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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Anderson County

Carmen T. Mullen, Circuit Court Judge

NATHANIEL C. DICKSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000439

APPENDIX

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State of South Carolina

County of Anderson

In the Court of General Sessions

State of South Carolina.

Plaintiff,

-VS-

Nathaniel Casey Dickson,

Defendant.

2008-GS-04-958/961

September 21, 2009

Transcript of Record

BEFORE:

The Honorable J. Cordell Maddox, Jr., Judge

APPEARANCES:

Christina Adams, Esquire
Assistant Solicitor
Attorney for the State

Kurt Tavernier, Esquire
Andrew Potter, Esquire
Attorneys for the Defendant

Renee H. Tollison
Circuit Court Reporter

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EXHIBITS

No	DESCRIPTION	ID	EV
	No Exhibits Were Presented During the Hearing		

1 (WHEREUPON, court convened with all parties present
2 and the following proceedings were had commencing at
3 approximately 11:07 a.m.)

4 THE COURT: All right. Yes, ma'am. We got a
5 plea?

6 MS. ADAMS: Yes, sir, Your Honor. May it
7 please the Court.

8 Your Honor, this is Nathaniel Casey Dickson. He is
9 agreeing to plead guilty today to four counts of murder
10 and four counts of possession of a weapon during the
11 commission of a violent crime. These are indictments
12 2008-GS-04-961, 958, 959 and 960.

13 THE COURT: Thanks.

14 MS. ADAMS: Your Honor, the State has agreed
15 today to accept a sentence of four consecutive life
16 sentences, and in exchange we are not seeking the death
17 penalty. And Your Honor, once you accept the plea, I
18 will go into more detail about why we are not seeking the
19 death penalty ---

20 THE COURT: Okay.

21 MS. ADAMS: --- and of course go into the facts
22 ---

23 THE COURT: All right.

24 MS. ADAMS: --- when you're ready. And Your
25 Honor, for the record, on four of those sentence sheets,

1 we corrected his birth date. It said 1[REDACTED], but it is
2 1[REDACTED].

3 THE COURT: Okay. All right. Thanks.

4 All right. Mr. Dickson, if you would raise your
5 right hand.

6 NATHANIEL CASEY DICKSON,

7 Being first duly sworn, testified as follows:

8 THE COURT: All right. You're going to have to
9 really speak up because she's taking everything down,
10 okay?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. I need to ask you some
13 questions. If you have a problem with any of the
14 questions that I ask or if you need to speak to your
15 lawyer, just let me know, and I'll be happy to let you
16 do that.

17 How long have you been in jail?

18 THE DEFENDANT: Eighteen months this Thursday.

19 THE COURT: Okay. Have you had any drugs or
20 alcohol within the last twenty-four hours?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you taking any kind of
23 prescription or any kind of medication at all?

24 THE DEFENDANT: (Shook head side to side in the
25 negative.)

1 THE COURT: All right. So you understand
2 you're here today to plead guilty to four counts of
3 murder. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you understand that there's a
6 recommendation of four consecutive life sentences. You
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Has anybody forced you
10 to enter a plea today?

11 THE DEFENDANT: No, sir.

12 THE COURT: You're doing so of your own free
13 will?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you had plenty of time to
16 speak with your lawyers?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you're satisfied with their
19 services?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand if you plead
22 guilty in this state, you have to waive your
23 constitutional rights?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And are you waiving your right to a

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1 jury trial?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you waiving your right to
4 remain silent?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you waiving your right to put
7 up a defense to these charges?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And are you waiving your right to
10 confront the witnesses that the State would be required
11 to bring in here to testify against you?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you have any questions for me
14 now?

15 THE DEFENDANT: No, sir.

16 THE COURT: All right. And to his attorneys,
17 have you had plenty of time to speak to your client, Mr.
18 Potter?

19 MR. POTTER: I have, Your Honor.

20 THE COURT: Mr. Tavernier?

21 MR. TAVERNIER: I have, Your Honor.

22 THE COURT: And do you think he understands his
23 waiver of constitutional rights?

24 MR. POTTER: Yes, Judge.

25 MR. TAVERNIER: Yes, Your Honor.

1 THE COURT: And do you think he understands the
2 elements of each of these crimes?

3 MR. POTTER: Yes, Judge.

4 MR. TAVERNIER: Yes, Your Honor.

5 THE COURT: And do you think he understands the
6 sentence as it's recommended by the State?

7 MR. POTTER: Yes, sir.

8 MR. TAVERNIER: I have no doubt he does, Your
9 Honor.

10 THE COURT: All Right. Mr. Dickson, do you
11 have any questions for me now? I'm going to have to
12 speak with you in a little bit. But do you have
13 questions for me now about what you're doing?

14 THE DEFENDANT: No, sir.

15 THE COURT: And are you pleading guilty to four
16 counts of murder?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you're doing so of your own
19 free will?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Without being forced?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And without any outside influences
24 whatsoever?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: Do you understand that the State is
2 -- in exchange for this plea, is not seeking the death
3 penalty on these charges. You understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Do you want to plead
6 guilty to all of these charges?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And are you guilty?

9 MR. TAVERNIER: Your Honor, Mr. Dickson has no
10 independent recollection of the crime at this point. He
11 has what the doctor's have determined to be dissociative
12 amnesia. I have Dr. Rob Richards here that will address
13 that issue. But based on the evidence that we have gone
14 over with him, the fact that he did give a confession
15 which he acknowledges, all of that taken into account, he
16 is accepting responsibility for that. But he has no
17 independent recollection, so if ---

18 THE COURT: Well, he's pleading guilty. He's
19 got to tell me he is guilty.

20 MR. TAVERNIER: He is -- he can tell you that
21 he is responsible for the crime.

22 THE COURT: Are you responsible for the crimes?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. So you want to plead
25 guilty to these today, you don't want a trial. Is that

1 correct?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And you're waiving a trial?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you want to plead guilty to
6 these four charges?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And you're telling me that you're
9 responsible for all of the facts set forth in these
10 indictments. Is that correct?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Yes, ma'am?

13 MS. ADAMS: Thank you, Your Honor. May it
14 please the Court.

15 On Saturday morning, April the 26th of 2008, law
16 enforcement responded to [REDACTED] Drive in Anderson
17 County in reference to a 9-1-1 call that had abruptly
18 ended. When they arrived, officers found the bodies of
19 46-year-old Andy Dickson, his 14-year-old son [REDACTED]
20 [REDACTED] his 41-year-old wife Maritza Hertado Dickson,
21 and her 19-year-old daughter Jillian Salazar, all of whom
22 have been fatally shot.

23 The police immediately tried to locate anyone else
24 who had been living in the home. Nadine Salazar,
25 Maritza's eldest daughter, was at flight school at the

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1 time in Florida. And this Defendant, Nathan Dickson, who
2 was eighteen at the time, could not be located.

3 When this Defendant was located later that same
4 evening, he gave a full voluntary written confession
5 admitting to shooting and killing his father, his
6 brother, his stepmother and his stepsister. In his
7 confession the Defendant details the events of that
8 morning. And Judge, right now I'd like to read that for
9 the record if that's okay.

10 THE COURT: That would be all right.

11 MS. ADAMS: On April 26, 2008, Saturday, I
12 came home from Belton where I had been riding
13 four-wheelers with my friend Brantley. I got
14 home about two a.m. and spoke to my dad. He
15 was upset I was so late coming home. I told
16 him about the tire problem with the
17 Thunderbird, and he said to just take the
18 Explorer to Brantley's in the morning.
19 Everyone was sleep. I slept in my little
20 brother's room, [REDACTED], at the back of the
21 house. [REDACTED] was already asleep in the futon.

22 It was a fitful night of sleep off and on,
23 you know. I was thinking about the girl I am
24 in love with. I love her, but her mother will
25 not let me around her. She said she filed

1 stalking charges on me. I don't know if she
2 did or not. I was also worried about my
3 Thunderbird. I messed it up yesterday over at
4 Brantley's house.

5 I woke up and noticed that my brother and
6 dad were gone. I assumed they had gone to the
7 dump with the trash as my dad does every
8 Saturday morning. I looked for some of my
9 clothes in [REDACTED] closet and saw [REDACTED] gun
10 in the corner. I grabbed the twelve-gage.
11 [REDACTED] shoots squirrel with that gun. I
12 grabbed a red buckshot gun round from on top of
13 his dresser. I cracked the breach and loaded
14 the round.

15 I walked to the middle bedroom off the
16 hall where Maritza, my stepmom, was in the bed.
17 Jillian was on the foot of the bed talking to
18 my stepmom. I stood in the doorway and fired
19 the round at her hitting her in the right-hand
20 side of her head. She did not move after I
21 shot her.

22 I went back to [REDACTED] room and reloaded
23 the shotgun and grabbed the last live round on
24 the dresser. Jillian, my step sister, had run
25 out of Maritza's room screaming. I followed

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1 her into the kitchen and fired a single round
2 at her. She was standing in the washer-dryer
3 room when I shot her.

4 My brother [REDACTED] had walked in right
5 before I shot Jillian and he said, stop, stop.
6 I punched him in his head and must have knocked
7 him out. He just lay there on the floor.

8 I had heard my dad's truck pull up after I
9 shot my step-mom, so I knew he was home. I
10 reloaded at some point putting the last round
11 off [REDACTED] dresser into the shotgun. I made
12 my way out the back door of the house. I made
13 my way around to the pool and saw my dad
14 walking up the embankment on the pool side of
15 the house. I figured he was checking the pool
16 filter out at the out building. I took a shot
17 at him and he fell down, but I don't know if I
18 hit him. He got up and started running toward
19 the road.

20 I went back into the house and went into
21 my dad's walk-in closet and got a shotgun shell
22 out of a box. I went out the back door.
23 [REDACTED] was getting up off the floor. [REDACTED]
24 was going out the front door. I peeked out the
25 back door and did not see my dad. I went back

1 to the front door. [REDACTED] was standing about
2 halfway down the walkway toward the driveway,
3 and he was screaming. I shot [REDACTED] and turned
4 around and walked back inside to get another
5 shell from dad's closet.

6 I walked back out and did not see [REDACTED].
7 I walked to the corner of the house pool-side
8 and saw dad at the edge of the yard at the
9 road. I shot one time at him and hit him. My
10 dad fell and started crawling down the hill.
11 He was in the road at this point crawling.

12 I went back inside and got another live
13 shotgun shell from the box in my dad's closet.
14 I walked out of my dad's room to see that my
15 brother was laid out with his chest on the
16 chair in the livingroom. He was looking at me
17 crying, help, help. I could not stand to hear
18 that, so I shot him in the head. The blast
19 blew blood and pieces of [REDACTED] onto the walls
20 of the livingroom. He did not cry anymore.

21 I went back to the closet and got another
22 round from the box. I made my way out the
23 front door. I saw my dad down in the road on
24 his side. He was on his phone. I walked down
25 to him and stopped a short distance away. He

1 rolled over and told me, I love you, right
2 before I took my last shot at him. He had
3 thrown his hands up, and the shot hit him in
4 the hand and arm. I then hit him with the
5 stock of the shotgun. I swung it like a club.
6 He was still breathing after that.

7 I tossed the gun into the woods on our
8 side of the road. I felt so sick at that
9 point. I went back into the house and got
10 Maritza's keys to her Explorer off the T.V. in
11 her room. I then got my sandals out of
12 [REDACTED] room. I was barefoot during all of
13 the shooting.

14 I left in the Explorer. I backed out into
15 the road and did not look at my dad when I left
16 even in the rearview mirror. I stopped at the
17 gas station at Highway 8 and Highway 86. I
18 went inside and bought three bottles of Propel
19 water and a can of dip, Grizzly wintergreen.

20 I then called Brantley from [REDACTED] cell
21 phone. I had been using it for about two
22 weeks. I told Brantley I was on my way to his
23 house. We were supposed to ride four-wheelers
24 in Belton.

25 I took Highway 8, then Highway 81 and

1 turned onto Concord Road. I traveled down Main
2 Street and then took a left at the Ingles and
3 post office. I went by the hospital and then
4 left, and it eventually turned to the Belton-
5 Anderson Highway.

6 I stopped at the Hardees in Belton and got
7 a chicken biscuit. I took two bites but could
8 not eat it. I was sick to my stomach. I used
9 Jillian's debit card to buy the breakfast at
10 Hardees. It was in the Explorer.

11 I got to Brantley's and went inside. His
12 girlfriend was there, and I sat in the house
13 for a little bit. I went outside and got the
14 four-wheelers ready to go. I then noticed the
15 spots of blood on my feet. I washed the spots
16 of blood off my feet in Brantley's bathroom.

17 We rode four wheelers to Honea Path and
18 down to some dam. We were out there until
19 seven thirty or eight p.m. before we went back
20 to Brantley's house. I kept lagging behind
21 during the day because my heart was not in it.

22 Once we came back to Brantley's, Brantley
23 and I rode up to the Ingles in Belton to get
24 steaks. I drove the Explorer. I threw an old
25 cell phone of Maritza's out the window. I

1 don't know why I did that. The detectives were
2 at Brantley's when we got back.

3 I have not told anyone. I don't know why
4 I killed all of my family today. Once I loaded
5 that shotgun and shot Maritza, I could not stop
6 and I did not stop until I had shot them all.
7 It hurts inside and I really can't believe it
8 is real. I am concerned how all of this may
9 affect my enlistment in the Marine Corp. I am
10 sorry for all the trouble I have caused. It
11 just hurts inside.

12 And that's the end of his statement, Your Honor. It
13 was done April 27th, 2008, at 12:25 in the morning.

14 THE COURT: All right. Let me stop you first.

15 Mr. Dickson, do you remember making that statement?

16 THE DEFENDANT: No, sir.

17 THE COURT: Okay. Yes, ma'am?

18 MS. ADAMS: Your Honor, the evidence collected
19 in this case corroborates the Defendant's confession.
20 There's a horrific 9-1-1 call from Andy begging and
21 screaming for help. And obviously the crime scene photos
22 are gruesome, and they are very consistent with what
23 Nathan describes in his statement. A twelve-gauge shotgun
24 was found in the woods by his house. According to SLED,
25 the shotgun was in working order. And the three spent

1 shot shells located at the crime scene were determined to
2 have been fired from that gun.

3 Andy Dickson's blood was found on the handle of the
4 shotgun. And according to SLED DNA analysis, the
5 probability of randomly selecting an unrelated individual
6 having a DNA profile matching this profile is
7 approximately one in six million.

8 Lieutenant Scott with Anderson County Forensics
9 located a palm print that matched the Defendant's right
10 hand on this same shotgun and found the position of the
11 palm print to be consistent with someone having swung it
12 like a club just as he describes. He further analyzed,
13 Your Honor, a fingerprint took from a spent shot shell
14 collected from the crime scene and also found it to
15 likely be the Defendant's.

16 Unfortunately more than six hours had passed from
17 the time of the shooting to when Nathan was located, so
18 while they did do a gunshot powder residue test, they
19 could not get anything because it had been over six
20 hours. And this time lapse, Your Honor, possibly
21 affected the State's ability to obtain any other DNA
22 matches from the Defendant's body and clothing at the
23 time he was arrested.

24 The autopsies also confirmed what Nathan describes
25 in his statement. Maritza was shot once in the right

1 side of the head. Andy had multiple gunshot wounds and
2 blunt-force trauma in the head where Nathan described
3 hitting him with the shotgun. [REDACTED] had a shotgun wound
4 to the neck and a shotgun wound to the head. Jillian
5 also had a shotgun wound to her left side. And all the
6 bodies were located just how Nathan describes them in his
7 statement as well.

8 Your Honor, those are the facts of the case and the
9 facts that we would introduce if we were to go to trial.
10 Your Honor, once you accept this guilty plea, I would
11 like to at that point go into more detail on why we are
12 here today and why we aren't going forward. And there
13 are two family members that would like to address the
14 Court as well.

15 THE COURT: All right. Yes, sir?

16 MR. TAVERNIER: Your Honor, Mr. Potter and I
17 met with Nathan Monday after the incident. We discussed
18 the nature of the charges, the information that we had
19 been provided with by the Sheriff's office.

20 That afternoon we went out to the crime scene and
21 walked it. Everything as Solicitor Adams has revealed to
22 the Court, the evidence that was -- at least that could
23 be observed at the location was consistent with what
24 we're aware was in the confession.

25 After you have accepted his plea, I'll be more

1 inclined to go more in-depth with what we have learned.

2 THE COURT: Well, I need to hear, I think, from
3 some of the experts about why he doesn't remember.

4 MR. TAVERNIER: Okay. All right, Your Honor.

5 THE COURT: That's what concerns me.

6 MR. TAVERNIER: Your Honor, Dr. Rob Richards,
7 who has met with Nathan at least twenty-one times, He is
8 one of three individuals that I have had -- that Andy and
9 I put together a team very early on when we knew the
10 nature of what was going to occur. We proceeded under
11 the likely assumption that the death penalty would be
12 sought. And from the first meeting we had, we started to
13 prepare for that event.

14 Based on that, we put a call in to Dr. Richards and
15 immediately had him come visit. And as I've said, he has
16 consulted and met with Nathan twenty-one times since that
17 date. And he can explain to the Court what Nathan has
18 been going through regarding his inability to recall and
19 what he has learned through his various consults.

20 THE COURT: Okay. Cathy, you want to swear
21 him?

22 MADAM CLERK: I can, Your Honor.

23 Doctor, if you would place your left hand on the
24 Bible and raise your right.

25 ROB RICHARDS,

1 Being first duly sworn, testified as follows:

2 THE COURT: Dr. Richards, you're really going
3 to have to speak up too.

4 Let me tell you one of my concerns. My concern is
5 that I've just heard from him that he doesn't remember
6 writing the statement or making the statement which was
7 then written by someone else, I assume. And he's also
8 given me some indication that he doesn't remember the
9 facts. Can you explain to me what's going on there?

