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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Sumter County

William Jeffrey Young, Circuit Court Judge

---

CHRISTOPHER J. HICKMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

---

A P P E N D I X

---

BREEN RICHARD STEVENS  
Appellate Defender

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

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA )  
 ) COURT OF GENERAL SESSIONS  
COUNTY OF SUMTER )

The State of SC, )  
 ) PLAINTIFF )  
 vs. ) TRANSCRIPT OF RECORD )  
 )  
 Christopher Hickman, )  
 ) DEFENDANT )

January 26, 2009  
Manning, South Carolina

B E F O R E:  
THE HONORABLE R FERRELL COTHRAN, JR., PRESIDING  
JUDGE.

A P P E A R A N C E S:  
CATHERINE FANT, ASSISTANT SOLICITOR  
Attorney for the Plaintiff  
  
GARRYL DEASE, ESQ.  
Attorney for the Defendant

Kathleen Richardson, RPR, CRR  
Official Court Reporter

E X H I B I T S

(No exhibits were marked.)

1           MS. FANT: May it please the Court. Your Honor,  
2 this is State of South Carolina versus Christopher  
3 Jerome Hickman, indictment number 2005-950.  
4 Mr. Hickman has been indicted by the Sumter County  
5 Grand Jury on armed robbery, four counts of  
6 kidnapping, and possession of a firearm during the  
7 commission of a violent crime.

8           He is represented by Mr. Garryl Dease and  
9 desires to waive venue and plead guilty to all counts  
10 on the indictment in a negotiated plea.

11                           CHRISTOPHER HICKMAN, after being  
12 duly sworn, testified as follows:

13           THE COURT: Mr. Dease, you represent  
14 Mr. Hickman?

15           MR. DEASE: Yes, sir, Your Honor.

16           THE COURT: And he wants to waive venue and have  
17 it heard in Clarendon County?

18           MR. DEASE: That's correct, Your Honor. I'm  
19 actually -- was appointed to represent Mr. Hickman.  
20 I'm -- I think I'm his fourth attorney. But I was  
21 appointed on this case.

22           THE COURT: Okay. And have you had an  
23 opportunity to explain his rights to him?

24           MR. DEASE: Yes, sir.

25           THE COURT: As well as the possible punishment

1 he can receive?

2 MR. DEASE: Yes, sir.

3 THE COURT: Well, of course, obviously you and  
4 the State have entered a negotiation?

5 MR. DEASE: That's correct, sir.

6 THE COURT: Mr. Hickman, you want to plead  
7 guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You had enough time to talk to your  
10 lawyer?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Are you satisfied with his  
13 representation of you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you got any complaints against  
16 him?

17 THE DEFENDANT: No, sir.

18 THE COURT: Outside of the negotiation that your  
19 lawyer and the State have entered into, has anybody  
20 promised you anything or threatened you to get you to  
21 plead guilty?

22 THE DEFENDANT: No, sir.

23 THE COURT: You understand since this is a  
24 negotiated sentence, after I hear the facts, if I  
25 don't feel like I can take this sentence, I will

1 allow you to withdraw your plea. Do you understand  
2 that?

3 *THE DEFENDANT:* Yes, sir.

4 *THE COURT:* Are you today under the influence of  
5 any alcohol or drugs?

6 *THE DEFENDANT:* No, sir.

7 *THE COURT:* Do you have any physical or mental  
8 disease that would keep you from understanding what  
9 you're doing?

10 *THE DEFENDANT:* No, sir.

11 *THE COURT:* By pleading guilty before me today,  
12 you're giving up your constitutional right under the  
13 Fifth Amendment to remain silent because you're going  
14 to tell me you're guilty. Do you understand that?

15 *THE DEFENDANT:* Yes, sir.

16 *THE COURT:* And you also are giving up your  
17 right to a jury trial on these charges. And in that  
18 trial you'd be presumed innocent. The State would  
19 have the burden of proving you guilty beyond a  
20 reasonable doubt to all 12 jurors.

21 You'd be able to sit in this courtroom and  
22 confront the witnesses that would testify against you  
23 in that trial. Your lawyer could cross-examine the  
24 State's witnesses. He could subpoena witnesses to  
25 testify in your own behalf.

1                   When you plead guilty, you give all that up. Do  
2 you understand?

3                   *THE DEFENDANT:* Yes, sir.

4                   *THE COURT:* You are also giving up any appeal  
5 that may come out of that trial by this guilty plea.  
6 Do you understand that?

7                   *THE DEFENDANT:* Yes, sir.

8                   *THE COURT:* Now, if you want to appeal this  
9 guilty plea and sentence, you have got to do it  
10 within 10 days of today's date or you lose that  
11 right. Do you understand?

12                   *THE DEFENDANT:* Yes, sir.

13                   *THE COURT:* Have you understood everything you  
14 and I have talked about?

15                   *THE DEFENDANT:* Yes, sir.

16                   *THE COURT:* You got any questions you want to  
17 ask me concerning your rights?

18                   *THE DEFENDANT:* No, sir.

19                   *THE COURT:* All right. How about listen to the  
20 facts the Solicitor's going to tell me about and I'm  
21 going to come back and ask you about them.

22                   *MS. FANT:* Your Honor, this robbery occurred on  
23 December the eighth of 2004 at the Sumter Pawn Shop  
24 on Broad Street in Sumter.

25                   Early in the morning on that day, Antar Evans,

1 who was the first -- excuse me -- of the victims at  
2 the scene was approached by two black males with  
3 handguns. One of them was Mr. Hickman. The other  
4 was Sherod Frazier.

5 They told him to go into the pawn shop, let them  
6 into the pawn, that they were robbing it. He  
7 indicated that he did not have a key and they would  
8 have to wait until someone with keys to the business  
9 arrived.

10 They actually sat there with him at gunpoint for  
11 a few minutes until other employees of the business  
12 arrived. When they arrived, they went in, opening  
13 the pawn shop, not showing actually that there was an  
14 armed robbery in process. The other victims were the  
15 manager, Diane Evans, Brent Brunson and Ms. Lisa  
16 Phillips.

17 Once they got inside, the two then had Mr. Antar  
18 Evans escorted into the back door with handguns and  
19 began ordering everyone around. It was obvious that  
20 they had been in the pawn shop before because they  
21 knew that -- where the gun case was and that there  
22 was also a separate safe.

23 They had them open up the gun cases and in  
24 addition the jewelry cases. At that time there was a  
25 third co-defendant who came to the back door, did not

1 enter the business, but provided some book satchels  
2 or duffel bag type things. They began filling them  
3 up.

4 They then had the victims lie on the floor at  
5 gunpoint, asked them where the videotapes were for  
6 the security cameras. One of the victims was able to  
7 get up. He did disable the security cameras and give  
8 the footage over to the defendants.

9 They then had the victims all -- herded them  
10 into the gun safe area and had them -- excuse me --  
11 stay in there while they fled. Ultimately they fled  
12 with about \$70,000 in jewelry and 27 firearms at --  
13 law enforcement was called to the scene.

14 Several of the victims had seen a Honda vehicle,  
15 dark colored, with a for sale sign in the window. A  
16 bolo was put out on that vehicle. And the next day  
17 the third co-defendant in this case, Mr. Dwight  
18 Kenlaw, was picked up in Bishopville on a traffic  
19 stop.

20 He had one of the guns from the Sumter Pawn Shop  
21 in his possession at that time, was charged with  
22 unlawful carrying of a pistol. After questioning by  
23 law enforcement, Mr. Kenlaw ultimately confessed,  
24 indicated that they had told him they wanted him to  
25 drive them to the Sumter Pawn Shop, that would be

1 Mr. Hickman, Christopher Hickman and Sherod Frazier,  
2 who were known associates.

3 And in fact, Mr. Frazier you will probably know  
4 from the trial that you did over in Bishopville, has  
5 three very distinctive tattoos, two teardrops on one  
6 side and a teardrop on the other side.

