

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

---

RECEIVED

MAR 16 2015

S.C. Supreme Court

CHRISTINA HUDSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-001858

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APPENDIX

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ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF SPARTANBURG ) COURT OF GENERAL SESSIONS

3  
4 STATE OF SOUTH CAROLINA, ) TRANSCRIPT  
5 ) OF  
6 PLAINTIFF, )  
7 vs. ) RECORD  
8 CHRISTINA RAY HUDSON, ) 2012-GS-42-998(A)  
9 DEFENDANT. ) 2012-GS-42-999  
2012-GS-42-1000

10 August 31<sup>st</sup>, 2012  
11 Spartanburg, South Carolina

12  
13 B E F O R E:

14 THE HONORABLE R. FERRELL COTHRAN, JR., Judge.

15  
16 A P P E A R A N C E S:

17 BARRY BARNETTE  
18 SOLICITOR  
Attorney for the State

19  
20 ROBERT HALL  
ASSISTANT PUBLIC DEFENDER  
Attorney for the Defendant

21  
22  
23  
24 PAMELA E. GREEN  
Circuit Court Reporter  
25 Seventh Judicial Circuit

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(WHEREUPON, sixteen different items were marked for identification purposes only at this time.)

SOLICITOR BARNETTE: May it please the Court, Your Honor?

THE COURT: Yes, sir.

SOLICITOR BARNETTE: This is the case of State versus Christina Ray Hudson, Your Honor. She's pleading guilty to three indictments, Your Honor.

The first one is 12-GS-42-998, Your Honor, (A). She's pleading to Count One of the indictment for Felony DUI death. After the plea, the reckless homicide, Count Two, will be dismissed.

She's pleading to Indictment 12-GS-42-999, which is Felony DUI great bodily injury.

The next one is 12-GS-42-1000, Your Honor. Another count for Felony DUI with great bodily injury, Your Honor.

All these have been true billed with the Grand Jury, Your Honor. These are straight up pleas, Your Honor. No recommendations on this, Your Honor. She is represented by Mr. Robert Hall.

Your Honor, I do have sixteen exhibits that I will enter at the appropriate time when I recite the facts of the case and make a part of the record, part of the facts of the

1 case. I have shared that with Mr. Hall in this case, and I  
2 have several members -- originally I had four members from  
3 one family that would like to speak. I have two members  
4 from another family, and the attorney representing one of  
5 the families would like to speak too at the appropriate  
6 time, Your Honor.

7 THE COURT: Okay.

8 (WHEREUPON, the defendant was placed under oath at this  
9 time.)

10 THE COURT: Ms. Hudson, do you want to plead guilty?

11 DEFENDANT: Yes, sir.

12 THE COURT: You had enough time to talk to your lawyer  
13 about this?

14 DEFENDANT: Yes, sir.

15 THE COURT: Are you satisfied with his representation?

16 DEFENDANT: Yes, sir.

17 THE COURT: You got any complaint against him?

18 DEFENDANT: No, sir.

19 THE COURT: Anybody promised you anything or threatened  
20 you in any way to get you to plead guilty?

21 DEFENDANT: No, sir.

22 THE COURT: So, you're pleading freely and voluntarily?

23 DEFENDANT: Yes, sir.

24 THE COURT: Are you under the influence of alcohol or  
25 drugs today?

1           DEFENDANT: No, sir.

2           THE COURT: Do you have any mental diseases that would  
3 keep you from understanding what you're doing?

4           DEFENDANT: No, sir.

5           THE COURT: By pleading to these charges you give up  
6 your Constitutional right under the Fifth Amendment to  
7 remain silent cause you're telling me you're guilty.

8           You understand that?

9           DEFENDANT: Yes, sir.

10          THE COURT: You understand that I can give you, on the  
11 Felony DUI great bodily injury, I can give you up to 15  
12 years for that?

13          DEFENDANT: Yes, sir.

14          THE COURT: And 25 years for the Felony DUI that  
15 resulted in death?

16          DEFENDANT: Yes, sir.

17          THE COURT: And that is a no parolable offense.  
18 Do you understand that?

19          DEFENDANT: Yes, sir.

20          THE COURT: So, you got to serve 85 percent of whatever  
21 sentence I give you.

22          DEFENDANT: Yes, sir.

23          THE COURT: You have a right to a jury trial on these  
24 charges, and in that trial you'd be presumed innocent. The  
25 State would have the burden of proving you guilty beyond a

1 reasonable doubt to all 12 jurors.

2       You will be able to sit in the courtroom with your  
3 attorney and confront the witnesses that would testify  
4 against you. Your lawyer could cross-examine the State's  
5 witnesses. He could subpoena witnesses to testify in your  
6 behalf. He could put up any defenses that you had to this  
7 crime. When you plead guilty you give all that up.

8       You understand?

9       DEFENDANT: Yes, sir.

10       THE COURT: And you're giving up any appeals that could  
11 come out of that trial by pleading guilty.

12       You understand that?

13       DEFENDANT: Yes, sir.

14       THE COURT: And if you want to appeal this guilty plea  
15 and sentence today, you and your lawyer must file with the  
16 Clerk's Office within ten days or you give up that right.

17       You understand that?

18       DEFENDANT: Yes, sir, I do.

19       THE COURT: You got any questions you want to ask me  
20 concerning your rights?

21       DEFENDANT: No, sir.

22       THE COURT: You got any questions or issues concerning  
23 the solicitor's Office complying with discovery or any of  
24 the rules of discovery and is your lawyer gone over  
25 everything, everything with you that the solicitor's

1 provided him?

2 DEFENDANT: Yes, sir.

3 THE COURT: Do you know of anything that you think  
4 you're entitled to that you have not been provided?

5 DEFENDANT: sir, I didn't understand you.

6 THE COURT: Do you know of any evidence that you think  
7 you're entitled to in preparing your case for trial that the  
8 solicitor's office has not given to you?

9 DEFENDANT: No, sir.

10 THE COURT: Okay. The solicitor's gonna tell me about  
11 the facts in this case. I'm gonna come back and ask you  
12 about them.

13 Okay.

14 SOLICITOR BARNETTE: Okay. Thank you, Your Honor.

15 This occurred back on January the 30<sup>th</sup> of 2012, Your  
16 Honor. It happened at approximately 4:45 in the afternoon.  
17 The defendant was driving at a high rate of speed coming on  
18 Drayton Road. If you're familiar with the east side of  
19 Spartanburg, she was coming from the Spartanburg Hillcrest  
20 area up Drayton Road up towards Ike's, Buy Cigarettes For  
21 Less place up on the left part of the road.

22 she actually, at, going at a high rate of speed, hit a  
23 Doctor Visk who was driving his vehicle, glanced off of his  
24 vehicle. Heidi West was a passenger in her car. She went  
25 across the center line, Your Honor. This is a four lane

1 road. I've got the M.A.I.T. Team report to show that. It's  
2 two lanes going this, two lanes going this way, and there's  
3 like a turning lane or median in the middle of it.

4       Went across, ran right into Mr. Sayre and Mrs. Sayre  
5 driving their vehicles. A head on collision. Based off  
6 that collision, Mrs. Sayre was killed in that accident.  
7 Mr. Sayre was severely injured. Ms. Heidi West was severely  
8 injured as her passenger.

9       The defendant was also injured. She was taken to  
10 Spartanburg Regional. She actually had to get her -- if she  
11 wasn't as close as she was she probably would of died. She  
12 had a heart injury where her heart was bleeding. They had  
13 to literally bust open her chest when they took her blood  
14 alcohol. They literally took the blood from her heart cause  
15 they were giving her blood transfusions. So, they didn't  
16 know how much that would delete the blood alcohol. The  
17 blood alcohol was still .129, and I do have the toxicology  
18 report, Your Honor.

19       In there, she also had marijuana, Your Honor, the  
20 parent, the metabolite in this case, and she also had  
21 servatine along with THC and Clonopin, Your Honor, was  
22 involved with it.

23       Your Honor, to make this part of the record, I've got  
24 all these exhibits, Your Honor. State Exhibit 1 is the  
25 trooper's report, Trooper Lee, that wrote a report, and

1 Drayton Road is in Spartanburg County here, Your Honor,  
2 talking about the details that happened. Ms. Hudson was  
3 determined to be the driver. When they arrived there, Your  
4 Honor, EMS, as well as the fire departments did -- she was  
5 in the driver's side. They literally had to cut out Ms.  
6 West out of the passenger side of the car. So, there's no  
7 question she was the driver in the car. There would of been  
8 several witnesses that would of testified to that, the EMS  
9 workers as well as the fire department people.

10 I do have the fire department's report in this also  
11 as -- Your Honor.

12 State Exhibit 1, Your Honor, like I say, is the  
13 officer's report as well as the accident report in this  
14 case, Your Honor.

15 State Exhibit 2, Your Honor, is the M.A.I.T. Team  
16 report. In this case, Your Honor, they determined Ms.  
17 Hudson to be the driver of her vehicle, and the vehicle --  
18 not her vehicle. It was actually Ms. West's vehicle. But  
19 it was a 2000 Honda, Your Honor, that she was driving.  
20 Mr. Visk was driving a 2003 SUV Chevrolet, Your Honor, in  
21 this case. Mr. Sayre, with his wife, and their car was  
22 driving a 2006 Pontiac, Your Honor, car from there. I do  
23 have pictures of that, Your Honor.

24 They talked about the speeds, Your Honor. Based off  
25 the point of impact, looked like the defendant was driving

1 64 miles an hour. The speed limit, at that time, I believe  
2 was 40 miles an hour. No, 35 miles an hour, Your Honor, in  
3 that limit. So, she was going at least 64, according to the  
4 M.A.I.T. Team, at time of impact, and we have witnesses that  
5 seen her driving at a high rate of speed before that, Your  
6 Honor, in this case.

7 State Exhibit 3, Your Honor, is the Converse area Fire  
8 Department incident report where they arrived on scene, and  
9 they would of -- the fire fighters would of testified about  
10 what they saw at the scene about her being in the driver's  
11 side of the car.

12 State Exhibit 4, Your Honor, is a picture of the, where  
13 her car, where the Sayre's car was left in the road from the  
14 impact.

15 State Exhibit 7, Your Honor, is the Sayre's vehicle  
16 after impact.

17 State Exhibit 6, Your Honor, or State Exhibit 5, Your  
18 Honor, is the car that the defendant was driving as well as  
19 Ms. West was in. It was found in a field. what you'd have  
20 to do is take the pictures, I tried to do this, where you  
21 could see it.

22 State Exhibit No. 4 you see where the Cigarettes For  
23 Less place is. You see where it's up here. This traveled a  
24 great distance afterwards. Basically in a power line area  
25 in a field afterwards several feet.

1 State Exhibit 6 shows the vehicle after impact that was  
2 being driven by the defendant. So, it's obviously evidence  
3 of high speed at that time.

4 State Exhibit 8, Your Honor, is Adam Visk. He was the  
5 gentleman driving the first vehicle that she glanced off of.  
6 He wrote a statement saying what he saw and everything about  
7 the defendant causing the wreck and what he saw afterwards.

8 State Exhibit 9, Your Honor, is Chris Roseby. It's  
9 another vehicle. They was heading eastbound on Drayton  
10 Road, Your Honor. What they saw, the defendant driving, and  
11 what happened afterwards.

12 State Exhibit 10, Your Honor, is the toxicology report  
13 that was done by SLED, the blood that was taken from the  
14 defendant in this case, showing her blood alcohol amount as  
15 well as the drugs that was in her system.

16 State Exhibit 11, Your Honor, is the blood collection  
17 report that was taken showing that Doctor Morrow was the  
18 doctor that drew the blood. He was the one that actually  
19 went into the heart and drew it during surgery. He was the  
20 surgeon on the defendant after the accident, and part of  
21 that exhibit too, Your Honor, is the chain of custody  
22 showing that Trooper Lee received this from Doctor Morrow  
23 and that he took it directly to the refrigerator at Troop 3  
24 and later on it was taken to SLED, Your Honor.

25 State Exhibit 12, Your Honor, is the autopsy on

1 Mrs. Shirley Sayre showing what -- she died from the  
2 injuries from this wreck, Your Honor.

3 State Exhibit 13, Your Honor, is Mr. Sayre's, David R.  
4 Sayer's medical record, Your Honor, showing the injuries  
5 that he received from his arm, chest area, ribs, and so  
6 forth. I don't have the medical records for Mrs. West. She  
7 is present here.

8 State Exhibit No. 14, Your Honor, shows her leg that  
9 she is basically she -- Mr. Sayer is in the front seat with  
10 all his family here. Mrs. West is in the wheelchair behind  
11 him.

12 State Exhibit 15, Your Honor, is her rap sheet, Ms.  
13 Hudson's rap sheet. On that, Your Honor, she was out on  
14 bond for DUI first at the time that this happened on a  
15 pending DUI, and she's also got other records, Your Honor.

16 2009, assault and battery she was convicted of, and  
17 2010 -- excuse me. She was convicted of possession of  
18 marijuana in 2009 and shoplifting in 2009, Your Honor.

19 I do have her driving record, Your Honor. I made that  
20 State Exhibit No. 16. It has this accident -- this report  
21 is an accident from January 30<sup>th</sup>, 2012. She also had  
22 another one on September 27<sup>th</sup>, 2011. She had a controlled  
23 substance violation in 2009. Her license was suspended at  
24 the time, and I do have that as part of the record, Your  
25 Honor.

1 THE COURT: Her license was suspended at the time of  
2 this accident?

3 SOLICITOR BARNETTE: Yes, sir.

4 THE COURT: Okay.

5 SOLICITOR BARNETTE: Your Honor, Mr. Sayre and his  
6 family is here. If I can ask their family to stand up.

7 (Parties comply.)

8 SOLICITOR BARNETTE: Not all of them is gonna speak,  
9 but several members wanted to speak to the Court at the  
10 appropriate time. They're here on behalf of Mrs. Sayre and  
11 Mr. Sayre, Your Honor.

12 If you'll please be seated.

13 Your Honor, Ms. West can not stand up, but she's in the  
14 wheelchair. I think you can see her, Your Honor, here, and  
15 she has several members.

16 If y'all would stand up, the people on her behalf here  
17 also.

18 (Parties comply.)

19 THE COURT: Thank you.

20 SOLICITOR BARNETTE: Thank you.

21 And, Your Honor, we do have Corporal Shaw here. He is  
22 representing the Highway Patrol. He is also present here  
23 today too, Your Honor.

24 THE COURT: Thank you, officer.

25 SOLICITOR BARNETTE: And we also have John Rogers here.

1 He represents the Sayre family concerning their civil  
2 matters in this case.

3 Your Honor, that would be the State's presentation of  
4 the facts. We'd like to address the Court at the  
5 appropriate time after you get done questioning the  
6 defendant.

7 THE COURT: Okay.

8 SOLICITOR BARNETTE: And may I pass these exhibits up  
9 to Your Honor?

10 THE COURT: Okay.

11 SOLICITOR BARNETTE: Thank you.

12 And, Your Honor, I'd like to make this part of the  
13 record and make them part of the facts in the case to  
14 supplement what I have presented to the Court.

15 THE COURT: Okay.

16 SOLICITOR BARNETTE: They've been shared in discovery  
17 also.

18 THE COURT: Okay. Ms. Hudson, you heard the facts as  
19 the solicitor gave them to me, is that correct?

20 DEFENDANT: I don't remember nothing.

21 MR. HALL: Your Honor, we failed -- I think we failed  
22 to document, because of the accident, she does not remember  
23 things. But she has been gone through the discovery, and  
24 she realized what the facts are, and that's the facts that  
25 would be presented at trial as laid out by the solicitor.

1 THE COURT: And you understand what your lawyer just  
2 told me, that, that even though you may not remember  
3 anything as a result of your injuries, you've had an  
4 opportunity to go over this evidence with your lawyer.

5 Correct?

6 DEFENDANT: Yes, sir.

7 THE COURT: And you understand, if you decided to go to  
8 trial, that this would be evidence that the State would  
9 present against you?

10 DEFENDANT: Yes, sir.

11 THE COURT: And I'm sure your lawyer have, has gone  
12 over the possibilities of a jury trial, and the, at least in  
13 his opinion, is to whether you would be successful in  
14 presenting your case to a jury.

15 Do you want, do you want me to accept your plea on  
16 these charges or do you want to go for a jury trial?

17 DEFENDANT: Yes, sir, plea.

18 THE COURT: Okay. Do you have any questions at all you  
19 want to ask me about these facts?

20 DEFENDANT: No, sir.

21 THE COURT: Okay. And in my consideration of the case  
22 I'm going to consider these facts, as the solicitor's given  
23 me, and your culpability in this incident just as he's  
24 explained it to me.

25 You understand?

1           DEFENDANT: Yes, sir.

2           THE COURT: Okay. I'm going to assume that you were  
3 driving that automobile, that you were under the influence  
4 of alcohol or drugs, and as a result of that action that you  
5 took this lady's life and as well as hurt two other people.

6           You understand?

7           As well as yourself.

8           DEFENDANT: Yes, sir.

9           THE COURT: Okay. I'll find there's a factual basis  
10 for your plea. It's been freely and voluntarily entered  
11 into, that you've had advice of a competent counsel whom  
12 you're telling me you're satisfied with and I'll accept your  
13 plea.

14          Now, I'm gonna -- I'll give you the last word. I was  
15 gonna hear from the solicitor and any victims that would  
16 like to address me and I'll come back.

