

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

RECEIVED

MAR 02 2015

Appellate Case No. 2014-001764

S.C. Supreme Court

DIANE ELIZABETH BROWN, 344449,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPENDIX
TO
PETITION FOR WRIT OF CERTIORARI

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I N D E X:

THE STATE:

TROOPER I. A. SCOTT: 3 - 5

ATTORNEY:

MR. McMILLAN: 6 - 20

1 THE JUDGE: Chip, you ready?

2 MR. McMILLAN: Yes, ma'am.

3 After first being duly sworn TROOPER I. A.
4 SCOTT testified as follows:

5 THE JUDGE: You're waiving your client's
6 presence here?

7 MR. McMILLAN: Yes, ma'am.

8 THE JUDGE: And this is a Ticket D-491623?

9 MR. McMILLAN: Has a warrant been subsequently
10 issued on this?

11 CORPORAL WELCH: No.

12 MR. McMILLAN: Just the ticket?

13 THE JUDGE: Just the ticket is all that I'm
14 having, the only thing I have here. State your full
15 name for the record, please?

16 THE STATE: Ian A. Scott.

17 THE JUDGE: Whenever you're ready.

18 THE STATE: Your Honor, on July 17, 2008, I was
19 assigned to patrol in Sumter County, South Carolina.
20 I was notified at 23:33 hours by Sumter County
21 Dispatch that there was a collision on U. S. 378
22 westbound in the Black River Swamp in Sumter, South
23 Carolina. I arrived on scene at 23:47 hours and
24 there was Sumter County Fire personnel. They stated
25 that there was one victim fatally wounded, one being

1 air-lifted to Richland Memorial Hospital, and one
2 being transported to Tuomey Hospital. On scene, I
3 observed a blue Volkswagen Beetle with a State of
4 Florida license plate 850-LAJ operated by Brown,
5 facing westbound in the inside lane. I also
6 observed a silver, in color, Dodge Magnum with a
7 State of South Carolina plate 843-XSB operated by
8 Paul Schmidt turned over, undercarriage facing up
9 off the roadway of U. S. 378. Christian ~~Schmidt~~ was
10 identified as the passenger of the Dodge Magnum. He
11 was found ejected from the vehicle in the grass off
12 of U. S. 378. He was pronounced dead on the scene
13 by Sumter County Coroner Verna Moore. Corporal
14 Welch, my shift supervisor arrived on the scene
15 along with Trooper Skinner to assist in accident
16 reconstruction. Trooper Skinner and I started to
17 mark the evidence on the roadway and take
18 measurements. Corporal Welch met with Brown at
19 Tuomey Hospital and placed her under arrest for
20 felony DUI. She was read her Miranda rights and
21 Implied Consent rights and blood was taken - blood
22 and urine was taken from Brown for alcohol testing
23 according to SLED policies. Brown was released from
24 the hospital and transported to the Sumter-Lee
25 County Detention Center. She was advised of her

1 charge and her General Sessions court date and
2 released to the booking officer. Your Honor, I have
3 here from the South Carolina Law Enforcement
4 Division the results of her blood and her urine
5 sample for alcohol.

6 THE JUDGE: If you would, publish them.

7 THE STATE: Yes, ma'am. Also investigation
8 revealed, Your Honor, that night from investigating
9 the scene of the collision, observing the contact
10 damage on both vehicles, Ms. Brown's vehicle was
11 traveling eastbound in the westbound lane of U. S.
12 378 and Mr. Schmidt's vehicle was traveling
13 westbound in the westbound lane. There was extreme
14 contact damage on the driver's side front of both
15 vehicles, showing that there was a head-on
16 collision. That's all I have, Your Honor.

17 THE JUDGE: Would you read the results of the
18 blood and urine?

19 THE STATE: Yes, Your Honor. The blood sample,
20 the results of ethanol alcohol came back to .21
21 percent with a threshold of .01. And the urine
22 sample came back ethanol alcohol .31 percent with
23 .01 threshold.

24 THE JUDGE: Yes, sir?

25 MR. McMILLAN: Please the Court, Your Honor.

EXAMINATION BY MR. McMILLAN:

- 1
2 Q. Trooper Scott, we briefly talked before this and I
3 did that because hopefully could expedite some of
4 this. Is it correct from what I've heard you say,
5 you did not see or speak with Ms. Brown on the scene
6 that night?
- 7 A. No, sir, I didn't.
- 8 Q. Okay. Who was the first responding officer, whether
9 it be the City, County, or Highway Patrol? Who
10 were they?
- 11 A. County deputies were the first ones on the scene,
12 sir.
- 13 Q. Who were they? Do you know?
- 14 A. I don't recall their names, sir.
- 15 Q. All right. Would that be written down anywhere that
16 you would have in your notes?
- 17 A. No, sir.
- 18 Q. Okay. Do you know if any of those deputies had an
19 opportunity to see or talk with Ms. Brown before she
20 was transported to Tuomey?
- 21 A. No, sir. They got on the scene shortly before I did
22 and they were already left, everybody had already
23 left.
- 24 Q. So it would have been ambulance personnel would have
25 seen her?

- 1 A. Yes, sir.
- 2 Q. Do you know if Ms. Brown had any injuries that
- 3 evening?
- 4 A. Um, I'm not aware of the injuries, sir. I know she
- 5 was treated for scratches and bruises at the
- 6 hospital. Like I said, Corporal Welch stood by the
- 7 hospital with her while I was out at the accident
- 8 scene ...
- 9 Q. Okay.
- 10 A. ... clearing up the roadway.
- 11 Q. Okay. Now, did Trooper Welch respond?
- 12 A. Yes, sir, he did.
- 13 Q. To the scene?
- 14 A. Yes, sir, he did.
- 15 Q. And did he get there **after** you?
- 16 A. Yes, sir, he did.
- 17 Q. Okay. And Trooper Skinner, I'm not, I don't know
- 18 Trooper Skinner, but he responded?
- 19 A. Yes, sir.
- 20 Q. Did you arrive **after** you or **before** you?
- 21 A. He arrived after me.
- 22 Q. So he didn't, your belief, neither one of those
- 23 troopers saw her, Ms. Brown, on the scene?
- 24 A. No. No, they didn't.
- 25 Q. Okay. Are you aware of any BOLOs, Be-On-The-

1 Lookout, 9-1-1 calls, or anything that might have
2 come in to any law enforcement agency before this
3 collision, possibly reporting Ms. Brown's driving?

4 A. To my recollection, sir, I don't remember any BOLOs.
5 I was working that night on I-95 and I didn't hear
6 any BOLOs come out of my radio.

7 Q. Are you aware of any witnesses to this accident,
8 other than Mr. Schmidt?

9 A. No, sir.

10 Q. To this accident?

11 A. No, sir.

12 Q. And the accident occurred at approximately 11:30?

13 A. Yes, sir.

14 Q. And the reason I'm asking, I hope, it's obvious,
15 it's clear she was driving on the wrong side of 378
16 which is divided by ...

17 A. Some woods.

18 Q. ... woods and grass and a deep ravine?

19 A. Right.

20 Q. Nobody - When did she get on that side would be a
21 question I'd like to know.

22 A. Right.

23 Q. An answer I'd like to know. Have you been able to
24 conclude that in any way from your investigation?

25 A. I haven't been able to tell exactly when she came up

- 1 because, I mean, obviously there's no skid marks
2 showing me where she entered that side of the
3 roadway. But if you keep going westbound from where
4 the collision happened, there is an actual turn-
5 around to go back eastbound towards Turbeville.
- 6 Q. Uh-huh.
- 7 A. I mean, I'm assuming she might have came in there or
8 she might have been driving all the way in the wrong
9 lane. I mean, I have no way of telling that.
- 10 Q. If you would assume she was on that way the whole
11 way, there would have been most likely at that time
12 of night, but we don't know?
- 13 A. I don't have no way of telling that.
- 14 Q. All right. Did any other troopers respond that
15 evening other than the three we've referenced
16 already?
- 17 A. To my knowledge, sir, no. I know Corporal Welch
18 notified our Lieutenant and our First Sergeant and
19 went through the process of notifying our chain of
20 command, but I don't think anybody else responded on
21 the scene.
- 22 Q. Did you travel to the hospital to talk with or
23 interview Ms. Diane Brown?
- 24 A. I traveled to the hospital after I cleared the
25 scene. I met with Corporal Welch and he stated to

1 me that he had placed her under arrest for driving
2 under the influence and he pretty much handed over
3 the paperwork, Implied Consent and everything to me.
4 And the hospital would notify us when she was going
5 to be released.

6 Q. Okay. And was that, that evening?

7 A. Sir?

8 Q. Was she released that evening?

9 A. She was released the following morning.

10 Q. The following morning? Who transported her from the
11 hospital to the jail?

12 A. I did.

13 Q. You did?

14 A. Yes, sir.

15 Q. Okay. When you - is that - when you transported her
16 the following morning, is that the first time you
17 saw her?

18 A. Yes, sir.

19 Q. Because you didn't see her when Welch handed the
20 paperwork over to you?

21 A. No, sir.

22 Q. What were your observations when you saw her that
23 morning? Or what time was this? Approximately?

24 A. Um, approximately 3:54 A.M.

25 Q. Okay, early morning?

- 1 A. Right, yes, sir.
- 2 Q. Okay. Tell me what you observed.
- 3 A. My observations were still that far from the
- 4 collision, I could smell an odor of alcohol coming
- 5 from the person of Ms. Brown. She pretty much
- 6 didn't say anything, didn't have any conversation on
- 7 the way to the jail. I mean, that's pretty much all
- 8 I ...
- 9 Q. Did she make any statements to you?
- 10 A. No, sir.
- 11 Q. Okay. Did you observed any injuries, wounds,
- 12 bruises, cuts? How about on her forehead, top of
- 13 her head or otherwise?
- 14 A. No, sir.
- 15 Q. Okay. And no conversation? Was that - was that
- 16 ride videotaped?
- 17 A. Yes, it was.
- 18 Q. Okay. Do you have that?
- 19 A. Yes, I do.
- 20 Q. Okay. I don't believe that was part of the M.A.I.T.
- 21 report actually enclosed but you still have that,
- 22 right?
- 23 A. Yes, sir, I do.
- 24 Q. All right. And do you, yourself - Who is the chief
- 25 investigating officer? Is that you?

1 A. Yes, sir.

2 Q. All right, you have some notes that you've prepared?

3 A. Right.

4 Q. You have some photographs that you took that night?

5 A. Of the collision, yes, sir.

6 Q. Okay. And the reason I'm asking, I'm just trying to
7 find out what more may be out there other than what
8 the M.A.I.T. did?

9 A. Right. I actually believe all that stuff was
10 transferred over to me.

11 Q. Okay.

12 A. Our photographs were transferred ...

13 Q. Well, I looked at the M.A.I.T. report and I'll be
14 honest with you, and I may be in error, there's a
15 lot of them, I don't remember seeing any photos
16 taken that night, but I'll check.

17 A. As I recall, I took 35 photographs that night of the
18 scene.

19 Q. You took 35 photos?

20 A. Yes, sir.

21 Q. Okay, I'll check again. I've had a little trouble
22 trying to duplicate that DVD, I'll tell you that, so
23 it may be -- but anyway. But you took about 35
24 photos. How about your notes, were they turned over
25 to M.A.I.T.?

- 1 A. Yes, sir. Everything was turned over to M.A.I.T.
- 2 Q. Okay. In case I don't have them, do you still have
- 3 copies of your notes and copies of your photos?
- 4 A. Yes, sir.
- 5 Q. All right, that's fine. Did you see any skid marks
- 6 at the scene or near the point of impact?
- 7 A. Yes, sir, I did. We found the point of impact,
- 8 there were some large gouges showing that it was the
- 9 point of impact ...
- 10 Q. Okay.
- 11 A. ... from the speed. And when Ms. Brown's vehicle
- 12 made contact with Mr. Schmidt's vehicle, her rear
- 13 tires turned around and skidded showing her resting
- 14 position westbound.
- 15 Q. Okay.
- 16 A. Showed that she was traveling, she was traveling
- 17 east in the westbound lane and when they made
- 18 contact the force of the vehicle turning, left some
- 19 skid marks there.
- 20 Q. All right. Did you see any skid marks then before
- 21 what you considered the point of impact?
- 22 A. No, sir. I didn't see any kind of braking or
- 23 anything like that.
- 24 Q. Okay.
- 25 A. Mr. Schmidt's vehicle left the roadway. From

- 1 investigating the collision, he tried to swerve
2 right to avoid her head-on collision and that's what
3 caused him to overturn numerous times in the grass.
- 4 Q. What do you believe to be his lane of travel before
5 the collision, what we'll call the slow lane or the
6 passing lane?
- 7 A. His lane of travel was the slow lane. She was also
8 coming towards Mr. Schmidt's vehicle in the slow
9 lane ...
- 10 Q. Okay.
- 11 A. ... heading eastbound.
- 12 Q. Are you aware of any statements that Ms. Diane Brown
13 might have given to **anyone at any time**, including to
14 Trooper Welch?
- 15 A. I'm not aware of any.
- 16 Q. Because I know Trooper Welch went back and talked to
17 her at the jail later that evening.
- 18 MR. McMILLAN: And Judge, with your permission,
19 because he was the one who interviewed her, I'd like
20 to be able to ask him just a few questions in that
21 regard. The reason I'm asking is, to determine her,
22 whether or not she was under the influence that
23 night. Nobody had seen her.
- 24 THE JUDGE: I can't make him get up and testify
25 unless he wants to.

1 TROOPER WELCH: Your Honor, I think we've
2 established the DUI on the SLED report.

3 MR. McMILLAN: Well, I understand. I'm not
4 trying to -- I'm just trying to gather as much as I
5 can here. I'll come back to that.

6 Q. Did you take any statements from Mr. Schmidt?

7 A. No, I didn't, sir.

8 Q. Okay. Have you, since that time?

9 A. No, sir.

10 Q. Okay. Have you been able through your investigation
11 or to your knowledge, to determine the whereabouts
12 of Ms. Brown prior to this collision?

13 A. Um, that night, sir, Corporal Welch briefly told me
14 when he was talking with Ms. Brown at the hospital,
15 that she stated she was coming from Chili's at the
16 bar.

17 Q. Okay.

18 A. And that's where she had been before the collision
19 took place. That's the only statements I'm aware
20 of.

21 Q. Okay. Has anybody been able to fill in any time
22 gaps or anything between Chili's and the time of the
23 collision?

24 A. Of my recollection, no sir.

25 Q. Okay. From your investigation, was everyone belted

1 in both vehicles?

2 A. Yes, sir. Everybody had their seatbelts on. The
3 victim, Christian, he had his seatbelt on at the
4 time of the collision but his seat was reclined into
5 like a sleeping position, Your Honor, and when the
6 vehicle rolled, that's probably how the victim got
7 ejected.

8 Q. Okay.

9 A. Everybody else had their seatbelts on.

10 Q. If I wanted to make sure I had my hands on all the
11 documentation or investigation reports that exists,
12 obviously there's a M.A.I.T. investigation; and
13 there's the SLED results that we've got here; and
14 you've got **your** notes, your 35 photographs. 35 in
15 number of 35 millimeter?

16 A. Approximately 35 photographs in number.

17 Q. Okay. And are you aware of any other reports or
18 notes, either that Trooper Welch might have done
19 from his investigation?

20 A. I'm not sure if they wrote statements on that, sir,
21 but I can Rule 5 you everything I have.

22 Q. Okay, and that's fair enough. Do you know if
23 Skinner, Trooper Skinner has any notes or ...

24 A. My recollection, sir, I don't know.

25 Q. Okay. You don't know or you don't believe so?

- 1 A. I don't believe so. I mean, he wasn't the
2 investigating officer. He helped me on scene
3 measuring, like skid marks in the roadway. He just
4 helped with measurements that night. And he tried
5 to assist in getting the traffic going again.
- 6 Q. So, what about any - you said 35 photographs - was
7 there any video taken that night?
- 8 A. Any videotape?
- 9 Q. Video cameras?
- 10 A. Not that I'm aware of, sir.
- 11 Q. All right, how about any audio?
- 12 A. Um, on my in-car system, we activate our blue lights
13 at wrecks and it covers audio on that.
- 14 Q. Okay, so while you were on the scene ...
- 15 A. Right.
- 16 Q. ... your camera would have been going?
- 17 A. Yes, sir.
- 18 Q. And that would have been after everyone was
19 transported?
- 20 A. Right.
- 21 Q. Okay. I don't know what we would hear, but we would
22 see a camera just facing forward, seeing whatever
23 was in front of the camera?
- 24 A. Right. See a bunch of lights and see me measuring
25 the roadway.

1 Q. All right. Do you know when Ms. Brown was
2 Mirandized, if at all?

3 A. I have a copy of her Implied Consent rights and the
4 first thing stated here that you do, is inform the
5 subject of the Miranda rights, which was done by
6 Corporal Welch, and this time was at 5:39.

7 Q. At what time?

8 A. At 5:39.

9 Q. 5:39? All right. I thought you transported her
10 about 3:30 or 4:00?

11 A. I'm really not sure of the approximate time of when
12 I transported her. I mean, it was a long shift and
13 I don't ...

14 Q. But did you transport her **after** this documentation
15 was prepared that you're referring to there?

16 A. Yes, sir. Yes, sir.

17 Q. So it's fair to say then, you transported her **after**
18 5:39?

19 A. Correct.

20 Q. And I don't mind if you correct your answer but
21 that's what you believe now?

22 A. Yes, sir.

23 Q. After seeing that time?

24 A. Right.

25 Q. Okay. So if I were to ask you questions about her

- 1 Implied Consent rights being read to her and matters
2 like that, would I have to defer to Trooper Welch on
3 that?
- 4 A. Yes, except he was the one who administered the
5 Implied Consent and read her her warnings.
- 6 Q. Okay, did you Mirandize her or attempt to
7 interrogate her all during the transport from the
8 hospital to the jail?
- 9 A. I actually do, do remember Mirandizing her again
10 when I put her in the vehicle for transport to the
11 jail ...
- 12 Q. Right.
- 13 A. ... in case she wanted to have a conversation.
- 14 Q. Okay.
- 15 A. So I did that on camera just to --
- 16 Q. And did she have a conversation at all, that you
17 recall?
- 18 A. No, sir.
- 19 Q. Do you believe that video portion would be on that
20 M.A.I.T. tape?
- 21 A. The video of ...?
- 22 Q. Your vehicle from the hospital?
- 23 A. No.
- 24 Q. Okay, because I don't remember that either. All
25 right. Did she appear to understand what was taking

1 place at the time of transport with you?

2 A. Say that again, sir?

3 Q. Did she appear to understand what was taking place
4 in her life at that time? When you Mirandize her,
5 did she appear to understand what you read to her?

6 A. Right. She, if I can recall, she stated she did
7 understand her rights.

8 Q. Okay. All right.

9 A. Like I said before, there was no conversation.

10 Q. Okay. No breath test was administered to your
11 knowledge, was it?

12 A. No, sir.

13 Q. Okay. Do you ever remember any, in talking to
14 Trooper Welch or anyone else, any statements she
15 might have made as to what she consumed and over
16 what time frame the amount of alcohol?

17 A. I don't recall that.

18 Q. Okay, was that ever asked of her that you know of?

19 A. I'm not aware of it.

20 Q. If it was asked, would it have been by you or
21 Trooper Welch?

22 A. It probably would have been by Trooper Welch, sir.

23 Q. Okay.

24 MR. McMILLAN: I think that's all I have, Your
25 Honor, of this witness.

1 THE JUDGE: Yes, sir.

2 MR. McMILLAN: I'd like, if you would allow me
3 to call Trooper Welch just on the issue ...

4 TROOPER WELCH: It's not the time, Your Honor.
5 The investigating officer has already testified.

6 THE JUDGE: It's - I mean, the purpose - he is
7 the chief investigator officer, so for me to call
8 Trooper Welch is just something that would end up
9 coming out in Rule 5. I just - even for time ...

10 MR. McMILLAN: Just for the record: My
11 questions would be along the lines only of when he
12 met her at the hospital, questioning of her at the
13 hospital, Mirandizing, the Implied Consent, and his
14 opinion as to her intoxication?

15 THE STATE: Your Honor, I have a copy of her
16 Implied Consent here where she signed ...

17 MR. McMILLAN: No, no, I understand. I can
18 read.

19 THE JUDGE: And the charge is felony DUI with
20 resulting in death. Mr. McMillan, I, at this point
21 even for time and as far as probable cause purposes,
22 that would be something that will come out, but it
23 doesn't have anything really to do with the probable
24 cause, as far as the charge that she is charged with
25 at this point.

1 MR. McMILLAN: Well, I don't, I'm not making a
2 Motion for dismissal today.

3 THE JUDGE: Yes, sir. Yes, sir, and I understand
4 that, but as to the charge, the Court finds probable
5 cause.

6 MR. McMILLAN: All right.

7 THE JUDGE: For me to bring the Officer up at
8 this point, I think would just be information you
9 can get later.

10 MR. McMILLAN: That's fine. Yes, ma'am.

11 THE JUDGE: Okay.

12
13 (THE HEARING WAS CONCLUDED AT 9:55 A. M.)

14

15

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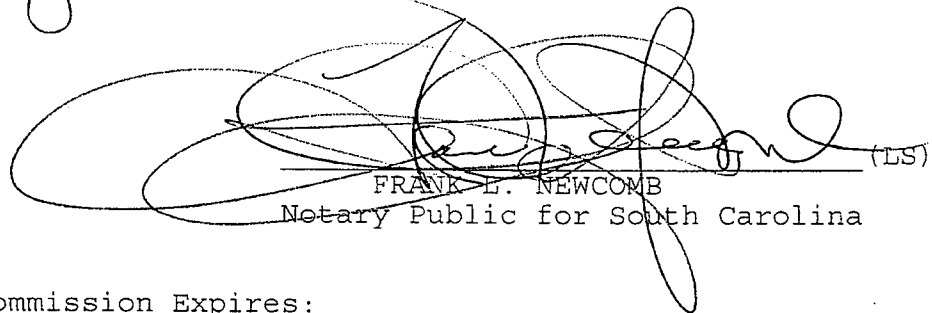
25

STATE OF SOUTH CAROLINA)
COUNTY OF LEE)

NOTARY
CERTIFICATE

I, Frank L. Newcomb, a Notary Public in and for the State of South Carolina, do hereby certify that the foregoing proceedings were taken by me and thereafter reduced to writing under my supervision; that the foregoing twenty-two (22) pages contain a full, true and correct transcription of all the proceedings; that I am not of kin or in anywise associated with the parties, or their counsel, and I am not interested in the event thereof.

WITNESS my hand and seal this 20th day of April, 2009.

 (LS)
FRANK L. NEWCOMB
Notary Public for South Carolina

My Commission Expires:
March 9, 2014

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,
PLAINTIFF,

TRANSCRIPT OF RECORD
C/A #: 2009-GS-43-208

v.

Dianne Brown,

DEFENDANTS.

January 20, 2011
SUMTER COUNTY COURTHOUSE
SUMTER, SOUTH CAROLINA

BEFORE:

THE HONORABLE GEORGE C. JAMES, JR., PRESIDING

APPEARANCES:

Assistant Solicitor Kirk Griffin
Marvin "Chip" McMillan, Esquire

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

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EXHIBITS

Court's Exhibits One through Four were marked

HEARING

3

1 The Court: Thank you very much. Please have a seat.

2 Mr. Griffin: May it please the Court, Your Honor?

3 The Court: Yes sir.

4 Mr. Griffin: This is the State of South Carolina versus

5 Diane Elizabeth Brown, before the Court, indictment

6 number 2009-GS-43-208. Your Honor it's a two count

7 indictment. Count one is Felony DUI with a death.

8 Count two is a Felony DUI with great bodily

9 injuries. Your Honor, the Defendant is present in

10 the courtroom with her attorney Chip McMillan and

11 indicates she wishes to enter a guilty plea on both

12 counts. Your Honor, this plea is taken without

13 negotiation or recommendation.

14 The Court: All right.

15 Mr. McMillan: Permission to approach the bar with my

16 client?

17 The Court: Yes sir. Are these both True Bills?

18 Mr. Griffin: They are Your Honor. Count two was

19 presented based on the injury to the victim Paul

20 Schmidt. He suffered a severe foot injury and we

21 couldn't add that charge until his release from

22 medical care.

23 The Court: Okay.

24 Bailiff: Place your left hand on the Bible and raise

25 your right hand. Raise your right hand. State your

THIRD JUDICIAL CIRCUIT

(803) 436-2150

HEARING

4

1 name please.

2 Ms. Brown: Diane Elizabeth Brown.

3 Bailiff: Do you solemnly swear, affirm that the
4 testimony that you give the court is the truth,
5 the whole truth and nothing but the truth, so
6 help you God?

7 Ms. Brown: I do.

8 The Court: All right, Mr. McMillan, you represent
9 Ms. Brown?

10 Mr. McMillan: I do Your Honor.

11 The Court: Based on your dealings with her, do you
12 think that she understands these charges, the punishment
13 she faces and all of her rights?

14 Mr. McMillan: I do Your Honor.

15 The Court: Based on your knowledge of the facts, and
16 your investigation of the matter, do you think a jury
17 would find Ms. Brown guilty of both of these charges?

18 Mr. McMillan: Your Honor, I believe there's a
19 likelihood, beyond a reasonable doubt that would
20 occur.

21 The Court: Do you have any concerns about her
22 competency?

23 Mr. McMillan: None, Your Honor. And, Your Honor, in
24 speaking with Ms. Brown I have made her aware of the
25 potential sentences in regard in this matter. In

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5

1 regard to the charge of Felony Driving Under the
2 Influence Involving Death. I've informed Ms. Brown
3 that this is a sentence of one to twenty-five. One
4 referring to a minimum mandatory sentence, maximum
5 of twenty-five and a potential fine of \$10,100 to
6 \$25,100. I've also informed her that this is a
7 class B Felony. I've explained to her the
8 punishments that come from being convicted of a
9 felony alone. I've also explained to her that this
10 is classified, excuse me, classified as a serious
11 offense. I've also informed her that under Title 24
12 it's considered an eighty-five offense for
13 punishment purposes and time services and I've
14 informed that there's a driver's license suspension
15 as well.

16 The Court: Has she spent any time in jail on either
17 of these two charges to any great extent?

18 Mr. McMillan: None to a great extent. A day or two. In
19 regard to the Felony DUI involving serious bodily
20 injury, I've informed Ms. Brown that it's a minimum
21 mandatory thirty days to fifteen years, with a fine
22 of \$5,100, a maximum of \$10,100. It is not
23 classified as a serious offense, however there is a
24 driver's license suspension as well with that
25 offense.

HEARING

6

1 The Court: All right, are you Diane Elizabeth Brown?

2 Ms. Brown: Yes sir.

3 The Court: All right Ms. Brown, you're sworn to tell me
4 the truth and that is what I'm looking for. This
5 is a situation where you're pleading guilty. What I
6 typically tell folks this is your plea, it's not
7 mine. So your answers are what's important and I'm
8 just looking for truthful answers. Now, in that
9 regard, if you want to stop and talk to Mr.
10 McMillan, you let me know.

11 Ms. Brown: Yes sir.

12 The Court: I certainly won't hold that against you.
13 If someone says something that you do not
14 understand, you don't agree with, you've got to let
15 him know so that he can bring it to my attention.
16 Otherwise, there's no way that I could know that you
17 have any questions or problems about anything that
18 anybody says. Do you understand that?

19 Ms. Brown: Yes sir.

20 The Court: Okay. I will not accept your pleas unless
21 you enter them freely and voluntarily. That's why
22 it's very important that you answer these questions
23 truthfully and it's very important for you to make
24 sure that you understand the question before you
25 answer the question. All right, how old are you,

HEARING

7

1 please ma'am?

2 Ms. Brown: I'm forty-nine years old.

3 The Court: How far have you gone in school?

4 Ms. Brown: I have two years of college. An

5 Associate's Degree.

6 The Court: Where do you reside now?

7 Ms. Brown: In Liberty Township, Ohio.

8 The Court: All right. Do you have any history at all

9 of any alcohol abuse, drug abuse treatment?

10 Ms. Brown: No sir.

11 The Court: All right. Are you being treated for any

12 particular conditions now that require you to take

13 medication?

14 Ms. Brown: Yes sir.

15 The Court: All right, do you take those medications

16 like you are suppose to?

17 Ms. Brown: Yes sir.

18 The Court: Do any of those medications have an

19 adverse impact on your ability to think and

20 understand clearly?

21 Ms. Brown: No sir.

22 The Court: All right, if I didn't ask this, if I did,

23 I apologize, are you taking those medicines like

24 you're suppose to?

25 Ms. Brown: Yes sir.

HEARING

8

1 The Court: All right, do you think you have any
2 conditions right now that would keep you from being
3 able to understand what you're doing?

4 Ms. Brown: No sir.

5 The Court: Now, you said you're forty-nine years old?

6 Ms. Brown: Yes sir.

7 The Court: Who's the gentleman immediately to your
8 left?

9 Ms. Brown: This is my husband, Robert Brown.

10 The Court: All right now, I believe Mr. McMillan and
11 Mr. Griffin certainly are aware that I've been given
12 certain information from Mr. McMillan --- have those
13 things been marked?

14 Mr. McMillan: No, Your Honor. What you have, if I could
15 ask that they be marked as Court's exhibit. I'm not
16 opposed whether it's considered a joint exhibit or
17 ...

18 The Court: Do you object to that Mr. Griffin?

19 Mr. Griffin: Your Honor, I have no objection.

20 The Court: I have those up here. If you need me to
21 make extra copies for the court reporter that's
22 fine.

23 Mr. McMillan: Okay.

24 The Court: All right, are you under the influence of
25 any alcohol or illegal drugs now?

HEARING

9

1 Ms. Brown: No sir.

2 The Court: All right now, you've heard your lawyer
3 tell me that he thinks you understand these charges.
4 What I'm going to do right now is two things. First
5 of all, I'm going to reference the indictment. It's
6 got two counts on it. Then right after that I'm
7 going to ask Mr. Griffin to give me the version of
8 the facts that the State would present at trial.
9 I'm going to ask you at the end of that whether or
10 not you understand that. I'm not going to ask you
11 to comment on it, I just want to make sure you
12 understand it, okay? All right, count one on the
13 indictment is Felony DUI, driving under the
14 influence. It says that in this county you did, on
15 or about September 18, excuse me 17, 2008, drive a
16 motor vehicle on the highways of this state while
17 under the influence of alcohol, drugs or a
18 combination of both and that you did an act
19 forbidden by law and neglected a duty imposed by law
20 and that that act did approximately cause the death
21 of Christian ~~Schmidt~~ and that at that time your
22 ability to drive was materially and appreciably
23 impaired. Do you understand that charge?

24 Ms. Brown: Yes sir.

25 The Court: All right. The second count says that on

HEARING

10

1 or about the same date and at the same time, while
2 under the same influence, you did commit an act
3 which approximately caused great bodily injury to
4 Paul Schmidt. Specifically, an injury to his left
5 foot, which has caused permanent impairment and loss
6 of use of ---loss of function and deformity to that
7 foot. Do you understand that charge?

8 Ms. Brown: Yes sir.

9 The Court: All right. Now, as Mr. McMillan indicated a
10 moment ago, he has explained to you that the first
11 count carries a term of imprisonment of one
12 year to twenty-five years, do you understand
13 that?

14 Ms. Brown: Yes sir.

15 The Court: The second count carries a minimum of
16 thirty days and a maximum of fifteen years, do you
17 understand that?

18 Ms. Brown: Yes sir.

19 The Court: There's also points of the law that says
20 the minimum of those cannot be suspended, do you
21 understand that?

22 Ms. Brown: Yes sir, I do.

23 The Court: In South Carolina we have what is called
24 the Three Strikes Law. We also have a Two Strikes
25 Law, but that's not pertinent here. The Three

HEARING

11

1 Strikes Law says that if a person is convicted of
2 three serious offenses during that persons lifetime,
3 on the third conviction, that person can be, if the
4 Solicitor chooses to seek the life imprisonment, you
5 can be sentenced to life in prison without any
6 possibility of parole, do you understand that?

7 Ms. Brown: Yes sir, I do.

8 The Court: In the context of this case, this would be
9 strike one and you have two strikes left. Do you
10 understand that?

11 Ms. Brown: Yes sir.

12 The Court: And in addition to that, as Mr. McMillan
13 said he has explained to you, the first count would
14 require you to serve eighty-five percent of that
15 sentence in the Department of Corrections. Do you
16 understand that?

17 Ms. Brown: Yes sir.

18 The Court: All right. Now, did I explain all that
19 clearly, Mr. McMillan?

20 Mr. McMillan: I believe so, Your Honor.

21 The Court: Any disagreement with any of that, Mr.
22 Griffin?

23 Mr. Griffin: No sir, Your Honor.

24 The Court: All right. What I'm going to do now is
25 I'm going to ask Mr. Griffin to give me a summary of

HEARING

12

1 what the State would present during a trial of this
2 case. All right.

3 Mr.Griffin: Your Honor, on September 17, 2008, the
4 victim Paul Schmidt and his son, twelve year old
5 Christian S [REDACTED], left Sumter heading toward
6 Conway, South Carolina. They were going to Conway
7 to take Amber S [REDACTED], who is a sibling of Christian
8 S [REDACTED] she was a student at Coastal Carolina.
9 They were going to take a band uniform to her that
10 had been altered here in Sumter. This was a school
11 night, but Christian S [REDACTED] really wanted to go
12 with his dad and his father said, "Son, get your
13 homework done and you can ride down there with me
14 and see your sister. We'll go out to dinner and
15 then we'll come back home." Knowing that Christian
16 would likely fall asleep in the car on the way home.
17 They made that trip to Conway and were headed back
18 to Sumter on Highway 378, headed West. At around
19 11:30 that evening, on 378, with Mr. Paul Schmidt as
20 the driver of a 2006 Dodge Magnum. They were going
21 back towards Sumter, heading West on 378 in what is
22 commonly referred to as the Black River Swamp,
23 almost back into town. At that time, they were
24 involved in ...

25 The Court: In the area where the median is there with

HEARING

13

1 all the trees?

2 Mr.Griffin: Yes sir, Your Honor. A four lane road
3 separated by a tree line median. At that time, they
4 were involved in a motor vehicle collision with a
5 2007 Volkswagen Beetle, which by the Defendant Diane
6 Brown. She was headed East bound in the West bound
7 lane. Your Honor, as you know, that's a four lane
8 road separated by the tree line median, so traffic
9 on either side of the median heads in opposite
10 directions. Your Honor, in this area, there are
11 signs posted, "Wrong way". Your Honor she was
12 headed in the wrong direction. They had a head on
13 collision. Mr. Schmidt attempted to swerve to avoid
14 the vehicle when he realized that they were about to
15 make impact, but he was unsuccessful in doing that.
16 Your Honor, the Dodge Magnum flipped as a result of
17 the collision with the vehicle driven by the
18 Defendant and Christian S. [REDACTED] was ejected from the
19 vehicle and this collision caused his death. Your
20 Honor, also Paul Schmidt, the driver of the vehicle,
21 suffered severe traumatic injuries to his left foot
22 as a result of this accident. He was under the care
23 of Dr. Robert Santrock who is an orthopedic surgeon
24 in Columbia. Your Honor, when I stated that we
25 direct presented the great bodily injury, count two,

HEARING

14

1 because we had to wait to see, as Your Honor knows,
2 the definition of great bodily injury which causes a
3 permanent disfigurement or impairment. We had to
4 wait for his medical records to be completed and I
5 would like to read a portion of the medical record
6 that Dr. Santrock prepared upon treating Mr.
7 Schmidt: There's no doubt the patient will suffer
8 life-long pain and disability from the left foot.
9 He is fortunately recovered to a point in which he
10 can now stand and walk limited distances. This is
11 remarkable considering the fractures and injuries
12 included that of a soft tissue injury of the foot,
13 jeopardized its viability life long. Though I do
14 believe he will suffer pain and disability and will
15 probably require additional surgeries. His injuries
16 to the left foot were devastating. It has left him
17 with daily swelling and pain. He has boney
18 deformities that in the future will require
19 additional surgery. He will have a lifetime of pain
20 and disability from the left foot. He will have a
21 limited amount of time that he can stand on his
22 feet, due to the pain and deformity. He will likely
23 need life long shoe modifications, such as inserts
24 and specialized shoes. His foot is at jeopardy for
25 vascular and skin insufficiency that may lead to

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1 future ulcerations and possible infections. This is
2 in addition to the arthritic pain that he will
3 suffer. The additional surgeries that may be
4 considered will be fusions of multiple different
5 joints of the foot and ankle. He will never have a
6 return of normal function to the foot. It is my
7 belief that the patient is permanently disabled.
8 Your Honor, after the collision, the Highway Patrol
9 responded along with Sumter County EMS. Highway
10 Patrol started its investigation, made contact with
11 Mr. Schmidt and the Defendant Ms. Brown. A heavy
12 odor of alcoholic beverage was noted from --- coming
13 from Ms. Brown's person. She admitted to Kyle
14 Sanders, who was the EMS employee that she had
15 consumed alcohol that night. Your Honor, after
16 evaluating Ms. Brown, she was taken to Tuomey
17 hospital here in Sumter, where blood was drawn by a
18 registered nurse in the presence of Trooper Ian
19 Scott, with the South Carolina Highway Patrol. This
20 blood draw was sent to South Carolina Law
21 Enforcement Division where it was analyzed by Lori
22 J. Shacker who is a forensic toxicologist. Your
23 Honor, the result of the blood alcohol was a finding
24 that ethanol in the blood at a level of .215. Your
25 Honor, the Highway Patrol also sent a multi

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1 disciplinary accident investigation team to the
2 scene where the scene was photographed. Your Honor
3 I have four photographs which have been provided to
4 Mr. McMillan in discovery and they are labeled as
5 State's exhibit one through four. The first two are
6 photographs of the Dodge Magnum that Paul Schmidt
7 was driving. The second two photographs are of the
8 Volks Wagon Beetle that the Defendant was driving.
9 Your Honor I would ask permission to hand those up
10 just so you can see the magnitude of the ...

11 The Court: These are all of Mr. Schmidt's vehicle?

12 Mr. Griffin: The first two are Mr. Schmidt's vehicle.

13 The second two are the vehicle that the Defendant
14 was driving.

15 The Court: Okay.

16 Mr. Griffin: Your Honor, further investigation revealed
17 that the Defendant Diane Brown was in Sumter based
18 on her employment with General Electric. She was
19 down here to meet with representatives at Shaw Air
20 Force Base in connection with her job. The
21 investigation revealed that Ms. Brown had been at a
22 local restaurant, Chili's out on 378 heading toward
23 Shaw Air Force Base. It was discovered that she had
24 been at Chili's with some co-workers. That had
25 eaten some food and consumed alcohol. Depositions

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17

1 were taken of the bartender that served the
2 Defendant's party. It was discovered that she had
3 been served eight glasses of wine over the period of
4 time that she was at the Chili's restaurant. That
5 she got up to leave, or got up to go to the bathroom
6 Your Honor, excuse me, left her companions at the
7 table and that she never came back and that she left
8 Chili's parking lot in the Volks Wagon Beetle. So,
9 Your Honor, we have the evidence of the blood
10 alcohol level, also the testimony of and documentary
11 evidence from Chili's that the Defendant was served
12 eight glasses of wine in the time period before the
13 accident happened. Your Honor, certainly driving
14 the wrong way down the highway is certainly evidence
15 of material and appreciable impairment of a person's
16 faculties to drive. Your Honor, also this is a
17 tragic, tragic situation. A twelve year old child,
18 Christian ~~Schmidt~~ lost his life on this evening and
19 his father, as stated by his treating physician,
20 will have a lifetime of pain, discomfort and medical
21 problems to his left foot. Your Honor, at the
22 appropriate time, Tina Berry, who is Christian
23 S ~~mother~~'s mother, would like to address the Court.
24 Your Honor, Garryl Deas, who is the attorney for the
25 estate of Christian S ~~mother~~, also the attorney for

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1 the Berry and Schmidt families, will read a prepared
2 statement of Paul Schmidt and Your Honor, Mr. Tom
3 Miller, who is employed with the Solicitor's office
4 as the Victim's Advocate office also as our
5 investigator will read a statement that was prepared
6 by Amber Schmidt, who is the sibling of Christian.

7 The Court: All right, we'll get to that in just a few
8 minutes. All right, Ms. Brown do you understand
9 that that is essentially what the State would
10 present by way of evidence if this went to trial?

11 Ms. Brown: Yes sir, I do.

12 The Court: All right, now are you on probation or
13 parole for anything else right now?

14 Ms. Brown: No sir.

15 The Court: All right Ms. Brown when you plead guilty,
16 you are required to give up some rights, which you
17 have under the Constitution and I'm going to
18 summarize those for you. So listen carefully.
19 First, when you plead guilty, you give up your right
20 to remain silent, which means you give up your right
21 against self incrimination because I will not accept
22 your plea unless you discuss with me and explain to
23 me certain things in response to questions that I
24 ask you, okay. Do you understand that?

25 Ms. Brown: Yes sir.

HEARING

19

1 The Court: All right, secondly, when you plead guilty
2 you give up your right to have a jury trial. Is
3 this case already on the trial list?

4 Mr. Griffin: Your Honor, this case is on the trial list
5 for this term. It was scheduled to begin next week.

6 The Court: All right, there's a pool of jurors who
7 are summoned to appear during General Sessions
8 terms. You have a right to have a jury trial and
9 from the pool, during that term, twelve people would
10 be selected and they would decide whether or not you
11 are guilty or not guilty. The way they do that is
12 based on evidence that is presented to them during
13 the trial. Now, during that trial you are presumed
14 innocent as you are standing here today, right now.
15 You don't have to prove anything during that trial;
16 you don't have to disprove anything. The Prosecutor
17 would have to convince every single juror that you
18 were guilty beyond a reasonable doubt and under the
19 law, the burden of proof beyond a reasonable doubt
20 is a high burden, a very high burden for the
21 prosecutor to meet. Do you understand that?

22 Ms. Brown: Yes sir.

23 The Court: All right, do you understand that if you
24 plead guilty, you will be giving up your right to
25 have a jury trial?

HEARING

20

1 Ms. Brown: Yes sir.

2 The Court: Okay, now thirdly, when you plead guilty ,
3 you give up the right to confront witnesses who are
4 called to testify. It is called confrontation or
5 the right of confrontation. In that regard, when
6 you plead guilty, you give up your right to see the
7 witnesses as they testify. You give up your right
8 to listen to what they have to say. You also give
9 up the right to cross examine them, which means
10 questioning them through your lawyer. Do you
11 understand that?

12 Ms. Brown: Yes sir.

13 The Court: Also, even though you would not be
14 required to do so during a trial, you give up your
15 right to subpoena and call witnesses of your own, do
16 you understand that?

17 Ms. Brown: Yes sir.

18 The Court: Now Ms. Brown, do you understand each one
19 of those rights that I have just explained to you?

20 Ms. Brown: Yes, Your Honor.

21 The Court: And again, do you understand that when you
22 plead guilty, you give up those rights, including,
23 of course, your right to a jury trial?

24 Ms. Brown: Yes.

25 The Court: All right, do you want to give those

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21

1 rights up today and enter a guilty plea on these two
2 charges?

3 Ms. Brown: Yes, I do.

4 The Court: Do you understand that when you plead
5 guilty, you give up any defenses that you may have?

6 Ms. Brown: Yes, I do.

7 The Court: I don't know if you have any defenses, but
8 if you do and you do plead guilty, you give those
9 up. Do you understand?

10 Ms. Brown: Yes, I do.

11 The Court: All right. Also, if you happened to have
12 made any incriminating statements to the police or
13 any law enforcement officer and you plead guilty,
14 you give up the right to challenge the admissibility
15 of what you said. Do you understand that?

16 Ms. Brown: Yes sir.

17 The Court: And also, when you plead guilty you give
18 up your right to challenge the admissibility of any
19 evidence in this case, do you understand that?

20 Ms. Brown: Yes sir.

21 The Court: Now, understanding the first part, the
22 nature of Felony Driving Under the Influence charge,
23 that's count one of the indictment. You're charged
24 that your conduct caused the loss of life of
25 Christian S. [REDACTED], understanding that charge and the

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22

1 punishment that you face, do you plead guilty or not
2 guilty?

3 Ms. Brown: I plead guilty, sir.

4 The Court: Are you truly guilty?

5 Ms. Brown: Yes sir.

6 The Court: All right, count two, understanding that
7 charge and the punishment that you face, Felony
8 Driving Under the Influence causing great bodily
9 injury. That's regarding the injury, the damage
10 sustained by Paul Schmidt, do you plead guilty or
11 not guilty?

12 Ms. Brown: I plead guilty.

13 The Court: Are you truly guilty of that?

14 Ms. Brown: Yes sir, I'm guilty.

15 The Court: All right now, with regard to
16 recommendations or negotiations, is there any
17 sentencing recommendation or negotiation that is
18 going to be presented to me?

19 Mr. Griffin: None Your Honor.

20 Mr. McMillan: None Your Honor.

21 The Court: All right, do you understand that ma'am?

22 Ms. Brown: Yes sir.

23 The Court: In other words, the sentence will be left
24 to my judgment. Do you understand that?

25 Ms. Brown: Yes sir.

HEARING

23

1 The Court: All right. Now, do you still want to plead
2 guilty in light of the fact that there are no
3 recommendations or negotiations?
4 Ms. Brown: Yes sir, I do.
5 The Court: Ms. Brown, has anybody promised you
6 anything at all to get you to plead guilty?
7 Ms. Brown: No sir.
8 The Court: And has anybody issued any pressure or
9 threat or force or intimidation to get you to plead
10 guilty?
11 Ms. Brown: No sir.
12 The Court: And I always ask this question, is Mr.
13 McMillan forcing you to plead guilty?
14 Ms. Brown: No sir.
15 The Court: All right, have you had enough time to
16 make up your mind?
17 Ms. Brown: Yes sir.
18 The Court: When it gets right down to it, are you
19 entering these two pleas based on your own free
20 will?
21 Ms. Brown: Yes sir.
22 The Court: All right concerning your lawyer, are you
23 satisfied with the manner in which he has advised
24 you and represented you?
25 Ms. Brown: Yes sir.

HEARING

24

1 The Court: Do you think you've talked with him long
2 enough and often enough about all the angles of
3 these two cases?

4 Ms. Brown: Yes sir.

5 The Court: Ma'am?

6 Ms. Brown: Yes sir.

7 The Court: Okay. Have you understood all of your
8 conversations?

9 Ms. Brown: Yes sir.

10 The Court: Do you think he's done everything within
11 reason to represent you to the fullest extent
12 possible?

13 Ms. Brown: Yes sir.

14 The Court: Do you have any complaints at all about
15 his service?

16 Ms. Brown: No sir.

17 The Court: All right. Do you need any more time to
18 talk to him right now? If you do, just say the word
19 and you can do that.

20 Ms. Brown: No sir, I don't believe so.

21 The Court: All right, do you have any criticism or
22 anything you want to bring to my attention about
23 anything that was done or not done in this case?

24 Ms. Brown: No sir, not at all.

25 The Court: Now, do you have any complaints about the

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25

1 Prosecutor or the law enforcement people?

2 Ms. Brown: No sir.

3 The Court: Have you understood everything that you

4 and I have been over so far?

5 Ms. Brown: Yes sir.

6 The Court: Is there anything at all that you would

7 like for me to repeat or go back over or explain?

8 Ms. Brown: No sir, I'm clear.

9 The Court: Okay. Under our law, you do have the

10 right to appeal this plea, or these two pleas and

11 the sentences. If you want to do that, you or your

12 lawyer must do that within ten days. Do you

13 understand that?

14 Ms. Brown: Yes sir.

15 The Court: And that's not a very long time, do you

16 understand that?

17 Ms. Brown: Yes.

18 The Court: Now, Mr. Griffin, anything else on facts?

19 Mr. Griffin: No sir, Your Honor.

20 The Court: Does she have a record?

21 Mr. Griffin: Your Honor, based on the NCIC report that

22 we ran, I don't see where she has any criminal

23 record.

24 The Court: Now Mr. Griffin I'll leave it up to you

25 about the order of presentation. I'll be glad to

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1 hear from the victim. I'll state this collectively.
2 I'll include Amber S [REDACTED] in this. Under the law,
3 you do have a right to speak. The only thing that I
4 request that you do is if you want to say something
5 make sure that you direct your comments to me. Of
6 course, that will go for everyone who does speak.
7 Is there anything or any particular order that you
8 want to go in Mr. Griffin?

9 Mr. Griffin: Your Honor, I'll leave that up to the
10 family.

11 The Court: All right. The first thing you will need
12 to do, of course, is give me your name and I'll be
13 glad to hear from you.

14 Ms. Berry: Tina M. Berry. Your Honor today is a very
15 sad day for all of us. (Can't understand - emotional,
16 fast talking. I will forever be stuck at that night.
17 How do I go forward? My son's life was taken, but I feel
18 as if my life was taken also. I struggle daily to gain
19 some kind of existence. I hate the person that I have
20 become. This has been done to me. I will never see
21 Christian passed the age of twelve. Such a beautiful son
22 who's life was destroyed. Have you ever wanted something
23 so bad and it just wasn't attainable? I have and it
24 consumes my soul on a daily basis. Before Christian died
25 he was so excited about going to the ACDC concert in

HEARING

27

1 December. He was so excited about wanting an electric
2 guitar for Christmas. I was at work the day he showed me
3 the one that he wanted. He was so happy about (can't
4 understand) Christian never got those wishes. The
5 concert tickets were released on September 21, 2008. So
6 the day before my son's viewing I bought a ticket for
7 him. The lady pulled out a seating chart and ask me
8 where I wanted a seat. I was devastated. I said, it
9 really didn't matter just please give me a ticket. I
10 placed the ticket in my son's hand in his coffin and I
11 whispered to him, "Here's your concert ticket. Baby, I'm
12 so sorry that you didn't get to go." Christmas was
13 pretty much the same. There I was buying an electric
14 guitar for my son who would never get to play it. The
15 New Year didn't mean anything to me. How could it? I
16 gave birth to two beautiful children and one was taken
17 away from me. I am so tired of crying, so tired of
18 existing. Christian's thirteenth birthday was absolutely
19 horrible. As was his fourteenth. I stayed in bed all
20 day. Not a happy birthday for him at all. I finally got
21 the nerve to see where my son sleeps forever. It took me
22 about seven months, but I finally did. I didn't want to
23 leave him there alone. I didn't want to leave. I long
24 to hear his voice; I long to just hold him so tight and
25 never let him go, but I can't do that and never will I be

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1 able to hold him again. Let me go back to Mother's Day
2 2008. I was in the bed and Christian woke me up with a
3 BLT sandwich that he made for me. He said, "Mom, I made
4 this for you because I know how much you love them but
5 I'm hungry too and this is all the bacon. So, he sat on
6 my bed and we split that BLT sandwich. I will never get
7 that BLT sandwich on Mother's Day again from him.
8 Needless to say, my Mother's Day has been spent in bed
9 longing to get that sandwich from him. The cycle just
10 repeats. Nothing has gotten any better. I want everyone
11 to close their eyes for just a minute and imagine their
12 life without one of your children and ask yourself this
13 question, "How do I go on without my child?" If there is
14 an answer, please fill me in because I haven't found it.
15 I feel so cheated in many things. That's selfish of me
16 because Christian is the one that was cheated the most.
17 All I have is memories and I'm starting to grasp every
18 single one of them starting from when he was a baby. I
19 want to remember them all, but even all these good
20 memories that I have of him, the one bad one, the one
21 that covers those good ones up is the one where my son
22 lies in his coffin. It will forever be etched in my
23 memory. Every time I close my eyes, I cry. I just can't
24 get that to go away. I was given the pain of a lifetime.
25 I have been brought to my knees and I can't get up. Let

THIRD JUDICIAL CIRCUIT

(803) 436-2150

HEARING

29

1 me tell you a little bit about Christian. He loved to
2 skateboard. I took him to a skateboard park in Florida;
3 he was so amazed. We had such a great time, yet he was a
4 little nervous about the design. Christian played the
5 trumpet in his school band. He wasn't that enthused
6 about it, but he was coming around. I remember
7 Christian, I remember taking Christian to some of his
8 school dances, watching him dance with his friends. That
9 put the biggest smile on my face. If only I still had
10 that. Your Honor, the list goes on and on. I could go
11 on for days but what is the point? No matter how many
12 good memories I think of, I still fall back to the worst
13 one. He is not here anymore and he is never coming back.
14 I have had so much time to think about what I was going
15 to say today. There isn't anything that I can say to
16 bring back Christian back, but I wanted you to see how I
17 feel and that Christian was an amazing child. This is so
18 difficult for me, but I must continue. Let me tell you
19 some of the things that I will miss out on. I will never
20 know Christian's first girlfriend, his first real kiss,
21 his wife, my grand kids. I will never know him past
22 twelve. Forever he remains twelve and once again that is
23 being selfish. He will never know these things. Those
24 things were taken from me. My heart will ache forever.
25 I just want Christian back and that will never happen.

HEARING

30

1 If I could only hold him, kiss him, laugh with him. Those
2 ifs go on and on. My heart will forever remain torn.
3 I am not complete and never will I be complete again.
4 Now, when I want to talk to Christian I have to look up
5 in the sky and pray that he hears me. When I want to see
6 Christian I have to look at a picture of him to do so.
7 What do I do when I want to hold Christian? I hold his
8 picture. What do I do when I want to kiss his cheek? I
9 kiss his picture. This is so unfair. My heart is
10 devastated. Christian's life will never go on. The only
11 person that needs an apology is him. Christian has
12 suffered the ultimate pain. He gave his life that night.
13 He didn't want to die. He still had so much life.
14 Christian was already beginning to plan his future out.
15 He had dreams and aspirations and so many friends. His
16 heart was one of a kind. So full of compassion and so
17 full of life. Christian had good traits about him. His
18 unconditional love was the best. That is the love that I
19 will hold in my heart forever, the love of a child. Your
20 Honor, I ask you to impose the maximum sentence. I ask
21 for no leniency. Christian will serve his sentence
22 forever.
23 The Court: All right. Mr. Griffin.
24 Mr. Griffin: Your Honor, Garryl Deas, who is the lawyer
25 for the estate of Christian ~~Schmidt~~ and the Schmidt

HEARING

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1 and Berry families is going to read a statement
2 prepared by Paul.
3 Mr. Deas: May it please the Court: Your Honor, first of
4 all I want to, I'm humbled by Mr. Schmidt's request
5 that I read this prepared statement that I'm sure he
6 took sincere time and effort to prepare. I want to
7 let him know I will do my best to honor him and
8 Christian. Your Honor, my name is Paul Schmidt. I
9 am the father of Christian ~~Schmidt~~ and also a victim
10 in the case. My injuries are due to the accident
11 that occurred in September of 2008, in which
12 Christian was taken from me, my family and my loved
13 ones caused by Ms. Brown's alcoholic binge drinking
14 and ultimately driving Eastbound in my Westbound
15 lane. Due to the accident, my left side is
16 permanently impaired. My left shoulder has a
17 permanent fifteen percent impairment from my medical
18 specialist and is constantly a nuisance in my
19 everyday life. My left foot was severely crushed to
20 the point of possible amputation. Due to the
21 surgical expertise of a specialist, I am able to
22 walk without the aid of a walker, however my left
23 foot swells from the time that I wake up in the
24 morning. Constantly while I walk at work until I am
25 able to leave my shoes and socks off and keep it

HEARING

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1 propped up. The worse part about my left side being
2 damaged is that I'm also left handed. Many times at
3 night when I cannot rest well, I wish that my foot
4 had been amputated. It doesn't seem like it could
5 feel much worse. I do take three different
6 medications each night just to help me get some
7 sleep and not keep that night from playing over in
8 my mind. I do seek the help of a counselor every
9 other week to help me with my issues of surviving
10 this accident without my child. There's nothing
11 worse than to have to bury your child. I would not
12 wish it upon anyone. I understand that Ms. Brown was
13 a veteran of the armed forces and held a job as a
14 professional with her company, General Electric.
15 These things are meant to shed a bright light upon
16 Ms. Brown in attempt to make her out to be the lady
17 next door. It is my understanding that the armed
18 forces has a zero tolerance for drunk driving and as
19 a result, more than likely, she had extensive
20 training to learn that risk. She is a professional
21 in the work force. When you reach a ceratin level
22 in your career it is because of training and
23 opportunities you have been given. Obviously, she
24 would have had the ability to determine between
25 right and wrong. I personally do not think this is

HEARING

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1 a situation that the United States armed forces nor
2 any college or work place would give Ms. Brown a pat
3 on the back for a job well done. There are so many
4 things that my family and friends have had taken
5 from us by not having Christian here with us.
6 Christian and I were best friends. We did
7 everything together. We shared our room together, I
8 took him to school every day, he called me everyday
9 when he got home off the bus and we'd go over what
10 he had for homework. The night of September 17,
11 2008 Christian just wanted to go with me to Coastal
12 Carolina University to see his sister at college.
13 My first thought was to tell him no, because it was
14 a school night, but he promised me that he would get
15 his homework done before I got home from work so we
16 could immediately. He kept his side of the deal, so
17 I kept mine. Christian had a great time seeing his
18 big sister at her college apartment. We took Amber
19 and her friend Brianna to dinner at the Outback
20 Steak House. There too Christian was laughing and
21 playing jokes as he loved to do. It was getting
22 late and time to head towards home. We dropped the
23 girls off in Conway and begin our drive home. We
24 never made it home. What I have just shared with
25 you is mine and Amber's last evening with Christian.

HEARING

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1 Ms. Brown, even though she may go to jail, her
2 children will grow and be happy, they are alive. We
3 have forever lost Christian. I would like to read a
4 few quotes: " A wife who loses a husband is called a
5 widow; a husband who loses a wife is called a
6 widower, a child who loses its parents is called an
7 orphan, but there is no word for a parent who loses
8 a child." That's how awful it is. When a parent
9 dies you lose your past, when a child dies you lose
10 your future. I would not wish this same fate to
11 anyone. No one should ever have to bury their
12 child. I'm asking you, Your Honor, to use your
13 authority to send a strong message and make an
14 example so that any future would be drinkers and
15 drivers would take a second thought and decide a
16 life behind bars is not worth eight glasses of wine
17 or whatever alcohol they may be consuming at the
18 time, so that we can stop burying our children.
19 Thank you.

20 The Court: Thank you. All right.

21 Mr. Griffin: Your Honor, next we have a statement
22 written by Amber S. [REDACTED], which will be read by
23 Thomas Miller who is in our Victim's Advocacy.

24 The Court: All right, Mr. Miller.

25 Mr. Miller: Thank you, Your Honor. Your Honor, my

HEARING

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1 name is Amber S. [REDACTED], the sister of Christian
2 [REDACTED] S. [REDACTED] who was killed in this tragic
3 accident on September 17, 2008. Christian was my
4 only sibling. Because of the wreck caused by Ms.
5 Brown I no longer have my brother Christian here.
6 All that my family and I want is justice for
7 Christian. With this being said, I hope everything
8 that is said you will take into consideration and
9 that maximum sentencing will be given. My senior
10 year at Sumter High School was Christian's sixth
11 grade year at Bates Middle School. I have been
12 actively involved in the band since I was in the
13 sixth grade. No matter what arguments we went
14 through growing up, Christian always looked up to me
15 and wanted to follow in my footsteps and start band
16 in his sixth grade year. I admired that so much.
17 My senior year I was a music intern at Bates Middle
18 School, so I got to work with Christian's beginning
19 band class. Christian decided he wanted to play the
20 trumpet, so while he was learning, I also learned
21 with the beginning band classes and taught him at
22 home when he needed help. In Christian's classes he
23 was known as the class clown. I was lucky that I
24 got the experience to teach and learn with Christian
25 at the same time. I never thought of it this way

HEARING

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1 until I lost him. During the summer of 2008 we
2 spent a lot of time together as I was getting ready
3 to move to Myrtle Beach to attend Coastal Carolina
4 University. My moving day I drove my dad's car to
5 the beach and left my car in Sumter. When I
6 returned that night to get my car, I remember
7 Christian not wanting to hug me because he didn't
8 want me to leave. When I left he sent me the
9 sweetest text saying, "I love you Sissy and I'm so
10 proud of you and I'm going to miss you." I cried
11 the majority of the way back to Coastal. I'll never
12 get to witness him moving into college or even
13 attending and graduating high school. When I first
14 started Coastal Carolina University as a music
15 education major, I never knew that teaching music
16 was what I wanted to do for the rest of my life, but
17 that's what college is about; finding out what
18 career path you want to take. Now Christian is the
19 reason that I'm still doing what I love. I feel
20 that Christian is my connection with music and I
21 never want to lose that. I've already lost my
22 little brother. I can't ever let go of music.
23 Letting go of music to me would be like me
24 forgetting that a drunk driver killed Christian,
25 which will never happen. To me it seems pretty

HEARING

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1 clear as to why I'm a music major. Christian and I
2 have gone through so much together. Me being in
3 high school and Christian being in middle school
4 during the time of our father Paul Schmidt's cancer
5 relapse and having to get stem cell transplant. It
6 was a very hard thing for kids our age to
7 experience. Our dad was in so much pain. With our
8 dad being in Greenville, South Carolina, our aunt
9 stepped in. This was very hard on Christian and I.
10 Without our dad there, both Christian and I were
11 going through periods of depression and being
12 worried about our dad and not being able to see him
13 every day. Two days before the accident, our dad
14 was declared cancer free. Even though Christian and
15 I went through a lot of arguments during this time,
16 the time that we spent together everyday between us
17 made our relationship stronger. On September 17,
18 2008 my dad and Christian came to visit at Coastal
19 and to take my roommate Brianna and I out to dinner.
20 When we got done eating, my dad and Christian
21 dropped us off back at our dorms and we gave hugs
22 and headed back to Sumter. I'm just thankful that
23 Christian and I weren't arguing that night when they
24 left. I woke up at seven-thirty a.m. on September
25 18, 2008 with a call from two close family friends,

HEARING

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1 Jimmy and Margaret saying they were at my front
2 door. I opened the door and they told me that my
3 dad and Christian were in a wreck last night and
4 they gave me a number to call. I had no idea what
5 was going on but losing my twelve year old brother
6 is definitely not what I expected. When I talked to
7 my dad I was scared because he was crying and then
8 he told me that Christian didn't make it. I was in
9 shock. I busted in tears and screamed and Ms.
10 Margaret had to come in my room and calm me down.
11 Immediately I went to one of my best friends' room,
12 who was a roommate that I went to high school with
13 and I told her what happened. As I was brining my
14 suitcase out of my room, all of my friends were in
15 the living room within like fifteen minutes of me
16 telling my roommate. My friends cried with me
17 before I left. This morning was honestly the worst
18 day of my life. I never thought that I would lose
19 my little brother. This hurt me in ways I never
20 imagined and effected my life because I fell behind
21 in school because I didn't want to get up and face
22 reality that the life I had before the wreck no
23 longer existed. I have nightmares of the wreck
24 happening and then I also have nightmares that
25 people were out to kill me. I had to go to

HEARING

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1 counselors and psychiatrist and was told that I had
2 developed depression and anxiety. I had panic
3 attacks and fell a semester behind in my major. I
4 have never dealt with any of this. I got to see how
5 this effected Christian's friends lives. I still
6 helped and visited with Bates' band and would keep
7 in touch with them. Since the wreck, even his
8 friends had nightmares and are completely
9 devastated. Twelve year olds shouldn't have to have
10 these kind of nightmares, nobody should. I recall
11 watching my brother's band that he would have been
12 into perform their last concert before they
13 graduated middle school. All of his friends grew up
14 so much. Christian should have been on that stage
15 performing his last concert as a middle school
16 student right along with them. Christian means a
17 lot to me. He was my little brother that I could
18 argue with and ten minutes later he would ask me to
19 straighten his hair, play Wii or watch him
20 skateboard. For decorating for holidays like
21 Halloween and Christmas. Christian and I always did
22 that together. Now none of our family doesn't really
23 decorate. Our family hasn't had a Christmas tree
24 since the wreck because Christian and I always put
25 it up together and decorated it ourselves. I put my

HEARING

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1 first tree up at my house in Myrtle Beach this past
2 Christmas by myself since the wreck. It was really
3 hard to continue to put it together. The only
4 reason I continued to do so was because I know
5 Christian would want me to. Then I never searched
6 for an angel tree topper because my aunt Cheryl
7 told me that I have the perfect angel sitting on top
8 watching over me. Christmas time really hurts
9 because I see and hear my friends get their brothers
10 and sisters presents and I never be able to do that.
11 I really hope there will be justice for my little
12 brother Christian's life that was taken away by a
13 drunk driver. The pain that my family feels will
14 never be gone. We have laws and consequences for a
15 reason. Drinking and driving is against the law and
16 I feel that there should be no leniency on the
17 consequences because it was Ms. Brown's choice
18 because Christian was robbed of his life. Thank
19 you.

20 The Court: Thank you Mr. Miller. Thank you, Miss
21 Schmidt. Mr. Griffin.

22 Mr. Griffin: Your Honor, the family has asked me to ask
23 your permission for Tracy Thompson, who is a member
24 of Mother's Against Drunk Drivers to make a
25 statements please.

HEARING

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1 The Court: All right.

2 Ms. Thompson: Hello, my name is Tracy Thompson and I'm
3 the State's Victims Coordinator for Mothers Against Drunk
4 Driving and I'm here to support the family on this very,
5 very difficult day and I'm here to see that justice is
6 served. Thank you.

7 The Court: Anything else Mr. Griffin?

8 Mr. Griffin: Your Honor I don't believe I could add
9 anything.

10 The Court: All right, Ms. Brown I may have asked you
11 this at the beginning, you understand about the
12 eighty-five percent ramifications of the Felony DUI
13 resulting in Death? Do you understand that?

14 Ms. Brown: Yes sir, I do.

15 The Court: Now with regard to any thoughts you may
16 have or information you've been given about getting
17 an early release, whether it be community
18 supervision, parole or whatever it might be called
19 at that time, you have to assume that you'll serve
20 the entire amount of time in prison that I sentence
21 you. Do you understand that?

22 Ms. Brown: I understand.

23 The Court: Okay, All right. I do find that there is a
24 substantial factual basis for both pleas and I'm
25 convinced Ms. Brown has entered both pleas freely,

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1 voluntarily, knowingly and intelligently. I also
2 find that she's been represented by an attorney in
3 which she's satisfied, so I will accept her pleas.

4 All right, Mr. McMillan?

5 Mr. McMillan: Will it please the Court Your Honor? Your
6 Honor, as you might expect, I have prepared a
7 presentation for you today. It's my job and it is
8 my desire to do that. It's not a day I was looking
9 forward to and, I know it's certainly not a day that
10 the Schmidt and the Berry family is not looking
11 forward to. As a father, as a husband and as the
12 father of a now thirteen year old child, who was
13 very close in age to Christian, I find myself
14 sometimes not knowing what to say and I recognize
15 that my role places me in somewhat of an adversarial
16 position and in a position that the Schmidt family
17 and the Berry family probably feel that I'm the bad
18 guy or don't understand my role. I understand that
19 more than they'll ever know and I accept that. But
20 in doing my job, I've gotten to know the Diane Brown
21 family. Bob Brown and Diane Brown, Eric and Alease
22 and I think if I had to acknowledge one thing today,
23 is I know lives were forever changed on September
24 17, 2008; mine was changed once I met Diane Brown
25 and realized the facts of this case and I know, once

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1 again that the Schmidt family and the Berry
2 families' lives were changed, all of them. All that
3 we've heard from and many, many more that haven't
4 spoken. They're here. I know they're here. But the
5 Brown family as well. It has taken a husband and a
6 wife relationship and forever changed it. It has
7 changed the mother/daughter relationship. Let me
8 start for a moment and digress. I gave to the Court
9 earlier today at the same time I gave to Mr.
10 Griffin, what we've referred to as Court's Exhibit
11 1. It's some biographical information on Ms. Brown
12 so that you could have some information on her. All
13 of this information there is undisputed. I've given
14 you about twenty-eight letters from friends and
15 family and work associates. And I've given you her
16 medical history, but if you allow me to touch on
17 just a few highlights if I could Your Honor. As
18 she's told you, she's forty-nine, she's married to
19 Bob. They were both, in 2008, employed with GE .
20 Diane has three children, Kathryn's twenty-four.
21 She's in Houston, Texas today and couldn't get here.
22 Eric, he's here. He's twenty, Alease she's here,
23 she's eighteen. They're both college students.
24 Diane grew up in Georgia; finished high school in 76
25 and got an Associates Degree from Georgia Southern.

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1 Joined the military in 1981 where she achieved the
2 rank of E8. At one time I was saying E9, but I mis-
3 spoke, an E8 rank which is a Senior Master Sergeant
4 and during that spotless military career, she was
5 deployed three times. Once to Iraq and once to the
6 Gulf War, she was apart of that as well. At one
7 point she oversaw as many as thirty-four hundred
8 enlisted individuals under her direct responsibility
9 and I know we've heard Mr. Griffin's version, and
10 it's a horrible version and it's an undisputed
11 version and it's not the person, it's not what you
12 expect when you hear that version to see this person
13 or a person like this standing beside me or standing
14 in this courtroom. And as I get older and grow and
15 learn, and as everybody in this courtroom gets older
16 and learns, I spoke to earlier, not too long ago, a
17 young man and I told him one thing. Learn from
18 this, learn from this and I hope we all do. I have
19 struggled more than you'll ever know, to ask why the
20 good Lord would let something like this happen. And
21 I recognize that questions been asked every time a
22 tragedy occurs, and I recognize no one can answer
23 it. And I wish there was an answer to bring some
24 relief from the grief for the Schmidt and the Berry
25 family. We can't answer it. The documents that I've

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1 attached in Ms. Brown's exhibit to the court in
2 addition to her biography, Your Honor, show her
3 military service. It shows the awards she's
4 received. I had to find out what a few of those
5 were. I wanted to make sure they weren't the kind
6 of awards you get if you simply stay in for five
7 years you get this one, if you stay in for ten years
8 you get that one. I learned that isn't the case.
9 Meritorious Service Award, Air Force Commendation
10 Medal, National Defense Service Medal, Air Force
11 Good Conduct Medal with six Oak Leaf Clusters. What
12 that means is during her time period, every time she
13 was eligible to receive the Good Conduct medal, she
14 received it and the Air Force Achievement Award for
15 achieving every obstacle or expectation of her.
16 Also part of that performance record that I received
17 shows how she could be ranked from below average to
18 poor, to poor below average, average good or
19 superior and she ranked superior on every ranking at
20 every evaluation. After twenty-three years in the
21 Air Force, in 2003 she retired. During her time
22 period in the Air Force she worked in the jet
23 propulsion area, she worked with jet engines. When
24 she retired from the Air Force in 2003, she went to
25 work for the first sub contractor was Logistic

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1 Support Specialist and several other sub
2 contractors. They all worked under General Electric
3 which is a jet engine manufacturer. It wasn't long
4 after that in 2007, that she was actually hired by
5 General Electric. Where she had, in those documents
6 as well with what I presented to you. You will find
7 her job evaluation and you will see the resume that
8 was part of the records that we were able to get.
9 When she went to work for General Electric. But, I
10 think the things at the end of the day that
11 someone's most proud of, Your Honor, when I say
12 she's a good mother, she's a volunteer, she's a good
13 wife, she's active in her church, she likes yard
14 work, she does everything and has done everything
15 that someone would do that you wouldn't expect to be
16 standing beside me here today. In addition, in that
17 document that I've given you, is at least twenty-
18 eight letters that I term character letters. You'll
19 see the first two are from Diane's mother and
20 Diane's father. You won't see one from Bob Brown or
21 Eric or Alease because they plan to speak to you in
22 just a few moments. You will see from sisters,
23 brother-in-laws, close family friends, nephews and
24 work associates. There is a common theme in all of
25 it, that they don't understand it. That Diane was

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1 not a heavy drinker at all and that they just can't
2 imagine the grief for this horrible thing that has
3 occurred, that the Schmidt and the Berry family has
4 incurred. And I know you've looked at them and if
5 Your Honor requires additional time we'll step back
6 and ...

7 The Court: I've looked at them.

8 Mr. McMillan: Okay, I didn't want to give you too
9 many in a short period of time. I wanted to briefly
10 address September 17, 2008, the day I indicated earlier
11 that lives changed forever. I realize I can tell you
12 that the Brown's lives have changed and I'm going to tell
13 you how that's changed, but I'll be the first to admit
14 and I'll speak for Diane Brown, not nothing ever to the
15 level that the lives have changed to my right and to your
16 left. We understand that and I don't know what else I
17 can say about that. She was in town for business. She'd
18 been to Sumter, Diane had been here once before in 2000,
19 I think June 2008 for a similar business trip. She'd
20 arrived and they arrived at Chili's to meet. She met
21 with five gentlemen for dinner before their meeting the
22 next day, which was a business day. My best estimate,
23 she arrived at Chili's at about five forty-five and her
24 best estimate she left Chili's at about nine forty-five.
25 Diane has no knowledge whatsoever, no recollection, no

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1 memory after getting up to excuse herself to go to the
2 restroom. It is a complete void, it is a complete blank.
3 Prior to this accident, Diane's health was acceptable.
4 She suffered from anemia and suffered from some
5 gynecological problems. She recently underwent a
6 hysterectomy in September of 2010, but since this
7 accident, once again, nothing on the scale that we have
8 certainly heard about today, but you will see from the
9 medical records of Dr. Whoa(sp) from the medical records
10 of Dr. Dresden(sp), Kathleen Mack, clinical psychologist,
11 and Dr. Matthew Flairity(sp) as well as the other
12 document that I presented and would like to make a part
13 of the Court's exhibit Your Honor or Defense exhibit,
14 however you wish for me to term that.
15 The Court: I'd leave that up to you.

16 Mr. McMillan: The report of Dr. Sander L. Hand(sp)
17 indicating that the medicine that Diane now takes.
18 Diane knows she's going to prison, she knows that.
19 We've talked about it. With twenty-three years of
20 military experience, I just hit her between the eyes
21 with it. She understands it. She certainly asks
22 for mercy as humble as one must be to ask for it
23 under these conditions. But when you review those
24 medical records Judge, you're going to see that she
25 suffered a concussion in this accident, what was

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1 termed traumatic brain injury, she has suffered
2 cognitive changes, deficits in attention, sensory
3 perception and diminished memory. She has slight
4 impairment of the frontal lobe function. All of
5 those records are there, but the records also
6 indicate that through the therapy, and she is still
7 undergoing psychological therapy and has since the
8 date of this accident, she is improving. She very
9 seldom leaves her house. She has not driven since
10 September 17, 2008. Her life has been a prison for
11 the last two and a half years and she feels, to be
12 totally honest with you, that it should feel that
13 way. You will see in Dr. Whoa's(sp) and Dr.
14 Dresden(sp)report, a common theme of the words
15 reflecting on the problems caused by her depression,
16 guilt, remorse, despair, loss of hope, fear of being
17 alone and self punishment. You will see as well, a
18 common theme in the letters that I've presented to
19 the Court, of a stellar personality, a great mother,
20 a great wife. Something totally out of character for
21 Diane Brown. Acceptance of guilt and
22 responsibility. Someone, number one, that wasn't a
23 heavy drinker to start with, but someone that she
24 and Bob and many of her friends have said, "We've
25 learned from this. Learned from this." Bad things

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1 happen to good people. Bad things happen to good
2 people. None of us can go back and change what has
3 occurred. I recognize your role as a Judge in the
4 neutral, to be fair, but appropriate. A heavy
5 burden to have and I recognize that and I respect
6 that Judge. From the very beginning as well, I was
7 aware of Mr. Garryl Deas' role in this and a very
8 important role he had and I did my best, on behalf
9 of the Brown family, to work as closely with him as
10 we could. I certainly don't think he would and I
11 would he you wouldn't dispute that. It's all we
12 could do and we were at the point that we didn't
13 know what else to do to help them in any way we
14 could there. Judge I'm going to step back now and
15 let you hear from any friends, from Bob, family
16 members, and I know Diane wants to address the
17 Court. I know she, I know who she really wants to
18 address, but she also understands your Court
19 directions, so she's going to address you, but I
20 assure you I know who she wants to address. So I
21 may let her be the last one to speak, in that order.
22 Bob would you like to speak?

23 The Court: I need your name first?

24 Mr. Brown: Sir, I'm Robert Brown, husband of Diane for
25 twenty-two years. I thank you for this opportunity

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1 to speak.

2 The Court: Get a little bit closer to the mic.

3 Mr. Brown: Thank you for this opportunity to speak on

4 behalf of Diane and our family. First, we

5 absolutely are so deeply hurt and paining for the

6 Schmidt family. We are so sorry for what has

7 happened. It is an unbelievable event that happened

8 that night. We are in total bewilderment of how it

9 happened because of knowing Diane the way that the

10 kind of person that she has been all of her life.

11 From the very beginning, she helped her mother raise

12 the family as a single mother. Diane raised, being

13 the eldest of the family of two other sisters and a

14 brother, raised those kids to help her mother raise

15 that family. She joined the military, she, once

16 again, throughout her twenty-two years career was

17 serving people, being compassionate to the troops

18 that were under her, mentoring them, making sure of

19 their morale and welfare. As Chip stated, we were

20 pretty much in the propulsion career field. Toward

21 the end of her career, we were down at Moody Air

22 Force Base. The way the base restructured was

23 changing our career field where we were no longer

24 there. We had an opportunity to retire at that

25 time. I took a job up at Headquarters ACC, in

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1 Virginia. Diane was about ready to retire, she had
2 her paperwork in. She went to a graduation ceremony
3 at one of our best friends from Germany while we
4 were stationed over there and while there she talked
5 to Command Chief Master Sergeant of Headquarters ACC
6 who we knew and they spoke and Diane was like I'm
7 really not ready to get out of the service yet, but
8 I have other things I want to do and he's like what
9 would that be? She says I've always wanted to be a
10 First Sergeant in the Air Force. The First Sergeant
11 sir, is somebody that takes care of all the enlisted
12 troops that are under her commander's assignment, to
13 make sure that they are going down the right paths.
14 Whenever there is disciplinary action, whenever they
15 are in the hospital, whenever something happens with
16 their morale and welfare, the First Sergeant is
17 there to be the Commander's eyes and ears and to
18 help him guide them to the correct path. She did
19 this for two years. When that happened she was at
20 the First Sergeant's Academy in Alabama. Her last
21 week of that school was when 911 happened. She
22 quickly graduated that week and came up to
23 Headquarters ACC. She was in the ninety-fourth
24 Fighter's Squadron there. Half of her squadron was
25 already deployed over in Saudi Arabia doing

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1 Operation Northern Watch, the other half deployed
2 quickly to do combat air patrols over our nation's
3 capital. Diane being the First Sergeant came right
4 in and had to take care of the people, all of the
5 spouses, everything. She's been serving like that
6 all of her life. When we went to war in Iraq, Diane
7 was deployed with her squadron and was in charge of
8 those thousands of people under her up at that air
9 base in Saudi during the initial shock and awe. She
10 took care of their Red Cross needs, she took care of
11 their housing, their tent needs, their food, their
12 welfare. She's always done that her whole life.
13 She's been paying it forward for forty years, for
14 forty plus years. As Chip had said, bad things
15 happen to good people. We cannot understand this,
16 but this one event should not define Diane Brown.
17 She has been a good person, she is still a good
18 person and we she will be able to continue to be a
19 good person and serve our community as she has all
20 of her life. In the propulsion business, any time
21 there's a mishap, there's always more than one. The
22 Mishap Investigation Board, there's plenty of
23 contributing factors to what happens to that mishap.
24 It's not an oil failure. In this case it's not just
25 Diane drinking the wine and then getting in the car

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1 and then driving. That is not her character, that is
2 not what was taught to her in the military. She
3 knows not to drive, she has never driven like that.
4 In this case, as Chip's stated, after being with
5 clients, customers from the Air Force and her boss
6 who was there and came down for this meeting, after
7 four and a half hours she excused herself to go to
8 the bathroom, never to return to later find out that
9 she's in jail for what happened. That is not a
10 professional, that is not what she would do. How
11 can she leave, after being there for four and a half
12 hours and excuse herself to go to the bathroom and
13 never to return? Not to come back and say good bye
14 to who she's been with for four and a half hours,
15 not to come back and say good bye to her boss, not
16 to come back and take care of her tab. This is the,
17 this is the contributing factor we cannot
18 understand. How could this have happened? Because
19 Diane would not, the type of person that she is,
20 would not behave like that. That is not Diane. And
21 for that reason, and for those contributing factors,
22 we have fervent hope that you will see mercy on her.
23 I've already stated about her history and about her
24 background in the military and how she serves the
25 community, our church, our family and constantly

HEARING

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1 being compassionate and helping out everyone. She
2 is that kind of person. Her medical condition is
3 another thing. As Chip said, from the doctors, you
4 have read the letters, she suffers terribly from
5 this accident and what happened. The type of person
6 that she is, she's taken this deep into heart. She,
7 not a day goes by that she does not think of
8 Christian and Paul and the rest of their family and
9 what they must be, what must be going on in their
10 lives. She is not happy, our family is not happy,
11 our kids are not happy, nobody in our family is
12 happy from what has happened. We cannot understand
13 what has happened. One day after years and years of
14 being with her, of the type of person she was and
15 how we've raised our kids and our lives, to have
16 this happen, it makes no sense. We will never be
17 happy. She wakes up in the middle of the night
18 thinking about Christian first thing. She thinks
19 about him all day, she goes to bed thinking about
20 him. When holidays come up also, Christian is
21 always on her mind, on our minds. Thanksgiving comes
22 about, Diane comes down the stairs, she wonders what
23 is Christian's favorite food and what Paul and
24 Christian might do on Father's Day. None of these
25 holidays when we have with my son on Father's Day

HEARING

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1 and my daughter, we think of Christian and we
2 wonder, "Oh my goodness, what happened? And why did
3 it happen?" We do not know. And for that also, we
4 hope that you will show mercy on Diane. One last
5 thing, sir, it's a little bit selfish on my part and
6 my family's part for Diane. We are Diane's support
7 system. We are helping her through this. The last
8 two and a half years since the accident has been
9 dreadful. The state of condition that Diane was in
10 just trying to rebuild her life and get some sort of
11 self esteem in her. For Diane, she left her soul
12 and her life on the side of the road as well. She
13 wanted it to be that way. We went a year or more
14 with her thinking, "Why am I alive? I should not
15 have been spared. Why was I spared?" Which we do
16 not know. Only the man upstairs knows why he had
17 this course of action, this path now for her. But
18 for us, for her support system, because this was a
19 business trip out of state, she is going to serve
20 time down here in South Carolina. Not one of her
21 family or friends live in South Carolina, in the
22 local area or even in the state of South Carolina.
23 Which means for visitation and support of her, we
24 are going to have to come long distances, from Ohio,
25 ten hours, from Baltimore, from Delaware, from

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1 Georgia, from all over the country, but not South
2 Carolina. This is, to me, this is like an increased
3 punishment; to not be able to be there to support
4 her on visitation. To put our lives at risk and
5 fate coming all over the roads for that kind of a
6 distance just trying to come down here and be her
7 support system and help her through this. And for
8 that we also ask for leniency in your decision.
9 Sir, I don't know what else to say for her. She is
10 a good person. Bad things happen to good people.
11 It was not her intent to go there that night, drink
12 with the rest of them and get in a car and leave.
13 The hotel was right behind the restaurant. Surely
14 she knew that. The rest of the people there, some
15 of them were at the hotel also. Whatever happened
16 to her when she went to the bathroom we will never
17 know that because Diane's the only one and she does
18 have no recollection from the time that she got up
19 to go to the bathroom til at the accident scene.
20 Please sir, we plead for your mercy.
21 Mr. McMillan: Your Honor this is Alease Brown, daughter.
22 Alease Brown: I'm Alease Brown, the daughter of two
23 loving, inspirational, respectful, honest and
24 beautiful human beings. They teach me so many new
25 things each and every day. They are both there for

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1 my brothers and my everyday life difficulties, just
2 as they are there for each other. The most
3 important and most resourceful thing, they both have
4 taught me is how to be the best person I can
5 possibly be. The best team player, the most
6 responsible employee, the most dedicated student,
7 the most loyal friend and the most loving family
8 member. My mother has never doubted me, never looked
9 down upon me, never judged my actions and never gave
10 me any reason to believe she wasn't the most
11 beautiful, kind hearted mother to my brother or me.
12 She is also the reason why my dad is the way he is.
13 They are there for each other through everything,
14 which is what I most admire. They are soul mates in
15 each other's world and I was what people use to call
16 military brat, which meant we moved frequently to
17 new locations throughout my entire life. This is
18 hard for an average kid, but probably the reason why
19 we are so close, because we only have each other. I
20 can honestly say I would never, in a million years,
21 have imagined myself in the position I am in today;
22 begging people I don't even know to show mercy
23 toward my mother. What has happened and the reason
24 we are here is so out of my mother's character.
25 Before and after I reached my driving age, my

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1 parents have preached to me about drinking and
2 driving and they were never being hypocrites telling
3 me so. They drank responsibly to ensure that we or
4 them have a safe way home. I specifically remember
5 occasions where my parents would ride with others to
6 avoid risking an impaired driving situation. That
7 is why this is such a shock to anyone who knows my
8 mother. No one knows what happened that night and
9 deep down in my heart I know she would never have
10 allowed herself to drive while impaired, knowingly
11 or intentionally. I know Christian is gone and
12 will be forever missed and because of the guilt and
13 pain my mother feels she'll forever feel remorseful
14 for that loss. No words, no amount of money, no
15 length of prison time could ever fill the whole you
16 have in your hearts. I am on my knees and begging
17 and offering my entire life and everything I own to
18 your family. Hold on. Okay. To your family so you
19 will believe how tremendously sorry my mother and my
20 entire family and even my friends are. My mother's
21 mind is already her own prison. She cannot escape
22 the thoughts from this horrific tragedy and how it
23 has impacted your family, as well as ours. She is
24 not the mother I knew raising me my entire life.
25 She is now a torn up, sorrow filled soul. Diane

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1 Brown, my once joyful, loving, sweet mother is now
2 heart broken, hurt, depressed and withdrawn. I can
3 only imagine what the results of that night have
4 done to the Schmidt family and I am incredibly sorry
5 for pain for their family. They do not know how it
6 has impacted our lives, something perhaps they have
7 tried to imagine, perhaps not because they can only
8 see the loss of Christian. Our pain, although not
9 the same, may be just as awful each and every day.
10 This is a terrible accident my mom or any of us will
11 never forget about. Please don't take her away from
12 my dad, my brother and me. Ever since the accident,
13 I have not stopped praying for your family to heal
14 and see your way through this horrible tragedy. I
15 have not stopped praying that you will believe my
16 mom's sincere apology and forgive her. My mother
17 basically threw her old life style away and took up
18 seeking your forgiveness as a full time job now.
19 Because she can not talk with your family directly,
20 she has been reaching out through ministries at
21 church to help make a positive difference in the
22 lives of those less fortunate. Hoping to be able to
23 forgive herself and she hopes that someday you ---in
24 taking away her support system to serve this jail
25 time. I am terrified to lose my mother. She is the

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1 reason I am who I am. She's the reason my brother
2 is who he is and the reason my dad is so incredibly
3 happy. Everyone who knows my mother loves her. She
4 always wants to help, always there to listen, always
5 there to learn and always there to love. When you
6 step into my mother's presence you feel warm and a
7 kind hearted soul. There would be no advantage to
8 anyone if she had to spend many years in a place
9 where she couldn't impact anyone's life positively.
10 It can't bring Christian back and it would be a sad
11 continuation of a unimaginably terrible accident.
12 My mother could instead spend the time continuing to
13 volunteer endless hours, serving the community and
14 giving back to others and to charities. She can
15 also tell many young people about the tragedy as a
16 preventative service, discouraging drinking and
17 driving. Please let her have the option of helping
18 instead of prison time. I pray for you to give us
19 all a miracle today. A miracle of healing for your
20 family and forgiveness for my mother and let my
21 mother be with us very soon so she can go and do the
22 great things she does. I love my mother to the
23 point where it's unexplainable as we all do. Please,
24 I am begging you. Thank you.