7 They were able to do a sketch of him. And when  
8 they called probation law enforcement, they  
9 immediately knew that it was Mr. Frazier. They also  
10 said that he was an associate quite frequently with  
11 Mr. Hickman.

12 Mr. Kenlaw did confirm that those were the two  
13 people who had actually entered in to the pawn shop  
14 holding these victims at gunpoint and taking the  
15 merchandise.

16 Mr. Frazier was later caught in New Jersey also  
17 having items from the Sumter Pawn Shop on his person.  
18 He confessed at that point, waived extradition, and  
19 is pending trial also or actually his charges are  
20 pending at this point in this case.

21 He did implicate Mr. Kenlaw and Mr. Hickman as  
22 his co-defendant in this case. Excuse me.

23 Your Honor, some of the jewelry was recovered.  
24 However, 27 firearms were stolen. Only five were  
25 recovered. The rest Mr. Frazier told law enforcement

1 had been distributed up and down the east coast as  
2 they went up north.

3 Mr. Hickman was ultimately arrested on a  
4 fugitive warrant in New York state, and law  
5 enforcement found him in a house actually with a gun,  
6 not tied to this armed robbery, but he had a gun in  
7 his possession at the time which was a violation of  
8 their law.

9 He ultimately was returned to Sumter and  
10 arrested on the armed robbery for the pawn shop, four  
11 counts of kidnapping, one for each victim, and the  
12 possession of a firearm during commission of a  
13 violent crime.

14 Mr. Hickman does have a prior record, Your  
15 Honor. In 2001, a drug possession, carrying a  
16 concealed weapon, and loitering. 2002 possession of  
17 marijuana. 2003 failure to stop for a blue light or  
18 siren, and 2004 a assault and battery of a high and  
19 aggravated nature.

20 We have a -- negotiated a sentence in this case,  
21 Your Honor, of five years on count six, which is the  
22 gun charge, and 20 years suspended on service of 15  
23 on the other remaining counts, four counts of  
24 kidnapping and armed robbery. Excuse me.

25 The victims, Your Honor, we have talked with

1           them several times. They are still traumatized by  
2           this incident, did not wish to be present in court  
3           today, but on numerous occasions have voiced to us  
4           and law enforcement that this was a life changing  
5           experience for them.

6           Even though they had been robbed before, it  
7           was -- it was very threatening to them and that they  
8           were traumatized and did not want to be present  
9           today.

10           As I indicated, the case against Mr. Frazier is  
11           still pending. We anticipate the third co-defendant,  
12           Mr. Kenlaw, will plead guilty during the next term of  
13           court in Sumter which is in March.

14           And as for the kidnapping charges, Your Honor,  
15           we would say that no sex offender registry be  
16           required as part of the convictions for kidnapping in  
17           this case.

18           *THE COURT:* Okay. Mr. Hickman, are those facts  
19           she gave me, are they correct, sir?

20           *THE DEFENDANT:* Yes, sir.

21           *THE COURT:* That's what you did?

22           *THE DEFENDANT:* Yes, sir.

23           *THE COURT:* Okay. And you understand that --  
24           and I didn't explain this to you earlier -- that the  
25           armed robbery and the kidnapping charges are

1 no-paroleable offenses. You have to serve  
2 85 percent.

3 *THE DEFENDANT:* Yes, sir.

4 *THE COURT:* All right. Is that your  
5 understanding of the negotiations that your attorney  
6 and the State have entered into.

7 *MR. DEASE:* Your Honor, the only difference I  
8 believe is -- and it may have been stated by Ms.  
9 Fant -- is that the five years on the possession of a  
10 stolen weapon -- I mean possession of a weapon during  
11 a violent crime charge would run concurrent with the  
12 sentence on the kidnapping and the armed robbery.

13 *THE COURT:* Is that correct?

14 *MS. FANT:* Yes, Your Honor.

15 *THE COURT:* Okay. And so the recommendation is  
16 on the armed robbery as well as the kidnapping 20  
17 years suspended to 15?

18 *MS. FANT:* Correct.

19 *THE COURT:* And five years on the weapon, and  
20 all of those to run concurrent with the armed  
21 robbery?

22 *MS. FANT:* Yes, Your Honor.

23 *MR. DEASE:* That's my understanding, Your Honor.

24 *THE COURT:* Is that your understanding,

25 Mr. Hickman?

1           THE DEFENDANT: Yes, sir.

2           THE COURT: I find a substantial factual basis  
3 for your plea. It's freely and voluntarily entered  
4 into, that you have had the advice of competent  
5 counsel with whom you tell me you're satisfied, and I  
6 will accept your plea. Mr. Dease, you want to tell  
7 me anything else?

8           MR. DEASE: Just very briefly, Your Honor.

9           Mr. Hickman is 27 years of age. Date of birth  
10           ██████████. He has two children, ages ██████████  
11           and ██████████ years of age. The little girl is ██████████  
12           years old. His son is ██████████ years old. He's single.

13           He resides in Bishopville, South Carolina, at  
14           a -- previously at ██████████ where he  
15           lived with his mother, Linda Hickman. He has a  
16           brother, who is age 18, and two sisters, ages 25 and  
17           23.

18           I contacted them about the plea this weekend,  
19           and their plans were to be here, but one of his  
20           sisters had to be taken to the hospital. So the  
21           family is actually there with her this morning and  
22           were not able to be here today.

23           His last place of employment was McDonalds on  
24           Highway 521. Your Honor, when he got arrested on  
25           this charge, he was in New York. It was in December

1 of 2004.

2 He was at an aunt's house in New York when New  
3 York law enforcement came to his home and arrested  
4 him and let him know that he had pending charges in  
5 Sumter on these armed robberies and kidnapping.

6 He's essentially been incarcerated since that  
7 time. He -- once he was extradited back to Sumter,  
8 well, back to South Carolina, in January of '05, in  
9 February of '05, he -- his probation on the ABHAN  
10 charge was revoked and he began to serve a 30-month  
11 sentence on the probation revocation on the ABHAN.

12 So part of the time that he's been in jail has  
13 been for this probation revocation. Another part has  
14 been on these charges.

15 You know, Your Honor, we would just ask that the  
16 Court indicate on the sentence sheet that he's to be  
17 given credit for any time he's already served. It's  
18 our position that he should get credit starting in  
19 January of '05 till now.

20 *THE COURT:* Okay. One thing that I didn't tell  
21 you either, Mr. Hickman. You realize that these are  
22 also violent and most serious offenses?

23 *THE DEFENDANT:* Yes, sir.

24 *THE COURT:* And so if you ever get another most  
25 serious offense, then you're looking at a mandatory

1 life.

2 THE DEFENDANT: I know.

3 THE COURT: All right. Sentence of the Court  
4 on--

5 MS. FANT: Your Honor, if I may -- very briefly,  
6 there was one thing I meant to put on the record that  
7 I forgot just from our perspective on the facts is

8 that both Mr. Hickman and his co-defendant  
9 Mr. Frazier were picked out of photo line-up arrays  
10 by each victim in the case; so there were four  
11 separate identifications of him as being one of the  
12 armed robbers. Thank you.

13 THE COURT: Indictment 2005-GS-43-550, count  
14 one, armed robbery, sentence of the Court is you be  
15 committed the State Department of Corrections for a  
16 term of 20 years. That sentence is suspended based  
17 on service of 15 years. You are given credit for  
18 time served on that.

19 So you got 20 years suspended to 15 just like  
20 the negotiations.

21 On count two, kidnapping, 20 suspended to  
22 service of 15 years to run concurrent with count one,  
23 given credit for time served and be no sexual  
24 registry on that kidnapping or any of the  
25 kidnappings.