17          SOLICITOR BARNETTE: Your Honor, I'd like to start with  
18 Sam, his son. This is Mr. and Mrs. Sayre's son.

19          THE COURT: Okay.

20          MR. HUTTS: Okay. Morning, Your Honor.

21          THE COURT: Morning.

22          MR. HUTTS: My name is Sam Hutts. I'm the youngest son  
23 of Shirley Sayre.

24          I'd like to thank you for this opportunity to be here  
25 today to speak on behalf of myself, my mother, my wife, and

1 my two children, the rest of my family, as well as hundreds  
2 of friends who could not be with us here today.

3       When my mother was killed on January 30<sup>th</sup>, 2012, at  
4 approximately 4:47 in the afternoon, that date and time is  
5 marked indelibly in my mind and will be forever. She was  
6 killed in an auto tragedy at the hands of Christina Hudson  
7 who was driving drunk. She was driving extremely recklessly  
8 at almost twice the speed limit with an open container of  
9 alcohol and a suspended driver's license, as license being  
10 suspended for previously, for a previous DUI arrest she was  
11 awaiting trial on.

12       She nearly missed several vehicles before running into  
13 a truck and ending her deadly rampage by hitting my mother  
14 and my stepfather head on. This brutally killed my mother,  
15 Shirley. She was an innocent, beautiful wife, mother,  
16 grandmother, sister, and a friend to everybody she met.

17       By all indication it appears Christina has a trend for  
18 breaking the law and other contempt for the safety of  
19 others. This is all I know of this woman who was a dead  
20 nuisance to everyone on the road that day and it is with  
21 extreme sadness that my sweet mother, Shirley, was the  
22 recipient of this woman's blatant disregard for other  
23 people.

24       My mother and I had a very close relationship. We  
25 spoke on the phone often, and every conversation always

1 ended with I love you. Typically that was followed up with  
2 I love you even more. Since January there have been so many  
3 times that I've reached for the phone to call her and tell  
4 her about something only to be snapped back to the reality  
5 that my mother is dead, and the familiar sadness in the pit  
6 of my stomach that returns. The sadness is a daily event  
7 because I miss my mother.

8 I think of her and this tragic event every day. The  
9 feeling is indescribable and my life is forever changed.  
10 Throughout my entire life my mother has always been there.  
11 She was my biggest supporter, and without her I would not  
12 have achieved the things that I have.

13 Every memory that I have from every important event in  
14 my life has my mother in it. Sporting events where I heard  
15 her voice over the entire crowd, the many graduations where  
16 I saw her face in the stands with a look of pride in my  
17 accomplishment, and showing up right after my children were  
18 born and holding them with tears in her eyes, and crying  
19 when I told her that after college I was gonna join the  
20 Marine Corp and fly fighter flights. Excuse me. She cried  
21 because she was always concerned for the safety of her  
22 youngest son.

23 Sadly, due to the heinous behavior of one person, I'll  
24 never hear my mother's beautiful voice again. I'll never  
25 see her face again. She'll never be there for the important

1 events in my life, in my children's lives, and she will not  
2 be there with the sigh of relief while my Marine Corp ends  
3 and I safely retire in just a few years.

4 I now have memories that I wish I did not have, the  
5 phone call I received telling me my mother was killed, the  
6 phone call I had to make to tell my brother and my sister  
7 our mom was killed, and the sound of hearing my sisters  
8 inconsolable grief on the other end of the line, the scene  
9 of the accident, the skid marks, the shards of glass, the  
10 vehicle that was reduced to an unrecognizable piece of  
11 twisted steel, talking to the coroner, talking with the  
12 mortuary, arranging my mother's funeral, the first time I  
13 saw my mother laying in a casket, and, most importantly, the  
14 first time my children saw their grandmother laying in a  
15 casket, and the memory of explaining to them that grandma is  
16 in heaven now and the reason for her death.

17 I think in my mother dying in a such a violent death,  
18 being crushed in a vehicle while my stepfather was trapped  
19 in the very same vehicle only inches away watching in horror  
20 as my mother died, these memories haunt me everyday. I will  
21 have these memories for the rest of my life because  
22 Christina chose to get drunk and drive again.

23 My mother was an outspoken loving, hard working woman.  
24 She was deeply involved in her church and she loved  
25 traveling. She loved spending time with her grandchildren.

1 As long as I can remember my mother has always worked, and  
2 during one of the last phone calls we had together I could  
3 hear the excitement in her voice of the prospect of her  
4 actually retiring soon. Due to the, Christina's reckless  
5 and selfish decision my mom's retirement is now been  
6 replaced with a funeral.

7 Mourning the loss of my mother is been very difficult  
8 for our entire family. We regularly occupy the phone lines  
9 and share our grief over losing our, our loved one. It has  
10 been gut wrenching to say the least to watch my family  
11 struggle to find strength and carry on.

12 Your Honor, I respectfully and I humbly ask that you  
13 impose the maximum consecutive sentence permissible by law  
14 on Christina Hudson. No family should have to endure the  
15 pain and suffering of losing a loved one in such a senseless  
16 and preventable tragedy.

17 Let this be a message to Christina and all that this  
18 will not be tolerated. Christina is solely culpable for her  
19 actions and there is nothing that can mitigate that fact,  
20 and even the maximum consecutive sentence will not compare  
21 to the death sentence she carelessly handed my mother and  
22 the life sentence she's imposed on my entire family.

23 Your Honor, I thank you for your consideration and I  
24 appreciate the time to be here today.

25 Thank you.

1 THE COURT: Thank you, sir.

2 SOLICITOR BARNETTE: Brittany.

3 MISS TAYLOR: Your Honor, my name is Brittany Taylor  
4 and I'm Shirley Sayre's oldest granddaughter.

5 I will never forget the phone call I received on the  
6 night of January 30<sup>th</sup>. I can still hear the uneasiness in  
7 my dad's voice telling me my grandma was gone. Immediately  
8 I was shocked, in denial, and overwhelmed with emotions.

9 Being at college without my family made the situation  
10 even harder on me. I had great friends, but I wanted  
11 nothing more than to be with my family.

12 My Grandma Sayre was never the relative I was worried  
13 about losing. She had many years ahead of her and was  
14 healthy. I have never lost a close family member before,  
15 but even if I had, nothing would of prepared me for this  
16 shocking tragedy.

17 I think what makes everything hard for my family is  
18 knowing that her death was not caused by some horrible  
19 sickness, but by something that could have easily been  
20 prevented. My grandma has many passions in life, but one  
21 that was stronger than most was the love for her  
22 grandchildren.

23 when I think about her being a proud grandma, all I can  
24 think about was a trip we went to Chicago to see my mom run  
25 a marathon. We went to a cafe with my grandma, and because

1 she was joking around, the cashier looks at me and just says  
2 I love your mom, and before I can even respond she says oh,  
3 no, I'm her grandma. She wanted that to be very clear. She  
4 then proceeded to talk about how she has seven grand kids  
5 while we were in Chicago, and the whole time at the time I  
6 was embarrassed, and I could tell the cashier really wasn't  
7 that interested in our life story.

8 But I remember having several experiences like this  
9 one, and I never really understood why my grandma would sit  
10 and talk to complete strangers about our family. But  
11 looking back now, I know she was just proud of us and  
12 excited that we were in her life.

13 Being the oldest granddaughter, my grandma and I had a  
14 special bond. She would never hesitate to take me anywhere.  
15 Growing up I always went to work with her. She loved taking  
16 me just as much as I loved going with her. We volunteered  
17 together in church, in her church nursery. We went to flea  
18 markets and had many other adventures.

19 Losing my grandma has been the hardest thing I've ever  
20 had to go through. My grandma was at every major event in  
21 my life. She -- it never seemed like she lived far away  
22 cause she made it a priority to be at my homecoming dances,  
23 graduations, and holidays. I was lucky to have someone so  
24 willing to arrange their life to always be there on my  
25 important days, and it's hard for me to think about all the

1 future events where an empty seat will be. It's hard to  
2 imagine Christmas, my college graduation next May, weddings,  
3 birthdays, and countless other gatherings where she should  
4 be.

5 I know I'm not the only one with these feelings. I  
6 have six other cousins ranging from the age of twenty-five  
7 to ten. It breaks my heart knowing my grandma, who loved us  
8 more than anything, will never see a single one of her  
9 grandchildren get married. She also has great grandchildren  
10 she never got the opportunity to even meet.

11 well, I feel like 20 years with my grandma is not  
12 enough. I have to think about my younger siblings and  
13 cousins. They didn't have the same experiences and time  
14 that I did. They didn't get the chance to make as many  
15 memories as I did. I was blessed with the memories I have,  
16 but at the same time I can't help but feeling sad and angry  
17 about how many more that were ahead of us that got cut  
18 short.

19 Christmas is suppose to be a happy time for most  
20 people. Since my grandma died, all I can think about is how  
21 Christmas will never be the same. Seeing my grandma over  
22 the past few years got harder for me when I started working  
23 full-time during my summers. I always relied on Christmas  
24 to be the one time of year where I got to spend time with  
25 her. We had a lot of fun and I always looked forward to her

1 coming to town.

2 My grand -- since my grandma's funeral, I can't, I  
3 can't help but think about how Christmas is going to be a  
4 rude awakening for me. I can be in denial about this whole  
5 nightmare, but when December does come around, I don't know  
6 what I'm going to do. It is really going to set in she's  
7 gone, and I know my family is really gonna struggle with  
8 reality.

9 Distance never made a difference in my family. It  
10 didn't matter if you lived seven minutes down the road or  
11 seven hours away. My mom always did a great job making sure  
12 we spend time with her side of the family. I always felt  
13 fortunate being surrounded by great people and my grandma  
14 always reinforced that.

15 I've had a terrible time dealing with her death. I'm  
16 still waiting to wake up from this nightmare. Even though I  
17 went to a funeral, cleaned out her house, and ran a 5-K in  
18 her honor, it still doesn't seem real she's gone. I know  
19 being in Court today is one step closer to realizing she's  
20 not coming back.

21 I hope today my grandmother's life, that was taken too  
22 soon, is honored by the Court system. I know that there's  
23 nothing that can be done to bring my grandma back to life.  
24 But I want to know other deaths can be prevented because  
25 going through all this pain is not fair.

1 Thank you.

2 THE COURT: Thank you.

3 SOLICITOR BARNETTE: Pam.

4 MRS. TAYLOR: Good morning, Your Honor. My name is Pam  
5 Taylor. I'm the daughter of Shirley Sayre, and I would like  
6 to thank you for giving me the time to speak on behalf of my  
7 mother and about my mother.

8 Seven and a half months ago I received a devastating  
9 phone call, a call that I constantly replay in my head. It  
10 was my brother, Sam, fighting back emotions telling me that  
11 my mom and Dave were in an accident, and that my mom was  
12 dead. That call on January the 30<sup>th</sup> was a day after my  
13 son's 16<sup>th</sup> birthday. The last phone call I got from my  
14 mom, the last time I talked to her, the last time she told  
15 me she loved me, it was just two days after my brother's  
16 birthday and four days from my sister-in-laws.

17 That week now is just one of many that will forever be  
18 tainted by the senseless tragic death of my mother. My mom  
19 was a good mom. She loved us kids and she was a woman of  
20 faith. She was always a mom who made time for us. Growing  
21 up we had family game nights. We played cards. We went on  
22 bike rides. We went to the beach, roller skating, camping.  
23 Anything we enjoyed she enjoyed. And what she really  
24 enjoyed was being with us, being with her kids.

25 She was a proud mom. She bragged about us to everyone

1 and anyone that would listen. It could be quite  
2 embarrassing at times, and she had no qualms to even  
3 approach complete strangers as a proud mother. She talked  
4 about us as if we were the only children in the world, and  
5 in her world we were.

6 She was, by far, my number one fan. At sports  
7 competitions she was the mom in the crowd that cheered  
8 louder than any other. As an adult in my 40's, she still  
9 cheered for me in many marathons as if I was that same 12  
10 year old girl on a softball field. She was a mom either  
11 standing at the finish line with her arms up in the air in a  
12 huge smile and tears of pride waiting for me or she was one  
13 of the first ones to call when I finished. It is such an  
14 empty feeling now knowing she will never be there for me,  
15 and I will never receive a call again.

16 My mom loved to be with us. She moved to south  
17 Carolina about six years ago. She was twice as far from me  
18 as when we lived in separate cities in Ohio. But no matter  
19 where she was, she had no apprehensions when it came to  
20 traveling even by herself to spend time with her  
21 grandchildren or me.

22 When I turned 40 she drove from South Carolina to my  
23 school to Ohio. She surprised me by decorating my car. She  
24 showed up at the high school football game that night. She  
25 loved to surprise us, but not with gifts, not with money.

1 she surprised us with her presence and she surprised us with  
2 her love.

3 She made numerous other trips to our home to support  
4 our kids. Now those trips are over. She won't be there for  
5 my kids' graduation. She won't be there for my kids  
6 birthdays or for my kids' weddings. I feel cheated as do my  
7 kids.

8 Their grandmother was taken from them too young. All  
9 they have now is pictures, pictures of my mom and my two  
10 brothers that are constant reminders to me on how lucky we  
11 were to have had her. I always tell my own kids no one will  
12 ever love you like your mother loves you, and my mother  
13 loved me in a way that nobody ever will and nobody ever can.  
14 She was so proud of me, and she was proud to be my mom.

15 There's not been a day since January 30<sup>th</sup> that I have  
16 not thought of her. She consumes my thoughts, and I pray  
17 that she knows how much I loved her. I miss her terribly  
18 and I can not accept the fact that she's gone.

19 The emotions I felt the last seven months have ranged  
20 from depression to sadness to anger and resentment. I get  
21 consumed with memories of the week we were here when she  
22 died, bringing my step-dad home from the hospital on Friday  
23 only to have him change quickly and get him straight to my  
24 mom's funeral. Then leaving the next day to drive ten hours  
25 in a funeral in our hometown and driving back that very next

1 day not to Cincinnati, but back here again and for a bond  
2 hearing.

3 This should not have happened. My mother was just  
4 riding to work at four o'clock in the afternoon on a Monday.  
5 She should be here with us. We had plans for the summer,  
6 plans that never happened. I get so filled with anger most  
7 of the time that I don't know how to channel my anger.

8 It's been extremely hard to deal with her death on a  
9 day-to-day basis, and, sir, this case intensifies those  
10 feelings as if her death was yesterday.

11 Like Mother's Day. Mother's Day was an emotional day.  
12 I managed to get out of bed in enough time to go downstairs  
13 with my kids. But when I wasn't sleeping I was crying. I  
14 didn't leave the house that day. I was relieved when it was  
15 12:01AM in the morning and that day was over. I fought the  
16 same feelings on her birthday in June.

17 My mom's life was cut short. It wasn't cut short by a  
18 disease or an accident. But by a self-fish irresponsible  
19 action of another. Christina Hudson chose to act  
20 irresponsible and reckless. She obviously thought she was  
21 above the law and invincible when she chose to drink and  
22 drive on a suspended license from a prior DUI.

23 She killed my innocent mother. She took my kids  
24 grandmother from them. She is the reason for all the grief  
25 we've went through, and I will never forgive her.

1           Nothing will bring my mother back. My mother is dead.  
2 I will never talk to her. I will never hug her. I will  
3 never tell her how much I appreciate everything she ever did  
4 to support me. Nothing will take my pain away. But what  
5 will help in the healing is knowing that justice has been  
6 served, and Christina has received the maximum consecutive  
7 penalty possible.

8           I thank you for listening and I thank you for your  
9 time.

10          THE COURT: Mr. Sayre.

11          MR. SAYRE: Good morning, Your Honor.

12          THE COURT: Yes, sir.

13          MR. SAYRE: My name is Dave Sayre. I'm Shirley Sayre's  
14 husband.

15          Your Honor, I can not begin to tell you the grief I've  
16 had to endure during this time. It's been seven months  
17 since my dear Shirley was killed needlessly. My family's  
18 lives and mine will never be the same.

19          A crime has been committed toward my family and I by a  
20 person who had no regard towards our society itself. I will  
21 never, never understand how Christina Hudson can live with  
22 herself knowing the pain she has caused to our family.

23          Shirley Sayre will never be able, be able to share her  
24 life with her children, her grandchildren, and her great  
25 grandchildren, and myself on this earth ever again. Her

1 thoughts and actions will no longer be a part of our lives.  
2 We have to live with this for the rest of our life.

3 Shirley, Shirley and I always talked about our golden  
4 years. Golden has turned to sorrow, and each day without  
5 her has no silver lining all, all because Christina Hudson  
6 decided to get behind the wheel of a car knowing she was  
7 intoxicated by alcohol and other impairing drugs.

8 Is there an excuse?

9 I think not.

10 I know my God can forgive her, but I'm not that quick  
11 to forgive someone who is caused agony and pain for me and  
12 my family. Countless nights of sleeplessness. So much  
13 sorrow we couldn't eat. In a visual I see of Shirley taking  
14 her last breath as she laid in our crumbled up car.

15 I'm pleading for you to give the maximum penalty by law  
16 to Christina Hudson. She is proven over and over again she  
17 has no respect for our laws. The crime she committed was  
18 100 percent preventable. It was no accident. It was a  
19 choice. There are consequences for irresponsible choices.

20 She took an innocent life and caused devastation to the  
21 family, friends, co-workers, and church family. Everyone  
22 Shirley knew was effected.

23 Thank you, Your Honor, for giving me this opportunity  
24 to express my thoughts and my feelings.

25 THE COURT: Thank you.

1 SOLICITOR BARNETTE: Wendy Leadbetter.

2 MS. LEADBETTER: Morning, Your Honor. I'm Wendy  
3 Leadbetter. I'm Heidi West's sister. Thank you for  
4 allowing me to speak on her behalf.

