

STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM WILLIAMSBURG COUNTY  
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

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Appellate Case No. 2014-002270

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**RECEIVED**

MAR 23 2015

S.C. Supreme Court

KEVIN BRADLEY, 339031,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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APPENDIX  
TO  
PETITION FOR WRIT OF CERTIORARI

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ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

Daniel Gourley  
Assistant Attorney General  
Post Office Box 11549  
Columbia, S. C. 29211  
(803) 734-3737

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 Phone  
(803)738-1600 Fax  
Email: [tdslaw@shurlinglaw.com](mailto:tdslaw@shurlinglaw.com)

ATTORNEY FOR PETITIONER.

ATTORNEYS FOR RESPONDENT.

**Kevin Bradley**  
**Appellate Case 2014-002270**  
**On the 2013 PCR Docketed at 2013-CP-45-00098**  
**Indictment No. 2010-GS-45-30**

**Volume II of II**

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	)	
COUNTY OF WILLIAMSBURG	)	
	)	
THE STATE	)	JANUARY 25, 2010
	)	
PLAINTIFF,	)	
	)	
VERSUS	)	
	)	
KEVIN BRADLEY,	)	2010-GS-45-249
	)	
DEFENDANT.	)	
_____	)	

BEFORE

THE HONORABLE CLIFTON NEWMAN

APPEARANCES

KIMBERLY BARR, ESQUIRE  
ATTORNEYS FOR THE STATE

RICHARD STROBEL, ESQUIRE  
WILLIAM LEGRAND CARRAWAY, ESQUIRE  
ATTORNEYS FOR THE DEFENDANT

Pamela Ozment-Cartee  
Circuit Court Reporter

Plea

Page 03

Plea stands down for trial

Page 07

Certificate of Reporter

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## THE STATE VERSUS KEVIN BRADLEY

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1 you want to plead guilty to these two Indictments. Is that  
2 right?

3 MR. BRADLEY: That's correct.

4 THE COURT: Are you guilty of these two charges?

5 MR. BRADLEY: Yes, Your Honor.

6 THE COURT: And, before I can accept your guilty  
7 plea, I need to make sure that you understand your  
8 constitutional rights concerning these charges and the  
9 guilty plea. As I understand it, Mr. Strobel represents you  
10 on the charge of criminal sexual conduct with a minor in the  
11 first degree. Is that right, Mr. Strobel?

12 MR. STROBEL: Yes, sir. I have an Affidavit that I  
13 want to file and make a part of the record. We filled out  
14 when we filed this case. And I submit this to the court.

15 THE COURT: All right. And, this as I understand  
16 it, Mr. Carraway, you represent him on the second degree CSC  
17 charge?

18 MR. CARRAWAY: That's correct, Your Honor.

19 THE COURT: Thank you. And Mr. Bradley, do you  
20 understand that for the offense of criminal sexual conduct  
21 in the first degree there is a mandatory minimum sentence of  
22 twenty-five years, no part of which may be suspended, or  
23 probation granted. Do you understand that?

24 MR. BRADLEY: Yes, sir.

25 THE COURT: The maximum sentence for that offense is

## THE STATE VERSUS KEVIN BRADLEY

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1 life imprisonment?

2 MR. BRADLEY: I understand that sir. Yes, sir.

3 THE COURT: And for criminal sexual conduct with a  
4 minor second degree, that is no less than ten and no more  
5 than thirty; is that right, Ms. Barr?

6 MS. BARR: Judge, actually thought it was zero to  
7 twenty, but I must be wrong on that.

8 THE COURT: A person pleading guilty to A-2 11

9 MS. BARR: Are we under B-1?

10 THE COURT: I'm sorry, B-1.

11 MS. BARR: Yes.

12 THE COURT: B-1, a penalty of not more than twenty  
13 years?

14 MS. BARR: Yes, sir.

15 THE COURT: Do you understand that up to twenty-  
16 years is the penalty for criminal sexual conduct with a  
17 minor second degree?

18 MR. BRADLEY: I do, Your Honor.

19 THE COURT: All right. And, Mr. Strobel has handed  
20 up to me an Affidavit of Guilty Plea, which contains a  
21 Waiver of Constitutional Rights, and indicates that you  
22 understand the nature and consequences of a guilty plea, and  
23 understanding about plea negotiations, and the voluntariness  
24 of this guilty plea. Satisfaction with your attorney, and  
25 all of that. And you have completed this form indicating

## THE STATE VERSUS KEVIN BRADLEY

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1 that you understand all of the information contained in  
2 here.

3 **MR. BRADLEY:** Negative, Your Honor.

4 **THE COURT:** Sir? Have you signed the forms?

5 **MR. BRADLEY:** I did.

6 **THE COURT:** And do you understand what is in the  
7 forms?

8 **MR. BRADLEY:** No, Your Honor.

9 **THE COURT:** I am going to review with you, then sir,  
10 your constitutional rights.

11 First of all as you stand before me you are presumed to  
12 be not guilty of this charge. You have a right to remain  
13 silent concerning this matter. You have the right to have a  
14 jury trial. And if you were to have a jury trial, the state  
15 would be required to present evidence which convinces each  
16 and every juror of your guilt beyond a reasonable doubt.  
17 And if they were not convinced, then they must find you not  
18 guilty. You have a right to waive your right to a jury  
19 trial, give that up and plead guilty if you want to.

20 You have a right to, if you were to have a jury trial,  
21 to confront any witnesses against you. Have your lawyers  
22 cross examining any witnesses against you, to bring in any  
23 witnesses to testify that you may have for you, and to  
24 challenge any of the evidence that the state may offer  
25 against you. Do you understand those rights that you have?



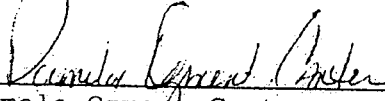
## CERTIFICATE OF REPORTER

8

I, the undersigned, Pamela Ozment-Cartee, official court reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the trial of the above captioned case, relative to appeal, in The Court of General Sessions in Williamsburg County, South Carolina, on the 25<sup>th</sup> day of January 2010.

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

April 8, 2012

  
\_\_\_\_\_  
Pamela Ozment-Cartee  
Circuit Court Reporter

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 ATTORNEYS FOR THE STATE

RICHARD STROBEL, ESQUIRE  
 ATTORNEYS FOR THE DEFENDANT

Pamela Ozment-Cartee  
 Circuit Court Reporter

1 I think we're all ready to go.

2 MR. BRADLEY: No, Sir.

3 SENTENCE OF THE COURT

4 THE COURT: Okay, on count number one, the sentence  
5 is twenty-five-years, and count number two, the sentence  
6 is twenty-years. And, he gets credit for time served.

7 And, strange as that may seem, that's the minimum  
8 sentence on these charge. Unfortunately, however, if you  
9 are convicted of that pending charge, that's life without  
10 the possibility of parole. The judge has no role in the  
11 sentencing.

12 MR. BRADLEY: Your Honor, on that, you know, let  
13 me ask you, I spoke with my attorney earlier, if -- I  
14 know we had this plea bargain before. Could we just --  
15 I don't want to plead guilty, cause I know I'm not guilty  
16 of that crime. But, couldn't we just go ahead and get  
17 it over with and get that to run concurrently with this  
18 charge?

19 THE COURT: Well, I don't accept guilty pleas from  
20 people who are not guilty. I only take guilty please  
21 from people who are guilty. They have to convince me,  
22 just as the Solicitor has to convince the jury that you  
23 are guilty in this case, you've got to convince me that  
24 you are guilty in that other case before I can accept a  
25 guilty plea. We'll give you overnight to think about that.

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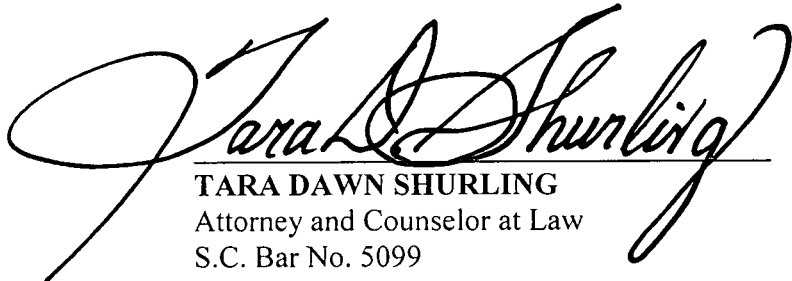
STATE OF SOUTH CAROLINA,

RESPONDENT.

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of the Petition for Writ of Certiorari and Appendix Volume II of II in the above-entitled case have been served upon opposing counsel this the 18<sup>th</sup> day of March, 2015, by depositing in the U.S. Mail, postage prepaid, one (1) copy properly addressed 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  
S.C. Bar No. 5099

ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 18<sup>th</sup> day  
of March, 2015.

Sharon H. McBelister (L.S.)

Notary Public for South Carolina

My Commission Expires: Jan. 16, 2017