

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

J. Ernest Kinard, Jr., Circuit Court Judge

DAVID W. WATSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000577

APPENDIX

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INDEX

INDEX	i
GUILTY PLEA TRANSCRIPT DATED SEPTEMBER 10, 2012.....	1
INDICTMENTS AND SENTENCING SHEETS.....	50
APPLICATION FOR POST-CONVICTION RELIEF	83
RETURN	92
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	97
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED DECEMBER 9, 2014	99
ORDER OF DISMISSAL	137

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 MS. WALKER: The State calls David Watson.

2 THE COURT: Come around, Mr. Watson.

3 THE CLERK: Raise your right hand.

4 DAVID WATSON, after being duly sworn,
5 testified as follows:

6 THE COURT: Yes, ma'am.

7 MS. WALKER: Thank you, Your Honor. Meghan Walker
8 for the State with Assistant Solicitor Luck Campbell and
9 Investigator Rob Martin of the Richland County Sheriff's
10 Department.

11 Standing before you is the defendant, David Watson.
12 He is with his Attorney General, Jennifer Davis, of the
13 Richland County Public Defender's Office.

14 Your Honor, he is here today to plead guilty to two
15 counts of possession of a stolen motor vehicle, burglary
16 second degree, unlawful carrying of a pistol, breaking and
17 entering a motor vehicle, four armed robberies, an
18 attempted armed robbery, and murder for a negotiated 50
19 years, Your Honor.

20 THE COURT: All right. Now, Ms. Davis, you represent
21 David Watson?

22 MS. DAVIS: Yes, Your Honor.

23 THE COURT: Have you explained to Mr. Watson the
24 charges contained in these, I think, 11 indictments; is
25 that correct?

1 MS. DAVIS: Yes.

2 THE COURT: All right. These 11 indictments, the
3 possible punishments and his rights including his
4 constitutional right to a jury trial?

5 MS. DAVIS: Yes, I have.

6 THE COURT: In your opinion, does Mr. Watson
7 understand the charges, the punishments and his rights?

8 MS. DAVIS: He does.

9 THE COURT: How does he indicate to you he wishes to
10 plead, guilty or not guilty?

11 MS. DAVIS: Guilty, Your Honor.

12 THE COURT: Do you agree with his decision to plead
13 guilty?

14 MS. DAVIS: Yes.

15 THE COURT: From your investigation of the facts and
16 circumstances surrounding these cases, do you feel that
17 the State could produce sufficient evidence to convince
18 the jury here in Richland County of Mr. Watson's guilt
19 beyond a reasonable doubt, and if he were to stand trial
20 on these charges, his convictions would be probable?

21 MS. DAVIS: Yes, Your Honor.

22 THE COURT: Now, has Mr. Watson been ordered to
23 submit to a mental examination to determine his competency
24 to stand trial?

25 MS. DAVIS: Your Honor, he is not court ordered. We

1 did follow up on that. He was found competent by
2 Dr. Knight.

3 THE COURT: All right. And you are satisfied about
4 that?

5 MS. DAVIS: Yes, sir, Your Honor.

6 THE COURT: There is no question in your mind that
7 Mr. Watson is, in fact, competent to stand trial?

8 MS. DAVIS: No, Your Honor.

9 THE COURT: All right. You are David Watson; is that
10 correct?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Mr. Watson, before I can accept your plea
13 of guilty, it's necessary for me to make sure that you're
14 making this plea freely and voluntarily. To do that sir,
15 I need to ask you a series of questions.

16 At any point during my questioning of you, if you do
17 not understand anything I say or any words that I use,
18 please stop me. I'll be more than happy to repeat or
19 explain anything I said, Mr. Watson. Additionally, I'll
20 be more than happy to stop this plea and allow you as much
21 time as you feel you may need in order to talk to
22 Ms. Davis. Do you understand, sir?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: How old are you, Mr. Watson?

25 THE DEFENDANT: Twenty-three.

1 THE COURT: How far did you go in school?

2 THE DEFENDANT: Around like the 10th or 11th grade.

3 THE COURT: 10th or 11th grade. What kind of work
4 have you done?

5 THE DEFENDANT: Worked with my uncle cleaning
6 buildings.

7 THE COURT: All right. Mr. Watson, have you ever
8 been treated for the abuse of alcohol or drugs or for
9 mental illness?

10 THE DEFENDANT: No, sir.

11 THE COURT: Have you taken any medications, drugs or
12 alcohol in the past 24 hours?

13 THE DEFENDANT: No, sir.

14 THE COURT: Are you today aware of any physical,
15 nervous, or emotional problem that might keep you from
16 understanding what you're doing?

17 THE DEFENDANT: No, sir.

18 THE COURT: You know what you're doing, Mr. Watson;
19 is that correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You agree, Ms. Davis, that Mr. Watson
22 knows, understands and appreciates what he's doing here
23 this afternoon?

24 MS. DAVIS: Yes, Your Honor.

25 THE COURT: Now, Mr. Watson, you heard your lawyer,

1 Ms. Davis, tell me that she has explained to you the
2 charges contained in these 11 indictments, the possible
3 punishments, and your rights, including your right to a
4 jury trial and that you understand these things; is that
5 correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Mr. Watson, you are first
8 before me on indictment -- no particular order, indictment
9 number 2011-1073, the State vs. David Watson. This is an
10 indictment for stolen vehicle, possession of a stolen
11 vehicle, valued between two and \$10,000. Do you
12 understand this charge, sir?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: This indictment, Mr. Watson, alleges that
15 is you did here in Richland County on or about August 16th
16 of 2010 while not being entitled to possession of the
17 above-mentioned vehicle received, possessed, steal, sell
18 or dispose of a 1996 Toyota Camry with a certain VIN
19 number knowing it to be stolen or converted under
20 circumstances constituting a crime where the value of the
21 vehicle was more than \$2,000 but less than \$10,000. Do
22 you accept this allegation?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You had the stolen 1996 Toyota Camry, and
25 this is what you want to plead guilty to, possession of a

1 stolen motor vehicle; is that correct?

2 THE DEFENDANT: Yes, sir..

3 THE COURT: Do you realize that by doing so, sir,
4 that you could go to jail for five years?

5 THE DEFENDANT: Excuse me, sir?

6 THE COURT: By pleading guilty to the possession of
7 stolen car, you know that you could go to jail five years.
8 Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Knowing that, you still wish to plead
11 guilty; is that correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Next, Mr. Watson, I have before me
14 indictment number 2012-1424, the State vs. David Watson,
15 this indictment, once again, for possession of a stolen
16 motor vehicle valued between two and \$10,000, and once
17 again, I ask you do you understand this charge?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: This particular indictment, sir, alleges
20 that you did here in Richland County on or about May 3rd,
21 2011 while not being entitled to possession of a Jeep
22 Cherokee, that you did have, receive or possess, conceal
23 said Jeep Cherokee, and the value was between two and
24 \$10,000. Do you understand this?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You want to plead guilty to possession of
2 this stolen Jeep Cherokee; is that correct, Mr. Watson?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you realize that, once again, by
5 pleading guilty to this charge, you could go to jail for
6 five years?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Knowing that, you still want to plead
9 guilty; is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Next, Mr. Watson, I have before me
12 indictment number 2011-3982, the State vs. David Watson.
13 This is an indictment for breaking into a motor vehicle.
14 Do you understand this charge?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: This particular indictment, sir, alleges
17 that you did here in Richland County on or about May 5th,
18 2011 break into the motor vehicle of one Tyler Kervis with
19 the intent to steal the same or anything of value
20 therefrom. Do you understand this allegation?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You wanted to steal this car or something
23 from inside this car? You realize that by pleading guilty
24 to breaking into a motor vehicle, Mr. Watson, you could go
25 to jail for five years?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Knowing that, you still want to plead
3 guilty; is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Next, Mr. Watson, I have before me
6 indictment number 2011-1074, the State vs. David Watson.
7 This is an indictment for unlawful carrying of a pistol.
8 Do you understand this charge, sir?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: This indictment, sir, alleges that you
11 did here in Richland County on or about September 29th of
12 2010 carry about your person a pistol which was not
13 authorized by law. Do you understand this allegation?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You want to plead guilty to carrying this
16 pistol; is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you realize that by pleading guilty to
19 unlawful carrying of a pistol, Mr. Watson, you could go to
20 jail for one year and be fined \$1,000?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Knowing that you could go to jail for a
23 year, a fine of \$1,00 by pleading guilty to its charge, do
24 you still wish to plead guilty to it?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Next, Mr. Watson, I have before me
2 indictment number 2011-597, the State vs. David Watson.
3 This is an indictment for burglary in the second degree,
4 non-violent. Do you understand this charge, sir?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: This particular indictment, sir, alleges
7 that you did here in Richland County on or about September
8 22nd, 2010 enter without consent and with the intent to
9 commit a crime therein the dwelling of Tiffany Hebel, I do
10 believe, H-E-B-E-L, located at [REDACTED] [REDACTED],
11 [REDACTED] Street. Do you understand this allegation?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You broke into Tiffany's Hebel's,
14 H-E-B-E-L, house on Luvaliu Street, it seems. This is
15 what you want to plead guilty to, breaking into this
16 house; is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you realize that by doing so, Mr.
19 Watson, you could go to jail for 15 -- I'm sorry, ten
20 years. Ten years. You could to jail for ten years. Do
21 you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Knowing then, sir, that you could go to
24 jail for ten years by pleading guilty to burglary in the
25 second degree nonviolent, do you still wish to plead

1 guilty to it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Next, Mr. Watson, I have before me
4 indictment number of 2011-4392, the State vs. David
5 Watson. This is an indictment for attempted armed
6 robbery. Do you understand this charge?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: This indictment, Mr. Watson, alleges that
9 you did here in Richland County, along with codefendants,
10 on or about June 3rd, 2011 while armed with a deadly
11 weapon or while alleging either by words or actions that
12 you were armed with a deadly weapon or object which a
13 person present during the commission of the robbery
14 reasonably believed to be a deadly weapon; that you
15 attempted to take and carry away the personal property
16 from or in the immediate presence of Steven Fowler, and an
17 employee of Papa John's Pizza, with the intent to deprive
18 from the possession or use of this property through force
19 or threats or intimidation. Do you understand this
20 allegation?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You tried to rob Mr. Fowler of some
23 personal property who was employee of Papa John's Pizza,
24 and this is what you want to plead guilty to, attempted
25 armed robbery; is that correct?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you realize that by pleading guilty to
3 attempted armed robbery, Mr. Watson, that you could go to
4 jail for 20 years. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Knowing then, sir, that you could go to
7 jail for 20 years for pleading guilty to attempted armed
8 robbery, do you still wish to plead guilty to it?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. Next, Mr. Watson, I have
11 before me an indictment number 2012-5052, 5-0-5-2, the
12 State vs. David Watson. This is an indictment for armed
13 robbery. Do you understand this charge, sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: This indictment, Mr. Watson, alleges that
16 you did here in Richland County on or about June 2nd of
17 2011 commit robbery by feloniously taking from the person
18 or presence of Daniel Wright by means of force or
19 intimidation goods or monies of Comfort Suites, such goods
20 or monies being described as cash, proceeds, or other
21 personal effects with the intent to deprive the owner
22 permanently of such property while armed with a pistol,
23 dirk, slingshot or other deadly weapon or you're armed
24 with an object that the person you robbed reasonably
25 believed to be a deadly weapon. Do you understand this

1 allegation?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You want to plead guilty to armed
4 robbery; is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you realize that by pleading guilty to
7 armed robbery, Mr. Watson, that you could go to jail for
8 30 years? Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: But in any event, you could receive no
11 less than ten years on that. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Knowing then, sir, that you could go to
14 jail for 30 years, but in any event, no less than ten
15 years by pleading guilty to armed robbery, do you still
16 wish to plead guilty to it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Next, Mr. Watson, I have before me
19 indictment number 2011-4645, the State vs. David Watson.
20 This, once again, is an indictment for armed robbery,
21 Mr. Watson. So once again, I would assume you understand
22 the charge. Is that fair enough?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: This particular indictment, sir, alleges
25 that you did here in Richland County on or about May 30th,

1 2011 commit robbery by feloniously taking from the person
2 or presence of Melissa Clark, an employee of Days Inn by
3 means of force or intimidation, goods or monies of Days
4 Inn, such goods or monies being described as United States
5 currency with the intent to deprive the owner permanently
6 of such property while you were armed with some weapon. I
7 assume it was a gun. Is that fair enough?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Davis [sic], by pleading guilty to
10 armed robbery of Days Inn, an employee, Ms. Melissa Clark;
11 is that correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you realize, once again, that by
14 pleading guilty to armed robbery, do you not, Mr. Watson,
15 that you could go to jail for 30 years, but in any event,
16 no less than 10. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Knowing that, do you still want to plead
19 guilty; is that correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Next, Mr. Watson, I have the
22 indictment before me 2011-4644. Once again, it's an armed
23 robbery indictment. So once again, I assume you
24 understand the charge, is that fair enough?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: This particular indictment, Mr. Watson,
2 alleges that you did here in Richland County on or about
3 May 30th, 2011 commit robbery by feloniously taking from
4 the person or presence of Melissa Clark, once again by
5 means of force or intimidation, goods or monies of Melissa
6 Clark, such goods or monies being described as a cell
7 phone with the intent to deprive the owner permanently of
8 such property while armed with a weapon. In this case, I
9 think it was a handgun, firearm; is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you realize, once again, do you
12 not, Mr. Watson, that by pleading guilty to armed robbery,
13 you could go to jail for 30 years, but in any event, no
14 less than 10 years?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Knowing that, do you still want to
17 continue to plead guilty, sir?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Next, Mr. Watson, I have before me
20 indictment number 2011-258--- 2582, the State vs. David
21 Watson. Once again, this is an indictment for armed
22 robbery. So by now I think you know what that means; is
23 that correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And this particular indictment, sir,

1 alleges that you did here in Richland County on or about
2 June 3rd, 2011 commit robbery by feloniously taking from
3 the person or presence of Sharon Patrick, an employee of
4 Days Inn.

5 You tried to steal some money, United States
6 currency, with the intent to keep the money while you were
7 armed with the pistol. You were armed, and you robbed
8 Ms. Sharon Patrick, and you want to plead guilty to armed
9 robbery, once again, is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You realize, once again, do you not, sir,
12 that by doing so, you could go to jail for 30 years, but
13 in any event receive no less than 10 years for the armed
14 robbery charge. You wish to plead guilty; is that
15 correct?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Next, Mr. Watson, I have before me
18 indictment number of 2011-4391, the State vs. David
19 Watson. This is an indictment for murder. Do you
20 understand this charge, sir?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: This particular indictment, sir, alleges
23 that you did here in Richland County on or about June
24 30th, 2011 willfully, feloniously and intentionally kill
25 the victim, Steven Fowler, with malice aforethought either

1 expressed or implied by means of a gunshot wound and that
2 the victim did die as a proximate result thereof. That is
3 you, Mr. Watson, and somebody who you were with apparently
4 shot Mr. Fowler, and he died as the direct result of the
5 gunshot. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You want to plead guilty to murder; is
8 that correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you realize, Mr. Watson, that by
11 pleading guilty to murder, that you could go to jail for a
12 period of a minimum of 30 years. That 30 years is day to
13 day up to life. That means you would die in jail. You
14 will never get out. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Knowing then, sir, that by pleading
17 guilty to murder, you can receive no less than 30 years.
18 You could receive up to a life sentence, meaning life. Do
19 you still wish to plead guilty?