10 DR. RICHARDS: The loss of memory can be caused
11 by any number of things. Possible causes would include
12 acute intoxication, loss of memory due to a medical
13 condition such as seizures, brain tumor, metabolic
14 condition, dissociative identity disorder which is also
15 multiple personality disorder, post-traumatic stress
16 disorder, dissociative amnesia which is a loss of memory
17 for psychogenic reasons.

18 And as I talked with Nathan I didn't see any
19 evidence of acute intoxication. I didn't see any
20 evidence of loss of memory for medical reasons. He does
21 not have multiple personality disorder or dissociative
22 identity disorder. I did not see evidence of post-
23 traumatic stress disorder preceding the crime. He did
24 have signs of post-traumatic stress disorder following
25 the crime. As a matter of fact, he had memories of the

1 crime as if he was trying to defend his family.

2 The only thing that that leaves would be
3 dissociative amnesia. Now, dissociative amnesia by
4 definition is loss of memory for personal information
5 that usually is emotionally traumatic. The other
6 possible cause would be malingering or faking the loss of
7 memory. But the consistency over time -- I saw him
8 twenty-one times over eighteen months. The consistency
9 over time is more suggestive of dissociative amnesia.

10 THE COURT: So you're telling me that he really
11 doesn't remember?

12 DR. RICHARDS: I don't believe he really
13 remembers it. Now, with dissociative amnesia, you can
14 recover the memories at any time, or you might not
15 recover the memories.

16 THE COURT: What would make him not -- I mean,
17 I'm asking, I guess, what the process is and why a person
18 would not remember. What's he doing ---

19 DR. RICHARDS: With dissociation?

20 THE COURT: --- internally? Yeah, internally.

21 DR. RICHARDS: An example of the brain not
22 letting you remember something -- and this wouldn't be
23 dissociative amnesia due to a traumatic event -- would be
24 driving from point A to point B, getting there completely
25 safely but not remembering the trip. The brain just does

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1 not remember it. If you were in the Iraq war and exposed
2 to some traumatic instances, your brain might not let you
3 remember it. The purpose of not remembering things would
4 be that it's so emotionally painful that your brain won't
5 let you remember.

6 THE COURT: Okay. All right. Thank you.

7 MR. POTTER: Ultimately a coping mechanism.
8 Would that be a fair statement?

9 DR. RICHARDS: It would be viewed as a coping
10 mechanism to some degree. It's not conscious; it's
11 unconscious.

12 THE COURT: Okay. All right. Thank you.

13 All right. Mr. Dickson, you've heard the facts from
14 your statement that you gave immediately after this
15 incident. And are you telling me today that you don't
16 remember making that statement?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have any reason to believe
19 that you did not make that statement?

20 THE DEFENDANT: I believe it's mine.

21 THE COURT: Do you have any reason to believe
22 that the facts set forth in that statement are incorrect?

23 THE DEFENDANT: No, sir.

24 THE COURT: And you've had -- Mr. Tavernier,
25 you and Mr. Potter have had plenty of time to speak with

1 him and you've been with him since soon thereafter?

2 MR. TAVERNIER: Within two days, Your Honor,
3 yes.

4 MR. POTTER: This was a Saturday afternoon, I
5 believe, incident. He was arrested Saturday night, gave
6 the statement early Sunday morning. We were meeting with
7 him Monday morning, Kurt and I were, along with one of
8 our paralegals. He hadn't even been fully processed, I
9 don't think, at that point in time.

10 THE COURT: All right. Do either one of you
11 have any indication that that statement is not his
12 statement of the facts?

13 MR. POTTER: Judge, that's his statement.

14 MR. TAVERNIER: I have no doubt it's his
15 statement, Your Honor.

16 THE COURT: All right. And has he been -- I
17 understand that there's been some competency evaluations.
18 I need to know about that too.

19 MR. TAVERNIER: Your Honor, Dr. Richards can
20 address those issues also.

21 THE COURT: Okay.

22 And Dr. Richards, you're still under oath. Tell me
23 what's been done to determine whether or not he was
24 competent at the time of the incident and also now?

25 DR. RICHARDS: The evaluation, which was

1 twenty-one visits over the course of eighteen months,
2 included learning about his history, looking for any
3 signs or symptoms that might support an insanity defense
4 and screening for anything that might be used as
5 mitigating information should it be a death penalty.
6 During that time period, we always had a normal mental
7 status exam. When I reviewed the confession, it was very
8 clear, logical and easy to understand.

9 He does not have a history prior to the crime of any
10 illogical behavior or any psychosis besides some brief
11 time periods with hallucinations. These times periods
12 were also evaluated by Dr. Donna Swartz-Watts who is a
13 forensics psychiatrist out of Columbia. He also had
14 physiological testing from Dr. Jim Evans who's a Ph.D.
15 physiologist in Greenville.

16 I never saw him as illogical. His mood always
17 varied appropriately with the situation and the
18 discussions. His thinking was never delusional. He
19 always was able to carry on a good coherent conversation
20 as if he understood what was going on.

21 The last evaluation was last Friday which would be
22 September 19th. During that evaluation we talked about
23 the plea agreement. He expressed an understanding of the
24 alternatives. He talked about the possible outcome or
25 the likely outcome being life in prison. He said that

1 meant that he was going to die in prison. He talked
2 about what he thought prison life would be like. He
3 described it in way as if he were participated actively
4 with his attorney. He talked about getting an opinion
5 from his grandmother which he accepted.

6 And in conclusion, he was competent at that time and
7 he was competent to make this decision. And there is no
8 evidence that he was insane. There's no evidence that he
9 had a disease of the mind or a defect in reasoning that
10 would inhibit his ability to understand what he was doing
11 or know the difference between right and wrong.

12 THE COURT: Well, I guess, you know, the
13 difficulty I have with it is that a layman like myself
14 would assume that the act itself was such an insane act
15 that, you know, it would call into question his
16 competency. That's the only concern I've got.

17 DR. RICHARDS: Uh-huh (affirmative).

18 THE COURT: And what -- can you tell me
19 something to help me with that concern that I have?

20 DR. RICHARDS: You know, I thought about that
21 same issue. How could anybody with Nathan's history do
22 what he did? He did have time periods of impulsivity,
23 doing things on a whim. He did have one episode of
24 feeling very distraught where he held a shotgun to his
25 head and almost shot himself, but he stopped. Something

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1 must have happened in this case where he followed through
2 with an impulsive thought. It's very difficult to
3 thoroughly evaluate that because he just doesn't remember.
4 But if you look at history of behavior over time and if
5 you look at how he's responded after this, there's just
6 no evidence of psychosis that would explain this.

7 THE COURT: Well, the part of the statement at
8 the end where he mentions that ...

9 Read that part about the Marine Corp.

10 MS. ADAMS: He says, Your Honor, I don't know
11 why I killed all of family today. Once I loaded that
12 shotgun and shot Maritza, I could not stop and did not
13 stop until I had shot them all. It hurts inside and I
14 really can't believe it is real. I am concerned how all
15 of this may affect my enlistment in the Marine Corp. I
16 am sorry for all the trouble I have caused. It just
17 hurts inside.

18 THE COURT: That last statement concerns me
19 about his state of mind at the time. And I just -- and
20 he's been evaluated by Dr. Swartz-Watts?

21 MR. TAVERNIER: Your Honor, Dr. Swartz-Watts,
22 Dr. Jim Evans and Dr. Richards have all examined him.

23 THE COURT: And determined he was competent at
24 the time of this act?

25 MR. TAVERNIER: Nothing they have been able to

1 find determined any mental defect or that we have an
2 insanity defense open to us.

3 THE COURT: Okay.

4 MR. TAVERNIER: I think Your Honor would
5 understand, if we had something we could grasp that would
6 stand up under scrutiny, we would definitely be handling
7 it that way. We've gone over this numerous times, and
8 there's just nothing there.

9 MR. POTTER: And he's been seen multiple times
10 by all these professionals.

11 THE COURT: Okay.

12 Mr. Dickson, do you understand why I'm having a
13 little bit of trouble with this? This whole thing seems
14 almost unreal to me.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You don't remember it at all?

19 THE DEFENDANT: No, sir.

20 THE COURT: But you believe you're responsible?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And you want to plead guilty today
23 and suffer the consequences of that responsibility?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay.

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1 MR. TAVERNIER: Your Honor, I do have one other
2 individual. It's Pastor John Reeves. He started meeting
3 with ...

4 Come on over, John.

5 He started meeting with Nathan in early May right
6 after the incident and has met with him repeatedly. He
7 flew in from Texas. He just moved there. And -- but he
8 met on an almost weekly every -- bi-weekly basis with
9 Nathan since then. And he can also at least comment as
10 to his competency and thought process for the past year
11 and a half.

12 THE COURT: Yes, sir. If you would, let the
13 clerk swear you in.

14 MR. REEVES: Yes, sir.

15 MADAM CLERK: If you would place your left hand
16 on the Bible and raise your right.

17 JOHN REEVES,

18 Being first duly sworn, testified as follows:

19 THE COURT: How are you?

20 MR. REEVES: I'm fine.

21 THE COURT: Tell me what you know. You've been
22 -- you met with him how many times?

23 MR. REEVES: I didn't keep a --

24 THE COURT: A lot?

25 MR. REEVES: --- log of every time. A lot of

1 times, yeah. Probably thirty or forty, in that range.

2 THE COURT: All right. Did he ever give you
3 any indication that he might not be competent or -- tell
4 me, tell me -- I guess you need to tell me what you know
5 about him.

6 MR. REEVES: Sure. We developed a friendship
7 over the course of those meetings. I was there as many
8 Mondays as I could be. We had fifteen minutes, so it was
9 a quick friendship. We talked about everything including
10 his family. He was very comfortable talking about those
11 things which was always, you know, odd to me. But this
12 makes sense what I'm hearing now.

13 We primarily talked about his relationship with
14 Jesus. That was the emphasis every time. We prayed
15 together every time I was there.

16 And yeah, he corresponded with me, and I would call
17 it a friendship at this point. And he did -- no problems
18 corresponding through the glass. Obviously, it's a
19 little awkward. He didn't know me and I didn't know him.
20 We actually met after I was asked if I would come in and
21 meet with him, so I never met him prior to that.

22 THE COURT: Okay. Okay. Thank you.

23 MR. TAVERNIER: Thank you, John.

24 THE COURT: Anything else, Mr. Tavernier, Mr.
25 Potter?

1 MR. TAVERNIER: No, Your Honor, other than
2 based on my conversations with him over the past eighteen
3 months, Mr. Potter's, there has never been -- outside of
4 the normal concerns, the legal concerns, we haven't had
5 any pause regarding our ability to communicate with him,
6 discuss the evidence with him, discussing the case with
7 him. He's never given us any pause that he has never
8 been able to comprehend any of our conversations because
9 he's been able to converse coherently, discuss things,
10 been able to give feedback as best he could. But early
11 on, probably within ...

12 What would you say, Andy?

13 ... within about two weeks, maybe three at the most,
14 he started to develop somewhat of a memory loss where we
15 were no longer able to be able to discuss certain aspects
16 of the case with him because he just had no more -- no
17 recollection.

18 THE COURT: Okay. Mr. Dickson, let me ask you
19 something. Normally conversations you have with your
20 lawyer are privileged. That means that I can't force you
21 to release them from that privilege. And they can tell
22 me that they're not going respond to any of my questions
23 about conversations they had with you. Do you understand
24 that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: I mean, that's one of the most
2 inviolate of all privileges. Do you have any objection
3 to me speaking to your lawyers and asking them direct
4 questions about any information that might be considered
5 privileged?

6 THE DEFENDANT: No, sir.

7 THE COURT: In other words, I'm going to ask
8 them directly about some of their conversations they had
9 with you immediately after this. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you understand that they
12 could very rightfully tell me that they're not going to
13 talk about it because it's privileged, and I can't force
14 them and I wouldn't force them to talk about it. Do you
15 understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you understand that that
18 privilege is yours and yours alone, that you have to make
19 a determination in your mind about whether or not you're
20 going to waive that privilege and allow me to speak to
21 them? Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you have any questions for me
24 about that privilege?

25 THE DEFENDANT: No, sir.

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1 THE COURT: All right. Do you have any
2 questions of your lawyers about that privilege?

3 THE DEFENDANT: No, sir.

4 THE COURT: All right. Andy -- Andy and Kurt,
5 y'all speak to him real quickly just off the record about
6 the privilege because I'm going to ask him to waive it.

7 (WHEREUPON, the Defendant conferred privately off
8 the record with counsel.)

9 THE COURT: Okay. And just so the record's
10 clear, what I'm trying to do is -- I'm a little
11 concerned. And I don't have any doubt in my mind that
12 Mr. Dickson's guilty. But in a guilty plea under the
13 law, Mr. Dickson, I have to be -- I have to be completely
14 clear that you did it, and it has to be very clear that
15 you're admitting to me that you did it because you're
16 pleading guilty. You understand you're waiving a trial
17 and you're basically telling me I did it. And what I'm
18 understanding is from the experts is that because of this
19 dissociative amnesia you might not be able to tell me
20 specifically that you did the specific things in the
21 statement. Do you understand that? And I don't want to
22 play any games with you. The reason -- and I didn't tell
23 your lawyers I'm going to do this. And I apologize to
24 you. And I'll be happy to give you more time to think
25 about it if you want. But what I'm doing is I'm asking

1 you to waive that privilege so that they can fill in some
2 of the gaps for me. Again, you do not have to waive that
3 privilege, and it will have no effect on you at all if
4 you tell me I would rather they not speak to you directly
5 on the record. And I understand they've had a chance to
6 speak to you. Do you understand what I'm doing here?
7 I'm not trying to play a game with you. I'm trying to
8 make sure this is done right and fairly.

9 THE DEFENDANT: (Nodded head up and down in the
10 affirmative)

11 THE COURT: You have to say yes because she's
12 taking everything down.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Have you had plenty of
15 time to talk to them about the waiver of the privilege?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you want to waive that
18 privilege here today?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Mr. Potter and Mr.
21 Tavernier, do you have any questions for him or do you
22 have any questions for me, or do you want me to put
23 anything else on the record to protect you? Because I'm
24 going to be asking you some specific questions. And if
25 you want to think about it, we can take a break. I'm not

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1 going to hurry this for any reason. I'm going to be
2 asking specific questions of you.

3 MR. TAVERNIER: Your Honor, this is not
4 something that we had not discussed. We were aware this
5 might have to take place because of his inability to
6 recall. And we had discussed it, and we were aware that
7 for the plea to probably have -- to be accepted that
8 something along that nature, in addition to Dr. Richards'
9 testifying, would probably be required. And we have gone
10 over that with Nathan, and we've explained to him all the
11 ramifications. Quite frankly, it's an issue that's come
12 up with all of the family members who have wanted to
13 discuss things that we have refused to discuss with them.
14 Sometimes they've gotten a little bit ---

15 THE COURT: Well, that's your job. That's what
16 you're supposed to do.

17 MR. TAVERNIER: --- a little bit upset with us.
18 But Nathan's familiar with it. We've discussed it. And
19 considering the fact that if the plea isn't taken he is
20 most likely subjected to exposure for the death penalty,
21 we believe that it's probably in -- not probably. It is
22 in his best interest that we be able to discuss with the
23 Court what our conversations were and how we came to this
24 position today.

25 THE COURT: All right. Well, rather than me

1 ask you direct questions because I don't know what
2 conversations you had with him, and I really don't want
3 to put you two -- who have done a spectacular job in this
4 case. I don't want to put you in a position of being
5 uncomfortable. Why don't we start with Mr. Potter, left
6 to right, or we can start with Mr. Tavernier, right to
7 left -- it doesn't matter to me -- based upon your face.
8 What I'm trying to do is I need you to tell me enough so
9 that legally even though he's not admitting to the facts
10 -- as you know that's the big problem here -- that
11 there's enough information available to me that I'm
12 convinced that these facts as stated by the Solicitor and
13 as put together by the Sheriff's department -- it's a
14 pretty clear case, and they've both done great jobs. But
15 that last little threshold I've got to get over. Why
16 don't you tell me what you feel comfortable with.

17 MR. POTTER: Judge, may it please the Court.

18 THE COURT: Yes, sir.

19 MR. POTTER: Can we go off the record and talk
20 briefly?

21 THE COURT: Yeah.

22 MR. POTTER: And that way I think I would feel
23 more comfortable.

24 THE COURT: Okay.

25 MR. POTTER: Then we can bring it back and put

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1 what we need to on the record.

2 THE COURT: Yeah. Let's step down, y'all meet
3 me back here.

4 MR. POTTER: Yes, sir.

5 THE COURT: This will just take five minutes.
6 Come on back.

7 MR. POTTER: Thank you, Judge.

8 THE COURT: Well, you know what, come on back,
9 but I guess I got to talk to them privately.

10 (WHEREUPON, court stood at recess for a short
11 break.)

12 THE COURT: First let me address something that
13 came up while we were on a short break. I understand
14 there's a lot of emotion in this courtroom. And I
15 understand that it's very difficult sometimes to hear.
16 And I understand that sometimes the things that you might
17 be hearing are very emotional. I can assure you, all the
18 victims at least, that it's as emotional to us, at least
19 to me, as it is to any of you.

20 But there was some discussion outside the courtroom
21 about people being removed by the bailiffs and about
22 whether or not the bailiffs could remove people who were
23 having difficulty controlling their emotions. And there
24 was some statement made about what would happen if
25 anybody was removed. Let me just explain to everybody in

1 this courtroom, this is my courtroom and I'm in charge of
2 it. And if I have somebody removed, they'll be removed.
3 And if somebody objects to it, they'll be removed. And
4 if they object too loudly, they'll go to jail. This is
5 difficult enough without having perceived threats. And
6 I'm not putting up with that at all today.

