law-Key 59(3) mere presence at scene of a crime is insufficient to convict one as principal on theory of aiding and abetting.

Robbery Key-24.1 (1) Evidence was insufficient to support defendant's conviction for robbery; State failed to produce proof aliunde of the corpus delicti aside from defendants exculpatory statement.

GLENN WALTERS  
ATTORNEY AT LAW, P. A.

348 ST. PAUL STREET • POST OFFICE BOX 1346 • ORANGEBURG, S.C. 29116  
PHONE: (803) 531-8844 • FAX: (803) 531-3628

Glenn Walters, Esquire  
R. Bentz Kirby, Of Counsel

February 9, 2007

Darone Derricott/SOL0706  
5011 4<sup>th</sup> Street N.W.  
Washington, DC 20011

RE: New File

Dear Mr. Derricott:

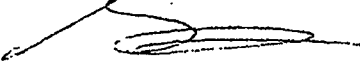
I want to thank you for selecting my firm to serve as your attorney. I sincerely appreciate your business and pledge to provide you with superior service. I will endeavor to keep you informed of all pertinent developments, when appropriate; I will forward to you a detailed report on the status of your case.

My experience has taught me that it enhances my chances of satisfying my clients when they have a clear understanding of fee arrangements. If you have any questions about how much I am charging or when you are supposed to pay, kindly call me immediately so I may discuss this material with you.

Because I am a trial lawyer sometimes I may be out of the office when you call. When calling, always leave a message so that I will know you called or if you would like, please feel free to talk with my paralegal, Ms. Chisolm. She is familiar with my files and can be of valuable assistance to you.

Again, thank you for selecting my firm.

With kind regards, I am



Glenn Walters  
Attorney at Law

GW:gsc

STATE OF SOUTH CAROLINA  
COUNTY OF ORANGEBURG

Darone Derricott, Jr., # 326281,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE FIRST JUDICIAL CIRCUIT

2008-CP-38-1951

ORDER OF DISMISSAL

2011 DEC 22 PM 12:03

### PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed November 24, 2008. The Respondent made its Return on November 2, 2010. An evidentiary hearing into the matter was convened on Thursday, September 1, 2011, at the Orangeburg County Courthouse. The Applicant was present at the hearing and was represented by Belinda Branch-Davis, Esquire. The Respondent was represented by Robert D. Corney of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying was Applicant's plea counsel, Glenn Walters, Esquire ("counsel"). This Court also had before it a copy of the transcript of the proceedings against the Applicant, the records of the Orangeburg County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections.

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Orangeburg County Clerk of Court. The Applicant was indicted at the August 2007 term of the Orangeburg County Grand Jury for Kidnapping (2007-GS-38-0422), Burglary - First Degree (2007-GS-38-

ATTEST: TRUE COPY  
Winnifred B. Clark  
1/10  
CLERK OF COURT  
ORANGEBURG COUNTY, SOUTH CAROLINA

0423), Burglary – First Degree (2007-GS-38-0424), Assault and Battery with Intent to Kill (“ABWIK”) (2007-GS-38-0425), and Armed Robbery (2007-GS-38-0426). Applicant was represented by Glenn Walters, Esquire. On January 23, 2008, the Applicant pled guilty before the Honorable James C. Williams, Jr. Applicant was sentenced to concurrent terms of twenty (20) years incarceration for each count. Applicant did not appeal his conviction and sentence.

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

1. Ineffective assistance of counsel.
  - a. “My lawyer withheld information regarding a plea offer.”
  - b. “My lawyer didn’t consult with me as to the means.”
  - c. “My lawyer didn’t argue the fact that the judge was personally familiar with the victim and family. He didn’t file requested motions in order to have the case heard in front of another judge in another county ... change of venue.”

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process

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that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for

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counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4<sup>th</sup> Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4<sup>th</sup> Cir. 1976).

At the outset of the PCR hearing, Applicant requested a continuance from this court for additional time to prepare. Because the matter had been continued twice previously by Applicant on the same grounds, the request was denied, with the consideration that the record be kept open for thirty (30) additional days during which time Applicant could file a supplemental brief. Such a brief was received by this court on September 15, 2011, which has been incorporated as part of the record of the PCR hearing.