25 The Court: And how old is she?

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1 Alease Brown: How old?
2 The Court: Yes ma'am.
3 Alease Brown: Eighteen.
4 The Court: Thank you.
5 Alease Brown: Thanks.
6 Mr. McMillan: Mr. Eric Brown Your Honor, her son.
7 The Court: All right, how old are you?
8 Eric Brown: Twenty. Speaking on behalf of my mom Diane
9 Brown. First off, it's easy for me and everyone
10 else who has had the privilege to meet her to say
11 that she is one of the world's most loving, adored
12 and responsible human beings you will ever meet.
13 She's not a criminal, she has done nothing but take
14 pride in devoting her life to her country, her
15 family and also her community. To give her such a
16 severe, lengthy sentence isn't the right or ethical
17 way of punishing her. My mom was the cause of this
18 heart rendering mishap. She has accepted this and
19 has taken the matter directly to heart. Since the
20 accident, she has not been the same person I have
21 known her to be. She's extremely fragile and torn
22 up as a result of this mishap. She's still my
23 loving and adoring mother and nothing can change
24 that. She is the reason why I am successful,
25 courteous and a responsible person that everyone

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1 else looks up to me. This also applies for everyone
2 she has cared for and supported, but I have lost the
3 mother I had prior to the accident. She attends
4 therapy and tries to ease the pain she has from the
5 amount of guilt she suffers from week after week,
6 month after month and year after year. She has
7 punished herself both mentally and emotionally. She
8 has done nothing since the accident, but to continue
9 to put her life into the church, the community and
10 family, hoping to find forgiveness. There is
11 nothing I want in life right now, but for my mom to
12 stay out of prison and for me to receive that
13 picture mail she sends me every morning at seven
14 a.m. telling me to have a wonderful day at school
15 and how she misses me, loves me and how she can't
16 wait to see me when I come home on the weekends from
17 college. But my mom will not be granted this. Fear
18 of not having my mom around daily is one that I have
19 to live with from the time she has to reside in
20 prison. It will be extremely hard for me to cope
21 with this because I know the person she is. And I
22 know that she doesn't deserve to be placed in
23 prison. She deserves to be out in society in order
24 to help others just like she's been doing her whole
25 life with friends, family and co-workers. She

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1 deserves to continue to do what she loves; caring
2 for my dad and my sister and myself, relatives,
3 friends and people in the community like she has
4 done so admirably in the past. But because of who
5 my mom is and how she will always remain to be, I
6 know she will prove to continue to have a positive
7 impact on the women she will meet in prison. She
8 will turn criminal lives around to positive lives
9 with her great faith and good works in the community
10 and church. She will have a very positive impact on
11 some of the most needy women. And because of her
12 honorable twenty -three years of military service, I
13 know she will be strong and respected. The events
14 that happened on September 17, 2008 are a complete
15 mystery. I know my mom had no intentions of driving
16 under the influence because she has always set an
17 example not to drink or to volunteer to be the
18 designated driver. What happened was a tragic
19 accident. Given the circumstances and the person my
20 mom is, it is easy to say that this could have very
21 well happened to any of us in the courtroom today.
22 The fact that it did happen to my mom and the
23 Schmidt family is heart breaking. She deserves
24 leniency from the court and the support that she has
25 given everyone else. She has given her entire life.

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1 Thank you.

2 Mr. McMillan: Your Honor, Mr. Bob Murphy; Ms. Brown's
3 father.

4 The Court: Mr. Murphy.

5 Mr. Murphy: Your Honor, thank you for letting me address
6 the court. My sincere condolences go out to the Schmidt
7 family. I wrote a short and brief letter, but I'm going
8 to speak from my heart. I am a recovering alcoholic.
9 Through the grace of God I've been sober since 1983. I
10 put myself out throughout the state of Jersey, New York
11 in counseling, bringing meetings to different
12 organizations; transporting alcoholics back and forth. I
13 made that my life after my downfall. I realized what
14 alcohol did to me. It took my family, it took my mother
15 and father away from me. It took everything. I can see
16 where restitution rather than revenge could be taken.
17 Our whole family is a giving family. From my father,
18 Diane's grandfather who were both World War Two veterans,
19 I myself was in the Marine Corps four years, my two son-
20 in-laws served in the Air Force. My brother served in
21 Vietnam three times, my other brother was in the Marines.
22 Our family is a giving family, not a taking family. We
23 didn't ask for much, we gave to this country. Something
24 like this happens it's a terrible tragedy, you realize
25 that, but my oldest daughter, I was ever so proud of what

HEARING

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1 she's given to her family, to our family and held us all
2 together. Right now we're trying to support her and
3 support one another; it's rough. I do have deep sympathy.
4 I realize, like I said, I went around and I brought
5 meetings about what alcohol has done to families. I've
6 seen death. I've seen it all. All I can do right now is
7 just plead for some mercy and I, on a daily basis I
8 usually say the serenity prayer, which goes God grant me
9 the serenity to accept the things I cannot change, the
10 courage to change the things I can and the wisdom to know
11 the difference. I plead for your mercy, thank you.

12 Mr. Zacker: Your Honor my name is John Zacker, I'm
13 from Valdosta, Georgia and I am a twenty-four year
14 veteran of the United States Air Force and that is
15 where I first came into contact with my great
16 friends and honorary family members, Diane and Bob
17 Brown and at the time Eric and Alease came to be
18 born a little later on. From what you've heard from
19 Bob and his father-in-law, and Alease and Eric, I
20 can only emulate the same. In the military, family
21 is very critical to us in that we are gone most of
22 the time defending and supporting our country. And
23 my family, personally, I've got four daughters and
24 nine grandchildren, who are a part of Diane's
25 compassion and if I may read a letter from my

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1 children to you: Dear Your Honor, we Michelle Brown,
2 Candace Zacker, John Zacker the third and Heather
3 Zacker, with the utmost respect would like to
4 collectively appeal to the court for mercy regarding
5 Diane. We have compiled what we feel beyond
6 characteristics and situations that prove that she
7 deserves such mercy. Our father, John Zacker, Jr.
8 was stationed at Moody Air Base in 1987. This is
9 where we came to know the Brown family. From the
10 beginning, we knew that Diane was special. She loves
11 children and it shows. She has always paid
12 individual attention to us as well as her children.
13 You feel special around Diane because you can tell
14 that she really loves you. This boundless love was
15 particularly evident at the birth of her children.
16 Life is precious to Diane, Your Honor. She is a
17 wonderful mother. As a family friend we have many
18 ties with Diane. Throughout the year she always
19 supported us mentally, emotionally and sometimes
20 financially. She always sets the greatest example
21 of a good, kind, thoughtful, righteous woman. She
22 is someone who we all look up to and always will.
23 She would drop anything, everything, at any given
24 moment to help anyone in need. She has always put
25 others before herself, even if it meant personal

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1 loss. She would never dream of causing anyone harm.
2 We cannot think of one time when we saw Diane
3 exhibit poor judgment or treat someone harshly, not
4 once, Your Honor. Also there is the fact that Diane
5 is a war veteran with the United States Air Force.
6 She risked her life for our safety and our way of
7 life. It should go without saying that Diane is a
8 thoughtful and caring person who would protect the
9 world with her life if needed. We were sad and
10 horrified to learn the unfortunate accident of
11 September 2008, regarding Christian. What happened
12 to Diane could have happened to any of us and it has
13 happened and sometimes with horrible consequences.
14 We feel that Diane has an overpowering remorse that
15 will never leave her soul. We know that Diane will
16 be eternally devastated by that night. This is
17 evident by her current demeanor and mental capacity.
18 That night changed Diane forever. We're begging the
19 court for mercy. Please put yourself in her shoes.
20 Please put yourself in her children and husband's
21 shoes. She has an exemplary record. She is the best
22 of people. Please do not take what is left of her
23 precious heart. Please have mercy and be lenient in
24 your sentencing, Your Honor. Right at this moment
25 we are on our knees appealing to the good Lord that

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1 you show his mercy. When you look at Diane, please
2 see the whole package and not just the accident.
3 There's still more Diane has to offer to society.
4 We thank you for your consideration and we hope and
5 pray that you show mercy for Diane. That is from my
6 children. Thank you for the time.

7 Cheryl Stone: Your Honor, Cheryl Stone.

8 The Court: Your name again?

9 Ms. Stone: Cheryl Stone. I'm Diane's sister-in-law.

10 She came into our lives in 1987. My brother and I
11 have always been close. I knew it was going to take
12 a very special person, in my mind, to be good enough
13 for him. And Diane is that, very special. When she
14 married him, she not only became my sister-in-law,
15 but the sister that I never had. When they were
16 over in Germany or down in Georgia, she was always
17 there for me and absolutely helped me through some
18 of the most difficult times in my early adult years.
19 When Eric was eighteen months old I stayed with them
20 for a week and I remember being in such awe of the
21 love, admiration and respect that they have for one
22 another. She's a wonderful wife, a fabulous mom to
23 Eric and Alease and truly a special aunt to five
24 nieces and nephews who all adore her and are a big
25 part of her life. She generally cares for others

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1 and as you've heard today, responsible, honest and
2 even the most tempered person I've ever met. I've
3 always admired how she maintains her pleasant
4 disposition in even the most stressful and difficult
5 situations and I'll never forget one of the most
6 incredible experiences in my family's life when we
7 visited Bob, Eric and Alease in Virginia, and we got
8 the phone call that Diane's unit was coming home
9 from Iraq. We were all so excited. The children
10 baked a cake, made signs and we went to the air
11 force base and I'll never forget standing on the tar
12 mack, waiting for them to deplane and turned to a
13 stranger next to me and said, "My sister-in-law's on
14 that plane" As we waited for her bags to arrive I
15 watched all the young soldier's interact with her,
16 looking up to her, like a mom and a friend. I was
17 so proud. The event of September 2008 and Christian
18 has touched all of our lives. I miss her. She
19 hasn't been the same since the accident. She seems
20 so fragile. Standing here today I think about how
21 many of us, at some point in our lives, witnessed or
22 got behind the wheel when we were terribly
23 exhausted, disregarded warning signs on medicine,
24 out with friends or co-workers and observed one of
25 our colleges having one or two many drinks. How

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1 many of us thought that we should intervene and
2 drive them home? But we didn't because we feel or
3 we've been told that it's none of our business, or
4 we don't want to embarrass them. How many of us
5 have said to ourselves or to our friends, "It's only
6 two miles, I only live two miles up the road. I can
7 practically drive it with my eyes shut and I'll be
8 fine." And somehow by the grace of God, we make it
9 home safely and we're not in Diane's shoes today.
10 My son Brandon turned eighteen last Friday and
11 unlike many of his friends at that age, testing the
12 waters, he's chosen to refrain from drinking at
13 parties and football games and so forth. Of course
14 he gets teased and chastised and sometimes not
15 included in events because he doesn't party and when
16 I told him how proud I was of his decision, I asked
17 him what gives you the courage to not give in to
18 peer pressure at eighteen years of age? And he said
19 very simply, "Mom, it's easy. I think of Aunt
20 Diane, I love her and it's as simple as that." None
21 of us are the same. Not the Schmidt family, not
22 Bob, Eric or Alease, not our brother or sisters or
23 spouses or children and everyday try to understand
24 what happened that night. We can't make sense of it
25 at all. She lives with the physical and emotional

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1 consequences every day and it has changed her life
2 as well as our entire family's life forever. We need
3 her. Bob, Eric and Alease need her. Please, I beg
4 you to consider this today. Thank you.

5 The Court: Mr. McMillan, how many folks are going to
6 be talking?

7 Mr. McMillan: Probably just one or two more I think Your
8 Honor.

9 The Court: I want to get to Ms. Brown soon.

10 Mr. McMillan: I understand sir.

11 Susan Steele: I'm just going to say something ...

12 The Court: Your name?

13 Ms. Steele: Pardon?

14 The Court: Your name?

15 Ms. Steele: Oh, Susan Steele and I am Diane's step
16 mother-in-law and I've known Diane for eleven years
17 and know her to be a very loving and deeply loved
18 woman. I wanted to say something to the Judge today
19 that I admired as a student and then again taught to
20 teenagers as a teacher and it's a quote from
21 Shakespear's Merchant of Venice and it involves a
22 lawyer talking to a judge and I think this is
23 particularly appropriate today and I quote, "The
24 quality of mercy is not strained. It dropeth as a
25 gentle rain from Heaven on the place beneath. It

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1 blessed twice, it blesses him that gives and her
2 that receives. 'Tis mightiest in the mighty." and
3 I, that's all I wanted to say. There's a lot more
4 that goes on. We are talking a lot today about
5 mercy and I wanted to put that to you. Thank you.

6 The Court: All right.

7 Ms. Brown: Your Honor, I've written and prepared
8 hundreds, I mean hundreds of letters and statements
9 getting ready for this day and I'm standing here
10 before you now with nothing. I'm going to try to do
11 this from my heart. First off, I'd like to ...

12 The Court: Can you put the microphone up just a
13 little bit?

14 Mr. McMillan: Up?

15 The Court: Right at her.

16 Mr. McMillan: Speak louder, get a little closer.

17 Ms. Brown: Okay. First off, I'd like to make my
18 apology to the court and to the city of Sumter and
19 to the state of South Carolina. I didn't come here
20 on that night to cause any trouble. I'd been given
21 a very important job to do here and I came here with
22 every intention to do that and just to go have
23 dinner with some associates and I had a couple of
24 glasses of wine. That's what I thought it was and
25 had some more and sir I don't know what came over me

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1 and you heard from other statements here I drank too
2 much. There's different reports, somewhere between
3 five and eight were served. Whatever it was, one
4 was too many that night obviously. I was staying at
5 a hotel right behind there and I know there was
6 conversations as the evening went on that we could
7 drink more and we could walk to the hotel. Whether
8 that was the plan or not, I excused myself and I
9 went to the restroom and that's all I remember.
10 Honestly that's all I remember. I ended up
11 somewhere on a road where I'd never been and in an
12 accident that I didn't know I caused. I woke up in
13 the Sumter County Detention Center and I was booked
14 for Felony DUI and at the time, sir I thought a
15 Felony DUI was a bad DUI. I know that sounds like
16 some kind of goofy language, but I just thought it
17 mean that I drank too much and I caused an accident
18 because I really didn't know the circumstances. It
19 was nearly twenty-four hours later before a friend
20 of mine came to the jail and told me that I had
21 caused the death of Christian. I had no idea. And I
22 didn't believe that. It seemed like time, it was a
23 vacuum. And since then nothing, nothing has seemed
24 real. So we spent the next couple of days here in
25 Sumter, trying to just get me out of town and get me

HEARING

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1 back home and get my family and get me back home and
2 try to make sense of this all. And we haven't been
3 able to, so my first apologies is to the state.
4 I've been here a couple of times and I've come here
5 and I've done my work and I've left. And I don't
6 know what happened that night and I'm very sorry.
7 I've made my apologies individually to my family and
8 my friends and my neighbors here. I feel like I've
9 destroyed our lives, our dreams and our hopes. I've
10 heard, I know you've heard about my military record
11 and other things and really my neighbors and really
12 I was just going to work everyday and I was trying
13 to do a good job. I'd like to be, I just wanted to
14 be Bob's wife and Eric and Alease's mom and I like
15 to garden and I like to cook and I like to, I was
16 enjoying my retirement, my semi-retirement from the
17 air force. Didn't have a whole lot of plans. I was
18 just kind of living the simple life and wasn't an
19 alcoholic, I wasn't a wild, party drinker, I wasn't
20 any of the things I've been accused of. And I'm so
21 sorry for all the pain that I caused them and all
22 the broken dreams. They're too painful to talk
23 about. I have the strength to be here today,
24 because I want to, I want to, I want to admit my
25 guilt and I want to apologize to Paul Schmidt and

HEARING

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1 Tina Berry and Amber for the pain I've caused them
2 and I hope that they will believe that I am truly
3 remorseful. I'm not the kind of maybe the monster
4 that they think I am. I wasn't driving around like
5 that. I, I'm so very sorry. I won't even attempt
6 to say I can understand the pain that they've been
7 through, anything that they've been through it's
8 worse than what we've been through. I'm just so,
9 I'm, I'm so very sorry. I now have to pay the price
10 for this. I've known this from the beginning.
11 We've tried to figure it out. I guess maybe that's
12 why it's taken so long. Mr. McMillan, my husband,
13 my children, my family and everything, it hasn't
14 made sense and we've tried to figure out. There
15 must be some explanation, but from the beginning, we
16 know the facts are there. I'm here today to ask
17 that you take mercy on me and look at the case that
18 Mr. McMillan has given you. I don't know what else
19 to say, except that I'm so very sorry and I will
20 spend the rest of my life making up for it.

21 The Court: Thank you, Ms. Brown.

22 Mr. McMillan: Your Honor, several other people that
23 would have spoken, you have their letters, they are
24 here. I know they all want to speak and I'm sorry
25 that they're not all able to. The ones I'm looking

HEARING

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1 at, especially, I know, have things in their hand,
2 but I do know that Your Honor has read all those
3 letters.

4 The Court: I've read them.

5 Mr. McMillan: I know you have. Nothing further Your
6 Honor.

7 The Court: All right. Anything from you Mr. Griffin?

8 Mr. Griffin: Your Honor, I don't believe I could add
9 anything beyond what the family has said. They've
10 made their wishes known and we leave the decision in
11 your hands.

12 The Court: All right, what we're going to do right
13 now is recess for about five minutes, perhaps less,
14 perhaps longer. When we do come back in and I
15 impose the sentence, when you're up her, Mr.
16 McMillan with Ms. Brown, her immediate family can be
17 up here with her. All of the other family will have
18 a seat in the first couple of rows in the audience.
19 Of course, Mr. Griffin, you can have all these folks
20 up here while I impose the sentence.

21 Mr. McMillan: Yes sir.

22 The Court: Whenever I do impose the sentence, then my
23 direction is that there not be any audible reaction
24 to that. I want to make sure that we do maintain
25 order at all times. All right we'll recess for

HEARING

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1 approximately five minutes. All right.

2 Mr. McMillan: Your Honor, for the record, during the
3 break I placed those documents, as court's exhibit,
4 one through four, because they were clipped and ...

5 The Court: Court's exhibits?

6 Mr. McMillan: Correct, yes sir. Thank you.

7 The Court: Okay, come on up Ms. Brown. All right,
8 typically in these situations folks who participate
9 in these types of proceedings expect some type of wise
10 statement from the judge that will carry them forward and
11 perhaps have a long lasting meaning. I'm not going to
12 attempt to do that, because from the stand point, Ms.
13 Berry and Mr. Schmidt and Amber Schmidt nothing that
14 anybody says is going to make any difference. I
15 understand that. Everyday in the courtrooms we see human
16 tragedies played out. There's no way that one person's
17 words will work any magic on anybody. If you took a poll
18 of the fifty to seventy-five people in this courtroom,
19 you would get probably fifty to seventy-five different
20 answers in what a just sentence would be. All right, Mr.
21 Griffin even said, it obviously falls on me to do it.
22 The sentence that I'm going to impose is a just sentence
23 in my mind. I'll leave it to whoever else to determine
24 whether or not it's satisfactory. It's a just sentence
25 in my mind. I believe Mr. Brown, I believe he was

HEARING

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1 mentioning the fact that they were hoping that I would
2 pass some type of sentence that would perhaps be served
3 in the State ... If I took that the wrong way, I
4 certainly take no offense. The sentence you will serve
5 will be in the South Carolina Department of Corrections.

6 Mr. McMillan: We, she understands that Your Honor.

7 The Court: And it is a sentence, again, that I
8 think is just and the sentences will be concurrent.
9 Diane Elizabeth Brown, you are, on the first count of
10 Felony DUI resulting in the death of Christian Schmidt,
11 you are committed to the State Department of Corrections
12 for a period of twelve years. Felony DUI resulting in
13 serious bodily harm, you are committed to the State
14 Department of Corrections for a period of twelve years.
15 Any time that you have served you will get credit for,
16 that is the law. I mentioned I believe or Mr. McMillan
17 did, it was a day or two. No sentence will bring the
18 young man back. Whether it's one or whether it's two
19 consecutive twenty-five plus fifteen. I hope that both
20 families will find an occasion to heal to the extent that
21 they can. From the standpoint of the Schmidt family they
22 will have great difficulty with that process. My heart
23 goes out to them. Ms. Brown, I think, as Mr. McMillan
24 said you're a good person, but you did a terrible thing.
25 And again the sentences that I passed, I think they're

HEARING

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1 just under the circumstances. Anything else that we need
2 to discuss?

3 Mr. McMillan: Nothing from the Defendant Your Honor.

4 Mr. Griffin: Nothing from the State Your Honor.

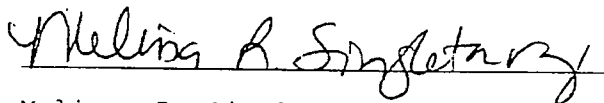
5 The Court: Thank you.
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CERTIFICATE

This is to certify that the hearing in the matter of Christian S. [REDACTED] et al vs. Dianne Brown, consisting of Eight (80) pages is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 27th day of April, 2011.



Melissa R. Singletary
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: 3-5-2014

SECRET

2011 JAN 31

WATER COURTS, S.C. 41

IN THE COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT
INDICTMENT NO. 2009-GS-43-208

MOTION FOR RECONSIDERATION

D-491423

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PLEASE BE ADVISED AND TAKE NOTICE that the Defendant, Diane E. Brown, by and through her undersigned attorney, hereby moves and request of this Honorable Court that the sentence imposed on Diane Elizabeth Brown on January 20, 2011 be reconsidered.

The Defendant would move for a reconsideration of the sentence based upon the fact that the offense of Diane Elizabeth Brown requires eighty-five percent (85%) service of any time received prior to any credits and the Defendant, Diane Elizabeth

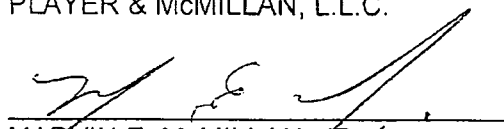
Brown, is forty-nine (49) years of age and lead an exemplary life, has no prior criminal record, acknowledged her guilt, and showed remorse, and as a result, the Defendant feels that the sentences were excessive and unreasonable.

WHEREFORE, the Defendant requests and prays that this Honorable Court to reconsider the sentence of Diane Elizabeth Brown and reduce the sentence and fine as referenced-above to a reasonable amount below the sentence imposed on January 20, 2011.

RESPECTFULLY SUBMITTED.

PLAYER & McMILLAN, L.L.C.

BY:



MARVIN E. McMILLAN, JR.
305 NORTH MAIN STREET
POST OFFICE BOX 3690
SUMTER, SOUTH CAROLINA 29151
(803) 775-2306
ATTORNEYS FOR THE DEFENDANT

Sumter, South Carolina
January 31, 2011.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF SUMTER) THIRD JUDICIAL CIRCUIT
09-gs-43-208

State of South Carolina,)

Plaintiff,)

vs)

Diane Elizabeth Brown,)

Defendant.)

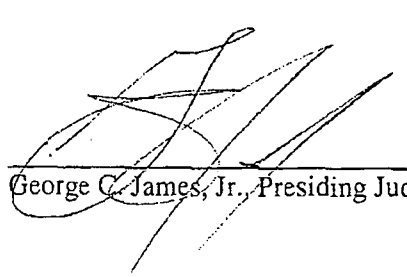
ORDER

RECORDED
2011 AUG 19 PM 12:03
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

After careful consideration of the defendant's motion for reconsideration of sentencing, the court hereby reduces the Felony DUI fine imposed to the sum of \$10,100.00. The court denies the motion to reduce the twelve year term of imprisonment.

The fines and sentences on both convictions are to run concurrent.

AND IT IS SO ORDERED.


George C. James, Jr., Presiding Judge

August 19, 2011

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

20 11/9 7969

APPEAL FROM SUMTER COUNTY
Court of General Sessions

George C. James, Jr., Circuit Court Judge

Case No. 2009-GS-43-208

RECEIVED
AUG 19 2011

SC COURT OF APPEALS

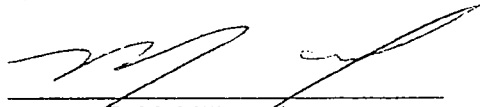
POS 8-26-11
PMA 8-26-11

 The State, ... Respondent,
vs.
Diane Elizabeth Brown, ... Appellant.

NOTICE OF APPEAL

Diane Elizabeth Brown appeals her guilty plea conviction and the sentence in this case which was imposed on January 20, 2011 and appeals the Order of The Honorable George C. James, Jr. dated August 19, 2011 which reduced the Felony DUI fine but denied the Motion to reconsider the sentence. Appellant received written notice of the entry of the Order reducing the Felony DUI fine but denying the Motion for reconsideration as to the sentence on August 22, 2011.

August 26, 2011


Marvin E. McMillan, Jr.
Player & McMillan, LLC
305 North Main Street
Post Office Drawer 3690
Sumter, South Carolina 29151-3690
Telephone: (803) 775-2306
Facsimile: (803) 436-5960
Attorney for Appellate

STATE OF SOUTH CAROLINA	)	IN THE COURT OF APPEALS
	)	
COUNTY OF SUMTER	)	THIRD JUDICIAL CIRCUIT
	)	
DIANNE ELIZABETH BROWN,	)	2009-GS-43-208
	)	
APPELLANT,	)	AFFIDAVIT OF
	)	
v.	)	DIANNE ELIZABETH BROWN
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
RESPONDENT.	)	
_____	)	

PERSONALLY appeared before me, DIANNE ELIZABETH BROWN, who being duly sworn, deposes and says:

1. I am the defendant-appellant in the above captioned case.
2. I understand that I am entitled to an appeal of my conviction, and that an appeal has been filed on my behalf. I have also been informed of the possible consequences of continuing with or dropping this appeal. It has been explained to me that a direct appeal from a guilty plea is very rarely successful. It has further been explained to me that I may not raise allegations concerning ineffective assistance of trial counsel on direct appeal.
3. In light of this information, it is my desire that Tara Dawn Shurling drop the appeal formerly filed on my behalf.
4. I have made this decision on my own, with a full understanding of all the possible consequences of this action.
5. I do not wish to appeal.

Diane Elizabeth Brown
DIANE ELIZABETH BROWN

SWORN TO before me this 12th day
of October, 2011.

Julian P. Hatt (L.S.)

Notary Public for South Carolina

My Commission Expires: 8-23-21

The South Carolina Court of Appeals

The State,

Respondent,

v.

Diane Elizabeth Brown,

Appellant.

The Honorable George C. James, Jr.
Sumter County
Trial Court Case No. 2009-GS-43-00208

ORDER of DISMISSAL

The above entitled case is pending on appeal in this Court. It appears that Appellant, with full understanding of all possible consequences of this action and with agreement of counsel, wishes to withdraw the appeal and moves the Court for an Order dismissing the appeal.

IT IS ORDERED that the above captioned appeal is dismissed. The remittitur will be sent to the lower court as provided by Rule 221(b), of the South Carolina Appellate Court Rules.

JOHN CANNON FEW, CHIEF JUDGE

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc: Marvin E. McMillan, Jr, Esquire
Assistant Attorney General Salley W. Elliott
Tara Dawn Shurling, Esquire

FILED
11/11/09

The South Carolina Court of Appeals

The State,

Respondent,

v.

Diane Elizabeth Brown,

Appellant.

The Honorable George C. James, Jr.
Sumter County
Trial Court Case No. 2009-GS-43-00208

REMITTITUR

No Petition for Reinstatement having been filed in the above matter since issuance of this Court's Order dated November 1, 2011,

IT IS SO ORDERED that the above appeal be and hereby is remitted.

JOHN CANNON FEW, CHIEF JUDGE

BY V. Claire Allen, Deputy
Clerk

Columbia, South Carolina

Original to: The Honorable Jamie Campbell

cc: Marvin E. McMillan, Jr, Esquire
Tara Shurling, Esquire
Assistant Attorney General Salley W. Elliott

FILED

11-30-11 DW

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER) 2012 JAN 20 PM 2:27

DIANE ELIZABETH BROWN, #344449

Applicant,

v.

THE STATE OF SOUTH CAROLINA,

Respondent.

JAMES L. CAMPBELL
 CLERK OF COURT
 SUMTER COUNTY, S.C.

2012-CP-43-100

**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 in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

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

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

1. Place of detention: Camille Griffith Graham Correctional Institution, 4450 Broad River Road, Columbia, SC 29210.
2. Name and location of Court which imposed sentence: Sumter County General Sessions Court, 141 N. Main Street, Sumter, SC 29150
3. Name(s) of co-defendant(s) (if any) : N/A
4. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) 2009-GS-43-208 Felony DUI
 - (b) 2009-GS-43-208 Amended Felony DUI 2 counts

5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) January 20, 2011 Twelve (12) years concurrent.
 - (b) January 20, 2011 Twelve (12) years concurrent.
6. Check whether a finding of guilty was made
 - (a) after a plea of guilty Yes
 - (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? Yes
8. If you answered "yes" to (7), list
 - (a) the name of each Court to which you appealed:
 - i. South Carolina Court of Appeals.
 - ii. N/A
 - iii. N/A
 - (b) the result in each such Court to which you appealed:
 - i. Withdrew the appeal.
 - ii. N/A
 - iii. N/A
 - (c) the date of each such result:
 - i. November 1, 2011.
 - ii. N/A
 - iii. N/A
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. Order of Dismissal
 - ii. N/A
 - iii. N/A

9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Direct Appeal withdrawn because issues the Applicant sought to have reviewed can't be appropriately raised on direct review Collateral review through an Application for Post-Conviction Relief is the proper avenue for review of claims Applicant desired to raise.
 - (b) N/A
 - (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a)) The Applicant received Ineffective Assistance of Counsel prior and during her plea in violation of her rights pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, as well as Article I, Section 14 of the South Carolina Constitution.
 - (b) The Applicant's pleas of guilty were not voluntary and intelligently entered. The judgments and sentences against the Applicant were entered in violation of her rights to due process of law and effective assistance of counsel as guaranteed by the United States Constitution and the South Carolina Constitution.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Counsel failed to adequately investigate the Applicant's charge, failed to investigate and interview potential witnesses and failed to give his client adequate legal advise prior to the Applicant's guilty plea proceeding. Counsel failed to fully advise the Applicant of the consequences of her plea and further failed to investigate defenses against the charge against the Applicant. Counsel neglected to adequately review discovery materials with the Applicant.
 - (b) Counsel failed to provide client effective assistance of counsel prior to and during her guilty plea proceeding. The Applicant's pleas of guilt were coerced by counsel's failure to provide adequate representation.
12. Prior to this application, have you filed with respect to this conviction:
- (a) any petitions in a State Court under South Carolina law? n/a
 - (b) any petitions in State or Federal Courts for habeas corpus or post-conviction relief? n/a
 - (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? n/a
 - (d) any other petitions, motions or applications in this or any other Court? n/a

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. n/a

ii. n/a

iii. n/a

iv. n/a

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

i. n/a

ii. n/a

iii. n/a

iv. n/a

(c) the disposition thereof:

i. n/a

ii. n/a

iii. n/a

iv. n/a

(d) the date of each such disposition:

i. n/a

ii. n/a

iii. n/a

iv. n/a

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

i. n/a

ii. n/a

iii. n/a

iv. n/a

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? NO

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

(a) which grounds have been presented:

i. n/a

ii. n/a

iii. n/a

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

i. n/a

ii. n/a

iii. n/a

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

(a) Collateral review through PCR represents the first appropriate opportunity the Applicant has had to raise these issues.

(b) _____

(c) _____

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

(a) your arraignment and plea? yes

(b) your trial, if any? n/a

(c) your sentencing? yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes

(e) preparation, presentation or consideration of any petitions, motions, or applications with respect to this conviction, which you filed? N/A

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. Marvin E. "Chip" McMillan Jr., P. O. Drawer 3690, Sumter, SC 29151.

ii. n/a

iii. Marvin E. "Chip" McMillan Jr., P. O. Drawer 3690, Sumter, SC 29151

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

i. Plea and Sentencing

ii.

iii. _____

19. State clearly the relief you seek in filing this application. Vacation of judgments and sentences. Applicant seeks a new trial on all charges.

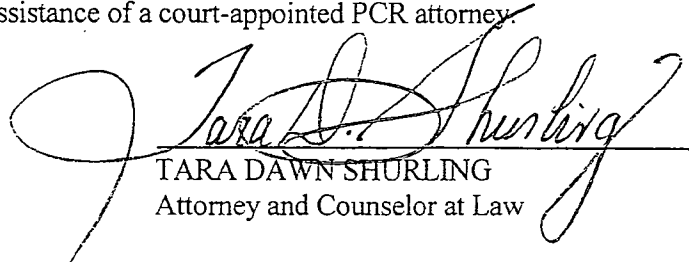
20. Are you now under sentence from any other court that you have not challenged? no

STATE OF SOUTH CAROLINA

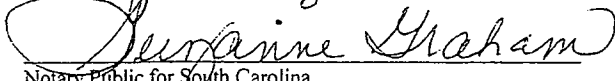
VERIFICATION

COUNTY OF SUMTER

I, Tara Dawn Shurling, retained counsel for the Applicant, 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. The Applicant *does not* desire the assistance of a court-appointed PCR attorney.


TARA DAWN SHURLING
Attorney and Counselor at Law

SWORN to and subscribed before me this 18th
day of January, 2012.


Notary Public for South Carolina
My Commission Expires: 3/12/2013

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
	)	
	)	2012-CP-43-100
	)	
Diane Elizabeth Brown, 344449,	)	
	)	
Applicant.	)	
	)	
v.	)	RETURN
	)	(Appointment of Counsel Requested)
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed January 20, 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 Sumter County Clerk of Court. The Applicant was indicted at the October 2009 term of the Sumter County Grand Jury for 2 counts of Felony DUI (2009-GS-43-0208). She was represented by Marvin McMillan, Esquire. On January 20, 2011, the Applicant pled guilty to before the Honorable George C. James, Jr. She was sentenced as indicted, without negotiations or recommendations to twelve (12) years imprisonment and a \$20,000.00 fine for Felony DUI, death results, and twelve (12) years imprisonment and a \$5,100.00 fine for Felony DUI, great bodily injury results. All sentences were to be served concurrently.

A Notice of Appeal was filed with the South Carolina Court of Appeals. An Order of Dismissal was issued on November 1, 2011 after Applicant notified the Court of her desire to withdraw the appeal. The Remittitur was issued on November 30, 2011.

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

II.

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

1. Ineffective Assistance of Counsel
 - a. "Counsel failed to adequately investigate the Applicant's charge, failed to investigate and interview potential witnesses and failed to give his client adequate legal advice prior to the Applicant's guilty plea proceeding."
 - b. "Counsel failed to fully advise the Applicant of the consequences of her plea and further failed to investigate defenses against the charge against the Applicant."
 - c. "Counsel neglected to adequately review discovery materials with the Applicant."
2. Involuntary Guilty Plea.
 - a. "Counsel failed to provide client effective assistance of counsel prior to and during her guilty plea proceeding."
 - b. "The Applicant's pleas of guilt were coerced by counsel's failure to provide adequate representation."

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

III.

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

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

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

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

IV.

Respondent submits that the Applicant's allegation that her guilty plea was involuntary is without merit. In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record.

Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

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

VI.

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

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT

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

Columbia, South Carolina

July 25, 2012.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
	)	
	)	2012-CP-43-100
	)	
DIANE ELIZABETH BROWN, 344449,	)	
	)	
Applicant,	)	
	)	
vs.	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
_____	)	

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

Tara Dawn Shurling, Esquire
Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive, Ste. A
Columbia, SC 29204

DATED this 6th day of August, 2012.

Lauren Meara
 Lauren Meara, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA

RECORDED

COUNTY OF SUMTER

2013 DEC 13 PM 2:30

IN THE COURT OF COMMON PLEAS

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

DIANE ELIZABETH BROWN, #344449

2012-CP-43-0100

Applicant,

v.

**AMENDED APPLICATION FOR
POST-CONVICTION RELIEF**

THE STATE OF SOUTH CAROLINA,

Respondent.

The Post-Conviction Relief Application previously filed on January 20, 2012 under docket number 2012-CP-43-0100 is hereby amended to include the following additional allegations:

1. Plea Counsel was ineffective in that he neglected to present the sentencing judge with exhibits introduced in mitigation of sentence in a timely manner thereby depriving the Applicant of the opportunity to have the presiding judge sufficiently review these exhibits and more fully take them into consideration in determining the appropriate sentence to issue in the Applicant's case.

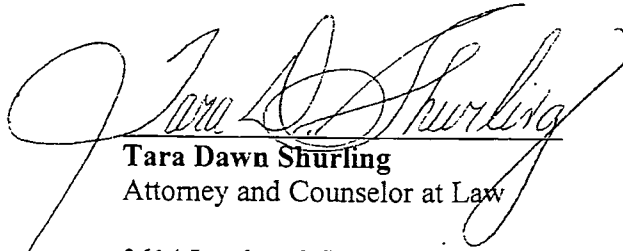
2. Plea Counsel was ineffective for neglecting to research and present readily available information concerning the sentences imposed in other felony DUI cases involving death where said statistical data would have clearly been beneficial to the sentencing judge in determining what penalty to impose on the particular facts and circumstances of the Applicant's case.

The Applicant has no further amendments at this time. For the reasons set forth herein, as well as those set forth in his original application, the Applicant asserts that his right to effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution, as well as Article I, Section 14, of the South Carolina Constitution, was violated prior to and during his guilty plea proceeding



in the Court of General Sessions. Copies of these amendments have been served on opposing counsel, Daniel F. Gourley, Assistant Attorney General, and Plea Counsel, Marvin E. McMillan, Jr., Esquire.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Tara Dawn Shurling". The signature is written over a horizontal line.

Tara Dawn Shurling
Attorney and Counselor at Law

3614 Landmark Dr., Ste. A
Columbia, SC 29204
803-738-8622
803-738-1600 (Fax)

This 11th day of December, 2013.

ATTORNEY FOR APPLICANT

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)
DIANE ELIZABETH BROWN, #344449)
Applicant,)
v.)
THE STATE OF SOUTH CAROLINA,)
Respondent.)

RECORDED
2013 DEC 13 PM 2:38
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

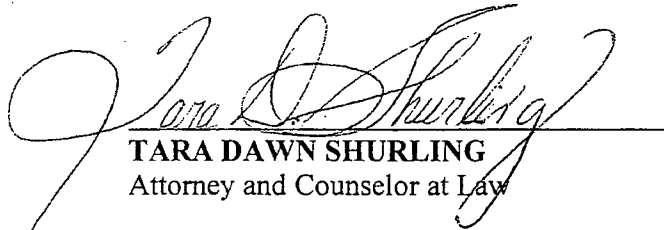
2012-CP-43-0100

**AMENDED APPLICATION FOR
POST-CONVICTION RELIEF**

The undersigned attorney hereby certifies that a true copy of the Amended Post-Conviction Relief Application in the above matter has been emailed on this 11th day of December, 2013 to:

Daniel F. Gourley
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
dgourlev@scag.gov

The original having been sent to the Sumter County Clerk of Court for filing.


TARA DAWN SHURLING
Attorney and Counselor at Law

3614 Landmark Drive, Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 Fax

ATTORNEY FOR THE APPLICANT.

SWORN TO BEFORE ME this 11th day of
December, 2013.


Notary Public for South Carolina
My Commission Expires: 2/28/2024

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

DIANE ELIZABETH BROWN, #344449)

Applicant,)

v.)

THE STATE OF SOUTH CAROLINA,)

Respondent.)

RECORDED

2013 DEC 18 PM 2:38

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

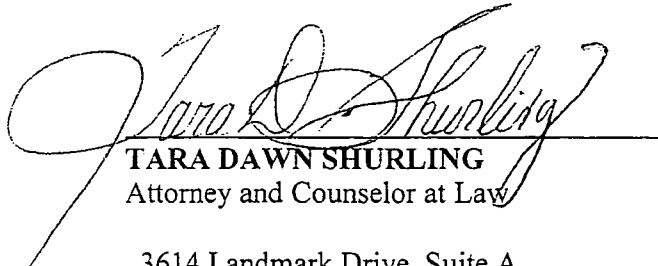
2012-CP-43-0100

AMENDED APPLICATION FOR
POST-CONVICTION RELIEF

The undersigned attorney hereby certifies that a true copy of the Amended Post-Conviction Relief Application in the above matter has been emailed on this 11/4 day of December, 2013 to:

Marvin E. McMillan, Jr., Esquire
P. O. Drawer 3690
Sumter, South Carolina 29151
chipmcmillan@sc.rr.com

The original having been sent to the Sumter County Clerk of Court for filing.

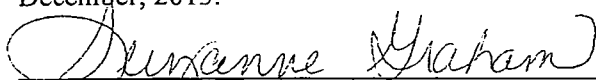


TARA DAWN SHURLING
Attorney and Counselor at Law

3614 Landmark Drive, Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 Fax

ATTORNEY FOR THE APPLICANT.

SWORN TO BEFORE ME this 11/4 day of
December, 2013.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/2024

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

12925

Mar. 11

COUNTY OF
STATE

Sumter

VS.

Diane Elizabeth Brown

AKA:

Race: 1

Sex: F

Age: 49

DOB: 1961

SS#:

Address:

City, State, Zip: Hamilton, OH 45011

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was DEPUTY CLERK CONVICTED OF or

TO: Felony driving under the influence, death results

INDICTMENT/CASE#: 2009-GS-43-0208

A/W#: D491623

Date of Offense: 9/18/2008

S.C. Code §: 56-05-2945(A)(2)

CDR Code #: 0395

CERTIFIED TRUE COPY

OF ORIGINAL FILE SENTENCE SHEET

in violation of § 56-05-2945(A)(2)

of the S.C. Code of Laws, bearing CDR Code #

0395

☐ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ 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:

Griffin R. Kirk

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

12 days/months/years or

☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$

25,000

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

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$10,000.00

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$10,100.00

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$10,200.00

§ 56-5-2995 (DUI Assessment)

\$12

\$10,212.00

§ 56-1-286 (DUI Breath Test)

\$25

\$10,237.00

Proviso 47.9 (Public Def/Prob)

\$500

\$10,737.00

§ 14-1-212 (Law Enforce. Funding)

\$25

\$10,762.00

§ 14-1-213 (Drug Court Surcharge)

\$150

\$10,912.00

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$10,962.00

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$10,962.00

Proviso 90.5 (SCCJA Surcharge)

\$5

\$10,962.00

§ 44-53-450(C) (Conditional Discharge)

\$350

\$10,962.00

3% to County (if paid in installments)

\$10,962.00

TOTAL

\$12,212.00

\$21,621.76

Clerk of Court/ Deputy Clerk

James C. Campbell

Court Reporter:

Melissa Singletary

SCCA/217 (06/2010)

Presiding Judge

Judge Code:

Sentence Date:

01-20-11

STATE OF SOUTH CAROLINA

COUNTY OF Sumter
STATE VS.
Diane Elizabeth Brown
AKA:
Race: 1 Sex: F Age: 49
DOB: 1961 SS#:
Address:
City, State, Zip: Hamilton, OH 45011
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-43-0208

A/W#: D.19100 Direct Presentment

Date of Offense: 9/18/2008

S.C. Code 56-05-2945(A)(1)

CDR Code 0406

DEPUTY CLERK OF COURT

SUMTER COUNTY

SOUTH CAROLINA

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 ☒ PLEADS

in violation of § 56-05-2945(A)(1)

of the S.C. Code of Laws, bearing CDR Code # 0406

☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Griffin, R. Kirk SC Bar# 68067 D. Brown Defendant Attorney for Defendant 3904 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 5,100.00; 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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$ 5,100.00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 5,482.50
§ 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	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$ 324.73
TOTAL		\$ 11,149.23

 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:

☐ Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition

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

Presiding Judge

Judge Code: 2143

Sentence Date: 01-20-11

Clerk of Court/ Deputy Clerk James C. Campbell

Court Reporter: Melissa Singletary

SCCA/217 (06/2010)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)

INDICTMENT FOR
 FELONY DUI, (2 Counts)

At a Court of General Sessions, convened on October 29, 2009, the Grand
 Jurors of SUMTER County present upon their oath:

CERTIFIED TRUE COPY
 OF ORIGINAL FILE
Barbara Shapiro
 DEPUTY CLERK OF COURT
 SUMTER COUNTY
 SOUTH CAROLINA

COUNT ONE – FELONY DUI

That DIANE ELIZABETH BROWN did in Sumter County on or about September 17, 2008, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, which act and/or neglect proximately caused the death of Christian Schmidt, in violation of Section 56-5-2945 of the Code of Laws of South Carolina (1976), as amended.

FELONY DUI – COUNT TWO

That DIANE ELIZABETH BROWN did in Sumter County on or about September 17, 2008, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, which act and/or neglect proximately caused great bodily injury to Paul Schmidt to wit: injury to his left foot which has caused permanent impairment, loss of function, and deformity to the left foot, in violation of Section 56-5-2945 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.

P. Kelly Jackson

 SOLICITOR

AMENDED
DOCKET NO. 2009-GS-43- 208
The State of South Carolina
County of SUMTER

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2009

THE STATE
vs.

DIANE ELIZABETH BROWN

ACTION OF GRAND JURY

ARREST WARRANT NUMBER
Ticket #D491623; Direct Present

D/A: 09/18/08

VERDICT

Indictment for

FELONY DUI (2 Counts)

C. KELLY JACKSON, SOLICITOR

Foreperson of Petit Jury
Date:

Foreperson of Grand Jury
Date: 29 OCT 2009

Carol Bice
C. Kelly Jackson

WITNESSES

SCHIP

Scott

CMT1330D SDC OFFENDER MANAGEMENT SYSTEM 03/16/12
 ONCOMITA RELEASE DATE SCREEN C051132
 SDC# > 344449 LOC: GRAHAM CORR
 BROWN, BIRNNE ELIZABETH SDC CLASSIFICATION... VIOLENT
 OFFENDER TYPE... ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY... N
 SEXUAL PREDATOR... NOT APP
 DNA STATUS..... COMPLETED
 GPS REQUIREMENT... N
 PREA DECISION....
 CURRENT SENTENCE: 012-00-000 CONSECUTIVE SENTENCE ... N
 012-00-000 CURRENT SENT START DATE: 01/18/2011
 PROJECTED COMPLETION DATES
 MAXOUT DATE 03/28/2021 CURRENT EWC .. 3 F 5
 YOR SIX YEAR DATE: / / CURRENT EEC .. NOT CURRENTLY EARNING EEC
 INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000

 TOTAL GT DAYS EARNED 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
 TOTAL EARNED WORK CREDITS ... 000099 LABOR CREW DISQ REASON:
 TOTAL EDUCATION CREDITS 000000 CATEGORY 4 OR 5 OFFENSE
 TOTAL EXTRA EARNED CREDITS .. 000
 TOTAL SERVICE TIME EARNED ... 000418

 FEKEYS: 5:HISTORY OF DATE CHANGES
 4-@ 1 Sess-1 167.7.50.33 SDC1563 3/11

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 03/19/12

00000

DORRAN, STANNE ELIZABETH FBI # 791025945 STB# SC01982705 BOND # 044449

OFFENSE TYPE: ADULT-STRIGHT SENTENCE

COMMITMENT : GRAHAM CORR INST

SECURITY/DIST.: 0 MINIMUM IN

OVER INCAR SENT.: 12 YRS 0 MOS 0 DYS

CENTRAL MONITORING : YES

ADULT SECURITY # [REDACTED]

BIRM. : [REDACTED] KRF00020A

PACEL. : [REDACTED] REF. : [REDACTED]

MILL MAXOUT DATE: 01/08/2021

EDUC PARTW F DATE: 00/00/0000

SIC IND.: CANTERN OPERATOR

CAND POM.: NO CURR EDUC PROGRAM

CND LEVE: YES EFF LEVE: [REDACTED]

ASSIGNMENT.: CANTERN

CURRENT PROGRAM.: NO CURRENT PROGRAM

ARF.: 50 DATE OF BIRTH: [REDACTED]

INSTITUTION NUMBERS:

** NO INSTITUTION NUMBERS **

CURRENT OFFENSES

FELONY MIT

YRS	MOS	DYS	COUNTY
12	0	0	NUMBER
12	0	0	NUMBER

FELONY MIT-DEATH PERMIT IN

PRIOR COMMITMENTS OVER 90 DAYS:

MISSING PRIOR DATA

DETAINERS (NOTI, CANTED, NOTIFY):

NO DETAINERS

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES WHILE IN CUSTODY

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

NO NON-ASSAULTIVE DISCIPLINARY HISTORY

HISTORY OF MOVEMENTS:

2/24/11 GRAHAM CORR INS INCARCERATED

1/21/11 GRAHAM RAE INCARCERATED

ADMINISTRATIVE
NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB (U)
CANTERN OPERATOR	11/15/11	01/01/12		YES
MACHINE OPERATOR TRA	10/04/11	11/14/11	LATERAL TRANSFER	YES
MACHINE OPERATOR TRA	03/01/11	01/09/11	RETIRED	YES

HISTORY OF EARNED EDUCATION CREDITS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON

NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter
STATE VS.

Diane Elizabeth Brown

CERTIFIED TRUE COPY
OF ORIGINAL FILED

INDICTMENT/CASE#: 2009-GS-43-0208

AKA:

A/W#: ~~Diane~~ Direct Presentment

Race: 1

Sex: F

Age:

Date of Offense: 9/18/2008

DOB: 1961

SS#:

S.C. Code §: 56-05-2945(A)(1)

Address:

CDR Code #: 0406

City, State, Zip: Hamilton, OH 45011

DL#:

SID#:

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 ☒ PLEADS

in violation of § 56-05-2945(A)(1)

of the S.C. Code of Laws, bearing CDR Code # 0406

☐ NON-VIOLENT☐ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ 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

Griffin, R. Kirk

SC Bar#

Defendant

Attorney for Defendant

3904
SC Bar#

WHEREFORE, the Defendant is committed to the

☒

State Department of Corrections,

☐

County Detention Center,

for a determinate term of

12 days/months/years or

☐

under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

5,100

; 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.

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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 SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

5,000

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$ 5,375

§ 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

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$ 25.00

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114 (BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCA Surcharge)

\$5

\$ 5.00

§ 44-53-450(C) (Conditional Discharge)

\$350

\$

3% to County (if paid in installments)

\$ 315.51

TOTAL

\$ 10,332.51

Presiding Judge

Judge Code:

Sentence Date:

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

James C. Campbell

Melissa Singleton

2743

01-20-11

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

1-25
Mar. 15COUNTY OF
STATE

Sumter

VS.

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Diane Elizabeth Broyn

AKA:

Race: 1

Sex: F

DOB: 03-01-1961

SS#:

Address:

City, State, Zip: Hamilton, OH 45011

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Felony driving under the influence, death results

INDICTMENT/CASE#: 2009-GS-43-0208

A/W#: D491623

Date of Offense: 9/18/2008

S.C. Code §: 56-05-2945(A)(2)

CDR Code #: 0395

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

☐ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ 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:

Griffin R. Kirk

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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ 25,000 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

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		25,000
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 21,500
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00
§ 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	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$ 1,249.26
TOTAL		\$ 42,391.26

Clerk of Court/ Deputy Clerk

Court Reporter:

James C. Campbell

Melissa Singleton

Presiding Judge

Judge Code:

Sentence Date:

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: _____

☐ Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

2143
11-20-11

State of South Carolina	)	
County of Sumter	)	In the Circuit Court
	)	
Diane Elizabeth Brown,	)	
Plaintiff,	)	2012-CP-43-100
versus	)	
State of South Carolina	)	TRANSCRIPT OF RECORD
Defendant.	)	

Tuesday, December 17, 2013

BEFORE:

The Honorable R. Ferrell Cothran

APPEARANCES:

Tara Dawn Shurling, Esquire
Attorney for the Plaintiff

Daniel Gourley, Assistant Attorney General
Attorney for the State of South Carolina

Melissa Singletary
Official Court Reporter

Reba C. Hayes, Official Court Reporter

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EXHIBITS

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PROCEEDINGS

MR. GOURLEY: May it please the Court. This is Diane Brown versus the State of South Carolina, Docket Number 2012-CP-43-100. Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court.

She was indicted at the October 2009 term, Sumter County Grand Jury for two counts of felony DUI. She was represented by Mr. Marvin McMillan. On January 20th, 2011, she pled guilty before the Honorable George C. James, Jr., where she was sentenced as indicted without negotiations or recommendations to 12 years imprisonment and a \$20,000 fine for felony DUI death results, and 12 years imprisonment and \$5,100 fine for felony DUI great bodily injury results.

All sentences were to run concurrent. She filed a notice of appeal. The order of dismissal was issued on November 1st, 2011, after the Applicant notified the Court of her desire to withdraw her appeal. Remittitur was issued November 30th, 2011. She subsequently filed a post conviction relief application on January 20th, 2012 alleging ineffective assistance of counsel for failing to adequately investigate her case and her charges, failing to fully

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1 advise her of the consequences of her plea, and for
2 neglecting to adequately review the discovery
3 materials. Also involuntary guilty plea for failing
4 to provide effective assistance of counsel prior to
5 and during the guilty plea proceedings and that her
6 pleas were coerced.

7 Through Ms. Shurling she amended her application
8 on December 11, 2013 to include two allegations, that
9 plea counsel was ineffective and that he neglected to
10 present the sentencing Judge with exhibits introduced
11 during mitigation of sentence in a timely manner,
12 thereby depriving the Applicant of the opportunity to
13 have the presiding Judge sufficiently review these
14 exhibits and more fully take them into consideration
15 in determining the appropriate sentence to issue in
16 the Applicant's case, and that plea counsel was
17 ineffective for neglecting to research and present
18 readily available information concerning the sentences
19 of those and other felony DUI cases involving death,
20 for said statistical data would have clearly been
21 beneficial to the sentencing Judge in determining what
22 penalty to impose on the particular facts and
23 circumstances of the Applicant's case.

24 Your Honor, the State made its return on August
25 6, 2012. Ms. Brown is represented here today by Ms.

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1 Tara Shurling.

2 THE COURT: Okay. Ms. Shurling?

3 MS. SHURLING: Thank you very much, Your Honor.
4 As the Respondent has outlined, Your Honor, we have --
5 subsequent to the original application, we have
6 amended it extensively to now be alleging exclusively
7 ineffective assistance of counsel in the sentencing
8 phase of the guilty plea proceeding.

9 I will question my client on the record under
10 oath at a later date in the proceedings so that we can
11 confirm for the record that it is her desire not to
12 attack the underlying judgment, but rather only to
13 assert that her right, as has been recognized by our
14 Supreme Court in a number of cases, to effective
15 assistance of counsel in specifically the sentencing
16 aspect of her representation was violated.

17 And toward that end, we would call as our first
18 witness Mr. Chip McMillan.

19 MR. McMILLAN: Can I take my file, Judge?

20 THE COURT: If you want to, if you need it.

21 MR. McMILLAN: Well, I'll have it, if that's okay
22 with the Court.

23 THE COURT: Sure.

24 MS. SHURLING: I don't think you'll need it,
25 Chip.

Marvin E. McMillan - Direct by Ms. Shurling

1 MR. McMILLAN: Okay.

2 THE CLERK: State your name please.

3 MR. McMILLAN: Marvin E. McMillan, Jr.

4 (Witness sworn)

5 THE CLERK: Please state your full name and spell
6 your last name for the record.

7 THE WITNESS: Marvin E. McMillan, Jr. -- M-C-M-I-
8 L-L-A-N.

9 MARVIN E. McMILLAN, JR.,

10 having been first duly sworn, was examined and
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MS. SHURLING:

14 Q Good morning.

15 A Good morning.

16 Q Before we get too far into this, I will ask a couple
17 of questions just for the record. You and I have
18 known each other for quite a long time, haven't we?

19 A Very long time.

20 Q And, in fact, there have been at least a couple of
21 cases I can think of over the years where we have
22 worked together on cases?

23 A Absolutely. I was the one who told the Brown family
24 to call you.

25 Q I was aware of that referral and I thank you for it.

Reba C. Hayes, Official Court Reporter

Marvin E. McMillan - Direct by Ms. Shurling

1 MS. SHURLING: Your Honor, just for the record, I
2 have made the Browns -- both Diane Brown and her
3 husband Bob, who's present in the courtroom -- aware
4 of my longstanding working relationship with Chip
5 McMillan.

6 Before they hired me I made sure they understood
7 that while that would not hamper my ability to point
8 out as need be things that I think the Court needs to
9 take a look at with regard to collateral claims, that
10 it was important that they knew in advance and decide
11 if it mattered to them that I have the utmost respect
12 for Mr. McMillan and that I have a longstanding
13 working relationship with him.

14 They're aware of that and Ms. Brown will waive
15 any even potential conflict arising from that when she
16 testifies.

17 THE COURT: Okay.

18 Q Chip, would it be fair to say you remember this case
19 very clearly?

20 A Better than any case I've ever had, Ms. Shurling.

21 Q And you engaged in extensive investigation in this
22 case in terms of investigating the accident and
23 causation with the accident, the mechanics of the car,
24 anything that stood a chance of raising a question as
25 to the cause and effect aspect of the case. You fully

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Marvin E. McMillan - Direct by Ms. Shurling

1 investigated those aspects of Ms. Brown's case, did
2 you not?

3 A I did. I don't know any of stone that I did not turn
4 over.

5 Q Trying to think of a fair way to ask this, but would
6 it be fair to say that, at least in terms of criminal
7 practice, and even a traffic incident type of case,
8 that Ms. Brown would be a very atypical client?

9 A Very. She's a fine lady.

10 Q And she, in fact, had a long history of service to her
11 country in the military; correct?

12 A Exactly.

13 Q And as a retired service member, she had gone on with
14 her engineering background to be doing work with
15 General Electric; correct?

16 A Correct.

17 Q And did Ms. Brown have any history of any previous
18 DUIs?

19 A I don't even think she ever had a speeding ticket in
20 her life.

21 Q Okay. And was there any indication that Ms. Brown had
22 ever evidenced even a chronic drinking problem or
23 other substance abuse problem?

24 A None that I was aware of.

25 Q Okay. Now, she had suffered from some emotional

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Marvin E. McMillan - Direct by Ms. Shurling

1 issues, some issues with anxiety or depression,
2 something of that sort for which she had taken
3 prescription medications; correct?

4 A Prior to there was some reference in her medical
5 records of, I guess, during her teenage years, typical
6 childhood matters, and, I think, in '05 -- I think in
7 '05 she had suffered from some depression for which
8 she was being treated with medication.

9 Q And she was on some prescription medications at the
10 time of this tragic event.

11 A I think so. I don't remember exactly, but I believe
12 so, yes.

13 Q Okay. Well, from the time of the accident how far
14 after the actual accident would you say you were
15 retained in this matter? Was it a matter of days,
16 weeks?

17 A Days.

18 Q Days?

19 A I attended her bond hearing.

20 Q Okay.

21 A I would say days.

22 Q Did you ever request that a toxicology screen be done
23 on Ms. Brown?

24 A I did not. The only screen that I considered was,
25 after talking with Diane, I immediately contacted Dr.

Reba C. Hayes, Official Court Reporter

Marvin E. McMillan - Direct by Ms. Shurling

1 Alton Jordan. I suspected that possibly from --
2 remember it was all new at that time. It was a
3 terrible accident. She was very -- she was a poor
4 historian at that time telling me what exactly
5 happened. She had a period of time she couldn't
6 remember anything, as she represented to me.

7 To find out if any type of drug may have been
8 given to her at the bar and unfortunately, by the time
9 I was retained, I was -- I confirmed by Dr. Jordan
10 that this -- I want to say -- half life or whatever
11 the term -- determining whatever that drug's existence
12 may be -- was very short and that time had gone by.

13 Q Okay. So ---

14 A Other than that, no. I did not immediately explore
15 any toxicology whatsoever.

16 Q That's okay. You were anticipating where I was going
17 anyway.

18 A I thought that's what you asked. I'm sorry.

19 Q You considered the possibility of what we call the
20 date-rape drugs, roofies?

21 A Exactly.

22 Q Something of that sort and you were able to determine
23 through consulting a physician that by the time you
24 were hired any evidence that might have been in her
25 system of such a drug would have long since just --

Reba C. Hayes, Official Court Reporter

Marvin E. McMillan - Direct by Ms. Shurling

1 would have disappeared by then?

2 A Yes. And in addition to her not remembering, it was
3 the fact that she was way away from the hotel she was
4 staying at in the eastern part of Sumter County, where
5 she -- where there was nothing out there. No
6 explanation why you would be there, so that was
7 probably what would make me think that way as well.

8 Q Okay. And she had some physical injuries in this
9 accident as well; correct?

10 A Correct.

11 Q Some head trauma?

12 A Correct.

13 Q And had the treating physicians advised you that a
14 certain amount of amnesia for the event and the
15 immediate period preceding the event would be typical
16 of someone with head trauma?

17 A I don't know if I discussed that with Dr. Jordan, but
18 as time went on, Diane had a good bit of medical care,
19 follow-up care, psychiatric and psychological care for
20 which I -- I had the luxury -- Diane was back in Ohio
21 but being an educated client, having a husband that's
22 a very sophisticated client as well, we stayed in
23 contact and I kept up constant care (sic) with medical
24 care and knew who she was seeing.

25 Q Okay.

Reba C. Hayes, Official Court Reporter

Marvin E. McMillan - Direct by Ms. Shurling

1 A She had three or four in addition to her regular
2 family physician. I think she had a psychiatrist and
3 a psychologist at that time.

4 Q And so you explored both any psychiatric records she
5 would have had before the crime as well as kept up
6 with the -- whatever counseling and psychiatric
7 treatment she was receiving in the aftermath of the
8 accident.

9 A I don't know if I checked into her psychiatric care
10 before the accident. If I did, I don't recall that,
11 Ms. Shurling, and I kept up with her further medical
12 care by keeping up with Diane, Mr. Bob, and
13 determining exactly what she was doing, working
14 together, just that they weren't calling me up. I
15 wanted to make sure she was getting the proper care.

16 There's a time period after any accident like
17 this, any event like this, that she, kind of, needs to
18 go home. She needs to regroup. She was struggling
19 not only with her injuries but what happened as a
20 result of this wreck. She's very remorseful and it
21 was -- it was very heavy on her mind and at some
22 times, I'm doing a lot of work behind the scenes and
23 letting her do some of her rehab back home with her
24 family for her well being.

25 Q And you mentioned Bob, her husband. Our client had

Reba C. Hayes, Official Court Reporter

Marvin E. McMillan - Direct by Ms. Shurling

1 been in a very long term, very successful marriage;
2 correct?

3 A Appears so.

4 Q And you worked closely not only with Diane but with
5 her husband Bob.

6 A I did.

7 Q And did you have an opportunity to get to know their
8 adult children at all during this process?

9 A Not very well. I met them on the day of the plea. If
10 I had met them before I don't remember. They were up
11 there. They had their lives. I think the daughter
12 was in school. I may be correct. It seems like the
13 son was younger than the daughter. It seems like he
14 was about 18 at the time.

15 I don't remember exactly but I don't think they
16 initially came down. If they did, I just don't
17 remember. I met Bob that day. He came down and I met
18 some -- they had family friends in Sumter. I remember
19 meeting those folks.

20 Q And would it be fair to say that she had a wide circle
21 of support, both professional and personal, in terms
22 of people that were interested in helping in any way
23 they could?

24 A Without a doubt.

25 Q Okay. Let's move along just a little bit. At the

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Marvin E. McMillan - Direct by Ms. Shurling

1 time this case was pled out, was it getting ready to
2 go to trial if you didn't take a deal?

3 A It would have been -- my recollection was it was going
4 to be tried the following week. We had postponed it
5 at the request of -- I'd like to say -- the Solicitor
6 in charge of this case was Kirk Griffin, probably one
7 of the most respected Assistant Solicitors we have in
8 Sumter. Very thorough, does a good job, very good at
9 what he does but very professional, very
10 accommodating.

11 He had a -- he had victims to represent and I
12 think he did a good job doing that, but he also
13 understood my situation as well. At one point Diane
14 had -- I do recall her having a hysterectomy. She had
15 some gynecological problems during that time and I
16 kept in contact with him. I don't -- I've never
17 treated the Solicitor's Office as my enemy. The old -
18 - more flies with salt -- with sugar than salt. So we
19 had a good working relationship with this case.

20 Earlier -- this plea was in '11. Probably in '10
21 it was -- this case was two and a half years old. It
22 was obvious it was going to get delayed much longer.
23 I don't hurry to get any case in the courtroom if I
24 can avoid it.

25 Q And if I could interrupt you ---

Reba C. Hayes, Official Court Reporter

Marvin E. McMillan - Direct by Ms. Shurling

1 A Sure.

2 Q --- just for a second. I misspoke. When I said if.
3 you didn't take a deal. This was actually a straight
4 up plea.

5 A It was a straight up plea but we -- I think we
6 continued -- what I was leading up to -- and I
7 apologize if I answered you too long -- I think we
8 were able to even accommodate this matter over
9 Christmas. I think that was a request we made and got
10 past maybe October, November or December, 2010, term.

11 But it was going to be tried the following week
12 and I think it was going to be tried in front of Jeff
13 Young. I don't mind telling you that. I think it had
14 been set up that way.

15 Q Judge Jeffrey Young.

16 A Judge Jeffrey Young.

17 Q Okay. At the time -- and this is dating, of course,
18 back to the day of the plea in January of '11 -- how
19 long had Judge James been on the bench? Was he a
20 fairly new judge then or had he been on ---

21 A Might have me on that one. I don't know. I don't
22 remember him being too new in 2011.

23 THE COURT: He went on June/July of 2006.

24 A Okay. That sounds about right to me. That -- so he'd
25 been on the bench five years, if that's the correct

Marvin E. McMillan - Direct by Ms. Shurling

1 date. That sounds about right to me.

2 Q So to revamp without -- as my daddy would say --
3 beating a dead horse too badly, you -- you did
4 successfully get the case put off for medical reasons
5 on at least one occasion, you think, and ---

6 A That's -- I think that is correct.

7 Q --- and possibly over the holidays for another?

8 A I think so, yes.

9 Q Okay. Now, I -- as one might imagine, there was
10 rather extensive litigation going on, on the civil
11 side in this case as well as the criminal side;
12 correct?

13 A There was, and that was another reason I was trying to
14 postpone this. Obviously I'm sympathetic to the
15 Schmidt side of the case as well, including the
16 Browns. Everyone was. It was an obvious tragedy.

17 I referred to this thing as the perfect storm
18 from day one. I mean, it was just -- the deeper I
19 dug, just the worse it got. The worse it got. But I
20 was dealing very closely with the attorneys for Diane
21 Brown and the attorneys for GE, Mr. Ferkleheimer,
22 Chris Daniels. Trey Cox defended Chili's. There was
23 a subsequent dram shop action.

24 I did everything within my power with the consent
25 of and knowledge and understanding of Diane Brown to

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Marvin E. McMillan - Direct by Ms. Shurling

1 assist Garryl Deas, who was representing the Schmidt
2 family, in a swift, fair remedy to the civil action.
3 Not only was it the right thing to do, but I would be
4 lying to you if I didn't say that I felt like it would
5 help Ms. Brown to do that.

6 Q Sure. And -- and I know you well enough, and I
7 certainly can represent for myself, that I'm not
8 suggesting that any amount of money could ever repay
9 someone for ---

10 A No.

11 Q --- the loss of a child, but there was a massive
12 civil litigation going on. Settlement negotiations
13 were ongoing even as Ms. Brown pleaded.

14 A Well, understand this: The claim for GE and Diane
15 Brown with GE was settled very quickly for about three
16 to three and a half million dollars. When I say
17 quickly, in a matter of weeks if not a couple of
18 months of this accident, very, very quickly. I can't
19 give you the exact date. I don't remember but it was
20 very, very quickly.

21 Q And, of course, although Chris Daniels, I believe it
22 is, from Nelson Mullins is a civil attorney, he had
23 taken a very strong interest in Ms. Brown's personal
24 well being on the criminal side as well, had he not?

25 A Very much so and he has been -- since this has been

Marvin E. McMillan - Direct by Ms. Shurling

1 filed, I've stepped back and hadn't been able to see
2 Diane, but he's been keeping me abreast on her because
3 I wanted to know.

4 Q Okay. Do you feel comfortable, Chip, had you put this
5 off as long as you could at the time of this plea?

6 A It was coming up. Yes.

7 Q Well, if we're talking about the plea being in
8 January, January 20th, 2011 to be exact, for about how
9 many months had you known prior to the plea that this
10 was not going to be a triable case, that there was no
11 question of, in your judgment, no way to win a case on
12 proximate causation or contributory negligence or
13 anything, that it was going to be in your client's
14 best interest to plead?

15 A Remember I spent most of my yesterday looking through
16 this file, but I saw a date yesterday mid July,
17 somewhere in there, of 2010 where I sent to Bob and
18 Diane Brown a memo from Dr. Russell, the toxicologist
19 we had retained, where no matter how deep I dug, I was
20 looking to -- I was looking -- it's my job and I was
21 looking for any legal angle I could. We all, I think
22 -- we being Diane Brown and me, realized that the best
23 approach to this case, probably mid 2010 -- I may
24 stand corrected on that -- was probably the best way
25 that it was going to -- to go to trial -- I felt like

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Marvin E. McMillan - Direct by Ms. Shurling

1 to go to trial on this case was going to most
2 assuredly result in not only a conviction, but a --
3 frankly a stiffer penalty than she got.

4 Q Okay. And just for the record, your client was aware
5 that she was looking at potentially 15 years on the
6 felony DUI great bodily injury, and potentially a
7 consecutive 25 on the felony DUI death.

8 A Without a doubt. I told her that but about that same
9 time period in my file is a letter -- it's about a
10 three or four-page letter -- that I sent her. It was
11 nothing to her. I do that on all my files. You can
12 call it CYA, whatever you want to, but that's what it
13 was and there's no doubt and I had sophisticated
14 clients. They knew. I'd like to say I enjoyed
15 representing them. I did, but I didn't enjoy
16 representing them because of the obvious bad things
17 that were flowing from this.

18 Q Knowing Bob and Diane Brown, I know they don't take
19 that the wrong way. You wish you'd met them, but
20 under different circumstances.

21 A You bet.

22 Q Got it. Did you also discuss with her however -- and
23 obviously you can't make any client promises -- but
24 did you discuss with her, given her stellar military
25 background, her personal career, her lack of criminal

Marvin E. McMillan - Direct by Ms. Shurling

1 record, her outstanding family and civic involvement,
2 all those things, your professional judgment as to how
3 likely it was that she would get anywhere near the
4 upper end of that spectrum?

5 A When we started realizing that this was going to be a
6 plea probably and not a trial, I had those discussions
7 with her. I had a meeting with Judge Howard King -- I
8 think I've told you this -- a private meeting and
9 Judge James didn't know about it. He is our resident
10 retired judge. He was a fine judge and I value Judge
11 King's opinion.

12 We went over the sentencing guidelines from '01
13 and '02 that, kind of, never took off. We looked on
14 that. We knew that if you looked at a class B felony
15 with aggravating circumstances, and he indicated that
16 he felt like the press corp would be aggravating
17 circumstances. Without aggravating circumstances six
18 to eight; with aggravating circumstances eight to 10.
19 He felt like she would get 15.

20 I have a memo to that effect in the file. I know
21 you've gone through that file. You may have seen
22 that. I -- then I asked him, I said, okay, Judge
23 King, what about -- because we -- the other claim --
24 the only death -- Christian was 12 at the time. Mr.
25 Paul Schmidt -- every now and then you'll get a felony

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1 DUI not involving death and you'll always wonder
2 whether or not it's really great bodily injury,
3 serious bodily injury. There's no doubt this
4 gentleman had more than great bodily injury. I mean,
5 he -- counting his surgeries and all, so I was also
6 exploring the possibility and the fear of a
7 consecutive sentence.

8 I didn't anticipate consecutive sentence but even
9 when I asked Judge King that question, he paused and
10 said I doubt it, meaning I doubt that any sentencing
11 judge would make them consecutive, but that pause,
12 I'll never forget it. That scared me. We talked to
13 Diane.

14 I then went and the Solicitor made a 15-year
15 negotiated plea. Diane and I and Bob talked about
16 this, and with my blessing and with my recommendation,
17 we rejected that offer. That's a gutsy thing to do
18 when you're facing 40 years. I'll be the first to
19 admit that, but you mentioned Diane's stellar record.

20 You know, let me say one thing and I will get off
21 my keg. This case has had the most profound effect on
22 me than any case I'll ever have. I'm a better lawyer
23 and I'm a better adviser to the world out there on
24 what not to do. Okay? I'll tell you the final thing
25 about this case -- both sides of this case.

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1 Now, having said that, I went and talked to Judge
2 James with the Assistant Solicitor's permission -- I
3 think he was in there as well -- and he told us I
4 probably will go between eight and 12 years. Was I
5 thinking the Judge was going to go on the high side of
6 that? No. Was I thinking he was going to give me the
7 eight? I hope so.

8 I know the Schmidt family doesn't agree with this
9 but I still feel like putting Diane Brown in jail
10 isn't going to deter anything. I know people get
11 punished when something bad happens. She's just not
12 the person I felt like they built the jailhouse for.
13 And so I was hoping -- I knew she was going to get
14 jail time. She had to get a year but I knew she was
15 going to get more than that.

16 I was hoping she would get the lower end of the
17 eight to 12. I never told them I think you'll get
18 eight. Plea, you'll get eight. I don't do my
19 business that way. I didn't tell them hopefully -- I
20 mean, I didn't tell her -- I said -- I'm sure I said I
21 hope it's, you know, the lower side of that. I was a
22 little surprised when Judge James gave her the 12.

23 Q Okay.

24 A But as you'll ask me about later, the plea was very
25 emotional and there was a lot of people there and a

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1 lot of people asked him for a lot stiffer sentence.
2 It was just part of that perfect storm that I talked
3 about.

4 Q I'm bad to interrupt people and I'm trying not to
5 interrupt you.

6 A Interrupt me any time you want to.

7 Q But I don't want to try Judge Cothran's patience too
8 much. Let me get back to where I was headed a minute
9 ago. Starting around June of '10, you knew that you
10 were probably headed much more than likely to a guilty
11 plea proceeding and so the focus of your
12 representation was going to be doing the best job you
13 could for Diane Brown in getting her the most
14 compassionate, appropriate penalty you could get.

15 A I think that's a fair statement.

16 Q Okay. And at that point did you begin gathering
17 letters of support, for example, people from both her
18 professional life and her personal life that would
19 attest to her personal background, her contributions
20 to the community, her military service, for example?

21 A I don't remember exactly when we started that. The
22 Browns were very instrumental in -- remember she was
23 living in Ohio. I'm from here. She didn't have -- I
24 think she had two friends here that I was aware of, so
25 mostly that -- we were talking about it and they were

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1 pulling together. We were getting emails. We
2 reviewed the letters. We talked about the letters.

3 It was probably closer to December and January we
4 were working on that, if my memory serves me
5 correctly. I don't think we started getting draft --
6 could have been -- I don't remember -- recommendations
7 or letters in June or July. I think we had sufficient
8 time, but I don't remember the exact date.

9 Q I almost interrupted you.

10 MS. SHURLING: My apologies, madam court
11 reporter.

12 Q But ultimately you took all the letters that you had
13 compiled and actually put a case caption on them and
14 did a little index listing, who each individual was
15 and what their relationship was to Diane Brown.

16 A Yes, ma'am.

17 Q Okay.

18 MS. SHURLING: And if I may approach, Your Honor?

19 Q If you can just identify that for me, Chip, if you
20 would?

21 A Okay. For some reason I was thinking mine looked a
22 little different, but anyway, I remember 28 being the
23 right number. This -- this is the exhibit. This is
24 it. Sure looks like it.

25 Q Thank you. And you were aware of Ms. Brown's military

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1 background. We've covered that earlier, and also as
2 well her career with General Electric?

3 A Yes.

4 Q And you were able to also obtain and accumulate, with
5 the assistance, I'm sure, of her husband and Diane,
6 documentation that addressed both her military record
7 and certain civilian awards she had gotten and so
8 forth, and put those together as an exhibit as well?

9 A Correct.

10 MS. SHURLING: Again, Your Honor, may I approach?

11 THE COURT: Yes.

12 Q This is about a little over a half inch thick
13 document. Can you identify that?

14 A It appears to be -- she had us -- her awards weren't
15 your average awards either. That's what I remember.
16 I mean, I don't think I've ever met another E9 other
17 than Diane Brown. That's the highest, I think,
18 enlisted rank you can achieve in the military, as an
19 enlisted person. I may be wrong on that, but I think
20 I'm right on that.

21 Q You and I have actually discussed the fact that
22 neither one of us knew it went up to E9 before Diane
23 Brown.

24 A Don't meet them. You don't meet them very often.

25 Q All right. In addition to -- to these documents, did

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1 you also speak with and interview various physicians
2 and therapists that had had involvement with Diane?

3 A I reviewed all of her records. I may have spoken to
4 physicians. I frankly don't remember talking to her
5 doctors. Her doctors were all obviously in Ohio, her
6 hometown. I don't know if I talked to them or not, to
7 be honest with you.

8 Q And did you ultimately obtain diagnostic summary
9 sheets from a psychiatrist, a therapist, a
10 psychologist and a neurologist?

11 A I did.

12 Q And once again, I'll approach and ask you to identify
13 this which you introduced as Court's Exhibit.

14 MS. SHURLING: And my apologies, Mr. Gourley.
15 I'll bring those to you in a moment.

16 A That appears to be it.

17 Q Okay.

18 MS. SHURLING: Your Honor, these were introduced
19 as Court's Exhibits 1, 2 and 3 during the sentencing
20 proceeding, but -- and so would therefore technically
21 be part of this record, but in a moment when I pause,
22 I'm going to move to introduce them as exhibits in
23 this proceeding as well, primarily so that Your
24 Honor's staff won't have to go to the trouble to look
25 them up for you.

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1 THE COURT: Okay.

2 Q And lastly, you obtained, I believe, this statement
3 from a family medicine center outlining all the
4 various medications that your client was taking --
5 your client and mine -- for migraines, depression, et
6 cetera.

7 A Correct. I think those are what she was taking at the
8 time of the plea, if I remember correctly.

9 MS. SHURLING: Your Honor, once again, these are
10 Court's Exhibits 1, 2, 3 and 4 from the actual plea
11 proceeding, but I would move to introduce a copy of
12 each of them as exhibits in this proceeding, primarily
13 to avoid, as I've said, the Court having to reference
14 the Clerk's original General Sessions file.

15 MR. GOURLEY: There's no objection, Your Honor.

16 THE COURT: Okay.

17 (Applicant's Exhibits 1, 2, 3, and 4 were marked
18 for identification by the court reporter.)

19 Q Chip, did you also investigate the drugs that Ms.
20 Brown was taking at the time of this accident?

21 A I did.

22 Q And you have referenced a toxicologist that you spoke
23 with concerning the case. Were you able to -- to work
24 with him to determine what the interaction of alcohol
25 might have been with the particular prescription drugs

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1 she was taking at the time of the accident?

2 A Roger Russell was my toxicologist. I also retained a
3 William Hinnant -- H-I-N-N-A-N-T -- Bill Hinnant out
4 of Anderson, South Carolina, who interestingly enough
5 is a lawyer and a medical doctor, and I sent to him
6 all the current medications that I was aware of she
7 was taking at the time of the accident to see if any
8 of those would, not necessarily enhance one's
9 intoxication, but enhance one's BA or blood alcohol
10 level in a reading.

11 In other words, if you take this pill, if you
12 would register a 10, would it make you register a 15?
13 That's what we wanted to know. She had some -- she
14 suffered from anemia and things like that, and I got a
15 report back from him and did a -- a memo that he said
16 although she's taking these medicines, they may have
17 an effect, because a lot of medicine she was taking is
18 contraindicated to alcohol, meaning if you take this
19 don't drink, none of them -- and I don't remember the
20 exact medical term -- would enhance the actual blood
21 alcohol reading in a score mode or a reading.

22 Q Got you. So ---

23 A But I did explore it, yes, I did.

24 Q So basically you were exploring this though from the
25 vantage point that if I were drinking and had two

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1 glasses of wine without the medication and would have
2 blown a .07, might the presence of that prescription
3 medication have made me at a .12 level with no more
4 alcohol, but just whether the pills might have
5 enhanced the alcohol reading in the blood.

6 A That was one of the reasons -- one of the things I was
7 looking for obviously. I was looking for anything, so
8 I didn't limit it to any particular event. I sent Dr.
9 Hinnant everything I had, all the facts that I was
10 aware of at the time, talked to him on the phone and
11 he got -- he got back in touch with me.

12 Q Was there -- wasn't there, in fact, some indication
13 that some of her regular medications had been changed
14 fairly recently before the accident?

15 A You know, I don't remember honestly.

16 Q Did you consider the -- start with the premise that
17 voluntary intoxication is not a defense in South
18 Carolina. We all know that. You discussed that with
19 Ms. Brown, I'm sure.

