

VOLUME TWO OF TWO VOLUMES

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

J. Ernest Kinard, Jr., Circuit Court Judge

ANTONIO GORDON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

A P P E N D I X

ROBERT M. DUDEK
Assistant Appellate Defender

South Carolina Office
of Appellate Defense
1205 Pendleton Street, Room 306
Columbia, S. C. 29201

ATTORNEY FOR PETITIONER

HENRY DARGAN MCMASTER
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

LAKESHA W. JEFFRIES
Assistant Attorney General

P. O. Box 11549
Columbia, S. C. 29211

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

COUNTY OF YORK

2003 AUG 20

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

2000-CP-46-1414

Antonio Gordon, #259798,

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

Attachment (d)(1)

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed June 15, 2000. The Respondent made its Return on May 2, 2001. An evidentiary hearing into the matter was convened on July 29, 2003, at the Richland County Courthouse. The parties agreed to change venue from York County to Richland County pursuant to the Consent Order Changing Venue signed by the Honorable John C. Hayes, III. Due to conflicts with the judges in the Sixteenth Circuit, this case was transferred to the Fifth Circuit in order to conduct the PCR hearing in a more timely manner. *IN ADDITION A SPECIAL ORDER WAS EXCUTED* The Applicant was present at the hearing and was represented by Tara D. Shurling, Esquire. The Respondent was represented by Jeanette Van Ginhoven of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Testifying on behalf of the State was Daniel D'Agostino, Esquire. This Court also had before it a copy of the transcript of the proceedings against the Applicant, the records of the York County Clerk of Court and the Applicant's records from the South Carolina Department of Corrections.

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to the York County Clerk of Court's orders of

GRANTING THE
UNOBSERVING
THERAPY

commitment. On October 15, 1998, the York County Grand Jury indicted the Applicant for murder, three counts of possession of a firearm during the commission of a violent crime, two counts of attempted armed robbery, possession of a firearm by a person under twenty-one, and criminal conspiracy.

On July 16, 1999, the Applicant pled guilty as charged. On July 19, 1999, the Honorable John C. Hayes, III, sentenced the Applicant to thirty years imprisonment for murder, five years for each count of possession of a weapon during the commission of a violent crime, ten years for each count of attempted armed robbery, five years for criminal conspiracy, and five years for possession of a weapon by a person under twenty-one years of age. Daniel D'Agostino, Esquire, represented the Applicant.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals was dismissed. State v. Antonio Gordon and Monta Gordon Op. No. 2000-UP-747 (S.C. Ct. App. filed December 6, 2000).

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 (1985).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; 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, Id.

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

INEFFECTIVE ASSISTANCE OF COUNSEL

The Applicant claims guilty plea counsel was ineffective for failing to prepare his case for trial by (1) failing to challenge the indictments for lack of subject matter jurisdiction because the indictments were not filed with the Clerk of Court within ninety (90) days after his arrest; (2) failing to challenge the murder indictment for lack of subject matter jurisdiction because the indictment did not contain the requisite elements in the body of the indictment; (3) failing to challenge the attempted armed robbery indictments for lack of subject matter jurisdiction because the indictment did not contain the requisite elements in the body of the indictments; (4) failing to challenge the indictments since an agent of the state was the only witness before the grand jury; (5) failing to make a concerted effort to get the Solicitor to remand the case to the Family Court; (6) failing to adequately pursue the Applicant's competency to stand trial; (7) failing to make a double jeopardy argument since the Applicant was charged with attempted armed robbery and possession of a weapon during the commission of a violent crime; (8) failing to advise the Applicant that if he pled guilty he would waive his right to challenge the admissibility of his statements on direct appeal; and



(9) failing to advise the Applicant he would be subject to community supervision.

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).

1. Failure to Challenge Subject Matter Jurisdiction Because Indictment Not Filed with Clerk of Court Within Ninety Days

The Applicant claims guilty plea counsel was ineffective for failing to challenge subject matter jurisdiction because the Applicant's indictments were not filed with the York Clerk of Court within ninety (90) days after his arrest. This allegation does not warrant relief. Each indictment was marked "True Bill" and signed by foreman of the grand jury. The failure to obtain an indictment within ninety days of arrest does not render it void for lack of jurisdiction. State v. Culbreath, 282 S.C. 38, 316 S.E.2d 681 (1984). This Court finds guilty plea counsel was not ineffective and that the Applicant has failed to show he was prejudiced by guilty plea counsel's performance. This Court further finds that the lower court had the subject matter jurisdiction to accept the Applicant's guilty pleas since the ninety day rule does not render an indictment void for lack of jurisdiction.



2. Failure to Challenge Subject Matter Jurisdiction Because the Murder Indictment Did Not Contain the Requisite Elements

The Applicant claims guilty plea counsel was ineffective for failing to challenge the murder indictment because the indictment failed to allege that the Applicant "willfully" and "feloniously" committed the crime. However, in Joseph v. State, the South Carolina Supreme Court held that a murder indictment was sufficient to confer subject matter jurisdiction on the court that accepted the defendant's guilty plea, even though the indictment omitted the words "willfully" and "feloniously," as the term "feloniously" was encompassed in "murder" and the term "willfully" was encompassed in "malice." 351 S.C. 551, 571 S.E.2d 280 (2002).

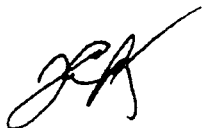
The Applicant's murder indictment read as follows:

That Antonio Gordon did in York County on or about July 23, 1998, with *malice aforethought*, kill one Eric Peter Krenn by means of shooting him with a firearm and said victim died as a result thereof, all in violation of Section 16-3-10, South Carolina Code of Laws (1976, as amended).

Although the Applicant's murder indictment did not state the words "willfully" or "feloniously", these words were encompassed by the words "kill" and "malice". Therefore, this Court finds guilty plea counsel was not ineffective for failing to challenge the murder indictment and that the Applicant was not prejudiced by guilty plea counsel's performance. This Court further finds that the lower court had subject matter jurisdiction to accept the Applicant's guilty plea to murder

3. Failure to Challenge Subject Matter Jurisdiction Because the Attempted Armed Robbery Indictments Did Not Contain the Requisite Elements

The Applicant claims guilty plea counsel was ineffective for failing to challenge the attempted armed robbery indictments because the indictments failed to allege the element of asportation.



The Applicant's indictments for attempted armed robbery read as follows:

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to *feloniously take from the person or presence* of Eric Krenn, by means of force or intimidation good or monies of said Eric Krenn to wit: one 1985 BMW belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

In Locke v. State, 341 S.C. 54, 533 S.E.2d 324 (2000), the South Carolina Supreme Court held that the indictment language "taking of good and/or monies from the person or presence of" alleged the substance of asportation, one of the elements of common-law robbery and that this was sufficient because asportation merely meant the taking of an object with felonious intent. Therefore, this Court finds guilty plea counsel was not ineffective for failing to challenge the attempted armed robbery indictments and that the Applicant has failed to show he was prejudiced by guilty plea counsel's performance. This Court further finds that the lower court had subject matter jurisdiction to accept the Applicant's guilty pleas to attempted armed robbery.

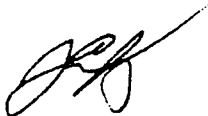
4. Failure to Challenge Subject Matter Jurisdiction Because Only an Agent of the State Was a Witness Before the Grand Jury

The Applicant claims guilty plea counsel was ineffective for failing to challenge the indictments since an agent of the State was the only witness before the grand jury. The Applicant cites the case of State v. Anderson, 312 S.C. 185, 439 S.E.2d 835 (1993), to support this proposition.

In State v. Anderson, the South Carolina Supreme Court held that prosecutors cannot appear as a sole witness before the grand jury. In the Applicant's case, the witness before the grand jury was Officer Herring from the Rock Hill Police Department, not a prosecutor.

Further, the circuit court does not have subject matter jurisdiction to hear a guilty plea unless:

(1) there has been an indictment which sufficiently states the offense; (2) there has been a waiver of



indictment; or (3) the charge is a lesser included offense of the crime charged in the indictment. Carter v. State, 329 S.C. 355, 362, 495 S.E.2d 773, 777 (1998). South Carolina law provides an indictment is sufficient if it "charges the crime substantially in the language ... of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood." S.C. Code Ann. §§ 17-19-20 (1985). "The true test of the sufficiency of an indictment is not whether it could be made more definite and certain, but whether it contains the necessary elements of the offense intended to be charged and sufficiently apprises the defendant of what he must be prepared to meet." Browning v. State, 320 S.C. 366, 368, 465 S.E.2d 358, 359 (1995). South Carolina courts have held that the sufficiency of an indictment "must be viewed with a practical eye; all the surrounding circumstances must be weighed before an accurate determination of whether a defendant was or was not prejudiced can be reached." State v. Adams, 277 S.C. 115, 125, 283 S.E.2d 582, 588 (1981), *overruled on other grounds by* State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991).

The indictments in this case were marked "True Bill" and signed by the grand jury foreman. The witness before the grand jury was a police officer and not a prosecutor. The elements of the crimes were sufficiently alleged in the indictments. Therefore, this Court finds that guilty plea counsel was not ineffective for failing to challenge the Applicant's indictments and that the Applicant has failed to carry his burden in this action by failing to show prejudice from guilty plea counsel's performance. This Court further finds that the lower court had subject matter jurisdiction to accept the Applicant's guilty pleas.

5. Failure to Make Concerted Effort to Get the Solicitor's Office to Remand Case to Family Court

The Applicant claims guilty plea counsel was ineffective for failing to make a concerted effort to get the Solicitor's office to remand the case to Family Court. The Applicant claims guilty



plea counsel never discussed the differences between Family Court and General Sessions Court.

Pursuant to S.C. Code Ann. §20-7-6605, a “person sixteen years of age or older who is charged with a Class A, B, C, or D felony as defined in Section 16-1-20 or a felony which provides a maximum term of imprisonment of fifteen years or more may be remanded to the family court for disposition of the charge at the *discretion of the solicitor*.” The Applicant was sixteen years old when he committed the crime for which he was indicted and the crimes committed were Class A, B, C or D felonies. Therefore, the General Sessions Court had jurisdiction. The decision to remand the case to Family Court was within the Solicitor’s discretion.

Guilty plea counsel testified that he was appointed to the case after the Applicant was indicted. He testified that he researched the fact that the Applicant was a child at the time of the commission of the crimes. Guilty plea counsel further testified that he brought this issue to the Solicitor’s attention but that the Solicitor’s office gave intimations that they wanted tot seek the death penalty in this case and that they would not remand this case to the Family Court. Further, the Applicant did not provide testimony from the Solicitor’s office stating that they would have used their discretion and remanded the case to the Family Court.

Therefore, this Court finds that guilty plea counsel was not ineffective. This Court further finds that the Applicant has not shown that he was prejudiced by guilty plea counsel’s performance.

6. Failing to Pursue Applicant’s Competency to Stand Trial

The Applicant claims guilty plea counsel was ineffective for failing to pursue the Applicant’s competency to stand trial. The Applicant claims that if this avenue had been explored, he would have had a defense to the charges.

Guilty plea counsel testified that he was concerned with the Applicant’s mental state. The



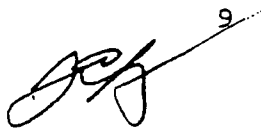
State provided the testimony of Dr. Leslie Sandler. Dr. Sandler was qualified as an expert in forensic psychology, clinical psychology and substance abuse. (T. p. 9). Dr. Sandler testified that the Applicant was not mentally retarded. (T. p. 118). The trial court found the Applicant competent to stand trial. (T. p. 147).

Guilty plea counsel also hired a psychologist, Dr. Jonathan Venn. Dr. Venn was qualified as an expert in forensic and clinical psychology. (T. p. 108). Dr. Venn testified during the hearing concerning the admissibility of the Applicant's statements given to law enforcement. However, Dr. Venn was not able to come to an opinion concerning mental retardation. (T. p. 113).

A criminal defendant is competent to enter his guilty plea if "the accused [has] sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and [has] a rational as well as a factual understanding of the proceeding against him." Jeter v. State, 308 S.C. 230, 417 S.E.2d 594, 596 (1992). An Applicant challenging his competency to plead must prove this allegation by a preponderance of the evidence. Id.

An Applicant claiming that trial counsel was ineffective in failing to pursue this defense "must produce some evidence of insanity or showing that with the exercise of due diligence, an insanity defense could have been developed." Jeter v. State, 308 S.C. 230, 233-34, 417 S.E.2d 594 (1992). The Applicant must show that he was "unable to distinguish moral or legal right from wrong and to recognize the particular act charged as morally or legally wrong."

The Applicant presented no testimony or evidence regarding the elements of the defense. The Applicant was also examined by two experts, one hired by the State and one by the defense, who either came to the conclusion the Applicant was not mentally retarded or could not reach an opinion. Therefore, this Court finds that guilty plea counsel was not ineffective. This Court further finds that the Applicant has not carried his burden in this action by showing he was prejudiced by

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guilty plea counsel's performance.

7. Failure to Make Double Jeopardy Claim

The Applicant claims guilty plea counsel was ineffective for failing to make a double jeopardy claim since he was charged with attempted armed robbery and possession of a weapon during the commission of a violent crime.

In State v. Bolden, 303 S.C. 41, 398 S.E. 2d 494 (1990), the South Carolina Supreme Court held that punishment for both armed robbery and possession of a weapon during a violent crime does not violate double jeopardy. The Supreme Court held that the legislature clearly intended to provide additional punishment for possession of a weapon during the commission of a violent crime. Id.

Therefore, this Court finds guilty plea counsel was not ineffective for failing to make a double jeopardy challenge. This Court further finds that the Applicant has failed to show he was prejudiced by guilty plea counsel's performance.

8. Failure to Advise Applicant Appellate Rights are Waived Upon Entry of Guilty Plea

The Applicant claims guilty plea counsel was ineffective for failing to advise him that if he pled guilty, he would waive his right to appeal the admissibility of his statements to law enforcement officers. The Applicant testified that he would have continued to trial if he knew pleading guilty would waive his right to attack his pre-trial issues.

However, guilty plea counsel testified he advised the Applicant of his appellate rights and that if he pled guilty he could not appeal issues raised prior to the plea. The trial judge also informed the Applicant of his appellate rights during his guilty plea. (T. p. 205). The Applicant subsequently filed an appeal that was later dismissed. Antonio Gordon and Monta Gordon v. State of South Carolina, 2000-UP-747, filed December 6, 2000.



This Court finds the testimony of guilty plea counsel to be more credible than that of the Applicant. This Court finds that guilty plea counsel was not ineffective and that the Applicant has failed to carry his burden in this action by showing he was prejudiced by guilty plea counsel's performance.

9. Failure to Advise of Community Supervision

The Applicant claims guilty plea counsel was ineffective for failing to advise the Applicant he would be subject to community supervision by the South Carolina Department of Corrections. Guilty plea counsel testified that he did not advise the Applicant concerning community supervision.

However, community supervision is a collateral consequence of a guilty plea. As such, guilty plea counsel was not ineffective for failing to advise the Applicant of community supervision. *See Smith v. State*, 329 S.C. 280, 494 S.E.2d 626 (1997), (counsel is not ineffective for failing to advise a defendant regarding parole eligibility because it is a collateral consequence of sentencing.) Therefore, this Court finds guilty plea counsel was not ineffective and that the Applicant has failed to show he was prejudiced by guilty plea counsel's performance.

As discussed above, the Applicant has failed to carry his burden in this action. Therefore, this Court finds that the application must be denied and dismissed.

CONCLUSION

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

This Court 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 South Carolina Appellate Court Rule 227 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 AUG, 2003.


J. Ernest Kinard
Presiding Judge
Fifth Judicial Circuit

Comder, South Carolina.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS
 Sixteenth Judicial Circuit
 2000-CP-46-1414

Antonio Gordon,)

Applicant,)

vs)

State of South Carolina,)

Respondent.)

AFFIDAVIT OF SERVICE BY MAIL

FILED-RECEIVED
 2003 AUG 20 PM 3:42
 DAVID H. HILTON
 C.C.P. & G.S.
 YORK COUNTY, SC

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND

Personally appeared before me, Jeanette VanGinhoven, who being first duly sworn,
 states:

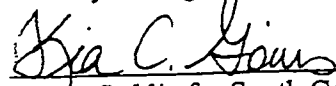
1. That I am an employee of the Office of the Attorney General.
2. That regular communication by mail exists throughout the State of South Carolina, and that this is a proper circumstance of service by mail.
3. That I have this day served a copy of the Order in the above-captioned matter on the following persons by depositing same in the United States mail, postage prepaid:

Tara D. Shurling, Esquire
 3614 Landmark Drive, Suite D
 Columbia, South Carolina 29204

DATED this 19th day of August, 2003.