*Counsel Withheld Plea Offer Information*

Applicant's first allegation of ineffective assistance of counsel is that counsel withheld advantageous plea offer information from Applicant prior to the entry of his plea. Applicant alleges that after entering his guilty plea and receiving his sentence, he discovered a letter from the solicitor's office in his discovery file from July of 2007 offering a plea to concurrent sentences on the charges. The letter, introduced at the hearing by Applicant, did not define a term of imprisonment that attached to the offer, stating only that the offer would be for concurrent sentences on the charges. Applicant testified the offer was extended again at the beginning of

4/10 

January of 2008, at which time the solicitor made clear his intention to seek life without parole at trial if the plea was not taken. Applicant stated he received information about the offer a day or two before his plea and that his plea was entered involuntarily as he did not have a meaningful chance to think about whether to accept it or not. Applicant went on to state that he intended to plea for a sentence of fifteen (15) years, which counsel told Applicant he would request from the judge. In his supplemental brief, Applicant went on to state that he never received a copy of his discovery file prior to the plea hearing and that the charges against him were erroneous as he "didn't participate in the activities that took place" on the night of the incidents.

Counsel testified at the hearing that based on the evidence and charges against Applicant, he had advised him to enter a plea based from the very beginning of his representation. Counsel went on to say the best strategy in this matter was for Applicant to testify against his co-defendants so that an advantageous plea deal could be reached; however, all of his co-defendants entered pleas thereby making trial testimony unnecessary. Counsel stated he discussed in depth with Applicant the potential life without parole sentence he was facing based on the charges, as well as reviewed the discovery file with him during their meetings. Counsel articulated that he did relay all plea offers from the state to Applicant including the offer for concurrent time and that he believed Applicant was well equipped to make an informed and voluntary decision on whether to accept the plea he did. Counsel finished by stating that based on the evidence against Applicant including Applicant's confession to police and his co-defendant's statements against him, coupled with the application of the "hand of one" theory of liability (which he discussed in depth with Applicant), there was a very strong case against Applicant, so Applicant wisely entered this plea to avoid a of life without parole sentence. Additionally, based on the record, it is

5/10 

clear that the plea judge discussed a twenty-five (25) year cap with Applicant, and that with this understanding in mind, Applicant agreed to go forward with entering his plea.

This Court finds Counsel's testimony to be credible. Conversely, I find Applicant's testimony to not be credible. Counsel advised Applicant of all relevant issues regarding the charges he was facing, including the facts giving rise to the charges, the indictments, the elements of the offenses, potential sentences he was facing, the potential of receiving a life without parole sentence, the "hand of one" theory of liability, and the consequences of rejecting this plea to proceed to trial. Additionally, counsel relayed all plea offers from the state to Applicant, and gave him all of the information and advice necessary to make an intelligent and voluntary decision on whether to enter this plea. Applicant's fear of the potential sentences he was facing at trial as communicated by counsel or his erroneous belief that his "lack of participation" renders him innocent of the charges is not tantamount to his plea being entered involuntarily or unintelligently. Based on the facts above, I find that Applicant did not prove by a preponderance of the evidence that counsel was deficient in his representation. Further, I find that Applicant's guilty plea was entered knowingly and voluntarily after being fully and adequately advised by competent counsel acting within the range of competence demanded of attorneys in criminal cases. Finally, Applicant failed to prove prejudice based on this alleged deficiency. Applicant's objection is that he never had the opportunity to review a plea offer which extended the promise of concurrent sentences on the several charges. The plea which Applicant entered was for several twenty (20) year sentences, all to run concurrent, which Applicant conceded at the hearing was exactly what the plea offer was for. Applicant's plea was entered under the same terms as the plea offer of which he now complains, and therefore he was

6/10 

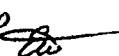
not prejudiced by any alleged deficiency in counsel relaying the plea offer. Therefore, Applicant has failed to carry his burden in this regard.