7 All right. Having said that, we've gone off the
8 record. We've discussed the waiver of privilege. And
9 obviously just again for the record to be clear, in the
10 event that this record of the plea is reviewed by the
11 Supreme Court on an appeal or on a P.C.R. or anything
12 like that, my concern has been that his inability to
13 remember the very specific facts set forth in the
14 statement and his inability to look me in the eye and
15 tell me that he agrees with those facts could be
16 perceived as his inability to plead guilty under the law.

17 So, Mr. Dickson, what I did is I spoke to your
18 lawyers back there. They're obviously uncomfortable with
19 the waiver of the right of privilege which they should
20 be. And again for the third time -- and I want to make
21 sure that you understand that it will not be a problem
22 with me at all -- you've got to waive that right. You've
23 got to tell me that you're giving your lawyers permission
24 to talk to me about very specific statements that you
25 made at the time that you were being interviewed

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1 immediately after this incident. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. And are you giving them
4 permission to speak to me on those?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. And you don't have any
7 questions for me now?

8 THE DEFENDANT: No, sir.

9 THE COURT: Okay. All right. Mr. Tavernier,
10 what I need to ask you is this. And I understand that
11 you and Mr. Potter probably have thousands of hours
12 literally in this case. But you met with him immediately
13 after he was arrested; is that correct?

14 MR. TAVERNIER: That's correct, Your Honor.

15 THE COURT: And you met with him immediately
16 after he gave the statement?

17 MR. TAVERNIER: Within two days.

18 THE COURT: Okay. And at the time that you met
19 with him, can you -- did you ask him if the statement was
20 correct? Or how did -- you can tell me however you want
21 to tell me that you feel comfortable.

22 MR. TAVERNIER: Your Honor, as a defense
23 attorney, I normally do not ask my clients whether they
24 did what they're accused of doing. However, given the
25 nature of having read the statement, the nature of the

1 charges against Nathan, knowing what Mr. Potter and I
2 would be confronted with down the line, we felt or I felt
3 at that particular point in time that it was imperative
4 that we at least know what we were dealing with in
5 regards to a defense regarding this.

6 THE COURT: And in particular mitigation if it
7 was a death penalty?

8 MR. TAVERNIER: Correct, Your Honor. At that
9 point I asked Nathan whether the statement that Detective
10 Reeves had taken and written was true. Was it correct
11 and was any part of it incorrect and untrue? And at that
12 point he acknowledged that the statement was correct.

13 THE COURT: Okay.

14 MR. TAVERNIER: Based on that, Mr. Potter and I
15 knew what we had to do and what we were headed for and
16 preceded to put together our -- quite frankly our defense
17 team, calling Carolyn Graham, Jan Vogelsang, Dr.
18 Richards, Dr. Swartz-Watts, Dr. Evans. We just put
19 everything together knowing where we were heading. And
20 that's how we preceded.

21 THE COURT: Okay. And I also understand at
22 some point as a result of either a newspaper article or
23 something, there might have been some contact with the
24 Bar about whether or not you were doing an appropriate
25 legal job for him. Is that correct?

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1 MR. TAVERNIER: Yes, Your Honor. As you might
2 expect, Mr. Dickson was receiving a lot of information
3 from additional incarcerated inmates in the jail and
4 providing him with all kinds of advice.

5 THE COURT: And they obviously know more about
6 it than you?

7 MR. TAVERNIER: Well, apparently.

8 THE COURT: Yeah.

9 MR. TAVERNIER: And in response to that, he did
10 write a letter to the Supreme Court regarding his
11 inability to get a bond or our failure to request a bond.

12 MR. POTTER: Judge, the main concern was --
13 listed was the lack of a preliminary hearing and the lack
14 -- that we hadn't put in for a bond hearing.

15 THE COURT: And that's been dismissed and
16 that's been found unfounded and that's done, right?

17 MR. TAVERNIER: He had -- he acknowledged that
18 he was, you know, he didn't want those things. We had
19 discussed them, and all differences were set aside.
20 That's why I'm still here. He trusts me.

21 THE COURT: All right. Mr. Dickson, you've
22 obviously got two very good lawyers. But you're
23 comfortable with them even today, right?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you basically -- you had some

1 other inmates telling the way you should go and ---

2 THE DEFENDANT: Yes, sir.

3 THE COURT: --- I can understand how -- and
4 you're comfortable with the appropriate actions they've
5 taken here?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And you're comfortable with what
8 Mr. Tavernier's just told me even though that would have
9 potentially been privileged information? You're okay
10 with that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. All right. Now, who took
13 the statement?

14 MS. ADAMS: Your Honor, Detective Steve Reeves
15 is here with me today. He took the statement. I have
16 made a copy.

17 THE COURT: Yeah, we'll make that a Court's
18 Exhibit.

19 (WHEREUPON, Court's Exhibit 1 was marked for
20 identification only.)

21 MS. ADAMS: And made it a Court's Exhibit
22 already, Your Honor, but he is here to answer any
23 question that you may have.

24 THE COURT: Madam Clerk, will you swear him in?

25 MADAM CLERK: Certainly, Your Honor.

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1 Officer, place your left hand on the Bible and raise
2 your right.

3 STEVEN JAMES REEVES,

4 Being first duly sworn, testified as follows:

5 THE COURT: All right. And would you give us
6 your name for the record and your rank?

7 DETECTIVE REEVES: Steven James Reeves.

8 THE COURT: Okay. And you're a detective?

9 DETECTIVE REEVES: Yes, sir.

10 THE COURT: All right. Can you tell me how the
11 statement came about?

12 DETECTIVE REEVES: Once we found Nathan in
13 Belton -- which the Solicitor had gone over some of the
14 facts of the case -- he was asked to come back to the
15 Sheriff's office. At that point myself and Detective
16 Todd Owens did meet with him and go through the
17 procedures we go through when taking a statement from
18 anyone which included *Miranda*, and he did waive those
19 rights.

20 Initially we did just a verbal conversation, found
21 out a little about him. A little background on him, his
22 family, everybody else which we had been screening most
23 of the afternoon finding out about them and some
24 background information. The first is an initial verbal
25 statement where we just take notes. And from that point

1 when we think we have as much information as we're going
2 to get from the defendant in any case, we'll go back and
3 put it to paper.

4 THE COURT: Right.

5 DETECTIVE REEVES: Now, normally what we do at
6 the Sheriff's office is we will write the statement for
7 them or type it because, number one, it's neater.
8 Obviously we go back through the statement and ask if
9 there's any corrections or additions, this is your
10 statement.

11 THE COURT: So you're taking his words and
12 typing them and putting them down?

13 DETECTIVE REEVES: Yes, sir. That's correct.

14 THE COURT: And then you show it to them?

15 DETECTIVE REEVES: Yes, sir.

16 THE COURT: Okay.

17 DETECTIVE REEVES: Read it back to him, showed
18 it to him. The latter part of the interview process
19 where we're putting everything -- as I'm typing it in --
20 on this case because sequence is very important because
21 you have four victims. And the crime scene shows the
22 sequence. I intentionally went through and changed the
23 sequence up when I'm repeating it to him, and he
24 corrected me on several different issues that I had
25 intentionally changed. And then we got those correct in

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1 his statement and again read it to him. He read it,
2 signed off on it as his statement.

3 THE COURT: So you intentionally took the
4 killings out of sequence and where people may have been
5 and where they went ---

6 DETECTIVE REEVES: Yes, sir.

7 THE COURT: --- and then he corrected you, and
8 his correction was corroborated by the evidence that you
9 already had. Is that correct?

10 DETECTIVE REEVES: Yes, sir. He was clear and
11 adamant throughout the whole process to make sure the
12 sequence was the same. And like I said, we verbally went
13 through it one time. Myself and Detective Owens went
14 through it with him again which it was the same. And
15 then when I finished typing it up, we went through it
16 again.

17 THE COURT: Okay.

18 DETECTIVE REEVES: And he made sure it was in
19 the correct sequence.

20 THE COURT: Okay. All right. Thank you.

21 MS. ADAMS: And Your Honor ---

22 THE COURT: All right. Yeah?

23 MS. ADAMS: Your Honor, just so you'll know, he
24 started this process at nine thirty that night, and then
25 the final statement is dated the next morning at twelve

1 twenty-five a.m., so

2 THE COURT: Okay.

3 MS. ADAMS: He -- they were in there making
4 sure the details were accurate.

5 THE COURT: Okay. All right. Thank you,
6 Detective.

7 All right. Anything else from the Defense before I
8 accept the plea?

9 MR. TAVERNIER: Well, Your Honor. After --
10 after you ---

11 THE COURT: I know this has been most unusual,
12 but it's a most unusual plea.

13 MR. POTTER: We just ask you to accept the
14 plea.

15 THE COURT: All right. Mr. Dickson, you want
16 me to accept this plea and the recommendation of four
17 consecutive life sentences?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. I'm going to accept Mr.
20 Dickson's plea to each indictment. I'm going to find
21 that it was freely and voluntarily made and based upon
22 some fairly extensive questioning of all the parties. My
23 concern has been that he didn't remember the action, and
24 he could not tell me today that he admitted to those
25 facts. But based upon the statement and the testimony of

1 the attorneys and the detective and also Mr. Dickson, I'm
2 going to find that that plea is freely and voluntarily
3 made, that he waived his constitutional rights knowingly
4 and intelligently, and it was based upon the advice of a
5 counsel.

6 All right. Yes, ma'am, I'll be happy to hear from
7 you. And then at the end, I'm going to come back to
8 y'all.

9 Yes, sir?

10 MR. POTTER: If you're going to ---

11 THE COURT: I'm going to come back to you. Let
12 me go ahead and hear what they -- and I'll give you the
13 last chance.

14 MR. POTTER: Yes, sir.

15 MS. ADAMS: Thank you, Your Honor. May it
16 please the Court. Your Honor, I think -- as you well
17 know, that the State does not have to prove motive in a
18 murder case. But the question that is still on
19 everyone's mind is really why did this happen. And one
20 of the hardest things about this case is that we will
21 never really know.

22 Law enforcement has done an incredible job. They
23 have interviewed many, many people in the community that
24 know this family and that knew Nathan at school. And one
25 of the hardest things that everyone has had to live with

1 is that we really don't know why. We can speculate and
2 we have an idea, but nothing really rises to the level to
3 explain how this could have happened that day.

4 Your Honor, there were no drugs or alcohol found in
5 his system.

6 THE COURT: None at all?

7 MS. ADAMS: No. No, sir. And he was tested.
8 As we've gone over, there's no issue of competency or
9 criminal responsibility. This is a family that really
10 truly loved each other.

11 Nathan was eighteen years old when this happened.
12 He had typical issues and problems that any eighteen-
13 year-old would have. He called his father his hero on
14 his MySpace page. He loved his little brother [REDACTED].
15 He got along well with his stepmother and his stepsister.
16 He graduated from Wren High School in June of 2007. And
17 according to several interviews, in high school he was a
18 good kid. He was a decent student and he was well liked.

19 Now, after graduation though, he did move into an
20 apartment with a friend of his. That friend kicked him
21 out because he had stolen his credit card. Around this
22 same time as well, his first love broke up with him
23 because her mother basically did not like him and she
24 didn't want him around, and he was devastated. He tried
25 to get into the Marines, as he talked about in his

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1 statement, Your Honor. But he scored so low on that test
2 that he was not going to be allowed to complete the next
3 part of the test. So he was never allowed into the
4 Marines.

5 When he was kicked out, he went to live with his
6 father and his stepmother and his stepsister and his
7 brother. And like I said, Your Honor, this was probably
8 around two weeks before the killings took place. His
9 father Andy was a strict father, but he was a very loving
10 father. He wanted his son to do well, and he either
11 wanted him working or in school just as Maritza did, his
12 stepmother.

13 We know that shortly before the murders he stole
14 about six hundred dollars worth of change from his father
15 and had cashed it in at a Coin Star because there's a
16 video of him at the local grocery store cashing the money
17 in. There was tension in the home. We know that because
18 during these two weeks Maritza had confided in coworkers
19 that basically she was having trouble with the boy at
20 home, and a lot of the coworkers didn't even realize that
21 Nathan was back in the house and assumed that it was
22 [REDACTED]. But it was not [REDACTED]. It was -- the problems
23 were with Nathan, and she was actually planning on moving
24 out of the home. But, Your Honor, nothing, like I
25 stated, really rises to the level of what happened that

1 Saturday morning and explains why he went on this killing
2 spree.

3 This has truly been an extremely emotional and
4 difficult case for everyone involved. This has touched
5 the Dickson family, the Hertado family, and really an
6 entire community. Andy and Maritza had been together for
7 years. They had both been married before obviously. And
8 Nathan and [REDACTED] essentially grew up with Maritza and
9 her two daughters, Jillian, who was one of the victims,
10 and Nadine, who is here today, Your Honor, who was the
11 one at flight school, the surviving sister.

12 They were a very close family and a family that was
13 very well respected in this community. Maritza taught
14 E.S.L. in Greenville at Cherrydale Elementary. Jillian
15 was at Tri-County Tech, and she wanted to go to vet
16 school. Andy worked at Vulcan Construction and was very
17 active in his children's lives. [REDACTED] was fourteen
18 years old. He was at Wren Middle School, and he played
19 baseball. And Andy actually helped coach his baseball
20 team and was very active with the school.

21 Your Honor, we have met with and talked with the
22 family, both sides, at length, gone over this with law
23 enforcement. Both sides of the family are very strongly
24 opposed to the death penalty, and the Hertado family is
25 actually the most outspoken regarding the death penalty.

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Guilty Plea Hearing (September 21, 2009)

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1 Everyone loved Nathan. His extremely young age of only
2 being eighteen at the time of the murders -- he has no
3 prior criminal history -- has played a big role in why
4 we're here today. And really the fact that we can't ask
5 why or can't answer the question why has been very
6 disturbing and unsettling for the family and for law
7 enforcement.

8 Nathan's twenty years old right now. The family
9 truly believes that this sentence, having to think about
10 what he did for the rest of his life, is worse than the
11 death penalty. And they're probably right. The only
12 plausible reason that we have of why this happened is
13 that really Nathan just snapped. I've struggled with
14 this decision to accept four consecutive life sentences,
15 Your Honor, instead of the death penalty, but this
16 tragedy has truly shocked all of us. It shocked the
17 family, law enforcement and the entire community.

18 We will never know the extent of lives that have
19 been affected by what occurred that Saturday. The
20 Hertados and the Dicksons are truly incredible people and
21 incredible families. They'll never be able to forget
22 what happened ever. I just pray that in some way what we
23 are doing here today helps allow them to accept what has
24 happened and hopefully move on with their lives. This
25 plea at least gives them some sort of closure for this

1 chapter in their lives because they have a very long way
2 to go. This is what's best for the family and what's
3 best for the community.

4 THE COURT: Okay.

5 MS. ADAMS: And Your Honor, two of the family
6 members do want to speak when you are ready.

7 THE COURT: Yeah, I'm ready. And for what it's
8 worth, I agree with you. I think that the plea offer is
9 fair.

10 MS. ADAMS: Thank you, Your Honor.

11 THE COURT: I'll be happy to hear from anybody.

12 MS. ADAMS: Your Honor, this is John Dickson.
13 This is Andy's brother.

14 THE COURT: Okay. Mr. Dickson, if you would,
15 give us your name and spell your last name just for the
16 record. We have to do that.

17 MR. DICKSON: John Dickson, D-I-C-K-S-O-N.

18 THE COURT: Okay. Yes, sir?

19 MR. DICKSON: Your Honor, thank you for the
20 privilege to speak today in your court. On the morning
21 of April 26, 2008, a terrible thing happened that stunned
22 our family and a community and changed life as we all
23 knew it. We all dream and aspire to something greater
24 than ourselves, to learn and to do things that make us
25 better. I know Andy, Maritza, Jillian and Taylor all had

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1 wonderful dreams and aspirations, but sadly they won't be
2 able to see them come true. They all died that morning
3 horrible agonizing cruel deaths. And they can't speak
4 for themselves any longer. But they will be heard here
5 today through me, Nadine, the Solicitor and this Court,
6 but more important by what they stood for and by who they
7 were. That part of them will not die, will not fade away
8 even in time.

9 And today, Nathan, you must answer for your deeds of
10 that day. And it's sad you ruined a promising life of
11 your own. But now you must go to what is your future.
12 We love you and forgive you, but under no circumstances
13 can we forget.

14 To Nadine and the Hertado-Salazar families, we ask
15 humbly today that you can forgive us for your loss.
16 Maritza and Jillian were lovely ladies in every manner of
17 the word, and we loved them as our own.

18 All my life I lived in the shadow of a great man not
19 because he was such a big man, but because no matter how
20 you knew him, you could only look up to him. I will miss
21 my shadow, my bear of a brother. And Taylor, keep the
22 ball tight in your hand, strike them down at the plate
23 and play as only you can do. We'll meet some other day.

24 And our family wishes to thank everybody who has
25 offered support in these hard times. Thank you, Your

1 Honor.

2 THE COURT: All right. Thank you.

3 MS. ADAMS: Your Honor, this is Nadine Salazar.

4 THE COURT: All right. Yes, ma'am, if you
5 would spell your last name just for the record.

6 MS. SALAZAR: S-A-L-A-Z-A-R.

7 THE COURT: Yes, ma'am?

8 MS. SALAZAR: Not a lot I want to say, but --
9 and nothing is going to -- I don't even know how people
10 --- it's hard for me. And I know I'm not going to have
11 my mom or my sister. I want him to remember, and that's
12 why I don't want the death penalty because I want him to
13 remember his brother and his dad. And if someday I have
14 a kid or something, they won't have a grandma or an aunt
15 or cousins to play because you killed my mom and my
16 sister. They were my best friend, and they were great
17 people. I want him to remember that every day. And he
18 has to stand up for what he did.