 JEANETTE VANGINHOVEN

SWORN to before me this
 19th day of August, 2003.

 (L.S.)
 Notary Public for South Carolina
 My Commission Expires: June 2, 2007

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State,

Respondent,

v.

Antonio Gordon and Monta Gordon,

Appellants.

Appeal From York County
John C. Hayes, III, Circuit Court Judge

Unpublished Opinion No. 2000-UP-747
Submitted October 4, 2000 - Filed December 6, 2000

APPEAL DISMISSED

Assistant Appellate Defender Robert M. Pachak, of SC
Office of Appellate Defense, of Columbia, for appellant.

Attorney General Charles M. Condon, Chief Deputy
Attorney General John W. McIntosh, Assistant Deputy
Attorney General Donald J. Zelenka, all of Columbia;
and Solicitor Thomas E. Pope, of York, for respondent.

PER CURIAM: Monta Gordon was indicted for murder, two counts of attempted armed robbery, three counts of possession of a weapon during a violent crime, criminal conspiracy, and for failure to stop for a blue light. On July 16, 1999, Monta Gordon pled guilty to all charges excluding the weapons charges, which were dismissed. Antonio Gordon was indicted for murder, two

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STATE v. GORDON

counts of attempted armed robbery, three counts of possession of a weapon during a violent crime, criminal conspiracy, and possession of a pistol by a person under 21. On July 17, 1999, Antonio Gordon pled guilty to all charges.

On appeal, counsel for Monta and Antonio Gordon has filed final briefs along with petitions to be relieved as counsel. Monta and Antonio Gordon have filed pro se briefs.

After a thorough review of the record pursuant to Anders v. California, 386 U.S. 738 (1967), and State v. Williams, 305 S.C. 116, 406 S.E.2d 357 (1991), we dismiss the appeal and grant counsel's petition to be relieved.¹

APPEAL DISMISSED.

HUFF, HOWARD, and SHULER, JJ., concur.

¹ We decide this case without oral argument pursuant to Rules 215 and 220(b)(2), SCACR.

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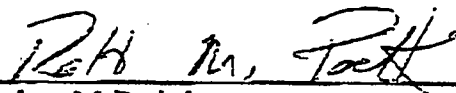
STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

John C. Hayes, III, Circuit Court Judge

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Anders Brief of Appellant in the above referenced case has been served upon Robert E. Bogan, Esquire; a copy of the Record on Appeal and Final Anders Brief has been served on Antonio Gordon #259798, Kershaw Correctional Institution, PO Box 518, Kershaw, SC 29067, this 18th day of July, 2000.


Robert M. Pachak
Assistant Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 18th day of July, 2000.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: February 3, 2005

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

MURDER

That Antonio Gordon did in York County on or about July 23, 1998, with malice aforethought, kill one Eric Peter Krenn by means of shooting with a firearm and said victim died as a result thereof, all in violation of Section 16-3-10, South Carolina Code of Laws, (1976, as amended).

POSSESSION OF A FIREARM DURING
THE COMMISSION OF A VIOLENT CRIME

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

CERTIFIED TRUE COPY
JUN 21 9 00 AM '00
DAVID H. HILL
CLERK OF COURT
YORK COUNTY, SC

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


SOLICITOR

DOCKET NO. 98-GS-46- 2847

WITNESSES

Herring/RHPD

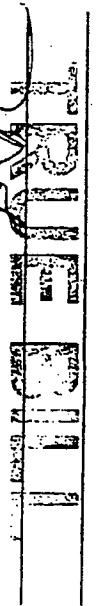
511

ARREST WARRANT NUMBER

Count One: F763891

Count Two: F763897

ACTION OF GRAND JURY



Foreperson of Grand Jury

10/19/98

VERDICT

Foreperson of Petit Jury

Date:

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 15, Term 1998

THE STATE

vs.

ANTONIO GORDON

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

Defendant

Antonio Gordon

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

Antonio Gordon

Defendant

Witness:

Deanna Deanna Clark

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

Indictment for

MURDER

SC Code: 16-3-10
CDR Code: 0116

POSSESSION OF A FIREARM DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490
CDR Code: 1245

106
STATE OF SOUTH CAROLINA 512

COUNTY OF York
STATE vs.

AKA: _____
Race: B Sex: M
DOB: 3-21-82 Age: _____
SSN: _____
DL#: _____
SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98-GS-416-2847-A
A/W#: F763897
Date of Offense: 7-23-98
S.C. Code § : 16-23-490
CDR Code #: 1121415

SENTENCE

☐ PLEA ☐ TRIAL

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

TO: Poss Firearm Comm Violent Crime
in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 1121415

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 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:

[Signature]
Solicitor

Antonio Gordon
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center
for a determinate term of Five (5) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ year
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
probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine: \$
§ 14-1-206 - Assessments 100%..... \$
§ 14-1-211 - Surcharge..... \$ 100.00
(Exceptions: See § 14-1-211)
§ 56-5-2995 (DUI)..... \$
County (3%)..... \$ 100.00
TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

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: _____

PRESIDING JUDGE John C. Hays

Judge Code: 0161419

Sentence Date: _____

ARREST WARRANT

F- 763897

STATE OF SOUTH CAROLINA
County of ☒ Rock Hill Municipality of ☒ Rock Hill

11:29 AM 11/16/98

THE STATE

against

C3
15

ANTONIO GORDON

VERNSDALE RD

Address: ROCK HILL, SC 29730

Phone:

M

Race: B

Height:

SSN:

Weight: 0

Date: 03/21/82

DL #:

DOB: 03/21/82

Agency ORI #:

04603

Prosecuting Agency:

J. THICKENS

Offense:

POSS FIREARM DURING COMM/V

IOL. CRIM

Offense Code: 16

Code/Ordinance Sec.:

16-23-490

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☒ Municipality of
ROCK HILL The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant ANTONIO GORDON
on 07-29-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROCK HILL POLICE DEPT
120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

County of ☒ Rock Hill Municipality of ☒ Rock Hill

AFFIDAVIT

Personally appeared before me the affiant J. THICKENSbeing duly sworn deposes and says that defendant ANTONIO GORDON +
did within this county and state on 07/23/98 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL)

in the following particulars:

DESCRIPTION OF OFFENSE: POSS. FIREARM DUR COMM VIOL CRIME 16-23-490 *054I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
DID WILLFULLY AND UNLAWFULLY POSSESS A FIREARM (C.O.P. 4-BARREL
DERRINGER; SILVER IN COLOR) WHILE COMMITTING THE CRIME OF MURDER
AGAINST ONE ERIC KRENN. THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S.
JONES AVENUE WITHIN THE CITY LIMITS OF ROCK HILL, SC. *POLICE
INVESTIGATION *RECOVERY OF EVIDENCE *SWORN STATEMENTS BY DEF.,
CO-DEF., AND WITNESSESSworn to and subscribed before me
on 7-24-98Signature of Issuing Judge Mc Neal (L.S.)Signature of Affiant John Thicken

Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA
County of ☒ Rock Hill Municipality of ☒ Rock Hill

ARREST WARRANT

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

If appearing from the above affidavit that there are reasonable grounds to believe that
on 07/23/98 defendant ANTONIO GORDONdid violate the criminal laws of the State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL)DESCRIPTION OF OFFENSE: POSS. FIREARM DUR COMM VIOL CRIME 16-23-490 as set forth below:Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.Signature of Issuing Judge Mc Neal (L.S.)Judge's Address 120 E. BLACK ST.Judge Code: 0005

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

Jury Room
July 28, 1998
SCCA 518

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE vs.

AKA:

Race: B

Sex: m

DOB: 3-21-82

Age: _____

SSN: _____

DL#: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#: 514

98-GS-446-2849

A/W#: F763898

Date of Offense: 7-23-98

S.C. Code §: 16-11-330

CDR Code #: 0101216

SENTENCE

☒ PLEA ☐ TRIAL

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

TO: Attempted Armed Robbery
in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 0101216

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 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

[Signature]
Solicitor

[Signature]
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of Ten (10) 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 99-GS-46-2847

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____

§ 14-1-206 - Assessments 100%.....\$ _____

§ 14-1-211 - Surcharge.....\$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI).....\$ _____

County (3%).....\$ _____

TOTAL.....\$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
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: _____

[Signature]
PRESIDING JUDGE

Judge Code: 0101419

Sentence Date: _____

ARREST WARRANT

F- 763898

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
 ROCK HILL

JUN 29 11 16 AM '98

THE STATE

against

ANTONIO GORDON

VERNSDALE RD

ROCK HILL, SC 29730

 DOB: 03/21/82 Agency ORI #: 04603
 Prosecuting Agency: ROCK HILL POLICE DEPT
 Prosecuting Officer: J. THICKENS
 Offense: ATTEMPTED ARMED ROBBERY
 Offense Code: 16-11-330(2)

 Race: B Height: Weight: 0
 SSN:

DL State: DL #:

Code/Ordinance Sec. 16-11-330(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County ☒ Municipality of

ROCK HILL The accused

is to be arrested and brought before me to be

dealt with according to law.

Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was delivered to

defendant ANTONIO GORDON

on 07-27-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROCK HILL POLICE DEPT

120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of

ROCK HILL

AFFIDAVIT

Personally appeared before me the affiant J. THICKENS

being duly sworn deposes and says that defendant ANTONIO GORDON

did within this county and state on 07/23/98

State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL

in the following particulars:

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330(2)

*045

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

DID WILLFULLY AND UNLAWFULLY ATTEMPT TO COMMIT THE CRIME OF ROBBERY AGAINST ONE ERIC KRENN BY POINTING AND FIRING A HANDGUN AT THE VICTIM IN AN ATTEMPT TO TAKE POSSESSION OF THE VICTIM'S VEHICLE, A 1985 BMW 318. THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S. JONES AVENUE WITHIN THE CITY LIMITS OF ROCK HILL, SC. *POLICE INVESTIGATION *RECOVERY OF EVIDENCE *SWORN STATEMENTS BY DEF., CO-DEF., AND WITNESSES

Sworn to and subscribed before me on 7-24-98

Signature of Affiant

Affiant's Address

Signature of Issuing Judge (L.S.)

Affiant's Telephone

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of

ROCK HILL

ARREST WARRANT

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

If appearing from the above affidavit that there are reasonable grounds to believe that

on 07/23/98 defendant ANTONIO GORDON

did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330(2)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Judge's Address 120 E. BLACK ST.

Judge's Telephone

 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Eric Krenn, by means of force or intimidation goods or monies of said Eric Krenn to wit: one 1985 BMW belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

**POSSESSION OF A WEAPON DURING
 THE COMMISSION OF A VIOLENT CRIME**

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

DAVID L. LEE
 CLERK OF COURT
 YORK COUNTY, SC

JUN 21 9 05 AM '00

CERTIFIED TRUE COPY

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

DePape

SOLICITOR

DOCKET NO. 98-GS-46- 2844

The State of South Carolina

County of York

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

Defendant

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

WITNESSES

Herring/RHPD

1-
15

October 15, Term 1998

ARREST WARRANT NUMBER

Count One: F763898

Count Two: Direct Indictment

THE STATE

VS.

ACTION OF GRAND JURY

ANTONIO GORDON

TRUE BILL

Robert Thurman
Foreperson of Grand Jury
Date: 10/19/98

VERDICT

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330

CDR Code: 0026

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 1245

Foreperson of Petit Jury
Date:

Antonio Gordon
Defendant

Witness:
Deana deanna Clarke
C.C.C. PLS. AND GRS

06/06

518

STATE OF SOUTH CAROLINA,

COUNTY OF York

STATE

VS.

Antonio Gordon

AKA:

Race: B

Sex: m

DOB: 3-21-82

Age: _____

SSN: _____

DL#: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98 -GS- 46 - 2849-A

A/W#: DI

Date of Offense: 7-23-98

S.C. Code § : 16-23-490

CDR Code #: 1121415

SENTENCE

☐ PLEA ☐ TRIAL

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

TO: Loss Firearm Comm Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 1121415

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 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:

John Anthony
Solicitor

Antonio Gordon
Defendant

De Okey
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center for a determinate term of Five (5) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ year 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 probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine: _____ \$
§ 14-1-206 - Assessments 100% _____ \$
§ 14-1-211 - Surcharge _____ \$ 100.00
(Exceptions: See § 14-1-211)
§ 56-5-2995 (DUI) _____ \$
County (3%) _____ \$
TOTAL _____ \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

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

plea entered 7/16/99
Sentenced 7/16/99
PRESIDING JUDGE John H. Hays
Judge Code: 0101419
Sentence Date: _____

Pink - Defendant

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Eric Krenn, by means of force or intimidation goods or monies of said Eric Krenn to wit: one 1985 BMW belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

**POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME**

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

DEAN J. HILL
CLERK OF COURT
YORK COUNTY, SC

JUN 21 9 02 AM '00

CERTIFIED TRUE COPY

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



SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

COUNTY OF York CERTIFIED TRUE COPY
STATE VS. LT

Antonio Gordon JUN 21 9 03 AM
AKA: _____
Race: B Sex: M DOB: 3-21-82 Age: _____
SSN: _____ DL#: _____ SID#: _____
S.C. Code § : 16-11-330
CDR Code #: 0101216

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
TO: Attempted Armed Robbery
in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 0101216

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 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: [Signature] Solicitor
Antonio Gordon Defendant
[Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Ten (10) 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.

☐ The Defendant is to be given credit for _____ days/months jail time.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee \$ _____
Payment Terms: _____
☐ set by SCDPPPS _____
Recipient: _____
*Fine:\$
§ 14-1-206 - Assessments 100%.....\$
§ 14-1-211 - Surcharge.....\$
(Exceptions: See § 14-1-211)
§ 56-5-2995 (DUI).....\$
County (3%).....\$
TOTAL.....\$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
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: _____

Clerk of Court/Deputy Clerk David Hamilton
Court Reporter: Janet Rich

Plea entered 7/16/99
Sentenced 7/19/99
PRESIDING JUDGE John C. Hays
Judge Code: 0101419
Sentence Date: _____

ARREST WARRANT

F- 763914

STATE OF SOUTH CAROLINA

County ☒ Municipality of
ROCK HILL

THE STATE

against

ANTONIO GORDON

VERNSDALE RD

Address: ROCK HILL, SC 29730

Phone: 803-325-1104 SSN: 24

M Race: B Height: 508 Weight: 145

State: DL #:

DOB: 03/21/82 Agency ORI #: 04603

Prosecuting Agency: ROCK HILL POLICE DEPT

Prosecuting Officer: HERRING

Offense: ATTEMPTED ARMED ROBBERY

Code/Ordinance Sec. 16-11-330 (2)

Offense Code:

This warrant is CERTIFIED FOR SERVICE in the
County ☒ Municipality of
ROCK HILLThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant Antonio Gordon
on 7/23/98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROCK HILL POLICE DEPT
120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

County ☒ Municipality of

ROCK HILL

AFFIDAVIT

Personally appeared before me the affiant L.R. HERRINGbeing duly sworn deposes and says that defendant ANTONIO GORDONdid within this county and state on 07/23/98State of South Carolina (or ordinance of ☒ County ☒ Municipality of ROCK HILL)

In the following particulars:

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330 (2)

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

DID WILFULLY AND UNLAWFULLY ATTEMPT TO COMMIT THE CRIME OF ROBBERY
AGAINST ONE CHRISTOPHER DIAZ BY POINTING A FIREARM AT HIM, WHILE
ATTEMPTING TO TAKE VICTIM'S MONEY. THIS INCIDENT OCCURRING IN THE 500
BLOCK OF S. JONES AVE. WITHIN THE CITY LIMITS OF ROCK HILL, S.C. *POLICE
INVESTIGATION. *RECOVERY OF EVIDENCE. *SWORN STATEMENTS.

Sworn to and subscribed before me

on 7/24/98Signature of Issuing Judge L.R. Herring (L.S.)