20 A Yes.

21 Q And that if you drink when you are taking a medication
22 that says to be cautious about the interaction of
23 alcohol with that medication, you don't get to claim
24 you didn't know what you were doing because of the
25 lack of coordination or even inebriation that results

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1 from your mixing the prescription drugs and alcohol;
2 right?

3 A I'm not sure I understand your question.

4 Q That's because that was about as clear as mud. I'm
5 sorry. You can have an amount to drink that might not
6 put you over the legal limit, but if you have that
7 amount to drink and you mix it with prescription drugs
8 and the end result is that you were so significantly
9 impaired that something bad happens, whether it's
10 felony DUI or even rape or any other crime, you don't
11 get to claim that intoxication as a defense to your
12 crime, do you?

13 A No. Well, I'll put it to you this way: It -- it
14 certainly is a piece of evidence they can use against
15 you if there's other drugs in you that don't enhance
16 your blood level, but if I didn't rule out the fact
17 that she was taking medications might be an
18 explanation for this, remember I was looking for
19 anything at that time.

20 We had a high blood level score. They varied
21 from 21 to 28 to 31, whichever one you wanted to pick.
22 Urine was 31. We got that knocked out pretty quickly
23 by the SLED toxicologist who I had a long interview
24 with as well, Laurie Schaffer. But if you're asking
25 me will pills enhance one's ability to safely operate

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1 a vehicle, but not show up on blood level, well,
2 obvious. We all know that. That's why you can't mix
3 alcohol and pills.

4 Q Let me -- let me then extrapolate from there. Did you
5 consider that although the pills may not have caused
6 an elevated BA level, that the mixture of the
7 prescription drugs with the alcohol might have
8 accounted for a change in her capacity to an extent
9 that they might have been an explanation for why she
10 drank more than she would ordinarily drink? Do you
11 understand what I'm saying?

12 A I think I do. I don't think I did on that approach
13 for this reason: That's the same pills she was
14 taking, as far as I knew, on a day-to-day basis on
15 that day when she flew into town, rented her car. We
16 tried to back track. I remember she told me she had
17 her nails done, checked in at the hotel. Everything
18 was routine, as routine not making her do anything out
19 of the ordinary.

20 Met those gentlemen around 5:30, 5:45, at the
21 outside seating area of Chili's. There was nothing to
22 indicate that she was on medication that was making
23 her do things that she wouldn't normally do. That's
24 why we suspected that, you know, did somebody put a
25 mickey in her drink. That's why -- her own personal

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1 pills, I didn't -- you know, her daily medication,
2 doctor-prescribed medication, I didn't feel like
3 altered -- I didn't have anything to ever lead me to
4 think that it altered her normal activity that night.
5 It was a business meeting with all those people that
6 they had a meeting with the next day at Shaw Air Force
7 Base.

8 Q Okay. Let's back up just a little bit. You've got a
9 BA level of .215 somewhere ---

10 A That's SLED's; correct. .215.

11 Q But this is hours after she's left the restaurant and
12 the accident has happened.

13 A I think they drew her blood for SLED purposes about
14 1:05 a.m., somewhere in there.

15 Q Okay. Now, for those of us that are not from the
16 Sumter area, the Chili's was, in fact, in easy walking
17 distance of the motel where -- hotel/motel where she
18 was to be staying that evening, was it not?

19 A You could walk to it. To drive to it, for whatever
20 reason, you couldn't leave that parking lot -- it's
21 behind the -- the Country Inn and Suites where she was
22 staying, it's behind Chili's but you couldn't leave
23 the Chili's and get to it. You had to ride out on 378
24 and then turn right back in. I don't think there was
25 an entrance into the ---

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1 Q So the proximity of the restaurant to the hotel where
2 she had accommodations reserved sort of added to the
3 mystery of how this had happened way out in the
4 boonies somewhere.

5 A We have never -- and I -- it's the number one mystery
6 -- what happened to Diane between the time she left in
7 the 9:30/9:45 time frame that we put together and the
8 wreck that happened about 11:30, give or take.

9 Q Okay.

10 A Totally -- totally unknown.

11 Q Well ---

12 A I don't think she went to another bar, never will. I
13 don't think she consumed any more alcohol.

14 Q And there was no indication that she'd spent much time
15 in Sumter before then, was there?

16 A No, I -- I think she had been there before, but I
17 think it was all business related.

18 Q She didn't have kin people in Sumter. This is not --
19 Sumter is not some place where she was in and out of
20 the area on a regular basis ---

21 A She -- I remember a couple that lived -- seems like in
22 the Dalzell area. I can't remember their names but
23 they were -- they were nice folks and I met them and
24 I've often suspected when she left Chili's, maybe she
25 was trying to find them.

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1 I know the area where this accident happened.
2 Brewington Road intersects 76, 378, not far at all
3 from this accident scene and if, by chance, Diane was
4 lost and she hit 378, 76, 378 from Brewington Road,
5 trying to find her way back and she took a left
6 eastbound, I would say she would have -- one could
7 confuse a two-lane road with two lanes going in one
8 direction, westerly in that case.

9 That's -- that's the mystery. Diane has never
10 been able to help me fill in those blanks.

11 Q All right. Going back about summer 2010, it's become
12 apparent it's going to be a plea. How did you go
13 about deciding -- I'm sure the Solicitor decided for
14 you, but how much of a warning did you have that
15 January 11 was going to be -- the number was up, you
16 were going to have to go to trial or go ahead and
17 enter the plea?

18 A I don't remember exactly but I'll tell you, I -- and
19 Kirk Griffin, I don't think he's in here. If he was
20 here he would tell you I stayed in constant contact.
21 I -- I -- I don't work well being ambushed and I don't
22 like to be ambushed and he didn't ambush me on this
23 one. I knew it was coming up.

24 I, in reviewing the file yesterday, see a lot of
25 emails back and forth with the Browns. We had time to

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1 talk about what doctors we want, what letters we want,
2 which letters we don't want but -- so to answer your
3 question it was a joint decision. I've never been one
4 to coerce someone into a plea. Never have, never
5 will. Their call. I give them some guidance but it
6 was clear we started going that way and when did I
7 start gathering up all this? I don't know.

8 I don't ever remember -- I felt like I had -- if
9 you're asking were we rushed or short on time, was
10 there something I wasn't able to get, no, because if
11 there was, I called the Judge and said I need more
12 time, or Mr. Griffin, I need more time.

13 Q Okay.

14 A Or I'd have something in my file reflecting that and
15 you saw my -- I've got this many memos in that file.

16 MS. SHURLING: And for the record, Your Honor,
17 Mr. McMillan was gracious enough to let me come spend
18 the better part of a day in his conference room
19 reviewing his file. Thank you for that, Mr. McMillan.

20 Q As you were preparing for this trial -- this plea
21 proceeding rather, you were obviously aware at that
22 point that making as good a case as you possibly could
23 for Diane Brown to get as lenient sentence as possible
24 was your primary objective at that point; correct?

25 A Absolutely.

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1 Q Did you ever ask either the Solicitor or the victim
2 witness representative if you could talk to the
3 Schmidts?

4 A Yes, and Kirk Griffin could verify that and I'll tell
5 you why. Those folks were very upset. I understand
6 that. I know Ms. Berry's in this courtroom and this
7 is not altering my answers one bit. I remember the
8 words she said at the bond hearing about going to see
9 her son. I had a 12-year-old son at the time.

10 This case -- you heard me say earlier I'll never
11 forget it. They didn't want to hear from me. They
12 were upset, rightfully so. I understand that. I'm
13 representing the other side. I've been doing this a
14 long time. I know the other side -- I'm not going to
15 say hates -- that's not a fair word to give the
16 Schmidts but they don't take -- nobody falls in love
17 with me, or the lawyer on the other side. I get it.
18 Okay?

19 I wanted to talk to them. I wanted to at least -
20 - I have sent pastors to talk to other pastors on
21 horrible cases like this. There's some times you have
22 to do it any way you can. This was a case -- Mr.
23 Schmidt was having surgery on top of surgery. They
24 had lost their 12-year-old son. They -- they were --
25 I know Mr. Schmidt was struggling greatly with this

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1 because I found all this out through -- I dealt with
2 the people at witness advocate on this thing as well -
3 - because he, kind of, talked Christian into going to
4 see his sister that night and it was a school night.
5 It was a Wednesday night and they -- they didn't --
6 they didn't want to hear from me. I got that from
7 Kirk Griffin. I did.

8 But I -- I did -- I'll tell you what I did do,
9 trying to humanize this as best I could. Bob and
10 Diane Brown came to town one time to prepare for this.
11 I called Kirk Griffin. I said Kirk, be downstairs,
12 bottom floor, Sumter County Courthouse, 15 minutes, if
13 you will. I want you to meet Diane Brown. I want you
14 to meet Bob Brown. These are good people. These are
15 human beings because in our world we normally deal
16 with a lot of people that just aren't the type people
17 that the Browns are.

18 I knew what type of people I was dealing with,
19 with the Schmidts. They were good people as well. He
20 knew that but I hadn't had a chance to -- for him to
21 meet them, and that's what kind of person Kirk Griffin
22 was. He agreed to do that. It didn't alter how he
23 did his job. I went back to Kirk after they gave us
24 the 15-year negotiated offer and said Kirk, this is
25 too high. I'm not a gambler. Give me something

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1 better than 15 years, and he made it clear to me the
2 Schmidts wanted much more than 15 years. That was a
3 compromise on their part. Mr. Schmidt asked for the
4 maximum at the plea, their daughter did. I understand
5 all that and ---

6 Q I don't want to interrupt you ---

7 A Sure.

8 Q --- but let me just stop your stream of ---

9 A But to answer your question did I -- would I have
10 talked to them? I certainly would have. Do I
11 understand them not wanting to talk to me? I
12 certainly do.

13 Q Certainly. And no one, certainly not Diane and Bob
14 Brown, are faulting the Schmidts for being ---

15 A No.

16 Q --- you know, deeply hurt and emotionally invested in
17 the case involving the loss of a 12-year-old but ---

18 A I can speak for Diane Brown. She would have loved to
19 have spoken to the Schmidt family.

20 Q --- but let me ask you this: In your practice have
21 you not seen cases where people receive penalties that
22 you ultimately thought were far more lenient than they
23 would have otherwise gotten because, for whatever
24 reason, a victim's family came to a place where they
25 were more forgiving, more willing to accept a somewhat

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1 more lenient punishment than they might have otherwise
2 been?

3 A Absolutely. Mandy Logan, felony DUI, she got one year
4 house arrest.

5 MR. GOURLEY: And, Judge, I'm just going to
6 object for the record. I was just trying to figure
7 out where we're going with these two allegations here.
8 We're not here to discuss ---

9 MS. SHURLING: I'll move on.

10 MR. GOURLEY: --- the facts of the case.

11 THE COURT: I understand.

12 Q Well, that leads to my next question though. As you
13 were gathering up all these wonderful materials that
14 we've marked that were Court's 1, 2, 3 and 4 for the
15 plea proceeding, once you ascertained that the
16 Schmidts weren't willing to talk to you personally,
17 did you consider asking the Solicitor if he would be
18 willing to let you give him a package of the materials
19 and let him share them with the victims, so that they
20 -- despite their grief and sorrow, they could have a
21 clearer picture of Diane Brown and perhaps get --
22 perhaps take some of the venom out of their desire for
23 vengeance?

24 A I don't know if I did it specifically that way, but
25 there's no doubt from my communications with Mr.

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1 Griffin and the victim and witness advocate, they knew
2 -- it was a terrible thing that happened, but there's
3 no doubt they knew that Diane Brown was a rock solid
4 individual with no prior criminal record who deeply
5 regretted what happened and had children and a
6 husband. They knew all that and they still wanted her
7 to get the maximum punishment.

8 At some point, I have to leave that alone.
9 That's my judgment. That -- I had to leave it alone.
10 I was not doing my client any good if I kept frankly
11 pestering the Solicitor to get a message to the
12 Schmidts. I think that would have been a bad move on
13 my part.

14 Q But you didn't consider potentially giving the
15 Solicitor's office copies of -- of these various
16 documents documenting her military service, her
17 civilian contributions to the community, her character
18 letters. You didn't consider potentially letting the
19 victim witness get those materials to the Schmidts to
20 see -- give them an opportunity to review them and
21 know more about Ms. Brown?

22 MR. GOURLEY: Your Honor, I'm going to have to
23 object to the leading questions. I'd like to hear Mr.
24 McMillan's testimony on these issues.

25 THE COURT: Okay. Under the circumstances, you

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1 know, I'll allow the questions since she's already
2 asked it. This is not an ordinary witness.

3 MR. GOURLEY: I understand.

4 THE COURT: He's -- he's experienced and I think
5 she will not put words in his mouth. Go ahead.

6 MS. SHURLING: I'll be more cautious, Your Honor.
7 I apologize.

8 Q So the answer to that is no?

9 A Okay. I think I understand your question. No, that
10 package that I prepared, I knew at the point my
11 persuasion, my efforts, were going to be centered on
12 the Judge, not the Schmidt family. Okay?

13 Q Okay.

14 A They had -- it was no doubt I knew their position and
15 certainly, we can't forget about too, by this point
16 there was another lawyer in the loop with the Schmidt
17 family named David Yarborough who didn't -- didn't
18 bring anything to the table from our side, from trying
19 to care about Diane, help Diane or look at anything
20 other than -- I'm not going to say nasty this thing
21 up, but make it as hard as possible.

22 He had a job to do and he did a grand job getting
23 as much money as he could from any remaining
24 defendants, including Chili's on a dram shop action,
25 so I had that issue going on. They had lawyers, they

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1 being the Schmidt family, and they had civil cases
2 pending, actively pursuing depositions. I had a stack
3 of them this high. I read every one of them taken in
4 the civil case. Okay?

5 No, there was -- they wouldn't have let them talk
6 to me. They didn't want to talk to me. I understood
7 all that. My avenue at that point, I had a good judge
8 to bring this case in front of, Judge James. That was
9 going to be ---

10 Q Let's ---

11 A That's okay. That was going to be -- that's the --
12 that's the approach ---

13 Q Sure.

14 A --- and I -- and frankly, I'd like to say anything I
15 could today to help Diane, but I stand by what I did.

16 Q I understand. I appreciate you wanting to help her
17 but knowing you, I wouldn't expect you to lie for her,
18 but let's back up a step. You said the best offer
19 you'd been able to get out of Assistant Solicitor
20 Griffin was 15 years; right?

21 A That's my recollection.

22 Q And I understand that he had some information about
23 Diane Brown at his disposal, but did you consider
24 sharing with Kurt Griffin all of this fine information
25 you had gathered about -- you know, you said you

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1 wanted him to meet them downstairs and put a face with
2 their names. Did you consider giving the Solicitor
3 prosecuting the charges copies of all this wonderful
4 information in hopes that that might persuade him to
5 reconsider 15 as his best offer?

6 A I asked him to reconsider his 15. Did I hand him all
7 these prior to -- we gave them to the Judge earlier.
8 Whether it was earlier that day or the day before, I
9 don't remember. No, and don't think that would
10 matter. Okay? It wouldn't matter.

11 There -- nobody disputed everything about Diane
12 Brown was top shelf. Nobody disputed that. The
13 Schmidt family, I don't think, would dispute that. I
14 don't want to speak for them but I don't think they'll
15 dispute that.

16 But we had that one event that happened at 11:30
17 in 2008 that overrode anything that I could have put
18 on paper and stack up, as far as relaying it to the
19 Solicitor's Office and to the Schmidt family, who had
20 lawyers at the time. Okay? And all that was -- it
21 was -- was -- it was a lot going on for a long period
22 of time.

23 Q Let me ask you this: When it came to -- I appreciate
24 the fact that you say you spoke with -- with then
25 Chief Admin Howard King and also at some point with

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1 Judge James. Did you consider going back a couple of
2 years, three years or whatever, and compiling some
3 statistics for Judge James on the penalties that had
4 been imposed in other felony DUI death cases in the
5 Third Circuit or even in the whole state?

6 A A few months before that, in May -- I think it was May
7 -- Mexican defendant -- I think the guy was a Mexican
8 -- got 25 years on a felony DUI. I knew about that.

9 I'm going to answer your question. The answer is
10 this: Did I consider it? No, because I wouldn't do
11 that. I've never done it in 31 years, putting in
12 front of a Circuit Court Judge who is going to be made
13 aware of the facts samples or examples or statistics
14 of what other judges would do to tell him that's what
15 he should do. I think that would have hurt my client
16 more than helped my client. I wouldn't do it today
17 and I haven't done it since 2008. I don't think I --
18 never say never but I don't in any case.

19 Besides, judges know better than we do what other
20 sentences are out there. I know that. I know they
21 have a list of them. I know they communicate. I know
22 they take breaks and go back there and email each
23 other. That's no secret. We all know they do that.

24 Q Are you aware, for example, that court administration
25 actually has the software to run you a report on

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1 giving charges and other sentences?

2 A Got one in my file.

3 Q Okay. Now ---

4 A Once after that somebody got 14 years, just like
5 Diane's case.

6 Q And -- well, and we'll go back over some of those
7 numbers in just a moment, but you saw me smiling and -
8 --

9 MS. SHURLING: For some reason, Your Honor, it
10 suddenly occurred to me that when I would tell my
11 parents when I was growing up what other people's
12 parents were letting them do, and my parents would say
13 I don't care what their parents are doing. You're my
14 child.

15 Q So I understand your answer as far as not wanting to
16 be presumptuous in telling a sitting judge, well,
17 other judges are doing this or that. I get that. But
18 did you not also consider the fact that we started out
19 by agreeing Diane Brown was not your average
20 defendant, was she?

21 A Without a doubt she was not.

22 Q And you were putting a great deal of effort into ways
23 to demonstrate for the Court that Diane was an
24 exemplary person in many respects and far from the
25 average person appearing in General Sessions Court.

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- 1 A No doubt. That's sort of what -- you could tell I was
2 thinking that. That's what led me to Howard King
3 early on. Here's a Judge that's been on the bench a
4 long time, that the Supreme Court Justice sends him
5 all around. He's a problem solver and he knows, and
6 he's a fair sentencer. I'll be honest with you. He
7 told me she was going to get 15 years. That scared me
8 to death.
- 9 Q Toward that -- circling back around to my earlier
10 point though, toward the idea that you're
11 demonstrating this is not an average defendant, this
12 is not the kind of person that appears before the
13 bench in General Sessions every day, even every year,
14 did you consider then having available for Judge James
15 some statistics on what the average penalties in South
16 Carolina in felony DUI death cases were, so that he
17 could take that into account in determining, when you
18 look on average at how the penalties come out on
19 felony DUI, and if you look at particular facts of
20 this lady, Ms. Diane Brown, you just -- you didn't
21 consider that that might be helpful?
- 22 A No, and I'll tell you why really. From my stats that
23 I keep in my head on anything that I hear, try to
24 remember, I frankly think those numbers might have
25 hurt me more than helped me. I don't know what the

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1 stats were, had I printed the, out in '08, but I won't
2 be surprised if they're higher than 12. Okay?
3 Remember about that same time I had a lady -- young
4 lady who got a year in jail, house arrest. But that
5 was a case where the victim even said at the bond
6 hearing, don't put handcuffs on her. Our aunt's dead;
7 putting her in jail isn't going to do any good.

8 I got it and I also understand what the Court has
9 got to do when they've got both sides, but I didn't
10 have that here and what statistics I recently looked
11 at, again from court administration, show -- I might
12 be wrong but I think Judge James just gave somebody 20
13 years on a felony DUI within the last few months, and
14 I don't know the facts of the case.

15 I had two felony DUIs that I was worried about
16 here. A bad serious bodily injury. I knew -- I had
17 eight to 12 and did I know that we could go in there
18 and the Judge could go south on me and give me more --
19 give Diane more than 12? I did. Was I hoping for
20 less than eight? I was. I wish she could have gotten
21 the one because he had to give her that. Was I a
22 little surprised when she got the 12? Was I
23 disappointed? I was all of that. Yes, I was.

24 Q And you were talking about comparative analysis with
25 other sentences back in '08, but actually you could

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1 have been looking at sentences from '08 up through the
2 time that Diane was sentenced; right?

3 A I don't even know if there were any -- I think that
4 one in Manning came about between her accident and I
5 think that guy got -- I think they maxed him on
6 everything. I think, like, four people were either
7 killed or injured in that wreck. He got, like, 15 to
8 25 on everything. I got that in that file.

9 But I don't know of any other ones that I think
10 about. My Mandy Logan case may have come up -- it was
11 some time in that time frame, Ms. Shurling. I don't
12 remember exactly. But no, that's not a strategy I
13 use. That's not a decision I wish to make and I think
14 it would be a mistake to do that with Judge James and
15 most judges I practice before.

16 Q You mentioned that Diane Brown, to your knowledge,
17 hadn't even had a speeding ticket.

18 A Right.

19 Q This is somewhat redundant, but if you didn't consider
20 doing some sort of analysis of recent felony DUI death
21 cases, then I assume you also didn't consider
22 investigating the prior criminal records or the prior
23 driving records of other individuals sentenced in
24 felony DUI death cases about the time of your client's
25 sentencing.

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1 A No, I didn't -- no, did I take anybody's sentence on a
2 unrelated DUI and investigate other than their
3 sentence what -- anything about that defendant? No, I
4 did not.

5 Q And just to give an example -- I mean, just for
6 example, if you could have demonstrated that someone
7 else in the Third Circuit had recently gotten eight
8 years for felony DUI death, but they had had multiple
9 citations for reckless driving.

10 A Somebody got eight years in and around this time. I
11 remember that as well, but when it was exactly I don't
12 know, but would I be comfortable telling the Judge at
13 a plea or prior to a plea, Judge, Mr. So and So in
14 front of you or a different judge got eight years, no,
15 I'm not going to do that.

16 I just -- you might would do it. Some times you
17 get in the heat of battle and it's different than
18 looking at it on Monday morning after a football game.
19 I'll tell you this that disappointed me a little bit
20 with Judge James: I was presenting that plea. We had
21 a lot of people there, a lot of family members. We
22 all met before the plea, as you would expect.

23 And after three or four or five people, he looked
24 at me, and I remembered it as I read the transcript
25 yesterday. He says I'm about ready to hear from Ms.

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1 Brown. So sometimes I don't want to stop talking
2 about how great Ms. Brown is, but I know what that
3 means. Mr. McMillan, I can read. I've read these
4 letters. I know and nobody disputed who she was but I
5 now need to hear from her.

6 Comes a time to shut up and we -- we were getting
7 close to that and I think we did call one more person
8 after that. You know, I'll push the envelope a little
9 bit.

10 Q When you mentioned earlier that you weren't sure, you
11 thought this material had been taken over to the Court
12 when? You said the day of or the day before? Do you
13 recall?

14 A I don't remember. Prior to the plea. I asked the
15 Judge could I bring it to him and called the
16 Solicitor's office. Normally that's material I would
17 submit at the time. You know, the Judge may have even
18 asked me to do that. I don't remember but it got to
19 him in time for him to review it. It was -- I can't
20 tell you when -- hours if not a day.

21 Q Altogether the information you provided to the Court
22 constituted a fairly lengthy set of documents, many of
23 which were double-sided, didn't it?

24 A Could be. I don't remember. It was a lot of stuff,
25 no doubt.

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1 Q Be fair to say that it's at least an inch of legal
2 documents, all stacked?

3 A It's right there what it is.

4 Q And much of it's double-sided.

5 A Yes.

6 Q Did you consider the wisdom of possibly getting these
7 materials to Judge James considerably sooner than you
8 did, so that you were sure that he'd have time to read
9 them and give them thoughtful consideration before the
10 plea and sentencing?

11 A Yeah, that's why I did it. I mean, like, did I think
12 a week ahead or something? No. You know, I hate to
13 say this with Judge Cothran sitting there. I realize
14 they only look at that stuff so much. I mean, I know
15 they do their job. They do a good job but I've never
16 presented a packet that I thought a judge is going to
17 take home and read for a week before a plea. I don't
18 think that.

19 But I did want him -- it's one of the few times
20 I've gotten a plea package to somebody before the
21 plea, because I wanted to make sure he -- I feel like
22 he had enough time. If he didn't I think Judge James
23 would have told me. It is what it is there. I don't
24 -- I don't feel -- I don't feel any deficient act on
25 my part in getting that to the Judge. There's a lot

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1 of things I wish I could change, including Diane's
2 sentence, but if I had to do it all over again would I
3 say okay, I've got to get this to the Judge three days
4 earlier than I did? I don't see that as a factor
5 personally.

6 Q And I -- the last thing I want to do is sound like a
7 smart aleck, but presumably Judge James wasn't in town
8 and on the bench just to hear Diane Brown's case, was
9 he? He was on the bench that week.

10 A I assume so.

11 Q And would have been involved in hearing many other
12 matters that same time period.

13 A I would assume so. If it was a problem, I guarantee
14 you (inaudible).

15 Q I understand. I'm just -- you were not concerned
16 that, given the fact that he was on the bench, that he
17 might not have adequate time to read all of these
18 documents you had accumulated?

19 A Honestly, no.

20 Q Okay.

21 A Can you answer a question for me? This was an
22 afternoon plea or a morning plea? It was an afternoon
23 plea, wasn't it? Do you remember?

24 Q Afternoon.

25 A I know Judge James would miss lunch to read a package.

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1 Just -- that's the way he is, you know, but I don't
2 still think I'm trying to justify the call at the
3 time. I'm comfortable with that on that issue.

4 Q Well, let me ask you this: If you have a judge, a
5 good judge, but one that you were concerned, it just
6 might not be his practice to read a whole bunch of
7 stuff that you've gotten about this person, he's not
8 going to take the time in his busy schedule to read a
9 bunch of testimonials or not going to read medical
10 records of whatever, wouldn't that then make it
11 exponentially more important for you to be sure and,
12 at least, review all the high spots of the positive
13 things about your client and any other mitigating
14 information during your presentation in mitigation
15 during the sentencing?

16 A Say as many good things about a client as I can at the
17 plea but remember, we say them. I think he knew them.
18 That was -- I won't say it wasn't an issue. You don't
19 want to take something for granted. Nobody for one
20 moment up to the day ever thinks there was any flaw
21 about Diane Brown, her character, her work history,
22 whatever. Just top notch.

23 Q My mother says that my job lets me discuss in public
24 things she wishes I didn't even talk about in mixed
25 company, so here goes. You mentioned that Diane had a

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1 hysterectomy at some point while she was out on bond.

2 A I think that's correct.

3 Q And there was evidence, was there not, that at the
4 time of this accident she had been experiencing
5 unusually heavy menses, very heavy periods?

6 A I remember that.

7 Q Was hemorrhaging during that time period?

8 A I remember she had female problems.

9 Q And a problem that ultimately culminated in her having
10 that hysterectomy that you talked about?

11 A Right. I think that -- she had anemia and I think
12 that was part of her anemia problems, these female
13 issues.

14 Q Again, was that something that you -- was there some
15 reason why you would not have shared with Judge James
16 the fact that there were, you know, these possible
17 physical explanations for why the alcohol she consumed
18 had had a different impact on her than usual on the
19 night of this incident?

20 A You know, everything we do is strategic. Some things
21 I couldn't -- you know, we couldn't ignore the white
22 elephant in the room, so to speak. I couldn't ignore
23 the .215 blood. I couldn't ignore -- remember this
24 too. I want you to -- you can't forget this: We
25 showed up and unknown to the Solicitor's office, Jack

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1 Kinsey from WIS-TV and David Yarborough spearheading -
2 - putting this plea together because he hadn't settled
3 his dram shop case yet. Diane Brown was no concern of
4 theirs. You know, they all wanted her to get the
5 maximum. Okay?

6 So that, you know, wasn't in this calm, clear
7 environment we're sitting in now, and that's where the
8 Judge found himself sitting, so at some point you've
9 got to deal with what you've got and sometimes, you
10 know, we -- we could ignore or not talk about certain
11 things, but when you've got a 12-year-old child that's
12 dead you've got to tread lightly.

13 You've got a blood score that ranged from .215,
14 SLED; .28, Tuomey; .31 SLED urine; and records that
15 showed -- and she was the only one drinking wine --
16 eight glasses of wine bought over a four-hour period.
17 I had my hands full and that's why this case -- if
18 Diane Brown would have been a worthless soul with a
19 past record of staying in trouble, maybe I wouldn't
20 have this hole in my gut that I've got today from
21 worrying about this case.

22 Q I understand.

23 A But she wasn't, and whether she drank five glasses of
24 wine or eight glasses of wine, I'm not going to get up
25 there and argue with the Judge she only had five, not

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1 eight, because I'll never believe she drank eight.

2 Okay?

3 Q If I may interrupt you, you do bring up a point that's
4 on my list.

5 A All right.

6 Q Your investigation, as you say, confirmed that she --
7 that seven or eight -- my memory was seven -- you're
8 saying eight -- but glasses of wine had been purchased
9 that evening.

10 A I think three got bought on the patio and five on the
11 inside.

12 Q Okay. But did your investigation also give you reason
13 to question whether she had actually consumed all of
14 that?

15 A Absolutely. Diane told me she never finished them
16 all. We know she didn't finish her last one when she
17 got up to go to the bathroom. Okay? Eight is a lot,
18 no doubt. She was able to -- one of the guys there
19 was named Brandon Lafferty. He was drinking a bunch
20 that night too and he was drinking beer. The -- all
21 of this -- we have the receipts. Nobody else was
22 drinking wine. These were the white elephants in the
23 room that I couldn't -- I never could overcome that.

24 Q And Diane Brown was the only lady in the group, wasn't
25 she?

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1 A Only lady in the bunch.

2 Q And the evidence -- did the evidence indicate that
3 someone other than Diane Brown was paying the bar tab?

4 A Yeah, I think Diane cleared out the first bar -- this
5 is -- I think she cleared out the first tab where the
6 three glasses of wine got bought, because they moved
7 inside from the patio, and I think they cleared out
8 the last tab because when Diane got up, they never saw
9 her again.

10 So somebody -- and you know, that -- even that
11 was in dispute. One person from Chili's said Amanda
12 Logan or Dogan, said oh, they found her. They were
13 talking to her in the parking lot. She was sitting in
14 a car other than a Volkswagen Beetle, because that's
15 what the car -- a girl named -- said oh, no, I'm the
16 waitress who saw her. I'm the hostess who saw her
17 leave, back over a curb and drive off.

18 Nothing matched up, you know, but, you know, the
19 -- but what -- where was she in 2010 when Roger
20 Russell, our toxicologist, was operating at the
21 Chili's pour, six and a half ounces, which is a
22 standard pour. Well, through discovery on the civil
23 case they determined that the Chili's pour was a
24 seven-ounce pour. I didn't know anything about this
25 kind of stuff until, you know, how much wine they put

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1 into it. Now that's why they do carafes and stuff.

2 He concluded -- he being Dr. Russell -- that the
3 readings, based if she had five glasses of wine per
4 reading, being a female with the metabolism and all
5 this scientific stuff -- I know you saw that memo --
6 she had five glasses of wine. Well, when I called him
7 back he says well, now we know it's a seven-ounce
8 pour, you know, and he said well, you know what, she
9 might have had more.

10 Nothing helped. It got worse and that's when we
11 shifted. When we got back, I wrote Diane and said
12 here's my information from Dr. Russell. Do we want to
13 go further on these lab issues and whether SLED's lab
14 is as good as they should be and all that, and we
15 decided not to go any further with Dr. Russell.

16 Q To go back for just a second, I'm going to wrap it up,
17 but you said in your discussions with Judge James you
18 thought you were looking at a range -- possible, no
19 guarantees, but eight to 12 years?

20 A Yes.

21 Q When your client got 12, what consideration, if any,
22 did you do doing a motion to reconsider?

23 A Uh-uh. Filed one.

24 Q And?

25 A He ruled on it. I don't think we had a hearing.

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1 Reduced her fine, period.

2 Q And again, did you consider -- how much longer after
3 the initial sentencing was Judge James's ruling on
4 your motion to reconsider?

5 A Without looking I don't remember. You know, after the
6 plea I talked with Diane, talked with Bob. The family
7 was upset. They all came back to my office. The
8 client was upset, understandably so. I don't remember
9 if I saw Diane that day or the next day. I know they
10 took her to R and E pretty quick but at that time
11 Diane had instructed me not to file a motion for
12 reconsideration and not to file an appeal, and I did
13 that in writing and had them sign it.

14 But I elected on my own to file not only a motion
15 for reconsideration but an appeal for all the obvious
16 reasons. I don't recall having a hearing on it. The
17 Judge ruled before -- you know, when a judge rules
18 that quick -- I don't know when he did, but whenever a
19 judge rules that means I don't want to hear anything.
20 I don't need a hearing. I wish he would have
21 reconsidered here the last time.

22 Q And I'm not going to reinvent the wheel, but I assume
23 that your reasons for not giving Judge James an
24 overview statistically of the sentences in other
25 felony DUI death cases after Diane was sentenced but

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1 before he considered the reconsideration, your
2 analysis today would be the same as it was for the
3 original sentencing?

4 A Yeah. Well, it's just not the way I do my business.
5 I think it would be -- I think it would incense a
6 judge and, you know, when you practice you know your
7 judges to some degree. Some that it would -- I don't
8 want to do anything to make it worse. I had -- I had
9 my hands full. I certainly didn't want to do anything
10 to make it worse.

11 I don't think it would influence the Judge. I
12 think this Judge knew and I don't think some
13 assumption -- I think I'm accurate when I say I think
14 the judges know what other judges are doing. Felony
15 DUIs are not that common. There's not a bunch of them
16 coming up in any one circuit very regularly and, you
17 know, very few of them are tried for all the obvious
18 reasons as well, in my experience.

19 MS. SHURLING: A moment's indulgence, Your Honor.

20 THE COURT: Okay.

21 MS. SHURLING: One moment, Your Honor. No
22 further questions, Your Honor.

23 THE COURT: Okay.

24 MR. GOURLEY: Mr. McMillan, I just have a few
25 questions and I'll be very brief.

Reba C. Hayes, Official Court Reporter

Marvin E. McMillan - Cross by Mr. Gourley

CROSS-EXAMINATION

1
2 BY MR. GOURLEY:

3 Q You mentioned that you talked to Mr. Griffin in this
4 case ---

5 A I did.

6 Q --- with the -- with Ms. Brown, or Ms. Brown's family.
7 Do you typically do that in all your cases, or was
8 this something ---

9 A Well ---

10 Q --- out of the ordinary?

11 A --- I'm always begging for help with the Solicitors
12 trying to get my client the best deal. It would be a
13 common practice for me to talk to the Solicitor on a
14 pending case, yes.

15 Q And then you recall -- do you recall when you gave
16 Judge James that packet of materials?

17 A I honestly don't. It could have been earlier that
18 day. It could have been the day before. I don't
19 remember.

20 Q Do you recall prior to the sentencing Judge James
21 recessed to actually review some more materials, prior
22 to the sentencing?

23 A No, but that doesn't -- I honestly don't -- if you say
24 he did, he did.

25 Q It's in the transcript.

Marvin E. McMillan - Cross by Mr. Gourley

- 1 A Okay. That doesn't surprise me.
- 2 MR. GOURLEY: That's page 77, Your Honor.
- 3 A I like it when they do that, because I feel that they
- 4 have a chance to go back and, sort of, digest -- not
- 5 the written material but what's been presented to them
- 6 by the people speaking before him ---
- 7 Q Yes, sir.
- 8 A --- and not making an emotional decision.
- 9 Q In regards to Ms. Brown's prescription medications and
- 10 the effect of those on the alcohol she -- she drank
- 11 that night, you testified that you had a Dr. Bill
- 12 Hinnant; correct?
- 13 A Correct.
- 14 Q And he -- what was his findings of that?
- 15 A Dr. Hinnant's findings were that those drugs, although
- 16 may be contraindicated and could enhance the effects
- 17 of one's impairment, would not enhance the blood
- 18 alcohol reading from the drug.
- 19 Q And those were the drugs that Ms. Brown was taking
- 20 that night?
- 21 A That is correct. I sent -- you know, we put a package
- 22 together and mailed to him. I don't understand all
- 23 that biology. That's why I rely on him.
- 24 Q Yes, sir. And you said you had a 15-year plea offer?
- 25 A I did.

Marvin E. McMillan - Cross by Mr. Gourley

1 Q And y'all rejected that and went straight up to Judge
2 James?

3 A Yes, we did.

4 Q Ms. Brown understood that she was rejecting that
5 offer?

6 A She did. I think so, yes. We were all hoping for a
7 lighter sentence.

8 MR. GOURLEY: No further questions, Your Honor.

9 THE COURT: Okay.

10 MR. GOURLEY: Your Honor, we would just ask that
11 Mr. McMillan stay here until Ms. Brown testifies. We
12 reserve the right to call him in reply.

13 THE COURT: Okay.

14 MS. SHURLING: Sorry about that, Judge. Your
15 Honor, I would move to introduce at this time -- I
16 have already told the Respondent I was doing this and
17 I passed a set up to the Court for you to review and
18 explain what I have done. May I approach, Your Honor?

19 THE COURT: Yes, ma'am.

20 MS. SHURLING: If we start, Your Honor, with the
21 one that doesn't have any highlighting on it, the
22 thinner of the two packages that has a disclaimer down
23 at the bottom.

24 THE COURT: Okay.

25 MS. SHURLING: Okay. What this is, Your Honor,

1 is I put in -- and I have already gone over this with
2 the Respondent -- I put in a request through a woman
3 who works at court administration. Her name is
4 Sequoia -- and I apologize. Her last -- Bryant?
5 Thank you.

6 She was gracious enough to talk with me about
7 this, so I -- pardon me. I actually have her email.
8 I'm sorry. Sequoia R. Bryant. She is a court
9 representative with court administration and she was
10 gracious enough to educate me on what their software
11 could and couldn't accomplish in terms of letting me
12 know the penalties that had been imposed in other
13 felony DUI death cases.

14 I specifically asked, Your Honor, for anything
15 beginning January 1, 2008, going through the date of
16 Ms. Brown's sentencing, which was January 20th, 2011.
17 Your Honor, the only thing on this document that is
18 not exactly as it was provided to me by Ms. Bryant are
19 the asterisks in the left-hand column and those show
20 first, Diane Brown's sentence on January 11th, 2011,
21 and her sentence of 12 years.

22 Then going down to Thomas Briggs, a gentleman who
23 also was sentenced for felony DUI death, which as Your
24 Honor can see, 406 being the -- I believe they call it
25 CDR code for felony DUI death. He received, according

1 to this, 30 days and/or a \$500 fine, and then going
2 down to Henry D. Collins out of Williamsburg County, a
3 felony DUI death case. He received eight years
4 suspended upon service of three years with two years
5 probation and a \$12,500 fine.

6 Now, despite the fact that my request had been
7 for sentences between January 1, 2008 and the date of
8 Diane Brown's sentencing, January 20th, 2011, they
9 were kind enough to give me a spreadsheet that covers
10 more information than -- oh, and I apologize, Your
11 Honor. At the top my asterisk got covered up. There
12 is the case of Mr. Rafael Martinez who, in 2009, March
13 2009, got 25 years. I believe that's the case that
14 was referenced in actuality by Mr. McMillan from the
15 stand.

16 Attached to that, Your Honor, I have run SLED
17 record checks as well as 10-year driving histories on
18 each of the individuals whose names are marked with an
19 asterisk. I will not bore the Court as I've been told
20 by many judges you can read. These records reflect
21 that these individuals had -- some of them had driving
22 records for speeding and some of them had prior
23 criminal records, so forth and so on. I would
24 introduce this as Applicant's 5 ---

25 THE COURT: Okay.

Reba C. Hayes, Official Court Reporter

1 MS. SHURLING: --- as an illustration of the kind
2 of statistical ---

3 THE COURT: Any objection?

4 MR. GOURLEY: No, sir.

5 THE COURT: Okay. It's in without objection.

6 (Applicant's Exhibit Number 5 was marked for
7 identification by the court reporter.)

8 MS. SHURLING: The second packet, Your Honor, was
9 compiled by using SCDC's database to pull individuals
10 serving time who were sentenced between January --

11 MR. GOURLEY: Your Honor, I can consent to this
12 evidence coming in, if it will save the Court time.

13 MS. SHURLING: Okay. Thank you.

14 THE COURT: Okay.

15 MS. SHURLING: And I will just note for the
16 record that the only thing on this one that is not off
17 the database, down at the bottom, that's my
18 handwriting saying an average sentence of 11.2 -- 11.2
19 years and that is, of course, including in the
20 analysis the sentence received by Diane Brown.

21 On the first set of materials, I would have to
22 sit down and run it but I believe that the average
23 sentence was right at 13 years and I would move to
24 introduce this as Applicant's 6.

25 THE COURT: Okay.

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 (Applicant's Exhibit Number 6 was marked for
2 identification by the Court Reporter.)

3 MS. SHURLING: And at this time I would call
4 Diane Brown as a witness in her own behalf.

5 THE COURT: Come forward please, ma'am.

6 (Witness sworn)

7 THE CLERK: State your full name and spell your
8 last name for the record.

9 THE WITNESS: Diane Elizabeth Brown -- B-R-O-W-N.

10 DIANE ELIZABETH BROWN,

11 having been first duly sworn, was examined and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MS. SHURLING:

15 Q Diane, in my discussions with you I have learned that
16 you're rather soft spoken, and part of that is because
17 I'm half deaf, but you are a little soft spoken so if
18 I can get you to speak up. I know this is a difficult
19 proceeding and hard for you. Everybody understands
20 that but if you can speak up, the nice lady in front
21 of you has got to write down every word you say and if
22 she can't hear it, she can't write it down. Okay?

23 A Okay.

24 Q And you have to give me audible responses. You can't
25 nod your head. You have to actually answer out loud.

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

- 1 Okay?
- 2 A Yes, ma'am.
- 3 Q All right. I don't have many questions. How old are
- 4 you now, Diane?
- 5 A I'm a week away from being 52 years old.
- 6 Q Okay. And how many years were you in the military?
- 7 A Twenty-three.
- 8 Q And what was your rank? I know we've heard E9. Does
- 9 that make you a sergeant?
- 10 A No, it was E8. It was E8.
- 11 Q E8? We all gave you a promotion, didn't we?
- 12 A I know. Yes.
- 13 Q Okay. And you have an associate degree in
- 14 engineering; is that correct?
- 15 A It's propulsion engineering.
- 16 Q Okay. And once you got out of the military, did you
- 17 go directly to work for General Electric?
- 18 A Yes, I did.
- 19 Q Okay. I don't want to put you or anyone else through
- 20 going through a lot of this in detail. The record
- 21 will speak for itself, but when you hired Chip
- 22 McMillan, did you and your husband begin meeting with
- 23 him to prepare your case for trial initially?
- 24 A When -- when we hired him, did we begin ---
- 25 Q In the beginning did you think you were possibly going

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 to be going to trial?

2 A Yeah, we didn't -- we didn't have any idea what was
3 going to go on. We thought it could be a trial. We
4 just -- we were just, kind of, in a state of shock.

5 Q Okay.

6 A My whole family and I had bonded out and we went back
7 to Ohio, so no.

8 Q Okay. And at some point did Mr. McMillan make the
9 recommendation to you that it would be in your best
10 interest to plead?

11 A Yes.

12 Q Okay. Once you decided that you were going to plead,
13 did you have discussions with Mr. McMillan about what
14 you could do to present the best possible case or best
15 possible presentation for the sentencing judge in
16 hopes of getting you the best sentence you could get?
17 Did you work with Mr. McMillan on that?

18 A Yes, we tried to. We were a little frustrated as a
19 family. We thought we should be doing more. It just
20 seemed like we were, kind of, waiting for time to go
21 by and when the time came up, it was kind of sudden
22 and we knew by that point that we were going to plead.
23 Mr. McMillan had told me that going to trial, I would
24 most definitely get -- the facts that were in the
25 case, I would do better to plead so.

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

- 1 Q Okay. Let's back up for a little bit. When you said
2 you bonded out, did you also get permission to go back
3 to where you were from?
- 4 A Yes.
- 5 Q And where is that?
- 6 A In Ohio. Cincinnati, Ohio.
- 7 Q Okay. So when you were back in Ohio, did you make
8 trips back to Sumter, South Carolina to work on your
9 case with Mr. McMillan, or were you communicating with
10 him by phone, email? How did that work?
- 11 A By phone and email at first and then we came to
12 Sumter, but I don't remember -- I think it was before
13 the first appearance was when I -- when I first come
14 back. There's a -- in General Sessions I had to make
15 a -- an appearance.
- 16 Q Okay. How much notice did you have that your case
17 would be going to Court in January of 2011?
- 18 A I can't really recall exact date. I just know it was
19 after Christmas some time and before -- maybe a week
20 or two.
- 21 Q Okay. And for the record I wasn't asking for an exact
22 date. I'm just trying to get a feeling for how long
23 ahead of time you knew that you were about to go to
24 Court, and so you're saying after Christmas 2010 and
25 you were sentenced -- your plea was January 20th,

Reba C. Hayes, Official Court Reporter

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 2011, so ---

2 A Yes.

3 Q --- a couple of weeks? Three weeks, somewhere in
4 there?

5 A Yes.

6 Q Okay.

7 A Two weeks.

8 Q Before that time period though, you had already
9 started sending Chip McMillan materials to use either
10 at trial or in a sentencing proceeding, hadn't you?

11 A Yes.

12 Q For example, many of the character and reference
13 letters that are in what became your Exhibit 1 at your
14 plea are -- some of them are dated from back in -- I
15 think at least one of them was dated back in 2010, but
16 the majority of these letters reflect dates in January
17 2011; January 12th; January 14th; and again, you went
18 to Court January 20th?

19 A The 20th, yes, ma'am.

20 Q So you were gathering these character letters right up
21 within days of when you were going to Court?

22 A Yes.

23 Q Do you know how far in advance you knew that you were
24 going to need letters like this for your plea
25 proceeding?

Reba C. Hayes, Official Court Reporter

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 A I remember having conversations and Chip just told me
2 to write my -- my story -- my -- my life, Diane
3 Brown's life, you know, kind of, a bio. I'm saying,
4 will people have to come to Court. Should I go how
5 far back in my history? Air Force, General Electric,
6 neighbors, you know, everybody was contacting us
7 saying we want to be there for you, but we weren't at
8 that point yet. Just we were not at that point yet.

9 Q Okay.

10 MS. SHURLING: And I apologize, Your Honor. I
11 misspoke. These are all in January 2011 and that's
12 Plaintiff's 1.

13 Q In addition, had Mr. McMillan already gotten you to
14 sign what us lawyers call HIPAA waivers for your
15 medical records?

16 A Yes.

17 Q Okay. And you had given him permission to get all
18 your medical records and to talk to your doctors?

19 A Yes.

20 Q And when -- if you use the accident as a beginning
21 date and January 2011 as sentencing, when in there did
22 you sign permission for him to talk to your doctors
23 and get your medical records? Was it early on or very
24 close to the January proceeding?

25 A I can't say for sure. It's been so long now. I would

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 think it would be right at the beginning when we were
2 looking for anything that could help us.

3 Q Okay. And did Mr. McMillan also ask you to gather up
4 documents and records that would document your
5 military history, your -- your record in the military
6 and your employment history with General Electric?

7 A Yes.

8 Q And can you remember exactly when in proximity to the
9 plea proceeding he asked you to begin gathering those
10 materials?

11 A It was right before we went to -- I know we mailed all
12 of this around the same time.

13 Q Okay.

14 A Character statements, and I sent a little bit of my
15 military records and, I think, my resume and
16 everything early on. Just -- he was trying to get to
17 know me.

18 Q Did you begin gathering this stuff before you knew you
19 were going to Court in January, or did the whole
20 process start after Christmas when you found out you
21 were going to Court?

22 A The majority was after.

23 Q Okay. How far in advance of the plea did you come
24 back to Sumter?

25 A The day of.

Reba C. Hayes, Official Court Reporter

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 Q The day of?

2 A That's when we met in his office, the day of, the
3 morning of.

4 Q Okay. You're getting ahead of me. I'm not asking
5 when you met with Mr. McMillan. I'm saying when did
6 you come back to South Carolina? Did you come back
7 two or three days earlier or did you come back just
8 the day before or even the day of the plea? Do you
9 remember?

10 A We came back a couple days earlier when we were in
11 Columbia waiting.

12 Q Okay. And then you came over the day of the plea?

13 A That's when Chip asked us to come over to the office.

14 Q Okay. Now, these materials that we've been referring
15 to that were introduced as Court's Exhibit 1, 2, 3,
16 and 4 at your plea proceeding, did you bring those
17 with you from Cincinnati or had you already -- had you
18 and your husband Bob already sent those ahead to Chip
19 McMillan?

20 A We sent them ahead.

21 Q Do you have any idea about when you sent them?

22 A I want to say about the same day that they were
23 delivered. We had -- it was, kind of, like, a rally
24 at our house with emails coming in, phone calls coming
25 in, faxes going out, mailings. It was a last -- felt

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

- 1 like a last minute.
- 2 Q And did you send stuff in -- what my mama would call -
- 3 - drip and dribble or did you wait until you had it
- 4 all in and sent it at once?
- 5 A I believe we sent it all at once.
- 6 Q At once.
- 7 A A package.
- 8 Q Okay. So the day of the plea, do you remember about
- 9 what time you met at Mr. McMillan's office?
- 10 A I want to say 9:30, 10 o'clock.
- 11 Q And what time was your actual plea and sentencing?
- 12 A We met in his office for about an hour, I think, and
- 13 then broke for lunch. My family and friends were in
- 14 town and then we went straight to Court from there so
- 15 whenever, after lunch.
- 16 Q So your plea proceeding was immediately after the
- 17 Court's lunch break?
- 18 A Yes.
- 19 Q Okay. During that meeting before your plea -- your
- 20 meeting with your lawyer at his office, were you aware
- 21 of or did you take part in any sort of effort to get
- 22 these exhibits prepared for Court? Was that going on
- 23 while you were there?
- 24 A It was going on in the office. Copies were being made
- 25 and I think we were asked to help count out some

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 different exhibits or whatever you want to call them.

2 Q Okay. And that was taking place while you were at Mr.
3 Chip McMillan's office in the hours immediately
4 preceding the plea?

5 A Yes.

6 Q How did they get from Mr. McMillan's office over to
7 the courthouse?

8 A I believe he had an assistant. I forgot her name now.
9 He told me that she was interested in the case and
10 that she wanted to also be there at the hearing. She
11 had some military friends or something like that.

12 Q Okay. And it's your recollection that she ran the
13 exhibits over to the Court?

14 A I know she was doing a lot of work on it.

15 Q Okay. Do you know about what time they were taken
16 over to the courthouse?

17 A No.

18 Q Can you give me an estimate as to how long it was
19 before your plea hearing started?

20 A I -- I couldn't honestly give you -- there was so much
21 else going on that morning.

22 Q Okay. About what time did you get to Chip McMillan's
23 office?

24 A About nine, 9:30, 10, in there.

25 Q Okay. And was there a period of time when there was a

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

- 1 lot of activity going on in the office putting these
2 exhibits together?
- 3 A Yes.
- 4 Q Okay. And it was only after they were put together
5 and copied and so forth that then the assistant took
6 them over to the courthouse
- 7 A Yes.
- 8 Q Okay. And, of course, your plea was right after
9 lunch?
- 10 A Yes.
- 11 Q Okay. How badly were you injured in the accident that
12 led to the charges against you?
- 13 A As far as ---
- 14 Q Yes.
- 15 A --- physical ---
- 16 Q Physically?
- 17 A --- documented injuries? I had two head injuries and
18 -- it's hard for me to say. The time right after the
19 accident, I don't really recall a whole lot about that
20 time.
- 21 Q Okay. You anticipate what I was about to ask. You
22 did have head injuries?
- 23 A Yes.
- 24 Q And you had loss of memory for the events surrounding
25 the incident?

Reba C. Hayes, Official Court Reporter

DIANE ELIZABETH BROWN - DIRECT BY MS. SHURLING

1 A Yes.

2 Q Okay. Were you surprised that your lawyer would be
3 sending over these materials that you had gathered
4 that soon to the actual plea proceeding?

5 A Yes.

6 Q Did your lawyer ever discuss with you the kinds of
7 penalties he had seen other people get in felony DUI
8 cases involving death in South Carolina?

9 A Yes. He often refers to the one, a grown man, who got
10 a year house arrest, but he said early on that my case
11 was not going to be the same.

12 Q Okay. And you've been sitting in the courtroom. You
13 heard Mr. McMillan's testimony. Do you recall him
14 telling you that he had had discussions with Judge
15 King, the Chief Administrative Judge, and with Judge
16 James about your case?

17 A Yes.

18 Q Okay. And to be fair, Mr. McMillan never promised you
19 any particular sentence, did he?

20 A No.

21 Q But again, having gathered up all these materials for
22 your lawyer, were you surprised that the Judge didn't
23 have them for a more significant period of time before
24 your sentencing proceeding?

25 A I did believe there would be more deliberating. It

DIANE ELIZABETH BROWN - CROSS BY MR. GOURLEY

1 seemed to happen real -- so fast.

2 Q Okay.

3 MS. SHURLING: A moment's indulgence please.

4 THE COURT: Okay.

5 MS. SHURLING: No further questions, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. GOURLEY:

8 Q Ms. Brown, do you recall the Judge advising you of the
9 potential sentences that you faced when you pled
10 guilty?

11 A Yes.

12 Q And that included a 25-year sentence -- possible
13 sentence and a 15-year possible sentence?

14 A Yes.

15 Q And those charges could be run consecutive and you
16 could face a potential 40 years?

17 A Yes.

18 Q And that you were pleading straight up; that there was
19 no negotiations or recommendations, so he could
20 sentence you to whatever he deemed necessary?

21 A Yes.

22 Q And do you recall the Solicitor stating the facts on
23 the record of what occurred that night and what they
24 would take to trial and prove?

25 A Can you repeat that question?

DIANE ELIZABETH BROWN - REDIRECT BY MS. SHURLING

1 Q The Solicitor stated the facts of what occurred that
2 night and the events that they would take to trial and
3 prove at trial. Do you recall them doing that? Mr.
4 Griffin?

5 A Yes.

6 Q And do you recall agreeing with the facts as stated?

7 A Yes.

8 MR. GOURLEY: No further questions, Your Honor.

9 MS. SHURLING: Ms. Brown, one -- well, maybe two
10 related questions.

11 REDIRECT EXAMINATION

12 BY MS. SHURLING:

13 Q Do you recall the Solicitor saying that they had
14 evidence that -- seven glasses of wine that you had
15 purchased or something -- words to that effect?

16 A He said eight.

17 Q And your lawyer had, in fact, earlier told you that --
18 that the -- the sales receipt information confirmed
19 that that many glasses of wine were -- were purchased
20 on that night; correct?

21 A Yes.

22 Q Were you -- was it your intent to be agreeing with the
23 fact that you had actually consumed that many glasses
24 of wine?

25 A No.

DIANE ELIZABETH BROWN - REDIRECT BY MS. SHURLING

1 Q Were you surprised that your lawyer didn't clarify
2 that point when it was his turn to speak after the
3 Solicitor had represented the facts in the way that
4 made it sound as though everyone was stipulating that
5 you drank that much?

6 A To be honest, I just thought at that point I -- I
7 admit my guilt and I just take what comes my way, at
8 that point, and then I didn't have any input and -- or
9 objections or whatever you want to call it. I just
10 ...

11 MS. SHURLING: Nothing further, Your Honor.

12 MR. GOURLEY: No further questions, Your Honor.

13 THE COURT: Were you taking any antibiotics the
14 day of the accident?

15 THE WITNESS: No, sir.

16 THE COURT: Did you have a kidney infection that
17 you knew of?

18 THE WITNESS: I -- I had blood in my urine and I
19 know they ran some tests afterwards, but I don't know
20 where that came from.

21 THE COURT: Okay. Thank you.

22 MS. SHURLING: Your Honor, it takes Ms. Brown a
23 moment to get back to join me, but my next witness
24 would be her husband Bob.

25 THE COURT: Okay.

Reba C. Hayes, Official Court Reporter

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

1 (Witness sworn)

2 THE CLERK: Please state your full name and spell
3 your last name for the record.

4 THE WITNESS: Robert Charles Brown -- B-R-O-W-N.

5 ROBERT CHARLES BROWN,

6 having been first duly sworn, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MS. SHURLING:

10 Q Mr. Brown, you are Diane Brown's husband; correct?

11 A That's correct.

12 Q How long y'all been married?

13 A Just reached 25.

14 Q Twenty-five years?

15 A In November.

16 Q When?

17 A In November.

18 Q All right. Congratulations. You have children?

19 A Yes, ma'am, two.

20 Q Three?

21 A Two.

22 Q Two. What are their ages?

23 A Eric is 23 and Alise just turned 21.

24 Q And Alise is with us in the courtroom today.

25 A Yes, ma'am.

Reba C. Hayes, Official Court Reporter

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

- 1 Q Okay. I don't want you to feel left out. I'm not
2 going to ask you a lot of the same questions I've
3 already gone over here today. I'm going to try to
4 narrow my focus. At some point in Mr. McMillan's
5 representation of Diane, did it become apparent that
6 it was going to be, as hard a decision as it was to
7 make, the best thing to do for her to plead guilty?
- 8 A Yes, ma'am.
- 9 Q And at that point, did you begin trying to assist Mr.
10 McMillan in making the best possible presentation to
11 get your wife as compassionate a sentence as you
12 could?
- 13 A During the teleconferences that we had with him, yes,
14 ma'am. We asked what we could do, if there was
15 anything that we could possibly do to help the case
16 and also, you know, his approach that he was going to
17 take during the plea hearing, and that's when we --
18 you know, he had told us about the meetings with the
19 Solicitor and with Judge King.
- 20 Q Did you assist Mr. McMillan in compiling, for example,
21 the character references that were made Court's
22 Exhibit 1 at her plea proceeding?
- 23 A Yes, ma'am.
- 24 Q And most of these are dated January 14th, 15th, right
25 before her plea. Can you recall when Mr. McMillan

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

1 made you aware that you would need to begin gathering
2 such letters?

3 A It was like Diane said. It was within less than two
4 weeks prior to and it was -- we got the plea offer, I
5 believe, in the first week of January and then we
6 responded to that. We had so many days to respond to
7 that. Diane wrote back a nice, lengthy letter back to
8 Chip, as well as to the Solicitor, Kurt Griffin, all
9 the reasons why she felt about the case and her
10 remorse for the Schmidts, and then it was after that
11 when we turned down the plea offer and he was -- he
12 asked us to gather the support documents.

13 Q Mr. Brown, I cautioned your wife about being soft
14 spoken. You're apparently a soft-spoken household. I
15 need you to speak up just a little bit too please.

16 A Okay. Sorry about that.

17 Q I bet you guys even fight politely, but anyway. All
18 right. At what point did you find out that you -- you
19 got a plea offer for 15 years. Did you come down to
20 South Carolina to meet and discuss that plea offer
21 with Mr. McMillan, or did you do that by phone?

22 A By phone.

23 Q And once the decision was made, with input, of course,
24 from Mr. McMillan, to reject that offer, when did you
25 become aware that you would then be going to trial

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

1 either to enter a plea straight up or a jury trial in
2 January?

3 A I believe it was -- we got the notice in January. It
4 was all about the same time that at first there would
5 be the plea offering and then if we rejected that,
6 that we would be going to a plea hearing or a trial
7 shortly thereafter.

8 Q Okay. So you knew at the time you were considering
9 the Solicitor's plea offer that if you rejected it,
10 you would be going to trial -- your wife would be
11 going to trial shortly thereafter?

12 A Yes, ma'am.

13 Q Okay. And can you recall when you came back to Sumter
14 with relation to the plea proceeding on January 20th,
15 2011?

16 A Yes, ma'am, it was the day before.

17 Q The day before?

18 A Yes, it was the day before. We drove down from
19 Cincinnati to meet with Chip that morning at his
20 office before the plea hearing.

21 Q Okay. And you spent the night in Columbia the night
22 before?

23 A We -- yeah, it was somewhere off I-20 north of
24 Columbia.

25 Q The highway somewhere outside of Sumter?

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

1 A Right. Well, north of Sumter.

2 Q Okay.

3 A Yeah, east of Columbia off I-20.

4 Q All right. And do you remember what time you met in
5 Mr. McMillan's office that morning?

6 A It was between nine and 10.

7 Q Between nine and 10. And I asked your wife. I'll ask
8 you the same thing. Do you remember being party to or
9 involved in these various documents being compiled
10 into exhibits that morning?

11 A Yes, ma'am, I was heavily involved in it, putting out
12 the plea, if you will, to family and friends, co-
13 workers to -- if they would be willing to make a
14 character reference for Diane, these documents, and
15 then the hardest part was going out to the doctors and
16 getting their help to gather their statements.

17 Her counselor, therapist, psychologist and also
18 our family doctor, to come up with that list, I had to
19 go personally to their offices and request it and
20 then, you know, impose upon them the criticalness to
21 get that. The time that we needed it was very short
22 so, yes, I was heavily involved with getting those,
23 receiving those, helping to fax those off and they
24 were sent in as we got them.

25 Q Okay. So I'm going to back up. So some time prior to

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

1 driving south for the actual plea proceeding, you had
2 been sending in these documents?

3 A Yes, ma'am.

4 Q And you were actually physically involved in procuring
5 them from the various people involved in these
6 exhibits?

7 A Yes, ma'am, and they were all over the country.

8 Q Okay.

9 A You know, there were some from Cincinnati, some from
10 family in New Jersey, Delaware, Baltimore, friends in
11 Georgia, like I said, all over the country.

12 Q And it's your testimony that as you got these items
13 in, you sent them in to Mr. McMillan as you got
14 possession of them?

15 A Yes, ma'am, all the way up until the day that we left.
16 We left for the drive some time in the late morning
17 and that day, I was still sending stuff off that
18 morning as I received it.

19 Q Okay. Did you begin compiling this information as
20 soon as Mr. McMillan asked you for it?

21 A Yes, ma'am, because we knew the time was -- we were
22 within two weeks.

23 Q If he had asked you to begin compiling this
24 information earlier in 2010, would you have done it
25 earlier?

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

- 1 A Sure.
- 2 Q Okay. Once -- let's start with when you arrived at
3 Mr. McMillan's office the day of the plea. Were you -
4 - if you weren't, you've got to say so, but were you
5 involved in compiling these documents into exhibits
6 that morning?
- 7 A Our involvement would have been answering questions
8 that they had, that they needed clarification. The
9 compilation was going on with his assistants in the
10 background, not in the conference room that Chip had
11 us and the family and -- or just family, I think, at
12 that time in his conference room.
- 13 Q And again, I apologize. I didn't mean to suggest you
14 were typing the little indexes or anything, but you
15 were aware that that process was ongoing while you
16 were there at his office?
- 17 A Yes, ma'am.
- 18 Q And you were party to discussions about what documents
19 would go in what exhibit and so forth?
- 20 A Yes, ma'am.
- 21 Q To the best of your recollection, how long was it
22 before the plea proceeding began that someone left
23 from Mr. McMillan's office to take these documents
24 over to the Court?
- 25 A I apologize. I'm not aware of when they were taken

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

1 over to the Court. I know we were in the meeting with
2 -- with Mr. McMillan for maybe an hour or so. First
3 it was just Diane and myself talking with him and then
4 we brought in the family so that he could express to
5 them, you know, his plan and how -- how he thought
6 about Diane and the case in general. And then after
7 that hour or so, we left and we went as a group to
8 have lunch and then came back to the courthouse from
9 there.

10 Q Okay. So just to be fair, from the time you got there
11 at 9:30, 10, you were aware of a certain amount of
12 activity surrounding getting these exhibits ready?

13 A Yes, ma'am.

14 Q But you don't know when after that the documents were
15 physically carried to the courthouse to Judge James?

16 A No, I do not.

17 Q Do you have any idea, to the best of your
18 recollection, how long the process of compiling them
19 took?

20 A I believe it was probably going on before we got there
21 and it was still going on while we were there, but I
22 can't recall whether or not it was completed before we
23 left his office.

24 Q And that would be as close a recollection as you have
25 at this time? Okay. Do you recall any discussions

ROBERT CHARLES BROWN - DIRECT BY MS. SHURLING

1 with Mr. McMillan, prior to the plea, of sentences
2 that -- that he had been aware of other people in
3 South Carolina receiving in felony DUI cases involving
4 death?

5 A It was the same. The best and the worst case. The
6 young lady that only had a year -- got a year and the
7 victim's family and friends had come to court and
8 said, you know, we forgive her. Please don't put her
9 in jail. And then the other -- from the other extreme
10 so he did cover that.

11 Q Okay. And again, Mr. McMillan didn't promise you ---

12 A No, ma'am.

13 Q --- that Diane would get any particular sentence, did
14 he?

15 A No, ma'am.

16 Q Okay. And you had a good many people with you in that
17 courtroom, didn't you?

18 A Yes, we did.

19 Q Did all of them get to speak?

20 A No, ma'am. To be fair, not all of them wanted to
21 speak. You know, just by being in the courtroom, they
22 were not up to speaking but they had submitted -- some
23 of them had submitted their letters and then others
24 were just family and friends that were there for
25 support.

ROBERT CHARLES BROWN - CROSS BY MR. GOURLEY

1 Q And were you all able to make the Judge aware of how
2 many people were there to show their support for Diane
3 over and above those that actually spoke?

4 A Yes, I believe Chip had made mention to Judge James
5 about all the support that Diane had that day and of
6 the letters and of, you know, those that wanted to
7 speak and as Chip said, he could tell that at some
8 point it was time to get to Diane's.

9 MS. SHURLING: No further questions. Please
10 answer any questions the Respondent has.

11 CROSS-EXAMINATION

12 BY MR. GOURLEY:

13 Q Mr. Brown, I just have one question. You mentioned
14 when you first started testifying that you were aware
15 of Mr. McMillan's discussion with Judge King and the
16 Solicitor, Mr. Griffin. Did he make you aware that
17 Judge King had advised that -- Ms. Brown if he was
18 sentencing Ms. Brown, he would give her 15 years?

19 A Yes, sir.

20 Q Okay. Did he also make you aware of the discussions
21 that he had with Judge James about a potential
22 sentence between eight and 12 years?

23 A Yes, sir.

24 MR. GOURLEY: Okay. No further questions, Your
25 Honor.

1 THE COURT: Okay. You can step down.

2 MS. SHURLING: Nothing further, Your Honor, as
3 far as witnesses. May we approach?

4 THE COURT: Okay. Anything from the State?

5 MR. GOURLEY: No, Your Honor.

6 THE COURT: Okay.

7 MS. SHURLING: Thank you. For the record, Your
8 Honor, I had asked that the Court grant leave for us
9 to submit proposed orders summarizing our respective
10 positions with regard to the case that has been
11 presented here today, given the fact that the holidays
12 are upon us and I don't know about Mr. Gourley, but I
13 have an astonishing number of things to do the first
14 couple of weeks in January, so if we could have until
15 February 1st to get proposed orders to Your Honor, I
16 would appreciate it.

17 MR. GOURLEY: Your Honor, I'll leave that up to
18 your discretion.

19 THE COURT: I normally don't give anybody that
20 long. It's usually the defense is objecting and wants
21 them in quicker than that. All right. I'll give you
22 to February 1st.

23 MS. SHURLING: And I'll make it -- I'll make
24 every good faith effort to get it to you sooner, Your
25 Honor.

1 THE COURT: Okay.

2 MS. SHURLING: Thank you. And as always, Your
3 Honor, I always ask whichever side does not prevail be
4 permitted to file their proposed order as just a
5 memorandum in support so that the arguments that are
6 advanced in the proposed order are made part of the
7 record.

8 THE COURT: Okay.

9 MS. SHURLING: Thank you.

10 THE COURT: Okay.

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN) CERTIFICATE

Be it known that I, the undersigned Reba C. Hayes, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, transcribed the foregoing hearing in the above-referenced matter.

The foregoing transcript of 93 typewritten pages represents a true, accurate and complete transcription of the testimony so given and the evidence introduced at the time and place aforesaid to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

IN WITNESS WHEREOF I have here unto set my hand this 20th day of October, 2014.


 Reba C. Hayes, CVR
 Official Court Reporter

Receipt for ExhibitsCase # 2012-CA 43-100Judge Ferrell CothranPlaintiff Dianne Elizabeth BrownPlt's Atty Tara D. ShurlingDefendant StateAG
Def's Atty Daniel BourleyDate Trial Started Tuesday, Dec. 17, 2013Date Trial Ended Tuesday, Dec. 17, 2013Received of Melissa R. Singletary, Court Reporter for the above case, these exhibits:

1. Character Letters w/ roster of names & providers
2. Background Summary and Summary of Military and Civilian Career
3. Medical Reports
4. Wetherington Family Medicine - List from Dr. Hans
5. SCID Database Disclaimer
6. Felony Duls via Inmate Search

7. _____

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This 17th day of Dec, 20 13Page 1 of 1

Sumter County Clerk of Court

By: J. B. Bradley

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE OF SOUTH CAROLINA,

Plaintiff,

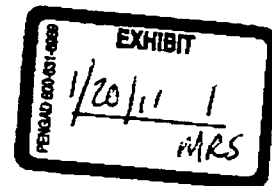
vs.

DIANE ELIZABETH BROWN,

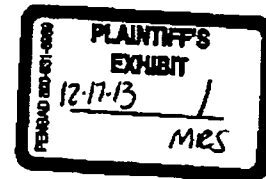
Defendant.

Charge: Felony DUI, Involving death
and serious bodily injury

) IN THE COURT OF GENERAL SESSIONS
) THIRD JUDICIAL CIRCUIT
) INDICTMENT NO.: 2009-GS-43-208
)



CHARACTER LETTERS



1. Robert Murphy (Diane Brown's father)
2. Barbara Murphy (Diane Brown's mother)
3. Michael Ballard (Diane Brown's previous employer and close friend)
4. Kristine Twardowski (Neighbor and close friend)
5. Gordon Thomen (Retired Chief Master Sergeant and GE Associate)
6. Lon S. Pyeatt (Military associate and GE Associate)
7. Christopher Themak (Diane's brother-in-law; Military associate [2nd Lt.] and co-worker since 1999)
8. Pastor Ken and Kathy Ritz (Pastor and wife, New Life Vineyard Church)
9. Jenni Babiak (Robert Brown's employer)
10. John Zakar (Robert Brown's best friend)
11. Leah Zakar (Diane Brown's close friend of 23 years)
12. Bolton Brown (Close friend of Alise Brown - daughter)
13. Dennene Holgate (Diane Brown's sister)
14. Zemorah Murphy (Diane Brown's sister-in-law)
15. Roderick Young (Military associate and close friend; Diane is also friends with wife, Leslie, who resides in FL)
16. Cheryl Stump (Robert Brown's sister)
17. Janet Brown (Robert Brown's mother)
18. Frederick Brown (Robert Brown's father)

19. Susan Steel (Robert Brown's mother-in law)
20. Douglas Brown (Diane Brown's brother-in-law)
21. Todd L. Osier (Military Associate)
22. Chase Gordon (Nephew of Diane Brown)
23. Bryce Gordon (Nephew of Diane Brown)
24. Darwin Kouns (GE Associate and close friend)
25. Ingrid Olson (Close personal friend)
26. Michelle Brown, Candace Zakar, Heather Zakar, and John Zakar, III (Close friends of Diane Brown)
27. Judith Oedewaldt (Military Associate)
28. Lori Palma (Diane Brown's sister)

To Whom It May Concern:

I am writing this letter on behalf of my daughter, Diane Brown. Diane was born while I was on active duty in the Marine Corps at Camp Pendelton, California. Diane being our first born seemed to set the example for the rest of our children. She always acted like a guardian to her brother and sisters and was very respectful to all.

She seemed to excel in all she attempted. One example is her honorable service to our country while serving twenty three years. I attended some of her award ceremonies and was ever so proud to see what my little girl had accomplished.

Another great deed for Diane is how she and Bob raised their children. They are loving and great children thanks to the guidance from their parents.

I realize this tragic accident brought unbearable grief to both of the families involved and changed everyones life in an instant. I am pleading for our family and the victims family to find peace and forgiveness.

Respectfully,

Robert Murphy

To Whom It May Concern:

Diane Elizabeth Brown was my first born and has been cherished since the day she was born. Being the oldest child she was extremely helpful in the raising of my son and other two daughters. She was like a second mother to my youngest, who is ten years younger, and she always looked up to Diane and emulated her in many ways.

She was a good student and very popular with her teachers and classmates all through school. She had a twenty three year career in the Air Force with an outstanding record and received many rewards.

Diane is a wonderful daughter, wife, mother, sister and friend to all. I always depended on her for so much in my life and still do. Diane and Bob have worked tirelessly to provide their close family a secure and happy home. Their children are a reflection of that.

Since the tragic accident, Diane has become very fragile and is still undergoing therapy over her agony for the victim's family and their loss.

This was one horrific night in Diane's life in an otherwise outstanding being. We are asking for leniency from the court and family.

Respectfully,

Barbara Murphy



10901 Reed Hartman Highway
Suite 305
Cincinnati Ohio
Phone: 513-792-0291
Fax: 513-792-0296

www.traincraft.com

To Whom It May Concern:

My name is Michael Ballard, first let me say that my thoughts and prayers have been with the family that has lost their child from this incident.

Since the incident occurred in September 2008 it has impacted my life in such a way that I felt compelled to write this letter on behalf of Diane and her family.

I am a managing partner at the company Traincraft, Inc., I was blessed with meeting Diane Brown through a customer of mine who recommended that I hire her not only for her background but because he knew that I like to hire the people who are passionate and hard working. As an employer I was very fortunate to have Diane on staff for a year and half after which my customer hired Diane away from me because she was so talented and exactly the type of person their organization needed to get to the next level. During her time as a Traincraft employee I came to see why my customer recommended her, Diane was so passionate about her work and so loyal to our company that over this period of time we forged a friendship. Diane and her husband Bob invited my family and I over for a 4th of July holiday party at their home and they instantly treated us like we were apart of their family. To this day my oldest child still recalls that 4th of July because Diane was so caring and giving to her and treated her as if she was her daughter. We have been to both of her children's graduation parties and other social gatherings, now with my other two children and they have had the same experience as my oldest. Whenever we are out and pass their neighborhood my children will ask if we can stop in and see Diane and play with her little dog and run around the yard. The impact she has made on my children is tremendous and it's something that I feel blessed to have in my families lives. From that first meeting my wife and Diane struck up a friendship that too this day flourishes, Diane has meant so much to so many people words are hard to put down on paper.

I realize the tragedy that has occurred and the continuing heartache of that night will never be forgotten by anyone affected by the incident. I can only hope that the court will take into consideration the love and compassion that Diane will always have for her life, family and friends.

Michael Ballard

January 13, 2011

To Whom It May Concern:

Diane Brown and I have been like sisters since the day she, Bob, Aric and Alise moved next door to us over six years ago. Diane is the kind of person that you just want to be with from the first moment you meet her. She's compassionate, caring, and loves my daughter, Alisha, like she is her own child. She really is the most gentle person you could ever meet.

I know the Schmidt family view Diane as some kind of monster, and I know there isn't anything anyone can say or do to bring back Christian, but I want you to know that I have spent nearly everyday with Diane since she moved in, and she is a shattered person because of this.

When she came home after the accident, Bob asked me to come sit with her while he went to the store. She couldn't even look at me and just sobbed and told me what a monster she was. It broke my heart to see her like that because one thing about Diane is that she loves children and it has destroyed her knowing that one mistake took the life of a child and destroyed an entire family. She has a son and a daughter, so it really hit home to her what kind of devastation she has brought on the Schmidt family.

As the days, weeks, and months went by, it was obvious Diane had become a shadow of her former self. To this day, she can't drive, will not leave the house without a family member or close friend because she lives in constant fear that she will cause another accident. I am with her nearly everyday, and most days she can't talk about it, but Christian's death is always in her mind. She prays daily that God would take her life because she doesn't feel she should be here when Christian is not. Even after more than two years, she continues to have nightmares about that night. When she and I go out together, even just to the grocery store, she suffers panic attacks and we have to go home. She is always trying to help other people to make some semblance of restitution, but in her eyes, nothing she does is good enough.

She told me one days not too long ago that it wasn't just Christian that died that day, but also Diane. No words I say can convey the amount of anguish she is in over what she has done to the Schmidt family. She is already in prison.

I know the Schmidt family will never get over this. I can only try to imagine how I would feel if this happened to my own daughter. No punishment, no amount of money, nothing can replace the loss of a child. When I think about Diane's husband, Bob, and her children, Aric and Alise, being without her, my heart grieves. I can't look at her house without my heart breaking, knowing that I may not see her for a very long time. Yes, she took their child from them, and I know they want her to be punished, but she is punishing herself more than any man-made prison could ever do. She has made her own prison.

Sending her away from her husband and children for that long doesn't seem right to me.

If she had continued to go about her previous life, then I could understand a long sentence, but she has been destroyed through this and keeping her away from her family isn't going to change that, or bring Christian back.

I love her. I don't want to see her go to prison. I pray everyday for Christian's family that they would, at the least, be able to forgive her so both sides could start the healing process.

Sincerely,

Kristine Twardowski

Gordon O. Thomen
~~████████████████████~~
Liberty Township, OH 45011

Home: (513)257-6648
Work: (513)243-2762

January 14, 2011

Subject: Character Reference for Diane E. Brown

To Whom It May Concern,

I am writing to express my support for Mrs. Diane E. Brown. I've had the privilege of working with Diane within the same profession for many years. My introduction to Diane occurred in the mid 1990's when I was assigned to the United States Air Force (USAF), Europe Headquarters at Ramstein Air Base, Germany. In this position, my job required oversight of all propulsion repair operations in Europe. Each repair operation was essentially a large repair shop involving large numbers of people, multimillion-dollar budgets, and deployment operations throughout Europe and the Middle East. As the primary manager for the repair operations in Spangdahlem Air Base, Germany, Diane worked with me resolving manpower, support equipment, deployment, and budgetary requirements on a daily basis. In this process, Diane's work was always impeccable, included viable solutions and plans, and essentially revealed to me how committed Diane was to her country and to her job. Although these are great attributes and worth mentioning, my real exposure to what I consider her strongest trait occurred during my stint with the Inspector General (IG) operations for USAF Europe. During a major Headquarters inspection of Diane's base, as the primary inspector of her repair shop, I quickly found all aspects of her operation were impeccable like expected. Very interestingly, as I worked through each shop process I spent time with her subordinates (approximately 40 personnel) where their loyalty and dedication to their jobs were evident at every turn. Intuitively I knew this was a direct reflection of Diane's leadership. As an IG team member, my Inspector General encouraged all team members to identify those that stood out. With this in mind, I spent additional time with many of her subordinates covering their responsibilities but at the same time digging into why Diane's people were so motivated and effective. What I found wasn't that she simply maintained good order and discipline (she did); but it was her sincere commitment to her people. My interviews with her personnel revealed an extraordinary level of effort growing and mentoring her people. As a professional in the propulsion industry I could easily focus on her obvious work attributes, but my overriding message is to point out that Diane positively impacted so many young lives in her position at Spangdahlem Air Force Base. I feel confident in saying that this characteristic was evident in all her military assignments during her 20 plus years tenure in the USAF.

After my retirement from the USAF, the General Electric Company (GE) employed me and subsequently I had the good fortune to work with Diane again as she also transitioned from her USAF career to a company supporting GE (2004 time frame). I could provide similar details like described above; but the results were the same. Diane immediately paid dividends with all the same traits and characteristics she displayed in the USAF supporting GE's jet engines and customers. Matter of fact the leadership two levels above me were so pleased with her talents, they brought her into GE to manage one of GE's key technical products, supporting GE's customers. In that capacity, Diane interfaced with our customers and GE staff collectively to create a tight-knit team that resulted in the very highest level of support and product output.

I feel confident the attributes (her attributes) that positively impacted the young men and women in the USAF and her co-workers here at GE will ultimately continue to positively impact others.

Very Respectfully,
Gordon O. Thomen
Chief Master Sergeant (E-9), USAF Retired

January 14, 2011

Lon Scott Pyeatt
~~8800 Paddington Court~~
West Chester, OH 45069

(513) 779-4147
scotty.pyeatt@gmail.com

RE: Mrs. Diane E. Brown

To Whom It May Concern:

I have known Mrs. Diane Brown on both a personal and professional basis for nearly 10 years. Our earlier association from 2001 through 2003 was during our time together at Langley AFB, VA where Diane had recently accepted assignment as the first sergeant for one of the large USAF flying squadrons. While assigned at Langley Diane was responsible for the morale and welfare of nearly 500 enlisted personnel and she handled that position with great success and enthusiasm. Her commanders were impressed with Diane's organizational and leadership skills and she was selected as the senior enlisted advisor for the base's deployment in support of the Iraq war. Always mindful of the welfare of the troops, Diane established the critical link to the Red Cross and helped set-up airlift to provide remotely deployed troops with supplies and personal needs. Her efforts were always focused first on the needs of her troops and commanders, and she could always be counted on to handle any assigned task with great efficiency.

I was more directly associated with Diane after we both retired from the USAF and took positions private industry in Cincinnati, OH. Upon my arrival Diane was employed by one of our business sub-contractors and was heavily involved with the logistics efforts supporting some of our company's larger foreign military customers. I had overall responsibility for these logistics efforts, and Diane was my principle resource for accomplishing a wide-range of complex tasks from parts procurement and shipment to training course development and instructing these courses to a variety of customers. At one critical juncture where we were having difficulty delivering on an in-country training requirement, Diane was called upon to

lead the effort to resolve this problem. She did so with her characteristic enthusiasm and efficiency and turned a potentially costly issue into a customer support success.

On a more personal level I know Diane as a devoted wife and mother to Bob and her children Aric and Alise. Over the past few years we have had a very close working relationship that occurred on a continuing daily basis. Although she always gave the job 110 percent, Diane always strived for good balanced between her job and her home life. We have often discussed our families, in particular our children, and shared many stories of their triumphs and problems. I treasure those times and my association with her and her family. She has always been a great American, a devoted citizen and a proven contributor to our country and citizenry. I know her to be of impeccable character, and I have always had the greatest respect and admiration for her and her many accomplishments.

Please feel free to contact me at any time if you need additional information.

Respectfully,

Lon S. Pyeatt

January 14, 2011

To Whom It May Concern,

This letter is in reference to a request for a character statement for Ms. Diane Brown.

I have known Ms Brown since July 1999 when we were stationed together at Moody Air Force Base. She has always carried herself with the utmost ethical standards and served as role model for those around her. As a Senior Master Sergeant and the Jet Engine Propulsion Flight chief, Ms. Brown led over 35 airmen both professionally, and personally as a mentor. Of the four organizations within her Squadron, without a doubt the Propulsion Flight had the highest morale and the most cohesive group of staff, all direct results of Ms. Brown's caring leadership. In her efforts to serve our country, she was the epitome of "Mission First, People Always". Her caring demeanor let her staff know that they could approach her with questions regarding career progression, technical knowledge, or even personal advice. Due to the constant stress and strain of the military lifestyle, with long hours and extended deployments away from family members, Ms. Brown made it a point to ensure her personnel were cared for. When staff deployed, the families left behind at home became one of her top priorities. At the same time, Ms. Brown also held her personnel to the highest standards. If they did not meet those standards, she was not soft, and let them know. However she also took the time to mentor and train them so they could succeed in the future. This personal attention motivated her staff such that they not only wanted to meet her standards, they wanted to exceed them in effort to show they could be just as successful as Ms. Brown, and follow in her footsteps.

When I met Ms. Brown I was junior officer, and had only been in the Air Force for one year. As a new 2nd Lieutenant, I knew my most valuable resource would be a knowledgeable Senior NCO; and for me that resource was Ms. Brown. Although we did not work in the same unit, I routinely sought her advice and expertise on leadership. As my own unit faced a very high operational tempo, I admired her ability to keep own staff's morale high, and looked to implement the same practices. When I saw my staff beginning to slip in work quality, I followed her example for maintaining standards to achieve the mission. In an effort to maintain safety in the workplace and for our aircraft pilots, I followed her lead in preaching ethics, and living by them.

Since meeting Ms. Brown over 10 years ago, I am most proud to say that I can also call her family. She is a wonderful sister-in-law to me, humble role model as an aunt to my children, caring sister to my wife, devoted daughter to her parents, and loving mother and wife to her own children and husband. Her strong character, loving heart, and high standards for herself, and those around her, make it a blessing to know Diane and have her as part of my life.