5 I'll never forget the morning I received the phone  
6 call. I was at work. When I heard that my sister was in a  
7 horrible crash I rushed to the hospital. I -- our parents  
8 are deceased. So, she is all that I have, and I watched her  
9 for months and months struggle and fight for her life.

10 She has three minor boys, and I have two little girls.  
11 But she's here, and she survived. But she's not -- she'll  
12 never be the same. Her life has been changed forever. Our  
13 lives have been changed forever, and my sister is serving a  
14 life sentence because she can't get back who she was. She  
15 can't run and play with her children, her nieces.

16 I'm thankful to God that she is here. We've had many  
17 ups and down. But, like I said, she is all that I have, and  
18 I thank you for your time.

19 THE COURT: Thank you, ma'am.

20 SOLICITOR BARNETTE: Jeanette Nichols.

21 MS. NICHOLS: Good morning, Your Honor. I am Heidi  
22 West's primary caregiver. I take care of her 24 hours a  
23 day, seven days a week.

24 She's a mother of small children, and she'll never run  
25 and jump and play with them. She's an aunt to young nieces

1 that she will never run and jump and play with. This  
2 accident has left her life changed forever both emotionally,  
3 mentally, and physically, and she's -- Christina Hudson was  
4 given a chance with her previous DUI, and many chances to be  
5 a productive citizen of society, and at this time I ask that  
6 you impose the strongest sentence possible under the law.

7 Thank you.

8 THE COURT: Thank you.

9 SOLICITOR BARNETTE: And, Your Honor, that's --  
10 Jeanette Nichols was her name.

11 Your Honor, I think John Rollins, the attorney with the  
12 Sayre family, would like to address the Court.

13 MR. ROGERS: Your Honor, John Rogers. I'm personal  
14 friends with David and Shirley Sayre. I'm also their  
15 personal attorney pertaining to this matter. Appreciate the  
16 opportunity to address the Court in this issue.

17 Shirley Sayre had a heart of gold. You've heard the  
18 stories from several of her close family members. I can  
19 tell you, from attending the same church and being friends  
20 with them, she'd give you the coat off her back. It's been  
21 a major loss for the community of Spartanburg.

22 As a testament to her life, her job that she chose was  
23 a job she didn't make much money for, but she got to give  
24 back and help people. She worked for weight watchers, Your  
25 Honor, and she liked to help, help people improve their

1 health and improve their well being, and she was on her way  
2 to work that afternoon with her husband, who's also employed  
3 by weight watchers, who also has a passion for helping  
4 people.

5 It was 4:45 in the afternoon, Your Honor. It was, it  
6 was rush hour traffic in Spartanburg, one of the busiest  
7 roads going through town. It could of happened to any of  
8 us, and it's a tragic loss to say the least.

9 I'd like to turn now to the culpability of the  
10 defendant in this matter, Your Honor. I've investigated  
11 this matter thoroughly, and one very telling thing is what  
12 people post on a public web page, Your Honor. She  
13 maintained a public Facebook web page that was accessible  
14 after this accident, and I'd like to tell you about a few  
15 things she has on there for anybody who wants to go to her  
16 web page in the public to see.

17 She flashes gang signs on her web page, Your Honor, in  
18 multiple photos. She's got multiple bottles of vodka  
19 drinking them at the same time. She's giving the finger to  
20 anybody that wants to look on there in several pages on her  
21 website. She, she's doing drugs, even doing illegal drugs  
22 in some of the pictures on her public website.

23 Your Honor, this is a young lady who thumbs her nose at  
24 society and everybody but herself. She cares about one  
25 person and that's herself.

1           Now, I, I understand that you're probably gonna hear  
2 some information about a tough background she's had and a  
3 tough childhood, Your Honor, and I'm sympathetic to those  
4 concerns. But at the same time, she's had multiple chances  
5 to reform her conduct. She's had multiple run-in's with the  
6 law in the past. She's been given chances to learn the  
7 error of her ways, and it's time for a period of personal  
8 accountability for Ms. Hudson.

9           I would ask the Court to look at the facts. She had  
10 two driver's license suspensions in recent history for  
11 driving while impaired, one for a controlled substance, and  
12 the other for a DUI three and a half months before the  
13 accident. Her driver's license was under suspension, Your  
14 Honor. She wasn't even suppose to be driving.

15          She went out that day under the influence of both a  
16 large amount of alcohol and several other drugs that  
17 impaired her driving ability. She knew what she was doing.  
18 She was in a weapon that day, Your Honor, driving double the  
19 speed limit in rush hour, completely impaired. She struck  
20 the back of a surgeons's vehicle who was on the way to the  
21 hospital to care for patients and ricocheted into the  
22 Sayre's vehicle hitting them head-on resulting in a, in a  
23 car that looks like an undescrivable metal mesh, Your Honor.

24          You're heard about the loss of the victims, what  
25 Mr. Sayre had to witness, what the family incurs every day,

1 and what our society has lost through the loss of  
2 Mrs. Sayre. We'd ask the Court to also recognize that today  
3 that she hits, she comes before the Court saying she has no  
4 memory of the facts and circumstances of that accident.

5 well, Your Honor, that has not been her position.  
6 She's spoke through family members saying that she remembers  
7 and she was not driving. She blamed the victim in the  
8 wheelchair behind me, Your Honor, for causing the accident  
9 and driving. She blamed other people for what she's done.  
10 She's still not here today accepting culpability for her  
11 actions.

12 The only reason she's here pleading guilty today is  
13 because the South Carolina Highway Patrol did such a  
14 fantastic job in investigating this matter. They had so  
15 much evidence to indicate that she was driving and that she  
16 was culpable. She knew she had no way out. But she still  
17 now -- she use to remember, and she wasn't driving, but now  
18 when she says, sees that she had so many witnesses and so  
19 much evidence indicating she was, well, she's gonna say well  
20 now I don't remember, and I'm gonna throw myself to the  
21 Court.

22 well, Your Honor, it's time to hand-out a swift and  
23 severe sentence in the family's opinion in this matter.  
24 Society demands it, Your Honor, our community demands it,  
25 and the family of Mrs. Sayre demands it.

1 Thank you very much.

2 THE COURT: Thank you, sir.

3 SOLICITOR BARNETTE: Your Honor, that would be the  
4 State's presentation, Your Honor.

5 THE COURT: Okay.

6 SOLICITOR BARNETTE: Thank you.

7 THE COURT: Yes, sir, Mr. Hall.

8 MR. HALL: If it please the Court, Your Honor.

9 First I want to say there's nothing Christina Ray  
10 Hudson can do to change what happened. All she can do is  
11 come before you and plead guilty and spare everybody the  
12 extra heart break and trauma of a trial.

13 Your Honor, I need to address a few things from  
14 Mr. Rogers investigation. First of all, she was under  
15 suspension, and I think her driving record will show, for a  
16 controlled substance violation. There was a pending DUI.  
17 She was not under suspension for that, any suspension for  
18 the DUI at this time. That DUI, as I understand it from  
19 her, she was later taken in front a judge without an  
20 attorney and said we're just gonna give you time served,  
21 it's no big deal.

22 Had she had an attorney, I don't know what would  
23 happen. I don't know anything about that case. But I do  
24 know, at the time of this, it was a controlled substance  
25 violation, not a DUI, as I think several people stated.

1 That's totally wrong.

2 Secondly, you will notice, I do have Mr. Millwood who's  
3 outside, I'm gonna ask that he brought in, is the only  
4 person here for her. She has a mother, and I'll explain to  
5 you about her mother, but her mother told me and anybody  
6 else that would listen my daughter wasn't driving, Heidi was  
7 driving, and that was based on Heidi driving when they left  
8 the mother's house and Heidi driving when Christina and  
9 Heidi left another location.

10 But it's clear that Christina was driving. She never  
11 said I wasn't driving. Her mother said she was not driving,  
12 Heidi was driving. Her position has always been I can't  
13 remember anything, from the first time I talked to her until  
14 today.

15 So, I have purposely, and Christina, do not want her  
16 mother here because her mother has probably made things a  
17 lot worse from saying anything she could, and I'm gonna  
18 explain some things about her mother. Mr. Millwood is here  
19 who is her stepfather.

20 Your Honor, as far as the Facebook, I don't know how  
21 you can tell what somebody has is illegal drugs or vodka or  
22 not, but there's vodka bottles, I've seen that, and I  
23 don't -- you know, gang signs, I don't know holding your  
24 fingers different ways. To my daughter it's a sorority  
25 sign. But to, you know, other people, there's different

1 kinds of signs. But I'm not trying to excuse her conduct  
2 when I tell you what I'm about to tell you about her life,  
3 but I'm trying to explain Christina Hudson.

4 Mr. Millwood, who I think is gonna address the Court at  
5 the appropriate time, came into her life when she was young.  
6 He was, he is a Vietnam veteran, have raised or was almost  
7 finished raising his own daughter. He's trying to save  
8 Christina and her sister, Ashley, got involved with their  
9 mother. In fact, he was the stabilizing, only stabilizing  
10 influence in her life. Her mother was in and out of prison.  
11 Her mother was a drug addict on crack.

12 When she would be away, the children were with  
13 Mr. Millwood. They went to school. Everything seemed  
14 normal. Mama would get out, kind of get her feet on the  
15 ground, come and get her children back. These are mine.  
16 You have no rights to them. I'm taking my children.

17 Your Honor, when Christina was 12 years old her  
18 mother's addiction drove her to sell Christina for crack  
19 cocaine. She would give some drugs to Christina to get her  
20 high, traded her to the, to the drug dealer for her drugs.  
21 There's no telling how much went on at that point because  
22 sometimes she, quite frankly, was so much under the  
23 influence she didn't know what happened.

24 At 14, after a few years of that, her mother got  
25 convicted on a drug charge and went back to prison.

1 Mr. Millwood tried everything he could to get custody of the  
2 girls. Unfortunately, the Department of Social Services  
3 said you're not a biological parent, we're gonna stick the  
4 girls with strangers.

5 Ashley went to one family. Because they thought  
6 Christina had some issues, they took, gave her to a family  
7 and basically said she's a troubled child, you've got to  
8 control her, they basically locked her away.

9 First chance she got she ran away, and she ended up  
10 back into that culture that all she knew other than  
11 Mr. Millwood. She knew if she went to Mr. Millwood D.S.S.  
12 would take her back, give her back to the family, or refer  
13 her to D.S.S. for, as a runaway, and she would be handled  
14 that way.

15 She survived for the next several years, her teenage  
16 years, as a sex toy of a drug dealer. She, at 18 or so, I  
17 think Mr. Millwood was able to get her back, try to get her  
18 back on her feet, but unfortunately her mother got out of  
19 prison again, and probably one of the worst decisions  
20 Christina made in her life was I'm gonna go back to my  
21 mother cause she's my mother. It's that desire to have a  
22 parent. We've -- we -- she never had a good mother, but she  
23 wanted a mother.

24 She got back into the drugs and alcohol with her  
25 mother. If we had gone to trial, there would of been, at

1 least on our side, some testimony that when these two ladies  
2 left, Ms. West and Ms. Hudson, Ms. West was driving. The  
3 family would of said that the, at least some of the drugs or  
4 alcohol were supplied by Ms. West that were used on this  
5 evening, on this afternoon. There was other witnesses at  
6 another house they had been in and said they, when they  
7 left, Ms. West was driving, and that's the, the reason her  
8 mother's saying my daughter wasn't driving.

9 I don't think Heidi, she never told me I was not  
10 driving, I remember what happened, I was not driving. She  
11 said my mother said I wasn't driving, and -- but there have  
12 been witnesses to be able to testify to that and Ms. West's  
13 driving was very bad and they assumed, after that, that  
14 because of Ms. West condition, she got Christina to drive  
15 the car, and then this tragedy happened.

16 Your Honor, Christina, as I said, there's nothing she  
17 can do to return a mother to her family. Until this  
18 happened I don't think she had a concept of what a mother  
19 is. She had somewhat of a concept of what a father is. Her  
20 natural father had never been around, never been in her  
21 life.

22 She, to me, has never expressed anything except remorse  
23 for this, and the more she's been in jail, she's looked at  
24 what happened, the evidence against her, what she has done  
25 has had a great impact on her. Certainly not comparing it

1 to the Sayre family, Your Honor.

2 But she was a child that her mother threw away, gave  
3 away, traded for drugs, and then, unfortunately, with the  
4 limitations of the Department of Social Services, we got two  
5 kids, one of them is been involved with drugs because of her  
6 mother, kind of throw her away and try to save Ashley.  
7 Unfortunately Ashley's with her mother too. Mr. Millwood  
8 tried everything to do to get Ashley to come up here at  
9 Christina's request so Ashley, her 20 year old sister, could  
10 see where that lifetime can lead. It's nothing but tragedy.

11 Your Honor, if the Sayre family would allow, Christina,  
12 Christina has written herself a statement. She wants to  
13 address the family at the appropriate time. This is -- I'll  
14 say this is, I'll say this is something she mailed to me a  
15 couple weeks ago when I was off. It's nothing that I said  
16 you need to say this, and you need to express this. This is  
17 something she wrote on her own.

18 Your Honor, these are horrible cases. They're horrible  
19 difficult cases for everybody involved, and it's horrible,  
20 and it's difficult on you cause you got to decide what's the  
21 appropriate punishment here, and there -- she needs  
22 punishment. We're not -- I'm trying to, in anything I'm  
23 saying, excuse her actions based on her history, but I'm  
24 trying to explain how she got to where she was.

25 Her life's been a horrible tragedy. The explaining of

1 a, how dear your mother is to you, what a wonderful person  
2 your mother was, is just a foreign concept to her because  
3 she has no concept of that because she has no mother except  
4 somebody who pimped her out for drugs, and, at best, now is  
5 an alcoholic.

6 Your Honor, I understand the feelings of the family, of  
7 the Sayre family. I think, in some regards, Ms. West is  
8 culpable to some extent. It's her car. She, at the very  
9 least, allowed Christina to drive, but I believe contributed  
10 to the intoxication of both of them.

11 Your Honor, putting her in prison for the next 55 years  
12 or a hundred years is not gonna change anything. At some  
13 point, given her age, she's -- we hope she'll get a sentence  
14 that she'll be able to get, get out, and I've gone over the  
15 possible sentences and the time frames, and, you know, if  
16 you got this, and yes, you'd probably get out and you'd be  
17 this old. All those possibilities.

18 The concern she had was not oh, I'll be this age, I'll  
19 be an old person. She said I know I can change, this is  
20 changed me completely, I will come out and live like I  
21 should, the way Randall Millwood expected me to live, hoped  
22 that I would live that way, and tried to help when he could  
23 to make me live that way.

24 He's probably -- he's 62 years old. He probably won't  
25 be alive to see that.

1           Your Honor, I'm almost finished here. All she can do  
2 is ask for mercy. She has done a horrible thing, and  
3 nothing she can do to change it. All she can do is lessen  
4 the trauma on the family of a trial and everything that  
5 would go on through there, and, Your Honor, on her behalf we  
6 do ask that you consider all the factors. Not just the  
7 State and the horrible, horrible things that happened. But  
8 her condition, her situation, and how she got here in  
9 sentencing.

10           Thank you.

11           I think she does want, if the Court will allow, to say  
12 to the Sayre family, she does want to read this statement to  
13 them.

14           THE COURT: Yes, ma'am.

15           DEFENDANT: AS I sit and write this letter, I'm sorry  
16 for the Sayre family for all the hurt that I caused and the  
17 pain I have put y'all through cause of a terrible mistake  
18 and nightmare that happened on January the 30<sup>th</sup>. I pray  
19 every day all day that God will heal your broken hearts for  
20 the loss and pain that I have caused in your lives.

21           I, myself, am so hurt, not physically now, but mentally  
22 and emotionally for the accident. I never in my life ever  
23 thought that something as horrible as this tragedy could  
24 ever happen, and I wish we could have met under different  
25 circumstances just so you would know the person that I am,

1 the sweet, loving, and good person that never wished or  
2 wished any pain or hurt on anybody.

3 Now I cry for you and your family more than I do for  
4 myself or my family. I -- and I want you to know that I  
5 pray for your family everyday. Please don't think that I  
6 don't hurt from this because I do, and the pain and sorrow  
7 that I feel is unbearable.

8 I want you-all to know how very sorry and heart broken  
9 I am of your loss. If I could take this accident back and  
10 change everything I would in a heart beat. I wished God had  
11 taken my life instead of the sweet, innocent, christian  
12 lady, Shirley Sayre, that I heard so much about at my bond  
13 hearing. But God spared my life and I have no idea why.  
14 But he did and now I have to live with the pain, hurt, and  
15 sadness, and heartache of this accident because of my  
16 horrible and stupid actions till the day he calls me home.

17 I don't ever want you to wonder or ask yourselves if I  
18 care or hurt or do I understand what I have done. The  
19 answer is yes to all of those.

20 I am deeply sorry from the bottom of my heart and soul.  
21 I go to bed every night thinking of you and your family, and  
22 awake every morning thinking and praying for you and your  
23 family, and I can not imagine the pain and sadness that you  
24 are going through. I want to ask for your forgiveness, and  
25 as hard as that may be, please forgive me so that hopefully

1 I will have the strength from God one day to forgive myself.

2 I know what has happened was wrong. Not only did I  
3 break the law and hurt a very good family, but most of all I  
4 sinned against God and took Mrs. Sayre's life because of  
5 ignorance and foolishness. Now I have to face the  
6 consequence, which is being isolated in the cell, which is  
7 the doing -- but most of all the pain and the hurt and  
8 sadness and heartache of which is God's way of punishing me,  
9 and that is way worse than any man on earth can do to me.