Signature of Affiant

Affiant's Address 120 E. BLACK STREETAffiant's Telephone 803-329-7200CERTIFIED
JUN 21 9 03 AM '98
ROCK HILL POLICE DEPTSTATE OF SOUTH CAROLINA
County ☒ Municipality of
ROCK HILL

ARREST WARRANT

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

If appearing from the above affidavit that there are reasonable grounds to believe that
defendant ANTONIO GORDONdid violate the criminal laws of the State of South Carolina (or ordinance of ☒ County ☒ Municipality of ROCK HILL) as set forth below:
DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330 (2)Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address

Signature of Issuing Judge L.R. Herring (L.S.)

Judge's Telephone

Judge Code: 8732Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Christopher Diaz, by means of force or intimidation goods or monies of said Christopher Diaz to wit: currency belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

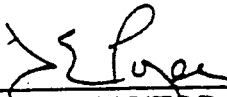
That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

DAVID H. HARRIS, JR.
CLERK OF COURT
YORK COUNTY, SC

JUN 21 9 03 AM '00

CERTIFIED TRUE COPY

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


SOLICITOR

DOCKET NO. 98-GS-46- 2000

WITNESSES

Harring/RHPD

The State of South Carolina

County of York

3
52

COURT OF GENERAL SESSIONS

October 15, Term 1998

ARREST WARRANT NUMBER

Count One: F763814

Count Two: Direct Indictment

THE STATE

vs.

ACTION OF GRAND JURY

ANTONIO GORDON

TRUE BILL

For person of Grand Jury
Date: 10/19/98

VERDICT

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

Defendant

Antonio Gordon

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

Antonio Gordon
Defendant

Witness:
Eileen Virginia Clark
C.C.C. PLS. AND QRS

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330

CDR Code: 0026

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 1245

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

AKA:

Race: B

Sex: m

DOB: 3-21-82

Age: 16

SSN: 1-1-1-1-1-1

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98-GS-46-2850-A

A/W#: DI

Date of Offense: 7-23-98

S.C. Code §: 16-23-490

CDR Code #: 112415

SENTENCE

☐ PLEA ☐ TRIAL

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

TO: Pass Firearm Comm Violent Crime
in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 112415

☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 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:

John C. Antley
Solicitor

Antonio Gordon
Defendant

Dee Dee
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center for a determinate term of 171.5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ year 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 - Assessments 100% _____ \$

§ 14-1-211 - Surcharge _____ \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI) _____ \$

County (3%) _____ \$

TOTAL _____ \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP _____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

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: _____

Plea entered 7/16/99
Sentenced 7/23/99
John Hays

PRESIDING JUDGE

Judge Code: 010419

Sentence Date: 7/19/99

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Christopher Diaz, by means of force or intimidation goods or monies of said Christopher Diaz to wit: currency belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina; (1976, as amended).

**POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME**

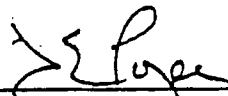
That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

FILED IN 1998
CLERK OF COURT
YORK COUNTY, SC

JUN 21 9 02 AM '00

CERTIFIED TRUE COPY

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

Antonio Gordon

AKA:

Race: B

Sex: m

DOB: 3-21-82

Age: _____

SSN: _____

DL#: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98 -GS- 46 - 2851

A/W#: F763902

Date of Offense: 7-23-98

S.C. Code § : 16-17-410

CDR Code #: 0101419

SENTENCE

☒ PLEA

☐ TRIAL

☐ CONVICTED OF or ☐ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Crim Conspiracy

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0101419

☒ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ 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

[Signature]
Solicitor

Antonio Gordon
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 90 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 - Assessments 100%..... \$

§ 14-1-211 - Surcharge..... \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$

County (3%)..... \$

TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

David Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

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: _____

PRESIDING JUDGE [Signature]

Judge Code: 0101419

Sentence Date: _____

ARREST WARRANT

F- 763902

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
ROCK HILL

JUL 23 11 46 AM '98

THE STATE
against

ANTONIO GORDON

Address: VERNSDALE RD

ROCK HILL, SC 29730

Phone: _____ SSN: _____

Sex: M Race: B Height: _____ Weight: 0

State: _____ DL #: _____

DOB: 03/21/82 Agency ORI #: 04603

Prosecuting Agency: ROCK HILL POLICE DEPT

Prosecuting Officer: J. THICKENS

Offense: CRIMINAL CONSPIRACY

Code/Ordinance Sec. 16-17-410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☒ Municipality of

ROCK HILL

The accused

is to be arrested and brought before me to be

dealt with according to law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant ANTONIO GORDON
on 07-27-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROCK HILL POLICE DEPT
120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

ROCK HILL

AFFIDAVIT

Personally appeared before me the affiant J. THICKENSsaying duly sworn deposes and says that defendant ANTONIO GORDON +did within this county and state on 07/23/98 violate the criminal laws of itState of South Carolina (or ordinance of ☐ County/ ☒ Municipality of ROCK HILLin the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL CONSPIRACY 16-17-410I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:DID WILLFULLY AND UNLAWFULLY SCHEME AND CONSPIRE WITH ANOTHER TO
COMMIT THE CRIME OF ARMED ROBBERY OF ONE ERIC KRENN. THIS INCIDENT
OCCURRING IN THE 500 BLOCK OF S. JONES AVENUE WITHIN THE CITY LIMITS
OF ROCK HILL, SC. *POLICE INVESTIGATION *RECOVERY OF EVIDENCE *SWORN
STATEMENTS BY DEF., CO-DEF., AND WITNESSESSworn to and subscribed before me
on 7-27-98Signature of Issuing Judge J. Thickens (L.S.)Signature of Affiant
Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

ROCK HILL

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe
that defendant ANTONIO GORDONdid violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of ROCK HILL) as set forth below:
DESCRIPTION OF OFFENSE: CRIMINAL CONSPIRACY 16-17-410Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.Judge's Address 120 E. BLACK ST.Signature of Issuing Judge J. Thickens (L.S.)Judge Code: 0005

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

CRIMINAL CONSPIRACY

That Antonio Gordon did in York County, on or about July 23, 1998, wilfully and unlawfully unite, combine, conspire, confederate, agree and have tacit understanding with one or all of the following: Terrance McCrearey, Gary Moffatt, Monta Gordon and/or others for the purpose of committing the crime(s) of Murder, Armed Robbery and/or Carjacking, in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

FILED
CLERK OF COURT
YORK COUNTY, SC

JUN 21 9 04 AM '00

CERTIFIED TRUE COPY
LS

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

LS Pope
SOLICITOR

DOCKET NO. 98-GS-46- 2851

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

WITNESSES

RH?D/Herring

County of York

Defendant

529

COURT OF GENERAL SESSIONS

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

October 15, Term 1998

ARREST WARRANT NUMBER

F763902

THE STATE

Antonio Gordon
Defendant

VS.

ACTION OF GRAND JURY

ANTONIO GORDON

Witness:
Debra Ann Clark
C.C. PLS. AND S.

RECEIVED

Robert Freeman
Foreperson of Grand Jury

Date: 10/19/98

VERDICT

Indictment for

CRIMINAL CONSPIRACY

SC Code: 16-17-410
CDR Code: 0049

Foreperson of Petit Jury
Date:

36 00

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

Antonio Gordon

AKA: _____

Race: B Sex: M

DOB: 3-21-87

SSN: _____

DL#: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98-GS-46-2852

A/W#: F7163901

Date of Offense: 7-23-98

S.C. Code § : 16-23-30

CDR Code #: 2131614

SENTENCE

☒ PLEA ☐ TRIAL

☐ CONVICTED OF or ☐ PLEADS

In disposition of the said indictment comes now the Defendant who was
TO: Poss. Pistol Under 21

in violation of § 16-23-30 of the S.C. Code of Laws, bearing CDR Code # 2131614

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 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
[Signature]
Solicitor

[Signature]
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center
for a determinate term of Five days/months/years or ☐ under the Youthful Offender Act not to exceed _____ year
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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine: _____ \$
§ 14-1-206 - Assessments 100%..... \$
§ 14-1-211 - Surcharge..... \$ 100.00
(Exceptions: See § 14-1-211)
§ 56-5-2995 (DUI)..... \$
County (3%)..... \$
TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: James Rich

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
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: _____

[Signature]
PRESIDING JUDGE
Judge Code: 0101419
Sentence Date: _____

ARREST WARRANT

F- 763901

STATE OF SOUTH CAROLINA

County ☒ Municipality of ☐

ROCK HILL

JUL 23 11 46 AM

THE STATE

against

ANTONIO GORDON

Address: VERNSDALE RD

ROCK HILL, SC 29730

Phone: _____ SSN: _____

M _____ Race: B Height: _____ Weight: 0

Date: 03/21/82 Agency ORI #: 04603

DOB: 03/21/82 Agency ORI #: 04603

Prosecuting Agency: ROCK HILL POLICE DEPT

Prosecuting Officer: J. THICKENS

Offense: POSS. HANDGUN UNDER 21

Offense Code: 16

Code/Ordinance Sec. 16-23-30(C)

This warrant is CERTIFIED FOR SERVICE in the

☐ County ☒ Municipality of

ROCK HILL

The accused

is to be arrested and brought before me to be

dealt with according to law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to

defendant ANTONIO GORDONon 07-23-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROCK HILL POLICE DEPT

120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

AFFIDAVIT

County ☒ Municipality of ☐

ROCK HILL

Personally appeared before me the affiant J. THICKENSbeing duly sworn deposes and says that defendant ANTONIO GORDONwas within this county and state on 07/23/98State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL)

In the following particulars:

DESCRIPTION OF OFFENSE: POSSESSION OF A HANDGUN UNDER 21 16-23-30(C)

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

DID WILLFULLY AND UNLAWFULLY POSSESS A G.O.P.-4-BARREL .357 CALIBER

HANDGUN, SILVER IN COLOR, AT SIXTEEN YEARS OF AGE (DOB: 03-21-82).

THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S. JONES AVENUE WITHIN THE

CITY LIMITS OF ROCK HILL, SC. *POLICE INVESTIGATION *RECOVERY OF

EVIDENCE *SWORN STATEMENTS BY DEF., CO-DEF., AND WITNESSES

Sworn to and subscribed before me on 7-24-98Signature of Issuing Judge J. Thickens (L.S.)Signature of Affiant J. Thickens

Affiant's Address _____

Affiant's Telephone _____

STATE OF SOUTH CAROLINA

County ☒ Municipality of ☐

ROCK HILL

ARREST WARRANT

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

If appearing from the above affidavit that there are reasonable grounds to believe

that defendant ANTONIO GORDON did violate the criminal laws of the State of South Carolina (or ordinance ofCounty ☒ Municipality of ROCK HILL) as set forth below:

DESCRIPTION OF OFFENSE: POSSESSION OF A HANDGUN UNDER 21 16-23-30(C)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address 120 E. BLACK ST.Signature of Issuing Judge J. Thickens (L.S.)Judge Code: 0205

Judge's Telephone _____

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

POSSESSION OF A PISTOL BY PERSON UNDER TWENTY-ONE

That Antonio Gordon did in York County on or about July 23, 1998, unlawfully and knowingly have in his possession a pistol, said defendant being under Twenty-One (21) years of age at the time of incident, all in violation of §16-23-30, Code of Laws of South Carolina, (1976, as amended).

CERTIFIED TRUE COPY
JUN 21 9 04 AM '00
PA. 100-1101
CLERK OF COURT
YORK COUNTY, SC

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


SOLICITOR

WITNESSES

Herring/RHPPD

CC
CC
LP

ARREST WARRANT NUMBER

F763901

ACTION OF GRAND JURY

TRIPLE BILL

Robert Freeman
Foreperson of Grand Jury

Date:

10/19/98

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 98-GS-46-*2852*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 15, Term 1998

THE STATE

VS.

ANTONIO GORDON

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

Defendant

Antonio Gordon

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

Defendant

Witness:

Sandra Diggins
C.C.C. PLS. AND C.S.

Indictment for

POSSESSION OF A PISTOL BY
PERSON UNDER TWENTY-ONE

SC Code: 16-23-30(c)
CDR Code: 2364

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

MURDER

That Antonio Gordon did in York County on or about July 23, 1998, with malice aforethought, kill one Eric Peter Krenn by means of shooting with a firearm and said victim died as a result thereof, all in violation of Section 16-3-10, South Carolina Code of Laws, (1976, as amended).

**POSSESSION OF A FIREARM DURING
 THE COMMISSION OF A VIOLENT CRIME**

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

DAVID L. McTIGUE
 CLERK OF COURT
 YORK COUNTY, SC

JUN 21 9 03 AM '00

CERTIFIED TRUE COPY
 LC

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


 SOLICITOR

DOCKET NO. 98-GS-46- 2847

WITNESSES

Herring/RHPD

LS
LS

ARREST WARRANT NUMBER

Count One: F763891

Count Two: F763897

ACTION OF GRAND JURY

TRIPLE BILL

Shelley Freeman
Foreperson of Grand Jury

10/19/98

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

October 15, Term 1998

THE STATE

VS.

ANTONIO GORDON

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

Defendant

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

Antonio Gordon
Defendant

Witness:
Shelley Freeman
C.C.C. PLS. AND G.S.

MURDER

Indictment for

SC Code: 16-3-10
CDR Code: 0116

POSSESSION OF A FIREARM DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490
CDR Code: 1245

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

MURDER

That Antonio Gordon did in York County on or about July 23, 1998, with malice aforethought, kill one Eric Peter Krenn by means of shooting with a firearm and said victim died as a result thereof, all in violation of Section 16-3-10, South Carolina Code of Laws, (1976, as amended).

POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

DAVID L. HAYES
 CLERK OF COURT
 YORK COUNTY, SC

JUN 21 9 00 AM '00

CERTIFIED TRUE COPY

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


 SOLICITOR

DOCKET NO. 98-GS-46- 2847

WITNESSES

Herring/RHPD

County of York

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

Defendant

COURT OF GENERAL SESSIONS

October 15, Term 1998

THE STATE

VS.

ANTONIO GORDON

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

ARREST WARRANT NUMBER

Count One: F763891

Count Two: F763897

ACTION OF GRAND JURY

FILED
CLERK OF COURT
JULY 12 1998
COUNTY OF YORK
S. H. HARRING
For Person of Grand Jury
10/19/98

VERDICT

Indictment for

MURDER

SC Code: 16-3-10

CDR Code: 0116

POSSESSION OF A FIREARM DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 1245

For person of Petit Jury
Date:

Witness:

Deanna Morgan Clark
C.C.C. PLS. AND G.S.

Antonio Gordon
Defendant

8108

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

Antonio Gordon

AKA:

Race: B

Sex: M

DOB: 3-21-82

Age:

SSN:

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98-GS-416-2847-A

A/W#: F763897

Date of Offense: 7-23-98

S.C. Code §: 16-23-490

CDR Code #: 1121415

SENTENCE

☐ PLEA ☐ TRIAL

☐ CONVICTED OF or ☐ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Poss Firearm Comm Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 1121415

☒ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ 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:

[Signature]
Solicitor

Antonio Gordon
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center for a determinate term of FIVE (5) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ year 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 - Assessments 100% _____ \$

§ 14-1-211 - Surcharge _____ \$ 100.00

(Exceptions: See § 14-1-211) _____ \$

§ 56-5-2995 (DUI) _____ \$

County (3%) _____ \$

TOTAL _____ \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

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: _____

Plea accepted 7/16/98

Sentenced 7/17/98

PRESIDING JUDGE John C. Hayes

Judge Code: 0101419

Sentence Date: _____

ARREST WARRANT

F- 763897

STATE OF SOUTH CAROLINA

☒ County of Rock Hill Municipality of Rock Hill

 THE STATE
 against

ANTONIO GORDON

VERNSDALE RD

ROCK HILL, SC 29730

 Phone: _____ SSN: _____
 Race: B Height: _____ Weight: 0

 Date: 03/21/82 DL #: _____ Agency ORI #: 04603
 Job: ROCK HILL POLICE DEPT
Prosecuting Officer: J. THICKENSOffense: POSS FIREARM DURING COMM/V
 IOL: CRIM Offense Code: 16
Code/Ordinance Sec. 16-23-490
 This warrant is CERTIFIED FOR SERVICE in the
☐ County ☒ Municipality of ROCK HILL

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge _____ (L.S.)

RETURN

 A copy of this arrest warrant was delivered to
 defendant ANTONIO GORDON
 on 07-22-98

 Signature of Constable/Law Enforcement Officer [Signature]

RETURN WARRANT TO:

 ROCK HILL POLICE DEPT
 120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

☒ County of Rock Hill Municipality of Rock Hill

AFFIDAVIT

J. THICKENS

 Personally appeared before me the affiant
 being duly sworn deposes and says that defendant ANTONIO GORDON
07/23/98 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL)

In the following particulars:

 DESCRIPTION OF OFFENSE: POSS. FIREARM DUR COMM VIOL CRIME 16-23-490

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:
 DID WILLFULLY AND UNLAWFULLY POSSESS A FIREARM (C.O.P.-BARREL
 DERRINGER; SILVER IN COLOR) WHILE COMMITTING THE CRIME OF MURDER
 AGAINST ONE ERIC KRENN. THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S.
 JONES AVENUE WITHIN THE CITY LIMITS OF ROCK HILL, SC. *POLICE
 INVESTIGATION *RECOVERY OF EVIDENCE *SWORN STATEMENTS BY DEF.,
 CO-DEF., AND WITNESSES
Sworn to and subscribed before me on 7-24-98
 Signature of Issuing Judge [Signature] (L.S.)

 Signature of Affiant [Signature]
 Affiant's Address _____
 Affiant's Telephone _____

 STATE OF SOUTH CAROLINA
☐ County ☒ Municipality of ROCK HILL

ARREST WARRANT

 TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
 If appearing from the above affidavit that there are reasonable grounds to believe that
 defendant ANTONIO GORDON did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL) as set forth below:

 DESCRIPTION OF OFFENSE: POSS. FIREARM DUR COMM VIOL CRIME 16-23-490

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.
Judge's Address 120 E. BLACK ST.
 Signature of Issuing Judge [Signature] (L.S.)

 Judge's Telephone _____
 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

MURDER

That Antonio Gordon did in York County on or about July 23, 1998, with malice aforethought, kill one Eric Peter Krenn by means of shooting with a firearm and said victim died as a result thereof, all in violation of Section 16-3-10, South Carolina Code of Laws, (1976, as amended).

POSSESSION OF A FIREARM DURING
THE COMMISSION OF A VIOLENT CRIME

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

CERTIFIED TRUE COPY
JUN 21 9 03 AM '00
CLERK OF COURT
YORK COUNTY, SC

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

LE Page
SOLICITOR

WITNESSES

Herring/RHPD

541

ARREST WARRANT NUMBER

Count One: F763891

Count Two: F763897

ACTION OF GRAND JURY

TRUE BILL

Person of Grand Jury

10/19/98

VERDICT

Forfeiture of Petit Jury
Date:

DOCKET NO. 98-GS-46-2847

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 15, Term 1998

THE STATE

VS.

ANTONIO GORDON

Indictment for

MURDER

SC Code: 16-3-10
CDR Code: 0116

POSSESSION OF A FIREARM DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490
CDR Code: 1245

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

Defendant

Antonio Gordon

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

Antonio Gordon
Defendant

Witness:

Sharon Duggins Clark
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

AKA:

Race: B

Sex: m

DOB: 3-21-82

Age: _____

SSN: _____

DL#: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

99-GS- 446 - 2849

A/W#: F7163898

Date of Offense: 7-23-98

S.C. Code § : 16-11-330

CDR Code #: 0101216

SENTENCE

☒ PLEA ☐ TRIAL

☐ CONVICTED OF or ☐ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Attempted Armed Robbery
in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 0101216

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 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:

[Signature]
Solicitor

[Signature]
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 24 (16) 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 99-GS-46-2847

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 - Assessments 100%..... \$

§ 14-1-211 - Surcharge..... \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$

County (3%)..... \$

TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

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

Pls entered 7/16/99
Sentenced 7/19/99
PRESIDING JUDGE [Signature]
Judge Code: 0101419
Sentence Date: _____

ARREST WARRANT

F- 763898

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
 ROCK HILL

JUL 23 11 15 AM '98

 3 THE STATE
 54 against

ANTONIO GORDON

Address VERNSDALE RD

ROCK HILL, SC 29730

Phone: SSN:

Race: B Height: Weight: 0

L. State: DL #: Agency ORI #: 04603

DOB: 03/21/82

Prosecuting Agency: ROCK HILL POLICE DEPT

Prosecuting Officer: J. THICKENS

Offense: ATTEMPTED ARMED ROBBERY

Offense Code: 16

Code/Ordinance Sec. 16-11-330(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County ☒ Municipality of

ROCK HILL

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge

(L.S.)

RETURN

 A copy of this arrest warrant was delivered to
 defendant ANTONIO GORDON
 on 07-27-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 ROCK HILL POLICE DEPT
 120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of
 ROCK HILL

AFFIDAVIT

Personally appeared before me the affiant J. THICKENS

being duly sworn, deposes and says that defendant ANTONIO GORDON

did within this county and state on 07/23/98 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL)

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330(2)

X034

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

DID WILLFULLY AND UNLAWFULLY ATTEMPT TO COMMIT THE CRIME OF ROBBERY AGAINST ONE ERIC KRENN BY POINTING AND FIRING A HANDGUN AT THE VICTIM IN AN ATTEMPT TO TAKE POSSESSION OF THE VICTIM'S VEHICLE, A 1985 BMW 318. THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S. JONES AVENUE WITHIN THE CITY LIMITS OF ROCK HILL, SC. *POLICE INVESTIGATION *RECOVERY OF EVIDENCE *SWORN STATEMENTS BY DEF., CO-DEF., AND WITNESSES

Sworn to and subscribed before me on 7-27-98

Signature of Issuing Judge (L.S.)

 Signature of Affiant
 Affiant's Address
 Affiant's Telephone

STATE OF SOUTH CAROLINA

☐ County ☒ Municipality of

ROCK HILL

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that defendant ANTONIO GORDON

 did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County ☒ Municipality of ROCK HILL) as set forth below:
 DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330(2)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address 120 E. BLACK ST.

Signature of Issuing Judge

Judge Code: 0025

Judge's Telephone

 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Eric Krenn, by means of force or intimidation goods or monies of said Eric Krenn to wit: one 1985 BMW belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

**POSSESSION OF A WEAPON DURING
 THE COMMISSION OF A VIOLENT CRIME**

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

FILED
 CLERK OF COURT
 YORK COUNTY, SC

JUN 21 9 05 AM '00

CERTIFIED TRUE COPY

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

[Signature]

SOLICITOR

WITNESSES

Herring/RHPD

DOCKET NO. 98-GS-46- 2847

The State of South Carolina

County of York

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

Defendant

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

COURT OF GENERAL SESSIONS

October 15, Term 1998

ARREST WARRANT NUMBER

Count One: F763898

Count Two: Direct Indictment

THE STATE

VS.

ANTONIO GORDON

ACTION OF GRAND JURY

TRUE BILL

Person of Grand Jury
Date: 11/19/98

VERDICT

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330

CDR Code: 0026

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 1245

Foreperson of Petit Jury
Date:

Witness:
Alveda Chapman Clarke
C.C.C. PLS AND GS

Antonio Gordon
Defendant

0100

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS. Antonio Gordon

AKA: _____

Race: B Sex: m

DOB: 3-21-82 Age: _____

SSN: _____

DL#: _____

SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98 -GS- 46 - 2849-A

A/W#: DI

Date of Offense: 7-23-98

S.C. Code § : 16-23-490

CDR Code #: 1121415

SENTENCE

☐ PLEA ☐ TRIAL

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

TO: Class Firearm Comm Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 1121415

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 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: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center for a determinate term of Five (5) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ year 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.

☐ The Defendant is to be given credit for _____ days/months jail time.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine: _____ \$
§ 14-1-206 - Assessments 100%..... \$
§ 14-1-211 - Surcharge..... \$ 100.00
(Exceptions: See § 14-1-211)
§ 56-5-2995 (DUI)..... \$
County (3%)..... \$
TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
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: _____

[Signature] 7/14/99
[Signature] 7/14/99
PRESIDING JUDGE [Signature]
Judge Code: 0101419
Sentence Date: _____

CERTIFIED TRUE COPY
JUN 21 9 02 AM '00
CLERK OF COURT
YORK COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Eric Krenn, by means of force or intimidation goods or monies of said Eric Krenn to wit: one 1985 BMW belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

**POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME**

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

OFFICE OF THE
CLERK OF COURT
YORK COUNTY, SC

JUN 21 9 02 AM '00

CERTIFIED TRUE COPY

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



SOLICITOR

DOCKET NO. 98-GS-46- 2844

WITNESSES

Haring/RHPD

00
4
12

The State of South Carolina

County of York

Defendant

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

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

COURT OF GENERAL SESSIONS

October 15, Term 1998

ARREST WARRANT NUMBER

Count One: F763898

Count Two: Direct Indictment

THE STATE

VS

Antonio Gordon
Defendant

ACTION OF GRAND JURY

ANTONIO GORDON

Witness:

Shirley Morgan Clarke
C.C.C. PLS. AND C.S.



I, Antonio Gordon
person of Grand Jury
Date: 10/19/98

VERDICT

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330

CDR Code: 0026

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 1245

Forfeiture of Petit Jury

Date:

108
STATE OF SOUTH CAROLINA

549
IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

COUNTY OF York

CERTIFIED TRUE COPY

STATE

VS.

Antonio Gordon JUN 21 5 03 AM '98

98-GS-46 2850

FILE # F 763914

Date of Offense: 7-23-98

S.C. Code § : 16-11-330

CDR Code #: 0101216

SENTENCE

AKA: _____

Race: B

Sex: M

DOB: 3-21-87

SSN: _____

DL#: _____

SID#: _____

☒ PLEA ☐ TRIAL

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

TO: Attempted Armed Robbery

in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 0101216

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ 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:

[Signature]
Solicitor

Antonio Gordon
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of Ten (10) 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 - Assessments 100%..... \$

§ 14-1-211 - Surcharge..... \$

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$

County (3%)..... \$

TOTAL..... \$

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/month

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

Plea entered 7/16/98
Sentenced 7/19/98

PRESIDING JUDGE John C. Hays

Judge Code: 0101419

Sentence Date: _____

ARREST WARRANT

F- 763914

STATE OF SOUTH CAROLINA

County of ☒ Rock Hill Municipality of ☒ Rock Hill

THE STATE

against

ANTONIO GORDON

VERNSDALE RD

Address: ROCK HILL, SC 29730

Phone: 803-325-1104

Sex: M Race: B Height: 5'08 Weight: 145

Date: 03/21/82

DOB: 03/21/82 Agency ORI #: 04603

Prosecuting Agency: ROCK HILL POLICE DEPT

Prosecuting Officer: HERRING

Offense: ATTEMPTED ARMED ROBBERY

Code/Ordinance Sec. 16-11-330 (2)

This warrant is CERTIFIED FOR SERVICE in the County of ☒ Rock Hill Municipality of ☒ Rock Hill

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant ANTONIO GORDON on 7/23/98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROCK HILL POLICE DEPT
120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

County of ☒ Rock Hill Municipality of ☒ Rock Hill

AFFIDAVIT

Personally appeared before me the affiant L.R. HERRINGbeing duly sworn deposes and says that defendant ANTONIO GORDON did within this county and state on 07/23/98State of South Carolina (or ordinance of ☒ County of ☒ Rock Hill Municipality of ☒ Rock Hill) violate the criminal laws of the

In the following particulars:

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330 (2)

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

DID WILFULLY AND UNLAWFULLY ATTEMPT TO COMMIT THE CRIME OF ROBBERY AGAINST ONE CHRISTOPHER DIAZ BY POINTING A FIREARM AT HIM, WHILE ATTEMPTING TO TAKE VICTIM'S MONEY. THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S. JONES AVE. WITHIN THE CITY LIMITS OF ROCK HILL, S.C. *POLICE INVESTIGATION. *RECOVERY OF EVIDENCE. *SWORN STATEMENTS.

Sworn to and subscribed before me

on 7/24/98Signature of Issuing Judge L.R. HERRING (L.S.)Affiant's Telephone 803-329-7200Signature of Affiant AllenAffiant's Address 120 E. BLACK STREET

STATE OF SOUTH CAROLINA

County of ☒ Rock Hill Municipality of ☒ Rock Hill

ARREST WARRANT

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

If appearing from the above affidavit that there are reasonable grounds to believe that defendant ANTONIO GORDON did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County of ☒ Rock Hill Municipality of ☒ Rock Hill) as set forth below:

DESCRIPTION OF OFFENSE: ATTEMPTED ARMED ROBBERY 16-11-330 (2)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address

Signature of Issuing Judge L.R. HERRING (L.S.)

Judge's Telephone

Signature of Affiant AllenIssuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Christopher Diaz, by means of force or intimidation goods or monies of said Christopher Diaz to wit: currency belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina, (1976, as amended).

**POSSESSION OF A WEAPON DURING
 THE COMMISSION OF A VIOLENT CRIME**

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

DEPT. OF PROBATION
 CLERK OF COURT
 YORK COUNTY, SC

JUN 21 9 03 AM '00

CERTIFIED TRUE COPY

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


 SOLICITOR

WITNESSES

Harring/RHPD

2

5

ARREST WARRANT NUMBER

Count One: F763914

Count Two: Direct Indictment

ACTION OF GRAND JURY

RETURNED

For person of Grand Jury

Date:

10/19/98

VERDICT

For person of Petit Jury

Date:

WVNCEN NV 98-655-46-

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 15, Term 1998

THE STATE

VS.

ANTONIO GORDON

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330

CDR Code: 0026

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 1245

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

Defendant

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

Antonio Gordon
Defendant

Witness:
Glenn Higgins (Wicket)
C.C.P.S. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

AKA: Antonio Gordon

Race: B

Sex: m

DOB: 3-21-82

Age: 17

SSN:

DL#:

SID#:

553
IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98 -GS- 46 - 2850-A

A/W#: DI

Date of Offense: 7-23-98

S.C. Code § : 16-23-490

CDR Code #: 1121415

SENTENCE

☐ PLEA ☐ TRIAL

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

TO: Pass Freeman Comm Violent Crime
in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 1121415

☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 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:

John C. Canty
Solicitor

Antonio Gordon
Defendant

De O. O.
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 171/2 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.

☐ The Defendant is to be given credit for days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 - Assessments 100% \$

§ 14-1-211 - Surcharge 100% \$

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI) \$

County (3%) \$

TOTAL 100% \$

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP
 days/hours Public Service Employment
Obtain GED
Attend Voc Rehab. or Job Corps
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:

Plea entered 7/16/99
Sentenced 7/16/99
PRESIDING JUDGE John Hays
Judge Code: 0101419
Sentence Date: 7/19/99

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Antonio Gordon did in York County on or about July 23, 1998, while armed with a deadly weapon, attempt to feloniously take from the person or presence of Christopher Diaz, by means of force or intimidation goods or monies of said Christopher Diaz to wit: currency belonging to said victim, all in violation of §16-11-330, Code of Laws of South Carolina; (1976, as amended).

**POSSESSION OF A WEAPON DURING
 THE COMMISSION OF A VIOLENT CRIME**

That Antonio Gordon did in York County on or about July 23, 1998, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to wit: Attempted Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

FILED IN 1998
 CLERK OF COURT
 YORK COUNTY, SC

JUN 21 9 02 AM '00

CERTIFIED TRUE COPY

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


 SOLICITOR

DOCKET NO. 98-GS-46- 2820

WITNESSES

1. Calling/RHPD

The State of South Carolina

County of York

10
11
12

COURT OF GENERAL SESSIONS

October 15, Term 1998

ARREST WARRANT NUMBER

Count One: F763914

Count Two: Direct Indictment

Antonio Gordon
Defendant

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

Defendant

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

THE STATE

VS.

ANTONIO GORDON

ACTION OF GRAND JURY

TRUE BILL

Antonio Gordon
Person of Grand Jury
10/19/98

VERDICT

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: 16-11-0330

CDR Code: 0026

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490

CDR Code: 1245

Foreperson of Petit Jury
Date:

1005
STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

Antonio Gordon

AKA:

Race: B

Sex: m

DOB: 3-21-82

Age: _____

SSN: _____

DL#: _____

SID#: _____

556
IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98 -GS- 46 - 2851

A/W#: F7163902

Date of Offense: 7-23-98

S.C. Code § : 16-17-410

CDR Code #: 0101419

SENTENCE

☒ PLEA

☐ TRIAL

☐ CONVICTED OF or ☐ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Crim Conspiracy

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0101419

☒ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ 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:

[Signature]
Solicitor

Antonio Gordon
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center for a determinate term of 90 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 - Assessments 100%..... \$

§ 14-1-211 - Surcharge..... \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$

County (3%)..... \$

TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Samuel Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

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: _____

[Signature]
PRESIDING JUDGE

Judge Code: 0101419

Sentence Date: _____

Pink - Defendant

ARREST WARRANT

F- 763902

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 ROCK HILL

JUL 23 11 45 AM '98

THE STATE

against

L2
L5

ANTONIO GORDON

VERNSDALE RD

ROCK HILL, SC 29730

Phone: _____ SSN: _____

Sex: M Race: E Height: _____ Weight: 0

State: _____ DL #: _____ Agency ORI #: 04603

JOB: 03/21/82

Prosecuting Agency: ROCK HILL POLICE DEPT

Prosecuting Officer: J. THICKENS

Offense: CRIMINAL CONSPIRACY

Code/Ordinance Sec. 16-17-410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

ROCK HILL

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge _____

(L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant ANTONIO GORDON on 07-27-98

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:

ROCK HILL POLICE DEPT
120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 ROCK HILL

AFFIDAVIT

Personally appeared before me the affiant J. THICKENSbeing duly sworn deposes and says that defendant ANTONIO GORDON +did within this county and state on 07/23/98 violate the criminal laws of theState of South Carolina (or ordinance of ☐ County/ ☒ Municipality of ROCK HILL)

In the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL CONSPIRACY 16-17-410

X0049

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

DID WILLFULLY AND UNLAWFULLY SCHEME AND CONSPIRE WITH ANOTHER TO COMMIT THE CRIME OF ARMED ROBBERY OF ONE ERIC KRENN. THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S. JONES AVENUE WITHIN THE CITY LIMITS OF ROCK HILL, SC. *POLICE INVESTIGATION *RECOVERY OF EVIDENCE *SWORN STATEMENTS BY DEF., CO-DEF., AND WITNESSES

Sworn to and subscribed before me on 7-24-98Signature of Issuing Judge J. Thickens (L.S.)

Signature of Affiant _____

Affiant's Address _____

Affiant's Telephone _____

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 ROCK HILL

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that defendant ANTONIO GORDON did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of ROCK HILL) as set forth below:

DESCRIPTION OF OFFENSE: CRIMINAL CONSPIRACY 16-17-410

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge J. Thickens (L.S.)Judge's Address 120 E. BLACK ST.Judge Code: 5005

Judge's Telephone _____

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

CRIMINAL CONSPIRACY

That Antonio Gordon did in York County, on or about July 23, 1998, wilfully and unlawfully unite, combine, conspire, confederate, agree and have tacit understanding with one or all of the following: Terrance McCrearey, Gary Moffatt, Monta Gordon and/or others for the purpose of committing the crime(s) of Murder, Armed Robbery and/or Carjacking, in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

FILED
CLERK OF COURT
YORK COUNTY, SC

JUN 21 9 04 AM '00

CERTIFIED TRUE COPY

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

LS Pope
SOLICITOR

WITNESSES

RH2D/Herring

553

ARREST WARRANT NUMBER

F763902

ACTION OF GRAND JURY

Antonio Gordon

Person of Grand Jury
Date: 10/19/98

VERDICT

Foreperson of Petit Jury
Date

DOCKET NO. 98-GS-46- 2851

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

October 15, Term 1998

THE STATE

VS.

ANTONIO GORDON

Indictment for

CRIMINAL CONSPIRACY

SC Code: 16-17-410
CDR Code: 0049

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

Defendant

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

Antonio Gordon
Defendant

Witness:
Shirley Ann Clark II
C.C. PLS. AND S.

STATE OF SOUTH CAROLINA

COUNTY OF Clark

STATE

VS.

Antonio Gordon

AKA:

Race: B

Sex: m

DOB: 3-21-80

Age: 18

SSN: 5

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98-GS-46-2852

A/W#:

F7163901

Date of Offense:

7-23-98

S.C. Code §:

16-23-30

CDR Code #:

2131614

SENTENCE

☒ PLEA

☐ TRIAL

☐ CONVICTED OF or ☐ PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Poss. Pistol Under 21

in violation of § 16-23-30 of the S.C. Code of Laws, bearing CDR Code # 2131614

☒ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ 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:

John C. Catlett
Solicitor

Antonio Gordon
Defendant

De J. [Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center for a determinate term of FIVE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ year 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.

☐ The Defendant is to be given credit for _____ days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 - Assessments 100%..... \$

§ 14-1-211 - Surcharge..... \$ 100.00

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI)..... \$

County (3%)..... \$

TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Janet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

payments of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

Pls. executed 7/16/98
Sentenced 7/19/98
OK [Signature]
PRESIDING JUDGE

Judge Code: 0101419

Sentence Date: _____

ARREST WARRANT

F- 763901

STATE OF SOUTH CAROLINA

County of ROCK HILL Municipality of ROCK HILL

JUN 29 11 45 AM

THE STATE
against

ANTONIO GORDON

VERNSDALE RD

ROCK HILL, SC 29730

Phone:

SSN:

Date:

Race:

Height:

Weight:

DOB:

Agency ORI #:

Prosecuting Agency:

Prosecuting Officer:

Offense:

Code/Ordinance Sec.:

Offense Code:

This warrant is CERTIFIED FOR SERVICE in the

County of ROCK HILL Municipality of ROCK HILL

The accused

is to be arrested and brought before me to be

dealt with according to law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant ANTONIO GORDON
on 07-23-98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROCK HILL POLICE DEPT
120 EAST BLACK STREET

ROCK HILL SC 29730

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of ROCK HILL Municipality of ROCK HILLPersonally appeared before me the affiant J. THICKENSbeing duly sworn deposes and says that defendant ANTONIO GORDONdid within this county and state on 07/23/98State of South Carolina (or ordinance of ROCK HILL County) Municipality of ROCK HILL

in the following particulars:

VIOLATE THE CRIMINAL LAWS OF THE

DESCRIPTION OF OFFENSE: POSSESSION OF A HANDGUN UNDER 21 16-23-30(C)

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

DID WILLFULLY AND UNLAWFULLY POSSESS A G.O.P. 4-BARREL .357 CALIBER

HANDGUN, SILVER IN COLOR, AT SIXTEEN YEARS OF AGE (DOB: 03-21-82).

THIS INCIDENT OCCURRING IN THE 500 BLOCK OF S. JONES AVENUE WITHIN THE

CITY LIMITS OF ROCK HILL, SC. *POLICE INVESTIGATION *RECOVERY OF

EVIDENCE *SWORN STATEMENTS BY DEF., CO-DEF., AND WITNESSES

Sworn to and subscribed before me

on 7-24-98Signature of Affiant J. Thicken

Affiant's Address

Signature of Issuing Judge

(L.S.)

Affiant's Telephone

STATE OF SOUTH CAROLINA

County of ROCK HILL Municipality of ROCK HILL

ARREST WARRANT

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

If appearing from the above affidavit that there are reasonable grounds to believe that

defendant ANTONIO GORDONdid violate the criminal laws of the State of South Carolina (or ordinance of ROCK HILL County)DESCRIPTION OF OFFENSE: POSSESSION OF A HANDGUN UNDER 21 16-23-30(C)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before

me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the

defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address 120 E. BLACK ST.

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ CircuitJudge Code: ADDS

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on October 15, 1998 the Grand Jurors of York County present upon their oath:

POSSESSION OF A PISTOL BY PERSON UNDER TWENTY-ONE

That Antonio Gordon did in York County on or about July 23, 1998, unlawfully and knowingly have in his possession a pistol, said defendant being under Twenty-One (21) years of age at the time of incident, all in violation of §16-23-30, Code of Laws of South Carolina, (1976, as amended).

CERTIFIED TRUE COPY
JUN 21 9 04 AM '00
CLERK OF COURT
YORK COUNTY, SC

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



SOLICITOR

DOCKET NO. 98-GS-46-2852

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

WITNESSES

Herring/RHPD

County of York

Defendant

99
10

Antonio Gordon

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

COURT OF GENERAL SESSIONS

October 15, Term 1998

ARREST WARRANT NUMBER

F763901

Antonio Gordon
Defendant

THE STATE

VS.

Witness:
Deana Dianna West
C.C. PLS. AND C.G.

ACTION OF GRAND JURY

ANTONIO GORDON

TRUE BILL

Deana Dianna West
person of Grand Jury
Date: 10/19/98

VERDICT

Indictment for

POSSESSION OF A PISTOL BY
PERSON UNDER TWENTY-ONE

Foreperson of Petit Jury
Date:

SC Code: 16-23-30(c)
CDR Code: 2364

564

DMT1330D
JMCOMITA
SCDC# > 7259798
BORDON, ANTONIO -

SCDC OFFENDER MANAGEMENT SYSTEM
RELEASE DATE SCREEN

08/15/00
C023981

LOC: KERSHAW
OFFENDER CATEGORY: VIOLENT
CURR SENT SERVING CAT: VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR...: NOT APP
TOTAL SENTENCE...: 040-00-000 CONSECUTIVE SENTENCE...: Y
CURRENT SENTENCE: 040-00-000 CURRENT SENT START DATE: 07/23/1998

PROJECTED COMPLETION DATES

MAXOUT DATE: 01/11/2037 CURRENT EWC ..: NOT CURRENTLY EARNING EWC
YOA SIX YEAR DATE: / / CURRENT EEC ..: 5F
INITIAL PAROLE DATE: 0/ 0/ 0 0 NEXT PAROLE HEARING DATE: 0/ 0/ 0 0

TOTAL GT DAYS EARNED: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ...: 000000 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS: 000105 OFFENSE > CAT 3
TOTAL EXTRA EARNED CREDITS ..: 000
TOTAL SERVICE TIME EARNED ...: 000742

PFKEYS: 5: HISTORY OF DATE CHANGES

565

MTI100D SCDC OFFENDER MANAGEMENT SYSTEM
MCOMITA COMMITMENT APPLICATION
CDC# 9259798 CONVICTION SUMMARY

08/15/00
C023981

GORDON, ANTONIO -

FFENDER TYPE: ADULT-STRAIGHT SENTENCE

CURR LOC: KERSHAW

OFFENDER CATEGORY: VIOLENT

CURR SENT SERVING CAT: VIOLENT

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	PROJ	COMP	STAT	IND
		YRS	MO	DYS	DATE	START			
* S00006	ATTEMPTED ARMED ROBB	010	00	000	07/19/99	07/19/99	01/11/2037	ACT	V
S00005	FIREARMS PROVISION	005	00	000	07/19/99	07/23/98	07/22/2003	ACT	N
S00004	POSSESSION OF WEAPON	005	00	000	07/19/99	07/23/98	08/06/2001	ACT	N
S00003	CRIMINAL CONSPIRACY	005	00	000	07/19/99	07/23/98	08/06/2001	ACT	N
S00002	ATTEMPTED ARMED ROBB	010	00	000	07/19/99	07/23/98	01/19/2007	ACT	V
S00001	MURDER	030	00	000	07/19/99	07/23/98	07/15/2028	ACT	V

PAGE:00001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/REVOKE PF6-DISPLAY CONSEC PF9-DETAIN PF12-SUMREPT

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECORD SUMMARY REPORT DATED 08/11/00

SMITH

ORDON, ANTONIO - FBI # 162429LB4 SID# SC01274377 SCDC # 259798

FENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ... KERSHAW CORR INST

SECURITY/CUST.: 3 MEDIUM

IT. INCARC SENT....: 40 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES

SOCIAL SECURITY #....: ---

DORM.....: SE0004T

RACE.....: B SEX....: M

PROJ MAXOUT DATE: 01/11/2037

PROJ PAROLE DATE: 00/00/0000

EWC JOB...: NO CURRENT JOB

EDUC PGM.: H.S. ACADEMIC

EWC LEVEL: 0 EEC LEVEL: 5F

ASSIGNMENT...: EDUC DEPT. ACADEMIC

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 18 DATE OF BIRTH...: 3/21/82

PREVIOUS NUMBERS:

* NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE		
	YRS	MOS	DYS		START	V/NV	CATEGORY
ATTEMPTED ARMED ROBBERY	10	0	0	YORK	7/19/1999	V	4
FIREARMS PROVISION	5	0	0	YORK	7/23/1998	N	3
POSSESSION OF WEAPON	5	0	0	YORK	7/23/1998	N	3
CRIMINAL CONSPIRACY	5	0	0	YORK	7/23/1998	N	2
ATTEMPTED ARMED ROBBERY	10	0	0	YORK	7/23/1998	V	4
MURDER	30	0	0	YORK	7/23/1998	V	5

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

DETAINERS (HOLD, WANTED, NOTIFY):

NO DETAINERS

SCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

7/25/0	INCITING/CREATING A DIST	PENDING	MAJOR
7/25/0	USE OBSCENE, VULGAR, PROFA	PENDING	MAJOR
6/27/0	VIOLATIONS WRITE/POST IN	CONVICTED	MINOR
6/27/0	USE OBSCENE, VULGAR, PROFA	CONVICTED	MINOR
6/ 8/0	VIOLATIONS WRITE/POST IN	CONVICTED	MINOR
6/ 8/0	REFUSING OR FAILING OBEY	CONVICTED	MINOR
6/ 8/0	OUT OF PLACE	CONVICTED	MINOR
5/15/0	USE OBSCENE, VULGAR, PROFA	CONVICTED	MINOR
5/15/0	INCITING/CREATING A DIST	CONVICTED	MINOR
5/ 6/0	REFUSING OR FAILING OBEY	CONVICTED	MINOR
5/ 6/0	OUT OF PLACE	CONVICTED	MINOR
3/27/0	REFUSING TO WORK	CONVICTED	MINOR
3/27/0	REFUSING OR FAILING OBEY	CONVICTED	MINOR
3/ 7/0	VIOLATIONS WRITE/POST IN		OTHER
2/ 4/0	VIOLATIONS WRITE/POST IN	CONVICTED	MINOR
1/30/0	IN LIVING QUARTERS W/OUT	DROPPED	MINOR
1/30/0	REFUSING OR FAILING OBEY	DROPPED	MINOR
11/10/99	REFUSING OR FAILING OBEY	CONVICTED	MINOR
9/26/99	FIGHTING WITHOUT A WEAPON	DROPPED	MAJOR
8/31/99	USE OBSCENE, VULGAR, PROFA	CONVICTED	MINOR

HISTORY OF MOVEMENTS:

3/ 2/0	KERSHAW	INCARCERATED	ADMINISTRATIVE
3/ 2/0	KIRKLAND	INCARCERATED	MEDICAL
8/ 5/99	KERSHAW	INCARCERATED	ADMINISTRATIVE
7/19/99	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

567

ORDON, ANTONIO - FBI # 162429LB4 SID# SC01274377 SCDC # 259798 (CONTINUED)

DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
-------------	------------	----------	--------------------	---------

NO WORK ASSIGNMENTS *

ISTORY OF EARNED EDUCATION CREDITS:

DESCRIPTION	START DATE	END DATE	TERMINATION REASON
VL 5 - FULL TIME(NO EWC)	07/06/00	0/ 0/ 0	
VL 3 - FULL TIME(NO EWC)	08/11/99	7/ 5/ 0	CUSTODY REVIEW

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

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF YORK	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
	)	2000-CP-46-1414
	)	
Antonio Gordon, #259798,	)	
	)	
Applicant,	)	
	)	
vs.	)	CONSENT ORDER CHANGING VENUE
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

This matter comes before the Court by way of an Application for Post-Conviction Relief filed June 15, 2000. The Respondent made its Return on May 2, 2001.

This matter is presently before the Court to change venue in order to conduct the PCR hearing. The trial judge in this matter was the Honorable John C. Hayes, III. The other judge for the Sixteenth Circuit, the Honorable Lee S. Alford, has recused himself due to a conflict. Judge Alford heard oral arguments and ruled on discovery issues in the Applicant's case before his trial occurred. Because both judges for the Sixteenth Circuit are unable to hear this case, this case should be transferred to Richland County for the PCR hearing in order for the case to be heard in a more timely manner.

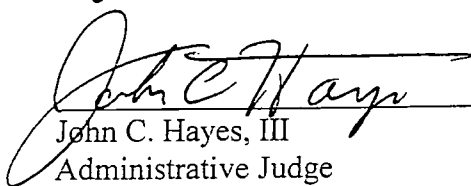
It appearing that counsel for both parties as well as the Applicant consent to the change of venue this Application for Post-Conviction Relief is transferred to Richland County for the sole purpose of conducting the PCR hearing. The Applicant further agrees to allow Judge Hayes to sign this Order for Change of Venue in his capacity as Administrative Judge for the Sixteenth Judicial Circuit even though he was the actual trial judge




IT IS THEREFORE ORDERED:

1. That this case is transferred from York County to Richland County for the sole purposes of conducting the PCR hearing; and
2. That this case will remain as a Sixteenth Circuit PCR for the purposes of filing pleadings and other documents because the county of conviction is York County.

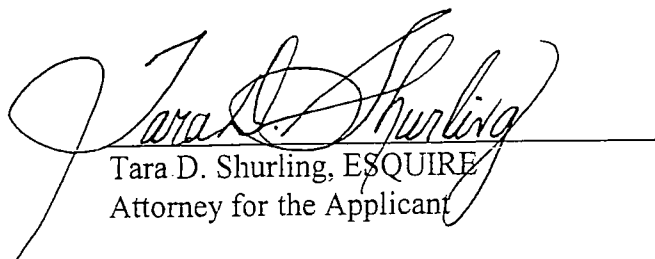
AND IT IS SO ORDERED this 26th day of June, 2003.

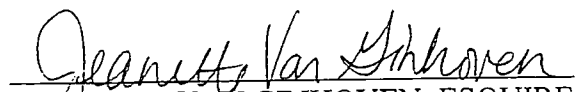

John C. Hayes, III
Administrative Judge
Sixteenth Judicial Circuit

June 26th, South Carolina.

WE CONSENT:


Applicant


Tara D. Shurling, ESQUIRE
Attorney for the Applicant


JEANETTE VAN GINHOVEN, ESQUIRE
Attorney for the Respondent

570

Sum

State of South Carolina
County of York

Antonio Gordon # 259793
Petitioner

v.

State of South Carolina
Respondent

In The Court of Common Pleas
Sixteenth Judicial Circuit

Case No. 2000-CP-46-1414

Motion To Reopen / vacate Judgment

To S.C.R. Civ. Proc. Rule 60

FILED-RECEIVED
2015 APR 24 AM 10:45
DAVID H. BENTLEY
C.C.P. & S.S.
YORK COUNTY, SC

1008

Now Comes Antonio Gordon, the Petitioner in the above captioned matter respectfully
moves this Honorable Court to Reopen / vacate Judgment Pursuant to S.C.R. Civ. Proc. Rule 60
(a) (5). In Support of this motion, the Petitioner would show unto this Court the following:

Statement of the Facts

The Petitioner filed a Post-conviction Relief Application June 1, 2000. Antonio Gordon v. State,
Case No. 2000-CP-46-1414. In the application Gordon asserted "Ineffective Assistance of Counsel
Pursuant to Family Court matters". During the Pendency of (1414), Gordon filed a second Post-Conviction
Relief Application. Antonio Gordon v. State, Case No. 2000-CP-46-1326. In the application Gordon
asserted "Lack of Subject matter Jurisdiction" (Failure of Family Court to relinquish its Jurisdiction
over his Person). See Exhibit (3) Page 409. Gordon Amended the Jurisdiction claim at Exhibit (5) Page
410 and asserted a "Constitutional challenge to S.C. Code Ann § 20-7-2605 (1) (Supp. 1993) title Define
a "child" statutory".

The Respondent made its return on May 2, 2001. An evidentiary hearing into the matter was convened
on July 14, 2003, at the Richland County Courthouse. The Parties agreed to change venue from York
County to Richland County Pursuant to the Consent order changing venue signed by the Honorable John
C. Hanes, III. Due to "Conflicts" with the Judges in the Sixteenth Circuit, this case was transferred
to the Fifth Circuit in order to conduct the PCR hearing in a more timely manner. The Petitioner
was Present at the hearing and was represented by Tara D. Shurhazese. The Respondent was
represented by Jeanette Van Ginhoven of the South Carolina Attorney General office.

At the hearing Counsel Shurhazese represented to the Court at Page 444 line 15-24 of
Attachment (d) (2003 PCR Transcript):

Your Honor, MY client also alleges that his indictment is faulty in that
he was indicted by the Court of General Sessions and tried as an adult

Final The two applications was merged together.

petition of habeas corpus in the Circuit Court of South Carolina.
Attachment (c) (Order of dismissal dated April 30, 2007, filed June 1, 2007,
Page 5).

PM/MB

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Petitioner filed a S.C.S. Civ. Proc. Rule 20 (b) motion from the order filed June 1, 2007, on August 9, 2007.
motion granted January 31, 2008. See FRI.

On December 14, 2008, Gordon filed another PCR and reasserted the claims and ineffective assistance of counsel (PCR) in the initial review collateral proceeding, Antonio Gordon v. State, Case No. 2008-CP-46-4451. A hearing was convened on December 1, 2009; the Presiding Judge specifically stated that he was not going to rule on the merits of the Petitioner's issues:

It doesn't make any difference whether an attempt was made and he doesn't agree with the way it was raised. It doesn't make any difference counsel. That's not a ground for a subsequent PCR application; he didn't like the way it was raised or not raised, and that's the attorney - his attorney at a prior PCR hearing should have done this, that, and the other.

... That's not a ground for [a] successive application.

In a written order filed January 25, 2010, the Presiding Judge dismissed as being successive and time barred. The remittitur from the appeal was issued on April 14, 2010.

On July 1, 2010, the Petitioner filed a writ of habeas corpus in the S.C. Supreme Court, Antonio Gordon v. State of S.C., Petition for a writ of habeas corpus, S.C. Ct. July 1, 2010. In the Petition Gordon asserted Jurisdiction from Family Court was not transferred so that he attempted to raise the claim but PCR Counsel withdrawn the claim and the (PCR) Court misconstrued the child waiver issues. On July 21, 2010, the Supreme Court dismissed Pursuant to Jimpton v. State, 495 S.E.2d 429 (1993).

After not being able to have his Juvenile "(Jurisdiction)" claims exhausted in the lower court after requesting to dismiss his timely federal habeas corpus, Gordon filed a "second" federal habeas corpus and reasserted the Juvenile "(Jurisdiction)" claim under the "Sixth Amendment" argument as Counsel in PCR (1414) and asserted due to ineffective assistance of Counsel, (PCR) Counsel in the initial review collateral proceeding entitled him to Equitable Tolling. The Fourth Circuit Court of Appeals rejected Gordon's contention stating he did not have a Sixth Amendment constitutional right to PCR Counsel citing Mackall v. Anderson, 131 F.3d 412, 447 (4th Cir. 1997). Antonio Gordon v. Leroy Cortez, Petitioner, Case No. 3:10-2573-MAS-JDA, (Dismissed May 16, 2012).

Gordon returning back to state court filed a writ of mandamus in the S.C. Supreme Court and asked the Court to vacate the judgement in (1414). Dismissed Pursuant to Key v. Currier, 406 S.E.2d 350 (1990) in a order issued February 4, 2014. Antonio Gordon v. State, Appellate Case No. 2013-002212, Attachment (c).

Gordon then filed a second writ of mandamus in the Supreme Court with an injunctive compelling General Sessions to vacate its Judgment and remand case to the proper Jurisdiction of Family Court. The Court dismissed Pursuant to Ray v. Carrier/Juma, in a order issued February 24, 2014 Antonio Gordon v. State, Appellate Case No: 2014-000092.

Gordon then filed a motion to vacate I withdrew the void guilty plea Judgment in the General Sessions Court and to have the Judge to Place it in his General Sessions file. Attachment (A).

Despite the numerous of filings by Gordon over the years in an attempt to have their claims adjudicated that was attached to his "Original and amended" application that he asked his PCR counsel to assert and present to no avail, See FN3, this "Extrinsic fraud upon him and the Court" has recently come to light when "the" Court would hear Gordon's claims that he asked counsel to present that was attached to his "Original and amended" application. Gordon also assert due to his limited IQ of 65 this "Extrinsic fraud upon him and the Court" could not have previously been discovered in a reasonable time, See FN4, therefore, Petitioner have filed his Rule 60(b)(5), motion within a "reasonable time". Evans v. Bunker 535 S.E.2d 44, 46 (1993), and the Judgment should be reopened and or vacated Pursuant to Hoot v. Pruitt/Juma and Evans v. Bunker/Juma.

Conclusion

It is respectfully asked that this Honorable Court grant Petitioner's Rule 60(b)(5) motion and reopen and or vacate the Judgment to correct a gross miscarriage of Justice.

this 13th day of April, 2015:

Antonio Gordon

Antonio Gordon #259793

4843 Goldmine Hwy

Kershaw SC 29067

FN3 Petitioner asserts he has been denied his Fundamental Constitutional Right First Amendment right to Petition the State of South Carolina for a redress of grievance and deprived his "one full bite at the apple" as these "similarly situated" in violation of his fundamental constitutional right to Equal Protection of the law under 14th Const Art I, 13 and the 14th Amendment to the United States Const.

FN4 In the record before the Court Doctor Jonathan Venn testified to Petitioner's limited IQ of 65 and reading level at a third grade percentage in that he's very suggestive, see Exhibit (4) Page 304 line 4 - Page 305 line 30 - with Bulfinch counsel testifying at Attachment (d) Page 441 line 31-33, he tried to be very careful and time he spoke with Gordon even during negotiation, during the long day of Pretrial hearing, then at Page 455 line 18-26 he further testified, "I'm not trying to be unfair on anything else but he is not, and he has some deficits". "After" PCR counsel "waived" Gordon's claims and represented the "Sixth Amendment" claim to the (PCR) Court that was totally in conflict with the claim he asked her to present in his "Original and amended" application, she questioned him at Attachment (d) Page 455 line 5 Page 456 line 2 as to whether or not she'd raised all his claims and he answered (Yes), which clearly demonstrate Doctor Venn's opinion and trial Counsel's testimony which prohibited Gordon from discovering the "Extrinsic fraud upon him and the Court" in a reasonable time.

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5/4/14

State of South Carolina
County of York

Antonio Gordon # 259793
Petitioner,

v.

State of South Carolina,
Respondent.

In The Court of Common Pleas
Sixteenth Judicial Circuit

Case No: 2000-CP-46-1414

Motion To Reopen / Vacate Judgment

To S.C. R. Civ. Proc. Rule 60

FILED - RECEIVED
2015 APR 24 AM 10:45
DAVID H. HARRIS
C.C.P. & C.S.
YORK COUNTY, S.C.

1008

Now Comes Antonio Gordon, the Petitioner in the above captioned matter respectfully
moves this Honorable Court to Reopen / vacate Judgment Pursuant to S.C. R. Civ. Proc. Rule 60
(a) (5). In Support of this motion, the Petitioner would show unto this Court the following:

Statement of the facts

The Petitioner filed a Post-conviction Relief Application June 1, 2000. Antonio Gordon v. State,
Case No: 2000-CP-46-1414. In the application Gordon asserted "Ineffective Assistance of Counsel
Pursuant to Family Court matters". During the pendency of (1414), Gordon filed a second Post-Conviction
Relief Application, Antonio Gordon v. State, Case No: 2000-CP-46-1806. In the application Gordon
asserted "lack of subject matter Jurisdiction" (Failure of Family Court to relinquish its Jurisdiction
over his person). See Exhibit (3) Page 409. Gordon Amended the Jurisdiction claim at Exhibit (5) Page
440 and asserted a "constitutional challenge to S.C. Code Ann § 20-7-2105(D) (Supp. 1993) title Define
a "child" statutory".

The Respondent made its return on May 2, 2001. An evidentiary hearing into the matter was convened
on July 14, 2000, at the Richland County Courthouse. The Parties agreed to change venue from York
County to Richland County Pursuant to the Consent order changing venue signed by the Honorable John
C. Harbo, III, due to "Conflicts" with the Judges in the Sixteenth Circuit, this case was transferred
to the Fifth Circuit in order to conduct the PCR hearing in a more timely manner. The Petitioner
was Present at the hearing and was represented by Tara D. Shurhagaresa. The Respondent was
represented by Jeanette Van Ginhoven of the South Carolina Attorney General office.

At the hearing Counsel Shurhagaresa represented to the court at page 444 line 15-24 of
Attachment (d) (2000 PCR Transcript):

Your Honor, My client also alleges that his indictment is faulty in that
he was indicted by the Court of General Sessions and tried as an adult

For The two applications was merged together.

without trial counsel having -- and this is actually more of a sixth Amendment argument; although my client has couched it in terms of "(Lack of Subject Matter Jurisdiction)" -- that trial counsel never made a concerted effort as an advocate to convince the Solicitor's Office to exercise its discretion under Section 20-7-1605 to have his case remanded to the Family Court.

Then at Attachment (d) Page 445 line 23 through Page 446 line 1, Counsel informed the Court:

And it is his Position, Your Honor, "although he has once again in his Amendments that he has "Lashed" me to [Present], he couched this in terms of Subject Matter Jurisdiction", but it is really a sixth Amendment argument.

The Court ruled on the "Jurisdiction" claim under the Sixth Amendment analysis in finding that General Sessions had Jurisdiction under the same Section 20-7-1605 (1), Gordon alleged was unconstitutional in his Amended Application at Exhibit (5) Page 420. See Attachment (d) (v) Order of dismissal Page 500 claim 5).

Argument

A Judgment may be set aside on the ground of fraud only if the fraud is "Extrinsic" and not "intrinsic". Haas v. Smith, 519 S.E.2d 714 (2000). Extrinsic fraud is collateral or external to the trial of the matter. Haas, supra. It is fraud that induces a person not to present a case or deprives a person of the opportunity to be heard. Haas, supra.

The general rule is that fraud must be proven by clear and convincing evidence. First State Savings and Loan v. Phelps, 249 S.C. 441, 385 S.E.2d 331 (1989). Fraud upon the court is a "Serious allegation... involving corruption of the Judicial Process itself". Cleveland Demolition Co., Inc. v. Azon Scrap Corp, 837 F.2d at 916 Quoting In re Whitney - Forbes, 776 F.2d 642, 643 (7th Cir. 1985).

In the instant case, Petitioner attached to his "original and amended" application a "(Jurisdiction)" claim at Exhibit (5) Page 404 amended at Exhibit (5) Page 420 which therein he asserted a Constitutional challenge to Section 20-7-1605 (1) and asked counsel to present it. See Attachment (d) Page 445 line 23 - Page Page 446 line 1, but counsel in the "Emiddle" of the record at Attachment (d) Page 444 line 15-24, "waived" his claims and then presented a "Sixth Amendment" claim. This constituted a "waiver" of his statutory right also and to assert and present his claims in his timely "original and amended" application under Section 17-27-90 as those "similarly situated".

Petitioner asserts his case is similar to Davis v. Davis, 336 S.C. 377 (S.C. 1900) where the Court vacated a decree and held: "the mistake here was on the part of appellant and his Counsel rather than respondent; the relevant, in retaining and not filing respondent's answer, and in representing to the Court that she was in default. This reasonably may be held to have been extrinsic fraud upon her and upon the Court. Cf. Bryan v. Bryan, 320 S.C. 104, 106 S.E.2d 604. We add that the record indicates that it was a bona fide mistake of Counsel and, therefore, constructive, rather than actual fraud".

In the case Sub Judge (PCB) Counsel in the [middle] of the record "waived" Petitioner's statutory right under section 17-27-40 to Present his claims that was attached to his "original and amended" application and "waived" his (Jurisdiction) claim that was amended to "include" a "Constitutional" challenge to section 20-7-6005(1) in which the Court found General Sessions had Jurisdiction under at attachment (d)(1) Page 520 claim 5, and represented to the Court a "Sixth Amendment" claim that was totally in conflict with the claims he asked her to Present in his "original and amended" application, deprived the Petitioner of the opportunity to be heard and Present his case" which also deprived him of his "(one full bite at the apple)" Pursuant to Odum v. State 533 S.E.2d 753 (1999) ("PCN Applicant is entitled to one full bite at the apple"); Carter v. State 362 S.E.2d 20 (1987) (same); Case v. State 239 S.E.2d 413 (1983) (same); Bamble v. State 374 S.E.2d 113 (same), as those "similarly situated" and constitutes "Extrinsic fraud upon him and the Court" Litina Hadd v. Partridge, which the record indicates that it was a bona fide mistake of counsel and, therefore, Constructive, rather than actual fraud citing Davis v. Davis, *supra*, see FN1 ~~and that the Court is not bound by the~~

Petitioner asserts Pursuant to the "Rule of Lenity" and "Penal" statute doctrine S.C. Code Ann. 20-7-6005(1) (Supp. 1998) title Define "Child" statutory must be construed "strictly against the state" and in favor of him. See FN2 U.S. v. Bass, 404 U.S. 336 (1971) (Rule of lenity applies to sentencing guidelines as well to Penal statutes); William v. State, 410 S.E.2d 563 (S.C. 1991) (when a statute is Penal in nature, it must be construed strictly against the state and in favor of the Defendant).

Because section 20-7-6005(1), same, is "Penal" in nature and must be construed "strictly" against Respondent, Petitioner asserts he must be considered a "child" and "Person" under family court's exclusive original Jurisdiction Pursuant to S.C. Code Ann. 20-7-1100 (A) (3) (Supp. 1998) title "Exclusive original Jurisdiction of family court", as those "similarly situated" less than seventeen years of age charged with a class A/B/C or D felony as defined in section 16-1-20 and before he could Pled guilty and be sentenced General Sessions Court, family court must have [FIRST] relinquished its exclusive Jurisdiction over

FN1 Petitioner also asserted in his "amended" application he was denied certain rights as those "similarly situated" less than seventeen years of age charged with a class A/B/C or D felony as defined in section 16-1-20.

FN2 Pursuant to section 20-7-6005(1) "child" is defined as follows: "Child" means a person less than seventeen years of age; "child" does not mean a person "sixteen years of age or older who is charged with a class A/B/C or D felony as defined in section 16-1-20 or a felony which provide for a maximum term of imprisonment of fifteen years or more". However, a "person sixteen" years of age charged with a class A/B/C or D felony as defined in section 16-1-20 or a felony which provide for a maximum term of imprisonment of fifteen years or more may be remanded to the Family Court for disposition of the charge at the discretion of the solicitor.

his "Person" Pursuant to State v. England 245 A.E.3d 603 (S.C. 1973) (Defendant was a Person under family court exclusive original Jurisdiction and since Jurisdiction had not been relinquished in favor of another court under applicable statute) that Section states that "... such Person "shall" be dealt under (14-21-620) / 5713

Gordon asserts because family court "did not" relinquish its Jurisdiction over his Person "in favor of another court under applicable statute" that Section states that "... such Person "shall" be dealt under (20-7-400 (A)(3)) supra therefore General Sessions lacked subject matter Jurisdiction and Jurisdiction over his Person to accept his Guilty Plea. Gordon's Guilty Plea Judgment is a "nullity" and "void ab initio" Pursuant to State v. England, supra, and should be vacated De Jure.

Assuming arguendo Section 20-7-6005 (1) supra, is not facial in nature and must not be construed strictly against Respondent. Petitioner asserts General Sessions lack subject matter Jurisdiction and Jurisdiction over his Person to accept his Guilty Plea due to Section 20-7-6005 (1) supra, being unconstitutional under the Equal Protection and due Process clause of the 14th Amendment of the United States Const and Art I, § 3 of S.C. Constitution.

Petitioner avers Section 20-7-6005 (1) supra is unconstitutionally "unreasonable and arbitrary" because it "ARBITRARILY" "exclude" sixteen year old childrens charged with a class A/B/C or D Felony as defined in Section 10-1-20 from the definition of being a "Child" and a "Person" under family court's exclusive original Jurisdiction as those "similarly situated" less than seventeen years of age charged with a class A/B/C or D Felony as defined in Section 10-1-20. This is inconsistent with rudimentary demands of Justice and renders the provision "Evil" and constitutionally defective as there is no rational justification for singling out childrens sixteen years of age charged with a class A/B/C or D Felony as defined in Section 10-1-20 from the definition of being a "Child" and a "Person" under family court's Exclusive original Jurisdiction as those "similarly situated" less than seventeen years of age charged with a class A/B/C or D Felony as defined in Section 10-1-20. See Fris Thus in violation of the Equal Protection and due Process clause of the 14th Amendment to the United States Const and Art I, § 3 of the S.C. Constitution. Long v. Robinson 1316 F.Supp. 93 (1990); Mundy v. Kirby 245 A.E.3d 604 (S.C. 1973) (All Persons similarly situated should be treated alike); Parsons v. Connolly 113 A.E.3d 27 (1935) (Same).

Fris Petitioner asserts he was deprived his state statutory and federal Constitutional right to "notice of initiation of Juvenile Proceedings" Pursuant to S.C. Code Ann § 20-7-7415 (c) (d) (Supp. 1993) Title "Notice"-Application of Equity § 9 S.C. 1923 (Un. Art 2 1907) (All Juveniles entitle to notice of initiation Juvenile Proceedings), Hearing, Full investigation, counsel, access to material considered by the Court and a statement of reason Pursuant to Kent v. United States 383 U.S. 541 (1966), and for a transfer order Pursuant to S.C. Code Ann § 20-7-7405 (Supp. 1993) Title "Transfer of Jurisdiction", as those "similarly situated" less than seventeen years of age charged with a class A/B/C or D Felony as defined in Section 10-1-20. Thus in violation of his Fundamental Constitutional right to Equal Protection of the law under S.C. Const Art I, § 3 and the 14th Amendment and Due Process violation which requires vacation of the Guilty Plea de Jure.

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Finally, due to its unconstitutional provision Gordon asserts he must be considered "child" and "Person" under family court's exclusive original Jurisdiction Pursuant to Section 20-7-400 (a)(3) and 20-7-400 (a)(4) as those "circumstances" less than seventeen years of age charged with a Child Abductor & Felony as defined in Section 10-1-20, therefore General Sessions lacked subject matter Jurisdiction and Jurisdiction over his "Person" to accept his guilty plea; the guilty Plea Judgment is a "nullity" and "void ab initio" Pursuant to State v. England, supra, and should be vacated De Jure.

Due Diligence

Petitioner asserts he acted with due diligence in discovering this "Extrinsic" fraud upon him and the Court. See Attached Affidavit. Petitioner filed a Pro Se S.C.R. Civ. Proc. Rule 59 (e), motion after the denial of Antonio Gordon v. State (1414). See FN1 He filed a second PCR Application Gordon v. State, 2004 CP-46-1700 and reasserted the claims. (Dismissed as time barred and successive order filed December 30, 2004).

After the appeal from PCR (1414), Petitioner filed his "first" Federal Habeas corpus in Federal Court in 2005 and reasserted the claims. Gordon v. Rushen, Case No: 05-3327-MBS-RSC. The District Court stressed the fact Gordon's Jurisdiction claims had not been exhausted in the lower Court even though Gordon asserted (PCR) Counsel was ineffective in failing to file a Rule 59 (e), motion. Petitioner moved to dismiss his first habeas without Prejudice. On February 15, 2007 an order was issued dismissing the habeas without Prejudice to permit Gordon to exhaust claims in the lower Court.

On January 31, 2006, the Petitioner filed a statutory habeas corpus and reasserted Jurisdiction claim (e). Gordon v. State, Case No: 2006-CP-46-0010. In a written order issued April 30, 2007 and filed June 1, 2007, the court held:

This court finds that these claims made in the Petition for writ of habeas corpus "could have been raised in a Post-Conviction relief Application and to a large extent were raised in his PCR Application"; therefore, these claims cannot be raised in his

FN1 In the order dismissing Gordon's Pro Se Rule 59 (e), motion the court held "all issues that were brought before this court in the PCR Application were considered and ruled upon in the initial dismissal. See Attachment (b) (Order Dismissing Rule 59 (e), motion). In 2013 Gordon filed a belated notice of Appeal in the S.C. Supreme Court on the order issued December 4, 2003 and requested Permission to file a PCR under Austin v. State, 404 S.E.2d 395 (1991). The Supreme Court denied the appeal as being moot and denied Gordon's Permission to file a PCR under Austin and vacated the Pro Se 59 (e), motion Pursuant to Miller v. State, 697 S.E.2d 337 (2010). See Attachment (1) (A)

Petition of habeas corpus in the Circuit Court of South Carolina.
Attachment (c) (Order of dismissal dated April 23, 2007, filed June 1, 2007,
Page 5).

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Petitioner filed a S.C. Cir. Proc. Rule 60 (b) motion from the order filed June 1, 2007, on August 9, 2007.
Motion granted January 31, 2008. See Fm 7

On December 14, 2003, Gordon filed another PCR and reassessed the claims and ineffective assistance of counsel (PCR) in the initial review collateral proceeding. Antonio Gordon v. State, Case No: 2003-CP-46-495. A hearing was convened on December 1, 2004; the Presiding Judge specifically stated that he was not going to rule on the merits of the Petitioner's issues:

It doesn't make any difference whether an attempt was made and he doesn't agree with the way it was raised. It doesn't make any difference counsel. That's not a ground for a subsequent PCR application; he didn't like the way it was raised or not raised, and that's the attorney - his attorney at a prior PCR hearing should have done this, that, and the other.

... That's not a ground for COJ successive application.

In a written order filed January 25, 2010, the Presiding Judge dismissed as being successive and time barred. The remittitur from the appeal was issued on April 14, 2010.

On July 1, 2010, the Petitioner filed a writ of habeas corpus in the S.C. Supreme Court. Antonio Gordon v. State of S.C., Petition for a writ of habeas corpus, S.C. Ct. July 1, 2010. In the Petition Gordon asserted Jurisdiction from Family Court was not transferred so that he attempted to raise the claim but PCR Counsel withdrawn the claim and the (PCR) Court misconstrued the child waiver issues. On July 21, 2010, the Supreme Court dismissed Pursuant to Simpson v. State, 495 S.E.2d 424 (1993).

After not being able to have his Juvenile "(Jurisdiction)" claims exhausted in the lower court after requesting to dismiss his timely federal habeas corpus, Gordon filed a "second" federal habeas corpus and reassessed the Juvenile "(Jurisdiction)" claim under the "Sixth Amendment" argument as Counsel in PCR (174) and asserted due to ineffective assistance of Counsel (PCR) Counsel in the initial review collateral proceeding entitled him to Equitable Tolling. The Fourth Circuit Court of Appeals rejected Gordon's contention stating he did not have a Sixth Amendment constitutional right to PCR Counsel citing Mackall v. Anderson, 131 F.3d 412, 417 (4th Cir. 1997). Antonio Gordon v. Leroy Cartledge, Gordon, Case No: 2010-2573-1983-JDA, (Dismissed May 10, 2012).

Gordon returning back to state court filed a writ of mandamus in the S.C. Supreme Court and asked the Court to vacate the judgment in (174). Dismissed Pursuant to Key v. Carter, 406 S.E.2d 356 (1990) in a Order issued February 4, 2014. Antonio Gordon v. State, Appellate case No: 2013-003212, Attachment (c).

Gordon then filed a second writ of mandamus in the Supreme Court with an injunctive compelling General Sessions to vacate its Judgment and remand case to the proper Jurisdiction of Family Court. The Court dismissed Pursuant to Key v. Carrier/Juma, in a order issued February 3rd 2014 Antonio Gordon v. State, Appellate Case No: 2014-000093.

Gordon then filed a motion to vacate I withdrew the void guilty plea Judgment in the General Sessions Court only to have the Judge to Place it in his General Sessions file. Attachment (A).

Despite the numerous of filings by Gordon over the years in an attempt to have these claims adjudicated that was attached to his "original and amended" application that he asked his PCR counsel to assert and present to no avail (see FN3), this "Extrinsic fraud upon him and the Court" has recently come to light when "his" Court would hear Gordon's claims that he asked counsel to present that was attached to his "original and amended" application. Gordon also assert due to his limited IQ of 63 this "Extrinsic fraud upon him and the Court" could not have previously been discovered in a reasonable time (see FN4, therefore) Petitioner have filed his Rule 60(b)(5), motion within a "reasonable time". Evans v. Bunker 535 S.E.2d 44, 46 (1993), and the Judgment should be reopen and or vacated Pursuant to Hast v. Pruitt/Juma and Evans v. Bunker/Juma.

Conclusion

It is respectfully asked that this Honorable Court grant Petitioner's Rule 60(b)(5) motion and reopen and or vacate the Judgment to correct a gross miscarriage of Justice.

this 13th day of April 2015:

Antonio Gordon

Antonio Gordon #259793

4843 Goldmine Hwy

Kershaw SC 29067

- FN3 Petitioner asserts he has been denied his Fundamental Constitutional Right First Amendment right to Petition the state of South Carolina for a redress of grievance and deprived his "one full one at the apple" as these "similarly situated" in violation of his fundamental constitutional right to Equal Protection of the law under S.C. Const Art I, 13 and the 14th Amendment to the United States Const.
- FN4 In the record before the Court Doctor Jonathan Vern testified to Petitioner's limited IQ of 63 and reading level at a third grade percentage in that he's very suggestive, see Exhibit (4) Page 304 line 4 - Page 305 line 30 - with Bulfinch Plea counsel testifying at Attachment (d) Page 444 line 31-33, he tried to be very careful and time he spoke with Gordon even during negotiation, during the long day of pretrial hearing, then at page 495 line 18-20 he further testified, "I'm not trying to be ugly on anything else but he is not, and he has some deficits". "After" PCR counsel "waived" Gordon's claims and represented the "Sixth Amendment" claim to the (PCR) Court, that was totally in conflict with the claim he asked her to present in his "original and amended" application, she questioned him at Attachment (d) Page 455 line 5 Page 450 line 2 to 35 to whether or not she'd raised all his claims and he answered (Yes), which clearly demonstrate Doctor Vern's opinion and trial Counsel's testimony which prohibited Gordon from discovering the "Extrinsic fraud upon him and the Court" in a reasonable time.

STATE OF SOUTH CAROLINA FILED-RECEIVED IN THE COURT OF COMMON PLEAS
 COUNTY OF YORK 2003 DEC 15 PM 4:33 SIXTEENTH JUDICIAL CIRCUIT

ANTONIO GORDON, #259798 DAVID HAMILTON
 C.C.D. & G.S.
 YORK COUNTY, SC Case Number: 2000-CP-46-1414

ORDER

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

This matter came before the Court on the Applicants Motion for Rehearing and/or Motion for Reconsideration of Facts relating to a Post-Conviction Relief ("PCR") hearing on July 29, 2003. This Court dismissed the Applicants PCR application and an Order of Dismissal was signed on August 18, 2003. After careful consideration of the Applicants memorandum, the Motion for Rehearing and/or Motion for Reconsideration of Facts is denied as all issues that were brought before this Court in the PCR application were considered and ruled upon in the initial dismissal. A party may not raise additional issues after the original PCR hearing and seek a rehearing based upon those new issues.

IT IS SO ORDERED

December 9, 2003


 Judge J. Ernest Kinard
 Circuit Court Judge
 Fifth Judicial Circuit

DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

2003 JUL 27 PM 3:37

CERTIFIED TRUE COPY

The Supreme Court of South Carolina

Antonio Gordon, Petitioner,

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v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002153

Attachment (i) (A)

ORDER

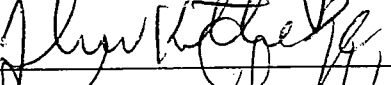
Petitioner has filed a *pro se* "Belated Notice of Appeal[]" from an order dated December 9, 2003, denying petitioner's *pro se* motion for rehearing or reconsideration in this post-conviction relief matter. Petitioner has also filed a "Motion Requesting Permission to File a Belated PCR Under Austin[] v. State, 409 S.E.2d 395 (1991)" and a motion to relieve Tara Shurling as counsel.

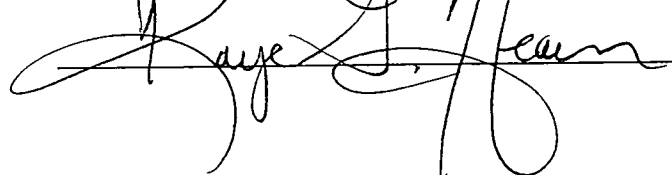
We hereby vacate the order denying the *pro se* motion for rehearing or reconsideration, as the motion was improper since at the time it was filed, petitioner was represented by counsel. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010). Having vacated the order on appeal, we dismiss as moot petitioner's belated notice of appeal and deny as moot the motion to relieve Ms. Shurling as counsel. The "Motion Requesting Permission to File a Belated PCR Under Austin[] v. State, 409 S.E.2d 395 (1991)" is denied.


_____. C.J.


_____. J.


_____. J.


_____. J.


_____. J.

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STATE OF SOUTH CAROLINA
COUNTY OF YORK

Antonio Gordon, #259798,

Petitioner,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE 16TH JUDICIAL CIRCUIT
Case No.: 2006-CP-46-0010
2007 JUN -1 AM 8:40
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

ORDER OF DISMISSAL
WITH PREJUDICE

(C) 1
Attachment (D)

This matter comes before the Court by way of a document filed January 3, 2006, and captioned "Petitioner for Writ of Habeas Corpus." The South Carolina Post Conviction Procedure Act (the Act) comprehends and takes the place of all other common laws, statutory or other remedies theretofore available for challenging the validity of a conviction or sentence and it must be used exclusively in place of them. S.C. Code Ann. §17-27-10 et seq. (Supp. 2001).

I. PROCEDURAL HISTORY

The Petitioner is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for York County. On October 15, 1998, the York County Grand Jury indicted the Applicant for murder, three counts of possession of a firearm during the commission of a violent crime, two counts of attempted armed robbery, possession of a firearm by a person under twenty-one, and criminal conspiracy.

On July 16, 1999, the Applicant pled guilty as charged. On July 19, 1999, the Honorable John C. Hayes, III, sentenced the Applicant to thirty years imprisonment for murder; five years for each count of possession of a weapon during the commission of a violent crime; ten years for each count of attempted armed robbery, with one consecutive

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to the murder sentence; five years for criminal conspiracy; and five years for possession of a weapon by a person under twenty-one years of age. Robert D'Agostino, Esquire, represented the Applicant.

The Petitioner timely filed a notice of appeal and an Anders brief was submitted on his behalf. The Supreme Court of South Carolina affirmed the Petitioner's convictions and sentence.

The Petitioner subsequently filed his first PCR application on June 19, 2000¹ (2000-CP-46-1414). Tara D. Shurling, Esquire, represented the Petitioner. The Respondent made its return on May 4, 2001, and venue was changed due to judicial conflicts. An evidentiary hearing was convened in Richland County on July 29, 2003. The application was denied and dismissed by the Honorable J. Ernest Kinard by Order dated August 19, 2003.

The Applicant filed a timely notice of appeal and a Johnson petition was submitted on his behalf. The South Carolina Supreme Court denied the petition for writ of certiorari.

The Applicant then filed a second PCR application on July 6, 2004. The Respondent made its return and motion to dismiss on December 12, 2004. The application was summarily dismissed without a hearing as being successive and barred by the statute of limitations. The Order of Dismissal was dated May 20, 2005. The Applicant did not appeal the denial of his second PCR application.

The Applicant filed a petition for writ of habeas corpus in federal court (2:05-3327-MBS-R) on December 22, 2005. This petition was denied by order dated February 16, 2007.

Before this Court are the Clerk of Court records, the South Carolina Department of

¹ The Respondent notes that the Applicant filed a second PCR application on August 21, 2001, (2001-CP-46-1866) but that it was merged with 2001-CP-46-1414.

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Corrections records, and the petition for writ of habeas corpus. Incorporated by reference are the Clerk's records for all previous PCR actions.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the Clerk of Court records, the South Carolina Department of Corrections records, the records of the prior proceedings, and the petition for writ of habeas corpus.

A habeas corpus petition must support the requested relief. Gibson v. State, 329 S.C. 37, 495 S.E.2d 426 (1998); Hunter v. State, 316 S.C. 104, 447 S.E.2d 203 (1994). Although the allegations in the petition are to be treated as true, the Petitioner must make out a prima facie case showing he is entitled to relief and he must present sufficient factual allegations to support the petition before he is entitled to a hearing. Gibson, supra.

To warrant a hearing, the petition must include the two allegations described below. First, the petition must allege the petitioner has exhausted all available post-conviction relief (PCR) remedies. Gibson, supra; Hunter, supra; Pennington v. State, 312 S.C. 438, 441 S.E.2d 315 (1994). Exhaustion includes filing of an application, the rendering of an order adjudicating the issues, and petitioning for, or knowingly waiving, appellate review. Gibson, supra.

Second, the petition must allege sufficient facts to show why other remedies, such as PCR, are unavailable or inadequate. Gibson, supra. PCR is not rendered "unavailable or inadequate" merely because the petitioner's application might be dismissed as successive. In fact, any matter which is cognizable under the Uniform Post Conviction Procedure Act, S.C. Code Ann. "17-27-10 to -120 (1976 & Supp. 1995), may not be raised by a petition for a writ of habeas corpus before the circuit or other lower courts of this State. Simpson v. State, 329 S.C. 43, 495 S.E.2d 429 (1998) (emphasis added); Gibson,

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supra; Keeler v. Mauney, 330 S.C. 588, 500 S.E.2d 123 (Ct. App. 1998). The Uniform Post Conviction Procedure Act (the Act) is broadly inclusive and will rarely be inadequate or unavailable to test the legality of the detention. Gibson, supra. A petitioner may even allege constitutional violations in PCR proceedings, unless the issue could have been raised by direct appeal. Id.; Keeler v. Mauney, supra. Thus, "[a] person is procedurally barred from petitioning the circuit court for a writ of habeas corpus where the matter alleged is one which could have been raised in a PCR application." Keeler v. Mauney, supra. "Furthermore, if a person is procedurally barred, his only means of obtaining state habeas corpus relief is to file a petition in the original jurisdiction of the Supreme Court, S.C. Const. Art. V, '6.'" Id.²

This Court finds that the Petitioner's allegations fail to meet the standards required for the issuance of this extraordinary writ. Gibson, supra; Butler, supra. Therefore, the petition should be dismissed.

In addition, this Court finds that the claims made in the Petition for Writ of Habeas Corpus could have been raised in a post conviction relief application, and to a large extent were raised in his PCR application. Therefore, these claims cannot be raised in a Petition of Habeas Corpus in the Circuit Courts of South Carolina. Accordingly, the Petition should be summarily dismissed.

III. CONCLUSION

This Court finds that the allegations raised by Petitioner are cognizable under the Act; therefore, they may not be raised in this Writ for Habeas Corpus. Simpson, supra; Gibson, supra.

² Before a petitioner may proceed in the original jurisdiction of the Supreme Court, the petition must set out a constitutional claim that meets the standard delineated in Butler v. State, 302 S.C. 486, 397 S.E.2d 87, cert. denied, 498 U.S. 972, 111 S. Ct. 442, 112 L.Ed.2d 425 (1990). In Butler, the South Carolina Supreme Court held that the writ of habeas corpus will only issue when there has been a constitutional violation which, in the setting, constitutes a denial of fundamental fairness shocking to the universal sense of justice. Gibson, supra; Butler v. State, 302 S.C. 486, 397 S.E.2d 87 (1990); Pennington v. State, 312 S.C. 436, 441 S.E.2d 315 (1994).

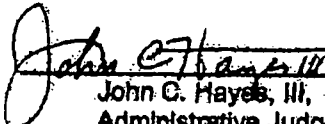
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Keeler v. Mauney, supra. This Court finds that the Petitioner is barred from bringing a Writ of Habeas Corpus in the circuit court. Keeler v. Mauney, supra. The Respondent's Motion to Dismiss the Petitioner's Writ of Habeas Corpus is granted.

IT IS THEREFORE ORDERED THAT:

1. The habeas corpus petition is DENIED AND DISMISSED WITH PREJUDICE;
2. The Petitioner is remanded to the Respondent's custody for the completion of his sentence.

AND IT IS SO ORDERED:


John C. Hayes, III, #5
Administrative Judge
Sixteenth Judicial Circuit

April 30th, 2007

York, South Carolina.

ORDER

Attachment (o)

The following matters are dismissed pursuant to *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991), because no extraordinary reason exists to entertain them in this Court's original jurisdiction:

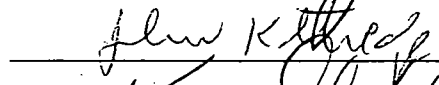
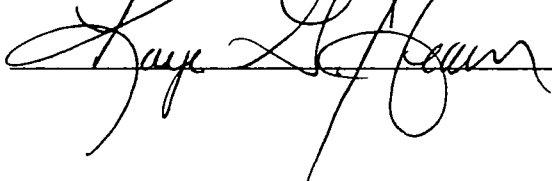
1. *Antonio Gordon v. State of South Carolina*. Petition for Writ of Mandamus dated October 11, 2013. Appellate Case No. 2013-002212.
2. *Antonio Gordon v. State of South Carolina*. Petition to Exercise Original Jurisdiction Pursuant to Rule 245 dated January 2, 2014. Appellate Case No. 2014-000034.
3. *Eugene King*. Letter to Justice Beatty dated December 23, 2013. Appellate Case No. 2013-002804.
4. *Sheri Wannamaker*. Letter to Justice Beatty dated December 23, 2013. Appellate Case No. 2013-002803.
5. *Casey Earl Johnson v. State of South Carolina Fifteenth Judicial Circuit County of Georgetown Public Defenders Office Ronald W. Hazzard*. Motion to Investigate and Relieve Counsel dated December 31, 2013. Appellate Case No. 2014-000040.
6. *Colin J. Broughton*. Letter to the Court dated January 6, 2014. Appellate Case No. 2014-000041.
7. *Bernard Broughton v. State of South Carolina and/or Office of Attorney General and Berkeley County Office of Solicitor*. Petition

for Writ of Mandamus dated January 1, 2014. Appellate Case No. 2014-000036.

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8. *Donald Johnson, #308726, Robert Lee Foster, #194085, Reginald Mack, #68274 v. Director of S.C. Dept. of Correctional; and Director of the S.C. Probation, Parole and Pardon Service.* Petition dated January 2, 2014. Appellate Case No. 2014-000042.
9. *State of South Carolina v. Ronnie Lee Cash.* Letter to the Clerk of Court dated January 14, 2014. Appellate Case No. 2014-000130.
10. *Stanley Golson.* Letter to Justice Beatty dated January 6, 2014. Appellate Case No. 2014-000098.

IT IS SO ORDERED.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

February 5, 2014

Columbia, South Carolina

February 5, 2014

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CC:

Mr. Antonio Gordon

Mr. Antonio Gordon

Mr. Eugene King

Ms. Sheri Wannamaker

Mr. Casey Earl Johnson

Mr. Colin J. Broughton

Mr. Bernard Broughton

Mr. Donald Johnson

Mr. Robert Lee Foster

Mr. Reginald Mack

Mr. Ronnie Lee Cash

Mr. Stanley Golson



CLERK OF COURT'S OFFICE

Post Office Box 649; York, South Carolina 29745

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Exhibit A

February 24, 2014

Antonio Gordon #259798
Evans Corr Inst
610 Hwy 9 West
Bennettsville SC 29512

Your letter/motion to vacate and withdraw guilty plea was presented to our chief administrative judge, who has instructed the Clerk to file it in the General Sessions file. What you are seeking is a civil matter which much be addressed through post-conviction relief or a Habeas petition.

General Sessions Division

1 Q AND YOU WEREN'T PROVIDED WITH ANY OF THOSE SO
2 YOU WERE DOING YOUR TESTS ALL ON YOUR OWN?

3 A YES, SIR, THAT'S CORRECT.

4 Q WHAT DID HE SCORE ON THE IQ TEST?

5 A HE SCORED AN IQ OF 68.

6 Q NOW YOU ALSO PERFORMED A MEMORY TEST, DESCRIBE
7 THAT FOR THE COURT?

8 A I GAVE ANTONIO THE LOGICAL MEMORY SUBTEST OF THE
9 WECHSLER MEMORY SCALE THIRD EDITION. IT
10 INVOLVES READING A COUPLE OF PARAGRAPHS TO THE
11 INDIVIDUAL THEN HAVING HIM RECITE FROM MEMORY
12 WHAT I READ TO HIM. ONE OF THE PARAGRAPHS IS
13 REPEATED ONCE SO IT GIVES TWO EXPOSURES TO THE
14 SAME MATERIAL TO SEE IF MORE WILL BE REMEMBERED
15 AFTER THE SECOND READING, AND THEN AFTER
16 APPROXIMATELY 25 MINUTE DELAY YOU ASK THE PERSON
17 AGAIN WHAT WERE THE STORY I READ TO YOU 25
18 MINUTES AGO, SO THERE IS AN IMMEDIATE MEMORY
19 SCORE AND A DELAYED MEMORY SCORE.

20 Q WHAT WAS HIS SCORE ON THAT?

21 A HIS MEMORY SCORES WERE VERY LOW. HE'S AT THE
22 SECOND PERCENTILE.

23 Q ABOUT HOW ABOUT HIS READING SCORES? I THINK YOU
24 TESTIFIED, I DON'T MEAN TO JUMP BACK BUT YOU
25 TESTIFIED YOU ALSO GAVE HIM A READING SCORE, THE

Exhibit 9

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1 IQ?

2 A YES, I GAVE HIM A READING TEST.

3 Q WHAT DOES IT SHOW AS FAR AS HIS READING LEVEL?

4 A HIS READING LEVEL IS AT THE THIRD GRADE LEVEL.

5 Q NOW GOING BACK TO THE MEMORY TEST, WAS THERE
6 ANYTHING ELSE, WHAT IS THE SIGNIFICANCE OF THE
7 MEMORY TEST?

8 A IT'S A TEST OF A PERSON'S ABILITY TO REMEMBER
9 THINGS THAT ARE SAID TO THEM. IT INDICATES THAT
10 ANTONIO'S ABILITY TO REMEMBER THINGS THAT HE
11 HEARS IS VERY LOW.

12 Q AND YOU ALSO GAVE HIM A SUGGESTIBILITY TEST, I
13 BELIEVE?

14 A YES, I DID.

15 Q WHAT IS THAT FOR AND WHAT DOES IT TELL YOU?

16 A THE SUGGESTIBILITY TEST IS INTENDED TO REFLECT
17 HOW EASILY A PERSON CAN BE SUGGESTED OR
18 MANIPULATED INTO SAYING SOMETHING THAT THEY HAVE
19 NO BASIS FOR SAYING.

20 Q WHAT DID YOU FIND WITH REGARD TO THAT TEST WITH
21 ANTONIO?

22 A HE'S VERY SUGGESTIBLE. HE OBTAINED A VERY HIGH
23 SCORE.

24 Q NOW WITH REGARD TO THE TESTS, ARE THERE ALSO
25 FLAGS OR INDICATORS TO TELL YOU WHETHER ANTONIO

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

Antonio Gordon, #259798,)

Petitioner,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
Case No.: 2000-CP-46-1414

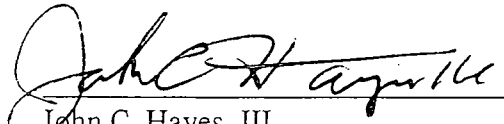
ORDER

Petitioner has filed a "Motion to Reopen/Vacate Judgment Pursuant to S.C.R. Civ. Proc. Rule 60(b)(5)."

I find the Motion was not filed within a reasonable time as required by Rule 60 SCRPC.

Therefore, the Motion is DISMISSED with Prejudice.

IT IS SO ORDERED.


John C. Hayes, III
Presiding Judge

April *26th*, 2015
York, South Carolina

FILED-RECEIVED
2015 APR 24 AM 10:48
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC



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ALAN WILSON
ATTORNEY GENERAL

April 24, 2015

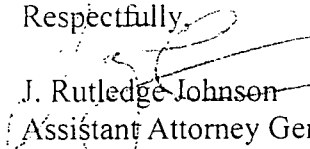
Daniel D. Hall¹
Presiding Judge
1675-1J York Highway
York, SC 29745

Re: **Antonio Gordon, #259798 vs. State of South Carolina**
2000-CP-46-1414

Dear Judge Hall,

The State is in receipt of Mr. Gordon's "Motion to Reopen/Vacate Judgement Pursuant to S.C.R.Civ. Proc. 60(b)(5)" dated April 13, 2015. However, this case was fully adjudicated, complete with an appeal and Remittitur from the South Carolina Supreme Court. Applicant then had a second PCR action, complete with a full evidentiary hearing (2008-CP-46-4951) and an appeal. First, as this case has been fully adjudicated, the State does not intend to respond to Mr. Gordon's 2015 motion. Second, as per S.C.R.Civ.P. 60 (b)(5) mandates, the motion shall be made within a reasonable time." The Remittitur was received by the State for this case on August 9, 2005. The State's position is this motion is untimely at best and does not merit a formal response unless direct by this Court. Further, in Applicant's 2008 PCR case, the State requested Applicant's filings be restricted pursuant to In re Theron Maxton, 325 S.C. 3, 478 S.E.2d 679 (1996). The State now requests this Court issue an Order pursuant to In re Theron Maxton to restrict Applicant's future filing as these filings have become frivolous and abusive. Thank you for your time.

Respectfully,


J. Rutledge Johnson
Assistant Attorney General

Cc: Antonio Gordon #259798
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

¹ The Honorable John C. Hayes, III was the plea judge.