Sincerely,

Christopher Themak



From: Pastor Ken and Kathy Ritz

~~New Life Vineyard Church~~

~~2470 Princeton Road~~

Hamilton Ohio 45011

January 12, 2011

To: Whom It May Concern:

We have known Diane Brown for over 2 years. We met when she and her husband Bob started coming to our church and also attended small group Bible studies with us. Kathy, started meeting Diane weekly through a program we offer for people in crisis.

Diane has spent huge amounts of time volunteering at our church, helping with Vacation Bible School, our annual Harvest party for kids, and the community dinner for our food pantry. She also volunteers one day a week in the church office doing administrative and secretarial work, as well as helping the children's pastor. Diane is a very talented, caring and generous person.

Diane has been a huge blessing to our church, and has many talents to offer her community, family, and friends. She has suffered greatly as a result of this incident and has worked hard through physical and emotional therapy to rebuild her life in order that she might atone for the tragedy that she has no memory of.

Diane has a strong commitment and desire to be a positive influence, good example, and make a real difference for good with the rest of her life. We pray leniency for Diane so that she may soon rejoin her husband, daughter, son, community, and church.

Sincerely,


Pastor Ken and Kathy Ritz

Jenni Babiak

~~Redacted Address~~

Glendale, OH 45246

To Whom It May Concern,

It would be easy to see Diane Brown as a villain after the tragic accident of September 2008. It would be easy if you did not know her. If you know Diane you know that she is a responsible, productive, giving and loving person, citizen, employee, neighbor, friend, wife and mother.

Diane served our country honorably for twenty years while enlisted in the United States Air Force. She performed roles with great responsibility successfully balancing family life to raise two upstanding children. Upon USAF retirement Diane and her family moved to Cincinnati where she and her husband, Bob, hired in at GE quickly becoming valued employees. They also established themselves as valued friends and neighbors to many. Those of us who know Diane were shocked by news of the terrible accident. The events do not reconcile with our knowledge of Diane as a responsible, thoughtful person.

Diane has been devastated by the accident. She has been extremely withdrawn and remorseful in the two and a half years since. Although Bob and Diane drank moderately before the accident both have stopped drinking entirely. Diane seldom leaves the house. Her few regular engagements involve volunteer work at her church.

Diane's family and friends have stood by her and Bob throughout this time and will continue to support them in the future. We collectively plea for the court's mercy to minimize her sentence in light of her lifelong personal record, her repentance and the strong support system of friends and family she has at home. Diane has a unique gentle spirit. She is not a threat to society rather she has much to contribute to society, her community and her family.

Respectfully,

Jenni Babiak

14-January-2011

To Whom It May Concern,

My name is John H. Zakar Jr. I am writing this letter to express support for my friend (and honorary family member) Diane. I had served 24 years in the United States Air Force and it was thru service to my country in 1989 that I met her and husband Bob and son Aric with daughter Alise soon to be born. In the performance of our position as senior jet engine managers, we were responsible for ensuring our subordinate workforce kept strict records, repaired and tested jet engines utilized in the F16 aircraft. As a testament to her character, Diane was able to achieve results unimaginable in the aircraft engine world due in no small part of her ability to motivate people to accomplish the mission, and doing so with knowledge of her job and with the utmost in compassion to her young airmen when they were experiencing personal issues. With Diane's guidance, their problem was resolved in a manner similar to a mom guiding her son or daughter in distress. Knowing she had that ability made her want to become a First Sergeant in the USAF and she was very successful in that endeavor also. True to her character, her maternal instincts told her to complete her USAF career early to be with her children as they were beginning to experience life's early tests.

In a military career, family is very important. Diane's family and ours were no different. Our families experienced hardship, emotional pain, and the joy of watching our children grow up together. I had a front seat in watching Diane nurture her children, providing them with answers to problems that only a mother possesses and when I see her children today, I can't help but remember those times when her softness prevailed. Aric and Alise are young adults now filled with the promise of doing the same to their future children. Our own children were the recipient's of Diane's love and affection and I have no doubt that their lives were influenced by Diane. Our daughter's created a bond with her as they were Aric and Alise's first babysitters and learned the art of being a great mother.

The event that occurred was a tragedy for all that no one can erase, but one that has changed Diane and her family and friends tremendously. Bob, Aric, and Alise will have to endure a void in their life that can be prevented by the court. The Diane that I knew who was full of joy is missing. I miss the Diane I knew. There is absolutely nothing to be gained by her going to prison. I realize there is pain on the other family and ask that whatever you do, she deserves mercy and compassion, because that is what she has given in her life and still gives to everyone else.

John H. Zakar Jr.

14-Janauary-2011

To Whom It May Concern,

My name is Leah Zakar. I have known Diane for 23 years. I first met her in 1989 and from then on we became close friends. We were always there either for the birth of a child or just a get together. Diane is a highly intelligent, caring , compassionate and respectful person. My husband and I have been to Diane and Bob's house many times for special occasions celebrating our children's accomplishments. We have been there for each other no matter what. I beg the court to take mercy on Diane's behalf and to allow her to be with Bob, Aric, and Alise.

Leah Zakar

January 14, 2011

To whom it may concern,

I'm writing to you on behalf of Diane Brown's sentencing. My name is Bolton Brown, and I've been a close friend of the Brown family since I met Alise when we were in Junior High together. I know that I'm not the most well-informed person when it comes to the specifics of the case, and I definitely don't have any intentions of dismissing the seriousness of the crime that Mrs. Brown is being sentenced for. However, I am someone who has been very good friends with Alise, Aric and their parents before and after the accident, and do hope that my relationship with this family will be of value to you as you are trying to get to know and understand Diane as well as possible.

Alise and I have been practically inseparable since we met about five years ago. She's been by my side through all of our ridiculous high school experiences, and has become more like a sister to me than just another friend. Her family has also been a big part of my life, like a part-time family to me. I have a huge amount of respect for both Bob and Diane, and have had a hard time wrapping my head around the reality of this situation since I found out about it two years ago. Because it's such an emotional topic and is so difficult to talk about, Alise is the only one who has really shared her thoughts and feelings about it with me. I can't stress to you enough how torn up she's been about the fact that she will lose her mom for a matter of years, and even more so about the fact that another family lost their little boy permanently. I can't say for sure what Diane has been thinking or feeling since the accident, but I can say without a doubt that her mind and heart have been on that family every single day.

Diane has always been really funny and approachable since I met her, but she and Bob were also the parents who weren't scared to confront Alise and I about the stupid things that we did in high school and give us the harsh, honest talks that we needed in order to get ourselves back in line. But since the accident, she's almost been like a different person. She's extremely quiet and timid, as opposed to the outspoken and involved mom that she was before. I know that this must be because of the overwhelming amount of guilt and responsibility that she feels for the young boy and his friends and family.

The main point that I want to get across to you is that on top of being a servicewoman and a full-time employee and mom, Diane is one of the strongest, most responsible, and respectable people that I've had the opportunity to meet in the eighteen years of my life. She and her family are extremely close, and have also been extremely close friends to me for the past five years. I know that Bob adores her more than anything in the world, and that Aric and Alise both have an endless amount of respect and love for her. I also know that she undoubtedly deserves every bit of it. I hope that I've helped to give you a better understanding of who Diane is from my point of view.

Respectfully,
Bolton Brown

To Whom It May Concern,

My sister, my sweet ten years older sister who has always been more of a mother to me, my sister who is so successful and smart in everything she does, my sister with her wonderful husband and amazing children, my sweet sister who brings love, beauty and tenderness to everything she touches, my sister who I have always looked up too and respect, my sister who I adore and love with all my heart. NO it can't be her! She would NEVER drive under the influence and cause such a tragedy. NEVER! My heart stopped and I couldn't breathe. This has to be a nightmare! But as I heard my strong brother in law sobbing on the other end of the phone, I knew it was real. How could this happen? This just isn't something my sister would do! It just doesn't make any sense. Something had to have happened to her in that bathroom. And then, I realized how old the child was and my heart just broke for the Schmidt's as I thought of my own child who was the same age. I just can't even imagine the pain this family has been in since that horrible night. I think about them often and keep them in my prayers. I flew out to Ohio to be with her and found a very sad, heartbroken, shell of a person who could barely speak. This strong, loving, confident, amazing sister of mine was gone! She couldn't think, complete sentences, look at any of us and just sat on her porch staring off. It was so heart wrenching to watch what this tragedy was doing to her, her husband, her children and the rest of our family and at the same time what the Schmidt's must be going through. As time has gone on, I have seen my sister become a bit more alive but there is always that aura of sadness about her. I know Christian and his family are never far from her mind and that she has much shame and guilt with her at all times. I also know she has not wanted to live anymore many times and if not for her husband and children, she probably wouldn't be with us anymore. My heart breaks for Bob, Aric and Allise as I know she will be leaving them today. I don't know why or what happened that night but in my heart, I know something is not right and to this day makes absolutely no sense. I just hope and pray that her judgment will take into consideration how she has given herself to our country, her family, friends and community her entire life and also that she lives with great remorse for this every second of everyday. Please have mercy on her.

Sincerely,

Dennene Holgate

To Whom It May Concern,

I am writing this letter concerning Diane Brown. I know you do not know Diane or her family. Diane is the most caring, compassionate, loving, responsible person you would ever meet in your entire life. She welcomes each and every person she meets into her life. That's the sister-in-law I knew. Now unfortunately, I do not know her anymore. She is sad, shattered and full of a pain that will never go away, no matter how much she tries to hide it from her family and others. I could not ask for a better person in a sister-in-law, as well as her family, Bob, her husband, Alise, her daughter and Aric, her son. But most of all, we all have lost. We cannot change what has happened. Diane will always carry this pain for the rest of her life. I am so sorry that Diane has to suffer like this, but with the great family she has, she will see it through. It is very sad when a child is lost early in life. This child has touched both families tremendously. It will hurt for quite some time...hurt a family that I do not know as well as continue to hurt Diane for as long as she lives. Knowing Diane's personality and love of children, time spent in prison will not callous her pain for this child. The one thing I can say from my heart and for the Brown Family is that we are very, very sorry, and we pray daily that all will find the strength to heal from this one day. Hopefully we all will come to peace with this and heal as one. When? I cannot say but it will happen. The Schmidt family will always have as much pain that anyone can bare and I hope that they will forgive Diane. I am hopeful you will see clear through the high emotions and the loss of the Schmidt family to realize Diane and her family began suffering tremendously that terrible night too. Please has mercy upon my sister-in-law, the woman that I have loved, and will always love.

Respectfully,

Mrs. Zemorai Murphy

To Whom It May Concern,

I am Roderick Young, retired Master Sergeant of the United States Air Force. I wish to convey my admiration and support for Mrs. Diane Brown. I first met Mrs. Diane Brown and Mr. Bob Brown at Spangdahlem AB, Germany in 1996. She arrived at the Jet Engine Intermediate Maintenance shop to assume the role of my immediate supervisor. She assumed her duties almost immediately. During the weeks following her arrival, it became very clear she was a person of high integrity and warmth of character. She always had time to listen to a personal problem or offer encouragement when it was needed. She is the rare type of person to go out of her way to help anyone that needed it. I went through a divorce while serving under her leadership. I was suddenly a single parent of three with sole custody serving in the military overseas. She and Mr. Brown were the only people that took an intense interest in my welfare to the point of inviting my children and I to spend Christmas day with their family. They did this because they felt my children and I needed a diversion from the traumatic past months of the divorce. They opened their home and made us feel like family.

Later she changed her careers in the Air Force to become a First Sergeant. To me this shows the type of person she is. By becoming a First Sergeant, she made a commitment to serve personnel serving under her. For her to be there when she was needed. It's the type of person she is professionally and personally and I would serve with her in a time of war and I would do anything for her then and I will do anything for her now.

The Browns and I have since retired from the military after each of us serving over twenty years of Honorable service. We are all Veterans of several wars. I have met many people from all corners of the U.S. and the World and have never met anyone with more personal integrity, commitment to family and country.

I ask only to look upon her favorably in this, her time of crisis.

Thank You!

Very Respectfully,

Roderick Young

To whom it may concern:

Diane came into my life in 1987. My brother and I were always close and it was going to take a very special person in my mind to be good enough for him. ...and that's what Diane is, VERY SEPCIAL. When she married Bob, she did not only become my sister-in-law but truly the sister I never had. Even when they were in the Air Force, stationed miles away in Georgia or in Germany, she was always supportive, loving and truly a great friend to me and helped me through some of the most difficult times in my early adult years.

When Aric was 18 months old, I stayed with them for a week, and was awed by the love, admiration and respect Bob and Diane had for one another. That has never changed. Diane is a wonderful wife and a fabulous mom to Aric and Alise. And truly a special aunt to five nieces and nephews who all adore her and are a big part of her life.

Diane genuinely cares for others. She is a giver, always more concerned of how she can help or do for you than for herself. She is always considerate, respectful, responsible and honest and the most even-tempered person I have ever met. I have always envied how she maintains her pleasant disposition in even the most stressful and difficult situations.

One of the most incredible experiences of our family's life was in 2001 when we traveled to Virginia to visit with Bob, Aric and Alise. While we were there, Bob got the phone call that Diane's unit was coming home from Iraq. We were all so excited and relieved. The children made signs and baked a cake. We went to the Air Force Base late at night to welcome the troop's home. We stood on the tarmac waiting for everyone to deplane. I remember so vividly of how proud I was when I told a stranger standing near me, "My sister-in-law is on that plane." As we waited around for her bags, I watched all of the young soldiers interact with Diane, looking up to her, like a "mom" and a friend. I was so proud.

The event of September 2008 has touched all of our lives. I miss my "sister," my friend, Diane. She is not the same since the accident, the one I could call at any time and laugh or cry with. She seems so fragile.

I look around this courtroom and I have to ask how many of us at some point in our lives were having drinks with friends or out with co-workers and observed one of our colleagues have one or two more drinks before getting up to leave and drive home? How many of us thought we should intervene, offer to drive them home but don't because we have been told it's none of our business OR we don't want to embarrass them in front of their boss? How many of us have said to our friends or to ourselves, "I only live two miles down the road...I can practically drive it with my eyes shut! I'll be fine." And by the GRACE of GOD we make it home safely and we are not sitting where Diane is today.

My son, Brandon, turned 18 last Friday. Unlike many of his friends, he has chosen to refrain from drinking at parties, football games, etc. Of course he gets teased, chastised, and even sometimes doesn't get invited to events because he doesn't "party." When I told him I was proud of him and his

decision, I asked him what gives him the courage and strength to not give into peer pressure as most of us have whether at 18 or 45 years of age. He said, "It's easy Mom. I think of Aunt Diane. I love her. It's as simple as that!"

None of us are the same. Not Bob, Aric or Alise. Not our brothers and sisters, our spouses, our children and friends. Every day I try to understand what happened and cannot make sense of it all. Diane lives with the physical and emotional consequences every day. It has changed her life as well as our entire family's life forever.

Respectfully yours,

Cheryl L. Stump

To whom it may concern:

I am the mother in law of Diane Brown. Due to circumstances I cannot be present today; therefore, I am sharing with you via this letter.

I have known Diane for almost twenty-five years. She is a special lady with many attributes, both personal and professionally. She and my son have brought up two fantastic children who are still studying to be productive adults. They are gems.

Diane has met many challenges in her business career while in the United States Air Force and at General Electric. Her knowledge of propulsion is outstanding. She interfaces with people very well.

How all this has happened is so unbelievable. In all these years under such a variety of circumstances, I have never seen her drink more than one small drink~ and that would be in their home when she wasn't driving anywhere or at a get together where she wasn't the driver. How she could have left the dinner as she did where nobody cared about her to stop her from leaving is beyond my imagination.

Diane is a wonderful woman; I find it impossible to believe this has happened.

P.S. I'm a woman who doesn't drink alcoholic beverages.

Thank you for reading my letter.

Respectfully yours,

Janet L. Brown

January 13, 2011

To Whom It May Concern,

I am writing this letter in loving support of my daughter-in-law, Diane Brown, whom I have known for almost 25 years. During that period of time I have witnessed a very loving wife to my son, Bob, and then mother to my grandchildren, Alise and Aric. The atmosphere in their home has always been positive and loving. Diane has always put her finest efforts into making her home life and Air Force life into something anyone would be proud of. Her Air Force record and achievements speak volumes of what outsiders and superiors thought of her.

My wife Susan and I have been present on many party and non-party occasions, be they retirement, graduations, birthdays, holidays and other family get-togethers and have never observed any deviant behavior on Diane's part from the very small intake of any alcohol on her part. Plain and simple – Diane never drank much alcohol!

So I am pleading with you to take what I've observed under advisement before rendering your sentence.

Respectfully yours,

Frederick R. Brown

January 13, 2011

To Whom It May Concern:

From the moment I met Diane (in 1999) I have felt a very special connection with her. My "official" relationship with her as a step mother-in-law could not be further from the stereotypical mother-in-law relationship. Diane welcomed me into her family with kindness and a genuine interest in getting to know me. I never felt judged by her; she's just so genuine with no hidden agendas in relationships.

I like being with Diane. She's positive and fun; she's a great cook; she laughs and listens; she creates wonderful landscapes around her house with Bob; she creates a warm and welcoming home. Her husband and children obviously love her and also like being with her.

When we learned of the circumstances of the accident in September 2008, we were shocked that Diane did not receive appropriate medical care immediately. We were speechless when it was reported that Diane was drunk and was just thrown in jail to sober up. How she got from the restaurant to the remote location where the accident happened just didn't make any sense to anyone who knows Diane. Something happened to her and she didn't remember anything. It could have been any number of things but the assumption on the part of someone that she was drunk lessened the chances that any significant evidence could have been collected to possibly shed some light on the dilemma.

When Diane returned home after the accident, she was just "flat." My husband and I were so worried that we'd lost the essence of Diane. She didn't sound like herself when we spoke on the telephone; she had no life in her voice. We didn't see her for more than a year and it was hard for us to show her how much we cared at the same time as we respected her need to heal in her own time. We knew Diane was receiving medical and emotional treatment. I remember when we finally did visit, Diane was beginning to show some signs of herself and we were so relieved.

Diane is a fine woman and has contributed much; the support and love she has received from so many is a testament to how much she still has to contribute.

Respectfully submitted,

Susan Steele

January 15, 2011

To whom it may concern,

I am Diane Brown's brother in law. I have known Diane in excess of 20 years. As the oldest child in my family, I was hesitant when my brother announced his engagement to Diane. My hesitation was that of a protective brother that had never met Diane, because they met while stationed in Germany. In one short visit, Diane's demeanor and personality convinced me that my brother had made the perfect choice.

Diane is an extraordinary person who managed to find that rare balance of family and career; and being successful at both. She found a way to have a successful military career as an Air Force non-commissioned officer with increasing demanding assignments both at home and abroad; taking care of both personnel and the mission while raising her own family. Despite these demands, Diane remained both a loving wife and mother.

If that weren't enough, she often volunteered her time to the community where ever the Air Force sent her and continued to volunteer after her retirement. Despite these demands, never once did I witness the lack of her Southern hospitality, charm and caring for others. Diane is one of those people who rise to the occasion when the task at hand seems dauntingly unattainable. She is a role model for others, both young and old to aspire to.

Being present at numerous social engagements with Diane over the years, I have witnessed her taking responsibility for her guests or those she is with. Those that had too much merriment became houseguests for the evening. When away from home Diane would always become the designated driver, partly for the caring person she is, partly because for 23 years, the military constantly pounded into her head the consequences of drinking and driving. As a former Army Officer, I can attest that is something that stays with you.

I am still in disbelief about that fateful night in September 2008. If I would have read the story on the internet or newspaper, I could have thought it might have been any number of past friends or co-workers behind that wheel, never would I have thought the driver could have been Diane. I will never believe that the Diane I have known for these past two decades could willingly have so radically changed her behavior. On evenings out with Diane, I never witnessed her consuming more than two beverages, the more norm being one or none. Diane always remained in control while out.

Since September 2008, Diane's ability to function at pre-accident levels has been greatly curtailed due to the injuries she sustained in the accident. Her volunteerism, her ability to "be there" for her children and husband, her ability to perform her part of family unit all ended. Only recently have these "Dianeisms" begun to returned in small ways. I have witnessed the change in Diane's demeanor when she sees a young child. Even though she has no recollection of the accident or the events leading up to it, Diane is fully aware of the outcome of the accident. That knowledge will always be with her.

It is my fervent hope that the mystery of the events leading up to the accident will be known and the Diane I know will be vindicated.

Thank you for your and the Court's time.

Sincerely,

Douglas R. Brown, Brother in law

CPA, Corporate Controller

~~222 North 1st Street~~

Middletown, Delaware 19709

16 January, 2011

To whom it may concern,

I have known Diane Brown since July 1996 on both a personal and professional level. I will attempt to briefly summarize her character, but I believe her past relationships and performance should also be reviewed since she has touched so many lives in a positive way.

I am not aware of the events of that fateful evening other than the outcome, but I can attest that everyone who knows Diane was utterly shocked to hear the news. She was always the responsible one in a crowd and the first to ensure everyone's safety. I have witnessed her calm and caring demeanor diffuse volatile situations in the past, and therefore couldn't imagine her doing something that would endanger herself or anyone else.

What I do know is that everyone who met her (and her husband) thought the same thing: "They're good people." I challenge anyone to find something in her past that would contradict that opinion. Again, I don't know what caused this tragedy to transpire but I do know that it had to be something highly abnormal. The only speculation that makes sense to me is perhaps someone put something in her food or drink. Otherwise, I find it impossible to explain in my mind.

Diane and I have been very close friends and colleagues for fourteen years now. Unfortunately, we have not been in touch since the accident other than a single phone call and Christmas cards. I'm sure I am just one of many who has been negatively affected by this case. Truth be told, I miss her very much.

I can only hope and pray that, regardless of what caused this whole mess, the true Diane will be witnessed by everyone involved. She has already been sentenced to living with the outcome for the rest of her life regardless of who is at fault. All who know and love her are well aware of the fact that she will never be the same, but we can hope that all the good she has done for others will somehow come back to her in this case.

I would be more than happy to offer further insight or answer any questions you may have about Diane's integrity if you feel it would help her. Please contact me anytime.

Mailing address: ~~XXXXXXXXXX, XXX-XX-XXXX~~

Telephone: Home (49) 6561-604-1267 Cell (49) 175-114-9541

Sincerely,

Todd L. Osier

To Whom It May Concern,

I'm Chase Gordon and I'm one of Diane Brown's nephews. When it comes to the events that occurred two years ago with my aunt, I don't know very much of the facts. But the reason I'm writing this letter to you is to inform you on how much of a special person my aunt is to me, and everyone else that has ever met her. When I heard about what happened I didn't even know what to begin to think. The story didn't make any sense to me. My aunt has always treated me as a special person whenever I have been with her. I'm being 100% honest when I say that she is one of the most caring people that I've ever met. Any time I've been with her, if I was sick or didn't feel well, she was always there to take care of me and make me feel better. Her children (my cousins) are no different than her when it comes to how caring and kind they are, and the only reason that they are like that is because of the way my aunt and uncle raised them. When my mom, my brother, and I lived in Valdosta she lived five minutes away and we used to always go over to her house. My aunt, uncle, and two cousins took special care of my mom, my brother and I while we lived so close to them. My mom had gone through a divorce with my dad before we had moved to Valdosta, and my aunt was more than caring to my mom while she was recovering. I really wish you had met my aunt before the events that occurred two years ago, because then you would know what I'm talking about when I say that she's the greatest aunt that anyone could ask for. I love her a lot and she is very special to me.

Sincerely,
Chase Gordon

To whom it may concern,

Although I don't see my Aunt that much, I see her enough to know that she is a great person. A long time ago, we used to live near her and my cousins and we would see them almost every day. She was always so caring and thoughtful to everyone. She is the nicest person in the world to me, and I love her very much. If you had known her before all of this happened two years ago, then you would know how caring and thoughtful she is, and you would never think that she would do that. I love her more than anything in the world, and I greatly respect her.

Sincerely,
Bryce Gordon

18 January 2010

To whom it may concern,

I would like to speak on Diane Brown's behalf and on the personal qualities that I have come to know in her as a close friend.

I came to know Diane initially through the working relationship I have with her husband Bob. Since becoming acquainted with Bob and Diane several years ago, my fiancée Ingrid and I have come to know them both very well. Our times spent together have been professionally at work, and socially in the evenings and on the weekends. We consider them both as very close and personal friends. Diane is the type of friend that you know if you needed something or someone, she would be the first one there to help you out. She truly is a wonderful person who would never hurt anyone intentionally, especially a child. Prior to the accident in September 2008 Diane was an outgoing and loving individual that was living her life to the fullest. However for the past two years the vibrant light within Diane has almost disappeared, which has been very difficult to take for her family and friends.

Having spent considerable time with Diane and Bob together socially, I have to believe their relationship is one of exceptional love and respect. By all accounts Diane has shown herself to be a loving wife and a dedicated companion for Bob. I also know Diane and Bob together have raised two great children. Both kids have recently graduated from high school and are working on continuing their educations. Knowing these two young adults today says all that needs be said about Diane as a wonderful Mother. Bob and the kids need Diane at home to help her work through this and to keep their family healthy and strong.

Although I did not know Diane personally while she served in the US military, I am aware that she served our country for upwards to twenty years, supporting our nation from stateside and through many years abroad. The number of years she served in the US Air Force, the distinguished rank she achieved, and the many positions of authority that she held all highlight her qualities of being intelligent, trustworthy, and responsible.

The circumstances leading up to the September 2008 accident remain a huge mystery to those of us who really know Diane. They were so out of line and uncharacteristic of the woman that we have come to know and cherish. This makes me believe that all of factors surrounding that night are not known and may never be fully understood. I also have to believe the tragic outcome of the accident might have been greatly different if the young boy had been properly restrained. Perhaps I am just not aware that someone can be ejected from a car while wearing a seatbelt.

I think we all recognize and understand that accountability for what has happened will ultimately be placed with Diane. I believe she understands this fact and does accept the responsibility for her actions. Diane unfortunately will have to live with what has happened the rest of her life, which for a woman of her character is an almost unbearable punishment in itself.

I hope that the family of the young boy who died can someday forgive Diane for what has happened, as I believe both families need this to allow them to fully heal. I also hope that they recognize that Diane has lived her entire life in a manner so not deserving of the serious consequences she now faces.

To the powers that control her future, I pray that they also recognize the truly wonderful person that is Diane Brown, and that they do not decide her fate solely on the basis of that tragic evening.

I am proud today, and will always be, to have Diane as my friend.

Sincerely,
Darwin Kouns

~~1400 Highway Drive~~
Lawrenceburg, IN 47025
(513) 702-1917

1/18/11

To Whom It May Concern,

I am writing this letter regarding my friend Diane Brown. I met Diane approximately 6 years ago through my fiancé Darwin Kouns. We became instant friends. She was a very happy and funny person. If you ever get to see her smile you will see how contagious it is and understand why everyone she meets falls in love with her. Today, Diane is one of my closet friends in Ohio. She is caring and compassionate and has an exceptional love and closeness to her family, friends, and life.

Two and half years ago while Diane was in South Carolina on business something terrible happened. Something that Diane cannot even explain to this day. Since that accident Diane has not been the person I first met. She is still caring and compassionate but something inside her is missing or maybe something she is searching for. The smile she once had is no longer there. I thought time would heal her but I don't think it is the case. I believe Diane is still trying to understand that tragic night in 2008.

I am a mother of two children and I have tried to put myself on each side of this case. I have never lost a child and cannot even imagine what that would feel like. I think if you search your soul and understand the person that Diane was and is today, I think you would see that this was uncharacteristic in Diane. Diane does not have a criminal history and would never try to hurt anyone intentionally especially a child.

I believe emotionally and physically Diane is being punished and will be for the rest of her life. No matter what happens in this case Diane will never be the same person she once was. Diane serving jail time will not bring back that child nor will it fill the missing gap in the families life. What's more important is that the child's family and Diane can come to peace with themselves and what happened on that night.

Diane is not harmful to society. Diane has a wonderful husband and two great children that she completely adores. I believe Diane spending considerable time in jail could cause serious issues with her family and friends and even more serious issues with Diane. Please give her a chance to work through that unexplained evening and let her become at peace with herself at home, where her family, friends, and faith can support her during this exceptionally hard time in her life.

Thank you for taking the time to read this letter and may God Bless and keep the strength in ALL who were involved in this incident.

Sincerely,

Ingrid Olson
(Friend from Indiana)

~~1007 Fairway, #111~~

Lawrenceburg, Indiana 47025

765-413-6922

ingrido987654321@gmail.com

January 17, 2011

Dear Your Honor,

We (Michelle Brown, Candace Zakar, John Zakar III, and Heather Zakar) with the upmost respect, would like to collectively appeal to the court for mercy regarding Diane Brown. We have compiled what we feel are the honest characteristics and situations that prove that she deserves such mercy.

Our father, John Zakar Jr., was stationed at Moody Air Force Base in 1987. This is where we came to know the Brown Family. From the beginning we knew that Diane was special. She loves children and it showed. She has always paid individual attention to us as well as her children. You feel special around Diane because you can tell that she really loves you. This boundless love was particularly evident at the birth of her children. Life is precious to Diane. She is a wonderful mother.

As a family friend we have many ties with Diane. Throughout the years she has always supported us mentally, emotionally, and sometimes financially. She always sets the greatest example of a good, kind, thoughtful, righteous woman. She is someone who we all look up to and always will. She would drop everything at any given moment to help anyone in need. She has always put others before herself even if it meant personal loss. She would never dream of causing anyone harm. We cannot think of one time when we saw Diane exhibit poor judgement or treat someone harshly. Not once!

Also, there is the fact that Diane is a war veteran with the United States Air Force. She risked her life for our safety and way of life. It should go without saying that Diane is a thoughtful and caring person who would protect the world with her life if needed.

We were sad and horrified to learn of the unfortunate accident in September of 2008. What happened to Diane could have happened to any of us. Accidents happen and sometimes with horrible consequences. We feel that Diane has an overpowering remorse that will never leave her soul. We know that Diane will be eternally devastated by that night. This is evident by her current demeanor and mental compacity. That night changed Diane forever.

We are begging the court for mercy. Please put yourselves in her shoes. Please put yourselves in her children and husbands shoes. She has an exemplary record. She is the best of people. Please do not take what is left of her precious heart. Please have mercy and be lenient in your sentencing. Right at this moment we are on our knees appealing to the good Lord that you show his mercy. When you look at Diane, please see the whole package and not just the accident. There is still more that Diane has to offer society.

We thank you for your consideration. We hope and pray that you show mercy for Diane.

Sincerely,

Michelle Brown
Candace Zakar
Heather Zakar
John Zakar III

January 18, 2011

Judith L. Oedewaldt
~~112 Woodlands Drive~~
Harrah, Oklahoma 73045

(405) 454-1056
joedewaldt@cox.net

RE: Mrs. Diane E. Brown

To Whom It May Concern:

I have known Mrs. Diane Brown on both a personal and professional basis for 20 plus years. We first met in 1989 or 1990 in a professional capacity but we quickly became good friends. I have visited in her home several times and have met both her family and that of her husband, Mr. Robert Brown. I have come to think of the Brown family as part of my family.

I have never known Diane to be anything but a responsible individual. In professional circles, she is respected by some of the highest ranks in the United States Air Force. She was admired and respected by the enlisted troops, whether as their peer, supervisor or First Sergeant. Her behavior has always been exemplary and she is always cognizant of the example she sets for others.

This terrible tragedy has devastated Diane, just as it has the family of the victim of this unfortunate accident. I am confident that she has punished herself over and over again. I know Diane will punish herself for the rest of her life. Therefore, I beg your mercy for her. She is also the Mother of children who adore her.

Please feel free to contact me at any time if you need additional information.

Respectfully,

Judith L. Oedewaldt

To Whom It May Concern:

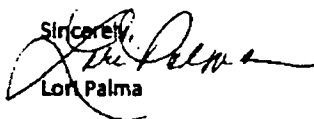
I am writing on behalf of my sister Diane Brown. My name is Lori Palma and Diane has been one of the most influential family members in my life for the past 46 years. This is the most *difficult, painful* and *heartfelt* letter I have ever written in my life. I never in a million years would have believed I would be writing on the misfortune tribulation that took place on a dreadful evening two years ago. I remember the evening Bob Brown called to inform me of the horrific and terrible nightmare that took place and how the lives as we all knew - would change forever. I have never felt so much pain in my heart, body and soul as I listened to Bob tell the story of his loving wife having been involved in a very serious head on collision in South Carolina. Diane was in the hospital with severe head injuries and had no memory of the incident or what her destiny was about to entail. To make the circumstances of events even appear to be of inferior quality - the loss of a young boy's life, Christian Schmidt and the injuries of Mr. Schmidt took my pain to another level I have never experienced before. I dropped to my knees screaming and crying "Oh my God!" I begged and pleaded for the Lord to give us strength and lead us all through this ordeal.

Diane was one of my closest friends growing up. We shared so many fun times together - we loved music and would play albums for hours on end every day after school. Our Mother was a single divorcee and raised four children. Diane being the eldest stepped up into a mentoring, motherly role to all of her siblings growing up. She learned how to become a great cook and we loved making desserts together. She was very popular in High School and after graduation decided to join the Air Force. Diane was so proud to be in the Air Force and graduated at the top of her classes, setting high goals for herself and quickly advanced her way up the ladder of success. She received several prestigious awards along her journey. Diane is an upstanding citizen, with no criminal records in her past. She has protected and served our Country on two separate occasions in Iraq before retiring from the Air Force. The sentencing that will soon confront her and our families seems so surreal and unfair.

Diane's career motto was to be the best she could be in the Air Force and implemented these sediments into her marriage to Bob Brown and into motherhood raising beautiful children. Her children are all in college today and with honors. The anxiety and pain her son, Aric and daughter, Alise are feeling today is unbearable. I feel they have lost a piece of themselves knowing their mother will no longer be by their sides each and every day to hug, kiss and give that motherly love, strength and guidance. The pain I see in their innocent eyes is heart wrenching. I try to be strong and let them know I will always be there for them to share special moments in their future and encourage them to be strong. It pains me to know that after all the love and nourishing relationship building Diane has built with her husband and children, that she will be secluded from opportunities to participate in college graduations, marriages and even the birth of her future grandchildren.

I beg for the judicial system to have mercy when sentencing Diane. Is there justice to having an upstanding citizen spend years of her life serving jail time? Would the community benefit from someone like Diane to serve community service instead? There are so many areas Diane could support a community. Outreach programs, counseling, coaching, charity fund raising, etc?

The events regarding this unfortunate incident do not have to be reiterated. We will all live with the fact that we will never know what occurred on that evening. Diane has no recollection leading up to this devastating consequence and is "sentencing" within itself. The strong sister I always leaned on for support, friendship, laughter and sharing fun times has not been present in two years. I have lost a best friend and confident.

Sincerely,

 Lori Palma

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE OF SOUTH CAROLINA,

Plaintiff,

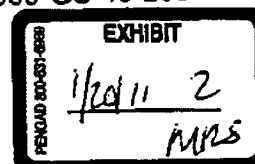
vs.

DIANE ELIZABETH BROWN,

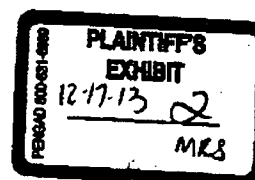
Defendant.

Charge: Felony DUI, Involving death
and serious bodily injury

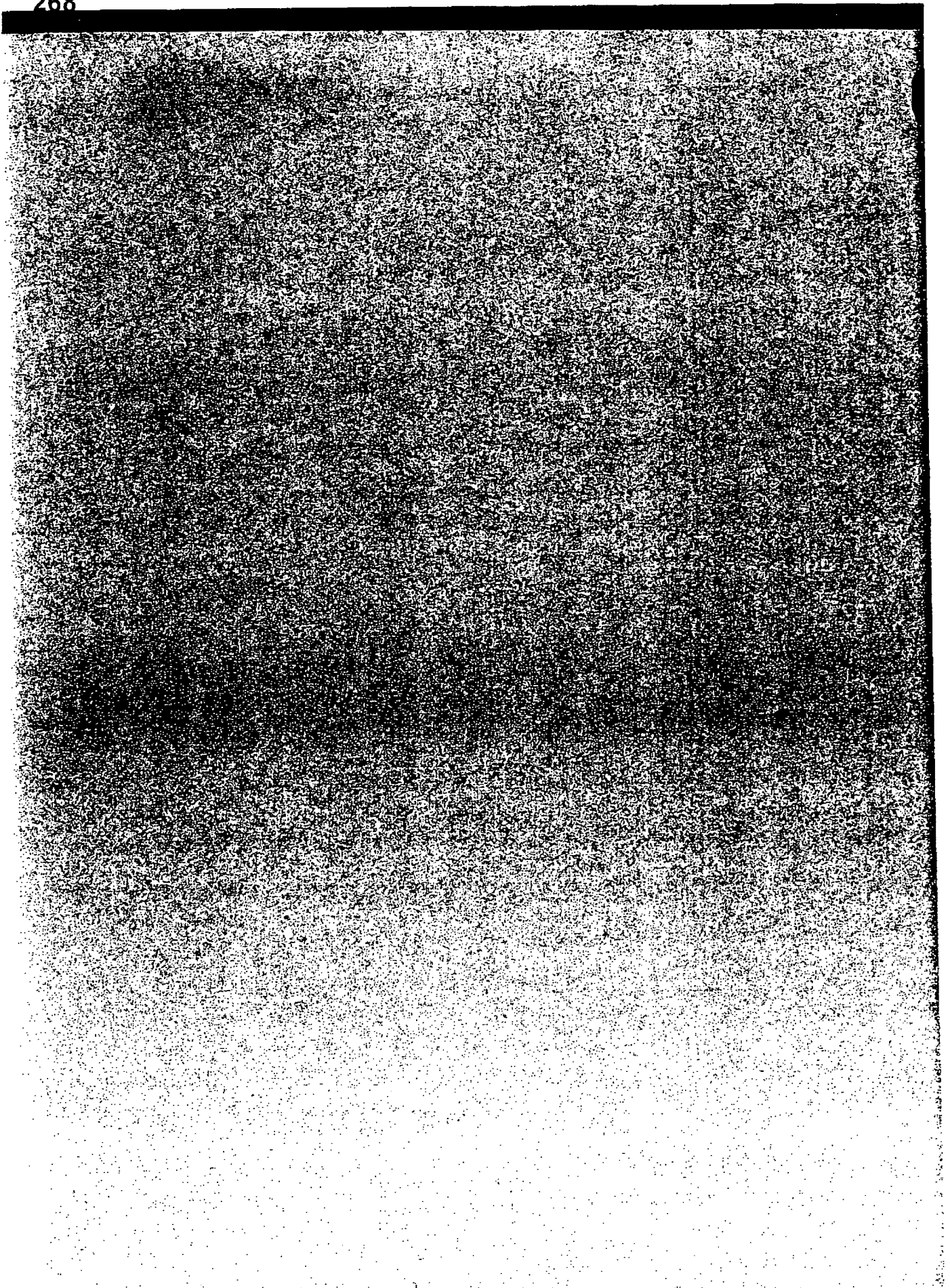
) IN THE COURT OF GENERAL SESSIONS
) THIRD JUDICIAL CIRCUIT
) INDICTMENT NO.: 2009-GS-43-208
)



) **BACKGROUND SUMMARY AND**
) **SUMMARY OF MILITARY AND CIVILIAN**
) **CAREER**
)



1. Personal Info and Background Summary
2. Significant Military Highlights
3. Career Performance Reports
4. Decoration (Service Medal) History
5. Retirement Documentation
6. Records from General Electric (2003-2008)



PERSONAL INFO:

- Born ~~December 28~~ 1961 in Camp Pendleton, CA
- Spent childhood with mother and three younger siblings in Atlanta
- Graduated from Crestwood High School and attended a couple semesters at Georgia Southern University before entering the United States Air Force in 1981 at the age of 19 years old
- Diane has been married to Robert (Bob) Brown for 23 years. Bob also retired from the Air Force and he and Diane settled with their two children in the Cincinnati area in 2003
- Aric is 20 years old and is a junior attending the University of Cincinnati
- Allse aged 18 enrolled at the Aveda Institute in Cincinnati after graduating high school this past June

MILITARY SERVICE (Mar 1981-Sep 2003) (See copies of additional reports and awards)

- Served 23 years of Honorable Service in the United States Air Force
- Several tours overseas, including service during the Cold War, Gulf and Iraqi Wars
- Received over 35 awards and recognitions for distinctive career accomplishments, outstanding service to her country, integrity above reproach, uncompromising character and efficiency ratings of excellent or higher throughout her entire career
 - The Meritorious Service Medal with three oak leaf clusters (initial medal and each cluster awarded for subsequent medals)
 - The Air Force Commendation Medal
 - National Defense Service Medal with one bronze service star (initial medal and star awarded for participation in both Gulf Wars against terrorism to the U.S.)
 - Air Force Good Conduct Medal with 6 Oak Leaf Clusters (initial medal and each cluster awarded after each 3 years of service above reproach)
- Retired in 2003 after serving in a forward deployed location at the start of the Iraqi War

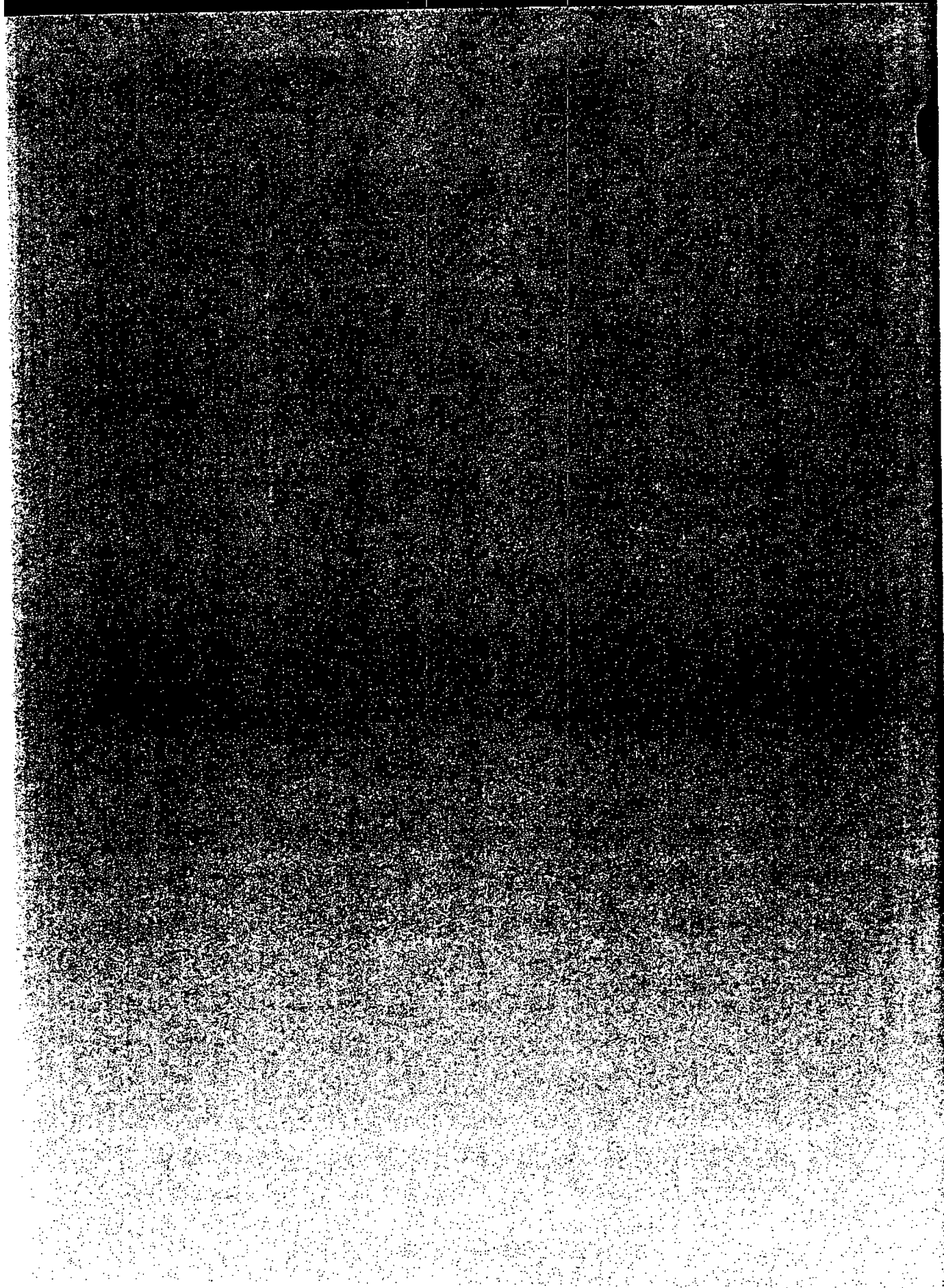
CIVILIAN EMPLOYMENT (Sep 2003-Sep 2008)

- In 2003 moved to Ohio to accept position as a Logistics Support Specialist contractor for the GE Aviation Military Engine program.
- In 2007 recruited by GE Aviation for permanent position as a Marketing Program Leader

VOLUNTEER PROGRAMS OUTSIDE OF MILITARY SERVICE

- Habitat for Humanity
- Harvest Free Store Food Bank
- Newport Housing Development

-
- Fundraising for various charities--March of Dimes, United Way, Combined Federal Campaign
 - Vineyard Church Volunteer--Vacation Bible School, Food Pantry, Children's Ministry, Meals for Homeless and secretarial support



Significant Military Highlights

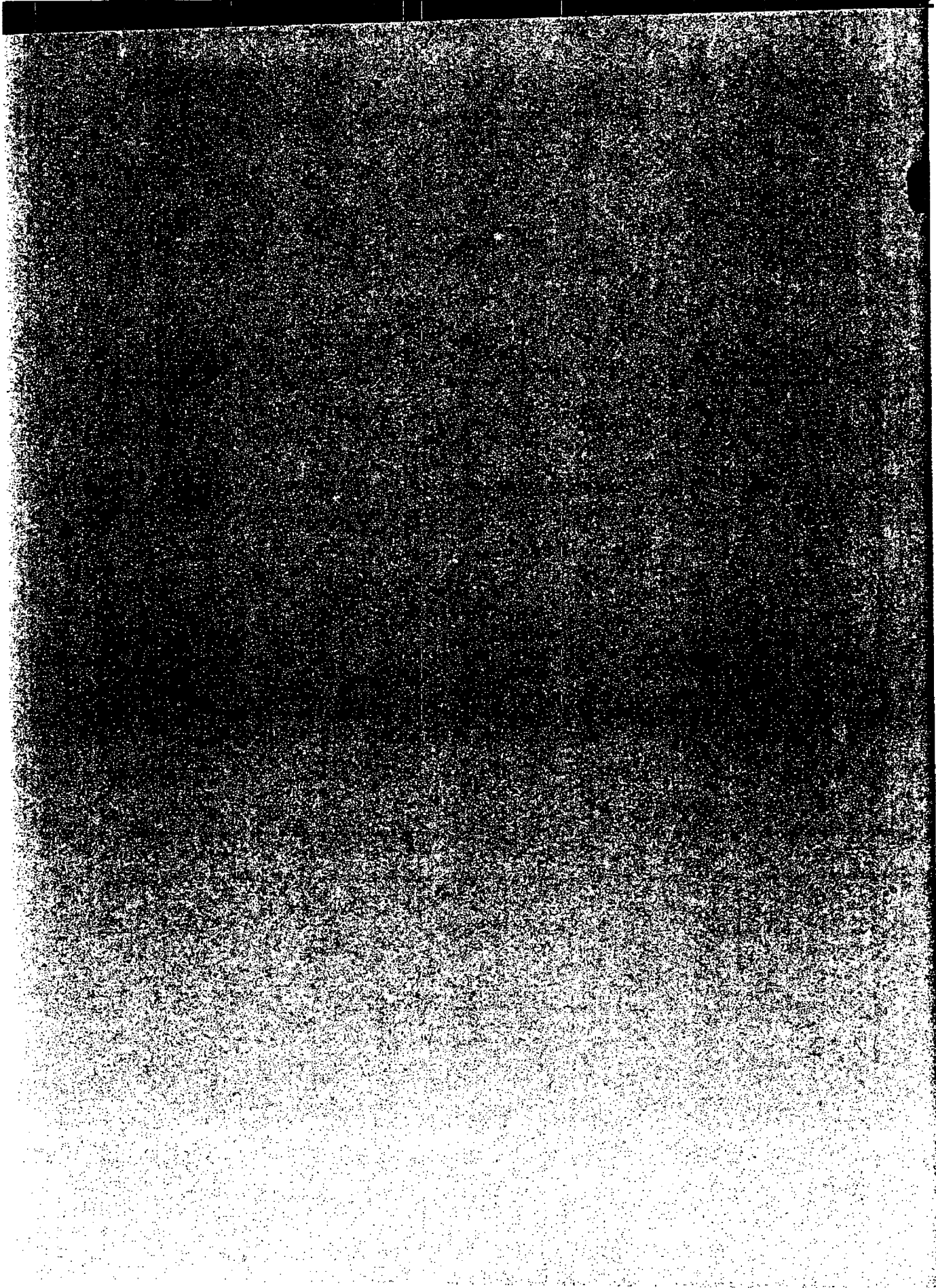
- Air Force First Sergeant– Report: 6 May 2003, , Report: 6 May 2002,
- Special duty job. Available to specially selected top three ranking enlisted members.
- Diane was the principal advisor to the commander on all issues related to the enlisted force; she exercised general supervision over assigned enlisted personnel.
- She provided her commanders a mission-ready enlisted force to execute the unit mission and remained vigilant for, and moved to resolve, issues that, left unchecked, would adversely impact the readiness of enlisted members.
- Diane prepared enlisted personnel to deploy in support of recurring missions and the Iraq war and advised her commanders on a wide range of topics including the health, esprit de corps, discipline, mentoring, well being, career progression, professional development, and recognition of all assigned enlisted members.
- As First Sergeant, Diane coordinated the resolution of complex problems with the supervisors, troops, commanders, and appropriate base agencies. She interfaced daily with AF security police, civilian law enforcement, social counselors, drug-alcohol abuse program managers and the wing's Staff Judge Advocate (JAG).
- As First Sergeant, it was Diane's responsibility to correct conduct prejudicial to good order and discipline. She supervised the disciplinary actions directed by the commander.
- She assisted the commander in preparation and execution of unit training and information programs (e.g. commander's call) and represented the commander at base meetings and councils, and conducted tours through unit areas.
- Diane ensured training was provided on matters of leadership, customs and courtesies, dress and personal appearance, self-discipline, adherence to standards, drill and ceremony, safety, hygiene, and sanitation by promoting professional military educational activities.
- Diane coordinated with supervisors of enlisted personnel to schedule unit functions, duties, leave, passes, and other absences from duty. She performed quality force reviews to ensure timely processing of performances reports, awards, decorations, favorable communications, promotions, demotions, classification actions, quality control actions, and disciplinary actions.
- Diane worked closely with the wing's command chief master sergeant to ensure enlisted members understood and were prepared to execute the mission. She helped develop and execute specific goals, plans, and objectives to address issues related to enlisted members.
- Diane logged hundreds of hours as a selfless servant to the community. She helped needy military and civilian families, organizing many fundraisers for charities, leading spouse support groups for deployed personnel, coordinating meals for needy, working Red Cross and child and spouse abuse prevention

- Propulsion Flight Chief-- Report: 6 May 2001, Report: 6 May 2000
 - Diane was the focal point for wing's propulsion maintenance program when assigned as flight chief. She provided advice to senior leaders on propulsion technical and managerial issues.
 - She lead, organized and controlled the productivity of assigned propulsion technicians in five diverse maintenance sections required to inspect, maintain, modify, test, and repair, jet engines, small gas turbine engines, and engine ground support equipment (SE).
 - Diane possessed extensive knowledge for award of the wing's senior propulsion leader. Her knowledge included: mechanical, hydromechanical, electrical, and pneudraulic principles applied to turbojet engines; oil analysis principles; wear metal criteria and guidelines; concepts and application of maintenance directives; using and interpreting diagrams and technical publications; and the proper handling, use, and disposal of hazardous waste and materials.
 - As the senior propulsion leader she managed and directed repair activities and budgets for aircraft engines and associated maintenance functions valued in excess of \$250M, accountable custodian for facilities valued at over \$16M with annual budget of over \$9.5M.
 - Diane had experience in managing two of the largest propulsion fighter engine organizations in the USAF
 - Under Diane's leadership, her propulsion flights set or exceeded many AF standards for production and safety.
 - Diane supported the community and held many executive positions on professional and civic boards and councils during this timeframe.
-
- Assistant Squadron Maintenance Superintendent, Report: 6 May 1999
 - Section Chief, Jet Engine Intermediate Maintenance, Report: 6 May 1998, Report: 6 May 1997, Report: 6 May 1996
 - Diane had many successful years performing or supervising in several diverse functions within the jet engine maintenance career field involving installation, repair, testing, modification and tracking of critical USAF jet engines.
 - During this timeframe she guided 14 deployments to eight countries. Her leadership was highlighted as a team representative during the Bosnia-Kosovo crisis
-
- Deputy Wing Inspector General (IG) and Resources Oversight Manager, Report: 6 May 1995, Report 6 May 1994 Noncommissioned Officer In Charge (NCOIC) Wing Inspections
 - Ombudsman for investigating allegations of favoritism, sexual harassment and reprisal. Handled wing-level fraud, waste and abuse (FW & A) concerns and reports at the unit level in the U.S. Air Force. Inspected units for compliance and efficiency and complaints lodged against active duty, retired and civilian wing members for misconduct.
 - Diane was known throughout the wing for her unbiased, sensitive handling and assistance of IG, FW&A, Commander's Direct Line, and Congressional and Presidential Inquiry Programs. She tackled over 300 during her tenure.

- MID-LEVEL SUPERVISOR-JUNIOR MANAGER POSITIONS
- All of Diane's performance reports during this timeframe were absolutely superior and she received numerous awards, decorations and promotions from the start of her career beginning with Honor Graduate from Basic Military Training and Distinguished Graduate Awards at various Professional Military Education Courses throughout.
- Diane was a model community leader. Very involved in youth camp programs, scholl PTA, Little League and base airman dorm councils
- Report: 20 Sep 1993, Superintendent, Engine Management
- Report: 2 May 1993, Engine Management NCOIC
- Report: 2 May 1992 Engine Management NCOIC
- Report: 2 May 1991, Engine Time , Change Monitor
- Report: 2 May 1990, Engine Time Change Monitor
- Report: 2 May 1989, Base Engine Manager
- Report: 3 Jun 1988, Base Engine Manager
- Report: 13 Jun 1987, Base Engine Manager

Jet Engine Technician--Report: 13 Jun 1986, Report: 15 Sep 1985, Report: 13 Dec 1984, Report: 9 Mar 1983, Report: 6 Jul 1982, Report: 9 Mar 1982

- Diane became qualified and experienced in jet engine technician functions such as installing, maintaining, or repairing aerospace aircraft jet engines from the maintenance apprentice, maintenance journeyman to first-level supervisor with ease and outstanding reports from her supervisors and commanders.
- Diane was promoted ahead of schedule and given roles with increasing responsibility because of her skills, dedication and sincere professionalism.



Performance Reports

- Report: 6 May 2003, First Sergeant
- Report: 6 May 2002, First Sergeant
- Report: 6 May 2001, Propulsion Flight Chief
- Report: 6 May 2000, Propulsion Flight Chief
- Report: 6 May 1999, Assistant Squadron Maintenance Superintendent
- Report: 6 May 1998, Section Chief, Jet Engine Intermediate Maintenance
- Report: 6 May 1997, Section Chief, F110-GE-129 Jet Engine Intermediate Maintenance
- Report: 6 May 1996, Materiel Support Element Chief
- Report: 6 May 1995, Deputy Wing IG and Resources Oversight Manager
- Report: 6 May 1994, Noncommissioned Officer in Charge (NCOIC), Wing Inspections
- Report: 20 Sep 1993, Superintendent, Engine Management
- Report: 2 May 1993, Engine Management NCOIC
- Report: 2 May 1992, Engine Management NCOIC
- Report: 2 May 1991, Engine Time Change Monitor
- Report: 2 May 1990, Engine Time Change Monitor
- Report: 2 May 1989, Base Engine Manager
- Report: 3 Jun 1988, Base Engine Manager
- Report: 13 Jun 1987, Base Engine Manager
- Report: 13 Jun 1986, Jet Engine Mechanic
- Report: 15 Sep 1985, Jet Engine Mechanic
- Report: 13 Dec 1984, Engine Condition Program Monitor
- Report: 9 Mar 1983, Unit Technical Order Monitor
- Report: 6 Jul 1982, Jet Engine Mechanic
- Report: 9 Mar 1982, Jet Engine Mechanic

Up in the wing

SENIOR ENLISTED PERFORMANCE REPORT (MSGT thru CMSGT)

I. RATEE IDENTIFICATION DATA (Read AFI 36-2406 carefully before completing any item)

1. NAME (Last, First, Middle Initial)
BROWN, DIANE E.

2. SSN

3. GRADE
MSGT4. DAFSC
8F000

5. ORGANIZATION, COMMAND, AND LOCATION

1st Operations Support Squadron (ACC), Langley AFB VA

6a. PAS CODE

LE1CFH0Y

6b. SRID

1C44B

7. PERIOD OF REPORT

From: 7 May 2002

Thru:

8. NO. DAYS SUPERVISION

153

9. REASON FOR REPORT
Annual

II. JOB DESCRIPTION

1. DUTY TITLE

FIRST SERGEANT

2. KEY DUTIES, TASKS, AND RESPONSIBILITIES

Key leader responsible for advising commander in maintaining morale, welfare, discipline and mission effectiveness of over 200 personnel assigned to three fighter squadrons and one operations support squadron with a worldwide combat deployed commitment. Reviews all correspondence, issues and programs governing enlisted personnel for quality force and quality of life implications. Provides financial, legal, behavioral, career progression, assignment and promotion counseling to enlisted personnel. Corrects conduct prejudicial to good order and discipline and provides sound guidance on matters of leadership and military justice. Develops and manages information/recognition programs, commander's calls, inspections, retreat and retirement ceremonies. Oversees the family care, weight management, emergency notification and physical fitness programs. Supervises the care and upkeep of squadron dormitory facility.

III. EVALUATION OF PERFORMANCE

1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)

☐

Inefficient. An unprofessional performer.

☐

Good performer. Performs routine duties satisfactorily.

☐

Excellent performer. Consistently produces high quality work.

☒

The exception. Absolutely superior in all areas.

2. JOB KNOWLEDGE

(Consider whether ratee has technical expertise and is able to apply the knowledge)

☐

Lacking. Needs considerable improvement.

☐

Sufficient. Gets job accomplished.

☐

Extensive knowledge of all primary duties and related positions.

☒

Excels in knowledge of all related positions. Mastered all duties.

3. LEADERSHIP

(Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)

☐

Ineffective.

☐

Gets satisfactory results.

☐

Highly effective leader.

☒

Exceptionally effective leader.

4. MANAGERIAL SKILLS

(Consider how well member uses time and resources)

☐

Ineffective.

☐

Manages resources in a satisfactory manner.

☐

Skillful and competent.

☒

Dynamic, capitalizes on all opportunities.

5. JUDGMENT

(Consider how well ratee evaluates situations and reaches logical conclusions)

☐

Poor.

☐

Sound.

☐

Emphasizes logic and decision making.

☒

Highly respected and skilled.

6. PROFESSIONAL QUALITIES

(Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)

☐

Unprofessional, unreliable.

☐

Meets expectations.

☐

Sets an example for others to follow.

☒

Epitomizes the Air Force professional.

7. COMMUNICATION SKILLS

(Consider ratee's ability to organize and express ideas)

☐

Unable to communicate effectively.

☐

Organizes and expresses thoughts satisfactorily.

☐

Organizes and expresses ideas clearly and concisely.

☒

Highly skilled writer and communicator.

27 AUG 20

SENIOR ENLISTED PERFORMANCE REPORT (MSGT thru CMSGT)			
I. RATEE IDENTIFICATION DATA (Read AFI 36-2406 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) BROWN, DIANE E.	2. SSN 000000000	3. GRADE SMSGT	4. DAFSC 8F000
5. ORGANIZATION, COMMAND, AND LOCATION 94th Fighter Squadron (ACC), Langley AFB VA		6a. PAS CODE LEICFYXX	6b. SRID IC44B
7. PERIOD OF REPORT From: 7 May 2001 Thru: 6 May 2002		8. NO. DAYS SUPERVISION 229	9. REASON FOR REPORT Annual
II. JOB DESCRIPTION			
1. DUTY TITLE FIRST SERGEANT			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Key leader responsible for advising commander in maintaining morale, welfare, discipline and mission effectiveness of over 300 personnel assigned to an aircraft squadron with a worldwide combat deployed commitment. Reviews all correspondence, issues and programs governing enlisted personnel for quality force and quality of life implications. Provides financial, legal, behavioral, career progression, assignment and promotion counseling to enlisted personnel. Corrects conduct prejudicial to good order and discipline and provides sound guidance on matters of leadership and military justice. Develops and manages information/recognition programs, commander's calls, inspections, retreat and retirement ceremonies. Oversees the family care, weight management, emergency notification and physical fitness programs. Supervises the care and upkeep of a \$3 million squadron dormitory facility housing 159 first-term airmen.			
III. EVALUATION OF PERFORMANCE			
1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. JOB KNOWLEDGE (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. LEADERSHIP (Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)			
☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.
4. MANAGERIAL SKILLS (Consider how well member uses time and resources)			
☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skillful and competent.	☒ Dynamic, capitalizes on all opportunities.
5. JUDGMENT (Consider how well ratee evaluates situations and reaches logical conclusions)			
☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.
6. PROFESSIONAL QUALITIES (Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)			
☐ Unprofessional, unreliable	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Epitomizes the Air Force professional
7. COMMUNICATION SKILLS (Consider ratee's ability to organize and express ideas)			
☐ Unable to communicate effectively	☐ Organizes and expresses thoughts satisfactorily	☐ Organizes and expresses ideas clearly and concisely	☒ Highly skilled writer and communicator

SENIOR ENLISTED PERFORMANCE REPORT (MSGT thru CMSGT)

I. RATEE IDENTIFICATION DATA *(Read AFI 36-2406 carefully before completing any item)*

1. NAME (Last, First, Middle Initial) BROWN, DIANE, E.	2. SSN 000-00-0000	3. GRADE SMSGT	4. DAFSC 2A691
5. ORGANIZATION, COMMAND, AND LOCATION 347th Maintenance Squadron (ACC), Moody AFB GA			6a. PAS CODE
7. PERIOD OF REPORT From: 7 May 2000 Thru: 6 May 2001			8. NO. DAYS SUPERVISION 365
			9. REASON FOR REPORT Annual

II. JOB DESCRIPTION

1. DUTY TITLE
PROPULSION FLIGHT CHIEF

2. KEY DUTIES, TASKS, AND RESPONSIBILITIES

Focal point for wing's propulsion maintenance program. Provides advice to senior leaders and imparts technical and managerial advice at wing level. Leads, organizes, and controls the productivity of 35 propulsion technicians in five diverse maintenance sections required to inspect, troubleshoot and repair F110-GE-100 (F110) engines. Directs all F110 maintenance coordinating production efforts with fighter squadrons supporting 39 F-16C/D fighters and 49 engines valued in excess of \$250 million. Functional manager responsible for equitable career field distribution and training qualifications of 80 2A6X1A/B engine maintainers. Oversees and administers annual budget of over \$9.5 million. Accountable custodian for facilities valued at over \$16 million. Develops guidelines/policy to comply with quality standards, technical orders and safety procedures. Monitors engine performance, and manages war reserve equipment.

III. EVALUATION OF PERFORMANCE

1. DUTY PERFORMANCE *(Consider quality, quantity, and timeliness of duties performed)*

☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.

2. JOB KNOWLEDGE *(Consider whether ratee has technical expertise and is able to apply the knowledge)*

☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.

3. LEADERSHIP *(Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)*

☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.

4. MANAGERIAL SKILLS *(Consider how well member uses time and resources)*

☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skillful and competent.	☒ Dynamic, capitalizes on all opportunities.

5. JUDGMENT *(Consider how well ratee evaluates situations and reaches logical conclusions)*

☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.

6. PROFESSIONAL QUALITIES *(Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)*

☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Epitomizes the Air Force professional.

7. COMMUNICATION SKILLS *(Consider ratee's ability to organize and express ideas)*

☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator.

JUN 7 1999

SI JR ENLISTED PERFORMANCE REPORT SGT thru CMSGT)

I. RATEE IDENTIFICATION DATA (Read AF136-2403 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) BROWN, DIANE E.	2. SSN 036-08-3497	3. GRADE SMSGT	4. DAFSC 2A600
5. ORGANIZATION, COMMAND, AND LOCATION 347th Component Repair Squadron (ACC), Moody AFB GA		6a. PAS CODE MT1CFP2X	6b. SR 1C4
7. PERIOD OF REPORT From: 7 May 1999 Thru: 6 May 2000		8. NO. DAYS SUPERVISION 280	9. REASON FOR REPORT Annual
II. JOB DESCRIPTION			
1. DUTY TITLE PROPULSION FLIGHT CHIEF			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Leads and manages 37 personnel performing intermediate-level maintenance on assigned F110-GE-100 (F110) engines, modules, and associated support equipment valued at over \$216 million. Supervises and manages 5 distinct work centers required to inspect, troubleshoot, and repair F110 engines and components for 39 F-16C/D aircraft in composite wing structure consisting of 14 A/OA-10, 12 HC-130, and 17 HH-47 helicopters. Oversees an annual budget of over \$8.2 million and facilities valued at over \$6 million. Provides support for 3 engines assigned to Eglin AFB, 46th Test Wing. Wing's functional manager responsible for equal distribution of qualified engine personnel assigned between 3 distinct maintenance units. Interfaces with senior Fighter Squadron leaders to analyze all engine malfunctions, test cell rejects and inflight emergencies. ADDITIONAL DUTY: Squadron Site Activation Task Force Representative.			
III. EVALUATION OF PERFORMANCE			
1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. JOB KNOWLEDGE (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. LEADERSHIP (Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)			
☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.
4. MANAGERIAL SKILLS (Consider how well member uses time and resources)			
☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skillful and competent.	☒ Dynamic, capitalizes on all opportunities.
5. JUDGEMENT (Consider how well ratee evaluates situations and reaches logical conclusions)			
☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.
6. PROFESSIONAL QUALITIES (Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)			
☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Exemplifies the Air Force professional.
7. COMMUNICATION SKILLS (Consider ratee's ability to organize and express ideas)			
☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator

AF FORM 911, JUN 95 (EF-V2) (PERFORMA PROD)

SENIOR ENLISTED PERFORMANCE REPORT (MSGT thru CMSGT)

I. RATEE IDENTIFICATION DATA (Read AFM36-2403 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) BROWN, DIANE E.	2. SSN 000-00-0000	3. GRADE MSGT	4. DA/SC 2A671A
5. ORGANIZATION, COMMAND, AND LOCATION 52d Component Repair Squadron (USAFE), Spangdahlem Air Base, Germany		6a. PAS CODE ST0DFBH1	6b. SRID 0DC72
7. PERIOD OF REPORT From 7 May 97 To 6 May 98		8. NO. DAYS SUPERVISION 365	9. REASON FOR REPORT Annual
II. JOB DESCRIPTION			
1. DUTY TITLE Section Chief, Jet Engine Intermediate Maintenance			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Leads 21 personnel in the performance of jet engine intermediate maintenance (JEIM) activities for the F110-GE-129 (F110) and TF34-GE-100A (TF34) engines. Manages engine scheduling and production of 108 jet engines valued at \$286 million to ensure engine supportability for worldwide deployments and contingencies. Maintains close liaison with three fighter squadrons providing technical assistance and resources to optimize wing's combat flying capability. Approves unscheduled engine removals, analyzes engine anomalies, and determines extent of repairs. Coordinates F110 engine issues with MAJCOM, Aeronautical Systems Center engineers, OC-ALC engineers, General Electric, and Engine Management Section. Communicates TF34 engine regional repair center issues with Shaw Air Force Base. Monitors and ensures completion of time compliance technical orders. Responsible for personnel safety and training.			
III. EVALUATION OF PERFORMANCE			
1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. JOB KNOWLEDGE (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. LEADERSHIP (Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)			
☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.
4. MANAGERIAL SKILLS (Consider how well member uses time and resources)			
☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skilled and competent.	☒ Dynamic, capitalizes on all opportunities.
5. JUDGEMENT (Consider how well ratee evaluates situations and reaches logical conclusions)			
☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.
6. PROFESSIONAL QUALITIES (Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)			
☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Exemplifies the Air Force professional.
7. COMMUNICATION SKILLS (Consider ratee's ability to organize and express ideas)			
☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator.

SENIOR ENLISTED PERFORMANCE REPORT (MSGT thru CMSGT)			
I. RATEE IDENTIFICATION DATA (Read AFI36-2403 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) BROWN, DIANE E.	2. SSN 000000000	3. GRADE MSgt	4. DAFSC 2A671A
5. ORGANIZATION, COMMAND, AND LOCATION 52d Component Repair Squadron (USAFE), Spangdahlem Air Base, Germany		6a. PAS CODE ST0DFBH1	6b. SRID 0DC72
7. PERIOD OF REPORT From: 7 May 96 To: 6 May 97	8. NO. DAYS SUPERVISION 248	9. REASON FOR REPORT Annual	
II. JOB DESCRIPTION			
1. DUTY TITLE F110-GE-129 Section Chief			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Leads 21 personnel in the performance of Jet Engine Intermediate Maintenance (JEIM) activities for the F110-GE-129 (F110) and TF34-GE-100A (TF34) engines. Manages engine scheduling and production of 108 jet engines valued at \$257 million to ensure engine supportability for worldwide deployments and contingency operations. Manages the completion of time compliance technical orders (TCTO). Coordinates F110 issues with MAJCOM, Aeronautical Systems Center, General Electric, Engine Management Section, and three fighter squadrons. Communicates TF34 Engine Regional Repair Center (ERRC) issues with Shaw AFB. Interprets inspection data to determine serviceability and corrective actions. Determines work priorities based on personnel and equipment availability. Responsible for personnel safety and maintenance documentation. Ensures personnel qualification and upgrade training is conducted to meet mission needs.			
III. EVALUATION OF PERFORMANCE			
1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. JOB KNOWLEDGE (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. LEADERSHIP (Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)			
☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.
4. MANAGERIAL SKILLS (Consider how well member uses time and resources)			
☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skillful and competent.	☒ Dynamic, capitalizes on all opportunities.
5. JUDGEMENT (Consider how well ratee evaluates situations and reaches logical conclusions)			
☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.
6. PROFESSIONAL QUALITIES (Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)			
☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Epitomizes the Air Force professional.
7. COMMUNICATION SKILLS (Consider ratee's ability to organize and express ideas)			
☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator.

SENIOR LISTED PERFORMANCE REPORT (MSGT, or CMSGT)			
I. RATEE IDENTIFICATION DATA (Read AF36-2403 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) BROWN, DIANE E.	2. SSN 095-02-0007	3. GRADE MSGT	4. DAFBC 2A671A
5. ORGANIZATION, COMMAND, AND LOCATION 52d Component Repair Squadron (USAFE), Spangdahlem Air Base, Germany		6a. PAS CODE ST0DFBH1	6b. SRID ODC72
7. PERIOD OF REPORT From: 7 May 95 Thru: 6 May 96		8. NO. DAYS SUPERVISION 306	9. REASON FOR REPORT Annual
II. JOB DESCRIPTION			
1. DUTY TITLE Materiel Support Element Chief			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Manages 12 personnel in the Materiel Support Element. Manages standard and special tools, test, measurement, and diagnostic equipment (TMDE), and bench stock used to maintain the F110-GE-129, F100-PW-100, and TF34-GE-100A engines. Ensures inspections, repairs, and modifications are completed on 2,500 special tools and support equipment items valued at \$11.4 million. Responsible for ensuring 200 pieces of TMDE are calibrated and serviceable. Ensures availability and maintains over 1,500 bench stock line items valued at \$187,500. Manages and coordinates necessary local purchase items, replenishment tools, and operating stock. Ensures four flight vehicles are available and in-commission. Responsible for ensuring 81 personnel receive proper training on the hazardous waste program. Works special projects as directed by the flight chief. ADDITIONAL DUTY: Squadron AAFES/DECA Representative.			
III. EVALUATION OF PERFORMANCE			
1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. JOB KNOWLEDGE (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. LEADERSHIP (Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)			
☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.
4. MANAGERIAL SKILLS (Consider how well member uses time and resources)			
☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skillful and competent.	☒ Dynamic, capitalizes on all opportunities.
5. JUDGEMENT (Consider how well ratee evaluates situations and reaches logical conclusions)			
☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.
6. PROFESSIONAL QUALITIES (Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)			
☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Epitomizes the Air Force professional.
7. COMMUNICATION SKILLS (Consider ratee's ability to organize and express ideas)			
☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA <i>FR 39-62 carefully before completing any.</i>			
NAME (Last, First, Middle Initial) BROWN, DIANE E.	2. SSN *****	3. GRADE MSGT	4. DAFC 2A671A
5. ORGANIZATION, COMMAND, AND LOCATION 347th Wing, Air Combat Command (ACC), Moody Air Force Base, GA		6a. PAS CODE MT1CFK5R	6b. SRID 1C44H
7. PERIOD OF REPORT From: 7 May 94	8. NO. DAYS SUPERVISION 355	9. REASON FOR REPORT Annual	
II. JOB DESCRIPTION			
1. DUTY TITLE DEPUTY, WING INSPECTOR GENERAL SYSTEM/RESOURCES OVERSIGHT MANAGER			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Manages all functions of the Wing Inspector General (IG) System, Wing Fraud, Waste, and Abuse (FW&A) Prevention and Detection Program, Wing Unit Self Assessment (USA) Program, and Wing Commander's Direct Line. Conducts interviews, investigations, and makes final disposition on Presidential, Congressional, and Secretarial inquiries, and DOD/USAF FW&A disclosures. Coordinates with Presidential and Congressional liaisons, local/state/federal agencies, and higher headquarters to ensure responses to inquiries are timely and accurate. Supervises a 140 person Wing Exercise Evaluation Team. Prepares the wing for wartime tasking by developing, supervising and evaluating wing mobility, combat employment and major accident response exercises. ADDITIONAL DUTIES: Small Computer Manager, Security Monitor, and Project Officer 9 AF ANG/AFRES Advisory Assistance Program.			
III. EVALUATION OF PERFORMANCE			
1. DUTY PERFORMANCE <i>(Consider quality, quantity, and timeliness of duties performed)</i>			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. JOB KNOWLEDGE <i>(Consider whether ratee has technical expertise and is able to apply the knowledge)</i>			
☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. LEADERSHIP <i>(Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)</i>			
☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.
4. MANAGERIAL SKILLS <i>(Consider how well member uses time and resources)</i>			
☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skillful and competent.	☒ Dynamic, capitalizes on all opportunities.
5. JUDGMENT <i>(Consider how well ratee evaluates situations and reaches logical conclusions)</i>			
☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.
6. PROFESSIONAL QUALITIES <i>(Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)</i>			
☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Epitomizes the Air Force professional.
7. COMMUNICATION SKILLS <i>(Consider ratee's ability to organize and express ideas)</i>			
☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)

NAME (Last, First, Middle Initial) BROWN, DIANE E.		2. SSN 006-30-3-100	3. GRADE MSgt	4. DAFSC 2A671A
5. ORGANIZATION, COMMAND, AND LOCATION 347th Fighter Wing (ACC), Moody AFB GA 31699-5000			8a. PAS CODE MT1CFK3R	8b. SRID 1C44H
7. PERIOD OF REPORT From: 21 Sep 93 Thru: 6 May 94		8. NO. DAYS SUPERVISION 228	9. REASON FOR REPORT CRO	

II. JOB DESCRIPTION

1. DUTY TITLE

NCOIC, Wing Inspection Systems

2. KEY DUTIES, TASKS, AND RESPONSIBILITIES

Manages all functions of the Wing Inspector General (IG) Complaints System, Commander's Direct Line Program, and Fraud, Waste, and Abuse (FW&A) Prevention and Detection Program. Coordinates with Congressional officials, base agencies, and higher headquarters to ensure responses to inquiries are timely and accurate. Conducts interviews, investigations, and makes final disposition on complaints, Congressional, Secretarial, and Presidential inquiries, and DOD/USAF FW&A disclosures. Prepares the wing for wartime tasking by developing, supervising, and evaluating wing mobility and combat employment exercises. Provides supervision and leadership to a 100+person Wing Exercise Evaluation Team. Team chief and project officer for the wing's Air National Guard/Reserve Forces Advisory Program assisting seven 9th Air Force gained units. Manages the wing's Unit Self-Assessment Program.

III. EVALUATION OF PERFORMANCE

1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)

☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.

2. JOB KNOWLEDGE (Consider whether ratee has technical expertise and is able to apply the knowledge)

☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.

3. LEADERSHIP (Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)

☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.

4. MANAGERIAL SKILLS (Consider how well member uses time and resources)

☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skilful and competent.	☒ Dynamic, capitalizes on all opportunities.

5. JUDGMENT (Consider how well ratee evaluates situations and reaches logical conclusions)

☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.

6. PROFESSIONAL QUALITIES (Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)

☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Epitomizes the Air Force professional.