19 THE COURT: All right. Thank you.

20 Okay. Anything else from the State?

21 MS. ADAMS: No, sir.

22 THE COURT: Anything from the Defense?

23 THE COURT: Mr. Dickson, do you want to tell me
24 anything?

25 THE DEFENDANT: Thank you for accepting my

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1 plea. And I apologize to the families for what they're
2 going through.

3 MR. TAVERNIER: Your Honor, prior to the
4 proceedings today, we had talked. And there were things
5 Nathan had wished to express, his apology. He wished he
6 could recall things so that he could explain what
7 happened. That disturbs him a great deal. We probably
8 will never know what caused him to do what occurred on
9 that day. He struggled with it a great deal for the
10 first couple weeks. And as we've already discussed, Mr.
11 Potter and I were able to tell that his memory started to
12 erode regarding those events. Because of the nature of
13 what occurred, I'm not sure that anything like this has
14 happened in Anderson County before. I certainly hope
15 that nothing like this occurs again.

16 But Nathan has accepted responsibility. We've gone
17 over all the evidence with him. We have left nothing to
18 chance. And he understands and acknowledges what
19 occurred. If he could take it back, he would. But as he
20 stated that night, he realized it was in fact not a
21 dream. And since that time the major thing that he has
22 expressed both in his conversations with Pastor Reeves is
23 that hopefully while he is living out his sentence, he
24 can do some good and make some good of what's left of his
25 life. And he's just -- he's very sorry for the family he

1 destroyed.

2 I think that about sums it up unless Mr. Potter has
3 anything he wishes to express.

4 MR. POTTER: No, Your Honor.

5 THE COURT: You don't want to say anything
6 else, Mr. Dickson?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. All right. Well, I've
9 accepted the pleas and found them freely and voluntarily
10 made and based upon the advice of counsel. I just want
11 to say, Mr. Dickson, that in nine years of doing this
12 job, this may be the most unexplainable and despicable
13 thing that I've ever seen in a courtroom. It's hard for
14 me to imagine anything worse than the terror that your
15 family had to go through. It's hard for me to imagine
16 anything worse than the ripple effect that this is going
17 to have, as the Solicitor said, throughout the
18 generations of two families. You had two pretty vibrant
19 people in your father and your stepmother who were well
20 loved in the community. Their potential lives are
21 snuffed out. And then, you know, maybe more despicably,
22 you've got a fourteen-year-old brother and a young
23 stepsister who had unlimited potential. And that
24 unlimited potential is gone and wasted.

25 And then finally quite frankly, you snuffed your

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1 life out. And it bothers me that you can't tell me why.
2 But I've grown to wonder sometimes doing this job if
3 there's true evil in the world. Truly I wonder. Most of
4 the time I think that people who commit crimes are people
5 who have problems and they're sort of bad people that
6 just think they can get away with things in the system.
7 The vast majority of the people are good people that make
8 mistakes. I think you're one of the rare people that is
9 just a bad person that did a horrible thing and you need
10 to be locked up the rest of your life.

11 So what I'm going to do is -- the sentence on each
12 one of these is on indictments 0960, 0959, 0958, and
13 0961, the sentence is life. I'm running them
14 consecutive, so that will be four consecutive life
15 sentences. And I'm giving you credit for the time you've
16 been in jail.

17 I also want to say that throughout today -- I
18 understand that this was an unusual plea -- I think that
19 your defense lawyers did a magnificent job jumping on
20 this case apparently within twenty-four hours after being
21 hired and were ready for just about anything. And I
22 appreciate that.

23 I also think the Solicitor's office has done a
24 marvelous job putting this case together. And obviously,
25 as y'all know, I don't say that often. I think it more

1 than I say. But I also -- given the fact what Detective
2 Reeves tells me about the Sheriff's department's ability
3 to chronologically determine who was -- the actions out
4 there that day, that is a spectacular job. And I think
5 the Sheriff's department probably does not get enough
6 credit when it's due. And I think that was an
7 unbelievable job. And quite frankly, I suspect that the
8 work done out there made this plea possible.

9 MS. ADAMS: It did, Your Honor. Your Honor,
10 also the four possession of a weapon charges.

11 THE COURT: Yeah. Well, I mean ---

12 MS. ADAMS: Just for the record. I know.

13 THE COURT: Yeah. You've got them ---

14 MS. ADAMS: He did plead to those.

15 THE COURT: I'm going to run those -- there's
16 four possessions of a weapon during the commission of a
17 crime. Are you pleading guilty to those too, Mr.
18 Dickson?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And those carry, what, five years?

21 MS. ADAMS: Yes, sir.

22 THE COURT: Those are five years to run
23 consecutive.

24 Mr. Dickson, you got a chance to save yourself and
25 you got a chance to do something good with yourself.

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1 You've got a long life ahead of you. All I can tell you
2 is you better do something -- to do some minute thing to
3 honor the memory of those people that are gone because of
4 you. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Good luck to you.
7 Thank y'all.

8 MS. ADAMS: Thank you, Your Honor.

9 MR. POTTER: Thank you, Judge.

10 (WHEREUPON, the hearing ended at approximately 12:43
11 p.m.)

12

13 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

1 CERTIFICATE OF REPORTER

2 I, the undersigned Renee H. Tollison, Official Court
3 Reporter for the Tenth Judicial Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all
6 the proceedings had and evidence introduced in the
7 trial/hearing of the captioned case, relative to appeal,
8 in the Circuit Court for Anderson County, South Carolina,
9 on the 21st day of September 2009.

10 This transcript may contain quoted material. Such
11 material is reproduced as read by the speaker.

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

14 October 8, 2010

15 Renee Tollison
16

17 Circuit Court Reporter

FORM 5
 FILING CLERK'S OFFICE
 ANDERSON SC

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Nathaniel C. Dickson, 336982,
 Full name and prison number (if any) of Applicant.

2010 AUG 25 IN THE COURT OF COMMON PLEAS

COMMON PLEAS AND
 GENERAL SESSIONS

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

2010-CP-04-03054

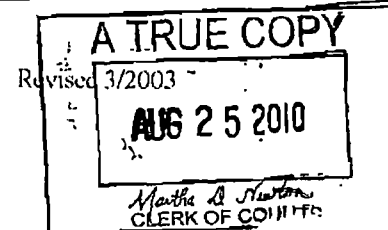
INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010
2. Name and location of Court which imposed sentence Anderson County Court of General Sessions, 100 S. Main Street, Anderson, SC 29624
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2008-GS-40-0958: murder and possession of weapon during violent crime
 - (b) 2008-GS-40-0959: murder and possession of weapon during violent crime
 - (c) 2008-GS-40-0960: murder and possession of weapon during violent crime
 - (d) 2008-GS-40-0961: murder and possession of weapon during violent crime
5. The date upon which sentence was imposed and the terms of the sentence:



no previous CH/PC/ISVP file

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ATTORNEY GENERAL'S OFFICE

RECEIVED 08/30/2010

ADMINISTRATIVE INSTRUCTIONS

 FILE OPEN END

 HAVE COPIES MADE

 ROUTE TO

 ORDER: TRANSCRIPT

 PEN RECORDS CLERK RECORDS

 OTHER:

- (a) September 21, 2009: life with 5 years consecutive
- (b) September 21, 2009: life with 5 years consecutive
- (c) September 21, 2009: life with 5 years consecutive
- (d) September 21, 2009: life with 5 years consecutive
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No.
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel.
- (b) Involuntary Guilty Plea.
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Failure to review discover and the evidence against the Applicant.
- (b) Failure to fully investigate and prepare the case for trial prior to the entry of the plea.
- (c) Failure to ensure that the Applicant's plea was knowing and voluntary.
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No.
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
- (d) any other petitions, motions or applications in this or any other Court? No.
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No.

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) PCR is the proper forum.

(b) _____

(c) _____

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

(a) your arraignment and plea? Yes.

(b) your trial, if any? _____

(c) your sentencing? Yes.

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

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

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

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

i. Kurt Tavernier, 110 E. Benson Street, Anderson, SC 29624

ii. Andrew Potter, Anderson County Public Defender's Office, 301 Camson Road,

Anderson, SC 29625

iii. _____

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

i. Plea & Sentencing

ii. Plea & Sentencing.

iii. _____

19. State clearly the relief you seek in filing this application:

A new trial.

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

No.

STATE OF SOUTH CAROLINA)

County of Bishopville)

VERIFICATION

I, Nathaniel C. Dickson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

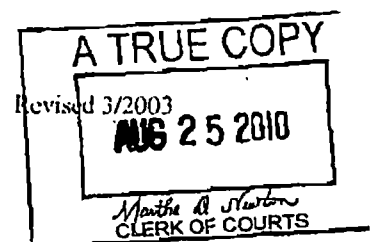
Nathaniel C. Dickson
Nathaniel C. Dickson

SWORN to and subscribed before me this 16
 day of Aug, 2010.

[Signature] (L.S.)
 Notary Public

My Commission Expires: 11-4-2015

FILED-CLERK'S OFFICE
 ANDERSON SC
 2010 AUG 25 P 4:39
 JUDICIAL PLEAS AND
 GENERAL SESSIONS



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

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

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

Nathaniel C. Dickson

Applicant

SWORN or affirmed to and subscribed before me this

10 day of Aug, 2010.

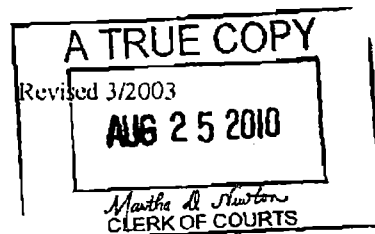
Debra Sine

Notary Public

My Commission Expires:

11-4-2015

FILED-CLERK'S OFFICE
ANDERSON SC
2010 AUG 25 P 4:39
COMMON PLEAS AND
GENERAL SESSIONS



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
	)	2010-CP-04-3054
	)	
Nathaniel Dickson, #336982,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed August 25, 2010, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. The Applicant was indicted at the May 2008 term of the Anderson County Grand Jury for four counts of Murder and Possession of a Firearm During the Commission of a Violent Crime (2008-GS-04-0958, -959, -960, -961). He was represented by Kurt Tavernier, Esquire, and Andrew Potter, Esquire. On September 21, 2009, the Applicant pled guilty. He was sentenced by the Honorable J. Cordell Maddox, Jr., to confinement for a period of life plus five (5) years consecutive on each set of charges, each sentence to be run consecutively. The Applicant did not appeal his guilty plea or sentence.

Attached herewith and incorporated herein are the records of the Anderson County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina

Department of Corrections, and the guilty plea transcript. The Respondent reserves the right to amend and/or supplement this Return upon receipt with any relevant materials.

II.

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

1. Ineffective assistance of counsel;
 - a. "Failure to review discovery and the evidence against the Applicant."
 - b. "Failure to fully investigate and prepare the case for trial prior to the entry of the plea."
 - c. "Failure to ensure that Applicant's plea was knowing and voluntary."
2. Involuntary Guilty Plea:

III.

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

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

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

Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. Nevertheless, the allegation of ineffective assistance of counsel probably raises a question of fact which cannot be conclusively refuted by the record and, therefore, requires that an evidentiary hearing be held. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983); Delaney v. State, 269 S.C. 555, 238 S.E.2d 679 (1977).

IV.

Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit. In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct.

366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

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

VI.

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

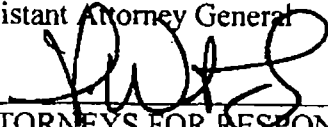
Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

A. WEST LEE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
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November 3, 2010.

State of South Carolina

In the Court of Common Pleas

County of Anderson

Nathaniel C. Dickson,

Applicant,

-vs-

State of South Carolina,

Respondent.

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2010-CP-04-3054

December 1, 2014

Transcript of Record

B E F O R E:

The Honorable Carmen T. Mullen, Judge

A P P E A R A N C E S:

Hugh Welborn, Esquire
Attorney for the Applicant

John W. Whitmire, Esquire
Attorney for the State

Renee H. Tollison
Circuit Court Reporter

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EXHIBITS

No	DESCRIPTION	ID	EV
A-1	<i>No exhibits were presented during the hearing</i>		
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1 (WHEREUPON, court convened and the following
2 proceedings were had commencing at approximately
3 1:53 p.m.)

4 MR. WHITMIRE: May we approach?

5 (WHEREUPON, a bench conference was held off the
6 record.)

7 THE COURT: Are you getting this down, Renee?

8 MADAM COURT REPORTER: No, ma'am.

9 THE COURT: No?

10 MR. WHITMIRE: I can put it on the record.

11 THE COURT: We can go ahead and put it on the
12 record.

13 MADAM COURT REPORTER: Which case is this on?
14 The one we just finished?

15 MR. WHITMIRE: Oh, no. Dickson.

16 MADAM COURT REPORTER: Okay.

17 (Off record discussion)

18 THE COURT: So we're bringing in Mr. Dickson;
19 is that correct?

20 THE DEPUTY: Yes, ma'am.

21 (WHEREUPON, the Applicant entered the courtroom.)

22 MR. WHITMIRE: May it please the Court.

23 THE COURT: Yes, sir.

24 MR. WHITMIRE: The next matter before this
25 Court is Nathaniel Dickson versus State of South

1 Carolina, 2010-CP-04-3054. Mr. Dickson was indicted on
2 four counts of murder. He was represented by Mr. Kurt
3 Tavernier and Mr. Andrew Potter. On September 21st,
4 2009, he pled guilty as indicted pursuant to an agreement
5 with the State in which they would waive noticing him of
6 the death penalty and recommended he receive four
7 consecutive life sentences. Judge Maddox accepted that
8 plea and followed the State's recommendation.

9 Mr. Dickson did not appeal the sentence or
10 conviction. He has filed a timely PCR application. He
11 is present and represented by counsel.

12 I'd just like to ask that by going forward here
13 today that the attorneys be allowed to specifically put
14 on the record to answer any allegations or reveal
15 anything from attorney/client privilege regarding the
16 extent of the allegations pursuant to State v. Benning
17 (phonic).

18 THE COURT: Okay.

19 Any objection?

20 MR. WELBORN: No objection.

21 THE COURT: Okay. All right, sir. Go ahead
22 and call your first witness.

23 MR. WELBORN: May it please the Court. We call
24 Nathaniel Dickson.

25 THE COURT: Come on forward, Mr. Dickson, and

1 be sworn, sir.

2 (WHEREUPON, the witness was duly sworn.)

3 **NATHANIEL C. DICKSON,**

4 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. WELBORN:

7 Q. You're Nathaniel Dickson?

8 A. Yes, sir.

9 Q. Mr. Dickson, can you hear me okay?

10 A. Yes, sir.

11 Q. Now, if you can't or if you don't understand my
12 questions, let me know. Okay?

13 A. Yes, sir.

14 Q. All right. Mr. Dickson, you pled guilty as stated.
15 It was back in '09, September of '09. You pled guilty to
16 four counts of murder and possession of a firearm during
17 the commission of a violent crime. And you received a
18 sentence of life plus five years consecutive on each of
19 these charges. Is that correct?

20 A. Yes, sir.

21 Q. And you did not appeal your guilty plea or sentence;
22 is that correct?

23 A. Yes, sir.

24 Q. And then you filed in a timely manner your
25 application for post-conviction relief. And you alleged

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

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- 1 in your application, among other things, that your
2 lawyers failed to review discovery and the evidence
3 against you. And those lawyers are here in the
4 courtroom. That would be Mr. Tavernier and Mr. Potter.
5 Is that correct?
- 6 A. Yes, sir.
- 7 Q. Now, just for the Court's knowledge and
8 understanding -- I'm sure the Court has an awful lot of
9 challenges reading all these transcripts. But it's
10 alleged -- you ultimately pled guilty to these four
11 murders, and these were family members or step family.
12 Would that be fair to say?
- 13 A. Yes, sir.
- 14 Q. For the Court's knowledge, tell the relationship of
15 these four people to you?
- 16 A. Father, brother, stepmom and stepsister.
- 17 Q. Okay. Now, you've alleged that your lawyers failed
18 to review discovery and the evidence against you.
19 Specifically, what did they not do that you are
20 complaining about today?
- 21 A. They didn't review the evidence fully with me, and
22 Mr. ---
- 23 Q. Slow down. They didn't review the evidence with
24 you? Is that what you said?
- 25 A. Yes, sir. They did bits and pieces of the evidence.

1 And Mr. Potter informed me of a witness in a truck that
2 was passing by that would be testifying at trial. And I
3 never knew of a person in a truck passing by. It wasn't
4 in the motion of discovery or nothing. So he didn't give
5 me the correct information on evidence.

6 Q. Let's talk about that. You said that Mr. Potter
7 told you that there was a witness in a truck that came by
8 that saw what happened?

9 A. Yes, sir.

10 Q. And how did he find out about this witness in the
11 truck?

12 A. I don't know, sir.

13 Q. What did he tell you the witness in the truck would
14 have said?

15 A. That he could verify me doing the crime.

16 Q. That he could verify that you did not do the crime?

17 A. That I did do the crime.

18 Q. Whoa, whoa, wait.

19 A. That's what he ---

20 Q. Stop. Are you telling the Court that this person in
21 the pickup truck would have verified that you killed
22 these four people?

23 A. That's what I was informed, yes, sir.

24 Q. Now, you understand that doesn't help your case at
25 all?

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

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1 A. How does that not help? If -- I wouldn't have never
2 went for a guilty plea if I knew that there was nobody to
3 testify. He said there was going to specifically be a
4 person to testify against me if we went to trial.

5 Q. All right. I want to make sure we're communicating.
6 I'm a little thick-headed at times, so you help me
7 understand this. Are you telling the Court that this
8 person in a pickup truck was going to testify in the way
9 that would hurt you and would probably convict you? Is
10 that it?