1           Count three is 20 years suspended to service of  
2           15 years, run concurrent with count one, given credit  
3           for time served, no sexual registry.

4           Count four is 20 suspended to 15 years to run  
5           concurrent with count one, be given credit for time  
6           served and no sexual registry on that.

7           Count five is 20 suspended to service of 15 to  
8           run concurrent with count one, given credit for time  
9           served, no sexual registry.

10          And on possession of a firearm during the  
11          commission of a violent crime is five years to run  
12          concurrent with count number one. Anything else?

13          MR. DEASE: Nothing further, Your Honor.

14          MS. FANT: Thank you, Your Honor.

15          MR. DEASE: Thank you, Judge.

16          (End of requested transcript of record.)

17

18

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RECORDED

2009 JUL 09 PM 2:08

STATE OF SOUTH CAROLINA )

In the Court of Common Pleas

County of Sumter )

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

Christopher J Hickman )  
Full name and prison number, if any, of applicant. )

2009-CP-43-1554

APPLICATION FOR

v. )

POST-CONVICTION RELIEF

CERTIFIED TRUE COPY  
OF ORIGINAL FILE

State of South Carolina )

Name of Respondent )

Sherry B. ...  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Sumter County

2. Name and location of Court which imposed sentence Court of General Session  
Clarendon County

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

(a) Docket No. 2005-65-43-950

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

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

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

(a) 1-26-09 15 years

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

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

5. 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 \_\_\_\_\_

6. Did you appeal from the judgment of conviction or the imposition of sentence? No

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

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

i. N/A

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

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

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

i. N/A

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

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

(c) the date of each such result:

i. N/A

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

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

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

i. N/A

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

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

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

(a) My lawyer didn't ~~me~~ notify me ~~of~~ my right to appeal

(b) Not did he file for a appeal

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

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

(a) ineffective assistance of counsel

(b) involuntary guilty plea

(c) Subject matter jurisdiction

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

(a) Failure to interview co-defendant as a witness on my behalf

(b) Failure to investigate state evidence

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

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

(a) any petition 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?

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

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

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i.

N/A

ii.

iii.

iv.

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

i.

N/A

ii.

iii.

iv.

(c) the disposition thereof:

i.

N/A

ii.

iii.

iv.

(d) the date of each such disposition:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

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

(a) which grounds have been presented:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- (a) First time issues have been raised
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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

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

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

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

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

- i. Garayl h. Deas
- ii. The Deas Law Firm
- iii. P.O. Box 1211 Sumter S.C. 29150

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

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

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

Reversed and Vacated

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

No

RECORDED

2009 JUL -9 PM 2: 08

STATE OF SOUTH CAROLINA )  
COUNTY OF Sumter )

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

I, Christopher J. Hickman, 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.

Christopher Hickman

Sworn to and subscribed before me  
This 12 day of June, 2009

[Signature] L.S.  
Notary Public for South Carolina  
My Commission Expires: May 12th, 2014

2009-CP-43-1554  
CERTIFIED TRUE  
OF ORIGINAL  
[Signature]  
DEPUTY CLERK  
SUMTER COUNTY  
SOUTH CAROLINA

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

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

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

Christopher Hickman  
Applicant

Sworn to and subscribed before me  
This 12 day of June, 2009

[Signature] L.S.  
Notary Public for South Carolina  
My Commission Expires: May 12th, 2014

STATE OF SOUTH CAROLINA )

COUNTY OF SUMTER )

Christopher J. Hickman, )

Applicant, )

v. )

State of South Carolina, )

Respondent. )

IN THE COURT OF COMMON PLEAS

2009-CP-43-1554

**RETURN**

(Appointment of Counsel Requested)

The Respondent, making its Return to the application for post conviction relief (PCR) filed July 9, 2009, 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 for (1) Armed Robbery, (2) Kidnapping, (3) Kidnapping, (4) Kidnapping, (5) Kidnapping, and (6) Possession of Firearm or Knife During Commission of Violent Crime (2005-GS-43-0950). He was represented by Garryl Deas, Esquire. On January 26, 2009, the Applicant pled guilty to before the Honorable R. Ferrell Cothran, Jr. He was sentenced pursuant to a negotiated sentence as follows:

- For (1) Armed Robbery, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (2) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.

- For (3) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (4) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (5) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (6) Possession of a Firearm or Knife During Commission of Violent Crime, Applicant was sentenced to five (5) years imprisonment.

All sentences were to be served concurrently. The Applicant did not appeal his guilty plea or sentence.

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

## II.

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

1. Ineffective assistance of counsel.
  - a. "Failure to interview co-defendant as a witness on my behalf."
2. Involuntary guilty plea.
  - a. "Failure to investigate state's evidence."
3. Subject matter jurisdiction.

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 their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 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.

Respondent submits that the Applicant's allegation that his 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 (4<sup>th</sup> Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4<sup>th</sup> 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.

The Applicant has claimed that the trial court lacked subject matter jurisdiction, but Applicant has failed to set forth any facts in support of his claim. Therefore, the allegation should be dismissed. Moreover, defects in the indictment do not affect subject matter jurisdiction. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); See also U.S. v. Cotton, 535 U.S. 625, 122 S.Ct. 1781 (2002). The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). See also S.C. Code § 17-19-20 (2003). Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, 363 S.C. 93, 610 S.E.2d 494; Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

In post-conviction relief, an Applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel, basically alleging that his trial counsel failed to properly move to quash the indictment in accordance with S.C. Code Ann. § 17-19-90 (2003). However, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” Gentry, 363 S.C. at 101, 610 S.E.2d at 499; See also S.C. Const. Art. V, § 7. Thus, Applicant must present evidence that his case is of some class over which the circuit court does not

have the authority to preside. Applicant's conviction involved a criminal charge in General Sessions Court. Thus, the circuit court had subject matter jurisdiction.

## VI.

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

## VII.

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

Respectfully submitted,

HENRY DARGAN McMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

MARY S. WILLIAMS  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

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

Oct. 2, 2009.

STATE OF SOUTH CAROLINA )

COUNTY OF SUMTER )

CHRISTOPHER J. HICKMAN, 282113 )

Applicant, )

vs )

STATE OF SOUTH CAROLINA, )

Respondent. )

IN THE COURT OF COMMON PLEAS

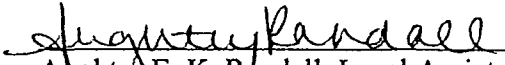
2009-CP-43-1554

AFFIDAVIT OF SERVICE BY MAIL

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

**Charles T. Brooks, III, Esquire**  
**Law Office of Charles T. Brooks, III**  
**309 Broad Street**  
**Sumter SC 29150**

DATED this 6th day of October, 2009.

  
 E. K. Randall, Legal Assistant  
 For Respondent

STATE OF SOUTH CAROLINA )

IN THE COMMON PLEAS COURT

COUNTY OF SUMTER )

RECORDED  
2009 DEC -1 PM 12:17

DOCKET NO.: 2009-CP-43-1554

Christopher Hickman )

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

NOTICE of MOTION TO AMEND  
POST CONVICTION RELIEF  
APPLICATION

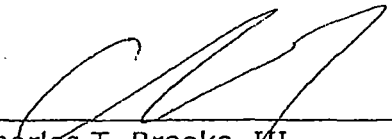
STATE OF SOUTH CAROLINA )

Respondent, )

The Applicant, Christopher Hickman, through his undersigned Attorney, wishes to submit the attached Notice of Motion to Amend Application for Post Conviction Relief:

SEE ATTACHED PAGES 1-4

RESPECTFULLY SUBMITTED ON BEHALF OF  
APPLICANT, Christopher Hickman

  
\_\_\_\_\_  
Charles T. Brooks, III  
Attorney for Applicant  
309 Broad Street  
Post office Box 3512  
Sumter, South Carolina, 29150  
(803) 418-5708

November 30, 2009

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

RECORDED IN THE COURT OF COMMON PLEAS

2009 DEC -1 PM 12:17

Christopher Hickman,

Applicant,

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

Case No. 2009-CP-43-1554

vs.