*Judge Williams' Conflict of Interest*

Applicant's second allegation raised at the PCR is counsel was ineffective for allowing him to enter his plea to Judge Williams, who readily admitted during the plea hearing that he was familiar with several of the victims in this case. Applicant contends counsel should have made a motion for Judge Williams to recuse himself from hearing the plea where he knew the victims involved in the incidents giving rise to the charges. Counsel stated based on his discussions with Applicant, Applicant was aware that Judge Williams was a former mayor of Norway (as was the judge's father) and therefore very familiar with most families in the town. Counsel went on to state that Applicant was aware of Judge Williams familiarity with the victims, but at no time complained of this relationship or requested counsel make an objection.

Based on this testimony and a thorough review of the plea transcript, I find Applicant's contention is without merit and that he has failed to prove ineffectiveness in this regard. Further, I find counsel's testimony to be credible. Counsel discussed Judge Williams' history and familiarity to the citizens of Norway with Applicant prior to the plea, making it clear that Judge Williams was likely to know some actors in the case. Further, in the plea transcript, Applicant was told of his right to have the pleas heard in a different court, at which time Applicant agreed to let Judge Williams accept the plea. Applicant made the intelligent and voluntary decision to allow Judge Williams to accept the plea with full knowledge of the judge's familiarity and history in the community. Therefore, Applicant has failed to prove counsel was deficient.

Finally, Applicant has not proven prejudice in this regard. Applicant has failed to prove that the familiarity with the victims was such that Judge Williams would have recused himself

7/10 

had such a motion been made. "A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to, instances where he has a personal bias or prejudice against a party." Murphy v. Murphy, 319 S.C. 324, 461 S.E.2d 39 (1995). Further, "[i]t is not enough for a party seeking disqualification to simply allege bias. The party must show some evidence of bias or prejudice." Roper v. Dynamique Concepts, Inc., 316 S.C. 131, 447 S.E.2d 218 (Ct.App.1994). Applicant has failed to set forth any such evidence that would tend to prove Judge Williams would or should have recused himself had the motion been made. Additionally, Applicant was facing multiple life sentences on the charges as indicted, and was offered a plea deal to concurrent twenty-five (25) year cap sentences. Judge Williams sentenced Applicant below that cap, giving him concurrent twenty (20) year sentences despite ~~the~~ <sup>very</sup> violent and egregious nature of the crimes. Applicant has also failed to prove that had Judge Williams recused himself, Applicant would have received a lesser sentence from a different plea judge. Therefore, he has failed to carry his burden in proving ineffectiveness in this regard as well.

#### *Failure to File an Appeal*

Applicant's final contention is that counsel failed to file a direct appeal on his behalf following the entry of his plea. Applicant stated he believe that because counsel was retained to represent him, he would file an appeal following the entry of his plea. Applicant never stated that he affirmatively asked counsel to file an appeal. Counsel testified he was hired by Applicant's father to represent Applicant, at which time a contract for representation was signed that detailed the terms of counsel's representation. Based on that contract, counsel was hired for the plea/trial only and would not be filing or handling any appeal as part of his representation. Further, counsel stated he had no reason to believe Applicant wanted to appeal as Applicant stated at the

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plea that counsel had "done a wonderful job" and later signed a letter to counsel confirming that he did not want to appeal his plea. Counsel finished by stating that, had Applicant requested an appeal, he would have done so; however, Applicant made it clear that he did not want to pursue an appeal.

I find counsel was not ineffective in this regard. Counsel's testimony regarding Applicant's choice to not pursue an appeal after discussing it with counsel is credible. "To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal." Sheppard v. State, 357 S.C. 646, 651, 594 S.E.2d 462, 465 (2004) (citation omitted). Here, clearly Applicant made such a decision. In addition to the contract retaining counsel plainly stating counsel would not be handling the appeal, Applicant signed a document stating he did not want to appeal, and no extraordinary circumstances existed to lead counsel to believe otherwise. Therefore, he was not deficient in this regard. Further, Applicant failed to set forth any grounds on which he would have appealed, or any grounds that had been preserved for appeal, thereby failing to prove prejudice. Applicant failed to prove counsel was ineffective in this regard as well.