10 I am so so very sorry. Somehow that does not even seem  
11 to come close to how bad I feel. I know that this letter  
12 probably won't change your feelings, heartache, or hatred  
13 you feel toward me, but I hope and pray that it let's you  
14 know and understand I am hurting also, and the sadness that  
15 I do feel for you and your family. I hope and pray that God  
16 comforts you and that he has grace and mercy on you-all and  
17 takes more and more pain away from you everyday.

18 I never really knew God or thought much about him until  
19 this devastating tragedy. It has really opened my eyes and  
20 heart to him. I talk and pray to him everyday for your  
21 family.

22 Thank you for listening to what my mind, heart, and  
23 soul has been so eager wanting to say to you-all, and I hope  
24 this helps you understand how very sorry I am. You will  
25 always be in my prayers.

1 I just want ya'll to know that there's no words or  
2 nothing that I can say that can explain the way I feel and  
3 hurt. I promise you, if I live through this, it's hard.  
4 It's very hard. I'm sorry.

5 THE COURT: Anything else?

6 MR. HALL: Your Honor, just to reiterate, she's not in  
7 this note and her conversations with me, her concerns have  
8 been twofold, the Sayre family and Mr. Millwood, and I'm not  
9 sure if Mr. Millwood was able to compose himself to speak or  
10 not.

11 Mr. Millwood.

12 MR. MILLWOOD: I just tell the family one thing, my  
13 heart goes out to you.

14 MR. HALL: Mr. Millwood, you need to stand up and come  
15 forward here.

16 It's Randall Millwood.

17 THE COURT: Yes, sir.

18 MR. MILLWOOD: I really don't know what to say, sir.  
19 But I guess I'm begging I guess, you know, and my  
20 condolences goes out to the family and my heart cause I know  
21 how bad cause I'm losing somebody that I loved, and I cried  
22 my heart out. They some -- they certain things that you  
23 can't do for something that's not yours, and I just hope to  
24 God that you should have mercy on her, God have mercy on  
25 her. That's -- and I'm so sorry for y'all's loss.

1 THE COURT: Thank you, sir.

2 Yes, sir.

3 MR. HALL: And, Your Honor, and I don't think  
4 Mr. Millwood was able to say, but I think he is been  
5 visiting her the whole time, and I think he would echo at  
6 least part of what I said that I don't know how much he --  
7 he never expressed to me her concern for failing him. But I  
8 think that he, that her concerns have been with the Sayre  
9 family and what she did to them, and, and I don't, you know,  
10 as I hate to keep criticizing someone that I tried my best  
11 to make sure would not be here, but her mother. But her  
12 mother got her started on this path at 11 or 12 years old,  
13 and, unfortunately, things didn't happen that changed her  
14 off that path until this tragedy has occurred.

15 I think there's something salvageable here. We hope  
16 that you consider that in the sentencing. But there's  
17 nothing we can do to bring back a lost loved one. But given  
18 her tragic upbringing, Your Honor, we ask that you be as  
19 lenient as you can in the sentencing. We understand we're  
20 gonna get a substantial sentence, and I believe this has had  
21 a great impact on her. Certainly not what it has on the  
22 family, the Sayre family. But has, is been the thing I  
23 think that will change her life.

24 In our conversations, as I said, she, she knows  
25 whatever sentence she gets she's gonna try to take advantage

1 of education because she didn't have any. She was on the  
2 street. That, at the appropriate time in the sentence, she  
3 wants to speak to young people about her life and where she  
4 ended up, that because of her actions put her in prison to  
5 hope, hopefully to at least change one life. Make one child  
6 make a better decision, and stay away from these things.

7 Thank you, Your Honor.

8 THE COURT: Thank you, Your Honor.

9 Anything else, solicitor?

10 SOLICITOR BARNETTE: Your Honor, I think the family has  
11 spoken to you.

12 THE COURT: I'm gonna take a few minutes to go look  
13 over these reports and things, but I'll be back in a few  
14 minutes to let y'all know. You can stand at ease.

15 MR. HALL: Thank you.

16 THE COURT: Give me a few minutes.

17 SOLICITOR BARNETTE: Yes, sir.

18 (WHEREUPON, a short recess was taken at this time.)

19 THE COURT: You know, some days this, this job's not  
20 too bad. Other days I wish somebody else was up here.

21 It's incredible the loss you caused to this family.  
22 It's kind of ironic that a motherless child would take such  
23 a wonderful mother and grandmother away in a senseless act,  
24 and you made some terrible decisions that day, and, you  
25 know, one of the things that hurts you greatly is that you

1 have a prior DUI and you didn't seem to learn your lesson.

2 But I, I've taken into consideration that you have pled  
3 guilty and you spared this family, and I think you're  
4 genuinely sorry, and I think you have learned your lesson,  
5 and, and I don't know what punishment will do to change your  
6 life, but society demands it.

7 You made a decision that day. It was a senseless  
8 decision and you've hurt so many people, and I can  
9 understand their anger because it -- you've taken someone  
10 that obviously was wonderful, that showed so much love, and  
11 was loved so by so many, and your senseless act has changed  
12 a lot of peoples lives forever.

13 I wish I could fix it. I wish I could take away their  
14 pain. I wish I could put everything back like it was the  
15 day before, but I can't.

16 On Indictment 2012-GS-42-0998, Felony DUI resulting in  
17 death, the sentence of the Court is you're committed to the  
18 State Department of Corrections for a term of 20 years.  
19 You're given credit for time served.

20 On Indictment 999, the sentence is 15 to run  
21 concurrent.

22 Indictment 1000 is 15 to run concurrent.

23 Good luck to you. I hope that you can make a  
24 difference and help some other people by not making choices  
25 you've made.

1 Thank y'all for coming.

2 SOLICITOR BARNETTE: Thank you, Your Honor.

3 MR. HALL: Thank you, Your Honor.

4 (WHEREUPON, State's Exhibits 1 through 16 were received  
5 into evidence at this time.)

6

7 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 31<sup>st</sup> day of August, 2012.

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

January 29<sup>th</sup>, 2013

*Pamela E. Green*

PAMELA E. GREEN, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF )

Christina Hudson )  
Full name and prison number (if any) of Applicant. )

v. )

State of South Carolina )

APPLICATION FOR  
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Leath Correctional Institution
2. Name and location of Court which imposed sentence Spartanburg County Court House
3. Name(s) of co-defendant(s) (if any) X
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) N155791
  - (b) N155790
  - (c) N155787
5. The date upon which sentence was imposed and the terms of the sentence:
  - (a) August 31, 2012 = (20470) 9590
  - (b) \_\_\_\_\_

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- (c) \_\_\_\_\_
- 6. Check whether a finding of guilty was made:
  - (a) after a plea of guilty
  - (b) after a plea of not guilty \_\_\_\_\_
  - (c) after a plea of nolo contendere \_\_\_\_\_
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?  
NO
- 8. If you answered "yes" to (7), list:
  - (a) the name of each Court to which you appealed:
    - i. \_\_\_\_\_
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (b) the result in each such Court to which you appealed:
    - i. \_\_\_\_\_
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (c) the date of each such result:
    - i. \_\_\_\_\_
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (d) if known, citations of any written opinion or orders entered pursuant to such results:
    - i. \_\_\_\_\_
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_

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

- (a) Did want to appeal, but lawyer stated there was no
- (b) reason to appeal.
- (c) \_\_\_\_\_

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

Poor Counseling. ~~and~~ ~~and~~  
cohered with open plea (1-55 0220) Plea bargained

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 M. HOFFMAN-CHALEY

2012-CP-42-5133

(a) \_\_\_\_\_

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

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

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

(a) Council did not repent to my satisfaction.  
~~\_\_\_\_\_~~  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_

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

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

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

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

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iv. \_\_\_\_\_

(d) the date of each such disposition:

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

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

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

iv. \_\_\_\_\_

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

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

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

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

iv. \_\_\_\_\_

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

No

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

(a) which grounds have been presented:

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

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

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

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

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

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

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

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

(a) \_\_\_\_\_

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

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

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

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

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

- (a) the name and address of each attorney who represented you:
  - i. Robert Hail (Public Defender Office) Spartanburg
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
  - i. bench trial
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

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

Sentence Reduction, possible non-violent, parole eligibility

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

NO

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2012-CP-42- 5133

STATE OF SOUTH CAROLINA )

VERIFICATION

County of )

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

*Christi Hudson*  
Christi Hudson

SWORN to and subscribed before me this 27  
day of November, 2012.

*Sandra S. Dodge* (L.S.)  
Notary Public

My Commission Expires: 10 30 2019

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M. HURF BLACKLEY

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

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

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

Christi Hudson
Christi Hudson applicant

SWORN or affirmed to and subscribed before me this 27 day of November, 2012.

Sandra S. Dodge
Notary Public

My Commission Expires: 10.30.2019

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SPARTANBURG COUNTY
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M. HURF BLACKLEY

To whom it may concern:

11-26-12

I'm filling out this PCR in hopes of a sentence reduction, parole eligibility, or dropped to non-violent. I was never shown evidence that proves I was driving the car. I was poorly represented. He never talked to my witnesses or showed any evidence to me that states I was behind the wheel. I have no memory of the accident. Don't remember anything. Plead guilty and felt guilty because police and my public defender said I was. Feel like I was coercion to plead. In my heart I feel I was too harshly sentenced for something I have no memory of. Thanks for your time and effort.

*Christina Hudson*  
Christina Hudson

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	
	)	2012-CP-42-5133
Christina Hudson, #352257,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Respondent, making its Return to the application for post-conviction relief (PCR) filed December 14, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. She was indicted at the February 2012 term of the Spartanburg County Grand Jury for two counts of felony DUI – great bodily injury (2012-GS-42-1000, -0999), and felony DUI – resulting in death and reckless homicide (2012-GS-42-0998(A)). Robert B. Hall, Esquire, represented Applicant. On August 31, 2012, Applicant pled guilty to two counts of felony DUI – great bodily injury and one count felony DUI – resulting in death. The charge of reckless homicide was *nolle prossed*. She was sentenced by the Honorable R. Ferrell Cothran to confinement for concurrent terms of twenty years for felony DUI – resulting in death and two concurrent fifteen year terms for each count of felony DUI – great bodily injury. Applicant did not appeal her conviction and sentence.

Attached herewith and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

## II.

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

1. Ineffective assistance of counsel, in that;
  - a. "Counsel did not represent to my satisfaction,"
  - b. Poor counseling resulting in Applicant being coerced into pleading guilty with an open plea.

## III.

In a post-conviction relief action, the 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, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 334 S.E.2d 813.

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

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

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

#### IV.

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

#### V.

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

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

KAREN C. RATIGAN  
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE  
Assistant Deputy Attorney General

By:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Telephone: (803) 734-3737

March 3, 2014.



1 STATE OF SOUTH CAROLINA )  
 2 COUNTY OF SPARTANBURG ) IN THE COMMON PLEAS COURT  
 3  
 4 Christina Hudson, )  
 5 Applicant, ) TRANSCRIPT OF RECORD  
 6 -vs- ) 2012-CP-42-5133  
 7 The State. ) April 10, 2014  
 8 ) Spartanburg, South Carolina  
 9  
 10

11 B E F O R E :

12 HONORABLE J. DERHAM COLE, JUDGE

15 A P P E A R A N C E S :

16 LEAH B. MOODY, ESQUIRE  
17 Attorney for the Applicant

18 SUZANNE H. WHITE, ESQUIRE  
19 Attorney for the State

22 Linda D. Moffitt  
23 Circuit Court Reporter

24  
25

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13	No exhibits entered into evidence.	
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1 MS. WHITE: Thank you, Your Honor.

2 This is Christina Hudson vs. the State. It's case  
3 No. 2012-CP-42-5133. She's represented today by Ms. Leah  
4 Moody.

5 Ms. Hudson was indicted February of 2012 on two counts  
6 of felony D.U.I. resulting in great bodily injury, as well  
7 as a count of felony D.U.I. resulting in death, and  
8 reckless homicide.

9 The reckless homicide charge was nolle prossed, and  
10 she proceeded to plead on August 31st of 2012 to the two  
11 counts of felony D.U.I. great bodily injury and felony  
12 D.U.I. resulting in death.

13 She received concurrent sentences of 15 years on the  
14 great bodily injury and a concurrent sentence of 20 on the  
15 death.

16 She has filed this application alleging ineffective  
17 assistance of counsel in that she was not represented to  
18 her satisfaction by counsel and that poor advice resulted  
19 in her being coerced into pleading guilty with an open  
20 plea.

21 So at this time I will turn it over to Ms. Moody.

22 THE COURT: Ms. Moody.

23 MS. MOODY: Beg the Court's indulgence.

24 THE COURT: Okay.

25 (Pause.)

1 MS. MOODY: Your Honor, at this time I'd like to call  
2 Ms. Hudson to the stand.

3 THE COURT: All right. Before you do that let me get  
4 you to tell me specifically what are her separate grounds  
5 that she's alleging ineffective assistance of counsel on.

6 I mean, I don't accept those that she's just generally  
7 dissatisfied. I want a specific ground.

8 MS. MOODY: Your Honor, that's -- that's her grounds,  
9 that he was ineffective in that he did not give her  
10 adequate advice as to what she was facing.

11 THE COURT: How did he -- how -- what is the -- what  
12 did he fail to advise her of?

13 MS. MOODY: She indicates that he only met with her  
14 two times and he only talked to her about the sentence that  
15 she would be exposed to in terms of the amount of time that  
16 she could get for the D.U.I., felony death, and then the  
17 reckless homicide.

18 She says that when she went into the -- the hearing or  
19 the plea, she questions why she received as much time as  
20 she did. She --

21 THE COURT: All right. Let me see if I am right.

22 All right. She claims that he didn't meet with her an  
23 adequate amount of time, and, secondly, she didn't get  
24 appropriate advice on the potential exposure for sentence?

25 MS. MOODY: No. He gave her only the potential

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 exposure of sentence.

2 THE COURT: Okay.

3 MS. MOODY: He did not review her discovery with her.  
4 She did not receive any discovery after she requested, or  
5 the materials, the production of the state's evidence. She  
6 did not receive those documents after requesting them from  
7 her lawyer.

8 THE COURT: All right. Anything else?

9 MS. MOODY: Nothing else.

10 THE COURT: Okay. Come around.

11 CHRISTINA RAY HUDSON, having  
12 been first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MS. MOODY

14 Q Ms. Hudson, can you please state your full name for  
15 the record?

16 A Christiana Ray Hudson.

17 Q And where are you currently incarcerated?

18 A Leath Correctional.

19 Q And how long have you been in Leath Corrections?

20 A Since I been locked up?

21 Q Yes.

22 A Or -- 2012 February 8th.

23 Q And you are there by virtue of your plea to charges  
24 before this -- before the Spartanburg County court.

25 A Yes, ma'am.

Christiana Ray Hudson  
Direct examination by Ms. Moody

- 1 Q And those charges are? what are your charges?  
2 A Felony D.U.I. resulting in death and times two bodily  
3 injury.  
4 Q So you have two counts of great bodily injury.  
5 A Yes, ma'am.  
6 Q And at the time that you were arrested what were you  
7 originally charged with?  
8 A The same thing.  
9 Q Any other charges?  
10 A No, ma'am.  
11 Q And at that time who was your lawyer? who represented  
12 you in your case?  
13 A At court Robert Hall.  
14 Q Did you have any other attorneys?  
15 A Well, my father put down a payment to Joshua Schultz,  
16 but he returned the money.  
17 Q And do you know why he returned the money?  
18 A He just stated to me that he knew I was going to get a  
19 lot of time so he didn't want to represent me.  
20 Q Before I gave you that information what was your  
21 understanding of why he didn't represent you?  
22 A That there was nothing he could do for me.  
23 Q And what did you understand that to mean?  
24 A Ma'am?  
25 Q what did you understand that to mean, that he could

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 not do anything for you?

2 A I'm not really sure. I didn't understand.

3 Q Okay. And so the entire time you that proceeded  
4 through the courts --

5 (Pause for witness crying.)

6 Q Ms. Hudson --

7 A Yes, ma'am.

8 Q Okay. Now, you indicated earlier where I asked you  
9 who represented you, you asked me at court. Who was the  
10 attorney that represented you in your plea?

11 A Robert Hall.

12 Q Okay. And how long did you have Robert Hall as your  
13 attorney?

14 A I guess the whole time.

15 Q From the date that you were in jail?

16 A No. I only seen him -- I only seen him two weeks  
17 prior to my court date. Before then my knowledge was  
18 Joshua Schultz was my attorney until then.

19 Q Okay. And when you met Mr. Hall two weeks before your  
20 plea what, if anything, did you discuss?

21 A We just discussed I was facing a lot of time. And he  
22 told me to plead guilty.

23 Q Well, did he -- what time -- how much time did he tell  
24 you you were facing?

25 A Fifty-five years.

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 Q And that was based on all of the charges?

2 A Yes, ma'am.

3 Q And what, if anything, did he discuss with you about  
4 your case?

5 A Nothing really except he read where it said that we  
6 went across the center line and hit another car head on.  
7 That's all. And he said, "Plead guilty because if you  
8 don't and they take you to trial you're going to get 55  
9 years because you're guilty, Christina."

10 Other than that all we talked about was if I was to  
11 get this much, this is how much I would do out of it, and  
12 if I was to get this much time, this is how much, and this  
13 is how old I'd be when I got out and stuff like that.

14 Q Did you at any time give him any information about  
15 what happened on that day?

16 A No, because I don't have no -- I don't remember  
17 anything.

18 Q Did anyone else -- who spoke with your attorney that  
19 had information?

20 A My stepfather spoke to Robert Hall and Joshua Schultz  
21 concerning anything they knew.

22 Q So in the other times that you met with your attorney  
23 after the first time did you have the opportunity to go  
24 over your discovery?

