

VOL II of II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Marion County

Michael G. Nettles, Circuit Court Judge

RECEIVED

FEB 13 2015

S.C. Supreme Court

QUINTON DEWAYNE INMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-001765

APPENDIX

DAVID ALEXANDER
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

J. CROOM HUNTER
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....i

TRIAL TRANSCRIPT (dated August 4 – 6, 2008).....1

APPLICATION FOR POST-CONVICTION RELIEF511

RETURN AND MOTION TO DISMISS.....517

POST-CONVICTION RELIEF HEARING TRANSCRIPT (dated February 11, 2014).....522

ORDER OF DISMISSAL579

INDICTMENT592

1 Quinton Dewayne Inman, guilty of murder. Signed Kenny L.
2 McDaniel, foreman. Dated August 6th of 2008.

3 This your verdict say you one say you all.

4 (WHEREUPON, all jurors agreed by saying yes.)

5 THE CLERK: Thank you.

6 THE COURT: All right. Thank you, ma'am.

7 Anything further from the defense from this jury?

8 MR. PROSSER: We like to poll the jury, Your Honor.

9 THE COURT: All right. Madam clerk, if you would.

10 Ladies and gentlemen, madam clerk is going to ask you
11 a couple of questions. If you would just when she calls
12 your name, she'll ask those questions if you'll just
13 respond please.

14 THE CLERK: Kenny McDaniel, was this your verdict?

15 JUROR: Yes.

16 THE CLERK: Is it still your verdict?

17 JUROR: Yes.

18 THE CLERK: Nessie S. McNeil, was this your verdict?

19 JUROR: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR: Yes.

22 THE CLERK: Lisa Cox, was this your verdict?

23 JUROR: Yes.

24 THE CLERK: Is it still your verdict?

25 JUROR: Yes.

1 THE CLERK: Robin Sanders, was this your verdict?

2 JUROR: Yes.

3 THE CLERK: Is it still your verdict?

4 JUROR: Yes.

5 THE CLERK: Joseph H. Skipper, was this your verdict?

6 JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 JUROR: Yes.

9 THE CLERK: Joy J. Hardee, was this your verdict?

10 Juror: Yes.

11 THE CLERK: Is it still your verdict?

12 JUROR: Yes.

13 THE CLERK: Tiffany Godbolt, was this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR: Yes.

17 THE CLERK: Tabitha Lewis, was this your verdict?

18 JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 JUROR: Yes.

21 THE CLERK: Preston Page, was this your verdict?

22 JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 JUROR: Yes.

25 THE CLERK: Cylethia A. Boykin she has been excused.

1 Timothy McCreary, was this your verdict?

2 JUROR: Yes, ma'am.

3 THE CLERK: Is it still your verdict?

4 JUROR: Yes, ma'am.

5 THE CLERK: L. D. Marlowe, was this your verdict?

6 JUROR: Yes, ma'am.

7 THE CLERK: Is it still your verdict?

8 JUROR: Yes, ma'am.

9 THE CLERK: Pamela Harrelson, was this your verdict?

10 JUROR: Yes, ma'am.

11 THE CLERK: Is it still your verdict?

12 JUROR: Yes, ma'am.

13 THE CLERK: Thank you.

14 THE COURT: Thank you.

15 Ladies and gentlemen, I want to thank you for your
16 service this week. As you can see from having sat on this
17 trial, jury service can be tiring and exhausting even
18 though you're not exercising muscles because it's an
19 emotional and it's a mental process. I appreciate very
20 much your service this week. You were very attentive to
21 everyone. You were very respectful to everyone involved
22 in the case and so you certainly have served your
23 community well. Regardless of what your verdict was, your
24 service has been exemplary and I want to thank you for
25 that.

1 Checks in the mail is what I can tell you. I like to
2 tell you you're going to get it today, but they will cut
3 those checks this week and they'll mail them to you.
4 They've got your mailing address. Don't get terribly
5 excited, it's not a lot of money. Your time it's more
6 valuable than we could possibly pay you for. And jury
7 service is just that, it's a service to your community.
8 It's not a pretty job. You're going to get a little
9 something for your time this week, but it is a service and
10 I want to thank you so much for exercising your service
11 this week.

12 If anyone needs a work excuse before you get your
13 check, if you need one for tomorrow -- when I excuse them
14 if anyone needs one, you'll be able to get that?

15 THE CLERK: Yes, sir.

16 THE COURT: If anyone needs an excuse for work once
17 I'll excuse you, let Mrs. Rhodes know and she'll get you
18 that before you leave here today, okay. But again thank
19 you again for your service. I'm going to ask if everyone
20 will remain seated.

21 Now, ladies and gentlemen, your service for the week
22 is concluded. You do not come back. As a wonderful
23 parting gift, you can take those stickers with you. If
24 you had a situation where you've had loved ones who been
25 wanting to know what's going on, you're free to talk about

1 the case at this point. Let me also tell you this though,
2 you are also free to refuse to talk about the case. If
3 anyone attempts to talk with you about the case and you
4 would rather not talk about it, you let them know that.
5 If they persist or if they become insistent or rude, find
6 out who that person is and you let me know and I will
7 absolutely take care of it. They'll go see what it's like
8 to go spend a few nights in jail, but I want to thank you
9 again. If everyone else will please remain seated.
10 Members of the jury, you are free to go. I'm sorry. I
11 want to also tell you this because I think you're entitle
12 to this as well. You are free to go. I'm going to
13 proceed in just a moment to the sentencing phase of this
14 case. And if you would like to stay for that, I think
15 you're entitle to because you spent these last three days
16 working on this case. You don't have to, you're free to
17 go, but if you do choose to stay, what I'll do is -- as a
18 matter of fact, I'll ask you if you do want to stay to
19 remain seated where you are because we're going to go
20 right into the sentencing portion of this case. But if
21 you would like to be excused, please be free to go now.

22 (WHEREUPON, the jury panel was dismissed.)

23 THE COURT: Mr. Prosser, at this time I'll be happy
24 to entertain any post-trial motions if you like.

25 MR. PROSSER: None from the defense, Your Honor.

1 THE COURT: All right. If would please come around
2 then for sentencing. And, Mr. Prosser, before I hear from
3 you -- at the time, I'm happy obviously to hear from you,
4 if Mr. Inman would like to address the Court, I'll be
5 happy to hear Mr. Inman from you. If there's anyone else
6 that would like to address the Court on his behalf, I'll
7 be happy to hear from them. But before I go there, let me
8 get the Solicitor to review whether or not any prior
9 history.

10 MR. CLEMENTS: Your Honor, the defendant is 22 years
11 old. I don't think it's necessary for the defendant and
12 the attorney to sign it after a jury verdict.

13 THE COURT: No, sir.

14 MR. CLEMENTS: There's the sentencing sheet. Your
15 Honor, he's currently in department of corrections. I
16 believe it's for a burglary charge, Your Honor. I know
17 one of the houses he broke into was Russ Sloan's which
18 is -- was a long time assistant solicitor here, Your
19 Honor, and that case was actually handled by the AG's
20 office. And I know that he had -- I'm not exactly sure
21 how much, but I know he had quite extensive juvenile
22 history, Your Honor. And you heard the facts of this
23 case, Your Honor, we think it's a horrible case. On
24 behalf of the State, and I ask you hear from the victim,
25 Your Honor, at the appropriate time. But I think I speak

1 for him as well on this. What we are seeking, Your Honor,
2 what we think is an appropriate sentence in this case is
3 life without parole.

4 THE COURT: All right, Solicitor. Thank you, sir.

5 Let me -- be happy to hear from anyone from the
6 victim or the State.

7 MR. CLEMENTS: You spoke earlier, you wish to speak
8 again.

9 THE COURT: Mr. Hill, is that correct?

10 MR. CLEMENTS: Patrick Hill.

11 THE COURT: All right, Mr. Hill, be happy to hear
12 from you, sir.

13 MR. HILL: You know, I know I'm not of celebrity
14 status or I'm not of any political status. I know that
15 the wheels of justice a long turn for somebody simple
16 person like I am. And I prayed that these people had the
17 wisdom of Solomon when they made the judgment. And
18 without any doubt in my mind, it goes without saying I
19 hope that God, my God, who I worship seven days a week,
20 will strike down punish this man a horrible vengeance,
21 with great wrath and he will die a painful long death is
22 what I really like for him to have and that's all I have
23 to say.

24 THE COURT: Thank you very much, Mr. Hill. Again, I
25 appreciate you being here these last several days.

1 MR. CLEMENTS: Your Honor, the only other thing I add
2 is we really believe that in this situation that this man
3 was the leader in this situation and that Mr. McCray was
4 the follower. I want go as far as to say I don't think
5 Mr. McCray would have done nothing without Mr. Inman. I
6 do believe Mr. Inman was the leader. However, I do think
7 Mr. McCray was not a reluctant follower.

8 THE COURT: All right. Thank you very much, sir.
9 Mr. Prosser.

10 MR. PROSSER: Just briefly, Your Honor. I think we
11 heard a lot of facts this week. This a situation which is
12 horrible all the way around no question about it. One
13 thing I can tell you is -- and I don't know Quinton Inman
14 any more than when I meet him to first represent him and
15 since that time he's never given me any problems. He's
16 never been threatening, hostile. He's never done anything
17 to me which would indicate a bad character toward me. And
18 I can just tell you that he has as I told the jury
19 maintained his innocence.

20 So he sought the Court to give him a fair trial. I
21 believe that the Court gave him a fair trial. And the
22 verdict's not what he wants, but in same sense he's a
23 young man. He's 22 years of age as the Solicitor said.
24 All I can do is stand here and tell you that I think one
25 day this young man can be a productive member of society,

1 that's all I can really say. And I base that only on what
2 I know of him because most my time has been spent in
3 preparing a defense for him and looking at the facts of
4 the case. And those facts sometimes went many ways, but
5 from the time I spent with him working on this case and
6 preparing the case, he's not been in anyway out of the
7 way.

8 THE COURT: All right. Mr. Inman, you're not
9 required to, sir, but if you have anything you like to
10 tell the Court, I'll be happy to hear from you?

11 DEFENDANT INMAN: No, sir.

12 THE COURT: All right, sir. Anyone else?

13 MR. PROSSER: That's all, Your Honor.

14 THE COURT: The sentence of the Court on
15 2006-GS-33-2003, Mr. Inman, is that you be committed to
16 the South Carolina department of the corrections for the
17 remainder of your natural life without the possibility of
18 parole. Good luck to you, sir. Thank you, Your Honor.

19 END OF REQUESTED TRANSCRIPT

20

21

22

23

24

25

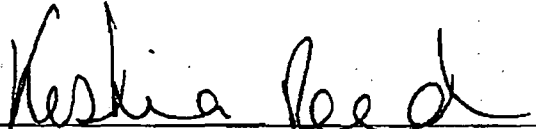
1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA

3 COUNTY OF FLORENCE

4
5 I, Keshia Reed, Court Reporter and Notary Public
6 in and for the State of South Carolina At Large, do hereby
7 certify that the above-entitled cause was heard as
8 hereinafter set out; that I was authorized to and did
9 transcribe the said proceedings; and that the foregoing
10 and annexed pages, numbered 1 through 510, inclusive,
11 constitute a true and accurate transcription of my
12 stenographic report of the said cause taken during the
13 said hearing.