### CONCLUSION

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

Except as discussed above, this Court finds that the Applicant failed to raise any other allegations cognizable in PCR at the hearing and has, thereby, waived them. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway

9/10 

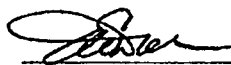
Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI,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

This Court advises Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

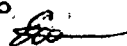
1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 21<sup>st</sup> day of December, 2011.



Edgar W. Dickson  
Presiding Judge  
First Judicial Circuit

Orangeburg, South Carolina.

10/10  


WITNESSES

INV. ANTHONY CRAFT

Arresting Agency:  
Orangeburg Co. Sheriff Dept.

ARREST WARRANT NUMBER

K231009

Arrested: Dec 20, 2006

ACTION OF GRAND JURY

*Randall Cutler*

AUG 08 2007

Foreperson of Grand Jury  
Date: August 8, 2007

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2007GS38-0422

The State of South Carolina

County of

ORANGEBURG

COURT OF GENERAL SESSIONS

August 06, 2007 TERM

THE STATE  
vs.

Darone A. Derricott, Jr.

Indictment for

KIDNAPPING

SC Code: 16-03-910  
CDR Code: 0095  
Class: FEL-A

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

*Darone Derricott Jr.*  
Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

1712:19

STATE OF SOUTH CAROLINA )  
COUNTY OF ORANGEBURG )

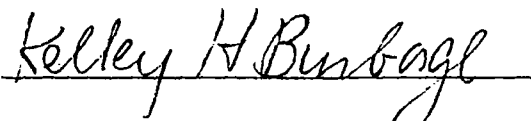
INDICTMENT  
2007GS38-0422

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

**KIDNAPPING**

That Darone A. Derricott, Jr., did in Orangeburg County, on or about December 18, 2006, willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Fleming Briggs, and/or Eric Grant and/or Jennifer Grant, without authority of law. This offense being a violation of Section §16-3-910 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.

  
Kelley H. Burbage SOLICITOR

WITNESSES

DOCKET NO. 2007GS38-0423

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

The State of South Carolina

County of

ORANGEBURG

Defendant

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

S/A SHAUN E. HARLEY

Arresting Agency:  
SLED

COURT OF GENERAL SESSIONS

August 06, 2007 TERM

Defendant

ARREST WARRANT NUMBER

K231054

Arrested: Jan 03, 2007

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Darone A. Derricott, Jr.

Foreperson of Grand Jury  
Date: August 8, 2007

Date: AUG 08 2007  
VERDICT

Indictment for

BURGLARY - 1ST DEGREE  
(DWELLING)

SC Code: 16-11-0311  
CDR Code: 0079  
Class: FEL-EXM(V)

Foreperson of Petit Jury  
Date:

RECORDED  
INDEXED  
AUG -8 PM 12:19

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ORANGEBURG )

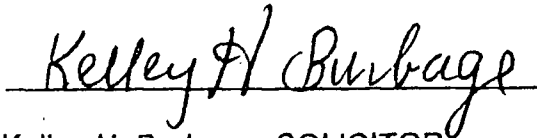
INDICTMENT  
2007GS38-0423

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

**BURGLARY - 1ST DEGREE (DWELLING)**

That Darone A. Derricott, Jr., did in Orangeburg County, on or about December 18, 2006, willfully and unlawfully enter the dwelling of Vance and/or Anna Belle Polite without consent and with the intent to commit a crime therein and that the defendant did enter the dwelling with a weapon and/or at nighttime. This offense being a violation of Section §16-11-0311 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.

  
Kelley H. Burbage SOLICITOR

WITNESSES

INV. ANTHONY CRAFT

Arresting Agency:  
Orangeburg Co. Sheriff Dept.

ARREST WARRANT NUMBER

H941996

Arrested: Dec 19, 2006

ACTION OF GRAND JURY

*Randall Anthony*  
AUG 08 2007

Foreperson of Grand Jury  
Date: August 8, 2007

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2007GS38-0424

The State of South Carolina

County of

ORANGEBURG

COURT OF GENERAL SESSIONS

August 06, 2007 TERM

THE STATE  
vs.

Darone A. Derricott, Jr.