7. COMMUNICATION SKILLS (Consider ratee's ability to organize and express ideas)

☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
NAME (Last, First, Middle Initial) BROWN, DIANE E.		2. SSN ██████████	3. GRADE MSgt
5. ORGANIZATION, COMMAND, AND LOCATION 347th Logistics Group (ACC), Moody AFB, GA		6a. PAS CODE MT1CFCSK	4. DAFSC 45470A 6b. SRD 1C44H
7. PERIOD OF REPORT From: 3 May 93 Thru: 20 Sep 93	8. NO. DAYS SUPERVISION 141	9. REASON FOR REPORT CRO	
II. JOB DESCRIPTION			
1. DUTY TITLE Superintendent, Engine Management Element			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Represents the Logistics Group Commander as the focal point for status, transportation and information management for 140 assigned F110-GE-100 engines supporting a fleet of 113 F-16C and D model aircraft from four Air Combat Command (ACC) bases. Manages and provides positive leadership to ten Engine Management Element Schedulers maintaining Time Compliance Technical Orders (TCTO), Component Time Changes, and engine documentation. Ensures accuracy of engine records. Equipment custodian for the engine account valued at more than \$300 million. Analyzes maintenance reports and utilizes computer analyses to ensure maintenance resources are scheduled effectively. Determines training requirements and evaluates the qualification of assigned personnel. ADDITIONAL DUTIES: Squadron Historian, NCO Open Mess Advisory Council Committee Representative.			
III. EVALUATION OF PERFORMANCE			
1. DUTY PERFORMANCE (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. JOB KNOWLEDGE (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Lacking. Needs considerable improvement.	☐ Sufficient. Gets job accomplished.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. LEADERSHIP (Consider whether ratee motivates peers or subordinates, maintains discipline, sets and enforces standards, evaluates subordinates fairly and consistently, plans and organizes work, and fosters teamwork)			
☐ Ineffective.	☐ Gets satisfactory results.	☐ Highly effective leader.	☒ Exceptionally effective leader.
4. MANAGERIAL SKILLS (Consider how well member uses time and resources)			
☐ Ineffective.	☐ Manages resources in a satisfactory manner.	☐ Skillful and competent.	☒ Dynamic, capitalizes on all opportunities.
5. JUDGMENT (Consider how well ratee evaluates situations and reaches logical conclusions)			
☐ Poor.	☐ Sound.	☐ Emphasizes logic and decision making.	☒ Highly respected and skilled.
6. PROFESSIONAL QUALITIES (Consider ratee's dedication and preservation of traditional military values - integrity and loyalty)			
☐ Unprofessional, unreliable.	☐ Meets expectations.	☐ Sets an example for others to follow.	☒ Epitomizes the Air Force professional.
7. COMMUNICATION SKILLS (Consider ratee's ability to organize and express ideas)			
☐ Unable to communicate effectively.	☐ Organizes and expresses thoughts satisfactorily.	☐ Organizes and expresses ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA <i>Ratee AFR 32-22 category before completing this form</i>			
1. NAME (Last, First, Middle Initial)	2. SSN	3. GRADE	4. DAPOB
BROWN, DIANE E.	000000000000	TSgt	45470
5. ORGANIZATION, COMMAND, AND LOCATION			6. PAS CODE
347 Logistics Support Squadron (ACC), Moody AFB, GA			MTICF64Z
7. PERIOD OF REPORT		8. NO. DAYS SUPERVISION	9. REASON FOR REPORT
From 03 May 92 To 02 May 93		365	ANNUAL
II. JOB DESCRIPTION			
1. DUTY TITLE ENGINE MANAGEMENT BRANCH NCOIC			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES Manages and provides positive leadership to seven Engine Management Branch Schedulers, maintaining Time Compliance Technical Orders (TCTO), component time changes and documentation on the F110-GE-100 engines. Maintains UNISYS and Zenith 248 computer equipment. Ensures accuracy of engine records on 105 assigned engines for fleet management of 83 F-16C/D model aircraft. Determines training requirements and evaluates the qualification of assigned personnel. Analyzes maintenance reports and utilizes computers analysis to ensure maintenance resources are scheduled effectively. Supervises the activities of seven other individuals who schedule and control TCTO accomplishments, engine maintenance documentation and engine time change requirements. Additional Duties: Base Engine Manager and Self Inspection monitor.			
III. EVALUATION OF PERFORMANCE			
1. HOW WELL DOES RATEE PERFORM ASSIGNED DUTIES? <i>(Consider quality, quantity, and timeliness of duties performed)</i>			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. HOW MUCH DOES RATEE KNOW ABOUT PRIMARY DUTIES? <i>(Consider whether ratee has technical expertise and is able to apply the knowledge)</i>			
☐ Does not have the basic knowledge necessary to perform duties.	☐ Has adequate technical knowledge to satisfactorily perform duties.	☐ Extensive knowledge of all primary duties and related positions.	☒ Exceeds in knowledge of all related positions. Mastered all duties.
3. HOW WELL DOES RATEE COMPLY WITH STANDARDS? <i>(Consider dress and appearance, weight and fitness, customs, and courtesies)</i>			
☐ Fails to meet minimum standards.	☐ Meets Air Force standards.	☐ Sets the example for others to follow.	☒ Exemplifies top military standards.
4. HOW IS RATEE'S CONDUCT ON/OFF DUTY? <i>(Consider financial responsibility, respect for authority, support for organizational activities, and maintenance of government facilities)</i>			
☐ Unacceptable.	☐ Acceptable.	☐ Sets the example for others.	☒ Exemplifies the standards of conduct.
5. HOW WELL DOES RATEE SUPERVISE/LEAD? <i>(Consider how well member sets and enforces standards, displays initiative and self-confidence, provides guidance and feedback, and fosters teamwork)</i>			
☐ Ineffective.	☐ Effective. Obtains satisfactory results.	☐ Highly effective.	☒ Exceptionally effective leader.
6. HOW WELL DOES RATEE COMPLY WITH INDIVIDUAL TRAINING REQUIREMENTS? <i>(Consider upgrade training, professional military education, proficiency/qualification, and contingency)</i>			
☐ Does not comply with minimum training requirements.	☐ Complies with most training requirements.	☐ Complies with all training requirements.	☒ Consistently exceeds all training requirements.
7. HOW WELL DOES RATEE COMMUNICATE WITH OTHERS? <i>(Consider ratee's verbal and written skills)</i>			
☐ Unable to express thoughts clearly. Lacks organization.	☐ Organizes and expresses thoughts satisfactorily.	☐ Consistently able to organize and express ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) BROWN, DIANE E.	2. SSN FR000-000000	3. GRADE TSgt	4. DAFSC 45470A
5. ORGANIZATION, COMMAND, AND LOCATION 347 Logistics Support Squadron (TAC), Moody AFB, GA			6. PAS CODE MTOTPFH4Z
7. PERIOD OF REPORT From: 03 May 91 Thru: 02 May 92		8. NO. DAYS SUPERVISION 366	9. REASON FOR REPORT ANNUAL
II. JOB DESCRIPTION 1. DUTY TITLE: ENGINE MANAGEMENT BRANCH NCOIC			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES: Manages and provides positive leadership to seven Engine Management Branch Schedulers, maintaining time compliance technical orders (TCTO), component time changes and documentation on the F110-GE-100 engines. Maintains UNISYS and Zenith 248 computer equipment. Ensures accuracy of engine records on 105 assigned engines for fleet management of 83 F-16C/D model aircraft. Determines training requirements and evaluates the qualification of assigned personnel. Analyzes maintenance reports and utilize computers analysis to ensure maintenance resources are scheduled effectively. Supervises the activities of seven other individuals who schedule and control TCTO accomplishments, engine maintenance documentation and engine time change requirements.			
III. EVALUATION OF PERFORMANCE			
1. HOW WELL DOES RATEE PERFORM ASSIGNED DUTIES? (Consider quality, quantity, and timeliness of duty performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superb in all areas.
2. HOW MUCH DOES RATEE KNOW ABOUT PRIMARY DUTIES? (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Does not have the basic knowledge necessary to perform duties.	☐ Has adequate technical knowledge to satisfactorily perform duties.	☒ Extensive knowledge of all primary duties and related positions.	☐ Excels in knowledge of all related positions. Mastered all duties.
3. HOW WELL DOES RATEE COMPLY WITH STANDARDS? (Consider dress and appearance, weight and fitness, customs, and courtesies)			
☐ Fails to meet minimum standards.	☐ Meets Air Force standards.	☐ Sets the example for others to follow.	☒ Exemplifies top military standards.
4. HOW IS RATEE'S CONDUCT ON/OFF DUTY? (Consider financial responsibility, respect for authority, support organizational activities, and maintenance of government facilities)			
☐ Unacceptable.	☐ Acceptable, but needs some improvement.	☐ Sets the example for others.	☒ Exemplifies the standard of conduct.
5. HOW WELL DOES RATEE SUPERVISE/LEAD? (Consider how well member sets and enforces standards, displays initiative and self-confidence, provides guidance and feedback, and fosters teamwork)			
☐ Ineffective.	☐ Effective. Obtains satisfactory results.	☒ Highly effective.	☐ Exceptionally effective leader.
6. HOW WELL DOES RATEE COMPLY WITH INDIVIDUAL TRAINING REQUIREMENTS? (Consider upgrade training, professional military education, proficiency/qualification, and contingency)			
☐ Does not comply with minimum training requirements.	☐ Complies with most training requirements.	☐ Complies with all training requirements.	☒ Consistently exceeds all training requirements.
7. HOW WELL DOES RATEE COMMUNICATE WITH OTHERS? (Consider ratee's verbal and written skills)			
☐ Unable to express thoughts clearly. Lacks organization.	☐ Organizes and expresses thoughts satisfactorily.	☐ Consistently able to organize and express ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
1. NAME (Last, first, middle initial)	2. SSN	3. GRADE	4. DAFC#
BROWN, DIANE E.	FR024-02-0000	TSGT	15470A
5. ORGANIZATION, COMMAND, AND LOCATION		6. PAS CODE	
147th Tactical Fighter Wing (TACF), Moody AFB, GA		MTOTPK3B-OT44B	
7. PERIOD OF REPORT	8. NO. DAYS SUPERVISION	9. REASON FOR REPORT	
From: 1 May 88 To: 31 May 88	365	Annual	
10. JOB DESCRIPTION: 1. DUTY TITLE: F100 ENGINE TIME CHANGE MONITOR			
2. KEY DUTIES, TASKS AND RESPONSIBILITIES: Responsible for reviewing, researching, loading, scheduling and updating all F100E-100 engine time change requirements. Receives, reviews and updates historical documentation records on all assigned engines/modules and spares. Utilizes the Core Automated Maintenance System (CAMS) computer remote terminal in managing the Automated Engine Component Tracking System. Monitors scheduled/unscheduled engine removals and replacements. Updates data on engines undergoing maintenance within the Jet Engine Production Branch and Aircraft Maintenance Units. Gathers information in preparation for rolling monthly and six-month forecast for all F100/F110 module/component time changes.			
II. EVALUATION OF PERFORMANCE			
1. HOW WELL DOES RATEE PERFORM ASSIGNED DUTIES? (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. HOW MUCH DOES RATEE KNOW ABOUT PRIMARY DUTIES? (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Does not have the basic knowledge necessary to perform duties.	☐ Has adequate technical knowledge to satisfactorily perform duties.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. HOW WELL DOES RATEE COMPLY WITH STANDARDS? (Consider dress and appearance, weight and fitness, attitude, and behavior)			
☐ Fails to meet minimum standards.	☐ Meets All Force standards.	☐ Sets the example for others to follow.	☒ Exemplifies top military standards.
4. HOW IS RATEE'S CONDUCT ON/OFF DUTY? (Consider financial responsibility, respect for authority, support for organizational activities, and maintenance of government facilities)			
☐ Unacceptable.	☐ Acceptable, but needs some improvement.	☒ Sets the example for others.	☐ Exemplifies the standard of conduct.
5. HOW WELL DOES RATEE SUPERVISE/LEAD? (Consider how well member sets and enforces standards, displays initiative and self-confidence, provides guidance and feedback, and fosters teamwork)			
☐ Ineffective.	☐ Effective. Obtains satisfactory results.	☒ Highly effective.	☐ Exceptionally effective leader.
6. HOW WELL DOES RATEE COMPLY WITH INDIVIDUAL TRAINING REQUIREMENTS? (Consider upgrade training, professional military education, proficiency/qualification, and contingency)			
☐ Does not comply with minimum training requirements.	☐ Complies with most training requirements.	☐ Complies with all training requirements.	☒ Consistently exceeds all training requirements.
7. HOW WELL DOES RATEE COMMUNICATE WITH OTHERS? (Consider ratee's verbal and written skills)			
☐ Unable to express thoughts clearly. Lacks organization.	☐ Organized and expresses thoughts satisfactorily.	☐ Consistently able to organize and express ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) BROWN, DIANE E.		2. SSN FR 0000 0000	3. GRADE TSgt
5. ORGANIZATION, COMMAND, AND LOCATION 347th Tactical Fighter Wing (TAC), Moody AFB, GA		4. DAFSC 45470A	
7. PERIOD OF REPORT From: 3 May 89 Thru: 2 May 90		8. NO. DAYS SUPERVISION 321	6. PAS CODE MTOTFK3R
9. REASON FOR REPORT Annual			
II. JOB DESCRIPTION 1. DUTY TITLE: F100/F110 ENGINE TIME CHANGE MONITOR			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES: Responsible for reviewing, researching, loading, scheduling and updating all F100PW-200/F110GE-100 engine time change requirements. Receives reviews and updates historical documentation records on all assigned engines/modules and spares. Utilizes the Core Automated Maintenance System (CAMS) computer remote terminal in managing the Automated Engine Component Tracking System. Monitors scheduled/unscheduled engine removals and replacements. Updates data on engines undergoing maintenance within the Jet Engine Propulsion Branch and Aircraft Maintenance Units. Gathers information in preparation for weekly, monthly and six-month forecast for all F100/F110 module/component time changes.			
III. EVALUATION OF PERFORMANCE			
1. HOW WELL DOES RATEE PERFORM ASSIGNED DUTIES? (Consider quality, quantity, and timeliness of duties performed)			
☐ Inefficient. An unprofessional performer.	☐ Good performer. Performs routine duties satisfactorily.	☐ Excellent performer. Consistently produces high quality work.	☒ The exception. Absolutely superior in all areas.
2. HOW MUCH DOES RATEE KNOW ABOUT PRIMARY DUTIES? (Consider whether ratee has technical expertise and is able to apply the knowledge)			
☐ Does not have the basic knowledge necessary to perform duties.	☐ Has adequate technical knowledge to satisfactorily perform duties.	☐ Extensive knowledge of all primary duties and related positions.	☒ Excels in knowledge of all related positions. Mastered all duties.
3. HOW WELL DOES RATEE COMPLY WITH STANDARDS? (Consider dress and appearance, weight and fitness customs, and courtesies)			
☐ Fails to meet minimum standards.	☐ Meets Air Force standards.	☒ Sets the example for others to follow.	☐ Exemplifies top military standards.
4. HOW IS RATEE'S CONDUCT ON/OFF DUTY? (Consider financial responsibility, respect for authority, support for organizational activities, and maintenance of government facilities)			
☐ Unacceptable.	☐ Acceptable, but needs some improvement.	☒ Sets the example for others.	☐ Exemplifies the standard of conduct.
5. HOW WELL DOES RATEE SUPERVISE/LEAD? (Consider how well member sets and enforces standards, displays initiative and self-confidence, provides guidance and feedback, and fosters teamwork)			
☐ Ineffective.	☐ Effective. Obtains satisfactory results.	☐ Highly effective.	☒ Exceptionally effective leader.
6. HOW WELL DOES RATEE COMPLY WITH INDIVIDUAL TRAINING REQUIREMENTS? (Consider upgrade training, professional military education, proficiency/qualification, and contingency)			
☐ Does not comply with minimum training requirements.	☐ Complies with most training requirements.	☐ Complies with all training requirements.	☒ Consistently exceeds all training requirements.
7. HOW WELL DOES RATEE COMMUNICATE WITH OTHERS? (Consider ratee's verbal and written skills)			
☐ Unable to express thoughts clearly. Lacks organization.	☐ Organizes and expresses thoughts satisfactorily.	☐ Consistently able to organize and express ideas clearly and concisely.	☒ Highly skilled writer and communicator.

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
1. NAME (Last, First, Middle Initial)		2. SSAN	3. GRADE
BROWN, DIANE E.		FR000-000000	SSGT
4. DAFSC			45450A
5. ORGANIZATION, COMMAND, AND LOCATION			6. PAS CODE
52d Tactical Fighter Wing (USAF), Spangdahlem Air Base, Germany			STODFBJD
7. PERIOD OF REPORT		8. NO. OF DAYS OF SUPERVISION	9. REASON FOR REPORT
FROM: 4 June 1988 THRU: 2 May 1989		323	CRO
11. JOB DESCRIPTION 1. DUTY TITLE: Base Engine Manager 2. KEY DUTIES, TASKS, AND RESPONSIBILITIES: Responsible to the Maintenance Operations Division Officer to maintain adequate engine support to meet mission requirements. Performs all engine manager duties IAW AFM 400-1. Coordinates all engine removals and installations. Reports all engine status and maintenance status boards IAW MCR 66-5. Monitors all engine related supply mission capable requisitions and the use of War Reserve Materiel engines. Trains engine status monitors. Controls shipments of assigned engines. Updates the Maintenance Management Information and Control System (MMICS) for the Engine Management Branch (EMB).			
III. EVALUATION OF PERFORMANCE			
1. PERFORMANCE OF DUTY: Consider the quantity, quality, and timeliness of duties performed as described in Section II.	RATER	☐	☒
	1ST INDORSER	☐	☒
2. HUMAN RELATIONS: Consider how well ratee supports and promotes equal opportunity, shows concern and is sensitive to needs of others.	RATER	☐	☒
	1ST INDORSER	☐	☒
3. TRAINING: Consider how well responsibilities are discharged as an OJT supervisor or trainer and in other efforts to improve technical knowledge and educational level.	RATER	☐	☒
	1ST INDORSER	☐	☒
4. SUPERVISION: Consider how well ratee supervises, leads, uses available resources, communicates (oral and written), and maintains good order and discipline.	RATER	☐	☒
	1ST INDORSER	☐	☒
5. ACCEPTANCE OF NCO RESPONSIBILITY: Consider ratee's acceptance of responsibility for personal actions and those of subordinates.	RATER	☐	☒
	1ST INDORSER	☐	☒
6. BEARING AND BEHAVIOR: Consider the degree to which ratee's bearing and behavior on and off duty improve the image of Air Force noncommissioned officers.	RATER	☐	☒
	1ST INDORSER	☐	☒
IV. OVERALL EVALUATION			
How does the ratee compare with others of the same grade and Air Force specialty? Potential for promotion and increased responsibility are essential considerations in this rating.	RATER	☐	☒
	1ST INDORSER	☐	☒
UNIT COMMANDER REVIEW (Initials)	2D INDORSER	☐	☒
	3D INDORSER	☐	☒

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
1. NAME (Last, First, Middle Initial)	2. SSAN	3. GRADE	4. DAFSC
DOWNEY, DIANE E.	~~22222-22-2222~~	SSGT	42652
5. ORGANIZATION, COMMAND, AND LOCATION			6. PAB CODE
52d Tactical Fighter Wing (USAF), Spangdahlem Air Base, Germany			STODFBJD
7. PERIOD OF REPORT		8. NO. OF DAYS OF SUPERVISION	9. REASON FOR REPORT
FROM: 14 June 1987 THRU: 3 June 1988		320	CRO
11. JOB DESCRIPTION 1. DUTY TITLE: Base Engine Manager			
2. KEY DUTIES, TASKS, AND RESPONSIBILITIES: Responsible to the Maintenance Operations Division Officer (MODO) to maintain adequate engine support to meet mission requirements. Performs all engine manager duties IAW AFM 400-1. Coordinates all engine removals and installations. Reports all engine status and maintains status boards IAW MCR 66-5. Monitors all engine related supply mission capable requisitions and the use of War Reserve Materiel (WRM) engines. Trains engine status monitors. Controls shipments of assigned engines. Updates the Maintenance Management Information and Control System (MMICS) for the Engine Management Branch (EMB).			
III. EVALUATION OF PERFORMANCE			
1. PERFORMANCE OF DUTY: Consider the quantity, quality, and timeliness of duties performed as described in Section II.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
2. HUMAN RELATIONS: Consider how well ratee supports and promotes equal opportunity, shows concern and is sensitive to needs of others.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
3. TRAINING: Consider how well responsibilities are discharged as an OJT supervisor or trainer and in other efforts to improve technical knowledge and educational level.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
4. SUPERVISION: Consider how well ratee supervises, leads, uses available resources, communicates (oral and written), and maintains good order and discipline.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
5. ACCEPTANCE OF NCO RESPONSIBILITY: Consider ratee's acceptance of responsibility for personal actions and those of subordinates.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
6. BEARING AND BEHAVIOR: Consider the degree to which ratee's bearing and behavior on and off duty improve the image of Air Force noncommissioned officers.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
IV. OVERALL EVALUATION			
How does the ratee compare with others of the same grade and Air Force specialty? Potential for promotion and increased responsibility are essential considerations in this rating.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
UNIT COMMANDER REVIEW (Initials)	2D INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	3D INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
1. NAME (Last, First, Middle Initial)	2. SSAN	3. GRADE	4. OAFSC
DOWNNEY, DIANE E.	00005-00-2707	SSGT	42652
5. ORGANIZATION, COMMAND, AND LOCATION			6. PAS CODE
52d Tactical Fighter Wing (USAFE), Spangdahlem Air Base, Germany			STODFBJD
7. PERIOD OF REPORT		8. NO. OF DAYS OF SUPERVISION	9. REASON FOR REPORT
FROM: 14 June 1986 THRU: 13 June 1987		331	Annual
II. JOB DESCRIPTION 1. DUTY TITLE: Base Engine Manager 2. KEY DUTIES, TASKS, AND RESPONSIBILITIES: Responsible to the Maintenance Operations Division Officer (MODO) to maintain adequate engine support to meet mission requirements. Performs all engine manager duties IAW AFM 400-1. Coordinates all engine removals and installations. Reports all engine status and maintains status boards IAW MCR 66-5. Monitors all engine related supply mission capable requisitions and the use of War Readiness Materiel (WRM) engines. Trains engine status monitors. Controls shipments of assigned engines. Updates the Maintenance Management Information and Control System (MMICS).			
III. EVALUATION OF PERFORMANCE			
1. PERFORMANCE OF DUTY: Consider the quantity, quality, and timeliness of duties performed as described in Section II.	RATER	☐	☒
	1ST INDORSER	☐	☒
2. HUMAN RELATIONS: Consider how well ratee supports and promotes equal opportunity, shows concern and is sensitive to needs of others.	RATER	☐	☒
	1ST INDORSER	☐	☒
3. TRAINING: Consider how well responsibilities are discharged as an OJT supervisor or trainer and in other efforts to improve technical knowledge and educational level.	RATER	☐	☒
	1ST INDORSER	☐	☒
4. SUPERVISION: Consider how well ratee supervises, leads, uses available resources, communicates (oral and written), and maintains good order and discipline.	RATER	☐	☒
	1ST INDORSER	☐	☒
5. ACCEPTANCE OF NCO RESPONSIBILITY: Consider ratee's acceptance of responsibility for personal actions and those of subordinates.	RATER	☐	☒
	1ST INDORSER	☐	☒
6. BEARING AND BEHAVIOR: Consider the degree to which ratee's bearing and behavior on and off duty improve the image of Air Force noncommissioned officers.	RATER	☐	☒
	1ST INDORSER	☐	☒
IV. OVERALL EVALUATION			
How does the ratee compare with others of the same grade and Air Force specialty? Potential for promotion and increased responsibility are essential considerations in this rating.	RATER	☐	☒
	1ST INDORSER	☐	☒
UNIT COMMANDER REVIEW (Initials)	2D INDORSER	☐	☒
	3D INDORSER	☐	☒

I. RATEE IDENTIFICATION DATA (Read AFR 39-62 carefully before completing any item)			
1. NAME (Last, First, Middle Initial) DOWNEY, DIANE E.	2. SSAN 005-02-0707	3. GRADE SSGT	4. DAFSC 42652
5. ORGANIZATION, COMMAND, AND LOCATION 52d Component Repair Sq (USAFE), Spangdahlem Air Base, Germany			6. PAS CODE STODFBH1
7. PERIOD OF REPORT FROM: 16 Sep 85 THRU: 13 Jun 86		8. NO. OF DAYS OF SUPERVISION 271	9. REASON FOR REPORT CRO
II. JOB DESCRIPTION 1. DUTY TITLE: Jet Engine Mechanic 2. KEY DUTIES, TASKS, AND RESPONSIBILITIES: Jet engine mechanic assigned to the material support section of the Propulsion Branch. Orders, monitors, controls, and issues supply parts associated with J79-17A/E/G intermediate repair and related support equipment. Primary custodian for a special equipment account valued at \$3,062,000. As bench stock monitor, monitors and controls tool room operations. Issues and returns tools to supply tool crib. Uses automated data processing products to verify and update supply requisitions. Additional Duties: Due in from maintenance (DIFM) monitor, joint oil analysis program (JOAP) monitor, precision measurement equipment (PME) monitor.			
III. EVALUATION OF PERFORMANCE			
1. PERFORMANCE OF DUTY: Consider the quantity, quality, and timeliness of duties performed as described in Section II.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
2. HUMAN RELATIONS: Consider how well ratee supports and promotes equal opportunity, shows concern and is sensitive to needs of others.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
3. TRAINING: Consider how well responsibilities are discharged as an OJT supervisor or trainer and in other efforts to improve technical knowledge and educational level.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
4. SUPERVISION: Consider how well rates supervises, leads, uses available resources, communicates (oral and written), and maintains good order and discipline.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
5. ACCEPTANCE OF NCO RESPONSIBILITY: Consider ratee's acceptance of responsibility for personal actions and those of subordinates.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
6. BEARING AND BEHAVIOR: Consider the degree to which ratee's bearing and behavior on and off duty improve the image of Air Force noncommissioned officers.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
IV. OVERALL EVALUATION			
How does the ratee compare with others of the same grade and Air Force specialty? Potential for promotion and increased responsibility are essential considerations in this rating.	RATER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	1ST INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
UNIT COMMANDER REVIEW (Initials)	2D INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒
	3D INDORSER	☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

V. RATER'S COMMENTS FACTS AND SPECIFIC ACHIEVEMENTS: SSgt Downey is a highly competent NCO and jet engine mechanic. She has performed all of her duties in an outstanding manner and achieved excellent results. SSgt Downey was assigned to the branch in Feb 85 at which time she was assigned as an assistant crew chief. From Feb 85 to Jul 85 she was instrumental in the production of eight serviceable spare engines with a "zero defect" rating from Wing Quality Assurance. A noteworthy example of her leadership ability and technical skills were displayed on engine 453086, a raw buildup engine from depot. Working together with her crew members, they installed the quick engine change kit, had the engine tested and spared in only 5 days. The standard flow time for this type of task is ten days. Her regard for high quality maintenance has been a key factor in the reduction of unscheduled removals from 4.0 to 0.9 percent per 1000 engine hours flown. **STRENGTHS:** SSgt Downey is a very resourceful person. Her ability to perform as a supervisor has been clearly displayed on all of her tasks. Her positive attitude towards her job is evident in the quality of work she produces. **EDUCATIONAL AND TRAINING ACCOMPLISHMENTS:** SSgt Downey has completed her seven skill level Career Development Course and management training course eleven. **OTHER COMMENTS:** Promote ahead of contemporaries.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION	DUTY TITLE	DATE
SAMUEL E. JOYNER, SSgt, USAF 52d Component Repair Sq (USAFE) Spangdahlem Air Base, Germany	Jet Engine Mechanic	15 Sep 85
	SSAN ~~045-80-9064~~	SIGNATURE <i>Samuel E. Joyner</i>

VI. 1ST INDORSEER'S COMMENTS ☒ CONCUR ☐ NONCONCUR
SSgt Downey is an excellent worker and supervisor. She has proven to be a valuable member of the Propulsion Branch. Her ability to lead workers has helped increase our engine capability/reliability rating to an outstanding 98 percent. Promote ahead of contemporaries.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION	DUTY TITLE	DATE
ROBERT R. HIATT, SMSgt, USAF 52d Component Repair Sq (USAFE) Spangdahlem Air Base, Germany	Superintendent Propulsion Branch	15 Sep 85
	SSAN ~~045-80-9064~~	SIGNATURE <i>Robert R. Hiatt</i>

VII. 2D INDORSEER'S COMMENTS ☒ CONCUR ☐ NONCONCUR
SSgt Downey has continually displayed herself as an outstanding jet engine mechanic. She demonstrates her expertise in all that she does which is evident by the engine Quality Verification Inspection rating pass rate of 95 percent for spare engines for the Jan 85 thru Jul 85 time period. Continue to promote.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION	DUTY TITLE	DATE
JOHN A. MEDLIN, Captain, USAF 52d Component Repair Sq (USAFE) Spangdahlem Air Base, Germany	Maintenance Supervisor	15 Sep 85
	SSAN ~~045-80-9064~~	SIGNATURE <i>John A. Medlin</i>

VIII. 3D INDORSEER'S COMMENTS ☒ CONCUR ☐ NONCONCUR
SSgt Downey is a superb NCO and jet engine mechanic. This is clearly evident by her ability to produce five consecutive raw build up engines with a "zero defect" rating. Impeccable performance and dedication such as this is the primary reason she was awarded the Air Force Commendation Medal in Jul 85. Promote.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION	DUTY TITLE	DATE
JOHN A. KLAPHMUST JR., Major, USAF 52d Component Repair Sq (USAFE) Spangdahlem Air Base, Germany	Commander	15 Sep 85
	SSAN ~~045-80-9064~~	SIGNATURE <i>John A. Klaphmust Jr.</i>

I. RATEE IDENTIFICATION DATA			
1. NAME (Last, First, Middle Initial) DOWNEY, DIANE E.		2. SSAN (Include suffix) FR0000000000	
3. DAFSC 42652		3. CURRENT GRADE SRA	
4. DUTY TITLE OR TITLE OF SPECIAL OR ADDITIONAL DUTY Engine Condition Monitoring Program Monitor			
II. TYPE OF REPORT (Check appropriate block in Part A.) (Complete Part B as required.)			
A ☐ SUPPLEMENTAL SHEET (Complete Part B, Items 1 and 2 only.)		☒ LETTER OF EVALUATION (Complete Part B, Items 1 thru 4.)	
1. FROM 16 Sep 84		2. THRU 13 Dec 84	
3. REPORT IS		☒ MANDATORY ☐ OPTIONAL	
B 4. REASON FOR REPORT		☒ CRO 60 OR MORE DAYS SUPERVISION ☐ CRO LESS THAN 60 DAYS SUPERVISION ☐ GEOGRAPHICAL SEPARATION/TOY	
		SPECIAL OR ADDITIONAL DUTY PIPELINE STUDENT OTHER - EXPLAIN IN SECTION III	
III. COMMENTS FACTS AND SPECIFIC ACHIEVEMENTS: Sra Downey's performance is outstanding. She's a highly motivated individual who possesses a keen aptitude and superb initiative. Her leadership and management of the Engine Conditioning Monitoring Program (ECMP) is outstanding. Her in-depth knowledge of computer programs, processing and operation proved invaluable when our Hewlett Packard computer "master program" diskette was identified as inaccurate and incomplete. As a result, extensive reprogramming of 29 diskettes was required for our aircraft. Not only did she accomplish this task in three days but she managed her routine recording and plotting of aircraft in flight data. Through her expertise, our program was operational and on line providing critical operating parameters for analysis of vital engine functions. Outstanding job! During our recent self inspection during Nov 1984, she identified that our checklists for ECMP were outdated and incomplete. She immediately reconstructed a checklist that is functional and accurate. Each checklist developed contains the applicable reference as required by our local supplement and her ability to extract the "meat" of the regulation is highly noteworthy. STRENGTHS: Poise, enthusiastic, reliable, level-headed and possesses solid leadership. OTHER COMMENTS: She is a true professional who is ready for increased responsibility and new challenges. Promote and maximize this outstanding airman.			
IV. EVALUATOR IDENTIFICATION DATA			
1. NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND, LOCATION ROBERT L. SELBY, MSgt, USAF 19th Field Maintenance Squadron (SAC) Robins AFB GA		2. DUTY TITLE Propulsion Branch Superintendent	
		3. DATE 12 Dec 84	
4. SSAN FR0000000000		5. SIGNATURE <i>Robert L. Selby</i>	

V. RATER'S COMMENTS **FACTS AND SPECIFIC ACHIEVEMENTS:** Amn Murphy has performed her duties in a satisfactory manner. During this reporting period, Amn Murphy increased her mechanical capabilities considerably. Amn Murphy quickly grasps written and oral instructions. Her application of these instructions are thorough and complete. Amn Murphy recently completed a training effectiveness evaluation from quality control. The results of this evaluation show Amn Murphy is making steady progress in her efforts to improve the quality of her performance. **STRENGTHS:** Amn Murphy demonstrates a willingness to work in harmony with others. Her dress and appearance are always within standards. **OTHER COMMENTS:** Since being assigned to the Jet Engine Intermediate Maintenance section Amn Murphy has encountered several problems adapting to the mechanical field. She has made outstanding progress on the CDC portion of her upgrade training. Her progress on specialty training standards is improving. With improved efforts on her part, Amn Murphy can become an exceptional jet engine mechanic.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION WARREN W. BROWN, SSgt, USAF 19th Field Maintenance Squadron (SAC) Robins AFB GA	DUTY TITLE Crew Chief JEBM Section	DATE 10 Mar 82
SSAN FRODO BAGGINS	SIGNATURE Warren W. Brown	

VI. 1ST INDORSEER'S COMMENTS ☒ CONCUR ☐ NONCONCUR
Amn Murphy has shown improvement in her mechanical abilities since being assigned to the Jet Intermediate Maintenance section with an improvement in attitude and more self-motivation Amn Murphy could become an excellent jet engine mechanic.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION HARRY D. HALL, MSgt, USAF 19th Field Maintenance Squadron (SAC) Robins AFB GA	DUTY TITLE Shop Inspector	DATE 10 Mar 82
SSAN FRANZ FLETCHER	SIGNATURE Harry D. Hall	

VII. 2D INDORSEER'S COMMENTS ☒ CONCUR ☐ NONCONCUR
Amn Murphy possesses the abilities required to progress and be outstanding in this AFSC. She has encountered a few problems early in her career. However, I feel she is making good progress adapting to the technical aspects and should be promoted.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION HUBERT R. HIATT, MSgt, USAF 19th Field Maintenance Squadron (SAC) Robins AFB GA	DUTY TITLE NCOIC, JEIM Section	DATE 10 Mar 82
SSAN FRANZ FLETCHER	SIGNATURE Hubert R. Hiatt	

VIII. 3D INDORSEER'S COMMENTS ☒ CONCUR ☐ NONCONCUR
AIC Murphy is a pleasant airman with a very feminine nature. She is not suited to the mechanical field and I recommend her cross training to a speciality in which she can excel. AIC Murphy is applying herself and worthy of promotion.

NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND AND LOCATION WARREN S. MCGUIRE, SMSgt, USAF 19th Field Maintenance Squadron (SAC) Robins AFB GA	DUTY TITLE Supt Propulsion Branch	DATE 10 Mar 82
SSAN FRANZ FLETCHER	SIGNATURE Warren S. McGuire	

AIR FORCE ACHIEVEMENT MEDAL AND AIR FORCE COMMENDATION MEDAL JUSTIFICATION		DATE
1. LAST NAME - FIRST NAME - MIDDLE INITIAL DOWNER, DIANE E.		18 Oct 84
2. GRADE SRA	3. SSAN PROBATIONARY	
4. DUTY TITLES DURING INCLUSIVE PERIOD Engine Conditioning Monitoring Program Monitor, Comprehensive Engine Management System Monitor, Bench Stock Monitor, Jet Engine Mechanic		
5. JUSTIFICATION (Use a short "Bulleted" statement for each accomplishment. Minimize description—emphasize results. Use only as many bullets as required. Additional space below the dotted lines may be used for Air Force Commendation Medal Justification only.)		
a. PRIMARY JOB ACCOMPLISHMENTS:		
(1) Devised the conversion plan for the Comprehensive Engine Management System (CEMS). Her in-depth planning allowed for an early and accurate conversion from a manual to an automated engine managing and reporting system. Results: CEMS is solidly on track. (2) Supervised implementation of automated Engine Conditioning Monitoring Program (ECMP) and single-handedly put the program into operation ahead of schedule. In Jan 84, the HQ SAC Inspector General commented, "thorough, accurate, and professionally maintained" program. (3) Mastered the complexities of CEMS and ECMP and developed a comprehensive training program for others to follow. Results are outstanding. For the first time we have in-depth expertise in all facets of these important programs. (4) Interpreted and analyzed aircraft in-flight data for the ECMP. Through her astute monitoring, five potential engine failures were identified and corrected. Results: Saved the Air Force over \$75,000 and 2,000 man-hours in repair actions. (5) As technical order monitor, she devised a system for tracking supplements for over 400 technical orders (T.O.). During her tenure, branch T.O.s were consistently rated error-free by higher headquarters and quality assurance inspectors.		
(6) As bench stock monitor, she refurbished and updated the bench stock section. Results: Not only did she increase line items from 750 to 1250, but she eliminated wasted man-hours used for the requisition of high use parts. (7) Working with base engine manager, wing plans and scheduling, and documentation section on her off-duty time, her efforts increased efficiency in management of the CEMS program. Results: Error-free reporting of engine status changes.		
b. OTHER ACCOMPLISHMENTS: (Special projects, additional duties, etc.)		
(1) "Honor Graduate" Warner Robins ALC NCO Preparatory Course Class 84-2. First in her class in leadership, management, communicative and academic skills. (2) Selected as squadron Maintenance Airman of the Month for May 84. (3) During a clerical shortage, doubled as branch administrative specialist. She quickly mastered clerical duties and enhanced administrative support, by upgrading our neglected branch file plan, and eliminated late suspenses to all wing agencies.		
(4) Worked diligently as an official squadron coordinator for the Georgia Special Olympics from 1982 - 1984. Results: Greatly enhanced community relations by participating in activities for handicapped citizens of Houston County and surrounding areas. (5) Member of Squadron Advisor Council, Aug 82 - Jan 83. Extremely active in wing and squadron activities. Our unanimous choice to spearhead the branch Combined Federal Campaign for 1983. Through her efforts, we exceeded our goal by 18 percent.		
8. NAME, GRADE AND TITLE OF INITIATOR ROBERT H. JACOBS, Major, USAF Commander		7. SIGNATURE <i>Robert H. Jacobs</i>

I. RATEE IDENTIFICATION DATA (Read AFR 39-62, Vol I, carefully before completing any item.)																													
1. NAME (Last, First, Middle Initial) DOWNEY DIANE E.					2. SSAN FD 00000000000000000000			3. GRADE A1C																					
4. ORGANIZATION, COMMAND, LOCATION AND PAS CODE 19th Field Maintenance Squadron (SAC) Robins AFB Georgia RXOSFDK4				5. PERIOD OF REPORT AND SUPERVISION			6. REASON FOR REPORT																						
				FROM 10 Mar 82		NO. OF DAYS 184	CHANGE OF RATER																						
				THROUGH 09 Mar 83			ANNUAL																						
				7. PAFSC 42652		8. DAFSC 42652		9. CAFSC 42652																					
II. JOB DESCRIPTION: Unit Branch Technical Order Monitor. Assigned to the propulsion branch technical administrative section. Performs primary duties as branch technical publications monitor. Responsible for the currency of all assigned technical orders. Documents and files all changes, supplements and time compliance technical orders. Performs alternate duties as Engine Status Monitor, Engine Conditioning Monitor and Joint Oil Analysis Monitor as required by the propulsion branch chief.																													
III. EVALUATION OF PERFORMANCE																													
1. PERFORMANCE OF DUTY: Consider the quantity, quality, and timeliness of duties performed as described in Section II.			RATER		<table border="1"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> </table>															0	1	2	3	4	5	6	7	8	9
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2. HUMAN RELATIONS: Consider how well ratee supports and promotes equal opportunity, shows concern and is sensitive to needs of others.			RATER		<table border="1"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> </table>															0	1	2	3	4	5	6	7	8	9
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3. LEARNING ABILITY: Consider how well ratee grasps instructions, communicates (oral and written), and understands principles and concepts related to the job.			RATER		<table border="1"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> </table>															0	1	2	3	4	5	6	7	8	9
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4. SELF-IMPROVEMENT EFFORTS: Consider how well ratee progresses in on-the-job training and in other efforts to improve technical knowledge and educational level.			RATER		<table border="1"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> </table>															0	1	2	3	4	5	6	7	8	9
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5. ADAPTABILITY TO MILITARY LIFE: Consider how well ratee adapts and conforms to the requirements of military duties not directly related to the job.			RATER		<table border="1"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> </table>															0	1	2	3	4	5	6	7	8	9
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6. BEARING AND BEHAVIOR: Consider the degree to which ratee's bearing and behavior on and off duty improve the image of Air Force airmen.			RATER		<table border="1"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																								
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IV. OVERALL EVALUATION																													
How does the ratee compare with others of the same grade and Air Force specialty? Potential for promotion and increased responsibility are essential considerations in this rating.			RATER		<table border="1"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> </table>															0	1	2	3	4	5	6	7	8	9
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I. RATEE IDENTIFICATION DATA			
1. NAME (Last, First, Middle Initial) DOWNEY, DIANE E.		2. SSAN (Include suffix) FR036-32-1772	
3. DAFSC 42652		3. CURRENT GRADE SrA	
4. DUTY TITLE OR TITLE OF SPECIAL OR ADDITIONAL DUTY Jet Engine Mechanic, Unit			
II. TYPE OF REPORT (Check appropriate block in Part A.) (Complete Part B as required.)			
A ☐ SUPPLEMENTAL SHEET (Complete Part B, Items 1 and 2 only.)		X ☒ LETTER OF EVALUATION (Complete Part B, Items 1 thru 4.)	
1. FROM 17 Mar 82		2. THRU 06 July 82	
3. REPORT IS		X ☒ MANDATORY ☐ OPTIONAL	
B 4. REASON FOR REPORT		X ☒ CRO 60 OR MORE DAYS SUPERVISION	
		SPECIAL OR ADDITIONAL DUTY	
		CRO LESS THAN 60 DAYS SUPERVISION	
		PIPELINE STUDENT	
		GEOGRAPHICAL SEPARATION/TOY	
		OTHER - EXPLAIN IN SECTION III	
III. COMMENTS FACTS AND SPECIFIC ACHIEVEMENTS: AIC Downey performs duties in the propulsion branch administrative section. Her primary responsibility has been technical order monitor for the branch. Since this assignment, she has totally enhanced the branch technical order (T.O.) accounts by establishing new procedures to track over a hundred T.O.'s. Additionally she performed temporary duties exceptionally well as propulsion branch engine monitor, engine inflight condition monitor, bench stock monitor and branch administrative clerk. She is multi-talented in the clerical field and adapts exceptionally well to any assignment. In the absence of both the engine status monitor and the engine conditioning inflight monitor she readily filled these positions and transitioned into the day-to-day operations without any difficulties or adverse effects to the programs. STRENGTHS: Her friendly nature, positive attitude and eagerness to learn are her strongest traits. OTHER COMMENTS: Since her move into branch administrative duties, her overall performance has dramatically improved and significantly contributed effectively to the propulsion branch's mission.			
IV. EVALUATOR IDENTIFICATION DATA			
1. NAME, GRADE, BRANCH OF SERVICE, ORGANIZATION, COMMAND, LOCATION WARREN W. BROWN, Sgt, USAF 19th Field Maintenance Squadron (SAC) Robins AFB GA		2. DUTY TITLE Crew Chief JEBM Sec	
3. DATE 6 Jul 82		4. SSAN FR036-32-1772	
5. SIGNATURE <i>Warren W. Brown</i>			

Decoration (Service Medal) History

United States Meritorious Service Medal

- September 1995
- First Oak Leaf Cluster, July 1999
- Second, Oak Leaf Cluster, September 2001
- Third Oak Leaf Cluster, September 2003

Air Force Commendation Medal

- January 1985
- First Oak Leaf Cluster, June 1989
- Second Oak Leaf Cluster, September 1993

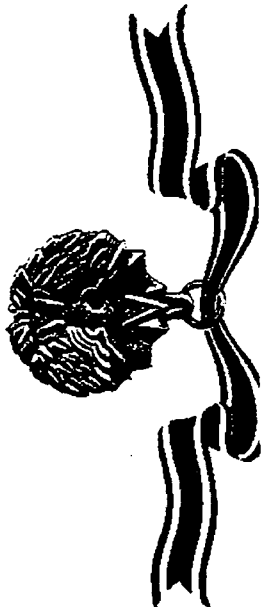
Air Force Achievement Medal

- June 1986

Air Force Good Conduct Medal

- Six Oak Leaf Clusters, 1981-2003

National Defense Service Medal with One Service Star



THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

THIS IS TO CERTIFY THAT
THE PRESIDENT OF THE UNITED STATES OF AMERICA
AUTHORIZED BY EXECUTIVE ORDER, 16 JANUARY 1969
HAS AWARDED

THE MERITORIOUS SERVICE MEDAL

TO

MASTER SERGEANT DIANE E. BROWN

FOR

MERITORIOUS SERVICE

21 SEPTEMBER 1993 TO 12 JUNE 1995

GIVEN UNDER MY HAND

THIS 19TH DAY OF SEPTEMBER 1995

Timothy S. Brady

TIMOTHY S. BRADY, Colonel, USAF
Commander
347th Wing



CITATION TO ACCOMPANY THE AWARD OF
THE MERITORIOUS SERVICE MEDAL

TO

DIANE E. BROWN

Master Sergeant Diane E. Brown distinguished herself in the performance of outstanding service to the United States as Non-Commissioned Officer in Charge, Wing Inspections Division, Deputy, Wing Inspector General Complaints Program, and Resources Oversight Manager, 347th Wing, Moody Air Force Base, Georgia, from 25 August 1993 to 12 June 1995. Sergeant Brown was directly responsible for preparing the 347th Wing for its first Unit Self-Assessment and its flawless execution. Master Sergeant Brown's administration of the Wing Inspector General Complaints Program provided a quality forum for the wings populace to air their concerns. Through her management of 15 Fraud, Waste and Abuse cases the wing was able to recapture 150 thousand dollars. The singularly distinctive accomplishments of Sergeant Brown reflect great credit upon herself and the United States Air Force.



DEPARTMENT OF THE AIR FORCE
347TH MISSION SUPPORT SQUADRON (ACC)
MOODY AIR FORCE BASE, GEORGIA 31699-1899

SPECIAL ORDER-GA-01

4 OCT 95

1. By direction of the President and the approval of the Commander of the 347th Wing (ACC) the following individuals are awarded the MERITORIOUS SERVICE MEDAL for outstanding noncombat meritorious service during the period indicated, effective at the termination of the period covered.

GRADE/NAME	OLC	SSAN	PERIOD	PAS CODE	RDP	CODE
LTC HESELTINE, BRUCE P.	4	~~XXXX~~	30JAN93-22SEP95	MT1CFCCG	30SEP95	6
CPT HENNING, BARBARA J.	1	~~XXXX~~	27MAY93-25SEP95	MT1CFNJO	30SEP95	6
SMSGT WILLIAMS, JIM S.	1	~~XXXX~~	15MAY92-31OCT95	MT1CFY23	01SEP95	1
MSGT BROWN, DIANE E.	0	~~XXXX~~	21SEP93-12JUN95	MT1CFK3R	08SEP95	6
MSGT CLARK, WALTER B.	0	~~XXXX~~	25JAN93-30SEP95	MT1CFB94	01SEP95	1
MSGT GEISER, DENNIS	0	~~XXXX~~	30SEP91-30SEP95	MT1CFXY7	01AUG95	1
MSGT HARRIS, JEFFREY W.	0	~~XXXX~~	22FEB88-31JUL95	MT1CFB94	20SEP95	8
MSGT MAGANA, WANDA L.	0	~~XXXX~~	30AUG91-12JUN95	MT1CFCSV	23JUN95	6
MSGT MCCALL, STEVEN E.	3	~~XXXX~~	28MAR94-30SEP95	MT1CFDTZ	01AUG95	1
MSGT PARKHILL, JAMES E., JR.	0	~~XXXX~~	26JUL91-30JUN95	MT1CFXY7	30JUL95	8
MSGT SMITH, RANDALL L.	1	~~XXXX~~	01FEB94-30SEP95	MT1CFXXX	01SEP95	1
MSGT STEELE, JAMES J., JR.	0	~~XXXX~~	21JUL90-31AUG95	MT1CFNJO	30SEP95	8

2. By direction of the Secretary of the Air Force and the approval of the Commander of the 347th Wing (ACC), the following individuals are awarded the AIR FORCE ACHIEVEMENT MEDAL for meritorious service during the period indicated, effective at the termination of the period covered.

GRADE/NAME	OLC	SSAN	PERIOD	PAS CODE	RDP	CODE
SRA CALLIS, DAVID A.	0	~~XXXX~~	05AUG92-15AUG95	MT1CF9RS	16JUL95	6

3. 347th Mission Support Squadron (ACC) Special Order GA-96, dated 14 AUG 95, pertaining to the award of the AIR FORCE ACHIEVEMENT MEDAL (1 OLC) to Sra Brandon, Deryl L., is revoked.



MICHAEL A. BROWN, Capt, USAF
Chief, Military Personnel Flight

DISTRIBUTION: GA
S.O. GA-01



THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:
THIS IS TO CERTIFY THAT THE PRESIDENT OF THE UNITED STATES OF
AMERICA AUTHORIZED BY EXECUTIVE ORDER, 16 JANUARY 1969 HAS
AWARDED

THE MERITORIOUS SERVICE MEDAL

(FIRST CLASS CLUSTER)

TO

MASTER SERGEANT DIANE E. BROWN

FOR

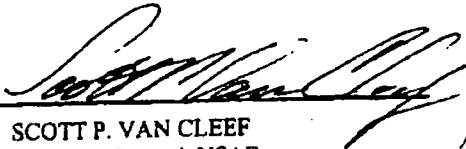
MERITORIOUS SERVICE
6 JULY 1995 TO 4 JULY 1999

ACCOMPLISHMENTS

Master Sergeant Diane E. Brown distinguished herself in the performance of outstanding service to the United States while assigned to the 52d Component Repair Squadron, 52d Logistics Group, 52d Fighter Wing, Spangdahlem Air Base, Germany. As assistant squadron maintenance superintendent, Sergeant Brown directed support for 88 major deployments and contingency operations to 25 different locations. Within her first 7 months as chief of jet engine intermediate maintenance, she reconciled four engine accounts which had been neglected for over 2 years, located 150,000 dollars in missing equipment and fixed over 2,900 records. Due to her in-depth knowledge of supply, maintenance and depot operations, she increased the average spare level for F110-GE-129 engines for 3 straight years, culminating in an all-time command record. During Operation ALLIED FORCE, she was hand-picked to lead the group's crisis action team and was key to the success of the operation. Her leadership played a significant role in the 52d Fighter Wing earning the coveted 1995 United States Air Forces in Europe Maintenance Effectiveness Award and led to her unit earning the only "Excellent" rating for maintenance during the 1997 Quality Air Force Assessment. The singularly distinctive accomplishments of Sergeant Brown reflect great credit upon herself and the United States Air Force.

GIVEN UNDER MY HAND

26 JULY 1999


SCOTT P. VAN CLEEF
Brigadier General, USAF
Commander, 52d Fighter Wing (USAFE)





THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:
THIS IS TO CERTIFY THAT THE PRESIDENT OF THE UNITED STATES OF
AMERICA AUTHORIZED BY EXECUTIVE ORDER, 16 JANUARY 1969 HAS
AWARDED

THE MERITORIOUS SERVICE MEDAL

(SECOND OAK LEAF CLUSTER)

TO

SENIOR MASTER SERGEANT DIANE E. BROWN

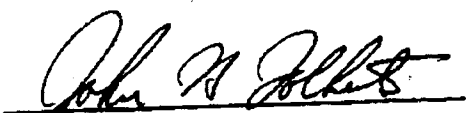
FOR

MERITORIOUS SERVICE
9 JULY 1999 TO 17 SEPTEMBER 2001

ACCOMPLISHMENTS

Senior Master Sergeant Diane E. Brown distinguished herself in the performance of outstanding service to the United States as Propulsion Flight Chief, 347th Maintenance Squadron, 347th Logistics Group, 347th Rescue Wing, Moody Air Force Base, Georgia. Sergeant Brown's superior leadership led to numerous milestones in F-16 war readiness. Inheriting numerous aircraft engine holes, a wall of incoming maintenance, and a tired workforce, she turned the tide, eliminated engine holes, produced reliable spares and rejuvenated morale. Sergeant Brown maximized available manpower to battle severe parts shortages, setting record production of 80 engines in 10 months, resulting in Moody's highest spare level in 4 years and Air Combat Command's lowest awaiting maintenance rate in 1999. Her coordination with the global propulsion community led to a seamless transfer of all engines and equipment and closed the flight with pride and class, providing quality people and equipment across the Air Force. The distinctive accomplishments of Sergeant Brown reflect great credit upon herself and the United States Air Force.

GIVEN UNDER MY HAND
5 OCTOBER 2001


JOHN H. FOLKERTS
Brigadier General, USAF
Commander, 347th Rescue Wing





THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:
THIS IS TO CERTIFY THAT THE PRESIDENT OF THE UNITED STATES OF
AMERICA AUTHORIZED BY EXECUTIVE ORDER, 16 JANUARY 1969 HAS
AWARDED

THE MERITORIOUS SERVICE MEDAL

(~~REDACTED~~)

TO

SENIOR MASTER SERGEANT DIANE E. BROWN

FOR

MERITORIOUS SERVICE
20 SEPTEMBER 2001 TO 30 SEPTEMBER 2003

ACCOMPLISHMENTS

Senior Master Sergeant Diane E. Brown distinguished herself in the performance of outstanding service to the United States as First Sergeant, 1st Operations Support Squadron, 1st Fighter Wing, Langley Air Force Base, Virginia. During this period, Sergeant Brown displayed outstanding qualities of professionalism, initiative and concern for every individual assigned to the 1st Operations Group. She selflessly contributed her time to raise over 15,000 dollars and provided over 350 Thanksgiving baskets to needy families. Her vision, leadership and tenacity as First Sergeant, 485th Expeditionary Operations Group, enabled the 485th Air Expeditionary Wing to execute 571 F-15 and 2,405 C-130 mishap-free sorties critical to providing complete air superiority and delivering crucial supplies across the theater during Operation IRAQI FREEDOM. Her incredible energy was the linchpin to success in building a bare base from 11 to 3,400 people and combat operations in 17 days. The singularly distinctive accomplishments of Sergeant Brown culminate a distinguished career in the service of her country and reflect great credit upon herself and the United States Air Force.

GIVEN UNDER MY HAND

21 AUGUST 2003

William L. Bledsoe
WILLIAM L. BLEDSOE, Colonel, USAF
Commander, 1st Fighter Wing



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST MISSION SUPPORT SQUADRON (ACC)
LANGLEY AIR FORCE BASE, VIRGINIA 23665

22 AUG 2003

SPECIAL ORDER
GA-155

By the direction of the President, and the approval of the Commander, 1 FW (ACC), the following is awarded the **Meritorious Service Medal** for outstanding non-combat meritorious service. Award is effective on the close out date indicated.

NAME	SSN	PERIODS	OLC	PAS CODE	RDP	COND
SMS BROWN, Diane E.	[REDACTED]	010920 - 030930	3	LE1CFH0Y	030610	1

FOR THE COMMANDER



LEONARD SHEPPARD, SMSGT, USAF
Superintendent, Customer Support

DISTRIBUTION
"GA"

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST MISSION SUPPORT SQUADRON (ACC)
LANGLEY AIR FORCE BASE, VIRGINIA 23665

22 AUG 2003

SPECIAL ORDER
GA-155

By the direction of the President, and the approval of the Commander, 1 FW (ACC), the following is awarded the Meritorious Service Medal for outstanding non-combat meritorious service. Award is effective on the close out date indicated.

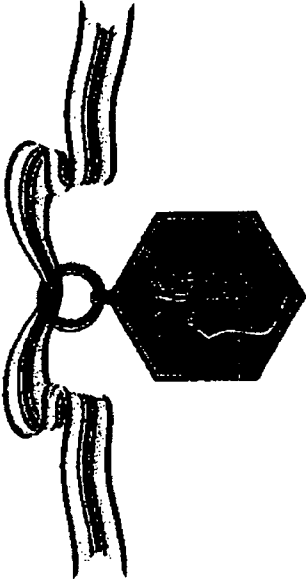
NAME	SSN	PERIODS	OLC	PAS CODE	RDP	COND
SMS BROWN, Diane E.	~~XXXXXXXXXX~~	010920 - 030930	3	LEICFH0Y	030610	1

FOR THE COMMANDER



LEONARD SHEPPARD, SMSGT, USAF
Superintendent, Customer Support

DISTRIBUTION
"GA"



DEPARTMENT OF THE AIR FORCE

THIS IS TO CERTIFY THAT
THE AIR FORCE COMMENDATION MEDAL
HAS BEEN AWARDED TO

SENIOR AIRMAN DIANE E. DOWNEY

FOR

MERITORIOUS SERVICE
16 JULY 1981 - 11 JANUARY 1985

GIVEN UNDER MY HAND
THIS 18TH DAY OF DECEMBER 1984

[Signature]
Lieutenant General, USAF
Commander, Eighth Air Force

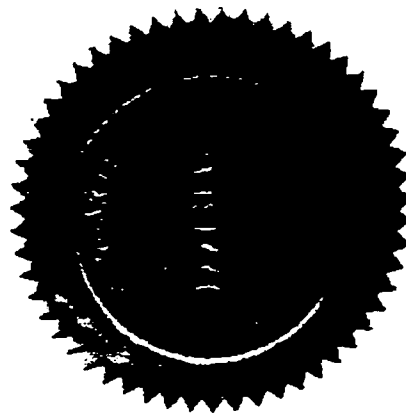


CITATION TO ACCOMPANY THE AWARD OF
THE AIR FORCE COMMENDATION MEDAL

TO

DIANE E. DOWNEY

Senior Airman Diane E. Downey distinguished herself by meritorious service as Engine Conditioning Monitoring Program Monitor, Comprehensive Engine Management System Monitor, Bench Stock Monitor, and Jet Engine Mechanic, 19th Field Maintenance Squadron, 19th Bombardment Wing and 19th Air Refueling Wing, Robins Air Force Base, Georgia, from 16 July 1981 to 11 January 1985. During this period, Airman Downey's outstanding professional skill, knowledge, and leadership were major factors in the wing's successful conversion to an automated comprehensive engine management system and engine conditioning monitoring program. Through her diligence, both computer systems were put into operation in record time. The distinctive accomplishments of Airman Downey reflect credit upon herself and the United States Air Force.





DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 19TH AIR REFUELING WING (SAC)
ROBIN AIR FORCE BASE, GEORGIA 31098

REPLY TO
ATTN OF: CV

15 NOV 1984

SUBJECT: Recommendation for Decoration

TO: 8 AF/DPH

1. Recommend approval.
2. SrA Downey's outstanding leadership and devotion to duty have enhanced the overall effectiveness of the 19th Field Maintenance Squadron Propulsion Branch. Her ability to train subordinates and comprehend and implement new systems for managing engine monitoring systems has aided immensely in reducing costly premature engine failures. Her high performance standards are certainly noteworthy and warrant approval of this award.

DENSEL K. ACHESON, Colonel, USAF
Vice Commander

AIR FORCE ACHIEVEMENT MEDAL AND AIR FORCE COMMENDATION MEDAL JUSTIFICATION		DATE
		18 Oct 84
1. LAST NAME - FIRST NAME - MIDDLE INITIAL	2. GRADE	3. SSAN
JAWNEY, DIANE E.	SRA	F-100-100-100
4. DUTY TITLE(S) DURING INCLUSIVE PERIOD		
Engine Conditioning Monitoring Program Monitor, Comprehensive Engine Management System Monitor, Bench Stock Monitor, Jet Engine Mechanic		
5. JUSTIFICATION (Use a short "Bullet" statement for each accomplishment. Minimize description—emphasize results. Use only as many bullets as required. Additional space below the dotted lines may be used for Air Force Commendation Medal Justification only.)		
6. PRIMARY JOB ACCOMPLISHMENTS:		
(1) Devised the conversion plan for the Comprehensive Engine Management System (CEMS). Her in-depth planning allowed for an early and accurate conversion from a manual to an automated engine managing and reporting system. Results: CEMS is solidly on track. (2) Supervised implementation of automated Engine Conditioning Monitoring Program (ECMP) and single-handedly put the program into operation ahead of schedule. In Jan 84, the HQ SAC Inspector General commented, "thorough, accurate, and professionally maintained" program. (3) Mastered the complexities of CEMS and ECMP and developed a comprehensive training program for others to follow. Results are outstanding. For the first time we have in-depth expertise in all facets of these important programs. (4) Interpreted and analyzed aircraft in-flight data for the ECMP. Through her astute monitoring, five potential engine failures were identified and corrected. Results: Saved the Air Force over \$75,000 and 2,000 man-hours in repair actions. (5) As technical order monitor, she devised a system for tracking supplements for over 400 technical orders (T.O.). During her tenure, branch T.O.s were consistently rated error-free by higher headquarters and quality assurance inspectors.		
(6) As bench stock monitor, she refurbished and updated the bench stock section. Results: not only did she increase line items from 750 to 1260, but she eliminated wasted man-hours used for the requisition of high use parts. (7) Working with base engine manager, wing plans and scheduling, and documentation section on her off-duty time, her efforts increased efficiency in management of the CEMS program. Results: Error-free reporting of engine status changes.		
7. OTHER ACCOMPLISHMENTS: (Special projects, additional duties, etc.)		
(1) "Honor Graduate" Warner Robins ALC NCO Preparatory Course Class 84-2. First in her class in leadership, management, communicative and academic skills. (2) Selected as squadron Maintenance Airman of the Month for May 84. (3) During a clerical shortage, doubled as branch administrative specialist. She quickly mastered clerical duties and enhanced administrative support, by upgrading our neglected branch file plan, and eliminated late suspenses to all wing agencies.		
(4) Worked diligently as an official squadron coordinator for the Georgia Special Olympics from 1982 - 1984. Results: Greatly enhanced community relations by participating in activities for handicapped citizens of Houston County and surrounding areas. (5) Member of Squadron Advisor Council, Aug 82 - Jan 83. Extremely active in wing and squadron activities. Our unanimous choice to spearhead the branch Combined Federal Campaign for 1983. Through her efforts, we exceeded our goal by 18 percent.		
8. NAME, GRADE AND TITLE OF INITIATOR		9. SIGNATURE
ROBERT H. JACOBS, Major, USAF Commander		R. H. Jacobs

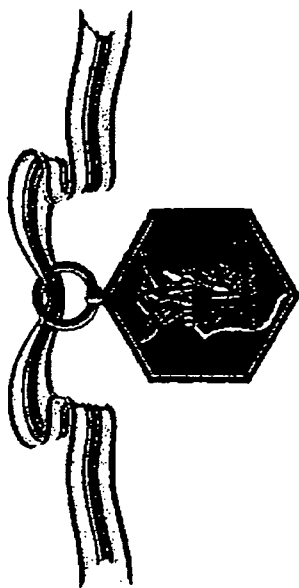
DEPARTMENT OF THE AIR FORCE
HEADQUARTERS EIGHTH AIR FORCE (SAC)
BARKSDALE AIR FORCE BASE, LOUISIANA 71110-5002

SPECIAL ORDER
G-292

18 DECEMBER 1984

By direction of the Secretary of the Air Force, each of the following individuals is awarded the AIR FORCE COMMENDATION MEDAL for meritorious service during the period indicated. Award of this decoration is effective concurrent with termination date of service recognized.

GRADE/NAME	SSAN	INCLUSIVE DATES	PAS CODE	RDP DT	CLUSTER
MAJ MILES H. STRALY	[REDACTED]	23 JUL 1979 - 1 OCT 1984	BXOSFH3N	840414	(20LC)
CAPT KURT C. ANDERSON	[REDACTED]	28 JUN 1981 - 30 OCT 1984	WZOSFC92	840818	
CAPT JEFFREY G. CHING	[REDACTED]	30 JUN 1979 - 31 DEC 1984	WTOSFDWZ	840922	
CAPT BRUCE K. CHRISTICH	[REDACTED]	5 OCT 1980 - 16 NOV 1984	LPOSFDY6	840901	
CAPT MARY CONRAD	[REDACTED]	13 AUG 1982 - 10 JAN 1985	WTOSFDNW	840818	(10LC)
CAPT JAMES P. COUNSMAN	[REDACTED]	1 FEB 1983 - 7 MAR 1985	LSOSFDNS	841103	
CAPT MITCHELL C. DAVITTE JR.	[REDACTED]	29 APR 1981 - 31 DEC 1984	RXOSFH36	840926	
CAPT HELEN H. G. DEVOTO	[REDACTED]	13 FEB 1982 - 10 FEB 1985	PSOSFH3R	840929	
CAPT BRIAN D. DOBBERT	[REDACTED]	9 DEC 1980 - 21 NOV 1984	BXOSFH3N	840823	(10LC)
CAPT JOSEPH L. MORINA	[REDACTED]	2 DEC 1981 - 4 SEP 1984	LSOSFC9L	840728	
CAPT ROBERT S. ORRIS	[REDACTED]	15 JUN 1980 - 31 OCT 1984	MKOSFDWL	840720	(10LC)
CAPT MICHAEL J. RENNER	[REDACTED]	25 OCT 1982 - 30 SEP 1984	BXOSFDJ3	840913	
CAPT BONNIE J. SCHWARTZ	[REDACTED]	11 NOV 1980 - 2 JUN 1984	MKOSFDWO	841002	
CAPT SCOTTIE L. SMITH	[REDACTED]	31 JUL 1981 - 1 NOV 1984	MLOSFDZW	840901	(10LC)
CAPT MARK J. TROIANO	[REDACTED]	2 JAN 1981 - 23 JAN 1985	PSOSFH3Q	841010	(10LC)
CAPT GEORGE M. WELLS	[REDACTED]	30 OCT 1981 - 15 FEB 1985	LSOSFDBQ	840825	(20LC)
CAPT KENNETH A. WOODHAM	[REDACTED]	23 MAR 1981 - 12 JAN 1985	WZOSFDPP	841016	
1ST LT WILLIAM J. BREMBECK	[REDACTED]	2 JAN 1983 - 30 MAR 1985	WZOSFDHH	841006	
1ST LT KEITH P. GUILLOTTE	[REDACTED]	20 SEP 1982 - 15 DEC 1984	PJOSFK27	840927	
1ST LT JONATHAN D. VANGUILDER	[REDACTED]	2 JAN 1982 - 25 JAN 1985	SMOSFH35	840802	
SMSGT TEOFILO INES JR.	[REDACTED]	2 OCT 1983 - 31 JAN 1985	MKOSFXP1	840915	(20LC)
MSGT FREDERICK G. BLESSE	[REDACTED]	13 AUG 1981 - 16 DEC 1984	PSOSFDYT	840908	
MSGT KATHY J. DEYOUNG	[REDACTED]	1 OCT 1983 - 1 OCT 1984	WZOSF2N2	840915	(30LC)
MSGT HANS J. FEYE	[REDACTED]	27 AUG 1980 - 15 DEC 1984	PSOSFDX4	841005	(20LC)
MSGT JAMES E. MARTIN	[REDACTED]	30 MAR 1983 - 30 JAN 1985	PSOSFDX4	840901	(40LC)
MSGT VESTER M. MIXON JR.	[REDACTED]	1 SEP 1982 - 14 DEC 1984	WTOSFDHG	841006	(20LC)
MSGT ROBERT R. PETERSON	[REDACTED]	16 OCT 1980 - 30 JUN 1984	GWOSFDRF	840714	(20LC)
MSGT DAVID B. SHIRK	[REDACTED]	25 SEP 1982 - 5 JAN 1985	GWOSFVD2	841006	(10LC)
MSGT WILLIAM A. STATKUS	[REDACTED]	7 AUG 1981 - 31 JAN 1985	BNOSFDG7	840930	
TSGT CARL L. AVERITT	[REDACTED]	8 OCT 1976 - 26 APR 1984	BBOSFDRX	840127	
TSGT DAVID I. BAXTER	[REDACTED]	12 AUG 1983 - 30 DEC 1984	BNOSFDBY	841025	
TSGT RONALD L. CONTRILLO	[REDACTED]	11 APR 1983 - 1 FEB 1985	GWOSFVD1	840811	(10LC)
TSGT MICHAEL L. COOK	[REDACTED]	26 DEC 1977 - 31 OCT 1984	BNOSF2NP	840930	
TSGT JOHN C. CORMIN	[REDACTED]	15 JUN 1981 - 18 AUG 1984	BXOSFDDW	840623	(10LC)
TSGT JOHN R. GROGAN	[REDACTED]	4 MAR 1983 - 29 SEP 1984	CFOSFDR1	840905	
TSGT DOUGLAS R. LEWIS	[REDACTED]	27 MAY 1982 - 1 FEB 1985	PJOSFDC8	840913	(10LC)
TSGT GARY R. LEWIS	[REDACTED]	23 FEB 1982 - 4 DEC 1984	GWOSFH2K	841006	(20LC)
TSGT CARMEN A. MALONE	[REDACTED]	1 NOV 1981 - 5 NOV 1984	LPOSFDWW	841020	(10LC)
TSGT GARY L. MESKE	[REDACTED]	29 NOV 1979 - 26 SEP 1983	BXOSFDLR	840805	(10LC)
TSGT ROBERT A. MORELAND	[REDACTED]	4 JAN 1981 - 18 DEC 1984	GWOSFDRF	841006	
TSGT WARREN D. MORGAN II	[REDACTED]	2 AUG 1982 - 1 MAR 1985	GWOSFDL1	840908	(10LC)
TSGT WILLIAM D. STRUBLE	[REDACTED]	1 FEB 1983 - 30 JAN 1985	KYOSFDIX	841013	(20LC)
TSGT JAMES R. TILLOTSON	[REDACTED]	30 DEC 1982 - 1 FEB 1985	WTOSFDDO	840918	(20LC)
TSGT MICHAEL W. WESTBERG	[REDACTED]	28 JUN 1978 - 11 JUN 1984	WZOSFH2F	840320	(10LC)
SSGT CARL W. CLARK	[REDACTED]	29 JUN 1982 - 1 OCT 1984	BXOSFDC7	840814	(20LC)
SSGT ALVIN CUNNINGHAM JR.	[REDACTED]	10 JUN 1983 - 1 DEC 1984	AXOSFZZD	840818	
SSGT JOEY FLATEAU	[REDACTED]	7 MAR 1982 - 3 SEP 1984	GWOSFDRF	841021	(10LC)



DEPARTMENT OF THE AIR FORCE

THIS IS TO CERTIFY THAT THE AIR FORCE COMMENDATION MEDAL

(FIRST OAK LEAF CLUSTER)

HAS BEEN AWARDED TO

STAFF SERGEANT DIANE E. BROWN

FOR

MERITORIOUS SERVICE

14 JUNE 1986 TO 1 JUNE 1989

GIVEN UNDER MY HAND

THIS 1st DAY OF AUGUST 1989


Major General, USAF
Commander
Seventeenth Air Force

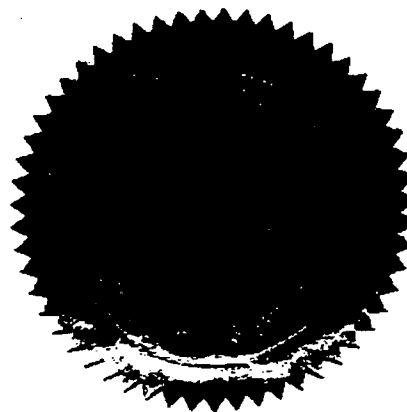


CITATION TO ACCOMPANY THE AWARD OF
THE AIR FORCE COMMENDATION MEDAL
(FIRST OAK LEAF CLUSTER)

TO

DIANE E. BROWN

Staff Sergeant Diane E. Brown distinguished herself by meritorious service as Engine Manager, Engine Management Branch, 52d Tactical Fighter Wing, Spangdahlem Air Base, Germany, from 14 June 1986 to 1 June 1989. During this period, Sergeant Brown's professional skill, knowledge and leadership aided immeasurably in identifying problem areas of engine management and developing and implementing projects capable of solving these problems. The distinctive accomplishments of Sergeant Brown reflect credit upon herself and the United States Air Force.



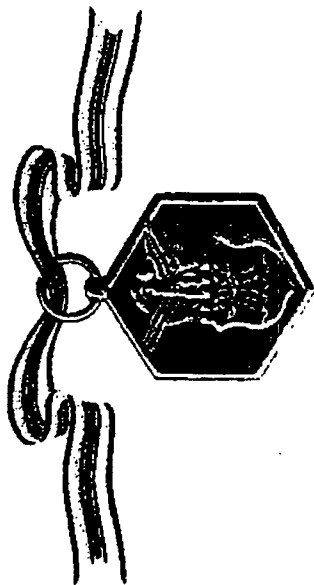
DEPARTMENT OF THE AIR FORCE
HEADQUARTERS SEVENTEENTH AIR FORCE (USAF)
APO NEW YORK 09136-5000

SPECIAL ORDER
GA-61

01 AUG 1989

By direction of the Secretary of the Air Force, and with the approval of the Commander, Seventeenth Air Force, each of the following is awarded the Air Force Commendation Medal for Meritorious Service for the period indicated.

<u>GRADE/NAME</u>	<u>SSAN</u>	<u>PERIOD</u>	<u>PAS CODE</u>	<u>OLC</u>	<u>RDP</u>	<u>COND</u>
MAJ THOMAS N. BEACH	[REDACTED]	26AUG86-01AUG89	STODFBG0	00	08APR89	6
MAJ STEVEN J. HARMON	[REDACTED]	25JUL86-25JUL89	SJODF4GG	02	01APR89	6
CPT GARY D. CURRY	[REDACTED]	28JUN85-08JUN88	KFOJFCC1	01	16MAR89	6
CPT VANCE R. SKARSTEDT	[REDACTED]	17MAR85-10JUN89	ZNODFB1N	01	04MAR89	6
CPT TERRY D. TICHENOR	[REDACTED]	29MAY86-15MAY89	CCODF6PB	01	06APR89	6
CPT WALTER B. WALK	[REDACTED]	07JUN86-06JUN89	SJODFBV6	02	10FEB89	6
MSG GARY S. COHEN	[REDACTED]	18JUN85-01JUN89	STODFBKJ	02	18FEB89	6
MSG DANIEL G. HARRELSON	[REDACTED]	07AUG86-01JUN89	STODFBH1	03	25FEB89	6
MSG FELINO R. SAJONA	[REDACTED]	16JAN85-21JAN89	WUODFBW5	01	11JAN89	6
TSG PATRICIA L. CELES	[REDACTED]	24JUN85-03JUN89	SJODFZB3	01	11MAR89	6
TSG JOSEPH C. GAURONSKAS	[REDACTED]	07SEP86-10FEB89	SJODFDL7	01	09FEB89	6
TSG GARY L. HOWE	[REDACTED]	08JAN86-17MAY89	SJODFBR4	03	06JAN89	6
TSG DANETTE A. KIRK	[REDACTED]	21JUN85-01JUN89	STODFBJD	00	04FEB89	6
TSG ROBERT L. LACOURSE	[REDACTED]	09JUL85-08JUL89	HBODFBKF	01	11MAR89	6
TSG LUIS E. LUNA	[REDACTED]	08JAN86-09JAN89	ZNODFTR5	02	17DEC88	6
TSG BRADLEY P. NEER, JR.	[REDACTED]	25FEB86-01JUL89	STODFBH1	02	04MAR89	6
TSG GREGORY A. PALMER	[REDACTED]	01MAY85-30APR89	RFODFW8D	01	07JAN89	6
TSG DONNA LESLIE SAIZ	[REDACTED]	22MAR84-01MAR89	ZNODFTR9	02	17DEC88	6
TSG ERROL A. SANDERS	[REDACTED]	04JAN87-06JAN89	HBODFBZ	00	17DEC88	6
TSG GEORGE Y. TIERCE, JR.	[REDACTED]	21MAR85-07MAR89	HBODFBTL	03	17DEC88	6
SSG WILLIAM S. ANDERSON	[REDACTED]	04JUN87-30JUN89	WUODFCBQ	01	11MAR89	6
SSG TYRONE AUSTIN, JR.	[REDACTED]	14MAY85-11MAR89	WUODFGBW	00	18FEB89	6
SSG DIANE E. BROWN	[REDACTED]	14JUN86-01JUN89	STODFBJD	01	18FEB89	6
SSG BOYKIN CARTER, III	[REDACTED]	20MAY86-19MAY89	HBODFBKF	01	22JAN89	6
SSG CORNELL T. GREEN	[REDACTED]	31JUL84-20APR89	SJODFBOJ	00	23DEC88	6
SS WILLIAM T. HARDY	[REDACTED]	06MAY86-01MAY89	WUODFGB5	00	07JAN89	6
SSG MICHAEL HORD	[REDACTED]	20APR86-20APR89	HBODFF35	02	06DEC88	6
SSG KEVIN L. JARDINE	[REDACTED]	11JAN85-22APR89	STODFBH6	00	10DEC88	6
SSG DANIEL L. JOHNSON	[REDACTED]	17APR85-10JUN89	SJODF18X	01	17MAR89	6
SSG WILLIAM L. LIVINGOOD	[REDACTED]	16APR86-30APR89	RFODFB1T	00	07JAN89	6
SSG RICKY L. MINYARD	[REDACTED]	21JAN86-26APR89	RFODFBKX	00	07JAN89	6
SSG KEVIN E. McDONALD	[REDACTED]	09OCT85-14APR89	HBODFY8N	00	04FEB89	6
SSG STAN L. OREBAUGH	[REDACTED]	21OCT86-01FEB89	HBODFBZ	01	05JAN89	6
SSG CHRISTINA L. SEDIVCO	[REDACTED]	01AUG85-01DEC88	HBODFY8N	01	16NOV88	6
SSG STEWART W. SMITH	[REDACTED]	26AUG85-01AUG89	SJODFBV6	01	07APR89	6
SSG DEREK S. STOKES	[REDACTED]	09JUL83-06APR88	STODFBKJ	00	31MAY88	8
SSG CARY C. TAMPERINO	[REDACTED]	28JUN85-11APR89	HBODF5ZR	00	17DEC88	6
SSG SAGRAS T. TAMPON	[REDACTED]	06MAR86-15MAY89	HBODF42L	00	22JAN89	6
SSG GREGORY L. TAYLOR	[REDACTED]	27OCT85-01JUN89	STODFBH5	00	04FEB89	6
SSG JAMES P. THORNTON	[REDACTED]	21JAN84-20MAY89	HBODFBKF	00	22JAN89	6
SSG DEAN E. TRIPLETT	[REDACTED]	07MAR84-10APR89	RFODFBKX	00	23DEC88	6
SSG WALKER E. WOOD, III	[REDACTED]	21FEB86-15FEB89	HBODF5ZR	00	22JAN89	6



DEPARTMENT OF THE AIR FORCE

THIS IS TO CERTIFY THAT THE AIR FORCE COMMENDATION MEDAL (SECOND OR HIGHER DEGREE)

HAS BEEN AWARDED TO

MASTER SERGEANT DIANE E. BROWN

FOR

MERITORIOUS SERVICE

17 JUNE 1989 TO 20 SEPTEMBER 1993

GIVEN UNDER MY HAND

THIS 18TH DAY OF NOVEMBER 1993

J. L. Mathers

JAMES L. MATHERS, Brig Gen, USAF
Commander
347th Fighter Wing



CITATION TO ACCOMPANY THE AWARD OF

THE AIR FORCE COMMENDATION MEDAL
(SECOND OAK LEAF CLUSTER)

TO

DIANE E. BROWN

Master Sergeant Diane E. Brown distinguished herself by meritorious service in various assignments culminating as Superintendent, Engine Management Element, 347th Logistics Support Squadron, 347th Fighter Wing, Moody Air Force Base, Georgia, from 17 June 1989 to 20 September 1993. During her tenure she provided the leadership and guidance that enabled the element to continually progress toward future successes. Sergeant Brown implemented procedures for engine direct line reporting from the 347th Fighter Wing to the Central Data Base at Tinker Air Force Base, Oklahoma. This new on-line processing eliminated time consuming data reconciliations and reduced transaction processing times by 80 percent. She put her organizational and coordinative skills to the test with the completion of engine safety Time Compliance Technical Order 2J-F110-643 for which she managed the compliance of 164 engines three months ahead of schedule. Sergeant Brown led the Engine Management Element for the largest F110-100 engine reporting base in the Air Force, responsible for over 160 engines. In a six-month period alone, her element produced over 40 thousand Core Automated Maintenance System transactions, and over 54 thousand engine load transactions, both more than a 500 percent increase from the previous year's totals. The distinctive accomplishments of Sergeant Brown reflect credit upon herself and the United States Air Force.



OJS-32-5787

DEPARTMENT OF THE AIR FORCE
347TH MISSION SUPPORT SQUADRON (ACC)
MOODY AIR FORCE BASE, GEORGIA 31699-5000

SPECIAL ORDER

10 DEC 1993

GA-09

1. By the direction of the President and the approval of the commander of the 347th Fighter Wing, the following individuals are awarded the MERITORIOUS SERVICE MEDAL for outstanding noncombat meritorious service during the period indicated, effective at the termination of the period covered.

GRADE/NAME	OLC	SSAN	PERIOD	PAS CODE	RDP	CODE
CMSGT JONES, DELAMAR T.	2	- [REDACTED]	28DEC92-31DEC93	MT1CFCCG	17AUG93	1
SMSGT FRASU, WAYNE M.	1	- [REDACTED]	09AUG90-31DEC93	MT1CFB94	17SEP93	1
SMSGT KUPCHO, DAVID M.	4	- [REDACTED]	21OCT90-30SEP93	RX1CFBP1	03JUN93	1
MSGT GARTMAN, CLARENCE E JR	1	- [REDACTED]	26JAN92-31DEC93	RX1CFFTR	09SEP93	1
MSGT WIDMAN, BRYAN W.	1	- [REDACTED]	19JUL90-22FEB94	MT1CFK3R	05JUN93	1

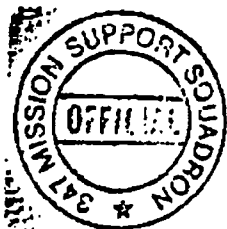
2. By direction of the Secretary of the AIR FORCE, each of the following individuals is awarded the AIR FORCE COMEDATION MEDAL for meritorious service during the period indicated, effective at termination of period covered.

GRADE/NAME	OLC	SSAN	PERIOD	PAS CODE	RDP	CODE
CPT CAREY, MARK R.	3	- [REDACTED]	02SEP91-01NOV93	MT1CFK3R	03SEP93	6
CPT CROCHET, DAVID A	0	- [REDACTED]	25SEP90-01OCT93	MT1CFDTZ	11SEP93	6
CPT JONES, DAVID E.	1	- [REDACTED]	27FEB91-30SEP93	PF1CF9SW	03JUN93	6
CPT MANENTE, VITO	2	- [REDACTED]	01JUN92-30SEP93	PF1CF9SW	10JUN93	6
1LT GREEN, MARK S.	0	- [REDACTED]	11OCT90-01SEP93	PF1CFCOS	21MAY93	6
SMS COLE, HUGO E.	3	- [REDACTED]	30JUL91-25OCT93	RX1CFFTR	21SEP93	6
MSGT BROWN, DIANE E.	2	- [REDACTED]	17JUN89-20SEP93	MT1CFCCK	20SEP93	6
MSGT BROWN, WILLIE B. JR.	3	- [REDACTED]	17AUG89-30SEP93	PF1CF9SX	17JUN93	6
MSGT DAVIS, DANIEL A.	3	- [REDACTED]	13AUG71-30SEP93	PF1CFCBS	09JUN93	6
MSGT HOPKES, JOHN D.	3	- [REDACTED]	12SEP88-30NOV93	RX1CFBK5	05AUG93	1
MSGT SIMMONS, JOHNNY O.	2	- [REDACTED]	17DEC92-02JUN93	MT1CFCKS	31JUL93	4
MSGT TONE, CHRISTOPHER O.	1	- [REDACTED]	01AUG93-30SEP93	MT1CFDTZ	04SEP93	8
TSgt BROCK, RONNIE L.	1	- [REDACTED]	17SEP90-17OCT93	MT1CFCKS	04SEP93	8
TSgt DAWKINS, WILLIAM J.	4	- [REDACTED]	30MAY91-30SEP93	PF1CF9SV	20JUL93	6
TSgt DELLINGER, GREGORY N.	2	- [REDACTED]	01AUG90-15SEP93	PF1CFCBS	09JUN93	6
TSgt DICKEY, PATRICK J.	2	- [REDACTED]	26JUL91-01DEC93	MT1CFDTZ	06AUG93	6
TSgt GLASSMYER, GARY T.	1	- [REDACTED]	05APR80-25OCT93	MT1CFCBV	15AUG93	6
TSgt HEIDER, JOSEPH R.	3	- [REDACTED]	22JUN92-01AUG93	MT1CFY1B	10APR93	6
TSgt HOUSTON, VINSON H.	3	- [REDACTED]	24SEP90-30SEP93	MT1CFCKS	04SEP93	8
TSgt JAVIER, VICENTE M.	1	- [REDACTED]	25JUN91-15SEP93	PF1CF9SV	20JUL93	6
TSgt VANDERLAAN, WILLIAM A.	0	- [REDACTED]	08JAN90-01JUN93	MT1CFY2Z	07MAY93	6
SSgt BRAITENG, KENNETH	1	- [REDACTED]	17MAR87-30SEP93	PF1CF9SV	15JUL93	6
SSgt HIATT, RUSSELL M.	0	- [REDACTED]	24NOV86-14JUN93	MT1CFY2Z	10MAR93	6
SSgt JAMES, THOMAS J.	0	- [REDACTED]	26SEP84-15SEP93	PF1CF9SV	15JUL93	6
SSgt LAWSON, PAUL D.	0	- [REDACTED]	12APR91-01JUN93	MT1CFY2Z	08FEB93	6
SSgt PORTER, DERRICK E	1	- [REDACTED]	03SEP90-15AUG93	MT1CFY2Z	27AUG93	6
SSgt ROBERSON, RONALD S.	0	- [REDACTED]	28AUG87-24NOV93	RX1CFBK5	05AUG93	6
SSgt ROURKE, MICHAEL P.	1	- [REDACTED]	01OCT90-29OCT93	MT1CFDTZ	06AUG93	6
SSgt SMALL, JOHN P.	0	- [REDACTED]	07FEB90-01AUG93	RX1CFFTR	05OCT93	8
SSgt STALVEY, RODERICK L.	2	- [REDACTED]	07MAY92-30SEP93	MT1CFFPG	12JUL93	1

SSGT TOPPIN, CARL ADRIAN	0	-	~~REDACTED~~	06NOV87-27JAN93 MT1CFYZ6	16JAN93 6
SSGT WATTS, RONNIE D.	0	-	~~REDACTED~~	19OCT84-10JAN94 RX1CFBP2	16SEP93 2
SGT HOLLOWAY, ADRIANNE M.	0	-	~~REDACTED~~	18DEC87-29OCT93 MT1CFB94	14SEP93 6
SGT LAMB, WILLIAM T.	0	-	~~REDACTED~~	16APR90-01MAY93 MT1CFXXX	07JAN93 6

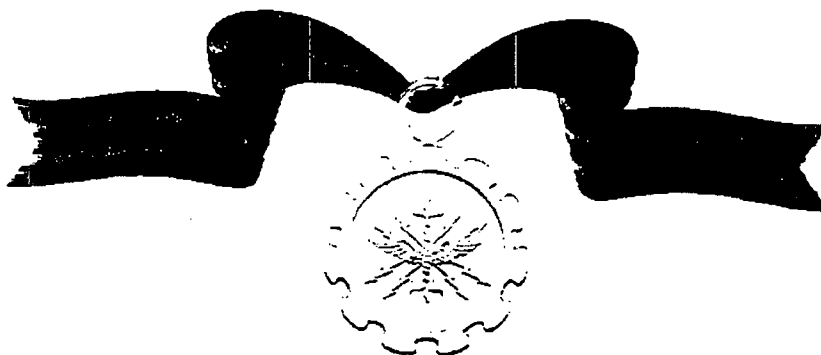
3. 347TH Mission Support Squadron (ADC) Special Order GA-12, dated 15 Mar 93 pertaining to the award Air Force Commendation Medal Basic, to SSgt Cornell, Steven S. Order is amended to read Air Force Commendation Medal (1OLC).

FOR THE COMMANDER



KEITH W. GAY, CAPT, USAF
Chief, Military Personnel

S.O GA-09



DEPARTMENT OF THE AIR FORCE

THIS IS TO CERTIFY THAT
THE AIR FORCE ACHIEVEMENT MEDAL
HAS BEEN AWARDED TO

STAFF SERGEANT DIANE E. DOWNEY
FOR

MERITORIOUS SERVICE
30 JANUARY 1985 TO 13 JUNE 1986

ACCOMPLISHMENTS

Sergeant Downey's professionalism, outstanding technical abilities, and devotion to duty aided immeasurably in providing safe, reliable J79 engines to meet wing requirements. Her valuable contributions in the Propulsion Branch material support section provided critical spare parts, tools and equipment that led to improved J79 engine production and enhanced the 52d Tactical Fighter Wing's mission effectiveness.

GIVEN UNDER MY HAND THIS 12TH DAY OF SEPTEMBER 19 86

Lawrence E. Day
LAWRENCE E. DAY, Colonel, USAF
Commander, 52d Tactical Fighter Wing
USAF



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 52D COMBAT SUPPORT GROUP (USAF)
APO NEW YORK 09123-5000

SPECIAL ORDER
GA-16

12 Sep 86

1. By direction of the Secretary of the Air Force and with the approval of the Commander 52TFW (USAF), each of the following are awarded the **AIR FORCE ACHIEVEMENT MEDAL** for outstanding achievement for the period indicated. (If the close date of the decoration is subsequent to the date of the order, the effective date will coincide with the termination of the service cited).

MSGT RONALD F. EVENS, [REDACTED] (10LC), 5AUG85-28OCT85, STODFBHG, RDP: 27FEB86
SSGT NANINA I. BALDWIN, [REDACTED], 1OCT85-1JUN86, STODF7PX, RDP: 6AUG86
SSGT LEON HENDLEY, [REDACTED], 28JUN86-29JUN86, STODFGH3, RDP: 8JUL86
SSGT ROBERT A. WITT, [REDACTED], 28JUN86-29JUN86, STODFGH3, RDP: 8JUL86

2. By direction of the Secretary of the Air Force and with the approval of the Commander 52TFW (USAF), each of the following are awarded the **AIR FORCE ACHIEVEMENT MEDAL** for meritorious service for the period indicated. (If the close date of the decoration is subsequent to the date of the order, the effective date will coincide with the termination of the service cited).