14 In witness whereof, I have hereunto affixed my
15 signature this 20th day of February, 2009.

16
17 
18 Keshia Reed, Court Reporter
My Commission Expires: 6-5-2010

19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA)

In the Court of Common Pleas

County of Marion)

2011-CP-33-440

Quinton Dewwayne Thomas # 298285)
Full name and prison number, if any, of applicant.)

APPLICATION FOR

POST-CONVICTION RELIEF

v.)

Quinton Dewwayne Thomas)
Name of Respondent)

MARION COUNTY S.C.
SHERRY R. RHODES
CLERK OF COURT

2011 JUN 17 P 1:51

BOOK _____ PAGE _____

FILED

INSTRUCTIONS - READ CAREFULLY

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

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

If the applicant is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention h.c.i

2. Name and location of Court which imposed sentence marion County

3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:

(a) 2006-45-33-203

(b) murder

(c) _____

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

(a) 8/6/08

(b) life without the possibility of parole

(c) _____

A CERTIFIED COPY OF THE ORIGINAL FILED IN THIS OFFICE

BOOK _____ PAGE _____

Sherry R. Rhodes
CLERK OF COURT, MARION COUNTY
SOUTH CAROLINA

5. 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 _____

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

7. If you answered "yes" to (6), list

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

i. North Carolina Court of appeals

ii. _____

iii. _____

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

i. Denied

ii. _____

iii. _____

(c) the date of each such result:

i. Submitted Oct 1, 2012 Filed Oct 21, 2012

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

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

(a) Judge abuse discretion

(b) ~~abuse discretion~~ falling to instruct jury on the law necessary after fact

(c) hands of one is the head of all theory

10. State concisely and in the same order the facts which support each of the grounds set out in (9)

(a) judge abused his discretion by stating his opinion of the credit of the witness

(b) Court Erred by not instructing the jury on the law of accessory

(c) Hands of one hands of all you must be charged with General Conspiracy

to be charged by hands of one hands of all the judge basically said it guilty because my cell plead 11.

11. Prior to this application have you filed with respect to this conviction

(a) any petition in a State Court under South Carolina Law ?

(b) any petitions in State or Federal Courts for habeas corpus or post-conviction relief?

(c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)

(d) any other petitions, motions or applications in this or any other Court?

12. If you answered "yes" to any part of (11), 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. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? Yes

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

- i. Judge abuse discretion
- ii. Hand one hand of all theory
- iii. trial court error failing to instruct jury on law

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

- i. direct appeal
- ii. _____
- iii. _____

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

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

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

- (a) your arraignment and plea? Yes
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?

Yes

(e) preparation, presentation or consideration of any petitions, motions, or application with respect to this conviction, which you filed? Yes

17. If you answered "yes" to one or more parts of (16), list:

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

- i. Shannon Prosser, Prosser & Associates, P.A., Drawer 7719, 737 Argyle Hwy
- ii. Johnselle SC 29555
- iii. There were 4 other attorneys. I can't get any of their names down here.

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

- i. Trial, Shannon Prosser
- ii. _____
- iii. _____

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

A LOCAL SENTENCE

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

NO

STATE OF SOUTH CAROLINA)
)
COUNTY OF Marion)

VERIFICATION

I, *Crista Chen*, 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.

Crista Chen

Sworn to and subscribed before me
This 23 day of Feb, 2011.

Debra J... L.S.

Notary Public for South Carolina

My Commission Expires 11-4-2015

BOOK _____ PAGE _____
2011 JUN 17 P 1:51
MARION COUNTY SC
CHERRY R. RHODES
CLERK OF COURT

FILED

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

I, *Crista Chen*, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty 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 proceeding or give security therefor.

Crista Chen
Applicant

Sworn to and subscribed before me
This 23 day of Feb, 2011.

Debra J... L.S.

Notary Public for South Carolina

My Commission Expires: 11-4-2015

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)
)
 Quinton Dewayne Inman,)
 #298283)
)
 Applicant,)
)
 VS.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 C.A. NO. 11-CP-33-440

**RETURN AND MOTION TO
 DISMISS**

In response to the post-conviction relief application filed June 17, 2011, Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Marion County Clerk of Court's orders of commitment. Applicant was indicted at the August 2006 term of the Marion County Grand Jury for murder. Shannon Prosser, Esquire represented Applicant. Applicant was tried before a jury from August 4-6, 2006 and convicted as charged. The Honorable Judge Russo sentenced Applicant to life imprisonment. Applicant appealed his conviction.

Applicant was represented on appeal by Joseph L. Savitz, III, Esquire. On information and belief, the Court of Appeals dismissed the case after appellate counsel submitted a brief pursuant to Anders v. California, 386 U.S. 738 (1967) on or around October, 2011.

For the purpose of this Return, the Respondent attaches and incorporates the Clerk of Court's

records, the South Carolina Department of Corrections records and the trial 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 based on allegations of error by the trial court. The issues should have been raised, if at all, on direct appeal. Accordingly these allegations are procedurally barred pursuant to Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1975). Accordingly, this application should be dismissed.

III.

The State submits Applicant's allegation that he received ineffective assistance of counsel is without merit. For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996). In order to prove prejudice, an applicant must show that but for counsel's errors, there is a reasonable probability the result at trial would have been different. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Id. Where trial counsel articulates a valid reason for employing certain trial strategy, such conduct should not be deemed ineffective assistance of counsel. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1995); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). The State submits that the Applicant's attorney

demonstrated the normal degree of skill, knowledge, professional judgment, and representation that is expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland *supra*; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

IV.

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

V.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code §17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

VI.

WHEREFORE, having made Return, the Respondent requests that this Court dismiss this allegation with prejudice.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

DAVID SPENCER
Senior Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3727

September 29, 2011.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)
)
)
 QUINTON DEWAYNE INMAN, #298283)
)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

2011-CP-33-440

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 and Motion to Dismiss** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Heather M. Cannon, Esquire
4375 Oleander Dr.
Myrtle Beach, SC 29577

DATED this 30th day of September, 2011


 Norma Bigbee, Legal Assistant

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS
County of Marion)	2011-CP-33-00440
)	
QUINTON DEWAYNE INMAN,)	
)	
APPLICANT,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
STATE OF SOUTH CAROLINA,)	
)	
RESPONDENT,)	

February 11, 2014
Florence, South Carolina

BEFORE:

THE HONORABLE MICHAEL NETTLES, JUDGE.

APPEARANCES:

HEATHER CANNON, ESQ.
Attorney for the Applicant

JOSHUA THOMAS, ASSISTANT ATTORNEY GENERAL
Attorney for the Respondent

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S
INDEX OF WITNESSES:

QUINTON INMAN

Direct By Ms. Cannon	6
Cross By Mr. Thomas	16
Redirect By Ms. Cannon	20

ANTHONY MCCRAY

Direct By Ms. Cannon	22
Cross By Mr. Thomas	27
Redirect By Ms. Cannon	32

JOHN PROSSER

Direct By Mr. Thomas	34
Cross By Ms. Cannon	43

> > > < < <

(No exhibits were introduced).

CERTIFICATE OF REPORTER	58
-----------------------------------	----

1 MR. THOMAS: May it please the Court.

2 THE COURT: Yes.

3 MR. THOMAS: This case is Quinton Inman vs. State of
4 South Carolina. It's case number 2011-CP-33-440.

5 Mr. Inman was indicted in August of 2006 for murder. He
6 was represented on that charge by Shannon Prosser.

7 He went to trial on August 4th through 6, 2008 and
8 was convicted as indicted. The Honorable Thomas A. Russo
9 sentenced to him to life without the possibility of parole
10 on the murder charge.

11 An appeal was filed by the Office of Appellate
12 Defense by Joseph L. Savitz. It was an Anders brief. The
13 Court of Appeals dismissed it in unpublished opinion
14 2010-UP-457.

15 He filed this PCR on June 17th, 2011. I think Ms.
16 Cannon has some amendments she has made to it since that
17 time. He is represented by Heather Cannon, and the State
18 is getting ready to proceed.

19 THE COURT: What are the grounds and the amendment?
20 Tell me what the grounds are with the amendment.

21 MS. CANNON: Okay. With the amendment, it's
22 ineffective assistance of counsel, and we have -- I guess
23 you might call it after-discovered evidence. We have the
24 ~~codefendant or -- it was Anthony McGray is here. He is~~
25 going to testify on behalf of my client and in his -- I

1 think pretty much, Judge, most of the things fall under
2 the ineffective assistance of counsel in regards to some
3 judiciary abuse of discretion, but it falls back on the
4 failure to object to the thing. I think that would be a
5 good way to...

6 THE COURT: Very good. Very good.

7 All right. You may call your first witness.

8 MS. CANNON: Thank you, Your Honor. I will call
9 Quinton Inman to the stand.

10 THE COURT: Mr. Inman please come forward, and I'm
11 going to ask, if you could, to place your left hand on the
12 Bible, raise your right hand as the clerk administers the
13 oath.

14 QUINTON INMAN, after being duly sworn,
15 testified as follows:

16 THE CLERK: Please be seated and state your name for
17 the record.

18 THE COURT: Mr. Inman, I'm going to ask you to pull
19 up real close to that microphone, speak loudly, clearly,
20 and slowly for us to hear everything you'd like to say.
21 Let's start with your full name.

22 THE WITNESS: Quinton Dewayne Inman.

23 THE COURT: Very good.

24 Yes, ma'am.

25 MS. CANNON: Thank you, Your Honor.

1 Q Because of that one reason?

2 A Yes, ma'am.

3 Q And then we talked about a recorded statement. There
4 were a series of statements made by Anthony McCray during
5 that trial. Do you recall those statements?

6 A Yes, ma'am.

7 Q And one of them was a recorded statement that wasn't
8 introduced or wasn't for the jury at trial; is that
9 correct?

10 A Yes, ma'am.

11 Q And you never -- did you ever get a chance to hear
12 that recorded statement?

13 A No, ma'am.

14 Q Was that recorded statement discussed with you?

15 A It was said a recorded statement was made.

16 Q Were the details of that statement discussed with
17 you?

18 A Not the details.

19 Q Okay. And you recall that it was not played at the
20 hearing?

21 A It was not played at trial.

22 Q And it's your belief that that statement, as well as
23 the other two statements that were introduced, could have
24 impeached Mr. McCray?

25 A Yes, ma'am. it could have went -- it could have went

1 -- kind of like I see it both ways. It could have
2 impeached him, or he could have just told the complete
3 truth on his statement.

4 Q Right. Well, in regard to this evidence, you believe
5 that that would have turned the tides, and your lawyer
6 insisted that that tape be played?

7 A Yes, ma'am.

8 Q And had he discussed that, the contents of that tape
9 and allowed you to hear it, do you agree that could have
10 better prepared the two of you for this trial?

11 A Yes, ma'am.

12 Q Now, in regard to the indictments, you -- the
13 indictments were signed in Marion County that charged you
14 with this crime; is that correct?

15 A Yes, ma'am.

16 Q And during the trial, the solicitor actually referred
17 to the crime happening in Florence; is that correct?

18 A He referred to Florence County and -- yes, ma'am;
19 yes, ma'am.

20 Q And it's your position that your defense attorney
21 should have quashed those indictments because they were
22 not correct, is that true?