Indictment for

BURGLARY - 1ST DEGREE  
(DWELLING)

SC Code: 16-11-0311  
CDR Code: 0079  
Class: FEL-EXM(V)

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

*Darone Derricott Jr.*  
Defendant

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

Defendant

Witness:  
C.C.C. PLS. AND G.S.

ATTORNEY  
M 12:19

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ORANGEBURG )

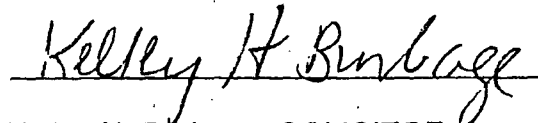
INDICTMENT  
2007GS38-0424

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

**BURGLARY - 1ST DEGREE (DWELLING)**

That Darone A. Derricott, Jr., did in Orangeburg County, on or about December 18, 2006, willfully and unlawfully enter the dwelling of Eric Grant and/or Jennifer Grant without consent and with the intent to commit a crime therein and that the defendant did enter the dwelling with a weapon and/or at nighttime. This offense being a violation of Section §16-11-0311 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.

  
Kelley H. Burbage SOLICITOR

WITNESSES

S/A SHAUN E. HARLEY

Arresting Agency:  
SLED

ARREST WARRANT NUMBER

K231059

Arrested: Jan 03, 2007

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: August 8, 2007

AUG 08 2007

Date

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2007GS38-0425

The State of South Carolina

County of

ORANGEBURG

COURT OF GENERAL SESSIONS

August 06, 2007 TERM

THE STATE

vs.

Darone A. Derricott, Jr.

Indictment for

ASSAULT AND BATTERY WITH INTENT  
TO KILL

SC Code: 16-3-620

CDR Code: 0014

Class: FLE-C(V)

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

2007-08-08 PM 12:19

CLERK OF COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF ORANGEBURG )

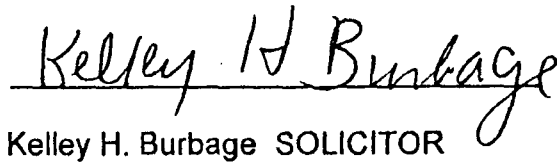
INDICTMENT  
2007GS38-0425

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

**ASSAULT AND BATTERY WITH INTENT TO KILL**

That Darone A. Derricott, Jr., did in Orangeburg County, on or about December 18, 2006, with malice aforethought did commit an assault and battery, upon the victim, Vance Polite, Sr., by means of: shooting the victim with a handgun and/or striking the victim with a gun about the face and/or body with intent to kill the said victim. This offense being a violation of Section §16-3-620 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.

  
Kelley H. Burbage SOLICITOR

**WITNESSES**

INV. ANTHONY CRAFT

Arresting Agency:  
Orangeburg Co. Sheriff Dept.

**ARREST WARRANT NUMBER**

K231008  
Arrested: Dec 20, 2006

**ACTION OF GRAND JURY**

Foreperson of Grand Jury *Randall Antley*  
Date: August 8, 2007 **AUG 08 2007**

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2007GS38-0426

**The State of South Carolina**

County of

**ORANGEBURG**

**COURT OF GENERAL SESSIONS**

**August 06, 2007 TERM**

**THE STATE  
vs.**

**Darone A. Derricott, Jr.**

**Indictment for  
ARMED ROBBERY**

SC Code: 16-11-0330  
CDR Code: 0139  
Class: FEL-A(V)

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

*Darone Derricott Jr*  
Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ORANGEBURG )

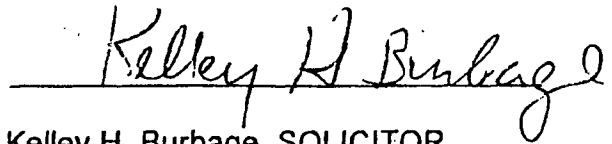
INDICTMENT  
2007GS38-0426

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

**ARMED ROBBERY**

That Darone A. Derricott, Jr., did in Orangeburg County, on or about December 18, 2006, commit robbery by feloniously taking from the person or presence of the victim, Eric Grant, by means of force or intimidation goods or monies of Eric Grant such goods or monies being described as a 1994 Buick Lesabre and/or other personal items, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of Section §16-11-330 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.