11 A. Yes, sir.

12 Q. And you're complaining because your lawyers didn't
13 tell you about this?

14 A. No. They told me about it, and there was nothing in
15 the evidence, no statement in my motion of discovery that
16 says anything about a passing truck that saw the crime.

17 Q. I understand that. Are you telling the Court then
18 that you would have insisted on having a trial with a
19 witness who said you killed these four people? Is that
20 what you're telling the Court?

21 A. No, sir. I would have went to trial knowing that
22 there was not a witness that saw the crime.

23 Q. But Mr. -- you just testified that your lawyer said
24 there was a witness?

25 A. There was no witness. He told me there was a

1 witness, but there was no witness.

2 Q. Are you saying he lied to you?

3 A. Yes, sir.

4 Q. Well, how did you conclude he lied to you?

5 A. Because I've seen all of my motion, and there's no
6 evidence of a person passing by in a truck period that
7 would say otherwise that they saw or didn't see nothing.
8 Anything.

9 Q. Okay. You also alleged that he failed -- or your
10 lawyers failed to fully investigate and prepare this case
11 for trial prior to your guilty plea. Now, what
12 specifically did they not do?

13 A. They didn't discuss it. They just told me the
14 pictures and the little bit of evidence that they had was
15 going against me and I couldn't of beat it. But I never
16 fully seen the motion of discovery till now. And there's
17 no incriminating evidence that would show otherwise
18 except for one confession. But I didn't write the
19 confession.

20 Q. There's a confession you made?

21 A. I didn't make it. But there is a confession.

22 Q. Well, now, wait a minute. You didn't write the
23 confession? Is that what you're saying?

24 A. I didn't say the confession or write the confession.

25 Q. All right. So let me see if I understand this. Are

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

10

- 1 you telling the Court that someone made a confession on
2 your behalf? Is that what you're telling the Court?
- 3 A. Yes, sir.
- 4 Q. Who was that person that confessed on your behalf?
- 5 A. I don't know, sir.
- 6 Q. Well, why would a person do that? Do you have an
7 idea about that?
- 8 A. No, sir.
- 9 Q. Well, when did you find out somebody confessed in
10 your behalf?
- 11 A. When there was a confession.
- 12 Q. Excuse me?
- 13 A. When there was a confession.
- 14 Q. Have you seen that confession?
- 15 A. Yes, sir.
- 16 Q. When did you see it?
- 17 A. At the County, Anderson County.
- 18 Q. Before trial?
- 19 A. Before court, yes, sir.
- 20 Q. Before you pled?
- 21 A. Yes, sir.
- 22 Q. Well, who gave that confession, as you call it? Can
23 we re-label that maybe a statement of a witness? Would
24 that be a fairer way of saying it instead of a
25 confession?

1 A. Yes, sir.

2 Q. Because you didn't sign it; someone -- it's someone
3 saying they saw something. Would that be a better way of
4 saying it?

5 A. Right.

6 Q. All right. Who was that person?

7 A. I don't know.

8 Q. Well, did your lawyers share it with you?

9 A. Yes, sir.

10 Q. And you saw it?

11 A. Yes, sir.

12 Q. You don't remember the name of the person that
13 signed that statement?

14 A. I know the two officers that signed the statement.
15 Detective Reeves and -- I don't even remember. Detective
16 Reeves.

17 Q. Well, some detectives maybe wrote it in behalf of
18 someone at their request. Would that be fair to say? It
19 was their handwriting? Is that what you're saying?

20 A. It was typed on a computer. Yes, sir.

21 Q. So who was the person that allegedly made the
22 statement even though the officers wrote it in their
23 behalf for them?

24 A. I don't know.

25 Q. But you saw the statement?

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

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- 1 A. Yes, sir, on paper.
- 2 Q. Well, did you talk to your lawyers about it?
- 3 A. Yes, sir.
- 4 Q. Well, in general terms, did that statement help or
- 5 hurt you?
- 6 A. It would have hurt me, sir, if I went to trial.
- 7 Q. It would have hurt you. Well, then that
- 8 investigation -- are you saying they failed to
- 9 investigate your case? Wouldn't you say that was a good
- 10 investigation to keep something like that out of the
- 11 evidence?
- 12 A. No, sir, because it still was used. In the plea,
- 13 they read it, the statement in the plea.
- 14 Q. But if you had a trial, that would have come in as
- 15 well?
- 16 A. Yes, sir. But how did the confession be written by
- 17 me if ---
- 18 Q. The statement?
- 19 A. The statement, right. If I didn't write it or if I
- 20 didn't type it myself?
- 21 Q. But you just said a moment ago that wasn't your
- 22 confession as you called it; it was a witness statement.
- 23 Is that correct?
- 24 A. Yes sir. But they used it as a confession. That
- 25 was their exact words. In the plea, in the transcript,

1 it said, "confession."

2 Q. Okay. But it was a witness?

3 A. Yes, sir.

4 Q. And it wasn't going to help you had you gone to
5 trial?

6 A. No, sir.

7 Q. It would have hurt you; is that correct?

8 A. Yes, sir.

9 Q. All right. Anything else that your lawyers didn't
10 do to prepare this case and investigate it for you?

11 A. Yes, sir.

12 Q. What?

13 A. The supplemental report of Anderson County evidence
14 stated that the fingerprint, partial prints found were
15 insufficient to individualize. But in the same sentence,
16 they classified part of my partial print as part of the
17 print they found. But how can you not individualize it
18 but compare my print with a print that can't be
19 individualized?

20 Q. So are you saying that there was some inconclusive
21 fingerprints? Is that what you're trying to tell the
22 Court?

23 A. Yes, sir.

24 Q. Well, you've alleged they failed to investigate
25 that. So what should they have done about that?

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1 A. They should have fought it. They should have helped
2 me -- I was unaware of how to do things, and they didn't
3 help too much.

4 Q. Well, where did they find these fingerprints that
5 you now say are inconclusive?

6 A. On the shells, the shotgun shells, and the shotgun.

7 Q. That was allegedly the murder weapon?

8 A. Yes, sir.

9 Q. Now, if they had found partial fingerprints and they
10 couldn't conclusively prove who they were, that wouldn't
11 necessarily have ruled you out. Would you agree with
12 that?

13 A. It would have ruled me out.

14 Q. Well, couldn't you have had some gloves on or
15 something, or latex or something where there wouldn't
16 have been those fingerprints?

17 A. But you can't individualize it if it's
18 unindividualizeable (phonic). If you say you can't
19 individualize, how can you point me out to individualize
20 me for them? That's what I'm arguing. You can't -- how
21 can you say it's not clear enough evidence to say it's my
22 fingerprint but then at the end you say it's my
23 fingerprint? That's what I don't understand.

24 Q. Well, I don't think I understand what you're trying
25 to tell the Court. And I want the Court to understand

1 it. You're telling me there were some inconclusive
2 fingerprints on a gun and some shells; is that correct?

3 A. Correct.

4 Q. Then how does that -- how does that hurt you by
5 keeping out the evidence or going forward? I mean, I
6 don't see ---

7 A. It would have helped me because you can't -- I can't
8 use the weapon if my fingerprints wasn't on the weapon.

9 Q. But I just said you could have had gloves on you.
10 Would you agree?

11 A. No, sir.

12 Q. You couldn't have had something that would cover up
13 the fingerprints?

14 A. No, sir. It still had partial prints on it.

15 Q. Okay. All right. You've also alleged that your
16 plea was -- they did not assure or ensure that your plea
17 was knowing and voluntary. What do you mean by that?

18 A. I was under the impression that if I went to trial
19 that I would lose and get the death penalty, so they told
20 me the best thing I should do is to take the plea. And
21 if I would have known the evidence that I know now, I
22 wouldn't have took the plea.

23 Q. Well, let's tell the Court right now. What's that
24 evidence that you would have -- had you known at the
25 time, you would have insisted on going to trial?

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

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- 1 A. The no gun residue on me or my clothing.
- 2 Q. Stop. You need to slow down where I can understand.
- 3 You said something about residue.
- 4 A. The gunpowder residue they tested me for the night
- 5 that I got arrested.
- 6 Q. All right. Stop. You got tested for gun residue
- 7 the night you got arrested?
- 8 A. Yes, sir.
- 9 Q. Now, what were the results of that test? Did they
- 10 find some gun residue on you?
- 11 A. No, sir.
- 12 Q. Did your lawyers know that?
- 13 A. Yes, sir.
- 14 Q. All right. Then what else was the evidence that you
- 15 would have insisted on going to trial since they already
- 16 knew about that?
- 17 A. The no witnesses and the neighbors that live across
- 18 the street that were home at the time that never saw or
- 19 heard anything going on. That was amazing to me.
- 20 Q. So what you're saying is what we've already known;
- 21 there were basically no witnesses to this. Would you
- 22 agree to that?
- 23 A. Yes, sir.
- 24 Q. That's never really been an issue or made an issue,
- 25 has it?

1 A. It would help me out saying that they couldn't see
2 me there. They say there's a truck passing by that saw
3 me there, but that's not there.

4 Q. Okay.

5 A. And there's neighbors that didn't see me there, so
6 ...

7 Q. What else would the evidence have shown that you
8 would have insisted on going to trial besides what you've
9 already said?

10 A. That's it.

11 Q. That's it?

12 A. That's it.

13 Q. Now, we talked the other day on the phone, didn't
14 we?

15 A. Yes, sir.

16 Q. And you mentioned something about there was a
17 witness that would have said you were in Belton at the
18 time that all this happened. Do you remember that?

19 A. Yes, sir.

20 Q. Well, tell the Court about that.

21 A. Brantley Creel. I was riding four-wheelers with
22 Brantley from ten fifty-five that morning all the way up
23 to the time I got arrested. And I was on the phone with
24 Angela Watt on the way to Brantley's house at nine in the
25 morning till about nine fifteen. And there's no way that

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

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- 1 I could have been at the crime scene and on the phone
2 with her at the same time because the 9-1-1 call came
3 from one of the victim's phone at nine seventeen.
4 Q. And you were on the phone with this person when?
5 A. At nine fifteen.
6 Q. Angela Creel?
7 A. No. Angela Watt.
8 Q. Angela Watt. Now, is she here today?
9 A. I don't see her.
10 Q. All right. Well, you let me know about that, what,
11 a few days ago, and that was about all?
12 A. Yes, sir.
13 Q. When did you remember this?
14 A. I never forgot it.
15 Q. Well, in your transcript though, you talked about --
16 and I'm talking in general terms -- that there were some
17 things you didn't remember. Is that correct?
18 A. Yes, sir, but it was more being uncomfortable with
19 ---
20 Q. Uncomfortable?
21 A. Yes, sir, with the help that I had.
22 Q. Then when did you remember Angela Creel's name and
23 this other person?
24 A. Angela Watt and Brantley Creel?
25 Q. Yes.

1 A. They're in my motion of discovery. They wrote
2 statements and all in my behalf that wouldn't hurt me
3 stating the facts of that morning.

4 Q. Well, if you're saying this is in your motion for
5 discovery, what you mean is it's in the information the
6 State gave your lawyers when they filed for discovery?
7 Is that what you're saying?

8 A. Yes, sir.

9 Q. So wouldn't they have known about these statements
10 then?

11 A. Yes, sir.

12 Q. So these are not something that's brand new then.
13 You're telling the Court right now those statements were
14 there, they haven't changed, and they knew about it; is
15 that correct?

16 A. Yes, sir.

17 Q. Well, now, did they interview these two people you
18 just mentioned?

19 A. I don't know, sir.

20 Q. Now, was that discussed -- any of this discussed in
21 your guilty plea?

22 A. Can you repeat the question?

23 Q. These witnesses. Why weren't these witnesses
24 discussed in your guilty plea? Why didn't you say, "Wait
25 a minute, Judge. Here's a couple of witnesses that I

1 want to talk about that might can help me."

2 Q. That's part of the complaint, too, that they didn't

3 -- I don't think they fully talked to the witnesses on my
4 behalf.

5 Q. But they knew about these two people?

6 A. Yes, sir.

7 Q. These two witnesses?

8 A. Yes, sir.

9 Q. Did they talk to you about it?

10 A. They asked me the relationship between me and the
11 people, but that's all that they asked.

12 Q. So you're telling the Court -- and I want to make
13 sure I understand this. Is that in the witness

14 statements, the time that you just stated, that would
15 have tended to show that you couldn't have been there?

16 Are those times mentioned in there by these witnesses?

17 A. By one, yes, sir.

18 Q. Which one?

19 A. Brantley Creel.

20 Q. And she's the one that ---

21 A. He.

22 Q. He's the one -- okay. He's the one that lives in
23 Belton?

24 A. Yes, sir.

25 Q. And his statement would have tended to show that it

1 was impossible for you to have been four-wheeling with
2 him at that time because the murders were happening just
3 a couple minutes earlier. Is that what you're saying?

4 A. No, sir. He can verify that I was riding four-
5 wheelers with him that morning.

6 Q. When? When did you start?

7 A. From ten fifty-five all the way through the time I
8 got locked up.

9 Q. And allegedly when did these murders happen?

10 A. Early in the morning.

11 Q. Early? As in -- what's early?

12 A. Nine something.

13 Q. Well, now, if you're four-wheeling with him at five
14 till eleven, wouldn't you agree that you would have had
15 time to have done something at nine o'clock over there?

16 A. No, sir, because that's when I was on the phone with
17 Angela Watt. At the time the 9-1-1 call was called, I
18 was on the phone at the gas station with Angela Watt.

19 Q. Okay. Well, I want to make sure the Court
20 understands and I understand this. Again, I'm a little
21 thick-headed. At five till eleven, you testified you
22 were with this -- what's his name?

23 A. Brantley Creel.

24 Q. And you just testified though that these murders
25 happened a couple of hours earlier; right?

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

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- 1 A. Yes, sir.
- 2 Q. So he really wouldn't be able to give you an alibi,
- 3 would he?
- 4 A. He could tell them where I was at.
- 5 Q. At nine o'clock in the morning when these people
- 6 were killed?
- 7 A. Yes, sir.
- 8 Q. Well, what would he have said?
- 9 A. That I was at the gas station where I called him
- 10 from.
- 11 Q. But you didn't get over and go four-wheeling until
- 12 about eleven o'clock. Didn't you say that?
- 13 A. I got to his house around eleven o'clock.
- 14 Q. Two hours after you were on the phone?
- 15 A. Not quite two hours.
- 16 Q. Okay. Anything else you want to tell the Court?
- 17 A. No, sir.
- 18 Q. And you told your lawyers what you just told the
- 19 Court?
- 20 A. I told them what they asked.
- 21 Q. Well, did you tell them some of the stuff you told
- 22 me about you were on the phone at nine but somehow
- 23 somebody that you went four-wheeling with two hours later
- 24 was going to be your alibi? Did you tell them that?
- 25 A. Yes, sir.

1 Q. Okay. And did you tell them about this girl you
2 were on the phone with who would have said, "I was on the
3 phone with him when the 9-1-1 call came in"?

4 A. Yes, sir.

5 Q. Now, can you tell the Court how that would have
6 proven conclusively though that you didn't do anything?

7 A. I couldn't be at two places at one time.

8 Q. Well, if the 9-1-1 call came a few minutes later and
9 you were just up the road a few minutes, that would be
10 possible. Would you agree?

11 A. No, sir, because the gas station receipt has the
12 time that I was at the gas station compared to the 9-1-1
13 call.

14 Q. Okay. Did you show them that receipt?

15 A. I never got the receipt.

16 Q. Why?

17 A. I have no idea, sir.

18 Q. Well ---

19 A. The only receipt that I received was the Hardees
20 breakfast purchase in Belton.

21 Q. Well, you said there was a receipt from this gas
22 station. Where's that receipt now?

23 A. I don't know. It's mentioned in the motion from
24 Anderson County Sheriffs, but there's no copy of the
25 receipt.

Nathaniel C. Dickson - Direct Examination by Mr. Welborn

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1 Q. Well, your lawyers got all this information from the
2 Solicitor's office; right?

3 A. Yes, sir.

4 Q. And so did they ever get that receipt?

5 A. I never seen it.

6 Q. You've not seen it?

7 A. No, sir.

8 Q. But for these things you complained about, would you
9 have insisted on going to trial that day?

10 A. Yes, sir.

11 Q. And do you feel like then that you were prejudiced
12 by your lawyers not properly doing the things you alleged
13 that they didn't do? Is that what you're saying to the
14 Court?

15 A. Yes, sir.

16 Q. Are you asking then to be granted post-conviction
17 relief?

18 A. Yes, sir.

19 Q. Are you alleging that your plea was involuntarily
20 given?

21 A. Yes, sir.

22 Q. All right. Thank you. Answer anything the Court or
23 opposing counsel may have.

24 MR. WHITMIRE: May it please the Court.

25 THE COURT: Yes, sir.

1 CROSS-EXAMINATION

2 BY MR. WHITMIRE:

3 Q. Good afternoon. If I understand this correct,
4 right, you're alleging your plea was involuntary because
5 your attorneys didn't investigate and look into some
6 evidence for you?