25 A No, ma'am, I didn't.

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 Q what, if anything, did you receive by way of the  
2 state's evidence?

3 A I didn't receive anything. I didn't receive anything  
4 until you mailed me something at Leath Correctional.

5 Q So on the day that you went to court with your  
6 attorney what did you understand you were going to be  
7 exposed to in terms of entering your pleas, your plea?

8 Excuse me.

9 A I don't understand the questions.

10 Q what -- okay. When you went to court for your plea --

11 A Uh-huh.

12 Q -- what was your understanding of what was going to  
13 happen on that day?

14 A That I was going to get sentenced to prison.

15 Q Did you understand what you were pleading to?

16 A I didn't fully grasp nothing really, but I understood  
17 that I was pleading guilty because, like I said, he told me  
18 that if I didn't I was going to get the full term of 55  
19 years.

20 Q And so do you recall going before the Court where the  
21 state presented their -- the facts that they would prove in  
22 a trial?

23 A Ma'am?

24 Q Do you recall going to court and hearing the state  
25 give their rendition of the facts?

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 A I don't recall it.

2 Q Okay. So when you were in the plea did you understand  
3 what the state would use against you to convict you if you  
4 went to trial?

5 A I -- I really don't remember. I can't say yes and I  
6 can't say no, because all I remember from my court date is  
7 the family speaking, me speaking, and them talking about  
8 my -- about me, character, about who I -- the person I am,  
9 and Facebook pictures and stuff. That's all I remember.

10 Q Well, when you went before the Court and the Court  
11 went through your rights, what, if anything, did you  
12 understand about your rights?

13 A My rights?

14 Q Your rights to go forward with a trial.

15 A Uh-huh.

16 Q What did you understand about that?

17 A I really don't understand none of it.

18 Q But on that day had you had the opportunity to talk to  
19 your attorney?

20 A Yes, and all he's told -- all he told me was basically  
21 you have the right for a jury trial, because, see, if you  
22 go to a jury trial you're going to get 55 years.

23 Q Well, since you've been incarcerated what have you  
24 learned about your -- your penalty, well, your charges and  
25 the time exposure that you pled to?

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 A That I pled to very serious charges, felony D.U.I.,  
2 which the max is 25 years. And I see that I got 50 [sic]  
3 years concurrent to 20. And that's about it.

4 Q And so can you convey to the Court how you feel you've  
5 been prejudiced in this case or how your attorney's service  
6 was not, as you indicated in your application,  
7 satisfactory? why do you find that his services were  
8 unsatisfactory?

9 A Because I feel like I should have seen my discovery  
10 evidence, because I was arrested and charges -- charged  
11 with something that I had no remembrance of. I was in the  
12 county and didn't even really know what happened. Didn't  
13 know nothing.

14 Q So since then have you learned anything of what  
15 happened?

16 A No, nothing except what other people has told me and  
17 what he's told me, which is you're guilty, except what my  
18 family's told me this happened.

19 Q So you're here testifying today that you have no  
20 memory of the accident.

21 A Yes, ma'am, I am.

22 Q And based on -- what, if anything, were you doing?  
23 Well, I guess the question is why did you plead guilty.

24 A Because I was scared to take it to trial, that I would  
25 get 55 years.

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 Q So your testimony here today is that your attorney  
2 told you none of the facts that occurred on that day.

3 A Yes, besides what I said. He said that as to what I'm  
4 reading, it says that you rode -- crossed the center line  
5 head first in the car with Heidi West, and it hit another  
6 car head on, and it caused the death of, and he said the  
7 name, and bodily injury. And he told me what the sentence  
8 on that is and that I needed to plead guilty, that we was  
9 pleading guilty.

10 Q Okay. Don't say what -- don't say who told you. But  
11 if you had an opportunity to have a trial granted, relief  
12 from the Court, what defense do you think that you would  
13 have?

14 A I don't understand.

15 Q What information do you think needs to be presented to  
16 the Court if you were granted your relief of a trial? If  
17 you were to get a trial here today what kind of evidence  
18 would you be presenting on your own behalf as to what  
19 happened on that day?

20 A Really, I'd have to see everything for myself, much  
21 less the Court, because I don't know anything. I haven't  
22 seen anything that says that I'm guilty. So it'd be for me  
23 and the Court.

24 Q So I guess my question is based off of you've gotten  
25 documents from me, correct?

1 A Yes.

2 Q Okay. And out of those documents what would you say  
3 would assist the Court in understanding what happened on  
4 that day in your defense?

5 A I don't know. The documents you gave me was my  
6 transcript and something else. But it wasn't -- nothing  
7 was really stated as evidence that I read. It was nothing  
8 that I read that stated as evidence against me. It was no  
9 statements; there was no pictures of anything; there was  
10 none of that.

11 Q Well, what else would you present to the Court that  
12 would help you?

13 A I don't know, because I don't remember anything. All  
14 I know is what I read, and that's why I would like to see  
15 my every evidence that's against me.

16 Q I'm discussing. You said that you learned there were  
17 other things that would have helped you. What were those  
18 other things that would have helped you in your case? What  
19 have you learned that will help you in your case if you  
20 were able to have a trial?

21 A I don't know.

22 Q Were there any witnesses?

23 A Well, I have witnesses stating that no -- that Heidi  
24 picked me up, and says that when we left her house she was  
25 driving and all. But I -- I'm not saying that I'm not

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 guilty or that I'm guilty, because I take full  
2 responsibility for whatever part in it. I'm not saying --  
3 what I'm saying is I don't know because I don't remember.  
4 But I had people telling me that the last time we was seen  
5 I was not driving.

6 Q So your evidence would be that you were -- what you  
7 would put up on your own behalf was that you were not  
8 driving. Is that what you're saying?

9 A I'm saying I don't know, because this is what other  
10 people's telling me. I don't know for myself, so I can't  
11 sit up here and say that that's what I would -- that's what  
12 I would tell the Court, because I don't know for sure  
13 myself. So I don't want to lie because it's -- it's what  
14 somebody else has told me.

15 Q I guess what I'm trying to get around to is you would  
16 have your attorney look into the fact of whether or not you  
17 were driving on that day.

18 A Yes.

19 Q At that time when the accident occurred.

20 A Yes.

21 Q And that's based on what you've learned since you've  
22 been incarcerated.

23 A Yes.

24 Q Is there anything else you would have your attorney  
25 look into with regard to that date? Do you have any names

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 of any witnesses that your attorney will contact?

2 A Yes.

3 Q And what are those names?

4 A Beth and Corrie.

5 Q What's Beth's last name?

6 A Earnhart.

7 Q And Corrie?

8 A I don't know his last name.

9 Q And so are these people that were in the car with you  
10 at any point in time?

11 A No.

12 Q Or at the accident?

13 A No. They're the last people that seen us, the last  
14 people that seen us in the car.

15 Q And to your knowledge do you know if those names were  
16 given to your previous attorney?

17 A To my knowledge, I'm not sure but I -- because I --  
18 I -- I told Robert Hall -- or might have been Joshua  
19 Schultz, because, like I said, Joshua Schultz was coming to  
20 see me and talking to me about my case. And then he told  
21 us that he couldn't do anything.

22 So then that's when Robert Hall came. And all we  
23 talked about was time and stuff like that. And he told me  
24 the first time I seen him, he told me to plead guilty.  
25 Then, yes, afterwards, after that, that's when I wrote him

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 a letter telling him that I wasn't -- I didn't want to  
2 plead to all of that time but I would plead to 10 or 12  
3 years.

4 Q I think we were talking about the witness. What  
5 witness information did you give to Mr. Hall? Did you give  
6 him any?

7 A I'm not sure if I gave him any, or if it was Joshua  
8 Schultz. I can't remember. Everything was such a blur.

9 Q But I'm just trying to get, like, who was the name.  
10 What names did you give to Joshua Schultz or Mr. Hall?

11 A Uh-huh.

12 Q Who were the people?

13 A It would be them names.

14 Q And that would be Beth --

15 A Uh-huh.

16 Q -- and Corrie.

17 A Yes, ma'am.

18 Q And what, if anything, do you know with regard to  
19 contacting those persons? Did Mr. Schultz or Mr. Hall  
20 contact?

21 A No, ma'am.

22 Q As far as Mr. Hall, specifically, are you aware of him  
23 talking to Beth or Corrie?

24 A No, ma'am.

25 Q Now, you're asking the Court for relief from your

Christiana Ray Hudson  
Direct examination by Ms. Moody

1 plea, correct?

2 A Yes, ma'am.

3 Q And what exactly are you asking the Court for?

4 A Relief?

5 Q What kind of relief? Do you want a trial? Do you  
6 want him to, like, allow you to go back and have a trial on  
7 this case? What kind of relief are you seeking from the  
8 Court?

9 A Yes, ma'am.

10 Q What kind of -- I need you to state what relief  
11 you're --

12 A A trial to go back and try to -- so for my own,  
13 because I don't know. I don't remember anything. I don't  
14 know the evidence that's on me. So I want relief where I  
15 don't -- I don't know how to say it. Where I'll know for  
16 myself.

17 Q So when you indicated -- when you filed this  
18 application, you filed it for ineffective assistance of  
19 counsel.

20 A Yes, ma'am.

21 Q And based on that you're asking the Court to allow you  
22 to start over on your case.

23 A Yes, ma'am.

24 Q Okay. And when you stated to the -- stated earlier,  
25 you're saying that your attorney didn't provide you with

Christiana Ray Hudson  
Cross-examination by Ms. White

1 discovery in this matter.

2 A Yes, ma'am.

3 Q Okay. And that's how you feel that you were  
4 prejudiced at the time that you entered the plea?

5 A Yes, ma'am.

6 Q Okay. Because you didn't get the discovery. You  
7 didn't get any information about your case. But you  
8 entered the plea because of what?

9 A Because I was scared of taking it to a jury trial.

10 Q And that was just based off of the amount of time?

11 A Yes, ma'am.

12 Q Is there anything else you would like the Court to  
13 know about your ineffective assistance of counsel?

14 A No, ma'am.

15 MS. MOODY: No further questions for this witness,  
16 Your Honor.

17 CROSS-EXAMINATION

18 BY MS. WHITE

19 Q Ms. Hudson, I know that you said that you weren't able  
20 to review the discovery with your attorney.

21 Did he ever talk with you about the fact that there was  
22 a report done by the investigation group about the speed of  
23 the car and maybe at what position the car wrecked and --  
24 and that there was a report about that? Do you recall that?

25 A He did -- he told me that we went across the center

Christiana Ray Hudson  
Cross-examination by Ms. White

1 lane at such speed and ran into a -- another car.

2 Q And that wasn't because he was there. That was based  
3 on something that had been done as a result of an  
4 investigation of the accident?

5 A Yes.

6 Q Okay. Did he share with you the test results of your  
7 blood alcohol?

8 A Uh-huh, yes, ma'am.

9 Q So he did share with you the fact that you had tested  
10 positive for alcohol and a couple of other substances, is  
11 that right?

12 A Yes, ma'am.

13 Q And did he talk with you about the fact that the  
14 passenger in the report had to be cut out of the vehicle  
15 from the passenger side?

16 A Not that I remember, no.

17 Q Okay. Are you aware of that now? Have you been told  
18 that now through the information you've received?

19 A She's told me that, uh-huh.

20 Q Okay. And, as Ms. Moody was saying, the state went  
21 over with you at the time of the plea what they would have  
22 presented at trial and that they introduced several  
23 exhibits. And that included the MAIT report to show how  
24 the cars were going and how fast they were going. Do you  
25 recall the state at the plea entering that in as an

Christiana Ray Hudson  
Cross-examination by Ms. White

1 exhibit?

2 A Yes, ma'am.

3 Q Okay. And do you remember him also using the  
4 trooper's report, the actual accident report? They talked  
5 about that as well?

6 A No. I remember them saying a trooper was there if I  
7 can -- if I remember right.

8 Q Okay. And I know you said you don't remember the  
9 actual accident. But I'm thinking of at the plea. You're  
10 saying that you do recall them talking about that there  
11 might have been a trooper that investigated.

12 A I remember they said that there's an officer here or  
13 the trooper that was on the site was there present.

14 Q Okay.

15 A But other than that, I don't recall them going over  
16 any -- anything.

17 Q Did you ever have a chance to see any of the pictures  
18 as a result of the accident, of the vehicle you had been  
19 driving?

20 A No, ma'am.

21 Q Okay. And were you aware of the fact that there were  
22 witness statements from the doctor, from the initial hit of  
23 the doctor's car -- Dr. Visk?

24 A Somebody else told me that, and I believe that was --  
25 that was spoke of in court about another car, something.

Christiana Ray Hudson  
Cross-examination by Ms. White

1 Q Okay.

2 A Uh-huh.

3 Q So all of these things, as well as the toxicology  
4 report, you were aware of at the time of the plea that they  
5 had that and would use that if y'all had proceeded to a  
6 trial.

7 A Yes, ma'am.

8 Q Okay. And, obviously, you could not agree with the  
9 facts at the time because you don't have any memory of it,  
10 but you did tell the Court that you were aware that that  
11 was the information that if you went to trial would be used  
12 as evidence against you.

13 A Yes, I did.

14 Q Okay. And the judge went over with you the facts of  
15 that and knowing those facts and what they would present,  
16 asked you if you still wanted to plead guilty that day, is  
17 that right?

18 A Yes.

19 Q And knowing that, you did say that you wanted to plead  
20 freely and voluntarily to those charges, did you not?

21 A I did.

22 Q Okay. And you also said that you pled because you  
23 were scared of taking it to a jury trial. And was that  
24 based upon -- obviously, you said the potential of 55  
25 years --

Pamela Beth Earnhart  
Direct examination by Ms. Moody

1 A Yes, ma'am.

2 Q -- of a sentence.

3 A Yes, ma'am.

4 Q And you're aware that if you were to go back to trial  
5 that is still the same potential sentence.

6 A Yes, ma'am.

7 Q Okay.

8 MS. WHITE: Your Honor, I think that's all I have for  
9 this witness.

10 MS. MOODY: No further questions.

11 THE COURT: You may step down.

12 MS. MOODY: Your Honor, at this time I would like to  
13 call Beth Earnhart.

14 PAMELA BETH EARNHART, having  
15 been first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MS. MOODY

17 Q Ms. Earnhart, could you please state your full name  
18 for the record?

19 A My name is Pamela Beth Earnhart.

20 Q And you're here today. How do you know Ms. Hudson?

21 A She's my stepsister.

22 Q I'm sorry?

23 A She's my stepsister.

24 Q Okay.

25 THE COURT: You can pull that chair up closer to the

Pamela Beth Earnhart  
Direct examination by Ms. Moody

1 microphone. That way you --

2 THE WITNESS: Yes, sir.

3 Q Now, are you aware of any attorneys that represented  
4 Ms. Hudson?

5 A No, ma'am.

6 Q Okay. Do you know Joshua Schultz?

7 A No, ma'am.

8 Q Did you have an opportunity to meet with any of her  
9 attorneys?

10 A No, ma'am.

11 Q What information did you share with Ms. Hudson  
12 regarding her case?

13 A Meaning what?

14 Q Like what happened on that night, on that day.

15 A I don't know what happened that day. All I know is  
16 that she stayed with me. And it was like about  
17 8:00 o'clock one night and Heidi -- Heidi West called and  
18 wanted to come and pick her up. So after that day I didn't  
19 see any more of her.

20 Q Well, when Heidi came to pick her up --

21 A They were drinking. She was drinking then. They had  
22 liquor.

23 Q But who -- when you say she, who are you speaking of?

24 A I'm speaking of Heidi.

25 Q Okay. And on that day who was driving?

Robert B. Hall  
Direct examination by Ms. White

1 A Heidi was driving when she picked Christina up.

2 Q Okay. And was that the last -- you said just a second  
3 ago that was the last time.

4 A Yes, ma'am. That is the last time I seen her until I  
5 seen her in the hospital.

6 Q Okay. Did you communicate any other witnesses that  
7 might have seen your sister that day?

8 A No, ma'am.

9 MS. MOODY: No further questions for this witness,  
10 Your Honor.

11 MS. WHITE: The state has nothing further.

12 THE COURT: Step down.

13 MS. MOODY: Beg the Court's indulgence.

14 THE COURT: Okay.

15 (Pause.)

16 MS. MOODY: No further witnesses, Your Honor.

17 THE COURT: Okay.

18 MS. WHITE: Your Honor, the state would call Robert  
19 Hall.

20 ROBERT B. HALL, having been  
21 first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MS. WHITE

23 Q Please state your name for the record, please.

24 A Robert Hall.

25 Q And, Mr. Hall, do you recall representing Ms. Hudson

Robert B. Hall  
Direct examination by Ms. White

1 in this matter?

2 A Yes, I do.

3 Q I know that she said that originally they had  
4 attempted to retain or retained Josh Schultz.

5 Do you recall how far in advance of the plea on  
6 August 31st of 2012 you were actually appointed to represent  
7 her?

8 A She was interviewed by our office on February 10th of  
9 2012. We filed paperwork sometime in the week after that.  
10 I'm not sure when Mr. Schultz represented her or talked to  
11 her. I know that was an issue at some point in the case.

12 Q And this, the incident, actually occurred on  
13 January 30th of 2012.

14 A That's correct.

15 Q Do you recall how many times you were able to meet  
16 with Ms. Hudson?

17 A I'm not sure of the exact number of times. I know I  
18 met with her one time. I brought her into the magistrate's  
19 courtroom at the jail and spoke with her.

20 Later on I actually went to speak with her. And I  
21 don't have the date on that doc -- those notes, but she was  
22 in pod one, cell five, bed one.