23 A Yes. One time -- once he read off about the crime
24 ~~taking place Marion about the indictments, but it could~~
25 have confused the jury. It could have confused the jury,

1 so I believe the best bet would have been a motion to
2 quash.

3 Q To quash those things. Now, also during the trial,
4 there were pictures admitted. There was a discussion that
5 the victim was dependent on a walker, correct?

6 A Oh, yes, ma'am.

7 Q But there was testimony that the particular pictures
8 that were presented to the court may not have been her
9 walker; is that correct?

10 A Yes, ma'am. I mean, it did -- all of them did an
11 investigation and nobody could -- nobody could place the
12 walker to anybody. It -- nobody had a home on it.

13 Q Nobody could place the walker that they were talking
14 about at the trial to the victim; is that correct?

15 A Yes, ma'am or nobody else.

16 Q And then the -- or anybody else, and then the
17 pictures that were presented were of the walker that no
18 one could identify who it belonged to, correct?

19 A Yes, ma'am.

20 Q And that in your opinion was prejudicial to the jury
21 in what way?

22 A I mean, I believe because it ain't have no owner
23 [sic]. It tainted be had by Mr. Prosser and Ed Clemmons
24 actually not seen a senior citizen in the courtroom
25 walking with a walker so...

1 Q So he should have objected to those pictures coming
2 in, and he did not. And he was ineffective in that way?

3 A Yes, ma'am.

4 Q Now, in the beginning of this trial, the issues were
5 raised that Mr. Prosser did not have information regarding
6 an autopsy until the day of the trial; is that correct?

7 A Yes, ma'am.

8 Q And also DNA information, he had only received a
9 couple of days before the trial, correct?

10 A I thought -- I think -- if I'm recalling, I think he
11 received that the day of the trial, too, if I'm not
12 mistaken.

13 Q But it's your testimony that because he did not have
14 those keys pieces of information well in advance, that the
15 two of you could not prepare meaningfully for that trial.

16 A Yes, ma'am.

17 Q And, in fact, that was discussed in -- on the record
18 in the transcript about how Mr. Prosser felt it was
19 prejudicial maybe to him to not have that information in
20 advance, correct?

21 A Yes, ma'am.

22 Q And you believe that --

23 THE COURT: Which information again?

24 ~~MS. CANNON: There was an autopsy, as well as DNA~~

25 information, Your Honor, and it is addressed in --

1 THE COURT: I was just -- I wanted to make sure. I
2 thought it was autopsy and DNA. I wanted to make sure.
3 That's what I was wanting fabrication on. You may
4 proceed.

5 MS. CANNON: Okay. Thank you, Your Honor. If the
6 Court will allow me, I will --

7 THE COURT: Sure.

8 MS. CANNON: -- it says that, "DNA testing was
9 provided four days prior to trial, and the autopsy was
10 actually provided the day of trial."

11 THE COURT: Okay.

12 BY MS. CANNON:

13 Q And so those -- that information you believe would
14 have caused a different verdict --

15 A Uh-huh.

16 Q -- caused you to have been able to prepare better
17 with your attorney; is that correct?

18 A Yes, ma'am.

19 Q And as far as -- there was -- as far as discovery in
20 general -- and you're familiar with discovery because I
21 sent you this packet.

22 A Yes, ma'am.

23 Q And you discussed discovery and all the evidence that
24 the State had against you with Mr. Prosser during his
25 representation of you?

1 A I didn't discuss all the evidence because some wasn't
2 there, like the recent --

3 Q Like the autopsy?

4 A And the DNA and all. We didn't discuss those.

5 Q So do you believe that because Mr. Prosser did not
6 have that information until the day of and failed to
7 discuss that with you that he was not prepared for trial?

8 A Yes, ma'am.

9 Q Now, you have made allegations regarding the judge's
10 abuse of discretion. One of the things that Judge Russo
11 did during that the trial is he left the bench to address
12 the jury, correct?

13 A Yes, ma'am.

14 Q How do you believe that was prejudicial to you?

15 A I believe that was prejudiced because it could
16 intimidate the jury by him standing in front of them
17 saying he believed it's more friendly to have a
18 face-to-face talk. It intimidated them, could have
19 intimidated them, scared them, basically having just don't
20 rule against him.

21 Q Well, did Mr. Prosser object to the judge leaving the
22 bench?

23 A No, ma'am.

24 Q And should he have?

25 A I think so, ma'am, yes.

1 Q And you believe he was ineffective. That's another
2 reason he was ineffective in representing you?

3 A Yes, ma'am.

4 Q You referred to --

5 THE COURT: You didn't make it very clear. As far --
6 he stood in front of the jury and gave them the jury
7 charge?

8 MS. CANNON: Uh, yes, sir.

9 THE COURT: Okay. That's the only time he left the
10 bench?

11 MS. CANNON: That's the only time he left this bench.

12 THE COURT: Okay. Very good.

13 MS. CANNON: Beg the Court's indulgence, Your Honor.

14 BY MS. CANNON:

15 Q Mr. Inman, I've been through my list of all of the
16 things that you've written to me during the course of my
17 representation of you. I've pulled out all the claims
18 that I recognized that you had against Mr. Prosser. Is
19 there anything that I left out?

20 A Yes. Something about the one the judge stating his
21 opinion, basically demanding the tops.

22 Q Now, you're referring to -- there's a place in the
23 transcript where Mr. Thompson is testifying about the DNA,
24 correct?

25 A Yes, ma'am.

1 Q And he says -- it's on page 332. He says that he
2 believes that -- that the probability that this DNA is
3 yours is tremendous?

4 A Yeah. Yeah, he basically said that. I mean, he
5 blanked it out what he said, but he basically -- basically
6 said that, yes, ma'am.

7 Q Well, actually what he -- this says your lawyer
8 objected to any further questioning of that witness. Do
9 you recall that?

10 A I recall that.

11 Q And the judge says -- and your lawyer says, "It's
12 kind of getting drug on me. We've heard enough." Do you
13 understand that?

14 A Yes, ma'am.

15 Q Okay. And then the Judge said, "It really is. Your
16 point has been made," and he's telling that to the other
17 lawyer. Do you agree with that?

18 A Yes, ma'am.

19 Q And then the next sentence is in other words, this
20 is -- and he never finishes that sentence, correct?

21 A Yes.

22 Q How do you feel that was prejudicial to you?

23 A It's a three-letter word, so I mean -- I -- this is
24 ~~what I did: I felt it was prejudicial because what he~~
25 said, he said I don't -- in other words, this is, this is

1 his, three blanks. It was three. It was three blanks.

2 Q Did -- do you feel that -- that -- do you understand
3 that that was an objection from Mr. Prosser?

4 A No, I didn't understand that.

5 Q You don't feel that was an objection. You think he
6 should have done more?

7 A Yes, ma'am.

8 Q All right. What else have I left out of your
9 complaints about Mr. Prosser?

10 (There was no response).

11 Nothing else?

12 A No, ma'am.

13 Q Any other things I've left out about the judge and
14 how the proceedings were held?

15 A No, ma'am.

16 Q Is there anything else you want to raise before this
17 court today?

18 A No, ma'am.

19 Q Do you understand that what does not get presented to
20 this court today is lost, meaning you cannot bring it back
21 for another post conviction relief. Do you understand
22 that?

23 A Yes, ma'am.

24 Q And you're satisfied that we've raised all of the
25 issues before this court today?

1. A Yes, ma'am.

2. Q And we do have a witness who is going to testify on
3. your behalf Anthony McCray. Are you familiar with him
4. being here today?

5. A Yes. I know him being here.

6. Q And you understand that he's set to testify that you
7. were not at -- involved in this crime, correct?

8. MR. THOMAS: Objection, Your Honor, facts not in
9. evidence.

10. THE COURT: I'll ask her to rephrase the question.

11. BY MS. CANNON:

12. Q Do you know Mr. McCray is here to testify on your
13. behalf, correct?

14. A Yes, ma'am.

15. Q Okay. That's the only other issue that we have to
16. bring before this Court today; is that correct?

17. A Yes, ma'am.

18. MS. CANNON: Okay. I don't have any further
19. questions of this witness.

20. THE COURT: All right. Any cross-examination?

21. MR. THOMAS: Yes, Your Honor. If it please the
22. court.

23. CROSS-EXAMINATION:

24. BY MR. THOMAS:

25. Q Mr. Inman, how many meetings did you have with

1 Mr. Prosser before your trial?

2 A Two.

3 Q And you said you reviewed some of the discovery?

4 A Yes, sir.

5 Q Did you give him your version of events and what
6 happened?

7 A I really didn't have a version to give.

8 Q And that's because your defense was you weren't
9 there?

10 A I wasn't there.

11 Q And you fully discussed that with Mr. Prosser?

12 A Yes, sir.

13 Q Did he explain the elements of the crime to you?

14 A He talked about it. He talked about it.

15 Q Did he explain to you what murder was?

16 A He didn't go all the way into detail of what murder
17 was, but we talked about murder.

18 Q Did you give him any sort of -- because your defense
19 was weren't there. Did you give him any alibi witnesses
20 to investigate?

21 A When I tried to -- I think it was too late.

22 Q Did you ever talk with him about entering a plea in
23 this case?

24 A Entering a plea. I talked to him. I talked to him
25 like before trial. We talked at like the county, and

1 during trial I talked to him, but I guess what me and him
2 was seeing, the judge was seeing different.

3 Q But you never told him you wanted to plead guilty and
4 go to trial?

5 A I was asking him. I was asking him. I say, "Man" --
6 I say, "I wanted" -- you know, I wanted, really, to plead
7 no contest. If he could have got me a pretty nice -- I
8 would say, "I'll plea out."

9 Q So if he could have gotten a good deal, you would
10 have plead guilty?

11 A No contest, I would have gone ahead, but the judge --
12 he said the only thing the judge was talking about was a
13 life sentence.

14 Q So basically, you made the decision to go to trial?

15 A That's what I said, I'm going with it. I made it.

16 Q What would Mr. Prosser have found if he had looked
17 into your background as you alleged?

18 A He would have found out a whole lot. He would have
19 found out a whole lot. You know, I mean, dating back to
20 like ninety--- '94, '95. He would have found out a whole
21 lot.

22 Q But you don't have any medical records or anything
23 here with you today to support that claim?

24 A No, sir. I don't.

25 Q In terms of Mr. McCray's statement, Mr. McCray gave

1 two statements, didn't he? The first one was not
2 reported, and that's the one where he didn't implicate
3 you; is that correct?

4 A I know he gave a couple of them.

5 Q But the second recorded statement was one that he did
6 implicate you in?

7 A I didn't know the second recorded statement.

8 Q Well, the recorded statement that you talked about.

9 A I don't know because I never heard it.

10 Q Where did this murder allegedly happen? What county?
11 Was it Marion?

12 A I know the solicitor said two different things. He
13 said -- he read off Marion, and then it was -- somebody
14 read off of Marion, and then it just jumped the forms.

15 Q That was after trial started?

16 A It was like I think the beginning of trial, reading
17 off on the indictments and things like that.

18 Q As far as the pictures of the walker go, was there
19 ever any debate that the victim was murdered in that -- in
20 that carwash?

21 A During trial, yes, sir. I believe so yes, sir.

22 Q But everyone understood at trial that that's where
23 the crime occurred. The question was just whether you
24 were there when it happened or not.

25 A I can't really say everybody really understood

1 because they say it happened in two different places, and
2 so I don't really know. I can't say the jury understood.

3 MR. THOMAS: I think that is all I have.

4 THE COURT: Any recross -- or redirect?

5 MS. CANNON: Briefly, Your Honor.

6 REDIRECT EXAMINATION:

7 BY MS. CANNON:

8 Q Mr. Inman, when you met with Mr. Prosser, you
9 couldn't discuss the video, the autopsy, correct, because
10 he didn't have it?

11 A No, ma'am.

12 Q And when you met with Mr. Prosser, did you meet with
13 him just before trial?

14 A I met him -- I met with him like four -- it was like
15 five or six months before trial, and I met him again like
16 a month before trial.

17 Q So after he received the DNA evidence, you never met
18 with him?

19 A No, ma'am.

20 Q So you couldn't have discussed that with him?

21 A No, ma'am.

22 Q Okay. And in regard to making a decision to take
23 this to trial, you weren't guilty, correct?

24 A Yes.

25 Q And there was no offer acceptable to you because you

1 weren't guilty, correct?

2 A Yes, ma'am.

3 Q Okay. And that was your sole decision to go to
4 trial, correct?

5 A Yes, ma'am.

6 Q All right. Now, just sort of to recap, you believe
7 that Mr. Prosser's representation of you fell below
8 what reasonable lawyer would do at the time?

9 A Yes, ma'am.

10 Q And because of those, I guess, shortcomings of
11 Mr. Prosser, the outcome would have been different?

12 A Yes, ma'am.

13 MS. CANNON: Okay. I have no further questions.

14 THE COURT: Very good. All right. You may step
15 down.

16 All right. You may call your next witness.

17 MS. CANNON: Thank you, Your Honor. I'll call
18 Anthony McCray to the stand.

19 THE COURT: Mr. McCray, please come forward and raise
20 your -- raise your right hand as the clerk administers the
21 oath.

22 THE BAILIFF: Place your right hand on the Bible,
23 raise your left.

24 (Pause).

25 The other way. Raise your right hand.

1 (Indicating).

2 There.

3 ANTHONY MCCRAY, after being duly
4 sworn, testified as follows:

5 THE CLERK: Please be seated and then state your name
6 for the record.

7 THE COURT: Have a seat in the witness chair. Pull
8 up real close to that microphone. Speak loudly, clearly
9 and slowly in order for us to hear everything you have to
10 say.

11 THE WITNESS: Anthony Duane McCray.

12 DIRECT EXAMINATION:

13 BY MS. CANNON:

14 Q Mr. McCray, you actually contacted my office in
15 regard to information you had about Mr. Inman; is that
16 correct?

17 A Yes, ma'am.

18 Q I didn't solicit any information from you, did I?

19 A No, ma'am.

20 Q So you're here voluntarily?

21 A Yes, ma'am.

22 Q At my office or no one has paid you to be here?

23 A No, ma'am.

24 Q Okay. You wrote a letter to my office. What -- tell

25 me why you are here. Tell this Court why you are here.

1 A My reason for being here today is to let the Court
2 know that my statement was coerced; that my statement was
3 made out of fear. At the time, I was not but 16. They
4 didn't allow me to have my parents in the room. They
5 didn't allow me to talk to nobody except them.

6 Q Except who?

7 A Except the investigators.

8 Q Did you have a lawyer at the time?

9 A No, ma'am or no parents.

10 Q So when you gave your first statement where you
11 implicated someone named Bleak on 9/20, you didn't have an
12 attorney at that time?

13 A I never had an attorney.

14 Q What -- bleak is not Quentin Inman, is he?

15 A No, ma'am.

16 Q Okay. That's two different people. When you
17 implicated Bleak, how were you coerced? How were you
18 threatened or made to take this -- to give this statement
19 that was not true?

20 A Say it again.

21 Q How were you threatened or forced to make this
22 statement that was not true?

23 A I was never forced.

24 Q You gave this statement saying that it was Bleak
25 voluntarily?

1 A Yes, ma'am.

2 Q So it was him?

3 A Yes, ma'am.

4 Q This was guy who was with you the night of the
5 murder?

6 A Yes, ma'am.

7 Q Who participated in the murder?

8 A Yes, ma'am.

9 Q This guy, Bleak?

10 (There was no response).

11 Yes?

12 A Yes, ma'am.

13 Q Now, when you gave the second statement and
14 implicated my client, you're saying that was coerced
15 statement, correct?

16 A Yes, ma'am.

17 Q How do you feel it was coerced?

18 A Well, when I had gave my first statement about Bleak,
19 they put me on the van to go to DJJ in Columbia, and then
20 like 30 minutes later, they came and got me off the van.
21 That's when they came with a dude named Inman.

22 Q I'm sorry?

23 A That's when they came with a dude named Inman.

~~24 Q Okay. Who is Inman?~~

25 A Right there.

1 THE COURT: Inman, I think he's saying.

2 MS. CANNON: Oh, Inman.

3 THE WITNESS: Yes.

4 BY MS. CANNON:

5 Q Oh, okay. So they asked you about him?

6 A Yeah. They started making allegations about him like
7 they wanted him or something. So they told me that if I
8 worked with them on that, they will let me get whatever I
9 was getting.

10 Q Did you know Quinton Inman?

11 A No, ma'am.

12 Q Had you ever seen him? When is the first time you
13 ever saw Mr. Inman?

14 A When we went to court one time.

15 Q You had not seen him prior to --

16 A No, ma'am.

17 Q And you don't -- is Sneaky who you referred to him
18 as?

19 A Well, that's the name they gave me.

20 Q That's the name that the police officers gave you?

21 A Yes, ma'am.

22 Q Okay. So you've never met or referred to this guy as
23 Sneaky?

24 A No, ma'am.

25 Q Now, you -- in regard to a recorded statement, do you

1 recall what was in that recorded statement?

2 A No, ma'am.

3 Q Did you implicate Quinton Inman more than one time?

4 Was the recorded statement after these two statements?

5 A I don't know.

6 Q You don't remember?

7 A No, ma'am.

8 Q Tell -- other than -- the Court's indulgence, Your
9 Honor.

10 THE COURT: Yes.

11 (Pause.)

12 BY MS. CANNON:

13 Q Tell this Court why you should be believed today.
14 You gave two, possibly three different statements. Tell
15 this court why they should believe you today.

16 A As a man now, I'm more conscious as far as --
17 cognizant of what I say and what I do in life. As me
18 being 16 years old, I was a juvenile. So I really didn't
19 understand life, period. I was still a kid.

20 Q Can you -- will you tell the Court what actually
21 happened the night of the murder?

22 A (Pause).

23 No, ma'am.

24 ~~Q Well, let me ask you this: Do you have anything to~~
25 gain by testifying today?

1 A No, ma'am.

2 Q No one else promised you? Not me, but no one else
3 promised you anything?

4 A No, ma'am.

5 Q Nobody promised you a lighter sentence or anything in
6 of that nature?

7 A No, ma'am.

8 Q Do you have anything to lose by testifying today?

9 A I wouldn't think so.

10 Q Well, were you advised that you could be charged with
11 perjury for lying to the court?

12 A Yes, ma'am.

13 Q Do you consider that something to be -- to be
14 something to lose that you may have new charges?

15 A Not really.

16 Q Okay. Do you understand that -- and you've been
17 advised that there may be -- they may try revoke your
18 plea? Do you know that that possibility is out there?

19 A No. I ain't never understood that.

20 MS. CANNON: Your Honor, I don't have any further
21 questions at this time.

22 THE COURT: Cross-examination?

23 CROSS-EXAMINATION:

24 BY MR. THOMAS:

25 Q Mr. McCray, you pled guilty to voluntary

1 manslaughter, didn't you?

2 A Yes, sir.

3 Q For the murder of Ms. White?

4 A Yes, sir.

5 Q And when you got up and pled to that crime, you had
6 an opportunity -- the judge asked you if anyone had
7 threatened you or promised you anything. You told the
8 judge no, didn't you?

9 A Yes, sir.

10 Q So you told the judge at your plea that you were
11 telling the truth about the facts of what happened that
12 night, including Mr. Inman's response, isn't that
13 correct -- or Mr. Inman's involvement?

14 A I didn't understand what you're saying, sir.

15 Q At your plea hearing, you told the judge that
16 Mr. Inman was involved in this crime, didn't you?

17 A That's because that's what they wanted me to say.

18 Q But the judge told you that you were under oath and
19 you were telling the truth at that time?

20 A Yes, sir.

21 Q But you lied at your plea hearing?

22 A No.

23 Q Did you lie at your plea hearing.

24 ~~A You're talking so fast, I didn't really understand~~
25 what you were saying.

1 Q Mr. McCray, did you lie at your plea hearing?

2 A No, sir.

3 Q So what you said at your plea hearing was the truth?

4 A I mean, it pertained to some of the truth, I would
5 say, the majority of the truth, besides implicating
6 Mr. Inman.

7 Q You also testified at Mr. Inman's trial, didn't you?

8 A Yes, sir.

9 Q And at his trial, you told the solicitor and the
10 judge and the jury on at least five different occasions
11 that you were telling the truth that day?

12 A I don't remember that.

13 Q Who told you to write a letter to Ms. Cannon?

14 A Me.

15 Q How did you know to contact Ms. Cannon?

16 A Because I wanted to.

17 Q Where did you learn that Ms. Cannon was Mr. Inman's
18 attorney?

19 A I knew the whole time when I had falsely accused him
20 of something he didn't do.

21 Q You're not answering my question, Mr. McCray. I'm
22 asking you how did you come about the information that
23 Ms. Cannon represents Mr. Inman? Where did you learn
24 that?

25 A I had a family to find out.

1 Q From where?

2 A I don't know where they found out from.

3 Q Who is they?

4 A Family.

5 Q His family contacted you?

6 A My family.

7 Q Your family contacted you. You don't know who they
8 contacted?

9 A No, sir.

10 Q I believe your testimony was that your initial
11 statement was coerced by the police because you had no
12 parents and no lawyer?

13 A Yes, sir.

14 Q So you're not really here today to defend Mr. Inman.
15 You're here today because you think you were done wrong by
16 the police?

17 A I don't understand.

18 Q This is really about the police. You got up here and
19 said this is about the police coercing your statement.

20 A No, because I wrongfully accused somebody of
21 something they didn't do.

22 Q And how many years -- how many years are you serving
23 on that voluntary manslaughter charge?

24 A Twenty-five.

25 Q What's your max-out date on that? Do you know?

1 A I have no idea, sir.

2 Q You said that picking up new charges isn't anything
3 to you; is that right? You have nothing to lose by
4 picking up new charges? Isn't that what you said during
5 direct, you have nothing lose by picking up new charges?

6 A (There was no response).

7 MR. THOMAS: Your Honor, can your direct the witness
8 to answer my question?

9 THE COURT: Well, you can answer the question.
10 That's not what I recall him saying but go ahead.

11 BY MR. THOMAS:

12 Q You said on direct that you don't think you have
13 anything lose even though you were advised you would be
14 charged with perjury?

15 A The...

16 THE COURT: You can answer his question. Did you say
17 that?

18 THE WITNESS: Say that again.

19 BY MR. THOMAS:

20 Q I have in my notes -- and correct me if I'm wrong,
21 please. Don't let me put words in your mouth. I'm not
22 trying to do that, but it was my understanding of your
23 testimony you said -- Ms. Cannon asked you, "Have you been
24 advised that you could be in trouble for lying during your
25 other statements?"

1 A For perjury?

2 Q Yes. She asked you that, didn't she?

3 A Yeah, for perjury.

4 Q Okay. She asked you that, and you said you didn't
5 feel like that was anything you were worried about or that
6 you had anything to lose by picking up new charges? What
7 did you say? Tell me exactly what you said because I want
8 to make sure the record is clear about what you said
9 during direct examination.

10 A I said -- basically, she asked me about perjury, so
11 as far as with the perjury, I said it really wouldn't
12 matter or anything else involving any other crimes, I
13 really ain't never had any understanding of it.

14 MR. THOMAS: That's all I have, Mr. McCray. I'm
15 sorry if I tried to put words in your mouth. I really am.
16 I just want to make sure the record is clear.

17 Thank you.

18 THE COURT: Anything further?

19 MS. CANNON: Just real quickly, Your Honor.

20 REDIRECT EXAMINATION:

21 BY MS. CANNON:

22 Q Mr. McCray?

23 A Yes, ma'am.

24 ~~Q If you knew you would be charged with lying to this~~
25 court today, would you still -- would it still be your

1 testimony that Mr. Inman was not part of this crime?

2 A Yeah, for perjury, yes, ma'am.

3 Q Okay. So he -- you're saying he did not -- he was
4 not there committing that crime with you?

5 A No, ma'am.

6 Q Okay. I don't have any other questions.

7 THE COURT: Very good. You may step down. Thank
8 you.

9 Any further testimony?

10 MS. CANNON: Nothing further, Your Honor.

11 You may step down. Thank you.

12 Any further testimony?

13 MR. THOMAS: Your Honor, we'd call Mr. Prosser.

14 THE COURT: Mr. Prosser, please come forward.

15 THE CLERK: Please place your left hand on the Bible.
16 Raise your right hand. So the stand place your left hand
17 on the Bible.

18 JOHN PROSSER, after being duly sworn,
19 testified as follows:

20 THE WITNESS: John M. Prosser, Jr.

21 THE COURT: Any objection to Mr. McCray being
22 excused?

23 MR. THOMAS: We were about to ask that. No objection
24 from the State.

25 MS. CANNON: No. No objection.

1 THE COURT: You're free to leave. Thank you.

2 DIRECT EXAMINATION:

3 BY MR. THOMAS:

4 Q Good morning, Mr. Prosser.

5 A Good morning.

6 Q Some background information, how long have you been
7 practicing law?

8 A Running on 19 years.

9 Q And how many -- were you retained or appointed to
10 Mr. Inman's case?

11 A Appointed.

12 Q How many meetings did you have with him?

13 A I don't know the exact number. I would say it was
14 multiple meetings. I was appointed, actually, early in
15 the same year that the trial occurred because I think I
16 was his second lawyer. I think his first was
17 Mr. Hoffmeyer.

18 Q And so did you -- who filed the discovery motions in
19 this case?

20 A He actually filed the original discovery motions, and
21 I think nearer to trial, we did some other motions like
22 exculpatory evidence, so forth and so on.

23 Q In terms of the response, what did you get back in
24 response to discovery?

25 A Well, the file was over there: Multiple pictures,

1 statements, different things of that nature. Obviously,
2 we didn't get a DNA test at the time which I found to
3 be -- and I mean an autopsy at the time which I found to
4 be interesting, and that's part of the objection.

5 Q So you didn't get the DNA or the autopsy?

6 A I think it was -- we got -- put it like this: We got
7 an order from Judge Kinard, I believe, stating that blood
8 was going to be drawn from Mr. Inman, and that was
9 probably in the summer so a couple months before. So that
10 was forthcoming, but I just found it interesting we didn't
11 get any results.

12 Q What kind of motions did you make regarding discovery
13 then before trial?

14 A Before trial, we certainly made a motion for -- to
15 produce any exculpatory evidence and any other evidence
16 that needed to be disclosed.

17 Q Did you do anything specifically regarding the
18 autopsy and the DNA before trial -- like immediately
19 before trial?

20 A Yes. We tried to, in preliminary matters, discuss
21 that and keep that out just due to the fact that they
22 didn't respond, I thought, in a timely manner but anyway,
23 it came in so...

24 Q Regarding the autopsy that came in, was -- what was
25 the -- I guess was there ever any debate about the cause

1 of death or how the victim died?

2 A There was never any debate. It was, obviously, an
3 unusual case in that the initial contact between the
4 alleged defendants and the victim took place in Florence
5 County, and she died at some point.

6 Of course, obviously, the question was where she
7 died. Was it in Florence County or in Marion County?
8 Some of the testimony suggested that it was somewhere in
9 between, but it never really came out as to where she
10 died.

11 So in my mind, if it's a murder trial, the most
12 important thing is they have to prove the manner of death.
13 That's why the autopsy would be important in, you know,
14 defending my client.

15 Q Did you have a chance to go over, aside from the
16 autopsy, and the DNA, did you have a chance to go over
17 that with Mr. Inman?

18 A We did, before trial. It probably wasn't long before
19 trial, but we had -- we had a pretty good length of time
20 to discuss some things so...

21 Q What was his version of events, if there was one?

22 A I have to agree. I think he testified a minute ago
23 that he really didn't give a version of his events because
24 ~~he maintained his innocence. That is true.~~

25 We did go through whether or not he may have known

1 some of these various witnesses. There were a number of
2 witnesses who came in contact with that car during that
3 particular night.

4 So by virtue of talking about that, we obviously had
5 some subpoenas for various witnesses which most of the
6 State produced.

7 Q What other witnesses did he ask you to look into?

8 A I don't recall if he specifically asked me to look
9 into any particular witness at all. Just in reviewing the
10 transcript, we obviously called a Tangela Harley, I think
11 was her name, and she was a -- I thought an important
12 witness. We would have called probably some more, but the
13 State called those before we did.

14 Q Regarding that, what was your -- what was your theory
15 of the case in terms of defending him in trial?

16 A My theory of the case was that Anthony McCray was the
17 culprit; that Anthony McCray was not a credible witness
18 and that every witness that the State produced with the
19 exception of Anthony McCray or the DNA evidence -- and, of
20 course, the witness would be the DNA people, but our
21 theory was that the only thing tying Inman to the murder
22 was Anthony McCray and his DNA. That was it.

23 So that's why the DNA was so important because every
24 witness that testified, none of them could really tie
25 Mr. Inman in to the situation.

1 Q So you had an opportunity to discuss sort of this
2 theory and all the State's evidence with him prior to
3 trial?

4 A Certainly, certainly.

5 Q Regarding the indictments, did you see any issues
6 with the indictments?

7 A I didn't. I mean, it was -- there, obviously, was a
8 question of whether the case would be brought in Florence
9 or Marion counties. I just didn't feel like that was a
10 major issue because they were going to be brought one way
11 or the other.

12 I thought just as a defense lawyer, personally, he
13 had better chance with a Marion County jury. So the way
14 it panned out -- it was a Florence County indictment, I
15 believe, if I remember right, and we tried it in Marion.
16 I can't remember why, but that's the way it ended up. It
17 was to see benefit, I thought, at the time.

18 Q Was there ever any discussion about moving to quash
19 the indictments?

20 A No. We didn't -- we didn't -- I didn't discuss that
21 with him at all. I actually considered it, but I just
22 felt like at the time, it -- I didn't think it would
23 benefit him.

24 Q ~~What do you think the jury -- were they confused by~~
25 the indictments or by them in anyway?

1 A Well, I don't know whether they were confused or not,
2 but you know, my whole feel of the trial kind of -- I
3 don't think anybody was confused, but that would cause me
4 to speculate so I don't know that.

5 Q I understand. I'm sorry. Now, Mr. Inman has raised
6 some allegations about these pictures of the walker. Do
7 you recall any pictures of a walker?

8 A I do.

9 Q What -- what was the significance of that walker and
10 those pictures?

11 A I thought, personally, that the walker helped him
12 more than it hurt him, but it was yet another piece of
13 evidence that didn't tie him at all to anything.

14 You know, I assume that they -- I assume that they
15 were trying to relate -- that she was at that car wash or
16 whatnot, but to me it had nothing to do with Quintin
17 Inman. That's why we took the strategy we did that that
18 evidence was okay for him anyway, I thought.

19 Q Why didn't you object to the judge leaving the bench
20 to come down to give the judge charge?

21 A Again, I guess that's matter of preference, but Judge
22 Russo -- I didn't -- I felt like it actually was more of
23 a -- I didn't feel it threatening at all to the jury. I
24 didn't think it dissuaded them from being fair. In fact,
25 I thought it might have contributed to them being fair. I

1 mean, it just kind of makes the judge more personable. It
2 didn't -- didn't bother me at all.

3 Q What kind of investigation did Mr. McCray -- I'll ask
4 Mr. Inman ask you to do regarding his social or mental
5 health background?

6 A I don't recall him asking me to do that at all. That
7 would be my answer, I guess.

8 Q Did you have any reason to suspect he was not
9 competent to stand trial?

10 A I did not, and of course, we obviously discussed
11 whether or not he would testify. So I just didn't feel
12 like that was an important issue at the time.

13 Q Regarding your theory of the case that he didn't do
14 it, would an insanity defense have been -- or any sort of
15 mental competency defense, would that have been a
16 viability strategy?

17 A I didn't think so.

18 Q Why did you object to the solicitors -- I guess this
19 is what we were talking about the DNA expert when the
20 solicitor kept giving different examples of the
21 probability. Why did you object to that?

22 A I felt like it was prejudicial. They love to use --
23 I mean, it's just sort of a general tactic to try to
24 ~~explain how accurate DNA allegedly is, and it was just~~
25 beating a dead horse, so to speak.

1 Q So -- and it's not exactly articulated in the
2 transcript, but what was the nature of your objection?

3 A That it was cumulative. I guess if you want to use a
4 technical term. I may not have stated it that way. I
5 just wanted them to stop talking about it.

6 Q Did you see anything objectionable about Judge
7 Russo's statement regarding your objection?

8 A I did not.

9 Q How many statements did Mr. McCray give prior to
10 trial?

11 A I thought he gave three. I thought maybe two written
12 and one on a CD.

13 Q Do you recall if he was represented by counsel during
14 any of those statements?

15 A I do not.

16 Q Why didn't you object to the introduction of his
17 first statement?

18 A In general -- I'm trying to answer your question as
19 best I can. I thought his statements could be used
20 against him and that they were inconsistent, and the fact
21 that he had multiple statements which produced some
22 inconsistencies in his testimony again supported the
23 defense that we were saying that he did it, and that he
24 was the only one that was really tied to the situation.
25 So I don't know if I answered your question or not but...

1 Q Would it be a fair -- fair for me to say that you
2 thought that the introduction of his statements benefited
3 your case?

4 A I don't know. It certainly benefited the theory of
5 our defense, but I mean, he said that Quinton Inman helped
6 him do it, so that didn't benefit him at all, didn't
7 benefit his situation at all. So knowing that he was
8 testifying against Quinton and that he was going to verify
9 his statements, I assumed, I guess, that they were coming
10 in because he admitted that he made them. I intended to
11 use his statements against him because of the
12 inconsistencies.

13 Q What -- how many other witnesses testified to seeing
14 Mr. Inman and Mr. McCray together that night?

15 A I don't recall. I know there were multiple
16 witnesses. Some I think who may have seen Mr. Inman in
17 the -- connected him to the situation and some who didn't.
18 I can't say for sure.

19 There were multiple witnesses. It was really an
20 unusual situation where a dead body was being ridden
21 around in a vehicle, and all of these people came in
22 contact with it. It didn't seem to upset them to the
23 point of running and screaming, which it would have me.

24 ~~So that was an unusual part of the case that all these~~
25 people did all these things while this woman was being

1 ridden around in the car.

2 Q I guess just the final question at least regarding
3 his allegation specifically: What was Mr. Inman's
4 connection to Mr. McCray? How did they know each other?

5 A I don't remember exactly.

6 Q Did you negotiate -- did you enter into plea
7 negotiations?

8 A We did.

9 Q Whose decision was it to decline the plea?

10 A Well, it was Mr. Inman's. We talked about it at
11 length, and I don't remember the exact offer, but it was
12 somewhere around what Mr. McCray got. We had plenty of
13 time to talk about it, but again, he maintained his
14 innocence throughout so I couldn't...

15 MR. THOMAS: Thank you very much, Mr. Prosser. If
16 you'll answer any questions Ms. Cannon has.

17 THE COURT: Any cross-examination?

18 MS. CANNON: Thank you, Your Honor. Just briefly.

19 CROSS-EXAMINATION:

20 BY MS. CANNON:

21 Q Mr. Prosser, correct me if I'm wrong, but I have here
22 in my notes that you said that there was no witness but
23 Mr. McCray who actually implicated Mr. Inman. Is that
24 true?

25 A That is my recollection as far as implicating him in

1 the murder itself.

2 Q Okay. So I want to distinguish that from your
3 testimony that other people saw him at some point
4 throughout the night --

5 A Sure.

6 Q -- but no one was pointing at him?

7 A No.

8 Q Except for Mr. McCray?

9 A That's correct.

10 Q And in regard to Mr. McCray's -- you know, different
11 statements, the recorded statement, who did he implicate
12 in the recorded statement? Do you recall?

13 A I don't recall, but I felt like he -- there was a --
14 I don't recall would be the answer to the question.

15 Q Okay.

16 A I know that at times, there was some implications of
17 two brothers. Their names I can't tell you, but -- but --
18 and I don't know if that was in that statement or not.

19 Q Tell me why that statement was not played. Was there
20 a discussion about why that -- it was discussed in the
21 transcript, but nobody -- there's no evidence of what
22 it -- of what it said?

23 A I can't tell you why it was not played other than I
24 ~~did not feel that it benefited his defense to play it.~~

25 Q Okay.

1 A If it had benefited his defense, I certainly would
2 have played it for the jury.

3 Q And exactly can you tell me how you used the three
4 statements of Mr. McCray that differed? We think all
5 three of them. We know two of them differed but we think
6 maybe the third one, as well. How did you raise that
7 issue before the jury? What, I mean to impeach him?

8 A Yeah. I mean, basically, I wanted to establish him
9 as a liar, and in effect looking back and, of course, I
10 didn't even have to look back because I remembered part of
11 my closing argument in that case, and we tried to
12 basically convince the jury or -- maybe not -- well, we
13 were, obviously, trying to convince a jury, but we were
14 trying to establish that Anthony McCray could not be
15 trusted and that he was the only person who implicated
16 Mr. Inman in the murder. So our analogy was one of sin
17 and all this kind of thing. It was just to kind of bring
18 his character. In essence, Mr. Inman's defense was for me
19 to try Mr. McCray.

20 Q Right.

21 A That was -- that was the defense.

22 Q And that's what happened?

23 A That's what I thought happened and I thought --

24 Q That's what you --

25 A It didn't turn out like we wanted, but that's what I

1 thought we did.

2 Q But that's what you did in the courtroom that day
3 basically?

4 A Yes.

5 Q Okay. As far as -- you -- you said that Mr. McCray
6 didn't ask you to look into, you know, his background and
7 that's not something -- is that something that you
8 typically do when you're trying to prepare, and you want
9 to say, you know, nice things or for lack of a better word
10 excuses for, you know, why your client may have been at a
11 particular place or would even be involved?

12 A Obviously, it's important depending on the case, and
13 in this particular case, I obviously didn't think it was
14 important because of a lot of reasons. One, he wasn't
15 going to testify, and we knew that.

16 In retrospect, I'm not sure it would have -- you
17 know, I can't tell you if in the sentencing phase it would
18 have changed anything for the judge.

19 Q Uh-huh.

20 A So I guess to answer your question in a short way,
21 depends on the case.

22 Q Okay. That's fair enough.

23 MS. CANNON: Your Honor, the Court's indulgence a
24 moment.

25 THE COURT: All right.

1 MS. CANNON: I need make sure I've covered.

2 (Pause).

3 MS. CANNON: I don't have any further questions, Your
4 Honor.

5 THE COURT: Very good. All right. What is the
6 State's position with regard the allegations of failure to
7 investigate?

8 MR. THOMAS: Your Honor, I believe Mr. Prosser's
9 testimony was that he -- he looked at these statements
10 that were given. He did the best he could with the DNA
11 evidence.

12 He didn't get it until the last minute. I don't
13 think there's been any evidence presented of what a
14 further investigation would have uncovered.

15 I think the defense theory was that Mr. Inman was not
16 there. He said he couldn't find any alibi witnesses, so
17 Mr. Prosser did a thorough investigation in light of the
18 circumstances.

19 THE COURT: What do you have to say about the failure
20 to play a tape?

21 MR. THOMAS: Your Honor, his testimony was he made a
22 strategic decision not to play that tape. He didn't think
23 it helped his case. Looking at the substance of I think
24 the recorded statement, it was one of the statements that
25 implicated Mr. Inman as opposed to the written statement

1 which was the original statement which did not mention
2 Mr. Inman at all.

3 I think Mr. Prosser made a very wise decision to try
4 to get the written statement in. The first written
5 statement that did not implicate him, use that as
6 impeachment evidence and then show out the inconsistencies
7 in the second written statement.

8 THE COURT: And the failure to object with regard to
9 the walker.

10 MR. THOMAS: Again, he testified that he thought
11 those pictures helped the case. They didn't tie Mr. Inman
12 to it. That was his theory that Mr. Inman wasn't there,
13 and he felt those pictures were helpful in proving that.
14 They at least didn't show his presence.

15 THE COURT: That was, again, a strategic decision to
16 let those in. I assume it was your position that the
17 objection with regard to the DNA was helpful, and it did
18 curtail the testimony with regard to the reliability of
19 the DNA. Is that it?

20 MR. THOMAS: Are you -- Your Honor referencing --

21 THE COURT: You're talking about with the objection
22 with regard -- the objection that he made with regard to
23 the DNA?

24 ~~MR. THOMAS: Yes, Your Honor. That was, I think, an~~
25 appropriate objection to it, the cumulative evidence.

1 THE COURT: What is the State's position with regard
2 to the recantation of testimony? What is the law in that
3 regard?

4 MR. THOMAS: Your Honor, the law is that recantation
5 is unreliable. Witnesses are presumed to have told the
6 truth the first time when they're under oath.

7 I think in this case the evidence shows me -- I mean,
8 Mr. McCray pled guilty to being there in his guilty plea
9 colloquy. He admitted that he was there with Mr. Inman
10 and that they committed the crime.

11 If you look at the transcript, Mr. McCray's testimony
12 at trial is consistent with his second statement to police
13 that he gave which was -- there's been no evidence
14 presented that that was coerced or threatened. The
15 testimony from the officers at trial was they were
16 transporting him to DJJ, and he broke down and decided
17 that's when he was going to testify.

18 It was consistent with the testimony of one of the
19 other codefendants or witnesses that testified,
20 Mr. Juandale Carter, I believe. In that testimony,
21 Mr. Carter puts Mr. Inman and Mr. McCray together in the
22 victim's car at some time shortly after the victim would
23 have been murder and stuffed in the trunk -- or at least
24 would have been assaulted and put in the trunk when she
25 expired is a different question, but the evidence at trial

1 was fairly between Mr. McCray and Mr. Juandale's testimony
2 that Mr. McCray and Mr. Inman were together in that car.
3 And again, Mr. Inman's presence at the scene of the crime
4 is consistent with the DNA evidence that was found in the
5 trunk of the car which was matched to Mr. Inman.

6 So I -- he and I -- we had some back and forth. My
7 notes might not be clear, but I think the record reflects
8 that Mr. McCray basically got up there and said that he
9 has nothing to gain or lose by coming in here and telling
10 the testimony he gave today. So he has no fear of lying
11 to the Court.

12 I would just say that it's not trustworthy that we
13 should rely on his prior sworn statements on two different
14 occasions. I would also point out, Your Honor, that in
15 the clerk's records there is a -- on the sentencing sheet
16 on Mr. Inman, it indicates that he is not to be placed in
17 any facility with defendant Anthony McCray. I'd represent
18 to the Court that same language appears on Mr. McCray's
19 sentencing sheets.

20 THE COURT: Okay.

21 Yes, ma'am, I'll be glad to hear anything that you'd
22 like to say in summation.

23 MS. CANNON: Thank you, Your Honor. In regards to
24 ~~the questions asked of the Attorney General's Office, Your~~
25 Honor, in regard to, you know, the investigation and

1 recorded statements, we -- obviously, Mr. Prosser was
2 counsel during that time, and his testimony is what it is.
3 I can't, you know, get around that.

4 Certainly, I would point out to the court that it's
5 my client's position that those choices weren't reasonable
6 and that they fell below the reasonable standard, and
7 that's, you know, the burden of him today.

8 In regard to, you know, our witness and Mr. McCray,
9 the Attorney General's Office just said that the law on
10 the recantation of testimony is that the first statement
11 that was given is the statement that is correct.

12 The first statement that Mr. McCray gave was the
13 statement that someone named Balique (phonetic) was the
14 one who commit this crime. I asked him about that in
15 particular of Balique.

16 In fact, he pointed out that yeah, that statement was
17 the one that was not true and that was the first --

18 THE COURT: I don't know that --- clearly, there was
19 some question presented in the hearing that it was
20 inappropriate or it could have been construed as an error,
21 in strategy or inappropriate to allow the statements in,
22 but really, the fact of the matter is they were going to
23 call McCray regardless.

24 He could have said whatever he wanted on the witness
25 stand. Obviously, if they were going to call him, it was

1 going to be inculpatory. Once that takes place, all of
2 the statements need to come in to show that he will say
3 anything at any time.

4 Really, wouldn't you agree that all of these issues
5 about the reliability of McCray was put before the jury?
6 I mean, that's what the trial was about.

7 MS. CANNON: Correct. I can't deny that, Judge.

8 THE COURT: And as far as any error on his part for
9 letting in the statements, the statements were coming in.
10 And if he were going to testify, I think it would be
11 malpractice and ineffective assistance of counsel not to
12 talk about the prior statements. Wouldn't you agree?

13 MS. CANNON: I can't disagree, Judge.

14 THE COURT: Okay.

15 MS. CANNON: I cannot disagree. My client, you know,
16 has a different opinion, but in regard to Mr. McCray's
17 statement today --

18 THE COURT: Right.

19 MS. CANNON: -- and how the law is on recantation of
20 statements, if it is true, that the law says that --

21 THE COURT: I don't think it's really -- I don't
22 think the recantation of the statements -- has recantation
23 of testimony. In a trial, I think that's always been, you
24 know, if you testify one way in a trial, and then you
25 later come back and recant it, it comes up in PCRs quite

1 frequently.

2 The law is an uphill battle to reverse a case on
3 testimony. That's the law is that that's a heavy burden
4 to tow. I think we all can agree to that. Don't you
5 think?

6 MS. CANNON: Yes, sir. I absolutely agree, but I
7 have to make that argument for my client.

8 THE COURT: Right.

9 MS. CANNON: -- as best I can.

10 THE COURT: Right.

11 MS. CANNON: And that's what I'm trying to do today.

12 THE COURT: All right.

13 MS. CANNON: As best I can regardless as to the
14 burden, but I do -- one last thing, Your Honor, if I may
15 correct the confusion -- the last question that I asked
16 Mr. McCray in my opinion cleared up any confusion about
17 him saying he didn't have anything to lose.

18 I didn't take his answer the way that the State took
19 his answer on the stand. I believe that when I asked him,
20 you know, "Do you understand that you can be charged today
21 for lying, would you change your testimony" and he said
22 no.

23 So, you know, I'd ask the Court to consider that he
24 absolutely did have something to lose by testifying the
25 way he did today, and that by his last statement, he

1 recognized that he absolutely could be charged, but that
2 he was willing to continue on with his statement. I think
3 that --

4 THE COURT: I think his sentence was life without the
5 possibility of parole?

6 MS. CANNON: His sentence was 25 years.

7 THE COURT: Oh yes. His was 25 years; that's
8 correct.

9 MS. CANNON: That's correct. So he does have
10 possibly --

11 THE COURT: He could -- he would -- that could work
12 to his detriment. You're absolutely correct.

13 MS. CANNON: Correct, and I believe that he
14 recognized that to this Court; that he understood he could
15 be charged, and that could negatively affect him. I guess
16 he was confused by the prior questions.

17 THE COURT: Very good.

18 MS. CANNON: At any rate, Your Honor. I'd ask the
19 Court to consider his testimony, and certainly, you know,
20 my client believes that he's met his burden; that he
21 should be granted his be request for Post Conviction
22 Relief.

23 THE COURT: All right. There's been some mention
24 ~~about a failure to do some sort of social background or~~
25 mental health background. Do you have any documents or

1 any evidence to tender in that regard?

2 MS. CANNON: I do not, Your Honor. Nothing was
3 provided to me by my client or in any discovery. I don't
4 know that there is anything -- there is nothing that I
5 have access to.

6 THE COURT: Very good. All right. I am -- some of
7 the issues, allegations of ineffective assistance of
8 counsel, I've kind of gone through each one of those. I
9 didn't want shortchange you.

10 You know, they were for failure to investigate the
11 issue about the tape, the walker, the autopsy, and DNA,
12 how that was addressed, and the fact that the judge left
13 the bench and failure to object. Is there anything that
14 you would like to add, or do you think we pretty much
15 covered everything? I didn't want to cut you off.

16 MS. CANNON: No, sir. I believe we did cover all of
17 those issues, and most of the questions that I intended to
18 ask Mr. Prosser were asked by the State.

19 THE COURT: Okay. I find that kind of interesting.
20 You know, the allegation that the judge getting off the
21 bench and charging the jury from in front of the jury
22 would have any effect.

23 It's a very interesting allegation on the Applicant's
24 behalf, but really, I would think the same thing
25 Mr. Prosser would think; that the reason why a courtroom

1 is designed like it is is the judge typically sits up
2 higher than anybody else.

3 For that reason, it might give what he says more
4 import, and for him to come down to the jury, I don't
5 think is intimidating. It sort of puts him on the same
6 level, and you know, of course, Mr. Inman said that, you
7 know, it intimidated him to go along with what the judge
8 wanted.

9 Of course, the judge charged the law that he has no
10 opinion with regard to the facts, and I believe what
11 Mr. Prosser said that it was not intimidating. That's
12 just his practice to do that. The only two judges I've
13 ever known to do that is Tommy Russo and Judge Sprott do
14 that. At any rate they do. They like to do it that way.

15 MR. THOMAS: Judge Griffith.

16 THE COURT: Judge Griffith probably got it from Tommy
17 Russo and Judge Sprott. But at any rate, they do that. I
18 don't -- certainly don't find to be objectionable, but
19 I'll address all of these issues.

20 Would anybody else like say anything else?

21 MR. THOMAS: Nothing else from the State, Your Honor.

22 MS. CANNON: No, Your Honor.

23 THE COURT: Very good. All right. Well, I'm going
24 to prepare an order, and I'll provide it to you shortly.

25 Good luck to you.

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

MS. CANNON: Thank you, Your Honor.

MR. THOMAS: Thank you.

(Whereupon, the proceedings were concluded.)

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE MARION)

IN THE COURT OF COMMON PLEAS)
FOR THE TWELFTH JUDICIAL CIRCUIT)

Quinton Dewayne Inman, # 298283,)

Case No. 2011-CP-33-00440)

*2 copies
mailed
scanned
4/3/14*

Applicant,)

v.)

ORDER

State of South Carolina,)

Respondent.)

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed on June 17, 2011. Respondent filed a Return on or about September 29, 2011. The Court convened a hearing in Florence County on February 11, 2014, at which time Applicant was present in court and represented by Heather M. Cannon, Esquire. The Respondent was represented by Joshua L. Thomas, Esquire, of the South Carolina Attorney General's Office.

BACKGROUND

Quinton Inman, Applicant, was indicted at the August 2006 term of the Marion County Grand Jury for murder. The court appoint Shannon Prosser, Esquire to represent Inman. On August 6, 2006, after a three day jury trial, Inman was convicted as charged and The Honorable Thomas A. Russo sentenced him to life imprisonment without parole. Inman timely appealed his conviction.

On appeal, Inman was represented by Joseph L. Savitz, III, Esquire. On information and belief, the Court of Appeals dismissed the case after appellate counsel submitted a brief pursuant to Anders v. California, 386 U.S. 738 (1967) on or around October 2011.

ISSUES PRESENTED

At his PCR hearing, Inman alleged that he is being held in custody unlawfully because of

ineffective assistance of counsel. Inman avers he was deprived effective assistance of counsel for the following reasons:

1. Counsel failed to investigate his past;
2. Counsel failed to play a tape recording of the statement given by a co-defendant;
3. Counsel failed to object to the introduction of photographic evidence that displayed the victim's walker;
4. Counsel failed to effectively handle an objection to DNA testimony and failed to discuss and handle the introduction of an autopsy report; and
5. Counsel failed to object when the trial judge stepped down from the bench and charged the jury by standing next to the jury box.

Additionally, Inman adamantly maintained his innocence and introduced a witness who wished to recant his trial testimony, which implicated Inman of the crime.

STANDARD OF REVIEW

The Sixth Amendment of the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amen. VI; Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.E.2d 674 (1984); Holden v. State, 393 S.C. 565, 713 S.E.2d 611 (2011). In a post-conviction relief action, Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, 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, 80 L.E.2d at 692; Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Strickland, 80 L.E.2d 674. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, *citing* Strickland, 80 L.E.2d 674. 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.

Additionally, granting a new trial because of after-discovered evidence is not favored. State v. Irvin, 270 S.C. 539, 545, 243 S.E.2d 195, 197-98. A recantation of testimony ordinarily is "unreliable and should be subjected to the closest scrutiny when offered as ground for a new trial." State v. Harris, 391 S.C. 539, 544-45, 706 S.E.2d 526, 529 (Ct. App. 2011).

SUMMARY OF TESTIMONY

Applicant Quinton Inman testified at his PCR hearing that he met with his trial counsel, Shannon Prosser, Esquire, on multiple occasions prior to trial. During these meetings, Inman and his attorney discussed the charges he faced, the elements of and potential defenses to those charges, and developed Inman's sole defense theory for trial—that he was not present during the commission of the crime.

Inman testified that Prosser failed to investigate his background and social history in preparation for trial. He testified that his attorney would have recognized some mental health issues—dating back to 1994 or 1995—that would have aided in his defense. However, he did not elaborate on what Prosser would have discovered through an investigation nor did he seek

to introduce any documents, reports, or evidence regarding his past. Furthermore, Prosser testified that Inman never asked him to look into his background and, through all their meetings and discussions, Prosser never doubted that Inman was competent to stand trial.

The Court also heard Inman testify that Prosser should have played a taped statement by his co-defendant. Prosser, however, contends this statement would only frustrate the trial strategy developed by Inman and himself. Inman's attorney noted that the focus at trial was to discredit the sole witness that could place Inman at the scene of the crime, Anthony McCray, his co-defendant. Trial counsel testified that McCray gave several inconsistent statements to police officers in conjunction with this crime, some written others recorded. Prosser agreed that it would be beneficial for Inman if McCray's previous statements were introduced whereby he could impeach the only person that placed his client at the crime scene; however, the taped statement, while it provided some credibility issues regarding McCray, implicated Inman in the crime. Additionally, Prosser believed that the several written statements McCray furnished could accomplish the same degree of impeachment without having to introduce inculpatory evidence of his client.

Inman also alleged that Prosser was also deficient for failing to object to photographic evidence of the victim and her walker, which he believed, was highly prejudicial. Again, Prosser cited trial strategy as his reason for not objecting to this photographic evidence's introduction.

Prosser contended that this photograph was helpful to Inman because it was another piece of evidence that did not tie Inman to the crime. Prosser testified that he assumed the State was trying to tie the victim to a carwash and that it did not have anything to do with his client.

In addition, Inman stated that his counsel was deficient in handling the autopsy report and DNA testimony at trial. Inman alleged that Prosser failed to discuss the autopsy report with him

prior to trial. Inman testified that Prosser did not get the autopsy report until the day of his trial and never discussed this evidence with him. The Court heard testimony that prior to trial Inman was represented by another attorney who filed several discovery motion's on Inman's behalf. Prosser testified that when he took over the case, Inman's file did not include any DNA results or an autopsy report. However, he testified that he specifically discussed the DNA and autopsy report with Inman once he received them. Furthermore, Prosser testified that he filed motions in limine in an attempt to exclude any mention of these reports at trial and was overruled. Despite these motions being denied, Prosser testified that he made an objection during testimony regarding the DNA results because he believed the questioning to be cumulative. As for the autopsy report, Prosser stated that there was never any debate concerning how the victim died, and the defense strategy—developed by Inman and himself—did not dispute how the victim died, instead it focused on the admission by a co-defendant to the crime and the lack of credible evidence placing Inman at the scene.

Inman's final complaint on the ground of ineffective assistance of counsel is that his attorney was deficient in failing to object when The Honorable Thomas A. Russo left the bench and charged the jury while standing alongside the jury box. Inman stated that this threatened and pressured the jury into convicting him, Judge Russo's desired outcome. Prosser then testified that he did not object as a matter of preference; he believed that, if anything, it might help his client.

Finally, Inman requested a new trial based on a recantation of evidence by his co-defendant Anthony McCray. McCray, making his fourth sworn statement concerning this crime, testified that he understood a recantation of his trial testimony might lead a perjury charge. When asked if he knew he would be charged with perjury, would he still testify that Inman did

not commit the crime with him, he stated "yes." He testified that someone in his family told him that Inman was contesting his trial and that he should contact Inman's attorney. McCray stated that at the time of Inman's trial he was only sixteen, he was less conscious about his actions in life, and his desire to recant his testimony was voluntary. The Court also heard McCray testify that was coerced by police into giving a statement that implicated Inman. However, the Court also heard McCray state that during his plea hearing he swore to the court that he was never threatened or pressured, told the judge he was being truthful, swore he was telling the truth at Inman's trial on five occasions, and that he believed he had nothing to lose by recanting his testimony.

ANALYSIS

This Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe witnesses who testified at the hearing and to closely pass upon their credibility, weighing the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

A. Ineffective Assistance of Counsel

This Court finds Inman and trial counsel, Shannon Prosser—an attorney with nineteen years of trial experience—met on several occasions prior to trial. It was during these meetings that Inman and his attorney discussed at great length the charges he faced, and the elements and potential defenses to those charges. It appears that Inman and Prosser entered into plea negotiations with the State prior to trial but Inman decided to reject all plea offers and maintained his innocence. It also appears that Inman and Prosser collectively developed a trial strategy and defense theory based off the information that Inman gave to his attorney. This

theory centered on Inman's claim that he was not present during the commission of the crime; therefore, the strategy was to discredit the evidence and testimony that placed him at the scene, the DNA results and Anthony McCray's testimony. In addition, Prosser diligently sought discovery that the State had not timely delivered. Furthermore, Prosser and Inman discussed potential witnesses for his trial, Inman never gave his attorney any potential witness, and counsel subpoenaed the only witness the State decided not to call. Prior to trial, Prosser made several motions on Inman's behalf but was unsuccessful in excluding DNA testimony and the autopsy report.

1. Failure to Investigate Applicant's Background and Social History

This Court finds Inman's allegation that Prosser was ineffective for failing to investigate his background and social history is without merit. Failure to conduct an independent investigation is not *per se* ineffective assistance of counsel when the allegation is supported only by mere speculation. Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) (citing Kibler v. State, 267 S.C. 250, 227 S.E.2d 199 (1976)). Here, Prosser went over the charges, and the elements and potential defenses to those elements with Inman at great length prior to trial. It is uncontroverted that the trial strategy and defense developed through Inman's pre-trial discussions with his attorney focused around his absence from the scene of the crime. Inman presented no testimony regarding what further evidence trial counsel could have uncovered that would have bolstered his defense. On this point, this Court finds very credible trial counsel's testimony that Inman's mental capacity and competency was never an issue. Thus, Inman has failed to meet his burden of proving counsel was ineffective for failing to investigate his past.

2. Failure to play a recorded statement given by Anthony McCray

This Court finds Inman's allegation that Prosser was ineffective for failing to play a

recorded statement by his co-defendant, Anthony McCray, is without merit. It is uncontroverted that Anthony McCray furnished several conflicting, sworn statements prior to trial—two written and one recorded. It also appears that the recorded statement Inman alleges his attorney should have played at trial, implicates Inman of the crime.

Where counsel articulates a strategy, it is measured under an objective standard of reasonableness. Ingle v. State, 348 S.C. 467, 560 S.E.2d 401 (2002). Where counsel articulates valid reasons for employing certain strategy, such conduct will not be deemed ineffective assistance of counsel. Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992); Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992). As discussed above, the strategy developed by Inman and Prosser was to discredit the statements given by McCray.

It appears Prosser made a strategic decision during the trial to ensure evidence that implicated his client was not introduced, even though it could further discredit McCray. It appears that Prosser made this decision after the conflicting written statements were already in evidence. Furthermore, Inman simply alleges Prosser should have introduced this statement, but failed to demonstrate the prejudicial effect the absence of a sworn, inculpatory, recorded statement made by his co-defendant had on his trial. Therefore, this Court finds that Inman has failed to meet his burden of proving counsel was ineffective for failing to introduce the recorded statement of his co-defendant at trial.

3. Failure to object to the introduction of photographic evidence

This Court finds that Inman's allegation that Prosser was ineffective for failing to object to certain photographic evidence is without merit. It appears that Prosser made a valid strategic decision to withhold any objection to a photograph of a walker because he felt it kept Inman from being linked to the crime, a defense theory developed by Inman and Prosser prior to trial.

Therefore, this Court finds that Inman has failed to meet his burden of proving counsel was ineffective for failing to object to this evidence or how he was prejudiced by its introduction.

4. Failure to effectively object to DNA testimony and Autopsy Report

This Court finds that Inman's allegation that Prosser was ineffective for failing to effectively handle objections to DNA testimony and the autopsy report are without merit. It appears that Prosser filed motions in limine seeking to exclude both from being discussed during Inman's trial. Additionally, it appears that Prosser made an objection during testimony regarding the DNA evidence. Also, it appears the defense strategy, developed by Inman and his attorney, never sought to deny the cause of death of the victim. Instead, it appears the strategy was simply to deny that Inman was ever present during the commission of the crime. Therefore, this Court finds that Inman has failed to meet his burden of proving counsel was ineffective in handling this evidence.

5. Failure to object to manner in which the judge charged the jury

This Court finds that Inman's allegation that counsel was ineffective for failing to object to the manner in which The Honorable Thomas Russo charged the jury is without merit. It appears that Prosser made a strategic decision to refrain from challenging how Judge Russo charged the jury. Furthermore, other than simply alleging that this threatened and pressured the jury into agreeing with Judge Russo's opinion on the case, Inman has failed to prove this prejudicial effect or articulate when Judge Russo ever gave an opinion concerning Inman's case. Therefore, Inman has failed to meet his burden of proving counsel was ineffective for failing to object to the manner in which Judge Russo charged the jury.

B. Recantation of Testimony

This Court finds that Inman's request for a new trial based on the recantation of trial

testimony by a co-defendant is denied.

A new trial on after-discovered evidence may be granted if applicant shows that the evidence is such as would probably change the result if a new trial was had, has been discovered since trial, could not by the exercise of due diligence have been discovered before trial, is material to the issue of guilt or innocence, and is not merely cumulative or impeaching. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993); Hayden v. State, 278 S.C. 610, 299 S.E.2d 854 (1983). "Recantation of testimony ordinarily is unreliable and should be subjected to the closest scrutiny when offered as ground for a new trial." State v. Harris, 391 S.C. 539, 545, 796 S.E.2d 526, 529 (Ct. App. 2011) (quoting State v. Porter, 269 S.C. 618, 621, 239 S.E.2d 641, 643 (1977)).

This Court is in the unique position to hear the testimony of all the witnesses at the PCR hearing, observe their demeanor, and make a determination of their credibility. It appears that Anthony McCray has given no less than six sworn statements in connection with this case and at least three of these statements implicated Inman. It is uncontroverted that during McCray's plea hearing he was sworn, advised of his constitutional rights, and asked if he was telling the truth. It is uncontroverted that during Inman's trial, McCray was asked repeatedly if he was telling the truth, and each time he testified that he was truthful. Furthermore, McCray testified that he did not lie at his plea hearing, only to later correct himself and state that what he said was "for the most part true." This Court also had a chance hear McCray's specious argument that he had "nothing to lose" and that he was a changed man, yet refuse to give a truthful accounting of the events surrounding the victim's death.

For the foregoing reasons, this Court finds the testimony of Anthony McCray to be categorically unreliable. Additionally, this court finds that even assuming *in arguendo*, that

McRay's testimony at the PCR hearing was truthful, it would not change the outcome if Inman was granted a new trial. Therefore, this Court finds Inman has failed to meet his burden in establishing the need for a new trial.

C. All Other Allegations

As to any other allegations raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Inman failed to present sufficient evidence regarding such allegations. Accordingly, the Court finds Inman has abandoned any such allegations.

CONCLUSION

Based on the foregoing, the Court finds and concludes that Inman has not established any constitutional violations or deprivations that would require this Court to grant his PCR application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

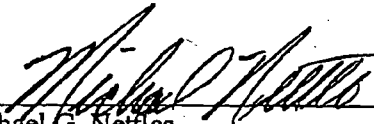
The Court notes that Inman must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on the applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and

2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 7 day of March, 2014.



Michael G. Nettles
Presiding Judge

Thomas, South Carolina

STATE OF SOUTH CAROLINA)

COUNTY OF MARION)

QUINTON D. INMAN, #298283)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS

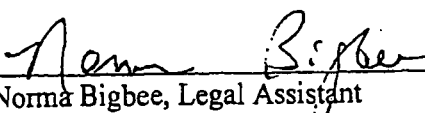
2011-CP-33-440

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 filed copy of the Order in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Heather M. Cannon, Esquire
 1421 Third Ave.
 Conway, SC 29526

DATED this 5th day of August, 2014.


 Norma Bigbee, Legal Assistant
 For Respondent

WITNESSES
SPECTOR KENNY DAVIS MCSO
Woods

PROS:
D/O: 09-19-2004

ARREST WARRANT NO.
H604315 (1), H604319 (1), H604316 (2),
H604317 (2), H604318 (2).

BOOK 2006 AUG 24 P
FILED
MARION COUNTY
SHERIFF R. RHODES
CLERK OF COURT

ACTION OF GRAND JURY
True Bill
Foreman of Grand Jury
Charles C. Moore

VERDICT

592
Foreman of Petit Jury Date:

DOCKET NO. 2006 - GS - 33 - 00203
The State of South Carolina,
County of MARION

COURT OF GENERAL SESSIONS

AUGUST TERM 2006

THE STATE
vs.

TANJULA HARLEY
QUINTON DEWAYNE INMAN
ANTHONY DEWAYNE MCCRAY
DONNELL LAMONT TIMMONS
WONDELL ANTHONY TIMMONS

*and pros as to the witnesses & inman
return for petit 8-2-06*

Indictment for
MURDER
AND
ACCESSORY AFTER THE FACT

INDICTMENT FOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARION)

MURDER AND ACCESSORY AFTER THE FACT

At a Court of General Sessions, convened on AUGUST 24, 2006, the Grand Jurors of MARION

County present upon their oath:

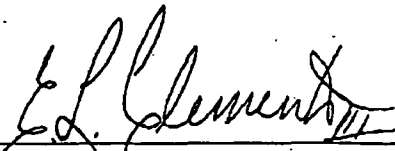
COUNT ONE - MURDER

That QUINTON DEWAYNE INMAN AND ANTHONY DEWAYNE MCCRAY did in MARION County on or about September 19, 2004, violate Sections 16-03-0610, 0020 and 16-01-0060 of the Code of Laws of South Carolina (1976), as amended, in that they did feloniously, wilfully and with malice aforethought kill one Cheryl White, by means of striking her several times about the head and/or body, and that the said Cheryl White, did die as a proximate result thereof.

COUNT TWO - ACCESSORY AFTER THE FACT

That TANJULA HARLEY, DONNELL LAMONT TIMMONS AND WONDELL ANTHONY TIMMONS did in MARION County on or about September 19, 2004 and September 20, 2004 violate Section 16-01-0055 of the Code of Laws of South Carolina (1976), as amended, in that they did render assistance after the fact to felons, namely Quinton D. Inman and Anthony D. McCray, who, on or about September 19, 2004 committed the felony of Murder.

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



SOLICITOR