20 THE DEFENDANT: Yes.

21 THE COURT: Now, Mr. Watson, are you currently on
22 probation or parole for any prior offenses?

23 THE DEFENDANT: No, sir.

24 THE COURT: You are?

25 THE DEFENDANT: No.

1 THE COURT: Oh, you're not.

2 Now, several things, Mr. Watson: First of all, I can
3 run the sentences on these 11 indictments consecutively,
4 that is put one after the other or add one to the other.
5 If I did so, you're looking at life plus 16 years in jail.
6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Life being the murder charge and all the
9 other things pretty much run concurrent. Do you
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Knowing then, sir, that by pleading
13 guilty to these 11 indictments, particularly the murder
14 charge, that you could receive a life sentence plus 16
15 years, do you still wish to plead guilty to these 11
16 indictments?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, Mr. Watson, when you plead guilty,
19 you have to give up certain basic rights. First of all,
20 you give up your right to remain silent. Now, this is
21 your right against self-incrimination, Mr. Watson, your
22 right to say nothing at all. No one can compel you to
23 come into court to provide evidence or to testify against
24 yourself. Do you understand this, sir?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Secondly, Mr. Watson, when you plead
2 guilty, you have to give up your right to a jury trial.
3 That is your right for a jury here in Richland County to
4 decide whether or not you're guilty of these 11
5 indictments beyond a reasonable doubt.

6 A jury would basis its decision on whatever evidence
7 the State would introduce at trial against you and also on
8 whatever evidence you and your lawyer, Ms. Davis, may wish
9 to introduce. Now, Mr. Watson, I emphasize may wish to
10 introduce, sir, because in a trial, you would be presumed
11 innocent. You wouldn't have to prove anything, and you
12 could not be convicted unless the State convinced all 12
13 jurors of your guilt beyond a reasonable doubt.

14 The jury's decision would have to be unanimous in all
15 12 of these indictments you're pleading guilty to -- I'm
16 sorry, all 11 of these indictments you're pleading guilty
17 to. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Thirdly, Mr. Watson, when you plead
20 guilty, you give up your right to confront and be
21 confronted by the witnesses against you, that is your
22 right to see, hear, and cross-examine any witnesses the
23 State may call to testify against you during a trial.

24 In addition, Mr. Watson, by pleading guilty, you give
25 up your right to subpoena and called witnesses on your own

1 behalf. That is someone may testify for you. Do you
2 understand this, sir?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, fourthly, Mr. Watson, indictment
5 number 2012-5052, the indictment for armed robbery, one
6 indictment for armed robbery, has not been presented to or
7 considered by the Richland County grand jury.

8 After hearing the evidence, 12 of the 18 members of
9 the grand jury have to agree that you're probably guilty
10 of robbing Daniel Wright before a true bill of indictment
11 could be returned indicating that this particular case
12 would be ready for trial.

13 It's possible, Mr. Watson, that the grand jury could
14 no bill this indictment, which would mean that the case
15 against you could be dismissed.

16 Now, sir, do you want the grand jury to consider this
17 armed robbery indictment, or do you want to waive
18 presentment and continue with your guilty plea here and
19 now?

20 THE DEFENDANT: Waive it.

21 THE COURT: Are you sure about that?

22 THE DEFENDANT: I'm sure.

23 THE COURT: Now, Mr. Watson, do you -- do you
24 understand these rights I just mentioned to you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand, sir, that when you
2 plead guilty, you have to give up these constitutional
3 rights?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, is that what you want to do?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You want to give up your constitutional
8 rights?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Now, you realize you will not receive a
11 jury trial on any of these 11 indictments by pleading
12 guilty to them?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Now, once again, Mr. Watson, you're
15 pleading guilty to four counts of armed robbery. They
16 carry up to 30 years in jail, no less than 20. You're
17 looking at 120 years on the armed robberies alone.

18 The murder indictment carries 30 years to life. You
19 understand that. Attempted armed robbery carries 20
20 years. Possession of a stolen motor vehicle, two counts,
21 ten years, that's 20 years; attempted burglary, second
22 degree, up to ten years; unlawful carrying of a pistol,
23 one year, \$1,000; auto breaking, up to five years.

24 Now, I could run these sentences on these 11
25 indictments consecutively, Mr. Watson. That would expose

1 you, once again, to life plus 16 years in jail. Now,
2 you're giving up all your constitutional rights,
3 Mr. Watson.

4 Considering what I just said to you, I'll ask you
5 once again, how do you wish to plead to these charges,
6 guilty or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: Do you realize, Mr. Watson, that when you
9 plead guilty, you admit the truth of the allegations
10 contained in these 11 indictments against you. Do you
11 understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I tell you that, sir, because you may
14 have some defenses to these charges, Mr. Watson. Of
15 course, I have no way of knowing that, but you need to
16 realize that by pleading guilty here today, you give up
17 any defenses you might have. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Additionally, I tell you that,
20 Mr. Watson, because when you were arrested by the Richland
21 County Sheriff's Department, you may have given some type
22 of incriminating statements, that is made some admissions
23 or confessions about your guilt.

24 You need to realize that by pleading guilty here
25 today, you waive your right to later on challenge or

1 contest, if you gave any statements, whether or not they
2 were taken or obtained from you freely and voluntarily in
3 accordance with your constitutional rights. Do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now, Mr. Watson, I'll ask you once again,
7 did you commit these offenses?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: So once again, Mr. Watson, you're telling
10 me you're pleading guilty to indictment number 2012-5052,
11 armed robbery, because you did, in fact, here in Richland
12 County on or about June 2nd, 2011 rob one Daniel Wright by
13 using a weapon when you did so. You're pleading guilty to
14 armed robbery because you were armed when you robbed this
15 man; is that correct?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And once again, Mr. Watson, in connection
18 with indictment number 2011-4391, murder, once again,
19 you're telling me you're pleading guilty to this
20 indictment or charge because you did, in fact, here in
21 Richland County on or about June 3rd of 2011 shoot and
22 kill one Steven Fowler?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: He died as a result of a gunshot wound.
25 You're pleading guilty to murder because you are guilty of

1 murder; is that correct, Mr. Watson?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Once again, Mr. Watson, in connection
4 with indictment number 2011-4582, armed robbery, once
5 again, back on June 3rd, 2011 when you used a pistol, you
6 robbed Sharon Patrick, an employee of -- I think it was
7 Days Inn.

8 You're pleading guilty because you did rob Sharon
9 Patrick who was an employee of Days Inn, is that correct,
10 back on June 3rd?

11 THE DEFENDANT: Yes.

12 THE COURT: Now, once again, Mr. Watson, in
13 connection with indictment number 2011-4644, another armed
14 robbery, you're pleading guilty to this, once again, are
15 you not, sir, because back on May 30th of 2011 with the
16 use of a gun, you robbed one Melissa Clark who was -- was
17 she an employee of the Days Inn, once again?

18 Melissa Clark who was also an employee of the Days
19 Inn. You robbed her with a gun. You're pleading guilty
20 because that's what you did; is that correct, Mr. Watson?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Now, once again, Mr. Watson,
23 in connection with indictment number 2011-4645, another
24 armed robbery, back on May 30th of 2011, you robbed a
25 Melissa Clark who was an employee of Days Inn of money

1 that was owned by Days Inn, Days Inn's money; is that
2 correct, Ms. Davis? Is that fair enough?

3 MS. DAVIS: Your Honor, I believe there was a second
4 victim actually named, if I'm not mistaken.

5 MS. WALKER: Yes, Your Honor. It would be because
6 she was --

7 THE COURT: She robbed -- Clark is the cell phone,
8 and the armed robbery was also the Days Inn's money?

9 MS. DAVIS: Yes.

10 THE COURT: Do you understand that, Mr. Watson?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And also in connection with indictment
13 number 2011-4392, attempted armed robbery, you did, along
14 with some codefendants in Richland County, on or about
15 June 3rd, 2011 that you attempted to rob Steven Fowler, an
16 employee of Papa John's Pizza; is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: That's an attempted armed robbery.
19 You're pleading guilty because y'all attempted to rob
20 Steven Fowler; is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now, once again, Mr. Watson, in
23 connection with indictment number 2011-597, burglary
24 second degree, nonviolent, you're pleading guilty to this
25 charge, once again, because back on September 22nd, 2010,

1 you broke into Tiffany's Habel's, H-A-B-E-L's, house
2 located at [REDACTED] Street here in
3 Richland County. You broke into that house. That's why
4 you're pleading guilty?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now, once again, Mr. Watson, in
7 connection with indictment number 2011-674, unlawful
8 carrying of a pistol, back on September 29th of 2010, you
9 carried about your person a pistol which wasn't authorized
10 by law. You understand that? That's why you're pleading
11 guilty. You're pleading guilty, once again, because you
12 had the pistol and you killed one Steven Fowler?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Now, once again, Mr. Watson,
15 in connection with indictment number 2011-3981, breaking
16 into a motor vehicle, back on May 5th, 2011, you broke
17 into a car owned by Tyler Kervis, K-E-R-V-I-S, with the
18 intent to steal the same or anything of value therefrom.
19 You're pleading guilty, once again, because you broke into
20 this car; is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Once again, Mr. Watson, in connection
23 with indictment number 2012-1424, possession of a stolen
24 motor vehicle, back on May 3rd of 2011, you were in
25 possession of a Jeep Cherokee that was stolen or you had

1 reason to believe that it was stolen which you were in
2 possession of it. You're pleading guilty because you had
3 this stolen Jeep Cherokee; is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. Mr. Watson, once again, in
6 connect with indictment number 2011-1073, possession of a
7 stolen motor vehicle, once again, back on August 16th,
8 2010, you're in possession of a 1996 Toyota Camry with a
9 certain VIN number.

10 You either knew the car was stolen or had reason to
11 believe that it was stolen. It was stolen, and you are
12 pleading guilty to being in possession of this stolen
13 Toyota; is that correct?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Have there been any plea
16 negotiations, Solicitor?

17 MS. WALKER: Your Honor, there have been. The
18 failure to stop for a blue light that we approached and
19 talked to you about.

20 THE COURT: Yes, sure.

21 MS. WALKER: As well as negotiations --

22 THE COURT: Oh, you need to talk to me now?

23 MS. WALKER: No. I said we already talked to you
24 about that --

25 THE COURT: Oh, yeah, yeah, yeah, I'm sorry.

1 MS. WALKER: -- as well, as the negotiation for 50
2 years, Your Honor.

3 THE COURT: That's -- obviously, 50 years, that's
4 concurrent with everything, maximum total of 50 years; is
5 that correct?

6 Now, does that dispose of any and all charges against
7 Mr. Watson?

8 I'm sorry, go ahead. Do you need to talk?

9 MS. WALKER: Fifty years for the murder and
10 everything else is concurrent with that.

11 THE COURT: Concurrent with that. So specifically,
12 the 50-year sentence that y'all negotiated is on the
13 murder charge. All other charges may total 50 years, but
14 they are to run concurrent with the 50 years?

15 MS. DAVIS: Yes, Your Honor.

16 THE COURT: Does that sum it up?

17 And my question, once again, is this, are there any
18 other charges outstanding or pending against Mr. Watson?

19 MS. WALKER: All of -- all of which will be
20 dismissed, Your Honor.

21 THE COURT: Anything else left over will be
22 dismissed?

23 MS. DAVIS: Yes, sir, Your Honor.

24 THE COURT: Whatever it is. I have no idea what they
25 are, but that's the understanding and agreement that

1 everybody has. Have I stated them for the record
2 satisfactorily for both sides?

3 MS. DAVIS: Yes, Your Honor.

4 MS. WALKER: Yes, Your Honor.

5 THE COURT: Do you understand all of that, Mr.
6 Watson?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you still wish to continue and plead
9 guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, sir, has anyone promised you
12 anything, or has anyone held out any hope of reward in
13 order to get you to plead guilty?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anyone threatened you or used force
16 to get you to plead guilty?

17 THE DEFENDANT: No, sir.

18 THE COURT: Has anyone used any pressure or
19 intimidation to cause you to plead guilty?

20 THE DEFENDANT: No, sir.

21 THE COURT: Have you had enough time to make up your
22 mind as to whether or not you want to plead guilty?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you pleading guilty of your own free
25 will and accord?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Now, Mr. Watson, are you satisfied with
3 the manner in which your lawyer here, Ms. Davis, the way
4 she has advised and represented you on these charges?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Have you talked with her for as long and
7 for as often as you feel it's necessary for her to
8 properly represent you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you need any more time to talk to her?

11 THE DEFENDANT: No, sir.

12 THE COURT: Have you understood your talks with her?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Mr. Watson, has Ms. Davis
15 done everything for you that you feel she should do or
16 could do on your behalf in advising and representing you
17 on these charges?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Has she done anything you feel she should
20 not have done?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you completely satisfied with her
23 services?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Now, do you have any complaints,

1 Mr. Watson, against anyone at the Richland County
2 Sheriff's Department or anybody in law enforcement
3 involved in your arrest?

4 THE DEFENDANT: No, sir.

5 THE COURT: Do you have any complaints against anyone
6 working here in the solicitor's office involved in your
7 prosecution?

8 THE DEFENDANT: No, sir.

9 THE COURT: All right. Mr. Watson, have you
10 understood my questions?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Is there anything you want to ask me
13 about what I just discussed with you, what I went over
14 with you, anything at all?

15 THE DEFENDANT: No, sir.

16 THE COURT: Now, Mr. Watson, do you realize you have
17 the right to appeal this guilty plea and whatever sentence
18 I may impose upon you? I'll probably go along with the
19 negotiated 50 years.

20 You have the right to appeal this sentence or this
21 plea, whatever sentence I may impose on you, but if you
22 want to appeal it, you need to file a Notice of Intent to
23 Appeal within ten days of today's date. Do you understand
24 that, sir?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: Also, Mr. Watson, once you're in the
2 Department of Corrections if you later on think or find
3 that you do have some complaints against your lawyer,
4 Ms. Davis, against anybody else that represented you along
5 with her, against anybody in the solicitor's office,
6 anybody in the Richland County Sheriff's Department -- if
7 you have any complaints that you may discover later on,
8 you need to make those complaints known by filing a Post
9 Conviction Relief application within one year of today's
10 date. Do you understand that, sir?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Very well.

13 Solicitor, I'll be happy to hear from you.

14 MS. WALKER: Thank you, Your Honor. In terms of the
15 possession of a stolen motor vehicle counts, there are two
16 of those; the burglary second; unlawful carrying of a
17 pistol; and the breaking and entering a motor vehicle, the
18 State will stand on the facts alleged in those
19 indictments.

20 Moving toward the armed robberies, Your Honor, all of
21 these crimes that I'm going to talk about now occurred
22 during the week of May 30th of 2011.

23 THE COURT: All right.

24 MS. WALKER: May 30th of 2011, this defendant walked
25 into the Days Inn at 133 Plumbers Road in the afternoon

1 hours.

2 He walked in, engaged the clerk in a conversation
3 about possibly reserving a room for the night, at which
4 point she -- as she is talking to him, he pulls out a
5 black resolver, demands all of the money from the -- from
6 the register.

7 He then jumps the counter, takes the money from the
8 register and takes a Blackberry cell phone from the clerk.
9 There are two armed --

10 THE COURT: That's Melissa Clark?

11 MS. WALKER: Yes, ma'am [sic], who was present in the
12 courtroom earlier. When Mr. Watson walked in, she became
13 uncomfortable, said she didn't want to stay but did want
14 the Court to know that she was here earlier.

15 THE COURT: Okay.

16 MS. WALKER: Later, Your Honor, on June 2nd of 2011,
17 the defendant walked into a Comfort Inn Suites at 1540
18 Daulton Drive here in Richland County.

19 He pretended, again, to be interested in renting a
20 room, engaged that clerk in conversation, pulled out the
21 same black revolver, robbed the Days -- robbed the Comfort
22 Suites at 1540 Daulton Drive here in Richland County.
23 \$511 was taken from the Comfort Suites.

24 On June 3rd, he went back to the Days Inn that he
25 robbed earlier and robbed them again under the same -- the

1 same set of facts, alleges to want to rent a room, pulls
2 out a revolver, robs the -- robs the clerk, jumps the
3 counter, takes money.

4 For all of those armed robberies, Your Honor, this
5 defendant was picked out of a photo lineup by all of the
6 clerks.

7 The Days Inn robbery, Your Honor, when he jumped the
8 counter, he left a palm print which is going to become
9 very significant later as I kind of tell you the facts of
10 the case. He left a palm print on that counter when he
11 jumped the counter.

12 Moving to the murder, Your Honor, which occurred on
13 June 3rd, 2011, the victim in that case is Steven Fowler.
14 Steven Fowler's family is present in the courtroom,
15 including his parents and both of his siblings or a host
16 of other friends that are present, Your Honor. You can
17 see them all sitting behind what would be the prosecution
18 table.

19 This defendant and his four codefendants, Your Honor,
20 who are Carwin Pettis, Edward Walker, Timothy Fisher, and
21 Darnell Crocker all got together during the hours --
22 during the day on June 3rd, 2011. I'm sorry, during the
23 night on June 2nd, 2011 going into June 3rd, 2011.

24 They got into Carwin Pettis' car. They were riding
25 around town at which point this defendant talks about his

1 need for money, says he needs to hit another lick which is
2 code term for robbery, Your Honor.

3 Darnell Crocker, who is scheduled to plead guilty
4 here later said that he knew of an armed robbery -- or he
5 knew of a possible lick. He was a former employee of Papa
6 Johns, Your Honor. He had actually been terminated by the
7 victim in this case a couple of years earlier preceding
8 this armed robbery.

9 These defendants then go to Two Notch Road. The Papa
10 Johns is located at 10008 Two Notch Road. These
11 defendants drive to Two Notch Road where they park in an
12 Auto Zone parking lot. They then get out of the car. All
13 four defendants get out of the car, leaving their other
14 codefendant, Carwin Pettis in the car.

15 They walk behind the Papa John's, Your Honor, which
16 closes at around 11:30. They stayed behind Papa Johns
17 waiting for all the employee to leave. As the employees
18 left Papa Johns, Steven Fowler who was the manager and had
19 been the manager at that location for a couple of years at
20 that time was closing down and preparing to make the cash
21 drop to the -- for that evening.

22 He set the alarm, Your Honor, exited, got into his --
23 exited Papa Johns, got into his car, and as he's pulling
24 out, this defendant and his three other codefendants, who
25 are going to be Edward Walker, Timothy Fisher, and Darnell

1 Crocker, approached the car.

2 According to all of the codefendants and according to
3 Mr. Watson's statement, Mr. Watson begins to pull on the
4 car door. It doesn't open. He was attempting to rob
5 Mr. Fowler, Your Honor, of \$1,714. This is what this is
6 about: \$1,714, attempts to rob him of that money.

7 When Mr. Fowler does not open the door, this
8 defendant then empties his revolver into Mr. Fowler's car.
9 One bullet struck Mr. Fowler in the chest and killed him.
10 These defendants then ran back to the car and went on
11 about their evening.

12 They went home, and at that point, the Wendy's which
13 is -- Wendy's restaurant which is located right near the
14 Papa John's on Two Notch Road, one of the employees of
15 Wendy's calls 9-1-1 after hearing the multiple gunshots.

16 When Richland County sheriff's deputies respond, they
17 found Mr. Fowler in the parking lot in his car at Papa
18 Johns unresponsive.

19 He -- Investigator Rob Martin with the sheriff's
20 department is then assigned as the lead investigator on
21 this case. As they begin to investigate and go through
22 the crime scene, Your Honor, they realize that there are
23 no spent shell casings leading them to -- to the
24 conclusion that a revolver was used in this case. At
25 which point, they began to put together this armed -- this

1 murder with the other armed robberies that happened.

2 I want to -- I want to note, Your Honor, that they
3 didn't even take the money from the -- from Mr. Fowler.
4 They left the money in his car. That's why it's an
5 attempted armed robbery in conjunction with this murder.

6 THE COURT: Okay.

7 MS. WALKER: They then begin to investigate this
8 murder in conjunction with the armed robberies. As they
9 are doing that, the armed -- the palm print that I
10 mentioned earlier in the Days Inn armed robbery, they get
11 a hit on that to Mr. -- to Mr. Watson.

12 At that point, Your Honor, they begin to look at
13 Mr. Watson as a suspect in this murder, at which point
14 they talk to Mr. Watson. He is advised of his rights, and
15 he gives a full confession stating his involvement as well
16 as that of his codefendants in the murder.

17 He also tells them where the gun is. The gun is
18 located at [REDACTED] Street which is also here in
19 Richland County. That's also the place where Mr. -- where
20 Mr. Watson was arrested.

21 Had this case gone to trial, Your Honor, there would
22 have been testimony from a girlfriend of Mr. Watson, as
23 well as another female associate of Mr. Watson's.

24 The girlfriend would have testified, Your Honor, that
25 the day after the murder, she went with Mr. Watson to a

1 pawn shop -- and there is video footage of that -- in
2 order to get bullets for a revolver to replace the ones
3 that he spent during -- during the murder, Your Honor.

4 The other female associate would have testified that
5 Mr. Watson came into a home that night at [REDACTED]
6 Street. He then emptied the revolver, flushed those
7 casings down the toilet. That revolver was then placed
8 into a blue children's book bag and hidden in the wall.

9 When he gave a confession to this crime, Your Honor,
10 he confessed and told investigators where they could find
11 that revolver. They responded to that home with a search
12 warrant. They went to where Mr. Watson said he put -- put
13 the book bag, retrieved the book bag and later, Your
14 Honor, ballistics was able to match the bullets fired from
15 that revolver to the one that struck and killed Steven
16 Fowler.

17 Your Honor, also at that the home was the DN--- the
18 bullets that Mr. Watson and his girlfriend purchased the
19 following day. Mr. Watson's DNA was also on that box of
20 bullets.

21 Your Honor, I think at that point in time, he was
22 arrested, charged with murder, as well as these other
23 robberies.

24 THE COURT: All right. I see that you are along with
25 the solicitors Luck Campbell, and Britton All.

1 Anything further from the State at this time?

2 MS. WALKER: Your Honor, the defendant does have a
3 prior record which I can give you at the appropriate time.

4 THE COURT: Go ahead.

5 MS. WALKER: And if you would like to hear from the
6 victim's family, as well.

7 THE COURT: All right. All right. Just hold on a
8 minute.

9 MS. WALKER: Okay.

10 THE COURT: Now, Ms. Davis, Mr. Watson, you've heard
11 the presentation by -- from the solicitor's office.
12 There's nothing else, Ms. Davis, nothing that you found
13 surprising? You anticipated this in preparation for trial
14 and would substantially track what you believe the
15 evidence would have presented. Is that fair?

16 MS. DAVIS: Yes, Your Honor, for purposes of a plea
17 in particular, yes.

18 THE COURT: All right.

19 And you agree, Mr. Watson, this is what you would
20 have expected? I mean, this is why you're pleading
21 guilty; this is what you expected the State to have
22 presented, is that fair enough?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Very well, sir.

25 I find that there is a substantial factual basis for

1 your plea, Mr. Watson. I further find your decision to
2 plead guilty to freely and voluntarily, knowingly and
3 intelligently made; that you've had the advice of
4 competent counsel.

5 I think that the record will reflect that Ms. Davis
6 is the lead counsel. Ms. Fielding Pringle is the second
7 chair in this case, along -- this is from the public
8 defender's office. Anybody else involved?

9 MS. DAVIS: Mr. Clark Newton, as well, Your Honor.

10 THE COURT: Mr. Clark Newton. All right.

11 I find that there is a substantial factual basis for
12 your plea. I further find your decision to plead guilty
13 to be freely, voluntarily, knowingly and intelligently
14 made; that you've had the advice of competent counsel with
15 whom you indicated to me you're completely satisfied with.
16 Therefore, this plea is accepted.

17 At this point in time, Mr. Walker, I'll be happy to
18 hear anything additional from the State.

19 MS. WALKER: Your Honor, the victim's family wishes
20 to address the Court.

21 THE COURT: All right.

22 VICTIM'S SISTER: Thanks for letting me speak.

23 THE COURT: I apologize. I'm going to ask you to
24 speak up a little bit, please, ma'am, and tell me your
25 name.

1 VICTIM'S SISTER: I'm Julie Webster. I'm his sister.

2 THE COURT: Yes, ma'am. You said Julie Webster?

3 Yes, Ms. Webster.

4 VICTIM'S SISTER: I just want people to remember why
5 we're here, because of my brother, Steven Fowler who was
6 murdered.

7 He was my only brother. He was a good brother, a
8 good son, a good boyfriend, a good friend, a good
9 employee, and a good boss, and a good citizen. He worked
10 for a living. He worked long hard hours to pay his bills,
11 and he helped people. He helped a lot of people.

12 You could ask anybody in here that is here to support
13 him how many people he helped at his job, his friends,
14 always willing to lend a hand. He was just good guy.

15 This loss is unexplainable. It's unbearable and no
16 sentence that could happen in this courtroom today could
17 be enough because nothing can fix this. Nothing can bring
18 him back. He is gone. He is gone, and it's unfair. It's
19 undeserved and it's heartbreaking.

20 You can't imagine how hard this is for my parents.
21 This was their youngest child. This was my mom's only
22 birth child, her only one. We wake up sad. We go to bed
23 sad, and there's no fix. There is nothing that can happen
24 here today that would change it. We're devastated. There
25 is not -- there is not a sentence that can be enough to

1 make up for what is taken from us.

2 THE COURT: Thank you, Ms. Webster.

3 Anything further?

4 MS. WALKER: Briefly, Your Honor. We, of course,
5 spoke with the victim's family, and they were in agreement
6 with this plea before we -- we extended the offer.

7 As far as his prior record, from 2003, there is a
8 threatening the use of a bomb, a simple assault,
9 disturbing schools. In 2008, there was a burglary in the
10 second degree and a grand larceny, Your Honor, for which
11 he received probation. In 2009, his probation was revoked
12 for that burglary second and grand larceny.

13 THE COURT: All right.

14 MS. WALKER: That's the extent of his prior record.

15 THE COURT: Ms. Webster, there is nothing I can say
16 to you that you already know to seduce you away from the
17 pain that you suffered or the loss.

18 There is nothing I can do or anybody can do. I just
19 hope that someday in some way that somebody else, not here
20 with us today, can help you with this tragedy that you're
21 going through. You have my best wishes, prayers, and
22 everything else that goes along with the loss of a loved
23 one.

24 Ms. Davis, I know it's equally tough on both sides of
25 this thing, just as these things are. I'll be happy to

1 hear from you now.

2 MS. DAVIS: Thank you, Your Honor. May it please the
3 Court, and I am very well aware that nothing I can say and
4 nothing Mr. Watson can say can change anything today. I
5 think all that he can do is what he is doing, which is
6 accepting responsibility and accepting guilt for all these
7 charges.

8 Your Honor, I would add, I -- just for circumstances
9 of how, you know, he ended up here and ended up here
10 taking 50 years, he is 23 years old. He has had, you
11 know, a life that's foreign to me, of course.

12 He, at a very young age, witnessed a cousin get
13 killed by a car. He then within a couple of years had
14 three cousins all very young die in a house fire. He
15 attended all of these funerals within a year, I believe.

16 He was diagnosed with PTSD from those events. I
17 think that from all of his records, I think that put him
18 on a very difficult track, Your Honor. Unfortunately, he
19 did not seek out. He did not get all the help that
20 probably would have been necessary for him to get him life
21 going in a direction that would not have led here.

22 Your Honor, he was described from very young as being
23 a follower and as being very easily influenced by negative
24 influences, for his need for acceptance.

25 Your Honor, he was in special education classes. He

1 has a full scale IQ of 66, and throughout all of his
2 records, child and now, it's just as accurate -- clearly,
3 the acceptance he was seeking is not one that his family
4 would have hoped that he was going for.

5 I think it's something that he clearly, I believe at
6 this point, can understand. It is not the desired
7 acceptance he should be looking for, but Your Honor, I
8 just -- I think the totality of what he went through and
9 with his IQ, just lack of getting the needed help he could
10 get, very limited role models, if any; no male strong
11 figures in his life. I think just the combination of all
12 of those things is the best I can do to explain why he is
13 here today.

14 Your Honor, he does have family here supporting him:
15 His aunt Charlene Watson, his sister, Whitney. His close
16 friend, James Benson, as well as his mother, Darlene
17 Watson, and his aunt, Emma Woods. They're all here today,
18 as well.

19 I believe that Ms. Woods would like to address you
20 just briefly, Your Honor, if you'd hear from her.

21 THE COURT: All right, Ms. Woods.

22 This is his mother?

23 MS. DAVIS: This is his aunt, Your Honor.

24 THE COURT: His aunt.

25 Yes, Ms. Woods.

1 AUNT: Hello. Thank you for listening to me. This
2 is -- this is hard for me. This is hard. I know it's
3 hard for y'all, too.

4 It's hard for everybody that's in here, and I truly,
5 truly want to give y'all a heartfelt -- truly apology for
6 what has happened, because like she said, you can't change
7 what has happened.

8 You can't -- there is no making up for what has
9 happened, and everybody on both sides is truly suffering
10 behind what has happened, and I just want to apologize
11 from the Watson family to the Fowler family and anybody
12 else that has come to encounter with this situation.

13 I just hope one day that y'all can find forgiveness
14 because the biggest sentence for David, most of all, is to
15 have to live with what has happened, and I just hope y'all
16 can forgive him, you know, maybe not now but one day
17 because it's hard. It's hard for everybody, you know.

18 I just will continue to do what I do. That's praying
19 for myself, David, my family, as well as y'all's family,
20 and I just want to apologize for what has happened, what
21 has happened. That's it. Thank you.

22 THE COURT: Thank you, ma'am.

23 Anything further, Ms. Davis?

24 MS. DAVIS: No, Your Honor.

25 THE COURT: Anything you'd like to tell me,

1 Mr. Watson? Anything you'd like to say?

2 THE DEFENDANT: No, sir.

3 THE COURT: All right. On indictment number
4 2011-1073, the State vs. David Watson, this is possession
5 of a stolen motor vehicle, the sentence is five years.

6 On indictment number 2012-1424, possession of a
7 stolen motor vehicle, the sentence is five years.

8 On indictment number 2011-3982, breaking and entering
9 motor vehicle, the sentence is five years.

10 On indictment number 2011-1074, unlawful carrying of
11 a pistol, you are sentenced to one year.

12 On indictment number 2011-597, burglary second
13 degree, nonviolent, sentence ten years.

14 On indictment number 2011-4392, attempted armed
15 robbery, the sentence is 20 years.

16 On indictment number 2011-4645, armed robbery, the
17 sentence is 30 years.

18 On indictment number 2011-4644, armed robbery, the
19 sentence, 30 years.

20 On indictment number 2011-4582, armed robbery, the
21 sentence, 30 years.

22 On indictment number 2012-5052, armed robbery,
23 sentence of 30 years.

24 Finally, on indictment number 2011-4391, murder, the
25 sentence is 50 years. These sentences are to run

1 concurrent with one another.

2 There's nothing good about any of these situations.
3 Once again, my sympathies to the Fowler family. There is
4 nothing I can do, nothing anybody can do, to make up for
5 the loss you suffered.

6 Yet, this punishment that Mr. Watson will endure
7 probably for the remaining days of his life, that's where
8 we all find ourselves in this very tragic situation.

9 This matter is concluded. Thank you all so much.

10 MS. WALKER: Thank you, Your Honor.

11

12 (Whereupon, the proceedings were concluded.)

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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Richland County, South Carolina, on the 10th day of
September, 2012.

March 1, 2014

Karen Ambroziak

Karen Ambroziak, RPR, Court Reporter

WITNESSES

(S) Christopher Lindler – Richland County
Sheriff

Martin

ARREST WARRANT NUMBER

M723417

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

SEP 07 2011

VERDICT

Coreperson of Petit Jury
Date:

DOCKET NO. 2011GS4004391

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

September TERM 2011

42

THE STATE

vs.

David Wesley Watson Sr

**Indictment for
MURDER**

SC Code: 16-03-0010

CDR Code: 0116

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

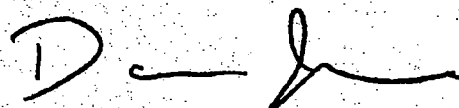
INDICTMENT

At a Court of General Sessions, convened on September 7, 2011,
the Grand Jurors of Richland County present upon their oath:

MURDER

That David Wesley Watson Sr did in Richland County, on or about June 3, 2011, willfully, feloniously, and intentionally kill the victim, Steven FOWLER, with malice aforethought, either express or implied, by means of gunshot wound, and the victim did die as a proximate result thereof, in violation of Section 16-03-0010, 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.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Christopher Lindler – Richland County
Sheriff

Martin

ARREST WARRANT NUMBER

M723419

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

SEP 07 2011

VERDICT

[Signature]
Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS4004392

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

September TERM 2011 ✓

42

**THE STATE
vs.**

David Wesley Watson, Sr.

**Indictment for
ATTEMPTED ARMED ROBBERY**

**SC Code: 16-11-0330(A)
CDR Code: 0139**

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

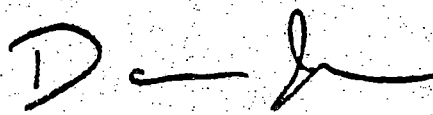
INDICTMENT

At a Court of General Sessions, convened on September 7, 2011,
the Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That David Wesley Watson, Sr. did, along with co-defendants in Richland County on or about June 3, 2011, while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representative of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon attempt to take and carry away the personal property from or in the immediate presence of Steven Fowler an employee of Papa Johns Pizza with intent to deprive him/her of possession by use of force, threats, or intimidation, in violation of Section 16-11-0330(B), 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.


DAN JOHNSON, SOLICITOR

WITNESSES

(S) Matthew Ellis – Richland County
Sheriff

✓ Martin

ARREST WARRANT NUMBER

1901968

ACTION OF GRAND JURY

John C. Smith **TRUE BILL**

Foreperson of Grand Jury
Date: SEP 07 2011

VERDICT

Foreperson of Petit Jury
Date:
58

DOCKET NO. 2011GS4004644

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2011

42

**THE STATE
vs.**

David Wesley Watson Sr

**Indictment for
ARMED ROBBERY**

**SC Code: 16-11-0330(A)
CDR Code: 0139**

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on SEPTEMBER 7, 2011,
the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That David Wesley Watson Sr did in Richland County on or about May 30, 2011, commit robbery by feloniously taking from the person or presence of Malissa Clarke, by means of force or intimidation, goods or monies of Malissa Clarke, such goods or monies being described as cellphone, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC 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.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Matthew Ellis – Richland County
Sheriff

Martin

ARREST WARRANT NUMBER

1901969

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

SEP 07 2011

VERDICT

Coreperson of Petit Jury
Date:

DOCKET NO. 2011GS4004645

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2011

42

**THE STATE
vs.**

David Wesley Watson Sr

**Indictment for
ARMED ROBBERY**

SC Code: 16-11-0330(A)
CDR Code: 0139

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

✓
At a Court of General Sessions, convened on September 7, 2011,
the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

✓
That David Wesley Watson Sr did in Richland County on or about May 30, 2011, commit robbery by feloniously taking from the person or presence of Malissa Clarke, an employee of Days Inn by means of force or intimidation, goods or monies of Days Inn, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC 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.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Christopher Lindler – Richland County
Sheriff

Smartin

ARREST WARRANT NUMBER

M723418

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

SEP 07 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS4004582

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2011

42

THE STATE

vs.

David Wesley Watson, Sr.

**Indictment for
ARMED ROBBERY**

SC Code: 16-11-0330(A)

CDR Code: 0139

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on SEPTEMBER 7, 2011,
the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That David Wesley Watson, Sr. did in Richland County on or about June 3, 2011, commit robbery by feloniously taking from the person or presence of Sharon Patrick (employee), by means of force or intimidation, goods or monies of Days Inn, such goods or monies being described as US Currency, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC 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.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) Matthew Ellis – Richland County
Sheriff

ARREST WARRANT NUMBER

1901967

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-40-05052

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2012

42

**THE STATE
vs.**

David Wesley Watson Sr

**Indictment for
ARMED ROBBERY**

**SC Code: 16-11-0330(A)
CDR Code: 0139**

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

David Watson
Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on OCTOBER 10, 2012,
the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That David Wesley Watson Sr did in Richland County on or about June 2, 2011, commit robbery by feloniously taking from the person or presence of DANIEL WRIGHT, by means of force or intimidation, goods or monies of COMFORT SUITES, such goods or monies being described as CASH PROCEEDS AND/OR OTHER PERSONAL EFFECTS, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he or she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC 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.

DAN JOHNSON, SOLICITOR

WITNESSES

✓
(S) INV WILLIAM R HILTON – Columbia Police
Department

ARREST WARRANT NUMBER

K643017

ACTION OF GRAND JURY

TRUE BILL

Mena H Gardner
Foreperson of Grand Jury
Date: MAR 11 2011

VERDICT

Foreperson of Petit Jury
Date:
6

DOCKET NO. 2011-GS-40-0597

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2011

159

**THE STATE
vs.**

David Watson

**Indictment for
BURGLARY 2ND DEGREE
(NON-VIOLENT)**

SC Code: 16-11-0312
CDR Code: 0080

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

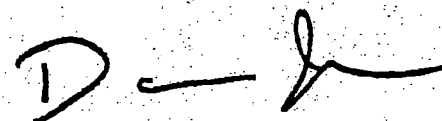
At a Court of General Sessions, convened on MARCH 9, 2011, the Grand Jurors of Richland County present upon their oath:

BURGLARY 2ND DEGREE
(NON-VIOLENT)

CDR: 0080 16-11-0312

That David Watson did in Richland County on or about September 22, 2010, enter without consent and with the intent to commit a crime therein, the dwelling of TIFFANY HEVEL, located at [REDACTED] STREET, in violation of Section 16-11-0312, 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.



DAN JOHNSON, SOLICITOR

WITNESSES

✓
(S) - W. Hilton, Columbia Police Department

ARREST WARRANT NUMBER

K668669

ACTION OF GRAND JURY

TRUE BILL

Mena H. Gardener
Foreperson of Grand Jury

Date:

MAR 11 2011

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS-40-1073

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2011

159

THE STATE

vs.

David W Watson

Indictment for
**STOLEN VEHICLE - POSS VALUE
MORE THAN \$2000 BUT LESS THAN
\$10000**

SC Code: 16-21-0080 (2)

CDR Code: 3467

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

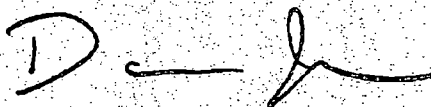
At a Court of General Sessions, convened on MARCH 9, 2011, the Grand Jurors of Richland County present upon their oath:

POSSESSION STOLEN VEHICLE
VALUE MORE THAN \$2000 BUT LESS THAN \$10000

CDR: 3467 16-21-0080(2)

That David W Watson did in Richland County on or about August 16, 2010 while not being entitled to possession of the below-mentioned vehicle, receive, possess, conceal, sell or dispose of a 1996 TOYOTA CAMRY VIN 4T1BG12K1TU946304 knowing it to be stolen or converted under circumstances constituting a crime, where the value of the vehicle was more than two thousand (\$2,000.00) dollars but less than ten thousand (\$10,000.00) dollars, in violation of Section 16-21-0080(2), 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.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) – Ofc. ND Daniels, Columbia Police
Department

ARREST WARRANT NUMBER

K643010

ACTION OF GRAND JURY

TRUE BILL

Mena H. Gardiner
Foreperson of Grand Jury MAR 09 2011
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011-GS-40-1074

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2011

159

**THE STATE
vs.**

David Watson

**Indictment for
WEAPON-UNLAWFUL CARRYING
PISTOL**

SC Code: 16-23-0020
CDR Code: 0044

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on MARCH 9, 2011, the Grand Jurors of Richland County present upon their oath:

UNLAWFUL CARRYING OF PISTOL

CDR: 0044 16-23-0020,0050(A)(2)

That David Watson did in Richland County on or about September 29, 2010, carry about the person a pistol, such carrying not being authorized by law, in violation of Section 16-23-0020, 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.


DAN JOHNSON, SOLICITOR

WITNESSES

(S) John Miller – Richland County Sheriff

ARREST WARRANT NUMBER

1901946

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

OCT 06 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS4003981

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2011

42

**THE STATE
vs.**

David Wesley Watson, Sr.

**Indictment for
BREAKING AND ENTERING A MOTOR
VEHICLE**

**SC Code: 16-13-0160(A)(1)
CDR Code: 0258**

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

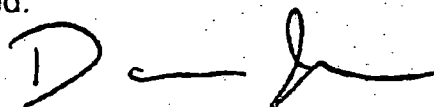
INDICTMENT

At a Court of General Sessions, convened on OCTOBER 5, 2011,
the Grand Jurors of Richland County present upon their oath.

BREAKING AND ENTERING A MOTOR VEHICLE

That David Wesley Watson, Sr. did in Richland County on or about May 5, 2011,
break into the motor vehicle of one TYLER KERBS with intent to steal the same
or anything of value there from, in violation of Section 16-13-0160, 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.



DAN JOHNSON, SOLICITOR

WITNESSES

(S) K. Lawrence – Richland County Sheriff

ARREST WARRANT NUMBER

1892884

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

APR 11 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-40-01424

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2012

159

**THE STATE
vs.**

David Wesley Watson Sr.

**Indictment for
POSSESSION OF A STOLEN VEHICLE -
VALUE \$2,000 - \$10,000**

**SC Code: 16-21-0080 (2)
CDR Code: 3467**

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

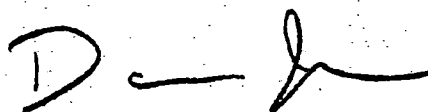
INDICTMENT

At a Court of General Sessions, convened on APRIL 11, 2012, the
Grand Jurors of Richland County present upon their oath:

POSSESSION OF A STOLEN VEHICLE, VALUE \$2,000 - \$10,000

That David Wesley Watson Sr did in Richland County on or about May 3,
2011, while not being entitled to possession of the below-mentioned
vehicle, receive, possess, conceal, sell or dispose of a JEEP CHEROKEE
knowing it to be stolen or converted under circumstances constituting a
crime, where the value of the vehicle was more than two thousand
(\$2,000.00) dollars but less than ten thousand (\$10,000.00) dollars, in
violation of Section 16-21-0080, 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.



DAN JOHNSON, SOLICITOR

COUNTY OF
STATE

Richland

VS.

David Wesley Watson Sr

AKA:

Race: BLACK Sex: M Age: 23

DOB: SS#

Address:

City, State, Zip: Columbia, SC 29203-5259

DL#: SID#:

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

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

TO: Murder / Murder

INDICTMENT/CASE#: 2011GS4004391

A/W#: M723417

Date of Offense: 6/3/2011

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

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

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

A. LIST: Campbell, Luck SC Bar# Defendant Attorney for Defendant SC Bar# 75392

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 50 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.☐ 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 16-25-63 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 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 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

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: *Janette McBride*

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2061

Sentence Date: 9/18/12

1016630

03/11/2012 07:35 8035761925

CRIMINAL RECORDS

PAGE 07/12
GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
David Wesley Watson Sr
AKA:
Race: BLACK Sex: M Age: 23
DOB: SS#:
Address:
City, State, Zip: Columbia, SC 29203-5259
DL#: SID#:

INDICTMENT/CASE#: 2011GS4004392
A/W#: M723419
Date of Offense: 6/3/2011
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139 0026

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Attempted armed, or allegedly armed, robbery

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0139 0026
☐ 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.

ATTORNEY: Campbell, Lukk 3029 David Watson 75392
SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ 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: 2011-GS 40-4391
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

*Fine:
§ 14-1-206 (Assessments 107.5%) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforc. 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 \$
3% to County (if paid in installments) \$
TOTAL \$

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

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

Clerk of Court/ Deputy Clerk: Isabelle McPhee
Court Reporter: Ambr...
SCCA/217 (03/2011)

Presiding Judge: P. L. ...
Judge Code: 2061
Sentence Date: 9/10/17

KX15630

COUNTY OF Richland
STATE VS.

David Wesley Watson Sr

AKA:

Race: BLACK Sex: M Age: 23

DOB: SS#

Address:

City, State, Zip: Columbia, SC 29203-5259

DL#: SID#

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

In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery

INDICTMENT/CASE#: 2011GS4004644

A/W#: I901968

Date of Offense: 5/30/2011

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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

The pleas: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

APPEARANCE: 13007 David Watson 75392
Campbell, Luck SC Bar# Defendant 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: 2011-G-590-4391

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

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

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 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 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk: Jeanette McBride

Court Reporter: Amber

SCCA/217 (03/2011)

Presiding Judge: R. Montgomery

Judge Code: 2061

Sentence Date: 7/10/12

U15630

05/11/2012 07:36 8035761925

CRIMINAL RECORDS

PAGE 05/12

COUNTY OF Richland
STATE VS.

David Wesley Watson Sr

AKA:

Race: BLACK Sex: M Age: 23

DOB:

SS#

Address:

City, State, Zip: Columbia, SC 29203-5259

DL#:

SID#:

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

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

TO: Armed Robbery

INDICTMENT/CASE#: 2011GS4004645

A/W#: 1901969

Date of Offense: 5/30/2011

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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

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

ATTEST:

Campbell Luck

SC Bar# 13627

Defendant

Attorney for Defendant

SC Bar# 75392

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: 2011 GS-40-4391

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

☐ The Defendant is to be placed on 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
§ 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(1) (Vehicle Assessment)	\$40/ca
Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

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:

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 206

Sentence Date: 9/10/12

J15630

COUNTY OF Richland
STATE VS.
David Wesley Watson Sr

AKA:
Race: BLACK Sex: M Age: 23
DOB: SS#

Address:
City, State, Zip: Columbia, SC 29203-5259
DL#: STD#

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

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

INDICTMENT/CASE#: 2011GS4004582

A/W#: M723418

Date of Offense: 6/3/2011

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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

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

ATTEST: Campbell, Luck SC Bar# 1305 David Watson Defendant 75392 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: 2011-GS-40-4391

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

☐ The Defendant is to be placed on 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	\$
§ 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	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Clerk of Court/ Deputy Clerk

Court Reporter: Amberlynn

SCCA/217 (03/2011)

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.

