

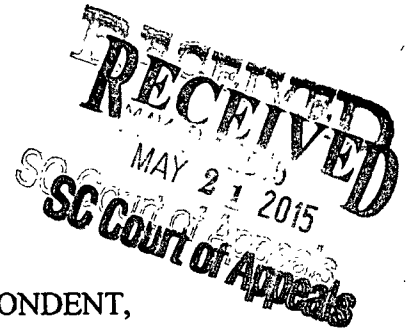
STATE OF SOUTH CAROLINA

 ORIGINAL

In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY

Kristi Lea Harrington, Circuit Court Judge



THE STATE,

RESPONDENT,

V.

PENDRAL COAKLEY,

APPELLANT

APPELLATE CASE NO. 2014-001229

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA )  
 ) Court of General Sessions  
 2 COUNTY OF ORANGEBURG ) Case No. 2013-GS-38-1125  
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 3 \_\_\_\_\_ )  
 )  
 4 STATE OF SOUTH CAROLINA )  
 )  
 VS. ) Transcript of Record  
 5 )  
 6 PENDRAL COAKLEY, )  
 )  
 Defendant. )  
 7 ) DATE: April 23, 2014  
 )  
 8 \_\_\_\_\_ )

9 B E F O R E:

10 The Honorable Kristi Lea Harrington

11 A P P E A R A N C E:

12 Sarah Ford, Assistant Solicitor  
13 Attorney for the State

14 Breen Stevens  
15 Attorney for the Defendant

16  
17 Karen V. Andersen, RMR, CRR  
18 Circuit Court Reporter  
19  
20  
21  
22  
23  
24  
25

1 THE COURT: Are you Pendra Coakley?

2 THE DEFENDANT: Yes.

3 THE COURT: Please swear in the defendant.

4 PENDRAL COAKLEY,

5 having been duly sworn, testifies as follows:.

6 THE COURT: Has the victim been notified?

7 MS. FORD: Yes, Your Honor.

8 THE COURT: Is there any restitution?

9 MS. FORD: No, Your Honor.

10 THE COURT: Sir, you are here to plead guilty on  
11 indictment 2013-GS-38-1125. The State is allowing you to  
12 plead to burglary second degree under the violent provision.  
13 You are waiving presentment to the Grand Jury. You've  
14 initialed the sentencing sheet indicating that you waive  
15 presentment; is that correct?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Sir, do you understand what the  
18 indication of violent means to you for your placement in and  
19 your length of sentence?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Tell me in your own words, to the best  
22 of your ability, what that means.

23 THE DEFENDANT: Like, violent and -- nonviolent,  
24 you can move through the system going to minimum work  
25 release, but on violent, you really can't do that.

1 THE COURT: And you understand you are entering  
2 into a plea to a violent charge?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And you still wish for me to accept  
5 this plea?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: You do not have to plead guilty. By  
8 pleading guilty, you are giving up certain rights: Your  
9 right to a jury trial; your right to have a jury determine  
10 your guilt beyond a reasonable doubt based upon the evidence  
11 the State presents, as well as any evidence you may  
12 introduce; your right against self-incrimination; your right  
13 to say nothing at all; your right to confront and be  
14 confronted by the witnesses against you; as well as the  
15 right to call witnesses on your behalf.

16 By pleading guilty here today, you give up any  
17 defense that you may have to this charge. Do you understand  
18 those rights?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And do you waive those rights at this  
21 time?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Understanding the charge that you are  
24 facing, the possible punishment, as well as the consequences  
25 of this plea, how do you plead to burglary in the second

1 degree under the violent provision?

2 THE DEFENDANT: Guilty.

3 THE COURT: Are you pleading guilty because you, in  
4 fact, are guilty?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Has anybody promised you anything,  
7 threatened you, forced you to plead guilty here today?

8 THE DEFENDANT: No.

9 THE COURT: Have you been satisfied with the  
10 services of your attorney?

11 THE DEFENDANT: Yeah.

12 THE COURT: Any complaints about the way he's  
13 handled this case?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: You have the right to appeal this plea  
16 and the sentence that I do impose, but you or your attorney  
17 must do so within 10 days; do you understand?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Please listen to the facts.