CMSGT JAMES E. ALLEN, [REDACTED], 22FEB82-2JUN85, STODFBH1, RDP: 19AUG86
SSGT DIANE E. DOWNEY, [REDACTED], 30JAN85-13JUN86, STODFBH1, RDP: 11JUN86
SSGT CHARLES D. ECKSTEIN, [REDACTED], 1AUG83-2AUG86, STODFBH6, RDP: 6JUN86
SSGT MICHAEL T. MCNABB, [REDACTED], 17SEP83-23SEP86, STODFBH6, RDP: 5JUL86
SSGT CECIL C. PRICE, [REDACTED], 21DEC82-16AUG86, STODFBHK, RDP: 8AUG86
SSGT VICTOR L. SWIRE, [REDACTED], 11JUL83-5SEP86, STODFBHB, RDP: 6JUN86
SRA STEVEN R. AUBUCHON, [REDACTED], 12SEP84-8SEP86, STODFBH6, RDP: 16MAY86
SRA KEVIN S. MCCLUSKY, [REDACTED], 16APR84-15APR86, STODFBHJ, RDP: 10JAN86
A1C CAROLINE A. JONES, [REDACTED], 20JUL84-30SEP86, STODF7PX, RDP: 4JUL86
A1C BARBARA L. PHIPPS, [REDACTED] (10LC) 21AUG84-15OCT86, STODF7PX, RDP: 20JUN86
A1C KRISTIN M. RAYNOR, [REDACTED] (10LC), 5JUL84-2AUG86, STODF7PX, RDP: 23MAY86
A1C JANET C. WEBB, [REDACTED], 6JUL84-3SEP86, STODFBHK, RDP: 13JUN86

3. So much of SO GA-14, 23 JUL 86, this HQ, pertaining to the award of the Air Force Achievement Medal (BASIC) to MSGT DAVID A. DODSON, SR., 309-38-1701 is amended to read (10LC).



MATT A. ROBERTS III, Colonel, USAF
Commander

MARY R. FORD, Capt, USAF
Chief, Base Administration

DISTRIBUTION
1 - 52 TFW/HQ
1 - 52 TFW/PA
1 - 52 MSSQ/DPMAP
1 - 52 MSSQ/DAAO
5 - Individual

GA-16

Form 214-AUTOMATED, FEB 2000 **PREVIOUS EDITION IS OBSOLETE.** MEMBER-1

Retirement Documentation

- DD Form 214, Certificate of Release from Active Duty, 30 September 2003
- Certificate of Retirement, 1 October 2003
- Certificate of Appreciation, 1 October 2003

CAUTION: NOT TO BE USED FOR
IDENTIFICATION PURPOSESTHIS IS AN IMPORTANT RECORD.
SAFEGUARD IT.ANY ALTERATIONS IN SHADED AREAS
RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, first, middle) BROWN, DIANE ELIZABETH		2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE - REG AF		3. SOCIAL SECURITY NUMBER [REDACTED]	
4a. GRADE, RATE OR RANK BMSGT		5. DATE OF BIRTH (YYYYMMDD) 1961		6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) N/A	
7a. PLACE OF ENTRY INTO ACTIVE DUTY ATLANTA GA		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) ROSWELL GA			
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 1 OPERATIONS SUPPORT SQ (ACC)			b. STATION WHERE SEPARATED LANGLEY AFB VA		
9. COMMAND TO WHICH TRANSFERRED NOT APPLICABLE			10. SGDI COVERAGE AMOUNT: \$250,000		
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 8F000-First Sergeant, 2 years. 2A691-Aerospace Propulsion Superintendent, 19 years and 9 months.			12. RECORD OF SERVICE		
			a. DATE ENTERED AS THIS PERIOD		
			b. SEPARATION DATE THIS PERIOD		
			c. NET ACTIVE SERVICE THIS PERIOD		
			d. TOTAL PRIOR ACTIVE SERVICE		
			e. TOTAL PRIOR INACTIVE SERVICE		
			f. FOREIGN SERVICE		
			g. SEA SERVICE		
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) Air Force Achievement Medal, Air Force Commendation Medal with two oak leaf clusters, Meritorious Service Medal with two oak leaf clusters, NCO SEE REMARKS			14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) USAF First Sergeant Academy, 4 weeks, Sep 2001. USAF Senior NCO Academy, 7 weeks, Oct 1998. USAF NCO Academy, 6 weeks, Dec 1992. SEE REMARKS		
15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM			16. DAYS ACCRUED LEAVE PAID - 0 -		
b. HIGH SCHOOL GRADUATE OR EQUIVALENT			17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION		
18. REMARKS ITEM 1a: Professional Military Education Ribbon with three oak leaf clusters, Small Arms Expert Marksmanship Ribbon/Rifle, Air Force BMSGT Honor Graduate Ribbon, National Defense Service Medal with one service star, Air Force Overseas Long Tour Ribbon with one oak leaf cluster, Air Force Training Ribbon, Air Force Longevity Service Award with four oak leaf clusters, Air Force Outstanding Unit Award with two oak leaf clusters, Air Force Good Conduct Medal with six oak leaf clusters. ITEM 1b: NCO Leadership School, 8 weeks, Feb 1997. Engine Management, 2 weeks and 2 days, Sep 1997. NCO Preparatory Course, 4 weeks, Apr 1997. The information contained herein is subject to correction following receipt from the Department of Defense or such other official Federal or non-Federal agency for verification purposes and to comply with DoD and DoD component policies with the requirements of a Federal statute.			19a. MEMBER'S ADDRESS AFTER SEPARATION (Include Zip Code) [REDACTED]		
19b. CRIMINAL RECORD [REDACTED]			20. MEMBER REQUESTS COPY 3 BE SENT TO: [REDACTED]		
21. SIGNATURE OF MEMBER BEING SEPARATED [Signature]			22. OFFICIAL AUTHORIZED TO SIGN [Signature] DIRECTOR OF VETERANS AFFAIRS [Signature] SWEN YOUNG, DACT DRAP NCOIC, RETIREMENTS & SEPARATIONS		

ID Form 214-AUTOMATED, FEB 2000

PREVIOUS EDITION IS OBSOLETE.

MEMBER-1

1. NAME (LAST, FIRST, MI) 2. DEPARTMENT, COMPONENT AND BRANCH 3. SOCIAL SECURITY
BROWN DIANE ELIZABETH AIR FORCE -- REG AF ~~XXXXXXXXXX~~

4a. GRADE, RATE, OR RANK 4b. PAY GRADE 4c. DATE OF SEPARATION
SMSGT E8 2003 Sep 30

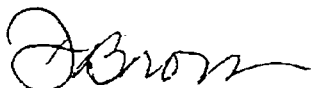
1984. Technical Publications, 2 Days, Jun 1982. OJT Trainee
Orientation, 1 day, Oct 1981. Jet Engine Mechanic, 8 weeks and 2
days, Jul 1981.

Subject to Recall to Active Duty by the Secretary of the Air Force.

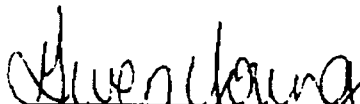
Copy 3 - Department of Veterans Affairs, Data Processing Center (214),
1615 E. Woodward St., Austin TX 78772.

Copy 5 - Lockheed Martin Information Technology, US Department of Labor,
Federal Claims Control Center, P O Box 785070, Orlando FL 32878-5070.

NOTHING FOLLOWS



BROWN DIANE ELIZABETH



GWEN YOUNG, TSGT, USAF
NCOIC, RETIREMENTS & SEPARATIONS



CERTIFICATE OF RETIREMENT
FROM THE ARMED FORCES OF THE UNITED STATES OF AMERICA

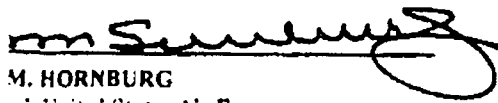
To all who shall see these presents, greeting:
This is to certify that

Senior Master Sergeant Diane E. Brown

having served faithfully and honorably,
was retired from the

UNITED STATES AIR FORCE

on the *First* day of *October, Two Thousand*


M. HORNBURG


CHIEF OF STAFF



CERTIFICATE OF APPRECIATION

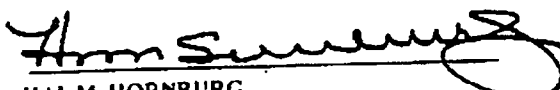
FROM THE UNITED STATES AIR FORCE

*In grateful appreciation,
The United States Air Force presents
this certificate of recognition to:*

Diane E. Brown

*for the commitment and numerous contributions
that made positive impacts to the Nation's defense.
Thank you for the support which gave strength and
purpose to your spouse's service.*

Given this First Day of October, 2003


HAL M. HORNBURG


CHIEF OF STAFF

**EMS-2007: Diane E Brown**

Status: Employee Discussion 13-Mar-2008

Education

University/College	Degree	Major	Grad Yr.	Location
Community College of the Air Force, Montgomery, AL	Associate's	Aeronautics (Military) - Aerospace Propulsion Systems	1995	USA

Pre-University/High School

Pre-University/High School	Location
Crestwood High School	Dunwoody, GA

Corporate Training, Languages

Core Leadership Training	Leadership Programs	Languages
not applicable	not applicable	not applicable

Other Training**GE Training**

LEAN 202(2007)

Other Training

Jet Engine Mishap Investigation Course(1999)

USAF Senior NCO Academy(1998)

USAF NonCommissioned Officer Academy(1982)

F110 Intermediate Maintenance Course(1987)

Other Qualifications

Completed "Siggy" training and kicked off Inaugural DMAIC project for military training course cataloging. Community Service Involvement: member GE Elfun Society, participated in Community Service Fund Golf, Christmas Gift Wrap for Newport Housing Development, and the New Hire Orientation volunteer project for the Free Store Food Bank.

Performed instructor duties for the Bahrain CSM. Persuaded stakeholders to support low-cost conversion of recently developed engine management software into instructor-led course. Collaborated with software programmers, tech writers and graphic designers to develop presentation and handouts. Prior background in engine management enabled me to instruct course without outside vendor support. Satisfied customer expectations, CSM met commitment for less than \$1.5K and facilitated creation of additional military course offering for future customers.

EMS-2007: Diane E Brown

Employment History

From	To	Position Title	Function	Job Family
Business		Manager	Location	GE Band
08/2007		Marketing Program Leader	Marketing	Marketing Operations
Infrastructure - Aviation		Lafferty, Brandon D	Evendale OH US	LPB
09/2003	08/2007	Logistics Support Specialist	Logistics	
Aviation		Scotty Pyeatt	Evendale, OH	Non-GE
07/2001	09/2003	First Sergeant	Human Resources	
US Air Force		Kevin Martin	Langley AFB, VA	Non-GE
07/1999	07/2001	Propulsion Flight Chief	Production Operations	
US Air Force		Stephen Brannen	Moody AFB, GA	Non-GE
05/1998	07/1999	Maintenance Superintendent	Business Management	
US Air Force		David Holmes	Spangdahlem, AB Germany	Non-GE
05/1996	05/1998	Jet Engine Intermediate Maintenance Section Chief	Production Operations	
US Air Force		John Burnish	Spangdahlem, AF Germany	Non-GE
05/1995	05/1996	Material Support Supervisor	Logistics	
US Air Force		Michael Kinser	Spangdahlem AB, Germany	Non-GE
09/1993	05/1995	Inspector General/ Resources Oversight Manager	Fraud Management	
US Air Force		Daniel Dick	Moody AFB, GA	Non-GE
05/1989	09/1993	Engine Management Superintendent	Asset Management	
US Air Force		George Ireland	Moody, AFB GA	Non-GE
05/1988	05/1989	Base Engine Manager	Asset Management	
US Air Force		John Wiker	Spangdahlem AF, GE	Non-GE

EMS-2007: Diane E Brown

Manager Assessment

Contributions/Performance Trend

Diane has made great strides in the past few months becoming fully engaged at GE as she transitioned from her contractor role within GE Military System Operation. In a previous position, her role was one of support in the logistics arena. This allowed her time to get acquainted with GE organizations, processes and procedures. She has quickly become a critical contributor to the group taking the lead on 4 F110 IETM programs. The F110 is a multi-faceted program requiring detailed integration of internal resources as well as suppliers and customers. She has taken on this role with enthusiasm and dedication. Her proactive approach and external focus has lead to the continuation of a superb business relationship with suppliers and customers. Her prior experience enables her to effectively communicate with USAF customers and gives her a detailed understanding of their needs. In addition to the F110 IETM programs, she has contributed in F110 training and special projects within the group.

Diane is a clear thinker who exhibited the ability to set priorities and drive solutions by identifying critical source data gaps in the 128A O-Level Maintenance process. She compiled a team, retrieved missing data, created a process and implemented the solution.

Diane demonstrated outstanding flexibility by fulfilling a last second training commitment for the F110 Bahrain customer. She delivered the course and immediately connected with the customer in a meaningful way. Her external focus maintained customer trust and enhanced GE's reputation with an important F110 customer.

Diane successfully completed all required compliance/integrity training and maintains conduct consistent with GEA policies and procedures. She is a highly valued employee and exhibits a positive performance trend.

Strengths

Diane's expertise provides an excellent understanding of USAF and GE MSO operations. She can leverage experiences from her background and apply them to daily activities within our group. Diane's external focus and clear thinking allow her to foresee customer needs and create realistic solutions that work for the customer and GE. She demonstrates strong inclusiveness skills that establish customer trust and business relationships that ultimately enhance our GE reputation.

Development Needs

Diane needs to work on her imagination skills and expertise within the publications business. Diane is eager to learn and I am positive that her current role as the owner of multiple IETM programs will facilitate her expertise in the publication business in the future. Diane will lead an IETM improvement team in the next year, which will allow her to apply imagination skills acquired in upcoming GE MyLearning courses. Diane is enrolled in and should complete Green Belt training.

Career Interests

Diane needs to continue to grow within her current position. She is eager to enhance business practice skills, networking skills and to complete Green Belt Training. I support Diane's short-term goals and her long-term interest in roles with increased responsibility is realistic.

EMS-2007: Diane E Brown**Accomplishments**

- S: Safety source data gaps exist in Boeing -129A engine tech data.
- T: Increase control and build solid submittal/review processes.
- A: Taking an inclusive approach, I organized a GE-Boeing team to verify data, correct errors and establish vigorous change/publication processes.
- R: Remarkably improved data accuracy and reduced number of defects and flight safety risk.
- S: Fill vacancy in military's most demanding Program Integrator position.
- T: Deliver IETMs on schedule/within budget and maintain customer relationships.
- A: I seamlessly transitioned into position and quickly connected with customers drawing on expertise and affiliations gained from prior military experience. Executed LEAN processes to manage deliveries.
- R: Maintained GE's reputable customer relationships, prevented lapse in service and stayed within budget.
- S: Schedule conflicts and dissatisfied customers due to neglected F110 training administration.
- T: Devise schedule and improve customer satisfaction.
- A: Engaged my imagination to create a catalog that functions as an effective management tool pinpointing class availability, currency, applicability and cost.
- R: Customers benefit from relevant courses and effective scheduling. Sales and Marketing managers confidently consult catalog for contract negotiations, offset programs, and training support services.
- S: 500 maintenance/logistics training hours need to be developed in 9 months for sizeable Saudi engine sale.
- T: Manage, budget and deliver material on schedule to meet contract requirements.
- A: Keeping an external focus, I partnered with F110 Project/Sales in development effort. Carefully planned SOW training requirements for 2008 purchase orders taking into account the Saudi military culture and what knowledge Saudi leadership values most.
- R: Delivery on schedule. Developing unique military training opportunities differentiates GE from competitors creating additional value in future sales.

Strengths

- Expertise; previous GE F110 Logistics Project experience coupled with 23 years military experience provides background necessary to leverage from effectively in my daily work.
- Inclusive leader; connects with others and builds strong internal and external working relationships.
- External Focus; anticipates and listens to needs/requirements of customer/suppliers and works towards solutions.

Development Needs and Plans

- Develop expertise in the publication business and gain experience with corporate business practices and GE organizations to become confident to drive change.
- Expand creativity for project resolution by taking Growth Trait Development Plan "Imagination" courses.
- Complete Green Belt certification while continuing to learn/apply LEAN processes to facilitate work-related

01/18/2011 21:57 TEL 5137799020

CANNON

activities.

006

Career Interests

Short term: learn corporate business practices (via teammates, mentors, and learning center courses), ramp up internal/external network, and complete Green Belt course.

Long term: Gain experience to perform in roles with increased responsibility outside of the military-side of the business.

Are you willing to relocate inside your present country? No

Are you willing to relocate outside your present country? No

Approval Status

Status	Name	Date(MM/DD/YYYY)
SUBMITTED	BROWN, DIANE	01-Feb-2008
MANAGER PREPARED	LAFFERTY, BRANDON	27-Feb-2008
1-OVER-1 APPROVED	KISSINGER, ROBERT	11-Mar-2008
MANAGER RELEASED	LAFFERTY, BRANDON	12-Mar-2008
EMPLOYEE DISCUSSION	BROWN, DIANE	13-Mar-2008

01/18/2011 21:57 TEL 5137799020

CANNON

008

Diane E. Brown

Liberty Township, Ohio 45011
 Home: 513-779-9020 Mobile: 513-705-7367

QUALIFICATIONS

AS-Aerospace Propulsion Technology, 23 years in propulsion management, jet engine maintenance, maintenance training and logistics support.
 Specialist in logistics planning, engine management and inventory control
 Experience in quality improvement and parts tracking software development and application.

PROFESSIONAL EXPERIENCE**TEAM MEMBER, UAE F110-GE-132 IL3 PROJECT****September 2003- Present**

GE Transportation, Evendale, OH

LOGISTICS SUPPORT SPECIALIST

ADECCO Technical, Cincinnati, OH (Sep 2004)

Manage critical parts, support equipment, and training deliveries for \$460M Lockheed Martin contract. Serve as focal point and field customer logistic liaison ensuring contract obligations/milestones are met for the United Arab Emirates (UAE) AF and Tucson Air National Guard programs. Report feedback to senior managers. Responsible for accountability, distribution and delivery of over 2,500 line items of parts. Manage identification, inventory and shipment of orders while ensuring compliance with ITAR federal export regulations and adherence to GE's security and propriety restrictions. Use PC skills in word processing, presentations, database and spreadsheet operations to evaluate engine mission data for provisioning and maintenance capabilities. Mastered use of GE's Quick Place and Lockheed Martin's Live Link records management systems. Understand and use Interactive Electronic Tech Manuals, EDSARS, and Model Check programs.

Major Projects/Achievements

- Prepared briefing for senior engineering and program leadership on training hardware requirements—garnered executive decision to remove hardware from test engine—saved \$680K in procurement costs.
- Solved integration problems on newly developed engine management software system by sourcing in-house technology support to modify data tables to ensure data fidelity—saved \$30K and delays sourcing out work.

SENIOR COURSE DEVELOPER/INSTRUCTOR

Jet Associates, Inc. Cincinnati, OH (Sep 2003-Sep 2004)

Responsible for research, development and instruction of over 400 hours of logistics management, propulsion technology, and shop supervisor courses for GE Aircraft Engines. Revised several courses including GE's Reliability Centered Maintenance and Tech Order System Courses. Instructed foreign students in Propulsion Shop Manager and Shop Supervisor Courses over 7-month term.

Major Projects/Achievements

- Assisted in development of Jet Engine Concepts, CT7, 132 and T700 Flightline Familiarization Courses for the UAE Technical Studies Institute and the UAE Defense Air Academy.
- Devised comprehensive Student/Instructor Guides and revised the 132 Engine Familiarization and Engine Shop Safety computerized training courses for the UAE engine depot (GAMCO) full line maintenance facility.

United States Air Force**1991-2003****FIRST SERGEANT**

Langley AFB VA (2001-2003)

Key leader responsible for advising commanders on matters concerning enlisted personnel. Led teams of up to 500 personnel with full responsibility for work assignments, scheduling, performance review, disciplinary action and long-term career planning/development/promotion. Expert qualifications in evaluating personnel needs and developing responsive training programs. Maintained resources, morale and welfare programs, and established policies and procedures. Managed a \$3M dormitory facility housing 159 personnel, a \$1M credit travel card program, and supervised the commander's physical fitness and weight management programs.

Major Projects/Achievements

- Appointed Senior Enlisted Advisor to the commander, 485th Air Expeditionary Wing during Iraq War. Moved Langley's deployed force into bare base ops—bedded down over 3400 people from over 86 different bases in 30 days. Established Red Cross link and C-130 package drops to troops in remote locations in Iraq.
- Led massive group reorganization; realigned 800 maintainers, their records and support staff functions from four squadrons to one; actions transparent to production of 18,000 hours of ops flight training.

PROPULSION FLIGHT CHIEF

Moody AFB, GA (1999 to 2001)

Led production in five diverse maintenance sections responsible for inspecting, troubleshooting, repairing and testing F110-GE-100 (F110) engines.

Managed fleet of 49 engines worth \$250M and administered annual budget of \$9.5M.

Managed 40,000 SF facility, supervised 8 administrative staff and directed 35 maintenance technicians.

Directed maintenance and provided technical support to three F-16 fighter squadrons.

Developed policies to comply with quality standards, technical orders and safety procedures.

Injected dynamic production strategies to overcome decline in F110 supportability and reliability.

Major Projects/Achievements

- Reduced repair time 20% resulting in the highest number of spares and best time on wing rates seen in the command in over 4 years.
- Spearheaded high profile fan blade safety inspection initiated in response to catastrophic F-16 mishap; led USAF by completing all 51 engines 8 months before deadline.
- Sponsored GEAE "Six Sigma" Project—provided valuable data input and hosted "How Malfunctioned Code" conference to examine problematic use of removal cause-codes.

MAINTENANCE SUPERINTENDENT

Spangdahlem AB, GE (1998 to 1999)

Provided direction to 305 enlisted personnel possessing 18 Air Force specialty codes.

Represented commander on maintenance matters and provided oversight of safety programs.

Briefed items of interest; prepared background papers and presentations for senior leaders using, Microsoft Word, PowerPoint presentations and Excel spreadsheets.

Directed on and off equipment maintenance supporting 84 F-15, A-10 and F-16 fighters.

Approved maintenance schedules, scheduled inspections and supervised shared resources.

Guided 14 deployments to eight countries—deployed 230 personnel and 200 short tons of equipment on schedule

Major Projects/Achievements

- Reduced mishaps by 33%, led wing in discrepancy reports and FOD prevention awards—saved wing \$425K and returned \$200K in tangible benefits from suggestions.
- Developed cost effective requirements for airfield upgrade project; affected flawless hush house utilization, engine and emergency response movements for 3-year project.
- Spearheaded maintenance "crisis action team" work center in preparation for Kosovo crisis and Operation ALLIED FORCE—first combat ops flown from base since WWII.

JET ENGINE MAINTENANCE SUPERVISOR

Spangdahlem AB, GE (1995 to 1998)

Supervised workload and assigned duties for 33 engine technicians in the performance of maintenance activities for F110, F100 and TF-34 assigned engines.

Supervised compliance with tech data, personnel proficiency and effectiveness of training.

Analyzed engine data in schedules, pilot reported discrepancies, engine management and monitoring systems to determine extent of maintenance and repair on over 200 engines.

Responsible for material support, maintenance, issue/storage of over 2,500 special tools and the acquisition, distribution, and turn-in of replacement components.

Maintained error-free tools, support and precision measurement equipment inventory account worth \$11.4M.

Managed Propulsion Bioenvironmental and Hazardous Waste Control programs.

Developed shop training plan and personnel certification process for HAZMAT and safety compliance.

Major Projects/Achievements

- Reduced Air Force 18-day repair standard to 11 days for major repairs and 3 days for minor repairs.
- Exceeded spare requirements by 100%; achieved USAF record-breaking F110 spare status.
- Received highest rating ever given by NATO Inspector General during Tactical Evaluation for quality engines, outstanding technical advice and maintaining critical spare parts pipeline.
- Produced (AFN) public affairs broadcast to educate community on significant engine events.
- Led Allowance Review for F-15, F-16 and A-10 engine accounts; received approval to add 500 critical items.
- Lauded by the Secretary of Air Force Unity Quality Award Team for having excellent metrics and processes.

DEPUTY WING INSPECTOR GENERAL (IG)

Moody AFB, GA (1983 to 1985)

Worked directly for the Wing Commander managing the Wing Inspector General and, Resources Oversight, Fraud, Waste, and Abuse Prevention and Detection Programs.
Conducted over 500 interviews, investigations, and made final dispositions on local, Presidential, Congressional, and Secretarial inquiries and DoD FW&A disclosures.
Served as a Project Officer for Air National Guard and Air Force Reserve Advisory Assistance Program.
Supervised 140-person evaluation team in preparing fighter wings for a wartime tasking.
Developed, supervised and evaluated deployments, combat, and major accident exercises.
Major Projects/Achievements
Singulary established criteria, parameters, and procedures to manage the unit assessments.

SUPERINTENDENT, ENGINE MANAGEMENT BRANCH

Moody AFB, GA (1988-1993)

Managed all facets of engine scheduling and maintenance of engine Time Compliance Technical Orders, Time Changes, trending and diagnostics and records documentation.
Supervised 10 personnel supporting a fleet of 113 F-16 fighters from four AF bases.
Directed updates to USAF database systems ensuring timely reporting to higher headquarters.
Major Projects/Achievements

- Implemented on base direct line reporting; reduced transaction time by 80%.
- Acknowledged in GAO report during congressionally mandated Spare Assets Audit for "error-free reports and 100% accuracy" in engine accounts valued at \$300 million.
- Organized engine conversion and coordinated induction and data loads for 90 new F110s.

BASE ENGINE MANAGER

Spangdahlem AB, GE (1985-1989)

Focal point for all matters concerning engines on base. Coordinated engine removals and installations and maintained adequate engine support to meet mission requirements.
Controlled engine and parts shipments. Sourced all supply mission capable regulations and monitored the use of War Reserve materiel engines.
Validated engine configuration, engine flow time, parts status, work status and made reports to senior leaders, engine manufacturers and higher headquarters in accordance with command directives.

Major Projects/Achievements

- Devised comprehensive training program for deployed engine managers—program noted as "Best seen to date." by higher headquarters inspection team.
- Sponsored Engine Management Conference; received new manning authorizations preventing huge manning cuts that would have crippled operations worldwide.

JET ENGINE TECHNICIAN

Warner Robins AFB, GA and Spangdahlem AB GE (1981-1985)

Performed intermediate repair and crew chief duties for maintenance of J57, F110 and J79 engines.
Maintained work folders and performed inspections. Provided OJT, monitored engine status, reported flow times, and up-channelled critical parts shortages to managers.
Established a shop stock section that insured a sufficient quantity of local manufactured consumable parts were available prior to actual demand; reduced engine flow time by 30%.

PROFESSIONAL EDUCATION

- Air Force First Sergeant Academy, 2001
- Jet Engine Mishap Investigation Course, 1999
- Air Combat Command Production Superintendent Course, 1998
- In-resident Air Force Senior NCO Academy and Mid-level NCO Management and Leadership Courses, 1988/90/87/84
- Covey, 7 Habits of Highly Successful People, 1998
- Quality Air Force Course, 1997
- Air Force On-Scene Commander's Emergency Course, 1993
- Consolidated Engine Management System Course, 1992
- Base Engine Manager Course, 1988
- AF Supply System Management, Accountability, Inventory and Control, 1985
- Air Force Tech Order Systems, 1982
- Jet Engine Mechanic Course, 1981

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

STATE OF SOUTH CAROLINA,

Plaintiff,

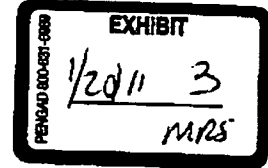
vs.

DIANE ELIZABETH BROWN,

Defendant.

Charge: Felony DUI, Involving death
and serious bodily injury

) IN THE COURT OF GENERAL SESSIONS
) THIRD JUDICIAL CIRCUIT
) INDICTMENT NO.: 2009-GS-43-208
)



MEDICAL
REPORTS



1. Dr. Geraldine Wu (Diane Brown's Psychiatrist)
2. Emily Dressman, LISW (Diane Brown's Therapist)
3. Kathleen A. Mack, Psy.D., A.B.M.P. (Diane Brown's Psychologist)
4. Dr. Matthew Flaherty (Diane Brown's Neurologist)



Integrated Behavioral Services, Inc.

January 16, 2011

Hima Kodo
M.D.

Dipika Shah
M.D.

Geraldine N. Wu
M.D.

www.ibapsych.com

Madela
7124 Miami Avenue
Suite D
Cincinnati, Ohio 45243
Tel: 513-272-0066
Fax: 513-272-0127

Re: Diane Brown
DOB: [REDACTED] 61

Dear Judge:

I am writing this letter regarding Mrs. Diane Brown. Mrs. Brown has asked me to prepare a statement about her clinical history and her current emotional status. It is her intention to present this information to the court at the time of her hearing regarding the charges dating to the 2008 car accident.

Mrs. Brown was first referred to see me in 2005 by her family physician Dr. Sandra Hans. Prior to her visit in 2005 the only psychiatric contact Mrs. Brown had was at the age of 17 when she was treated with psychotherapy for some adolescent growing up issues. Mrs. Brown completed her HS diploma and went on to college at Georgia Southern University. She dropped out after one year to join the Air Force. Mrs. Brown served in the US Air Force for 25 years arising to the level of first sergeant. She retired in 2003. In 2004 Mrs. Brown moved to Cincinnati with her husband when she was hired on by GE. Mrs. Brown had not received any psychiatric treatment from the time she was 17 to 2005 at the age of 38. She had done well with her life and her moods.

In the spring of 2005 her depression recurred. Mrs. Brown presented for treatment in 10/05. She was started on Wellbutrin 150 mg po BID. Mrs. Brown had a partial response to Wellbutrin and Abilify 5 mg po qd was added. The combination of medications worked well for her. She was doing great at her job and adjusted well to civilian life and to Cincinnati. I felt her depression was triggered by her leaving the Air Force and adjusting to civilian life. She returned for follow up with her family doctor at the end of 2006.

I saw Mrs. Brown again on 11/05/08, after her car accident in 09/17/08. At that visit, Mrs. Brown had major issues with her memory and had trouble finding words and was very slow in her movements and her speech. She was disshelved and blunted and spoke in a small and soft voice. She was confused and unable to report the whole story. Her husband was present to help out.

Mrs. Brown was already seeing a neurologist, Dr. Anthony and was diagnosed as having a contusion and closed head trauma brain injury (TBI). She had also seen Dr. Mack, a neuropsychologist for psychological and cognitive testing. Mrs. Brown's psychological testing result from in 10/08 showed right



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hemispheric dysfunction with deficits in attention, visual spatial abilities, sensory perceptual errors and diminished memory. She had left hemispheric dysfunction with deficits in expressive language difficulties. She also had frontal lobe dysfunction as evidenced by her slowed processing speed, poor concentration and attention. Her overall IQ was in the low average range which was lower than expected and inconsistent with her work history and experience.

Mrs. Brown was enrolled in cognitive retraining and has gradually been able to maintain more functioning over the last 2 ½ years. Mrs. Brown has been in psychotherapy to work through the trauma of her accident and to help her overcome her guilt and self-blame over what happened.

My role with Mrs. Brown in the last 2 ½ years have been to oversee the total psychiatric, cognitive and psychological care. She was enrolled in cognitive training and in psychotherapy while regaining her life. Part of my job is also helping her understand what happened. My analysis of the events prior to her accident, the accident and her response subsequently is that Mrs. Brown did have 3-5 drinks the night of her car accident. Her usual amount is between 2-3 drinks. The hotel that her group checked into was in the back of the restaurant requiring a 2-3 minute walk. This may account for why she had more than her usual 2-3 drinks. She has no memory of the precise number. She does recall going to the bathroom and then waking up in police custody. I believe she fell while in the bathroom and in her confused state she attempted to return to her hotel. Mistakes occurred and instead she got into the car and drove onto a high way and incurring the subsequent car accident. There are two possible causes of her confusion, one was the elevated blood alcohol level resulting from her 3-5 drinks. The second may be due to her fall in the bathroom since she had a knot on the opposite side of her head from where the impact of her car accident.

Mrs. Brown was seen in the ER sometime after the accident where blood alcohol level was determined. It is not clear whether she had full neurological exam at the time and nor was it clear how long after the accident was she seen in the ER. Mrs. Brown reports continued acute neurological difficulties while she was in police custody over the next several days.

The issue is not that Mrs. Brown did not incur the accident and that it is her fault this occurred. The issue is that she might have been a compromised person when she got into the car due to her concussion. Obviously this is only my speculation because at the scene of the accident data for the medical work up is not available. Mrs. Brown has never exhibited any tendency for alcohol abuse during my 2 years of contact with her prior to the accident. She also is not the type of person who would drive a car if she knew she was drunk or even just had a little too much to drink. Mrs. Brown had served in the United States Air Force



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at a high level, in charge of a company of airmen. She is a responsible and reliable person, in both her professional and personal life.

As her physician I ask the court to give Mrs. Brown another consideration. I cannot see any good that would be served with Mrs. Brown going to prison. Mrs. Brown is clearly not a reckless drunk who irresponsibly took off in the car while drunk. Mrs. Brown understands that restitution needs to be made. I believe she can better serve her punishment outside of the prison setting. There is no question that the suffering of the victim's family is gigantic and cannot be estimated in any trivial way. Mrs. Brown has spent the last 2 ½ years dealing with her guilt and it appears that she will need more years of therapy to address this. Besides the guilt and anguish over what had happened, Mrs. Brown clearly has lost her career and many of her most valued assets, that is, her intellectual smarts. She has suffered a marked decrease in her estimated IQ and continues to cope with her cognitive losses. It is likely that Mrs. Brown will never be able to regain her premorbid intellectual level again.

I appreciate the opportunity to present this information to you and the court and thank for your time and consideration.

Sincerely yours,

Geraldine Wu MD

Geraldine Wu MD



Integrated Behavioral Services, Inc.

January 16, 2011

Medical Director

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TO WHOM IT MAY CONCERN:

I am writing to you on behalf of Diane Brown. Diane came to therapy three months after the accident that killed a 12 year old boy. I never knew Diane before the accident. When I met Diane in December, 2008, she presented as, shattered, fragile, extremely sad to the point of being inconsolable, despondent, shameful, numb, not a whole person, flat and utterly remorseful.

Diane told me about the accident and was absolutely devastated at the fact that a child died. Being a mother herself, Diane has stated over and over that she thinks of Christian every single day. "He's the first and last thought every morning and every night." On holidays, Diane wonders, what did he like to eat on Thanksgiving, what was he wanting for Christmas, did they celebrate Easter, when was his birthday, how did his mother get through Mother's Day and how did Christian celebrate Father's Day with his dad.

Diane has not allowed herself to experience joy, pleasure or happiness, literally since the accident. Her children have reached their own milestones- her son went away to college soon after the accident and her daughter recently graduated from high school. Diane could not allow herself to be happy during these times. She felt guilty if she smiled or looked forward to something. She has not made plans

beyond one day since the accident. For the past two years and four months, Diane felt undeserving of anything good happening in her life.

Diane did not leave her house the first year after the accident except for doctors appointments. Diane has only driven twice since the accident, once to my office and once to the dentist. Diane did not talk to or socialize with friends for the first year after the accident. She recently began attending her husband's work functions, with a great deal of anxiety, guilt and shame, but did it for her husband.

Diane demeans herself on a daily basis. She has had suicidal thoughts daily, often questioning, "why wasn't I killed, why am I alive." Diane has stated she doesn't want to wake up and believes her family would be better off if she wasn't here. Diane entered counseling with myself and with her pastor's wife on a regular basis after the accident. She has been unable to forgive herself. Her shame and guilt has destroyed her. The deep, dark despair is with her daily. Diane is not living, she has given up on living. Diane doesn't sleep through the night. She wakes up every night at 3:30 am and Christian immediately comes into her mind every night. The grief and despair overwhelms her nightly. Diane is afraid to be alone. Her thoughts are constantly bringing her back to the accident on a regular basis.

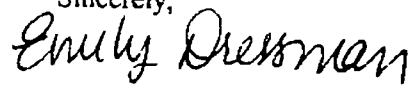
Diane has lost hope. She tells herself she needs to be punished and if anything bad happens to her family, she tells herself its punishment because of the accident. The anniversary of the accident terrifies and

overwhelms her days before and days after.

Diane Brown has already served two years and four months of emotional and psychological prison. Serving one day in a South Carolina prison does nothing to punish a woman who has been punishing herself in so many more ways than a prison could ever do and will continue to brutally punish herself for the rest of her life. A terrible, terrible accident occurred that has taken a child's life. Diane will forever be reminded of this. Her life will never ever be the same. Her emotional and mental state will never be normal again. Diane will never be the Diane that her family and friends have always known.

There is a reason why there is a range of sentences for crimes. Diane Brown is a good person. Diane Brown is a mother who left her family to serve her country and was willing to give up her life for strangers. Diane Brown deserves a chance and deserves the Mercy of the South Carolina Court.

I appreciate your time.

Sincerely,

Emily Dressman, LISW

KATHLEEN A. MACK, PSY.D., INC.

Clinical Psychologist

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NEUROPSYCHOLOGICAL RE-EVALUATION**Name:** Diane E. Brown**Age:** 47**DOB:** ~~1957~~ 1961**Educational Level:** Completed an Associate Degree in Aerospace Technology**Dates of Evaluation:** 07/03/2009, 07/06/2009 and 07/10/2009**Date of Report:** 07/23/2009

Assessment Procedures: Interviews with client and her spouse Bob
 Wechsler Adult Intelligence Scale -III (WAIS-III)
 Wechsler Memory Scale - III (WMS-III)
 Rey-Osterreith Complex Figure Test (CFT)
 Stroop Color Word Test
 Halstead-Reitan Neuropsychological Battery (HRNB)
 Sensory Perceptual Test
 Seashore Rhythm Test
 Speech Sounds Perception Test
 Finger Tapping Test
 Reitan Indiana Aphasia Screening Test
 Trail Making Test
 Category Test
 Controlled Oral Word Association Test
 Category Fluency Test
 Minnesota Multiphasic Personality Inventory-2 (MMPI-2)

Referral Source: Sandra Hans, M.D.

Reason for Referral: Ms. Brown was involved in a motor vehicle accident with head injuries in 2008. She was evaluated at that time because of significant changes in her thinking and memory abilities. A comprehensive re-evaluation is being requested to provide a description of Ms. Brown's current level of cognitive functioning specifying strengths and weaknesses. In addition a mental health evaluation will also be provided.

Behavioral Observations and Interview Information:

Mental Status: Ms. Brown and her husband, Bob arrived on time for her appointment. She was casually dressed and nicely groomed. She ambulated into the office without assistance. She was

Diane E. Brown (Page 2)

a much better historian regarding her difficulties. Affect was variable and appropriate to the topics under discussion. At several points she was tearful and continues to experience intense shame regarding her automobile accident. She was adequately oriented to person, place, date, time, day of the week, season and reason for her presence in the office. She has a slight improvement over last year when she could not identify the day of the month she was seen. There was no new onset of chemical dependency or substance abuse. Ms. Brown denies any homicidal or suicidal ideation. She has no experiences of hallucination. She reports that in the Fall of 2008, she had significant mental health deterioration beyond what was observed in the earlier evaluation. However, as Spring approached she was much better. She continues to see a psychiatrist and a psychotherapist. She is also continuing in cognitive rehabilitation.

She recently visited her in-laws for the first time since the accident. She has felt deep shame more so as she has come out of the fog of her head injury. She avoided contact with family members because of this shame. She continues to expect herself to function the way she did prior to the accident and has trouble being gentle with herself. She has nightmares about accident and driving with accidents but no additional memory of what happened on the night of her accident. When asked about current stressors she indicated that the uncertainty about what is going to happen in the legal matters surrounding the accident is very difficult to handle day to day. She reports that she is tearful quite a lot and tries to keep herself busy with activities.

Brief History: A full history for Ms. Brown can be found in the earlier report. Since her accident and over the last nine months she has had a number of improvements in her functioning. She generally feels physically better and her balance has improved. She has better ability in depth perception. She has improved geographic orientation but still has times when she is not sure where she is. She restarted driving with a limit of a 5-mile radius from her home about three weeks ago. She is now able to leave the house but only conducts one errand at a time, as she cannot multitask. She feels that she is much less labile in response to mistakes evident in her thinking and memory abilities. She learned from a neuro-ophthalmologist, Dr. Goldnick that the "smear vision" that she occasionally has is related to delayed visual processing which is a central nervous problem, not a problem with her eyes. In addition she has other visual distortion with stripes that make her feel "woozy" and she has to backup and refocus. When she is fatigued her vision seems "bouncy." She also reports that her level of fatigue has declined but she still can be very tired. She also finds when driving that traffic on the highway seems far too fast to be able to process and negotiate. She has had a decline in the agoraphobia that she had experienced earlier and is able to leave her home. At one point she was not even able to leave her home to walk to her mailbox.

Ms. Brown reports that her eating is much better. She no longer has the nausea. In fact she eats quite a bit yet she still has a weight loss of 25 pounds. She has problems with her sleep and does take a sleeping pill, Ambien. However, she still wakes up at 3 or 4 o'clock in the morning sometimes more often but still can go back to sleep. There has been no change in her ability to control her bowels or her bladder. There has been no additional head injury. She has no endocrine disorders. However, she has been found to be anemic. Current medications include Wellbutrin, Feosol, Lexapro 20 mg, Topamax and Ambien.

Memory Abilities: When asked about her memory abilities, Ms. Brown reported that her memory is much better. She still continues to forget her intention and often has to keep a list

Diane E. Brown (Page 3)

of what she plans to do for the day but she is not totally dependent on lists for every single act in each day as she was in the earlier evaluation. She finds that she continues to have immediate memory problems such that she cannot remember the direction that she read on a recipe long enough to perform it. Many times she has to read and reread and say it out loud to herself one direction at a time. When talking about her short-term memory she indicates that she occasionally has problems remembering conversations or she may have delayed retrieval of information from a conversation. Her husband reported that this is a significant improvement in her short-term memory. He indicated that last year her short-term memory was "almost zilch". Her long-term memory for information prior to the accident is intact. Her long-term remote memory for her own history is reported to be intact.

Ms. Brown reports that she has geographic orientation problems however, when she makes mistakes in driving she is able to figure it out and is much calmer. Last fall when she experienced geographic disorientation she would often go into an anxiety attack feeling unsafe and scared. She has no trouble remembering faces of people that she should know. Often she does not remember that she has seen a television program previously. She likes to read books and has just resumed reading books while before she was only able to reading magazines. However, she has to reread to be able to retain the information. When discussing her memory for familiar tasks she indicated that she has really struggled to set up a new computer in their home. This was something that she had done quite readily and easily at a previous time in her life. When discussing her ability to engage in new learning she said that she is trying to learn photo shop, however, she just got it installed after many hours of attempts

Attention and Concentration: Ms. Brown reports that she needs for things to be quiet to have good concentration. She can only focus on one thing at a time. She also finds that sometimes in conversation her attention drifts off.

Language Abilities: Ms. Brown reports that her ability to understand spoken language is unchanged. She reports that her ability to read is still very slow. However, she believes that her comprehension is reasonably good. However, she does have retention problems. Her spoken language is still a problem. She finds that her language fluency on some days is very good and words flow "like a faucet". Then other days she struggles to find the word that she wants to say. Sometimes she is not able to use the level of vocabulary that she might want, so recently she said, "boo boo" when she really wanted to say laceration. As regards written language she reports that her spelling has improved from the deterioration that she experienced last year and her penmanship is better.

Problem Solving: Ms. Brown is most happy about the fact that she is no longer completely panicked and overwhelmed by problems that arise and she is much more able to make decisions. However, she is not able to multitask so she cannot keep up her housekeeping, do her art, dress, clean the house, make a meal and tend to her flower gardens with any real efficiency compared to her previous level of functioning. She can only really manage one-maybe two things at a time. As part of her cognitive therapy homework she is solving Sudoku problems. She had a terrible time solving the problems related to installing her photo shop software. She feels as though her organizational abilities are much improved but they are still inadequate compared to her previous level of functioning. Now she is able to solve her problems with regard to geographic disorientation.

Diane E. Brown (Page 4)

Functional and Adaptive Abilities: Fine and gross motor abilities are reasonably intact. Her walking is also adequate. She reports that her balance is better but she still has had some minor episodes of imbalance. There has been no change in her ability to cook or to perform ADL's. She has no trouble understanding her billing statements and she has been able to interface with her attorney and not be completely reliant on her husband.

Test Results: (Note: The information provided in the interpretation of the tests and the clinical summary is based on the information available at the time of dictation. The analysis of the results below could change based upon additional information that was not provided at the time of the interview and testing.)

Ms. Brown arrived on time for her appointment. She was casually dressed and appropriately groomed. She was a very hard worker throughout the testing. It took especially a long time to complete some tests as she puzzled long and hard over untimed items and often got the correct answer as a result. She occasionally became frustrated with her own performance but she persisted. Attention and concentration seemed good generally. Occasionally she had to have test items repeated especially on the mental arithmetic task of the WAIS-III. Her vision is corrected with glasses. She occasionally stated that her vision becomes blurred which reflects the smeary vision that she reported in the interview. She also had noted that some patterns on the Block Design and Matrix Reasoning test bothered her eyes or gave her a headache. She was however able to proceed with short breaks. Her receptive language appeared to be intact. Her expressive language was marked by word finding difficulties. She appeared sad and frustrated by her perceived deficits. She brightened in mood when she was talking about her kids and her husband. She stated that she was aware that she tolerated the testing and the frustration better this time than during the previous evaluation. In fact she performed much better on parts of this evaluation and was able to tolerate more difficult tasks.

Intellectual Functioning:

The test of overall intellectual development, the Wechsler Adult Intelligence Scale-III (WAIS-III), revealed that Ms. Brown is currently functioning in the average range of intelligence with no significant difference (≥ 15 points) between her Verbal and Performance abilities. Full Scale IQ=102 (average), Verbal IQ=98 (average), and Performance IQ= 106 (average). The average score among the IQ scores is 100 +/-10. All of Ms. Brown's scores fall within that range. In 2008 her scores were FSIQ=85 (low average), VIQ=88 (low average) and PIQ=84 (low average). Overall Ms. Brown's performance is significantly improved over the previous year. The subtest scaled scores of the WAIS-III are in the table that follows.

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Diane E. Brown (Page 5)

WAIS-III SUBTEST SCALED SCORES

Verbal Subtests	Scaled Scores		Performance Subtests	Scaled Scores	
	<u>2008</u>	<u>2009</u>		<u>2008</u>	<u>2009</u>
Vocabulary	9	11	Picture Completion	5	11
Similarities	10	15	Digit Symbol/Coding	8	10
Arithmetic	5	6	Block Design	9	10
Digit Span	6	7	Matrix Reasoning	9	13
Information	9	11	Picture Arrangement	7	11
Comprehension	9	9	Symbol Search	4	6
Letter Number Sequencing	5	8			

The average score among the subtests is 10+/-2. Ms. Brown's scores are quite variable in this regard. She has low scores relative to her abilities in the Working Memory subtests particularly with the Arithmetic subtest. This was a task in which she had difficulty holding information in her working memory and required that the questions be repeated. In the follow-up interview she reported that she cannot multiply in her mind or figure percentages because she cannot hold multiple elements of the problem-solving in her mind. The best she can mentally is double a single digit. She also has a low score on a processing speed task, Symbol Search. She has improved over the 2008 evaluation for her fluid verbal abstract problem solving noted in the better score on the Similarities subtest. She also has a significant difference in her Letter Number Sequencing subtest. Nevertheless, her Working Memory does remain an area of weakness relative to her abilities.

Among the Performance subtests her scores are all solidly in the average range with only one low score on the Symbol Search task, which requires visual-spatial scanning and motor speed. She reported that her ophthalmologist indicated that she has slow visual processing which might affect this score.

Content analysis for the WAIS-III provides the following information regarding the four primary factors or cognitive skills that are important for the completion of this battery of tests. They provide further explanation for the results above.

WAIS-III INDEX SCORES

Indexes	Standard Scores		Qualitative Description
	<u>2008</u>	<u>2009</u>	
Verbal Comprehension	96	112	High average
Perceptual Organization	86	107	Average
Working Memory	71	82	Low average
Processing Speed	79	88	Low average

The average score among the index scores is also +/-100. Ms. Brown's scores meet the criterion for her Verbal Comprehension and Perceptual Organization abilities. Generally it is expected that the Index scores will be commensurate with the overall attained IQ of 102. Ms. Brown's

Diane E. Brown (Page 6)

working memory and processing speed abilities are significantly below that. Typically when these two scales are significantly below the Verbal Comprehension and Perceptual Organization it suggests an acquired attention deficit disorder. This is not uncommon in traumatic brain injury.

The Wechsler Memory Scale-III (WMS-III) is a comprehensive explicit/intentional memory assessment tool that attempts to evaluate immediate and delayed memory (30 minutes) for both the auditory and visual modes as well as working memory in the auditory and visual modes. There results of the WMS-III are on the table that follows.

WECHSLER MEMORY SCALE - III

Indexes	Standard Scores	Qualitative Description	%tile Rank
Auditory Immediate Memory	92	Average	30
Visual Immediate Memory	130	Very superior	98
Total Immediate Memory	112	High average	79
Auditory Delayed Memory	89	Low average	23
Visual Delayed Memory	125	Superior	95
Auditory Recognition Delayed	85	Low average	16
General Memory	101	Average	53
Working Memory	79	Mildly impaired	8

The average standard score on the WMS-III is also 100 +/-10. Generally it is expected that the memory scores will be commensurate with the overall attained IQ of 102. Ms. Brown's scores are quite variable in this regard. She is below the criterion for her Auditory Memory, Immediate Delayed and in the Recognition task. This suggests an ongoing impairment in her left hemisphere memory abilities. Her Visual memory on the other hand is in the superior range both immediately and delayed. This suggests that there is a significant difference in her left hemisphere memory abilities as compared to her right hemisphere based visual-spatial memory abilities. Poor recognition score suggest that she is able to recall most of which she has encoded without cues. Therefore she likely has an encoding problem in memory as opposed to a simple retrieval problem. Her General Memory at 102 is commensurate with her overall IQ. However, the General Memory score does not display the true difficulties with memory that she is likely to experience relative to verbal memory. In addition her working memory is quite poor as well. In 2008 she was not able to tolerate this test and so she was administered the Repeatable Battery for the Assessment of Neuropsychological status. Her immediate memory was in the average range while her delayed memory was in the low average range. Unfortunately the RBANS does not take into consideration the differences between left hemisphere and right hemisphere memory abilities.

While the WMS-III is a test of explicit/intentional memory where the client is specifically being asked to remember information, the Rey-Osterreith Complex Figure Test is a test of implicit/automatic memory where the client is not cued for the need to recall information later. In this task the client is asked to copy a complex figure and then try to draw it again without advance warning after a 3- minute and a 30- minute delay. Ms. Brown's ability to copy the

Diane E. Brown (Page 7)

design was in the **high average range**. She had no difficulty adequately integrating the multiple parts of the complex figure. Her memory after 30-minutes was in the **high average range** and her strength of her visual-spatial memory. The automatic quality of memory is quite good for visual-spatial material.

The Stroop Color Word Test is a test that is administered to examine frontal lobe functioning. The test requires attention and concentration on the first two trials. The third trial demands the ability to divide attention and inhibit a primary competing response, known as the Stroop Interference effect. Ms. Brown's performance on the first trial, word reading, was in the **borderline range of impairment**. In 2008 she was in the **mildly impaired range**. Her performance on the second trial, color naming, was in the **mildly impaired range** while in 2008 she was in the **low average range**. This suggests a slight decline. However, on the most important task, the Stroop Interference task, she scored in the **profoundly impaired range**. Her score is poorer than it was last year when it was in the **severely impaired range**. This is somewhat surprising given that she generally feels better. This may reflect the development of scar tissue on the frontal lobes. In the follow-up interview she was surprised by her score because this is a task that she has practiced many times in her cognitive therapy.

HALSTEAD-REITAN NEUROPSYCHOLOGICAL BATTERY: This is a series of tasks assessing various thinking, memory, sensory/perceptual, and motor abilities that should, for the most part, be readily accomplished by anyone with normal brain functioning. The scoring for these tasks uses the 2004 Heaton norms, which correct for age, race, education, and sex. The results of this testing are in the paragraphs that follow.

Sensory Perceptual Abilities:

The Reitan-Klove Sensory Perceptual Exam is a task that attempts to assess sensory perceptual abilities through the senses of touch, hearing, and vision as well as the ability to identify numbers written on fingertips and tactile recognition of forms. Ms. Brown's performance on this task was in the **mild to moderately impaired range**. This was primarily due to errors in the recognition of numbers written on her fingertips. Her performance in 2008 was in the **moderately impaired range**. This suggests a slight improvement in her sensory perceptual abilities. In 2008 she also had difficulty recognizing the fingers on her left hand. She continues to have tingling in her fingers.

The Tactile Form Recognition Test is a test that is exquisitely sensitive to the presence of underlying cerebral dysfunction. It is used to evaluate stereognosis in each hand. On this task the subject must identify 4 geometric shapes on their fingertips without the benefit of seeing them. Scores obtained in this task differentiate strikingly between persons with controls and persons with brain damage. Ms. Brown scored in the **average range** as she did in 2008. However, her performance is slightly slower but still within the average range. In addition the errors this time are more equally balanced between the left and right side of the body while in 2008 she had many more errors on the left side of the body than on the right.

Attention and Concentration:

The Speech Sounds Perception Test and the Seashore Rhythm Test are measures of attention and concentration. Ms. Brown's performance on the Speech Sounds Perception test was in the

Diane E. Brown (Page 8)

below average range. This test was not administered in 2008 given her very low endurance. Her score on the Seashore Rhythm Test is in the mild to moderately impaired range. This task was also not administered given her low endurance 9 months ago. When there is a significant difference between the Speech Sounds Perception Test and the Seashore Rhythm Test the lower score suggests a weakness in the hemisphere that controls the activity. A weakness in the Seashore Rhythm test suggests mild to moderate impairment in the right hemisphere.

The Manual Finger Tapping Test is a test of fine motor speed. Ms. Brown's performance on this task was in the average range bilaterally. In 2008 it was also in the average range bilaterally.

On the Reitan-Indiana Aphasia Screening Test Ms. Brown scored in the average range. In 2008 she scored at the low average range. Her score improved this time not because of language improvements but because she was able to do calculations which are included on the aphasia screening test. In addition the Aphasia Screening Test has constructional tasks in which the client is asked to copy a square, a triangle, a cross and a key. Ms. Brown's performance on this administration was within normal limits. In 2008 she was in the mildly impaired range.

While not a test of the HRNB, the Controlled Oral Word Association Test is a test that measures the interface between the left anterior temporal lobe and frontal lobe. It is a test that involves the ability to generate a list of words beginning with the letters "F," "A" and "S" and a list of animals. Ms. Brown's letter fluency was in the mild to moderately impaired range on this administration. This is an improvement. In 2008 her score was in the moderate to severely impaired range. This would suggest that her ability to generate language is improving some. Nevertheless this impaired score likely suggests problems as the frontal and anterior temporal lobes interface. Her score on the semantic fluency or category fluency was in the below average range. This is an improvement over 2008 where she scored in the moderately impaired range. This would suggest that her semantic fluency is better. However, she does continue to report word-finding difficulties, which are consistent with weakness in semantic fluency. In the follow-up interview she reported experiencing confusion with the "FAS" portion indicating she perseverated on thinking she has to list nouns after the instruction said "no proper nouns."

The Trail Making Test is a test that measures visual-spatial processing speed on Part A and the ability to shift cognitive set on Part B. Part B is also a test of cognitive efficiency. Ms. Brown's performance on Part A was in the moderately impaired range. This suggests some slowing. Her performance in 2008 was in the mild to moderately impaired range. She was slightly slower in her performance. On Part B in 2008 she scored in the moderately impaired range. This suggests an improvement in her ability to shift cognitive set. In 2008 it took multiple instructions for her to understand the concept of set shifting and she had one error. On this trial she had a little difficulty with the concept of set shifting but no errors in the performance of the task after the sample.

The last and most cognitively complex task of the HRNB is the Category Test. This is a nonverbal test of complex problem solving using concept formation and reasoning abilities. This is also a test of executive functioning; the ability to note a problem, select a solution, execute the steps in the solution, monitor the adequacy of performance and modify behavior based on feedback. Ms. Brown's performance on this administration was in the above average range with only 14 errors out of 208. Her performance in 2008 was in the average range with 31

Diane E. Brown (Page 9)

errors. This result suggests that Ms. Brown has very good capacity to plan, sequence and execute complex mental operations at a high level. Her executive functioning for problem solving is nicely intact.

The Minnesota Multiphasic Personality Inventory - 2 (MMPI-2) was administered to provide a picture of Ms. Brown's current mental health status. She reports that she has been in therapy seeing both a psychiatrist and a psychotherapist. In 2008 she was administered the shorter version of the MMPI while in 2009 she was administered the full length MMPI. Overall her clinical scales are not significantly different than they were in 2008 with exceptions of elevations on the 4-scale. The validity indicators of the MMPI suggest that Ms. Brown provided a valid profile. There is no indication of random responding, indiscriminate false responding, or faking bad. They also suggest that she did not attempt to present herself in a more favorable light, that she in fact tried to present herself with a balanced view acknowledging both her positive and negative behaviors. There was no unrealistic reporting of positive attributes.

The clinical profile has elevations on the 3, 2, 1 scales with secondary elevations on the 4, 6 and 7 scales. Persons with the 3/2 code tend to be passive, docile and dependent. They are plagued by self-doubts and they harbor feelings of inadequacy, insecurity and helplessness. They tend to elicit helping behaviors from other people. Persons with this profile are interested in achievement and success. They appear to be competitive and industrious but they do not place themselves in directly competitive situations with other people. They seek increased responsibility only dread the stress or pressure associated with it. They tend to be emotionally over controlled and have difficulty expressing their feelings directly. They often feel anxious and guilty. Certainly Ms. Brown mentioned these latter feeling as a strong remaining feeling relative to her accident. Low levels of efficiency for long periods of time are also common with this code type. The elevation on the 1 scale likely reflects Ms. Brown's headaches, lack of energy, fatigue and sleep disturbance. With stress there may be some vague and nonspecific physical complaints that are not diagnosable. This would not be surprising for someone who carries the level of anxiety and distress Ms. Brown reported.

The elevations on the 4 and 6 scales suggest a person is feeling angry and resentful with some paranoid ideation. In the follow-up interview Ms. Brown indicated that she has been angry about the violations of her privacy relative to documents released about her physical and mental state. While she knows this is required she feels her privacy related to medical care has been violated in a way she has never experienced. In addition she has had concerns that the family of the person who died in her accident might want to harm her.

The elevation on scale 7 indicates someone who is experiencing significant degree of psychological turmoil and discomfort. They feel tense, anxious and agitated. They are worried, fearful and apprehensive which is certainly the case Ms. Brown's describes as she waits on the legal proceedings in the accident case. They often report problems with concentration. They feel pessimistic about the future. Fatigue, exhaustion and sleep disorders are also common with this elevation. They are self critical, self conscious and plagued by self-doubts. They set high standards for themselves and feel depressed and guilty when they fall short of those standards.

Clinical Summary: Diane Brown is a 47-year-old woman who was involved in an automobile accident 9 months ago. As a result of the accident she experienced significant cognitive changes

Diane E. Brown (Page 10)

as well as psychological impact of the accident involving a death. The neuropsychological evaluation at that time required a modified battery given her inability to tolerate too much stimulation or heavy cognitive demands as well as fatigue. Since that evaluation she reports she has improved some over time cognitively, psychologically and physically. However, she continues to have problems in all of those areas, they are just less severe. With regard to her physical abilities her balance is better. As regards to her cognitive abilities she reports the problems with geographic orientation and depth perception have improved. She continues to have problems with visual processing. She still has problems with her short term and immediate memory but it is better than it was 9 months ago. Her organization and planning and language difficulties also continue to be areas of difficulty but they are improved since 2008. She reports improvement in her psychological status in that she is now able to drive within a five-mile radius of her home. She is more able to leave her house with fewer agoraphobic-like symptoms. She is also much more able to handle situations that are unpredicted with less panic and anxiety. Despite her reported improvements, she has not returned to her pre-accident level of functioning.

The test of overall intellectual development suggests that Ms. Brown is evidencing a significantly improved intellectual functioning with her verbal and visual-spatial abilities. She has continuing weakness with her working memory and processing speed. The significant difference between the working memory and processing speed compared to the verbal abilities and perceptual organization abilities suggests an acquired ADD not uncommon in closed head injuries involving automobile accidents. She does have a nice improvement in her fluid abstract verbal problem solving skills and they are much more commensurate with her anticipated abilities.

Tests of memory suggest that her explicit memory is much better and there are no scores in the impaired range. However, her verbal memory is much poorer than her visual-spatial memory; it is in the low average range compared to the superior range. This likely reflects the injury to the left side of her head. The difference between the two hemispheres is quite atypical and likely reflects her injury. She has the ongoing weakness in her working memory, which likely is associated with the acquired ADD. Her implicit memory is in the high average range and consistent with the strength in the visual-spatial memory of the WMS-III.

Ms. Brown continues to evidence impairment in frontal lobe functioning, which is actually poorer than it was 9 months ago. Her sensory perceptual exam is still in the impaired range but there are fewer errors, but the errors are bilateral as opposed to mostly dominated by the left side of her body. She also has problems with right hemisphere based attention and concentration. In addition she has weakness in speeded problem solving and set shifting. She performs quite nicely with fine motor speed and with higher level executive functioning.

The Minnesota Multiphasic Personality Inventory-2 (MMPI-2) suggests that Ms. Brown is experiencing a significant amount of psychological distress and turmoil. She has feelings bottled up inside of her without adequate ability to express them. In addition she is very depressed and may have vague physiological symptoms or sources of discomfort stemming from the depression and the distress. However, the elevations on the MMPI do not explain the ongoing cognitive problems that she has. Her test scores are too poor to be accounted for by the psychological problems evident in the MMPI.

Diane E. Brown (Page 11)

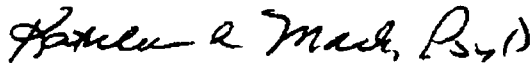
Diagnostic Impression: 331.83 Cognitive problems consistent with head injury.

311 Depressive Disorder, NOS

Recommendations:

1. A copy of this report will be sent to Sandra Hans, M.D., Ms. Brown's primary care physician.
2. The results of this evaluation were shared with Ms. Brown on July 10, 2009.
3. Ms. Brown should seek a follow up with Mathew Flaherty to see if an MRI might be useful at this point in her rehabilitation.
4. Ms. Brown should consider consulting with Dr. Flaherty about medication to improve her attention and concentration.
5. Ms. Brown should continue to involve herself in cognitive rehabilitation particularly as it relates to her verbal memory abilities.
6. Ms. Brown should continue in her outpatient psychological psychotherapy.
7. Given the progress made in the last nine months Ms. Brown might want to be reevaluated in one year to assess the status of her progress at that time.

Respectfully Submitted,



Kathleen A. Mack, Psy.D., A.B.M.P.
Psychologist

UC Physicians***Aring Neurology*****Healing • Teaching • Leading****222 Piedmont Avenue, Suite 3200****Cincinnati, OH 45219****Ph: 513-475-8730****Fax: 513-475-8033**

December 18, 2008

Sandra Hans, MD
Geraldine Wu, M.D.RE: **DIANE BROWN**
DOB: **1961**

I had the pleasure of seeing your patient, DIANE BROWN, in consultation in the Aring Neurology Center at the Medical Arts Building on 12/18/2008.

History of Present Illness: Mrs. Brown is a 46-year-old right-handed woman accompanied by her husband. She is here for problems which began after an automobile accident. On Wednesday, September 17, she was out of state on a business trip. She was in her usual state of health. She was at a dinner. She had a few drinks. She remembers getting up to go to the restroom. She does not remember subsequent events. She did not return to the table. She subsequently had a head-on automobile accident a significant distance from the restaurant (not in the direction of her hotel). She was driving in the wrong lane. The next thing she remembers is patchy images at the accident scene. There was a fatality involving the other vehicle. Her airbag had deployed. She was taken to a local hospital and dismissed to police custody that night. The next day, it was noticed that she had a contusion or hematoma on the right scalp. She subsequently developed black eyes. On Thursday, while at jail, she became dizzy (probably vertiginous), then blacked out and hit the left side of her head. She was later released from police custody. Ongoing problems include the following:

1. Trouble with short term memory.
2. Trouble with attention, focus, and organization.
3. An intermittent feeling of being off balance. She initially had severe vertigo which improved, although she still has mild symptoms.
4. Minor headaches which are not the major issue.
5. left face and neck pain and numbness since the accident.

Past Medical History:

1. Long standing migraine headache with aura. She's seen several previous neurologists. She had several medication trials and Topamax proved most effective for prophylaxis.
2. Degenerative disk disease of the cervical spine.
3. Depression.

Review of Systems: As described above. She's had emotional difficulty since the accident for obvious reasons. She sees a psychiatrist and a therapist. She has three children, two with her current husband. Her husband has had a vasectomy. She has not been able to return to work. I reviewed the patient data form.

Examination: Her affect was flat and eye contact was poor. In general, she looked depressed. She was quiet for most of the interview, but when engaged, provided lucid answers. She was intermittently tearful. She scored 26/38 on the Kokmen short test of mental status losing 1 on orientation, 3 on attention, 4 on

mathematics, 1 on general knowledge, 1 on abstraction, 1 on construction, and 1 on recall. Performance was also limited by the emotional overlay. There was no aphasia. Her gait was normal. Romberg sign was absent. Visual fields were full. Pupils were equal and reactive. There was no papilledema. Extraocular movements were normal. Face was symmetric. Palate elevated normally. Tongue was midline. Hearing was grossly intact. Sternocleidomastoids and trapezii were normal. Motor strength was normal in all extremities. Tone, coordination, and rapid alternating movements were normal. There was no tremor. Reflexes were 2/4 in the biceps, triceps, brachioradial, knees, and ankles. Toes were downgoing bilaterally. Sensory examination was normal except for inconsistent pinprick which was not in an anatomic pattern. There were no carotid bruits. She had no bruising or tenderness to palpation over her head or neck. Her tympanic membranes were intact.

Radiographs: She had a brain MRI without contrast on October 21, 2008, which I personally reviewed. She has mild patch T2 signal change which is nonspecific and could be due to migraine. The radiologist felt there was atrophy. I disagree. There were no GRE sequences.

Other Studies: She had neuropsychometric testing by Dr. Mack who found evidence of weakness in working memory, processing speed, and visuospatial organization, suggesting right hemisphere dysfunction. MMPI suggested depression and anxiety.

Assessment:

1. Normal neurologic exam except for neuropsychiatric status.
2. Mild traumatic brain injury with post-concussive symptoms of cognitive difficulty and vertigo.
3. Depression. Emotional distress related to the accident and subsequent events.
4. The question arose about what happened in the restroom and whether she may have had a concussion or seizure. She does not have any memory following her trip to the restroom, however, some patients have retrograde amnesia following a head injury such as may have occurred in the car wreck. Given the current information that I have, I cannot make any definitive conclusions about what may or may not have happened in the restroom.
5. Long-standing migraine headaches, under good control with Topamax.

Plan:

1. Discussed trying reduction in her Topamax dose to see if this improves cognitive function. Suggested reducing to 50 mg b.i.d.
2. She's having trouble getting cognitive therapy arranged. I provided a referral today.
3. EEG.
4. Brain MRI including contrast.
5. MRA of the arch and neck with contrast looking for evidence of dissection from her trauma (given neck and face pain).
6. Continue seeing Dr. Wu and her therapist. For now, this should be her primary focus rather than trying stimulant drugs. In the future, I will consider Ritalin.
7. No driving.
8. Return to clinic in six weeks.

Thank you for allowing me to participate in the care of this pleasant patient. If you would like a copy of my office note, please contact our Medical Records department at 513-475-8000. Please feel free to contact me should you have any concerns or questions.


Matthew Flaherty, M.D.

cc: DIANE BROWN
~~XXXXXXXXXXXX~~
HAMILTON, OH 45011

UC Physicians***Aring Neurology*****Healing • Teaching • Leading****222 Piedmont Avenue, Suite 3200****Cincinnati, OH 45219****Ph: 513-475-8730****Fax: 513-475-8033**

February 5, 2009

Sandra Hans, M.D.
Geraldine Wu, M.D.RE: **DIANE BROWN**
DOB: **02/27/1961**

I had the pleasure of seeing your patient, DIANE BROWN, in follow-up in the Aring Neurology Center at the Medical Arts Building on 02/05/2009.

History of Present Illness: Mrs. Brown and her husband return to follow-up her post concussive syndrome and related issues. After her visit with me in December, she started physical therapy which has been helpful in reducing her left neck and face pain. She just had her first visit with the speech cognitive therapist and will be following up there. The therapist's report indicates moderate cognitive impairment, but with contribution from depression and emotional distress. She recommended a support group for patients with mild TBI at the Drake Center. Dr. Wu added Wellbutrin to Mrs. Brown's antidepressant regimen. Things are about the same in that regard.

We reviewed her test results. Her EEG was normal. I personally reviewed her MRI brain with and without contrast which showed mild patchy T2 signal change of doubtful clinical significance. I personally reviewed her MRA and also presented it at vascular conference. It was normal. On one sequence, there is a question of fenestration at the vertebrobasilar junction which is not seen on other sequences and felt to be artifactual.

Examination: Mrs. Brown appeared generally well, but continued to have a flat affect. Her responses were articulate. She was intermittently tearful.

Assessment:

1. Mild traumatic brain injury with post concussive syndrome.
2. Depression and emotional distress related to previous events.

Plan:

1. Continue physical therapy.
2. Continue speech-cognitive therapy.
3. Follow-up with Dr. Wu and her therapist.
4. I am hopeful she will gradually improve.
5. She will remain on the lower dose of topiramate for migraine headaches. If the headaches worsen, she can increase back to her previous dose.
6. I will not schedule Mrs. Brown back, but would be happy to see her as needed.

Thank you for allowing me to participate in the care of this pleasant patient. If you would like a copy of my office note, please contact our Medical Records department at 513-475-8000. Please feel free to contact me should you have any concerns or questions.


Matthew Flaherty, M.D.

cc: DIANE BROWN
[REDACTED]
HAMILTON, OH 45011

UC Physicians

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Aring Neurology

222 Piedmont Avenue, Suite 3200

Cincinnati, OH 45219

Ph: 513-475-8730

Fax: 513-475-8033

April 19, 2010

Sandra Hans, M.D.

Geraldine Wu, M.D.

RE: **DIANE BROWN**
DOB: [REDACTED] 1961

Dear Doctors:

I had the pleasure of seeing your patient, DIANE BROWN, in consultation in the Aring Neurology Center at the Medical Arts Building on 04/19/2010.

History of Present Illness:

Mrs. Brown follows up with her husband. I last saw her about a year ago for post-concussive headaches. She also has a long-standing history of migraine. She is back because her migraine headaches have been worsening. She gets two severe migraines a week for which she takes Relpax and often needs to lie down. She is very sensitive to lights which often trigger headache. She has milder headache several times a week. She has gotten back in the habit of taking Motrin 400 mg four times daily. She remains on Topamax 50 mg twice daily which has been of moderate benefit.

Other medical issues include depression being treated by Dr. Wu and a psychotherapist, anemia attributed to heavy periods, and degenerative cervical disc disease.

Regarding her headaches, she recalls previously trying Elavil and perhaps Pamelor. She does not recall having tried Depakote, riboflavin or a calcium channel blocker.

On examination, she appeared well but affect is still a flat. She had occasional problems with word finding but was otherwise articulate. Her gait was normal. Visual fields were probably full, but on occasion she had problems that may have been related to a migrainous aura. Extraocular movements were full. Pupils were equal and reactive. There was no papilledema. Motor strength was normal in all extremities.

Assessment:

1. Migraine headaches with prominent visual auras.
2. Probable medication rebound headaches.

Plan:

1. Given her relatively low blood pressure, I will not be able to add a beta blocker or calcium channel blocker. Given Wellbutrin use, I am not going to add a tricyclic antidepressant. We discussed options of increasing topiramate, adding riboflavin, or adding Depakote. She chose riboflavin. Potential side effects discussed. Take 400 mg daily.
2. She needs to taper back on her analgesic (Motrin) use significantly. I prescribed a Medrol Dosepak which may help in the next week or two. I also prescribed omeprazole while she is on the Medrol. Potential side effects discussed.
3. I refilled her topiramate.

4. I will see her back in 2 to 3 months.

Thank you for allowing me to participate in the care of this pleasant patient. If you would like a copy of my office note, please contact our Medical Records department at 513-475-8000. Please feel free to contact me should you have any concerns or questions.

Sincerely,



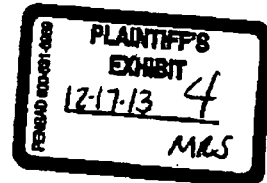
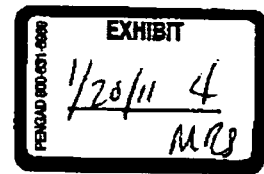
Matthew Flaherty, MD

MF/md

cc: Ms. Diane Brown

Wetherington Family Medicine

7589 Tylers Place Blvd.
West Chester, Ohio 45069
Phone (513) 755-4700 • Fax (513) 755-4717



January 18, 2011

Re: Diane Brown
DOB: ~~02-28-61~~ 61

To whom it may concern:

Diane Brown is currently taking:

Topamax 100 mg. ½ twice a day for migraines
Wellbutrin XR 150 mg. 3 pills once a day for depression
Ambien(Zolpidem) 10 mg. 2 pills at night for insomnia
Promethazine 12.5 mg. 1-2 pills as needed for nausea
Relpax 40 mg. 1 pill at onset migraine, may repeat in 2 hrs. as needed 1 time for migraines
Lexapro 20 mg. 2 pills daily for depression/anxiety
Ativan(Lorazepam) .5 mg. 1 pill 3 times a day for anxiety
Claritin as needed for allergies, sinus, headache
Nasacort AQ nasal spray 1-2 sprays daily for allergies, sinus, headache
Motrin 200 mg. 2-4 pills as needed for pain/ degenerative disc disease, headache

Mrs. Brown is being treated for: migraines, depression, degenerative disc disease of cervical spine, and basal cell carcinoma of the forehead.

I recommend she follow-up with a psychiatrist and neurologist.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra L. Hans M.D.".

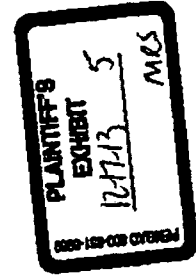
Sandra L. Hans, M.D.

SLH/gh

County	Case Number	Name	Warrant/Track	Offense Code	Sentence Code	Arrest Date	File Date	Disposition Date	Disposition Code	Sentence
Clarendon	2008GS1400335	Martinez, Rafael Gonzale	M080268	395	395	4/15/2008	4/18/2008	3/13/2009	Guilty Plea	Twenty five (25) years
Clarendon	2008GS1400335	Martinez, Rafael Gonzale	M080269	406	406	4/15/2008	4/18/2008	3/13/2009	Guilty Plea	fifteen (15) years
Clarendon	2008GS1400335	Martinez, Rafael Gonzale	M080270	406	406	4/15/2008	4/18/2008	3/13/2009	Guilty Plea	fifteen (15) years
Clarendon	2008GS1400335	Martinez, Rafael Gonzale	M080271	406	406	4/15/2008	4/18/2008	3/13/2009	Guilty Plea	fifteen (15) years
Clarendon	0000GS14	Hernandez, Victor	ES85733	406		8/6/2010	8/9/2010	9/14/2010	No/Pros Prosecution Ended	
Sumter	2009GS4300736	Jefferson, Carl N	J292912	406		2/5/2008	2/7/2008	3/10/2011	No/Pros Prosecution Ended	
Sumter	0000GS43	Bean, Julia Ann	30571EN	406		4/19/2008	5/7/2008	7/1/2008	No/Pros Prosecution Ended	
Sumter	0000GS43	Bean, Julia Ann	30572EN	406		4/19/2008	5/7/2008	7/1/2008	No/Pros Prosecution Ended	
Sumter	2009GS4300208	Brown, Diane Elizabeth	D491623	395	395	9/18/2008	9/23/2008	1/20/2011	Guilty Plea	12 YRS. AND \$10,000 FINE, CONC., CTS
Sumter	2009GS4300212	Bule, Antonio David	D498036	395	395	10/30/2008	11/12/2008	1/24/2011	Guilty Plea	14 YRS., AND \$10,000 CONC., WITH PROB. REVOCATION
Sumter	0000GS43	Wright, Renee	M191645	395		11/24/2008	12/4/2008			
Sumter	0000GS43	Wright, Renee	M191646	395		11/24/2008	12/4/2008			
Sumter	0000GS43	Wright, Renee	M191647	406		11/24/2008	12/4/2008			
Sumter	0000GS43	Wright, Renee	M191652	406		11/24/2008	12/4/2008			
Sumter	2009GS4300936	Lynch, Alexis Adina	M191972	395	3097	1/3/2009	1/9/2009	8/2/2010	Guilty Plea	8 YRS., SUSP. 4 YRS. WITH 3 YRS. PROB., CTS (22 D
Sumter	2009GS4300940	Mayrant, Tyisha N	J296274	395	3097	1/17/2009	1/26/2009	10/16/2012	Guilty Plea	3 YRS., SUSP., 1 YR. PROB., A&D TESTING
Sumter	2010GS4300281	Briggs, Thomas Edward Jr	D878016	406	2980	6/22/2009	6/30/2009	4/6/2010	Guilty Plea	30 DAYS OR \$500 FINE PLUS COSTS, FINE TO BE PAID W
Sumter	2011GS4300251	Richmond, Dylan Loyal	M442031	406		8/19/2010	8/25/2010			
Sumter	2011GS4300815	Wiggins, Richard J	M442140	406		9/1/2010	9/3/2010			
Sumter	2011GS4300837	Mendoza, Angel Adonay	10095E0	406		10/16/2010	10/20/2010	1/24/2013	Failure to Appear	
Sumter	2011GS4300384	Williams, Jermaine Mauri	M442612	395		12/21/2010	12/29/2010			
Williamsburg	2009GS4500161	COLLINS, HENRY D	M060540	406	395	2/23/2009	3/2/2009	8/25/2009	Guilty Plea	8YRS.SERV 3YRS 2YRS PROB FINE \$12,500
Williamsburg	2010GS4500269	Baggett, Marty		395	395		10/21/2010	7/20/2011	Trial: Guilty	20years; Fine of \$25,000; Concurrent to Reckless H
Williamsburg	2010GS4500270	Baggett, Marty		395	395		10/21/2010	7/20/2011	Trial: Guilty	10years;Concurrent Felony DUI Sentence; Credit Tie

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The information contained in the SCJD database is updated as case information is transmitted to SCJD from the custodians of individual county records. Because SCJD is not by law the custodian of court records and because SCJD receives information as a third party, SCJD cannot guarantee the accuracy of the information contained in these reports. While SCJD strives to keep the reports as accurate as possible, the data contained in these reports are relied on information maintained and transmitted at the county level. Any clarification of data should be directed to the pertinent county official.



TDSLAW

From: Bryant, Sakoya R. [sbryant@sccourts.org]
Sent: Tuesday, December 10, 2013 3:21 PM
To: tdslaw@shurlinglaw.com
Subject: FW: Research on Sentences Imposed in Felony DUI Cases involving Death.
Importance: High
Attachments: Stats Request (3rd Judicial Circuit).xlsx

I received notification that delivery failed. Please see below.

Sakoya R. Bryant
Court Representative
South Carolina Court Administration
(Tel) 803-734-1817
(Fax) 803-734-1821
www.sccourts.org

From: Bryant, Sakoya R.
Sent: Tuesday, December 10, 2013 3:15 PM
To: 'TDSLAW'
Subject: RE: Research on Sentences Imposed in Felony DUI Cases involving Death.

Tara,

Please find attached. Feel free to contact me with any questions or concerns regarding the report.

Thank you,
Sakoya

Sakoya R. Bryant
Court Representative
South Carolina Court Administration
(Tel) 803-734-1817
(Fax) 803-734-1821
www.sccourts.org

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From: TDSLAW [<mailto:tdslaw@shurlinglaw.com>]

Sent: Monday, December 09, 2013 5:18 PM
To: Bryant, Sakoya R.
Subject: RE: Research on Sentences Imposed in Felony DUI Cases involving Death.
Importance: High

Sakoya:

Thank you very much for your help. I got the material you sent me and I thank you for it, but I have a couple of concerns. We had requested information for felony DUI cases death resulting which would be CDR Code 395 for the Third Circuit from January 1, 2008 thru January 19, 2011. Secondly, I was interested in cases involving additional counts of felony DUI involving grave bodily injury which would be listed under CDR Code 406, however, cases involving only 406 would not be helpful to me. The information you sent me is for six (6) cases. It appears that under offense column only one case involved felony DUI, death resulting and that case was out of Clarendon County. That case listed the offense code of 395 under column headed offense code and over the adjacent column captioned column one. There is one case listed from Williamsburg County showing an offense code of 406 in the offense code column but showing code 395 under column headed column one. My first concern is to determine what the difference is between the offense code column and the column one column. If the numbers were the other way around on the Williamsburg charge, I would have thought that the original charge felony DUI death and it was plead down to felony DUI grave bodily injury. Please explain.

I asked for everything from January 1, 2008 through January 19, 2011. Please note I need everything up through and including January 19, 2011. It appears that I got cases disposed of between 3-13-2009 and 9-16-2009.

I just hung up the phone from talking with you personally. Thank you very much for following up on this request. Please be sure whoever runs this information understands that it is extremely important that I get the information immediately. I will be here most of the day tomorrow and will be happy to answer any questions you might have.

Tara

Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive
Suite A
Columbia, South Carolina 29204

(803)738-8622 Phone
(803)738-1600 Fax
(803)446-3614 Business Cell
tdslaw@shurlinglaw.com

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From: Bryant, Sakoya R. [<mailto:sbryant@sccourts.org>]
Sent: Thursday, December 05, 2013 4:34 PM
To: 'tdslaw@shurlinglaw.com'

Subject: RE: Research on Sentences Imposed in Felony DUI Cases involving Death.

Suzanne,

Please disregard my previous email and find the attached report as requested. Feel free to contact me with any questions or concerns.

Thanks,
Sakoya

Sakoya R. Bryant
Court Representative
South Carolina Court Administration
(Tel) 803-734-1817
(Fax) 803-734-1821
www.sccourts.org

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From: Bryant, Sakoya R.
Sent: Thursday, December 05, 2013 4:27 PM
To: 'tdslaw@shurlinglaw.com'
Subject: RE: Research on Sentences Imposed in Felony DUI Cases involving Death.

Suzanne,

Please find the attached report as requested. Should you have any questions or concerns, do not hesitate to contact me.

Thank you,
Sakoya

Sakoya R. Bryant
Court Representative
South Carolina Court Administration
(Tel) 803-734-1817
(Fax) 803-734-1821
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From: TDSLAW [<mailto:tdslaw@shurlinglaw.com>]

Sent: Wednesday, December 04, 2013 4:51 PM

To: Bryant, Sakoya R.

Subject: RE: Research on Sentences Imposed in Felony DUI Cases Involving Death.

Importance: High

Sakoya:

Ms. Shurling is not in the office and is traveling back from an institution. I talked with her by phone and she says to tell you thank you. She wants to know when can we expect the report and will we get the report by mail or email? We hate to sound pushy but Ms. Shurling has to file amendments to the PCR in this case on Monday, December 9th. She says thanks again.

Suzanne

Paralegal to Tara Dawn Shurling

From: Bryant, Sakoya R. [<mailto:sbryant@sccourts.org>]

Sent: Tuesday, December 03, 2013 4:32 PM

To: TDSLAW

Subject: RE: Research on Sentences Imposed in Felony DUI Cases Involving Death.

Hi Tara,

The report will include information for the CDR codes noted below.

395 DUI / Felony driving under the influence, death results

406 DUI / Felony driving under the influence, great bodily injury results

Thanks,

Sakoya

Sakoya R. Bryant

Court Representative

South Carolina Court Administration

(Tel) 803-734-1817

(Fax) 803-734-1821

www.sccourts.org

From: TDSLAW [<mailto:tdslaw@shurlinglaw.com>]

Sent: Monday, December 02, 2013 5:38 PM

To: Bryant, Sakoya R.

Subject: Research on Sentences Imposed in Felony DUI Cases Involving Death.

Importance: High

Sakoya:

My client was sentenced for one count of felony DUI, death and one count of felony DUI, grave bodily injury, pursuant to 56-05-2945 (A) (1) and (A) (2) on January 20, 2011. She pleaded guilty on both counts. She was prosecuted in Sumter County which is in the Third Circuit. As a starting place, I would ask for sentencing data on all felony DUI, death resulting, cases in the Third Circuit from January 1, 2008 through January 19, 2011.

Thank you very much for your kind assistance.