NOTICE OF MOTION TO AMEND  
APPLICATION FOR POST  
CONVICTION RELIEF

State of South Carolina,

Respondent.

The Applicant is presently confined in the South Carolina Department of Correction pursuant to orders of commitment of the Sumter County Clerk of Court. On Jan. 26, 2009, he was represented by Garryl Deas, Esquire where applicant pled guilty to Armed Robbery before the Honorable R. Ferrell Cothran, Jr. Which Applicant wishes to amend his application to raise the following ground:

- 1) Ineffective Assistance of Counsel
- 2) Subject Matter Jurisdiction

ARGUMENT I

To demonstrate ineffective assistance of counsel when challenging a guilty plea, a criminal defendant must show that the trial lawyer's performance was deficient and that but for Counsel's errors, the defendant would have pleaded guilty and would have insisted on going to trial, Counsel also failed to advise applicant that if he went to trial, he could have requested a charge on the lesser offense in Kerrigan v. State, 406 S.E.2d 160. Also trial attorney failed to advice applicant that he could appeal his conviction and sentence, which no appeal was filed on his behalf, also failure to investigate that his co-defendant was willing to testify.

Applicant did not knowingly and intelligently waive his right to an appeal, where in this case the trial attorney never informed the applicant that he could appeal his conviction and sentence. Entering a guilty plea results in a waiver of severel Constitutional Rights and therefore, the due process clause requires that guilty pleas are entered into voluntarily, knowingly and intelligently by a defendant. Boykin v. Alabama, 89 S.Ct. 1709, also Pittman v. State, 524 S.E.2d 623.

In Cobbs v. State, 408 S.E.2d 223, appointed counsel never attempted to contact the prosecuting witness, where as in the applicant case the defense attorney never investigated or interviewed the co-defendant of applicant whether he was going to testify if applicant had proceeded to trial. Following a hearing, the PCR Judge found petitioner did not knowingly and intelligently waive his right to appeal and was entitled to a belated review of his appeal issues pursuant to White v. State, 208 S.E.2d 35.

## ARGUMENT II.

### INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant contends that his counsel was ineffective and showed a deficient performance under the Strickland standard when he failed to object to the indictment on grounds that the Amended indictment would change the nature of the offense therefore increasing the punishment. See Cutner v. State, 354 S.C. 151, 580 S.E.2d 120; Indictment and Information 159(1)

Counsel was ineffective for not objecting to the State allowing to amend applicant Armed Robbery indictment by adding aggravating factors of possessing of firearm during commission of a Violent Crime. See Exhibit (1) Indictment dated October 27, 2005, in Comparison with Exhibit (2) Indictment dated December 31, 2008.

Applicant contends that the indictment dated October 27, 2005, did not include possession of firearm during Commission of a Violent Crime. See Exhibit (1)

Applicant was arrested in N.Y. for Possession of a Weapon. The State of S.C. used the N.Y. charge to amend his Armed Robbery indictment dated December 31, 2008. See Exhibit (2)

Applicant contends that in the incident Report pertaining to the Armed Robbery the witness stated that the Assailant had a .380. Type Handgun and the gun that was used to amend his indictment was a revolver he was arrested for in N.Y.

The Solicitor's office used the Revolver to amend the Applicant's indictment. See Exhibit (2), that was an amendment to the indictment that increased the punishment therefore stripping the Trial Court of Jurisdiction to accept Applicant's Guilty Plea. See State v. (Bruce Eugene) Riddle, 301 S.C. 211, 391 S.E.2d 253 (1990); Hopkins v. State, 317 S.C. 7, 451 S.E.2d 389 (1994); Clair v. State, 478 S.E.2d 54 (1996)

### [CONCLUSION]

Applicant's Counsel was Ineffective and showed a deficient performance when he failed to object to the amendment of the indictment that increase the penalty changing the nature of the offense stripping the Court of jurisdiction to accept his ~~plea~~ plea. Strickland v. Washington, 466 U.S. 608, 80 LEd.2d 674, 104 S.Ct. 2052 (1984); Hopkins, supra.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

Sumter vs. Christopher Jerome Hickman

INDICTMENT/CASE#: 2005-GS-43-950

AKA: Race: B Sex: M Age: 28 DOB: SS#: Address: City, State, Zip DL# SID#

AW#: H783080 Date of Offense: 12-8-04 S.C. Code §: 16-11-330 CDR Code #: 011319

SENTENCE SHEET ORIGINAL FILED

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO:

ARMED ROBBERY in violation of § 16-11 of the S.C. Code of Laws, bearing CDR Code # 0139

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

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:

Catherine Fant Solicitor

Christopher Hickman Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of 15 days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered Total: \$ plus 20% fee: \$ Payment Terms: set by SCDPPPS

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

Table with columns for Recipient, Fine, and Amount. Rows include various assessment fees like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §35.13 (Public Def/Prob) \$500, §73.3, 1B TP (Law Enforce. Funding) \$25, §33.7, 1B TP (Drug Court Surcharge) \$100, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/fee \$5.00, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

B. Roberts Clerk of Court/Deputy Clerk Court Reporter: K. Richardson

PRESIDING JUDGE Judge Code: 2111414 Sentence Date: 1/26/09

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER  
STATE VS.

Christopher Jerome Hickman

INDICTMENT/CASE#: 2005-GS-43-950  
AW#: H783030  
Date of Offense: 12-23-04  
S.C. Code §: 16-23-490  
CDR Code #: 0151419

AKA: Christopher Jerome Hickman  
Race: B Sex: M Age: 27  
DOB: [REDACTED] SS#: [REDACTED]  
Address: [REDACTED]  
City, State, Zip: [REDACTED]  
DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: possession of firearm during commission of violent crime in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

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

ATTEST

Catherine Fort Chadler Hickman  
Solicitor

[Signature]  
Attorney for Defendant  
Bar #12475

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ plus 20% fee: \$  
Payment Terms:  
 set by SCDPPPS

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

Recipient:	
*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40.00 \$5.00
3% to County (if paid in installments)	\$ 3.98
TOTAL	\$133.98

Appointed PD or appointed other counsel, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

B. Roberts  
Clerk of Court/ Deputy Clerk  
Court Reporter: K. Richardson

PRESIDING JUDGE [Signature]  
Judge Code: 21  
Sentence Date: 1/26/07

STATE OF SOUTH CAROLINA

IN THE COMMON PLEAS COURT

COUNTY OF SUMTER

RECORDED

Christopher Hickman

2011 APR 27 PM 12:27

DOCKET NO.: 2009-CP-43-1554

State of South Carolina

JAMES C. CAMPBELL  
Applicant CLERK OF COURT  
SUMTER COUNTY, S.C.  
NOTICE OF MOTION TO AMEND  
APPLICATION FOR PCR

Respondent

The Applicant, Christopher Hickman, through his attorney, wishes to file this Notice of Motion to Amend his Application for PCR as follows:

**RELEVANT EVIDENCE**

Evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

The Applicant, Christopher Hickman, on the following dates filed the following Motions:

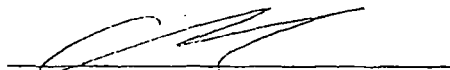
July 6, 2006, Motion for Fast and Speedy Trial

October 27, 2005, Notice and Motion to dismiss pursuant to S.C. Constitution Article V § 4 § 1 and a Motion to Quash.

Applicant filed twice and also filed a fast and speedy trial twice in 2005 and 2007. Being that these Motions were never heard in a timely manner, I had detainers that complicated my incarceration by not allowing me to advance in custody. Failure of the Court and the Solicitor's office to give me a timely disposition as pursuant to Judge Ernest A. Finney, Jr.'s Order on March 5, 1999, violated my due process rights. The right to receive equal protection of law due to the fact that they didn't honor applicant's motion, hendered Applicant from receiving his level one and being eligible for parole which caused him to have to stay on all level 3 institutions in S.C.D.C. Also State v Holbrook states where at no time during 124 of defendants incarceration in jurisdictional prior to trial date did state move for continuance, nor did legal grounds appear to excuse it's failure to so move, defendants were entitled to dismissal charges with prejudice for lack of speedy trial within time limitations imposed under the IAD act, pursuant to which their return to jurisdiction had been acquired by State Code 1976 §§ 17-11-10 Et Seq 17-11-10 arts. (IV CC)(V.CC). It also states speedy trial 120 day time limitation imposed under the IAD act is mandatory and thus required dismissal of charges against defendant with prejudice where at no time during 124 of their incarceration in jurisdiction did State move for a

continuance and where no legal grounds appeared to excuse it's failure to so move code 1976 §17-11-10 Art. V. CC. Counsel was ineffective.

RESPECTFULLY SUBMITTED ON BEHALF OF  
APPLICANT, Christopher Hickman



Charles T. Brooks, III  
Attorney for Applicant  
309 Broad Street  
Post office Box 3512  
Sumter, South Carolina, 29150  
(803) 418-5708

April 25, 2011

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
Christopher J. Hickman,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 08-CP-31-0035
	)	
State of South Carolina ,	)	
	)	
Defendant.	)	

**TRANSCRIPT OF HEARING**

The within post-conviction relief Hearing was held in the above-captioned case on April 27, 2011, before The Honorable W. Jeffrey Young in the Court of Common Pleas for Sumter County, South Carolina; attended by Counsel, as follows:

**APPEARANCES:**

Charles T. Brooks, III  
Appearing for Applicant

Mary S. Williams, Esq.  
OFFICE OF ATTORNEY GENERAL  
P O Box 11549  
Columbia, SC 29211-1549  
Appearing for State of South Carolina

**DEBORAH GARRISON**  
**Transcribed for Margaret Watson, Court Reporter**  
**Circuit Court Reporter - 9<sup>th</sup> Judicial Circuit**  
Post Office Box 901  
Johns Island, South Carolina 29457  
[dGarrison@sccourts.org](mailto:dGarrison@sccourts.org)

Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
Hearing of April 27, 2011  
before The Honorable W. Jeffrey Young

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Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
Hearing of April 27, 2011  
before The Honorable W. Jeffrey Young

1 THE COURT: This is the case of  
2 Christopher Hickman versus the State of South  
3 Carolina under Docket Number 09-CP-43-1554.

4 Present in the court is Mr. Hickman,  
5 the petitioner, represented by Charles Brooks of  
6 the Sumter County Bar. The State is present,  
7 represented by Ms. Mary Williams and Mr. Cornley  
8 (phonetic).

9 MARY S. WILLIAMS: Mr. Cornley  
10 (phonetic) will be handling the case. He's here  
11 working on his 403's. I'm here to supervise, so  
12 that I -- but he will be handling the case.

13 THE COURT: Be glad to hear from you.

14 MR. CORNELY: Yes, sir. This is  
15 Mr. Christopher Hickman. This is in reference  
16 to a robbery at the Sumter Pawn Shop in December  
17 of 2004. Mr. Hickman was arrested and appeared  
18 before Judge Cochran. He was represented by Mr.  
19 Garryl Deas at trial.

20 He was charged with armed robbery, four  
21 counts of kidnaping, possession of a weapon  
22 during the commission of a violent crime. He  
23 had a negotiated sentence of twenty, suspended  
24 to fifteen years on the armed robbery. For the  
25 kidnaping he received twenty years suspended to

1 fifteen on each charge and a concurrent five-  
2 year charge (sic) for possession of the firearm.

3 THE COURT: Mr. Brooks.

4 CHARLES BROOKS: We call Mr. Hickman.

5 (WITNESS TAKES STAND)

6 CHRISTOPHER HICKMAN, being duly sworn  
7 to tell the truth, the whole truth and nothing  
8 but the truth, testified, as follows:

9 DIRECT EXAMINATION

10 BY CHARLES BROOKS:

11 Q. Mr. Hickman, how you doing today?

12 A. I'm good.

13 Q. Since this is your case, I want to make  
14 sure that we put some background stuff on the  
15 record. Now, you pled guilty to all these  
16 charges that the Attorney General has talked  
17 about. You got a deal where you'd max out in  
18 about eight years. Is that correct?

19 A. Right.

20 Q. 2019?

21 A. Yes, sir.

22 Q. Now, you understand that if you convince  
23 Judge Young that your lawyer was ineffective,  
24 prejudiced you, that if you should get a new  
25 trial you understand what you're going to be



Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
Hearing of April 27, 2011  
before The Honorable W. Jeffrey Young

5

1 facing?

2 A. Yes, sir.

3 Q. That would basically -- you could pretty  
4 much get a life sentence?

5 A. Yes, sir.

6 Q. So you're willing to roll the dice and risk  
7 an eight for possible potential life sentence?

8 A. (No verbal response).

9 Q. Do you understand?

10 A. I understand.

11 THE COURT: You have to speak up,  
12 sir. I can't hear you.

13 DIRECT EXAMINATION CONTINUED

14 BY CHARLES BROOKS:

15 Q. All right, let's get down to it. Now, you  
16 had Mr. Deas as your lawyer?

17 A. Yes, sir.

18 Q. Is that right?

19 A. Right.

20 Q. He was court-appointed?

21 A. Right.

22 Q. Do you feel that he talked to you enough as  
23 he should have to investigate your case?

24 A. I felt that he could have done more.

25 Q. Tell the court what you felt that he should

Christopher J. Hickman v. State of South Carolina  
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1 have done?

2 A. For one thing, he could have investigated  
3 my codefendant, whether he was going to testify  
4 for me or against me.

5 Q. That would have been if you went to trial  
6 but you ended up pleading guilty?

7 A. Right.

8 Q. And how did it come about that you ended up  
9 pleading guilty?

10 A. He came to the county jail, like twice, and  
11 he came -- both times that he came, he offered  
12 me a plea. He came there twice and the second  
13 time he came he told me that if I plead that I  
14 would get fifteen and he said, uh, 'they not  
15 going to go no lower than that.' It was like,  
16 'I feel like that you should accept the plea.'

17 Q. Is that why you did it?

18 A. Yeah.

19 Q. Now, what do you know now that if you had  
20 known then that would have changed that life-  
21 alternating decision?

22 A. I felt like he could have investigated and  
23 done more on the case, that it might have turned  
24 out different.

25 Q. Do you feel that if you had gone to trial

Christopher J. Hickman v. State of South Carolina  
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1 that you would have won?

2 A. It would have been a gamble. I don't know.

3 Q. Well, hold on a minute. I want to make  
4 sure that we understand it now. Because if you  
5 convince Judge Young to give you that new trial,  
6 you're going back into that position again.

7 A. I know.

8 Q. And we've got to be comfortable that if you  
9 get another trial that you're going to win. Is  
10 that right?

11 A. I plan on winning.

12 Q. All right. So you're saying that Mr.  
13 Deas, in other words, "duped you" into pleading  
14 guilty when you should have gone to trial?

15 A. Right.

16 Q. And that if you have gone to trial you feel  
17 confident that you would have won?

18 A. Probably.

19 Q. And you think that he didn't investigate  
20 your codefendant as to whether or not they were  
21 going to testify against you? Is that correct?

22 A. Right.

23 Q. You felt like he should have done more  
24 research?

25 A. Right.

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1 Q. Did he hire an investigator on the case?

2 A. Not that I know of.

3 Q. You felt like he should have done that,  
4 right?

5 A. Right.

6 Q. Done some investigation, research and  
7 things of that nature?

8 A. Right.

9 Q. And you think that that prejudiced you in  
10 your case and caused you to do something  
11 different than you otherwise would have done; is  
12 that correct?

13 A. Yes.

14 Q. Okay. And because of that, you're asking  
15 this judge to give you a new trial; is that  
16 right?

17 A. Right.

18 CHARLES BROOKS: Okay. Answer any  
19 questions that the Attorney General may have.

20 THE COURT: Cross?

21 CROSS EXAMINATION

22 BY ATTORNEY GENERAL:

23 Q. Mr. Hickman, I've just got a couple of  
24 questions for you. First, you indicated that  
25 by pleading guilty that you gave you your

Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
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1 Constitutional right to a trial; is that right?

2 A. I understand now.

3 Q. The judge advised you of that at your plea?

4 A. He asked me the question.

5 Q. And you understood that you gave up those  
6 rights?

7 A. I understand that now.

8 Q. One of the allegations in your application  
9 was that, as you said, is that you wanted Mr.  
10 Deas to interview your codefendant; is that  
11 correct?

12 A. Yes.

13 Q. Are you aware that he is serving life  
14 sentences right now for two counts of murder  
15 that happened shortly after this?

16 A. I am.

17 Q. And you agreed with the facts as stated  
18 by the solicitor at your guilty plea, on the  
19 record; right?

20 A. (No verbal response).

21 Q. The facts that he stated in regards to this  
22 case?

23 A. What is that?

24 Q. The facts concerning the robbery?

25 A. I answered all the questions yes.

Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
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1 Q. Thank you. That's all.

2 THE COURT: Mr. Brooks?

3 CHARLES BROOKS: No other questions,  
4 Judge.

5 THE COURT: You may step down.

6 (WITNESS STEPS DOWN)

7 THE COURT: Call your next witness.

8 CHARLES BROOKS: Mr. Deas.

9 (WITNESS TAKES STAND)

10 GARRYL DEAS, being duly sworn to tell  
11 the truth, the whole truth and nothing but the  
12 truth, testified, as follows:

13 DIRECT EXAMINATION

14 BY CHARLES BROOKS:

15 Q. Ready?

16 A. I'm ready.

17 Q. Mr. Deas, how you are today?

18 A. I'm good.

19 Q. You represented Mr. Hickman?

20 A. I did.

21 Q. Can you give us a brief summary of what the  
22 state's evidence was?

23 A. I can't recall everything from memory  
24 because the case was several years ago, but I  
25 had discovery and ---

Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
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11

1 Q. Well, what -- what do you recall?

2 A. Well, essentially this was multidefendant  
3 case. There were several codefendants that  
4 would have testified against Mr. Hickman, as  
5 being involved in an armed robbery with  
6 kidnaping.

7 In my opinion, other than the statement  
8 from codefendants the victim could identify Mr.  
9 Hickman as being one of the parties involved in  
10 the crime. Essentially from the police report  
11 -- about the facts involved in the crime.

12 Q. Did you read all that?

13 A. Pardon me?

14 Q. Do you recall any letters or statements  
15 from the codefendants -- such as Jamal Fraizer  
16 (phonetic)?

17 A. I know, from going back and looking at my  
18 notes, that that was part of the -- I believe  
19 that was part of the discovery materials that  
20 we were provided, and that I shared with Mr.  
21 Hickman.

22 Q. Did Mr. Kinlaw's statement indicate that he  
23 had anything to do with the crime?

24 A. I don't recall whether it indicated that he  
25 was involved or not involved. I know that there

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1 was a statement given by Mr. Hickman (sic). My  
2 recollection is that it indicated that he wasn't  
3 involved. Without looking at the statement, I  
4 really don't know.

5 Q. Did Mr. Hickman give a statement?

6 A. (No verbal response).

7 Q. Do you recall?

8 A. I don't think that he gave a statement.

9 Q. And do you remember advising him to plead  
10 guilty?

11 A. Well, I was informed and advised him of  
12 what the plea offer was.

13 Q. No other questions.

14 THE COURT: Cross?

15 CROSS EXAMINATION

16 BY ATTORNEY GENERAL:

17 Q. Mr. Deas, if you would look at Page 9 of  
18 the transcript.

19 A. Okay.

20 Q. Halfway down, ---

21 A. Page 9?

22 Q. Yes, sir. If you could just read that.

23 You don't have to have to read it aloud. Line  
24 9 down to about Line 22.

25 A. (Upon review), okay.

Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
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1 Q. Would you say that was a pretty fair  
2 statement of what Mr. Kinlaw was indicating  
3 about Mr. Fraizer?

4 A. That's correct.

5 Q. That's all.

6 THE COURT: Redirect?

7 CHARLES BROOKS: No, sir.

8 THE COURT: I'll take this under  
9 advisement and let you know my ruling. Thank  
10 you.

11 (HEARING CONCLUDED)

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Christopher J. Hickman v. State of South Carolina  
Case No. 09-CP-43-1554  
Hearing of April 27, 2011  
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14

1

## CERTIFICATE OF REPORTER

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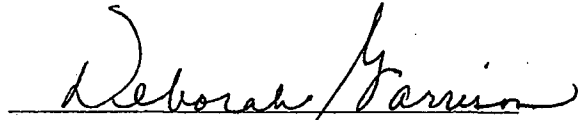
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I, the undersigned, Deborah Garrison,  
official court reporter for the 9<sup>th</sup> Judicial  
Circuit of the State of South Carolina, do  
hereby certify that the foregoing is a true,  
accurate and complete transcript of the hearing  
held before The Honorable W. Jeffrey Young on  
April 25, 2011, as prepared from the audio notes  
of Margaret Sullivan, assigned court reporter;

I further certify that I am neither kin nor  
counsel to any of the parties and have no  
interest in the outcome of this action.



Deborah Garrison

Circuit Court Reporter

9<sup>th</sup> Judicial Circuit

Charleston, South Carolina

April 10, 2012

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

RECORDED

IN THE COURT OF COMMON PLEAS  
FOR THE THIRD JUDICIAL CIRCUIT

2011 SEP 28 PM 12:03

2009-CP-43-1554

Christopher J. Hickman, #282113, JAMES M. CAMPBELL  
Applicant, CLERK OF COURT  
SUMTER COUNTY, S.C.

v.

**ORDER OF DISMISSAL**

State of South Carolina,

Respondent.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
*Marie L. Hoff*  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

This matter comes before the Court by way of an Application for Post-Conviction Relief filed July 9, 2009. The Respondent made its Return on or about October 2, 2009. An evidentiary hearing into the matter was convened on Wednesday, April 27, 2011, at the Sumter County Courthouse. The Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. The Respondent was represented by Robert D. Corney of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying was Garryl Deas, Esquire ("Counsel"). This Court had before it the records of the Sumter County Clerk of Court, the guilty plea transcript, and the Applicant's records from the South Carolina Department of Corrections.

**PROCEDURAL HISTORY**

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. The Applicant was indicted for (1) Armed Robbery, (2) Kidnapping, (3) Kidnapping, (4) Kidnapping, (5) Kidnapping, and (6) Possession of Firearm or Knife During Commission of Violent

Crime (2005-GS-43-0950). He was represented by Garryl Deas, Esquire. On January 26, 2009, the Applicant pled guilty to before the Honorable R. Ferrell Cothran, Jr. He was sentenced pursuant to a negotiated sentence as follows:

- For (1) Armed Robbery, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (2) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (3) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (4) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (5) Kidnapping, Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years imprisonment.
- For (6) Possession of a Firearm or Knife During Commission of Violent Crime, Applicant was sentenced to five (5) years imprisonment.

All sentences were to be served concurrently. The Applicant did not appeal his guilty plea or sentence.

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

1. Ineffective assistance of counsel.
  - a. "Failure to interview co-defendant as a witness on my behalf."
2. Involuntary guilty plea.
  - a. "Failure to investigate state's evidence."
3. Subject matter jurisdiction.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony

accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80.

#### **Ineffective Assistance of Counsel**

The Applicant alleges he received ineffective assistance of counsel. 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, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at

625.

With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4<sup>th</sup> Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4<sup>th</sup> Cir. 1976).

*Ineffective Assistance of Counsel*

Applicant alleges that counsel was ineffective in failing to do proper investigation into his co-defendant to see whether the co-defendant was going to testify for or against Applicant if he proceeded to trial, and in failing to properly investigate the State's evidence against him. Applicant went on to state that counsel failed to hire an investigator on his case, which he

believed showed the lack of investigation into the facts of the case. Applicant articulated that counsel did review the right to jury trial with him and Applicant conceded he did understand that right, but stated that he entered this plea after being advised by counsel that the plea offer was the best he would get and, therefore, he should accept it. Finally, Applicant completed his testimony by acknowledging that he was aware that his co-defendant, Sharod Frazier, is currently serving a life sentence in the Department of Corrections for a murder unrelated to these charges.

Counsel testified that he reviewed the discovery against Applicant extensively in preparation for his case which included his co-defendant's statement, the victim's identification of Applicant as a perpetrator in the crime, and several police reports. Counsel testified that he relayed the all pertinent information about the evidence to Applicant during their meetings and that he entered into aggressive plea negotiations with the state on Applicant's behalf, which yielded the offer that Applicant ultimately decided to plead to.

Based on the testimony presented at trial and a review of the record in its entirety, I find that Applicant has failed to carry his burden in proving counsel was ineffective in his representation on these charges. Counsel advised Applicant of all relevant issues regarding the charges he was facing including reviewing all discovery materials and co-defendant statements with Applicant. Counsel gave Applicant all the information and advice necessary to make an intelligent and voluntary decision on whether to enter the plea as offered by the State. I find that Applicant knowingly and voluntarily entered this plea after being fully and adequately advised by competent counsel acting within the range of competence demanded of attorneys in criminal cases. Further, Applicant has not proven by a preponderance of the evidence that counsel was

ineffective in any regard of his representation. Therefore, I find this application must be denied and dismissed with prejudice.

#### Other Allegations

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented at the hearing to support them.

#### 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.

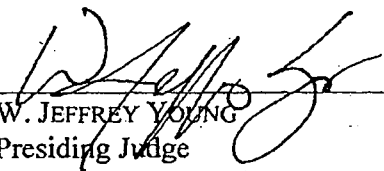
This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also directed to Rule 243, SCACR, for appropriate procedures after notice has been timely filed.

#### 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 18 day of Sept, 2011.

Sumter, South Carolina.

  
W. JEFFREY YOUNG  
Presiding Judge  
Third Judicial Circuit

WITNESSES

SUMTER PD

Wingate

ARREST WARRANT NUMBER

H783080, H783067, H363693 (1);  
H783079, H678045 (2); H905273

K040357 (3); H905274, K040360 (4)  
H905275, K040359 (5)

D/A: 1/19/05

ACTION OF GRAND JURY

*[Signature]*  
TRUB Bill

Foreperson of Grand Jury

Date: 31 DECEMBER 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-43-950

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

JANUARY TERM 2009

THE STATE

vs.

SHAROD AMEEN FRAZIER

CHRISTOPHER JEROME HICKMAN

DWIGHT ANTHONY KINLAW

Indictment for

ARMED ROBBERY AND  
KIDNAPPING (FOUR COUNTS)

C. KELLY JACKSON, SOLICITOR

*[Faint stamp]*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
ARMED ROBBERY AND  
KIDNAPPING (FOUR COUNTS)

At a Court of General Sessions, convened on December 31, 2008, the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE – ARMED ROBBERY

That SHAROD AMEEN FRAZIER, CHRISTOPHER JEROME HICKMAN AND DWIGHT ANTHONY KINLAW did in Sumter County on or about December 8, 2004, violate Section 16-11-330 of the Code of Laws of South Carolina (1976), as amended, while armed with a deadly weapon, to-wit: handguns, did feloniously take from Antaur Evans, Diane Evans, Lisa Phillips and Brent Brunson or in the presence of Antaur Evans, Diane Evans, Lisa Phillips and Brent Brunson at Sumter Pawn and Gun, Inc., such goods or monies being described: firearms and jewelry.

COUNT TWO – KIDNAPPING

That SHAROD AMEEN FRAZIER AND CHRISTOPHER JEROME HICKMAN did in Sumter County on or about December 8, 2004, violate Section 16-3-910 of the Code of Laws of South Carolina (1976), as amended, in that they did unlawfully seize, confine or kidnap, without the authority of law, and by the use of force Antaur Evans.

COUNT THREE – KIDNAPPING

That SHAROD AMEEN FRAZIER AND CHRISTOPHER JEROME HICKMAN did in Sumter County on or about December 8, 2004, violate Section 16-3-910 of the Code of Laws of South Carolina (1976), as amended, in that they did unlawfully seize, confine or kidnap, without the authority of law, and by the use of force Diane Evans.

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

  
SOLICITOR

ATTACHED TO AND BECOMING PART OF THE ORIGINAL INDICTMENT FOR  
ARMED ROBBERY AND KIDNAPPING (FOUR COUNTS) WITH THE  
AFORESAID NAMES OF SHAROD AMEEN FRAZIER, CHRISTOPHER  
JEROME HICKMAN AND DWIGHT ANTHONY KNLAW SHOWN THEREON:

COUNT FOUR – KIDNAPPING

That SHAROD AMEEN FRAZIER AND CHRISTOPHER JEROME HICKMAN did in Sumter County on or about December 8, 2004, violate Section 16-3-910 of the Code of Laws of South Carolina (1976), as amended, in that they did unlawfully seize, confine or kidnap, without the authority of law, and by the use of force Lisa Phillips.

COUNT FIVE – KIDNAPPING

That SHAROD AMEEN FRAZIER AND CHRISTOPHER JEROME HICKMAN did in Sumter County on or about December 8, 2004, violate Section 16-3-910 of the Code of Laws of South Carolina (1976), as amended, in that they did unlawfully seize, confine or kidnap, without the authority of law, and by the use of force Brent Brunson.

COUNT SIX – POSSESSION OF FIREARM OR KNIFE DURING COMMISSION  
OF VIOLENT CRIME

That SHARON AMEEN FRAZIER AND CHRISTOPHER JEROME HICKMAN, in Sumter County on or about December 8, 2004, did violate Section 16-23-490 of the Code of Laws of South Carolina (1976), as amended, in that they did possess firearms during the commission of a violent crime, to-wit: handguns during the commission of armed robbery and kidnaping, violent crimes as defined in Section 16-1-60.

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

  
\_\_\_\_\_  
SOLICITOR

COUNTY OF Sumter  
STATE

vs. Christopher Jerome  
Hickman

INDICTMENT/CASE#: 2005-GS-43-950

AW#: H783080  
Date of Offense: 12-8-04  
S.C. Code §: 16-11-330  
CDR Code #: 0111319

AKA:  
Race: B  
DOB:  
Address:  
City, State, Zip  
DL#

Sex: M  
SS#:   
SID#

Age: 28

SENTENCE SHEET

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

TO: ARMED ROBBERY

in violation of § 16-11 of the S.C. Code of Laws, bearing CDR Code # 0139

- NON-VIOLENT <sup>330</sup>  VIOLENT
- SERIOUS  MOST SERIOUS
- Mandatory GPS (CSC w/minor 1<sup>st</sup> or Lewd Act)
- §17-25-45

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

ATTEST:

*Catherine Sant*  
Solicitor

*Christopher Hickman*  
Defendant

*[Signature]*  
Attorney for Defendant  
Bar # 12475

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 20 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of 15 days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ plus 20% fee: \$  
Payment Terms:  
 set by SCDPPPS

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

Recipient:	
*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 700.00
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ 25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ 5.00
3% to County (if paid in Installments)	\$ 3.90
TOTAL	\$ 133.90

Appointed PD or appointed other counsel, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

*B. Roberts*  
Clerk of Court/Deputy Clerk  
Court Reporter: *K. Richardson*

PRESIDING JUDGE *[Signature]*  
Judge Code: 211419  
Sentence Date: 1/26/09

CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE  
DATE 1/26/09

*Beebah S. Roberts*  
CLERK OF COURT  
CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Sumter  
STATE

vs. Christopher Jerome Hickman

INDICTMENT/CASE#:

2005-GS-43-950

AKA:

Race: B

Sex: M

Age: 27

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

AW#: H7830179

Date of Offense: 12-8-04

S.C. Code §: 16-3-910

CDR Code #: 0101915

SENTENCE SHEET

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

TO: KIDNAPPING

In violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095

NON-VIOLENT

VIOLENT

SERIOUS

MOST SERIOUS

Mandatory GPS (CSC w/minor 1<sup>st</sup> or Lewd Act)

§17-25-45

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

ATTEST:

Catherine Sant  
Solicitor

Christopher Hickman  
Defendant

[Signature]  
Attorney for Defendant  
Bar # 12475

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 20 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 15 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: 1

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_ days/hours Public Service Employment

Recipient:	
*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>700.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§35.13 (Public Def/Prob)	\$500 \$ _____
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea- \$ <u>5.00</u>
3% to County (if paid in installments)	\$ <u>3.90</u>
TOTAL	\$ <u>133.90</u>

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

Appointed PD or appointed other counsel, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

B. Roberts  
Clerk of Court/ Deputy Clerk  
Court Reporter: K. Richardson

PRESIDING JUDGE [Signature]  
Judge Code: \_\_\_\_\_  
Sentence Date: 2/26/09

CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE

DATE 1/26/09

Brenda S. Roberts  
CLERK OF COURT  
CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER  
STATE

VS. Christopher Jerome Hickman

INDICTMENT/CASE#:

2005-GS-43-950

AW#: H905273

Date of Offense: 12-8-04

S.C. Code §: 16-3-910

CDR Code #: 0101915

SENTENCE SHEET

AKA: B  
Race: B  
DOB:  
Address:  
City, State, Zip  
DL#

Sex: M  
SS#:

Age: 27

SID#

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

TO: KIDNAPPING

in violation of § 16-3 of the S.C. Code of Laws, bearing CDR Code # 0095

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS

Mandatory GPS (CSC w/minor 1<sup>st</sup> or Lewd Act)

§17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (Defendant initial)

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

ATTEST:

Catherine Fant  
Solicitor

Christopher Hickman  
Defendant

[Signature]  
Attorney for Defendant  
Bar # 12475

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 20 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of 15 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: 1

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ plus 20% fee: \$  
Payment Terms:  
 set by SCDPPPS

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

Recipient:	
*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$133.80

Appointed PD or appointed other counsel, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

B. Roberts  
Clerk of Court, Deputy Clerk  
Court Reporter: K. Kuster

PRESIDING JUDGE [Signature]  
Judge Code: 311414  
Sentence Date: 01/26/09

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE

DATE 1/26/09

Berulah S. Roberts  
CLERK OF COURT  
CLAYTON COUNTY, SC

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

4 of 6

COUNTY OF SUMTER  
STATE

INDICTMENT/CASE#:

vs. Christopher Jerome Hickman

2005-GS-43-950

AKA:  
Race: B  
DOB:

Sex: M  
SS#:

Age: 27

AW#: H905274

Date of Offense: 12-3-04

S.C. Code §: 16-3-910  
CDR Code #: 0101915

Address:  
City, State, Zip  
DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: **KIDNAPPING**

in violation of § 16-3 of the S.C. Code of Laws, bearing CDR Code # 0095

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

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

ATTEST:

Catherine Sant  
Solicitor

Christopher Hickman  
Defendant

[Signature]  
Attorney for Defendant  
Per # 12475

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 30 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 15 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: A1

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

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

Recipient:	
*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§35.13 (Public Def/Prob)	\$500 \$ _____
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	<del>\$40/ea</del> \$ <u>5.00</u>
3% to County (if paid in installments)	\$ <u>3.90</u>
TOTAL	\$ <u>133.90</u>

Appointed PD or appointed other counsel, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

B. Roberts  
Clerk of Court/ Deputy Clerk  
Court Reporter: K. Richardson

PRESIDING JUDGE [Signature]  
Judge Code: 217 14 14  
Sentence Date: 1/26/09

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE

DATE 1/26/09

Berlah S. Roberts  
CLERK OF COURT  
CLARENCE COUNTY

306

COUNTY OF STATE

VS.

INDICTMENT/CASE#

Christopher Jerome Hickman

2005-GS-43-950

AKA:

AW#: H905275

Race: B

Sex: M

Age: 27

Date of Offense: 12-8-04

DOB:

SS#:

S.C. Code §: 16-3-910

CDR Code #: 0101915

Address:

City, State, Zip

DL#

SID#

SENTENCE SHEET

In disposition of the said Indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: KIDNAPPING

in violation of § 16-3- of the S.C. Code of Laws, bearing CDR Code # 0095

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

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

ATTEST:

Catherine Jant  
Solicitor

Christopher Hickman  
Defendant

[Signature]  
Attorney for Defendant

Per #1297

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 20 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of 15 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: Ct. 1

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.

No Int Reg.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ plus 20% fee: \$  
Payment Terms:  
 set by SCDPPPS

PTUP days/hours Public Service Employment

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

Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.

Recipient:	
*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 700.00
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ 25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ 5.00
3% to County (if paid in installments)	\$ 3.90
TOTAL	\$ 133.90

B. Roberts  
Clerk of Court/ Deputy Clerk  
Court Reporter: K. Richardson

PRESIDING JUDGE [Signature]  
Judge Code: 217414  
Sentence Date: 1/26/09

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE

DATE 1/26/09

Berukh S. Roberts  
CLERK OF COURT  
CLARENDON COUNTY, SC

60 of 60

COUNTY OF SUMTER  
STATE

SUMTER

VS.

Christopher Jerome Hickman

AKA:

Race: B

Sex: M

Age: 27

DOB:

SS#:

Address:

City, State, Zip

DL#:

SID#:

INDICTMENT/CASE#:

2005-GS-43950

AW#: H783080

Date of Offense: 12-8-04

S.C. Code §: 16-23-490

CDR Code #: 0151419

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: possession of firearm during commission of violent crime in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

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

ATTEST

Catherine Fort Hedger  
Solicitor

Defendant

[Signature]  
Attorney for Defendant  
Bar # 12475

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: A1

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ plus 20% fee: \$  
Payment Terms:  
 set by SCDPPPS

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

Recipient:	
*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$ 25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40.00 \$ 5.00
3% to County (if paid in installments)	\$ 3.90
TOTAL	\$ 133.90

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

B. Roberts  
Clerk of Court/Deputy Clerk  
Court Reporter: K. Richardson

PRESIDING JUDGE [Signature]  
Judge Code: 21/26/09  
Sentence Date: 1/26/09

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE

DATE 1/26/09

Beebah S. Roberts  
CLERK OF COURT  
CLARENDON COUNTY, SC