  
Kelley H. Burbage SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF ORANBURG  
STATE

VS.

Darone A. Demicott, Jr

AKA:

Race: BSex: mAge:   DOB:   SS#:   Address:   City, State, Zip:   DL#   SID#   In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Kidnappingin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1<sup>st</sup> or Lawd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. DAD (defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Kelley H. Burbage

Solicitor

Darone Demicott

Defendant

[Signature]

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed    yearsand/or to pay a fine of \$   ; provided that upon the service of    days/months/years and/or paymentof \$   ; plus costs and assessments as applicable\*; the balance is suspended with probation for   

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

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

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP   Total: \$    plus 20% fee: \$    days/hours Public Service Employment   Payment Terms:   ☐ set by SCDPPPS   Recipient:   

|                                        |         |                  |
|----------------------------------------|---------|------------------|
| *Fine:                                 | \$      | <u>  </u>        |
| \$14-1-206 (Assessments 107.5%)        | \$      | <u>  </u>        |
| \$14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ <u>100.00</u> |
| \$14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$ <u>  </u>     |
| \$56-5-2995 (DUI Assessment)           | \$12    | \$ <u>  </u>     |
| \$35.13 (Public Def/Prob)              | \$500   | \$ <u>  </u>     |
| \$73.3, 1B TP (Law Enforce. Funding)   | \$25    | \$ <u>25.00</u>  |
| \$33.7, 1B TP (Drug Court Surcharge)   | \$100   | \$ <u>  </u>     |
| \$50-21-114(BUI Breath Test Fee)       | \$50    | \$ <u>  </u>     |
| \$56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$ <u>  </u>     |
| 3% to County (if paid in installments) | \$      | \$ <u>3.75</u>   |
| TOTAL                                  | \$      | \$ <u>128.75</u> |

Marion L. Edgemon II  
Clerk of Court Deputy ClerkCourt Reporter: Harry Dot Walker

SCCA/217 (10/2007)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2007-GS-38-0426AW#: K-231009Date of Offense: December 18, 2006S.C. Code §: 16-3-910CDR Code #: 0095

## SENTENCE SHEET

PRESIDING JUDGE [Signature]Judge Code: 0114  
Sentence Date: Jan 23, 2008☐ Appointed PD or appointed other counsel, \$35.13 TP  
☐ Requires \$600 be paid to Clerk during probation. 17plea accepted sentence deferred 1-23-08  
[Signature]

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ORANGETHUR  
STATEINDICTMENT/CASE#: 2007-GS-38-042VS.  
Darone A. Demicott, Jr.AW#: K-231054

AKA: \_\_\_\_\_

Date of Offense: December 18, 2006Race: B Sex: M Age: \_\_\_\_\_S.C. Code §: 16-11-311

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 0079

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# \_\_\_\_\_

## SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Burglary 1st Degreein violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45

(CSC w/minor 1" or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. AD (defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kelley H. Burge  
SolicitorDarone Demicott  
Defendant[Signature]  
Attorney for DefendantWHEREFORE the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years

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

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,

which are incorporated by reference.

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

## SPECIAL CONDITIONS:

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

PTUP \_\_\_\_\_

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

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GEO ☐☐ set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐

\*Fine:

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

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

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

\$56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_

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

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

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Random Drug/Alcohol Testing ☐

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

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

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

Judge Code: \_\_\_\_\_

Sentence Date: Jan 23, 2008Marion L. Edgemond  
Clerk of Court/ Deputy ClerkCourt Reporter: Harry Dot Walker

## STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG  
STATE

VS.

Darone A Demicott, JrAKA: \_\_\_\_\_  
Race: B Sex: m Age: \_\_\_\_\_  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL# \_\_\_\_\_ SID# \_\_\_\_\_

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2007-GS-38-0424AW#: H-941996  
Date of Offense: December 18, 2006  
S.C. Code §: 16-11-311  
CDR Code #: 0079

## SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Burglary First Degreein violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079  
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. DAT (defendant initial)  
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Kelley H. Bubage Solicitor Darone Demicott Defendant [Signature] Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

## SPECIAL CONDITIONS:

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

PTUP \_\_\_\_\_

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

\_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED ☐☐ set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐

\*Fine:

|                                        |         |                  |
|----------------------------------------|---------|------------------|
| \$14-1-206 (Assessments 107.5%)        | \$      | _____            |
| \$14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ <u>100.00</u> |
| \$14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$ _____         |
| \$56-5-2995 (DUI Assessment)           | \$12    | \$ _____         |
| \$35.13 (Public Def/Prob)              | \$500   | \$ _____         |
| \$73.3, 1B TP (Law Enforce. Funding)   | \$25    | \$ <u>25.00</u>  |
| \$33.7, 1B TP (Drug Court Surcharge)   | \$100   | \$ _____         |
| \$50-21-114(BUI Breath Test Fee)       | \$50    | \$ _____         |
| \$56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$ _____         |
| 3% to County (if paid in installments) |         | \$ <u>3.75</u>   |
| TOTAL                                  |         | \$ <u>128.75</u> |

Random Drug/Alcohol Testing ☐

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

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

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

PRESIDING JUDGE

Judge Code: \_\_\_\_\_  
Sentence Date: Jan 23, 2008Marion L. Edgemon Jr  
Clerk of Court/Deputy ClerkCourt Reporter: Harry Dot Walker

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG  
STATEINDICTMENT/CASE#: 2007-GS-38-0425VS.  
Darone A. Derricott, Jr.AW#: K-231059AKA: \_\_\_\_\_  
Race: B Sex: M Age: \_\_\_\_\_Date of Offense: December 18, 2006

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-3-620

Address: \_\_\_\_\_

CDR Code #: 0014

City, State, Zip: \_\_\_\_\_

## SENTENCE SHEET

DL# \_\_\_\_\_ SID# \_\_\_\_\_

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Assault and Battery with Intent to Killin violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. DAD (defendant initial)  
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Kelley H. Burbag Darone Derricott  
Solicitor Defendant Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED ☐☐ set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

\*Fine: \$ \_\_\_\_\_ Substance Abuse Counseling ☐§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Random Drug/Alcohol Testing ☐§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_ pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_ \$ \_\_\_\_\_ paid to Public Defender Fund

§35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_ Other: \_\_\_\_\_

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_

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

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

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75☐ Appointed PD or appointed other counsel, \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.plea accepted, sentence deferred 1-12-08PRESIDING JUDGE Jame L. Wilkins

Judge Code: \_\_\_\_\_

Sentence Date: Jan 23, 2008Marion L. Edgemon Jr.  
Clerk of Court Deputy ClerkCourt Reporter: Harry Dot Walker

## STATE OF SOUTH CAROLINA

COUNTY OF ORANBURG  
STATE

VS.

Darone A. Demicott, Jr.AKA: \_\_\_\_\_  
Race: B Sex: M Age: \_\_\_\_\_  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL# \_\_\_\_\_ SID# \_\_\_\_\_In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Armed Robberyin violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. DAD (defendant initial)  
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kelley H. Burbage  
SolicitorDarone Demicott  
Defendant[Signature]  
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP \_\_\_\_\_

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

Payment Terms: \_\_\_\_\_

☐ set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_  
\$14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_  
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00  
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
\$56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00  
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_  
\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ 3.75  
TOTAL \$ 128.75Marion L. Edgemon  
Clerk of Court/Deputy ClerkCourt Reporter: Harry Dot Walker

SCCA/217 (10/2007)

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2007 -GS- 38 - 0426AW#: K-231008  
Date of Offense: December 18, 2006  
S.C. Code §: 16-11-330  
CDR Code #: 0139

## SENTENCE SHEET

PRESIDING JUDGE [Signature]  
0114Judge Code: \_\_\_\_\_  
Sentence Date: Jan 23, 2008  
[Signature]

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

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

pmts. of \$ \_\_\_\_\_ Beginning  
\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel, \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.plea accepted, sentence deferred, 1-17-08