Presiding Judge

Judge Code: 2061

Sentence Date: 9/10/17

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.David Wesley Watson Sr

AKA:

Race: BLACK Sex: M Age: 23DOB: SS#

Address:

City, State, Zip: Columbia, SC 29203-5259DL#: SID#*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Armed RobberyINDICTMENT/CASE#: 2012GS4005052A/W#: 1901967Date of Offense: 6/2/2011S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Campbell, Luck 13187 David Watson 5392
SC Bar# Defendant 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: 2011 GS 40-4391☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on 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	\$
§ 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 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Clerk of Court/ Deputy Clerk: Jeanette M. BenteCourt Reporter: Amber

SCCA/217 (03/2011)

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.Presiding Judge: L. P. ManningJudge Code: 2061Sentence Date: 9/10/12

COUNTY OF
STATE.

Richland

VS.

David Watson

AKA:

Race: BLACK Sex: M Age: 23

DOB: SS#:

Address:

City, State, Zip: COLUMBIA, SC 29203

DL#: SID#:

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

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

TO: Burglary / Burglary (Non-Violent) - Second degree

INDICTMENT/CASE#: 2011-GS-40-0597

A/W#: K643017

Date of Offense: 9/29/2010

S.C. Code §: 16-11-0312

CDR Code #: 0080

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

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

ATTEST:

Campbell, Luck

13001 SC Bar#

Defendant

Attorney for Defendant

75392 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2011-GS-40-4391☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other:

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

KT 15630

COUNTY OF Richland
STATE VS.

David W Watson

AKA: _____

Race: BLACK Sex: M Age: 23

DOB: _____ SS#: _____

Address: _____

City, State, Zip: COLUMBIA, SC 29203

DL#: _____ SID#: _____

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

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

TO: Vehicle/Poss., conceal, sell, or dispose of stolen vehicle, value more than \$2000 but less than \$10,000

in violation of § 16-21-0080 (2) of the S.C. Code of Laws, bearing CDR Code # 3467

☒ 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.

ATTORNEYS: J Campbell Luck SC Bar# David Watson Defendant Attorney for Defendant 75342 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2011-GS 40-4391

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

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

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ Substance Abuse Counseling ☐

§ 14-1-206 (Assessments 107.5 %) _____ Random Drug/Alcohol testing ☐

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 _____ Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 _____ prmts. of \$ _____ beginning _____

§ 56-5-2995 (DUI Assessment) \$12 _____ \$ _____ paid to Public Defender Fund

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

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 _____

3% to County (if paid in installments) _____

TOTAL _____

Clerk of Court/ Deputy Clerk _____

Court Reporter: _____

SCCA/217 (03/2011)

Presiding Judge _____

Judge Code: 2061

Sentence Date: 9/10/12

15630

COUNTY OF Richland
STATE VS.
David Watson

AKA:

Race: BLACK Sex: M Age: 23DOB: SS#:

Address:

City, State, Zip: COLUMBIA, SC 29203DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Weapons / Unlawful carrying of pistolINDICTMENT/CASE#: 2011-GS-40-1074A/W#: K643010Date of Offense: 9/29/2010S.C. Code § : 16-23-0020CDR Code #: 0044

SENTENCE SHEET

in violation of § 16-23-0020of the S.C. Code of Laws, bearing CDR Code # 0044☒ 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: Campbell, Luck 13003 David Watson 75392
SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the services of days/months/years and/or paymentof \$; 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: 2011-GS-40-4391☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on 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 ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 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(I) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Clerk of Court/ Deputy Clerk: Jeanette McBridgeCourt Reporter: Amberlynn

SCCA/217 (03/2011)

Presiding Judge: 2061Judge Code: 2061Sentence Date: 9/10/12

KT 15630

03/11/2012 07:35 8035761925
COUNTY OF Richland
STATE VS.
David Wesley Watson Sr
AKA:
Race: BLACK Sex: M Age: 23
DOB: SS#:
Address:
City, State, Zip: Columbia, SC 29203-5259
DL#: SID#:

CRIMINAL RECORDS PAGE 18/12
IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#: 2011GS4003982
A/W#: I901946
Date of Offense: 5/5/2011
S.C. Code §: 16-13-0160(A)(1)
CDR Code #: 0258

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Larceny / Breaking into motor vehicle or tanks, pumps, where fuel, lubricants stored

in violation of § 16-13-0160(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0258
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST: [Signature] 13005 David Watson [Signature] 75392
Campbell Luck SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2011-GS 40-4391
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 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)	\$30
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

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

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

Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

§ 2192
Presiding Judge: [Signature]
Judge Code: 2001
Sentence Date: 7/10/12

104 5630

COUNTY OF Richland
STATE VS.David Wesley Watson Sr

AKA: _____

Race: BLACK Sex: M Age: 23

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Columbia, SC 29203-5259

DL#: _____ SID#: _____

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

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

☐ CONVICTED OF or ☒ PLEADS.TO: Vehicle/Poss., conceal, sell, or dispose of stolen vehicle, value more than \$2000 but less than \$10,000

SENTENCE SHEET

in violation of § 16-21-0080 (2) of the S.C. Code of Laws, bearing CDR Code # 3467☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Campbell Luck 13585 David Watson 75392
SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2011-0540-4391
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on 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 (07.5 %)) \$ _____

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

§ 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(I) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCA Surcharge) \$5 \$ _____

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

TOTAL \$ _____

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.

Presiding Judge

Judge Code: 2561Sentence Date: 9/10/12

Clerk of Court/ Deputy Clerk

Court Reporter: Ambrogio

SCCA/217 (03/2011)

15630

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF

Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

APPLICATION FOR
POST-CONVICTION RELIEF

2013 OCT - 11 PM 1:33
JEANETTE L. MOORE
CLERK, S.C.
RICHLAND COUNTY
FILED

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Alvin S Glenn Detention center
2. Name and location of Court which imposed sentence Richland county Judicial Center
3. Name(s) of co-defendant(s) (if any) 1701 Main street Columbia SC 29201
Timothy Fisher, Edward Walker, Carwin Pethig
Darnell Crocker
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
2011 GS 40-5547, 1073-74 3982, 4391-92, 4582, 4644-45 and 2012 GS 40-1424, 5052
 - (a) September 10 2012
 - (b) September 10 2012
 - (c) September 10 2012
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) September 10 2012
 - (b) September 10 2012

(c) ~~_____~~

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ☒

(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?

I tried see attached order

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

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

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. See Attached order

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) unknown

(b) _____

(c) _____

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

- (a) _____
 (b) _____
 (c) _____

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

- (a) Failed to Inv my whole case
 (b) Due to the fact (c) my atty did not Inv my whole case
 (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? No

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

(a) the specific nature thereof:

- i. _____
 ii. _____
 iii. _____
 iv. _____

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

- i. _____
 ii. _____
 iii. _____
 iv. _____

(c) the disposition thereof:

- i. _____
 ii. _____
 iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

NO

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) frist time presenting grounds

(b) 6/6/99

(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? No
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? No
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No

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

- (a) the name and address of each attorney who represented you:
 - i. Jennifer C Davis & Clark N
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. plea and sentencing
 - ii. _____
 - iii. _____

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

New trial and any other relief I may be entitled to

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

STATE OF SOUTH CAROLINA)

VERIFICATION

County of McCormick)

I, David Watson, 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.

David Watson

SWORN to and subscribed before me this 20
day of Sept, 2013.

J. Frank (L.S.)
Notary Public

My Commission Expires: 12-16-2019

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

David Watson

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

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

David Watson

Applicant

SWORN or affirmed to and subscribed before me this

20 day of Sept, 2013.

[Signature]
Notary Public

My Commission Expires: 12-16-2019

RICHLAND COUNTY
 FILED
 2013 OCT - 1 PM 1:34
 JEANETTE W. HOSCHKE
 C.C.P. & D.S.

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

September 16, 2013

David W. Watson, Sr. #334288
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Your appeal

Dear Mr. Watson:

Enclosed is a copy of the S.C. Court of Appeals' order dated October 17, 2012, dismissing your appeal. If you wish to go into PCR, you must file within one year of the date of your order of dismissal. Since this was almost a year ago, you must file immediately – no later than October 17, 2013. We are enclosing a PCR application for your convenience. You must allege that you were provided ineffective assistance of counsel and that your guilty plea was not knowingly and intelligently entered. When PCR counsel is appointed that lawyer can amend the application and add or subtract from the application you file. The PCR application must be filed in the county of your conviction. **DO NOT** send a copy to this office. It is your responsibility to get this application properly filed.

As far as your case is concerned, our office was never formally involved, since the Court did not accept this guilty plea appeal. Any questions you have should be directed to your trial attorney or your future PCR attorney.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/sag

Enclosure

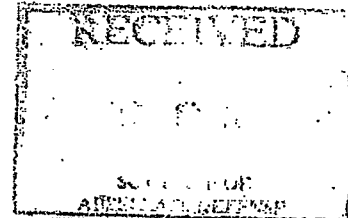
The South Carolina Court of Appeals

The State, Respondent

v.

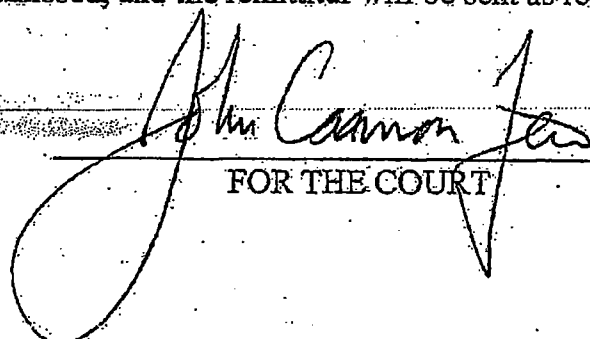
David Watson, Appellant.

Appellate Case No. 2012-212969



ORDER

Appellant has failed to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR). Accordingly, this matter is dismissed, and the remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Jennifer Cathryn Davis *JCB*

Robert Michael Dudek

Salley W. Elliott

JCB FILED

10/17/12

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

David W. Watson, Sr., #334288,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

2013-CP-40-5966

RETURN

Respondent, making its Return to the Application for post-conviction relief filed October 1, 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 Richland County Clerk of Court. Applicant was indicted during the March 2011 term of the Richland County Grand Jury for: Burglary in the Second Degree (Non-Violent) (2011-GS-40-0597); Possession of a Stolen Vehicle, Value More than \$2,000 but less than \$10,000 (2011-GS-40-1073); Unlawful Carrying of a Pistol (2011-GS-40-1074). Applicant was also indicted during the September 2011 term of the Richland County Grand Jury for; three counts of Armed Robbery (2011-GS-40-4582, -4644, -4645) and Attempted Armed Robbery (2011-GS-40-4392). Applicant was also indicted during the October 2011 term of the Richland County Grand Jury for Breaking and Entering into a Motor Vehicle (2011-GS-40-3982). Applicant was indicted during the April 2012 term of the Richland County Grand Jury for Possession of a Stolen Vehicle, Value More than \$2,000 but less than \$10,000 (2012-GS-40-1424). Additionally, Applicant waived presentment to the Richland County Grand Jury for an additional count of Armed Robbery (2012-GS-40-5022). Jennifer C. Davis, Esquire, of the Richland County Public Defender's Office represented Applicant. On September 10, 2012,

Applicant appeared before the Honorable L. Casey Manning, where he pled guilty to all the above-mentioned charges. Judge Manning sentenced Applicant to an aggregate sentence of thirty years imprisonment.

Thereafter, Applicant filed a notice of appeal. The South Carolina Court of Appeals dismissed Applicant's appeal on October 17, 2012 for failure to provide a sufficient explanation as required by Rule 203(d)(1)(B)(vi). The Remittitur was sent on December 13, 2012.

While his direct appeal was pending before the South Carolina Court of Appeals, Applicant filed an initial application for post-conviction relief on November 27, 2012 (C.A. No. 2012-CP-40-7831). This application was dismissed without prejudice by written Order filed December 6, 2012, with leave to re-file upon the conclusion of his direct appeal.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and Applicant's records from his appeal and initial post-conviction relief action. The transcript of Applicant's guilty plea proceeding has been ordered and will be forwarded upon receipt for incorporation into this Return. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. "Failed to INV my whole case;"
2. "Due to the fact(s) my atty did not INV my whole case."

Any claims not specifically enumerated in the Application or amendments will be opposed by Respondent at an evidentiary hearing, and Respondent will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments

should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

Respondent interprets Applicant's allegations to be ineffective assistance of counsel for failure to investigate. 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, 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 (1984); Butler, 334 S.E.2d 813.

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial 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 (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.

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

V.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN RATIGAN
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Jan. 30, 2014.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

2013-CP-40-5966

DAVID W. WATSON, SR., #334288)

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:

Kristy G. Goldberg, Esquire
 Law Office of Kristy Goldberg, LLC
 1720 Main Street, Suite 301
 Columbia, South Carolina 29201

DATED this 30th day of January, 2014.


 Kelly Oppenheimer, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

DAVID WATSON, SR.
 SCDC # 352788,

Applicant,

vs.

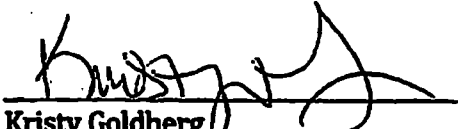
STATE OF SOUTH CAROLINA,)
Defendant.)

IN THE COURT OF COMMON PLEAS
 2013-CP-40-5966

**AMENDED APPLICATION
 FOR POST CONVICTION RELIEF**

Based upon further investigation and research, the Post-Conviction Relief Application filed on behalf of the above named Applicant is hereby Amended as follows:

11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- a) Ineffective assistance of counsel – Trial counsel failed to sufficiently prepare client for trial and failed to provide him with a copy of his Discovery.
 - b) Ineffective assistance of counsel – Trial counsel allowed Applicant to enter into a guilty plea which was not knowingly and intelligently made. Applicant asserts he should have proceeded to a jury trial on the Murder charge.
 - c) Ineffective assistance of counsel – Trial counsel failed to file a meaningful notice of appeal by failing to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv).


 Kristy Goldberg
 Attorney for Defendant

Kristy Goldberg
 Law Office of Kristy Goldberg, LLC.
 1720 Main Street, Suite 301
 Columbia, SC 29201
 803-252-2299
 803-799-4059 (fax)
 kristy@kristygoldberglaw.com

Columbia, South Carolina
 This 17th day of November, 2014

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

DAVID WATSON, SR.)
 SCDC # 352788,)
 Applicant,)

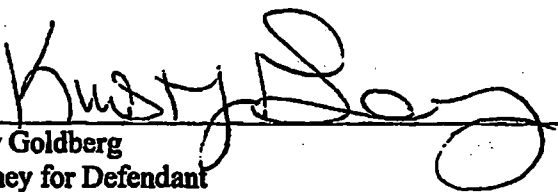
vs.)

STATE OF SOUTH CAROLINA,)
Defendant.)

IN THE COURT OF COMMON PLEAS
 2013-CP-40-5966

CERTIFICATE OF SERVICE

I certify that on this date I served the Amended Application for Post-Conviction Relief in this case on The State of South Carolina by delivering a copy of this application to the Office of the Attorney General via U.S. mail at Post Office Box 11549, Columbia, South Carolina 29211-1549.


 Kristy Goldberg
 Attorney for Defendant

Kristy Goldberg
 Law Office of Kristy Goldberg, LLC.
 1720 Main Street, Suite 301
 Columbia, SC 29201
 803-252-2299
 803-799-4059 (fax)
 kristy@kristygoldberglaw.com

Columbia, South Carolina

This 17th day of November 2014

State of South Carolina) In the Court of Common Pleas
) Fifth Judicial Circuit
 County of Richland) 2013-CP-40-05966

David W. Watson,)
)
 Plaintiff,)
)
 Vs.) Transcript of Record
)
 State of South Carolina,)
)
 Defendant.)
)
 _____)

December 9, 2014
 Columbia, South Carolina

B e f o r e:

The Honorable J. Ernest Kinard, Jr., Judge

A p p e a r a n c e s:

Christy Goldberg, Esquire
 Attorney for the Appellant

Clay Mitchell, Esquire
 Attorney for the Defendant

Bonnie H. Kelly, CVR
 Circuit Court Reporter

I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NO.</u>
Case Called/Mr. Mitchell	4
Amendment/Ms. Goldberg	4
DIRECT CROSS REDIRECT RECROSS	
DAVID W. WATSON	
Ms. Goldberg	5 21
Mr. Mitchell	13
JENNIFER DAVIS	
Mr. Mitchell	23
Ms. Good	30
Decision by the Court	36
Certificate Page	38

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
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-- NO EXHIBITS ENTERED --

1 MR. MITCHELL: All right. Your Honor, the next case
2 is *David Watson vs. The State of South Carolina*, Case No.
3 2013-CP-40-5966. Mr. Watson was indicted in March of 2011
4 by the Richland County Grand Jury. I believe there are 11
5 indictments here.

6 THE COURT: Goodness.

7 MR. MITCHELL: So it was murder, four counts of --
8 four separate indictments for arm robbery, an attempted arm
9 robbery, burglary second, unlawfully carrying a pistol,
10 breaking into a motor vehicle, and possession of a stolen -
11 - stolen vehicle. There's two separate indictments for
12 possession of a stolen vehicle.

13 I won't go through all the indictment numbers for you,
14 but he was sentenced to a negotiated term of 50 years. He
15 was represented on these charges by Ms. Jennifer Davis. He
16 pled guilty on September 10 to that negotiated sentence, in
17 2012, before Judge Manning.

18 He was -- he filed notice of appeal. The South
19 Carolina Court of Appeals failed -- ruled that he failed to
20 provide sufficient reason for appealing pursuant to the
21 rules. He's filed this application for post-conviction
22 relief on October 1 of 2013. Mr. Watson is present here
23 today and represented by Ms. Christy Goldberg, and I will
24 turn it over to her at this time.

25 THE COURT: All right. Ms. Goldberg.

DIRECT EXAMINATION BY MS. GOLDBERG - DAVID WATSON

5

1 MS. GOLDBERG: Thank you, Your Honor. May it please
2 the Court. I will put on the record that we have also
3 filed an amended application on November 18 of 2014. The
4 allegations stated therein are ineffective assistance of
5 counsel.

6 Specifically, trial counsel failed to sufficiently
7 prepare client for trial, failed to provide him with
8 discovery, allowed the applicant to enter into a guilty
9 plea not knowingly and intelligently made, and failed to
10 file meaningful notice of appeal.

11 At this time, I'll call David Watson to testify.

12 THE COURT: All right. Mr. Watson.

13 DAVID W. WATSON, having been first
14 duly sworn, testifies as follows:

15 DIRECT EXAMINATION BY MS. GOLDBERG:

16 Q Okay. Mr. Watson, where are you housed?

17 A At Lieber Correctional Institution.

18 Q And what sentence are you serving?

19 A 50-year sentence for murder.

20 Q This case is for -- a case for post-conviction relief.
21 Do you understand what that means?

22 A Yes, ma'am.

23 Q Do you understand that if you're successful in this
24 hearing, your case will be not dismissed, but remanded; and
25 you would have to go back and have your charges pending

1 again?

2 A Yes, ma'am.

3 Q At that point in time, the State could decide to try
4 all of your charges together or some incidents separately
5 from each other; do you understand that?

6 A Yes, ma'am.

7 Q Do you want to go forward with this action today?

8 A Yes, ma'am.

9 Q Who was your attorney?

10 A Christy Goldberg.

11 Q Who was your attorney in -- for your criminal case?

12 A Ms. Jennifer Davis.

13 Q Did you plead guilty or did you have a trial?

14 A Plead guilty.

15 Q Was Ms. Davis hired or appointed?

16 A Appointed.

17 Q Your plea was September 10, 2012?

18 A Yes, ma'am.

19 Q Were there any plea deals or negotiations?

20 A Yes, ma'am.

21 Q And what was that?

22 A Negotiated 50 years.

23 Q Did you understand that when you pled guilty?

24 A No, ma'am.

25 Q Okay. What did you think was going to happen that day

1 on September 10?

2 A I thought I was going to come pick the jury of 12 so I
3 can go to trial.

4 Q You thought you were coming to court to pick a jury?

5 A Yes, ma'am.

6 Q When did you find out that that was changing?

7 A When Judge Manning told me it was a negotiated plea
8 and there wasn't nothing he could do about it.

9 Q Once the plea had already started.

10 A Yes, ma'am.

11 Q Did Ms. Davis talk to you about the negotiated 50-year
12 sentence?

13 A No, ma'am.

14 Q Did she talk to you about it at all?

15 A No, ma'am.

16 Q Did you have any conversations with Ms. Davis that
17 morning before your plea?

18 A No, ma'am. I only signed the papers.

19 Q You signed the papers?

20 A Yes, ma'am.

21 Q Who helped you sign the paperwork?

22 A I signed the papers while she was, I guess, listening
23 to my phone record.

24 Q I'm sorry?

25 A I said I was signing the papers while she was

1 listening to my phone record, I guess.

2 Q She was listening to your phone record?

3 A Yes.

4 Q What does that mean?

5 A It means she had on some headphones, had her head down
6 listening to something going through the headphones. I --
7 I don't know what she was listening to, so I assumed it
8 been my phone records.

9 Q Did she explain the paperwork to you?

10 A No, ma'am.

11 Q Did you understand that you were pleading guilty that
12 -- that day?

13 A No, ma'am.

14 Q Why not?

15 A I didn't know it til the last moment, and Judge
16 Manning tells me there was nothing he could do about it and
17 it was a negotiated plea. So I didn't know anything about
18 it.

19 Q Did anything affect your ability to understand what
20 was going on that day?

21 A Yes, ma'am.

22 Q What?

23 A Me and my co-defendant got into a fight and I was put
24 on medication.

25 THE COURT: Can't hear.

DIRECT EXAMINATION BY MS. GOLDBERG - DAVID WATSON

9

1 A Me and my co-defendant had got into a fight and I was
2 under medication.

3 Q And you might want to come a little closer to the
4 microphone. Which co-defendant did you get in a fight
5 with?

6 A Donnell Crocker.

7 THE COURT REPORTER: Donnell Crockett?

8 THE WITNESS: Crocker.

9 THE COURT REPORTER: Crocker.

10 Q Do you mean a physical fight or an argument?

11 A No. A fist fight.

12 Q Where?

13 A In the holding cell down here at the courthouse.

14 Q This was the same day as your plea?

15 A Yes, ma'am.

16 Q Why did you get in a fist fight?

17 A They put us in the same cell. He swung on me, so I
18 had to defend myself.

19 Q You also stated you were on medication?

20 A Yes, ma'am.

21 Q What medication?

22 A Celexa.

23 Q What is that for?

24 A Depression.

25 Q How did those things prevent you from understanding

1 what you were doing that day?

2 A Because at the time, I was up under medication and I
3 wasn't fully aware of what was going on at the time.

4 Q What about the fight? How did that affect your
5 ability to understand what was going on?

6 A When me and my co-defendant got into a fight, I just
7 totally forgot about everything and just concentrated on me
8 and him.

9 Q You were distracted?

10 A Yes, ma'am.

11 Q Did you want a jury trial?

12 A Yes, ma'am.

13 Q Did you believe that you could be found not guilty if
14 you had a jury trial?

15 A Yes, ma'am.

16 Q Of all of your charges or just certain ones?

17 A The -- the murder and the attempted arm robbery.

18 Q Those two, you thought you could be found not guilty
19 of.

20 A Yes, ma'am.

21 Q Before trial, did you review your discovery?

22 A No, ma'am.

23 Q Did your lawyer ever review it with you?

24 A No, ma'am. I never had a copy of my discovery.

25 Without a copy of my discovery, I never had a chance to

DIRECT EXAMINATION BY MS. GOLDBERG - DAVID WATSON

11

1 prepare my defense.

2 Q Regardless of whether or not you had a copy, did she
3 -- did your lawyer bring the discovery down to the jail and
4 go over it with you?

5 A She brung it, but I never got a chance to look in it
6 for myself to see what was what.

7 Q Do you believe you were prepared for trial?

8 A No, ma'am.

9 Q Have you -- since your plea, have you since gotten a
10 copy of your discovery?

11 A Yes, ma'am. I had to write her and get a copy.

12 Q Why do you believe you would have been found not
13 guilty at trial?

14 A Because I don't see -- now that I have my discovery, I
15 don't see any physical evidence pointing towards me with
16 the attempted murder -- with the murder and attempted arm
17 robbery.

18 Q No physical evidence?

19 A Yes, ma'am.

20 Q Why -- what are other reasons you think you would have
21 been found not guilty?

22 A Other reasons that I wouldn't be found not guilty
23 because there wasn't no fingerprints that lead back to me
24 from that crime scene, and it wasn't nothing that ever been
25 appointed to me dealing with that crime scene.

1 Q Okay. So just the no physical evidence at the crime
2 scene.

3 A Yes, ma'am.

4 Q What other problems did you have with those charges?

5 A Other problems that I have with them charges, the
6 attempted arm robbery and murder, how could it be linked to
7 my arm robberies?

8 Q You -- okay. Why else do you think you could have
9 been found not guilty at trial?

10 A Because I don't see any physical evidence that would
11 put me in the harm's way of getting found guilty of a
12 murder and attempted arm robbery that I never committed.

13 Q What about the witness statements?

14 A About the witness? I mean, how can a witness do three
15 different statements and you got two that used to work at
16 Papa John's.

17 Q So you believe the witness -- some witnesses gave
18 inconsistent statements.

19 A Yes, ma'am.

20 Q Any other issues you have with the evidence there?

21 A No, ma'am.

22 Q After your plea, did you speak with your lawyer about
23 your right to appeal?

24 A I -- I asked her before they took me out of the
25 courtroom could she put in a notice for appeal. And when I

CROSS-EXAMINATION BY MR. MITCHELL - DAVID WATSON

13

1 wrote the appellate court to see if I had an appeal pending
2 with them, they wrote me back and said I never had a appeal
3 pending with them.

4 Q You thought that appeal was never filed?

5 A Yes, ma'am.

6 Q But you asked her to file notice of appeal.

7 A Yes, ma'am.

8 Q Is there anything else that this Court needs to know
9 regarding your PCR claim?

10 A I would like to go back on all my charges.

11 Q You want your case overturned?

12 A Yes, ma'am. And have a jury -- have a jury trial to
13 proceed with the attempted arm robbery and the murder
14 charge.

15 Q Anything else you want this Court to know?

16 A No, ma'am.

17 MS. GOLDBERG: All right. Please answer the questions
18 of Mr. Mitchell.

19 CROSS-EXAMINATION BY MR. MITCHELL:

20 Q Good morning, Mr. Watson.

21 A Good morning.

22 Q You pled guilty to a negotiated 50-year sentence;
23 isn't that right?

24 A Yes, sir.

25 Q So you stood before the Court and said I'm guilty of

1 these crimes; isn't that correct?

2 A Yes, sir.

3 Q And there's 11 indictments against you, right?

4 A Yes, sir.

5 Q Including murder, four counts of arm robbery, right?

6 A Yes, sir.

7 Q Attempted arm robbery, burg second, unlawfully
8 carrying a pistol, breaking into a motor vehicle, and
9 possession of a stolen vehicle in two separate indictment;
10 is that correct?

11 A Yes, sir.

12 Q Now, Judge Manning was your plea judge. You pled
13 before Judge Manning; is that correct?

14 A Yes, sir.

15 Q September 10, 2012?

16 A (No audible response.)

17 Q Now, he went over this with you, didn't he?

18 A Yes, sir.

19 Q He went over every single indictment, I counted twice.
20 So he asked you if you were guilty, I'd say, at least, 22
21 times; and you answered "yes" every single time; is that
22 correct?

23 A Yes, sir.

24 Q Okay. Now, you said you didn't think you were
25 pleading guilty that day. You thought you were going to

1 trial?

2 A Yes, sir.

3 Q But you didn't say anything to the Court that day, did
4 you?

5 A No.

6 Q You didn't say, "I thought I was here for trial. Hold
7 on, this is a big mistake." You didn't say anything like
8 that?

9 A No. He told me it was a negotiated plea. It wasn't
10 nothing he could do about it.

11 Q Right. He couldn't do anything about the sentence;
12 isn't that right?

13 A Yeah. But he also said it was a negotiated plea.

14 Q Right. It's your decision to plea though, isn't it?
15 I mean, you got up there and he asked you how you want to
16 plead, right?

17 A True indeed.

18 Q Okay. Now, this fist fight you were talking about,
19 you said that happened the day before the plea --

20 A No.

21 Q -- or the day of the plea?

22 A The day of the plea.

23 Q The day of. Did you tell your lawyer about that fist
24 fight?

25 A Yes.

1 Q You did tell her that?

2 A Yes.

3 Q Did you tell the judge that?

4 A No.

5 Q You didn't tell the judge you just got in a fight, did
6 you?

7 A (No audible response.)

8 Q Is that right?

9 A Yes.

10 Q The judge asked you if you had taken any medication in
11 the past 24 hours and you told him no; isn't that correct?

12 A Yes.

13 Q He asked you if you knew exactly what you were doing
14 that day at the plea and you said yes; isn't that correct?

15 A Yes.

16 Q So now you're saying that you did not know what you
17 were doing and that you were on medication; is that right?

18 A Yes.

19 Q Okay. And you testified that you'd not reviewed any
20 discovery with Ms. Davis -- or you testified you never had
21 a copy of the --

22 A Never had a copy and never got a chance to look at it
23 for myself.

24 Q But she reviewed it with you; is that right?

25 A She reviewed it by just flipping through the folder.

1 But if I never see anything containing with my case, how
2 would I know and how would I prepare for my defense?

3 Q Now, you said you were concerned with the lack of
4 evidence, of physical evidence; is that right?

5 A Yes, sir.

6 Q Okay. Well, let's talk about the evidence for a
7 second. There was a palm print found at the Days Inn, your
8 -- that matched your hand print; isn't that right?

9 A Yes, sir.

10 Q And that's how they linked you to that crime, correct?

11 A Yes, sir.

12 Q And then there was going to be some testimony from
13 your former girlfriend that you bought bullets for your
14 revolver at a pawn shop; isn't that right?

15 A Yes, sir.

16 Q That's what you expected her to testify to?

17 A Yes, sir.

18 Q And then there was some DNA evidence recovered from
19 that box of bullets that was purchased from the pawn shop;
20 isn't that right, and that matched your DNA, correct?

21 A Yes, sir.

22 Q And Judge Manning -- well, the solicitor went through
23 all this. They said what they thought they could prove at
24 trial, right?

25 A (No audible response.)

1 Q And then you said -- Judge Manning asked you whether
2 you agreed with that; isn't that right?

3 A Yes.

4 Q And you said that was correct?

5 A Yes.

6 Q That you did agree with all the facts as the solicitor
7 stated it, right?

8 A Only with the palm print and just with my DNA on the
9 box of bullets, that's it.

10 Q Right. Okay. Well, let's keep going. So you were
11 arrested and then you gave a full confession; is that
12 correct?

13 A No.

14 Q You did not give a confession to the investigators in
15 this case?

16 A No.

17 Q Okay. So I'm trying to get this straight here. You
18 ---

19 A They're saying -- they said I gave one to them. I
20 never gave a confession to any of them about anything.

21 Q So there was no confession made is your position?

22 A Yes.

23 Q Okay. Well, that was what was stated at the plea and
24 you didn't object to that then, did you?

25 A No.

CROSS-EXAMINATION BY MR. MITCHELL - DAVID WATSON

19

1 Q Okay. You also told the investigators where to find
2 the revolver that was used in the murder; is that correct?

3 A No. How -- why would I tell where a gun is located at
4 ---

5 Q Well, that's what you told them. That's what you told
6 -- you told the investigators ---

7 A That's ---

8 Q --- you can find the gun ---

9 A That's part of a confession. I never gave a
10 confession.

11 Q Okay.

12 A The female gave them a confession to where the gun was
13 at.

14 Q So the gun was found in a children's book bag; is that
15 right?

16 A Yes.

17 Q Child's book bag?

18 A Yeah.

19 Q And then they did testing on that gun, and that gun
20 matched the ballistics that killed the victim in this case;
21 is that correct?

22 A I guess so.

23 Q Okay.

24 MR. MITCHELL: One second, Your Honor.

25 THE COURT: Okay.

1 (Brief pause.)

2 Q All right. Going back through the transcript, I think
3 the judge asked you if you pled guilty to each and every
4 count and went through each factual allegation. And you
5 said -- and you said that you were guilty on all
6 indictments; is that correct?

7 A Yes.

8 Q Okay. And you said that your attorney did not file a
9 notice of appeal on your behalf; is that correct?

10 A Yes.

11 MR. MITCHELL: Your Honor, may I approach?

12 THE COURT: Okay.

13 (Mr. Mitchell hands a document to the witness.)

14 Q Mr. Watson, I'm going to hand you what is -- this is a
15 notice of appeal in your case. Can you read that to
16 yourself just briefly?

17 A (As read) "David Watson appealed his convicted and
18 sentence in this case. Sentence was imposed by the
19 Honorable L. Casey Manning on September 10, 2012."

20 Q And you don't have to read all that, but whose
21 signature is that at the bottom?

22 A Ms. Davis.

23 Q Okay. So would that show you today that she did file
24 a notice of appeal on your behalf?

25 A When I wrote the appellate court, why would they write

REDIRECT EXAMINATION BY MS. GOLDBERG - DAVID WATSON 21

1 me back saying that a notice of appeal was not pending with
2 them?

3 Q Okay. But that -- that document I just showed you
4 seems to show that that appeal was filed, doesn't it?

5 A Yeah, it -- it shows. But when I wrote the appellate
6 court to see about it ---

7 Q Uh-huh.

8 A --- why was they saying that there was no appeal
9 pending with them?

10 MR. MITCHELL: Okay. No further questions.

11 MS. GOLDBERG: Just briefly, Your Honor.

12 THE COURT: Okay.

13 REDIRECT EXAMINATION BY MS. GOLDBERG:

14 Q Mr. Watson, the palm print that Mr. Mitchell talked
15 about, that wasn't the crime scene for the murder, correct?

16 A Yes, ma'am.

17 Q And the box of bullets, that didn't directly tie
18 anyone to the crime scene of the murder, correct?

19 A Yes, ma'am.

20 Q So your testimony is still that there was no physical
21 evidence tying you to the crime scene.

22 A Yes, ma'am.

23 MS. GOLDBERG: That's all.

24 MR. MITCHELL: No further questions.

25 THE COURT: Can't step down yet. I'm reading the

1 transcript. Even though I'm a speed reader, I'm on Page
2 38.

3 But so far, Mr. Watson, Judge Manning spent a lot more
4 time than I do on these pleas. He went over everything
5 with you in detail and you always answered, "yes, I did
6 it," and so forth.

7 You answered earlier that you didn't make a
8 confession. I'm reading right here that after they found
9 your palm print not on the car, you know, at the other
10 scene; and on all the armed robberies, you were picked out
11 of a photo lineup by the people that were robbed at the
12 Days Inn and places like that. I mean, they positively
13 identified you. They were there in the courtroom ready to
14 testify. Some of them were upset when they saw you come
15 in, according to the transcript. I mean, I wasn't there.

16 But it says after you were advised of your rights, you
17 gave a full confession as to your involvement, as well as
18 that of all of your co-defendants. You told them where the
19 gun was.

20 I don't know whether it would have happened, but one
21 of your girlfriends was going to testify that you had
22 flushed all the shell casings down the toilet.

23 You told them where they could find the gun.

24 (Brief pause.)

25 THE COURT: You told the judge you were satisfied with

DIRECT EXAMINATION BY MR. MITCHELL - JENNIFER DAVIS

23

1 your lawyer, and she'd gone over everything with you.

2 And like I say, the judge spent a lot of time with
3 you. He asked if you wanted to add anything, correct
4 anything, and was everything presented as happened. You
5 said "yes," "yes," "yes." So you can step down.

6 (The witness exits the stand.)

7 MS. GOLDBERG: Your Honor, no further witnesses.

8 MR. MITCHELL: Your Honor, the State calls Ms.
9 Jennifer Davis.

10 THE COURT: All right.

11 JENNIFER DAVIS, having been first
12 duly sworn, testifies as follows:

13 THE COURT: I can put you in jail for up to seven
14 years, you know, if you don't.

15 MS. DAVIS: Yes, sir.

16 DIRECT EXAMINATION BY MR. MITCHELL:

17 Q Good morning, Ms. Davis.

18 A Good morning.

19 Q Thanks for being here with us today. Have you had a
20 chance to review your file in this case?

21 A I have.

22 Q Were you present for Mr. Watson's testimony --

23 A I was.

24 Q -- Prior to you taking the stand?

25 A Yes.

1 Q Okay. How long have you been practicing law?

2 A Eight years.

3 Q How did you become involved in Mr. Watson's case?

4 A I was appointed through the public defender's office
5 to represent him in June of 2000 -- well, actually June of
6 2010 initially. And then we had two more files open up on
7 him since then, including the Papa John's murder and
8 attempted arm robbery.

9 Q Okay. Did you review these charges that he was facing
10 with him?

11 A Yes.

12 Q Now when you reviewed the charges, did you go over the
13 allegations set forth in the indictments?

14 A Yes. We reviewed all the warrants and all the
15 discovery, everything that we had on the case on all the
16 charges.

17 Q Did you advise him of his possible maximum sentence in
18 this case?

19 A Yes.

20 Q Now, what -- what were his version of events in -- in
21 these indictments?

22 A All of them?

23 Q Well, just -- if you could briefly just give us a
24 factual -- was his version consistent with the State's
25 allegations?

1 A In -- in terms of the arm robberies --

2 Q Uh-huh.

3 A -- yes. There was always some dispute in terms of his
4 statement. As he said today, he always maintained that he
5 did not sign that statement, in terms of the confession
6 regarding the murder anyway.

7 Q Okay. Did you raise that to Judge Manning at the plea
8 hearing?

9 A I did not at the plea. We spent a long time leading
10 up to that. That was also the week he was supposed to
11 start trial and that would have been an issue we would have
12 addressed in trying to get the statement suppressed. I did
13 advise Mr. Watson that it would probably be admitted at
14 trial though.

15 Q Back to discovery. So you filed a *Brady* Rule 5 motion
16 in this case?

17 A Yes.

18 Q And did you review those materials with him?

19 A Yes.

20 Q What -- what was included in those discovery
21 materials?

22 A In terms of the -- I guess just generally what the
23 evidence was?

24 Q Yes. Just generally the evidence in the case.

25 A In terms of the arm robberies, there were -- I

1 believe, at least, three of the four were on video, if not
2 all four may have been on video. There was a -- what the
3 State always maintained was his confession to all the arm
4 robberies. There was photo lineup identifications from the
5 clerks in terms of the arm robberies.

6 And I believe one of them had a co-defendant -- Mr.
7 Walker was a co-defendant of his in one of the arm
8 robberies, who'd also given a statement; as well as another
9 female witness, Josalyn Ladia [phonetic] who also placed
10 him at the arm robbery with the two. She was there with
11 them.

12 THE COURT REPORTER: Ladia? Could you spell ---

13 THE WITNESS: L-a-d-i-a, I believe.

14 A The Days Inn arm robbery, there's a palm print that
15 matched to him, which is how they first developed him as a
16 suspect. And I believe his girlfriend also, at one point,
17 identified him from the videos in the arm robbery,
18 indicating that she believed that was him.

19 Q What was the evidence against him in the murder case?

20 A The murder, there was five co-defendants. Again, the
21 State alleged what Mr. Watson gave was a state -- was a
22 confession, implicating himself and the other co-
23 defendants.

24 And each other -- all four other co-defendants also
25 gave statements implicating Mr. Watson and themselves as

1 their involvement in the Papa John's.

2 There was, I believe, DNA on the handle of the
3 victim's car, but could only say that Mr. Watson could not
4 be excluded from that. There was no direct match.

5 There was ballistics evidence that matched a gun that
6 was found in the home where he had been anyway, matching
7 the fragments, I believe, at the crime scene.

8 And I believe there was a witness at the house who
9 said they'd seen Mr. Watson put the gun in that bag.

10 Q Okay.

11 A And that's how they would link it up.

12 Q Can you describe what -- how the plea negotiation went
13 in this case?

14 A Leading up to the trial date, September 10, we had no
15 offer. Ms. Campbell was the solicitor on the case. I
16 believe Ms. Walker was her second seat. I don't remember
17 if there was another attorney on it or not with them.

18 They had always indicated there would be no offer.
19 She wanted a life sentence regarding the Papa John's murder
20 and that if she didn't get it on that, she would LWOP him
21 on the subsequent arm robberies, or at least it was a
22 possibility that she would.

23 At some point I was told to get in touch or contact
24 the solicitor, Dan Johnson, which I did. The trial date
25 was September 10. I contacted him, I believe, by phone

1 August 31, and at that time is when he made an offer of 50
2 years.

3 And then I subsequently spoke with Mr. Watson, between
4 August 31 and the day of the plea, I believe, between seven
5 and eight times about the offer.

6 Q So if it was his testimony earlier that he thought he
7 was going to trial that day, that he had not heard anything
8 about a plea -- so you -- you -- it's your testimony that
9 you met with him around seven or eight times in discussions
10 about these -- with this plea?

11 A I -- I did. He actually even spoke with his mother on
12 September 5. She came over. He was brought to court, and
13 Ms. Darlene Watson went down to holding -- at her request
14 and at Mr. Watson's request -- to talk with her as well
15 about the offer.

16 Q Did you have any doubts that he understood that he was
17 pleading guilty that day?

18 A I did not. I saw him the day before, that Sunday, as
19 well. Because we were also equally preparing for trial.
20 He indicated at that time he still intended to plead
21 guilty.

22 Q Did you advise him of his rights that he'd be giving
23 up by pleading guilty?

24 A I did. I go through a standard "Advice of Rights"
25 form with every client. I went through that with him and

1 he signed it.

2 Q Okay. His -- his earlier testimony that -- was that
3 he was in a fist fight the day of the plea. Do you have
4 any recollection of that?

5 A Vaguely. I don't actually -- honestly, I don't
6 remember if he told me that before the plea or after the
7 plea. I did talk with him after the plea as well, and I
8 honestly just don't know when I learned of it.

9 But I do know I -- I remember it happening and I
10 remember talking to holding about why they put him in the
11 same cell with a co-defendant. I believe they actually may
12 have charged him with simple assault. I don't know if that
13 ever got resolved or what they did with that.

14 Q Did he mention anything about him being prescribed
15 medication because of the fight?

16 A Because of the fight? No, sir.

17 Q Or from the fight?

18 A No.

19 Q Was there a competency evaluation done on Mr. Watson?

20 A There was. I had him evaluated by two doctors
21 actually, Dr. Knight and Dr. McKie, regarding competency.

22 And also I had some concerns about his ability to
23 understand kind of the seriousness of what was going on
24 leading into the statement, as well about his ability to
25 understand Miranda rights based on records we had gotten.

1 So I had two people evaluate him and he was found
2 competent.

3 MR. MITCHELL: One moment, Your Honor.

4 (Brief pause.)

5 MR. MITCHELL: All right. That's all the questions I
6 have. Please answer any questions Ms. Goldberg has. Thank
7 you.

8 MS. GOLDBERG: Thank you, Your Honor.

9 THE COURT: Okay.

10 CROSS-EXAMINATION BY MS. GOLDBERG:

11 Q Ms. Davis, you said that you did have Mr. Watson
12 evaluated?

13 A Yes.

14 Q Then you -- were you aware of any medical or mental
15 health diagnosis that he may have had?

16 A I don't know that he was diagnosed with anything. I
17 was aware from his family and his family history that there
18 was some concern about his IQ and overall. I know there
19 had been DSS involvement.

20 So we actually got a list of records from 10 to 12
21 places, I believe; and then that kind of confirmed my
22 suspicion in terms of IQ because when he was younger, he
23 had been -- his full scale IQ was, I think, at 51 at one
24 point when he was much younger, which is why I -- I had him
25 evaluated for competency and also subsequently to determine

1 whether or not he would be able to understand Miranda
2 rights.

3 Q Did you under -- did you hear on testimony -- on
4 direct he stated that he was on medication for depression?

5 A I -- I heard him say that, yes.

6 Q Were you aware of that at the time?

7 A I honestly don't remember. We had all his records
8 from Alvin S. Glenn, SCDC, and everything else. So if was
9 noted in there about depression, I would have known. But
10 on the "Advice of Rights," when I went through it that day,
11 he did not say that anything was affecting him.

12 Q You met with him several times leading up to the
13 guilty plea?

14 A Yes, I think -- per my notes, it was seven or eight
15 times.

16 Q When -- and I think you just testified to this, but
17 the guilty plea was September 10. When was the plea offer
18 extended --

19 A It was --

20 Q -- approximately?

21 A It was August 31. Dan Johnson made the offer over
22 -- what it looks like, per my notes, was a telephone call,
23 which he made the offer of 50. And then from there we went
24 back and forth, but it was never lowered.

25 Q So possibly 10 days?

1 A Yes.

2 Q You stated that while you were going to meet with him
3 to discuss the plea offer, you were still also preparing
4 for trial, right?

5 A Yes.

6 Q Was that because he hadn't made the decision whether
7 to plea yet?

8 A He had indicated that -- he had started in July,
9 basically, telling me that he really did not want a trial
10 and he did not think it would end well for him. At that
11 point, I advised him that I thought it was pretty risky to
12 plead straight up to these types of charges knowing that
13 the State was going to be asking for life.

14 And so at that point, we just prepared for trial
15 regardless. And when we got the offer, he seemed like he
16 was going to take it, but I -- we were not getting a
17 continuance for any reason, so we continued to prepare for
18 trial just in case.

19 Q So when he said that when he was brought to court and
20 he believed there was going to be a jury trial that day,
21 that's possible that he believed that? Would you agree or
22 disagree?

23 A I -- I do not believe he thought we were starting
24 trial that Monday. No.

25 Q You thought he knew it was going to be a plea?

1 A Yes. I talked to him Sunday -- well, I talked to him
2 previously, but also Sunday before again about the plea.
3 He indicated he planned to plead guilty. And then twice
4 that Monday before we were in court.

5 Q Did you talk with him in the building prior to the
6 plea that morning?

7 A Yes, twice.

8 Q He testified that you were listening to headphones.
9 Do you recall anything about that?

10 A I do not know what he's -- what he's remembering from
11 that. We went through the "Advice of Rights" before the
12 plea in detail. I certainly was not and would not have
13 been listening to headphones or recordings at that point
14 when we were getting ready for a plea. I'm not sure what
15 he remembers.

16 I think at one point, the week prior, when his mother
17 was meeting with us in holding, I was reviewing discovery
18 and had asked them if they wanted to meet alone. At which
19 time they both said no, but -- and at that point I was
20 somewhat trying to give them their privacy. But during the
21 plea/Advice of Rights, I was not listening to any
22 recordings or anything like that.

23 Q Mr. Watson has always denied giving that confession;
24 is that right?

25 A In terms of the murder ---

1 Q Yes.

2 A --- and the attempted arm robbery at Papa John's, yes.

3 Q That's why he testified today that he didn't give a
4 confession.

5 A Correct. I would assume so.

6 Q You were aware of that leading up to trial?

7 A Yes.

8 Q You had -- had you prepared to contest the confession
9 in trial?

10 A Yes.

11 Q Did you believe there was a chance he could be found
12 not guilty of the murder at trial?

13 A We had developed a theme -- you know, a theory of the
14 case. We had a defense that we were going to present that
15 I think would have been consistent from start to finish and
16 were ready to do that. I -- personally, I think it would
17 have been very unlikely that he would have -- that there
18 was much chance of him being acquitted.

19 Q Why did you advise him to plead guilty to the
20 negotiated sentence?

21 A I don't know that I really advised him to plead guilty
22 to that. We went back and forth on that. I explained to
23 him that this was not a situation where I felt comfortable
24 telling him whether or not he should take that type of plea
25 because it was 50 years. And I told him that at the end of

1 a trial, he could have gotten a life sentence or something
2 equivalent to that at a plea; and that 50 years could
3 essentially mean he's never getting out anyway.

4 So it was not a situation -- there are cases where I
5 may, you know, more strenuously advise someone to take a
6 plea deal. This was not that situation because of the
7 amount of time that they were offering. So I left that
8 decision with him on what he preferred to do.

9 Q Were you concerned with the fact that the Solicitor's
10 Office could try him on multiple -- for multiple incidents
11 in multiple trials?

12 A I was. He was actually worried about that as well.
13 He just -- he did not want a life sentence. He understood
14 previously -- before we got the offer in the case, he
15 understood that if he pled guilty and didn't get life, that
16 there was the chance that they could serve him with life
17 without parole on any of the other arm robberies.

18 Q And you did file notice of appeal?

19 A I did.

20 Q Are you aware that appellate court rules require a
21 sufficient explanation to accompany the notice of appeal?

22 A I am. There -- we had no grounds, so we filed it
23 under the -- I think it's *State v. Weathers*. I can't
24 remember the case name at this time, where the defendant's
25 adamant that we file an appeal --

1 Q But you didn't have ---

2 A -- so we did.

3 Q --- anything you could assert?

4 A I did not.

5 MS. GOLDBERG: No further questions.

6 MR. MITCHELL: No further questions.

7 THE COURT: You can step down.

8 (The witness exits the witness stand.)

9 MR. MITCHELL: And no further witnesses from the
10 State.

11 THE COURT: Okay. I can't possibly help him. Even if
12 I helped him, all the State's got to do is call for one of
13 those arm robberies, they'd call another one, it's life
14 without parole. 50 years is a deal. Now, I understand
15 it's long time, but you commit the crimes, they stack up on
16 you.

17 MR. MITCHELL: Thank you, Your Honor.

18 MS. GOLDBERG: Thank you.

19 THE COURT: He would have had to have had a medical
20 person testify that the medication he took impacted his
21 thinking ---

22 MS. GOLDBERG: Yes, sir.

23 THE COURT: And I read this 40-something page ---

24 MS. GOLDBERG: I'm aware.

25 THE COURT: --- page to page. He was pretty

1 articulate. Actually, he never stumbled, so he -- he
2 understood everything going on.

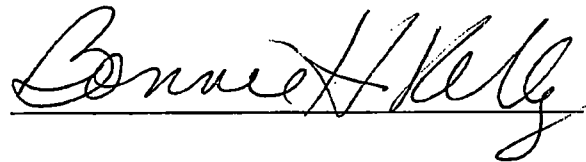
3 MS. GOLDBERG: Yes, Your Honor.

4 -- END OF TRANSCRIPT RECORD --

CERTIFICATE

I, the undersigned Bonnie H. Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fifth Circuit Court for Colleton County, South Carolina, on the 12th day of December, 2014.

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



Bonnie H. Kelly, CVR

Official Court Reporter

Columbia, South Carolina

June 3, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

David W. Watson, #334288,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

2013-CP-40-05966

ORDER OF DISMISSAL

RICHLAND COUNTY
FILED
2015 MAR -3 AM 10:20
JEANETTE W. MCBRIDE
C.C.P. & G.S.

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed October 1, 2013. Respondent made its Return on February 5, 2014, requesting an evidentiary hearing be convened. Kristy G. Goldberg, Esquire, was appointed by the Richland County Clerk of Court. Applicant filed an amended application for post-conviction relief on November 18, 2014.

An evidentiary hearing was held on December 11, 2014, at the Richland County Courthouse. Applicant was present and represented by Counsel Goldberg. J. Clayton Mitchell, Esquire, of the South Carolina Attorney General's Office represented Respondent.

At the PCR hearing, Applicant testified on his own behalf. Also testifying was Applicant's plea counsel, Jennifer C. Davis, Esquire. The Court had before it the Richland County Clerk of Court records, Applicant's South Carolina Department of Corrections records, the PCR application, the Return, Applicant's appellate records, and the guilty plea transcript.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was indicted during the March 2011 term of the Richland County Grand Jury for: Burglary in the Second Degree

(Non-Violent) (2011-GS-40-0597); Possession of a Stolen Vehicle, Value More than \$2,000 but less than \$10,000 (2011-GS-40-1073); Unlawful Carrying of a Pistol (2011-GS-40-1074). Applicant was also indicted during the September 2011 term of the Richland County Grand Jury for; three counts of Armed Robbery (2011-GS-40-4582, -4644, -4645), Attempted Armed Robbery (2011-GS-40-4392), and Murder (2011-GS-40-4391). Applicant was indicted during the October 2011 term of the Richland County Grand Jury for Breaking and Entering into a Motor Vehicle (2011-GS-40-3982). Applicant was indicted during the April 2012 term of the Richland County Grand Jury for Possession of a Stolen Vehicle, Value More than \$2,000 but less than \$10,000 (2012-GS-40-1424). Additionally, Applicant waived presentment to the Richland County Grand Jury for an additional count of Armed Robbery (2012-GS-40-5022). Jennifer C. Davis, Esquire, of the Richland County Public Defender's Office represented Applicant. On September 10, 2012, Applicant appeared before the Honorable L. Casey Manning, where he pleaded guilty pursuant to negotiations to all of the above-mentioned charges. Judge Manning accepted the parties' negotiations and sentenced Applicant as follows:

2011-GS-40-1073	Possession of a Stolen Vehicle	5 years
2012-GS-40-1424	Possession of a Stolen Vehicle	5 years
2011-GS-40-3982	Breaking into a Motor Vehicle	5 years
2011-GS-40-1074	Unlawfully Carrying a Pistol	1 year
2011-GS-40-0597	Burglary, 2 nd Degree	10 years
2011-GS-40-4392	Attempted Armed Robbery	20 years
2012-GS-40-5052	Armed Robbery	30 years
2011-GS-40-4645	Armed Robbery	30 years
2011-GS-40-4644	Armed Robbery	30 years
2011-GS-40-4391	Murder	50 years

Thereafter, Applicant filed a notice of appeal. The South Carolina Court of Appeals dismissed Applicant's appeal on October 17, 2012, for failing to provide a sufficient explanation as required by Rule 203(d)(1)(B)(vi). The Remittitur was sent on December 13, 2012.

While his direct appeal was pending before the South Carolina Court of Appeals, Applicant filed an initial application for post-conviction relief on November 27, 2012 (C.A. No. 2012-CP-40-7831). This application was dismissed without prejudice by written Order filed December 6, 2012, with leave to re-file upon the conclusion of his direct appeal.

In this action, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Involuntary guilty plea;
2. Ineffective assistance of counsel in that counsel failed to sufficiently prepare Applicant for trial, failed to provide him with a copy of discovery, and failed to file a meaningful notice of appeal.

II. SUMMARY AND EVIDENCE PRESENTED AT THE PCR HEARING

Applicant's Testimony

Applicant testified he pled guilty to a negotiated sentence of fifty (50) years imprisonment. Applicant testified he thought he was going to be picking a jury the day he pled guilty. He proclaimed he did not discuss the plea offer he ultimately entered into with Counsel and that they had no conversations concerning the negotiated deal.

Applicant asserted that he got into a physical altercation at the jail that day and had taken certain medications to treat his injuries. He also stated that he was suffering from depression at the time of the plea. He testified that he failed to alert the court and Counsel of this altercation.

Applicant testified that Counsel did not review discovery materials with him. He claimed he was unable to prepare for trial because he did not have a copy of those materials. Applicant stated that he did receive a full copy of discovery after he pleaded guilty. Applicant also asserted that the State did not have sufficient evidence tying him to the crimes he pled guilty to, but conceded that during the plea colloquy the State could find him guilty with the evidence they planned to present against him.

Counsel Jennifer C. Davis's Testimony

Counsel testified she represented Applicant on the charges currently before the Court and was appointed on or about September 10, 2012. Counsel testified she had concerns with Applicant's competency which prompted her to have him evaluated. The examining physician found Applicant competent to stand trial. Counsel testified that Applicant knew he was going to be pleading guilty as he made the decision to do so. Counsel testified she was still preparing for trial up until the day Applicant pleaded guilty. Counsel testified she fully advised Applicant multiple times of the rights he was waiving by pleading guilty and that they had discussions regarding the terms of the negotiated plea. Counsel testified that Applicant knew he was pleading guilty, had a full understanding of the consequences in doing so, and was fully aware of the terms of the negotiations.

Counsel testified that she reviewed the discovery materials with Applicant. She explained that Applicant knew what the State planned to present as evidence which included Applicant's palm print pulled from the scene of an armed robbery. The State also planned to present the statement from Applicant's girlfriend detailing how Applicant flushed empty shell casings down the toilet which matched the bullet fired from the gun that killed the victim. Counsel was prepared to challenge the confession Applicant gave to investigators on an evidentiary basis because Applicant denied ever giving such statement.

Counsel testified she did not see any grounds for an appeal which is also why she did not make any objections at the plea hearing. Counsel stated that Applicant was adamant about appealing the guilty plea which is why she filed the notice of appeal.

III. APPLICABLE LAW

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

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. 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).

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Involuntary Guilty Plea

Applicant argues he did not plead guilty knowingly and voluntarily. This Court finds otherwise and concludes that Applicant's guilty plea was entered freely and voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State,

376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

Applicant claims he did not know he was pleading guilty the day of the plea hearing and believed he would be picking a jury for trial. He also claims he did not understand that he was pleading guilty before the court. This Court finds this contention incredible. This Court finds the record reflects Applicant was advised of the waiver of his constitutional rights by the plea court's very thorough colloquy with Applicant. This Court finds very credible Counsel's testimony regarding her preparation and advice concerning the case and the amount of time Applicant was facing. The record reflects Applicant admitted his guilt to the plea court. He was asked if he was guilty by the plea judge dozens of times. This Court finds Applicant's testimony regarding his belief that he was going to trial to be absurd and unpersuasive. The record reflects that Applicant was further advised by the plea court of the maximum sentence he could receive on each charge, which included a life sentence on the murder charge. (Plea Tr. P. 14); See Wolfe v. State, 326 S.C. 158, 164, 485 S.E.2d 367, 370 (1997) (any possible misconceptions about sentence length cured by colloquy at guilty plea hearing). The plea court went to great pains to explain the amount of time Applicant was facing pursuant to the negotiated plea deal. Applicant was fully informed of the nature and consequences of his plea.

Applicant further claims that he did not enter his guilty plea freely and voluntarily because he was put on medication as a result of a fist fight just before pleading guilty. This Court finds these assertions to be not credible. Applicant failed to support these assertions with any

evidence and has therefore failed to meet his burden. See Rule 71:1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985) (Applicants bear the burden of proving the allegations in his or her application.). Applicant also failed to alert Counsel and the plea court of this alleged incident. See Barnes v. Thompson, 58 F.3d 971, 979 (4th Cir. 1995) (citing Strickland, 466 U.S. at 690-91, 104 S.Ct. at 2066) ("Counsel's actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant."). This Court also finds Applicant cannot prove prejudice as there was no testimony showing what effect the alleged medication would have had on Applicant. This allegation is denied and dismissed with prejudice.

This Court finds the plea judge correctly found Applicant's plea was freely, voluntary, and intelligently made. This allegation is denied and dismissed with prejudice.

Ineffective Assistance of Counsel

This Court finds Applicant failed to meet his burden to prove that counsel's performance was either deficient or ineffective for failing to sufficiently prepare Applicant for trial. To establish counsel was inadequately prepared, an Applicant must present evidence of what counsel could have discovered or what other defenses could have been pursued had counsel been more fully prepared. Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998). This Court finds trial counsel's testimony more credible than Applicant's testimony. This Court finds Counsel was thoroughly prepared to take Applicant's case to trial as she was preparing the case until the day Applicant pleaded guilty. Furthermore, Applicant failed to produce any evidence at the PCR hearing to show what Counsel should have but did not investigate at the PCR hearing, and therefore cannot prove any resulting prejudice. See Frasier v. State, 306 S.C. 158, 160-61, 410 S.E.2d 572, 573 (1991). This allegation is denied and dismissed.

This Court finds Applicant's allegation that Counsel failed to review discovery with him to be meritless. Counsel's credible testimony on the issue is persuasive. Counsel met with Applicant and reviewed the discovery materials. Counsel emphasized that Applicant knew what evidence would be presented against him if the case went to trial. This Court finds Applicant has failed to show how Counsel's alleged failure to provide him with a copy of discovery materials affected the outcome of his proceedings. This Court also finds Counsel's testimony credible with regards to her advice on the terms of the negotiated plea agreement and how she thoroughly reviewed the offer and its consequences. This Court finds these allegations are wholly without merit.

Finally, this Court finds Applicant has failed to carry his burden to prove Counsel was ineffective in her filing of the notice of appeal. "[C]ounsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480, 120 S. Ct. 1029, 1036, 145 L. Ed. 2d 985 (2000). Here, Counsel conferred with Applicant and testified to how adamant he was about appealing his plea and sentence. Pursuant to Applicant's wishes, Counsel then filed a timely Notice of Appeal. Counsel's credible testimony that there were no appealable issues is persuasive. This Court finds there was no basis in an appeal. The record before the Court, chiefly the guilty plea transcript, shows that the meticulous colloquy ensured Applicant was apprised of his rights and fully admitted his guilt. This Court also finds Applicant failed to present any evidence showing how he may be prejudiced by this alleged deficiency. See Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

It is also of significant note that Applicant pleaded guilty and, thus, waived all nonjurisdictional defenses and challenges. "A guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 129 (2014) (citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013); Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). This Court finds Applicant failed to meet his burden with regards to the allegations addressed above.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

V. 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. Applicant failed to demonstrate counsels' performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

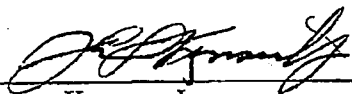
The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a 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, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is 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 will remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 25 day of Feb, 2015.



J. ERNEST KINARD, JR.
Presiding Judge

Cosmides, South Carolina