7 A. Yeah, they didn't discuss with me. Yes, sir.

8 Q. You just testified the only receipt you had was from
9 the Hardees in Belton?

10 A. Yes, sir.

11 Q. Wasn't that from one of the dead victim's credit
12 cards?

13 A. Yes, sir.

14 Q. How did you get that card?

15 A. We had a mutual agreement. If I needed some money
16 or she needed some money, we would help each other out.

17 Q. Did you tell your attorneys that?

18 A. They never asked.

19 Q. Do you think it would be something that they would
20 probably want to know?

21 A. Yes, sir. But I really didn't feel comfortable.

22 Q. In fact, you had two attorneys on this; correct?

23 A. Yes, sir.

24 Q. And they had consulted with three different experts?

25 A. Yes, sir.

- 1 Q. And they were on your case within, you know, a day
2 or two, correct, from the offense?
- 3 A. Yes, sir.
- 4 Q. Yes or no?
- 5 A. Yes, sir.
- 6 Q. Did you tell them everything you knew at that
7 moment?
- 8 A. Yes, sir.
- 9 Q. I'm sorry. Was that a yes or no?
- 10 A. Yes, sir.
- 11 Q. Thank you. And correct me if I'm wrong. Did you
12 just testify that you just didn't feel comfortable
13 talking about the events, that you didn't have any
14 amnesia?
- 15 A. No. I didn't feel comfortable with the people I was
16 appointed, the attorneys I was appointed.
- 17 Q. But -- so you remembered everything that happened?
- 18 A. That morning, yes, sir.
- 19 Q. Yes?
- 20 A. Yes, sir.
- 21 Q. You met with Dr. Richards twenty-one times?
- 22 A. Yes, sir.
- 23 Q. And you lied to him twenty-one times?
- 24 A. No, sir.
- 25 Q. Explain.

1 A. When he asked me questions that were not pertaining
2 to the case, I would answer honestly. To the case I was
3 not one hundred percent honest with him because he was
4 not my attorney.

5 Q. Let me get this straight. And correct me if I'm
6 wrong. The hundreds of hours that your two attorneys and
7 their experts spent on your case, they just didn't ask
8 the right questions?

9 A. That wasn't it, sir. I just didn't feel they could
10 help me any better than I could help myself.

11 Q. Why didn't you tell any of this to Judge Maddox?

12 A. I was scared of the death penalty.

13 Q. Did you ever write to your attorneys and explain
14 this after the offense?

15 A. I told them I'd speak with them when they visited
16 me.

17 Q. No further questions, Your Honor.

18 MR. WELBORN: Nothing further.

19 THE COURT: You may step down, sir.

20 MR. WELBORN: That's our case.

21 THE COURT: Do you want to call Mr. Potter so
22 we can get him out of here?

23 MR. WHITMIRE: Yes, Your Honor.

24 THE COURT: Come on up, Mr. Potter.

25 ANDREW T. POTTER,

Andrew T. Potter - Direct Examination by Mr. Whitmire

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1 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION

3 BY MR. WHITMIRE:

4 Q. Good afternoon, Mr. Potter.

5 A. Hello.

6 Q. Do you recall your representation in this matter?

7 A. I do.

8 Q. Did you have a chance to review your file?

9 A. Yes.

10 Q. What was your role in representing Mr. Dickson?

11 A. If I remember correctly, this happened on a Saturday
12 morning. Monday morning, I -- obviously there was a lot
13 of publicity over the weekend. Monday morning I came in
14 and it was agreed upon between Mr. Gamble and myself that
15 I would be taking the case. I think a little bit later
16 on that morning, Mr. Tavernier showed up at the office
17 and inquired as to whether he could be co-counsel on the
18 case as well because at that point in time we were
19 dealing with a death penalty case. We had four
20 homicides. And we felt that at the very least, we needed
21 two counsel involved in it. Kurt was willing to come in
22 and assist. And actually, it was pretty much agreed that
23 he was going to be lead counsel related to that for the
24 death penalty aspect of the case.

25 Q. Specifically, the first consultation with Mr.

1 Dickson, did you guys do that together?

2 A. Yes, we did.

3 Q. Had he given a statement at this point?

4 A. I believe he had.

5 Q. Did you review his statement with him?

6 A. We did not have a copy of it. At least I don't
7 recall having a copy of it.

8 Q. Did you discuss the substance of what he told the
9 police?

10 A. I'm referring to my notes to kind of refresh my
11 recollection. State that question one more time, please.

12 Q. Did you discuss the substance of what he told police
13 in his statement?

14 A. We talked about who he gave the statement to,
15 Detective Reeves. There were no video recordings of the
16 statement made. My notes indicate he was arrested in
17 Belton. They carried him back to the Sheriff's office.
18 They took blood. They did a GSR. We asked him -- he was
19 seen by someone from Mental Health about potential
20 suicide issues. Let's see. So we discussed about that.

21 We talked about the specifics of the statement he
22 gave to Reeves. He told me he was going to Brantley's
23 that day. Brantley Creel. He -- my notes indicate he
24 used Taylor's shotgun that he found in the closet.

25 At that point in time, we discussed with him the

Andrew T. Potter - Direct Examination by Mr. Whitmire

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1 nature of what a preliminary hearing was, that more than
2 likely we'd be waiving the preliminary hearing. He asked
3 -- I do remember him specifically asking whether or not
4 we're looking at a death penalty on this case. I think
5 we told him we didn't know at that point in time, that it
6 is eligible for death penalty, and that was the reason
7 why he had two lawyers meeting with him. And this
8 initial meeting was done before he was, I think, formally
9 placed in general population at the ACDC. So there was a
10 glass wall between -- or glass window between us and him.
11 That I believe was April 29th, 2008.

12 Q. Did he mention alibi?

13 A. At that point in time, no. I don't think he ever
14 mentioned alibi to me.

15 Q. Prior to the memory loss, purported memory loss, did
16 he ever mention anything exculpatory or ask for any
17 specific investigation?

18 A. No. The amnesia aspect, that was with Kurt. What
19 happened was I met again with him at the detention center
20 on May 1st, 2008. That meeting -- I can't recall if Kurt
21 was with me for that meeting or not. And my notes don't
22 indicate whether Kurt was with me or not. But apparently
23 at the very least, I sat down and took notes on May 1st,
24 2008. And that was more specific about what happened.
25 He explained to me what he did and how it all took place.

1 And there was -- at that point in time, based upon the
2 interviews that I had had, we were thinking this was a
3 case where we needed to kind of head off the death
4 penalty notice at the pass. This was just not something
5 that's necessarily going to be headed for a trial, though
6 we were obviously looking at triable issues.

7 Q. Is it fair to say that throughout your
8 representation you became a defense mitigation team?

9 A. Mitigation. From my point of view, it was. Okay?
10 Based upon my interview on May 1st with him, that was
11 where I was coming from, trying to avoid him to be
12 noticed with the death penalty. And that's the reason
13 why we retained Dr. Richards. Karen Graham was a
14 mitigation expert. Jan Voglesang who had experience with
15 one of the 9/11 terrorists, we got involved with her.
16 She was out of Greenville. So we began putting together
17 a defense slash mitigation team for him.

18 Q. And during the course of your representation, did
19 both you and Mr. Tavernier discuss the State's evidence
20 with him, phone records, when you got it in?

21 A. I don't recall specifically doing it with him. I
22 know Kurt met with him much more after that. Again, Kurt
23 was lead counsel at that point in time, and I was really
24 deferring to Kurt's opinion in regards to how we direct
25 the case.

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1 Q. Is it fair to say your role was to supplement Mr.
2 Tavernier?

3 A. Right. Again, Kurt was pretty much going to be the
4 chief on this case and if we were here for a death
5 penalty case. That was, I think, agreed between Kurt and
6 I that that's how the pecking order was going to be.

7 Q. And specifically addressing the issue concerning the
8 passerby witness in the truck, could you elaborate
9 further on what potential discovery you got on the
10 witnesses?

11 A. There was a neighbor who, I think, did the 9-1-1
12 call. And again, this was 2008. I can't remember
13 specifics. There was a neighbor who made the call who
14 heard several shots and found Nathan's dad outside the
15 house. And I believe Nathan's father was still alive
16 when police and EMS appeared. And he was the one who
17 called 9-1-1. I believe that might have been what Nathan
18 was referring to. I do recall Rame Campbell, who was
19 counsel on this, mentioning a motorcyclist riding by.
20 But I don't recall there was any discovery related to
21 that. But I do remember him mentioning that to me. And
22 like I said, you know, when I met with Nathan back on May
23 1st, the interview that I got from him -- you know, we
24 weren't at that point in time looking for alibis or
25 anything like that because he didn't provide us with one

1 -- mentions that right before he did the final shot on
2 his father, his father did say, "I love you." And that
3 was the only time he told me his father ever said that to
4 him.

5 MR. WHITMIRE: No further questions, Your
6 Honor.

7 Mr. Potter, please answer any questions opposing
8 counsel may have for you.

9 CROSS-EXAMINATION

10 BY MR. WELBORN:

11 Q. Mr. Potter, you alleged in this application that
12 there was a failure to review discovery. And he
13 mentioned a couple of statements. Did you look at any of
14 these statements, or did you find a statement?

15 A. Yes, there was a statement made. And if I -- if I
16 -- this was a unique case because Kurt and I went out to
17 the crime scene almost -- that Monday afternoon.
18 Detective Reeves and a couple other detectives carried us
19 out to the crime scene, and we saw the crime scene before
20 it was cleaned up. If I remember correctly, Detective
21 Reeves was commenting about Nathan was upset with him
22 because he wasn't getting it right when he was typing out
23 the statement. Nathan was upset because he didn't say it
24 the right way, and it had to be a little specifically
25 more specific to be done when the statement was being

1 given by Nate.

2 Q. Well, he mentioned a little while ago some other
3 witness statement. Were there any other witness
4 statements? He called it a confession, but it was a
5 witness statement.

6 A. A witness statement from ...

7 Q. Well, you were in the courtroom during all this
8 hearing today?

9 A. Right. But I didn't understand the witness
10 statement. I mean, he gave a statement. But which
11 specific witness statement, I don't understand what he's
12 talking about.

13 Q. Well, that's what I'm confused about, and that's why
14 I'm trying to ask you. He referred to a confession that
15 I ultimately got him to explain was not his confession.
16 It's a witness statement. So there's some other witness
17 statements that he couldn't remember who signed it. He
18 just ---

19 A. Well, there's not a confession to the crime by
20 another person.

21 Q. Right.

22 A. There are witness statements in discovery. And
23 again, the discovery is somewhat voluminous. I mean,
24 there are witness statements in discovery.

25 Q. Here's my question. Did you go over all those

1 witness statements with him?

2 A. If I didn't, Mr. Tavernier did.

3 Q. Okay. And did you review any of the other
4 discovery, everything with him? Or did Mr. Tavernier do
5 it if you didn't?

6 A. I went over some discovery with him; Mr. Tavernier,
7 I'm sure, went over everything else as well. He was
8 provided with all his discovery. Everything that we got
9 short of any CDs or anything like that, we provided for
10 him as policy.

11 Q. Now, I know I remember what you testified to about
12 going out almost immediately to the scene of the crime
13 scene. He's alleged though you didn't fully investigate.
14 What do you think you could have done, if anything,
15 differently that you didn't do?

16 A. This was a win. Okay? This was a win. This was a
17 death penalty case. And in Anderson County, juries send
18 people to death. Okay? There wasn't even anything else
19 that could have been done on this case. We assembled
20 probably one of the better mitigation teams that's ever
21 been assembled in the state of South Carolina on his
22 behalf. Got him seen by a psychologist, psychiatrist on
23 a regular basis based upon his mental health issues to
24 prepare for mitigation. This was a win. There was
25 nothing else that could have been done. If this case

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1 would have gone to trial, he'd be sitting on death row
2 right now. I'm convinced of that.

3 Q. Thank you.

4 MR. WHITMIRE: Nothing further.

5 THE COURT: Any objection to Mr. Potter's being
6 excused from anybody?

7 MR. WHITMIRE: None.

8 MR. WELBORN: None.

9 THE COURT: You are excused, sir. Thank you.

10 THE WITNESS: Thank you, Judge.

11 THE COURT: Please call your next witness.

12 MR. WHITMIRE: The Respondent calls Mr.
13 Tavernier.

14 THE COURT: Come on up, Mr. Tavernier.

15 **KURT TAVERNIER,**

16 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION

18 BY MR. WHITMIRE:

19 Q. Good afternoon, Mr. Tavernier.

20 A. How are you doing?

21 Q. Do you recall your representation in this matter?

22 A. I do.

23 Q. Have you had a chance to review your file?

24 A. I have.

25 Q. How long have you practiced criminal law in South

1 Carolina?

2 A. Since 1989.

3 Q. Can you briefly detail your criminal law resume?

4 A. I'm an ex-cop in Greenville City. I went to law
5 school. Worked at the Solicitor's office for a few
6 years. Went into private practice. Went back to the
7 Solicitor's office in '99. Headed up the drug unit for
8 approximately three and a half, four years. Went back
9 into private practice and took on the contract with the
10 Public Defender's office to do all their drug cases and
11 conflict murder cases since 2002. And I'm death penalty
12 certified.

13 Q. Do you recall the appointment specifically in
14 relation to when this offense occurred?

15 A. My recollection is a little different than Andy's.
16 I went out to the Public Defender's office, and he said
17 that he had picked up a case on the -- that had occurred
18 over the weekend. He asked if I was interested because
19 it was probably going to be a death penalty case. Told
20 him I would be. We called Judge Nicholson, and Judge
21 Nicholson told us to go ahead and get started.

22 Q. Throughout the course of your representation, how
23 many meetings did you have approximately with Mr.
24 Dickson?

25 A. According to my time records, I think there were in

Kurt Tavernier - Direct Examination by Mr. Whitmire

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1 excess of twenty.

2 Q. Did you review Mr. Dickson's statement to police
3 with him?

4 A. I did. That was the very first, the very first
5 meeting.

6 Q. What was his version of that statement? Or his
7 explanation for it?

8 A. He admitted giving the statement to police. They
9 typed it up for him. By this time, I had already
10 reviewed the crime scene and had spoken with Detective
11 Reeves who had taken the statement. Was aware that it
12 was fairly detailed, and had been informed as to Nathan's
13 reaction, his demeanor and what had transpired in the
14 late hours of that Saturday night when he was giving the
15 statement to Detective Reeves.

16 Q. And again, this is just for the record. Did he
17 offer an alibi or any version of events that were
18 potentially exculpatory?

19 A. Not at that time, no. He did later on.

20 Q. Was the chief concern in this avoiding the death
21 penalty?

22 A. That was primarily it. Based on a review of the
23 crime scene, the initial reports that I -- the initial
24 reports of the alleged scene, and based on his statement,
25 it looked to be pretty tight.

1 Q. So Mr. Dickson's main objective was mitigation; it
2 was not on the guilt phase?

3 A. At that point, yes.

4 Q. Was this prior to the purported memory loss?

5 A. In about -- his memory began to fade -- and
6 according to the doctors, it was accepted because -- it
7 was called dissociative amnesia. When people go through
8 a traumatic experience, they start to dissociate
9 themselves from the incident. And I'd say after about
10 two weeks, that started to set in. And that would be
11 that there was no recollection at that particular point
12 in time.

13 There did come a time about mid June, I received a
14 phone call on a Saturday evening. He had my cell phone.
15 He was allowed to call me. And he called me and
16 indicated that he had become aware of what had occurred
17 and that he was aware of the individual that had done it,
18 and he had observed this individual do the act.

19 Q. Can you further elaborate?

20 A. I took notes when I was speaking to him. He had a
21 flashback. He stated that it was a flashback that had
22 occurred two nights prior to him calling me. He woke up.
23 That he didn't shoot his family, that he had shot twice
24 at the real shooter and used a twelve gage. The
25 individual was described as a big man, a white male with

Kurt Tavernier - Direct Examination by Mr. Whitmire

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- 1 long black hair that hadn't shaved in two or three days.
2 He was wearing a black tee shirt, blue jeans. Didn't
3 recall whether he had boots or shoes on. He shot at the
4 shooter from behind the fence, and he hit him. The
5 second shot hit him. And he fell, and then he ran into
6 the woods. Let's see. He saw spent shells on the floor
7 and outside. Came through the back door to the front.
8 His little brother was screaming, "Nathan, Nathan." He
9 saw his dad down on the hill before pulling the trigger.
10 In the bedroom he heard the first shots. His stepsister
11 was screaming, "Andy, Andy, Andy." Then boom. He knew
12 Taylor's -- his little brother Taylor's shotgun was in
13 the closet, and he grabbed it. Heard the first shot
14 behind him outside. He ran outside. Didn't see his
15 stepmom till he went in to get his shoes. He took
16 Taylor's shotgun with him. Then he went to the gas
17 station and bought water and dip. And that was about it.
- 18 Q. Did you investigate that version of events to the
19 best of your ability?
- 20 A. The -- there was no independent evidence that was
21 taken in forensics to corroborate that another individual
22 was in the house.
- 23 Q. Was this the only purported flashback that he
24 disclosed to you throughout the representation?
- 25 A. That was pretty much it. It was the most prevalent.

1 And he stated it was kind of almost outer body, but he
2 remembered it. I went back. I talked to him the
3 following -- I believe it was Monday that I went in to
4 see him. And we went over what he had said. And at that
5 time, I confronted him a little bit with the fact that
6 there was no independent corroborating evidence to
7 determine that anybody else had been in the house.

8 Q. Was he able to have a coherent conversation with you
9 at that juncture right then?

10 A. Yes, to where he understood what you were telling
11 him. His acceptance of it wasn't necessarily always what
12 you would -- I wouldn't say acceptance. He understood
13 what you were telling him. Made it very difficult, but
14 it was also based on what -- we had Dr. Evans, James
15 Evans who was a neuro psyche, Dr. Rob Richards who was a
16 juvenile, what they call adolescent psychologist, Dr.
17 Schwartz-Watts who runs the Medical University psyche
18 ward down there in Columbia. And as Andy said, we put
19 together several people to check because as things
20 progressed, Nathaniel could not, either through his own
21 mental devices or whatever, recall what had occurred or
22 couldn't remember making the statement after a couple of
23 weeks. Those kinds of things, he just kind of
24 dissociated himself from, which made it kind of difficult
25 to determine whether we were dealing with a competency

Kurt Tavernier - Direct Examination by Mr. Whitmire

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1 issue or whether it was just something where his own
2 mental devices wouldn't accept what had apparently
3 occurred.