23 I got there. They said she was in city court. I  
24 actually made it to city court before the case was called.  
25 I don't really remember what it was. It was a P.D.C. or

Robert B. Hall  
Direct examination by Ms. White

1 something along those lines. And was able to get the  
2 officer to agree not go forward on the charge based on  
3 these other charges she had.

4 As a matter of fact, I think it was an assault and  
5 battery or something like that that they didn't have the  
6 other party there. But they finally capitulated and  
7 dismissed it. And I believe I was able to speak with her  
8 on some things there.

9 I think there was the question of Mr. Schultz  
10 representing her. I don't block private attorneys  
11 representing people. I try not to interfere. But the  
12 first dated note -- and I think this was at the jail -- was  
13 April 19th of 2012. We were able to meet regularly and go  
14 over some things in the magistrate's courtroom there.

15 Q Now, in regards to your meetings and what you  
16 discussed with Ms. Hudson, I know that she has no memory of  
17 the incident. But were you able to share with her some of  
18 the discovery materials?

19 A Yes, I was. We got discovery materials at the end of  
20 March and then into April. And I think that's when I  
21 realized, well, Mr. Schultz isn't going to be representing  
22 her, because I was actually getting the discovery.

23 She -- we went over the information I had that -- and  
24 she had told me that she had spoken with her mother and her  
25 mother said she was -- Heidi was driving when they left.

Robert B. Hall  
Direct examination by Ms. White

1 When Heidi picked her up, they apparently went to another  
2 house. And Heidi was driving when they left. And I think  
3 those were a good while before the incident occurred.

4 But we also went over the information in the  
5 statements of the witnesses, including Dr. Vick, and I  
6 think some E.M.T.s, firemen, those type of people, that I  
7 think Dr. Vick was saying that she was -- identified her as  
8 the driver.

9 There was another person, a Chris Rigsby or Rigby,  
10 that said -- identified -- that referred to her as he, said  
11 he was swerving and driving fast. And that was one of the  
12 things we had going for us, was I remember speaking with  
13 her about that, that he kept saying he, when she's not a  
14 he.

15 But we also had Ms. West who was also a female in the  
16 car. But I think he's the witness that saw her driving  
17 before the contact with Dr. Vick's car.

18 But we also disused those E.M.T.s saying they got  
19 Ms. West out of the passenger side and Ms. Hudson out of  
20 the driver's side.

21 Q And sharing that information with her, what were your  
22 discussions about whether or not you would have an option  
23 or a defense if you went to trial?

24 A She always maintained -- and I think I said it in the  
25 plea -- from the date of her arrest, or at least when we

Robert B. Hall  
Direct examination by Ms. White

1 interviewed her when she got to the hos -- from the  
2 hospital to the jail, from all of our conversations I had  
3 with her or anybody involved that she did not remember what  
4 happened.

5 But based on what was going to be presented in a  
6 trial, the witnesses -- I think Dr. Vick was an E.R.  
7 doctor. So he was used to these things, this trauma type  
8 stuff -- that she was the one driving the car.

9 The injuries I think that Ms. West was -- received and  
10 that Ms. Hudson received, everything has, you know, pointed  
11 to her being the driver.

12 Q Just to back up real quick. Ms. Hudson testified that  
13 she'd only seen you two weeks prior to the court date. You  
14 said something about meeting in April of 2012. So do you  
15 dispute the fact that you only met with her two weeks prior  
16 to court?

17 A Yes.

18 Q Okay.

19 A I have our last meeting before the plea date was  
20 August 28th. We'd also met on August 8th.

21 She -- the letter she referred to asking can't you get  
22 me 10 or 12 years was dated August the 9th, I believe.

23 And, like I said, I also met with her at the time at  
24 city jail. I just, unfortunately, don't have the date on  
25 that. But that was another meeting.

Robert B. Hall  
Direct examination by Ms. White

1 Q And you agree that you talked with her about the fact  
2 that she did have the right to trial but if she went to  
3 trial she faced a potential of 55 years if everything was  
4 run consecutive.

5 A Yes. I -- I explained that and discussed the reckless  
6 homicide that solicitor Barnette always throws in these,  
7 that I think she could technically be convicted of both. I  
8 don't think it would be likely that she would get an  
9 additional sentence for it since it was the same charge.  
10 But solicitor Barnette feels very strongly about that, I  
11 think always does. At every one I've had with him, he does  
12 it.

13 But I discussed the media attention, that we can't  
14 avoid that, we can't ignore that. And this case received a  
15 lot of media attention.

16 And after a full-blown trial I think most of the time  
17 if you get convicted you're probably going to get more than  
18 if you enter a plea, spare everybody the -- in a case like  
19 this the family and everybody else going through the trial.

20 Q In regards to any possible witnesses that would have  
21 assisted in a defense, did she ever give you any names of  
22 anyone she wanted you to talk with?

23 A I don't recall. I have notes on some different names  
24 including -- I know I talked to her mother. And her mother  
25 was talking about the people that could testify that Heidi

Robert B. Hall  
Cross-examination by Ms. Moody

1 was driving. But those were times well before the  
2 accident.

3 And we also, I believe, had Ms. West who was going to  
4 be able to testify that I was not driving, I was a  
5 passenger.

6 So any of those witnesses would have been long before  
7 the accident and were not, you know, close in time to the  
8 accident.

9 Q In your conversations with her, ultimately, did you  
10 feel that knowing all of the options and being aware of the  
11 evidence that the state had that she was making a decision  
12 to plead freely and voluntarily?

13 A Oh, yes, I do. I think she made it free and  
14 voluntary, and I think it was the right thing to do.

15 Q Okay. Thank you.

16 MS. WHITE: That's all I have at this time, Your  
17 Honor.

18 CROSS-EXAMINATION

19 BY MS. MOODY

20 Q Mr. Hall, you indicated that you discussed with her  
21 the likelihood of a trial.

22 Did you show her any of the actual documents from the  
23 solicitor?

24 A Yes. Our first conversation where I had the  
25 discovery, because I think there was -- usually solicitor

Robert B. Hall  
Cross-examination by Ms. Moody

1 Barnette gets these out to us really quickly because --  
2 depends on your opinion of the way he runs things -- he  
3 feels that he needs to get them out to us and get these on  
4 the docket very quickly.

5 He has expressed more than once of his fears that  
6 somebody's going to make bond, get out and hurt somebody  
7 else. So these were on the fast track. This case was, you  
8 know, up on the docket within seven months, which is about  
9 as fast as it can be in this circuit.

10 But he got the discovery to me, and from looking at my  
11 file I got it towards the end of March, and some in April.

12 On this type of case I thought that was kind of slow  
13 for solicitor Barnette. But the whole thing was was Josh  
14 going to represent her or not -- may have held him up.  
15 And-but we did. As I got things, I discussed with her and  
16 went over it.

17 Q So at that time were you able to show her the pictures  
18 of the car?

19 A I'm not sure if I showed her the pictures of the car  
20 or not. I know some of the pictures we did have were the  
21 pictures from Facebook. But I don't recall showing her  
22 pictures of the car, no, ma'am.

23 Q And then in terms of like the documents, when you went  
24 over the documents did you leave those documents -- her a  
25 copy of those documents?

Robert B. Hall  
Cross-examination by Ms. Moody

1 A I don't remember her ever asking me for copies. If  
2 she had, I can make copies and give them to them. But I  
3 don't remember her asking for a copy of the discovery.

4 I went back into even our infor -- our data system in  
5 the computer, and I don't see any indication that I sent  
6 something to her. But I don't recall. I don't have a note  
7 saying she wants a copy of her discovery.

8 Q And in terms of, like, after you explained to her the  
9 amount of time that she was facing, when you were meeting  
10 with her face to face what, if anything, did she indicate  
11 in terms of her desire to go to trial, or did she not  
12 indicate?

13 A As I say, my last meeting with her before the plea was  
14 the 28th of August, which I assume was a Friday. I know  
15 that in August I have college-age kids then and now, and I  
16 take some time off in August usually for the moving and all  
17 of that.

18 And on the 28th I talked to her. She'd asked me what  
19 are the possibilities, what could she get. I have a note  
20 actually saying that in this type case a 20-year sentence  
21 would probably be a good sentence.

22 She showed me a letter that she had written that I  
23 felt like was a heartfelt letter, and she said she wanted  
24 to present it to the Court.

25 You know, I told her sometimes it's better to say

Robert B. Hall  
Cross-examination by Ms. Moody

1 these things, and she -- we discussed. I think she opted  
2 to read the letter out loud to the Court, to the family of  
3 the victim, and to the Court.

4 But we also had a note talking with her about the time  
5 she could get and that they were violent, no parole, those  
6 type things, and said the -- after the meeting at the city  
7 jail she was -- we were still trying to get something of an  
8 offer. And, you know, Solicitor Barnette would not do that  
9 other than to drop the reckless homicide, I believe.

10 And we had a judge, Judge Cothran, that was coming up,  
11 that I did some research, asking attorneys, and no one  
12 could ever come up with an example of him maxing someone  
13 out on a felony D.U.I. plea.

14 Q Okay. Well, let me. You've said a lot there. I just  
15 want to make sure I'm understanding the timeline. When you  
16 got the discovery from Solicitor Barnette in April --

17 A I got some in March and some in April.

18 Q And so in March and April what -- is it your testimony  
19 that you all discussed what her best interest, her best --

20 A No, no. At that time I discussed the evidence they  
21 had against her. That's where I have the notes that, you  
22 know, the Rigby fellow was saying that he was driving very  
23 fast.

24 Q Right. Well, let me stop you there for a second. I  
25 just want to get the timeline straight.

Robert B. Hall  
Cross-examination by Ms. Moody

1 A Uh-huh.

2 Q In March and April when you got the discovery -- parts  
3 of it in March, parts in April -- you had a discussion with  
4 her about the discovery, correct?

5 A Yes.

6 Q Okay. And then on the time that you discussed the  
7 discovery with her did you all talk about her need to plead  
8 guilty or what would happen in a trial?

9 A At that point I didn't discuss the need to plead  
10 guilty. I discussed with her what evidence they had  
11 against her.

12 Q Okay.

13 A And she was still maintaining she didn't know what she  
14 wanted to do, she couldn't remember anything.

15 Q Okay. So at what point -- was that around the time  
16 that you spoke with her mother?

17 A I can't remember specifically when I spoke with her  
18 mother. I know I spoke with I think Mr. Millwood, her  
19 stepfather, a good bit.

20 Q And what dates were those that you spoke with her  
21 stepfather?

22 A I'm not sure of the dates. I don't have the -- any  
23 notes from dates on him.

24 I do recall what he told me. I know we talked a lot,  
25 and when I wasn't working in August, because I don't

Robert B. Hall  
Cross-examination by Ms. Moody

1 remember exactly when I was off but --

2 Q So, well, I'm just trying to get to the timeline  
3 again. So you didn't talk to her father, her stepfather or  
4 her mother in March or April, correct?

5 A I don't know if I did or not. I don't recall  
6 specifically that I did. I talked to a lot of people. I  
7 know I was getting information and getting more of an idea  
8 of what went on with Christine's life prior to this. And I  
9 was mainly getting that from Mr. Millwood.

10 Q Okay.

11 A And I spoke to her mother. I didn't enjoy speaking  
12 with her mother.

13 Q Well, in terms of when you spoke to Mr. Millwood, that  
14 would have been in August right before the plea, correct?

15 A I know I spoke to him a lot then. I think I talked to  
16 him before that, but I can't -- I can't recall specific.

17 Q Okay.

18 A But when she was on a docket, possibility of the case  
19 coming up, that's when we have to put more time into those  
20 clients. I'm first up on Monday.

21 Q That would have been August. That was the first time  
22 that she came up on the docket, would have been in August,  
23 correct?

24 A Yes.

25 Q Okay. So in March and April you didn't have an offer

Robert B. Hall  
Cross-examination by Ms. Moody

1 from the solicitor and you did not discuss with her whether  
2 she should go to trial.

3 A No. I was not discussing whether or not she should go  
4 to trial. Typically, on these cases Solicitor Barnette  
5 doesn't make any kind of offer until it's on the docket and  
6 sometimes right before, you know, the week before the  
7 trial.

8 Q Correct. Well, and that's fine. I'm just saying that  
9 at that time you didn't discuss with her about her  
10 proceeding to trial based on the evidence that you had  
11 received from the solicitor, correct?

12 A You know, I gave her my opinion probably of what we  
13 had, but I didn't go into -- I certainly didn't say you've  
14 got to plea on this.

15 Q Okay.

16 A Said this is what they've got, you know, we'll find  
17 out later what they're offering, if anything. And I  
18 probably told her that solicitor Barnette usually doesn't  
19 make offers on these.

20 Q And so the next time you spoke with her would have  
21 been in August, the 9th or the 8th, I believe is what you  
22 said.

23 A That's -- that's the next time I have notes. I can't  
24 say that I didn't speak with her or communicate with her in  
25 between there but --

Robert B. Hall  
Cross-examination by Ms. Moody

1 Q Okay.

2 A -- that's when I sat down and told her that it was on  
3 the docket, and that that's when we started about, talking  
4 about, the plea or trial.

5 Q Okay. So between April 19th of 2012 and  
6 August 8th you didn't have any contact with her with regard  
7 to your investigation from the case.

8 A I don't have any notes about it. I don't remember  
9 that I -- you know, specific times I did speak with her.  
10 Sometimes I speak with people if I'm at the jail and  
11 just -- I just speak with them. I don't have any notes.  
12 Sometimes it's there's nothing new or, you know, whatever.

13 Q So it's a brief conversation you might have.

14 A Yeah. It would probably have been brief but --

15 Q So, now, you spoke with -- you reviewed the statements  
16 from Dr. Vick, the E.M.T. And I believe there was another  
17 witness that you spoke of -- Mr. Rigsby?

18 A Rigby or Rigsby.

19 Q Rigby. You spoke to them. Did you speak to them  
20 during that period of time, that window of time?

21 A No. I had -- I had their statements. I don't -- I  
22 know I have their phone numbers written down. I don't at  
23 this point recall specifically talking to any one of them,  
24 but these were pretty credible witnesses on the -- on  
25 paper.

Robert B. Hall  
Cross-examination by Ms. Moody

1 Q Well, let me stop you right there. When you say  
2 credible witnesses, what do you mean, because they were  
3 there?

4 A That what they saw, and, you know, we have --  
5 oftentimes when I visit a client in jail they say they have  
6 a witness and all I've got to do is go over to the other  
7 pod and talk to them, people that have criminal records  
8 that may be -- may even have a reason to lie one way or the  
9 other. But a doctor leaving Regional going home, E.M.T.s,  
10 firemen, those type people tend to be more credible to a  
11 jury than some of our other potential witnesses.

12 Q So, okay. Beyond that you indicated that you talked  
13 to her mother and you got information from her mother.  
14 You -- did you get names from her mother of people to talk  
15 to?

16 A Yeah. Her mother I think gave me some names. But,  
17 like I said, those were people who would have been several  
18 hours or hours before this accident occurred.

19 Q And who were those people?

20 A I don't recall right now. I don't recall. I don't  
21 have it down right now. Like I said, I spoke with her  
22 mother about when those people would have seen her, and it  
23 was very remote.

24 Q So based on -- so your testimony is based on the  
25 timing of when they said they saw Heidi and Christina you

Robert B. Hall  
Cross-examination by Ms. Moody

1 ruled them out as being witnesses as to this particular  
2 incident.

3 A Yes.

4 Q Okay. So when you were put on the docket you gave  
5 Ms. Hudson notice that she was on the docket. And you went  
6 forward with the plea. At that time did you know? I mean,  
7 she pled straight up to these charges.

8 A Uh-huh.

9 Q And at that time did you advise Ms. Hudson about how  
10 much time she would receive?

11 A I have a note from the August 8th meeting that I said  
12 that, you know, this -- we'll try for an offer, but  
13 probably in this type of case they usually say concurrent.  
14 That's all the type offer they make.

15 As I said, we did some research into the judge and the  
16 way he sentences on these, and we felt that Judge Cothran  
17 was probably a good judge to plea in front of given the  
18 facts of this case.

19 And I told her that -- I have a note here, that went  
20 over the penalties and the -- you know, that my best guess  
21 would be something along a sentence of 20 years in this  
22 type of case.

23 Q And then she wrote you back on the next day, like the  
24 8th, I mean, excuse me the 9th of August.

25 A I mean, this was -- she had written me that letter on

Robert B. Hall  
Cross-examination by Ms. Moody

1 the 9th of August. This meeting with her was on the  
2 28th of August.

3 Q Oh, okay.

4 A And, you know, I told her that, you know, my best  
5 guess would be a good sentence for her in this case, would  
6 be a 20-year sentence, that I thought the letter she had  
7 written was a good letter, heartfelt, and that she was --  
8 decided she was going to present herself in court and that  
9 she would try to stay composed while she read it.

10 Q And at the date on August 31st, the date of the plea,  
11 did she appear to understand what she was going forward  
12 with, or did she ask you for a different amount of time?

13 A I don't recall her asking for a delay. I felt like  
14 she --

15 Q Not a delay. I mean, did she ask you whether or not  
16 you had the opportunity to find out what the state would  
17 offer or would they consider offering?

18 A Like I said, I don't recall them really making an  
19 offer other than we're not going forward on the vehicular  
20 homicide, reckless homicide, case.

21 Q Now, at any point in time did you advise her that  
22 her -- she was willing to do 10 to 12 years was not likely  
23 to happen?

24 A Yes.

25 Q And did you have an opportunity to go through the

Robert B. Hall  
Cross-examination by Ms. Moody

1 evidence again. Or how did you explain that to her, that  
2 that was likely not to happen?

3 A I said given the fact that there's a death case plus  
4 two people injured and this isn't -- you know, it wasn't  
5 just a, you know, a minor fracture of a bone but some  
6 substantial injuries, that 10 to 12 years just was not  
7 going to happen. I didn't think that would happen with any  
8 circuit court judge in this day and age.

9 They would be crucified in the media for that  
10 probably, because every victim's rights group would jump up  
11 and say this is an injustice. And I just didn't think that  
12 was feasible.

13 Q Did she appear to understand that?

14 A Yeah.

15 MS. MOODY: Beg the Court's indulgence.

16 (Pause.)

17 MS. MOODY: No further questions.

18 MS. WHITE: The state has nothing further, Your Honor.

19 THE COURT: Step down.

20 THE WITNESS: Thank you.

21 MS. WHITE: The state has no other witnesses, Your  
22 Honor.

23 THE COURT: All right. I'll review the record and  
24 issue an order.

25 END OF REQUESTED TRANSCRIPT OF RECORD

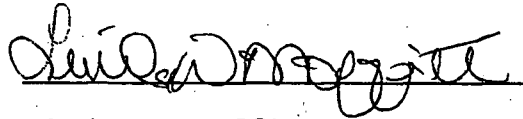
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 10th day of April 2014.

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

October 7, 2014



Linda D. Moffitt  
Circuit Court Reporter

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 )  
 Christina Hudson, #3522<sup>4</sup>7, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT

2012-CP-42-5133

**ORDER OF DISMISSAL**

This matter comes before the Court by way of an Application for Post-Conviction Relief filed December 14, 2012. The Respondent made its Return on or about March 3, 2014. An evidentiary hearing into the matter was convened on April 10, 2014, at the Spartanburg County Courthouse. The Applicant was present at the hearing and was represented by Leah B. Hood Esquire. Suzanne H. White, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

At the hearing, the Applicant testified on her own behalf. Pamela Beth Hammond, Applicant's stepsister, testified on Applicant's behalf. Robert B. Hall, Esquire, testified on behalf of the State. This Court also had before it a copy of the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the Return, and plea transcript.

**PROCEDURAL HISTORY**

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. She was indicted at the February 2012 term of the Spartanburg County Grand Jury for two counts of felony DUI -

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great bodily injury (2012-GS-42-1000, -0999), and felony DUI – resulting in death and reckless homicide (2012-GS-42-0998(A)). Robert B. Hall, Esquire, represented Applicant. On August 31, 2012, Applicant pled guilty to two counts of felony DUI – great bodily injury and one count felony DUI – resulting in death. The charge of reckless homicide was *nolle prossed*. She was sentenced by the Honorable R. Ferrell Cothran to confinement for concurrent terms of twenty years for felony DUI – resulting in death and two concurrent fifteen year terms for each count of felony DUI – great bodily injury. Applicant did not appeal her conviction and sentence.

### ALLEGATIONS

In her current Application, the Applicant alleged that she was being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that;
  - a. "Counsel did not represent to my satisfaction,"
  - b. Poor counseling resulting in Applicant being coerced into pleading guilty with an open plea.

At the hearing, Applicant indicated that she would proceed on claims of ineffective assistance of counsel for counsel's failure to meet with Applicant enough and failure to interview discovery materials with Applicant.

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### FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

#### Ineffective Assistance of Counsel

The Applicant alleges she received ineffective assistance of counsel. In a PCR action,

"[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1E, SCRCPP). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441; 334 S.E.2d 813 (1985).

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

First, the Applicant must prove that counsel's performance was deficient. Under the prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland).

Applicant testified that she was represented by Robert Hall at her guilty plea. Applicant testified that she originally retained attorney E. Joshua Schultz, but he returned the retainer and stated that he could not represent. Applicant testified that she only saw Counsel twice within the

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two weeks prior to her court date. At the time she met with Counsel, Applicant testified that they discussed the fact that Applicant was facing up to fifty-five years. Applicant testified that she never received any discovery materials and did not see any of the State's evidence. Applicant testified that she had no memory of the day of the accident and only knew things that other people told her. Applicant testified that Beth Earnhardt and "Corey," were the last people to witness Applicant riding in the car with her passenger; however, Applicant was unsure if she provided those names to Counsel. Applicant testified that she pled guilty because she was scared of proceeding to trial originally. Applicant testified that she wants to have a trial because she wants to know what happened.

Pamela Beth Earnhardt testified that she was the Applicant's step-sister. Earnhardt testified that the only information she knew was that the passenger of the car, Heidi West, was originally driving and came to pick the Applicant up at her home earlier that day. Heidi West testified that she is not aware of anything related to the accident because she never saw Applicant or Heidi again once they left her home.

Counsel testified that Applicant completed her interview with the public defender's office on February 10, 2012. Counsel testified that he met with the Applicant several times, including in the magistrate courtroom at the jail, in Pod 1, Cell 5, and also at city court when some charges were dismissed. Counsel testified that he also met with the Applicant several times in August 2012. Counsel testified that he received discovery materials at the end of March and into April 2012. Counsel testified that he could not recall if he showed the Applicant pictures of the wrecked vehicle, but did review discovery materials with the Applicant as Counsel received them. Counsel testified he and the Applicant reviewed the toxicology report that indicated her blood alcohol content, as well as the presence of marijuana and Klonopin, as well as the MAIT

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report from the SC Highway Patrol. Counsel testified that he also reviewed various witness statements with her, in particular the statements indicating that the passenger had to be cut out of the passenger side of the vehicle and statements identifying the Applicant as the driver of the vehicle at the time of the accident. Counsel testified that he did have a list of different names of potential witnesses, but all other witnesses that could have testified on Applicant's behalf could have only testified to seeing the Applicant prior to the accident and Heidi driving the vehicle at that time. Counsel testified that he also spoke with the Applicant's mother.

Counsel testified that he attempted to get some sort of offer from the State, but all they were willing to do was dismiss the charge of reckless homicide. Counsel testified that he discussed the consequences of the plea, including the status as violent and no parole. Counsel testified that he discussed the options with the Applicant and advised her as to his opinion, but never told her that she must plead guilty. Counsel also reviewed with Applicant the letter she wrote and ultimately read to the victims' families at the plea. Counsel also testified that he spoke with the Applicant's step-father a good bit and talked with Applicant about her best preparation for mitigation at the plea. Counsel testified that Applicant appeared to understand the potential sentence she faced and Counsel understood Applicant to be pleading guilty freely and voluntarily.

This Court finds that the Applicant's allegation that trial counsel did not conduct an adequate pre-trial investigation or spend enough time with her is without merit. This Court finds Counsel's testimony to be more credible than Applicant's testimony. The "brevity of time spent in consultation, without more, does not establish that counsel was ineffective." Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980). To establish counsel was inadequately prepared, an Applicant must present evidence of what counsel could have discovered or what other defenses could have

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MARSHALL B. LANE

been pursued had counsel been more fully prepared. Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998); Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial). When claims of ineffective assistance of counsel are based on lack of preparation time, an Applicant challenging his conviction must also show specific prejudice resulting from counsel's alleged lack of time to prepare. United States v. Cronin, 466 U.S. 648, 104 S.Ct. 2039 (1984); U. S. v. LaRouche, 896 F.2d 815 (4th Cir. 1990).

It is clear to this Court that Counsel met with the Applicant and reviewed discovery materials with her, including various reports and witness statements, in preparation for either a trial or plea. The Applicant could not point to any specific matters counsel failed to discover, or any defenses that could have been pursued had counsel been more fully prepared, such that she would have proceeded with a jury trial instead of pleading guilty. Furthermore, the Applicant failed to show any prejudice that may have resulted from counsel's alleged inadequate preparation. Accordingly, this allegation is dismissed.

**CONCLUSION**

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

This Court cautions Applicant that she must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the

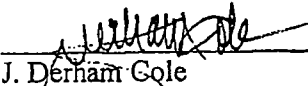
FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2019 JUL 28 AM 9:20  
MARIE B. BAKER

denial of PCR. Rule 71.1(g), SCRCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 25 day of July, 2014.

  
 \_\_\_\_\_  
 J. Derham Cole  
 Presiding Judge

FILED  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 2014 JUL 28 AM 9:20  
 MAHOPE BLAOKLEY

DOCKET NO.

**12-GS-12**

1000

The State of South Carolina

County of Spartanburg

2012 FEB 29 PM 2:09

WITNESSES

SCHP

*[Signature]*

**Comptroller**

Barry J. Barmette, Solicitor

*[Signature]*

COURT OF GENERAL SESSIONS

TERM

ARREST WARRANT NUMBER

N-155791

THE STATE

v.

ACTION OF GRAND JURY

CHRISTINA RAY HUDSON

**True Bill**

Foreperson of Grand Jury  
Date

FEB 29 2012

VERDICT

Indictment for

FELONY DUI - GREAT BODILY INJURY

SC Code: 56-5-2945(A) (1)  
CDR Code: 0406  
Class FEL-D

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on \_\_\_\_\_ the  
 Grand Jurors of Spartanburg County present upon their oath:

**FELONY DUI – GREAT BODILY INJURY**

That the Defendant, Christina Ray Hudson, did in Spartanburg County on or about January 30, 2012, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Restriction on Speeding (Article II, Section 56), and/or
- (2) Failure of driving on roadway laned for traffic (Section 56-5-1900), and/or
- (3) Failure to maintain proper control of vehicle, and/or
- (4) Driving Left of Center (Sections 56-5-1810 and 56-5-1880), and/or
- (5) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (6) Reckless Driving (Section 56-5-2920) and/or
- (7) Driver's failure to exercise due care (56-5-3230); and/or
- (8) Failure to maintain a proper lookout for other traffic and/or pedestrians.

Which proximately caused Great Bodily Injury to David R. Sayre, in violation of §56-05-2945 (A) (1), of *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*, as amended.

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

  
 SOLICITOR

COUNTY OF SPARTANBURG
STATE VS.
Christina Ray Hudson

Computer

INDICTMENT CASE#: 2012GS4201000
A W#: N155791
Date of Offense: 1/30/2012
S.C. Code: 56-05-2945(A)
CDR Code #: 0406

AKA:
Race: WHITE Sex: F Age: 22
DOB:
Address:
State/Zip: Spartanburg, SC 29303-3904
DI#: SID#:

SENTENCE SHEET

CDI Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
IO: DUI Felony driving under the influence, great bodily injury results

CONVICTED OF or X PLEADS

in violation of 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code = 0406
X NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) 17-25-25
w/ minor 1st or Lewd Act)

The charge is X As Indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury
The plea is X Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State

AKA: BARRY, BARRY SC Bar# 13039 Defendant
Christina Hudson SC Bar# 2596 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center
for a determinate term of 15 days months years or under the Youthful Offender Act not to exceed years
and or to pay a fine of \$ provided that upon the service of days months years and or payment
of \$ plus costs and assessments as applicable\*: the balance is suspended with probation for

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

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

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

SPECIAL CONDITIONS:

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

Table with 2 columns: Description and Amount. Includes items like 14-1-206 (Assessments 107.5%), 14-1-211(A)(1) (Conv. Surcharge) \$100, 14-1-211(A)(2) (DUI Surcharge) \$100, 56-5-2995 (DUI Assessment) \$12, 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def. Prob) \$500, 14-1-212 (Law Enforce Funding) \$25, 14-1-213 (Drug Court Surcharge) \$150, 56-21-114(BU) Breath Test Fee) \$50, 56-5-2912(J) (Vehicle Assessment) \$40 ea, Proviso 90.5 (SC CIA Surcharge) \$5, 2% to County (if paid in installments) \$ 8.01, TOTAL \$ 1075.01

days hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

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

Clerk of Court: [Signature]
Court Reporter: [Signature]

Presiding Judge: [Signature]
Judge Code: 2144
Sentence Date: [Date]

N-155791

STATE OF SOUTH CAROLINA

Spartanburg

THE STATE

12CV01268

Christian Ray Hudson

Address

Spartanburg, SC 29303-3901

Phone

SSN

DOB

DL State

DOB

Agency Code #

Prosecuting Agency

Prosecuting Agency

WATLec - 3761

Offense - 11-1 Felony driving under the influence - great bodily injury results

Offense Code

Offense Description

County

Municipality of

to be served and brought before the court

(CLASS)

RETURN

A copy of this arrest warrant was delivered to

at 2/1/2012

Signature

RETURN WARRANT TO:

CLERK OF COURTS

1301 Abbeville Street

P.O. Box 4183

Spartanburg, SC 29301

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

AFFIDAVIT

ORIGINAL

Spartanburg

W. N. L. L.

being duly sworn deposes and says that defendant Christian Ray Hudson

did on or about 01-30-2012

drive a 2007 Chevrolet for purposes of [ ] on [ ] Municipality of Spartanburg

DESCRIPTION OF OFFENSE 0117 Felony driving on the influence, great bodily injury results

I further depose that these offenses were committed by defendant and the defendant cannot prove any defense to the charges set forth and that probable cause is based on the following facts:

That on January 30, 2012 in the County of Spartanburg near Christian Ray Hudson while under the influence of alcohol, defendant operated a motor vehicle upon the streets and highways of the State of South Carolina, resulting in a collision with another vehicle that resulted in great bodily injury of Dave Scott.

Warrant is based upon police investigations AS

STATE OF SOUTH CAROLINA  
County of Spartanburg  
Municipality of

Attest: [Signature]  
Spartanburg, 2012

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSISTABLE OF THIS COUNTY

if appearing here, the above officer that there is probable cause to believe that the defendant

is a person named Christian Ray Hudson

did violate the criminal laws of the State of South Carolina for or in force of

DESCRIPTION OF OFFENSE 0117 Felony driving on the influence, great bodily injury results

Having taken the above oath and the above officer having sworn that a true and correct copy of this affidavit was made and delivered to arrest the said defendant, the undersigned certifies that a true and correct copy of this affidavit was made and delivered to arrest the said defendant.

[Signature]

[Signature]

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

2012 FEB 13 PM 2:19

ARREST WARRANT 2012-13-12

N-155791 Computer  
STATE OF SOUTH CAROLINA  
Municipality of

THE STATE 12GV012822

Defendant: R.G. Hudson  
Age: [redacted]

Arrested at: Spartanburg, SC 29303-2000  
Police: [redacted] SSN: [redacted] 145

Officer: S.C. Hejlskov Patrol  
W.M. Lee - 3764

Offense: 16-1 Felony driving under the influence, great health effects results  
0106

Case Number: 2012-05-2941 (STAM)

CERTIFIED FOR SERVICE in the  
Municipality of

Time of arrest: [redacted] in the  
Municipality of

Arrested by: [redacted] (L.S.)

RETURN

A copy of this arrest warrant was delivered to  
Christina Ray Hudson  
2/16/2012

Signature: [redacted] Sheriff  
RETURN TO: [redacted]

118

ORIGINAL POLICE 2012  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL  
Judge: [redacted] 7019  
Judge Code: 7019

ORIGINAL

ORIGINAL  
Issuing Court: [redacted] Municipal  
Judge's Telephone: (864) 596-2566

ORIGINAL

ORIGINAL  
Circuit

STATE OF SOUTH CAROLINA

AFFIDAVIT

ORIGINAL

Personally appeared before me the Clerk W.M. Lee

being duly sworn, depose and say that defendant Christina Ray Hudson

did while the county and state on or about 01/30/2012

drive a 2006 Ford Focus (a) on a highway in the Municipality of Spartanburg

DESCRIPTION OF OFFENSE: 16-1 Felony driving under the influence, great health effects results

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

That on January 30, 2012 in the County of Spartanburg one Christina Ray Hudson while under the influence of alcohol and/or drugs did operate a motor vehicle upon the streets and highways of the State of South Carolina crossing the center line and causing a collision with another vehicle that resulted in great bodily injury of Dave Sayre

Warrant is based upon police investigation. AS

Signature of Affiant

STATE OF SOUTH CAROLINA  
Municipality of

Address: 8794 Fairview Road  
Spartanburg, SC 29303  
Telephone: (864) 596-2566

ARREST WARRANT

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

on or after 1/30/2012

did violate the General Laws of the State of South Carolina (or ordinance of) Spartanburg

DESCRIPTION OF OFFENSE: 16-1 Felony driving under the influence, great health effects results

Having knowledge probable cause and the above affiant having sworn before me, you are authorized and directed to arrest the said defendant and bring him or her before me, to wit, the Court with according to Law A. 14-11 of the Arrest Warrant Act, and to be sworn in and substituted before me

2012 FEB 13 PM 2:19

WITNESSES:

SCHP

*Compilera*

DOCKET NO.

**12-GS-42-C-199 (20)**  
The State of South Carolina

County of Spartanburg

Barry J. Barnett, Solicitor

COURT OF GENERAL SESSIONS

TERM

2012 FEB 29 PM 2:08

ARREST WARRANT NUMBER

N155787 & Direct Indictment

THE STATE  
v.

ACTION OF GRAND JURY

**True Bill**

Foreperson of Grand Jury **FEB 29 2012**  
Date:

VERDICT

CHRISTINA RAY HUDSON

*Count Two - Reckless Homicide - NP - demanded - this  
Defendant held to Court One of Felony DUI (Arrest) and received  
a twenty (20) year sentence from Judge Patton on 8/31/2012.  
The defendant attempted to  
X the defendant attempted to  
2 counts of Felony DUI (GBI) on  
(Sent. for: 12-GS-42-999 and  
1000) and received 15 year  
probation on each conviction -  
Barry Barnett - 8/31/2012.*

Indictment for

CAUSING DEATH BY OPERATING  
VEHICLE WHILE UNDER THE  
INFLUENCE OF DRUGS OR ALCOHOL  
(FELONY DUI - DEATH)

RECKLESS HOMICIDE

SC Code: 56-5-2945(A)(2) and 56-5-2910  
CDR Code(s): 0395 and 3097

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA )

INDICTMENT

COUNTY OF SPARTANBURG )

At a Court of General Sessions, convened on \_\_\_\_\_ the

Grand Jurors of Spartanburg County present upon their oath:

**COUNT ONE - FELONY DUI - DEATH**

That the Defendant, Christina Ray Hudson, did in Spartanburg County on or about January 30, 2012, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

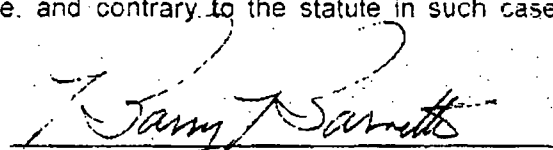
- (1) Failure to maintain proper control of vehicle, and/or
- (2) Driver's failure to exercise due care (56-5-3230) and/or
- (3) Failure to follow right of way restrictions (Art 17, Section 56), and/or
- (4) Driving too fast for conditions (Section 56-5-1560); and/or
- (5) Failure of driving on roadway laned for traffic (Section 56-5-1900); and/or
- (6) Failure to maintain a proper lookout for other traffic and/or pedestrians; and/or
- (7) Restriction on speeding (Article II, Section 56); and
- (8) Driving left of center (Sections 56-5-1810 and 56-5-1880).

which proximately caused death to Shirley Aileen Sayre, in violation of §56-05-2945 (A) (2), of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO - RECKLESS HOMICIDE**

That the Defendant, Christina Ray Hudson, did in Spartanburg County on or about January 30, 2012, drive a motor vehicle in reckless disregard for the safety of others and such driving proximately caused the death of Shirley Aileen Sayre, in violation of Section 56-5-2910, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



SOLICITOR

COUNTY OF SPARTANBURG  
STATE VS.

INDICTMENT CASE#: 2012GS4200998

Christina Ray Hudson

A W#: N155787

AKA:

Date of Offense: 1/30/2012

Race: WHITE Sex: F Age: 22

S.C. Code: 56-05-2945(A)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0395

Address: [REDACTED]

City, State, Zip: Spartanburg, SC 29303-3904

SENTENCE SHEET

DL#: [REDACTED] SID#: [REDACTED]

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

In disposition of the said indictment comes now the Defendant who was  
10: DLH Felony driving under the influence, death results- Count One

CONVICTED OF or  PLEADS

in violation of 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code # 0395  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS/CSC  17-25-15  
w/ minor 1st or 2nd Act)

The charges  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury, (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: Barry Barrette 13039 William H. [REDACTED] R. [REDACTED] 2546  
BARRIETTE BARRY SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 20 days months years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years,  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days months years and/or payment  
of \$ \_\_\_\_\_ plus costs and assessments as applicable\*: the balance is suspended with probation for \_\_\_\_\_

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

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

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

SPECIAL CONDITIONS:

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

PTUP \_\_\_\_\_  
\_\_\_\_\_ days hours Public Service Employment  
Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve WE beginning \_\_\_\_\_  
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Recipient: \_\_\_\_\_

Item	Amount	Total
Fine:	\$	\$
14-1-206 (Assessments 107.5%)	\$	\$
14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
14-1-211(A)(2) (DUI Surcharge)	\$100	\$100.00
56-5-2095 (DUI) Assessment)	\$12	\$12.00
56-1-286 (DUI Breath Test)	\$25	\$25.00
Provis. 47.9 (Public Def/Prob)	\$500	\$
14-1-212 (Law. Enforce. Funding)	\$25	\$25.00
14-1-213 (Drug Court Surcharge)	\$150	\$
56-21-114(BU) Breath Test Fee)	\$50	\$
56-5-2942(B) (Vehicle Assessment)	\$40/ea	\$
Provis. 90.5 (SCCA Surcharge)	\$5	\$5.00
3% to county (if paid in installments)	\$	\$8.01
TOTAL		\$275.01

Appointed PD or appointed other counsel:  
17.12 requires \$500 be paid to Clerk  
during probation.

Clerk of Court Deputy Clerk: B. T. [REDACTED]  
Court Reporter: P. Green  
S.C. A 217-03 2011

Presiding Judge: [Signature]  
Judge Code: 2124  
Sentence Date: Jan 3, 2012

ARREST WARRANT 2.13.12

N-155787

STATE OF SOUTH CAROLINA

Spartanburg

THE STATE

12CV01262S

Christina Kay Hinson

Address

Spartanburg, SC 29163-3901

Phone

DOB

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WT

HAIR

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ALIEN

REMARKS

ISSUED

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INDEXED

SEARCHED

SERIALIZED

FILED

Issued by

Christina Kay Hinson

Deputy Sheriff

County

Spartanburg

Magistrate

Signature

Date

Time

Place

Return to

Christina Kay Hinson

Deputy Sheriff

County

Spartanburg

Magistrate

Signature

Date

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Return to

Christina Kay Hinson

Deputy Sheriff

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Magistrate

Christina Kay Hinson

Spartanburg

Signature

Date

Time

Place

ARREST WARRANT, 2-13-12

N-155787

STATE OF SOUTH CAROLINA

Computer

Special Agent

THE STATE 12GV012628

Christina Kay Hudson

Spartanburg, SC 29303-3300

SSN

Height 5 11 Weight 145

Sex F

Agency OR # SC-SH20000

Highway Patrol

11 Dec 2011

RETURN TO: SHERIFF FOR SERVICE

RETURN TO: SHERIFF FOR SERVICE

RETURN TO: SHERIFF FOR SERVICE

RETURN TO: SHERIFF FOR SERVICE

RETURN TO: SHERIFF FOR SERVICE

RETURN TO: SHERIFF FOR SERVICE

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RETURN TO: SHERIFF FOR SERVICE

RETURN TO: SHERIFF FOR SERVICE

RETURN TO: SHERIFF FOR SERVICE

STATE OF SOUTH CAROLINA

Christina Kay Hudson

Spartanburg

Personal appearance made on 02/13/2012

at 8794 Leland Road, Spartanburg, SC 29303

in the following jurisdiction: Spartanburg

DESCRIPTION OF OFFENSE: DWI / Felony driving under the influence, death results

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

That on January 30, 2012 in the County of Spartanburg one Christina Kay Hudson while under the influence of alcohol and/or drugs did operate a motor vehicle upon the streets and highways of the State of South Carolina crossing the center line and causing a collision with another vehicle that resulted in the death of Sgt. Ray Andrew Spivey. The defendant is based upon probable cause in violation of...

STATE OF SOUTH CAROLINA

Christina Kay Hudson

Spartanburg

DESCRIPTION OF OFFENSE: DWI / Felony driving under the influence, death results

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2012 FEB 13 10 21 AM

RETURN TO: SHERIFF FOR SERVICE

General Sessions  
180 Magnolia Street  
POLICE 3483  
Spartanburg, SC 29304

ORIGINAL

Christina Kay Hudson

ORIGINAL

Spartanburg County Judicial Center  
Spartanburg, SC 29306-2335

ORIGINAL

Spartanburg County Judicial Center  
Spartanburg, SC 29306-2335

ORIGINAL



WITNESSES

Computer

3CHP *Handwritten*

*Handwritten initials and marks*

DOCKET NO.

**12-65-42**  
The State of South Carolina

*Handwritten number 0399*

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

TERM

2012 FEB 29 PM 2:09

*Handwritten text*

ARREST WARRANT NUMBER

N-155190

ACTION OF GRAND JURY

*Handwritten signature*

**True Bill**

Forfeiture of Grand Jury Date FEB 29 2012

VERDICT

CHRISTINA RAY HUDSON

THE STATE  
v.

Indictment for

FELONY DUI - GREAT BODILY INJURY

SC Code: 56-5-2945(A)(1)  
CDR Code: 0406  
Class: FEL-D

Forfeiture of Petit Jury Date

*Handwritten initials*

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on \_\_\_\_\_ the  
 Grand Jurors of Spartanburg County present upon their oath:

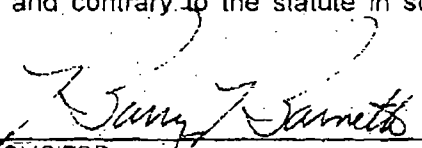
**FELONY DUI – GREAT BODILY INJURY**

That the Defendant, Christina Ray Hudson, did in Spartanburg County on or about January 30, 2012, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Restriction on Speeding (Article II, Section 56), and/or
- (2) Failure of driving on roadway laned for traffic (Section 56-5-1900), and/or
- (3) Failure to maintain proper control of vehicle, and/or
- (4) Driving Left of Center (Sections 56-5-1810 and 56-5-1880), and/or
- (5) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (6) Reckless Driving (Section 56-5-2920) and/or
- (7) Driver's failure to exercise due care (56-5-3230); and/or
- (8) Failure to maintain a proper lookout for other traffic and/or pedestrians.

Which proximately caused Great Bodily Injury to Heidi Wilson West, in violation of §56-05-2945 (A) (1), of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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

  
 SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG  
STATE VS

Christina Ray Hudson

INDICTMENT CASE #: 2012GS4200900

A W#: N155790

Date of Offense: 1 30 2012

S.C. Code: 56-05-2945(A)

CDR Code #: 0406

AKA:  
Race: WHITE Sex: F Age: 22  
DOB: [REDACTED] SS: [REDACTED]  
Address: [REDACTED]  
City, State, Zip: Spartanburg, SC 29303-3904  
DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

In disposition of the said indictment comes now the Defendant who was  
TO: DUI Felony driving under the influence, great bodily injury results

[ ] CONVICTED OF or [X] PLEADS

in violation of § 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code # 0406  
[X] NON-VIOLENT [ ] VIOLENT [ ] SERIOUS [ ] MOST SERIOUS [ ] Mandatory GPS(CSC [ ] § 17-25-45  
w/minor 1st or Lewd Act)

The charge is [X] As Indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury, [ ] (defendant's initials)  
The plea is [X] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [ ] Recommendation by the State.

ATTEST: Barnette Barry 13039 Christina Hudson P.B. Ball 2596  
BARNETTE, BARRY SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, [ ] County Detention Center,  
for a determinate term of 15 days/months/years or [ ] under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

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

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

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered.  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
[ ] Set by SCIDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_  
\_\_\_\_\_ days hours Public Service Employment  
Obtain GED [ ]  
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug Alcohol testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Recipient: \_\_\_\_\_  
\*Fine: \_\_\_\_\_ S  
14-1-206 (Assessments 107.5%) S  
14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00  
14-1-211(A)(2) (DUI Surcharge) \$100 \$100.00  
56-5-2995 (DUI Assessment) \$12 \$12.00  
56-1-286 (DUI Breath Test) \$25 \$25.00  
Proviso 47.9 (Public Def Prob) \$500 S  
14-1-212 (Law Enforce Funding) \$25 \$25.00  
14-1-213 (Drug Court Surcharge) \$150 S  
50-21-114 (BUI Breath Test Fee) \$50 S  
56-5-2942(J) (Vehicle Assessment) \$40 ea S  
Proviso 90.5 (SCJA Surcharge) \$5 S 5.00  
3% to County (if paid in installments) S 8.01  
TOTAL \$275.01

[ ] Appointed PD or appointed other counsel.  
§ 47-12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: P. Taylor  
Court Reporter: Green

Presiding Judge: [Signature]  
Judge Code: 2124  
Sentence Date: Aug 31, 2012

ARREST WARRANT 2-13-12

N-155790

STATE OF SOUTH CAROLINA

Manitowoc

SPARTANBURG

THE STATE 12GV012638

Arresting Law Enforcement

Address

Spartanburg, SC 29303-2004

SSN

Height 5 11 Weight 145

Agency OR # SCSIP0000

Highway Patrol

Phone - 2764

Being under the influence great

Offense

SC-15-2045(A)(1)

CERTIFIED FOR SERVICE

By

On

At

County

State

Signature

Title

Notary Public

Signature

Title

Notary Public

Signature

Title

Notary Public

Signature

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Notary Public

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Notary Public

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STATE OF SOUTH CAROLINA

ARREST WARRANT

SPARTANBURG

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SC-15-2045(A)(1)

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ADSAP/EDUCATION/TREATMENT REFERRAL FORM  
ENROLLMENT REQUIRED WITHIN 30 DAYS

CMS

Court: General Sessions City/County: Spartanburg

Referring Judge Name: Cathran Court Phone: (864) 596-2591  
Court Address: 180 Magnolia St. Spartanburg, S. C. 29301

Court Fax: (864) 596-2239 Court Email: \_\_\_\_\_

Defendant Name: Christina Hudson Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

City & State: Spartanburg, SC 29303-3901 Driver's License State: SC

Ticket/Warrant # 1155740 Driver's License # \_\_\_\_\_

Convicted of (CDR Code-Description): 0400

Date of Conviction: 8.31.12 Indictment #: 2012 GS-42-999

REFERRAL (Please check appropriate boxes)

xxx Defendant is to enroll within 30 days, attend and complete a South Carolina certified ADSAP (Alcohol Drug Safety Action Program) pursuant to SC Code of Law sections 56-5-2930, 56-5-2933 and 56-5-2990. Defendant is subject to contempt of this court if there is failure to enroll within 30 days. Defendant is required to attend and complete a SC certified ADSAP and comply with recommendations of ADSAP.

SC Department of Probation, Parole and Pardon Services (SCDPPPS) to receive notification if there is failure to enroll, attend and complete a SC certified ADSAP and comply with recommendations of ADSAP if the defendant is currently on supervision for the referred offense. **30 DAYS FROM DATE OF SENTENCE**

ADSAP Site: Spartanburg (See Site List) Enroll by Date: 10.1.12  
Agency Name: Spartanburg Alcohol & Drug Abuse Commission Number: (864) 582-7588

Address: 187 West Broad St. Spartanburg, S. C. 29306

ADSAP Fax: (864) 582-0431 ADSAP Email: \_\_\_\_\_

NON-ADSAP ASSESSMENT/TREATMENT PROGRAM REFERRAL (See Site List)

Program Site: \_\_\_\_\_ Reason for Referral: \_\_\_\_\_

Address: \_\_\_\_\_

City/State Zip: \_\_\_\_\_

Other Instructions: \_\_\_\_\_ Enroll by Date: \_\_\_\_\_

ADSAP/OTHER PROGRAM REPORT

- Failed to Enroll
- Failed to Complete (Summary Attached)
- Assessment Date: \_\_\_\_\_
- Completion Date: \_\_\_\_\_ for services.

- Treatment Recommendations:
- PRI
  - Relapse Prevention
  - Outpatient
  - Intensive Outpatient (Alternative Services)
  - Inpatient

Clinical Counselor (Signature) \_\_\_\_\_

Clinical Counselor Name (Print) \_\_\_\_\_

Date \_\_\_\_\_

Defendant's Signature (if applicable) \_\_\_\_\_

Date \_\_\_\_\_

ADSAP COUNSELOR

The counselor's signature indicates that treatment has been completed in accordance with South Carolina law and that the defendant is in compliance with the recommendations of the ADSAP program and order of the court.

Clinical Counselor Name (Signature) \_\_\_\_\_

ARREST WARRANT 151312  
N-155790  
STATE OF SOUTH CAROLINA  
Municipality of Spartanburg  
**Computer**

Spartanburg  
THE STATE  
12GV012628

Christina Ray Hudson  
1987-08-12

Address [REDACTED] Dr  
Spartanburg, SC 29303-3904

Place of Birth [REDACTED] SC  
Race [REDACTED] Sex [REDACTED] Weight 145  
Hair [REDACTED] Eyes [REDACTED]  
DOB [REDACTED] POB # SC SH00000  
MID [REDACTED] School [REDACTED]

South Miller Road  
11506  
Spartanburg, SC 29303 (SAC11)

Arrested by [REDACTED]  
Arrested on [REDACTED]

Arrested at [REDACTED]  
Arrested by [REDACTED]

Arrested on [REDACTED]  
Arrested by [REDACTED]

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Arrested by [REDACTED]

STATE OF SOUTH CAROLINA  
County of [REDACTED]  
Spartanburg  
Municipality of [REDACTED]  
AFFIDAVIT  
ORIGINAL

Christina Ray Hudson  
01/30/2012  
Spartanburg  
DESCRIPTION OF OFFENSE: DUI - Felony driving under the influence, great bodily injury results

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:  
That on January 30, 2012 in the County of Spartanburg one Christina Ray Hudson while under the influence of alcohol and/or drugs did operate a motor vehicle upon the streets and highways of the State of South Carolina, crossing the center line and causing a collision with another vehicle that resulted in great bodily injury of David Wilson West.

Warrant is based upon notice of investigation as  
Spartanburg Sheriff  
Arrested at [REDACTED]  
Arrested on [REDACTED]  
Arrested by [REDACTED]

Arrested on [REDACTED]  
Arrested by [REDACTED]

Arrested on [REDACTED]  
Arrested by [REDACTED]

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Arrested by [REDACTED]

Arrested on [REDACTED]  
Arrested by [REDACTED]

Arrested on [REDACTED]  
Arrested by [REDACTED]

General No. [REDACTED]  
180 Mag Road Street  
PO Box 3183  
Spartanburg, SC 29303

RETURN  
By of this arrest warrant was delivered to  
Hudson, Christina  
2-8-12

RETURN WARRANT TO:  
General No. [REDACTED]  
180 Mag Road Street  
PO Box 3183  
Spartanburg, SC 29303

Arrested on [REDACTED]  
Arrested by [REDACTED]

Arrested on [REDACTED]  
Arrested by [REDACTED]

Arrested on [REDACTED]  
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