20 Ms. Ford.

21 MS. FORD: Thank you, Your Honor. This incident  
22 occurred June 29th, 2013, at [REDACTED] Boyer Road in Holly Hill  
23 here in Orangeburg County. On that date, this defendant did  
24 enter the residence of the victim, Ms. Shanice Martin,  
25 during the nighttime hours. Ms. Martin was in her bedroom.

1 Heard some noises. Came out to the living room. Checked  
2 her door, kind of opened it to shut it again. This  
3 defendant entered her home at that point. She ran out  
4 another door and was able to go to a neighbor's house and  
5 call law enforcement.

6 When law enforcement arrived, she was able to tell  
7 them that she was familiar with this individual, but wasn't  
8 quite sure of the name. She later was able to give law  
9 enforcement the name of Pedro or P. Coakley. They ran the  
10 name through the system. And she was given a photo lineup.  
11 She was able to identify this defendant, Mr. Pedro  
12 Coakley -- or Mr. Pendra Coakley, as the individual who  
13 entered her home during the nighttime hours on June 29th,  
14 Your Honor.

15 THE COURT: Any recommendation?

16 MS. FORD: 10 years suspended to three years, Your  
17 Honor.

18 THE COURT: With probation to follow?

19 MR. STEVENS: Our position, Judge -- I apologize  
20 for interjecting -- was that if the Court was inclined to  
21 impose probation, that would be the Court's decision. Leave  
22 it for the Court to decide.

23 MS. FORD: We certainly would be opposed to that,  
24 Your Honor. That was just not part of our recommendation.

25 THE COURT: The prior conviction for assault with a

1 deadly weapon --

2 MS. FORD: These are all from Massachusetts, Your  
3 Honor.

4 THE COURT: Okay. Is that what you did,  
5 Mr. Coakley?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: How do you know Ms. Martin? Do you  
8 know Ms. Martin?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: How did you pick that house?

11 THE DEFENDANT: Just happened by, just gone by and  
12 it happened.

13 THE COURT: Just driving by and you decided or --  
14 were you driving or walking?

15 THE DEFENDANT: Walking.

16 THE COURT: Were you by yourself?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you live close to that house?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Did you walk by there before?

21 THE DEFENDANT: Yeah.

22 THE COURT: And so you decided that you were going  
23 to break in at that time?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: What were you intending to do?

1 THE DEFENDANT: At the moment, I just wasn't  
2 thinking at the right time. I wasn't in my mind.

3 THE COURT: Had you been drinking or using drugs?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: What were you going to do once you got  
6 in the house?

7 THE DEFENDANT: Try to get some money or something.

8 THE COURT: Did you know that that individual may  
9 have money or something in the house?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Did you know somebody was in the house?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Did you even think that to yourself,  
14 that somebody may be in there?

15 THE DEFENDANT: Yes.

16 THE COURT: But you went ahead anyway?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: What if Ms. Martin had had a gun?

19 THE DEFENDANT: I could --

20 THE COURT: I mean, I don't know if she did or not,  
21 but she evidently did not use it on you. Did you think  
22 about that at all?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: We would have a little different  
25 scenario today, wouldn't we?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: So tell me what was in that house or  
3 the potential in that house that was worth your life?

4 THE DEFENDANT: Probably nothing that was worth my  
5 life, Your Honor.

6 THE COURT: I guarantee you there wasn't anything  
7 in that house worth your life.

8 When did these assaults occur?

9 THE DEFENDANT: Back in 2000.

10 THE COURT: How long have you been in South  
11 Carolina?

12 THE DEFENDANT: In South Carolina, since the end  
13 of '09.

14 THE COURT: What brought you here?

15 THE DEFENDANT: I just come down here to just,  
16 like, stay out of trouble.

17 THE COURT: Not working out so well for you, is it?

18 THE DEFENDANT: No.

19 THE COURT: What type of work do you do?

20 THE DEFENDANT: I was working at IGA in the meat  
21 department.

22 THE COURT: In Holly Hill?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Is that your choice of work? Is that  
25 what you like to do?

1 THE DEFENDANT: I actually had a couple of jobs. I  
2 had working at the boat plant in Ridgeville. And I worked  
3 at the schoolhouse over there in Beaufort doing janitorial  
4 work.

5 THE COURT: Over where?

6 THE DEFENDANT: In Beaufort.

7 THE COURT: Okay.

8 THE DEFENDANT: And I had -- I worked at a cement  
9 plant for a little while too.

10 THE COURT: I find a substantial factual basis for  
11 your plea. Your decision to plead guilty has been freely,  
12 voluntarily, knowingly, and intelligently made. You've  
13 indicated to the Court you've had the advice and counsel of  
14 a competent attorney with whom you've told the Court you are  
15 satisfied. I hereby accept your plea of guilty.

16 Mr. Stevens, I will be happy to hear from you.

17 MR. STEVENS: Thank you, Judge. May it please the  
18 Court. Mr. Pendra Coakley is 38 years of age. And he is  
19 married, Judge. He has five children with his present wife.  
20 They are ages 16, 13, 12, 2 and 8 months. In addition, his  
21 wife has two other children that lives with her from a prior  
22 marriage; they are ages five and six. So it is a full house  
23 and many mouths to feed, Your Honor. He has been in Holly  
24 Hill, and Beaufort before that, Judge, as you've heard from  
25 his prior work record.

1           Regarding his family, he does have some family in  
2 the Beaufort area, including his grandmother, as well as two  
3 of his sisters live in Beaufort area. He has another sister  
4 who is a nurse that lives in Massachusetts, which is where  
5 he's also spent some time in his life, Your Honor.

6           Regarding his educational background, Judge, he  
7 does have a high school diploma. And he is not afraid of  
8 work, although it appears that work that he has had has not  
9 been able to pay the bills to feed all seven mouths of the  
10 children in the household, and his wife as well. He worked  
11 at the IGA, as well as custodial service corporation called  
12 GCA Services. He's also worked at Key West Boats cutting  
13 fabrics. And he's even told me that he works at Argo Cement  
14 plant, or has in the past as well, cleanup there.

15           Judge, we recognize he does have some priors;  
16 however, one is over a decade old from 2000. The other is  
17 from 2005. I've spoken with my client. He says they are  
18 kind of related as far as how those came about, even though  
19 there appears to be a five-year gap when it comes to the  
20 actual convictions, Judge.

21           Accordingly, Judge, based on the fact he does have  
22 many obligations -- I would also like to add with this case,  
23 we have been in conversation, in negotiation with the State  
24 for quite a long time. He has been in jail since, I  
25 believe, July 9th, 2013, which means as of today, according

1 to my calculation, it's approximately 228 days time served.  
2 It's not a negative reflection on the State from what their  
3 perspective was --

4 THE COURT: It's a very serious charge. Came in as  
5 a burglary first, which changed the complexion of that.

6 MR. STEVENS: Indeed, it did. And we did also have  
7 extensive independent investigation which did yield some  
8 helpful results. And after those results came back, we were  
9 in further negotiations with the State. And, accordingly,  
10 Judge, we respectfully request that the Court accept the  
11 State's recommendation of 10 years suspended to 3.

12 Thank you, Judge.

13 THE COURT: What do you want to tell me,  
14 Mr. Coakley?

15 THE DEFENDANT: I'm just saying that I let my wife  
16 and my kids down. I was out there trying to work and do the  
17 right thing, but I just make the wrong choice at the wrong  
18 time. I'm sorry. I'm sorry to the family, to the courts,  
19 you know. And I wish my wife was here so I could tell her  
20 I'm sorry too. I just got to deal with the fact -- just got  
21 to face responsibility.

22 THE COURT: Mr. Coakley, tell me again, because it  
23 makes a difference to me when I'm imposing sentence, you  
24 understand you are facing 15 years in the Department of  
25 Corrections?

1 THE DEFENDANT: Uh-huh.

2 THE COURT: You understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Tell me what was going through your  
5 mind when you walked into that house or attempted to get  
6 into that house?

7 THE DEFENDANT: At that present time, Your Honor, I  
8 can't even say what was going through my mind. I just was  
9 reacting, not thinking.

10 THE COURT: Where had you been?

11 THE DEFENDANT: I was just strolling down the  
12 street, just walking down the road.

13 THE COURT: What time of day was it?

14 MS. FORD: I believe it was about two or three in  
15 the morning, Your Honor.

16 THE COURT: Strolling down the road at two in the  
17 morning? Where had you been?

18 THE DEFENDANT: I think I come from my house. I  
19 don't even live too far from there.

20 THE COURT: And where were you headed?

21 THE DEFENDANT: I was actually just going for a  
22 walk.

23 THE COURT: At two in the morning?

24 THE DEFENDANT: Yeah.

25 THE COURT: It was June, so summertime?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And you just happened upon this house  
3 and decided to go in?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Without any concern about who was in  
6 there?

7 THE DEFENDANT: No.

8 THE COURT: And you didn't know that individual?

9 THE DEFENDANT: No.

10 THE COURT: You didn't know what was in that house?

11 THE DEFENDANT: Nope.

12 THE COURT: Anything further, Mr. Coakley, that I  
13 need to know?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Anything further, Mr. Stevens?

16 MR. STEVENS: No, Judge. Thank you.

17 THE COURT: Mr. Coakley, I can imagine nothing more  
18 frightening than what that victim must have been going  
19 through when you were there in her house at whatever  
20 darkness. And you can offer me no explanation as to what  
21 you were doing other than some nefarious reason for you  
22 being there.

23 It's the order of the Court on Indictment  
24 2013-GS-38-1125 that you be committed to the State  
25 Department of Corrections for a term of eight years; give

1 you credit for 288 days. Good luck to you, sir.

2 MS. FORD: Thank you, Your Honor.

3 MR. STEVENS: Thank you, Judge.

4 (Proceedings are concluded.)

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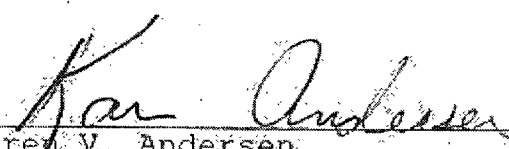
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I, Karen V. Andersen, Registered Merit Reporter certified Realtime Reporter, and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate and complete Transcript of Record of the proceedings.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 26th day of August, 2014, at Charleston, Charleston County, South Carolina.

  
\_\_\_\_\_  
Karen V. Andersen  
Registered Merit Reporter  
Certified Realtime Reporter  
My Commission expires:  
September 14, 2016



State v. Coakley

6/5/14

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3

1 THE COURT: Are you Pendral Coakley?

2 MR. COAKLEY: Yes, ma'am.

3 THE COURT: Would you swear Mr. Coakley.

4 THE CLERK: Please raise your right hand.

5 (WHEREAS, Pendral Coakley was sworn  
6 to tell the truth.)

7 THE CLERK: Thank you.

8 THE COURT: Mr. Stevens, you represent Mr. Coakley?

9 MR. STEVEN: I do, Your Honor.

10 THE COURT: And we're here on your Motion to Withdraw  
11 Plea or in the alternatively to reconsider the sentence that  
12 I imposed upon him on April 23, 2014; is that correct?

13 MR. STEVENS: That is correct, Judge.

14 THE COURT: Do you want to go forward on this motion?

15 MR. STEVENS: If it's possible, Judge -- first of all,  
16 yes, we do, but if it's possible we'd like to address the  
17 question of reconsidering sentence before the question of  
18 our Motion to Withdraw.

19 THE COURT: Okay. Thank you.

20 Ms. Ford, have you contacted the victim?

21 MS. FORD: Your Honor, we've been in touch with the  
22 victim and she was not able to be here today.

23 THE COURT: All right. And you're ready to go forward on  
24 this motion, today?

25 MS. FORD: Yes, Your Honor.

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4

1            THE COURT: All right. Mr. Stevens, I'll be happy to  
2 hear from you.

3            MR. STEVENS: Thank you, Judge. As the Court is aware  
4 we were here previously, April 23, 2014 for General Sessions  
5 term of court when Pendra Coakley pled guilty to burglary  
6 second degree, violent. The agreement with the state was  
7 for a recommended sentence of three years or 10 suspended to  
8 three, and after colloquy with Mr. Coakley the Court decided  
9 to impose a sentence of eight years rather than the  
10 recommended three. I've spoken with Mr. Coakley and he  
11 would like me to go ahead and explain to you how we actually  
12 got to the recommended sentence of three. So I do have  
13 permission to disclose that. Quite necessarily we did some  
14 extensive investigation. We actually did have several  
15 witnesses who had an affidavit for alibi that were  
16 completely out of the county at the time. Based upon the  
17 relative strength of our defense we did reenter negotiations  
18 with the state. The state from their prospective and their  
19 position did agree that three years would be the best  
20 resolution to the case, recommended sentence of three years.  
21 That is what brought us -- we were sure if the Court was  
22 aware of the procedural nature beforehand, before we had a  
23 chance to get in front of you. Obviously, the other concern  
24 was perhaps Mr. Coakley did not present very well to the  
25 Court and if the Court would have to like to make further

1 inquiry as far as not excuses whatsoever of what occurred,  
2 but perhaps by way of explanation of how and why he actually  
3 got into that situation if you'll feel more comfortable  
4 about it. He is obviously willing to go ahead and have a  
5 conversation with the Court about that again today.

6 THE COURT: All right. What are you requesting for me to  
7 do, go along with the recommendation?

8 MR. STEVENS: First and foremost, yes, Judge. If it's  
9 possible please to go along with the recommendation the  
10 sentence of the state, 10 suspended to 3. Obviously, we'd  
11 like there to be a probationary component even though that  
12 wasn't expressly stated by the state. That, in our view,  
13 would have him be where he is, which is up the road, and  
14 also have time hanging over his head and also have him be on  
15 probation for a period of time if the Court is willing to  
16 make sure he does stay on the straight and narrow.

17 Our position obviously is that this would be in the  
18 best interest of justice, number one. Number two, if the  
19 Court is not amenable to that then a sentence less than  
20 eight which was imposed is obviously something we'd also  
21 request.

22 THE COURT: Remind me of his -- I apologize. This is  
23 one of the reasons why I do the -- because this was set and  
24 I didn't have time to go back to my drawer and get the forms  
25 so --

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6

1 MR. STEVENS: Yes, Judge.

2 MS. FORD: Your Honor, it appears that most of his  
3 convictions are out of state convictions from Massachusetts.  
4 It appears that there was an assault and battery with a  
5 dangerous weapon, an assault with a dangerous weapon for  
6 which he was convicted.

7 MR. STEVENS: That was 2005, I believe.

8 MS. FORD: It appears there was an armed robbery from  
9 2000. It appears there was also -- it's possible there was  
10 a conviction for assault and battery on a police officer.  
11 It's listed on the cycle with the armed robbery, so I don't  
12 know if they were combined, Your Honor. Looks like there  
13 was a conviction from 2005 of a possession of cocaine with  
14 intent to distribute by means of a dangerous weapon. A  
15 conviction -- looks like 2010, assault and battery, Your  
16 Honor. That appears to be the extent of the record. As I  
17 indicated this is from Massachusetts. South Carolina --  
18 doesn't appear that he doesn't have any convictions in the  
19 state of South Carolina.

20 MR. STEVENS: And Judge, for several of those charges,  
21 I'd like to point out that there is no disposition or  
22 conviction on those, specifically the 2010 charge. I don't  
23 see any disposition specifically a conviction for the 2005  
24 assault by means of a dangerous weapon or the drug charge.  
25 I do not see any conviction whatsoever.

1 MS. FORD: Your Honor, there's clearly --

2 THE COURT: That's okay. It's just so I'm clear, he  
3 pled guilty, right?

4 MR. STEVENS: Yes, Judge.

5 THE COURT: During my colloquy I always go over all of  
6 the constitutional rights. Did I advise your client that he  
7 would be giving up any defense which would be the alibi  
8 defense?

9 MR. STEVENS: Yes, Judge, I do believe so.

10 THE COURT: And during that colloquy prior to did you --  
11 did you advise him that that's what would be occurring, that  
12 he would give up any defense --

13 MR. STEVENS: Yes, Judge.

14 THE COURT: -- by pleading guilty?

15 MR. STEVENS: It was a total waiver of anything we could  
16 do or present at trial.

17 THE COURT: Okay. Mr. Coakley you pled guilty in front  
18 of me; is that correct?

19 MR. COAKLEY: Yes, ma'am.

20 THE COURT: And do you remember that I advised you that  
21 it was merely a recommendation and that I didn't have to go  
22 along with that; do you remember that?

23 MR. COAKLEY: Yes, ma'am.

24 THE COURT: And did you also have discussions with your  
25 attorney prior to entering into this plea and that by

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8

1 entering into this plea you were waiving any defense,  
2 possible alibi defense or any other defense that you may  
3 have to discharge?

4 MR. COAKLEY: Yes, ma'am.

5 THE COURT: And did you understand those conversations  
6 with Mr. Stevens?

7 MR. COAKLEY: Yes, ma'am.

8 THE COURT: And do you recall me advising you of that  
9 very same thing before you entered into the plea?

10 MR. COAKLEY: Yes, ma'am.

11 THE COURT: And so you understood before you entered  
12 into the plea that you would be waiving any of those  
13 defenses that you may have; is that correct?

14 MR. COAKLEY: Yes, ma'am.

15 THE COURT: And Mr. Coakley I remember that you  
16 indicated that you did go into that home during the plea?

17 MR. COAKLEY: Yes, ma'am.

18 THE COURT: Is that still your position here today that  
19 you entered into that home?

20 MR. COAKLEY: Yes, ma'am.

21 THE COURT: And you told me recall what you told me why  
22 you entered into that home?

23 MR. COAKLEY: At the time, I told you I went for a walk  
24 and I just happened to go into the house.

25 THE COURT: What were you intending to do in that house,

1 do you know?

2 MR. COAKLEY: I actually --

3 THE COURT: Do you remember what you told me?

4 MR. COAKLEY: I can't remember exactly what I told you,  
5 but at the time I was just -- I was under the influence and  
6 we was going through some things, me and my wife, because we  
7 was in the process of getting evicted out of our house. I  
8 was just trying to make a quick come up to be able to put us  
9 somewhere else without my kids having to be on the street or  
10 something.

11 THE COURT: Is there anything you wish to tell me, Mr.  
12 Coakley?

13 MR. COAKLEY: As far as the situation that happened?

14 THE COURT: The purpose of today, your attorney has  
15 filed a motion asking me to reconsider the sentence that I  
16 imposed upon you.

17 MR. COAKLEY: Yes, ma'am.

18 THE COURT: Is there anything about that that you wish  
19 to tell me before I enter into my decision?

20 MR. COAKLEY: I would like you to reconsider due to the  
21 fact I left my wife and my kids out there. I know I made a  
22 mistake and I regret I did it. I don't want my wife out  
23 there -- I don't want to leave her out there struggling and  
24 going what she going through right now. We got seven kids.  
25 She by herself and I should be there with her helping out.

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1 THE COURT: Yes, you should, Mr. Coakley.

2 Was the victim at home?

3 MS. FORD: Yes, ma'am.

4 THE COURT: If I recall, the way Mr. Coakley describes  
5 it here today is that he was just out for a walk. It was  
6 very early or very late, but in the middle of the night.

7 MS. FORD: Yes, Your Honor.

8 THE COURT: depending on how you look at things early or  
9 late, but about 2:00 in the morning.

10 MS. FORD: 2:00, yes, ma'am.

11 THE COURT: All right. Mr. Coakley, I'm doing this all  
12 from memory. I didn't pull the transcripts.

13 MR. COAKLEY: Yes, ma'am.

14 MR. STEVENS: Yes, ma'am.

15 THE COURT: Do you know what that means?

16 MR. COAKLEY: Yes, ma'am.

17 THE COURT: Do you know why I shared that with you?

18 MR. COAKLEY: Yes, ma'am.

19 THE COURT: Why do you think I shared that with you?

20 MR. COAKLEY: Because you have knowledge of what I have  
21 told you.

22 THE COURT: Do you know how many pleas I probably do in  
23 a year?

24 MR. COAKLEY: I don't know, but I know you do a lot.

25 THE COURT: I do a lot. And so I know -- I'm telling

1 you I remember you. That's why I'm sharing that with you,  
2 because that was one of the most frightening pleas that I  
3 took, because a person has the right to be safe in their own  
4 homes.

5 MR. COAKLEY: Yes, ma'am.

6 THE COURT: I think you and I had talked about that you  
7 knew, at least knew who lived in that home; right?

8 MR. COAKLEY: Yes, ma'am.

9 THE COURT: We had a discussion that that person  
10 probably would have given you food for your children if  
11 would ask, that there were resources available and you made  
12 the decision at 2:00 in the morning to be intoxicated on  
13 whatever substance and go into somebody's home. That's what  
14 I meant Mr. Coakley.

15 Mr. Stevens, I'll be happen to hear from you.

16 MR. STEVENS: Thank you, Judge. I have not yet heard of  
17 the specific circumstances what lead to that. I have every  
18 inclination that it's actually taken to this point to  
19 actually say that. Personally, as a father myself, it is  
20 hard to --

21 THE COURT: Oh, I remember. He told me himself.

22 MR. STEVENS: Yes, ma'am.

23 THE COURT: He told me everything.

24 MR. STEVENS: Yes, ma'am. I'm saying what he's saying  
25 to the Court today I had not heard that yet up until very

1 recently and today. I have no doubt that it is challenging  
2 for folks to acknowledge they've having difficulty being  
3 head of household and father. That said, he has come to  
4 Court he is acknowledging what he has done is absolutely  
5 wrong. On top of that, he has given -- I'm not saying by way  
6 of excuse but by way of explanation for what's occurred and  
7 why. Based upon these reasons and showings, as well as, for  
8 the reasons the state made the recommendations in the first  
9 place, we would respectfully request that the Court reduce  
10 his sentence, either A to conform with the recommended  
11 sentence by the state or B, if the Court is uncomfortable  
12 with that, then something still less than the sentence you  
13 imposed.

14 THE COURT: What's the state's position?

15 MS. FORD: Your Honor, it would be the state's position  
16 that the fact that the Court did not accept our  
17 recommendation certainly does affect the validity of this  
18 plea. He pled guilty to a violent offense, burglary second,  
19 violent, which carries up to 10 years which is well within  
20 the statutory limitations of that. So it would be the  
21 state's position that that would be an appropriate sentence  
22 in this matter.

23 THE COURT: Let me hear from you why, if I don't reduce  
24 the sentence, I should allow you to withdraw this plea?

25 MR. STEVENS: I do apologize. If it's possible to

1 please first get a ruling for that, because that will inform  
2 our position when it comes to the Motion to Withdraw. I've  
3 already spoken to Mr. Coakley about that. If we can get a  
4 ruling on that, first, it's definitely going to inform the  
5 position on whether to withdraw or not. Up to this point,  
6 it doesn't look like it's likely, however --

7 THE COURT: Based upon what -- and again Mr. Stevens you  
8 know probably better than anyone else in this room except  
9 for me how many pleas that I do.

10 MR. STEVENS: Yes, ma'am.

11 THE COURT: How intactful the colloquy with Mr. Coakley  
12 and the facts that were presented. I did take into  
13 consideration the recommendation of the state, but I also  
14 took into consideration in fashioning that sentence that I  
15 did not think, first of all, that it was appropriate at any  
16 point for probation, that it needed to be an active  
17 sentence.

18 MR. STEVENS: Yes, ma'am.

19 THE COURT: I took into consideration that the state  
20 thought it was appropriate to limit the active time to 10  
21 years based upon his prior record and the facts of the case  
22 -- the state had reduced from burg first, which carries the  
23 potential of a life sentence, eight years was an appropriate  
24 sentence. I have not heard anything that would require me  
25 to -- and I am reconsidering, just I think the nature of

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1 this hearing is the reconsideration that I will not change  
2 this sentence.

3 MR. STEVENS: I understand. Thank you, Judge.

4 If I may just have one moment?

5 THE COURT: You may take all the time you need, Mr.  
6 Stevens.

7 MR. STEVENS: Judge, I've spoken with my client before  
8 the hearing today as well as just now. At this moment he  
9 would -- this sounds awkward, but he would like to withdraw  
10 his motion to withdraw from the guilty plea and instead  
11 accept the sentence of eight years.

12 THE COURT: And Mr. Stevens you have advised him or will  
13 advise him of the -- his appellate rights that exist going  
14 forward?

15 MR. STEVENS: Absolutely, Judge.

16 THE COURT: All right.

17 Mr. Coakley, I wish you all the best. I know it's been  
18 eight years that you are serving is a learning experience,  
19 but based upon your prior record, there's just no way that I  
20 feel comfortable in reducing your sentence.

21 Thank you.

22 MS. FORD: Thank Your Honor.

23 MR. STEVENS: Thank you, Judge.

24 THE COURT: Mr. Stevens, Ms. Ford, let me see you for  
25 just a moment.

1 MR. STEVENS: Yes, ma'am.

2 (Off the record bench conference with counsel and the  
3 Court.)

4 (This proceeding was concluded.)

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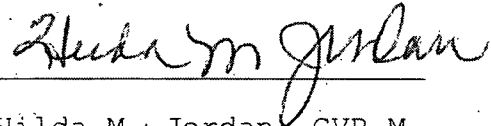
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C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE MOTION HEARING IN THE CAPTIONED CAUSE, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 5 DAY OF JUNE, 2014.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

October 20, 2014

**WITNESSES**

John C Stokes

Orangeburg County Sheriff

20135720

**ARREST WARRANT NUMBER**

2013A3810200226

Arrested: July 10, 2013

**ACTION OF GRAND JURY**

Foreperson of Grand Jury

Date: September 4, 2013

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2013GS38-1125

**The State of South Carolina**

County of ORANGEBURG

**COURT OF GENERAL SESSIONS**

September 9, 2013 TERM

**THE STATE**

vs.

Pendral Coakley

**Indictment for**

**BURGLARY - FIRST DEGREE**

SC Code: 16-11-311

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

32

*Pendral Coakley*  
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ORANGEBURG )

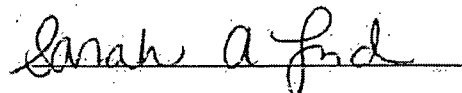
INDICTMENT  
2013GS38-1125

At a Court of General Sessions, convened on September 9, 2013 the Grand Jurors of Orangeburg County present upon their oath:

**BURGLARY - FIRST DEGREE**

That in Orangeburg County, South Carolina, on or about June 29, 2013, the Defendant, Pendra Coakley, did willfully and unlawfully enter the dwelling of Shanice Martin, without consent and with the intent to commit a crime therein and the defendant did enter during the nighttime hours. This offense being a violation of Section 16-11-311 of the South Carolina Code of Laws, as amended.

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

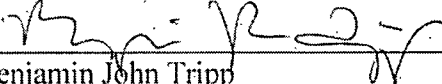


Sarah A. Ford, Solicitor

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 21st, 2015

  
Benjamin John Tripp  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

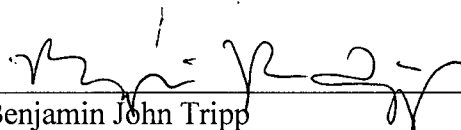
ATTORNEY FOR APPELLANT

**RECEIVED**  
MAY 21 2015  
**SC Court of Appeals**

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