Tara Dawn Shurling

Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive
Suite A
Columbia, South Carolina 29204

(803)738-8622 Phone
(803)738-1600 Fax
(803)446-3614 Business Cell
tdslaw@shurlinglaw.com

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OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 28329225		Driver License No:	
Name: MARTINEZ, RAFAEL GONZALEZ			
Address: [REDACTED]			
City: BOWMAN	State: SC	Zip: 290189174	
County: CLARENDON	Sex: M	Driver Training: N	
DOB: [REDACTED]/1976			
Status - DL: NO SUSPENSION		CDL: NO DISQUALIFICATION	

Point Summary

Total Current Points: 0
 Driver Credit: -0
 Adjusted Current Points: 0

VIOL: 442 - Disobeying an official traffic device
 Violation: 03/04/2007 Conviction: 05/03/2007
 ACD: M14 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 46422DU
 Recd: 06/06/2007 Post: 06/19/2007
 Conviction Reference:
 Court Type: MUNICIPAL COURT
 Violation Points: 4 Current Points: 0

End of Report

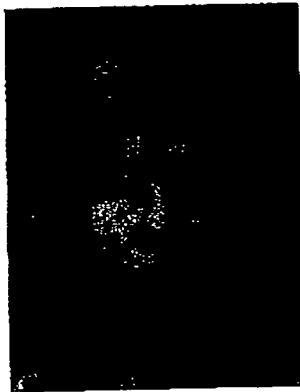
Certified to be a true and correct
 copy of the original document on file
 with the South Carolina Department of
 Motor Vehicles.

D. L. Phelps

Procedures & Compliance Administrator

INMATE SEARCH DETAIL REPORT

BROWN, DIANNE ELIZABETH (00344449)



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	FEMALE	SCDC ID:	00344449
RACE:	WHITE	SID:	SC01982705
HEIGHT:	5' 05"	OFFENDER TYPE:	ADULT-STRAIGHT SENTENCE
WEIGHT:	160 lbs.	ADMISSION DATE:	01/21/2011
AGE:	51	LOCATION:	GRAHAM CORR INST
CITIZENSHIP:	CITIZEN - NATIVE BORN	SECURITY / CUSTODY:	2 / MINIMUM IN
BUILD:	SLIGHT	EWC LEVEL:	2F5
COMPLEXION:	FAIR	EEC LEVEL:	
HAIR COLOR:	BLOND OR STRAWBERRY	PROJECTED RELEASE DATE:	03/28/2021
EYE COLOR:	HAZEL	PROJECTED PAROLE ELIGIBILITY:	NOT ELIGIBLE
PICTURE DATE:	01/21/2011	SUP. FURLOUGH ELIGIBILITY:	NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOS	DYS	COUNTY	START DATE	VMV	CAT	INDICT	STATUS
FELONY DUI	ADULT-STRAIGHT SENTENCE	12	0	0	SUMTER	01/18/2011	N	3	09GS43-0208	ACTIVE
FELONY DUI-DEATH RESULTS	ADULT-STRAIGHT SENTENCE	12	0	0	SUMTER	01/18/2011	N	4	09GS43-0208	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARIES

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2005

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
08/27/2013	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
08/27/2013	KIRKLAND	INCARCERATED	MEDICAL
02/24/2011	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
01/21/2011	GRAHAM R&E	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
OFFICE CLERK	04/05/2013			2F5
OFFICE CLERK	02/05/2013	04/04/2013	NOT ELIGIBLE FOR LEVEL 2	3F5
CANTEEN OPERATOR	11/15/2011	02/04/2013	LATERAL TRANSFER	3F5
MACHINE OPERATOR TRAINEE	10/04/2011	11/14/2011	LATERAL TRANSFER	3F5
MACHINE OPERATOR TRAINEE	03/01/2011	08/09/2011	MEDICAL	3F5

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION

**SLED CATCH**
Citizens Access to Criminal Histories
Results

Name **Thomas Briggs**
Date of Birth **1982**
Maiden Name
Gender **Male**
SSN
Transaction **005456364**
Date of Check **December 17, 2013 at 08:07**

ARREST RECORD
S.C. Law Enforcement Division
WWW

This record is based on a search using **Last name, First initial, Gender, and Date of Birth only.**
Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST
ORI-SCLED0000 SID-SC01719254 FBI-***** PUR-E
ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/17/2013 TIME-08:03:56
REQ ORI-SCLED0000 S C LAW ENF DIV
SID-SC01719254 FBI-
NAME-BRIGGS, THOMAS EDWARD SEX-M RACE-B
HEIGHT-600 WEIGHT-230 EYES-BRO HAIR-BLK SKIN- BORN-US
FPC- HENRY-
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--11/27/2012

ADDITIONAL IDENTIFIERS BIRTH
NAME DATES MARKS SOC SEC MISC NUM
BRIGGS, THOMAS EDWARD JR 1982 BRIGGS, THOMAS

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

BRIGGS, THOMAS EDWARD 10/03/2006
SC0140000 CLARENDON CNTY SO
CASE-88828DQ
ATN-140000002876
WARR-88828DQ
CIT-16-17-530-MISDEMEANOR

ARREST CHARGE 01-PUBLIC DISOR
DERLY CONDUCT
OFFENSE DATE-10/03/2006

BRIGGS, THOMAS EDWARD JR 02/25/2007
SC0140000 CLARENDON CNTY SO
CASE-07021013
ATN-140000003612
WARR-J123064
CIT-16-23-20-MISDEMEANOR

ARREST CHARGE 01-UNLAWFUL
CARRYING OF WEAPON
OFFENSE DATE-02/25/2007

CIT-16-23-20-MISDEMEANOR
DOC-00GS14
WARR-J123064

COURT CHARGE 01-UNLAWFUL
CARRYING OF WEAPON

SLED State Criminal Records Check - DB Check & Display

Page 2 of 3

COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-02/05/2008
ATN-140000003612

BRIGGS, THOMAS EDWARD JR
SC0140300 TURBEVILLE PD
CASE-TP0000275
ATN-140000006543
WARR-53621EL
CIT-56-5-2920-MISDEMEANOR

08/23/2008

ARREST CHARGE 01-RECKLESS
DRIVING
OFFENSE DATE-08/23/20

08
CIT-56-5-2920-MISDEMEANOR
DOC-R84
WARR-53621EL

COURT CHARGE 01-RECKLESS
DRIVING
COURT DISP-CONVICTED; SENTENCE
UNKNOWN
COURT DATE-09/25/2008
ATN-140000006543

BRIGGS, THOMAS EDWARD JR
SC0140000 CLARENDON CNTY SO
CASE-SD0004104
ATN-140000006885
WARR-M081694
CIT-C/L-UNCLASSIFIED

11/05/2008

ARREST CHARGE 01-ASSAULT OF
A HIGH AND AGGRAVATED
NATURE
OFFENSE DATE-11/05/2008

BRIGGS, THOMAS
SC0140000 CLARENDON CNTY SO
CASE-058424
ATN-140000008901
WARR-M083301
CIT-44-53-370(B)(2)-FELONY

09/04/2009

ARREST CHARGE 01-MANUFT, POSSE
SS OTHER SUB SCH I, II, III
WITD-1ST
OFFENSE DATE-09/04/2009

BRIGGS, THOMAS EDWARD JR
SC0140000 CLARENDON CNTY SO
CASE-SD-0005842
ATN-140000009538
WARR-M083760
CIT-C/L-UNCLASSIFIED

12/21/2009

ARREST CHARGE 01-ASSAULT OF
HIGH AND AGGRAVATED NATURE
OFFENSE DATE-12/21/2009

CIT--MISDEMEANOR
DOC-14
WARR-M083760

COURT CHARGE 01-ASSAULT/SIMPL
E ASSAULT AND BATTERY
COURT DISP-CONVICTED
COURT DATE-01/04/2010
ATN-140000009538

BRIGGS, THOMAS EDWARD JR
SC0140000 CLARENDON CNTY SO
CASE-ME-0001598
ATN-140000009731
WARR-J101796
CIT-C/L, -MISDEMEANOR

01/27/2010

ARREST CHARGE 01-ASSAULT/BATT
ERY HIGH & AGGRAVATED
NATURE

SLED State Criminal Records Check - DB Check & Display

Page 3 of 3

OFFENSE DATE-01/27/2010

BRIGGS, THOMAS EDWARD JR 05/05/2011
 SC0140000 CLARENDON CNTY SO
 CASE-SD-0007766
 ATN-140000012519
 WARR-41426FO
 CIT-16-17-530-MISDEMEANOR

ARREST CHARGE 01-PUBLIC DISOR
 DERLY CONDUCT
 OFFENSE DATE-05/05/2011

WARR-M085620 @
 CIT-16-11-313-FELONY

ARREST CHARGE 02-BURGLARY-3RD
 DEGREE 1ST OFFENSE
 OFFENSE DATE-05/05/2011

CIT--MISDEMEANOR
 DOC-14
 WARR-41426FO

COURT CHARGE 01-PUBLIC DISORD
 ERLY CONDUCT
 COURT DISP-CONVICTED; Fine or
 Jail Time
 COURT DATE-07/14/2011
 ATN-140000012519

CIT-16-11-313-FELONY
 DOC-00GS14
 WARR-M085620

COURT CHARGE 02-BURGLARY-3RD
 DEGREE 1ST OFFENSE
 COURT DISP-NON-CONVICTION; NP
 COURT DATE-03/16/2012

BRIGGS, THOMAS EDWARD JR 07/06/2011
 SC0140000 CLARENDON CNTY SO
 CASE-SD-0008018
 ATN-140000012878
 WARR-M085849 @
 CIT-16-3-652-FELONY

ARREST CHARGE 01-CRIMINAL
 SEXUAL CONDUCT - FIRST
 DEGREE
 OFFENSE DATE-07/06/2011

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC01719254
 THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
 CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
 CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
 USE OF THIS RECORD IS ALLOWED.

** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~438728496210831451217080704~~



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 22420738		Driver License No: ~~XXXXXXXXXX~~	
Name: BRIGGS, THOMAS EDWARD JR			
Address: ~~XXXXXXXXXX~~			
City: NEW ZION	State: SC	Zip: 29111	
County: CLARENDON			
DOB: ~~XXXX~~ 1982	Sex: M	Driver Training: N	
Status - DL: SUSPENDED		CDL: DISQUALIFIED	

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Re-exam	10/16/2007	10/05/2017	06/10/2002	N	N
Prior							
DL	D	Modify	08/20/2004	10/05/2007	06/10/2002	N	N
DL	D	BP to DL	06/10/2002	10/05/2007	06/10/2002	N	N

Address Change -

Date Changed: 03/23/2004

Address: PO BOX 242
City: NEW ZION

State: SC Zip: 291110242

Address Change -

Date Changed: 06/02/2004

Address: 1236 KNOWLTON RD
City: NEW ZION

State: SC Zip: 29111

Address Change -

Date Changed: 08/20/2004

Address: 1246 WAYNES DR
City: MANNING

State: SC Zip: 291025749

Point Summary

Total Current Points: 0
Driver Credit: -0
Adjusted Current Points: 0

SUSP: 036 - Controlled Substance Violation

Ticket#: 10GS140125

Special Driving Privilege: NONE

Suspension Beg: 12/17/2010

Suspension End: 06/17/2011

Causal: 09/03/2009

Post: 09/21/2010

Reinstatement Requirements Met: INDEFINITE

Reinstatement Fee Paid: Y

ACD: A33 Withdrawal Loc Ref:

Withdrawal Reason Ref:

VIOL: 436 - Controlled Substance Violation

Ticket#: 10GS140125

Violation: 09/03/2009 Conviction: 08/31/2010

Recd: 09/14/2010

Post: 09/21/2010

ACD: A33 Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MAGISTRATE COURT

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 22420738

Driver License No: [REDACTED]

Name: BRIGGS, THOMAS EDWARD JR

Ticket#: 10GS430281

SUSP: 001 - Driving Under the Influence

Special Driving Privilege: NONE

Suspension Beg: 06/16/2010

Causal: 06/22/2009

Reinstatement Requirements Met: INDEFINITE

ACD: A20 Withdrawal Loc Ref:

Suspension End: 12/16/2010

Post: 06/01/2010

Reinstatement Fee Paid: N

Withdrawal Reason Ref:

VIOL: 499 - Driving Under the Influence

Violation: 06/22/2009 Conviction: 04/06/2010

ACD: A20 Conviction Loc Ref:

Conviction State: SC

Ticket#: 10GS430281

Recd: 05/25/2010

Post: 06/01/2010

Conviction Reference:

Court Type: CIRCUIT COURT

VIOL: 560 - Failure to Pay Traffic Ticket or Appear

Violation: 02/23/2010 Conviction: 03/17/2010

ACD: D56 Conviction Loc Ref: 533

Conviction State: SC

Ticket#: 63125DX

Recd: 05/14/2010

Post: 05/14/2010

Conviction Reference:

Court Type: UNKNOWN

SUSP: 097 - Failure to Pay Traffic Ticket

Suspension Beg: 06/03/2010

Causal: 02/23/2010

Ticket Paid: 06/21/2012

ACD: D56 Court Name: SANTEE MUNICIPAL CRT

Court Address: 194 BROOKS DR, POB 757

City: SANTEE

State: SC

Zip: 29142

Phone No: 803-854-2438

Ticket#: 63125DX

Suspension End: 11/25/2013

Post: 05/14/2010

Compliance Received: 06/21/2012

VIOL: 475 - Careless or negligent driving

Violation: 02/23/2010 Conviction: 03/17/2010

ACD: M81 Conviction Loc Ref:

Conviction State: SC

Ticket#: 63125DX

Recd: 03/30/2010

Post: 04/27/2010

Conviction Reference:

Court Type: MUNICIPAL COURT

VIOL: 421 - Speeding 10-mph or less

Violation: 12/20/2009 Conviction: 02/02/2010

ACD: S51 Conviction Loc Ref:

Conviction State: SC

Ticket#: 32850FE

Recd: 02/22/2010

Post: 03/19/2010

Conviction Reference:

Court Type: MAGISTRATE COURT

Violation Points: 2 Current Points: 0

VIOL: 560 - Failure to Pay Traffic Ticket or Appear

Violation: 05/23/2009 Conviction: 07/14/2009

ACD: D56 Conviction Loc Ref: 521

Conviction State: SC

Ticket#: D839861

Recd: 09/03/2009

Post: 09/03/2009

Conviction Reference:

Court Type: UNKNOWN

SUSP: 097 - Failure to Pay Traffic Ticket

Suspension Beg: 09/23/2009

Causal: 05/23/2009

Ticket Paid: 09/24/2009

ACD: D56 Court Name: PAMPLICO MAGISTRATE CRT

Court Address: 124 THIRD AVE EAST

City: PAMPLICO

State: SC

Zip: 29583

Phone No: 843-493-0072

Ticket#: D839861

Suspension End: 09/24/2009

Post: 09/03/2009

Compliance Received: 09/24/2009

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 22420738

Driver License No: [REDACTED]

Name: BRIGGS, THOMAS EDWARD JR

VIOL: 421 - Speeding 10-mph or less
Violation: 05/23/2009 **Conviction:** 07/14/2009
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: D839861
Recd: 08/06/2009 **Post:** 08/17/2009
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 2 **Current Points:** 0

ACC: REPORTABLE

Accident: 06/22/2009
Accident Case Number: 9072284
Accident Jurisdiction: SC **Acc Loc Ref:** SCHDPT
Contributed: Y

Posted: 07/27/2009
FR-10 Audit Number: A-476752
History: N

VIOL: 421 - Speeding 10-mph or less
Violation: 10/22/2008 **Conviction:** 12/10/2008
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: 24192ET
Recd: 01/02/2009 **Post:** 01/22/2009
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 2 **Current Points:** 0

VIOL: 421 - Speeding 10-mph or less
Violation: 07/07/2007 **Conviction:** 08/08/2007
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: Z572815
Recd: 08/23/2007 **Post:** 08/27/2007
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 2 **Current Points:** 0

VIOL: 421 - Speeding 10-mph or less
Violation: 03/30/2006 **Conviction:** 09/19/2006
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: C537352
Recd: 10/10/2006 **Post:** 10/17/2006
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 2 **Current Points:** 0

VIOL: 441 - Speeding more than 10 mph but LT 25 mph

Violation: 06/28/2006 **Conviction:** 07/18/2006
ACD: S92 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: 87019DQ
Actual Speed: 70 **Posted Speed:** 55
Recd: 08/03/2006 **Post:** 08/07/2006
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 4 **Current Points:** 0

VIOL: 421 - Speeding 10-mph or less
Violation: 03/18/2006 **Conviction:** 04/05/2006
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: C454676
Recd: 04/18/2006 **Post:** 05/12/2006
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 2 **Current Points:** 0

SUSP: 042 - Cancellation of Insurance

Special Driving Privilege: NONE
Suspension Beg: 02/14/2006
Causal: 12/24/2005
Reinstatement Requirements Met: 02/22/2006
ACD: D36 **Withdrawal Loc Ref:**

Suspension End: 02/22/2006
Post: 01/16/2006
Reinstatement Fee Paid: Y
Withdrawal Reason Ref:

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

A. L. Phelps

Procedures & Compliance Administrator

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 22420738

Driver License No: [REDACTED]

Name: BRIGGS, THOMAS EDWARD JR

VIOL: 441 - Speeding more than 10 mph but LT 25 mph

Ticket#: C107629

Actual Speed: 70

Posted Speed: 55

Violation: 04/09/2005 Conviction: 05/03/2005

Recd: 06/09/2005

Post: 06/27/2005

ACD: S92 Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MAGISTRATE COURT

Violation Points: 4 Current Points: 0

VIOL: 421 - Speeding 10-mph or less

Ticket#: C107603

Violation: 03/12/2005 Conviction: 05/03/2005

Recd: 06/09/2005

Post: 06/27/2005

ACD: S51 Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MAGISTRATE COURT

Violation Points: 2 Current Points: 0

VIOL: 475 - Careless or negligent driving

Ticket#: 91963CX

Violation: 02/24/2005 Conviction: 03/07/2005

Recd: 04/05/2005

Post: 04/18/2005

ACD: M81 Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MAGISTRATE COURT

VIOL: 480 - Failure to Show proof of Insurance at Time of Stop

Ticket#: 54456CS

Violation: 08/07/2004 Conviction: 08/25/2004

Recd: 09/23/2004

Post: 09/30/2004

ACD: D36 Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MUNICIPAL COURT

SUSP: 060 - Failure to Show proof of Insurance

Ticket#: 54456CS

Special Driving Privilege: NONE

Suspension Beg: 10/15/2004

Suspension End: 10/18/2004

Causal: 08/07/2004

Post: 09/30/2004

Reinstatement Requirements Met: 10/18/2004

ACD: D36 Withdrawal Loc Ref:

Withdrawal Reason Ref:

VIOL: 475 - Careless or negligent driving

Ticket#: 89869CX

Violation: 06/07/2004 Conviction: 07/01/2004

Recd: 07/20/2004

Post: 08/06/2004

ACD: M81 Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MAGISTRATE COURT

VIOL: 447 - Turning unlawfully

Ticket#: 8432907

Violation: 04/17/2004 Conviction: 05/05/2004

Recd: 06/03/2004

Post: 06/03/2004

ACD: N50 Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MAGISTRATE COURT

Violation Points: 4 Current Points: 0

ACC: REPORTABLE

Accident: 04/17/2004

Posted: 05/13/2004

Accident Case Number: 4048167

FR-10 Audit Number: R-598886

Accident Jurisdiction: SC Acc Loc Ref: SCHDPT

History: N

Contributed: Y

End of Report

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.



SLED CATCH

Citizens Access to Criminal Histories

Results

Name **Henry Collins**
 Date of Birth **1960**
 Maiden Name
 Gender **Male**
 SSN
 Transaction **005456366**
 Date of Check **December 17, 2013 at 08:09**

ARREST RECORD
 S.C. Law Enforcement Division
 WWW

This record is based on a search using **Last name, First Initial, Gender, and Date of Birth only.**
 Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC00660133 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
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 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/17/2013 TIME-08:06:08
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC00660133 FBI-
 NAME-COLLINS, HENRY D SEX-M RACE-B
 HEIGHT-507 WEIGHT-160 EYES-BRO HAIR-BLK SKIN-MED BORN-SC
 FPC-07090512100557061611 HENRY- 7 S 1 U III 10
 S 1 R IIO

PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--09/28/2009

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME					
COLLINS, HENRY	1960				
	960				

CONTRIBUTOR/SUBJECT	DOA/RCVD	CHARGE/DISPOSITION/ETC
COLLINS, HENRY D	09/20/1988	
SC0100100 CHARLESTON POLICE DE		
CASE-128687		
WARR-08495MQ		

ARREST CHARGE 01-DRIVING
 UNDER INFLUENCE
 PHOTOGRAPH AVAILABLE

WARR-08496MQ

ARREST CHARGE 02-FAIL TO
 YIELD RIGHT WAY
 COURT CHARGE 01-DRIVING UNDER
 INFLUENCE
 COURT DISP-CONVICTED;\$200 OR
 300

WARR-08495MQ

COURT CHARGE 02-FAIL TO YIELD
 RIGHT WAY
 COURT DISP-CONVICTED;\$200

WARR-08496MQ

COLLINS, HENRY D

01/26/1994

SLED State Criminal Records Check - DB Check & Display

SC0220000 GEORGETOWN CNTY SO
CASE-0194923

ARREST CHARGE 01-DISORDERLY
CONDUCT
OFFENSE DATE-01/26/1994
PHOTOGRAPH AVAILABLE

COLLINS, HENRY D
SC0220000 GEORGETOWN CNTY SO
CASE-1095429
WARR-E654647

10/30/1995

ARREST CHARGE 01-SIMPLE ASSAULT

LT AND BATTERY
OFFENSE DATE-10/30/1995
PHOTOGRAPH AVAILABLE

COLLINS, HENRY
SC0220000 GEORGETOWN CNTY SO
CASE-1097898

10/17/1997

ARREST CHARGE 01-BURGLARY
OFFENSE DATE-10/17/1997
PHOTOGRAPH AVAILABLE

COLLINS, HENRY D
SC0220000 GEORGETOWN CNTY SO
CASE-02990804
WARR-76295AN.

02/15/1999

ARREST CHARGE 01-DRIVING
UNDER SUSPENSION
OFFENSE DATE-02/15/1999
PHOTOGRAPH AVAILABLE

WARR-76296AN

ARREST CHARGE 02-OPERATING
UNINSURED VEHICLE
OFFENSE DATE-02/15/1999

COLLINS, HENRY D
SC0220200 GEORGETOWN PD
CASE-03019631
ATN-990000181862
WARR-24464CR
CIT-16-13-110(B) (1)-MISDEMEANOR

12/14/2003

ARREST CHARGE 01-SHOPLIFTING
OFFENSE DATE-12/13/2003
PHOTOGRAPH AVAILABLE

CIT-16-13-110(B) (1)-MISDEMEANOR

COURT CHARGE 01-SHOPLIFTING
COURT DISP-CONVICTED; FINE
\$1062 OR 30 DAYS
COURT DATE-12/14/2003
ATN-990000181862

COLLINS, HENRY D
SC0220000 GEORGETOWN CNTY SO
ATN-WARR-H562857
CIT-16-11-180-MISDEMEANOR

03/18/2004

ARREST CHARGE 01-NEGLIGENTLY
ALLOWING FIRE TO SPREAD-1S
T OFF
OFFENSE DATE-03/08/2004

WARR-H562858
CIT-48-35-60-MISDEMEANOR

ARREST CHARGE 02-REG FIRES
ON CERTAIN LANDS VIOLATION
- 1ST OFF
OFFENSE DATE-03/08/2004

CIT-16-11-180-MISDEMEANOR
DOC-R84
WARR-H562857

COURT CHARGE 01-NEGLIGENTLY
ALLOWING FIRE TO SPREAD-1S

SLED State Criminal Records Check - DB Check & Display

Page 3 of 4

DOC-R84
WARR-H562858

T OFF
COURT DISP-CONVICTED; SENTENCE
UNKNOWN
COURT DATE-04/14/2004
ATN-CIT-48-35-60-MISDEMEANOR
COURT CHARGE 02-REG FIRES ON
CERTAIN LANDS VIOLATION -
1ST OFF
COURT DISP-CONVICTED; SENTENCE
UNKNOWN
COURT DATE-04/20/2004

COLLINS, HENRY D
SC0220000 GEORGETOWN CNTY SO
CASE-06040187
ATN-WARR-98188CT
CIT-56-1-460(3)-MISDEMEANOR

06/03/2004

ARREST CHARGE 01-DUS (SUSPEND
ED FOR DUI) 3RD/SUB
OFFENSE DATE-06/02/2004
PHOTOGRAPH AVAILABLE

WARR-98189CT
CIT-61-9-87-MISDEMEANOR

ARREST CHARGE 02-OPEN CONTAIN
ER OF BEER/WINE
OFFENSE DATE-06/02/2004

CIT-61-9-87-MISDEMEANOR
DOC-R84
WARR-98189CT

COURT CHARGE 01-OPEN CONTAIN
R OF BEER/WINE
COURT DISP-CONVICTED; UNKNOWN
ATN-

COLLINS, HENRY
SC0450000 WILLIAMSBURG CNTY SO
CASE-NA
ATN-990000466798
WARR-M060540
CIT-56-5-2945(A)(2)-FELONY

02/23/2009

ARREST CHARGE 01-FELONY DRIV
ING UNDER INFLUENCE, DEATH
RESULTS
OFFENSE DATE-02/03/2009

WARR-M060541
CIT-16-17-725(C)-MISDEMEANOR

ARREST CHARGE 02-GIVING FALSE
INFORMATION
OFFENSE DATE-02/03/2009

WARR-M060542
CIT-56-1-440-MISDEMEANOR

ARREST CHARGE 03-DRIVING
WITHOUT A LICENSE - 3RD
OR SUBSEQUENT
OFFENSE DATE-02/03/2009

CIT--MISDEMEANOR
DOC-45
WARR-M060541

COURT CHARGE 01-GIVING FALSE
INFORMATION
COURT DISP-CONVICTED; Fine
\$0.00 / Jail 0 Days /
TIME SERVED
COURT DATE-05/21/2009
ATN-990000466798

CIT--MISDEMEANOR
DOC-45
WARR-M060542

COURT CHARGE 02-DUS (SUSPENDE
D FOR DUI) 3RD/SUB
COURT DISP-CONVICTED; Fine
\$0.00 / Jail 0 Days /
TIME SERVED
COURT DATE-05/21/2009

CIT-56-5-2945(A)(2)-FELONY
DOC-09GS4500161

COURT CHARGE 03-FELONY DRIVIN

12/17/2012

SLED State Criminal Records Check - DB Check & Display

WARR-M060540

G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED; 8YRS
SUSP TO 3YRS AND 2YRS
PROBATION FINE OF \$12,500
COURT DATE-08/25/2009

SC040015C SC DEPT CORRECTIONS 09/03/2009 CUSTODY STATUS-RECEIVED
CASE-003366 START DATE-09/03/2009
CIT-56-5-2945(A) (2)-FELONY

COURT CHARGE 01-FELONY DRIVIN
G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED; 8 YRS
SS 3 YRS 2 YRS PROB
COURT DATE-09/03/2009
ATN-50D200001033

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC00660133
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~XXXXXXXXXXXXXXXXXXXX~~



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 22777559		Driver License No: [REDACTED]	
Name: COLLINS, HENRY D			
Address: [REDACTED]		State: SC Zip: 294405519	
City: GEORGETOWN		Sex: M Driver Training: N	
County: GEORGETOWN			
DOB: [REDACTED] 1960			
Status - DL: SUSPENDED		CDL: DISQUALIFIED	

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Convrns	01/19/1988	07/28/1992	06/08/1999	N	N

Address Change -

Date Changed: 06/09/2004

Address: RR 2 BOX 279-A
 City: GEORGETOWN State: SC Zip: 294409802

Point Summary

Total Current Points: 0
 Driver Credit: -2
 Adjusted Current Points: 0

VIOL: 496 - Driving Under Suspension
 Violation: 10/24/2008 Conviction: 11/26/2008
 ACD: B26 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 69031DP
 Recd: 12/03/2008 Post: 12/09/2008
 Conviction Reference:
 Court Type: MAGISTRATE COURT

SUSP: 013 - Driving Under Suspension
 Special Driving Privilege: NONE
 Suspension Beg: 11/26/2008
 Causal: 10/24/2008
 Reinstatement Requirements Met: INDEFINITE
 ACD: B26 Withdrawal Loc Ref:

Ticket#: 69031DP

Suspension End: 02/26/2009
 Post: 12/09/2008
 Reinstatement Fee Paid: N
 Withdrawal Reason Ref:

SUSP: 013 - Driving Under Suspension
 Special Driving Privilege: NONE
 Suspension Beg: 07/19/2004
 Causal: 06/02/2004
 Reinstatement Requirements Met: INDEFINITE
 ACD: B26 Withdrawal Loc Ref:

Ticket#: 98188CT

Suspension End: 10/19/2004
 Post: 09/07/2004
 Reinstatement Fee Paid: N
 Withdrawal Reason Ref:

VIOL: 496 - Driving Under Suspension
 Violation: 06/02/2004 Conviction: 07/19/2004
 ACD: B26 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 98188CT
 Recd: 08/23/2004 Post: 09/07/2004
 Conviction Reference:
 Court Type: MAGISTRATE COURT

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 22777559
 Name: COLLINS, HENRY D

Driver License No: [REDACTED]

SUSP: 013 - Driving Under Suspension
Special Driving Privilege: NONE
Suspension Beg: 03/16/2002
Causal: 06/29/2001
Reinstatement Requirements Met: INDEFINITE
ACD: B26 Withdrawal Loc Ref:

Ticket#: Y865660

Suspension End: 06/16/2002
Post: 10/01/2001
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

SUSP: 001 - Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 09/16/2001
Causal: 06/29/2001
Reinstatement Requirements Met: INDEFINITE
ACD: A20 Withdrawal Loc Ref:

Ticket#: Y865659

Suspension End: 03/16/2002
Post: 08/23/2001
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

SUSP: 091 - Implied Consent
Special Driving Privilege: NONE
Suspension Beg: 06/29/2001
Causal: 06/29/2001
Reinstatement Requirements Met: INDEFINITE
ACD: A12 Withdrawal Loc Ref:

Suspension End: 09/16/2001
Post: 07/18/2001
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

SUSP: 013 - Driving Under Suspension
Special Driving Privilege: NONE
Suspension Beg: 04/13/1999
Causal: 02/15/1999
Reinstatement Requirements Met: INDEFINITE
ACD: B26 Withdrawal Loc Ref:

Ticket#: 76295AN

Suspension End: 07/13/1999
Post: 05/20/1999
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

SUSP: 017 - Operating or Allowing Operation of Uninsured Vehic
Special Driving Privilege: NONE
Suspension Beg: 03/15/1999
Causal: 02/15/1999
Reinstatement Requirements Met: INDEFINITE
ACD: D36 Withdrawal Loc Ref:

Ticket#: 76296AN

Suspension End: 04/13/1999
Post: 04/22/1999
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

SUSP: 001 - Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 03/21/1989
Causal: 09/20/1988
Reinstatement Requirements Met: INDEFINITE
ACD: A20 Withdrawal Loc Ref:

Ticket#: 08495MQ

Suspension End: 06/21/1989
Post: 03/21/1989
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

SUSP: 097 - Failure to Pay Traffic Ticket
Suspension Beg: 01/30/1989
Causal: 10/22/1988
Ticket Paid:
ACD: D56 Court Name:
Court Address:
City:

Ticket#: NO TICKET NO
Suspension End: INDEFINITE
Post: 01/30/1989
Compliance Received:

Phone No: **State:** **Zip:**

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 22777559

Driver License No: [REDACTED]

Name: COLLINS, HENRY D

SUSP: 097 - Failure to Pay Traffic Ticket

Ticket#: NO TICKET NO

Suspension Beg: 01/19/1989

Suspension End: INDEFINITE

Causal: 09/29/1988

Post: 01/19/1989

Ticket Paid:

Compliance Received:

ACD: D56 Court Name:

Court Address:

City:

State:

Zip:

Phone No:

SUSP: 003 - Point Suspension

Special Driving Privilege: NONE

Suspension Beg: 12/21/1988

Suspension End: 03/21/1989

Causal: 12/01/1988

Post: 12/21/1988

Reinstatement Requirements Met: INDEFINITE

Reinstatement Fee Paid: N

ACD: W01 Withdrawal Loc Ref:

Withdrawal Reason Ref:

End of Report

Name **Rafael Martinez**
 Date of Birth **1976**
 Maiden Name
 Gender **Male**
 SSN
 Transaction **005455210**
 Date of Check **December 16, 2013 at 11:53**

ARREST RECORD
S.C. Law Enforcement Division
WWW

This record is based on a search using **Last name, First Initial, Gender, and Date of Birth only.**
 Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC01814945 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/16/2013 TIME-11:50:12
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC01814945 FBI-
 NAME-MARTINEZ, RAFAEL GONZALES SEX-M RACE-U
 HEIGHT-506 WEIGHT-205 EYES-BRO HAIR-BLK SKIN- BORN-NM
 FPC- HENRY-
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--03/16/2009

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME					
MARTINEZ, RAFAEL	1976				

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

MARTINEZ, RAFAEL GONZALES
 SCSHP0100 SC HIWAY DEPT DIST 1
 CASE-M080271
 ATN-140000005870
 WARR-D206615
 CIT-56-1-440-MISDEMEANOR

ARREST CHARGE 01-DRIVING
 WITHOUT A LICENSE
 OFFENSE DATE-04/12/2008

WARR-M080268
 CIT-56-5-2945(A) (2)-FELONY

ARREST CHARGE 02-FELONY DRIVING UNDER INFLUENCE, DEATH RESULTS
 OFFENSE DATE-04/12/2008

WARR-M080269
 CIT-56-5-2945(A) (1)-FELONY

ARREST CHARGE 03-FELONY DRIVING UNDER INFLUENCE (BODILY

WARR-M080271
CIT-56-5-2945(A)(1)-FELONY

INJURY)
OFFENSE DATE-04/12/2008

ARREST CHARGE 04-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
OFFENSE DATE-04/12/2008

WARR-M080270
CIT-56-5-2945(A)(1)-FELONY

ARREST CHARGE 05-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
OF

FENSE DATE-04/12/2008
WARR-D206617 @
CIT-56-1-225-MISDEMEANOR

ARREST CHARGE 06-FAIL TO MAINTAIN PROOF OF INSURANCE IN VEHICLE
OFFENSE DATE-04/14/2008
ARREST INFO- DOCUMENT IN JACKET

CIT--MISDEMEANOR
DOC-14
WARR-D206615

COURT CHARGE 01-DRIVING WITHOUT A LICENSE
COURT DISP-CONVICTED
COURT DATE-05/15/2008
ATN-140000005870

CIT--MISDEMEANOR
DOC-14
WARR-D206617

COURT CHARGE 02-UNINSURED MOTOR VEHICLE FEE VIOLATION
COURT DISP-CONVICTED
COURT DATE-05/15/2008

SC040015C SC DEPT CORRECTIONS 03/16/2009 CUSTODY STATUS-RECEIVED
CASE-031609 START DATE-03/16/2009
CIT-56-5-2945(A)(2)-FELONY

COURT CHARGE 01-FELONY DRIVING UNDER INFLUENCE, DEATH RESULTS
COURT DISP-CONVICTED; 25 YRS CC
COURT DATE-03/16/2009
ATN-500100026422

CIT-56-5-2945(A)(1)-FELONY

COURT CHARGE 02-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
COURT DISP-CONVICTED; 3CNTS 15 YRS EA CC
COURT DATE-03/16/2009

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC01814945

THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

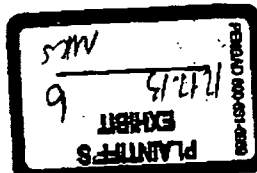
INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **
Credit Card Transaction Number ~~00000000000000000000000000000000~~

Return	Another Check

Felony DUIs via Inmate Search

Last Name	First Name	Residency at Arrest	DOB	Disposition/Offense	Star Sanction	Length	Committing County
Asko	Melissa	SC	4/18/1983	Felony DUI-Death Results	12/19/2007		Florence
Beatty	Gina	SC	4/18/1969	Felony DUI-Death Results	5/10/2004		Lexington
Bookert	Kimberly	Unk	10/18/1976	Felony DUI-Death Results	8/18/2011		Greenville
Braun	Caitlin	SC	10/18/1986	Felony DUI-Death Results	8/7/2012		Lexington
Brown	Dianne	OH	10/18/1961	Felony DUI-Death Results	11/13/2011	12	Sumter
Carasco	Obdulia	MS	10/18/1973	Felony DUI-Death Results	1/12/2011		Beaufort
Church	Darla	VA/PA	10/18/1964	Felony DUI-Death Results	1/14/2007		Lee
Dawson	Misty	SC	10/18/1981	Felony DUI-Death Results	5/22/2011		Greenville
Deckert	Renee	TX	10/18/1977	Felony DUI-Death Results	12/14/2008		Georgetown
Dewoody	Theresa	SC	10/18/1966	Felony DUI-Death Results	10/13/2009		Anderson
Doolittle	Lacie	SC	10/18/1990	Felony DUI-Death Results	6/23/2013		Aiken
Evans	Monica	SC	10/18/1974	Felony DUI-Death Results	9/20/2005		Sumter
Falle	Tonia	SC	10/18/1969	Felony DUI-Death Results	12/2/2008		Orangeburg
Freeman	Traci	SC	10/18/1975	Felony DUI-Death Results	8/23/2010	12	Spartanburg
Gonzales	Crystal	SC	10/18/1972	Felony DUI-Death Results	1/22/2008		Colleton
Gonzalez	Anna	Alien	10/18/1975	Felony DUI-Death Results	6/21/2011		Greenville
Hilburn	Kimberly	FL	10/18/1971	Felony DUI-Death Results	9/15/2010	12	Horry
Hudson	Christina	SC	10/18/1987	Felony DUI-Death Results	4/18/2010		Charleston
Johnson	Betty	SC	10/18/1990	Felony DUI-Death Results	2/8/2012		Spartanburg
Lewis	Valerie	SC	10/18/1962	Felony DUI-Death Results	2/1/1999		Greenville
Lively	Shayna	GA	10/18/1971	Felony DUI-Death Results	10/25/2005		Orangeburg
Lyons	Angela	SC	10/18/1979	Felony DUI-Death Results	2/5/1999		Aiken
Mason	Julie	SC	10/18/1970	Felony DUI-Death Results	2/2/2011		Darlington
McCormic	Amy	SC	10/18/1965	Felony DUI-Death Results	7/9/2012		Pickens
Nesbitt	Leslie	SC	10/18/1971	Felony DUI-Death Results	11/30/2008		Charleston
Patterson	Carol	SC	10/18/1958	Felony DUI-Death Results	1/13/2012		Colleton
Portwood	Amber	SC	10/18/1965	Felony DUI-Death Results	11/8/1999		Anderson
Reames	Mary	SC	10/18/1982	Felony DUI-Death Results	4/5/2005		Lexington
Rikard	Dana	SC	10/18/1990	Felony DUI-Death Results	9/13/2013		Richland
Royal	Jessi Dawn	SC	10/18/1974	Felony DUI-Death Results	4/4/2005		Lexington
Slav	Lynne	SC	10/18/1991	Felony DUI-Death Results	7/28/2013		Greenville
			10/18/1997	Felony DUI-Death Results	6/11/2012		Horry



* Average Sentence 11.2

INMATE SEARCH DETAIL REPORT

BROWN, DIANNE ELIZABETH (00344449)



INMATE DESCRIPTION		INMATE SENTENCE AND LOCATION	
SEX:	FEMALE	SCOC ID:	00344449
RACE:	WHITE	SIO:	SC01982705
HEIGHT:	5' 05"	OFFENDER TYPE:	ADULT-STRAIGHT SENTENCE
WEIGHT:	180 lbs.	ADMISSION DATE:	01/21/2011
AGE:	51	LOCATION:	GRAHAM CORR INST
CITIZENSHIP:	CITIZEN - NATIVE BORN	SECURITY / CUSTODY:	2 / MINIMUM IN
BUILD:	SLIGHT	EWC LEVEL:	2F5
COMPLEXION:	FAIR	EEC LEVEL:	
HAIR COLOR:	BLOND OR STRAWBERRY	PROJECTED RELEASE DATE:	03/28/2021
EYE COLOR:	HAZEL	PROJECTED PAROLE ELIGIBILITY:	NOT ELIGIBLE
PICTURE DATE:	01/21/2011	SUP. FURLOUGH ELIGIBILITY:	NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOS	DYS	COUNTY	START DATE	VINV	CAT	INDICT	STATUS
FELONY DUI	ADULT-STRAIGHT SENTENCE	12	0	0	SUMTER	01/18/2011	N	3	09GS43-0208	ACTIVE
FELONY DUI-DEATH RESULTS	ADULT-STRAIGHT SENTENCE	12	0	0	SUMTER	01/18/2011	N	4	09GS43-0208	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARIES

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2008

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
06/27/2013	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
06/27/2013	KIRKLAND	INCARCERATED	MEDICAL
02/24/2011	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
01/21/2011	GRAHAM R&E	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
OFFICE CLERK	04/05/2013			2F5
OFFICE CLERK	02/05/2013	04/04/2013	MI ELIGIBLE FOR LEVEL 2	3F5
CANTEEN OPERATOR	11/15/2011	02/04/2013	LATERAL TRANSFER	3F5
MACHINE OPERATOR TRAINEE	10/04/2011	11/14/2011	LATERAL TRANSFER	3F5
MACHINE OPERATOR TRAINEE	03/01/2011	08/09/2011	MEDICAL	3F5

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION



SLED CATCH

Citizens Access to Criminal Histories

Results

Name **Renee Deckert**
 Date of Birth **1977**
 Maiden Name
 Gender **Female**
 SSN
 Transaction **005456360**
 Date of Check **December 17, 2013 at 07:59**

ARREST RECORD
 S.C. Law Enforcement Division
 WWW

This record is based on a search using **Last name, First initial, Gender, and Date of Birth only.**
 Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC01743864 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
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 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/17/2013 TIME-07:55:46
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC01743864 FBI-
 NAME-DECKERT, RENEE MICHELLE SEX-F RACE-W
 HEIGHT-506 WEIGHT-135 EYES-BRO HAIR-BRO SKIN- BORN-TX
 FPC- HENRY-
 PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
 PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--01/14/2009

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME	00191977				
DECKERT, RENEE					

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
DECKERT, RENEE MICHELLE	02/15/2007

SCSHF0500 SC HIWAY DEPT DIST 5
 CASE-NA
 ATN-99000028
 0285
 WARR-J545005
 CIT-56-5-2945(A) (2)-FELONY

ARREST CHARGE 01-FELONY DRIV
 NG UNDER INFLUENCE, DEATH
 RESULTS
 OFFENSE DATE-02/15/2007
 PHOTOGRAPH AVAILABLE
 PALM PRINTS AVAILABLE

WARR-J545007
 CIT-56-05-2945(A) (1)-FELONY

ARREST CHARGE 02-FELONY DUI
 GREAT BODILY INJURY
 OFFENSE DATE-02/15/2007

WARR-J545008
 CIT-56-05-2945(A) (1)-FELONY

SLED State Criminal Records Check - DB Check & Display

Page 2 of 3 393

WARR-J545009
CIT-56-5-2945(A) (1)-FELONY

ARREST CHARGE 03-FELONY DUI
GREAT BODILY INJURY
OFFENSE DATE-02/15/2007

CIT-56-5-2945(A) (2)-FELONY
DOC-07GS2200532
WARR-J545005

ARREST CHARGE 04-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
OFFENSE DATE-02/15/2007

G UNDER INFLUENCE, DEATH

COURT CHARGE 01-FELONY DRIVING

RESULTS
COURT DISP-CONVICTED; 7 yrs;
\$10,100.00 fine; conc to
sentence on 12/15/
COURT DATE-12/15/2008
ATN-990000280285

CIT-56-5-2945(A) (1)-FELONY
DOC-07GS2200533
WARR-J545007

COURT CHARGE 02-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
COURT DISP-CONVICTED; 7 yrs;
conc to sentence on 12-15-08...
COURT DATE-12/15/2008

CIT-56-5-2945(A) (1)-FELONY
DOC-07GS2200534
WARR-J545008

COURT CHARGE 03-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
COURT DISP-CONVICTED; 7 yrs.;
conc. to sentence on 12/15/08...
COURT DATE-12/15/2008

CIT-56-5-2945(A) (1)-FELONY
DOC-07GS2200535
WARR-J545009

COURT CHARGE 04-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
COURT DISP-CONVICTED; 7 yrs.;
conc. to sentence on 12/15/08...
COURT DATE-12/15/2008

CIT-56-5-2945(A) (1)-FELONY
DOC-07GS2200536
WARR-J545010

COURT CHARGE 05-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
COURT DISP-CONVICTED; 7 yrs.;
conc. to sentence on 12/15/08...
COURT DATE-12/15/2008

SC040085C WOMEN'S R&E CENTER
CASE-121920
CIT-56-5-2945(A) (2)-FELONY

12/19/2008 CUSTODY STATUS-RECEIVED
START DATE-12/19/2008

COURT CHARGE 01-FELONY DRIVING UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED; 7YRS
COURT DATE-12/19/2008
ATN-500400001924

CIT-56-5-2945(A) (1)-FELONY

COURT CHARGE 02-FELONY DRIVING UNDER INFLUENCE(BODILY INJURY)
COURT DISP-CONVICTED; 7YRS
COURT DATE-12/19/2008

BASED ON SEARCH OF SLED CJIS CCH FILE USING SID/SC01743864
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND

12/17/2013

SLED State Criminal Records Check - DB Check & Display

Page 3 of 3

CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

INMATE SEARCH DETAIL REPORT

DECKERT, RENEE MICHELLE (00332367)



INMATE DESCRIPTION

SEX: FEMALE
 RACE: WHITE
 HEIGHT: 5' 05"
 WEIGHT: 145 lbs.
 AGE: 36
 CITIZENSHIP: CITIZEN - NATIVE BORN
 BUILD: MEDIUM
 COMPLEXION: FAIR
 HAIR COLOR: BROWN
 EYE COLOR: BROWN
 PICTURE DATE: 05/22/2013

INMATE SENTENCE AND LOCATION

SCDC ID: 00332367
 SID: SC01743864
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 ADMISSION DATE: 12/19/2008
 LOCATION: GOODMAN
 SECURITY / CUSTODY: 1B / MINIMUM OUT-RESTRICT
 EWC LEVEL: 2F5
 EEC LEVEL:
 PROJECTED RELEASE DATE: 11/24/2014
 PROJECTED PAROLE ELIGIBILITY: NOT ELIGIBLE
 SUP. FURLOUGH ELIGIBILITY: NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOB	DYS	COUNTY	START DATE	V/NV	CAT	INDICT	STATUS
FELONY DUI	ADULT-STRAIGHT SENTENCE	7	0	0	GEORGETOWN	12/14/2008	N	3	07GS22-533*	ACTIVE
FELONY DUI-DEATH RESULTS	ADULT-STRAIGHT SENTENCE	7	0	0	GEORGETOWN	12/14/2008	N	4	07GS22-00532	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARIES

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2009

DATE	DESCRIPTION
01/20/2011	OUT OF PLACE
	LOSS OF GOOD TIME: 8 DAYS
	LOSS OF CANTEEN PRIVILEGES FOR 79 DAYS
	DISC. DETENTION FOR 34 DAYS
	LOSS OF TELEPHONE PRIVILEGES FOR 79 DAYS

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
11/12/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
11/12/2013	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
10/29/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/29/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
10/29/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/29/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/29/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
08/15/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
08/15/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
08/15/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
08/13/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
08/13/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
08/11/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
08/11/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
08/11/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
08/11/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
08/14/2012	GOODMAN	INCARCERATED	MEDICAL
08/14/2012	GOODMAN	INCARCERATED	MEDICAL
08/14/2012	GRAHAM CORR INST	INCARCERATED	MEDICAL
08/14/2012	GOODMAN	INCARCERATED	ADMINISTRATIVE

INMATE SEARCH DETAIL REPORT

DECKERT, RENEE MICHELLE (00332367)

[illegible]

INMATE SEARCH DETAIL REPORT

DECKERT, RENEE MICHELLE (00332367)

MOVEMENT			
MOVEMENT DATE	TO LOCATION	STATUS	REASON
02/18/2012	GOODMAN	INCARCERATED	LABOR CREW
02/18/2012	GOODMAN	INCARCERATED	ADMINISTRATIVE
02/18/2012	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
02/09/2012	GOODMAN	INCARCERATED	ADMINISTRATIVE
03/07/2011	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
01/20/2011	GRAHAM R&E	INCARCERATED	DISCIPLINARY
07/27/2009	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
07/11/2009	GRAHAM R&E	INCARCERATED	LOOKUP-INVESTIGATION
04/23/2009	GRAHAM CORR INST	INCARCERATED	MEDICAL
04/20/2009	OUTSIDE MEDICAL	AUTH ABSENCE (AWL)	MEDICAL
02/28/2008	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
02/28/2009	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
01/29/2009	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
12/28/2008	GRAHAM R&E	INCARCERATED	ADMINISTRATIVE
12/27/2008	OUTSIDE MEDICAL	AUTH ABSENCE (AWL)	MEDICAL
12/19/2008	GRAHAM R&E	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS				
JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
BARBER	10/30/2013			2F5
BARBER	08/18/2013	10/29/2013	INSTIT TRANSFER	2F6
BARBER	08/08/2012	08/15/2013	INSTIT TRANSFER	2F5
BARBER	08/17/2012	09/07/2012	INSTIT TRANSFER	2F5
BARBER	08/07/2012	08/16/2012	INSTIT TRANSFER	2F5
LAUNDRY ROOM ATTENDANT	06/20/2012	08/06/2012	LATERAL TRANSFER	2F5
LAUNDRY ROOM ATTENDANT	04/21/2012	05/18/2012	INSTIT TRANSFER	2F5
LAUNDRY ROOM ATTENDANT	03/17/2012	04/20/2012	INSTIT TRANSFER	2F5
LAUNDRY ROOM ATTENDANT	02/19/2012	03/16/2012	INSTIT TRANSFER	2F5
LAUNDRY ROOM ATTENDANT	02/18/2012	02/18/2012	INSTIT TRANSFER	2F5
COOK	02/07/2012	02/09/2012	INSTIT TRANSFER	2F5
CUSTODIAL WORKER	07/22/2011	02/08/2012	INMATE REQUEST	2F5
CUSTODIAL WORKER	03/15/2011	07/21/2011	MI ELIGIBLE FOR LEVEL 2	3F5
LANDSCAPE LABORER	03/08/2011	03/14/2011	LATERAL TRANSFER	3F5
HORTICULTURIST (GRND)	01/13/2011	01/20/2011	DISCIPLINARY/LOCK-UP	2F5
COOK	12/30/2010	01/12/2011	INMATE REQUEST	2F5
MACHINE OPERATOR TRAINE	12/21/2010	12/29/2010	INMATE REQUEST	2F5
BARBER	08/07/2010	12/20/2010	INMATE REQUEST	2F5
LAUNDRY ROOM ATTENDANT	05/18/2010	09/06/2010	LATERAL TRANSFER	2F5
COOK	11/05/2009	05/17/2010	INMATE REQUEST	2F5
MACHINE OPERATOR TRAINE	07/25/2009	08/25/2009	UNSAT JOB PERFORM	2F5
MACHINE OPERATOR TRAINE	06/09/2009	07/11/2009	DISCIPLINARY/LOCK-UP	2F5
MACHINE OPERATOR TRAINE	02/03/2009	04/21/2009	MEDICAL	2F5

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION

Name Theresa Dewoody
 Date of Birth 1966
 Maiden Name
 Gender Female
 SSN
 Transaction 005455065
 Date of Check December 16, 2013 at 11:15

ARREST RECORD
 S.C. Law Enforcement Division
 WWW

This record is based on a search using Last name,
 First Initial, Gender, and Date of Birth only.
 Compare all identifying data given for record subject
 with screening subject. Fingerprint comparison is
 recommended as the most reliable means to
 identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC01697582 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
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PAGE-01 DATE-12/16/2013 TIME-11:11:56
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC01697582 FBI-
 NAME-DEWOODY, THEREASA ANN SEX-F RACE-W
 HEIGHT-504 WEIGHT-125 EYES-HAZ HAIR-BLN SKIN- BORN-MA
 FPC- HENRY-
 PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
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DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--10/15/2009

 ADDITIONAL IDENTIFIERS BIRTH
 NAME DATES MARKS SOC SEC MISC NUM
 DEWOODY, THERESA ANN MARIE 08151966 DEWOODY, THERESA
 TAT R SHLD

DEWOODY, THEREASA
 DEWOODY, THERESA A

 CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

DEWOODY, THEREASA ANN 06/03/2006
 SC0420000 SPARTANBURG CNTY SO
 CASE-2006060144
 ATN-422100107077
 WARR-46964DL
 CIT-16-25-20(A)-MISDEMEANOR

ARREST CHARGE 01-CRIMINAL
 DOMESTIC VIOLENCE 1ST
 OFFENSE
 OFFENSE DATE-06/03/2006
 PALM PRINTS AVAILABLE

 DEWOODY, THERESA ANN MARIE 03/24/2007
 SCSHP0300 SC HIWAY DEPT DIST 3
 CASE-200701802
 ATN-990000293015

WARR-2342508
CIT-56-5-2945(A) (1)-FELONY

DRIVI

INFLUENCE (BODILY

ARREST CHARGE 01-FELONY

NG UNDER

INJURY)

OFFENSE DATE-03/24/2007

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

DEWOODY, THEREASA ANN
SC0420000 SPARTANBURG CNTY SO
CASE-2008100044
ATN-422100142240
WARR-M024184
CIT-44-53-375(A)-MISDEMEANOR

10/01/2008

1GRAM

E BASE

ARREST CHARGE 01-POSS <

OF METH OR COCAIN

1ST

OFFENSE DATE-10/01/2008

PALM PRINTS AVAILABLE

WARR-83438EK
CIT-56-5-2330(B)-MISDEMEANOR

ARREST CHARGE 02-DISREGARD

STOP SIGN

OFFENSE DATE-10/01/2008

DEWOODY, THERESA
SC0230300 GREER PD
CASE-032009
ATN-990000469694
WARR-I580520
CIT-16-13-10(B) (2)-FELONY

03/20/2009

WARR-I580521
CIT-16-13-10(B) (2)-FELONY

ARREST CHARGE 01-FORGERY
LESS THAN \$5,000
OFFENSE DATE-03/20/2009

CIT-16-13-10(B) (2)-FELONY
DOC-09GS2303686
LESS
WARR-I580520

ARREST CHARGE 02-FORGERY
LESS THAN \$5,000
OFFENSE DATE-03/20/2009

COURT CHARGE 01-FORGERY

THAN \$5,000
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-06/18/2009
ATN-990000469694

CIT-16-13-10(B) (2)-FELONY
DOC-09GS2303687
LESS
WARR-I580521

COURT CHARGE 02-FORGERY

THAN \$5,000
COURT DISP-NON-CONVICTION;

DISM/NOL PROS/PROS ENDED
COURT DATE-06/18/2009

DEWOODY, THEREASA ANN
SC0420000 SPARTANBURG CNTY SO
CASE-20090416
ATN-422100150071
WARR-M111957
CIT-34-11-60-MISDEMEANOR

04/16/2009

ARREST CHARGE 01-FRAUDULENT
CHECK UNDER \$500 - 1ST
OFFENSE DATE-04/16/2009
PALM PRINTS AVAILABLE

WARR-M111941
CIT-34-11-60-MISDEMEANOR

ARREST CHARGE 02-FRAUDULENT
CHECK UNDER \$500 - 1ST
OFFENSE DATE-04/16/2009

CIT--MISDEMEANOR
DOC-42
WARR-M111941

COURT CHARGE 01-FRAUDULENT
CHECK UNDER \$500 - 1ST
COURT DISP-CONVICTED;AND

POR

OF \$ 65.50 TO CRB OR

JAIL

COURT DATE-05/01/2009
ATN-422100150071

CIT--MISDEMEANOR
DOC-42
WARR-M111957

COURT CHARGE 02-FRAUDULENT
CHECK UNDER \$500 - 1ST
COURT DISP-CONVICTED;ANF

POR

OF \$ 43.88 TO CRB OR

JAIL

COURT DATE-05/01/2009

SC042015G SPARTANBURG PPP
CASE-SC0420
CIT-44-53-375 (A)-MISDEMEANOR

05/20/2009 CUSTODY STATUS-PROBATION
START DATE-05/20/2009

1GRAM

COURT CHARGE 01-POSS <

OF METH OR COCAINE BASE
1ST
COURT DISP-CONVICTED;2 YRS
SS 2 YRS PROBATION
ATN-42P000502439

SC040085C WOMEN'S R&E CENTER
CASE-003373
CIT-56-5-2945 (A) (2)-FELONY

10/15/2009 CUSTODY STATUS-RECEIVED
START DATE-10/15/2009

DRIVIN

COURT CHARGE 01-FELONY

G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED;20 yrs
10 yrs 5 yrs prob
ATN-50D40C000648

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC01697582
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR
AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE
ANY

FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~XXXXXXXXXXXXXXXXXXXX~~

INMATE SEARCH DETAIL REPORT

DEWOODY, THERESA A (00337378)



INMATE DESCRIPTION

SEX: FEMALE
 RACE: WHITE
 HEIGHT: 5' 04"
 WEIGHT: 157 lbs.
 AGE: 47
 CITIZENSHIP: CITIZEN - NATIVE BORN
 BUILD: MEDIUM
 COMPLEXION: FAIR
 HAIR COLOR: BROWN
 EYE COLOR: GRAY
 PICTURE DATE: 10/15/2009

INMATE SENTENCE AND LOCATION

SCDC ID: 00337378
 SID: SC01697582
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 ADMISSION DATE: 10/15/2009
 LOCATION: GRAHAM CORR INST
 SECURITY / CUSTODY: 18 / MINIMUM OUT-RESTRICT
 EWC LEVEL: 2F5
 EEC LEVEL:
 PROJECTED RELEASE DATE: 04/11/2018
 PROJECTED PAROLE ELIGIBILITY: NOT ELIGIBLE
 SUP. FURLOUGH ELIGIBILITY: NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MOB	DYS	COUNTY	START DATE	V/MV	CAT	INDICT	STATUS
FELONY DUI-DEATH RESULTS	ADULT-STRAIGHT SENTENCE	10	0	0	ANDERSON	10/13/2009	N	4	07G30401832	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARIES

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2009

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
05/08/2013	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
05/03/2013	GRAHAM R&E	INCARCERATED	DISCIPLINARY
08/05/2012	GRAHAM CORR INST	INCARCERATED	RETURN FROM COURT
06/05/2012	ANDERSON CO	AUTH ABSENCE (AWL)	TO COURT
12/13/2011	GRAHAM CORR INST	INCARCERATED	RETURN FROM COURT
12/07/2011	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
11/08/2011	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
10/14/2010	LEATH	INCARCERATED	ADMINISTRATIVE
10/14/2010	GRAHAM CORR INST	INCARCERATED	MEDICAL
07/07/2010	LEATH	INCARCERATED	ADMINISTRATIVE
07/07/2010	GRAHAM CORR INST	INCARCERATED	MEDICAL
04/22/2010	LEATH	INCARCERATED	ADMINISTRATIVE
04/22/2010	GRAHAM CORR INST	INCARCERATED	MEDICAL
01/28/2010	LEATH	INCARCERATED	ADMINISTRATIVE
01/28/2010	GRAHAM CORR INST	INCARCERATED	MEDICAL
11/10/2009	LEATH	INCARCERATED	ADMINISTRATIVE
10/15/2009	GRAHAM R&E	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
HORTICULTURIST (GRNO)	05/09/2013			2F5
CUSTODIAL WORKER	08/16/2012	05/03/2013	DISCIPLINARY/LOCK-UP	2F5
WARDKEEPER	01/18/2012	08/15/2012	INMATE REQUEST	2F5
CANTEEN OPERATOR	11/15/2011	01/18/2012	LATERAL TRANSFER	2F5
CANTEEN OPERATOR	09/07/2010	11/08/2011	INSTIT TRANSFER	2F5

INMATE SEARCH DETAIL REPORT

DEWOODY, THERESA A (00337378)

EARNED WORK CREDITS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
LANDSCAPE LABORER	04/19/2010	09/06/2010	INMATE REQUEST	2F5
LANDSCAPE LABORER	01/21/2010	04/15/2010	MI ELIGIBLE FOR LEVEL 2	3F5
BOOKKEEPER	11/12/2009	01/20/2010	INMATE REQUEST	3F5

EARNED EDUCATION CREDITS

NO EARNED EDUCATION CREDITS DURING CURRENT INCARCERATION

Name **Tonia Faile**
 Date of Birth **1969**
 Maiden Name
 Gender **Female**
 SSN
 Transaction **005455079**
 Date of Check **December 16, 2013 at 11:20**

ARREST RECORD
 S.C. Law Enforcement Division
 WWW

This record is based on a search using Last name,
 First Initial, Gender, and Date of Birth only.
 Compare all identifying data given for record subject
 with screening subject. Fingerprint comparison is
 recommended as the most reliable means to
 identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC00679836 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
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PAGE-01 DATE-12/16/2013 TIME-11:17:17
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC00679836 FBI-
 NAME-WISE, TONIA MCIVER SEX-F RACE-W
 HEIGHT-505 WEIGHT-185 EYES-GRN HAIR-BRO SKIN- BORN-SC
 FPC-DOFM05PI19DIP009PI20 HENRY- 5 O 29 W MII 19
 I 20 W OII

PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--12/05/2008

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME					
FAILE, TONIA CHRISTINE		03/04/1989			
MCIVER, TONIA					
WISE, TONIA					
FAILE, TONIA C					

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
WISE, TONIA MCIVER	03/04/1989
SC0320000 LEXINGTON CNTY SO	
CASE-8906848	

ARREST CHARGE 01-SIMPLE POSSE
 SSION OF MARIJUANA
 PHOTOGRAPH AVAILABLE
 COURT CHARGE 01-SIMPLE POSSES
 SION OF MARIJUANA
 COURT DISP-NON-CONVICTION;
 NOLLE PROSSED
 COURT DATE-05/19/1989

FAILE, TONIA CHRISTINE
 SC0400000 RICHLAND CNTY SO
 WARR-F072675

01/16/1997

CIT--MISDEMEANOR
DOC-40
WARR-F072675

ARREST CHARGE 01-GIVING FALSE
INFO TO A POLICE OFFICER

COURT CHARGE 01-GIVING FALSE
INFORMATION
COURT DISP-NON-CONVICTION;
NOT GUILTY/BENCH TRIAL
COURT DATE-08/28/1997

FAILE, TONIA CHRISTINE
SC0321000 SOUTH CONGAREE PD
CASE-NA
ATN-990000093729
WARR-90085DE
CIT-56-1-460-MISDEMEANOR

07/30/2005

ARREST CHARGE 01-DRIVING

UNDER SUSPENSION
OFFENSE DATE-07/30/2005
PHOTOGRAPH AVAILABLE

CIT-56-1-460-MISDEMEANOR
DOC-R84
WARR-90085DE

COURT CHARGE 01-DRIVING UNDER
SUSPENSION
COURT DISP-CONVICTED;\$647
TIME PAYMENT
COURT DATE-08/24/2005
ATN-990000093729

FAILE, TONIA CHRISTINE
SC0321200 SWANSEA PD
CASE-25751809
ATN-032025751809
WARR-50645EH
CIT-61-06-4720-MISDEMEANOR

11/18/2007

ARREST CHARGE 01-DRINKING
ALCOHOL IN PUBLIC CONVEYAN
CE UNLAWFUL
OFFENSE DATE-11/18/2007
PALM PRINTS AVAILABLE

WARR-50646EH
CIT-44-53-960-MISDEMEANOR

ARREST CHARGE 02-POSSESSION
OF DRUG PARAPHERNALIA
OFFENSE DATE-11/18/2007

SC040085C WOMEN'S R&E CENTER
CASE-120520
CIT-56-5-2945(A)(2)-FELONY

12/05/2008 CUSTODY STATUS-RECEIVED
START DATE-12/05/2008

COURT CHARGE 01-FELONY DRIVIN
G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED;13YRS
COURT DATE-12/05/2008
ATN-500400001842

CIT-56-5-2947-UNCLASSIFIED

COURT CHARGE 02-TRAFFIC/CHILD
ENDANGERMENT VEHICLE

(MINOR)
COURT DISP-CONVICTED;12YRSCC
COURT DATE-12/05/2008

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC00679836
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **
Credit Card Transaction Number ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Return | Another Check |



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 23192510		Driver License No: ~~XXXXXXXXXX~~	
Name: FAILE, TONIA C			
Address: ~~121-0000000000~~			
City: NEESES	State: SC	Zip: 291079168	
County: ORANGEBURG		Sex: F	Driver Training: N
DOB: ~~01/28/1969~~			
Status - DL: SUSPENDED		CDL: DISQUALIFIED	

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
Prior							
DL	D	Returned	02/13/2006	06/13/2016	12/13/1999	Y	N
DL	D	Duplicate	04/07/2008	06/13/2016	12/13/1999	Y	N
DL	D	Modify	09/05/2007	06/13/2016	12/13/1999	Y	N
DL	D	Re-exam	02/13/2006	06/13/2016	12/13/1999	Y	N
DL	D	Renewal	01/28/1994	06/13/1998	12/13/1999	N	N
DL	D	Duplicate	01/02/1997	06/13/1998	12/13/1999	N	N

Address Change -

Date Changed: 01/09/2004

Address: ~~423 LEE WHITE RD~~
City: SWANSEA

State: SC **Zip:** 291609737

Address Change -

Date Changed: 09/05/2007

Address: ~~1048 SHADDERSON ST~~
City: ORANGEBURG

State: SC **Zip:** 291156527

Point Summary

Total Current Points: 0
Driver Credit: -0
Adjusted Current Points: 0

SUSP: 055 - Child Endangerment

Ticket#: 2006GS381881

Special Driving Privilege: NONE

Suspension Beg: 12/03/2024

Suspension End: 01/31/2025

Causal: 07/14/2006

Post: 04/16/2009

Reinstatement Requirements Met: INDEFINITE

Reinstatement Fee Paid: N

ACD: W00 Withdrawal Loc Ref:

Withdrawal Reason Ref:

VIOL: 455 - Child Endangerment

Ticket#: 2006GS381881

Violation: 07/14/2006 **Conviction:** 12/02/2008

Recd: 04/09/2009 **Post:** 04/16/2009

ACD: NAC Conviction Loc Ref:

Conviction Reference:

Conviction State: SC

Court Type: MAGISTRATE COURT

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 23192510
Name: FAILE, TONIA C

Driver License No: ~~2006GS381882~~

SUSP: 095 - Felony Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 12/02/2008
Causal: 07/14/2006
Reinstatement Requirements Met: INDEFINITE
ACD: A20 Withdrawal Loc Ref:

Ticket#: 2006GS381882

Suspension End: 12/02/2024
Post: 04/16/2009
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

VIOL: 495 - Felony Driving Under the Influence
Violation: 07/14/2006 Conviction: 12/02/2008
ACD: A20 Conviction Loc Ref:
Conviction State: SC

Ticket#: 2006GS381882

Recd: 04/09/2009 Post: 04/16/2009
Conviction Reference:
Court Type: MAGISTRATE COURT

VIOL: 401 - Implied Consent
Violation: 05/25/2008 Conviction: 05/25/2008
ACD: A12 Conviction Loc Ref:
Conviction State: SC

Recd: 05/28/2008 Post: 05/29/2008
Conviction Reference:
Court Type:

SUSP: 091 - Implied Consent
Special Driving Privilege: NONE
Suspension Beg: 05/25/2008
Causal: 05/25/2008
Reinstatement Requirements Met: INDEFINITE
ACD: A12 Withdrawal Loc Ref:

Suspension End: 08/22/2008
Post: 05/29/2008
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

SC Driver License Surrendered
License Type: DL Class: D Function: Duplicate
Date Surrendered: 05/25/2008
Reason for Return: SUSPENDED LICENSE

Posted: 05/29/2008
Issued: 02/13/2006
Duplicate DOI: 04/07/2008
Returning State: SC

ACC: REPORTABLE
Accident: 07/14/2006
Accident Case Number: 6080804
Accident Jurisdiction: SC Acc Loc Ref: SCHDPT
Contributed: Y

Posted: 08/24/2006
FR-10 Audit Number: V-011425
History: N

VIOL: 496 - Driving Under Suspension
Violation: 07/30/2005 Conviction: 08/24/2005
ACD: B26 Conviction Loc Ref:
Conviction State: SC

Ticket#: 90085DE
Recd: 08/31/2005 Post: 09/12/2005
Conviction Reference:
Court Type: MUNICIPAL COURT

SUSP: 025 - Driving Under Suspension - FTPPT
Special Driving Privilege: NONE
Suspension Beg: 08/24/2005
Causal: 07/30/2005
Reinstatement Requirements Met: 02/13/2006
ACD: B26 Withdrawal Loc Ref:

Ticket#: 90085DE

Suspension End: 09/22/2005
Post: 09/12/2005
Reinstatement Fee Paid: Y
Withdrawal Reason Ref:

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 23192510

Driver License No: [REDACTED]

Name: FAILE, TONIA C

SUSP: 097 - Failure to Pay Traffic Ticket**Suspension Beg:** 12/22/1997**Causal:** 03/28/1997**Ticket Paid:** 05/20/2005**ACD:** D56 **Court Name:****Court Address:****City:****Phone No:****State:****Zip:****Ticket#:** 97578AB**Suspension End:** 02/13/2006**Post:** 12/01/1997**Compliance Received:** 02/13/2006**SUSP:** 097 - Failure to Pay Traffic Ticket**Suspension Beg:** 11/17/1997**Causal:** 03/01/1997**Ticket Paid:** 09/10/2001**ACD:** D56 **Court Name:****Court Address:****City:****Phone No:****State:****Zip:****Ticket#:** 11255AP**Suspension End:** 02/13/2006**Post:** 10/24/1997**Compliance Received:** 02/13/2006***End of Report***

Name Traci Freeman
 Date of Birth 1975 ~~0000~~
 Maiden Name
 Gender Female
 SSN
 Transaction 005455091
 Date of Check December 16, 2013 at 11:24

ARREST RECORD

S.C. Law Enforcement Division
 WWW

This record is based on a search using Last name, First Initial, Gender, and Date of Birth only. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC01900366 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/16/2013 TIME-11:20:47
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC01900366 FBI-
 NAME-FREEMAN, TRACI LASTER SEX-F RACE-W
 HEIGHT-507 WEIGHT-150 EYES-HAZ HAIR-RED SKIN- BORN-SC
 FPC- HENRY-
 PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAPIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--08/26/2010

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME FREEMAN, TRACI L	1975				

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
FREEMAN, TRACI LASTER SCSHP0300 SC HIWAY DEPT DIST 3 CASE-20090822 ATN-422100155605 WARR-E007918 CIT-56-5-2945 (A) (2)-FELONY	08/22/2009

ARREST CHARGE 01-FELONY DRIVING UNDER INFLUENCE, DEATH RESULTS
 OFFENSE DATE-08/22/2009
 PALM PRINTS AVAILABLE

WARR-E007919
 CIT-56-5-2945 (A) (2)-FELONY

ARREST CHARGE 02-FELONY DRIVING UNDER INFLUENCE, DEATH RESULTS
 OFFENSE DATE-08/22/2009

SC040085C WOMEN'S R&E CENTER
CASE-003424
CIT-56-5-2945(A) (2)-FELONY

08/26/2010 CUSTODY STATUS-RECEIVED
START DATE-08/26/2010

COURT CHARGE 01-FELONY DRIVIN
G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED; 25 yrs
ss 12 yrs 3 yrs prob
ATN-50D400002013

CIT-56-5-2945(A) (1)-FELONY

COURT CHARGE 02-FELONY DRIVIN

G UNDER INFLUENCE (BODILY
INJURY)
COURT DISP-CONVICTED; 2 cts
12 yrs ea cc

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC01900366
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR
ACQUIRE A HANDGUN.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **
Credit Card Transaction Number ~~1007200377006641131346000000~~



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 23312721		Driver License No: [REDACTED]	
Name: FREEMAN, TRACI L			
Address: [REDACTED]			
City: BOILING SPRINGS	State: SC	Zip: 293165106	
County: SPARTANBURG		Sex: F	Driver Training: N
DOB: [REDACTED]/1975			
Status - DL: SUSPENDED		CDL: DISQUALIFIED	

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Reissue	08/07/2007	08/23/2017	09/10/1990	N	N
BP	M	Renewal	11/03/2000	11/03/2001	11/03/2000	Y	N
Prior							
DL	D	Renewal	08/07/2007	08/23/2017	09/10/1990	N	N
DL	D	Renewal	08/22/2002	08/23/2007	09/10/1990	N	N
DL	D	Renewal	02/13/1997	08/23/2002	09/10/1990	Y	N

Current
Restrictions: A Corrective Lens

Address Change -

Address: 113 IVEY CIR
City: INMAN

State: SC **Zip:** 293498597

Date Changed: 09/19/2006

Point Summary

Total Current Points: 0
Driver Credit: -0
Adjusted Current Points: 0

VIOL: 495 - Felony Driving Under the Influence
Violation: 08/22/2009 **Conviction:** 08/25/2010
ACD: A20 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: 09GS4205625
Recd: 08/30/2010 **Post:** 09/02/2010
Conviction Reference:
Court Type: MAGISTRATE COURT

SUSP: 095 - Felony Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 09/17/2010
Causal: 08/22/2009
Reinstatement Requirements Met: INDEFINITE
ACD: A20 **Withdrawal Loc Ref:**

Ticket#: 09GS4205625
Suspension End: 09/17/2025
Post: 09/02/2010
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

VIOL: 495 - Felony Driving Under the Influence
Violation: 08/22/2009 **Conviction:** 08/25/2010
ACD: A20 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: 09GS4205624
Recd: 08/30/2010 **Post:** 09/02/2010
Conviction Reference:
Court Type: MAGISTRATE COURT

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 23312721
Name: FREEMAN, TRACIL

Driver License No: ~~4278408~~

SUSP: 095 - Felony Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 09/17/2010
Causal: 08/22/2009
Reinstatement Requirements Met: INDEFINITE
ACD: A20 Withdrawal Loc Ref:

Ticket#: 09GS4205624

Suspension End: 09/17/2025
Post: 09/02/2010
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

VIOL: 495 - Felony Driving Under the Influence
Violation: 08/22/2009 **Conviction:** 08/25/2010
ACD: A20 Conviction Loc Ref:
Conviction State: SC

Ticket#: 09GS4205623

Recd: 08/30/2010 **Post:** 09/02/2010
Conviction Reference:
Court Type: MAGISTRATE COURT

SUSP: 095 - Felony Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 09/17/2010
Causal: 08/22/2009
Reinstatement Requirements Met: INDEFINITE
ACD: A20 Withdrawal Loc Ref:

Ticket#: 09GS4205623

Suspension End: 09/17/2043
Post: 09/02/2010
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

VIOL: 424 - Driving too fast for conditions - 10MPH or less
Violation: 07/11/2009 **Conviction:** 08/04/2009
ACD: S94 Conviction Loc Ref:
Conviction State: SC

Ticket#: E007800

Recd: 12/03/2009 **Post:** 01/06/2010
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 2 **Current Points:** 0

ACC: REPORTABLE
Accident: 08/22/2009
Accident Case Number: 9093101
Accident Jurisdiction: SC **Acc Loc Ref:** SCHDPT
Contributed: Y

Posted: 09/04/2009
FR-10 Audit Number: A-081508
History: N

ACC: REPORTABLE
Accident: 07/10/2009
Accident Case Number: 9150968
Accident Jurisdiction: SC **Acc Loc Ref:** SCHDPT
Contributed: Y

Posted: 02/04/2010
FR-10 Audit Number: A-083521
History: N

VIOL: 421 - Speeding 10-mph or less
Violation: 02/12/2005 **Conviction:** 03/16/2005
ACD: S51 Conviction Loc Ref:
Conviction State: SC

Ticket#: B851311

Recd: 04/15/2005 **Post:** 05/02/2005
Conviction Reference:
Court Type: MAGISTRATE COURT
Violation Points: 2 **Current Points:** 0

End of Report



SLED CATCH

Citizens Access to Criminal Histories
Results

Name **Crystal Gonzales**
 Date of Birth **1972**
 Maiden Name
 Gender **Female**
 SSN
 Transaction **005456362**
 Date of Check **December 17, 2013 at 08:03**

ARREST RECORD
 S.C. Law Enforcement Division
 WWW

This record is based on a search using **Last name, First initial, Gender, and Date of Birth only**. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC00729341 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/17/2013 TIME-08:00:35
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC00729341 FBI-
 NAME-BROWN, CRYSTAL RENEE SEX-F RACE-W
 HEIGHT-504 WEIGHT-140 EYES-GRN HAIR-BRO SKIN- BORN-SC
 FPC-15PM05CO07120811C107 HENRY-15 M 25 W MIO 7
 M 2 U IOI

PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
 PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--10/01/2008

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC	SEC	MISC NUM
NAME						
BROWN, CRYSTAL RENEE		1972				
		1975				

BROWN, CRYSTAL
 BROWN, RENEE CRYSTAL
 GONZALEZ, CRYSTAL RENEE
 BROWN, CRYSTAL RENEE
 GONZALES, CRYSTAL RENEE
 BROWN, RENEE
 BROWN, CRYSTAL R

TAT R ARM
 TAT L ARM
 TAT CHEST

GONZALES, CRYSTAL

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
BROWN, CRYSTAL RENEE	02/20/1990
SC0180000 DORCHESTER CNTY SO	
CASE-900513	
WARR-C630886	

BROWN, CRYSTAL RENEE
 SC0180000 DORCHESTER CNTY SO
 CASE-900513
 WARR-C630886

ARREST CHARGE 01-ROBBERY
 WHILE ARMED W/A DEADLY
 WEAPON
 OFFENSE DATE-02/05/1990

SLED State Criminal Records Check - DB Check & Display

Page 2 of 8 415

WARR-C630887

DOC-90GS1800149
WARR-C630887

DOC-90GS1800148
WARR-C630886

ARMED WITH A DEADLY WEAP

PHOTOGRAPH AVAILABLE

ARREST CHARGE 02-ASSAULT &
BATTERY, HIGH & AGGRAVATED
NATURE

COURT CHARGE 01-ASSAULT &
BATTERY, HIGH & AGGRAVATED
NATURE

COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-11/28/1990
COURT CHARGE 02-ROBBERY WHILE

N

COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-11/28/1990

BROWN, CRYSTAL RENEE
SC0180000 DORCHESTER CNTY SO
CASE-96001874
WARR-F058134

04/01/1996

ARREST CHARGE 01-UNLAWFUL
USE OF TELEPHONE
OFFENSE DATE-04/01/1996
PHOTOGRAPH AVAILABLE

CIT-16-17-430(A) (B) FELONY
DOC-96GS1800555
WARR-F058134

COURT CHARGE 01-OBSCENE CALLS
, UNLAWFUL USE OF TELEPHON
E
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-11/05/1996

BROWN, CRYSTAL RENEE
SC0080600 HANAHAN PD
CASE-97020053
WARR-78881AH

02/09/1997

ARREST CHARGE 01-CARRYING
CONCEALED WEAPON
OFFENSE DATE-02/09/1997

WARR-78882AH

ARREST CHARGE 02-FALSE INFORM
ATION
OFFENSE DATE-02/09/1997

CIT-16-23-460 MISDEMEANOR
DOC-R84
WARR-78881AH

COURT CHARGE 01-CARRY CONCEAL
ED WEAPON
COURT DISP-CONVICTED;\$50
FINE PAID
COURT DATE-02/12/1997

CIT-16-17-725(B) MISDEMEANOR
DOC-R84
WARR-78882AH

COURT CHARGE 02-GIVING FALSE
INFORMATION
COURT DISP-CONVICTED;\$50
FINE PAID
COURT DATE-02/12/1997

BROWN, CRYSTAL RENEE
SC0100800 NORTH CHARLESTON PD
CASE-98019100N
WARR-25487AT

07/08/1998

ARREST CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE
OFFENSE DATE-07/08/1998
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-N/A
DOC-R84

COURT CHARGE 01-CRIMINAL

12/17/2013

SLED State Criminal Records Check - DB Check & Display

WARR-25487AT

DOMESTIC VIOLENCE
COURT DISP-CONVICTED;30 DAYS
SUSPENDED
COURT DATE-07/13/1998

BROWN, CRYSTAL
SC0080300 GOOSE CREEK PD
ATN-WARR-33341BC

05/13/1999

ARREST CHARGE 01-DRIVING
UNDER SUSPENSION 1ST
OFFENSE DATE-05/13/1999
ARREST INFO- PCC

SC040015G CENTRAL PPP
CIT-56-1-460-MISDEMEANOR
WARR-33341BC

COURT CHARGE 01-DUS (LICENSE
NOT SUSP DUI)-2ND
COURT DISP-CONVICTED;30D
SUSPENDED UPON 50HRS PSE;
6M PROBATION;S/C PTUP;OET
GED
COURT DATE-02/29/2000
ATN-

BROWN, RENEE CRYSTAL
SC0100600 NORTH CHARLESTON PD
CASE-99-002770N
ATN-

06/14/1999

ARREST CHARGE 01-FAIL TO
APPEAR (DUS)
OFFENSE DATE-06/14/1999
PHOTOGRAPH AVAILABLE

BROWN, CRYSTAL RENEE
SC0180000 DORCHESTER CNTY SO
CASE-99023239
ATN-WARR-G326139

10/14/1999

ARREST CHARGE 01-SIMPLE ASSAU
LT / BATTERY
OFFENSE DATE-10/10/1999
PHOTOGRAPH AVAILABLE
COURT CHARGE 01-SIMPLE ASSAUL
T AND BATTERY
COURT DISP-CONVICTED;SENTENCE
UNKNOWN
COURT DATE-11/08/1999
ATN-

DOC-R84
WARR-G326139

BROWN, CHRYSTAL RENEE
SC0180200 SUMMERVILLE PD
CASE-000046416
ATN-WARR-G371171

02/08/2001

ARREST CHARGE 01-ASSAULT &
BATTERY, HIGH & AGGRAVATED
NATURE
OFFENSE DATE-12/25/2000
PHOTOGRAPH AVAILABLE

WARR-G371172

ARREST CHARGE 02-GRAND LARCEN
Y
OFFENSE DATE-12/25/2000

CIT-16-13-30(B)(1) FELONY
DOC-00GS08
WARR-G371172

COURT CHARGE 01-GRAND LARCENY
,VALUE >\$1,000 BUT <\$5,000
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-02/20/2001
ATN-

BROWN, CRYSTAL RENEE
SC0180200 SUMMERVILLE PD
CASE-0141091

10/20/2001

SLED State Criminal Records Check - DB Check & Display

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ATN-

ARREST CHARGE 01-POSSESSION
WITH INTENT TO DISTRIBUTE
COCAINE
OFFENSE DATE-10/20/2001
PHOTOGRAPH AVAILABLE
ARREST CHARGE 02-POSS W/INT
DIST COCAINE W/I 1/2 MILE
PROXIMITY
OFFENSE DATE-10/20/2001

SC040015G CENTRAL PPP
CASE-180200
CIT-44-53-370(D)-MISDEMEANOR
WARR-G372567

10/21/2001 CUSTODY STATUS-PROBATION
START DATE-10/21/2001

COURT CHARGE 01-POSS SCHED
I(B)(C)LSD/SCHED II(COCAIN
E)-1ST
COURT DISP-CONVICTED;1Y SUSPE
NDED 18M PROBATION
COURT DATE-10/21/2001
ATN-

BROWN, CRYSTAL RENEE
SC0150100 WALTERBORO PD
CASE-0200299
ATN-WARR-77945BU
CIT-56-1-460-MISDEMEANOR

02/18/2002

ARREST CHARGE 01-DUS (LICENSE
NOT SUSP DUI)-2ND
OFFENSE DATE-02/18/2002
PHOTOGRAPH AVAILABLE

GONZALEZ, CRYSTAL RENEE
SC0100000 CHARLESTON CNTY SO
CASE-04014923B
ATN-10X004178044
WARR-43902CY
CIT-16-17-530-MISDEMEANOR

06/26/2004

ARREST CHARGE 01-PUBLIC DISOR
DERLY CONDUCT
OFFENSE DATE-06/26/2004
PHOTOGRAPH AVAILABLE

GONZALEZ, CRYSTAL RENEE
SC0150100 WALTERBORO PD
CASE-0401415
ATN-WARR-58966CU
CIT-56-10-270(A)-MISDEMEANOR

09/27/2004

ARREST CHARGE 01-OPERATING
UNINSURED MOTOR VEHICLE -
1ST OFF
OFFENSE DATE-09/27/2004
PHOTOGRAPH AVAILABLE

WARR-58969CU
CIT-61-9-87-MISDEMEANOR

ARREST CHARGE 02-OPEN CONTAIN
ER OF BEER/WINE
OFFENSE DATE-09/27/2004

WARR-58968CU
CIT-N/A-MISDEMEANOR

ARREST CHARGE 03-IMPROPER
VEHICLE LICENSE
OFFENSE DATE-09/27/2004

CIT-56-10-270(A)-MISDEMEANOR
DOC-R84
WARR-58966CU

COURT CHARGE 01-OPERATING
UNINSURED MOTOR VEHICLE -
1ST OFF
COURT DISP-CONVICTED;\$440
FINE OR 30 DAYS
COURT DATE-10/07/2004
ATN-CIT-61-9-87-MISDEMEANOR

12/17/2013

SLED State Criminal Records Check - DB Check & Display

DOC-R84
WARR-58969CU

COURT CHARGE 02-OPEN CONTAIN
R OF BEER/WINE
COURT DISP-CONVICTED;\$157
FINE OR 30 DAYS
COURT DATE-10/07/2004

CIT-N/A-MISDEMEANOR
DOC-R84
WARR-58968CU

COURT CHARGE 03-IMPROPER
VEHICLE LICENSE
COURT DISP-CONVICTED;\$132
FINE OR 30 DAYS
COURT DATE-10/07/2004

GONZALES, CRYSTAL RENEE
SC0100800 NORTH CHARLESTON PD
CASE-04042649N
ATN-10X004349003
WARR-57047CZ
CIT-16-17-530-MISDEMEANOR

12/14/2004

ARREST CHARGE 01-PUBLIC DISOR
DERLY CONDUCT
OFFENSE DATE-12/14/2004
PHOTOGRAPH AVAILABLE

GONZALEZ, CRYSTAL RENEE
SC0100000 CHARLESTON CNTY SO
CASE-05003597
ATN-10X005234015
WARR-H542469
CIT-34-11-60-MISDEMEANOR

08/22/2005

ARREST CHARGE 01-FRAUDULENT
CHECK UNDER \$500 - 1ST
OFFENSE DATE-08/22/2005
PHOTOGRAPH AVAILABLE

WARR-H542470
CIT-34-11-60-MISDEMEANOR

ARREST CHARGE 02-FRAUDULENT
CHECK UNDER \$500 - 1ST
OFFENSE DATE-08/22/2005

WARR-H542471
CIT-34-11-60-MISDEMEANOR

ARREST CHARGE 03-FRAUDULENT
CHECK UNDER \$500 - 1ST
OFFENSE DATE-08/22/2005

WARR-H542472
CIT-34-11-60-MISDEMEANOR

ARREST CHARGE 04-FRAUDULENT
CHECK UNDER \$500 - 1ST
OFFENSE DATE-08/22/2005

GONZALES, CRYSTAL RENEE
SC0150000 COLLETON CNTY SO
CASE-061989
ATN-990000203592
WARR-K108182
CIT-16-14-60(A)-MISDEMEANOR

06/05/2006

ARREST CHARGE 01-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006
PHOTOGRAPH AVAILABLE

WARR-K108178
CIT-16-14-60(A)-MISDEMEANOR

ARREST CHARGE 02-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

WARR-K108181
CIT-16-14-60(A)-MISDEMEANOR

ARREST CHARGE 03-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

WARR-K108180

SLED State Criminal Records Check - DB Check & Display

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CIT-16-14-60 (A) -MISDEMEANOR

ARREST CHARGE 04-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

WARR-K108179

CIT-16-14-60 (A) -MISDEMEANOR

ARREST CHARGE 05-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

WARR-K108177

CIT-16-14-60 (A) -MISDEMEANOR

ARREST CHARGE 06-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

WARR-K108174

CIT-16-14-60 (A) -MISDEMEANOR

ARREST CHARGE 07-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

WARR-K108175

CIT-16-14-60 (A) -MISDEMEANOR

ARREST CHARGE 08-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

WARR-K108176

CIT-16-14-60 (A) -MISDEMEANOR

ARREST CHARGE 09-FINANCIAL
TRANS CARD FRAUD
OFFENSE DATE-06/05/2006

GONZALEZ, CRYSTAL RENEE
SC0150000 COLLETON CNTY SO
CASE-06-4400
ATN-990000222786
WARR-13194DO
CIT-16-25-20 (A) -MISDEMEANOR

08/15/2006

ARREST CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE 1ST
OFFENSE
OFFENSE DATE-08/15/2006
PHOTOGRAPH AVAILABLE

WARR-13195DO
CIT-16-17-530-MISDEMEANOR

ARREST CHARGE 02-PUBLIC DISOR
DERLY CONDUCT
OFFENSE DATE-08/15/2006

CIT-16-25-20 (A) -MISDEMEANOR
DOC-R84
WARR-13194DO

COURT CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE 1ST
OFFENSE
COURT DISP-NON-CONVICTION;
NOT GUILTY
ATN-990000222786

CIT-16-17-530-MISDEMEANOR
DOC-R84
WARR-13195DO

COURT CHARGE 02-PUBLIC DISORD
ERLY CONDUCT
COURT DISP-CONVICTED;\$200
FINE

GONZALEZ, CRYSTAL RENEE
SCSHP0600 CHARLESTON HP
CASE-SCHP
ATN-990000240063
WARR-C671143
CIT-56-5-2940 (1) -MISDEMEANOR

09/28/2006

ARREST CHARGE 01-DRIVING
UNDER THE INFLUENCE 1ST
OFFENSE
OFFENSE DATE-09/28/2006
PHOTOGRAPH AVAILABLE

12/17/2012

SLED State Criminal Records Check - DB Check & Display

Page 7 of 8

WARR-C671142
CIT-44-53-370 (D) (4) - MISDEMEANOR

PALM PRINTS AVAILABLE

ARREST CHARGE 02-POSS 28G OR
LESS MARIJ OR 10G OR LESS
HASH 1ST
OFFENSE DATE-09/28/2006

CIT-56-5-2940 (1) - MISDEMEANOR
WARR-C671143

COURT CHARGE 01-DUI/DRIVING
UNDER THE INFLUENCE 08 1ST
COURT DISP-CONVICTED;\$970 STP
COURT DATE-11/22/2006
ATN-990000240063

SC040015G CENTRAL FPP
CASE-150000
CIT-16-14-40 (E) - FELONY

03/13/2007 CUSTODY STATUS-PROBATION
START DATE-03/13/2007

COURT CHARGE 01-FINANCIAL
TRANSACTION CARD FORGERY
COURT DISP-CONVICTED;3CTS;5Y
SUSP 2Y PROBATION EACH
COUNT
ATN-990000293437

GONZALEZ, CRYSTAL RENEE
SC0150000 COLLETON CNTY SO
CASE-358616
ATN-15D000501177
WARR-Z358616
CIT-56-5-2945 (A) (2) - FELONY

07/15/2007

ARREST CHARGE 01-FELONY DRIVI
NG UNDER INFLUENCE, DEATH
RESULTS
OFFENSE DATE-07/15/2007
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-56-05-2945 (A) (2) - FELONY
DOC-07GS1500654
WARR-Z358616

COURT CHARGE 01-FELONY DUI
DEATH RESULTS
COURT DISP-CONVICTED;8 Y
\$12000.00
COURT DATE-01/22/2008
ATN-15D000501177

SC040085C WOMEN'S R&E CENTER
CASE-012520
CIT-56-5-2940 (4) - FELONY

01/25/2008 CUSTODY STATUS-RECEIVED
START DATE-01/25/2008

COURT CHARGE 01-DRIVING UNDER
THE INFLUENCE -4TH OR
MORE
COURT DISP-CONVICTED;8YRA
COURT DATE-01/25/2008
ATN-500400000442

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC00729341
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

12/17/2013

SLED State Criminal Records Check - DB Check & Display

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** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~1007304501200021000000000000000000~~

[Return](#)

[Another Check](#)

INMATE SEARCH DETAIL REPORT

GONZALES, CRYSTAL R. (00326270)



INMATE DESCRIPTION

SEX: FEMALE
 RACE: WHITE
 HEIGHT: 5'03"
 WEIGHT: 211 lbs.
 AGE: 41
 CITIZENSHIP: CITIZEN - NATIVE BORN
 BUILD: STOCKY
 COMPLEXION: LIGHT
 HAIR COLOR: BROWN
 EYE COLOR: GREEN
 PICTURE DATE: 01/15/2009

INMATE SENTENCE AND LOCATION

SCDC ID: 00326270
 SID: SC00729341
 OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
 ADMISSION DATE: 01/25/2008
 LOCATION: GOODMAN
 SECURITY / CUSTODY: 1B / MINIMUM OUT-RESTRICT
 EWC LEVEL:
 EEC LEVEL:
 PROJECTED RELEASE DATE: 11/07/2014
 PROJECTED PAROLE ELIGIBILITY: NOT ELIGIBLE
 SUP. FURLOUGH ELIGIBILITY: NOT ELIGIBLE

CURRENT OFFENSES

OFFENSE	SENTENCE TYPE	YRS	MO	DYS	COUNTY	START DATE	V/NV	CAT	INDICT	STATUS
FELONY DUI-DEATH RESULTS	ADULT-STRAIGHT SENTENCE	8	0	0	COLLETON	01/22/2008	N	4	07GS150854	ACTIVE

ESCAPES

NO ESCAPES DURING CURRENT INCARCERATION

DISCIPLINARIES

SANCTIONS NOT AVAILABLE IN THE AUTOMATED SYSTEM PRIOR TO JANUARY 2008

NO DISCIPLINARIES DURING CURRENT INCARCERATION

MOVEMENT

MOVEMENT DATE	TO LOCATION	STATUS	REASON
12/05/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
12/05/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
12/05/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
12/04/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
12/04/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
11/27/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
11/27/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
11/26/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
11/26/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
11/25/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
11/09/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
11/09/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
10/31/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/31/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
10/29/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/29/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
10/11/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/11/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/11/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
10/07/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
10/07/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
09/18/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
09/18/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
09/18/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
09/09/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE

INMATE SEARCH DETAIL REPORT

GONZALES, CRYSTAL R. (00326270)

MOVEMENT DATE	TO LOCATION	STATUS	REASON
06/08/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
06/23/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/23/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
06/15/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/14/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
06/08/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/06/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
06/03/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/03/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
07/31/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
07/30/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
07/18/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
07/16/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
06/21/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/21/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
06/15/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/15/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/15/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
06/04/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
06/04/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
05/29/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
05/29/2013	GOODMAN	INCARCERATED	MEDICAL
05/29/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
04/08/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
04/08/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
03/13/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
03/13/2013	GOODMAN	INCARCERATED	MEDICAL
03/13/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
03/09/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
03/09/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
03/06/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
03/06/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
03/04/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
03/04/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
02/10/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
02/10/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
01/31/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
01/31/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
01/31/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
01/31/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
01/30/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
01/30/2013	GRAHAM CORR INST	INCARCERATED	MEDICAL
01/17/2013	GOODMAN	INCARCERATED	ADMINISTRATIVE
04/14/2011	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
12/23/2010	LEATH	INCARCERATED	ADMINISTRATIVE
12/23/2010	GRAHAM CORR INST	INCARCERATED	MEDICAL
10/14/2010	LEATH	INCARCERATED	ADMINISTRATIVE
07/02/2009	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
06/24/2009	GRAHAM R&E	INCARCERATED	DISCIPLINARY

INMATE SEARCH DETAIL REPORT

GONZALES, CRYSTAL R. (00326270)

MOVEMENT			
MOVEMENT DATE	TO LOCATION	STATUS	REASON
07/01/2008	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
05/29/2008	GRAHAM R&E	INCARCERATED	DISCIPLINARY
05/18/2008	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
05/16/2008	KIRKLAND	INCARCERATED	MEDICAL
03/10/2008	GRAHAM CORR INST	INCARCERATED	ADMINISTRATIVE
01/25/2008	GRAHAM R&E	INCARCERATED	NEW ADMISSION

EARNED WORK CREDITS				
JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LEVEL
TEACHER ASSISTANT	11/27/2013	12/05/2013	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	10/12/2013	11/28/2013	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	09/18/2013	10/11/2013	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	08/18/2013	09/18/2013	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	02/01/2013	06/15/2013	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	01/18/2013	01/31/2013	INSTIT TRANSFER	2F5
FOOD SERVICE AIDE	12/11/2012	01/17/2013	INSTIT TRANSFER	2F5
TEACHER AIDE	04/19/2011	12/10/2012	INMATE REQUEST	2F5
GENERAL WORKER	10/15/2010	04/14/2011	INSTIT TRANSFER	2F5
TEACHER AIDE	09/28/2010	10/14/2010	INSTIT TRANSFER	2F5
WARDKEEPER	07/06/2009	09/27/2010	INMATE REQUEST	2F5
WARDKEEPER	11/21/2008	06/24/2009	DISCIPLINARY/LOCK-UP	2F5
WARDKEEPER	07/03/2008	11/20/2008	MI ELIGIBLE FOR LEVEL 2	3F5
CANTEEN OPERATOR	03/11/2008	05/15/2008	DISCIPLINARY/LOCK-UP	2F5

EARNED EDUCATION CREDITS			
EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 4-7 HRS/WK	10/19/2010	01/27/2011	INMATE REQUEST

Name Kimberly Hilburn
 Date of Birth 1971 05 02
 Maiden Name
 Gender Female
 SSN
 Transaction 005455098
 Date of Check December 16, 2013 at 11:26

ARREST RECORD
 S.C. Law Enforcement Division
 WWW

This record is based on a search using Last name,
 First Initial, Gender, and Date of Birth only.
 Compare all identifying data given for record subject
 with screening subject. Fingerprint comparison is
 recommended as the most reliable means to
 identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC00929949 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/16/2013 TIME-11:22:33
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC00929949 FBI-
 NAME-HARDEE, KIMBERLY KELLY SEX-F RACE-W
 HEIGHT-504 WEIGHT-150 EYES-GRN HAIR-BRO SKIN-MED BORN-SC
 FPC-22P005PM15PI1613PI15 HENRY-22 L 29 W CIM 15
 I 2 U OOI

PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--10/05/2012

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME					
HILBURN, KIM K	1971				
HILBURN, KIMBERLY K					
HARDEE, KIMBERLY KAY					
GASQUE, JAQUELYN	02161973				
HILBURN, KIMBERLY KELLEY					
HILBURN, KIMBERLY					

SC FACE
 SC ABDOM

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
HARDEE, KIMBERLY KELLY	11/19/1993
SC0260700 N MYRTLE BEACH PD	
CASE-117711	
WARR-D406446	

ARREST CHARGE 01-ACCESSORY
 AFTER THE FACT RECEIVING
 STOLEN GOOD
 OFFENSE DATE-11/19/1993
 PHOTOGRAPH AVAILABLE

CIT-17-25-20 DOC-00GS26
ACCESSOR
Y TO
WARR-D406446

COURT CHARGE 01-

A FELONY AFTER FACT
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-08/03/1994

HILBURN, KIMBERLY K
SC0260200 CONWAY PD
CASE-2002002236
ATN-CIT-16-13-110(B)(1)-MISDEMEANOR

07/08/2002

ARREST CHARGE 01-SHOPLIFTING
OFFENSE DATE-07/08/2002

SC040015G CENTRAL PPP
CASE-
260000
CIT-16-13-230(B)(3)-FELONY
WARR-I196764

10/08/2003 CUSTODY STATUS-PROBATION

START DATE-10/08/2003

COURT CHARGE 01-BREACH OF
TRUST W/FRAUD INTENT, VALUE
>\$5,000
COURT DISP-CONVICTED; 6Y SUSPE
NDED 5Y PROBATION
COURT DATE-10/08/2003
ATN-

HARDEE, KIMBERLY KAY
SC0260700 N MYRTLE BEACH PD
CASE-20040003833
ATN-980000486588
WARR-11018CO
CIT-16-13-110(B)(1)-MISDEMEANOR

02/10/2004

ARREST CHARGE 01-SHOPLIFTING
OFFENSE DATE-02/10/2004
PHOTOGRAPH AVAILABLE

CIT-16-13-110(B)(1)-MISDEMEANOR
DOC-R84
WARR-11018CO

COURT CHARGE 01-SHOPLIFTING
COURT DISP-CONVICTED; \$200 OR
10 DAYS
COURT DATE-02/12/2004
ATN-980000486588

GASQUE, JAQUELYN
SC0380100 ORANGEBURG PD
CASE-NA
ATN-990000033413
WARR-H869135
CIT-16-13-110(B)(1)-MISDEMEANOR

03/01/2005

ARREST CHARGE 01-SHOPLIFTING
OFFENSE DATE-03/01/2005

CIT-16-13-110(B)(1)-MISDEMEANOR
DOC-R84
WARR-H869135

COURT CHARGE 01-SHOPLIFTING
COURT DISP-CONVICTED; SENTENCE
UNKNOWN
ATN-990000033413

HILBURN, KIMBERLY K
SC0260200 CONWAY PD
CASE-2005000479
ATN-990000054081
WARR-NA @
CIT-16-3-620(2)-FELONY

04/09/2005

ARREST CHARGE 01-ASSAULT AND
BATTERY WITH INTENT TO
KILL
OFFENSE DATE-02/12/2005
PHOTOGRAPH AVAILABLE

WARR-NA @
CIT-16-13-10-MISDEMEANOR

ARREST CHARGE 02-FORGERY
OFFENSE DATE-02/12/2005

WARR-NA @
CIT-16-13-10-MISDEMEANOR

ARREST CHARGE 03-FORGERY
OFFENSE DATE-02/12/2005

WARR-NA @
CIT-16-14-40-FELONY

ARREST CHARGE 04-FINANCIAL
TRANSACTION CARD FORGERY
OFFENSE DATE-02/12/2005

WARR-NA @
CIT-16-3-625-FELONY

ARREST CHARGE 05-RESISTING
ARREST WITH A DEADLY WEAP
N-1ST OFF
OFFENSE DATE-02/12/2005

CIT-16-3-625-FELONY
DOC-05GS2602341
WARR-H790392

COURT CHARGE 01-RESISTING
ARREST WITH A DEADLY WEAP
N-1ST OFF
COURT DISP-CONVICTED; SENT
CONC JAIL 05 YRS CC
COURT DATE-07/18/2005
ATN-990000054081

CIT-16-13-10-MISDEMEANOR
DOC-05GS2602192
WARR-H790409

COURT CHARGE 02-FORGERY
COURT DISP-CONVICTED; SENT
CONC JAIL 03 YRS CC
COURT DATE-07/18/2005

CIT-16-3-620(2)-FELONY
WARR-H790391

COURT CHARGE 03-ASSAULT AND
BATTERY WITH INTENT TO
KILL
COURT DISP-NON-CONVICTION;
DISMISSED
COURT DATE-11/21/2005

SC040085C WOMEN'S R&E CENTER
CASE-072220
CIT-16-3-625-FELONY

07/22/2005 CUSTODY STATUS-RECEIVED
START DATE-07/22/2005

COURT CHARGE 01-RESISTING
ARREST WITH A DEADLY WEAP

CIT-16-13-10-MISDEMEANOR

N-1ST OFF
COURT DISP-CONVICTED;5YRS
COURT DATE-07/22/2005
ATN-500100010899

CIT-16-13-230(B)(3)-FELONY

COURT CHARGE 02-FORGERY
COURT DISP-CONVICTED;3YRS CC
COURT DATE-07/22/2005

COURT CHARGE 03-BREACH OF
TRUST W/FRAUD INTENT,VALUE
>\$5,000
COURT DISP-CONVICTED;5YRS CC
COURT DATE-07/22/2005

HILBURN, KIMBERLY KELLEY
SC0260400 Horry CNTY PD
CASE-B1100825452
ATN-260200004466
WARR-I232449
CIT-16-13-30(B)(1)-FELONY

06/10/2008

ARREST CHARGE 01-GRAND LARCEN
Y,VALUE >\$1,000 BUT <\$5,00
0
OFFENSE DATE-06/10/2008
PALM PRINTS AVAILABLE

HILBURN, KIMBERLY KELLEY
SCSHP0500 SC HIWAY DEPT DIST 5
CASE-B1151061700
ATN-260200018103
WARR-J324047
CIT-56-1-460-MISDEMEANOR

09/15/2010

ARREST CHARGE 01-DRIVING
UNDER SUSPENSION
OFFENSE DATE-08/01/2009
PALM PRINTS AVAILABLE

WARR-J324046
CIT-56-5-2945(A)(1)-FELONY

ARREST CHARGE 02-FELONY DRIVI
NG UNDER INFLUENCE(BODILY
INJURY)
OFFENSE DATE-08/01/2009

WARR-J324045
CIT-56-5-2945(A)(1)-FELONY

ARREST CHARGE 03-FELONY DRIVI
NG UNDER INFLUENCE(BODILY
INJURY)
OFFENSE DATE-08/01/2009

WARR-J324044
CIT-56-5-2945(A)(2)-FELONY

ARREST CHARGE 04-FELONY DRIVI
NG UNDER INFLUENCE,DEATH
RESULTS
OFFENSE DATE-08/01/2009

CIT--MISDEMEANOR
DOC-26

COURT CHARGE 01-DRIVING UNDER

WARR-J324047

SUSPENSION
COURT DISP-CONVICTED
COURT DATE-11/09/2010
ATN-260200018103

SC040085C WOMEN'S R&E CENTER 10/05/2012 CUSTODY STATUS-RECEIVED
CASE-003103 START DATE-10/05/2012
CIT-56-5-2945(A) (2) -FELONY

COURT CHARGE 01-FELONY DRIVIN
G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED; 12 YRS
ATN-50D400005006

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC00929949
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR
ACQUIRE A HANDGUN.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~XXXXXXXXXXXXXXXXXXXX~~

Return

Another Check



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 23775377 Driver License No: ~~200425~~
 Name: HILBURN, KIMBERLY K
 Address: ~~4500 S. GUYTON RD~~
 City: CONWAY State: SC Zip: 295265612
 County: HORRY Sex: F Driver Training: N
 DOB: ~~01/1971~~
 Status - DL: SUSPENDED CDL: DISQUALIFIED

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Renewal	10/01/2007	05/02/2017	10/12/1990	N	N
Prior							
DL	D	Renewal	05/02/2002	05/02/2007	10/12/1990	N	N
DL	D	Duplicate	12/15/2004	05/02/2007	10/12/1990	N	N

Date Changed: 10/01/2007

Address Change -

Address: ~~4500 S. GUYTON RD~~
 City: LORIS State: SC Zip: 295694838

Point Summary

Total Current Points: 0
 Driver Credit: -0
 Adjusted Current Points: 0

VIOL: 499 - Driving Under the Influence
 Violation: 08/01/2009 Conviction: 09/05/2012
 ACD: A20 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 12GS2603175
 Recd: 10/22/2012 Post: 10/24/2012
 Conviction Reference:
 Court Type: MUNICIPAL COURT

SUSP: 001 - Driving Under the Influence
 Special Driving Privilege: NONE
 Suspension Beg: 11/08/2012
 Causal: 08/01/2009
 Reinstatement Requirements Met: INDEFINITE
 ACD: A20 Withdrawal Loc Ref:

Ticket#: 12GS2603175
 Suspension End: 05/08/2013
 Post: 10/24/2012
 Reinstatement Fee Paid: N
 Withdrawal Reason Ref:

ACC: REPORTABLE
 Accident: 08/01/2009
 Accident Case Number: 9084702
 Accident Jurisdiction: SC Acc Loc Ref: SCHDPT
 Contributed: Y

Posted: 08/14/2009
 FR-10 Audit Number: A-377669
 History: N

Certified to be a true and correct
 copy of the original document on file
 with the South Carolina Department of
 Motor Vehicles.

A. L. Phelps

Procedures & Compliance Administrator

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 23775377

Driver License No: ~~8888186~~

Name: HILBURN, KIMBERLY K

SUSP: 042 - Cancellation of Insurance**Special Driving Privilege:** NONE**Suspension Beg:** 05/27/2008**Causal:** 04/16/2008**Reinstatement Requirements Met:** INDEFINITE**ACD:** D36 Withdrawal Loc Ref:**Suspension End:** INDEFINITE**Post:** 04/25/2008**Reinstatement Fee Paid:** N**Withdrawal Reason Ref:****VIOL:** 470 - Allowing unlicensed person to drive**Violation:** 02/06/2005 **Conviction:** 03/02/2005**ACD:** NAC Conviction Loc Ref:**Conviction State:** SC**Ticket#:** 67407DF**Recd:** 06/16/2005 **Post:** 07/01/2005**Conviction Reference:****Court Type:** MUNICIPAL COURT***End of Report***

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.



Procedures & Compliance Administrator

Name Mallory Hood
 Date of Birth 1987 ~~0000~~
 Maiden Name
 Gender Female
 SSN
 Transaction 005455103
 Date of Check December 16, 2013 at 11:28

ARREST RECORD
 S.C. Law Enforcement Division
 WWW

This record is based on a search using Last name,
 First Initial, Gender, and Date of Birth only.
 Compare all identifying data given for record subject
 with screening subject. Fingerprint comparison is
 recommended as the most reliable means to
 identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC01820201 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/16/2013 TIME-11:24:44
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC01820201 FBI-
 NAME-HOOD, MALLORY L SEX-F RACE-W
 HEIGHT-507 WEIGHT-130 EYES-BLU HAIR-BLN SKIN- BORN-OH
 FPC- HENRY-
 PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
 PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--04/23/2010

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME					
HOOD, MALLORY LEANN	0000	1987	HOOD, MALLORY		

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
HOOD, MALLORY L	05/10/2008

SC0100300 MT PLEASANT PD
 CASE-0800570
 5
 ATN-10D100534978
 WARR-K300448
 CIT-56-5-2945 (A) (2)-FELONY

ARREST CHARGE 01-FELONY DRIVI
 NG UNDER INFLUENCE, DEATH
 RESULTS
 OFFENSE DATE-05/10/2008
 PHOTOGRAPH AVAILABLE
 PALM PRINTS AVAILABLE

WARR-K300450
 CIT-56-5-1210 (A) (2)-FELONY

ARREST CHARGE 02-HIT AND RUN
 WITH GREAT BODILY INJURY
 OFFENSE DATE-05/10/2008

WARR-K300449
CIT-56-5-750(B) (1)-MISDEMEANOR

ARREST CHARGE 03-FAIL TO
STOP FOR BLUE LIGHT
OFFENSE DATE-05/10/2008

HOOD, MALLORY LEANN
SC0100300 MT PLEASANT PD
CASE-08005705
ATN-10X008169015
WARR-I111159
CIT-56-5-2945(A) (1)-FELONY

06/17/2008

ARREST CHARGE 01-FELONY DRIVIN
G UNDER INFLUENCE(BODILY
INJURY)
OFFENSE DATE-06/17/2008
PHOTOGRAPH AVAILABLE

SC040085C WOMEN'S R&E CENTER
CASE-003404
CIT-56-5-2945(A) (2)-FELONY

04/23/2010 CUSTODY STATUS-RECEIVED
START DATE-04/23/2010

COURT CHARGE 01-FELONY DRIVIN
G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED;18yrs
ATN-50D400001445

CIT-56-5-2945(A) (1)-FELONY

COURT CHARGE 02-FELONY DRIVIN
G UNDER INFLUENCE(BODILY
INJURY)
COURT DISP-CONVICTED;15yrs

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC01820201
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~XXXXXXXXXXXXXXXXXXXX~~

Return

Another Check



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 30965526 Driver License No: 1000000000
 Name: HOOD, MALLORY LEANN
 Address: 2780 [REDACTED] DR
 City: MT PLEASANT State: SC Zip: 294669195
 County: CHARLESTON Sex: F Driver Training: N
 DOB: 08/1987
 Status - DL: SUSPENDED CDL: DISQUALIFIED

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current	D	Renewal	08/08/2007	07/23/2017	07/29/2005	N	N
Prior	D	Original	07/29/2005	07/23/2015	07/29/2005	N	N

Address Change -

Address: [REDACTED] Date Changed: 08/08/2007
 City: MT PLEASANT State: SC Zip: 294669195

Address Change -

Address: 1001 WALKER FOREST RD Date Changed: 09/08/2008
 City: CONWAY State: SC Zip: 295268646

Point Summary

Total Current Points: 0
 Driver Credit: -0
 Adjusted Current Points: 0

SUSP: 079 - Accident Judgement
 Suspension Beg: 01/27/2012
 Accident: 05/09/2008
 Reinstatement Requirements Met: INDEFINITE
 ACD: D39 Withdrawal Loc Ref:
 SR 22 Required Until:

Suspension End: INDEFINITE
 Post: 12/28/2011
 Reinstatement Fee Paid: N
 Withdrawal Reason Ref:

SUSP: 095 - Felony Driving Under the Influence
 Special Driving Privilege: NONE
 Suspension Beg: 05/15/2010
 Causal: 05/09/2008
 Reinstatement Requirements Met: INDEFINITE
 ACD: A20 Withdrawal Loc Ref:

Ticket#: 08GS1008611

Suspension End: 05/15/2031
 Post: 04/30/2010
 Reinstatement Fee Paid: N
 Withdrawal Reason Ref:

VIOL: 495 - Felony Driving Under the Influence
 Violation: 05/09/2008 Conviction: 04/19/2010
 ACD: A20 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 08GS1008611
 Recd: 04/28/2010 Post: 04/30/2010
 Conviction Reference:
 Court Type: MAGISTRATE COURT

Certified to be a true and correct
 copy of the original document on file
 with the South Carolina Department of
 Motor Vehicles.

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 30965526
Name: HOOD, MALLORY LEANN

Driver License No: ~~1000000000~~

SUSP: 078 - FR Accident
Suspension Beg: 08/21/2008
Accident: 05/09/2008
Reinstatement Requirements Met: INDEFINITE
ACD: D38 Withdrawal Loc Ref:
SR 22 Required Until:

Suspension End: INDEFINITE
Post: 07/22/2008
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

ACC: REPORTABLE
Accident: 05/09/2008
Accident Case Number: 8062801
Accident Jurisdiction: SC **Acc Loc Ref:** SCHDPT
Contributed: Y

Posted: 06/16/2008
FR-10 Audit Number: Z-247501
History: N

OOS Driver License Surrendered

OOS License No: ~~1000000000~~
Date Surrendered: 08/08/2007
Reason for Return: OOS LICENSE EXCHANGE FOR SC LICENSE

OOS Jurisdiction: OH **Issued:** 01/25/2007

OOS Driver License Surrendered

OOS License No: ~~1000000000~~
Date Surrendered: 07/29/2005
Reason for Return: OOS LICENSE EXCHANGE FOR SC LICENSE

OOS Jurisdiction: MI **Issued:** 07/23/2003

End of Report

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

A. L. Phelps

Procedures & Compliance Administrator

Name Amy McCormick
 Date of Birth 1971
 Maiden Name
 Gender Female
 SSN
 Transaction 005454991
 Date of Check December 16, 2013 at 10:56

ARREST RECORD

S.C. Law Enforcement Division
 WWW

This record is based on a search using Last name, First Initial, Gender, and Date of Birth only. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST
 ORI-SCLED0000 SID-SC01856765 FBI-***** PUR-E
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-12/16/2013 TIME-10:53:03
 REQ ORI-SCLED0000 S C LAW ENF DIV
 SID-SC01856765 FBI-
 NAME-MCCORMICK, AMY FINCH SEX-F RACE-W
 HEIGHT-506 WEIGHT-135 EYES-GRN HAIR-BLN SKIN- BORN-SC
 FPC- HENRY-
 PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--07/31/2009

ADDITIONAL IDENTIFIERS	BIRTH	DATES	MARKS	SOC SEC	MISC NUM
NAME					
MCCORMICK, AMY	00001971				

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
MCCORMICK, AMY FINCH	11/30/2003

SC0100100 CHARLESTON POLICE DE
 CASE-2008023303
 ATN-10D100554216
 WARR-48250ET
 CIT-56-5-2945(A)
) (1)-FELONY

ARREST CHARGE 01-FELONY

DRIVI

NG UNDER

INFLUENCE (BODILY

INJURY)

OFFENSE DATE-11/30/2008
 PALM PRINTS AVAILABLE

WARR-48248ET
 CIT-56-5-2945(A) (1)-FELONY

ARREST CHARGE 02-FELONY

DRIVI

INFLUENCE (BODILY

WARR-48249ET
CIT-56-5-2947-UNCLASSIFIED

TRAFFIC/CHIL

WARR-K351974
CIT-56-5-2945 (A) (2)-FELONY

DRIVI

CIT-56-5-2945 (A) (1)-FELONY
DOC-09GS1001351
DRIVIN
WARR-K35
1974

AND

CIT-56-5-2945 (A) (1)-FELONY
DOC-09GS1001346
DRIVIN
WARR-48248ET

AND

CIT-56-5-2947-UNCLASSIFIED
DOC-09GS1001349
ENDANGE
WARR-48249ET

CIT-56-5-2945 (A) (2)-FELONY
DOC-09GS1001350
DRIVIN
WARR-48250ET

AND

SC040085C WOMEN'S R&E CENTER
CASE-003358
CIT-56-5-2945 (A) (1)-FELONY

NG UNDER

INJURY)
OFFENSE DATE-11/30/2008

ARREST CHARGE 03-

D ENDANGERMENT VEHICLE
(MINOR)
OFFENSE DATE-11/30/2008

ARREST CHARGE 04-FELONY

NG UNDER INFLUENCE, DEATH
RESULTS
OFFENSE DATE-11/30/2008

COURT CHARGE 01-FELONY

G UNDER INFLUENCE (BODILY
INJURY)
COURT DISP-CONVICTED;10Y

PAY \$5100.00 FINE
COURT DATE-07/16/2009
ATN-10D100554216

COURT CHARGE 02-FELONY

G UNDER INFLUENCE (BODILY
INJURY)
COURT DISP-CONVICTED;10Y

PAY \$5100.00 FINE
COURT DATE-07/16/2009

COURT CHARGE 03-CHILD

RMENT VEHICLE (MINOR)
COURT DISP-CONVICTED;1Y
COURT DATE-07/16/2009

COURT CHARGE 04-FELONY

G UNDER INFLUENCE, DEATH
RESULTS
COURT DISP-CONVICTED;10Y

PAY \$10,100.00 FINE
COURT DATE-07/16/2009

07/17/2009 CUSTODY STATUS-RECEIVED
START DATE-07/17/2009

DRIVIN

COURT CHARGE 01-FELONY

G UNDER INFLUENCE(BODILY
INJURY)

COURT DISP-CONVICTED;2CTS
10YRS

COURT DATE-07/17/2009

ATN-50D400000135

CIT-56-5-2947-UNCLASSIFIED

COURT CHARGE 02-CHILD

ENDANGE

RMENT VEHICLE (MINOR)

COURT DISP-CONVICTED;1YR

COURT DATE-07/17/2009

CIT-56-5-2945(A)(2)-FELONY

COURT CHARGE 03-FELONY

DRIVIN

G UNDER INFLUENCE,DEATH
RESULTS

COURT DISP-CONVICTED;10YRS

COURT DATE-07/17/2009

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC01856765
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR
AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE
ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

Credit Card Transaction Number ~~XXXXXXXXXXXX~~

Return

Another Check



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 32023499		Driver License No:	
Name: MCCORMICK, AMY FINCH			
Address: [REDACTED]			
City: CHARLOTTE	State: NC	Zip: 282270650	
County: UNDETERMINED		Sex: F	Driver Training: N
DOB: [REDACTED] 1971			
Status - DL: SUSPENDED		CDL: DISQUALIFIED	

Point Summary

Total Current Points: 0
Driver Credit: -0
Adjusted Current Points: 0

VIOL: 495 - Felony Driving Under the Influence
Violation: 11/30/2008 **Conviction:** 07/16/2009
ACD: A20 Conviction Loc Ref:
Conviction State: SC

Ticket#: 09GS1001351
Recd: 08/03/2009 **Post:** 08/11/2009
Conviction Reference:
Court Type: MAYORS COURT

SUSP: 095 - Felony Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 08/22/2035
Causal: 11/30/2008
Reinstatement Requirements Met: INDEFINITE
ACD: A20 Withdrawal Loc Ref:

Ticket#: 09GS1001351
Suspension End: 08/22/2048
Post: 08/11/2009
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

VIOL: 495 - Felony Driving Under the Influence
Violation: 11/30/2008 **Conviction:** 07/16/2009
ACD: A20 Conviction Loc Ref:
Conviction State: SC

Ticket#: 09GS1001350
Recd: 08/03/2009 **Post:** 08/05/2009
Conviction Reference:
Court Type: MAGISTRATE COURT

SUSP: 095 - Felony Driving Under the Influence
Special Driving Privilege: NONE
Suspension Beg: 08/21/2022
Causal: 11/30/2008
Reinstatement Requirements Met: INDEFINITE
ACD: A20 Withdrawal Loc Ref:

Ticket#: 09GS1001350
Suspension End: 08/21/2035
Post: 08/05/2009
Reinstatement Fee Paid: N
Withdrawal Reason Ref:

VIOL: 495 - Felony Driving Under the Influence
Violation: 11/30/2008 **Conviction:** 07/16/2009
ACD: A20 Conviction Loc Ref:
Conviction State: SC

Ticket#: 09GS1001346
Recd: 08/03/2009 **Post:** 08/05/2009
Conviction Reference:
Court Type: MAGISTRATE COURT

Certified to be a true and correct
 copy of the original document on file
 with the South Carolina Department of
 Motor Vehicles.

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 32023499

Driver License No:

Name: MCCORMICK, AMY FINCH

SUSP: 095 - Felony Driving Under the Influence

Ticket#: 09GS1001346

Special Driving Privilege: NONE

Suspension Beg: 08/20/2009

Suspension End: 08/20/2022

Causal: 11/30/2008

Post: 08/05/2009

Reinstatement Requirements Met: INDEFINITE

Reinstatement Fee Paid: N

ACD: A20 Withdrawal Loc Ref:

Withdrawal Reason Ref:

SUSP: 078 - FR Accident

Suspension Beg: 03/15/2009

Suspension End: INDEFINITE

Accident: 11/30/2008

Post: 02/13/2009

Reinstatement Requirements Met: INDEFINITE

Reinstatement Fee Paid: N

ACD: D38 Withdrawal Loc Ref:

Withdrawal Reason Ref:

SR 22 Required Until:

ACC: REPORTABLE

Accident: 11/30/2008

Posted: 01/12/2009

Accident Case Number: 8146503

FR-10 Audit Number: V-085315

Accident Jurisdiction: SC Acc Loc Ref: SCHDPT

History: N

Contributed: Y

End of Report

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

D. L. Phelps
Procedures & Compliance Administrator

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Diane Brown, #344449,

Applicant,

v.

State of South Carolina,

Respondent.

RECORDED
IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT
FILED
JAMES D. CALDWELL
CLERK OF COURT
SUMTER COUNTY, S.C.
Case No. 2012-CP-43-0100

ORDER OF DISMISSAL

CERTIFIED TRUE COPY
OF ORIGINAL FILED

[Signature]
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on January 20, 2012. Respondent made its return on August 6, 2012. An evidentiary hearing into the matter was convened on December 17, 2013, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Tara D. Shurling, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The records before this Court indicate the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was indicted at the October 2009 term of the Sumter County Grand Jury for two counts of Felony DUI (2009-GS-43-0208). She was represented by Marvin McMillan, Esquire. On January 20, 2011, the Applicant pled guilty before the Honorable George C. James, Jr. She was sentenced as indicted, without negotiations or recommendations to twelve years imprisonment and a \$20,000.00 fine for Felony DUI, death results, and twelve years imprisonment and a \$5,100 for Felony DUI, great bodily injury results. All sentences were to be

served concurrently.

ALLEGATIONS

In her application for post-conviction relief, Applicant alleges she is being held in custody unlawfully based on the following allegations:

1. Ineffective assistance of trial counsel.
 - a. "Counsel failed to adequately investigate the Applicant's charge, failed to investigate and interview potential witnesses and failed to give his client adequate legal advice prior to the Applicant's guilty plea proceeding."
 - b. "Counsel failed to fully advise the Applicant of the consequences of her plea and further failed to investigate defenses against the charge against the Applicant."
 - c. "Counsel neglected to adequately review discovery materials with the Applicant."
2. Involuntary guilty plea
 - a. "Counsel failed to provide client effective assistance of counsel prior to and during her guilty plea proceeding."
 - b. "The Applicant's pleas of guilt were coerced by counsel's failure to provide adequate representation."

Applicant filed an amended application for post-conviction relief on December 11, 2013 alleging that she is being held in custody unlawfully based on the following allegations:

1. Ineffective Assistance of Counsel
 - a. "Plea Counsel was ineffective in that he neglected to present the sentencing judge with exhibits introduced in mitigation of sentence in a timely manner thereby depriving the Applicant of the opportunity to have the presiding judge sufficiently review these exhibits and more fully take them into consideration in determining the appropriate sentence to issue Applicant's case."
 - b. "Plea Counsel was ineffective for neglecting to research and present readily available information concerning the sentences imposed in other felony DUI cases involving death where said statistical data would have clearly been beneficial to the sentencing judge in determining what penalty to impose on particular facts and circumstances of the Applicant's case."

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant called plea counsel, Marvin McMillian (Counsel),

Applicant's husband, Bob Brown (Brown), and Applicant testified on her own behalf. Additionally, Applicant introduced various exhibits including records showing the recent sentences given for Felony DUI, and the accompanying arrest records for various individual's convicted of felony DUI. This Court also had before it a copy of guilty plea hearing, the Sumter County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

During the evidentiary hearing, Applicant called Counsel to testify. Counsel stated he remembered this case better than any other case. Counsel stated he was retained days after the accident. Counsel stated Applicant had a wide circle of support from both her family and professional contacts. Counsel stated he dealt very closely with all attorneys involved in both the criminal and civil suit. Counsel stated he urged that the civil suit be resolved quickly in order to help mitigate the Victim's emotional state. Counsel stated both General Electric Company and Applicant settled the civil suit very quickly. Counsel stated he hoped that the settlement would help ease the pain of the Victims. Counsel stated he investigated the accident, causation, and cause and effect aspect of the case. Counsel stated he felt that he left "no stone unturned."

Counsel stated he was looking for any possible legal angle to help resolve the case. Counsel stated he was aware of the various sentences given for Felony DUI cases. Counsel stated that the sentences varied from case to case. Counsel recalled one case where the defendant received twenty five years. Counsel stated he was aware of the possibility to gather the various sentences given for Felony DUI, but in his opinion it would have hurt Applicant's chance to receive a lighter sentence. Counsel stated the judge knows more than any attorney and he would have been well aware of all the previously given sentences. Counsel stated the various sentences given for Felony DUI hurt Applicant's case more than it helped. Counsel explained

that every case and factual situation is different. Counsel ultimately concluded that presenting the various sentence given for Felony DUI to a sentencing judge was not a strategy he would ever use.

However, Counsel stated he had a private meeting with the Honorable Howard P. King to discuss the facts of the case and try to better gauge a possible sentencing range. Counsel stated he reviewed the sentencing guidelines with Judge King. Judge King stated that Applicant should expect to receive a sentence of approximately fifteen years. Counsel stated he advised Applicant of the possible sentences, Judge King's opinion and explained that the sentence could run consecutive.

Counsel stated Solicitor made a fifteen year negotiated plea offer, which Applicant rejected. Counsel stated that Applicant was an atypical client, because of her long history of service in the military; she had recently retired from the military, and was working for General Electric Company. Counsel stated Applicant had no prior drinking problem. However, Counsel stated Applicant was having emotional issues and was taking various prescription medications. Counsel further stated Applicant had a recent hysterectomy and was on prescription medication. Counsel stated he considered the possibility of a date rape drug being placed in her drink, but any drugs that were potentially in her system could not have been identified due to time period between the incident and Counsel being retained. Counsel stated he received Applicant's physician records.

Counsel stated he consulted with two investigators, Bill Hinnant and Roger Russell. Counsel stated he was investigating the potential impacts of mixing Alcohol and the prescription medicine Applicant was taking. Counsel stated he was investigating if the medicine could potentially influence the blood alcohol level readings. Counsel stated he reviewed the SLED

toxicologist report and had a long interview with the SLED investigator about whether Applicant's pills could potential alter her normal activity. However, Counsel stated none of the medications Applicant was taking had any impact on Applicant's blood alcohol level.

Counsel stated Applicant was given three separate tests to determine Applicant's blood alcohol level. First, Applicant blew a .21 when given a Breathalyzer test. Second, Applicant's blood was drawn and tested, which read .28. Third, Applicant's urine was tested and read .31. Counsel stated the receipts gathered for Chili's¹ revealed that Applicant had purchased eight glasses of wine. Counsel stated Applicant was the only person drinking wine. Counsel stated he and Roger Russell investigated the actual amount of wine Chili's poured in a single glass of wine. After a thorough investigation, Counsel concluded that there was no way to mitigate Applicant's blood alcohol level.

Counsel stated they put the guilty plea proceeding off as long as possible. Counsel stated he was in constant contact with the Solicitor, Kirk Griffin. Counsel stated he arranged for the Solicitor to actually meet the Browns in hopes that he would gain a better understanding of their family. Counsel stated that the Victim's family did not want to discuss the case at all and there was no question that they wanted Applicant to receive the maximum possible sentence. Counsel stated Applicant pled guilty on January 20, 2011 before the Honorable George C. James, Jr. Counsel stated prior to the guilty plea proceeding he gathered multiple emails, letters, and letters of recommendation for mitigation purposes. Counsel further stated he discussed Applicant's outstanding military career as well as her career with General Electric Company. Counsel stated he gave all the documentation very early to Judge James. Counsel stated he expected Applicant

¹ Counsel stated Applicant was in town on a business trip and had a business dinner at Chili's the night of the incident. Counsel stated Applicant's hotel was directly behind the Chili's.

to receive a sentence from eight to twelve years. Counsel stated Applicant received twelve years.

Following Counsels testimony, Applicant testified on her own behalf. Applicant testified she was fifty two years old. Applicant testified she served twenty three years in the military and reached the level of E(8). Applicant stated she was out on bond and returned to Ohio. Applicant testified that she stayed in contact with Counsel through telephone and email. Applicant stated Counsel asked her to come to Sumter, which she did. Applicant stated she was in Sumter for one to two weeks prior to her guilty plea. Applicant stated she gathered various letter's in order to present to the plea judge for mitigation purposes. Applicant stated she suffered two head injuries. Applicant stated the plea happened very quickly.

Following Applicant's testimony, Applicant presented testimony of Bob Brown (Brown). Brown testified he has been married to Applicant for twenty five years. Brown testified he communicated with Counsel through the telephone and email. Brown recalled talking with Counsel about his meetings with the Solicitor and Judge King. Brown testified that Applicant ultimately turned down a fifteen year plea offer and began to gather various letters in support of Applicant. Brown testified that Counsel did not promise Applicant would receive a certain sentence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Specifically, this Court finds that Counsel's testimony is very credible while Applicant's and Brown's testimony is less credible. Set forth below are the relevant

findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 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). Below are this Court's findings in regards to each of Applicant's allegations of

ineffective assistance of counsel.

INEFFECTIVE ASSISTANCE OF COUNSEL

Counsel was ineffective for failing to adequately investigate and prepare a defense for trial.

This Court finds Applicant's allegation that she was denied effective assistance of counsel for failing to adequately investigate and prepare a defense for trial is without merit. This Court finds plea counsel had discussions with Applicant prior to her plea and that they reviewed the discovery materials. Counsel testified he reviewed all medical records, explored the possible effects Applicant's medications had, and investigated any possible mitigating evidence. This Court notes Counsel employed two separate investigator's to explore both the effects of mixing alcohol and Applicant's prescription medication. Counsel stated he investigated the amount of wine that Chili pours for each individual glass of wine. This Court finds the Applicant failed to articulate what more Counsel should have done to investigate and change the outcome of her proceedings. See Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998) (finding the failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result); Davis v. State, 326 S.C. 283, 486 S.E.2d 747 (1997) (denying relief where applicant failed to present witnesses or specific testimony establishing he would have had a defense with additional time to prepare for trial). Furthermore, Applicant failed to show sufficient prejudice as a result of Counsel's alleged deficiency. Therefore, this Court finds this allegation should be denied and dismissed with prejudice.

Counsel was ineffective for failing to gather and present mitigating evidence and present the evidence in a timely fashion to the plea judge so that he could properly consider it prior to sentencing.

This Court finds Applicant's allegation that she received ineffective assistance of counsel

for failing to gather and present mitigation evidence to the plea judge in a timely fashion is without merit. Counsel stated he explored any and all possible angles that could help mitigate the fact that Applicant had a .21 blood alcohol level. Counsel explained that his investigation ranged from looking into the effects of Applicant's prescription medication to the amount of wine chili pours. Counsel stated in his opinion he left no stone unturned. This Court notes, Counsel, Applicant, and Brown all testified that they gathered various emails and letters of recommendation in support of Applicant. Counsel testified he compiled this material and presented the information to the plea judge prior to the plea hearing. Counsel testified that Applicant was an atypical client because of her outstanding military career and her lack of a criminal record. Counsel stated he made sure to focus on Applicant's professional reputation and family support. This Court further notes, Brown, Alease Brown (daughter of Applicant), Eric Brown (Applicant's son), Bob Murphy (Applicant's father), Cheryl Stone (Applicant's sister-in-law), and Susan Steele (Applicant's step-mother-in-law) all presented testimony during sentencing mitigation. (T. 42-72).

Based on the foregoing, this Court finds that the Applicant has not shown that plea counsel's performance fell below "professional norms." Cherry, 300 S.C. at 117. This Court further finds the Applicant failed to articulate what more Counsel should have done to investigate in order to present adequate mitigation. See Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998) (finding the failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result); Davis v. State, 326 S.C. 283, 486 S.E.2d 747 (1997) (denying relief where applicant failed to present witnesses or specific testimony establishing he would have had a defense with additional time to prepare for trial). This Court finds Counsel conducted and

presented sufficient mitigation material to the plea judge. Furthermore, Applicant failed to show sufficient prejudice as a result of Counsel's alleged deficiency. As a result, this Court finds this allegation should be denied and dismissed with prejudice.

Counsel was ineffective for failing to present information concerning the sentences imposed in other felony DUI cases involving death.

This Court finds Applicant's allegation that Counsel was ineffective for failing to present information concerning the sentences imposed in other felony DUI cases involving death is without merit. Counsel stated he was aware of the possibility to gather the various sentences given for Felony DUI, but in his opinion it would have hurt Applicant's chance to receive a lighter sentence. Counsel stated the judge knows more than the attorney and the judge was well aware of all sentences previously given. Counsel stated the various sentences given for Felony DUI hurt Applicant's case more than it helped. Counsel explained that every case and factual situation is different. Counsel ultimately concluded that presenting the various sentence given for Felony DUI to a sentencing judge was not a strategy he would ever use. Where counsel articulates valid reasons for employing a certain strategy, counsel's choice of tactics will not be deemed ineffective assistance. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 530 (1992). See also Dempsey v. State, 363 S.C. 365, 610 S.E.2d 812 (2005) and McLaughlin v. State, 352 S.C. 476, 575 S.E.2d 841 (2003). This Court finds Counsel articulated a valid strategic reason for not presenting the various sentences given for Felony DUI. Furthermore, Applicant failed to show sufficient prejudice as a result of counsel's alleged deficiency. As a result, this Court finds this allegation should be denied and dismissed with prejudice.

Involuntary Guilty Plea

This Court finds that the Applicant's guilty plea was entered freely and voluntarily. To

find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

This Court finds that this allegation is without merit and the Applicant has failed to carry her burden of proving that his guilty plea was involuntarily made. This Court finds that the Applicant's testimony was entered freely and voluntarily. The Applicant testified at the evidentiary hearing that she was pleading guilty freely and voluntarily. This Court finds further that the record reflects the Applicant was thoroughly advised of the waiver of her constitutional rights by both counsel and the plea judge. The record reflects the Applicant at her plea proceeding told the court that she wished to plead guilty. (T. 22). The record also reflects that the Applicant told the court that she had not been promised or threatened by anyone to get him to plead guilty. (T. 23). This Court finds that the Applicant had a full understanding of the

consequences of his plea and the charges against him. This Court finds that the plea judge correctly found that the Applicant's plea was freely, voluntarily, and intelligently made. (T. 41).

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

The Court concludes the Applicant has not met her burden of proving counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet her burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

ALL OTHER ALLEGATIONS

Except as discussed above, this Court finds that the Applicant affirmatively waived the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of her right to do so. Therefore, any and all remaining allegations are denied and dismissed.

CONCLUSION

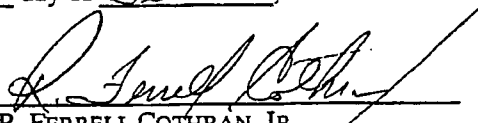
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

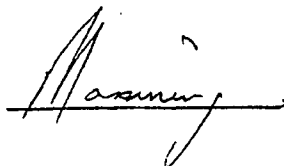
This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right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

IT IS THEREFORE ORDERED:

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 5 day of Feb., 2014.


 R. FERRELL COTHRAN, JR.
 Presiding Judge
 Third Judicial Circuit

 South Carolina

RECORDED

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS

2014 FEB 14 PM 4:24

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP4300100

Diane Elizabeth Brown

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

South Carolina State of

CERTIFIED TRUE COPY
OF ORIGINAL FILED

DEPUTY CLERK OF COURT

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Clerk of Court

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j) SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2144

Judge Code

2/14/2014

Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on-, to attorneys of record or to parties (when appearing pro se) as follows:

Alan McCrory Wilson PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

Court Reporter

James C. Campbell - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS

DIANNE ELIZABETH BROWN, #344449

Applicant,

v.

STATE OF SOUTH CAROLINA,

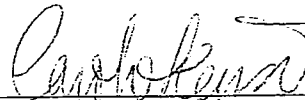
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

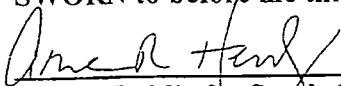
**Tara Dawn Shurling, Esquire
Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive
Suite A
Columbia, SC 29204**

This 25th day of February, 2014.



Caroline Kaiser, Legal Assistant
For Respondent

SWORN to before me this 25th day of February, 2014.



Notary Public for South Carolina.

My Commission Expires:

7/18/2017

STATE OF SOUTH CAROLINA) RECORDED
COUNTY OF SUMTER) IN THE COURT OF COMMON PLEAS
Diane Brown, #344449,) FOR THE THIRD JUDICIAL CIRCUIT
Applicant.) 2012-CP-43-0100
v.) RULE 59(e) SCRCP, MOTION TO
THE STATE OF SOUTH CAROLINA,) ALTER OR AMEND
Respondent.)
_____)

NOW COMES the Applicant in the above-captioned case, acting by and through undersigned counsel, respectfully moving this Court pursuant to Rule 59(e), SCRCP, to alter or amend its Order of Dismissal filed February 14, 2014 and received by Counsel for the Applicant on February 26, 2014. The Application for Post-Conviction Relief in this matter was filed on January 20, 2012 and was amended on December 13, 2013. The State filed its Return on August 6, 2012. An evidentiary hearing was convened on December 17, 2013 at the Sumter County Courthouse. The Respondent was represented at that proceeding by Assistant Attorney General, Daniel Gourley and the Applicant was represented by Tara Dawn Shurling, Esquire (PCR Counsel) of the Richland County Bar. In the Court of General Sessions the Applicant was represented by Marvin McMillan, Esquire (Counsel). In support of this motion, the Applicant would address the portions of the Order which she submits need to be altered or amended under the same subject heading as they appear under in the Order of Dismissal.

At the outset of the Applicant's PCR hearing, the Court was advised that she wished to proceed solely on claims of ineffective assistance of Counsel in preparing for and during the sentencing phase of her guilty plea proceeding. The Applicant's allegations pertaining to

Counsel's representation with regard to sentencing were set forth in her Amended Application for Post-Conviction Relief filed on December 11, 2013. Those allegations stated:

1. Plea Counsel was ineffective in that he neglected to present the sentencing judge with exhibits introduced in mitigations of sentence in a timely manner thereby depriving the Applicant of the opportunity to have the judge fully review these exhibits and take them into consideration in determining the appropriate sentence to issue in the Applicant's case.
2. Plea Counsel was ineffective for neglecting to research and present readily available information concerning the sentences imposed in other felony DUI cases involving death where said statistical data would have clearly been beneficial to the sentencing judge in determining what penalty to impose on the particular facts and circumstances of the Applicant's case.

**TESTIMONY NOT REFERENCED IN
THE SUMMARY OF TESTIMONY PRESENTED**

Order of Dismissal Pages 2 - 6

The Applicant recognized that Counsel had been thorough in his research and development of potential defenses to her charges. Her husband also indicated that he was aware of multiple avenues for possible defense to the underlying charges that had been explored by Counsel prior to his wife making the decision to enter pleas of guilty. Both the Applicant and her husband however, expressed disappointment with what they perceived as a rush job on Counsel's preparation for the sentencing portion of the guilty plea proceeding. The PCR testimony of both the Applicant and her husband indicated that they were put in the position of hurrying at the last minute to put together materials to be presented to the Plea Judge prior to the hearing date. They both recalled that Counsel's staff was hurriedly putting together the materials they had provided Counsel and rushing them over to the courthouse sometime just prior to the hearing. While neither the Applicant nor her husband, claimed to know exactly what time the

materials were delivered to the Court, it was apparent from their testimony that these materials were delivered to the Court sometime before lunch on the date of the hearing which was scheduled for immediately after lunch.

Counsel's testimony actually reflected that he had referred the Applicant to PCR Counsel after the outcome of the Guilty Plea proceeding.

Amended PCR Application Issue 1

Order of Dismissal Pages 8 - 10

Plea Counsel was ineffective in that he neglected to present the sentencing judge with exhibits introduced in mitigations of sentence in a timely manner thereby depriving the Applicant of the opportunity to have the judge fully review these exhibits and take them into consideration in determining the appropriate sentence to issue in the Applicant's case.

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. *U. S. Const. Amend. VI; Lomax v. State*, 379 S.C. 93, 665 S.E.2d 164(2008). This right has been found to extend to the right to effective assistance of counsel in sentencing. The burden of proof is on the Applicant in a Post-Conviction Relief proceeding to prove the allegations raised in her Application for Relief and at her Post-Conviction Relief hearing. *Suber v. State*, 371 S.C. 554, 558, 640 S.E. 2d 884, 886 (2007); *Thompson v. State*, 340 S.C. 112, 531 S.E.2d 294 (2000); *Rule 71.1(e), SCRPC*. In evaluating an Application for Post-Conviction Relief, the moving party must demonstrate that Trial Counsel (1) failed to provide him with reasonable professional assistance of counsel under the prevailing standards for attorneys representing clients in criminal matters; and (2) that he was prejudiced by the errors and omissions of counsel such that he was deprived of a fair trial. *Strickland v. Washington*, 466 U.S. 668 (1984); *Speaks v. State*, 377 S.C. 396, 399, 600 S.E.2d 512, 514

(2008). In other words, the Applicant must show that, but for counsel's errors and omissions, there is a reasonable probability that the result at trial would have been different. *Id.*; *Johnson v. State*, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997). A reasonable probability has been defined by our Supreme Court as a probability sufficient to undermine confidence in the outcome of the trial. *Edwards v. State*, 392 S.C. 449, 459, 710 S.E.2d 60, 66 (2011); *Ard v. Cato*, 372 S.C. 318, 330, 642 S.E.2d 590, 596 (2007); *Rhodes v. State*, 349 S.C. 25, 31, 561 S.E.2d 606, 609 (2002).

On the one hand, where Trial Counsel articulates a valid reason for employing certain trial strategies, such conduct should not be deemed ineffective assistance of trial counsel. *Roseboro v. State*, 317 S.C. 292, 294, 454 S.E.2d 312, 313 (1995); *Stokes v. State*, 308 S.C. 546, 419 S.E.2d 778 (1992). In order to satisfy the first prong of the Strickland standard, a PCR applicant must show that counsel's performance fell below an objective standard of reasonableness. *Franklin v. Catoe*, 346 S.C. 563, 570-571, 582 S.E.2d 718, 722 (2001). On the other hand, counsel may not explain away errors and omissions which acted to prejudice his client's ability to receive a fair trial simply by labeling them matters of trial strategy or tactics. In the case of *Ingle v. State*, 348 S.C. 467, 470, 560 S.E.2d 401, 402 (2002), the Supreme Court of South Carolina found that

Counsel must articulate a **valid** reason for employing a certain strategy to avoid a finding of ineffectiveness. Where counsel articulates a strategy, it is measured against an objective standard of reasonableness.

Where a PCR Applicant is seeking to attack the underlying pleas resulting in her sentences she must demonstrate that, but for Counsel's errors and omissions, she would not have waived her right to trial by jury. *Hill v. Lockhart*, 474 U.S. 52 (1985). In the case before the Court, however, the Applicant did not ultimately seek to have her pleas vacated as involuntarily

or unintelligently entered. The Applicant sought a finding that Counsel provided her ineffective assistance of counsel preparing for and presenting her plea in mitigation during the sentencing portion of her plea proceeding. There is South Carolina authority for the position that a judge in a PCR proceeding has the authority, on appropriate facts, to remand for a new sentencing hearing only. *See, Davie v. State*, 381 S.C. 601, 675 S.E.2d 416 (2009).

The Applicant's Counsel is a well respected member of the bar with a sound reputation for competently representing the interests of his clients. On the facts of this case however, the record below establishes that Counsel's performance on the limited issue of his representation with regard to sentencing fell below the objective standard of reasonableness. With the assistance of the Applicant and her husband Counsel gathered an impressive package of material and reference letters which illustrated what a remarkable woman the Applicant is and what her professional and personal accomplishments, and her contributions to the community, had been prior to the time of this tragic incident. These materials additionally illustrated the Applicant's medical history, including aspects of her health and the prescription medications she was taking at the time of this incident, which may have contributed to the accident which lead to her charges. Those materials were introduced by the Applicant as an exhibit during her PCR hearing as Petitioner's Exhibits 1 – 4. Unfortunately, the record establishes that the Plea Court was not provided these materials in time to fully review them and take their content into account in determining the appropriate penalty in the Applicant's case. It is simply not reasonable to conclude that a busy circuit court judge would have time to give these materials due consideration if they weren't provided to him until the morning of an afternoon plea. Between the other demands of the term of court over which the Plea Judge was presiding, and his own lunch break, it would, the Applicant respectfully submits, be impossible for the judge to give

these important materials a thorough review and the thoughtful consideration they warranted. For this reason, the Applicant now respectfully asks this Court to reconsider its previous ruling that Plea Counsel's performance was not deficient in this regard. While Plea Counsel's efforts at attempting to develop a defense for the Applicant were apparently thorough and organized, it is unfortunately apparent that his representation of the Applicant in preparation for sentencing did not reflect the same high standards. The Applicant respectfully asks for a reversal of her sentences on a finding of ineffective assistance of counsel on the issue of sentencing.

Amended PCR Application Issue

Order of Dismissal Page 10

Plea Counsel was ineffective for neglecting to research and present readily available information concerning the sentences imposed in other felony DUI cases involving death where said statistical data would have clearly been beneficial to the sentencing judge in determining what penalty to impose on the particular facts and circumstances of the Applicant's case.

The Applicant respectfully asks this Court to reconsider its finding that Plea Counsel's failure to provide the Plea Court with information concerning sentences given in other felony DUI cases did not constitute deficient representation. The Applicant would submit that Plea Counsel's assumption that the presiding judge would know about all the sentences imposed in other South Carolina Felony DUI cases during the time period surrounding the Applicant's case was not reasonable. There are sixteen judicial circuits, and many circuit court judges, in South Carolina. It is unrealistic to conclude that a given circuit court judge would have knowledge of all the sentences issued in any particular class of crimes across the state.

It is true that our appellate courts have found that where counsel is able to articulate valid reasons for employing a certain strategy, they will not find ineffective assistance of counsel based on his particular choice of tactics. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 530(1992). The linchpin for examining counsel's choices however, remains reasonableness. Plea Counsel's claim of a strategy must be evaluated under an objective standard of reasonableness. *Ingle v. State*, 348 S.C. 467, 470, 560 S.E.2d 401, 402 (2002). Where Plea Counsel fails to articulate a valid reason for his choices, he can not hide behind such magic words as *strategy* and *tactic* to justify an otherwise unreasonable decision. In this case, Plea Counsel has acknowledged that the Applicant was far from the typical defendant in a felony DUI case. Not only did she have no prior criminal record, but she had led an exemplary life prior to this tragic event. The records the Applicant provided this Court during her PCR proceeding reflect that the sentence she ultimately received was an average sentence for a felony DUI case involving death. See, *Applicant's PCR Exhibits 5 and 6*. While Plea Counsel testified that he thought presenting the presiding judge with information concerning the sentences given in other felony DUI cases across the state might have actually "gotten her more time", he provided no explanation as to why such a conclusion was reasonable. He himself repeatedly acknowledged the Applicant was most certainly not your average felony DUI defendant. He had in his possession before this plea documentation which clearly supported that conclusion. As previously noted, the Applicant had no prior record of any sort and had a remarkable history of accomplishment both in her personal and professional life. Given these factors, there is simply no logical reason why providing the Court with accurate information concerning the sentences imposed in other felony DUI cases involving death would have been harmful to the Applicant. The Applicant would respectfully submit that Plea Counsel was deficient for failing to

demonstrate for the Court what the average sentence in similar cases had been during the time period involved in this case. Having failed to establish what the average sentence in similar cases had been, he missed the opportunity to argue that this defendant was anything but typical or average and therefore should receive a sentence well below the average penalty imposed in similar cases. It clearly would have been useful for the Plea Court to know the lowest sentences imposed on the same charges in other cases. The Applicant therefore respectfully asks that this Court reconsider its ruling that Plea Counsel was not deficient for failing to supply the Plea Court with this valuable information which, she submits, would have been likely to have influenced the Plea Judge to give her a sentence below that she received at the time of her pleas.

CONCLUSION

For all the above reasons, the Applicant now prays that this Court might amend its Order pursuant to Rule 59(e), SCRCP, grant relief and remand the Applicant's case to the Sumter County Court of General Sessions for resentencing. In the alternative, the Applicant would respectfully request that the Court issue an Amended Order of Dismissal more fully addressing the allegations and arguments presented above.

Respectfully submitted,



Tara Dawn Shurling
Attorney and Counselor at Law

3614 Landmark Dr., Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 (fax)
tdslaw@shurlinglaw.com

March 7, 2014

ATTORNEY FOR THE APPLICANT

RECORDED

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

2014 MAR 10 PM 2:25

IN THE COURT OF COMMON PLEAS

JAMES D. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

DIANE BROWN, #344449

2012-CP-43-0100

Applicant,

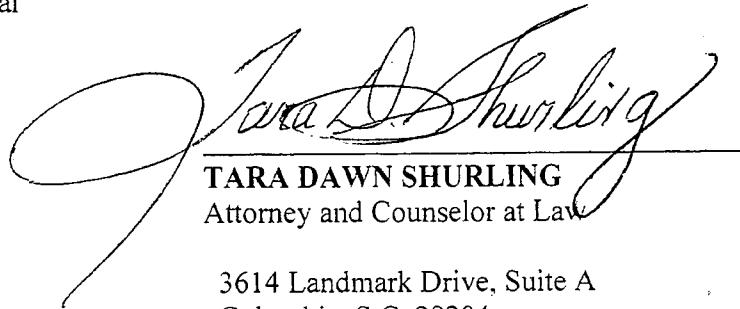
v.

CERTIFICATE OF SERVICE

THE STATE OF SOUTH CAROLINA,
Respondent.

The undersigned attorney hereby certifies that one copy of the Rule 59(e) SCRPC, Motion to Alter or Amend in the above-entitled cause has been served upon, Assistant Attorney General, Daniel Gourley, by depositing in the U.S. Mail, postage prepaid, on this the 7th day of March, 2014 to:

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



TARA DAWN SHURLING
Attorney and Counselor at Law

3614 Landmark Drive, Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 Fax

ATTORNEY FOR THE APPLICANT.

SWORN TO BEFORE ME this 7th day of

March, 2014.

Jurianne Graham (L.S.)

Notary Public for South Carolina

My Commission Expires: 2/28/24

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS

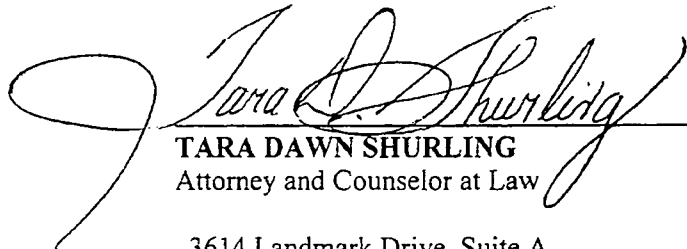
DIANE BROWN, #344449)
 Applicant,)
)
 v.)
)
 THE STATE OF SOUTH CAROLINA,)
 Respondent.)
 _____)

2012-CP-43-0100

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that one copy of the Rule 59(e) SCRPC, Motion to Alter or Amend in the above-entitled cause has been served upon, the Honorable R. Ferrell Cothran, Jr., Circuit Court Judge for the Third Judicial Circuit, by depositing in the U.S. Mail, postage prepaid, on this the 7th day of March, 2014 to:

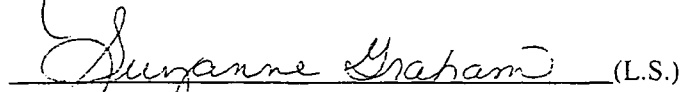
The Honorable R. Ferrell Cothran, Jr.
 Circuit Court Judge for the Third Circuit
 16 N. Brooks Street
 Manning, SC 29102


TARA DAWN SHURLING
 Attorney and Counselor at Law

3614 Landmark Drive, Suite A
 Columbia, S.C. 29204
 (803) 738-8622
 (803) 738-1600 Fax

ATTORNEY FOR THE APPLICANT.

SWORN TO BEFORE ME this 7th day of
March, 2014.

 (L.S.)
 Notary Public for South Carolina
 My Commission Expires: 2/28/24

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Dianne Elizabeth Brown, #344449,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2012-CP-43-0100

**RETURN TO APPLICANT'S MOTION
TO ALTER OR AMEND THE
JUDGMENT**

Respondent, by and through undersigned counsel, making its Return to Applicant's "Rule 59(e) SCRCF, Motion to Alter or Amend," would respectfully show unto this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was indicted at the October 2009 term of the Sumter County Grand Jury for two counts of Felony DUI (2009-GS-43-0208). She was represented by Marvin McMillan, Esquire. On January 20, 2011, the Applicant pled guilty before the Honorable George C. James, Jr. She was sentenced as indicted, without negotiations or recommendations to twelve years imprisonment and a \$20,000.00 fine for Felony DUI, death results, and twelve years imprisonment and a \$5,100 for Felony DUI, great bodily injury results. All sentences were to be served concurrently. Applicant did not appeal her guilty plea or sentence.

II.

Applicant filed an application for post-conviction relief on January 20, 2012. An evidentiary hearing into the matter was convened December 17, 2013, at the Richland County Courthouse. Applicant was present at the hearing and was represented by counsel, Tara D.

Shurling, Esquire. The Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office. By written Order signed February 5, 2014 and filed February 14, 2014, this Court denied and dismissed Applicant's post-conviction relief action with prejudice. A copy of this Order was served on Applicant by the Sumter County Clerk of Court.

On March 10, 2014, Applicant filed a "Rule 59(e) SCRCP, Motion to Alter or Amend." This Return follows.

III.

In her motion, Applicant asks this Court to reconsider its ruling regarding the two issues raised. Respondent submits that this Court's Order of Dismissal contains the required findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1976) and Rule 52(a) SCRCP. See also McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991). Respondent submits that this Court properly ruled on all issues presented at the post-conviction relief hearing and Applicant's motion should be denied.

[Signature block on following page]

IV.

WHEREFORE, having made its Return to the motion, the State requests that the relief requested in the Motion be denied and that said Motion be dismissed.

Respectfully submitted,

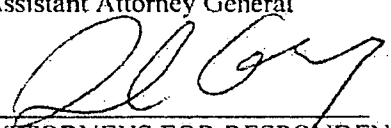
ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

BY:


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

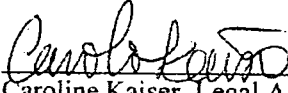
April 2, 2014

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
	)	
	)	2012-CP-43-100
DIANNE ELIZABETH BROWN, #344449,	)	
Applicant,	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
STATE OF SOUTH CAROLINA,	)	
Respondent:	)	

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

Tara Dawn Shurling, Esquire
 Law Office of Tara Dawn Shurling, PA
 3614 Landmark Drive, Ste. A
 Columbia, SC 29204

DATED this 2nd day of April, 2014.


 Caroline Kaiser, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
) IN THE COURT OF COMMON PLEAS
2014 APR FOR THE THIRD JUDICIAL CIRCUIT

Diane Brown, #344449,

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

2012-CP-43-0100

v.

) REPLY TO STATE'S RETURN
) TO RULE 59 (e) MOTION

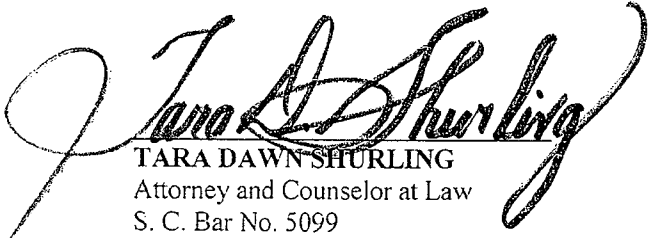
THE STATE OF SOUTH CAROLINA,

Respondent.

An Order of Dismissal was filed on February 14, 2014 by the Honorable R. Ferrell Cothran, Jr., presiding circuit court judge. The Applicant's timely Motion to Alter or Amend, pursuant to Rule 59(e), SCRCP, was filed on March 10, 2014, having been duly postmarked on March 7, 2014. The Respondent's Return to said motion was served on Counsel for the Applicant on April 2, 2014.

The Applicant respectfully submits that the Motion to Alter or Amend filed on her behalf sets forth relevant grounds upon which this Court might reconsider its decision to deny relief on the facts of this case. For all the reasons set forth therein, the Applicant prays that this Court might reconsider its decision to deny relief in this case.

Respectfully submitted,


TARA DAWN SHURLING
Attorney and Counselor at Law
S. C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, S. C. 29204
(803) 738-8622
(803) 738-1600 (FAX)

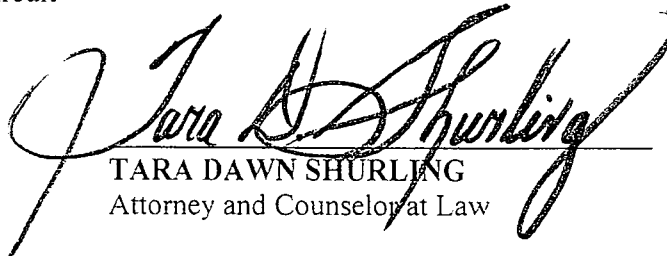
ATTORNEY FOR APPLICANT

This the 14th day of April, 2014.

STATE OF SOUTH CAROLINA) RECORDED
COUNTY OF SUMTER) 2014 APR 15 PM 2:50 IN THE COURT OF COMMON PLEAS
JAMES C. CAMPBELL
CLERK OF COURT
DIANE BROWN, #344449) SUMTER COUNTY, S.C. 2012-CP-43-0100
Applicant,)
v.) **CERTIFICATE OF SERVICE**
THE STATE OF SOUTH CAROLINA,)
Respondent.)
_____)

The undersigned attorney hereby certifies that one copy of the Reply to State's Return to Rule 59(e) SCRCP, Motion to Alter or Amend in the above-entitled cause has been served upon, the Honorable R. Ferrell Cothran, Jr., Circuit Court Judge for the Third Judicial Circuit, by depositing in the U.S. Mail, postage prepaid, on this the 14th day of April, 2014 to:

The Honorable R. Ferrell Cothran, Jr.
Circuit Court Judge for the Third Circuit
16 N. Brooks Street
Manning, SC 29102


TARA DAWN SHURLING
Attorney and Counselor at Law

3614 Landmark Drive, Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 Fax

ATTORNEY FOR THE APPLICANT.

SWORN TO BEFORE ME this 14th day of

April, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/2024

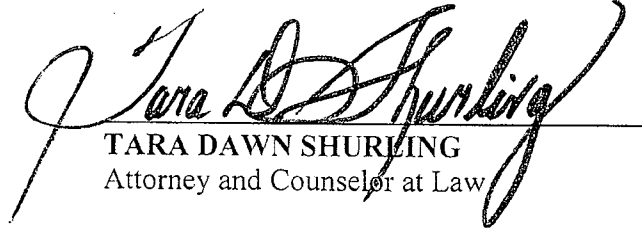
STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)
DIANE BROWN, #344449)
Applicant,)
v.)
THE STATE OF SOUTH CAROLINA,)
Respondent.)

RECORDED
IN THE COURT OF COMMON PLEAS
2014 APR 15 PM 2:55
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C. 2012-CP-43-0100

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that one copy of the Reply to State's Return to Rule 59(e) SCRCRCP, Motion to Alter or Amend in the above-entitled cause has been served upon, Assistant Attorney General, Daniel Gourley, by depositing in the U.S. Mail, postage prepaid, on this the 14th day of April, 2014 to:

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


TARA DAWN SHURLING
Attorney and Counselor at Law

3614 Landmark Drive, Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 Fax

ATTORNEY FOR THE APPLICANT.

SWORN TO BEFORE ME this 14th day of

April, 2014.

Deyanne Graham (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/2024

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Dianne Elizabeth Brown, #344449,
Applicant,

v.

State of South Carolina,
Respondent.

RECORDED
2014 APR 14 PM 1:13
IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

JAMES C. CAMPBELL Case No. 2012-CP-43-0100
CLERK OF COURT
SUMTER COUNTY, S.C.

ORDER DENYING APPLICANT'S
MOTION TO ALTER OR AMEND A
JUDGMENT

CERTIFIED TRUE COPY
OF ORIGINAL FILED

DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

This matter comes before this Court by way of Applicant's "Rule 59(e) Motion to Alter or Amend" asking this Court to alter or amend its Order of Dismissal denying Applicant post-conviction relief.

I.

An evidentiary hearing was convened before this Court on December 17, 2013, at the Sumter County Courthouse, at which Applicant was present with counsel, Tara D. Shurling. The state was represented by Daniel Gourley of the South Carolina Attorney General's Office. By order filed February 14, 2013, this Court denied Applicant's request for relief with prejudice. On March 10, 2014, Applicant filed a motion to alter or amend, asking this Court to alter or amend, and reconsider its ruling. Respondent made a Return to this motion, asking that said motion be denied and dismissed.

III.

DJC This Court's Order of Dismissal contains the required findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1976) and Rule 52(a) SCRPC. See also McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991). Having carefully reviewed the entire record in this matter, this Court finds that there is no basis for altering or amending its prior

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS

DIANNE ELIZABETH BROWN, #344449

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Order Denying Applicant's Motion to Alter and Amend a Judgment** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

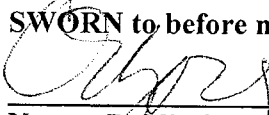
Tara Dawn Shurling, Esquire
Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive
Suite A
Columbia, SC 29204

This 30th day of July, 2014.



Caroline Kaiser, Legal Assistant
For Respondent

SWORN to before me this 30th day of July, 2014.



Notary Public for South Carolina.

My Commission Expires: 10/28/2014

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
R. Ferrell Cothran, Jr., Presiding Judge

2012-CP-43-100

RECEIVED

AUG 18 2014

S.C. Supreme Court

DIANE ELIZABETH BROWN, 344449

Applicant,

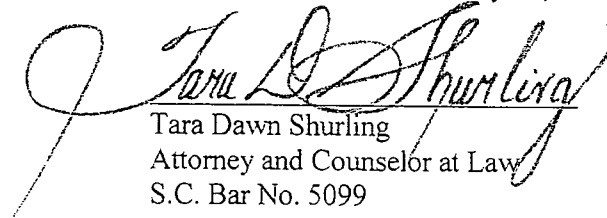
v.

THE STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

NOW COMES the Applicant in the above-captioned Post-Conviction Relief matter, acting by and through her undersigned counsel, giving notice of her appeal from the Order of Dismissal denying his Post-Conviction Relief filed February 14, 2014, and the Order Denying the Applicant's Motion to Alter or Amend pursuant to Rule 59(e) SCRCP which was filed with the Sumter County Clerk of Court on April 14, 2014, but was not served upon counsel until July 31, 2014.


Tara Dawn Shurling
Attorney and Counselor at Law
S.C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, South Carolina 29204
(803)738-8622
(803)738-1600 FAX

ATTORNEY FOR APPLICANT

This 13th day of August, 2014.

Other Counsel of Record:
Daniel Gourley, Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
Attorney for Respondent
(803) 734-3737

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
R. Ferrell Cothran, Jr., Presiding Judge

2012-CP-43-100

RECEIVED

AUG 18 2014

S.C. Supreme Court

DIANE ELIZABETH BROWN, 344449

v.

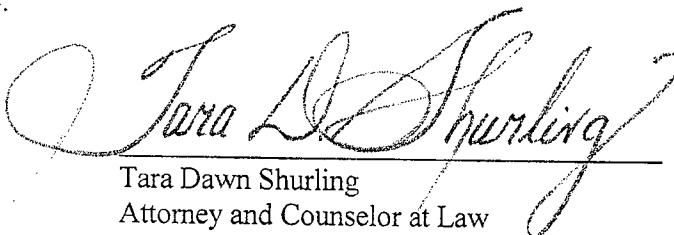
Applicant,

THE STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that one copy of the Applicant's Notice of Appeal in the above-entitled cause has been served upon opposing counsel, Daniel Gourley, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this 13th day of August, 2014.


Tara Dawn Shurling
Attorney and Counselor at Law

SWORN TO BEFORE me this 13th day
of August, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/24

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
The Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

RECEIVED

MAR 02 2015

Appellate Case No. 2014-001764

S.C. Supreme Court

DIANE ELIZABETH BROWN, 344449,

PETITIONER,

v.

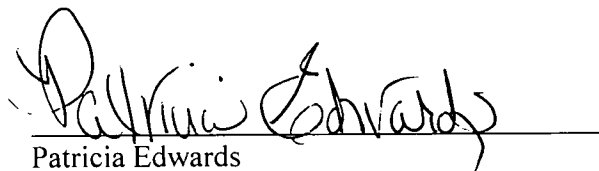
THE STATE OF SOUTH CAROLINA,

RESPONDENT,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Appendix in the above-entitled case has been served upon opposing counsel this the 2nd day of March, 2015, by hand delivering one (1) copy properly addressed to:

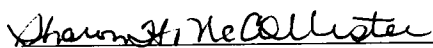
Daniel Gourley
Assistant Attorney General
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211



Patricia Edwards
Legal Assistant to
Tara Dawn Shurling, Esquire
ATTORNEY FOR PETITIONER.

Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive, Suite A
Columbia, SC 29204

SWORN TO BEFORE me this 2nd day
of March, 2015.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: January 16, 2017

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

E-Mail: tdslaw@shurlinglaw.com

(803) 738-8622

(Fax) (803) 738-1600

March 2, 2015

VIA HAND DELIVERY

RECEIVED

MAR 02 2015

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

S.C. Supreme Court

RE: Diane Elizabeth Brown, 344449, v. State of South Carolina;
Appellate Case No. 2014-001764

Dear Mr. Shearouse:

Enclosed for filing please find the Appendix and the Certificate of Service in the above-captioned captioned Post-Conviction Relief Appeal. The Petition for Writ of Certiorari will be filed separately. I enclose a copy of the cover page for this Appendix to be clocked and returned to my courier for my records. I would appreciate you returning one (1) clocked copy of the Certificate of Service as well. Thank you for your assistance in this matter. I remain,

Sincerely yours,

A large, stylized handwritten signature in black ink, reading "Tara Dawn Shurling".

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: Daniel Gourley, Assistant Attorney General (w/enclosures)
Diane Elizabeth Brown, 344449 (w/o enclosures)
Robert Brown (w/o enclosures)