4 Q. You're not a mental health expert?

5 A. Absolutely not.

6 Q. So he was evaluated for competency and criminal
7 responsibility by three separate mental health experts?

8 A. James Evans is a neuro psyche. Because of the
9 mental, we had been told -- and from health records that
10 we had gotten -- that Nathan had been hit in the head
11 with, I think, a baseball bat and had suffered a
12 concussion wherein his father had hit him and dislocated,
13 I think, an orbital socket. And I think there was one
14 other traumatic injury to his head. And we wanted to
15 make sure that there was no mental defect there. And had
16 that. And that's what Jim Evans was checking.

17 Rob Richards is -- when kids are between seventeen
18 and twenty-two, they consider them to be adolescent in
19 their determination of mental faculties and as far as
20 brain development. And so Rob is pretty doggone good.
21 And so we called Dr. Richards in. And he in fact is the
22 one who had met with Nathaniel over a course of time.

23 Early on, I had Dr. Schwartz-Watts do her evaluation
24 and to make a determination whether there's anything we
25 were dealing with. And based on -- and all this was

1 triggered because there was a suicidal ideation while he
2 was at ACDC, the detention center, and they shipped him
3 off to Columbia. And so we went round and round with
4 probate and Judge Macaulay trying to get them to prevent
5 him from being evaluated by state doctors and taking
6 statements prior to anybody getting there. And I went
7 down to Columbia to meet them.

8 Q. That suicidal ideation, was that a behavioral
9 deficit or potentially psychotic?

10 A. I think it was just a behavioral process he was
11 going through. And as a matter of fact, they didn't even
12 tell us he had been shipped off until two days later.

13 Q. And Dr. Voglesang, her role was to gather all this
14 information?

15 A. Yeah. She is a mitigation death penalty specialist.
16 She and Carolyn Graham work together to put things
17 together for mitigation when and if you get to the death
18 penalty phase. And what that does is it's -- we were
19 just kind of setting the basis for allocating whether it
20 was going to be a part of our defense and how things were
21 going to work out in transition.

22 Q. So was the role of Dr. Evans -- his information
23 about that hit to the head probably would have come from
24 Dr. Voglesang or, I guess, the other person?

25 A. Well, we had the medical records.

1 Q. Okay.

2 A. So those were given to Dr. Evans, and he did his
3 evaluation similar to like an MRI to determine whether
4 there was any malfunctioning in the brain.

5 Q. Did you do everything requested of you from this
6 mitigation team of experts?

7 A. Yeah. We met on three different occasions as a team
8 and discussed the case because everything prior to this
9 occurring was totally contrary to Nathaniel's demeanor,
10 personality. It was a total and complete shock.

11 Q. And were all the competency evaluations consistent?

12 A. Pretty much. Probably Dr. Richards' was the most
13 consistent because he had the most time with Nathaniel.

14 And so we would have probably relied on it more so than
15 the two- or three-hour evaluations that were done. Dr.

16 Evans met with him, I think, six and a half to eight
17 hours to do his evaluation. Dr. Schwartz-Watts, I think,
18 was a three-hour deal.

19 Q. Specifically, Dr. Richards, he found that the
20 amnesia was legitimate and dissociated from post-
21 traumatic stress or it was malingering; correct?

22 A. There was no malingering. They determined that it
23 was in fact genuine when people go through a traumatic
24 experience and try to dissociate themselves from it. It
25 is -- that event is something that when they finally come

1 to grips with the reality of what occurred, they can't
2 accept it. They can't accept it. So their brain
3 basically, in a sense, shuts it out, and they block it
4 from having to deal with it on a continual basis.

5 THE COURT: Mr. Whitmire, I've read the
6 testimony from Dr. Richards in the guilty plea, so I'll
7 tell you that I'm well versed now as to what all three of
8 them were saying.

9 MR. WHITMIRE: Out of an abundance of caution,
10 I just wanted to develop a record. I'll move on.

11 Q. Did you have any hesitation in pleading him guilty?

12 A. The only hesitation was whether it was guilty but
13 mentally ill, that aspect of it, to make a determination.
14 But based on the evaluations and what we were dealing
15 with, you plea guilty but mentally ill, they send you to
16 a treatment facility, and then give you help. And then
17 you go back into general population when they're done.
18 Based on the evaluations, we determined that it wasn't
19 necessarily going to fit here because under all
20 competency evaluations, he was competent.

21 Q. When did the Solicitor make this plea offer?

22 A. Probably I think around summer of 2009.

23 Q. When did Mr. Dickson accept it?

24 A. There -- I don't know the specific dates without
25 going back. We became aware at some point that some of

Kurt Tavernier - Direct Examination by Mr. Whitmire

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1 the family members were not going to object to the death
2 penalty being sought, and for him -- for Nathaniel to be
3 noticed. And based on that, when we became aware of
4 that, that's when we started to look towards trying to
5 position this, arguing between what we would have to do
6 and what the State would have to go through. And at that
7 point is when we met with Nathaniel and went through all
8 the rudiments of what would take place and how -- what
9 would be the potential and likelihood. And based on
10 that, that was when he decided, "Yeah, let's go for it."

11 Q. Did he ever waver or question that decision between
12 that time and the time he entered the plea?

13 A. No. Based on -- once he made the decision, it
14 wasn't a long period of time before we got everything
15 lined up and got set. I think the only thing that
16 stalled anything was getting all the family members that
17 had to come in, was getting them in for the plea date.

18 Q. And two final questions. Did you try this case to
19 the best of your ability?

20 A. I probably put more into this doggone case than most
21 because of what we were dealing with, the uniqueness of
22 it, the tragedy of it and -- yeah, I just -- I hated it.
23 But I don't think we left a single stone unturned.

24 Q. No further questions. Thank you very much for your
25 time today.

1 CROSS-EXAMINATION

2 BY MR. WELBORN:

3 Q. Mr. Tavernier, when the -- my client called you on a
4 Saturday night and said that he had this recollection --
5 and you gave some explanation about describing an
6 assailant that he said he saw and that he got, I think,
7 one shot onto the assailant. Did I understand that?

8 A. That's correct.

9 Q. Did you call any hospitals or doctors and follow up
10 to see who might have gone for treatment on something
11 like that?

12 A. Didn't call any hospitals, Mr. Welborn. We tried
13 our best to determine whether there was any incident or
14 anybody made any -- whether there was anything else --
15 incident reports that had been filed or anything of that
16 nature. But the -- there was nothing that we could
17 determine.

18 Q. Why would you have not called hospitals or doctor's
19 offices?

20 A. If a hospital has a gunshot patient come in the ER
21 or whatever for treatment, they're automatically required
22 by law to notify law enforcement.

23 Q. All right. Thank you.

24 MR. WHITMIRE: No further questions. We just
25 ask that Mr. Tavernier be excused. And the Respondent

Kurt Tavernier - Cross-examination by Mr. Welborn

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1 rests.

2 MR. WELBORN: No objection.

3 THE COURT: All right. You're excused, sir.

4 Thank you.

5 Nothing further?

6 MR. WHITMIRE: No, Your Honor.

7 MR. WELBORN: Nothing.

8 THE COURT: Thank you. I'll take it under
9 advisement and let y'all know, gentlemen.

10 MR. WELBORN: I'm sorry?

11 THE COURT: I said I'll take it under
12 advisement and let y'all know. Thank you.

13 (WHEREUPON, the hearing ended at approximately 2:52
14 p.m.)

15 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

1 CERTIFICATE OF REPORTER

2 I, the undersigned Renee H. Tollison, Official Court
3 Reporter for the Tenth Judicial Circuit of the State of
4 South Carolina, do hereby certify that the foregoing is a
5 true, accurate, and complete transcript of record of all
6 the proceedings had and evidence introduced in the
7 trial/hearing of the captioned case, relative to appeal,
8 in the Circuit Court for Anderson County, South Carolina,
9 on the 1st day of December 2014.

10 This transcript may contain quoted material. Such
11 material is reproduced as read by the speaker.

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

14 April 27, 2015

15

16 s/ *Renee H. Tollison*

17 Circuit Court Reporter



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON) FOR THE TENTH JUDICIAL CIRCUIT

Nathaniel Dickson,
S.C.D.C. No. 336982,

Applicant,

v.

State of South Carolina,

Respondent.

C.A. No. 2010-CP-04-3054

ORDER OF DISMISSAL

FILED-CLERK'S OFFICE
ANDERSON SC
2015 FEB 12 AM 11:02
COMMON PLEAS AND
GENERAL SESSIONS

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed August 25, 2010. Respondent made its Return. An evidentiary hearing into the matter was convened on December 1, 2014 at the Anderson County Courthouse. Applicant was present and was represented by Hugh W. Welborn, Esq. Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Saluda County. Applicant was indicted at the May 2011 term of the Court of General Sessions for Anderson County on four counts of murder and possession of a weapon during a violent crime (2008-GS-958; -959; -960; -961). He was represented by Kurt Tavernier, Esq., and Andrew Potter, Esq. On September 21, 2009, Applicant pled guilty as indicted pursuant to a plea agreement where the State agreed to not pursue the death penalty and recommended Applicant be sentenced to consecutive terms of life imprisonment without the possibility of parole 'LWOP'. As a result of an extensive colloquy,

The Honorable J. Cordell Maddox, Jr. accepted Applicant's plea and sentenced Applicant pursuant to the State's recommendation. Applicant did not appeal his convictions or sentences.

At the PCR hearing, Applicant proceeded on the limited allegations of ineffective assistance of counsel in his assertion that he was being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel:
 - a. failure to investigate purportedly exculpatory alibi evidence;
 - b. failure to adequately investigate and evaluate the State's purportedly lack of trace evidence
 - c. failure to adequately investigate and evaluate the State's evidence and purportedly apprise Applicant that there were no eyewitnesses to the murders;

APPLICABLE LAW

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 668, 104 S.Ct. at 2064. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland, *supra*. 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.

A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Kolle v. State, 386 S.C. 578, 588, 690 S.E.2d 73, 78 (2010)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and documents from the prior proceedings, and, and legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Applicant's allegations and assertions to be wholly incredible, unsupported, and entirely lacking in merit. Instead, this Court finds Applicant received the benefit of exemplary assistance of counsel. Attorney Tavernier and

Attorney Potter testified to their course of conduct during the representation. This Court finds their testimonies to be not only credible but convincing. Applicant's attorneys expended extensive labor immediately upon the outset of the representation leaving no stone unturned in investigating the underlying facts surrounding the murders and State's extensive evidence of Applicant's guilt. The attorneys sought out esteemed mental health experts in assembling its defense team. In light of the foregoing, the Court finds Applicant's assertions that his attorneys were deficient in their communications with him to be utterly base. This Court also finds Applicant's casual testimony that he feigned amnesia on countless occasions to his attorneys, and to defense experts to be endemic of this meritless-PCR action.

A.

This Court finds Applicant has failed to meet his burden to prove his attorneys were either deficient or ineffective in their performances for failing to investigate purported exculpatory alibi evidence. "This Court has stated previously that criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007). Moreover, while the scope of a reasonable investigation depends upon a number of issues, "at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case." Troedel v. Wainwright, 667 F.Supp. 1456, 1461 (S.D.Fla.1986), aff'd, 828 F.2d 670 (11th Cir.1987) (emphasis in original).

Applicant argues that his attorneys were ineffective for failing to investigate an alibi defense. The allegation was supported by Applicant's testimony that he was 'four-wheeling' when his family was murdered. He further testified that credit card receipts and phone records

would support an alibi. This Court finds Applicant's testimony here not credible. In comparison, this Court finds Attorney Tavernier's testimony to be credible that Applicant confirmed the authenticity and accuracy of his confession, that Applicant apprised him of the particular details of the murders, and that he and Attorney Potter conducted an extensive investigation of the State's evidence, visited the scene, and determined the relevant facts surrounding the murders, to be credible. This Court similarly finds Attorney Potter's testimony on this matter. Regardless, the allegation here is fatally reliant on non-credible speculation. See Porter v. State, 368 S.C. 378, 386, 629 S.E.2d 353, 358 (2006) ("Mere speculation of what a witness' testimony may be is insufficient to satisfy the burden of showing prejudice in a petition for PCR."); see also Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) ("Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result."). Therefore, this allegation is summarily denied and dismissed.

This Court also finds Applicant failed to meet his burden to prove his attorneys were ineffective for failing to further investigate latent prints found on the murder weapon. He testified that it was his opinion that the prints were inconclusive to prove identity. This Court also finds Applicant failed to meet his burden to prove his attorneys were ineffective for failing to challenge the authenticity of his confession. Both allegations are summarily denied and dismissed similarly because they are solely reliant on Applicant's unfounded speculative testimony.

B.

Applicant testified that his attorneys inaccurately told him that a passing motorist witnessed him commit the murder. He testified that he has since learned otherwise after his post-

sentencing review of his "Brady" materials. Attorney Potter testified that a neighbor phoned police to report the disturbance and that he reviewed the 911 audio recording. Attorney Potter noted that a motorcyclist traveled by scene around the time of the offense. He testified that he and Attorney Tavernier fully reviewed all the State's evidence with Applicant. This Court finds Attorney Potter's testimony on the matter to be credible and Applicant's testimony suspect and not credible. This Court finds that Applicant's allegation that his attorneys misadvised him on the import any legitimacy of the State's evidence to be farcical. Therefore, this allegation is denied and dismissed.

C.

Last, Applicant readily failed to prove Strickland's prejudice prong on all allegations in light of the overwhelming evidence of his guilt. See Ford v. State, 314 S.C. 245, 442 S.E.2d 604 (1994) (Where there is overwhelming evidence of guilt, a trial counsel's deficient representation).

D.

Except as discussed above, this Court finds that the Applicant affirmatively abandons the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

CONCLUSION

Based on all the forgoing, 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 for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 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. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 6 day of Feb., 2015.


 CARMEN T. MULLEN
 Presiding Judge
 Tenth Judicial Circuit

Beaufort, South Carolina

DOCKET NO. 2008 GS04 - 958

WITNESSES
REEVES, ACSD

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS
MAY 20 2008

Term

ARREST WARRANT NUMBER

J895670 & J873542

THE STATE

vs.

Nathaniel C Dickson

COMMITMENT

9-21-09 / comp

ACTION OF GRAND JURY

TRUE BILL

MAY 20 2008

Foreperson of Grand Jury

Date:

VERDICT

CTA

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020

CDR Code: 0116

Possession of a firearm during the commission
of a violent crime

SC Code: 16-23-0490

CDR Code: 0549

Foreperson of Petit Jury

Date:

A TRUE COPY

AUG 25 2010

Martin G. Senter
CLERK OF COURTS

STATE OF SOUTH CAROLINA)
)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on MAY 20 2008, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Nathaniel C. Dickson did in Anderson County, on or about the April 26, 2008, unlawfully and with malice aforethought kill Samuel Andrew Dickson, Jr. by means of shooting the victim with a firearm, and that Samuel Andrew Dickson, Jr. died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

That Nathaniel C. Dickson did in Anderson County on or about April 26, 2008 possess a firearm during the commission of a violent crime, to wit: Murder, in violation of Code Section 16-23-0490, Code of Laws of South Carolina, (1976), as amended.

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

----- 
ASSISTANT SOLICITOR

132 OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Anderson
STATE VS.
Nathaniel Casey Dickson

INDICTMENT/CASE#: 2008GS0400958

A/W#: J895670

Date of Offense: 4/26/2008

S.C. Code § 16-03-0010.0020

CDR Code #: 0116

AKA: *
Race: W Sex: M Age: 21

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]
Easley, SC 29642

DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder (30 to life)☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0010.0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State

ATTEST: [Signature] Huey, Catherine T. SC Bar# [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 9/21/09 Plea
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 18 months
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ set by SCDPPPS _____
days/hours Public Service Employment

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

§ 47.12 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

§ 90.7 (SCCA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ _____

TOTAL \$ 130.00

Clerk of Court/ Deputy Clerk

Court Reporter: R. Hollison

SCCA/217 (06/2009)

PRESIDING JUDGE

Judge Code: 2Sentence Date: 09/21/09Martha A. Newton
CLERK OF COURTS

ARREST WARRANT

J-895670

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel C Dickson

Address.

EASLEY, SC 29642

Phone: (0)-X

SSN:

Sex: M Race: W Height: 6 2 Weight: 105

DL State DL #

DOB: Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: S J Reeves - 200

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Nathaniel C. Dickson

4-27-08

Franklin E. Culbertson
Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant S J Reeves

being duly sworn deposes and says that defendant Nathaniel C Dickson

did within this county and state on or about 04/26/2008

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:That on April 26, 2008 in the county of Anderson, one Nathaniel C Dickson did, with malice and aforethought, cause the death of
the Samuel Andrew Dickson Jr, victim by shooting the victim multiple times with a firearm causing injuries that subsequently led to
his death. This incident occurred at 156 Pine Lake Dr.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address: 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone

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

on or about 4/26/2008 defendant Nathaniel C Dickson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, 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
Sworn to and subscribed before me

on 04/27/2008

James A Cox (L.S.)
Signature of Issuing Judge
James Albert Cox
Judge Code: 5850Judge's Address: 219 County Home Road
Anderson, SC 29625-

Judge's Telephone: (864) 222-6637

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

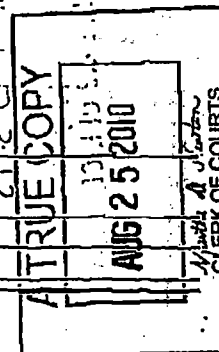
ORIGINAL

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ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

ARREST WARRANT

J-873541

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel Casey Dickson

Address

Easley, SC 29642-

Phone

SSN

Sex, M Race, W Height, 6 3 Weight, 175

DL State, SC DL #, 0101468397

DOB, [REDACTED] Agency ORI #, SC0040000

Prosecuting Agency, Anderson County Sheriff

Prosecuting Officer, SJ Reeves - 200

Offense, Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code, 0549

Code/Ordinance Sec, 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date,

RETURN

A copy of this arrest warrant was delivered to defendant on 4-30-2008 Nathaniel C. Dickson 4-30-2008

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant SJ Reeves

who

being duly sworn deposes and says that defendant Nathaniel Casey Dickson

did within this county and state on or about 04/26/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)

in the following particulars:

DESCRIPTION OF OFFENSE Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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:

That on April 26, 2008 in the county of Anderson, one Nathaniel Casey Dickson did knowingly and willfully possess and display a firearm during the commission of a violent crime. The defendant did use shotgun to commit the crime of Murder. The victim was Jilam Melissa Salazar. This occurred at 153 Pine Lake Dr. Easley, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road

Anderson, SC 29625-

Affiant's Telephone

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

on or about 4/26/2008 defendant Nathaniel Casey Dickson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson) as set forth below

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, 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.

Sworn to and subscribed before me

on 04/29/2008

(L.S.)

Signature of Issuing Judge
Ronald Warren Whitman (Magistrate)

Judge Code: 5954

Judge's Address Post Office Box 8002

Anderson, SC 29622-8002

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

135

WITNESSES

REEVES, ACSD

DOCKET NO. 2008GS04 - 959

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

MAY 20 2008

Term

ARREST WARRANT NUMBER

J895673 & J873541

THE STATE

vs.

Nathaniel C Dickson

COMMITMENT

9-21-09/emp

ACTION OF GRAND JURY

TRUE BILL

MAY 20 2008

CTA

Foreperson of Grand Jury

Date: Active

VERDICT

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020

CDR Code: 0116

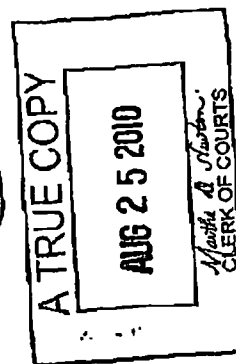
Possession of a firearm during the commission
of a violent crime

SC Code: 16-23-0490

CDR Code: 0549

Foreperson of Petit Jury

Date:



STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on MAY 20 2008, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Nathaniel C. Dickson did in Anderson County, on or about the April 26, 2008, unlawfully and with malice aforethought kill Jiliam Melissa Salazar by means of shooting the victim with a firearm, and that Jiliam Melissa Salazar died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

That Nathaniel C. Dickson did in Anderson County on or about April 26, 2008 possess a firearm during the commission of a violent crime, to wit: Murder, in violation of Code Section 16-23-0490, Code of Laws of South Carolina, (1976), as amended.

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


ASSISTANT SOLICITOR

COUNTY OF Anderson
 STATE VS.
Nathaniel Casey Dickson
 AKA: _____
 Race: W Sex: M Age: 21
 DOB: [REDACTED] SS#: _____
 Address: [REDACTED]
Easley, SC 29642
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2008GS0400959
 A/W#: J895673
 Date of Offense: 4/26/2008
 S.C. Code §: 16-03-0010, 0020
 CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder (30 to life)

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)

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

ATTEST [Signature] 6710 Nathaniel Dickson [Signature] 12991
Deputy Catherine T. SC Bar# Defendant Attorney for Defendant SC Bar# 958

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 9/21/09
☒ The Defendant is to be given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied
 by the State Department of Corrections. 18 months
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

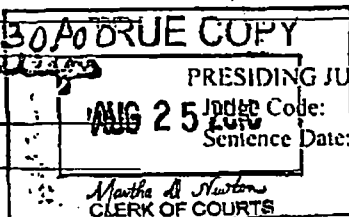
☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ set by SCDPPPS _____

Recipient: _____
 *Fine: _____ S
 § 14-1-206 (Assessments (07.5 %)) _____ S
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-286 (DUI Breath Test) \$25 \$
 § 47-12 (Public Def./Prob) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 § 14-1-213 (Drug Court Surcharge) \$100 \$
 § 50-21-114 (DUI Breath Test Fee) \$50 \$
 § 56-5-2912(J) (Vehicle Assessment) \$40/ea \$
 § 90.7 (SCCA Surcharge) \$5 \$ 5.00
 3% to County (if paid in installments) \$
 TOTAL _____

_____ days/hours Public Service Employment
 Obtain GED _____
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling _____
 Random Drug/Alcohol testing _____
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____
☐ Appointed PD or appointed other counsel, \$47.12
 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk

Court Reporter: R. Johnson
 SCCA/217 (06/2009)



ARREST WARRANT

J-895671

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel C Dickson

Address:

EASLEY, SC 29642

Phone: (0)-x

SSN:

Sex: M Race: W Height: 6 2 Weight: 105

DL State: DL #

DOB: Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: S J Reeves - 200

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec.: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to

defendant: Nathaniel C. Dickson

on: 11-27-08

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
P.O. Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant S J Reeves

being duly sworn deposes and says that defendant Nathaniel C Dickson

did within this county and state on or about 04/26/2008

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:

That on April 26, 2008 in the county of Anderson, one Nathaniel C Dickson did, with malice and aforethought, cause the death of the Alex Tyler Dickson, victim by shooting the victim multiple times with a firearm causing injuries that subsequently led to his death. This incident occurred at 159 Pine Lake Dr.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address: 305 Camson Road

Anderson, SC 29625-

Affiant's Telephone

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

on or about 4/26/2008 defendant Nathaniel C Dickson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, 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.

Sworn to and subscribed before me on 04/27/2008

Signature of Issuing Judge
James Albert Cox
Judge Code: 5850

Judge's Address: 219 County Home Road

Anderson, SC 29625-

Judge's Telephone: (864) 222-6637

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

A TRUE COPY

AUG 25 2010

CLERK OF COURTS

ARREST WARRANT

J-873542

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel Casey Dickson

Address:

Easley, SC 29642-

Phone: _____ SSN: _____
 Sex: M Race W Height: 6 3 Weight: 175
 DL State SC DL #: 0101468397
 DOB: _____ Agency ORI # SC0040000

Prosecuting Agency Anderson County Sheriff

Prosecuting Officer S J Reeves - 200

Offense: Weapons / Poss. weapon during violent crime, if
 not also sentenced to life without parole or death

Offense Code 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to

defendant on

Nathaniel Casey Dickson
 4-30-2008

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
 100 South Main Street
 Po Box 8002
 Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant S J Reeves

who

being duly sworn deposes and says that defendant Nathaniel Casey Dickson

did within this county and state on or about 04/26/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)
 in the following particulars:

DESCRIPTION OF OFFENSE Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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:

That on April 26, 2008 in the county of Anderson, one Nathaniel Casey Dickson did knowingly and willfully possess and display a
 firearm during the commission of a violent crime. The defendant did use shotgun to commit the crime of Murder. The victim was
 Samuel Andrew Dickson Jr. This occurred at 153 Pine Lake Dr. Easley, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
 Anderson, SC 29625-

Affiant's Telephone

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

on or about 4/26/2008

defendant Nathaniel Casey Dickson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson

) as set forth below

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, 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

Sworn to and subscribed before me

on 04/29/2008

(L.S.)

Signature of Issuing Judge

Ronald Warren Whitman (Magistrate)

Judge Code: 5954

Judge's Address Post Office Box 8002

Anderson, SC 29622-8002

Judge's Telephone (864)260-4156

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DOCKET NO. 2008 GS04 - 960

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

MAY 20 2008

Term

WITNESSES

REEVES, ACSD

ARREST WARRANT NUMBER

J895671 & J873543

ACTION OF GRAND JURY

TRUE BILL

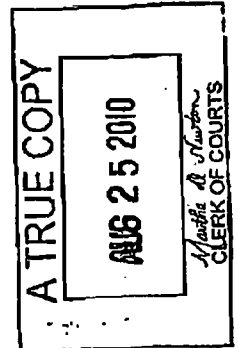
THE STATE

vs.

Nathaniel C Dickson

COMMITMENT

9-21-09 / comp



CTA

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020

CDR Code: 0116

Possession of a firearm during the commission
of a violent crime

SC Code: 16-23-0490

CDR Code: 0549

Foreperson of Grand Jury

Date:

Active

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

MAY 20 2008

At a Court of General Sessions, convened on _____, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Nathaniel C. Dickson did in Anderson County, on or about the April 26, 2008, unlawfully and with malice aforethought kill [REDACTED] Dickson by means of shooting the victim with a firearm, and that [REDACTED] Dickson died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

That Nathaniel C. Dickson did in Anderson County on or about April 26, 2008 possess a firearm during the commission of a violent crime, to wit: Murder, in violation of Code Section 16-23-0490, Code of Laws of South Carolina, (1976), as amended.

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


ASSISTANT SOLICITOR

142 OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Anderson

VS.

Nathaniel Casey Dickson

AKA:

Race: W Sex: M Age: 21

DOB: SS#:

Address: Easley, SC 29642

DL#: SID#:

INDICTMENT/CASE#: 2008GS0400960

A/W#: J895671

Date of Offense: 4/26/2008

S.C. Code §: 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder (30 to life)

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or 1ewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.ATTEST: [Signature] 6510 [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar# 12991 954WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 9/21/09 Plea
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 18 months
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
§ 47-12 (Public Def/Prob)	\$500 \$
§ 14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$100 \$
§ 50-21-114(BUJ Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$10/ea \$
§ 90.7 (SCJA Surcharge)	\$5 \$ 5.00
3% to County (if paid in installments)	\$
TOTAL	\$ 300.00

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2009)

PRESIDING JUDGE

AUG 25 2009 Code: 2

Sentence Date: 09-21-09

Martha R. Newton
CLERK OF COURTS

ARREST WARRANT

J-895672

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel C Dickson

Address:

EASLEY, SC 29642

Phone: (0)-S SSN:

Sex: M Race W Height: 6 2 Weight: 105

DL State DL #:

DOB: Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: S J Reeves - 200

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Nathaniel C. Dickson on 4-27-08

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant S J Reeves who being duly sworn deposes and says that defendant Nathaniel C Dickson did within this county and state on or about 04/26/2008 violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:

That on April 26, 2008 in the county of Anderson, one Nathaniel C Dickson did, with malice and aforethought, cause the death of the Maritza Hurtado, victim by shooting the victim with a firearm causing injuries that subsequently led to her death. This incident occurred at 153 Pine Lake Dr.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address: 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone:

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

on or about 4/26/2008 defendant Nathaniel C Dicksondid violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, 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

Sworn to and subscribed before me on 04/27/2008Signature of Issuing Judge: James Albert Cox (L.S.)
Judge Code: 5850Judge's Address: 219 County Home Road
Anderson, SC 29625-Judge's Telephone: (864)222-6637Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518CLERK OF COURTS
Martha B. Newton
TRUE COPY
AUG 25 2010
13

ARREST WARRANT

J-873543

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel Casey Dickson

Address:

Easley, SC 29642-

Phone, SSN, [REDACTED]

Sex M Race: W Height: 6 3 Weight: 175DL State: SC DL #: 0101468397DOB: [REDACTED] Agency ORI #: SC0040000Prosecuting Agency: Anderson County SheriffProsecuting Officer: S J Reeves - 200Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathOffense Code: 0549Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Nathaniel Casey Dickson on 4.30.08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant S J Reeves whobeing duly sworn deposes and says that defendant Nathaniel Casey Dicksondid within this county and state on or about 04/26/2008 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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:

That on April 26, 2008 in the county of Anderson, one Nathaniel Casey Dickson did knowingly and willfully possess and display a firearm during the commission of a violent crime. The defendant did use shotgun to commit the crime of Murder. The victim was Alex Taylor Dickson. This occurred at 153 Pine Lake Dr. Easley, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson Road
Anderson, SC 29625-

Affiant's Telephone

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

on or about 4/26/2008 defendant Nathaniel Casey Dickson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson) as set forth below:DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, 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

Sworn to and subscribed before me

on 04/29/2008Signature of Issuing Judge [Signature] (L.S.)

Ronald Warren Whitman (Magistrate)

Judge Code: 5954Judge's Address Post Office Box 8002Anderson, SC 29622-8002Judge's Telephone (864)260-4156Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCDA 518

A TRUE COPY

AUG 25 2010

Marta A. Martin
CLERK OF COURTS

DOCKET NO. 2008 GS04 - 961

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

MAY 20 2008

Term

THE STATE

vs.

Nathaniel C Dickson

CTA

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020

CDR Code: 0116

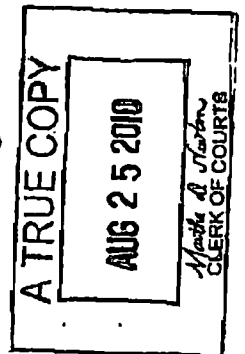
Possession of a firearm during the commission
of a violent crime

SC Code: 16-23-0490

CDR Code: 0549

COMMITMENT

9-21-09/comp



145
WITNESSES

REEVES, ACSD

ARREST WARRANT NUMBER

J895672 & J873544

ACTION OF GRAND JURY

TRUE BILL

MAY 20 2008

Foreperson of Grand Jury

Date:

Acting

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on MAY 20 2008, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Nathaniel C. Dickson did in Anderson County, on or about the April 26, 2008, unlawfully and with malice aforethought kill Maritza Hurtado Dickson by means of shooting the victim with a firearm, and that Maritza Hurtado Dickson died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

That Nathaniel C. Dickson did in Anderson County on or about April 26, 2008 possess a firearm during the commission of a violent crime, to wit: Murder, in violation of Code Section 16-23-0490, Code of Laws of South Carolina, (1976), as amended.

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

147

COUNTY OF
STATE

Anderson

VS.

Nathaniel Casey Dickson

AKA:

Race: W Sex: M Age: 21

DOB: SS#:

Address: 1 Easley, SC 29642

DL#: SID#:

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

TO: Murder / Murder (30 to life)

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, hearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
 ATTEST: Catherine T. Huey SC Bar# 6710 Nathaniel Dickson Defendant Robert J. Tamm Attorney for Defendant 12991 SC Bar# 960
WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 9/21/09 Plea
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 18 months
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: Obtain GED _____

☐ set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ Substance Abuse Counseling _____

§ 14-1-206 (Assessments 107.5 %) _____ Random Drug/Alcohol testing _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00 _____ Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ pmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ S _____ paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

§ 47-12 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00 _____

§ 14-1-213 (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

§ 90.7 (SCCA Surcharge) \$5 \$5.00 _____

3% to County (if paid in installments) \$ _____

TOTAL \$138.00

PRESIDING JUDGE

Judge Code: 12

Sentence Date: 09-21-09

Clerk of Court/ Deputy Clerk: Catherine T. HueyCourt Reporter: R. Hollison

SCCA/217 (06/2009)

 AUG 25 2009
 Months & Years
 CLERK OF COURTS

ARREST WARRANT

J-895673

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel C Dickson

Address:

EASLEY, SC 29642

Phone: (0)-X

SSN:

Sex: M Race: W Height: 6 2 Weight: 105

DL State: DL #:

DOB: Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: S J Reeves - 200

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to

defendant Nathaniel C. Dicksonon 4-27-08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 318Personally appeared before me the affiant S J Reeves whobeing duly sworn deposes and says that defendant Nathaniel C Dicksondid within this county and state on or about 04/26/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)

in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

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:

That on April 26, 2008 in the county of Anderson, one Nathaniel C Dickson did, with malice and aforethought, cause the death of Jiliam Melissa Salazar the victim by shooting the victim with a firearm causing injuries that subsequently led to her death. This incident occurred at 157 Pine Lake Dr.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Camson RoadAnderson, SC 29625-

Affiant's Telephone

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

on or about 4/26/2008 defendant Nathaniel C Dickson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson) as set forth below:DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, 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.

Sworn to and subscribed before me

on 04/27/2008

Signature of Issuing Judge (L.S.)

James Albert Cox

Judge Code: 5850Judge's Address 219 County Home RoadAnderson, SC 29625-Judge's Telephone (864)222-6637Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ARREST WARRANT

J-873544

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

THE STATE

2008-25993

against

Nathaniel Casey Dickson

Address:

Easley, SC 29642-

Phone: _____ SSN 2 _____
 Sex M Race W Height 6 3 Weight 175
 DL State SC DL # 0101468397
 DOB _____ Agency ORI # SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: S J Reeves - 200

Offense Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathOffense Code 0549Code/Ordinance Sec: 16-23-0490This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant Nathaniel Casey Dickson
 on 4-30-2008

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
 100 South Main Street
 Po Box 8002
 Anderson, SC 29622

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Personally appeared before me the affiant S J Reeves who
 being duly sworn deposes and says, that defendant Nathaniel Casey Dickson
 did within this county and state on or about 04/26/2008 violate the criminal laws of the
 State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Anderson)
 in the following particulars:

DESCRIPTION OF OFFENSE Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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:

That on April 26, 2008 in the county of Anderson, one Nathaniel Casey Dickson did knowingly and willfully possess and display a
 firearm during the commission of a violent crime. The defendant did use shotgun to commit the crime of Murder. The victim was
 Maritza Hurtado Dickson. This occurred at 153 Pine Lake Dr. Easley, SC.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Anderson

Affiant's Address 305 Carson Road
Anderson, SC 29625-

Affiant's Telephone _____

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

on or about 4/26/2008 defendant Nathaniel Casey Dickson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Anderson) as set forth below.DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, 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

Sworn to and subscribed before me

on 04/29/2008

Ronald Warren Whitman (L.S.)
 Signature of Issuing Judge

Ronald Warren Whitman (Magistrate)

Judge Code: 5954Judge's Address Post Office Box 8002Anderson, SC 29622-8002Judge's Telephone (864)260-4156Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit