

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Florence County

Edgar W. Dickson, Circuit Court Judge

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S.C. Supreme Court

CARLYNIAS PETTIGREW,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

PELLATE CASE NO. 2015-001587

APPENDIX

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	CASE NO. 2011-GS-21-1187

STATE OF SOUTH CAROLINA,	)	
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Plaintiff,	)	
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-vs-	)	TRANSCRIPT OF RECORD
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CARLYNIAS M. PETTIGREW,	)	
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Defendant.	)	
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July 26, 2012
Florence, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, Judge

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

EDGAR LEWIS CLEMENTS, III, Solicitor
Attorney for the Plaintiff

WILLIAM VICKERY MEETZE, Esquire
Attorney for the Defendant

KRYSTAL J. SMITH
Court Reporter

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1 JULY 26, 2012

2 (WHEREAS this matter was scheduled for a term of General
3 Sessions court, the defendant appeared along with his
4 counsel of record. The hearing began at 2:40 p.m.)

5 MR. CLEMENTS: If it please the Court, Your Honor.

6 THE COURT: Yes, sir.

7 MR. CLEMENTS: Your Honor, this is Indictment 2011-GS-21-
8 1187. It is the State of South Carolina versus Carlynias
9 Pettigrew. Mr. Pettigrew stands here with his attorney, Mr.
10 Vic Meetze.

11 Your Honor, Mr. Meetze had filed a motion for bond. This
12 was a murder indictment, but we had it on the trial list,
13 actually had set a date for August the 6th. We've reached a
14 plea agreement so the bond matter was not heard, but I wanted
15 to put on the record that Mr. Meetze had filed for bond.

16 After conferring with the family of the victim, Your
17 Honor, which several members are here that I'll introduce in a
18 moment, also conferring with law enforcement, we have offered
19 Mr. Pettigrew to plead to the lesser included offense of
20 voluntary manslaughter with a negotiated sentence of 30 years,
21 which is the maximum sentence on voluntary manslaughter. It
22 also would be the minimum sentence on the murder if he went
23 forward with the murder, but we have allowed him to plead to
24 the voluntary manslaughter.

25 THE COURT: All right.

1 THE CLERK: If you will, sir, raise your right hand. Do
2 you swear to tell the truth, the whole truth, and nothing but
3 the truth, so help you God?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Mr. Meetze, you represent Mr.
6 Carlynias Pettigrew?

7 MR. MEETZE: I do, Your Honor.

8 THE COURT: Have you explained to him the charges
9 contained in the indictment, the possible punishment, and his
10 constitutional rights?

11 MR. MEETZE: I have.

12 THE COURT: In your opinion, does your client understand
13 the charges against him, the possible punishment, and his
14 constitutional rights?

15 MR. MEETZE: He does.

16 THE COURT: Has he indicated to you a desire to plead
17 guilty or not guilty?

18 MR. MEETZE: Guilty.

19 THE COURT: Do you agree with your client's decision to
20 plead guilty?

21 MR. MEETZE: I do.

22 THE COURT: From your investigation of the facts and
23 circumstances of this case, do you believe the State could
24 produce sufficient evidence to convince a jury of his guilt
25 beyond a reasonable doubt and that if he were to stand trial,

1 his conviction would be probable?

2 MR. MEETZE: I believe that.

3 THE COURT: Has he been ordered to submit to a
4 psychological or mental evaluation?

5 MR. MEETZE: No, Your Honor.

6 THE COURT: Any question in your mind about his
7 competency?

8 MR. MEETZE: No, sir.

9 THE COURT: All right. All right, sir, you are Carlynias
10 Pettigrew?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: There are certain questions that I must ask
13 you to ensure that you're entering into this plea freely,
14 voluntarily, knowingly, and intelligently, that you have a
15 full understanding of the nature of the offense that you're
16 pleading guilty to, and the consequences of your plea. If at
17 any point in time you need to speak to your attorney, you let
18 me know and I will be happy to let you talk to him. Okay? I
19 need a verbal response.

20 THE DEFENDANT: I mean I'm not satisfied with him.

21 THE COURT: Well, I'll get to that in a minute. Okay?
22 Do you understand what I just explained to you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. I need verbal responses from you to my
25 questions. Okay?

1 THE DEFENDANT: Yes, sir.
2 THE COURT: How old are you, sir?
3 THE DEFENDANT: Twenty-six.
4 THE COURT: How far did you go in school?
5 THE DEFENDANT: Eleventh grade.
6 THE COURT: Have you ever worked anywhere?
7 THE DEFENDANT: Yes, sir.
8 THE COURT: Where?
9 THE DEFENDANT: My father and also Atlanta Bread and
10 Bickett's Wholesale Commercial, the ice cream place.
11 THE COURT: Are you married?
12 THE DEFENDANT: No, sir.
13 THE COURT: Do you have any children?
14 THE DEFENDANT: One.
15 THE COURT: How old?
16 THE DEFENDANT: Three.
17 THE COURT: Have you ever been in criminal court before?
18 THE DEFENDANT: Yes, sir.
19 THE COURT: When?
20 THE DEFENDANT: Um.
21 THE COURT: Do you know?
22 THE DEFENDANT: I forgot. Probably about three or four
23 years back.
24 THE COURT: All right. I'll get Mr. ---
25 THE DEFENDANT: Blue light. For failure to stop for a

1 blue light.

2 THE COURT: Okay. Have you ever been treated for alcohol
3 abuse, drug abuse or mental illness?

4 THE DEFENDANT: Yes, sir, alcohol.

5 THE COURT: When was that?

6 THE DEFENDANT: Probably about three -- probably about
7 three years ago.

8 THE COURT: Okay. Did you complete that program?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: The fact that you previously received any
11 alcohol -- the alcohol treatment, does that in any way affect
12 your ability to know and understand what you're doing here
13 today?

14 THE DEFENDANT: Yeah.

15 THE COURT: Does that -- that affect your ability ---

16 THE DEFENDANT: No, no.

17 THE COURT: Sir?

18 THE DEFENDANT: That ain't ---

19 THE COURT: Okay.

20 THE DEFENDANT: That ain't affecting me.

21 THE COURT: Within the last 24 hours, have you taken any
22 medication, drugs or alcohol?

23 THE DEFENDANT: No, sir.

24 THE COURT: Are you aware of any physical, emotional or
25 nervous problem that would prevent you or keep you from

1 understanding what you're doing here today?

2 THE DEFENDANT: No, sir.

3 THE COURT: All right. Now, the State indicates that you
4 are pleading guilty to voluntary manslaughter. Is that
5 correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you understand that that carries a penalty
8 of up to 30 years?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: The State has also conveyed to the Court that
11 they have negotiated a plea with your lawyer and that that
12 negotiation is a sentence -- a plea to a sentence of 30 years.
13 Is that right?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You understand that under a negotiated plea
16 the Court can either accept it or set it aside and let you
17 plead on a different day in front of another judge or if you
18 -- or if you don't accept the -- or if the Court doesn't
19 accept the negotiated plea, you could exercise your right and
20 go to trial? Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you want the Court to accept the
23 negotiated 30 year sentence that the State and your lawyer
24 have worked out in this particular case?

25 THE DEFENDANT: I mean, Your Honor, I can -- I'll take

1 the plea of voluntary manslaughter to the 30 years.

2 THE COURT: That's not what I asked you. Do you want the
3 Court to accept the plea and the negotiated sentence that your
4 lawyer and the State has worked out in this case?

5 THE DEFENDANT: Yeah.

6 THE COURT: You do?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay.

9 THE DEFENDANT: That means that ---

10 THE COURT: I'm going to let you talk to me in a minute.
11 Explain whatever you want to in a minute. Okay? Just answer
12 my questions right now. Okay?

13 THE DEFENDANT: Yeah.

14 THE COURT: Now, you understand, Mr. Pettigrew, that this
15 particular offense that you are pleading guilty to is a
16 violent offense. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: In addition, do you understand that this is
19 what is considered to be a most serious offense?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And has your lawyer talked to you about the
22 consequences of a violent -- of pleading to a violent offense
23 and a most serious offense?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you understand that under our laws in

1 this state if upon your release from the Department of
2 Corrections you are subsequently convicted by plea or trial of
3 another most serious offense and the State has properly
4 noticed you of their intent to seek life without parole that
5 the Court would have no alternative but to sentence you to
6 life without parole. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, you also understand that this is
9 considered to be a no parole offense. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You can pretty much count on doing day for
12 day. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you still want to go forward with this
15 plea today?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Now, you understand that when you
18 plead guilty, you give up certain important constitutional
19 rights. Do you understand that you have a right to a jury
20 trial? At a jury trial, I would instruct the jury that you
21 are presumed innocent, that you are presumed not guilty. The
22 State would bear the burden of proving you guilty beyond a
23 reasonable doubt. You would have the right to question any
24 witnesses against you, as well as the right to present
25 witnesses for your defense.

1 You would have the right to remain silent. If you went
2 to trial and did not testify, I would instruct the jury that
3 they could not hold that fact against you. If you made any
4 incriminating statements, you'd have a right to challenge the
5 admissibility of those statements. Do you understand those
6 rights?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that when you plead guilty
9 you give up those rights?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Understanding your rights and
12 understanding that when you plead guilty you give them up, how
13 do you plead to this charge here today? Guilty or not guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: All right. Now, you are represented by Mr.
16 Meetze and you've indicated to me that you weren't happy with
17 your lawyer. I'm going to ask you some questions about his
18 representation of you. Do you under -- okay?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you satisfied with the manner in which
21 he's advised you and represented you in this case?

22 THE DEFENDANT: No, sir.

23 THE COURT: What are you not satisfied with?

24 THE DEFENDANT: One, Your Honor, I was in the county for
25 18 months and he ain't never tried to take me up for a bond,

1 period, and then just the third of this month July, I was
2 asking him about a bond and months prior. I said, Vic, can
3 you take me up for a bond hearing? He was like, well, for
4 one, the judge is not going to give you a bond. Because I was
5 asking for a bond can I -- so I could spend some time with my
6 son and family and try to work and pay for me a lawyer that
7 was going to work for me. He said you know and I know you're
8 not going to get a lawyer. I said, Vic, it's your job to take
9 me up for a bond. That's -- you know, I'm asking. I'm not
10 demanding. I'm asking. He said, well, you tell your lawyer
11 to take you up and get you a bond.

12 And then also I was putting in motions to try to do a
13 bond and, Vic, if I couldn't get a bond, why you ain't been
14 letting me know about it and I felt like he still should have
15 tried to take me up whether I was eligible for one or not.
16 That's their job.

17 THE COURT: Well, you understand that he did file a
18 motion for a bond?

19 THE DEFENDANT: At the last minute. I ain't -- he ain't
20 even tell me when I was going to trial.

21 THE COURT: Well, you understand that it would be up to
22 the Court to determine whether or not you would even be
23 entitled to bond.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that?

1 THE DEFENDANT: Yeah.

2 THE COURT: Okay. Now, other than the motion for bond,
3 do you have any other complaints about Mr. Meetze?

4 THE DEFENDANT: Well, one other time I was telling him
5 about, you know, I didn't have no intentions on harming my
6 brother-in-law because I loved my brother-in-law just as well
7 as they love him.

8 THE COURT: Well ---

9 THE DEFENDANT: And ---

10 THE COURT: Do you understand -- let me ask you this and
11 I -- since you said that. Well, you understand that when you
12 plead guilty, you give up any defenses you may have to the
13 charges against you. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Understanding that, do you want to proceed
16 here today and plead guilty to this charge?

17 THE DEFENDANT: I mean I would like another lawyer.

18 THE COURT: Well, you're entitled to representation. Mr.
19 Meetze has been appointed as your lawyer and you're -- but
20 you're not entitled to the lawyer of your choice unless, in
21 fact, you go hire a lawyer.

22 THE DEFENDANT: So y'all can't appoint me a -- appoint me
23 a lawyer? A paid lawyer?

24 THE COURT: Mr. Meetze is a lawyer.

25 THE DEFENDANT: But I'm not satisfied with him.

1 THE COURT: Well, like I said a minute ago, you're not
2 entitled to a lawyer of your choosing when you have a lawyer
3 appointed to represent you. Mr. Meetze has been practicing
4 law longer than most of the lawyers in this courtroom.

5 THE DEFENDANT: I don't think he represent me good
6 enough, but I'll go ahead with it. Yes, sir.

7 THE COURT: Okay. Do you need any more time to talk to
8 him?

9 THE DEFENDANT: No, sir, at all.

10 THE COURT: Have you talked with him enough? Is there
11 anything else ---

12 THE DEFENDANT: Yes, sir.

13 THE COURT: --- that you need to tell him that you think
14 he could do to help your case?

15 THE DEFENDANT: He can't help me. No, sir.

16 THE COURT: Is there any -- anything that you haven't
17 told him that you think you need to tell him and talk to him
18 about for him to ---

19 THE DEFENDANT: Nothing else.

20 THE COURT: --- more fully or properly represent you in
21 your opinion?

22 THE DEFENDANT: No, sir, nothing else.

23 THE COURT: Okay. Have you understood your talks with
24 him?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: What has he -- has he done anything that you
2 believe he shouldn't have done?

3 THE DEFENDANT: I felt like he ain't representing me. I
4 mean he was saying -- in my case that I was trying to point
5 out to him, he ain't really worked on that case good enough.
6 Like I said, I'm just ready to go ahead and get it over with.

7 THE COURT: Well, are you pleading guilty today because
8 you are guilty?

9 THE DEFENDANT: I mean I'm guilty for what I did, but I
10 mean I ain't had no -- like I said, I ain't had no intentions
11 of harming my brother-in-law, period.

12 THE COURT: Well, that goes back to ---

13 THE DEFENDANT: I had rights to defend myself.

14 THE COURT: Sir?

15 THE DEFENDANT: I had rights to try to defend myself.

16 THE COURT: Mr. Meetze, anything you want to address with
17 regards to that?

18 MR. MEETZE: Your Honor, as the Court pointed out to Mr.
19 Pettigrew just a little bit ago and I have explained to him as
20 well prior to coming up here today, he has expressed to me his
21 guilt with regards to the case and that he acted in self-
22 defense. I have explained to him that by entering this plea
23 that he would be giving up a right to any legal defense and
24 that would include a defense of self-defense.

25 I have also told him and he disagrees with me. It's his

1 right to disagree with me. There's nothing that says an
2 attorney and a client have to see eye to eye on everything.

3 THE COURT: Right.

4 MR. MEETZE: Maybe I was deficient in being able to
5 explain to him well enough why I didn't feel like this is a
6 self-defense case. I don't know. I tried and I do feel that
7 this is not a self-defense case. He does not have any
8 independent witnesses other than himself. There was no one
9 else out there. There were people at the home, but nobody
10 else that saw what happened. It was just Mr. Hodges and Mr.
11 Pettigrew who were outside at the time. The evidence in the
12 incident report in my opinion does not support a self-defense
13 claim.

14 THE COURT: Well, let me ask ---

15 MR. MEETZE: The evidence in his statement that we've
16 also had the opportunity to view and hear also would not give
17 an indication of any kind of a self-defense argument in the
18 case. Any self-defense evidence at trial in my opinion would
19 have to come from the testimony that Mr. Pettigrew would give
20 if he chose to do so and -- and based on my view of everything
21 and I've advised him of this, I do not believe that self-
22 defense is a viable defense in this case and -- and nor do I
23 feel like any other lesser inclusions would be appropriate
24 either.

25 THE COURT: Let me ask you this, Mr. Meetze. Do you

1 believe you need any more time to talk to him about this case?

2 MR. MEETZE: No, sir. Your Honor, I don't think I do.

3 THE COURT: Do you believe you need any more time to
4 prepare this case?

5 MR. MEETZE: No, sir.

6 THE COURT: Okay. Anything else, Mr. Pettigrew, that you
7 wish to tell me about Mr. Meetze and your dissatisfaction as
8 his lawyer -- as your lawyer?

9 THE DEFENDANT: Your Honor, I was trying to explain to
10 him how the situation went, but he just going off statements
11 and how -- and how it looked, how the pictures looked, this
12 and that, but, Your Honor, honestly I ain't had no intention
13 on harming my brother-in-law. A man that had intentions on
14 trying to kill a man, he'll run. I stayed right there, did
15 CPR, and I called 9-1-1 and everything.

16 THE COURT: Well, you understand ---

17 THE DEFENDANT: He ---

18 THE COURT: Let me ask you this. I've asked you this
19 before. You stand before this Court indicating your desire to
20 enter a plea of guilty, a guilty plea, and I understand what
21 you're saying, but you -- let me ask you this. You understand
22 that when you plead guilty, you give up any defenses you have.
23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Now, your alternatives are you can go forward

1 with this plea today or you can go forward with trial, which
2 has been noticed for August the 6th. Is that right, Mr.
3 Solicitor?

4 MR. CLEMENTS: That is correct, Your Honor.

5 THE COURT: And that decision is yours. Mr. Meetze does
6 not make the decision as to whether or not you plead guilty or
7 whether or not you go to trial; that is your decision. That
8 decision rests solely with you. If you go to trial, I go back
9 to the constitutional rights that I advised you a minute ago
10 about. You have -- you have a right to testify in that trial,
11 if you so desire and you can get up, if you so desire, and
12 tell the jury your side of the story, if you wish. Okay?

13 THE DEFENDANT: And go to trial with him?

14 THE COURT: I'm -- let me finish what I'm telling you.
15 You have a right to go to trial with Mr. Meetze as your lawyer
16 or you can represent yourself or you can hire another lawyer.
17 Okay? Now, if you go to trial, you have every right to
18 testify, if you so desire. Whether or not you testify in your
19 trial is your decision. It's not your lawyer's decision.
20 It's not the prosecutor's decision or anybody else's decision.
21 You can talk with your family, your friends, whoever you so
22 desire, but the ultimate decision of whether or not you
23 testify is your decision. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. Now, has -- let me ask you this. Has

1 anybody threatened you, used any force, pressure or
2 intimidation to get you to plead guilty here today?

3 THE DEFENDANT: No. He just said if I take the plea,
4 it's best that I go ahead and take the plea because the family
5 isn't going to be happy unless I take 30 years and ---

6 THE COURT: Well, the Solicitor's Office doesn't have to
7 offer you any plea deal. They could take off the table what
8 they've offered you here today and say we're going to try this
9 case straight up for murder, which would certainly put you in
10 a position of looking at 30 years to life if you were
11 convicted. Now, again, you have two decisions: whether or not
12 you want to go forward and plead guilty or whether or not you
13 want to go to trial ---

14 THE DEFENDANT: I ---

15 THE COURT: --- and if you go to trial, whether or not
16 you testify.

17 THE DEFENDANT: Okay.

18 THE COURT: Those are your decisions.

19 THE DEFENDANT: I'll plead guilty.

20 THE COURT: All right. Are you pleading guilty because
21 you are guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Has anybody promised you anything or
24 held out any hope of reward to get you to plead guilty here
25 today?

1 THE DEFENDANT: No, sir.

2 THE COURT: Again, has anybody used any threats, force,
3 pressure, or intimidation to get you to plead guilty?

4 THE DEFENDANT: No, sir.

5 THE COURT: Has anybody mistreated you in any way,
6 whether it be law enforcement or the Solicitor's Office?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. Have you had enough time, Mr.
9 Pettigrew, to make up your mind as to whether or not you want
10 to plead guilty to this charge or go to trial?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And what do you wish to do?

13 THE DEFENDANT: Plead guilty.

14 THE COURT: Are you pleading guilty to this charge of
15 your own free will?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you understood my questions?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Mr. Solicitor?

20 MR. CLEMENTS: Thank you, Your Honor. First, Your Honor,
21 let me tell you about Mr. Pettigrew's prior criminal history.
22 Of the arrests he's had, the convictions are a possession of
23 marijuana conviction and a public disorderly conduct
24 conviction in 2004. Also, the sale to or possession by stolen
25 pistol convictions in 2006, which he got two years jail time

1 suspended to probation. Also, Your Honor, he has a failure to
2 stop for a blue light conviction in 2007, which he got 90 days
3 and probation for a year.

4 Those are all his convictions, Your Honor. Your Honor, I
5 need to introduce some people to you in the courtroom, if I
6 may.

7 THE COURT: All right..

8 MR. CLEMENTS: Your Honor, I believe you know
9 Investigator Thomas McFadden of the Florence County Sheriff's
10 Office.

11 THE COURT: Yes, sir.

12 MR. CLEMENTS: Investigator McFadden is the chief
13 investigator on this case. In a moment, I'm going to defer to
14 him to give you the facts of this case, Your Honor.

15 THE COURT: All right.

16 MR. CLEMENTS: In sufficient detail, Your Honor.. I'm
17 going to give them briefly. Your Honor, also, I have members
18 of the decedent Coraygus Hodges' family here today and when I
19 ask -- I'll ask them to raise their hand when I call their
20 name.

21 Ms. Marilyn Sparks is the mother of Coraygus. She's in
22 the striped shirt, Your Honor. Tia Antrim is the sister of
23 Coraygus sitting right here. Barbara Hicks is neighbor and
24 the godmother of Coraygus Hodges and she's there in the print
25 dress. Your Honor, also the mother of Coraygus' child and his

1 wife, Tabalon Pettigrew is right here. Your Honor, she is
2 also the sister of Carlynias Pettigrew. They are here and at
3 the appropriate time, Your Honor, they'd like to address the
4 Court.

5 Briefly, Your Honor, and Investigator McFadden is going
6 to give you the details, Your Honor, that you need, but this
7 happened on the 24th of January of 2011 where Mr. Pettigrew had
8 called Mr. Hodges to come pick he and his girlfriend up and he
9 had called late and they had some disagreement about it and
10 then Mr. Pettigrew waited for him there in Timmons ville. Mr.
11 Hodges got there. They had a further disagreement and verbal
12 disagreement and Mr. Pettigrew pulled out a gun and shot up
13 the car and shot Mr. Hodges I think three times. Is that
14 correct?

15 INVESTIGATOR MCFADDEN: Four.

16 MR. CLEMENTS: Four times. He didn't run. He did after
17 he shot him say, oh, I didn't mean to hurt you and tried to --
18 to render some aid, but it was far too little way too late.
19 But there are some other details, Your Honor. I'll defer to
20 Investigator McFadden on this.

21 THE COURT: All right. Please state your name for the
22 record, Investigator McFadden.

23 INVESTIGATOR MCFADDEN: Thomas McFadden.

24 THE COURT: Yes, sir.

25 INVESTIGATOR MCFADDEN: Well, the other part about it, I

1 actually spoke to Mr. Pettigrew earlier that week because he
2 was in possession of some stolen items which belonged to
3 somebody else. We worked that out, but his name was on some
4 pending other investigations so I actually talked to him and
5 told him he needed to slow down and control his temper because
6 we had several other cases pending involving a weapon. So we
7 didn't charge him after this happened because I talked to the
8 victims and told them there was no need to charge him now
9 because we had this going on with him, but I did speak to him.

10 So the night that we got to the scene, he was already out
11 there. Then I Mirandized him. He was in the back of the car
12 and he said he messed up. He said -- I said I told you to
13 stay calm and he said, yeah, but I done messed up now. And he
14 did. He confessed out there on the scene. We took him. I
15 took him to the interview room and then he gave a statement,
16 the same statement where it was a ride, something about a
17 ride, and he called several times, but what the mix-up was it
18 was too late. The victim wanted him to call him early; he
19 called too late.

20 I think the ride was either paid for I guess he was
21 saying by cash or by marijuana, whatever the situation was,
22 but when he got there and he didn't want to -- he didn't want
23 to leave that late because he was babysitting, the victim.
24 When he got there, he exchanged words with him. He said I
25 told you to call me early, which you would have saw in the

1 video statement after the Miranda warning, and he said just
2 get in the car and that's when he asked the victim who he
3 thought he was talking to.

4 When that happened, he said he snapped. He shot several
5 times, which when he shot him, he was backing out of the
6 driveway. He -- I think he ended up turning ---

7 MR. CLEMENTS: Coraygus Hodges was trying to back out of
8 the driveway?

9 INVESTIGATOR MCFADDEN: He was trying to leave. He
10 ducked. He dodged him a couple of times. He kept shooting.
11 He got in the car. It hit the windshield of the driver's side
12 of the car. He backed out and ended up -- he was already shot
13 so he -- when he turned, he must be on the steering wheel so
14 he ended up back on top of the septic tank in the yard.

15 He did go to the window, bust the window out, snatch him
16 out the car and told him not to die on him. He ran to the
17 house because they already heard what was going on outside,
18 locked the door, wouldn't let him in, but he bust the window
19 out the house. You could hear him on 9-1-1 because they
20 called 9-1-1 saying, you know, that he shot his brother-in-law
21 outside. He was telling them he needed some help, but it was
22 too late after that. Like he said, he snapped.

23 There was other charges and it could have been avoided,
24 but I guess he let his temper get the best of him. So that's
25 why when we offered him the plea what he was offered to

1 manslaughter instead of murder. We could have took him to
2 trial if he wanted a trial, but the evidence was overwhelming
3 just like his attorney said. He confessed to it on tape. He
4 confessed at the scene. We got the weapon and then ---

5 MR. CLEMENTS: Ballistics match up.

6 INVESTIGATOR MCFADDEN: Everything match up to the weapon
7 that was out there. Then the sister brought in the phone
8 call. There was a question about a phone. I didn't know the
9 phone call. She got his phone. I let her have it back out of
10 evidence. She uploaded and there was a voice mail from him
11 and I guess they could say what they thought it meant.

12 Well, when she played it, she thought it meant he never
13 answered his phone when he was calling for the ride because it
14 was too late, but the voice mail was -- whatever his nickname
15 was, they called the victim Boom, but instead of calling him
16 Coraygus, he called him Boom and he said Boom, I got something
17 for ya. So she felt if he would have checked his voice mail,
18 he would have heard he was upset on the voice mail saying he
19 had something for him. So when he got to the house, you could
20 say he had whatever he had for him, but you shot him four
21 times when he got there. So we can only assume what you had
22 for him was I guess the killing.

23 THE COURT: Okay. Anything else?

24 INVESTIGATOR MCFADDEN: That's it, Your Honor.

25 MR. CLEMENTS: That's it, Your Honor.

1 THE COURT: Now, Mr. Pettigrew, you've heard what the
2 solicitor and Investigator Thomas McFadden have said about
3 this case.

4 THE DEFENDANT: Yeah, I heard.

5 THE COURT: Do you believe that if you were to go to
6 trial in this case that that is the evidence that would be put
7 up and that based upon that evidence, there's a probability
8 that you'd be convicted of what you've been charged with and
9 what you're pleading guilty to here today?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And is that the basis of your plea here
12 today?

13 THE DEFENDANT: Are you saying is that what I plea to
14 today?

15 THE COURT: Yes, sir, the voluntary manslaughter.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And are you, in fact, guilty of voluntary
18 manslaughter?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And how do you plead to this charge? Guilty
21 or not guilty?

22 THE DEFENDANT: I plead guilty.

23 THE COURT: All right. I find that there is a
24 substantial factual basis for this plea. I also find that the
25 defendant's decision to plead guilty has been entered into

1 freely, voluntarily, knowingly, and intelligently, that he has
2 had the advice and counsel of an attorney with whom he's
3 indicated he's not satisfied with, but the Court is satisfied
4 that he's had adequate representation in this matter, and
5 therefore, the Court will accept the defendant's plea. Prior
6 to hearing from you, Mr. Meetze, I want to hear from any
7 victims that wish to speak, Mr. Solicitor, and then I will
8 turn it over to Mr. Meetze.

9 MR. CLEMENTS: Thank you, Your Honor, and I ask the ones
10 that wish to speak if they would please stand and state their
11 name for the record and speak to the judge and please speak
12 up.

13 THE COURT: Please address any statements that you wish
14 to make to the Court, not to the defendant.

15 MR. CLEMENTS: This is the sister, Your Honor.

16 THE COURT: Okay.

17 MR. CLEMENTS: Your name?

18 MS. ANTRIM: My name is Tia Antrim.

19 THE COURT: All right, Ms. Antrim, I'll be happy to hear
20 from you.

21 MS. ANTRIM: I just ask that you show no mercy or
22 leniency -- leniency towards this individual who showed no
23 mercy or lenience towards my brother, somebody who states that
24 he loved and cared about. If you could do this to somebody
25 that you love and care about, what would this individual do to

1 somebody who he don't care about? He has an obsession with
2 weapons and I just ask that you keep him off the streets for
3 as long as you can.

4 THE COURT: Thank you, Ms. Antrim.

5 MS. ANTRIM: You're welcome.

6 THE COURT: Anybody else?

7 (Whereupon, a female confers with Mr. Clements off the
8 record.)

9 MR. CLEMENTS: Just speak to the judge how you feel about
10 this. Your Honor, this is Ms. Pettigrew, Coraygus' fiancée
11 and the mother of his child, and also the defendant's sister.

12 THE COURT: Okay.

13 MS. PETTIGREW: I just feel bad about the whole situation
14 and because his baby was involved. Coraygus, that's all he
15 wanted was a baby and -- and I ended up giving him that baby
16 and the only time he had to spend with his baby was four
17 little months with - with -- with Raygan. So it's just hard.
18 I'm just heartbroken. I'm just tore up. That's all I can say
19 for right now.

20 MR. CLEMENTS: Thank you. This is the mother. Please
21 state your name.

22 THE COURT: Ms. Sparks?

23 MS. SPARKS: Marilyn Sparks.

24 THE COURT: Yes, ma'am, Ms. Sparks.

25 MS. SPARKS: Well, I want justice to be served. That was

1 my baby and I will never forget it because of my grandbaby and
2 there's going to be a day that she is going to ask where her
3 daddy at and we're going to have to start all over again to
4 explain all that and she look just like her dad so imagine me
5 keeping her and looking at her and seeing my son.

6 And like my daughter said, he's stating that he loved.
7 How are you going to love somebody and shoot them? And there
8 ain't nothing that he would ask Coraygus for that he wouldn't
9 do for him. My son is not a violent person. He like me, hard
10 to say no. If he wasn't hard to say no, he wouldn't even
11 never went to pick him up that time and knowing that he was
12 wanting to be with his child.

13 THE COURT: All right. Thank you, Ms. Sparks.

14 MS. SPARKS: Thank you.

15 THE COURT: Anybody else?

16 MR. CLEMENTS: This is the godmother, Your Honor.

17 THE COURT: All right. Ms. Hicks? Ms. Barbara Hicks?

18 MS. HICKS: Yes.

19 THE COURT: Yes, ma'am. I'll be happy to hear from you
20 if you wish to say anything. You don't have to if you don't
21 wish to, but ---

22 MS. HICKS: This is very, very hard for me because I -- I
23 live next door to the mother and he's a godchild of mine and
24 we spent many, many days together doing stuff that we liked,
25 just him and I, and that was taken away from me and it's hard

1 and just to say that one day I can think that this guy right
2 here is going to walk with me and I'm going to see him on the
3 streets or, you know, going somewhere, it would -- it would --
4 it would really destroy me. It really would.

5 THE COURT: Thank you, Ms. Hicks. Anything else, Mr.
6 Clements?

7 MR. CLEMENTS: Your Honor, we just ask that you accept
8 the negotiation and sentence him to the full 30 years.

9 THE COURT: All right. Mr. Meetze, I'll be happy to hear
10 from you, sir.

11 MR. MEETZE: Thank you, Your Honor, may it please the
12 Court.

13 THE COURT: Yes, sir.

14 MR. MEETZE: Your Honor, I have represented Mr. Pettigrew
15 since he was arrested in this case. I would like to say for
16 the record that I do feel like I've had obviously plenty of
17 time and have gone over the evidence and feel like I have a
18 very good understanding of the evidence in this case and I do
19 agree with Mr. Pettigrew's decision to enter this plea here
20 today. I do believe that that is in his best interest.

21 Your Honor, let me also say that I -- I do also believe
22 and, you know, there's no way to know for certain because
23 there weren't but two people out there, but I honestly don't
24 believe that when Mr. Hodges was on his way to Mr. Pettigrew's
25 house that it was in Mr. Pettigrew's mind whether he had any

1 intentions of what ended up happening happening. I do believe
2 that.

3 I do believe that Mr. Pettigrew had been drinking
4 excessively that day, which is certainly not an excuse or a
5 defense to anything. He said so in his statement. He has
6 told me that every time I've spoken with him and -- and I
7 believe that to be true and I believe that to be a
8 contributing factor to what happened. I also believe that Mr.
9 Pettigrew does sometimes struggle with anger and I think that
10 that coupled with the excessive alcohol made it even, you
11 know, a more -- you know, more exacerbated the circumstances
12 and a very unfortunate chain of events happened.

13 I don't think it was a situation where he was laying in
14 wait and waiting on him. There was a phone message on the
15 cell phone and it can be interpreted many different ways.
16 Different people can interpret things different ways and they
17 can all be reasonable interpretations. I believe that the
18 message was -- that he left was basically just telling him I
19 have what I was going to pay you to take my girlfriend home.
20 I'll -- you know, I don't think he was leaving a message I've
21 got something for you; when you get here, I'm going to
22 basically ambush you and shoot you. I don't believe that is
23 the case.

24 I do think that as soon as it happened I think he
25 regretted it deeply and I think that the fact that he did stay

1 and -- and obviously it was a futile effort, unfortunately. I
2 think if he could have done anything in the world to take it
3 back, he would have and he -- and he tried whatever he could.
4 It's just a terrible circumstance and situation that has cost
5 one family a loved one and another individual is -- is going
6 to have to pay a very, very steep price for that.

7 Again, I do agree with his decision to enter his plea.
8 He has been in jail since his arrest. He's been there for 549
9 days. We would ask that he receive credit for that.

10 Also, I have been over an Affidavit of Guilty Plea with
11 Mr. Pettigrew, which the answers on here marked by myself were
12 the answers that he gave me. It would include obviously what
13 the Court has been over with him with regards to the most
14 serious offense, the two strikes law, also the three strikes
15 law, the 85 percent rule, and all of that. It also includes
16 his dissatisfaction with his attorney.

17 I would like to hand that up and make that a part of the
18 record as well and otherwise, Your Honor, we would agree with
19 Mr. Clements in asking the Court to go along with the
20 negotiations.

21 THE COURT: Any objection to this being made a part of
22 the record, Mr. Clements?

23 MR. CLEMENTS: No, Your Honor. We would join in Mr.
24 Meetze's request to make that a part of the record.

25 MR. MEETZE: And, Your Honor, his reverend is here and

1 she'd like to ---

2 THE COURT: All right. Hold on just a second.

3 MR. MEETZE: And he'd like to address the Court ---

4 THE COURT: Hold on just a second.

5 MR. MEETZE: --- at the appropriate time.

6 THE COURT: All right. I'm going to make this as an
7 exhibit as part of the record. It's a Court's Exhibit.

8 MR. MEETZE: Yes, Your Honor.

9 THE COURT: Court's Exhibit Number 1 to this plea without
10 objection.

11 (Whereupon, the Affidavit of Guilty Plea is marked and
12 entered as Court's Exhibit Number 1.)

13 MR. MEETZE: Please state your name.

14 PASTOR THOMAS: Pastor Barbara Thomas.

15 THE COURT: Yes, ma'am, Pastor Thomas.

16 PASTOR THOMAS: Yes, Your Honor, sir, and the Court. I
17 would like to say that we would apologize. Our family would
18 apologize to the family over here. Ray's family, we apologize
19 very much for what happened. You know, like he said, if we
20 could wave a magic wand and make it all disappear, we wouldn't
21 be here today and obviously it's something that, you know, is
22 in the land and we can't control that, but if we could just
23 take back all the heartache and the pain that everybody has
24 suffered in this case, we would take it back.

25 And to my niece -- this is my niece over there. I love

1 her dearly and her children. We all -- everybody suffered in
2 this loss of Ray and we would ask for mercy on Carlynias. You
3 know, what he did, he know he done wrong. He's a nice person
4 when he's not, you know, drinking anything. He's a nice
5 person and he love people. He's a funny person and he love
6 his son, you know, and there's nothing that we can do to bring
7 Ray back, you know, because he has a son, she has a daughter
8 from him, which is his niece, you know, and nobody can turn
9 the clock back, but we can go forward.

10 And there's one thing I've learned in being a pastor and
11 telling people that we've got to love people regardless, you
12 know, for whatever they have done because holding malice in
13 our heart, it only makes us sick and we become the victim of
14 what has already happened. If we can move on in life and
15 forgive people, the Bible tell us forgive no matter what it
16 is, we've got to forgive and it says to forgive 77 times 7.
17 We've got to keep forgiving in order for us to move on in life
18 and let go of all this pain because all it's going to do is
19 cause us a lot more pain when we don't forgive and move on in
20 life.

21 We can make good of this in helping somebody else that's
22 been through what you done been through instead of having all
23 this grudge and hatred in your heart. I can't live like that
24 and I won't live like that because I'm here because I love all
25 of them. No matter what a person does, the Bible says

1 forgive. Even when Jesus -- when they crucified him, he said
2 forgive. He wanted us to forgive everybody and no matter what
3 happened, we got to forgive people and I forgive my nephew for
4 what he done and he can't take back what he done because it's
5 already done, but we can move forward in life and be
6 productive in this world by helping other people.

7 That's what it's about now, helping people that's been
8 through what you done been through and move on in your life
9 and teach your children to love. No matter what, we've got to
10 love because if we say we all want to go to heaven, we got to
11 forgive. We can't go to heaven with mess and hate in our
12 heart. We got to see the Lord for all that we do. We're
13 going to be paid for what we do regardless.

14 Even when you give yourself as already been stated, you
15 know, we still got to give account for everything, you know,
16 and I ask you for mercy however the Lord leads you in this
17 case. I thank God for you being the person that you are and
18 everybody in here that have taken part in this case and I
19 would like to take the time to say thank you because you
20 didn't have to do what you did because I've been praying about
21 this situation every time it came up. I've been praying about
22 it.

23 It hurts; it really does hurt and I came from Orangeburg
24 just to be with the family on all sides. I ain't got no side.
25 I'm on God's side and God said to be right and to love

1 everybody and that's what I got to say today. I love
2 everybody and I'm going to continue to love them. Like I told
3 my niece, I got to love her, and I tell my nephew I got to
4 love him. I can't separate them because they are all one. We
5 are all one in the sight of God and I love them and I love
6 everybody.

7 THE COURT: Thank you, Pastor Thomas. Thank you, ma'am.
8 Anybody else?

9 MR. MEETZE: I don't believe so.

10 THE COURT: From the family?

11 MR. MEETZE: I don't believe so.

12 THE COURT: Mr. Pettigrew, anything you wish to tell me,
13 sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I'll be happy to hear from you.

16 THE DEFENDANT: All right. The altercation occurred
17 about, you know, I had this girl, okay, and he was supposed to
18 take me -- take ReeRee home, her and her little baby, and me
19 and Ray, we sat down and we chilled and we smoked the weed.
20 We laughed and talked all that day and I was drinking also
21 then, drinking a pint of gin, and I said, Boom, will you take
22 me to take the girl home. Right then, if he didn't want to do
23 it, the only thing he had to say was, nah, man, I ain't going
24 to do it. I can't do it. But anyway, he was like, yeah, I'll
25 do it. Okay.

1 So me and the girl, we chilling, whatever, blah, blah,
2 blah. Time passed by. It wasn't no time limit of taking this
3 girl home. So we chilling, doing whatever, this and that. He
4 called. So when he called, I was like, all right, give me a
5 few more minutes. Let me hurry up and finish, you know, doing
6 what I'm doing and I'll be ready. I hung up the phone.

7 Called right back. So when I called right back, he
8 wouldn't answer. I said, all right, I got something for him.
9 That was the weed. Matter of fact, they got that, too. They
10 got that from by the bushes. I said, Mama, call Monique,
11 which is Tabalon. I said call Monique and tell Ray to come on
12 through because I done gave him my gas money. I mean my mama
13 knew me and him, you know, fooled around with drugs because we
14 wasn't drug dealers, but, you know, I played around with it a
15 little bit, too.

16 So I was like, Mama, tell Tabalon -- tell Monique to tell
17 Ray to come on through because I done gave him my gas money,
18 which that was in weed. I didn't want to let my mama know,
19 okay, mama, it's -- it's about weed. Your mama don't want to
20 hear stuff like that because honestly your mama don't even
21 want you dealing with drugs. So she said okay. She called
22 Ray's phone, my sister or whatever.

23 So he came through. When he came through, he was like --
24 he was banging on the door. I thought it was Thomas McFadden,
25 which is Thomas McFadden did came to the house weeks prior

1 about some dogs that some guys had stolen and I had brought
2 them from the guys, but anyway when he came beating on the
3 door, I was like who is it. I thought it was Thomas. So I
4 went to the door.

5 He like, well, you tell your fucking mama you gave me gas
6 money. I was like, yeah, Boom, calm down, relax. We just
7 was, you know, having a good time really. I don't know what
8 could have made him just flip and lose his mind like that. So
9 I'm like, Boom, calm down, relax. Nah, fuck that. You tell
10 your mama you gave me gas money. I say, yeah, calm down,
11 relax.

12 So when we walked towards the car right there by his
13 door, I was right here. This was a 285 pound man now. He
14 charging at me, reaching, too. So when he charging, I pulled
15 out and shot him lower body in the thigh and in the stomach,
16 not to kill him. Just as well as I would have been charging
17 at a police, what he would have did? He would have shot me in
18 the lower body, but I was trying to protect myself. I thought
19 he was getting a gun and he was charging.

20 So he jumped in the car. When he jumped in the car, he
21 backed up. I mean when he backed up, he backed up good enough
22 distance and I was like, no, Boom, let me get you some medical
23 attention. He looked at me and then he hit the gas. Then I
24 just started dumping. I just started shooting. That's what I
25 mean dumping. Just kept shooting, firing, and I was stuck

1 there in shock he was trying to hit me with the car. He threw
2 the car in reverse as I was kept firing and the car went like
3 that and stopped.

4 So I ran over there like, Boom, get your damn ass out the
5 car. So then that's when I went over there. He was, you
6 know, like kind of going out as I knocked out the window and
7 pulled him out, did CPR, like, Boom, please don't die on me,
8 please don't die on me.

9 I did not have no intentions on killing him. Why would I
10 sit there and say, okay, I got something for you, sit right
11 there and kill the man and then sit right there and wait on
12 the police? That doesn't make sense and why he came over
13 there with an attitude the way he did, I don't -- I just don't
14 know. Looking in my files, he was on amphetamine and
15 cannabis. I mean that could have had him in a rage.

16 Just about gas money is not going to make you that mad
17 because there wasn't no time limit. Looking at the statements
18 and what my sister said, she said that in the statement. I
19 don't know what -- she said Ray -- Coraygus said I don't know
20 what the hell man think his ass is calling me at eleven
21 o'clock at night, this and that. Hold it, there wasn't no
22 time limit and if you don't -- if you didn't want to take me,
23 the only thing you had to say was I can't make it. Okay, I'm
24 going to get mad and come over there and kill you? No.

25 So like I said, I didn't have no intentions on killing

1 him. In that case, I would have ran and gotten away. I ain't
2 had no intentions on harming my brother-in-law. I loved him,
3 but he pushed me to the limits like I was harm. A 285 pound
4 man charging at you with his hand behind his back and it's
5 dark time, that was a gamble with my life and he did fool
6 around with guns. He was a good person. I'm not going to
7 lie. He's a good person and I'm ---

8 THE COURT: Direct your attention ---

9 THE DEFENDANT: --- not going to ---

10 THE COURT: Direct your comments to me.

11 THE DEFENDANT: But he fooled around with guns. Yeah, he
12 had a .38. He did and also he was fighting about it for the
13 Cav that I had.

14 THE COURT: Anything else, Mr. Clements?

15 MR. CLEMENTS: Just checking with the investigator. In
16 my -- my review of the file, I don't remember the victim
17 having any weapons on him. Is that correct, Investigator
18 McFadden?

19 INVESTIGATOR MCFADDEN: No, he had no weapons, Your
20 Honor.

21 THE COURT: Well ---

22 THE DEFENDANT: Not that night, he didn't. Excuse me.
23 I'm sorry, Your Honor.

24 THE COURT: Based upon my colloquy questioning of this
25 defendant and based upon me explaining to him and him

1 acknowledging his understanding that he gives up any defenses
2 when he pleads guilty, I've accepted his plea. Anything else
3 you want to tell me, Mr. Meetze?

4 MR. MEETZE: No, Your Honor.

5 THE COURT: Anything else, Mr. Pettigrew?

6 THE DEFENDANT: No, Your Honor, but like I was saying, I
7 mean I really apologize. I can't tell them I'm sorry because
8 that -- they don't want to hear nothing about I'm sorry.
9 That's the worst thing I can tell them. I really, really
10 honestly apologize and honestly I did love Ray. I ain't
11 wanted to kill Ray. In that case, if I was to just mass
12 murder kill him, I would have been scot free. They wouldn't
13 have caught me.

14 No, I didn't have no intentions. I don't want my sister
15 hurt and my niece. I lost my sister in this. I lost Ray. I
16 lost my family in this and the only thing they can say is they
17 just want me gone. That's not going to bring him back and I
18 didn't want -- I didn't want him gone and, man, I have to
19 sleep with this. I have to live with this. I'm suffering
20 just as well as they is. That boy sit there and died in my
21 arms and I tried to talk to them that night. A mass murder
22 killer, they don't want to talk; they want to run.

23 But the only thing you can say you just want me gone,
24 that's not going to bring him back. Godly people don't talk
25 like that. I was raised by godly people. I -- I did -- I had

1 some bad times and rough -- and Coraygus had attitude
2 problems, too, because there's was times my sister called me
3 over there. Man, come over here. Ray acting up. And when I
4 come over there, do I get in your business? No, I do not
5 because I know how lovers is. Ever I ain't ever tried to hurt
6 Ray. She know it. I loved Ray.

7 SENTENCE OF THE COURT

8 THE COURT: All right. Well, I've heard both sides of
9 the story today and have acknowledged that Mr. Pettigrew has
10 voluntarily, freely, voluntarily entered his plea to this
11 offense and the State and defense counsel worked out a
12 negotiated sentence in this case, the negotiated sentence
13 being 30 years, which means the Court can either accept it or
14 reject it and set it aside. The Court has accepted the plea
15 and the Court accepts the 30 year negotiated sentence.

16 I mean as -- as a judge and as lawyers that are in this
17 courtroom see day in and day out the tragedies that occur in
18 peoples' lives because of alcohol and drugs ---

19 THE DEFENDANT: Your Honor?

20 THE COURT: I'm talking now. The majority of people that
21 end up in this courtroom in an orange jumpsuit are here
22 because of alcohol and drugs, period. Pastor Thomas hit on
23 this when she came up here about loving people and forgiving
24 people. We are called to forgive people regardless. I heard
25 it best put one time to forgive because we're forgiven.

1 But having said that, there are consequences to every
2 decision that we make and that's one of the things that I try
3 to teach my children day in and day out. In this particular
4 situation, there are dire consequences to what happened here
5 and it's unfortunate that both families have to suffer as a
6 result of it.

7 Mr. Pettigrew, you've told me here today that you were
8 raised by a godly family, at least that's the impression I got
9 from what you said ---

10 THE DEFENDANT: Yes, sir.

11 THE COURT: --- to some extent. But you're of the age
12 now -- and it's kind of like with my children, for instance.
13 I take them to church on Sunday, read a Bible story to them in
14 the morning and at night, talk to them about it, but at some
15 point they're going to have to make that decision as to
16 whether or not they do what they've been taught as they -- as
17 they're -- as I raise them.

18 You face some dire consequences as a result of some
19 decisions you've made, but it can make you more bitter or it
20 can make you better. The choice as to how you -- how it
21 affects you from here forward is up to you.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: It's up to you. On Indictment 2011-GS-21-
24 1187, the defendant is committed to the State Department of
25 Corrections for a period of 30 years, given credit for 549

1 days that he's done. Good luck to you, Mr. Pettigrew.

2 MR. MEETZE: Thank you, Your Honor.

3 MR. CLEMENTS: Thank you, Your Honor.

4 (Whereupon, the proceedings end at 3:31 p.m.)

5 --- END REQUESTED TRANSCRIPT ---

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1 STATE OF SOUTH CAROLINA)
2) CERTIFICATE
3 COUNTY OF FLORENCE)
4

5 I, the undersigned, Krystal J. Smith, Official Court
6 Reporter for the Twelfth Judicial Circuit of the State of
7 South Carolina, do hereby certify that the foregoing is a
8 true, accurate, and complete Transcript of Record of all the
9 proceedings had and evidence introduced in the hearing of the
10 above captioned case, relative to appeal, in the Court of
11 General Sessions for Florence County, South Carolina, on the
12 26th day of July, 2012.

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

15
16 Krystal J. Smith

17 Court Reporter
18

19 Florence, South Carolina

20 April 16, 2013
21
22
23
24
25

FORM 5

CERTIFIED: A TRUE COPY
Craig L. Spain
 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)

County of Florence)

IN THE COURT OF COMMON PLEAS

Carlynias Marquis Pettigrew #351719)
 Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR
 POST-CONVICTION RELIEF

2013 FEB -5 PM 1:21
 FILED

INSTRUCTIONS B 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 Lieber. Correctional Institution
2. Name and location of Court which imposed sentence Florence County
Court House - General Sessions Court
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 (a) 2011-GS-21-1187

(b) _____

(c) _____

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

(a) July, 26-2012 30 years

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty yes

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

No

8. If you answered Ayes@ 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 Ano@ to (7), state your reasons for not so appealing:

(a) I Plead guilty So there was no grounds for appeal.

- (b) _____
 (c) _____

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

- (a) Involuntary Plea
 (b) Ineffective assistance of trial Counsel
 (c) _____

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

- (a) I was told to either take the plea of (30) yrs, or get Life in prison,
 (b) my Counsel failed to do his job in many ways.
 (c) _____

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? _____

13. If you answered Ayes@ 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) This my only Claim ever filed.
 (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? —
 (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 Ayes@ to one or more parts of (17), list:

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

i. Vick Meetze - City-County Complex, Room 703
180 North Irby St. MSC-N Florence, SC. 29501

ii. _____

 iii. _____

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

i. At my Guilty Plea.

 ii. _____

 iii. _____

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

I'm trying to prove involuntary Man ~~Slater~~ Slaughter.
Because I'm not guilty of Man Slaughter. This meaning
I was wrongfully charged, And I want to Challenge the dispositi

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

No

I'm also looki
for you to recons
my sentence.

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Florence)

VERIFICATION

I, Carlynias Marquis Pettigrew, 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.

Carlynias Pettigrew

SWORN to and subscribed before me this 24th
 day of January, 2013.

Shelva Jones (L.S.)
 Notary Public

My Commission Expires: 1/24/2018

2013 FEB -5 PM 1:21
 FLORENCE COUNTY, SC

FILED

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

CARLYNAIS PETTIGREW *

Applicant

c/a

v.

AN AMENDMENT TO THE POST-CONVICTION

STATE OF SOUTH CAROLINA

RELIEF APPLICATION

RESPONDENT

{ PROCEDURAL HISTORY }

THE APPLICANT WAS INDICTED BY THE FLORENCE COUNTY GRAND JURY DURING THE JULY 21, 2011 TERM OF GENERAL SESSIONS COURT UPON INDICTMENT { 11- GS- 21- 1187 } FOR: { MURDER. THE APPLICANT WAS REPRESENTED BY THE FLORENCE COUNTY PUBLIC DEFENDERS OFFICE. THE APPLICANT PLEAD GUILTY ON JULY 26, 2012 TO: { MANSLAUGHTER / VOLUNTARY MANSLAUGHTER } AND APPLICANT WAS SENTENCED TO THIRTY (30) YEARS.

{ PRESENTATION OF THE ISSUES WITH CITATION OF LAW }

1) THE APPLICANT PLEA WAS NOT KNOWINGLY AND VOLUNTARILY MADE PURSUANT TO BOYKIN V. ALABAMA

SEE TRANSCRIPT "THE COLLUSION BETWEEN THE TRIAL COURT WOULD SHOW THAT APPLICANT PLEA WAS NOT KNOWINGLY AND VOLUNTARILY MADE,

THE APPLICANT PLEA WAS THE RESULT OF COERCION AND PRESSURE.

{ SUPPORTING FACTS }

SEE LETTER DATED JULY 23, 2012

THE APPLICANT SUBMITTED SUFFICIENT EVIDENCE SHOWING THAT THE PUBLIC DEFENDERS OFFICE WAS NEGLIGENT IN MAKING PREPARATION TO PREPARE A DEFENSE FOR THE CHARGES IN THE (18) EIGHTEEN MONTHS THE APPLICANT WAS CONFINED.

SEE NOTICE OF MOTION FOR CONFLICT OF INTEREST DATED JULY 24, 2012
COUNSEL STATED THAT THE JUDGE WOULD NOT TAKE HIM OFF THE CASE AND THE COURT FAILED TO ANSWER ISSUES IN MOTION TO PRESSURE AND COERCE APPLICANT INTO A PLEA.

2.) INEFFECTIVE ASSISTANCE OF COUNSEL

COURT APPOINTED COUNSEL WAS INEFFECTIVE FOR FAILING TO MOTION THE COURT FOR AN OPPORTUNITY AT A BOND, THE APPLICANT FILED A NOTICE OF A MOTION FOR A BOND HEARING FILED JUNE 7, 2012 HOWEVER MOTION WAS NOT ADDRESSED BY TRIAL COURT AND COUNSEL'S INEFFECTIVENESS VIOLATED THE APPLICANT'S 5th AND 14th AMENDMENT RIGHT TO DUE PROCESS OF LAW.

3.) INEFFECTIVE ASSISTANCE OF COUNSEL

COURT APPOINTED COUNSEL WAS INEFFECTIVE FOR FAILING TO MOVE TO QUASH THE INDICTMENT FOR MURDER, WHERE THE INDICTMENT FAILED TO ALLEGE THE ESSENTIAL ELEMENTS OF MURDER SUCH AS TIME AND PLACE OF DEATH. COURT APPOINTED COUNSEL WAS INEFFECTIVE BY FAILING TO QUASH A FATAL

DEFECTIVE INDICTMENT.

{STATE V BLAKENEY}

TIME AND PLACE OF MURDER IS AN ESSENTIAL ELEMENT OF MURDER AND SUCH MUST BE ALLEGED IN INDICTMENT, SOME WHERE IN FLORENCE COUNTY IS INSUFFICIENT FOR MURDER.

4.) INEFFECTIVE ASSISTANCE OF COUNSEL

COURT APPOINTED COUNSEL WAS INEFFECTIVE BY FAILING TO DO A FACTUAL AND LEGAL INVESTIGATION OF THE CIRCUMSTANCES SURROUNDING THE CHARGES. THE APPLICANT COURT APPOINTED COUNSEL COERCED HIM INTO A PLEA WITHOUT DOING A FACTUAL AND LEGAL INVESTIGATION OF THE CIRCUMSTANCES AND THIS RESULTED IN A COMPLETE MISCARriage OF JUSTICE.

THE RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL IS A BEDROCK PRINCIPLE IN OUR JUSTICE SYSTEM, IT IS DEEMED "AN OBVIOUS TRUTH" THE IDEAL THAT ANY PERSON HALED INTO COURT WHICH IS TO POOR TO HIRE AN ATTORNEY CANNOT BE ASSURED OF A FAIR TRIAL UNLESS COUNSEL IS PROVIDED FOR HIM.

INDEED THE RIGHT TO COUNSEL IS THE FOUNDATION FOR THE ADVERSARY SYSTEM. DEFENSE COUNSEL TEST THE PROSECUTION CASE TO ENSURE THAT THE PROCEEDING SERVE THE FUNCTION OF ADJUDICATING GUILT OR INNOCENCE, WHILE PROTECTING THE RIGHT OF THE PERSON CHARGED.

SEE 506 U.S. AT 754 111 S. CT. 2546 115 L. ED 2D 640

WITTS V LUCEY 469 U.S. 387, 396 103 S. CT. 530 83 L. ED 2D 821 (1985)

DOUGLAS SUPRA AT 357-358 83 S. CT. 814 9. L. ED 2D 811

WITHOUT THE HELP OF AN ADEQUATE ATTORNEY A PRISONER WILL HAVE

SIMILAR DIFFICULTIES VINDICATING A SUBSTANTIAL INEFFECTIVE ASSISTANT CLAIM. CLAIMS OF INEFFECTIVE ASSISTANCE REQUIRES INVESTIGATIVE WORK AND AN UNDERSTANDING OF TRIAL STRATEGY.

HALBERT V MICHIGAN 545 US AT 619 125 S. CT. 2582 162 L. ED 2d 552
TO PRESENT A CLAIM OF INEFFECTIVE ASSISTANT AT TRIAL IN ACCORDANCE WITH STATE PROCEDURE, THEN THE PRISONER LIKELY NEEDS AN EFFECTIVE ATTORNEY, THE PRISONER UNLEARNED IN THE LAW, MAY NOT COMPLY WITH STATE PROCEDURE RULES OR MAY MISAPPREHEND THE SUBSTANTIVE DETAILS OF FEDERAL CONSTITUTIONAL LAW.

CT. E.G. ID. AT 620-21 125 S. CT. 2582 162 L. ED 2d 552

GIDEON V WAINWRIGHT 372 US 335, 345 83 S. CT. 792 9 L. ED 2d 799 (1963)
POWELL V ALABAMA 287 US 45 68-69 53 S. CT. 55 77 L. ED 158 (1932)
THE DEFENDANT REQUIRES THE GUIDING HAND OF COUNSEL AT EVERY STEP IN THE PROCEEDING AGAINST HIM, WITHOUT IT THOUGH HE BE NOT GUILTY HE FACES THE DANGER OF CONVICTION BECAUSE HE DOES NOT KNOW HOW TO ESTABLISH HIS INNOCENCE.

182 L. ED. 2d 285 }

PURSUANT TO MARIANO MARTINES V. CHARLES L. RYAN 132 S. CT. 1309 182 L. ED. 2d 272

THE APPLICANT RESPECTFULLY SUBMITS UNTO THIS HONORABLE COURT THAT COURT APPOINTED COUNSEL'S REPRESENTATION WAS INEFFECTIVE AND THAT INEFFECTIVENESS FAILS BELOW THE REASONABLENESS STANDARD OUTLINED IN STRICKLAND.

SEE STRICKLAND V WASHINGTON 466 US 668

{ CONCLUSION }

THE APPLICANT RESPECTFULLY SUBMITS THAT BASED UPON
THE FOREGOING ARGUMENT THAT HIS SENTENCE SHOULD BE
REVERSED AND REMANDED FOR A NEW TRIAL.

RESPECTFULLY SUBMITTED
S. Carolyn S. Pettigrew

SWORN OR AFFIRMED BEFORE ME

THIS 01 DAY OF Feb 2013

J. J. Markler
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES 12-16-2019

TATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE	)	
	)	
	)	2013-CP-21-327
	)	
Carylnias Marquis Pettigrew, 351719	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the Application for post conviction relief (PCR) filed February 5, 2013, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted by the Florence County Grand Jury for murder (2011-GS-21-1187). Vick Meetze, Esquire, represented Applicant.

On July 26, 2012, the Applicant pled guilty voluntary manslaughter as part of a plea agreement where the State would dismiss the murder charge, and The Honorable D. Craig Brown sentenced Applicant to thirty years imprisonment.

Attached herewith and incorporated herein are the records of the Clerk of Court regarding the subject conviction, and Applicant's SCDC records, and if available, the transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "involuntary plea."
2. "ineffective assistance of trial counsel."

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, 80 L.Ed.2d 674. 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 counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable

probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The State therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. Other allegations as they are presented in the Application are insufficient to make a prima facie case under the Uniform Post Conviction Procedure Act and Respondent moves to dismiss this allegation to the extent it craves reference to some future amendment, filing or brief. As to other vague allegations in the Application, the State moves for summary dismissal pursuant to S.C. Code Ann. 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

V.

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

VI.

WHEREFORE, having made its Return, the State requests that the Application be denied and the matter dismissed with prejudice.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

TYSON ANDREW JOHNSON, SR.
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

5/9, 2013.

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

IN THE COURT OF COMMON PLEAS

2013-CP-21-327

CARYLNIAS M. PETTIGREW, #351719)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA,)

Respondent.)

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

Jonathan Waller, Esquire
1720 Main St., Suite 104
Columbia, SC 29201

DATED this 9th day of May, 2013.


 Norma Bigbee, Legal Assistant

State of South Carolina	)	Court of Common Pleas
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2013-CP-21-00327
	)	
Carlynias Pettigrew,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
State of South Carolina,	)	
	)	
Defendant.	)	
	)	

October 9, 2014
Florence, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge

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

Jonathan Waller, Esquire
Attorney for the Plaintiff

Croom Hunter, Esquire
Attorney for the Defendant

Krystal J. Smith
Court Reporter

I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
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Vick Meetze	
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E X H I B I T S

NO.

DESCRIPTION

ID.

EV.

(No Exhibits Presented)

1 OCTOBER 9, 2014

2 (WHEREAS this matter was scheduled for a post-conviction
3 relief hearing, the applicant appeared along with his
4 counsel of record. The hearing began at 3:31 p.m.)

5 THE COURT: All right. Who's next?

6 MR. HUNTER: Your Honor, the next -- the next case the
7 State would call would be Carlynias Pettigrew versus the State
8 of South Carolina.

9 THE COURT: All right.

10 MR. HUNTER: It's Docket Number 2013-CP-21-327. Mr.
11 Pettigrew is presently confined in the South Carolina
12 Department of Corrections pursuant to the order from the
13 Florence County Clerk of Court. He was indicted by the
14 Florence County Grand Jury for murder. He was represented by
15 Vick Meetze.

16 On July 26, 2012, he pled guilty to voluntary
17 manslaughter and the Honorable D. Craig Brown sentenced him to
18 30 years' imprisonment. He filed this application for post-
19 conviction relief on February 5th, 2013, and he is represented
20 by Mr. Waller.

21 THE COURT: Mr. Waller? Yes, sir, Mr. Waller? I'm
22 sorry.

23 MR. WALLER: Sorry, Your Honor. Your Honor, I would call
24 Carlynias Pettigrew to the stand.

25 THE COURT: Mr. Pettigrew, if you would, come on down,

26

CARLYNIAS PETTIGREW - DIRECT BY MR. WALLER

1 please, sir.

2 THE CLERK: Would you please step up to the Bible? Place
3 your left hand on the Bible and raise your right hand. Do you
4 swear or affirm that the testimony you are about to give will
5 be the truth, the whole truth, and nothing but the truth, so
6 help you God?

7 THE APPLICANT: Yes, ma'am.

8 THE CLERK: Please take your seat and state your name for
9 the record.

10 THE APPLICANT: Okay. Carlynias Pettigrew.

11 THE COURT: All right. Mr. Waller?

12 MR. WALLER: Thank you, Your Honor.

13 CARLYNIAS PETTIGREW, being first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. WALLER:

17 Q: Mr. Pettigrew, how are you this morning or this
18 afternoon? I'm sorry. I keep doing that.

19 A: All right.

20 Q: Mr. Pettigrew, how old are you?

21 A: Twenty-eight.

22 Q: Where are you from?

23 A: Timmons ville.

24 Q: Okay. How long have you lived in the Pee Dee region?

25 A: About all of my life.

CARLYNIAS PETTIGREW - DIRECT BY MR. WALLER

1 Q: Okay. Mr. Pettigrew, I want to back up a little bit to
2 January 24th of 2011. Do you remember that day?

3 A: Yes, sir.

4 Q: Okay. Were you arrested that day?

5 A: Yes, sir.

6 Q: Okay. What were you charged with?

7 A: They charged me with murder.

8 Q: Okay. And who was your -- who was your lawyer on those
9 charges?

10 A: Vick Meetze.

11 Q: Okay. How did he come to be your lawyer?

12 A: Well, at the moment I was indigent and they appointed me
13 a public defender.

14 Q: Okay.

15 A: And it was him.

16 Q: Okay. Were you able to meet with Mr. Meetze?

17 A: Three times.

18 Q: Okay. Do you know if Mr. Meetze filed any motions on
19 your behalf?

20 A: I asked him about a motion of discovery and that's about
21 it. And for a bond hearing, but I -- I never got a bond
22 hearing or things of that nature.

23 Q: Okay. When you were first arrested, did you have a bond
24 hearing then?

25 A: No. I didn't have a bond hearing.

CARLYNIAS PETTIGREW - DIRECT BY MR. WALLER

1 Q: Okay. Do you -- did you ever see any of the discovery
2 you asked him about?

3 A: Yeah. I got -- I got my motions.

4 Q: Okay. How many times did -- you said y'all met three or
5 four times?

6 A: Yeah. Three times.

7 Q: When y'all met, what did -- what did y'all talk about?

8 A: Well, I was telling him about the situation. That I kept
9 telling him -- I'm like, Mr. Meetze, it was a self-defense
10 situation and I was also telling him, like, a few weeks before
11 he came to -- before I went to trial, I was like, Mr. Meetze,
12 if you can, I would like to be -- I would like for you to put
13 in a motion for me to get a bond hearing.

14 So I just finished telling my family why I can work, you
15 know, to try to get me a lawyer. He was like, well, you know
16 and I know you're not going to get a lawyer and he was like,
17 well, why you won't take the money that you're trying to get
18 out on bond with and get a lawyer? And I was telling him that
19 I wasn't satisfied with trying to, you know, take no plea or
20 nothing yet. And also I got the issues right here that --

21 Q: Hang on. Hang on. I need -- I need to back up a little
22 bit.

23 A: Uh-huh.

24 Q: You mentioned trying to get a lawyer. Wasn't Mr. Meetze
25 representing you?

CARLYNIAS PETTIGREW - DIRECT BY MR. WALLER

1 A: Yeah. He was representing me.

2 Q: Okay.

3 A: And then also I would like -- I was telling him that it
4 was a self-defense situation and he was like, well, you'll say
5 anything to save your -- you know, a -- A-word.

6 Q: Okay. Let me -- let me back you up again. Did you and
7 Mr. Meetze discuss the charge of murder?

8 A: No. We -- we talked about involuntary manslaughter and I
9 kept trying to, you know, explain to him, you know, a self-
10 defense situation and, even in the transcripts, he was like --
11 you know, maybe he was a little deficient about trying to
12 explain self-defense to me because I never got the
13 understanding of it and, if I did, I would have went to trial.

14 Q: Okay. Did you -- did y'all discuss the elements of the
15 murder charge that you were originally charged with?

16 A: Of the elements of the murder that I was charged with?

17 Q: Of the elements of the crime of murder, not -- not the
18 facts of your case, but what the State would have to prove for
19 a murder charge?

20 A: Well, he said murder -- no, I can't -- to be honest, I
21 can't remember and I ain't want to, you know, step in --

22 Q: Okay.

23 A: -- falsely.

24 Q: Did y'all discuss any potential defenses that you might
25 have?

CARLYNIAS PETTIGREW - DIRECT BY MR. WALLER

1 A: No.

2 Q: Okay. Did you provide Meetze -- Mr. Meetze -- excuse me
3 -- with any information about the incident or any witnesses
4 that you might have had?

5 A: It wasn't no witnesses but me and him. And I kept trying
6 to prove my defense that it was self-defense and -- and he
7 also said in the transcripts, you know, honestly in his mind
8 he feel like, you know, I didn't have any intentions on
9 murdering Mr. Hodges. So I felt like if he really felt like
10 that, why not challenge it? Why not let's try to go to trial?

11 Q: Okay. And were you planning on going to trial?

12 A: Yes, sir.

13 Q: Okay. Mr. Pettigrew, you gave a few statements that day;
14 is that right?

15 A: That night?

16 Q: Yes, sir.

17 A: Yes, sir.

18 Q: Okay. Did you and Mr. Meetze discuss -- discuss your
19 statements?

20 A: No. Because that's what -- that's what I was telling
21 him. Like, I wanted to try to get my statement suppressed
22 because if I would have got my statement suppressed, it
23 wouldn't have been no evidence to contradict my version I was
24 acting in self-defense.

25 Q: Okay. Did y'all discuss the process that would have to

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1 be undertaken to attempt to suppress those statements?

2 A: No.

3 Q: Okay. Did y'all discuss the procedures of a trial, how a
4 trial would go?

5 A: Nothing but if we would have went to trial, you got to --
6 to be honest, I can't even remember. I honestly -- to be
7 honest with y'all, I can't even remember.

8 Q: Okay. Did y'all discuss your constitutional rights?

9 A: I can't -- I can't recall it.

10 Q: How about the right to challenge the evidence the State
11 would present against you? Did y'all discuss that?

12 A: I can't recall it.

13 Q: Okay. At what point did -- did you make the decision not
14 to go to trial?

15 A: In the office with him and my family.

16 Q: Okay.

17 A: And because my family kept saying -- him and Mr. McFadden
18 kept telling them like, well, you need to -- you need to go
19 ahead and just take this plea because if not, he's going to
20 get life and, you know, they kept putting pressure on me.
21 Just go ahead. Just go ahead. I'm like, no, I don't want to
22 -- I don't want to take it. Also, in my transcripts I kept
23 saying I wasn't satisfied with my lawyer and I wasn't
24 satisfied with taking this plea.

25 Q: Okay.

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1 A: And I felt like he didn't represent me good enough.

2 Q: Did you and Mr. Meetze discuss the topic of a lesser-
3 included offense?

4 A: The topic of a lesser -- no. We said -- the lesser would
5 be manslaughter. Voluntary manslaughter. That's -- that's
6 about the most he said. Voluntary manslaughter. And he was
7 just, like, I'm not fit for involuntary manslaughter.

8 Q: Okay. Did y'all discuss what would happen if you went --
9 if you went to trial and the way the trial -- the procedure?

10 A: He said if I would go to trial, from the evidence, I'd
11 get -- I'd get life, and if I would have went on the stand my
12 ground laws, I was -- and the issues that I have, I could have
13 proved that it was self-defense.

14 Q: Did you -- did y'all discuss trying to challenge some of
15 that evidence that they would present?

16 A: No, sir.

17 Q: Okay. What evidence that you knew was going to be
18 presented against you did you feel could be challenged?

19 A: All right. If I would have got my statements suppressed,
20 it wouldn't have been no evidence to contradict -- to
21 contradict my version I was acting in self-defense. And the
22 whole while I kept letting him know that it was a self-defense
23 situation and I had the right to defend myself on my property.

24 Q: Okay. When you pled guilty, there was a Court's Exhibit
25 --

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1 MR. WALLER: And, Your Honor, I'm on page 6.

2 THE COURT: Okay.

3 MR. WALLER: No. I apologize, Your Honor.

4 THE APPLICANT: Excuse me, Your Honor?

5 MR. WALLER: I'm on page 6 of the clerk's file, which
6 should also be in the packet I believe.

7 THE COURT: Hold on.

8 THE APPLICANT: Excuse me, Your Honor?

9 THE COURT: Yes, sir?

10 THE APPLICANT: With all due respect to the Court, is it
11 possible that I -- the issues that I do have, is it possible
12 that I can read my issues that I have?

13 THE COURT: You can read them. Are they in -- are they
14 in writing already?

15 THE APPLICANT: Yes, sir.

16 THE COURT: Okay. Then your attorney should point them
17 out to me, but let -- we'll make sure he does that.

18 THE APPLICANT: Yes, sir.

19 THE COURT: Okay. All right.

20 THE APPLICANT: Because he --

21 THE COURT: I think he's trying to go through one at a
22 time with you.

23 THE APPLICANT: Yeah. Because he don't -- he don't got
24 my issues the way I have them and I wanted to make sure I get
25 it on the record.

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1 THE COURT: Okay. You want to do them in order. You got
2 them?

3 MR. WALLER: Yes, sir, Your Honor.

4 THE COURT: Okay.

5 THE APPLICANT: No. Not the issues that I have written.
6 He don't have those. Right there.

7 THE COURT: You mean you got a -- you've got issues that
8 your attorney doesn't have?

9 THE APPLICANT: I mean, like, some of them -- like, the
10 *Strickland*. No, *Shirley v. State*. That's in one of the
11 issues that I have, but he don't have the issues the way I got
12 them written down.

13 THE COURT: Do you -- do you want to take a break and
14 talk to him?

15 THE APPLICANT: If it's possible.

16 THE COURT: I'll let you. I'll let you stand down so you
17 can find out what's going on. Mr. Waller, I mean --

18 MR. WALLER: Your Honor, I'm aware of what Mr. Pettigrew
19 is talking about. I think he's written out some post-
20 arguments.

21 THE COURT: Okay.

22 MR. WALLER: I was trying to earlier tell him that we're
23 not doing arguments today. We're going to submit them in
24 writing afterwards. I believe in the interim --

25 THE COURT: Okay. So that's -- okay. And, Mr.

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1 Pettigrew, let -- just give me one second. What we're trying
2 to do here today is just take the testimony about what your
3 concerns are.

4 THE APPLICANT: Uh-huh.

5 THE COURT: The arguments that you want to make about
6 *Strickland* and the other cases and like that --

7 THE APPLICANT: No. The *Shirley v. State* and the *Jackson*
8 *v. Denno*.

9 THE COURT: Okay. I just -- I thought you said
10 *Strickland*, but whatever cases. Okay? I have told Mr. Waller
11 that after we take all the testimony, I'm allowing him 20 days
12 to file a memorandum. Okay?

13 THE APPLICANT: Uh-huh.

14 THE COURT: And then after that, then Mr. Hunter will
15 have 20 days to respond.

16 THE APPLICANT: Okay.

17 THE COURT: Okay? So your arguments you don't need to go
18 into. Right now, he's just trying to get some facts on the
19 record about how many times you met with your attorney, what
20 y'all talked about, and things like that. Okay?

21 THE APPLICANT: Uh-huh.

22 THE COURT: Yes, sir.

23 THE APPLICANT: And one more thing, Your Honor?

24 THE COURT: Sure.

25 THE APPLICANT: I never received a return with my PCR

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1 application.

2 THE COURT: A return from the -- from the State?

3 THE APPLICANT: Yes. Reading the -- the PCR manual, it
4 say you supposed to get a return --

5 THE COURT: Uh-huh.

6 THE APPLICANT: -- from the Attorney General.

7 THE COURT: Yeah. And your attorney should have gotten
8 it. If you don't have it, we'll give you a copy. Okay?

9 MR. WALLER: I have a copy. Your Honor, if the -- if the
10 Court would like, we can stand down for a second and I can --

11 THE COURT: No. I think -- I think -- do you understand
12 how we're going to handle this?

13 THE APPLICANT: Kind of. If you -- if you don't mind,
14 can you explain to me one more time because I want to make
15 sure I really do understand?

16 THE COURT: Okay. All right. Mr. Pettigrew, what's
17 going to happen is Mr. Waller is going to continue to ask you
18 questions.

19 THE APPLICANT: Yes, sir.

20 THE COURT: Now, the questions he's going to ask you have
21 to do with events that happened. What happened? Why did
22 things happen? Okay?

23 THE APPLICANT: Uh-huh.

24 THE COURT: That's all he's going to ask you here today
25 because that's all we're going into today is just testimony

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1 about the facts that led up to your plea to this charge.

2 THE APPLICANT: Okay.

3 THE COURT: Do you understand that?

4 THE APPLICANT: Yes, sir.

5 THE COURT: Okay. Now, the -- the arguments that you
6 have told Mr. Waller about, he is going to include in a memo
7 to -- that he's going to write out and send to me after we've
8 had the testimony today. Okay?

9 THE APPLICANT: Okay.

10 THE COURT: You understand?

11 THE APPLICANT: All right. I gotcha now.

12 THE COURT: All right.

13 THE APPLICANT: I gotcha now.

14 THE COURT: Mr. Waller?

15 MR. WALLER: Thank you, Your Honor.

16 THE COURT: Thank you.

17 MR. WALLER: And, Your Honor, I was -- my page numbers
18 were all messed up, but I think I found what I need. It's
19 page 33 on the transcript and it's the Affidavit of Defendant
20 for Guilty Plea that is somewhere in the clerk's file.

21 THE COURT: And I -- and I've got -- I've got that.

22 MR. WALLER: Great.

23 THE COURT: I've got that.

24 MR. WALLER: Okay. Thank you, Your Honor.

25 THE COURT: And I'm on page 33.

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1 MR. WALLER: Yes, sir.

2 THE COURT: We're there.

3 BY MR. WALLER:

4 Q: Mr. Pettigrew, you -- at various times, were you -- were

5 you unhappy with Mr. Meetze?

6 A: Yes, sir. I was unhappy.

7 Q: Okay. Did you -- who did you let know that you were

8 unhappy?

9 A: Say again, sir?

10 Q: Who did you let know that you were unhappy?

11 A: Who I noticed?

12 Q: How did you tell somebody that you were unhappy with Mr.

13 Meetze? What did you do?

14 A: Well, I put in motions to the -- to Indigent --

15 Commission on Indigent, Commission on Lawyer Conduct, and I

16 sent motions out to the judge, Mr. Nettles I believe.

17 Q: Okay. And also in the affidavit that you signed -- that

18 you went through for your -- for -- with the guilty plea, you

19 also said that you were unsatisfied; is that right?

20 A: Yes, sir.

21 Q: Okay. Why were you unsatisfied with Mr. Meetze?

22 A: His representation and we really didn't have no

23 relationship.

24 Q: Okay. When you say his representation, what do you mean?

25 A: When he failed to inform me that I could have challenged

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1 my statements. My Miranda waivers when I was under the
2 influence, we could have challenged that. And also, when --
3 like I said, when he was coming to see me, the way I -- we was
4 communicating things of that nature, we just wasn't seeing eye
5 to eye. We wasn't getting along. I wasn't pleased with his
6 representation and I don't think he gave it his all.

7 Q: Okay.

8 A: And when he failed to inform me of some things, and
9 that's his legal duty to inform me of my rights, things of
10 that nature.

11 Q: Okay. When you were mentioning your statement just a
12 second ago, you gave more than one statement; is that right?

13 A: I gave the statement before they Miranda -- Mirandized
14 me. I just been out of it, like just -- just going through a
15 panic at the moment and just in a state of shock and just
16 talking. And that's the statement they was going off.

17 And also, I gave a statement that night and I was just so
18 stressed out knowing that this just happened between me and my
19 brother-in-law and it was an accident just went bad. I just
20 gave them a statement that night just so that I can go lay
21 down and rest.

22 Q: Okay. Was that second statement -- was that recorded in
23 any way?

24 A: You're talking about the -- the video statement? Yeah.
25 That -- that --

CARLYNIAS PETTIGREW - DIRECT BY MR. WALLER

1 Q: Was it taken -- was it videotaped?

2 A: Yeah. They said that one was videotaped. And Mr. Meetze
3 -- he did show me that.

4 Q: Okay. You saw the video?

5 A: Yeah.

6 Q: Okay. Did y'all discuss the different -- the different
7 statements? You seemed to mention one and challenging it.
8 Did y'all discuss the two different ones and challenging each
9 one?

10 A: No. He ain't never say we can really challenge it. He
11 was just -- like, from the video statement, like, he -- the
12 day when I came to court, he was just, like, from -- no. It
13 was the day the video -- before I went to court and the day
14 when I was in lock-up. He showed me the video statements and
15 the only thing he said was we're trying to -- they would think
16 that you -- it was something he said.

17 I didn't write that -- I didn't really wrote it down, but
18 it was something he said that if I would try to do something
19 with that statement -- I couldn't remember. I usually be
20 trying to write everything down. Like, when me and him have a
21 visit or whatever, I try to write everything down that we talk
22 about.

23 Q: Okay. When y'all had conversations, did you always
24 understand what was going on? What he was explaining to you?

25 A: Some things I really didn't understood. Some things I

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1 really didn't understood.

2 Q: Okay. Did you understand the potential defenses y'all
3 might have discussed?

4 A: Break it down to me.

5 Q: Did you -- let me re-ask the question. Did you
6 understand -- when y'all discussed a defense to the charge
7 that you were -- murder that you were charged with, did y'all
8 have a conversation about any potential defenses and did you
9 understand that conversation?

10 A: No, sir.

11 Q: Okay. Mr. Pettigrew --

12 MR. WALLER: And, Your Honor, I'm on page 10, line 9.

13 THE COURT: Thank you, sir.

14 BY MR. WALLER:

15 Q: Mr. Pettigrew, you pled guilty to voluntary manslaughter;
16 is that right?

17 A: Yes, sir.

18 Q: And you pled guilty to a 30-year negotiated sentence?

19 A: That's right.

20 Q: Did you understand what the negotiated aspect meant?

21 A: The only thing I knowed is -- know is when my people kept
22 pressuring me. Like, just go ahead. Just go ahead. Take it.
23 Just go ahead. Take it. They was like -- he was like, do you
24 know that you will have to do probably, like, 20 -- what is
25 it? Twenty-something or 30-something years, and I told him I

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1 wasn't satisfied with doing that. So basically, I just -- and
2 knowing that I couldn't get him off my case, I just went on
3 ahead and went with it just so I can try to get back in court.

4 Q: Okay. Did you understand the differences in a negotiated
5 plea agreement versus maybe another type?

6 A: What's the difference?

7 Q: That's what I'm asking if you understood.

8 A: No. I really ain't understand that.

9 Q: Do you remember -- do you recall asking -- asking the
10 judge or beginning to ask the judge what that was?

11 A: Looking in my transcripts, I remember him saying do you
12 -- do you know that you will -- well, can you count on that
13 you will have to do pretty much day for day or something like
14 that.

15 Q: Okay. Mr. Pettigrew, I've asked all the questions that I
16 have of you.

17 A: Uh-huh.

18 Q: Is there any -- any -- any details that you think I've
19 left out or that the Court should be aware of that you can
20 think of?

21 A: Not really. I just basically wanted to get my issues on
22 file, but, you know, he said that's another day. So --

23 THE COURT: We -- what -- I want to make sure that we
24 covered all the -- all the issues you have from a factual
25 standpoint. You've told me everything about the problems you

CARLYNIAS PETTIGREW - DIRECT BY MR. WALLER

1 had with your attorney, about problems with the plea, and like
2 that; is that correct?

3 THE APPLICANT: I think that's -- I think that's about it
4 --

5 THE COURT: Okay.

6 THE APPLICANT: -- from -- from my understanding.

7 THE COURT: Okay. Remember, you're going to be able to
8 give me arguments. Okay?

9 THE APPLICANT: Yes, sir.

10 THE COURT: Your attorney is going to do that.

11 THE APPLICANT: Yes, sir.

12 THE COURT: Okay. All right.

13 MR. WALLER: I don't have any further questions. Please
14 answer any questions that Mr. Hunter has.

15 THE COURT: Mr. Hunter, your witness.

16 MR. HUNTER: All right.

17 CROSS-EXAMINATION

18 BY MR. HUNTER:

19 Q: Hello, Mr. Pettigrew.

20 A: How you doing?

21 Q: Let's see. Now, Mr. Pettigrew, there were -- I
22 understand that during your plea there was -- there was a
23 little bit of concern that you didn't understand what you were
24 doing; is that right?

25 A: Yes, sir.

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 Q: Okay. Well, do you recall the Court telling you that
2 this was going to be a plea for 30 years?

3 A: To be honest with you, sir, I remember them saying it
4 from reading my transcripts, but I really didn't get the full
5 understanding because I never went through a situation like
6 this and I really don't know about the law like that. And
7 when they was -- like, I might get life and this and that, I
8 was just pretty much discouraged and --

9 Q: Okay. But -- but you knew that you were going to get 30
10 years when you pled guilty?

11 A: Yeah. Yes, sir. I knew I was going to get 30 years.

12 Q: Okay. And you testified that -- that you felt pressured
13 by your family to take that plea?

14 A: Yeah. And also by Mr. Meetze because that -- I kept
15 trying to tell Mr. Meetze that I wasn't satisfied with trying
16 to take this plea, and I felt like I could have had some
17 better representation and he could have did better, but that's
18 --

19 Q: Okay.

20 A: And he kept telling my family this the best we can do and
21 just take this 30 years. So --

22 Q: So you don't feel like Mr. Meetze did enough on your case
23 that --

24 A: No, sir.

25 Q: So you feel like a different lawyer would have got you

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 less time?

2 A: Yes, sir.

3 Q: Okay.

4 A: If he would have -- if I would have had my statements
5 suppressed and --

6 Q: Well, okay. Let's talk about --

7 A: -- and challenged --

8 Q: Let's talk about your statement for a minute. I believe
9 you testified a couple of minutes ago -- you said that the
10 only evidence that wasn't self-defense were your statements?

11 A: That's -- that's -- that's all they got is my evidence on
12 -- evidence on me from my statements.

13 Q: Okay. Well, those -- so you're saying that those
14 statements that you gave, you know, they didn't -- they didn't
15 show self-defense?

16 A: The statements that I gave that night, Mr. Meetze was
17 just like why you didn't say that you was trying to prove
18 self-defense that night? Like I told him, I was under the
19 influence. I was in a state of shock. I just wanted to give
20 a statement that night just to go ahead and lay down and
21 relax.

22 Q: Okay.

23 A: Because I never went through a situation like that. This
24 was my brother-in-law that, you know, just had died. So --

25 Q: Right. Right. Okay. But you did tell the plea judge

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 that you wanted to plead guilty to 30 years' imprisonment?

2 A: No. I didn't wanted to, but --

3 Q: But you felt like you had no other choice?

4 A: I ain't had no other choice. I felt like I ain't had no
5 other choice because Judge Brown was like, well, you got a
6 choice to go to trial with Mr. Meetze and I ain't wanted to do
7 that. I ain't wanted to take that chance.

8 Q: Okay. But you understand that when you pled guilty --
9 and the judge told you this. That when you pled guilty, you
10 gave up your right to challenge those -- those statements?

11 A: See, that's why I was getting confused. I really didn't
12 -- I really didn't understand. I didn't understand the law
13 like that.

14 Q: Well, why didn't you tell the judge you didn't
15 understand?

16 A: Just confused and I ain't never went through a situation
17 like this. So basically, I was just like let me just go ahead
18 and take a plea, man, so I can at least try to get it back in
19 court.

20 Q: Okay. Even though you say that even though you knew that
21 you were going to get 30 years' imprisonment?

22 A: Yeah. I knew I was going to get 30 years, but I felt
23 like if I could have got it back in court, I would have had
24 another shot because I never had -- because I was stuck with a
25 choice with go to trial with Vick Meetze or take this 30

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 years.

2 Q: Okay.

3 A: And I ain't wanted to gamble with no life sentence with
4 Vick Meetze because I know he wasn't going to go put his all
5 in.

6 Q: Okay. Well, you remember telling -- you were telling --
7 excuse me. Do you remember --

8 A: Because he failed to inform me on I could have --

9 Q: I'm going to ask the questions.

10 A: I apologize.

11 Q: Do you remember Mr. Meetze telling the Court at --
12 because you -- you complained a little bit to the judge about
13 Mr. Meetze; is that right?

14 A: Yes, sir.

15 Q: Okay. And you recall Mr. Meetze telling the judge that
16 he didn't think this was a self-defense case?

17 A: He was like, maybe I was deficient about explaining this
18 was a self-defense case.

19 Q: Okay. But Mr. --

20 A: So he said that.

21 Q: But he told the judge that he did not think that you
22 would win at trial with self-defense because of your
23 statements?

24 A: I got to look in my transcript. I remember him saying
25 maybe I was a little deficient about explaining this was a

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 self-defense case.

2 Q: Okay. Well, that -- you know, that's on page -- about 17
3 for you, Mr. -- Mr. Pettigrew. But let's move on. Do you
4 recall the judge telling you that you could have a trial if
5 you wanted one?

6 A: Yeah. In my transcripts, I saw that.

7 Q: Okay. So he did -- you know, you did have the
8 opportunity to not plead guilty and to go forward and have a
9 trial?

10 A: But see, I really wasn't getting the full understanding
11 of it and, like I said, when he said I can go to trial with
12 Vick Meetze --

13 Q: Okay.

14 A: -- and he was like, Mr. Meetze practiced law longer than
15 some --

16 Q: Right.

17 A: -- of the other lawyers.

18 Q: Okay. Now -- but Mr. Meetze told you that those
19 statements you gave were going to hurt you at trial; right?

20 A: No. When he told me -- he was talking about the video
21 statement. He was like, by me not saying it was a self-
22 defense that night, he was saying that might could have hurt
23 me.

24 Q: Okay.

25 MR. HUNTER: I'm almost finished, Your Honor.

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 THE COURT: Take your time.

2 BY MR. HUNTER:

3 Q: Do you remember telling the judge that you were pleading
4 guilty because you were guilty?

5 A: I said --

6 Q: And you can look on page 20 if you want to refresh your
7 memory.

8 A: Yeah. I said I'm -- I said I was guilty. Yeah, I said I
9 was guilty, but I wasn't guilty of -- I forgot how I said it.
10 But I did said I was guilty. I wasn't guilty of murder.

11 Q: But you -- you killed the victim?

12 A: I mean I had the right to defend myself.

13 Q: But that -- you know, that's your opinion?

14 A: No. That's --

15 Q: That Mr. Meetze did not agree with?

16 A: Yeah.

17 Q: Okay.

18 A: I had the right to defend myself, and that's what I was
19 trying to explain to him, but we couldn't get no
20 understanding.

21 Q: All right. Do you remember telling the judge that you
22 didn't need any more time to make up your mind?

23 A: Yeah. Because he wasn't -- I wasn't -- I wasn't
24 satisfied with him. He said he -- they wouldn't appoint me
25 another lawyer. So --

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 Q: Okay. And then even though the judge asked you if you
2 were pleading guilty of your own free will, that it was your
3 decision to plead guilty, you said you were going to plead
4 guilty?

5 A: Yeah. Because I felt hopeless.

6 Q: Okay. So you just felt like it was your only option?

7 A: Yeah. I just felt hopeless like it was just over with.
8 So --

9 Q: You were going to jail for 30 years?

10 A: Like, I ain't had no other choice. To go to trial with
11 Vick Meetze and get life or I was just like I'll just take
12 this plea so I can get back in court. I didn't really
13 understand what was really going on. I ain't knew too much
14 about the law.

15 Q: Okay. Well, let me just ask you one more question. Do
16 you remember the judge at the very -- towards the end of your
17 plea -- well, it was really more in the middle. Do you
18 remember the judge asking you if you thought the evidence
19 against you was enough to convict you? In other words, the
20 judge said -- not in these words, but he said, Mr. Wilson
21 [sic], this evidence -- do you think if you went to trial,
22 you'd be convicted?

23 A: I can't remember.

24 Q: You don't remember that?

25 A: Yeah.

CARLYNIAS PETTIGREW - CROSS BY MR. HUNTER

1 Q: Okay. That's on page 27.

2 A: Yeah. I can't remember. I got to look.

3 MR. HUNTER: All right. I don't have any further
4 questions, Judge.

5 THE COURT: Anything on redirect?

6 MR. WALLER: No, Your Honor.

7 THE COURT: All right. Thank you, sir. You may step
8 down.

9 THE APPLICANT: Okay.

10 THE COURT: I appreciate it. All right. Mr. Waller, any
11 other -- any other witnesses?

12 MR. WALLER: No further witnesses, Your Honor.

13 THE COURT: All right. Mr. Hunter?

14 MR. HUNTER: The State would call Mr. Meetze.

15 THE COURT: All right. Mr. Meetze?

16 THE CLERK: Do you swear the testimony that you are about
17 to give is the truth, the whole truth, and nothing but the
18 truth, so help you God?

19 THE WITNESS: I do.

20 THE CLERK: Please take a seat and state your name for
21 the record.

22 THE WITNESS: My name is Vick Meetze.

23 THE COURT: All right. Mr. Hunter, your witness.

24 VICK MEETZE, being first duly sworn,
25 testified as follows:

VICK MEETZE - DIRECT BY MR. HUNTER

DIRECT EXAMINATION

- 1
2 BY MR. HUNTER:
3 Q: Mr. Meetze, how long have you been practicing law?
4 A: Fifteen -- a little over 15 years.
5 Q: Okay. And how much of your practice has been devoted to
6 criminal defense?
7 A: Since June of 2002. So I guess getting close to twelve-
8 and-a-half years.
9 Q: Okay. Do you recall representing Mr. Pettigrew on these
10 charges?
11 A: I do.
12 Q: Okay. Have you had a chance to review your file?
13 A: I have.
14 Q: Okay. All right. Do you recall how many meetings you
15 had with Mr. Pettigrew in this case?
16 A: I don't recall exactly.
17 Q: Do you have a ballpark?
18 A: It's more than three.
19 Q: Okay. Now, were you able to obtain all the Rule 5 and
20 Brady materials in this case?
21 A: I was.
22 Q: Okay. And did you go over that with Mr. Pettigrew?
23 A: I did.
24 Q: Did you discuss the elements of murder with Mr.
25 Pettigrew?

VICK MEETZE - DIRECT BY MR. HUNTER

1 A: I did.

2 Q: As well as did you discuss voluntary and involuntary
3 manslaughter?

4 A: I did.

5 Q: Okay. Now, did you ever attempt to have a bond hearing
6 for Mr. Pettigrew?

7 A: We filed a motion for a bond hearing for Mr. Pettigrew
8 late in the process, a long -- a good while after he had been
9 incarcerated. And by the time we filed the motion, the
10 solicitor was ready to call it for trial. So at that point in
11 time, it was -- it was going to trial or he was going to be
12 pleading. So we filed it, but it was, you know, probably 18
13 months or so.

14 Q: Okay.

15 A: Maybe -- maybe that long, maybe not quite that long, but
16 --

17 Q: So how long did you have this case?

18 A: He pled July the 26th, 2012, and he was arrested -- was it
19 January of 2011?

20 Q: So you had it for about a year and a half would you say?

21 A: If I'm right about that arrest date, yeah. Yeah, he was
22 arrested January the 25th, 2011. So --

23 Q: Now, were you preparing to go to trial in this case?

24 A: I mean we were. I mean we knew that the State intended
25 to call it once they told us, but Mr. Pettigrew had told me --

VICK MEETZE - DIRECT BY MR. HUNTER

1 and, like he said here today, he told me he did not want to go
2 to trial with -- with me as his attorney. So from that
3 standpoint, it -- I mean he had indicated that he was going to
4 plead because he didn't want me to -- he didn't want to go to
5 trial with me as his lawyer.

6 Q: Did -- if you wouldn't mind, would you just kind of
7 characterize the State's evidence against Mr. Pettigrew in
8 this case?

9 A: Like, tell you what the State's evidence was?

10 Q: Just kind of the facts of the case and what evidence they
11 had.

12 A: Mr. Pettigrew was at his house. He had a lady friend
13 there with him. The victim, who he refers to as his brother-
14 in-law -- he had sort of arranged for his brother-in-law to
15 come and pick up the young lady and take her home when they
16 were done socializing. Mr. Pettigrew had -- had had a good
17 bit of alcohol I believe according to him.

18 I think that -- and I'm trying to think exactly. He had
19 not -- it was late. It was, like, eleven o'clock at night
20 before he called his brother-in-law to come and pick the girl
21 up. And I think that with it being that late I think the
22 brother-in-law wasn't happy about that.

23 The brother-in-law did come over and I think he was mad
24 about doing that, but showed up. There was an altercation.
25 There was a verbal dispute. I shouldn't necessarily call it

VICK MEETZE - DIRECT BY MR. HUNTER

1 an altercation. That sounds more physical. At first, I think
2 it was verbal at first between the two.

3 Mr. -- now, this is the State's evidence. The victim got
4 in his car and was backing out, at which point Mr. Pettigrew
5 pulled a handgun from his pocket, pointed it, and fired
6 multiple rounds into the car as it was backing out, some of
7 which struck the victim which he died from.

8 Q: And then did -- Mr. Pettigrew gave some -- did he give
9 any statements to the police?

10 A: He gave one. I'm aware of one statement to the police
11 that he gave.

12 Q: Okay. And was it pretty -- was it incriminating?

13 A: Yes.

14 Q: Okay. There's been some talk about self-defense, but did
15 you think this case had or Mr. Pettigrew had much of a self-
16 defense alibi in this case?

17 A: I did not.

18 Q: Okay. And why?

19 A: Well, in our conversations leading up to trial, Mr.
20 Pettigrew -- and this may be where some of the confusion is or
21 maybe I'm confused. I don't know. Mr. Pettigrew had given me
22 many times his version of what happened, and that version of
23 him, what he was telling me, was that at one point his
24 brother-in-law had, like, reached behind him like he had a gun
25 that he was going to get and also that, when he got in his

VICK MEETZE - DIRECT BY MR. HUNTER

1 car, that initially he sort of thrust it forward like he was
2 going to run him over and that that is when Mr. Pettigrew took
3 his gun out and shot at his brother-in-law. And those are
4 just statements of what he was telling me as his version of
5 things.

6 Q: Was there any evidence --

7 A: All right.

8 Q: -- to support that?

9 A: There was not any evidence to support that. We did not
10 receive a copy of his videotaped statement until very close to
11 when the State called it for trial. So when I got that
12 statement and played it and there was -- none of that was in
13 there and he addressed the issue of his brother-in-law getting
14 in the car. But in Mr. Pettigrew's statement to police, he
15 says that he was backing out.

16 His statement does not mention thrusting the car forward
17 as if he was going to come and run over him, and he told me
18 that he just forgot. And I tried to explain to him. I said,
19 well, you know, it doesn't seem like you forgot because you
20 did address him getting in the car and what he did after he
21 got in the car. It's just that your statement was that he got
22 in the car and was backing out.

23 And so I told him that, you know, based on -- on the
24 evidence, I don't think there is a viable self-defense in this
25 case. And I had told him that from the start because of, you

VICK MEETZE - DIRECT BY MR. HUNTER

1 know, what we had in discovery did not paint a picture of
2 self-defense. And I think based on the State's evidence, I
3 don't think a jury would have gotten a charge on self-defense.
4 I think any charge on self-defense would have depended on
5 whether or not Mr. Pettigrew testified and what he testified
6 to as to whether a judge would have considered giving that
7 option to the jury, but that's probably speculation on my
8 part.

9 Q: Did -- did you think there were any grounds on which his
10 statement would be successfully suppressed?

11 A: No, sir.

12 Q: Okay. Did you discuss involuntary manslaughter with him?

13 A: He very desperately wanted his charge to be reduced to
14 involuntary manslaughter and we did discuss that a number of
15 times because I think most of the conversations that we had he
16 mentioned that. In his mind, this was an accident. All
17 right? And it was -- I was having a hard time explaining to
18 him that just because in his mind he did not mean -- even
19 though he shot his weapon at his brother-in-law, he was not --
20 he didn't mean to kill him, you know, and so because of that,
21 in his mind, he felt like this was an accident.

22 And I was trying to explain to him, you know, I
23 understand what you're saying that in your mind because your
24 intent was not for him to die -- even though you were shooting
25 at him, you weren't intending for him to die. The fact that

VICK MEETZE - DIRECT BY MR. HUNTER

1 all of your actions leading up to that were all intentional
2 acts, the fact that you pulled -- took your gun out of your
3 pocket intentionally, that you aimed it intentionally, and
4 that you pulled the trigger, all of that intentionally, that
5 we're just completely out of the realm of involuntary
6 manslaughter. When those things are done intentionally, then
7 involuntary is not an available lesser-included offense on a
8 murder case.

9 Q: Did you have any concerns with his ability to understand
10 what you were telling him?

11 A: I didn't have any concerns I mean of it as far as -- as
12 far as conversations and all of that. I think I had a hard
13 time getting through to him. I mean he always clung to that
14 belief that he should be able to get involuntary manslaughter.
15 So --

16 Q: So --

17 A: -- I don't know if I didn't do a good enough job
18 explaining it to him.

19 Q: Well, would you say he was maybe being more stubborn
20 than, you know, not really understanding?

21 A: He -- he just -- whether it was stubborn -- I don't know
22 that I would classify it as stubborn, but it was -- it was
23 just a belief that he clung to and that was -- he was
24 fervently believing that, and I'm just not sure that I was
25 ever able to convince him that under the law his belief was

VICK MEETZE - DIRECT BY MR. HUNTER

1 misguided.

2 Q: Did -- and this may be a little bit of the same, but did
3 you -- he's mentioned stand your ground. Did you -- did you
4 go over that with him and why that would not be applicable in
5 his case?

6 A: I don't recall ever going over that with him. I don't
7 recall him using those words to me. Self-defense and
8 involuntary were the things. If he ever mentioned it to me, I
9 don't recall. I'm certain I didn't bring it up to him and I
10 didn't go over that law with him.

11 Q: So you don't think stand your ground defense would have
12 had any merit?

13 A: I don't think so.

14 Q: Okay. Did you explain to Mr. Pettigrew what a negotiated
15 plea was?

16 A: I did.

17 Q: Okay. Prior to his plea, did you go over the rights he
18 was waiving by pleading guilty?

19 A: I did.

20 Q: As far as the right to a jury trial and the right to
21 challenge the evidence?

22 A: I did.

23 Q: Okay. And whose decision was it to plead guilty?

24 A: It was his.

25 Q: So you did not force Mr. Pettigrew to plead guilty?

VICK MEETZE - DIRECT BY MR. HUNTER

1 A: I did not.

2 Q: Okay.

3 MR. HUNTER: That's all I have, Your Honor. Thank you,
4 Mr. Meetze.

5 THE COURT: Anything on cross?

6 MR. WALLER: Briefly, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. WALLER:

9 Q: Mr. Meetze, you testified that Mr. Pettigrew did not want
10 to go to trial with you?

11 A: That's right. That's what he told me.

12 Q: Okay. Did you and he discuss the procedures that would
13 take place at a trial in general?

14 A: Certainly, we discussed his option of having a jury trial
15 and -- and, you know, the fact that had he had a jury trial,
16 he would have been on trial for murder and the punishment for
17 murder and all of that kind of thing. And then I certainly
18 talked to him about what the offer was, which was to plead to
19 voluntary, but it would be for the 30 years. They wouldn't
20 reduce it to voluntary for anything less.

21 But as far as did I discuss with him step by step the
22 procedure, the State has an opening, the defense has an
23 opening, and all of that, I mean he understood what a jury
24 trial was from the standpoint of twelve folks sitting in a
25 jury box that would listen to the evidence and they would make

26

VICK MEETZE - CROSS BY MR. WALLER

1 a determination as to whether or not he was guilty or not
2 guilty or whether there was a defense or whatever.

3 Q: How about his right to challenge any evidence the State
4 would present against him?

5 A: I certainly went over with him his right to challenge any
6 statements that he made on his plea affidavit before -- before
7 he entered his guilty plea.

8 Q: Okay. Did you -- I know he gave multiple statements in
9 this case. Did you discuss each statement individually and
10 the strengths and weaknesses of potentially challenging them?

11 A: See, I -- that's where I'm confused because I don't
12 recall multiple statements. I recall one statement to the
13 police.

14 Q: Okay.

15 A: I know there was statements he told me just in our
16 conversations.

17 Q: And maybe I'm -- maybe I'm using that incorrectly. Was
18 there a statement on the scene?

19 A: He called 9-1-1.

20 Q: Okay.

21 A: Because he's the one that called 9-1-1 and, you know, he
22 was -- he had his brother-in-law out of the car and, you know,
23 called 9-1-1 and all of that to have somebody come out there.
24 I don't -- I don't recall a statement on the scene.

25 Q: Okay. Did y'all discuss suppressing -- did y'all discuss

VICK MEETZE - CROSS BY MR. WALLER

1 attempting to suppress the 9-1-1 call or any statement in a
2 pre-trial setting?

3 A: I don't think I did. I don't think there was -- I don't
4 -- he never mentioned that to me and I didn't see any viable
5 grounds of suppressing that. Certainly, if we had gone to
6 trial, we would have made a motion for a -- you know, for a
7 *Jackson v. Denno* hearing in regards to that, but, you know,
8 you potentially lose a lot of things. That's the risk that
9 you take because, you know, -- and I can't say this would have
10 happened in this case. It would not have been unusual for us
11 to have gotten that far for him to have lost any -- any offer
12 that he had and, you know, I was strongly of the opinion that
13 the offer that he had was in his best interest and felt like
14 he should do that. And certainly as his attorney, I didn't --
15 I was not going to do anything that was going to jeopardize
16 that if I could help it.

17 Q: You mentioned getting the statement -- the videotaped
18 statement close to the time of trial. How close are we
19 talking about?

20 A: You know, I was looking in my file to see if I had a copy
21 of the -- when the Solicitor's Office gives us discovery,
22 there's always a form that we sign that they can put in their
23 file so they'll have a record of us giving it to them, and it
24 has the date. And I didn't see that in there, but I would say
25 within two -- two to three weeks.

VICK MEETZE - CROSS BY MR. WALLER

1 Q: Okay. Did you have enough time to review that and do any
2 research you needed to prepare a potential defense to it?

3 A: I did, yeah.

4 Q: Okay.

5 A: I did.

6 MR. WALLER: I beg the Court's indulgence for one second.

7 THE COURT: Take your time, Mr. Waller.

8 MR. WALLER: No further questions, Your Honor.

9 THE COURT: All right. Anything on redirect?

10 MR. HUNTER: No, Your Honor. I don't think so.

11 THE COURT: You may step down, Mr. Meetze. Thank you,
12 sir.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Any other witnesses on behalf of the State?

15 MR. HUNTER: No, Your Honor.

16 THE COURT: Okay. All right. It's my understanding
17 we're going to again do memos for closing arguments.

18 MR. WALLER: Yes, sir, Your Honor.

19 THE COURT: And again, now I've said 20 days on the other
20 two. Do we need to change that to 30 just to -- so you won't
21 be doing -- trying to do three in a row?

22 MR. WALLER: I think 20 -- I think --

23 THE COURT: Okay.

24 MR. WALLER: I think 20 would be all right, Your Honor.

25 THE COURT: Okay.

1 MR. HUNTER: That would be fine with me, Your Honor.

2 THE COURT: All right. Twenty days.

3 MR. WALLER: Yes, sir.

4 THE COURT: Okay. And then 20 days for your responses.

5 Thank y'all.

6 (WHEREUPON, the proceedings ended at 4:18 p.m.)

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8 --- END REQUESTED TRANSCRIPT ---

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1	State of South Carolina	)	
2		)	Certificate
3	County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 43 constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of Common Pleas for Florence County, South Carolina, on the 9th day of October, 2014.

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

17 /s/ Krystal J. Smith

18	Court Reporter
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20	Florence, South Carolina
----	--------------------------

21	August 27, 2015
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STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Carylnias Pettigrew,
S.C.D.C. No. 351719,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

Case No. 2013-CP-21-0327

ORDER OF DISMISSAL

2015 JUL -6 PM 12:23
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

FILED

Procedural History

The Applicant is presently confined in SCDC pursuant to orders of commitment from the Florence County Clerk of Court. Applicant was indicted at the July 2011 term of the Florence County Grand Jury for murder (2011-GS-21-1187). Vick Meetze, Esquire, represented Applicant.

On July 26, 2012, Applicant pled guilty to the lesser included offense of voluntary manslaughter and was sentenced by the Honorable D. Craig Brown to thirty (30) years imprisonment. Applicant did not appeal his pleas or sentences.

Applicant filed a timely application for post-conviction relief (PCR) on February 5, 2013. An evidentiary hearing was held on October 9, 2014 at the Florence County Courthouse. Applicant was present and represented by Jonathan Waller, Esquire. The State was represented by Assistant Attorney General J. Croom Hunter, Esquire.

Allegations

Applicant alleges in his PCR application that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.

2. Involuntary guilty plea.

Summary of Testimony Presented

At the evidentiary hearing, Applicant testified on his own behalf. Respondent also presented testimony from trial counsel, Vick Meetze, Esquire (Counsel). As an initial matter, this Court finds Counsel's testimony credible and Applicant's testimony not credible. The Court also had before it a copy of the plea transcript, the Florence County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

During the evidentiary hearing, Applicant testified he is twenty eight (28) years old and from Timmonsville, South Carolina. Applicant testified he was charged with murder. Applicant testified he met with Counsel three (3) times prior to his guilty plea. Applicant testified he and Counsel spoke about his discovery and a bond hearing. Applicant testified he received and went over the discovery in his case. Applicant testified he told Counsel he was not satisfied with taking a plea. Applicant testified Counsel told him he would "say anything to save his ass." Applicant testified Counsel never explained self-defense. Applicant testified he could not remember if Counsel discussed the elements of the charge. Applicant testified Counsel never discussed any possible defenses. Applicant testified there were no witnesses to the shooting except for Applicant and the victim. Applicant testified Counsel never discussed Applicant's statements or the possibility of their suppression. Applicant testified he did not recall discussing his waiver of rights. Applicant testified he decided to plead guilty based upon his family's influence and the fact that they said he was going to get life if he went to trial. Applicant testified the plea transcript reflects that he was not satisfied with Counsel. Applicant testified he and Counsel did not discuss any lesser-included offenses and that Counsel told him he would not be

able to get a jury charge for involuntary manslaughter. Applicant testified he wanted to utilize a "stand your ground" defense. Applicant testified he and Counsel never discussed challenging the State's evidence. Applicant testified the only evidence that he did not act in self-defense were his own statements that Counsel did not discuss attempting to suppress. Applicant testified he initialed a guilty plea affidavit. Applicant testified that he said on the affidavit that he was unsatisfied. Applicant testified he sent letters to the Commission on Lawyer Conduct complaining about Counsel. Applicant testified he did not get along with Counsel. Applicant testified he gave his statement to police before he was mirandized and that he was in shock. Applicant testified Counsel showed him his videotaped statement. Applicant testified he did not understand everything. Applicant testified he did not understand the difference between a negotiated and an open plea.

After Applicant's testimony, the State presented testimony from Vick Meetze (Counsel). Counsel testified he has been practicing criminal defense law since 2002. Counsel testified he recalled representing Applicant and he reviewed the file prior to the PCR hearing. Counsel testified he met with Applicant more than three times. Counsel testified he received all of the Rule 5 and Brady materials from the State and went over everything with Applicant. Counsel testified he went over the elements of murder, voluntary, and involuntary manslaughter with Applicant. Counsel testified he went over the reasons why a "Stand Your Ground" defense would not work in Applicant's case. Counsel also testified he explained to Applicant why he would not be able to get an involuntary manslaughter charge. Counsel testified he did file a motion for a bond hearing in Applicant's case. Counsel testified he was prepared to go to trial, but Applicant did not want to go to trial with him as defense counsel. Counsel testified it was Applicant's decision to plead guilty. Counsel testified Applicant admitted to shooting the victim

but claimed the victim attempted to run over him with his car. Counsel testified the evidence in the case did not support Applicant's version of events, but that the victim appeared to be attempting to flee from Applicant when he was gunned down. Counsel testified he did not have any concerns with Applicant's mental competency. Counsel testified he reviewed Applicant's waiver of rights with him. Counsel testified he discussed Applicant's statements with him but did not think there were any legal grounds on which the statements could successfully be suppressed. Finally, Counsel testified he discussed with Applicant the difference between a negotiated and an open plea.

On cross-examination, Counsel testified he discussed with Applicant the offer for voluntary manslaughter. Counsel testified he did not discuss the step by step procedures of a trial with Applicant. Counsel testified he did discuss with Applicant that by pleading guilty he was giving up his right to challenge the evidence. Counsel testified Applicant did call 911 after he shot the victim. Counsel testified he did not recall offhand the statement made by Applicant at the scene of the crime. Counsel testified it was his opinion that it was in Applicant's best interest to accept the State's plea offer. Counsel testified he received the video of Applicant's statement within two or three weeks of the plea, and he had enough time to prepare for trial.

Findings of Fact and Conclusions of Law

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove "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." Id. at 442, 334 S.E.2d at 814 (citing Strickland v. Washington, 466 U.S. 668 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any 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." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Applicant alleges Counsel was ineffective for failing to advise Applicant that he could challenge the State's evidence against him. This Court finds this argument is without merit.

A. Argument

Counsel was not ineffective because in light of the testimony at the guilty plea and the evidentiary hearing. This Court finds Applicant knowingly and voluntarily waived his right to challenge the admissibility of his statement. This exact question was answered by the SC Supreme Court in Whetsell v. State, 276 S.C. 295, 277 S.E.2d 891 (1981). There, the applicants alleged their counsels were ineffective for failing to make a motion to suppress evidence. Whetsell, 276 S.C. at 296, 277 S.E.2d at 892. The Court held an applicant cannot raise allegations of ineffective assistance of counsel for failure to make a motion to suppress a statement where the applicant, at the time of the plea, "made an informed judgment as to whether the motion to suppress should be made and the guilty plea entered." Id. at 299, 277 S.E.2d at 893.

Applicant cites Shirley v. State, 411 S.E.2d 215 (1991) in furtherance of his argument that Counsel was ineffective for not informing him that his statements to police must have been made voluntarily and subject to a Jackson v. Denno hearing prior to the statements' admittance. However, the record clearly reflects that Applicant waived his right to challenge any evidence against him by pleading guilty. Counsel went over all of the evidence with Applicant and explained to Applicant why various defenses were unavailable. Counsel's testimony shows that Applicant would not have been able to mount a "stand your ground" defense or claim self-defense based on the evidence, including Applicant's own statements. Nor was involuntary manslaughter an option, based upon Counsel's testimony. Additionally, Counsel's testimony that he did not know of any legal basis on which Applicant's statements could have been suppressed further shows Applicant's allegations are groundless. Counsel's testimony reflects that he went over all of the evidence, elements, and charges with Applicant, and that Applicant made a

knowing, informed, and voluntary decision to plead guilty. Even Applicant's testimony reflects that he pled guilty because he wanted to avoid receiving a life sentence.

By pleading guilty with a full understanding of his right to challenge the admissibility of the statement, Applicant has waived collateral review of this issue. Id. at 297, 277 S.E.2d at 892 ("The general rule is that guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea." (citing Rivers v. Strickland, 264 S.C. 121, 213 S.E.2d 97 (1975); State v. Fuller, 254 S.C. 260, 174 S.E.2d 774 (1970))). Furthermore, plea counsel's "informed advice should not be subject now to retrospective examination." Id. at 299, 277 S.E.2d at 893. Instead, the record demonstrates Applicant pled guilty without challenging the statement in hopes of receiving the benefit of the negotiated sentence. See Bennett v. State, 371 S.C. 198, 204-05, 638 S.E.2d 673, 676 (2006) (counsel not ineffective for advising client to plea to avoid maximum penalty if convicted). Accordingly, Applicant's argument he did not understand the statements could have been challenged at trial is without merit.

The record contains significant probative evidence Applicant fully understood the risks and benefits of proceeding to trial and challenging the admissibility of his statement. These risks and benefits factored into his calculated decision to enter a guilty plea and waive any right to challenge the evidence against him. Accordingly, this Court finds the post-conviction relief application should be denied and dismissed with prejudice.

Conclusion

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application.

Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice;
and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 12th day of June, 2015



Edgar W. Dickson
Presiding Judge
Twelfth Judicial Circuit

CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

2015 JUL -6 PM 12:24

FILED

Orangeburg, South Carolina

CERTIFIED: A TRUE COPY



CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

RECEIPT FOR EXHIBITS

CASE NO. 11-SS-21-1137 JUDGE D. Gary Brown
 PLAINTIFF: The State PLTF'S ATTY. Ed Clement
 DEFENDANT: Carlton Brown DEF'D ATTY. Joe Martinez
 DATE TRIAL STARTED: 7-26-12 DATE TRIAL ENDED: 7-26-12

Received of Kystal J. Smith, Court Reporter for the above case, these exhibits:

	This space for Clerk of court's use
1. <u>Counts 1-11 Affidavit of Defendant</u>	
2. _____	
3. _____	
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7. _____	
8. _____	
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20. _____	

This 26th day of July 20 12

Page 1 of 1

FLORENCE COUNTY CLERK OF COURT

By: [Signature]

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE)

State of South Carolina)

AFFIDAVIT OF DEFENDANT FOR
GUILTY PLEA

-vs-)

Carlynnas Pettigrew)

Defendant)

The Defendant states to the Court that the Defendant wants to plead guilty to the following charge(s):

Voluntary Manslaughter

In connection with the plea, I certify that the answers to the following questions are true:

BACKGROUND OF DEFENDANT

- 1) How old are you? 26
- 2) How far did you go in school? 11th Grade
- 3) (a) Can you read and write the English language? ☒ YES ☐ NO
- (b) Are you able to read and understand this form? ☒ YES ☐ NO
- (c) If not, who is explaining it to you and filling out your answers?

Name of person: _____

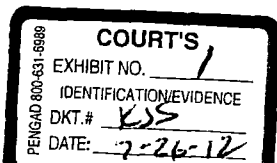
- 4) What kind of work do you do? Brick Masonry
- 5) Have you ever been treated for abuse of alcohol or drugs or for mental illness? ☒ YES ☐ NO

If so, when? July of 2012For How long? attended weekly classes for alcohol for 1-2 monthsDid you successfully complete the program? ☒ YES ☐ NO

- 6) Have you taken any medication, drugs or alcohol in the last 24 hours? ☐ YES ☒ NO

If yes, What? _____

How much? _____



When? _____

Does this affect your ability to know and understand what you are doing here today? _____ YES _____ NO

- 7) Are you today under the influence of any medications, ~~drugs~~ or alcohol?
 _____ YES _____ ☒ NO
- 8) Are you today aware of any physical, emotional or nervous problem that might keep you from understanding what you are doing?
 _____ YES _____ ☒ NO
- 9) Have you ever been ordered by a Judge to submit to a mental evaluation to determine your competency to stand trial?
 _____ YES _____ ☒ NO

WAIVER OF CONSTITUTIONAL RIGHTS

- 1) Do you understand that you have a right to remain silent, that is your rights against self incrimination? You cannot be compelled or forced to testify or give evidence against yourself. Do you understand this right?

☒ YES _____ NO

Do you wish to give up this right and plead guilty?

☒ YES _____ NO

- 2) Do you understand that you have right to a jury trial; you have a right to have a jury decide whether or not you are guilty beyond a reasonable doubt? They would base their decision upon evidence which the state presents and on any evidence you might wish to introduce. In a trial, you would be presumed innocent, and the state would have to produce evidence that would convince all 12 members of the jury that you were guilty beyond a reasonable doubt. Do you understand this right?

☒ YES _____ NO

Do you wish to give up your right to a jury trial and plead guilty?

☒ YES _____ NO

- 3) Do you understand that you have the right to confront and be confronted by the witnesses against you, that is, the right to see, hear and cross examine any witness that may be called against you during the trial and the right to subpoena and call witnesses in your own behalf? Do you understand these rights?

☒ YES _____ NO

Do you wish to give up these rights and plead guilty? ☒ YES _____ NO

- 4) If your case has not been before the grand jury, you have the right to have the case presented to the grand jury. After hearing evidence, 12 of the 18 people on the grand jury would have to agree that you were probably guilty before the charge(s) against you could be reported out as a True Bill ready for trial. A grand jury might return a No Bill, which would mean that the charge(s) would be dismissed. Do you understand this right?

_____ YES _____ NO

N/A

Do you wish to give up your right to have the grand jury examine your case?

____ YES ____ NO

- 5) Do you understand that when you plead guilty you give up these constitutional rights?

☒ YES ____ NO

Is that what you want to do? ☒ YES ____ NO

Do you understand that you will not get a jury trial if you plead guilty?

☒ YES ____ NO

NATURE OF THE CHARGE(S) AND CONSEQUENCES OF PLEADING GUILTY

- 1) Has your attorney discussed with you the charge(s) and possible punishment for the charge(s)?

☒ YES ____ NO

- 2) What acts did you do which causes you to think that you are guilty of the charge(s) to which you now want to plead guilty?

During an argument with his brother-in-law where Mr. Pettigrew had been drinking a gun was introduced and Mr. Pettigrew was shot and killed by Mr. Pettigrew.

- 3) Are you pleading guilty for any reason other than the fact that you are guilty?

____ YES ☒ NO

If so, what is the other reason? _____

- 4) As you understand, the maximum possible punishment for this charge is: _____

30 years

- 5) If an offense with graduated penalties: Do you understand that if you plead guilty to this offense and you are convicted at a later time of the same crime, the punishment will be higher the next time?

____ YES ____ NO

- 6) Do you have any questions about the nature of the charge(s) against you and the possible punishment?

____ YES ☒ NO

If so, please write your question(s) here: _____

- 7) Do you understand that when you plead guilty you admit the truth of the charge(s) against you?

☒ YES ☒ NO

- 8) You may have defenses to the charge(s) against you. The Judge does not know whether you do or not. Do you understand that if you plead guilty you will waive or give up any defense to the charge(s)?
☒ YES ☐ NO
- 9) You may have given an incriminating statement in this case. Do you understand that if you plead guilty you waive or give up the right to contest or challenge whether such a statement was freely and voluntarily given in accordance with your constitutional rights?
☒ YES ☐ NO
- 10) Understanding the nature of the charge(s) against you and the consequences of a guilty plea, do you still wish to plead guilty?
☒ YES ☐ NO

TWO AND THREE STRIKES RULE AND NO PAROLE OFFENSES

- 1) Do you understand that the charge(s) you are pleading to is/are considered a serious most serious offenses under South Carolina's laws?
☒ YES ☐ NO
- 2) Do you understand that that means they are considered strikes in South Carolina's two and three strikes laws?
☒ YES ☐ NO
- 3) Do you understand that under the two strikes law, if you were to be convicted of two most serious offenses in your lifetime then you would face a mandatory sentence of life in prison without parole?
☒ YES ☐ NO
- 4) Do you understand that under the three strikes law that if you were convicted of three serious offenses or a combination of three serious and most serious offenses, that you would then face a mandatory sentence of life in prison without parole?
☒ YES ☐ NO
- 5) Do you understand that the charge(s) you are pleading guilty to is/are considered no parole offense(s) under South Carolina law?
☒ YES ☐ NO
- 6) Do you understand that means that any sentence you receive in this case you would have to serve at least 85% of that sentence before you would be eligible for release and that you may have to do everyday of the sentence day for day?
☒ YES ☐ NO
- N/A. 8) Do you understand that if you are pleading guilty to murder, then any sentence you get will have to be done day for day. In other words if you receive a thirty

(30) year sentence then you will be required to do all thirty years before you can be released.

_____ YES _____ NO

- 7) Do you understand that upon your release from that sentence you would be required to serve a two year period under community supervision and if you violated the conditions of that program you could have that supervision revoked and be required to serve up to one year in prison as a result?

☒ YES _____ NO

- 8) Do you understand the charge(s) you are pleading guilty to are also considered violent offenses under South Carolina law?

☒ YES _____ NO

- 9) Do you understand that the violent distinction affects parole eligibility?

☒ YES _____ NO

- 10) Do you understand that a second conviction for a violent offense would render you ineligible for parole?

_____ YES _____ NO

- 11) Understanding all of that, do you still wish to plead guilty?

☒ YES _____ NO

PLEA NEGOTIATIONS

- 1) Has any plea agreement been made by you with the Solicitor's Office?

☒ YES _____ NO

If so, exactly what do you understand the agreement to be?

Pleading to Voluntary Manslaughter for a 30
year sentence

- 2) Do you understand that the recommendation of the attorneys is not binding on the court and that the Judge could still sentence you up to the maximum if he/she felt it appropriate?

☒ YES _____ NO

- 3) Do you still wish to plead guilty? ☒ YES _____ NO

VOLUNTARINESS OF PLEA

- 1) Has anyone promised you anything or held out any hope of reward to get you to plead guilty?

_____ YES ☒ NO

If yes, explain: _____

- 2) Has anyone threatened you or used force to get you to plead guilty?
 _____ YES ✓ NO
- 3) Has anyone used any pressure or intimidation to cause you to plead guilty?
 ✓ YES _____ NO
- 4) Have you had enough time to make up your mind as to whether or not you want to plead guilty?
 ✓ YES _____ NO
- 5) Are you pleading guilty of your own free will and accord?
 ✓ YES _____ NO

SATISFACTION WITH ATTORNEY

- 1) Has your attorney reviewed this form with you and answered any questions you have about it? ✓ YES _____ NO
- 2) Are you satisfied with the manner in which your attorney has advised and represented you? _____ YES ✓ NO
- 3) Have you talked with your attorney as often and for as long as you feel necessary for him/her to properly represent you?
 ✓ YES _____ NO
- 4) Do you need more time to talk with your attorney?
 ~~_____~~ YES ✓ NO
- 5) Have you understood your talks with your attorney?
 ✓ YES _____ NO
- 6) Has your attorney done everything for you that you feel he/she could have done or should have done? _____ YES ✓ NO
- 7) Has your attorney done anything in this case that you feel he/she should not have done?
 ✓ YES _____ NO

If yes, explain: Getting a bond hearing,

- 8) Are you completely satisfied with your attorneys services?
 _____ YES ✓ NO

- 9) Do you have any complaints you want to make about your attorney, the solicitor or any of the police officers? ☒ YES ☐ NO

- 10) Do you understand that you have a right to appeal your guilty plea and the sentence of the court and you must do so within 10 days of the sentence? ☒ YES ☐ NO

Had to file his own mot. ons / Doesn't think Inv. McRadden should have been talk to his fam

CONCLUDING QUESTIONS

- 1) Do you understand all of these questions? ☒ YES ☐ NO

If not, which ones do you not understand? _____

- 2) Do you now want to plead guilty? ☒ YES ☐ NO

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY, this 26th

Day of July, 2011.

Cachias Petigrew
DEFENDANT

CERTIFICATE OF COUNSEL

- 1) Print your name and telephone number. Vick Meeter
665-3055
- 2) I represent the Defendant in this case.
- 3) I have read and fully explained to the Defendant the allegations contained in the indictment(s) in this case.
- 4) To the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
- 5) I have explained to the Defendant the charge(s) contained in the indictment(s), the possible punishment and his/her constitutional rights including his/her right to a jury trial.
- 6) I have explained to the Defendant the right to have this case submitted to the grand jury for its consideration.
- 7) In my opinion, the Defendant understands the charge, the punishment and the constitutional rights in this case.
- 8) The defendant has indicated to me that he/she wishes to plead guilty.
- 9) The plea of guilty offered by the Defendant to count(s) Voluntary
Manslaughter accords with my understanding of the facts that the Defendant has related to me, is consistent with my advice to the Defendant, and, in my opinion, is voluntarily and understandingly made.

SIGNERD BY ME IN PRESENCE of the Defendant and after full discussion of the contents of this certificate with the Defendant, this 26th day of July, 2012.

Vick Meeter
ATTORNEY FOR THE DEFENDANT

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

IN THE COURT OF GENERAL SESSIONS
WARRANT NO.: M-13068

The State of South Carolina)

Vs.)

CARLYNIAS PETTIGREW,)

Defendant.)

NOTICE OF MOTION
AND MOTION

2012 JUL -9 PM 3:37
CONNIE L. BISHOP, JR.
CCCP & GS
FLORENCE COUNTY, SC

TO: TWELFTH CIRCUIT SOLICITOR'S OFFICE: E. L. CLEMENTS, III,
SOLICITOR:

YOU WILL PLEASE TAKE NOTICE that the defendant will move through his undersigned attorney, on the 9th day after service hereof, or as soon thereafter as this matter can be heard by the court for a reasonable bond to be set in the above matter.

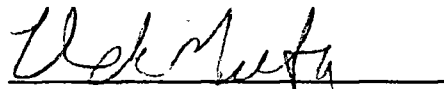
WHEREAS, the defendant, CARLYNIAS PETTIGREW, was arrested on JANUARY 25, 2011 and is being held in the Florence County Detention Center upon a charge of MURDER, and

WHEREAS, a bond has not been set in this matter, and

WHEREAS, the defendant desires to be released from custody, pending the trial of said cause,

THEREFORE, the defendant moves that the Court set a personal recognizance bond, or in the alternative a surety bond in a reasonable amount.

AND IT IS SO MOVED.



SCOTT P. FLOYD
MICHAEL S. BELL
B. SCOTT SUGGS
*VICK MEETZE
KAREN E. PARROTT
WALLACE H. JORDAN, JR.

FLORENCE, SOUTH CAROLINA
JULY 9, 2012

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 125

COUNTY OF
STATE

Florence

VS.

Carlynias Pettigrew

AKA:

Race: B Sex: M Age: _

DOB: _ SS#: _

Address:

City, State, Zip: Timmons, SC

DL#: _ SID#: _

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒

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

TO: Manslaughter / Voluntary manslaughter

INDICTMENT/CASE#: 2011-GS-21-1187

A/W#: M273068

Date of Offense: 1/24/2011

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
☐ 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: E. L. Clements III 15295 SC Bar# Carlynias Pettigrew 30 YEARS Defendant Robert M. Minter 15871 Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 548 days☐ 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

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

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$
TOTAL		\$ <u>105.00</u>

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter: K. Smith

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2160Sentence Date: 7-26-12

WITNESSES

Thomas Mcfadden

Florence County Sheriff

DOCKET NO. 2011-GS-21-1187

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JULY

TERM

2011

THE STATE

vs.

CARLYNIAS MARQUIS PETTIGREW

E. L. CLEMENTS, III

ARREST WARRANT NUMBER

M273068

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

MURDER

FILED
2011 JUL 21 AM 11:05
CLERK OF COURT
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on JULY 21, 2011 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

CDR: 0116 16-03-0010,0020, 16-01-0060

That CARLYNIAS MARQUIS PETTIGREW did in Florence County on or about January 24, 2011, feloniously, willfully and with malice aforethought kill one Coraygus A. Hodges, by means of shooting him with a handgun, and that the said Coraygus A. Hodges did die as a proximate result thereof; in violation of Sections 16-03-0010, 0020, and 16-01-0060, S.C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR