

ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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CERTIORARI TO RICHLAND COUNTY
The Honorable Robert E. Hood, Circuit Court Judge

S.C. Supreme Court

Case No. 2013-CP-40-3117

VANDER DAVON MEETZE

RESPONDENT,

v.

STATE OF SOUTH CAROLINA

PETITIONER.

APPENDIX

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1 STATE OF SOUTH CAROLINA) IN GENERAL SESSIONS
2 COUNTY OF RICHLAND) COURT
3)
4 STATE OF SOUTH CAROLINA,)
5) TRANSCRIPT
6 -V-) OF
7) RECORD
8 VANDER DAVON MEETZE,) 2010-GS-40-9525
9 DEFENDANT.)
10

11 APRIL 24, 2012

12 RICHLAND, SOUTH CAROLINA
13

14 B-E-F-O-R-E:

15 HONORABLE R. KNOX MCMAHON, JUDGE;
16

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

18 FOR THE PLAINTIFF:

19 DOLLY GARFIELD, ESQ.

20 LUCK CAMPBELL, ESQ.

21 MEGHAN WALKER, ESQ.

22 FOR THE DEFENDANT:

23 NATHANIEL ROBERSON, ESQ.
24
25

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I-N-D-E-X

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PG.

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MOTION:

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JURY QUALIFICATIONS:

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CERTIFICATE OF REPORTER:

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1 (The following proceedings were held on
2 April 24, 2013.)

3 THE COURT: All right, Solicitor.

4 MS. GARFIELD: Please the court. Before you is
5 Vander Meetze with his attorney Mr. Nathaniel Roberson.

6 Mr. Meetze has been charged with one count of
7 murder. This is on the trial docket today. The State's
8 ready to proceed and we're ready to proceed with the jury
9 selection.

10 THE COURT: All right. Do you have -- may I see
11 the indictment, Solicitor?

12 (Solicitor complies.)

13 Thank you. All right, Mr. Roberson, you represent
14 Mr. Meetze?

15 MR. ROBERSON: Yes, I do, Your Honor.

16 THE COURT: All right. Is the defendant ready for
17 trial?

18 THE DEFENDANT: Your Honor, we are ready for trial
19 to the extent that, if my client selects a trial. I've had
20 some discussions with the government.

21 The government has made him an offer to reduce the
22 charge from murder to voluntary manslaughter with the
23 sentencing range I understand from two years to three years
24 with the discretion being within the court once it hears the
25 facts of the case.

1 Today is the first time the offer was
2 communicated. I passed it onto to my client. Earlier today
3 even before the offer came there was some limited discuss
4 about the possibility that this would come about and I
5 communicated that to him and a couple of his family members.
6 Once we got back together here this afternoon they did make
7 the firm offer. I have discussed it with my client and he
8 has discussed it with some of his trusted family and
9 friends.

10 My client has communicated to me that it is his
11 desire to have another lawyer. In the discussions my
12 professional acumens have come into question. There are
13 some things I've heard that would seriously affect my
14 representation in this community as a lawyer and as a person
15 who's honest and open; not just with my client but with the
16 Court and with other folks in this community who would have
17 an opportunity to observe and further understand that can
18 even possibly affect my career. I don't know that there's
19 anything I could do to satisfy what has arisen out of a
20 dissatisfaction with the law as it is which I don't have the
21 ability to change but simply to explain and try to use it to
22 the advantage of my client; however, there are some
23 limitations on -- to what extent I can exploit those things
24 to his benefit that even appears to be an unwillingness to
25 understand those limitations. And if I were to go forward I

1 don't see how trying to navigate between the nonacceptance
2 of the exiting law, the arguments with the facts as they are
3 and how they relate to those elements of the law that make
4 the State case and those elements of the Defense that I
5 would need to put into play in order to raise a sufficient
6 defense. Given that as a backdrop, Your Honor, I don't --
7 this client is entitled to the effective assistance of
8 counsel and he's entitled to the full spectrum of what the
9 constitution demand that he have and he get. And I don't
10 think at this point that irrespective of what I do that I
11 cannot be effective and therefor I think his unwillingness
12 to accept my advice and what I think is in his best interest
13 will not allow me to assist him and exercise and of those
14 rights, Your Honor.

15 THE COURT: How long have you been representing
16 him, Mr. Roberson?

17 MR. ROBERSON: I think it may have been within a
18 we or two of him having been charged.

19 THE COURT: So if the indictment alleges it
20 happened 4 October, '09 you're been representing him since
21 the latter part of October?

22 MR. ROBERSON: Since '09, yes, sir.

23 THE COURT: Of '09.

24 MR. ROBERSON: Yes, sir.

25 THE COURT: Has he had any prior attorney?

1 MR. ROBERSON: I --

2 THE COURT: For this off -- for this incident?

3 MR. ROBERSON: Your Honor, I think the point. I

4 think there's an automatic appointment if -- you know, there

5 is a lawyer standing there at that point. So there may have

6 been some intervention from the part of the public

7 defender's office.

8 THE COURT: For the -- the appearance?

9 MR. ROBERSON: For a brief.

10 THE COURT: For a brief period of time?

11 MR. ROBERSON: Yes, sir.

12 THE COURT: But substantially you've represented

13 him the entire period?

14 MR. ROBERSON: Yes, I have.

15 THE COURT: All right. Have you ever remembered

16 him in the past?

17 MR. ROBERSON: No, I have not. I have not, Your

18 Honor.

19 THE COURT: All right.

20 MR. ROBERSON: But, Your Honor, I would also say,

21 I have been in professional relationships with many of his

22 family members and we've had a good working and professional

23 relationship. I wouldn't want that to be tainted because of

24 this one thing and, Your Honor, I hope that it would not but

25 I am afraid because of the relationships that that would be

1 seriously impaired if anything happened to him as a result
2 of this that may not be my fault but it's merely because of
3 the existing law, these facts and things that I can't do
4 anything about. And it's easy enough to find ways to
5 comfort one's self by escaping the reality and the truth of
6 the things that we things that we fact. And I don't know
7 that I would even be in a position to even try and navigate
8 them toward not making me primarily the blame for something
9 that happens that I don't have any control over.

10 THE COURT: And, of course, he's indicted for
11 murder. What is his potential minimum and maxim sentence on
12 murder?

13 MR. ROBERSON: Your Honor, as I understand it if
14 he's convicted of murder the minimum is 30 and I believe the
15 max is life.

16 THE COURT: Is there any eligibility for parole on
17 any of these offenses --

18 MR. ROBERSON: Your Honor, I --

19 THE COURT: Any of those sentences?

20 MR. ROBERSON: Your Honor, I believe this is a
21 most serious offense and as a result of that parole just
22 isn't a reality. I think you must serve because of it is
23 murder and because it's in the most serious category he has
24 to serve the 30 which is the minimum.

25 THE COURT: And how is your -- how old is Mr.

1 Meetze?

2 MR. ROBERSON: 22 years old.

3 THE COURT: 22?

4 THE DEFENDANT: Yeah.

5 THE COURT: Now, you said there was a plea offer
6 to voluntary manslaughter?

7 MR. ROBERSON: Yes, Your Honor.

8 THE COURT: And what -- what is the minimum
9 sentence and the maximum sentence on voluntary manslaughter?

10 MR. ROBERSON: Your Honor, I shared with them the
11 statutory language and I believe the minimum is two and the
12 maximum is 30.

13 THE COURT: Is there any offer as to a range of
14 sentencing?

15 MS. GARFIELD: No, sir.

16 THE COURT: So it's two to 30?

17 MS. GARFIELD: Yes, sir.

18 THE COURT: Be up to the sentencing judge?

19 MS. GARFIELD: Yes, sir; that's right.

20 THE COURT: Is voluntary manslaughter parole
21 eligible?

22 MR. ROBERSON: I believe it is, Your Honor.

23 THE COURT: You agree with that, Solicitor?

24 MS. GARFIELD: Yes, sir.

25 THE COURT: All right, Mr. Meetze.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: I believe you said you're 22 years
3 old?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: How much education do you have?

6 THE DEFENDANT: I got my high school diploma.

7 THE COURT: All right. You graduated?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You have any education beyond high
10 school?

11 THE DEFENDANT: No, sir. I wanted to but this
12 situation right here.

13 THE COURT: All right. Speak up just a little bit
14 for me.

15 THE DEFENDANT: I wanted to pursue it but the
16 situation right here kind of put me in a bind.

17 THE COURT: What -- what year did you graduate
18 from high school?

19 THE DEFENDANT: Oh, '07.

20 THE COURT: '07?

21 THE DEFENDANT: Yes, sir.

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

23 THE DEFENDANT: I work at KFC.

24 THE COURT: How long have you worked there?

25 THE DEFENDANT: For like nine months.

1 THE COURT: Now, you heard what Mr. Roberson told
2 me?

3 THE DEFENDANT: (The defendant nodded head.)

4 THE COURT: Correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Is there anything you would like to
7 tell me?

8 THE DEFENDANT: Yeah, I would like to say. No
9 disrespect to anyone but I have -- I have been like really
10 pleased with Mr. Roberson with like his response or
11 whatever. And kind of goes, you know what I'm saying.

12 THE COURT: If you could spoke up just a little
13 bit for me. I'm sorry. I --

14 THE DEFENDANT: I've been kind of like, just
15 caught off guard with what's going on and like it's just --
16 I know honestly fell like I have been represented to like
17 his best of abilities no disrespect to him. And I just
18 really want to like -- just be -- I want to have a fair
19 shot, Your Honor, that's all.

20 THE COURT: You want what?

21 THE DEFENDANT: Like a fair -- like a fair chance
22 at all of this, you know, me and my family discussed it.
23 And we just want, you know what I'm saying, pursue it with
24 another -- another lawyer or something like that. You know
25 what I'm saying. It won't take forever we just need a

1 little time that's all.

2 THE COURT: Well, time is a relevant thing.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I can give you an afternoon. I can
5 give you 12 hours. I can give you 30 minutes, you know,
6 that's relevant.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You got -- you got two issues in front
9 of the Court: One is whether or not I relieve Mr. Roberson
10 who I have a lot of respect for personally and
11 professionally, very good lawyer.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Very good trial lawyer. Very good
14 criminal defense lawyer; very experienced. So you have that
15 issue of whether or not I relieve Mr. Roberson.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And if I don't then the state would
18 call the case to trial.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: If I do, then the second issue is
21 whether or not I continue your case.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Or we continue forward with your case
24 with you representing yourself.

25 THE DEFENDANT: No, sir. Me and my family trying

1 to get that right now.

2 THE COURT: Well, you know, this case is, what two
3 years and four, five months -- well, no, five, six, seven
4 months. Two and a half years old. Evidently you were
5 properly noticed for trial, on the trial roster.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You seem to be an intelligent young
8 man and sooner or later you knew this day was coming.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And -- and it's here.

11 THE DEFENDANT: (The defendant nodded head.)

12 THE COURT: So what -- what you're asking me to
13 do?

14 THE DEFENDANT: Like just, if you can -- if you
15 could like extend like the time period so me and my family
16 can get a lawyer because it won't take us long, Your Honor.
17 You know, I just really want to like not -- not saying he
18 didn't do his job right. Like, I just really want a second
19 opinion over the whole thing. What's going on and what's
20 being presented in front of me.

21 THE COURT: Anything else you would like to tell
22 me?

23 THE DEFENDANT: Only think I can tell you is that
24 I work everyday, Your Honor. I come home and I just -- I'm
25 not a bad person, you know what I'm saying. But I

1 understand the situation that I'm in now, you know, but I
2 just really want -- I just really want to be represented
3 right, that's all.

4 THE COURT: All right. Solicitor.

5 MS. GARFIELD: Your Honor, the state's ready. I
6 just view this as a delay tactic.

7 MR. ROBERSON: Your Honor --

8 THE COURT: Ever been called for trial in the
9 past?

10 MR. ROBERSON: No.

11 MS. GARFIELD: No.

12 MR. ROBERSON: Your Honor, my I --

13 THE COURT: Yes, sir, Mr. Roberson.

14 MR. ROBERSON: Your Honor, I have only one other
15 commitment this week. I have an adoption for Saluda County.
16 I will make myself available to anybody he hires 24 hours a
17 day given the fact that I might need a little bit of sleep
18 every now and then. I will assist them in whatever way
19 possible.

20 But, Your Honor, my -- my final plea to the court
21 is I -- I know and understand what my obligation is to give
22 adequate counsel, advice and direction to the clients and
23 I'm a perilous when it comes to that. I don't ever want to
24 have a client be able to say that he didn't get all of his
25 constitutional protection and at this stage having heard

1 what I just heard recently I just don't feel that there is
2 no way that I can honestly say to this court now or even at
3 a PCR at some point in the future that I felt that I gave
4 him the kind of counsel and advice that he really need and
5 deserve in order for him to say that he was granted all of
6 his constitutional rights.

7 THE COURT: All right. At this time I am going to
8 deny Mr. Robertson's motion to be relieved. I am going to
9 deny the motion to continue the case.

10 I am going to select a trial jury for the trial of
11 the case. I will not swear the jury today. I will give
12 Mr. Meetze, Mr. Roberson an opportunity to discuss further
13 what appears to be a reasonable offer. I don't really know
14 anything about the facts of the case. I haven't heard any
15 witnesses or anything of that nature; perhaps, further
16 discussed the various issues that are being presented and
17 will further give him an opportunity to discuss those issues
18 further with as you say those trusted family members and
19 friends and such, Mr. Roberson.

20 MR. ROBERSON: Yes, sir.

21 THE COURT: All right. So at this time the motion
22 to relieve Mr. Roberson is denied. The motion to continue
23 is denied.

24 Anything before we bring the jury panel up,
25 Solicitor?

1 MS. GARFIELD: No, sir.

2 THE COURT: Mr. Roberson?

3 MR. ROBERSON: Nothing, Your Honor.

4 THE COURT: All right. Thank you. If you would
5 bring us our jury panel up please.

6 (Pause.)

7 BAILIFF: Jury panel's seated.

8 THE CLERK: Thank you. Thank you very much,
9 Mr. Bailiff.

10 Good afternoon, ladies and gentlemen of the jury
11 panel. My name is Knox McMahon. I'm a circuit court judge
12 from the 11th Circuit. The 11th Circuit includes Lexington
13 County Edgefield, Saluda and McCormick Counties. I'm
14 assigned to a term of General Sessions Court in Richland
15 County this week or criminal court. The state is now
16 prepared to call its next case for trial.

17 Solicitor.

18 MS. GARFIELD: Thank you, Your Honor. May it
19 please the Court. State calls case of The State of South
20 Carolina versus Vander Devon Meetze, Indictment Number
21 2010-9525. This is an indictment for the charge of murder.

22 THE COURT: Thank you. May I see the indictment
23 please, Solicitor?

24 MS. GARFIELD: Yes, sir.

25 THE COURT: Ladies and gentlemen of the jury

1 panel, if you'd please give me your complete and undivided
2 attention. We've now going to go through a procedure
3 whereby we select a trial jury for the trial of this case.
4 It has been called by the state.

5 As part of this procession I will ask you a number
6 of questions. I would ask you to respond accurately
7 truthfully and completely to these questions. As part of
8 these questions I will ask concerning your knowledge and
9 such about the facts of the case and to do that I will read
10 or publish the indictment to you.

11 The indictment, ladies and gentlemen, is not
12 evidence. The indictment is merely the formal charging
13 document by which an individual is placed on notice of the
14 charges that have been brought against him or her.

15 Again as I say, I will read or publish this
16 indictment to you because of the questions I will, herein
17 after, ask you.

18 Indictment Number 2010-GS-40-9525 reads that
19 Vander Devon Meetze did in Richland County on or about
20 October 4th, 2009 willfully, feloniously and intentionally
21 kill the victim Gleen Ford with malice aforethought either
22 pressed or implied by means of beating about the head and
23 body and the victim did die as a proximate result thereof in
24 Richland County, all in violation of Section 16-3-10 of the
25 Code of Laws of South Carolina, 1917 as amended. That is a

1 true bill indictment for murder against Vander Devon Meetze.

2 The state is represented by Assistant Solicitor
3 Garfield and Campbell, if you'd please stand; introduce
4 yourselves to the jury panel and any other members of the
5 solicitor's office staff that may assist you in the
6 prosecution of this case.

7 MS. GARFIELD: Good afternoon. I'm Dolly Justice
8 Garfield. I'm a prosecutor in Richland County.

9 MS. WALKER: I'm Meghan Walker. I'm also a
10 prosecutor here in Richland County.

11 MS. CAMPBELL: I'm Luck Campbell. I'm also a
12 prosecutor here.

13 THE COURT: Thank you. Thank you very much,
14 Ms. Garfield, Ms. Walker and Ms. Campbell.

15 The defendant, Mr. Meetze, is represented by
16 Mr. Nathaniel Roberson, if you'd please stand; introduce
17 yourself to the jury panel and your client.

18 MR. ROBERSON: If, Your Honor, please. Excuse me.

19 My name is Nathaniel Roberson. I am a sole
20 practitioner here in Columbia, South Carolina. I want you
21 to meet my client, Vander Devon Meetze. He also lives here
22 in Columbia.

23 THE COURT: Thank you. Thank you very much,
24 Mr. Roberson.

25 Thank you very much, Mr. Meetze.

1 Is any member of the jury panel related by blood
2 or marriage or close personal friend or have any business or
3 professional relationship with any of the attorneys involved
4 in this case, Assistant Solicitors Garfield, Walker or
5 Campbell or Mr. Roberson, if so please stand.

6 (Juror stands.)

7 All right. Yes, this is jury number?

8 PROSPECTIVE JUROR: 172.

9 THE COURT: 172 and tell me your relationship.

10 PROSPECTIVE JUROR: Ms. Walker and I used to work
11 together in the Attorney General's Office.

12 THE COURT: All right. All right. The fact that
13 you worked with her at the Attorney General's Office, could
14 you still be a fair and impartial juror in the trial of this
15 case for both the state and the defense?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Thank you. Thank you very much. You
18 may be seated.

19 Is any member of the jury panel ever been
20 represented by or any member of your immediate family ever
21 been represented by and or prosecuted by any of the
22 attorneys in this case, Assistant Solicitor Garfield, Walker
23 or Ms. Campbell or Mr. Roberson, if so please stand.

24 (There was no response.)

25 Is any member of the jury panel related by blood

1 or marriage or close personal friends of any employee of the
2 Richland County Solicitor's Office, if so please respond.

3 (There was no response.)

4 Mr. Roberson introduced his client to you,
5 Mr. Vander Devon Meetze. Is any member of the jury panel
6 related by blood or marriage or close personal friends or
7 have any social, business or professional relationship with
8 Mr. Meetze, if so please stand.

9 (There was no response.)

10 The indictment alleges an incident which occurred
11 on October the 4th of 2009 in Richland County the named
12 victim being one Gleen Ford. It alleges a homicide that
13 occurred by means of a beating about the head and body. Is
14 any member of the jury panel have any knowledge about the
15 case, if so please stand.

16 (There was no response.)

17 Is any member of the jury panel related by blood
18 or marriage or close personal friends or have any prior
19 business or professional relationship with the late Gleen
20 Ford, the victim, if so please respond.

21 (There was no response.)

22 Does any member of the jury panel have any bias or
23 prejudice toward the party that being either the state or
24 the defense, Mr. Meetze, or toward the subject matter
25 involved in the case, if so please stand.

1 (There was no response.)

2 Does any member of the jury panel heard or know
3 anything about the case from any source whatsoever, if so
4 please respond.

5 (There was no response.)

6 The witness list -- potential witness list and any
7 other voir dire that you may have or request.

8 MR. ROBERSON: Your Honor, I have only one
9 request.

10 THE COURT: Oh, yes, sir.

11 MR. ROBERSON: The incident is alleged to have
12 happened on -- near Hawthorn Avenue.

13 THE COURT: Near what avenue?

14 MR. ROBERSON: Hawthorn Avenue and Hanover Avenue.

15 THE COURT: Hawthorn and Hanover Avenue?

16 MR. ROBERSON: Yes, sir.

17 THE COURT: All right.

18 MR. ROBERSON: I would just ask to court to
19 inquire as to whether or not anybody in the jury panel has
20 any family, friend or close associates who live in that
21 area.

22 THE COURT: All right. I'm informed the incident
23 occurred in the area of Hawthorn Road and Hanover Avenue. I
24 will take that to be in the City of Columbia in the County
25 of Richland. Any member of the jury panel live in that area

1 or have any close -- or have family member or close personal
2 friends that live in the area of Hawthorn and Hanover in the
3 City of Columbia, if so please stand.

4 (There was no response.)

5 I'm going to call a list of names of potential
6 witnesses in the trial of this case, ladies and gentlemen.

7 The question, of course, is is any member of the jury panel
8 related by blood or marriage of any close personal friend of
9 any of these individuals whose name I now call.

10 I would advise if any of these individuals are
11 present in the courtroom at the time your name is called if
12 you'd please stand and face the jury panel.

13 I would advise the panel, however, that the
14 witnesses is not required to be present during this
15 proceeding, therefore, names may be called and no one
16 stands.

17 The first five names Melissa Renay Wilson, Chad
18 Edwards, Investigator Robert McCracken.

19 Investigator McCracken to my front right.

20 Thank you.

21 Officer Kevin Mitcham.

22 Officer Mitcham also to my front right.

23 Doctor Bradley Marcus. Is any member of the jury
24 panel related by blood or marriage or close personal friends
25 with any of those individuals whose names I just called and

1 or who just stood before you, if so please stand.

2 (There was no response.)

3 The next five names: Michelle Meetze, Latasha
4 Nichole Noel, Author Ditchie, Investigator Clarence Sumter.

5 This is Investigator Sumter to my front right.

6 Thank you, Investigator Sumter.

7 And Nichole Jacobs.

8 The next five names: Joshua Jerry Edwards,
9 Sergeant Author L. Thomas, Sergeant Dean Adams, Sarah

10 France, excuse me --

11 MS. GARFIELD: Should be Frances.

12 THE COURT: Frances?

13 MS. GARFIELD: Yes, sir. I apologize.

14 THE COURT: Sarah Frances parker, Waneta Hicks.

15 The next five names: David Darill Manaiza;

16 M-A-N-A-I-Z-A, Cameron Miller, Shaquil Deon Miller, Kalya

17 Christian Corbet, Investigator Ida Menendez.

18 The next five names: Investigator Roger Gillian,

19 Officer Brian Lily, Investigator Paul Nelson, Christen

20 Benson with the Richland County Coroner's Office and Preston

21 Lee Baxton. Is any member of the jury panel related by

22 blood or marriage or close personal friend or have any

23 business or professional relationship with any of those

24 individuals whose names I just called, if so please stand.

25 (There was no response.)

1 I would further advise the name of all the
2 officers I called so far are with the Columbia Police
3 Department. We will continue on. Investigator Lance
4 Reeves, Josh Jarden, William Buffington, Sergeant Daniel
5 Westly, Patrick James.

6 The next five names are all employed with the
7 State Law Enforcement Division: Amanda Web, Amy Stevens,
8 Patricia Crooks, Kimberly Meres, Heather Daily.

9 The next five names are all employed with the
10 State Law Enforcement Division: Tracie McKennon, Selena
11 Kindard, Sherry Brown, Verona Gibson, Nikki Hues.

12 The next five names: Doris Yarborough; with SLED,
13 Teressa Dickson and Donna Martin with the Columbia Police
14 Department, Dr. Lesiley Motes, Dr. James Morrison. Is any
15 member of the jury panel related by blood or marriage or
16 close personal friend or have any business or professional
17 relationship with any of those individuals whose names I
18 just called, if so please respond.

19 (There was no response.)

20 The next five names: Dr. Peter A. Felice,
21 F-E-L-I-C-E, Officer Anderson.

22 Is it -- do you know his first name or initial --

23 MS. GARFIELD: I don't.

24 THE COURT: Or her first name or initial?

25 MS. GARFIELD: I do not, Judge.

1 THE COURT: All right. McKalya Green or McKalya
2 Corbit, Steve Koehn, K-O-E-H-N, Dr. Christopher Watson.

3 (There was no response.)

4 The next five names: Julie Richburg it indicates
5 911. I assume she worked with 911. Ken Brown; with 911,
6 Darly Ford, Dr. Abreu --

7 MR. ROBERSON: Your Honor, this is not before the
8 court, Abreu that's how he pronounce his name.

9 THE COURT: I -- I apologize.

10 MR. ROBERSON: He pronounce that Dr. Abreu.

11 THE COURT: Abreu.

12 MR. ROBERSON: That's how he's known
13 professionally in Columbia.

14 THE COURT: Dr. Abreu, James Barber. Any member
15 of the jury panel related by blood or marriage or close
16 personal friends with any of those individuals whose names I
17 called and or who stood before you, if so please stand.

18 (There was no response.)

19 Any additional requested voir dire from the state?

20 MS. GARFIELD: No, sir.

21 THE COURT: From the defense, Mr. Roberson?

22 MR. ROBERSON: None from the defense, Your Honor.

23 THE COURT: All right. Finally, ladies and
24 gentlemen, each of you know yourselves best. You know the
25 nature of the case. When the case allegedly occurred,

1 where, the names of potential witnesses. Does any member of
2 the jury panel know any reason whatsoever why you feel like
3 you could not give a fair and impartial trial of this case
4 for both the state and the defense, if so please stand.

5 (There was no response.)

6 All right, no one stands.

7 If you give us the jury please, Madam Clerk.

8 What are the strikes, Solicitor?

9 MS. GARFIELD: Ten and five, Judge.

10 THE COURT: Ten for the defense --

11 MS. GARFIELD: Defense.

12 THE COURT: Correct, Mr. Roberson?

13 MR. ROBERSON: Yes, sir.

14 THE COURT: Five for the state; correct,

15 Solicitor?

16 MS. GARFIELD: That's right.

17 THE COURT: All right. Madam Clerk, would you
18 give the jurors the instruction?

19 THE CLERK: Yes, Your Honor.

20 Ladies and gentlemen of the jury panel, as I call
21 your number, please come down. Stand here in front of the
22 microphone and face both the state and the defense and give
23 us your occupation. Bring all your belongings with you, all
24 right.

25 Number 290 (black female)..

1 PROSPECTIVE JUROR: Up here?

2 THE CLERK: Right down here.

3 THE COURT: Come right down here to the microphone
4 please.

5 THE CLERK: Please turn and face the state -- face
6 the tables there and state your occupation.

7 PROSPECTIVE JUROR: I work for health service.

8 THE COURT: And, Young Lady, do might have to
9 speak up a little bit for me.

10 PROSPECTIVE JUROR: I work for the House of
11 Services Officer Fort Jackson.

12 THE COURT: Thank you. Thank you so much.

13 THE CLERK: What says the state?

14 MS. CAMPBELL: Please present the juror.

15 THE CLERK: What says the defense?

16 MR. ROBERSON: What's the juror's number?

17 THE CLERK: 290.

18 THE COURT: You just stand there. It's kind of
19 like me at home. Stand there sooner or later someone is
20 going to tell you what to do.

21 (Laughter.)

22 MR. ROBERSON: Please seat the juror.

23 THE CLERK: Have a seat in the jury box please.

24 Number 223 (oriental female).

25 PROSPECTIVE JUROR: I'm an account's manager for

1 a --

2 THE CLERK: What says the state?

3 MS. CAMPBELL: Please present the juror.

4 THE CLERK: What says the defense?

5 MR. ROBERSON: Please seat this juror.

6 THE CLERK: Have a seat in the jury box please.

7 Number-268-(black-female).

8 PROSPECTIVE JUROR: (There was no response.)

9 THE CLERK: Occupation please.

10 PROSPECTIVE JUROR: I'm unemployed.

11 THE CLERK: What says the state?

12 MS. CAMPBELL: Please excuse the juror.

13 THE CLERK: Have a seat in the back of the
14 courtroom please.

15 Number 217 (white female).

16 PROSPECTIVE JUROR: I'm a sleep tech with Sleep
17 Med Incorporated.

18 THE CLERK: What says the state?

19 MS. CAMPBELL: Please present the juror.

20 THE CLERK: What says the defense?

21 MR. ROBERSON: Beg the Court's indulgence for a
22 minute.

23 THE COURT: Yes, sir, certainly.

24 MR. ROBERSON: Please excuse the juror.

25 THE CLERK: Have a seat in the back of the

1 courtroom please.

2 Number 30.

3 (There was no response.)

4 Number 3-0 (black female).

5 PROSPECTIVE JUROR: Pay representative at

6 Lexington Medical.

7 THE CLERK: What says the state?

8 MS. CAMPBELL: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. ROBERSON: Please excuse the juror.

11 THE CLERK: Have a seat in the back of the

12 courtroom please.

13 Number 104 (white male).

14 PROSPECTIVE JUROR: I'm a computer repair tech for

15 Dell.

16 THE PLAINTIFF: What says the state?

17 MS. CAMPBELL: Please present the juror.

18 THE CLERK: What says the defense?

19 MR. ROBERSON: Please seat the juror.

20 THE CLERK: Have a seat in the jury box please.

21 Number 47 (black male).

22 PROSPECTIVE JUROR: I'm a nurse.

23 THE CLERK: What says the state?

24 MS. CAMPBELL: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. ROBERSON: Please excuse the juror.

2 THE CLERK: Have a seat in the back of the
3 courtroom please.

4 Number 264 (white male).

5 PROSPECTIVE JUROR: Part time student and work in
6 fast food.

7 THE CLERK: What says the state?

8 MS. CAMPBELL: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. ROBERSON: Please seat the juror.

11 THE CLERK: Have a seat in the jury box please.

12 Number 93 (black female).

13 PROSPECTIVE JUROR: I'm an administrative
14 assistance for department of resources.

15 THE CLERK: What says the state?

16 MS. CAMPBELL: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. ROBERSON: Please seat the juror.

19 THE CLERK: Have a seat in the jury box please.

20 Number 87 (black female).

21 PROSPECTIVE JUROR: I'm a retired administrative
22 assistance from the State of South Carolina and a

23 temporary -- worker for the budget commission.

24 THE CLERK: What says the state?

25 MS. CAMPBELL: Please present the jury.

1 THE CLERK: What says the defense?

2 MR. ROBERSON: Your Honor, may I inquire -- have
3 the court inquire as to what kind of work does her husband
4 do for the Department of Mental Health.

5 THE COURT: You object to that, ma'am?

6 PROSPECTIVE JUROR: No.

7 THE COURT: All right.

8 PROSPECTIVE JUROR: He's a driver.

9 MR. ROBERSON: Please seat the juror.

10 THE CLERK: Have a seat in the jury box please.

11 Number 44 (white female).

12 PROSPECTIVE JUROR: I'm a Customer Service Tech
13 Specialist with Verizon Wireless.

14 THE CLERK: What says the state?

15 MS. CAMPBELL: Please present the juror.

16 THE CLERK: What says the defense?

17 MR. ROBERSON: Please seat the juror.

18 THE CLERK: Have a seat in the jury box please.

19 Number 34 (white female).

20 PROSPECTIVE JUROR: I'm retired Human Resources
21 Specialist for the Federal Government.

22 THE CLERK: What says the state?

23 MS. CAMPBELL: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. ROBERSON: Please seat the juror.

1 THE CLERK: Have a seat in the jury box please.

2 Number 169 (black female).

3 PROSPECTIVE JUROR: I work with Mental Special

4 Tech.

5 THE CLERK: What says the state?

6 MS. CAMPBELL: Please present the juror.

7 THE CLERK: What says the defense?

8 MR. ROBERSON: I didn't hear what kind of work she
9 does.

10 PROSPECTIVE JUROR: Special -- mental specialist.

11 MR. ROBERSON: Mental.

12 PROSPECTIVE JUROR: Mental.

13 MR. ROBERSON: Your Honor, can the court inquire
14 whether or not she has any medical training that prepares
15 her for that profession?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: The answer was yes?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: All right.

20 MR. ROBERSON: Please excuse the juror.

21 THE CLERK: Have a seat in the back of the
22 courtroom please.

23 Number 297 (black female).

24 PROSPECTIVE JUROR: I'm retired from the
25 Department of Mental Health.

1 THE CLERK: What says the state?

2 MS. CAMPBELL: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. ROBERSON: (Pause.)

5 THE COURT: What type of work did you do at mental
6 health?

7 MR. ROBERSON: Mental health specialist.

8 THE COURT: Mental health specialist.

9 MR. ROBERSON: Please excuse the juror.

10 THE CLERK: Have a seat in the back of the
11 courtroom please.

12 Number 32 (black male).

13 PROSPECTIVE JUROR: I work for retail in Toys-R-Us
14 and Home Depo.

15 THE CLERK: What says the state?

16 MS. CAMPBELL: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. ROBERSON: Please seat the juror.

19 THE CLERK: Have a seat in the jury box please.

20 Number 100 (black male).

21 PROSPECTIVE JUROR: I'm a host at Palmetto Health
22 Richland.

23 THE CLERK: What says the state?

24 MS. CAMPBELL: Please excuse the juror.

25 THE CLERK: Have a seat in the back of the

1 courtroom please.

2 Number 123 (black male).

3 PROSPECTIVE JUROR: I'm a CST for South Carolina

4 Educational Lottery.

5 THE CLERK: What says the state?

6 MS. CAMPBELL: Please present the juror.

7 THE CLERK: What says the defense?

8 MR. ROBERSON: If, Your Honor, please. What does

9 a CST do?

10 PROSPECTIVE JUROR: I'm a technician for the

11 lottery.

12 MR. ROBERSON: Okay. Please seat the juror.

13 THE CLERK: Have a seat in the jury box please.

14 Number 231 (black male).

15 PROSPECTIVE JUROR: Clerk at the post office.

16 THE CLERK: What says the state?

17 MS. CAMPBELL: Please present the juror.

18 THE CLERK: What says the defense?

19 MR. ROBERSON: What was his number?

20 THE CLERK: Number 231.

21 MR. ROBERSON: Please seat the juror.

22 THE CLERK: Have a seat in the jury box please.

23 Number 78 (black female).

24 PROSPECTIVE JUROR: Letter carrier for the post

25 office.

1 THE CLERK: What says the state?
2 MS. CAMPBELL: Please present the juror.
3 THE CLERK: What says the defense?
4 MR. ROBERSON: Please seat the juror.
5 THE CLERK: Have a seat in the jury box please.
6 THE COURT: Let's get one alternate. The strikes
7 are one and two?
8 THE CLERK: Yes, Your Honor.
9 Number 233 (black male).
10 PROSPECTIVE JUROR: I'm a booth operator for AMC
11 theaters.
12 THE CLERK: What says the state?
13 MS. CAMPBELL: Please present the juror.
14 THE CLERK: What says the defense?
15 MR. ROBERSON: Please seat the juror.
16 THE CLERK: Have a seat in the jury box please.
17 THE COURT: One alternate will be sufficient,
18 Solicitor; Mr. Robertson?
19 MS. GARFIELD: Yes, sir.
20 MR. ROBERSON: I think so.
21 THE COURT: All right. Any motions regarding the
22 jury selection process from the state?
23 MS. GARFIELD: No, sir.
24 THE COURT: From the defendant?
25 MR. ROBERSON: No, Your Honor.

1 THE COURT: Defense -- all right. With that being
2 said, ladies and gentlemen, momentarily I'm going to ask you
3 to step to your new temporary home, your jury room, while I
4 give further instructions to your colleges that were not
5 chosen to sit on the trial of this case.

6 Upon your return I will give you further
7 instructions but I will tell you now you're not to discuss
8 with anyone that includes your fellow jurors, your family,
9 your friends or anyone else. You would not be authorized to
10 discuss this case until you've heard all the evidence; all
11 the testimony in the case; the closing arguments by the
12 attorneys and the instruction on the law by the court and
13 then directed by the court to begin your deliberations with
14 your fellow jurors in your jury room. You may not discuss
15 this case until that time; until you're directed to do so by
16 the court with your fellow jurors in your jury room.

17 Further, you may not do any investigation on the
18 case personally or otherwise. In other words, you couldn't
19 go out to the scene nor could you use your computer or
20 cellular phone or any other electronic device with the
21 communication capabilities to look up any information about
22 the case which is prohibited. The information about the
23 case which is prohibited include but is not limited to the
24 following: Information about a party, a witness, a court
25 officer or an attorney. Prior news reports about the case.

1 should there have been any. Any information that you think
2 might would be beneficial in helping you decide the case or
3 any other information that you think you should research in
4 making your decision about the case.

5 You determine the case, you reach your verdict
6 based on the evidence and the testimony you hear from the
7 witnesses testifying under oath before you from the witness
8 stand. Any physical items or photographs or objects or the
9 like that's introduced into evidence and the instruction on
10 the law by the court.

11 As I say I will give you further instructions
12 about that before the end of our day today but at this time
13 I would ask you to please go with your bailiff to the jury
14 room. I will have you back out here momentarily. Thank you
15 very much.

16 (The jury retires from the courtroom at
17 2:03 p.m.)

18 All right. For those of you that were not
19 fortunate enough to be selected as jurors for trial of this
20 case please do not give up hope. The week is young. There
21 are many cases to be tried. It's been my pleasure and
22 privilege to be with you today. I'm going to ask you to
23 please return to your jury assembly room on the first floor,
24 is that -- is that correct? The juror assembly room for
25 further instructions concerning your jury service for the

1 remainder of the week. Again thank you. Thank you very
2 much.

3 (The remaining members of the jury panel
4 retires from the courtroom at 2:04 p.m.)

5
6 Court will be in recess for 15 minutes. I would
7 like to see the attorneys in chambers. Thank you very much.

8 Sheriff, Mr. Meetze is in custody.

9 Thank you.

10 (Whereupon, a short recess was held.)

11 All right. Mr. Bailiff, would you bring us our
12 jury panel please?

13 BAILIFF: Yes, sir.

14 (The jury returned to the courtroom at
15 2:24 p.m.)

16 BAILIFF: Your Honor, jury's present.

17 THE COURT: Thank you, Mr. Bailiff.

18 All right. Ladies and gentlemen of the jury
19 panel, I believe y'all reported back today at 12:00, is
20 that -- is that correct?

21 (The jurors nodded head.)

22 Well, I've held you captive long enough for the
23 day. Momentarily I'm going to release you from your jury
24 service for the remainder of the day. Before I do that I
25 need to give you a number of instructions, first off. The

1 delay from 12 o'clock to when we selected the jury panel had
2 nothing to do with the parties in this case. They were not
3 on time. They were early and they were early and they were
4 working very diligently in the preparation of the case for
5 presentation before you, the trial jury.

6 I know you will not hold that against either party
7 the state or Mr. Meetze. If you hold it against anyone
8 please hold it against me. I prefer you not hold it against
9 anyone but if you do I'll -- I'll take that. I'll take that
10 blame.

11 Your time is very valuable to me. You're very
12 valuable to the system. And the system would not be able to
13 move forward without your -- I won't say voluntary
14 participation but without your willing participation.

15 This case is no different from many other cases
16 that are called for trial. There are certain pretrial
17 matters that I must talk up with the attorneys prior to the
18 beginning of the taking of testimony in the trial of a case
19 and rather than have you remain in your jury room for the
20 remainder of the afternoon I'm going to release you from
21 your service and ask you to please be back promptly at 10
22 o'clock in the morning. Please be back in your jury room
23 promptly at 10 o'clock in the morning.

24 I'm going to give you some further instructions
25 concerning your jury service during the trial of this case

1 and I will, perhaps, question you about these instructions
2 upon your return. Please remember that during this recess
3 you're to not discuss this case with anyone that includes
4 your follow jurors, family, friends or anyone else, if
5 anyone tires to talk with you about the case please let me
6 immediately.

7 Again, ladies and gentlemen, I'm going to talk
8 with you about the use of your personal commination devises
9 during the trial of this case, you're not to use your
10 computer, cellular phone or any other electronic devise with
11 communication capabilities while in attendance at trial or
12 during deliberations. These devises may be used at lunch
13 breaking but may not be used to obtained or disclose
14 information that is prohibited. You may not even have these
15 devises in the jury room with you. Further as far as your
16 computer or cellular phone or other electronic devise you
17 may not use them even when you're not in court to obtain or
18 disclose information about the case. Information about the
19 case includes but is not limited to information about a
20 party, a witness, an attorney or a court officer, news
21 accounts of the case, information collected through juror
22 research on any topic raised or testimony offered by any
23 witness or information collected through juror research on
24 any other topic that you might think would be helpful in
25 deciding the case. So you cannot do any investigation on

1 the case personally or on the internet. That's exactly what
2 this means. You can't do any search of a term or person or
3 party or anything of that nature. You decide the case based
4 on the evidence and the testimony you hear from the
5 witnesses testifying under oath from this witness stand.
6 Any exhibits, photographs of the like introduced into
7 evidence and the law as I tell you the law is. Please
8 remember you're under oath to accept and to follow those
9 instructions.

10 Further, you may not watch, listen to or read any
11 news reports about the case should there be any. With those
12 instructions, ladies and gentlemen, I'm going to excuse you
13 for the remainder of the day and the evening. I would ask
14 you to please report back promptly at 10 o'clock in the
15 morning. Please be back promptly at 10 o'clock. The
16 bailiffs will instruct you on how you would return to your
17 jury room. With that being said you're now excused. I hope
18 y'all have a pleasant evening. Thank you. Thank you very
19 much.

20 (The jury retires from the courtroom at
21 2:30 p.m.)

22 All right. Anything further from the state in the
23 case of State versus Meetze, Solicitor?

24 MS. GARFIELD: Just for scheduling purposes, Your
25 Honor, we do have some pretrial matters to take up. The

1 defendant did give a statement. We need to do a Jackson V.
2 Denno hearing as well as possibly a Bigger hearing.

3 THE COURT: All right. And you want to do those
4 in the morning?

5 MS. GARFIELD: That's fine, Judge.

6 THE COURT: All right. And, Mr. Roberson, any
7 further matters from the defendant?

8 MR. ROBERSON: Nothing from the defense, Your
9 Honor.

10 THE COURT: All right. As far as this case is
11 concerned, we'll be in recess until nine a.m. in the
12 morning. The jury will return at ten a.m. Thank you very
13 much.

14 Mr. Meetze is in custody of the Richland County
15 Detention Center.

16 MR. ROBERSON: Your Honor, may I ask a favor of
17 the Court. And I know these gentleman are going to do the
18 best they can. The quicker they can get him to the jail the
19 quicker I can begin deliberating with him.

20 SHERIFF: Yes, sir.

21 MR. ROBERSON: I appreciate it kindly if you
22 would.

23 SHERIFF: We will.

24 THE COURT: Thank you. Thank you very much, Mr.
25 Roberson.

1 Thank you, Sheriff's. All right.

2 (End of proceedings.)

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1 COUNTY OF RICHLAND)

2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported

4 the preceding case entitled State of SC V. Vander Davon

5 Meetze, Case No. 2010-GS-40-9525, at the Richland County

6 Courthouse, April 24, 2010.

7 I FURTHER CERTIFY that the foregoing pages 1

8 through 43 constitute a true, accurate and full transcript

9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of

11 the parties hereto and I have no financial interest in the

12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand

14 and seal at Richland County on this 8th day of April, 2013.

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Crystal Holmes, Court Reporter
and Notary Public for the
State of South Carolina my
Commission Expires:
April 21 2014

1 STATE OF SOUTH CAROLINA) IN GENERAL SESSIONS
2 COUNTY OF RICHLAND) COURT
3)
4 STATE OF SOUTH CAROLINA,)
5) TRANSCRIPT
6 -V-) OF
7) RECORD
8 VANDER DAVON MEETZE,) 2010-GS-40-9525
9 DEFENDANT.)

10

11 APRIL 25, 2013

12 RICHLAND, SOUTH CAROLINA

13

14 B-E-F-O-R-E:

15 HONORABLE R. KNOX MCMAHON, JUDGE;

16

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

18 FOR THE PLAINTIFF:

19 DOLLY GARFIELD, ESQ.

20 LUCK CAMPBELL, ESQ.

21 MEGHAN WALKER, ESQ.

22 FOR THE DEFENDANT:

23 NATHANIEL ROBERSON, ESQ.

24

25

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I-N-D-E-X

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PLEA:

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CERTIFICATE OF REPORTER:

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1 THE CLERK: Raise your right hand please.

2 THEREUPON,

3 VANDER DEVON MEETZE,

4 after having been duly sworn, testified as follows:

5 THE COURT: All right, Solicitor.

6 MS. GARFIELD: Thank you, Your Honor. May it
7 please the Court. Standing before you is Vander Devon
8 Meetze. He's with his attorney Mr. Nathaniel Roberson.

9 Your Honor, Mr. Meetze has been charged with one
10 count of murder. Upon plea negotiations the defendant is
11 entering a guilty plea to voluntary manslaughter. The state
12 does not have any recommendations as to sentencing.

13 There's several members of the victim's family in
14 the courtroom as well as law enforcement.

15 It's my understanding that from talking in
16 chambers that you will be ordering a presentence
17 investigation so I will be prepared to give a short summary
18 of the facts and, maybe, a longer version at sentencing.

19 THE COURT: All right. Mr. Roberson.

20 MR. ROBERSON: Yes, sir.

21 THE COURT: Is that correct?

22 MR. ROBERSON: I'm in agreement with that, Your
23 Honor.

24 THE COURT: All right. Mr. Roberson, you
25 represent Vander Devon Meetze?

1 MR. ROBERSON: Yes, I do.

2 THE COURT: Have you explained to him the charge
3 of voluntary manslaughter, the elements of that charge, the
4 possible punishments and his rights; including his rights to
5 a jury trial?

6 MR. ROBERSON: Yes, I have, Your Honor. In
7 addition to explaining to to him individually I have a
8 common practice of people who are of tender years there's
9 also a family member or somebody who they are real close to.
10 I get their permission to share with them the pitfalls and
11 good things about trial and have their inputs. As a result
12 of that, I've had a discussion with his father, his mother,
13 his grandmother and his stepmother and I'm satisfied that he
14 fully understand all of his constitutional rights.

15 THE COURT: All right. Thank you very much.
16 How does he indicate he intends to pled to the
17 charge of voluntary manslaughter?

18 THE DEFENDANT: Guilty, Your Honor.

19 THE COURT: Do you agree with that decision?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Are you Vander Devon Meetze?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, Mr. Meetze, before I can accept
24 the plea of guilty, it's necessary for me to ask you certain
25 questions to determine if your plea is being given freely

1 and voluntarily.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: If you do not understand my questions
4 at any time please let me know. I will try to explain them
5 to you, if at any time you wish to talk with your lawyer
6 please let me know.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I will allow you to do so, okay?

9 THE DEFENDANT: (The defendant nodded head.)

10 THE COURT: Speak up a little bit.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. And some of these
13 questions we went over yesterday but we're going to go over
14 again today, all right.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, tell me again how old you are?

17 THE DEFENDANT: 22 years old.

18 THE COURT: And how much education do you have?

19 THE DEFENDANT: High school diploma.

20 THE COURT: What type of work you do?

21 THE DEFENDANT: I work at KFC.

22 THE COURT: And I believe you said you been there
23 about nine months?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Today are you under the influence of

1 any medications, drugs or alcohol?

2 THE DEFENDANT: No, sir.

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

6 THE DEFENDANT: No, sir.

7 THE COURT: You heard your attorney, Mr. Roberson,
8 tell me that he's explained to you the charge of voluntary
9 manslaughter; the elements of that charge; the possible
10 punishments and your constitutional rights including your
11 right to a jury trial.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Is that correct?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I've been handed up an Indictment,
16 2010-GS-40-9525 a true bill indictment. It basically reads
17 that Vander Devon Meetze did in Richland County on or about
18 October 4th of 2009 willfully, feloniously and intentionally
19 kill the victim Gleen Ford with malice aforethought either
20 expressed or implied by means of beating about the head and
21 body and the victim did die as approximate result thereof in
22 Richland County. In violation of 16-3-10 of the South
23 Carolina Code of Laws as amended. That's an indictment for
24 murder. It appears you're being allowed to plead guilty to
25 voluntary manslaughter which carries a sentence of not less

1 than two no more than 30 years, do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, Mr. Meetze, when you plead guilty
4 you give up certain very important constitutional rights.
5 You give up your right to remain silent, that is your right
6 against self incrimination. Your right to say nothing at
7 all. I tell people you give up your right to keep your
8 mouth shut.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You cannot be compelled to testify or
11 provide evidence against yourself.

12 Second, you give up your right to have a jury
13 trial, that is your right to have a jury decide whether or
14 not you are guilty beyond a reasonable doubt. They would
15 base their decision upon evidence which the state would have
16 to present and on any evidence you might wish to introduce.
17 In a trial you would be presumed to be innocent. The state
18 would have to produce evidence that would convince the jury,
19 all 12, that you were guilty beyond a reasonable doubt.

20 Third, you give up your right the front and be
21 confronted by the witnesses against you. That is the right
22 to see, to hear and to cross-examine witnesses through your
23 attorney that may be called against you during the trial and
24 the right to subpoena witnesses on your behalf, you
25 understand these rights?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: You understand, Mr. Meetze, that when
3 you plead guilty you give up these very important
4 constitutional rights?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Is that what you want to do?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You understand you will not get a jury
9 trial if you pled guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Understanding the nature of the charge
12 of voluntary manslaughter and the potential punishment of
13 two to 30 years. How do you plead to that charge; guilty or
14 not guilty?

15 THE DEFENDANT: Guilty.

16 THE COURT: You understand that when you plead
17 guilty you admit the truth of the charge against you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Mr. Meetze, you may have defenses to
20 this charge; I don't know whether you do or not. You
21 understand that when you plead guilty you give up or waive
22 any defenses you have to this charge?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You may have made an incriminating
25 statement in this case; I don't know if you did or not. If

1 you plead guilty do you understand that you waive or give up
2 the right to contest or challenge whether such statement was
3 given freely and voluntarily and in accordance to your
4 constitutional rights?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Did you commit this offense?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are you guilty?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Solicitor, have there been plea
11 negations in this case?

12 MS. GARFIELD: Only the reduction.

13 THE COURT: All right. So the reduction from the
14 murder charge which would carry a minimum of 30 years up to
15 life without parole?

16 MS. GARFIELD: Yes, sir.

17 THE COURT: To voluntary manslaughter which
18 carries from two years to 30 years, is that correct?

19 MS. GARFIELD: Yes, sir.

20 THE COURT: Mr. Roberson, is that the complete and
21 correct negations stated into the record?

22 MR. ROBERSON: That's it, Your Honor.

23 THE COURT: Is that your understanding,
24 Mr. Meetze?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you still wish to plead guilty?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Has anyone promised you anything or
4 held out any hope of reward to get you to plead guilty?

5 THE DEFENDANT: No, sir.

6 THE COURT: Has anyone threatened you or used
7 force to get you to plead guilty?

8 THE DEFENDANT: No, sir.

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

11 THE DEFENDANT: No, sir.

12 THE COURT: Have you had enough time to -- let's
13 see this happened become October of '09, October 4th of '09?

14 MS. GARFIELD: Yes, sir.

15 THE COURT: Have you had enough time to make up
16 your mind about whether or not you want to plead guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you pleading guilty of your own
19 free will and accord?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Is it your decision?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You're doing what you want to do?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: I want to ask you about your attorney

1 standing to your right, Mr. Roberson, are you satisfied with
2 the manner in which your lawyer has advised you and
3 represented you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Have you talked with your lawyer as
6 often and for as long as you feel necessary for him to
7 properly represent you?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You need anymore time to talk with
10 your lawyer?

11 THE DEFENDANT: No. No, sir.

12 THE COURT: Have you understood your talks with
13 your lawyer?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Has your lawyer done everything for
16 you you feel like he could have done or should have done?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Has your lawyer done anything in the
19 case you feel like he should not have done?

20 THE DEFENDANT: No, sir.

21 THE COURT: Are you totally and completely
22 satisfied with your lawyer's services?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you have any complaints you want to
25 make about your lawyer, the solicitors or any offices

1 involved in your case?

2 THE DEFENDANT: No, sir.

3 THE COURT: Now, your lawyer, Mr. Roberson,
4 mentioned earlier that you had the opportunity to speak with
5 your father.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Your mother.

8 THE DEFENDANT: Yeah, I talked to her over the
9 phone.

10 THE COURT: Over the phone?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Your grandmother.

13 THE DEFENDANT: Yeah, yesterday.

14 THE COURT: And your stepmother.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And over the evening hours you had an
17 opportunity to speak with Mr. Roberson.

18 THE DEFENDANT: I just talked to him earlier.

19 THE COURT: Earlier today and yesterday?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And how about any family members?

22 THE DEFENDANT: Just over the phone yesterday.

23 THE COURT: And what about today?

24 THE DEFENDANT: Nobody but my father and my
25 stepmother.

1 THE COURT: This morning?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Did you meet with them this morning?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Prior to entering this plea?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And you're entering this plea freely

8 and voluntarily?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Meetze, have you understood my

11 questions?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Is there anything you would like to

14 ask me about what we just been over?

15 THE DEFENDANT: No, sir.

16 THE COURT: Do you understand that you would have

17 a right to appeal your guilty plea and the sentence of the

18 court and I'm not going to sentence you today.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You would have to do that, you or your

21 lawyer, within ten days of when I impose the sentence.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And you have no questions?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right. Solicitor, if you would

1 give me brief facts for a factual foundation on the plea.

2 MS. GARFIELD: Yes, sir. Your Honor, on
3 October 4th, 2009 around 12:30 p.m. law enforcement
4 responded to an assault call on the conner of Hawthorn and
5 Hanover Streets that's in the City of Columbia here in
6 Richland County.

7 When two law enforcement officers with the
8 Columbia Police Department arrived they found the victim
9 Gleen Ford to be lying in the roadway uncontentious and
10 bleeding from his mouth.

11 EMS was called and Mr. Ford was transported to
12 Richland Memorial Hospital where he was found to have severe
13 broken jaw as well as other facial and internal injures. He
14 went into surgery to repair the jaw and the surgery was
15 successful; however, due to the surgery Mr. Ford developed a
16 deadly pneumonia and he did end up expiring on October 7th,
17 2009.

18 When law enforcement investigations was assigned,
19 Investigator McCracken and Investigator Sumter who are
20 present in the courtroom they began to investigate the case
21 and found witnesses to testify that the day before had been
22 Gleen Ford's 48th birthday and on that night he had had a
23 party at a neighbor's house. They that had a great time and
24 the next morning Mr. Ford was back over at the neighbor's
25 house explaining to them -- thanking them for the fun that

1 he had had. He even indicated that it was the best birthday
2 party of his life.

3 His girlfriend; however, who lived a couple houses
4 down was upset with Mr. Ford because he had been out
5 partying all night and they began to argue out in the
6 roadway. The neighbor across the street which would be the
7 defendant's mother came outside arguing at them. She was
8 tire of him being so load because she was trying to sleep at
9 which point Mr. Ford who didn't exactly operate as fast past
10 level as all us intellectually responded to her request to
11 be quiet by insulting her and calling her the B word. At
12 that time it's a bit undisputed whether or not Ms. Meetze
13 called her son or went inside and got her son but eventually
14 her son come out and got into a red Crown Victoria and began
15 to ride around the neighborhood.

16 He indicates in his statement he went to take his
17 grandmother to work I believe she lives nearby as well but
18 eventually he sees Mr. Ford who now is walking in this
19 direction Hanover and Hawthorne intersection. He gets out
20 of the car and witnesses would have testified that he
21 tripped the victim and began to kick him in the facial and
22 body area upper body area approximately 20 times. That is
23 the extent of the facts, Your Honor.

24 Mr. Ford and I could give you a lot more
25 information but I will save it for sentencing, Your Honor.

1 He was born to a family of nine siblings -- several of them
2 are present in the courtroom today along with his mother and
3 father who's seated here (indicating).

4 The defendant does not have any prior convictions
5 and to my calculations he will have served including
6 yesterday's incarceration a total of 146 days.

7 THE COURT: All-right. Thank you. Thank you very
8 much.

9 Since I am not going to impose sentence today I
10 will withhold any victim impact statements at this time.

11 MS. GARFIELD: Yes, sir.

12 THE COURT: If that's appropriate, Solicitor,
13 Mr. Roberson, I would find there is a substantial factual
14 basis for this guilty plea to voluntary manslaughter, that
15 Mr. Meetze's decision to enter this plea is freely,
16 voluntarily, knowingly and intelligently given, that he's
17 had the advice of counsel of a very competent experienced
18 attorney with whom he says he's well and totally satisfied.
19 His plea of guilty to voluntary manslaughter is therefor
20 accepted.

21 Mr. Roberson, did have a motion as far as
22 sentencing?

23 MR. ROBERSON: Your Honor --

24 THE COURT: Or a request?

25 MR. ROBERSON: This may sound strange, but a lot

1 of the witnesses in the state's case would have been
2 aggravation as far as presentation of the facts and how it
3 would weigh on our decision to try this case and, included
4 in those statements they would have made is also mitigation
5 on the part of my client and it is for that reason I would
6 like for the court to request that a presentence.
7 investigation report be done and well at the same time I can
8 now freely collect those witnesses to come in and help the
9 court better understand who Vander Meetze is and what
10 happened that day and several days previously.

11 THE COURT: All right. Thank you. Thank you very
12 much, Mr. Roberson.

13 All right. I will be defer sentencing at this
14 time. I would ask for a presentence investigation to be
15 prepared by Probation Parole and Pardon Services and be made
16 available to the court no later than 21 May of 2012. I
17 believe that is the next term that I'm assigned to Richland
18 County Court of General Sessions.

19 All right. Anything further, Mr. Roberson?

20 MR. ROBERSON: Nothing further, Your Honor.

21 THE COURT: Solicitor?

22 MS. GARFIELD: Nothing.

23 THE COURT: And as I say I will listen to victim
24 impact at that time along with any and all mitigations.

25 MR. ROBERSON: Thank you, Your Honor.

1 THE COURT: Thank you. Thank you very much.

2 Sheriff, until that time Mr. Meetze is in the

3 custody of the Alvin S. Gleen Detention Center.

4 END OF PROCEEDINGS

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1 COUNTY OF RICHLAND)

2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported
4 the preceding case entitled State of SC V. Vander Davon
5 Meetze, Case No. 2010-GS-40-9525, at the Richland County
6 Courthouse, April 24, 2010.

7 I FURTHER CERTIFY that the foregoing pages 1
8 through 19 constitute a true, accurate and full transcript
9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of
11 the parties hereto and I have no financial interest in the
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand
14 and seal at Richland County on this 8th day of April, 2013.

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Crystal Holmes, Court Reporter
and Notary Public for the
State of South Carolina my
Commission Expires:
April 21 2014

State of South Carolina

Court of General Sessions

County of Richland

2010-GS-40-02595

The State of South Carolina :

-VS-

TRANSCRIPT OF RECORD

Vander Meetze :

May 24, 2012

Columbia, South Carolina

B E F O R E:

The Honorable R. Knox McMahon, Judge.

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

Dolly Garfield, Esquire
Attorney for the State

Nathaniel Roberson, Esquire
Attorney for the Defendant

Daphne D. Helms
Circuit Court Reporter

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-1	mental evaluation		34

1 **The Court:** Thank you. Thank you very much. Good
2 afternoon. Please be seated.

3 **Ms. Garfield:** Your Honor, I have not seen Mr. Roberson
4 yet. He was here earlier, but I have not seen him since
5 lunch.

6 (Pause in proceedings.)

7 **Mr. Roberson:** I apologize, Your Honor. I thought we
8 were on for 2:30.

9 **The Court:** They told me 2:00. Is that correct?

10 **Ms. Garfield:** That's what I heard.

11 **The Court:** 2:00.

12 **Ms. Garfield:** They're bringing him up right now.

13 **Mr. Roberson:** These would be part of our presentation.

14 **The Court:** Thank you. Thank you very much.

15 (Mr. Meetze is brought into the courtroom.)

16 Vander Meetze, after being duly sworn, testified as
17 follows:

18 **The Court:** All right. Solicitor?

19 **Ms. Garfield:** Thank you, Your Honor. May it please the
20 Court? Your Honor, before you is Vander Meetze with his
21 attorney, Mr. Nathaniel Roberson, of the private bar. Beside
22 me is Investigator Robert McCracken with the Columbia Police
23 Department.

24 Your Honor, Mr. Meetze pled guilty before Your Honor on
25 April 25th of this year to a charge of voluntary

1 manslaughter. That charge was reduced from a charge of
2 murder. At that time Your Honor accepted the guilty plea and
3 deferred sentencing for a presentence investigation to take
4 place. It's my understanding that report has been concluded
5 and presented to Your Honor, and we are here today for a
6 final sentencing.

7 For the record, in the courtroom is the deceased's,
8 Glenn Ford's, father as well as his two brothers and sister.
9 If you recall, Judge, his mother was here at the last court's
10 hearing. However, leaving court after the hearing she fell
11 on the stairs and has cracked three ribs, and so she's unable
12 to move and come here today.

13 **The Court:** All right. Thank you. Would you relate for
14 me for the record the facts of this case, Solicitor?

15 **Ms. Garfield:** Absolutely, Your Honor. This incident
16 occurred on October 4th of 2009 on the corners of Hawthorne
17 and Hanover Streets. It's a neighborhood within the Columbia
18 -- it's in the city limits.

19 The victim resided in this area. He -- also residing in
20 the area was Vander Meetze' mother, Michelle Meetze. She
21 lived across the street from a house where the victim often
22 hung out. The night before, the victim had been at that
23 house where they had been celebrating his 48th birthday.
24 They had a big party, big cookout. Lots of drinking. Lots
25 of good times.

1 The following morning, October 4th, 2009, Mr. Glenn Ford
2 went back over to the house to tell the host that he had such
3 a great time that he'd like to have another birthday party
4 there, and he even told them that that was the best birthday
5 he'd ever had. Well, apparently he was quite loud when he
6 was outside, and Ms. Meetze became very irate because
7 apparently he was often loud and often woke her up. We're
8 talking about around 10:00 in the morning.

9 She went outside to confront the victim, and there's no
10 dispute between all parties that Vander Meetze' mother and
11 the deceased victim did exchange words at which point it's
12 unclear of whether or not Ms. Meetze called her son or she
13 went into the home to awake her son, but at any -- it doesn't
14 matter. Eventually the defendant showed up.

15 It's my understanding he claims he was going to take his
16 grandmother to work, all in the same neighborhood, and at
17 which point the victim, Glenn Ford, had started to walk
18 towards a park. He was actually walking to see an elderly
19 lady who actually he sort of looked up to as a mother who
20 helped him keep his finances in order. She would actually
21 receive his check and help him pay his bills. He was going
22 to see her to get the money.

23 He was walking along a park, minding his own business,
24 when the defendant stopped his car, got out of the car and
25 began to charge towards the victim. The victim began to run

1 away from Mr. Meetze at which point Mr. Meetze tripped him,
2 causing the victim, Mr. Ford, to fall where witnesses who
3 were around the neighborhood would have testified, Judge,
4 that Mr. Meetze proceeded to kick Glenn Ford approximately 16
5 to 20 times around the body.

6 One witness would have testified that after he concluded
7 kicking Mr. Ford, he ran -- he said to him loudly where she
8 could hear it, "I should have run over your stinking ass,"
9 and I apologize for the expletives. He -- another witness
10 would have also said as he had tried to approach to stop the
11 fighting that Mr. Meetze looked at him and said - 'and I'm
12 going to leave out the dirty words, Judge - but he said,
13 "What? What? What are y'all going to do? I'll kill all of
14 y'all." He also later bragged to someone else that he had
15 gotten his ass, referring to Glenn Ford.

16 After he left, left him lying in the ground unconscious
17 and bleeding, witnesses, neighbors, rushed over to him,
18 called 9-1-1. An ambulance came and did transport Mr. Ford
19 to the hospital. Mr. Ford was immediately treated for a
20 broken jaw and had to have surgery to repair facial bone
21 damage into his face.

22 As a result of that, he developed a bronchial situation
23 where it developed into pneumonia which ultimately resulted
24 into his death. Had he not been in the hospital, witnesses
25 would have testified - the medical personnel as well as the

1 pathologist - that had he not been in the hospital he would
2 not have developed this condition that led to his death, and
3 that's the extent of the facts, Your Honor.

4 Mr. Meetze was much younger than the victim, much bigger
5 than the victim. His prior record -- I don't believe he has
6 any prior convictions, and I believe that's all for a factual
7 basis, Judge.

8 **The Court:** What time was the incident that occurred
9 between Mr. Meetze's mother and Mr. Ford?

10 **Ms. Garfield:** I'd say an hour or so.

11 **The Court:** Before?

12 **Ms. Garfield:** Uh-huh. Yes, sir.

13 **The Court:** And what time of day did you say?

14 **Ms. Garfield:** I believe the ambulance arrived around
15 noon, and the original altercation outside was like around
16 10:00, and I could be off a half-hour.

17 **The Court:** How far was the location where the assault
18 and ultimate homicide was committed -- how far was that from
19 the location where Mr. Meetze's mother and Mr. Ford had the
20 altercation?

21 **Ms. Garfield:** I've consulted with Investigator
22 McCracken. He believes it's about a half a block.

23 **The Court:** About a half a block?

24 **Ms. Garfield:** Yes, sir.

25 **The Court:** All right. Any victim impact, Solicitor?

1 **Ms. Garfield:** Your Honor, the victim's brother, Daryl
2 Ford, has pretty much been my liaison with the family, and I
3 believe he would like to address the Court.

4 **The Court:** All right. I'd be glad to hear from him.

5 **Daryl Ford:** Your Honor---

6 **The Court:** Have him come down to that microphone at the
7 corner. All right. Tell me your name, please.

8 **Daryl Ford:** My name is Daryl Ford.

9 **The Court:** All right. Yes, sir. I'll be glad to hear
10 from you. Just speak up where I can hear you.

11 **Daryl Ford:** All right. My name is Daryl Ford, and both
12 the families done been through a trauma. And I don't know
13 what else to say, but I forgive him, but I would put him in
14 handcuffs because I'm originally -- I'm originally a God-sent
15 man myself, and I don't believe in holding no animosity
16 against no one. So I'm going to leave it at that. Both
17 families have suffered so much, have done so much to where
18 this incident is in your hands. That's all I can say.

19 **The Court:** Thank you. Thank you very much. Thank you,
20 Mr. Ford.

21 **Daryl Ford:** Yes, sir. I think my father wants to say
22 something.

23 **The Court:** All right. I'll be glad to hear from him.

24 **Mr. Rhodes:** Good afternoon, everybody. My name is
25 Raymond Rhodes, Jr. I'm Glenn Ford's daddy. He was a

1 preacher. He had three (unintelligible words spoken) in the
2 suitcase snatched away from him long ways. He was too
3 little to go the way he was going, but God knows up in Heaven
4 right from wrong. He don't make no mistakes. He will
5 address it always with justice. That's all.

6 **The Court:** Thank you. Thank you very much.

7 **Ms. Garfield:** Judge, we'll reserve any other
8 presentation for reply.

9 **The Court:** All right. Thank you. Thank you very much,
10 Solicitor. All right. Mr. Roberson?

11 **Mr. Roberson:** May it please the Court? Your Honor, I
12 have a lot of people here from the community who have known
13 Vander Meetze and his family all of his life. All of them
14 will not be speaking, but I do have a recipe of those who
15 will. Everybody who is here on behalf of Mr. Meetze, will
16 you please stand? Thank you.

17 **The Court:** Thank you. Thank you very much.

18 **Mr. Roberson:** Your Honor, first I would like for Mr.
19 Leon Martin to come down and have a few words with the Court.

20 **The Court:** All right. Yes, sir. Your name, please?

21 **Mr. Martin:** My name is Leon Anthony Martin.

22 **The Court:** Glad to hear from you, Mr. Martin.

23 **Mr. Martin:** Nice to meet you, too. I'm Davon's uncle,
24 and first of all, I'd like to give my sympathy to the
25 victim's family. I'm sorry that this happened and I know for

1 a fact that Davon -- it's not what it appears to be. I've
2 known Davon since he was an infant basically, and he's never
3 been in any serious trouble. I think whatever happened in
4 this particular case he just -- in the heat of the moment he
5 did some things to the... I know he's very apologetic
6 because he talked to me about it several times, and he just
7 -- he just lost it at that particular time and I don't think
8 he meant for this to get this serious where another person
9 lost their life.

10 Like I said, Davon is a hard -- he's a hard worker. He
11 helps his grandma around the house a lot and his ma, and this
12 is a very unfortunate incident. And, again, my sympathy goes
13 out to the family.

14 **The Court:** Thank you. Thank you very much, Mr. Martin.

15 **Mr. Roberson:** Patricia Martin.

16 **Ms. Martin:** Good afternoon, everyone.

17 **The Court:** Good afternoon.

18 **Ms. Martin:** And, again, we would like to give our
19 sympathy to the family. And one thing that Mr. Ford's father
20 said is that God is in control, and He definitely is in
21 control today. I am the aunt of Davon and I've known him
22 from an infant, and he's a very polite and very intelligent
23 young man, and I don't believe that he expected -- he did
24 this out of the heat of anger maybe for that split moment,
25 but I know Davon to be a very respectful young man, a hard

1 worker, hadn't known him to be in trouble, helps his
2 grandmother and his mother. And I pray and ask the Court to
3 have mercy on him, to have mercy on this young man. He have
4 so much to give and so much to offer and if -- and, again,
5 you know, he's a very gentle person, and I pray that
6 everything will work out for him today. We, too, are a God-
7 fearing family, and I pray that God will show mercy on him as
8 well.

9 **The Court:** Thank you. Thank you very much.

10 **Mr. Roberson:** Lisa Tinkler?

11 **Woman in the courtroom:** She's not here.

12 **Mr. Roberson:** Monica Murphy? Ann Foster.

13 **Ms. Foster:** Your Honor?

14 **The Court:** Yes, ma'am.

15 **Ms. Foster:** I am Ann Foster. I have had the privilege
16 of knowing Davon and his family for the past five years. Let
17 me also back up. My condolences to your family. This truly
18 is a tragedy on all sides. I've known Davon five years. I
19 find him to be a -- he worked for me for an academic year at
20 U.S.C. I work for Sodexo. He is a polite, peace-loving
21 young man. At the birth of his niece, he was brought to
22 tears. He's a good person.

23 This -- this terrible crime is completely out of
24 character for this young man. He's a smart young man,
25 dedicated to his family, and especially that young man. I

1 can't say enough about his mother. I love her. I know his
2 grandmother, his uncle, his brother. He's a very respectful,
3 polite young man, and this is very out of his character.

4 **The Court:** Thank you. Thank you very much for being
5 with us, Ms. Foster.

6 **Mr. Roberson:** Palona (phonetic) Jackson.

7 **The Court:** What's her name, Mr. Roberson?

8 **Mr. Roberson:** Beg your pardon?

9 **The Court:** What's her name?

10 **Mr. Roberson:** These are ministers in the church that he
11 did volunteer work for.

12 **The Court:** I was asking this young lady's name.

13 **Ms. Bishop:** I'm Jennifer Bishop.

14 **The Court:** All right, Ms. Bishop.

15 **Ms. Bishop:** I've known Davon in a capacity---

16 **Mr. Roberson:** Tell him you're associated with what
17 church.

18 **Ms. Bishop:** I'm with Grace Christian Church and, pardon
19 me, my sincere condolences for your loss. I sincerely
20 apologize. I've known Davon in the capacity of a mentor, as
21 an employee, and as a volunteer with our organization. At
22 all times he has presented himself as a young man of great
23 character, very loving, very dedicated, and very much so
24 committed to what he says that he's going to do. As his
25 employer, I have never - and I've had to work with a lot of

1 persons - but I have never had to reprimand him for being
2 tardy, for interactions with other persons in the community,
3 because there's one particular program he works with. We
4 serve about 5,000 children a day, and Davon was tasked with
5 helping to prepare foods and then delivering those foods.
6 And so he intermingles with a lot of persons, and at no time
7 have I ever had any complaints and actually have only gotten
8 praises about Davon from persons who worked in the community.

9 And, again, from my standpoint as an employer, I look
10 forward to him working with us this summer with our program
11 because he is just that valued. And so I pray for mercy on
12 Davon and mercy on the Court as you render a sentence on him
13 because he is the one that this tragedy happened and I wish,
14 as I'm sure we all wish, it would not have happened. But as
15 Mr. Ford said, God is in control and he does not make any
16 mistakes, and so I know that if he is able to come home that
17 he will be a contributing citizen to this community as he has
18 been. Thank you.

19 **Ms. Hammond:** Good afternoon. I'm Angela Hammond. I'm
20 also a member of Grace Christian Church. Vander has also
21 been a very valuable person to us. When I think about his
22 contribution to our summer feeding program, there were times
23 when he had to handle or handle situations with some of our
24 troubled youth. As Ms. Bishop stated earlier, that we do
25 feed 5,000 children between the ages of 2 and 18 during the

1 summer. He was very valuable in dismissing or controlling
2 situations with some of the troubled youth. I believe that
3 he would be an asset to our community once this episode in
4 his life has concluded. We are very happy to have him back.
5 In fact, we've been praying for his release for him to come
6 home and continue to work with our summer program because he
7 is needed.

8 Again, Your Honor, we pray for the mercy of the Court in
9 this situation. Again, we express our condolences to the
10 family for their loss, and, again, we believe that God is in
11 control.

12 **The Court:** Thank you, Ms. Hammond.

13 **Mr. Roberson:** Your Honor, this is his grandmother.

14 **The Court:** All right.

15 **Ms. Lucas:** Good afternoon, Judge, and other members of
16 the court. My name is Christine Lucas. I'm the grandparent
17 of Vander. I've had Vander since he was born. I raised him
18 until he got 18 years old. He got out of school. During the
19 time I raised him, he never gave me any, any, any, any
20 problems at all. I myself and Vander had prayed since this
21 incident had happened. Vander had prayed so much that he was
22 on his knees like Tebow in football playing, but like I tell
23 Vander, all this is going to be all right. Just put it in
24 the hands of the Lord.

25 And we, the Meetze family, would like to show --

1 apologize. I'm sorry for the loss of Mr. Ford. And the
2 comments Mr. Ford's son made, we appreciate that. But if you
3 can, Your Honor, please do what you can to try to give him a
4 lenient time in a way he could come back to the community.
5 He have a seven-month-old baby that he was raising. It's not
6 his, but it's his brother's.

7 And Vander is a person -- I can't say nothing bad about
8 him. I'm the grandmother and I know more about him than
9 anybody in here because I raised him, but please be lenient
10 on him and let him come home and go back to his jobs and
11 stuff - he has two jobs out there waiting on him - so he can
12 continue on being with his family, and I want to thank you
13 all.

14 **The Court:** Thank you.

15 **Mr. Roberson:** Your Honor, this is a neighbor of Mr.
16 Ford and Mr. Meetze.

17 **The Court:** All right. Thank you. Tell me your name,
18 please.

19 **Mr. Barber:** My name is James Barber.

20 **The Court:** Spell your last name for me.

21 **Mr. Barber:** B-A-R-B-E-R. I'm Glenn Ford's brother-in-
22 law.

23 **The Court:** All right. And you're married to Glenn's
24 sister?

25 **Mr. Barber:** No, sir. Glenn married my sister.

1 **The Court:** Glenn married your sister.

2 **Mr. Barber:** Yes, sir, in 1983.

3 **The Court:** All right.

4 **Mr. Barber:** Glenn Ford and my grandmama is good
5 friends. Glenn came to stay with us in '83. Glenn went to
6 Ohio, and after he came back from Ohio I told him his
7 grandmama had passed away. I told Glenn Ford, "Sir, you can
8 stay here with my mama and me. You always can stay here with
9 me." He said, "Okay. I'm fine. I'll stay here. Are you
10 sure?" I'm like, "Yeah, you can stay here."

11 So I gave Glenn a room to stay in. I told Glenn, "I'm
12 fixing to go to church." I said, "You know I done changed my
13 life over. I don't do what I used to do." I said, "I'm a
14 church man now." He said, "No, you don't go to church." I
15 said, "Yeah, I'm an usher on our church board. I'm at Zion
16 Canaan Baptist Church."

17 Every time I talk to Vander, he always want to tell you
18 to come on to his church. I said: You know what? If Vander
19 -- if he's that young man that goes to church, I'm an older
20 man and I know I can go to church, too. So I all the time
21 see Vander and talk to Vander. That's someone he -- I never
22 heard the man curse. I never hear him got a foul... He
23 always have a smile, loving smile, and a handshake. Vander
24 will take the shirt off his back and give it to you if you
25 ask him for it.

1 Every time Vander see me walk, he always stop the car
2 and say, "Hey, man, do you need a ride? Are you all right?"
3 I say, "Yeah, brother, I'm fine." I said, "I'm always going
4 to be fine." I always talk to his mom. I talk to his
5 brother, and I talk to his grandmama.

6 Vander Meetze -- when I heard about that Sunday morning,
7 I didn't -- I didn't believe it because Vander is not a
8 violent person. He's not violent and he never will be
9 violent. To me, Vander Meetze needs to go home to his family
10 and to be with his loving family and grandmama because that's
11 all she always think about is Vander.

12 Your Honor, his grandmama has got a bad heart. Please
13 send him home to his family because he needs to be there. I
14 take a loss. I understand the Ford family takes a loss. By
15 Glenn being dead, we're not going to get him back. By Vander
16 being in jail, we're not going to get him back. By Vander
17 being home, we're still not going to get him back. I'm
18 taking a loss, too. So we would like to see Vander go home
19 to be with his family so we can all be at peace. Thank you.

20 **Ms. Meetze:** Hello, Your Honor.

21 **The Court:** Good afternoon.

22 **Ms. Meetze:** Good afternoon. My name is Michelle
23 Meetze. I'm Vander Meetze's mom. I first would like to say
24 there's no winners in this case. Vander's -- Vander lose and
25 so the Ford family lose. There's nothing else we can do

1 about it. Just like his brother said, we all have suffered
2 enough. Just like my mother, she raised him, but he is my
3 child. He's just a grandmama's boy, so he love to be over
4 there.

5 I'd just like to ask you to be as lenient on my son as
6 you could because he -- my mama raised him, but he's with me
7 now. He helps me around the house. He is the man of my
8 house, but now that he's not there, his younger brother have
9 to step up and he can't do like Vander do because I need him
10 here to help him take -- to keep his younger brother on
11 track. He got his younger brother back in school, and he was
12 off to school until, you know, this tragedy happened.

13 But the Bishops have everything lined up for him. If he
14 was to come home, he will be attending school and he also
15 have two jobs. So I'm just asking you to be as lenient as
16 you can on my son and, once again, I'm sorry to the Ford
17 family.

18 **Mr. Roberson:** Your Honor, this is his father.

19 **The Court:** All right.

20 **Mr. Robinson:** Good evening. My name is Vander
21 Robinson, and, first of all, I'd like to say my condolences
22 to the Ford family for their loss. I've prayed enough and I
23 know God is here and God is able, and I just ask that you
24 have mercy on my son. Thank you.

25 **The Court:** Thank you, Mr. Robinson.

1 **Ms. Bolden:** Your Honor, my name is Taheela (phonetic)
2 Bolden. I would first like to give my condolences to the
3 Ford family for your loss, and I have been a friend of the
4 family for about as long as Davon has been born. Me and his
5 mom, we're very good friends. I have seen Davon grow up over
6 the years.

7 Like every average teenager, he have faced odds and he
8 have fought against them and he have won them, and I really,
9 really deep down in my heart don't think that he ever
10 intended for any of this to happen at all because he's just
11 not that type of person. That's not his character, and like
12 a lot of people have said in here, when you see him he's
13 always smiling. He's always willing to help. He's always
14 doing whatever he can for anybody he can.

15 So I say to the Ford family: I understand that this has
16 been a tragic loss for you and that you can't get your family
17 member back, but I know in my heart that he never intended
18 for this to happen at all. And I know that you guys want
19 justice, but there's really no justice in this for either
20 side. So I'm just asking that the Court please just please
21 just be as lenient towards him as you can because he has
22 worked so hard, so hard to overcome all that he has been
23 through.

24 So I just ask you, Lord -- I mean, Judge, that you just
25 find it in your heart to just be as lenient with him as you

1 possibly can because he is a young man that has tried and is
2 still trying. Thank you.

3 **The Court:** Thank you.

4 **Mr. Roberson:** Your Honor, I'm probably taking this out
5 of order because I realize the Court is going to give him a
6 chance to speak. I'd like for him to speak now, if it's
7 okay.

8 **The Court:** Certainly. Yes, sir. Certainly, Mr.
9 Roberson. Yes, sir. I'll be glad to hear from you.

10 **Mr. Vander Meetze:** Good afternoon, Your Honor.

11 **The Court:** Good afternoon.

12 **Mr. Vander Meetze:** I have a letter that I wrote, and I
13 sent it off to my attorney. You know, I'm going to start off
14 -- I would like to start off by sending my condolences and
15 deepest apologies to both families in this situation because
16 we both lost. To lose and be away from a loved one is the
17 hardest thing to deal with. I'm fully aware of my actions,
18 and I'm very remorseful about them. I'm also fully aware of
19 things that I didn't do, but I also understand that everyone
20 has a role to play, better yet, a job to do and I have
21 numerous ones myself.

22 I'm a son, a grandson, a big brother, a nephew, an
23 uncle, and a great friend to others. Let alone, I'm a leader
24 and a role model as well. I'm a good person with an even
25 better heart who regarding any circumstances I'll help anyone

1 and give my last to anyone.

2 I have also made some poor decisions, but we all have
3 made them in our life. Mistakes are made daily, and once --
4 we are only human, but what you learn from them is what
5 really matters the most. This is the one that changed my
6 life forever. I have been judged and talked down by many of
7 my family and my own peers, but that only falsely-accused
8 situation only made me stronger.

9 I know the truth about this situation and God does, too.
10 I just ask that you look inside my heart and see that like He
11 did. I was never a troubled person. You can see that from
12 all of this. And my future looked so bright with nothing but
13 positive things ahead of me. My life was never perfect, but
14 I never complained, neither will I ever make an excuse for
15 anything that I ever did.

16 But, honestly speaking, deep down in the bottom of my
17 heart, I'm not the person that I'm portrayed out to be. I
18 just ask that you have mercy as well as a second chance for a
19 successful life. I honestly feel and know that this
20 situation wasn't handled properly from the start, but I know
21 deep down in my heart that it will be resolved in such a fair
22 manner. Thank you.

23 **The Court:** Thank you. Thank you, Mr. Meetze.

24 **Mr. Roberson:** May it please the Court?

25 **The Court:** Yes, sir.

1 **Mr. Roberson:** Your Honor, just by way of background,
2 Vander was born July 30th, 1989, here in Richland County. He
3 has one brother, a 19-year-old student at Denmark Tech. He
4 attended public schools at Bradley, W.A. Perry, C.A. Johnson,
5 and he earned his G.E.D. at Watkins Adult School here in
6 Richland County.

7 He started his first job in 1906 where he -- I mean 2006
8 where he worked for Wendy's there at Richland Fashion Mall
9 from 4 in the afternoon until 11 at night. When he left that
10 job, he went to work for Sodexo - this lady that just spoke -
11 at the Russell House on the University of South Carolina
12 campus. We've heard from two ladies who talk about his
13 volunteering during the summers at the Christ of Church --
14 Body of Christ Church where they feed all of these children,
15 and even when that program started having some difficulties
16 he volunteered at the Grace Church doing the same thing.

17 Of course, when he was arrested and charged in this, he
18 lost the job at Sodexo, but he never gave up trying to find
19 work. So even with the obstacle of the criminal charges
20 pending, he was able to land him another job at the Kentucky
21 Fried Chicken. I believe I handed up a letter from his
22 supervisor who can give some account of his professional
23 abilities, his duty, and his honor towards his employers and
24 how he conducted himself with customers and that kind of
25 thing.

1 Your Honor, the grandmother said she practically raised
2 him until he became 18 when she kind of felt that it was time
3 that he could started making some decisions on his own, and
4 then he moved in with his mother out at -- near this incident
5 location for which he continued to work and he helped his
6 mother sustain herself and helped the mother help sustain the
7 son who was in school. You know, in all of my practice of
8 law, I have always been restrained when it comes to supplying
9 information to the Court so that the Court could have an
10 adequate picture of my client, the conduct of others he was
11 involved with, so that in the end the Court would be in a
12 better position to pass judgment on the conduct, particularly
13 on the day in question.

14 So it is with some hesitation and reluctance that I find
15 myself having to do something against my better judgment, and
16 I do so in this case because if I do not give the Court an
17 adequate picture of the things that Ms. Meetze and her son
18 experienced for approximately three years, at a P.C.R. I
19 think I would have to admit that I was ineffective if I did
20 not do so.

21 So with that as an explanation, I'll say to you that
22 when Michelle moved into that community, Glenn was living
23 maybe one or two houses away from her. There is a mindset --
24 and listen to me, Your Honor. There's a mindset in some of
25 our communities that if a person is on a path toward

1 bettering themselves, they're acting white. You're better
2 than I am. If you're better than I am, you can't associate
3 with me, and it's my responsibility to bring you down.

4 Michelle and Vander and his brother never became a part
5 of that process. They went out of their way to avoid it, and
6 because they did not succumb to that, Mr. Ford and his
7 friends decided to engage in conduct that borders on
8 terrorizing these people. Day in and day out they would walk
9 by. They would yell, throw trash, beer bottles, beer cans, a
10 variety of other things in the yard. Many times when
11 Michelle or Vander would go out to clean up their front yard,
12 they would find these items and some of the most filthy
13 things - and excuse my expression - used condoms among the
14 trash that they had to clean up.

15 Now, when all of this was being pushed off on them, all
16 they would do is to ask him to please leave us alone. As it
17 became apparent that they would not submit to that, it
18 started to increase with greater frequency and with greater
19 intensity.

20 Apparently Mr. Ford may have been receiving some kind of
21 benefits maybe for some ailment. Almost to the minute they
22 could determine when that check or when that money was
23 released to him because there was a renewal of the attempts
24 to harass and intimidate them, and it just got to the point
25 where it was unbearable.

1 Now, when they first moved in, they did call the police
2 on several occasions, but because there was no physical
3 contact or anything, that was almost in vain. But I'm
4 informed that the police were regular visitors to this
5 community, not necessarily because of Glenn but some of his
6 friends as well who engaged in the same kind of conduct.

7 On this particular day, Michelle was trying to get some
8 rest because she has to work. Vander was over there as well.
9 Vander was in the back of the house. She heard the noise.
10 She -- he's physically on the edge of their property. She
11 heard the noise and she simply stepped outside and said,
12 "Glenn, would you please cut out the noise? I'm trying to
13 sleep. You've been doing this for a long time. I'm tired of
14 it." And, of course, the upshot of all of that is: You've
15 now become bitches, we don't like you, causing a disturbance,
16 drew a big crowd.

17 Eventually Vander came out of the house, grabbed his
18 mother, and took her back into the house, got her calmed
19 down. That wasn't sufficient for Glenn. He still continued
20 to raise Cain and cause a disturbance.

21 Vander's mother almost invariably would call him when
22 it's time for her to go to work. Almost simultaneous with
23 him getting back into the house and getting Michelle calmed
24 down, the grandmother called him. He got in his car at the
25 back of the house, went in the opposite direction that he

1 always goes to avoid the conduct.

2 At the end of that street, he made a left turn. At the
3 end of that block, he made another left turn. This is his
4 mother's house here. Glenn is now living in the house here
5 because he had been put out of the house he was living in.

6 Glenn goes to the end of this block, the next block, and
7 then makes a left turn -- a right turn. That's where he
8 intersects Vander Meetze going to take his grandmother to
9 work.

10 Vander recalls slowing down because he saw Glenn and
11 some of his friends, and realizing what their conduct was, he
12 didn't know what to expect. When he got almost to him,
13 Vander remembers him sticking his leg out as if he was going
14 to stop the car. What he did was stop - and it's his mistake
15 - got out of that car to talk to Glenn to tell him please
16 leave me and my mother alone, as he's done for approximately
17 three years.

18 Glenn apparently lunged at him or was doing something.
19 He tripped him down and did, in fact -- he did hit Glenn a
20 couple of times. This man, you see how big he is. Look at
21 the autopsy report and see how much Glenn weighed. If he
22 stomped him 22 times, the autopsy report would have revealed
23 that.

24 Vander Meetze got in his car, went and picked his
25 grandmother up, took her to work and came back to the house

1 and parked his car in the same place and was sitting on the
2 back porch when the police came and asked for his
3 identification. They gave him -- he gave them the
4 identification and they disappeared.

5 Your Honor, the next knowledge that Vander had of the
6 situation with Mr. Ford was when he was notified that Mr.
7 Ford had expired. They came to the house with a search
8 warrant. They searched his car, cut some materials out of
9 it, took some of his clothing. All of that, as my memory
10 serves me, that was tested at S.L.E.D. and all of it was
11 negative. Even the shoes he was wearing, there was no blood
12 or anything on that. They tested it.

13 Your Honor, I say that simply to say this: To what
14 extent a man has to defend his honor, H-O-N-O-R, his mother's
15 honor to try and have some peace in his castle... You can't
16 expect him to yield but so much. Three years. This was a
17 constant activity for Mr. Ford and some of his friends. It
18 got to the point where the begging and the resistance just
19 went for naught.

20 Vander apologizes for getting out of that car. He knows
21 he should not have, but, Your Honor, you know we all are
22 human, and sometimes our human emotion drives us to do things
23 that we wouldn't ordinarily do, but I don't know to what
24 extent after almost three years where that has been
25 constantly tested and the man's human qualities say that he

1 must stand up for himself -- because at some point in time
2 you're going to have to stop running.

3 I don't have the wisdom to know or even suggest what is
4 the appropriate disposition of this case, but the first thing
5 I can remember of my father who was the superintendent of the
6 Sunday school -- the first thing I remember: He was the
7 superintendent of the Sunday school, and when he passed, he
8 was the head deacon in our church. And the one thing that he
9 instilled in us and it carries me today and I passed it on to
10 my daughters and I hope it sinks in with them as much as it
11 did for me and this is intended to be biblical and spiritual:
12 The seeds that you sew, so shall ye reap.

13 I don't believe that that is a slight to Mr. Glenn. He
14 had a right to live, just as all of us. I don't believe
15 there's a human being that has ever lived on this earth that
16 has been given the authority to take a life. The general
17 assembly has made some provisions for the Court as a guide.

18 Your Honor, my client was originally charged with
19 aggravated assault. But for Glenn's death, this Court would
20 be addressing an appropriate sentence for aggravated assault
21 which carries up to ten years. Your Honor, I'm not a doctor,
22 but I did sit with an internist who reviewed the records and
23 he told me that the records say that on the day in question
24 Mr. Ford's lungs had already started to fill with a white
25 kind of yellow substance. There's nothing in the record

1 beyond that to show that Mr. Ford was ever aspirated, that
2 they never tested for pneumonia and, of course, when it got
3 to the point that it became necessary, it was probably beyond
4 repair.

5 Your Honor, the blood alcohol for Mr. Ford would
6 think -- I believe would be two points less than five times
7 what the presumption rate is for driving under the influence.
8 I believe there was a significant amount of T.H.C. also
9 tested in his system. Your Honor, that may well have led to
10 some of his conduct. To what extent, that should be of value
11 to the Court. I ask the Court to consider that for what it's
12 worth.

13 Your Honor, Vander, based on what you've heard today
14 from these people who know him best, who have known him over
15 a period of time -- irrespective of the outcome of this case,
16 I think you will find that he's going to try and influence
17 those who were not given the foundation that he was given,
18 try to have them strengthen themselves so that the
19 temptations that he resisted in that community and the
20 temptations he resisted among his peer group, hopefully he
21 would be in a position to channel some of those young men and
22 women in the right direction. He's already established that
23 as being the person that he is. I don't think that will
24 change after His Honor passes the sentence.

25 I'm asking the Court to give a sentence that is

1 appropriate with what happened that day, what the
2 contributions were made, by whom, to what extent that has
3 been an extended, an extended, program, a degradation in
4 humiliation that simply came to a head where emotions sprung
5 out of control and it ended up in this situation. Thank you,
6 Your Honor.

7 **The Court:** Thank you. Thank you very much, Mr.
8 Roberson. All right. Solicitor?

9 **Ms. Garfield:** Thank you, Your Honor. May it please the
10 Court? First, I do not recall if we made this as a part of
11 the record at the initial plea. I was going to present a
12 copy of the competency evaluation---

13 **Mr. Roberson:** Please.

14 **Ms. Garfield:** ---that Mr. Roberson requested shortly
15 after this. If we can just make this a part of the record.

16 **Mr. Roberson:** No, I didn't request that, Your Honor. I
17 think we were at a bond hearing, and the Court ordered that
18 out of an abundance of caution.

19 **The Court:** All right.

20 **Ms. Garfield:** I don't remember.

21 **Mr. Roberson:** But the point is -- the point is: I
22 didn't object to it.

23 **The Court:** All right. And I believe we did address
24 it---

25 **Ms. Garfield:** Okay.

1 **The Court:** ---at the time---

2 **Ms. Garfield:** Thank you, Your Honor.

3 **The Court:** ---the plea was qualified.

4 **Ms. Garfield:** If I can just respond and I'll try to be
5 brief in response to all that's been presented on behalf of
6 Mr. Meetze. It is very hard for me as a prosecutor and as a
7 citizen of this community to listen to all that has been
8 presented. I did not know Glenn Ford, but I have spent a lot
9 of time with his brothers, with his sisters, with his father,
10 with his mother, and with his son, and I know that Glenn Ford
11 was loved. He was a wonderful father. He was an adoring
12 brother and he was a good son. And there is a loss for that
13 family that will never be replaced, and that was a loss
14 created at the hands of Vander Meetze.

15 We heard a lot today about how God is in control. Well,
16 on the morning of October 4th, 2009, in the fate of Glenn
17 Ford, Vander Meetze was in control. He had time to cool off
18 after whatever was said to his mother. He took his
19 grandmother to work. He had time to chill out, cool off, act
20 like the adult and the mature person that everyone in this
21 courtroom has made him out to be, and he didn't.

22 Instead, Glenn Ford became his prey. He tracked him
23 down. There's no evidence from any witness to suggest that
24 Glenn Ford put his foot in front of his car. Glenn Ford was
25 afraid of him. He ran from him as he fell to the ground and

1 endured the countless kickings to his body.

2 Judge, ironically Investigator McCracken and I had an
3 unrelated plea - I believe it was last week - and the victim
4 addressed the Court and she said, "True character is judged
5 when people aren't looking," and that's exactly relevant in
6 this case today. The morning of October 4th, 2009, was when
7 Vander Meetze's true character was shown. He thought no one
8 was looking, but they were: Witnesses who tried to stop the
9 beating and he yelled he'd kill them, too; witnesses who
10 heard him say, "I should have run over your stinking ass."

11 And, Judge, as far as terrorizing these victims, I
12 believe were the words Mr. Roberson used, I asked
13 Investigator McCracken to research any and all incident
14 reports related to the Meetze family as well as to that
15 address, and I believe Investigator McCracken went back about
16 three years trying to find---

17 **Investigator McCracken:** Yes.

18 **Ms. Garfield:** And we found two reports, one of which
19 was made by the defendant's grandparents, one of which
20 addressed the Court, Miss Christine Lupus, complaining that
21 the defendant was loud and boisterous, creating a
22 disturbance, and they feared that he was in possession of a
23 .38 pistol. This would have been in June of 2006.

24 The other incident was completely unrelated when someone
25 reported someone -- indecent exposure and has nothing to do

1 with the Meetze or the Ford family, and that's all that's
2 been reported. So I don't know where he gets that C.P.D. was
3 there regularly because we do not have any documentation to
4 support that.

5 Also, Judge, I would just like to point out to you that
6 we would have had expert testimony to discuss the pneumonia
7 that Mr. Ford died of. It is a pneumonia that you only get
8 in a hospital. It's not something that you walk around with
9 or that's already been developed, and I'll also point out to
10 you, Judge, that the victim -- Glenn Ford's jaw was broken.
11 And I learned when preparing this case from the pathologist,
12 Dr. Marcus, that the jaw is one of the bones that's hardest
13 to break. It would have had a significant amount of impact
14 in order to sustain a broken jaw. So I'd like to ask you to
15 take all that into consideration.

16 And, lastly, if we're going to sit here and put Glenn
17 Ford on trial for having a high blood alcohol level the
18 morning after his birthday -- Judge, I'm glad he did. He
19 didn't know it was his last birthday. I'm glad he got a
20 chance to celebrate his life one last time. So, yes, Judge,
21 I ask you also to give an appropriate sentence and I ask for
22 it to be just. Thank you.

23 **The Court:** All right. Solicitor, do you -- do you have
24 a copy of the autopsy report?

25 **Ms. Garfield:** Yes, Your Honor.

1 **The Court:** May I see it, please?

2 (State's Exhibit 1 was received in evidence.)

3 **The Court:** And do you have a copy of the toxicology of
4 Mr. Ford?

5 **Ms. Garfield:** I believe so, Judge. Just give me a
6 moment, Judge. I have a separate notebook upstairs in my
7 office with his medical records. I believe that it must be
8 in there.

9 **The Court:** All right. Was there any observations,
10 evidence, documentation of any injuries to Mr. Meetze?

11 **Investigator McCracken:** No, Your Honor.

12 **The Court:** And that was upon your and other officers'
13 observations of Mr. Meetze?

14 **Investigator McCracken:** Correct. When I spoke with Mr.
15 Meetze, it was several days later. We were not called out to
16 the scene initially. The responding officers---

17 **The Court:** We being the investigators?

18 **Investigator McCracken:** Investigators.

19 **The Court:** Or we being uniformed officers?

20 **Investigator McCracken:** Investigators. The uniformed
21 officers responded---

22 **The Court:** So the uniformed officers responded?

23 **Investigator McCracken:** Correct. From Mr. Meetze's
24 statement, if you have a copy of that, he tripped the victim,
25 Glenn Ford, and then kicked him. So he would have never

1 received any injuries.

2 **The Court:** All right. And was there ever any
3 indication, Solicitor, of other individuals being with Mr.
4 Ford at the time this incident occurred?

5 **Ms. Garfield:** Of the assault?

6 **The Court:** Yes.

7 **Ms. Garfield:** No, sir. He was alone. He was walking
8 to -- I believe the name is Ms. Parker, a Ms. Parker's house.
9 Ms. Parker was an older lady who helped Glenn with his
10 finances. Judge, I don't know if you remember this. I did
11 state this at the initial plea: Mr. Ford intellectually was
12 below average. He needed some help. He had a below-average
13 I.Q.

14 Ms. Parker would receive his disability check and help
15 him pay his bills. He was going to Ms. Parker's house to ask
16 her for some money because, as I said, they'd had a birthday
17 party, and they'd had such a good time that they decided to
18 have actually another cookout that night and he was going to
19 her house to ask for some money in order to help with the
20 cost of the second party.

21 Just to put things in perspective, Judge, in discussing
22 his intellectual level, he was known to carry a teddy bear
23 everywhere. He was actually holding the teddy bear when he
24 was assaulted, and we do have it in evidence.

25 **Mr. Roberson:** Your Honor, let me try to save the Court

1 some time. I don't think a toxicology report was done, but
2 if you look in the upper right-hand corner of the first page
3 of the autopsy report, I think it will say what the blood
4 alcohol level is and what the T.H.C. content was in his blood
5 as well.

6 **Ms. Garfield:** I think there was a report. I just
7 cannot seem to put my hands on it. I do not dispute that his
8 blood alcohol level was high.

9 **Mr. Roberson:** You're saying it wasn't high?

10 **Ms. Garfield:** It was high; I do not dispute it.

11 **Mr. Roberson:** Oh, okay. Oh, okay.

12 **The Court:** All right. Yes, that is in the first
13 paragraph of page two of four of the autopsy report, the
14 blood alcohol and the positive finding of T.H.C. All right.
15 Give me a few minutes. Court will be in recess about ten
16 minutes. Anything further, Mr. Roberson?

17 **Mr. Roberson:** I believe that---

18 **The Court:** Solicitor?

19 **Mr. Roberson:** Your Honor, just -- I don't want to be a
20 nitpicker, but the same crowd that Glenn drew when he was in
21 front of the house is the same crowd who had followed him
22 around to where this incident happened. So he was not
23 hidden. They were his friends who were there that saw what
24 happened.

25 **Ms. Garfield:** That's not true.

1 **Investigator McCracken:** That's not true, Your Honor.

2 **Mr. Roberson:** Well, he was there; they weren't.

3 **Ms. Garfield:** The people that he was with with the loud
4 noise and the party were not the same individuals who
5 witnessed the assault.

6 **Investigator McCracken:** And the witnesses were a
7 distance away.

8 **The Court:** Well, my question was that I asked the
9 solicitor and that perhaps Mr. Roberson is now responding to
10 was: Was there any evidence that anyone was with Mr. Ford at
11 the time of the assault besides Mr. Meetze?

12 **Ms. Garfield:** He was walking alone, but there were
13 other people around in their houses---

14 **Investigator McCracken:** In their houses.

15 **Ms. Garfield:** ---that could see it.

16 **The Court:** But they were not with Mr. Ford.

17 **Ms. Garfield:** Correct. No, they just were---

18 **The Court:** Mr. Ford was walking on his own---

19 **Investigator McCracken:** Correct. ✓

20 **The Court:** ---to Ms. Parker's.

21 **Investigator McCracken:** Correct.

22 **Ms. Garfield:** That's correct.

23 **The Court:** All right. Give me about ten minutes.
24 Court will be in recess for---

25 **Ms. Garfield:** Thank you.

1 **The Court:** ---about ten minutes. Thank you very much.

2 (Pause in proceedings.)

3 **The Court:** Thank you. Thank you very much. Please be
4 seated. All right. Solicitor, I want to -- I want to make
5 sure for the record that I'm correct on this. Initially Mr.
6 Meetze was charged with assault and battery of a high and
7 aggravated nature. Is that -- is that correct?

8 **Ms. Garfield:** It was written up as assault and battery
9 of a high and aggravated nature. He was never charged with
10 that.

11 **The Court:** All right.

12 **Ms. Garfield:** When Mr. Ford passed away, it was
13 upgraded to murder.

14 **The Court:** And thereafter he was charged with murder.

15 **Ms. Garfield:** That's correct.

16 **Investigator McCracken:** The initial report was assault
17 and battery of a high and aggravated nature. The initial
18 charge was murder.

19 **The Court:** And murder carries what, Solicitor?

20 **Ms. Garfield:** Thirty to life.

21 **The Court:** And that's 30 to life without parole.

22 **Ms. Garfield:** Correct.

23 **The Court:** And as a result of plea negotiations, Mr.
24 Meetze was allowed to plead to and did, in fact, enter a
25 guilty plea to voluntary manslaughter.

1 **Ms. Garfield:** Yes, sir.

2 **The Court:** And that carries a sentencing range of not
3 less than two nor more than 30 years.

4 **Ms. Garfield:** Yes, sir.

5 **The Court:** Within the discretion of the Court.

6 **Ms. Garfield:** Of Your Honor, yes, sir.

7 **The Court:** All right. Thank you. Thank you,
8 Solicitor. I have -- I have reviewed the letters that was
9 handed up to me prior to this hearing by Mr. Roberson, a
10 letter from Bishop Thompson of the National Body of Christ
11 Ministries, a letter from a Mrs. Hogan who is Mr. Meetze's
12 aunt, and a letter from his employer at Kentucky Fried
13 Chicken. I also reviewed a document that was handed up that
14 is entitled "Free Vander Meetze" and has eight signatures of
15 -- on that particular document with some notes over to the
16 right with certain comments about Mr. Meetze.

17 I've listened very intently to the presentation by the
18 solicitor, Detective McCracken, by Mr. Roberson, and by I
19 believe the nine witnesses that testified or made statements
20 before the Court on behalf of Mr. Meetze. Also, I listened
21 to the statement of Mr. Meetze himself and a statement of Mr.
22 Ford's brother and father.

23 As an initial matter, I am very impressed with both the
24 Ford and the Meetze family and friends. The Fords appear to
25 be a very Christian-based family, speaking initially of their

1 forgiveness of Mr. Meetze for the act that was committed and
2 the act that he has pled guilty to.

3 As to the Meetze family, friends, former employers,
4 coworkers, so often young men appear before the Court
5 pleading guilty to crimes of this seriousness or even more
6 serious with no one standing up for them or with them except
7 an attorney and in many, many cases an appointed attorney.
8 It speaks to the character of Mr. Meetze just to have that
9 type of support, just to have those types of friends and
10 loved ones, and it appears that those friends became loved
11 ones of you because of their observations of you in your --
12 throughout your life, both as a person, as a grandson, as a
13 son, as a brother, as a coworker. I take all that into
14 consideration.

15 I also look at the facts of the case. I can't be
16 blinded as a decision-maker in a situation of this
17 seriousness by my or anyone else's emotions. I can't be
18 blinded by the emotions of the Ford family who now have to
19 visit a graveyard, if they're so inclined, to foster or
20 perhaps enhance their memories of their loved ones nor can I
21 take into account my feelings for the emotions of the Meetze
22 family because the grandmother is going to miss her grandson
23 for a substantial period of time, because a mother is going
24 to miss her son, because they're not going to have the
25 benefit of the same type of relationship and the freedom to

1 exercise that relationship with you in a number of years to
2 come.

3 When I look at the facts of the case, there are many
4 other positives in Mr. Meetze's column, so to speak. He has
5 no prior record. I'm trying to remember a single individual
6 that came before this Court this week besides you that had no
7 prior criminal record. There probably wasn't one. There
8 probably wasn't one.

9 He loves back. He loves his grandmother. He loves his
10 mother. And Mr. Roberson is correct: We all want to defend
11 our mother's or our grandmother's honor, but looking at the
12 case, I see that Mr. Meetze took advantage of a feeble-
13 minded, weak individual that was heavily under the influence
14 of alcohol. He tested .38. He was unarmed. What threat
15 could he be? And I know that cuts both ways.

16 To say somebody gets drunk and they're more threatening
17 and more aggressive, there's no showing of that to this
18 Court. A .38, .39, it's remarkable he was walking down the
19 road. Probably with an unsteady gait about him. They say he
20 was low functioning.

21 Mr. Meetze is an intelligent young man and should be a
22 model to people, a model, because people imitate individuals
23 like you, Mr. Meetze. Younger brothers and others would
24 imitate people like you because you're a hard worker. You're
25 employed. You even go get a job when you're out on bond.

1 That doesn't happen often. That doesn't happen often.

2 Then you take the age of Mr. Ford into account and his
3 size versus a young, strong Mr. Meetze. I take into account
4 what Mr. Roberson told me concerning -- I don't know if he
5 couched it in this term, but it's a term I will use in
6 quotation marks: Domestic terrorism. Because Mr. Meetze and
7 his family were trying to better themselves, they somehow
8 were treated as outcasts.

9 There is not a preponderance of the evidence in that
10 regard shown before the Court to excuse or substantially
11 mitigate the conduct that Mr. Meetze exhibited. As I
12 understand it, there was an hour between the time of the
13 loudness, the words between Mr. Meetze's mother and Mr. Ford,
14 before the assault took place. That's adequate time to cool,
15 for the blood to cool down from that hotness, that spur of
16 the moment.

17 You know, going back to that terrorism or that fatal
18 encounter, so to speak, Mr. Ford's not here to speak for
19 himself. His lips have forever been sealed. He can't tell
20 us. I do not believe there were other individuals there. I
21 believe there were witnesses to the event.

22 I further believe it was a violent attack with repeated,
23 repeated, repeated kicks, injuries, inflicted on Mr. Ford
24 when he was on the ground. He was already down, and that is
25 how an animal does a prey. They get them off their feet, and

1 then they commence to pummel.

2 Mr. Roberson has done an outstanding job presenting
3 mitigation on behalf of Mr. Meetze. I don't know that the
4 sentence does justice. I hope it does a measure of justice.
5 Behavior has consequences. I think the facts are such that
6 this is a murder, quite frankly. However, I do think there
7 is some measure of mitigation.

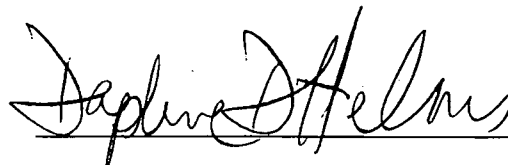
8 With that being said, 2010-GS-40-9525, Vander Davon
9 Meetze, having pled guilty to the crime of voluntary
10 manslaughter, the defendant is committed to the State
11 department of corrections for a determinate term of 21 years.
12 Good luck to you, Mr. Meetze.

13 (Whereupon, the proceedings were concluded.)
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I, the undersigned Daphne D. Helms, 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 trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 24th of May, 2012.

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

April 10, 2013

A handwritten signature in cursive script, reading "Daphne D. Helms", written over a horizontal line.

Daphne D. Helms, court reporter

COUNTY OF Richland
STATE VS.
Vander Davon Meetze
AKA:
Race: B Sex: M Age: 22
DOB: 89 SS#:
Address: 2616 MAGNOLIA ST
City, State, Zip: COLUMBIA, SC 29204
DL#: SID#:

INDICTMENT/CASE#: 2010GS409525
A/W#: K613443
Date of Offense: 10/4/2009
S.C. Code § : 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Voluntary Manslaughter

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST Garfield Dolly 13433 Number 105 le 4139
GARFIELD, DOLLY 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 21 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 16-25-65 (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
§ 44-53-450(C) (Conditional Discharge)	\$350
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: _____

☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to the Clerk prior to case disposition.

TRUE COPY
OF ORIGINAL FILED,

Clerk of Court/ Deputy Clerk Cecilia W. McBride
Court Reporter: C. Holmes

Presiding Judge Charles W. McBride
Judge Code: 21
Sentence Date: 21 MAY 12

PLA A ACCEPTED 11/15/12

PSE re entered a 21 MAY 12

Manning
Oct 17, 2009
Manning / Period

WITNESSES

(S)MCCRACKEN-Columbia Police Department

DOCKET NO. 2010GS409525

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2010

87

ARREST WARRANT NUMBER

K613443

ACTION OF GRAND JURY

TRAIL

Foreperson of Grand Jury

Date: APR 15 2010

VERDICT

110

Foreperson of Petit Jury
Date:

THE STATE
vs.

Vander Davon Meetze

Defendant

Witness:

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

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

Indictment for

MURDER

SC Code: 16-03-0010

CDR Code: 0116

STATE OF SOUTH CAROLINA)
) INDICTMENT
COUNTY OF RICHLAND)

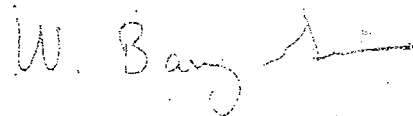
At a Court of General Sessions, convened on APRIL 14, 2010, the Grand Jurors of Richland County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Vander Davon Meetze did in Richland County, on or about October 4, 2009, willfully, feloniously, and intentionally kill the victim, GLENN FORD, with malice aforethought, either express or implied, by means of BEATING ABOUT THE HEAD AND BODY, and the victim did die as a proximate result thereof in Richland County, 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.



WARREN B. GIESE, SOLICITOR

Richland County General Sessions

CASE HISTORY FOR CASE K373223

State of South Carolina vs Vander Meetze

FILED DATE: 1/15/2009

CASE TYPE: GS

STATUS: Disposed

JUDGE: Dennis, Steven D

ARRESTING AGENCY: Columbia Police Department

CASE PARTIES:

Defendant Meetze, Vander

2616 Magnolia St, Columbia, SC 29204

Public Defender May, James Hunter

Assistant Public Defender, 1701 Main Street, Columbia, SC 29201

CASE HISTORY FOR CASE K373223

Meetze, Vander

2616 Magnolia St

Columbia, SC 29204

Age: 23

DL#:

DOB: [REDACTED]

SSN: 000-00-0000

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0044 Weapons / Unlawful carrying of pistol	1/1/2009	Nolle Prosequi Indicted	5/25/2012

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
------	----------	-------------	-----------	--------------

Total:

DATE	TIME	EVENT DESCRIPTION
9/9/2009	3:01 PM	Motion/Discovery and Disclosure of Evidence
9/9/2009	12:00 AM	COCDAABBS recorded the following Case Note: Includes Certificate of Service; Includes K373224
10/12/2009	10:12 AM	Filing recorded: Order/Vacate Bench Warrant
11/23/2009	12:00 AM	Order/Order
1/24/2009	12:00 AM	COCVIVOD recorded the following Case Note: Order to relieve counsel relieve pd Judge Childs

Print Date: 07/17/2013
Print Time: 9:11:01AM
Requested By: COCGAILB

CaseHistory.rpt V6.1

Page 1 of 1

Richland County General Sessions

CASE HISTORY FOR CASE K373224

State of South Carolina vs Vander Meetze

FILED DATE: 1/15/2009

CASE TYPE: GS

STATUS: Disposed

JUDGE: Dennis, Steven D

ARRESTING AGENCY: Columbia Police Department

CASE PARTIES:

Defendant Meetze, Vander

2616 Magnolia St, Columbia, SC 29204

Bond Entity 24/7 Bail Bonding Co / Universal / Yolanda S Smalls

4431 Bluff Road, Columbia, SC 29209

CASE HISTORY FOR CASE K373224

Meetze, Vander

2616 Magnolia St

Columbia, SC 29204

Age: 23

DL#:

DOB: [REDACTED]

SSN: 000-00-0000

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
2364 Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistol	1/1/2009	Nolle Prosequi Indicted	5/25/2012

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
------	----------	-------------	-----------	--------------

Total:

DATE	TIME	EVENT DESCRIPTION
1/23/2009	12:00 AM	Order/Order
1/24/2009	12:00 AM	COCVIVOD recorded the following Case Note: Order to relieve counsel relieve pd Judge Childs

Print Date: 07/17/2013
Print Time: 9:11:09AM
Requested By: COCGAILB

CaseHistory.rpt V6.1

Page 1 of 1

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

VANDER DAVON MEETZE (00351032))

Plaintiff(s))

vs.)

STATE OF SOUTH CAROLINA)

Defendant(s))

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013 - CP - 40 - 3117

(Please Print)

Submitted By: Law Offices of Tom Young, Jr., PC

Address: 409 Park Avenue SW Aiken, SC 29801

SC Bar #: 11643

Telephone #: 803-649-0000

Fax #: 803-649-7005

Other:

E-mail: tyoung@tomyounglaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check one box below)

- ☐ JURY TRIAL demanded in complaint.
- ☐ This case is subject to **ARBITRATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- ☐ This case is subject to **MEDIATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR (certificate attached).

NATURE OF ACTION

(Check One Box Below)

- Contracts**
- ☐ Construction (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Wrongful Breach (140)
- ☐ Other (199)

- Torts - Professional Malpractice**
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Other Malpractice (299)

- Torts - Personal Injury**
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Other (399)

- Real Property**
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Other (499)

- Inmate Petitions**
- ☒ PCR (500)
- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

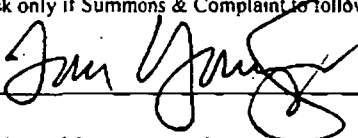
- Judgments/Settlements**
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)**
- ☐ Other (799)

- Administrative Law/Relief**
- ☐ Driver License Reinstatement (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture (840)
- ☐ Other (899)

- Appeals**
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Other (999)

- Special/Complex /Other**
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)

** Check only if Summons & Complaint to follow in 20 days

Submitting Party Signature: 

Date: 05/23/2013

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

***FOR MANDATED ADR COUNTIES ONLY**

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224th day after the filing of the action. If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224th day after the filing of this action. The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Case are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Cases which are appellate in nature such as appeals or writs of certiorari;
 - c. Post Conviction relief matters;
 - d. Contempt of Court proceedings;
 - e. Forfeiture proceedings brought by the State;
 - f. Cases involving mortgage foreclosures; and
 - g. Cases that have been submitted to mediation with a certified mediator prior to the filing of this action.
4. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
 Failure to do so may affect your case or may result in sanctions.**

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

VANDER DAVON MEETZE)

00351032)

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

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 McCormick Correctional Institution
2. Name and location of Court which imposed sentence Court of General Sessions in the State of South Carolina, County of Richland
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2010GS409525
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:

Revised 3/2003

- (a) May 24th, 2012
- (b) Terms of the Sentence: 21 years without eligibility for parole
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) The issues before the court are based solely on ineffective assistance of counsel.
This mainly arose when Mr. Roberson and the trial court misinformed Mr. Meetze of his
potential parole status. Mr. Meetze did not find out about the ineffective assistance regarding the

erroneous parole advice until after his plea.

(b)

(c) _____

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

(a) Ineffective assistance of counsel based on erroneous advice of parole eligibility.

See Hinson v. State, 297 S.C. 456, 377 S.E.2d 338 (1989). Smith v. State, states that "if the defendant's attorney undertakes to advise the defendant about parole eligibility and gives erroneous advice, then the plea may be collaterally attacked." 329 S.C. 280, 283, 494 S.E.2d 626, 628 (1997). Further, Brown v. State, 306 S.C. 381, 412 S.E.2d 399 (1991) found that a plea SHOULD BE VACATED where the trial judge misinformed defendant about parole eligibility. In Brown, the court stated that "when a trial judge misinforms a defendant that he is eligible for parole when in fact he is ineligible for parole, his plea does not represent 'a voluntary and intelligent choice among alternative courses of action' available to him. North Carolina v. Alford, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed. (2d) 162 (1970)." Based on this, the Brown Court reversed the plea and remanded for a new trial.

Here, Brown applies. Mr. Meetze was misinformed by his counsel (Mr. Roberson), the trial judge, and the solicitor that voluntary manslaughter was parole eligible. This can be seen in the attached transcript. Trial Transcript, pg 8, paragraphs 5- 25. (Yellow Tabbed for convenience). Based on this, Mr. Meetze's conviction should be reversed and he should be able to stand before a court of law fully informed of his options.

The misinformation is particularly troublesome because Mr. Meetze would not have pled guilty if parole eligibility was not possible. If parole eligibility were possible, then the maximum sentence of 30 years under voluntary manslaughter is likely only 10 years in jail (1/3rd of the time for violent crime). However, if the crime was ineligible for parole, then that defendant must serve at least 85% of the time allotted. In this case, Mr. Meetze was sentenced to 21 years. If he were parole eligible, like he believed and was informed, then he would be serving a minimum of 7 years. This crime, however, is not a parole eligible offense, and thus he is required to serve a minimum of 17 years (85%). This is a 10 year difference during his life.

Further, the erroneous information regarding parole, given by the trial court, also resulted in the involuntary and uninformed plea. Both the Court and the Solicitor believed that the charge

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to which Mr. Meetze pled was eligible for parole and this is clear in the transcript. Trial Transcript, pg 8, paragraphs 5- 25 (Yellow Tabbed for convenience). Because of this, Mr. Meetze's conviction and sentencing should be vacated.

(b) Mr. Meetze alleges ineffective assistance of counsel for failure to object to the lack of sentencing recommendation presented by the solicitor. As seen in the attached transcript and in the attached affidavit, Nathaniel Roberson repeatedly told Mr. Meetze and his family that Mr. Meetze would only receive two to three years of time in jail. Trial Transcript, pg 3, paragraphs 18-25 (Blue Tabbed for convenience). Mr. Meetze was under the impression that his plea bargain would encompass this term of years. He thought that Mr. Roberson and the Solicitor had something worked out. See Affidavit of Vander Meetze, paragraph 7. Mr. Meetze would not have pled guilty under these facts if not for this range of sentencing. Therefore, Mr. Roberson's failure to object to the sentencing recommendation and/or his false and erroneous advice to Mr. Meetze regarding the plea deal resulted in an ineffective assistance of counsel and an involuntary and misinformed plea.

(c) Mr. Meetze further alleges that his plea was involuntary based on an ineffective assistance of counsel. The trial transcript suggests that Mr. Meetze did not feel Mr. Roberson was providing adequate counsel. Trial Transcript, pages 10, 12, 13, 14, (Green Tabbed for convenience). The transcripts further suggest that Mr. Roberson did not know complete and accurate information about parole eligibility and failed to object to the trial court's inaccurate statement. Trial Transcript, pg 8, paragraphs 5- 25 (Yellow Tabbed for convenience). Further, at the sentencing, Mr. Roberson showed up late. Sentencing Transcript, page 3, paragraph 3-11 (Red Tabbed for convenience) Collectively, these specifics support a finding of ineffective assistance of counsel. Where "counsel's conduct so undermined the proper functioning of the adversarial process," then the plea cannot be relied upon as having" been voluntary and informed. See Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984); see also, Butler v. State, 286 S.C. 411, 334 S.E.2d 813 (1985). Thus, Mr. Meetze seeks to have his conviction vacated on these grounds.

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

(a) The trial, plea, and sentencing transcripts are attached to this application. By looking at the marked pages in the trial transcript, this court will see the erroneous mention of

parole eligibility for voluntary manslaughter. This was the only time it was mentioned before his plea was accepted the following day. The Court, the Solicitor, and Mr. Roberson all agreed that murder was not a parole eligible offense and that Mr. Meetze would have to serve 85% of the time if he were not to plea and were to be found guilty.

In the next set of sentences, Mr. Roberson, the Solicitor, and the Court all mention, erroneously, that voluntary manslaughter was eligible for parole. This information directly affected Mr. Meetze's decision to plea to voluntary manslaughter. Please see the attached Affidavit. As mentioned above, case law states that Mr. Meetze conviction and sentence should be vacated because of this misinformation provided by the court and his counsel.

Further, this erroneous information likely affected the Judge's sentencing. This can be seen directly by looking at the sentencing transcript. Sentencing Transcript, pages 38 and 39 (Blue Tabbed for convenience). In this transcript, the Judge again mentions that murder entails a sentence of life without parole. Next, he mentions voluntary manslaughter without stating the corresponding parole status. This indicates that by mentioning the ineligibility of parole as to one charge and failing to mention it for another, the court was still likely under the impression that voluntary manslaughter was a parole eligible offense. It is not beyond the realm of reason to think that a judge will sentence a guilty party to a certain sentence, taking into account when he will in fact be eligible for parole.

(b) The attached trial transcript and affidavit evidence that Mr. Roberson repeatedly promised Mr. Meetze and his family that by pleading guilty to voluntary manslaughter, he would be looking at no more than two to three years of time incarcerated. This is directly evident in the trial transcript where Mr. Roberson mentioned to the court that an offer by the government was on the table. Mr. Roberson stated: "The government has made him an offer to reduce the charge from murder to voluntary manslaughter with the sentencing range I understand from TWO YEARS TO THREE YEARS with the discretion being within the court once it hears the facts of the case." (emphasis added) Trial Transcript, pg 3, paragraphs 18-25 (Blue Tabbed for convenience). Mr. Roberson told Mr. Meetze and his family that this was the range of sentence, told the Court, and ultimately failed to object when the sentencing range was later mentioned by the Solicitor. Mr. Meetze has signed a sworn affidavit attesting to this fact. Further, Mr. Meetze's family will be available to testify to this under oath during the PCR hearing. Due to time constraints (SOL runs on 5/24/13) and geographic distance (Mr. Meetze's father lives in

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Atlanta), we have chosen to file the application now and provide supporting testimony and/or affidavits from Mr. Meetze's family at or prior to the hearing.

(c) The transcripts support the challenges outlined herein. The affidavits also show that Mr. Roberson failed to adequately inform Mr. Meetze and as a result, Mr. Meetze was prejudiced.

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. _____

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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) _____

(b) _____

(c) _____

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

(a) your arraignment and plea? YES

(b) your trial, if any? YES/N/A - Trial was discontinued due to the plea bargain.

(c) your sentencing? YES

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- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? YES

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. Nathanial Roberson, Esq. for underlying offense and plea
- ii. Law Offices of Tom Young, Jr., PC for PCR application
- iii. _____

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

- i. Nathanial Roberson represented Mr. Meetze during his trial, plea and sentencing.
- ii. Law Offices of Tom Young, Jr., PC, currently represents Mr. Meetze in this PCR application.
- iii. _____

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

Mr. Meetze seeks a reversal of his conviction in order to face his original charge with a full understanding of the elements of criminal law and its parole system.

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

NO

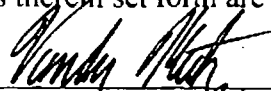
STATE OF SOUTH CAROLINA

County of Richland

)
)
)

VERIFICATION

I, Vander Davon Meetze, 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.



VANDER MEETZE

SWORN to and subscribed before me this 22
day of may, 2013



Notary Public

(L.S.)

My Commission Expires: 12-16-2019

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT
)

Vander Davon Meetze, #351032,

) Case No. 2013-CP-40-3117
)

) Applicant,
)

) v.
)

RETURN

) State of South Carolina,
)

) Respondent.
)
)

Respondent, making its Return to the Application for post-conviction relief filed May 23, 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 true bill indicted during the April 2010 term of the Richland County Grand Jury for Murder (2010-GS-40-9525). Nathaniel Roberson, Esquire, represented Applicant. On April 24, 2013, Applicant proceeded to jury trial before the Honorable R. Knox McMahon. On April 25, 2013, Applicant decided not to proceed to trial and pled guilty to Voluntary Manslaughter. Judge McMahon sentenced Applicant on May 24, 2012 to confinement for twenty-one (21) years. Applicant did not appeal his guilty plea or sentence.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript. 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. "Ineffective assistance of counsel based on erroneous advice of parole eligibility."
2. "Ineffective assistance of counsel for failure to object to the lack of sentencing recommendation presented by the solicitor."
3. "Plea was involuntary based on an ineffective assistance of counsel."
 - a. "[Counsel] failed to adequately inform [Applicant] and as a result, [Applicant] was prejudiced."

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.

In his Application, Applicant alleges ineffective of assistance of counsel. 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.

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.

Applicant also alleges that his plea was involuntarily given. The State submits this allegation has no merit. To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea

issues, it is proper to consider the guilty plea transcript as well as evidence at the post-conviction relief hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The State submits the transcript reflects that the plea was knowingly and voluntarily entered with a full understanding of the charge and consequences of the plea. Boykin, supra; Dover, supra. Further, because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63 (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. U.S., 519 F.2d 317 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). Respondent submits Applicant should not be allowed to depart from the truth of the statements he made during his guilty plea hearing.

A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Respondent submits that Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it should therefore, be treated as such.

V.

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

VI.

WHEREFORE, having made its Return, 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

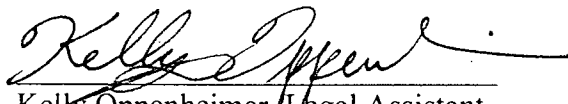
September 25, 2013.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	
	)	2013-CP-40-3117
	)	
VANDER DAVON MEETZE, #351032	)	
	)	
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:

Tom Young, Jr., Esq.
PO Box 651
409 Park Avenue SW
Aiken, SC 29802

DATED this 25th day of September, 2013.


 Kelly Oppenheimer, Legal Assistant
 For Respondent

State of South Carolina)
County of Richland)

In the Court of Common Pleas
Fifth Judicial Circuit
2013-GS-40-3117

Vander Davon Meetze,)
Applicant,)
vs.)
State of South Carolina,)
Respondent.)
_____)

Transcript of Record

November 21, 2013
Columbia, South Carolina

B E F O R E:

The Honorable Robert E. Hood, Judge

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

Thomas R. Young, Jr., Esquire
Robert Andrew Walden, Esquire
Attorneys for the Applicant

Megan E. Harrigan, Esquire, Assistant Attorney General
Attorney for the Respondent

Elizabeth B. Harris, CVR-M
Circuit Court Reporter

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No Exhibits Introduced.

1 MS. HARRIGAN: May it please the court? This is the
2 matter of *Vander Meetze vs. State of South Carolina*, docket
3 number 2013-CP-40-3117. Applicant was indicted during the
4 April 2010 term of the Kershaw County -- excuse me,
5 Richland County grand jury for murder. He was represented
6 by Nathaniel Roberson.

7 On April 25, 2012, Mr. Meetze appeared before the
8 Honorable R. Knox McMahon, where he pled guilty to the
9 lesser-included offense of voluntary manslaughter following
10 the selection of a jury. Sentencing was deferred until a
11 pre-sentence investigation could be performed. On May 24,
12 2012, Judge McMahon sentenced Mr. Meetze to twenty-one
13 years for voluntary manslaughter.

14 Mr. Meetze did not appeal his guilty plea or sentence.
15 On May 23rd of this year, he did, however, file an
16 application for post-conviction relief alleging ineffective
17 assistance of counsel, that counsel gave erroneous advice
18 regarding parole eligibility, and that counsel failed to
19 object to a lack of sentencing recommendations presented by
20 the prosecuting assistant solicitor, as well as involuntary
21 guilty plea.

22 The state made its return on September 25th of this
23 year requesting an evidentiary hearing be held, and he's
24 represented in this action Tom Young, Jr..

25 THE COURT: All right, where is Mr. Meetze? All

1 right, come on over here.

2 (A PAUSE.)

3 THE COURT: All right, Mr. Young, you ready to go
4 forward?

5 MR. YOUNG: Yes, sir, Your Honor.

6 THE COURT: All right. You may call your first
7 witness.

8 MR. YOUNG: Let me just -- before we call the first
9 witness, I want to just make it clear for the record that
10 the only grounds that we seek post-conviction relief in
11 this case is what's laid out in our bench brief.

12 THE COURT: Okay, and that's entitled *Applicant's*
13 *Memorandum in Support of Post-conviction Relief?*

14 MR. YOUNG: That's correct.

15 THE COURT: Okay.

16 MR. YOUNG: And it is solely based upon what is in the
17 transcript and that what Mr. Meetze understood as to the
18 eligibility of what he pled to for parole.

19 THE COURT: Okay.

20 MR. YOUNG: And we believe that the -- there was an
21 understanding between all parties in the courtroom that the
22 offense of voluntary manslaughter was parole eligible. He
23 understood that based on what he was told. He relied upon
24 that and pled guilty, and had he known that it was not
25 parole eligible, then he would not have pled guilty. And

1 there's a case that says that that can be grounds to grant
2 the post-conviction relief application.

3 THE COURT: All right.

4 MR. YOUNG: And that is, you know, that's, that's
5 basically our case, and we're going to call him first.

6 THE COURT: Okay. Come on forward.

7 VANDER DAVON MEETZE, BEING DULY
8 SWORN, TESTIFIES AS FOLLOWS:

9 THE COURT: Okay, sit right there and state your full
10 name for the record, and if you would just go ahead and
11 spell your full name so that we make sure we have it right,
12 okay?

13 WITNESS: Okay. My name is Vander Davon Meetze,
14 V-A-N-D-E-R D-A-V-O-N -M-E-E-T-Z-E.

15 THE COURT: Is it Meetze or Meetze?

16 WITNESS: Meetze.

17 THE COURT: Okay. All right.

18 WITNESS: Yes, sir.

19 THE COURT: Very well.

20 MR. YOUNG: Your Honor, Andrew Walden is an associate
21 lawyer with me, and he's going to conduct the direct
22 examination.

23 THE COURT: All right. Great.

24 The floor is yours, Mr. Walden.

25 MR. WALDEN: Thank you, Your Honor.

1 DIRECT EXAMINATION BY MR. WALDEN:

2 Q. Vander, I just have a few questions.

3 A. Yes, sir.

4 Q. Do you remember your trial hearing very clearly?

5 A. Yes, sir.

6 Q. And why do you remember it so closely?

7 A. Because it was the day I was supposed to go to trial.

8 Q. And that was important to you, right?

9 A. Yes, sir.

10 Q. Now, do you remember what -- the portion of the trial,
11 whenever they went to talk about murder, about whether it
12 was parole eligible?

13 A. Yes, sir. It was stated by the judge, the solicitor,
14 as well as my counsel that it was parole-eligible offense.

15 Q. And what about -- what did they go on and tell you
16 about voluntary manslaughter? What did they say about
17 that?

18 A. Voluntary manslaughter?

19 Q. Yes.

20 A. That it was a parole-eligible offense.

21 Q. Okay, and was this important to you in your ---

22 A. Yes, sir.

23 Q. Now, why, why was it important to you?

24 A. Because it was -- it gave me the worst-case scenario.
25 If I would receive thirty years, it gave me the eligibility

1 of being home within ten.

2 Q. Okay. Now, if you had not been told it was parole
3 eligible, would you have pled guilty?

4 A. No, sir.

5 Q. You would have proceeded on to trial?

6 A. Yes, sir.

7 MR. WALDEN: Your Honor, I believe that's all I have.

8 EXAMINATION BY THE COURT:

9 Q. And so walk me through where you were in the trial
10 process.

11 A. We was pretty much -- we had already picked a jury,
12 whatever, but they brought the plea to me stating -- says
13 -- or whatever, that I'd be eligible for parole. So, I,
14 you know what I'm saying, when we ---

15 Q. So, you had already picked a jury?

16 A. Yes, sir.

17 Q. Okay. So, you were in a term of court where you
18 were ---

19 A. I was about to go ---

20 Q. --- getting ready to go to trial?

21 A. Yes, sir, going forward with that, but they closed
22 court for that day, and we came back the next day or
23 whatever, however, and I was stated -- I was told by my
24 counsel that I could be eligible for parole if I just plead
25 on out to voluntary manslaughter.

1 Q. And what did parole mean to you?

2 A. Just like I told the counsel. He gave me a worst-case
3 scenario. If I were, if I were to receive thirty years, it
4 gave me the eligibility of being home within ten after
5 serving a third of my time.

6 Q. Okay.

7 COURT REPORTER: Would you repeat that last statement,
8 please?

9 A. Worst-case scenario, it gave me the eligibility of
10 being home within ten years.

11 Q. All right. Right.

12 THE COURT: Ms. Harrigan.

13 MS. HARRIGAN: Thank you, Your Honor. May it please
14 the court?

15 THE COURT: Yes, ma'am.

16 CROSS-EXAMINATION BY MS. HARRIGAN:

17 Q. Was Mr. Roberson appointed or retained to represent
18 you?

19 A. Me and my family appointed him.

20 Q. You retained him?

21 A. Yes, ma'am.

22 Q. You paid for his services?

23 A. Yes, ma'am.

24 Q. Do you recall when you retained him?

25 A. Probably a couple of days after I first was sent --

1 arrested for this charge right here.

2 Q. How many times did you meet with him before your
3 guilty plea?

4 A. At the most, I could probably say two.

5 Q. Two times total in the entire time he represented you?

6 A. Not the entire time representing me, but right before
7 we got ready to go through with the plea.

8 Q. During the entire span of ---

9 A. During, during the entire span of it?

10 Q. Yes.

11 A. Probably five times at the most.

12 Q. Did you ever discuss -- were you out on bond, or
13 were ---

14 A. Yes, ma'am.

15 Q. --- you incarcerated?

16 A. I was out on bond.

17 Q. Did you ever discuss the case with him by phone or by
18 letter back and forth?

19 A. Not really. Two weeks prior to me going to court, we
20 briefed but didn't really discuss. You know what I'm
21 saying? We briefed the case. We didn't, really didn't
22 hard down discuss the case.

23 COURT REPORTER: Repeat that last statement, please.

24 A. I said two weeks prior to me going to court, we
25 briefed the case. We really didn't discuss it, but we

1 briefed it.

2 Q. When you say briefed the case, do you mean in his
3 office, or do you mean by phone or ---

4 A. At his office.

5 Q. --- by letter? At his office. Do you recall how long
6 that meeting lasted for?

7 A. Probably thirty minutes at the most.

8 Q. Thirty minutes at the most?

9 A. Yes, ma'am.

10 Q. You were originally charged with murder, correct?

11 A. Yes, ma'am.

12 Q. Did he review with you the various elements the state
13 would need to prove if you went to trial for murder?

14 A. No, ma'am.

15 Q. Did you review any discovery with your attorney?

16 A. We briefed, but we didn't hard down ---

17 Q. But you didn't ---

18 A. --- you know what I'm saying, review it, but he, he
19 briefed it. Like, he, he had a -- I mean, he had the
20 motion to discover. I never really had my own personal
21 copy, but just briefed through a couple of statements or
22 whatever that was brought up against me.

23 Q. You said you reviewed statements against you?

24 A. He showed me a couple statements that was wrote
25 against me. He briefed them.

1 Q. Did he explain to you that the statements likely would
2 have -- or witnesses likely would have testified against
3 you at trial?

4 A. No, ma'am.

5 Q. And these, were they from witnesses who witnessed the
6 attack?

7 A. So-called witnessed the attack, I guess.

8 Q. Did you review any defenses of Mr. Roberson you would
9 have used at trial?

10 A. No, ma'am.

11 Q. Did he discuss possible sentences for murder with you?

12 A. No, ma'am.

13 Q. He didn't tell you that murder carried a mandatory
14 minimum of thirty years day for day?

15 A. Not, not really.

16 Q. Did he tell you that murder carried up to life
17 imprisonment?

18 A. He told me that, that I could receive life in prison.

19 Q. And you testified before that you vividly remembered
20 your trial hearing, correct?

21 A. Yes, ma'am.

22 Q. Do you mean the April 24th hearing where you moved to
23 have Mr. Roberson relieved, and then you picked your jury?

24 A. Yes, ma'am.

25 Q. Do you recall during that hearing Judge McMahon asking

1 both the prosecuting assistant solicitor and your attorney
2 if murder carried a mandatory minimum of thirty years?

3 A. On a trial hearing -- I mean, on the, on the ---

4 Q. For your murder ---

5 A. --- on the sentencing?

6 Q. Yes, for your murder charge.

7 A. Yes, ma'am.

8 Q. So, you ---

9 A. On the sentence, on the sentencing, yeah.

10 Q. So, you knew at that time on the 24th before you pled
11 that murder carried a mandatory minimum of thirty years?

12 A. Right then and there.

13 Q. And this was before your plea?

14 A. No, ma'am. This was, this was on the day -- yeah,
15 this was on the day of the plea but not prior to it. The
16 day of.

17 Q. Day before is when he said that?

18 A. The day of, during the plea.

19 Q. Okay. So, you don't recall on April 24th Judge
20 McMahon asking counsel and prosecuting assistant solicitor
21 Dolly Garfield if murder was mandatory minimum of thirty
22 years?

23 A. I don't recall right now here.

24 Q. And the plea offer from the state was to allow you to
25 plead to voluntary manslaughter, correct?

1 A. Yes, ma'am.

2 Q. Did Mr. Roberson explain the sentencing ranges for
3 voluntary manslaughter with you?

4 A. He, I mean, he gave me a briefing of what it, of what
5 it could be, two to -- he told me I wouldn't really receive
6 more than two to three years. But, you know what I'm
7 saying, he didn't go into too much detail.

8 Q. Did he explain to you that it carried up to thirty
9 years' imprisonment?

10 A. He didn't never -- that wasn't never a option really.
11 He never even went there.

12 Q. But you testified prior on direct that to you, parole
13 eligibility meant ten years, which would be a third of
14 thirty years. So, you knew when you pled guilty you could
15 get up to thirty years, correct?

16 A. Worst-case scenario.

17 Q. So, he had ---

18 A. But, but he ---

19 Q. --- told you you could get thirty?

20 A. He never, he never directly told me that thirty was a
21 option and, I mean, just -- that was the plea, but he told
22 me that I, I wouldn't receive no more than two to three
23 years.

24 Q. And your testimony today is he told you that
25 worst-case scenario, you would be out in a third of

1 whatever sentence you received?

2 A. Yeah. I'd be eligible for parole.

3 Q. Did he ever promise you that you would be eligible for
4 parole?

5 A. That was the advice I received, that I would be
6 eligible for parole.

7 Q. Did he explain to you that parole is something that's
8 determined by the Department of Corrections and not by --
9 he can't guarantee you any sentence or day you'd be out?

10 A. No. He never explained that to me. He just told me
11 I'd be eligible for parole.

12 Q. Did he explain what eligible for parole meant?

13 A. Not necessarily but, I mean, if -- a parole is -- I
14 mean, it's not hard to really know what it is parole is. A
15 lot of people should know what that is.

16 Q. What is?

17 COURT REPORTER: Repeat that, please.

18 A. Parole, parole is -- I mean, he didn't never basically
19 explain to me what parole was, but I had -- I mean, I, I
20 knew what it was, but ---

21 Q. What's your understanding of what parole eligible is?

22 A. After serving a thirty-year sentence, you'd be able to
23 go in front of a board, and you might be released on
24 parole.

25 Q. And you said might be released. So, he never

1 guaranteed you you'd be released ---

2 A. He just ---

3 Q. --- after thirty?

4 A. He just gave me that advice that I, that I would be
5 eligible for parole.

6 Q. Did you understand that when you went before the
7 parole board, parole might be denied?

8 A. I didn't understand that but, I mean, it's possible.
9 That eligibility meant a lot, though.

10 Q. So, you knew parole might be denied even after a third
11 is -- you're telling the court he told you you'd be
12 eligible for?

13 A. It's possible that, that, that you could be denied
14 parole, but it's still -- that still played a big factor in
15 the, in the, in the plea.

16 Q. Did you want a trial on these offenses?

17 A. Yes, ma'am. If I would have knew this was the
18 outcome, I would have took forward my chance at trial.

19 Q. So, your testimony is if you knew you weren't parole
20 eligible after a third of your sentence you would have
21 proceeded to trial?

22 A. Yes, ma'am, I surely would.

23 Q. Do you recall your plea hearing on the 20 -- April
24 25th before Judge McMahon?

25 A. Yes, ma'am, I recall.

1 Q. Do you recall telling Judge McMahon that you wanted to
2 plead guilty?

3 A. Yes, ma'am.

4 Q. Do you recall admitting to Judge McMahon that you were
5 guilty?

6 A. I wouldn't -- I just told him I wanted to plead guilty
7 if you, if you take that...

8 Q. You don't recall telling judge McMahon during your
9 guilty plea proceeding that you were, in fact, guilty?

10 A. Yes, ma'am.

11 Q. And you were under oath then, correct?

12 A. Yes, ma'am.

13 Q. And you're under oath today, correct?

14 A. Yes, ma'am.

15 Q. So, you are guilty?

16 A. Yes, ma'am.

17 Q. Do you recall telling Judge McMahon that you were
18 satisfied with Mr. Roberson?

19 A. No, ma'am. I don't recall that.

20 MS. HARRIGAN: Brief indulgence, Your Honor.

21 (A PAUSE.)

22 BY MS. HARRIGAN:

23 Q. So, your testimony today is you don't recall telling
24 Judge McMahon you were satisfied with Mr. Roberson's
25 services?

1 A. I can't say that I don't recall because I, I really --
2 way before we even went forward with this, with this whole
3 idea, I asked for another attorney. He also asked to step
4 down. So, I can't fully say I was satisfied.

5 MS. HARRIGAN: Your Honor, may I approach?

6 Q. I'm going to hand you the guilty plea transcript from
7 the 25th when you pled guilty. If you'll please read
8 starting on page 10, line 25 through page 11. Actually,
9 through page 12, line 2, if you'll read the highlighted
10 portions, please.

11 A. The Court: I want to ask you about your attorney.
12 I can't turn it.

13 Q. I'm sorry.

14 DEPUTY: You're fine.

15 A. Standing to your right, Mr. Roberson. Are you
16 satisfied with this matter in which this lawyer
17 has advised you and represented you?

18 The Defendant: Yes, sir.

19 The Court: Have you talked with your lawyer as
20 often and for as long as you feel necessary for
21 him to properly represent you?

22 Yes, sir.

23 The Court: Do you need any more time to talk
24 with your lawyer?

25 No, sir.

1 The Court: Have you understood your talks with
2 your lawyer?

3 Yes, sir.

4 The Court: Has your lawyer done everything for
5 you you feel like he could have done or should
6 have done?

7 Yes, sir.

8 The Court: Has your lawyer done anything in the
9 case you feel like he should have not done?

10 Yes, sir. No, sir.

11 The Court: Are you totally and completely
12 satisfied with your lawyer's services?

13 The Defendant: Yes, sir.

14 The Court: Do you have any complaints you want
15 to make about your lawyer, the solicitors, or any
16 officers involved in your case?

17 The Defendant: No, sir.

18 Q. Do you recall signing a sentencing sheet in this
19 matter?

20 A. Yes, ma'am.

21 Q. I'm going to hand you your sentencing sheet. Do you
22 recognize this as the sentencing sheet you signed?

23 A. Yes, ma'am.

24 Q. Is that your signature right there highlighted?

25 A. Yes, ma'am.

1 Q. And does this plea say it's without any negotiations
2 or recommendations from the state?

3 A. Yes, ma'am.

4 Q. And during your proceeding, do you recall the
5 assistant solicitor stating several times on the record
6 that this plea was anywhere from two to thirty years? The
7 state wasn't making any recommendation as to sentence?

8 A. Yes, ma'am.

9 MS. HARRIGAN: No further questions, Your Honor.

10 THE COURT: Redirect?

11 MR. WALDEN: Yes, Your Honor.

12 REDIRECT EXAMINATION BY MR. WALDEN:

13 Q. Vander.

14 A. Yes, sir.

15 Q. When you pled guilty to voluntary manslaughter, were
16 you under the assumption that it was parole eligible?

17 A. Yes, sir.

18 Q. And were you under that assumption because of what you
19 heard during the trial?

20 A. Yes, sir.

21 MR. WALDEN: No further, no further questions, Your
22 Honor.

23 THE COURT: Recross?

24 MS. HARRIGAN: No, Your Honor.

25 RE-EXAMINATION BY THE COURT:

1 Q. All right, here's my question, and if I said this
2 wrong, just tell me, okay?

3 A. Yes, sir.

4 Q. You're not going to frustrate me.

5 A. Yes, sir.

6 Q. Okay. What I heard you say is that Mr. Roberson --
7 we're using this, this term parole eligibility.

8 A. Yes, sir.

9 Q. Right, and you've discussed that with your attorney,
10 correct?

11 A. Yes, sir.

12 Q. Now, I thought I heard you say that Mr. Roberson did
13 not explain what parole eligibility means. Did you say
14 that or not say that?

15 A. I recall saying that he, he told me that I would be
16 eligible for parole, but far as going into details, no.
17 No, sir.

18 Q. Okay, and that's what I'm asking.

19 A. Yes, sir.

20 Q. These are not trick questions.

21 A. Yes, sir.

22 Q. I'm just -- I'm, what I'm trying to do is make sure
23 that I heard you and what you're saying correctly.

24 A. Yes, sir.

25 Q. Does that make sense?

1 A. Yes, sir.

2 Q. Okay. So, you're telling me that Mr. Roberson
3 informed you that this was parole eligible, but what
4 exactly parole eligible means was not defined?

5 A. Yes, sir.

6 Q. And if I said that wrong, you just tell me. I promise
7 you're not going to offend me. Did I say that right or
8 wrong?

9 A. No, sir.

10 Q. I said it right?

11 A. Yeah, you said it right.

12 Q. Okay. So, and then you told me that -- so, in your
13 opinion, you're thinking, your mind, when you heard
14 voluntary manslaughter is parole eligible, your mind says
15 that means one-third, right?

16 A. Yes, sir.

17 Q. So, you're in the middle of this plea. You've already
18 picked your jury. You've already asked for Mr. Roberson to
19 be relieved. The state comes back to you with this --
20 we'll call a deal for lack of a better term.

21 A. Yes, sir.

22 Q. To plead to take murder off the table and to put
23 voluntary manslaughter as the deal.

24 A. Yes, sir.

25 Q. Am I following it?

1 A. Yes, sir.

2 Q. Okay, and then in the plea or some time between trying
3 to find Mr. Roberson and pleading guilty, or some time in
4 the middle of all those transcripts, the judge says is this
5 -- meaning voluntary manslaughter -- parole eligible, and
6 everybody says?

7 A. Yes, sir.

8 Q. They all say yes?

9 A. All of them.

10 Q. So when you hear that, in your mind you say to
11 yourself that means one-third?

12 A. Yes, sir.

13 Q. Okay. Now here's my question. What is your basis for
14 why that means one-third? Where have you gotten that from
15 because if it didn't come from Mr. Roberson ---

16 A. Family members or other people who I discussed it, you
17 know what I'm saying, my situation with.

18 Q. Okay.

19 A. You know what I'm saying?

20 Q. The judge never said it means a third, right?

21 A. The judge never said it, but he said it was, it was,
22 it was parole eligible.

23 Q. Right. Everybody uses the word parole eligible.

24 A. Yes, sir.

25 Q. Right.

1 Q. But no one defines what parole eligible means.

2 A. Yes, sir.

3 Q. Have I said that right?

4 A. Yes, sir.

5 Q. So in your own mind, based on things you've learned
6 from the community. Let's call it that.

7 A. Yes, sir.

8 Q. You, you, when you hear parole eligible, you say that
9 means a third. Even if I get the max, I'm going to be
10 parole eligible in ten?

11 A. Yes, sir.

12 Q. Is that right?

13 A. Yes, sir.

14 Q. Okay. All right. Now, so when you answer the
15 questions about whether or not you were satisfied with Mr.
16 Roberson to Judge McMahon.

17 A. Yes, sir.

18 Q. Remember she read all that to you?

19 A. Yes, sir.

20 Q. So, was that a basis in that decision?

21 A. Yes, sir.

22 Q. Okay. All right.

23 THE COURT: Anybody want to ask anything else based
24 upon the questions that I just asked, either side?

25 MR. WALDEN: No, Your Honor.

1 MS. HARRIGAN: No, Your Honor.

2 THE COURT: Okay. Thank you. You can step down.

3 (THE WITNESS EXITS THE STAND.)

4 THE COURT: All right, now, do you have any further
5 witnesses?

6 MR. WALDEN: No, Your Honor.

7 THE COURT: All right, Ms. Harrigan.

8 MS. HARRIGAN: Yes, Your Honor. The state at this
9 time would call Dolly Garfield to the stand.

10 DOLLY J. GARFIELD, BEING DULY

11 SWORN, TESTIFIES AS FOLLOWS:

12 THE COURT: Please take a seat.

13 DIRECT EXAMINATION BY MS. HARRIGAN:

14 Q. Ms. Garfield, how long have you been practicing law?

15 A. Sixteen years.

16 Q. How long have you been at the -- what is your current
17 job right now?

18 A. I am an assistant solicitor. I'm the chief prosecutor
19 over all crimes that occur in the city of Columbia. I
20 supervise approximately ten attorneys.

21 Q. How long have you been with the solicitor's office?

22 A. For sixteen years. In the late '90s, I took a
23 two-year position with the National Advocacy Center, where
24 I directed prosecution programs at the advocacy center and
25 around the country. While I was there, I maintained a

1 contract with the solicitor's office and prosecuted all
2 magistrate offenses.

3 Q. And you oversee ten attorneys, you said?

4 A. Yes, ma'am.

5 Q. What's your experience with prosecuting violent
6 crimes?

7 A. I've solely prosecuted violent crimes for almost nine
8 years now.

9 Q. What about most-serious crimes?

10 A. I'll say ten, eleven. Not solely but...

11 Q. What was your involvement in Mr. Meetze's case?

12 A. I was the lead prosecutor.

13 Q. Were you the only assistant solicitor assigned to this
14 case?

15 A. I was the only one assigned. When Mr. Meetze elected
16 to exercise his right to trial, I formed a trial team.

17 Deputy Solicitor -- Deputy Assistant Solicitor Luck
18 Campbell was one of my co-counsel, as well as Meghan
19 Walker.

20 Q. Can you give the court a background of the facts in
21 this case?

22 A. This was a situation where the victims -- and I do not
23 have my case before me because I learned of this hearing
24 this week. My file is in archives, but from my memory the
25 victim's name was Glenn Ford. He was a gentleman, I

1 believe, in his forties.

2 He had celebrated his birthday the night before the
3 incident; he had been at a party with several of his
4 neighbors. The defendant's mother, who lived across the
5 street, had become quite irate because of the noise factor.
6 The next morning, there were words between the victim and
7 his friends and the defendant's mother.

8 This angered the defendant. He got into his car after
9 Mr. Ford left the area, who was walking towards a park. He
10 was actually walking to a lady's house -- I don't remember
11 her name -- who helped him with his finances. He was --
12 and this was all on the record. He was of low intellectual
13 intelligence. He had someone that helped him with his
14 finances.

15 He was walking towards the park in their neighborhood
16 to this woman's house to help with his finances, when the
17 defendant arrived in a car and got out of the car and
18 proceeded to beat him approximately twenty to twenty-two
19 times, and this would have been testimony from other
20 neighbors in the park area who happened to be outside and
21 witness it.

22 One neighbor tried to intervene to get Mr. Meetze off
23 of the victim. At that point, if I recall, Mr. Meetze made
24 some sort of accusation of I'll kill you, too.

25 Mr. Ford was taken to the hospital. He suffered a

1 broken jaw, which ultimately led to a pneumonia that you
2 can only develop when you're hospitalized; it was not the
3 kind of pneumonia that we hear of everyday people
4 contracting. A pathologist explained to me you can only
5 contract this type of pneumonia developed from
6 hospital-type procedures, and ultimately he died of
7 complications from that pneumonia approximately, I think,
8 two to three days later.

9 My -- also I learned that the broken jaw that he was
10 treated for, that's actually the hardest bone in the body
11 to break. He would have had to have substantial force in
12 completing that injury.

13 Q. What was he originally charged with?

14 A. Murder.

15 Q. Did you enter into plea negotiations with Mr.
16 Roberson?

17 A. I did.

18 Q. Can you elaborate on what the negotiations were for
19 the court?

20 A. I cannot recall -- maybe Mr. Roberson can -- when I
21 actually relayed an offer of voluntary manslaughter. I
22 believe it was shortly before we were to begin the trial on
23 a Monday morning. I don't know if it was done on Thursday
24 or Friday beforehand or the weekend or that morning. I do
25 not recall, but I did make an offer of voluntary

1 manslaughter with no negotiations as to sentencing.

2 Q. Did Mr. Roberson ever ask you to make an offer of
3 numerical value?

4 A. Not that I recall.

5 Q. And a jury -- did you select a jury in this case?

6 A. We did. Mr. Roberson, I recall, relayed the offer to
7 his client; his client rejected it. I put that on the
8 record to cover exactly for purposes of today's hearing,
9 and then we proceeded with jury selection. We did pick a
10 jury, and the ultimately Mr. Meetze chose to enter the
11 guilty plea, and we extended the offer.

12 Q. Do you recall the hearing that took place on April 24,
13 2012, before Judge McMahon where Mr. Roberson was moving to
14 be relieved, and then the jury was selected?

15 A. Yes, ma'am.

16 Q. Do you recall any discussion regarding parole
17 eligibility for murder?

18 A. After reading the transcript, I am refreshed to know
19 that Judge McMahon asked Mr. Roberson -- Judge McMahon
20 explained that he thought it was parole eligible. He asked
21 Mr. Roberson if he thought it was. Mr. Roberson agreed and
22 I agreed as well. I believe all parties involved associate
23 parole eligibility with community supervision. We sort of
24 use the terminology one and the same among criminal
25 practitioners.

1 Q. And then that would argue you're speaking of voluntary
2 manslaughter, not murder?

3 A. Yes, ma'am. Right.

4 MS. HARRIGAN: Your Honor, may I approach?

5 Q. I'm going to hand you page 8 of that transcript, if
6 you'll read that to yourself.

7 (A PAUSE.)

8 Q. Is that what you're referring to in regards to your
9 belief that everyone was speaking about community
10 supervision?

11 A. Oh, absolutely.

12 Q. And do you think that was Judge McMahon's under -- had
13 you appeared before Judge McMahon before?

14 A. I've appeared before Judge McMahon, as well as worked
15 with him while he was a practicing prosecutor.

16 Q. And do you believe that was Judge McMahon's
17 understanding of what the word parole was being used for?

18 A. I can't speculate, but I know him pretty well, and I
19 believe him to be a brilliant mind of the law. I believe
20 he knew what the sentencing -- that's exactly what he was
21 referring to.

22 Q. Do you recall directly before that discussing with the
23 court whether or not murder was parole eligible?

24 A. Discussing with the court? I believe Judge McMahon
25 did state on the record that it did not.

1 Q. Hand you page 7 of the transcript for you to refresh
2 your recollection.

3 (A PAUSE.)

4 A. Yes. He goes over the minimum sentence being thirty,
5 the maximum being life, and Mr. Roberson agrees with the
6 court that you must serve at least thirty if given the
7 minimum sentence.

8 Q. And in your experience prosecuting violent crimes,
9 murder carries a mandatory minimum of thirty years day for
10 day, correct?

11 A. Yes, ma'am.

12 Q. So, there's no parole eligibility for murder?

13 A. Correct.

14 Q. Or community supervision for murder?

15 A. Correct.

16 MS. HARRIGAN: No further questions, Your Honor.

17 MR. WALDEN: Your Honor, we don't have any questions.

18 We're going to rely on the record.

19 THE COURT: Okay. All right.

20 Thank you very much.

21 WITNESS: Thank you.

22 (THE WITNESS EXITS THE STAND.)

23 THE COURT: Yes, ma'am.

24 MS. HARRIGAN: The state would call Nathaniel Roberson
25 at this time.

1 THE COURT: All right. Please come forward.

2 NATHANIEL ROBERSON, BEING DULY
3 SWORN, TESTIFIES AS FOLLOWS:

4 WITNESS: Judge, kind of, kind of bear with me. I've
5 got a serious sinus infection. It is draining seriously,
6 and that makes it a little bit uncomfortable.

7 DIRECT EXAMINATION BY MS. HARRIGAN:

8 Q. Good morning, Mr. Roberson.

9 A. How are you.

10 Q. How long have you been practicing law?

11 A. More than twenty years.

12 Q. What percentage is criminal defense?

13 A. Probably sixty-five, seventy percent, maybe a little
14 less.

15 Q. Have you had experience in defending clients against
16 violent crimes?

17 A. Yes.

18 Q. And most-serious crimes as well?

19 A. Beg pardon? Most what?

20 Q. Most serious as well, those that are categorized ---

21 A. Oh, yes.

22 Q. --- as most serious.

23 A. Yes, indeed.

24 Q. Do you recall becoming involved with this case?

25 A. Yes.

1 Q. Were you retained or appointed?

2 A. I was retained.

3 Q. Do you recall the approximate date you were retained?

4 A. It had to be within a week to seven days of him being
5 arrested and charged with murder.

6 Q. Have you had the opportunity to review your file
7 before coming into court today?

8 A. Yes.

9 Q. Do you recall the number of times you met with your
10 client before his guilty plea?

11 A. Somewhere around eight to ten times.

12 Q. And was he out on bond at this time?

13 A. He was.

14 Q. Where would these meetings take place?

15 A. At my office. Now, I think there was one or two
16 occasions where I really met with him when I went to the
17 crime scene itself and he was there.

18 Q. In addition to going to the crime scene, what other
19 sort of investigation did you do in this case?

20 A. Well, there wasn't any real crime scene investigation
21 you could do because the police, if there was a crime
22 scene, when they finished their investigation, all of that
23 was destroyed. The logistics of how the crime occurred,
24 what events led up to it were the things that I had to
25 investigate to raise his defense and to mitigate all of

1 what I perceived the state would prove in aggravation. Not
2 that this was a case where they had to prove aggravation,
3 but there were some things that happened that would lead
4 into the element of malice, and those were the things I
5 investigated.

6 Q. And what sort of investigation did you do?

7 A. Did it myself. Went to the crime scene. Read all of
8 the police reports, talked to -- I have some friends who
9 are, in fact, you know, investigators. Just run -- without
10 giving specifics facts. I just said for instance, if this
11 happened and you were investigating it, what would be
12 important to you? Those kinds of things.

13 Q. Were you able during these eight to ten meetings to go
14 over the indictment and elements of murder that ---

15 A. Yes, indeed I did.

16 Q. Did you discuss ---

17 A. Now, wait a minute. Not only did I discuss that with
18 him. I have a standard practice that people of tender
19 years, when they're facing anything greater than ten years,
20 or they're looking at some offense which has a mandatory
21 minimum, I always rely on the assistance of their parents
22 or some trusted person so that they can assist me in making
23 sure that this person understand and have an appreciation
24 of what they're faced with, the facts and the law and that
25 kind of thing so that I'm satisfied that the client is

1 getting the full benefit of what his constitutional rights
2 and protections are.

3 Now, in many of the occasions where I had a chance to
4 meet with Mr. Meetze, it was either his mother, it was his
5 grandmother, one of his, one of his aunts, and sometimes I
6 believe it was a uncle who were present. But there were
7 always people other than Vander maybe on one or two
8 occasions where they were with us where we went through
9 discovery, all of the pitfalls, and some of the things we
10 could mitigate. So, it was thoroughly discussed with him
11 and his family members.

12 Q. Did you advise him that -- of the sentencing range for
13 murder?

14 A. Yes, I did.

15 Q. Did you advise him that the mandatory minimum sentence
16 would be thirty years that must be served day for day?

17 A. Right.

18 Q. And did you advise him that murder carries up to life
19 imprisonment?

20 A. Yes, indeed.

21 Q. He was allowed to plead to the lesser-included offense
22 of voluntary manslaughter, correct?

23 A. Yes.

24 Q. Did you advise him of the benefits of this plea offer?

25 A. Yes.

1 Q. And was ---

2 A. And again in the presence of the same trusted people
3 that he allowed me to discuss this case with.

4 Q. And aside from the obvious reduction in sentencing
5 exposure, what other benefits did you relay to him for
6 being allowed to plead voluntary manslaughter?

7 A. The math of the thing was significant. If you are
8 convicted of murder, you must serve a minimum of thirty
9 years day for day. In voluntary manslaughter, the minimum
10 is two years, a maximum of thirty years because with --
11 because it's a violent and one of the most serious
12 offenses, it is a eighty-five percent eligibility case for
13 release. So, the statutory minimum for murder is the max
14 for voluntary manslaughter. That in and of itself reduces
15 his sentence from whatever it is from a day-to-day sentence
16 to the eighty-five percent, which is sometimes much reduced
17 between the two years and the thirty years as the part for
18 which they calculate the eighty-five percent that he's
19 finished that sentence.

20 Q. Is it your standard practice to ever advise clients
21 the exact date at which they'll be eligible for parole?

22 A. I never have and I never will until that's spelled out
23 in the statute.

24 Q. You testified before that the state's offer was to
25 voluntary manslaughter. Did they ever offer you a

1 particular sentence range?

2 A. No.

3 Q. Did you ever convey to him that they offered you a
4 particular range?

5 A. No -- yeah, yeah, yeah. The, the statute with all --
6 for whatever the range is, that is, if he pleads to
7 voluntary manslaughter, the minimum is two years, the
8 maximum is thirty years.

9 Q. Did you think a plea was in his best interest?

10 A. Of course I did, yes.

11 Q. Did you ever advise that he would be eligible for
12 parole after one-third of his sentence?

13 A. No.

14 MS. HARRIGAN: No further questions, Your Honor.

15 THE COURT: Cross?

16 MR. WALDEN: Yes, Your Honor.

17 CROSS-EXAMINATION BY MR. WALDEN:

18 Q. Mr. Roberson, how are you doing?

19 A. I'm doing good. How about yourself?

20 Q. Now, you obviously remember this trial, this case very
21 well.

22 A. No. It wasn't a trial. It was ---

23 Q. A trial hearing before he pled, yes, sir.

24 A. No. We selected a jury.

25 Q. Yes, sir.

1 A. There was never...

2 Q. Okay. Well, was Vander's family at that hearing that
3 day?

4 A. Yes.

5 Q. Were they ---

6 A. Yes. Yes. Yes.

7 Q. Okay. So, they would have heard the trial court,
8 yourself, and the solicitor misinform just by, by nature
9 of record about parole eligible? They would have heard
10 that?

11 A. The record speaks for --- yeah, they, they heard that.

12 Q. The record speaks for itself.

13 A. They heard it.

14 Q. Yes, sir. So, and then y'all didn't decide
15 collectively as a team to take a plea until later that
16 evening or early the next morning before you -- before the
17 trial proceeded? When, when did y'all decide to take the
18 plea?

19 A. If I remember correctly, we had struck a jury, and I
20 had been constantly asking Ms. Justice to see if the family
21 would allow her to offer us voluntary manslaughter.

22 Q. Okay.

23 A. And, of course, she, at that point she wasn't in a
24 position to do so, and ---

25 Q. But, but Vander was at a, was at a -- had an

1 opportunity to speak with his family before deciding
2 whether he wanted to go forward with accepting that plea
3 deal or go to trial. Is that correct?

4 A. He had ample time to do that.

5 Q. Okay.

6 A. Because I believe even when they, they made the offer,
7 I gathered, gathered his family together along with him and
8 explained to him that the offer was now made. And because
9 of the speed with which it happened, I had not really put
10 together a mitigation case because I felt pretty certain
11 that we would end up in a trial.

12 Q. Okay.

13 A. And I believe ---

14 THE COURT: And did you, Mr. Roberson, did you base
15 that upon the facts that you knew and that the
16 investigation that you had done with this -- I mean,
17 there's this element in the case that he died after he got
18 in the hospital of pneumonia.

19 WITNESS: Yeah.

20 THE COURT: Not necessarily because of the beating.
21 And I'm not saying that's true or not true, but in your
22 mind as you're going in to try this case, that's one of the
23 big issues for you. Is that right?

24 WITNESS: Yeah, but, but there's, there's case
25 law that if the defendant is the one who creates the

1 situation ---

2 THE COURT: Right.

3 WITNESS: --- that results in death, even though the
4 death may be caused by something other than the direct
5 attack, he's responsible for the death. And, of course, I
6 explained all that to them. He, he did develop pneumonia
7 in the hospital.

8 THE COURT: Okay.

9 WITNESS: And he died a couple of days later, and I
10 spoke to the pathologist, and I think I spoke to another
11 independent pathologist who's a friend of mine. And that
12 their testimony would have been that but for this kind of
13 assault and the exposure of his body to those elements, and
14 given the fact that his body was at a weakened state --
15 because he was, I hate to say, a serious alcoholic -- he
16 just developed this condition in the hospital. But for the
17 assault, he would not have developed the pneumonia, and the
18 pneumonia resulted in his death and, therefore, it was
19 proper for him to be charged with murder.

20 THE COURT: Thank you, and I apologize for
21 interrupting, but I wanted to see why his, why his mind was
22 made that way. So, I apologize for interrupting. Thank
23 you.

24 WITNESS: Okay.

25 MR. WALDEN: Yes, Your Honor.

1 BY MR. WALDEN:

2 A. What was your question?

3 Q. Well, this case, we're going forward on solely on the
4 basis that he was actively misinformed, not necessarily
5 advised but actively misinformed by the trial court and
6 everybody and -- present at that time, all the parties
7 present.

8 So, my question is, again his family was very active
9 in the trial, correct? They were, they were there to
10 support him?

11 A. Always.

12 Q. Okay.

13 A. In all phases of the case.

14 Q. And it is clearly on the record that he was advised
15 accordingly by the trial court that parole eligibility --
16 that voluntary manslaughter was parole eligible?

17 A. The record speaks for itself, and our, and our
18 explanation was inadequate.

19 Q. Yes, sir, and he had an opportunity to speak with his
20 family, who were very active in their participation and
21 support ---

22 UNIDENTIFIED SPEAKER FROM GALLERY: Yeah.

23 Q. --- before taking the plea? I'll, I'll rephrase it
24 again. He, he didn't take the plea until the next day,
25 correct, and he had a chance to speak with his, his family?

1 A. Right.

2 Q. Okay. So, it's possible that they were -- being so
3 supportive, they heard the same thing, and that that
4 allowed them to help him decide to plead?

5 A. That, that may well be the case because when -- I
6 believe he -- the afternoon the plea was offered -- and I
7 think Mr. Meetze impressed the court that he wanted to
8 speak to his family about the matter. I believe I asked
9 the judge to take him directly back down to the jail
10 because I would go and see him and give him a further
11 explanation, answer any questions he had. And I believe he
12 spoke to some family members over the phone that afternoon
13 or that night. And I believe the next morning before we
14 actually started the plea and completed it, I think he may
15 have spoken with one other family member, so.

16 MR. WALDEN: Mr. Roberson, that's all I have for you.
17 Thank you very much.

18 WITNESS: Okay.

19 MS. HARRIGAN: Briefly, Your Honor.

20 REDIRECT EXAMINATION BY MS. HARRIGAN:

21 Q. Mr. Roberson, you heard Ms. Garfield's testimony a
22 moment ago, correct?

23 A. Yes.

24 Q. And did you hear her characterization that the term
25 parole is often interchanged in the courtroom with

1 community supervision?

2 A. Yes.

3 Q. Do you believe that's a fair assessment of what
4 happened here?

5 A. I believe that's fair.

6 MS. HARRIGAN: No further questions, Your Honor.

7 EXAMINATION BY THE COURT:

8 Q. Did you ever tell him that voluntary was an
9 eighty-five percent?

10 A. Your Honor, there is no question in my mind that I had
11 to explain that to him because it was a most-serious
12 offense.

13 Q. Right.

14 A. And most serious, I can't think of a most-serious
15 offense where the service time is less than eighty-five
16 percent.

17 THE COURT: Anything further based on that question?

18 MS. HARRIGAN: No, Your Honor.

19 MR. WALDEN: One minute, Your Honor.

20 THE COURT: Okay. Sure.

21 (A PAUSE.)

22 RECROSS-EXAMINATION BY MR. WALDEN:

23 Q. Mr. Roberson, did you advise Vander that voluntary
24 manslaughter was parole eligible?

25 A. I, I said that on the record when the judge was going

1 through that colloquy, but I don't know that I ever really
2 had a serious discussion with him about parole eligibility.

3 Q. Okay.

4 A. Because I -- that, that -- there's some quirky things
5 that's going on interpreting parole eligibility for serious
6 offenses, most-serious offenses. Then we have classes of
7 misdemeanors and that kind of thing, and it gets to be
8 awfully quirky.

9 And the reason I hesitate to be more definitive in how
10 I explain to them what parole eligibility and all this
11 stuff is -- because some of it can't become a reality, or
12 they cannot know until the Department of Corrections
13 evaluates their record going in. And then there's some
14 things that they are eligible for that they can earn.

15 Q. Yes, sir.

16 A. It can lessen the time for which -- it's spelled out
17 statutorily so that I can't do that going into it. And I
18 would not want them to rely on my telling them what it is,
19 and they get into the Department of Corrections and it's
20 more or less, and then I have to sit there and answer these
21 questions like I'm doing today. So, I take the safe route
22 and give them just the general idea of what parole --
23 parole eligibility and what that kind of thing is about.

24 Q. Okay. So, based on their general -- the general idea
25 you may have gotten -- given him in your consultation, what

1 he heard at trial, he may have had a general overview of
2 what it was at least. And whenever the trial judge
3 misinformed him, that, that was the general basis -- did --
4 let me back up.

5 You stated that you, you do consult with him about the
6 general overview of the criminal system, what parole is,
7 what parole eligibility is?

8 A. Yeah.

9 Q. Is that correct? So with that limited understanding,
10 the record states that he was misinformed at trial. Is
11 that correct?

12 A. The record speaks for itself.

13 MR. WALDEN: Okay. Thank you.

14 MS. HARRIGAN: Very briefly, Your Honor.

15 FURTHER DIRECT EXAMINATION BY MS. HARRIGAN:

16 Q. Do you -- you testified before in response to His
17 Honor's question that there is no the question in your mind
18 you told your client, Mr. Meetze, that it was eighty-five
19 percent parole eligibility?

20 A. And, and, and, and I made that clear because one of
21 his uncles -- now, you got to understand that I had a good,
22 professional, working relationship with his family. So --
23 and sometimes family members, those who were the trusted
24 ones selected by him, I might be speaking to them about
25 some other matters, and they may ask -- answer these kinds

1 of questions.

2 But there was a, a cousin of his who knew what the
3 sentencing criteria with -- for manslaughter, murder, and
4 involuntary manslaughter as well as I did so that -- you
5 know, he, he was fully apprised of what the sentencing
6 range would be for voluntary manslaughter because of how
7 it's classified by the statute, and that it was an
8 eighty-five percent sentence.

9 Q. Do you think that your client pled guilty to avoid the
10 possibility of a life sentence if convicted of murder?

11 A. Yes, he did.

12 MS. HARRIGAN: No further questions, Your Honor.

13 MR. WALDEN: Redirect one moment, Your Honor, one
14 question?

15 THE COURT: One question.

16 FURTHER CROSS-EXAMINATION BY MR. WALDEN:

17 Q. Mr. Roberson, two questions. Who was, who was
18 available? What family members were present whenever y'all
19 were discussing a plea deal when you were personally in the
20 room with Vander?

21 A. I know it would have been his grandmother, probably
22 his mother, probably one of his uncles. It may have been
23 three or four family members there.

24 Q. Okay, and this family member that you've said knew the
25 law so well, was he present?

1 A. I believe he was.

2 Q. Okay. All right.

3 MR. WALDEN: No further questions.

4 THE COURT: Okay. Thank you very much.

5 WITNESS: Thank you.

6 (THE WITNESS EXITS THE STAND.)

7 THE COURT: All right anything further from the state?

8 MS. HARRIGAN: No, Your Honor.

9 THE COURT: All right, Mr. Meetze, stand up for just a
10 second. Now I previously swore you in. I'm sure your
11 attorney has been over this with you, but I just want to go
12 over this with you just to make sure that you understand
13 what a PCR really does. I know your attorneys and the
14 reputation that they enjoy, but I want to make sure that
15 I've heard you to say that you understand what a PCR means.

16 What a PCR means -- and I'm not saying how I'm ruling.
17 I'm going to take this under advisement and let everybody
18 submit proposed orders on the issue. But if you win -- you
19 may not win with me. You may win with me. I don't know,
20 but whatever happens more than likely will be appealed to
21 the state Supreme Court. If at the end of the day you win,
22 okay, the only thing you win is going back to the Alvin S.
23 Glenn Detention Center, and you're back to facing murder,
24 and you're back to facing mandatory minimum thirty
25 day-for-day up to life without parole. And life without

1 parole in the state of South Carolina, based on an offense
2 date of 2009, means you would die in the Department of
3 Corrections. Do you understand that?

4 APPLICANT: Yes, sir.

5 THE COURT: So if you win, it doesn't mean that I -- I
6 do not have the power to change your parole eligibility.
7 Do you understand that?

8 APPLICANT: Yes, sir.

9 THE COURT: The Supreme Court does not have the power
10 to change your parole eligibility. Do you understand that?

11 APPLICANT: Yes, sir.

12 THE COURT: Okay. The only thing that happens if you
13 win -- and I mean win at the end of the day, then -- then
14 the Supreme Court says Mr. Meetze is entitled to
15 essentially a brand new trial. You come back. You have
16 your bond set, and you're back to facing murder, mandatory
17 minimum thirty up to life without parole. Do you
18 understand that?

19 APPLICANT: Yes, sir.

20 THE COURT: And I know your attorneys have explained
21 that to you. I just want to make sure that I've heard you
22 say it on the record, okay?

23 APPLICANT: Yes, sir.

24 THE COURT: All right. Thank you very much.

25 You need more than sixty days to submit proposed

1 orders?

2 MS. HARRIGAN: No, Your Honor.

3 THE COURT: Mr. Walden? Okay, very good. Thank you
4 very much.

5 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM 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
CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON
THE 21ST DAY OF NOVEMBER, 2013.

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

S/ELIZABETH B. HARRIS, CVR-M

COLUMBIA, SOUTH CAROLINA

JUNE 25TH, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Vander Davon Meetze, #351032,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-3117

ORDER OF DISMISSAL

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for post-conviction relief filed May 23, 2013. Respondent made its Return on September 25, 2013, requesting an evidentiary hearing be held. An evidentiary hearing was convened November 21, 2013, at the Richland County Courthouse. Applicant was present at the hearing and was represented by Tom Young, Jr., Esquire, and Andrew Walden, Esquire. Respondent was represented by Assistant Attorney General Megan E. Harrigan of the South Carolina Attorney General's Office.

The records before this Court indicate that the 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 April 2010 term of the Richland County Grand Jury for Murder (2010-GS-40-9525). Nathaniel Roberson, Esquire, represented Applicant. On April 24, 2013, Applicant proceeded to jury trial before the Honorable R. Knox McMahon. On April 25, 2013, Applicant decided forgo trial and pled guilty to the lesser-included offense of Voluntary Manslaughter; sentencing was deferred to allow a pre-sentencing investigation and report to be completed. On May 24, 2012, Judge McMahon sentenced Applicant to twenty-one years imprisonment. No direct appeal was taken.

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following allegations of ineffective assistance of counsel:

1. Ineffective assistance of counsel
 - a. "Counsel provide Applicant with erroneous advice regarding parole eligibility; and
 - b. Counsel failed to object to the sentence recommendation presented by the solicitor.
2. Involuntary guilty plea due to Counsel's failure to adequately inform Applicant.

At the evidentiary hearing, Applicant expressly abandoned and waived all grounds for relief beyond his allegation that Counsel was ineffective for providing erroneous advice as to parole eligibility.

TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented testimony from plea counsel Nathaniel Roberson, Esquire (hereafter "Counsel") and the prosecuting Assistant Solicitor Dolly J. Garfield, Esquire. This Court also had before it a copy of the Applicant's plea transcript, the records of the Richland County Clerk of Court, and Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant testified that Counsel was retained to represent him "a couple of days after [he] was first arrested." He testified that he met with Counsel five times prior to his guilty plea, as well as discussed the case with Counsel by telephone. He testified that Counsel reviewed discovery with him, including various witness statements, but did not provide him with a copy of discovery materials. He testified that he was originally charged with murder, which Counsel informed him carried a sentence range of a mandatory minimum of thirty years imprisonment, which must be served day-for-day, up to a maximum sentence of life without parole. He testified that Counsel advised him that the lesser-included offense of

voluntary manslaughter carried a sentence range of a mandatory minimum of two years imprisonment up to a maximum sentence of thirty years imprisonment. He testified that he understood that his guilty plea was being entered without any recommendation or negotiation as to sentence range, but that he thought the sentence would be parole eligible. He testified that Counsel did not define what parole eligibility meant, but that based on his discussions with family, friends, and other various members of the community, he thought parole eligibility meant that he would only be required to serve approximately one-third of his sentence before he would be eligible for parole. He testified that he thought that "worst case scenario" would be that he would only be required to serve ten years of a thirty year sentence before becoming parole eligible. Applicant testified that this belief was based on the information he received from various community and family members, not Counsel. Applicant acknowledged that he understood that being parole eligible does not guarantee early release, but merely makes one eligible for early release. He testified that he now understands that voluntary manslaughter requires an inmate to serve at least eighty-five percent of his sentence before becoming eligible for early release. He testified that if he had understood this at the time of his guilty plea, he would not have pled and would have continued forward with his trial.

Applicant testified that he recalls his guilty plea proceeding clearly because it was taken during his trial. He testified that he recalls Counsel, the prosecuting assistant solicitor, and the Court all stating that voluntary manslaughter was parole eligible. However, he acknowledged that his understanding as to what parole eligibility meant came from various other sources in the community, not Counsel. He testified that that he recalled telling the plea court that he wanted to plead guilty, that he was guilty, and admitted to kicking the victim several times while he was on the ground injured. He testified at that he is indeed guilty.

Following Applicant's testimony, Respondent presented testimony from prosecuting Assistant Solicitor Dolly J. Garfield, Esquire (hereafter "Garfield"). Garfield testified that she has been practicing law for sixteen years and is the Chief Prosecutor for the City of Columbia. She testified that she oversees ten other attorneys at the Fifth Circuit Solicitor's Office and has extensive experience prosecuting violent and most serious crimes. Garfield testified that she was the lead prosecutor assigned to Applicant's case and that assisting her on the trial team were Katherine Luck Campbell and Meghan Walker, also from the Fifth Circuit Solicitor's Office. She testified that this case involved Applicant kicking and violently beating the victim, who needed hospitalization for his injuries and ultimately died a few days later as a result of a specific strain of pneumonia that is only contracted within a hospital setting. She testified that the victim this case had a very low intellect and was developmentally delayed. She testified that at the time of the altercation, the victim was walking alone following a verbal altercation between Applicant's mother and the victim. She testified that multiple witnesses gave statements to law enforcement that Applicant was the sole aggressor and that during and immediately following the beating, Applicant made threats to other observers.

Garfield testified that Applicant was indicted for murder, but the State made an initial plea offer for the lesser-included offense of voluntary manslaughter without and recommendation or negotiation as to sentence length. She testified that Applicant originally turned down this offer and a jury was selected for his trial. She testified that following jury selection, Applicant accepted the State's offer for a plea to voluntary manslaughter without any negotiations or recommendation as to sentence length. She testified that she recalled discussing parole eligibility on the record with the plea court and Counsel, and that her meaning of "parole eligible" in this context was that Applicant would be eligible for early release under the

community supervision program after serving eighty-five percent of his sentence, as opposed to murder, which requires a defendant to serve thirty years, day-for-day, without any possibility of early release. She testified that she has been before Judge McMahon numerous times and work with Counsel multiple times, and she believes that this was the meaning all parties were attributing to the term "parole" in the context for Applicant's case.

Following Garfield's testimony, Respondent presented testimony from Counsel. Counsel testified that he has been practicing law for more than twenty years and approximately seventy percent of his practice is criminal defense. He testified that he has ample experience representing clients charged with both violent and most serious crimes. He testified that he was retained by Applicant days following his arrest and that he met with Applicant between eight to ten times before his guilty plea. Counsel testified that he also met with various members of Applicant's family, as his standard practice is to meet with parents or a trusted friend or family member whenever a client is charged with a crime carrying a sentence of more than ten years. He testified that he thoroughly explained the elements of murder, what the State would be required to prove at trial, and Applicant's constitutional rights to Applicant and his family members. He testified that he advised Applicant and his family members that murder carries a mandatory minimum sentence of thirty years, which must be served day-for-day, up to a maximum sentence of life without parole. He testified that he also explained that the lesser-included offense of voluntary manslaughter carries a mandatory minimum of two years imprisonment up to maximum sentence of thirty years imprisonment. He testified that he explained to Applicant and his family members that a significant benefit of pleading to voluntary manslaughter was that Applicant would be eligible for early release after serving eight-five percent of his sentence. He testified that he never advised Applicant of a particular sentence he

would serve or exactly when he should expect to become eligible for parole. He adamantly denied ever informing Applicant or any member of Applicant's family that Applicant would be eligible for parole or any type of early release after serving one-third of his sentence. Counsel agreed with the characterization provided to the Court by Garfield regarding the term "parole" as discussed by the court and both parties, with all having the understanding that Applicant would be eligible for early release after serving approximately eight-five percent of his sentence as opposed to murder, which requires day-for-day service would a possibility of early release.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Ineffective Assistance of Counsel

In a post-conviction relief action, an applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant 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, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption 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. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

"A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial." Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011), citing Rolen v. State, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009).

After careful review based on the standard discussed above, this Court finds that Applicant has failed to carry his burden in this action. Specifically, this Court finds that Counsel's testimony is very credible. In his application, Applicant alleges that Counsel was ineffective for providing him with erroneous advice regarding parole eligibility; specifically, Applicant alleges that Counsel advised him that he would be eligible for parole after serving

approximately one-third of his sentence. However, the uncontroverted testimony reveals that no such advice was given by Counsel. Counsel testified that he informed Applicant and various trusted members of Applicant's family that Applicant would be required to serve approximately eight-five percent of whatever sentence was imposed by the plea court before he would be eligible for early release. Counsel testified that he never informed Applicant or any member of Applicant's family that Applicant would only be required to serve one-third of his sentence before becoming parole eligible. Additionally, Applicant testified that he received this erroneous information about parole eligibility from family, friends, and various other members of the community – not from Counsel. As the undisputed testimony is that Counsel did not provide any erroneous advise to parole eligibility, but rather appropriately, correctly, and adequately advised him as to his parole, this allegation for post-conviction relief must be denied and dismissed with prejudice.

CONCLUSION

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

This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel 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 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's

behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That this application for post-conviction relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to and remain in the custody of the State

AND IT IS SO ORDERED this ____ day of _____, 2014.

ROBERT E. HOOD
Presiding Judge
Fifth Judicial Circuit

_____, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
Vander Meetze

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013-CP-40-3117
State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other Dismissed without prejudice
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge Re Hood Judge Code 2164 Date June 3, 2014

For Clerk of Court Office Use Only

This judgment was entered on the 10 day of June, 2014 and a copy mailed first class or placed in the appropriate attorney's box on this 10 day of June 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Tom Young

Megan Harrigan

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Vander Davon Meetze, #351032,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-3117

ORDER GRANTING APPLICANT
POST-CONVICTION RELIEF

RICHLAND COUNTY
FILED
2014 JUN -9 PM 2:08
JEANETTE W. McBRIDE
C.C.P. & G.S.

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for post-conviction relief (hereinafter "PCR") filed May 23, 2013. Respondent made its Return on September 25, 2013 requesting an evidentiary hearing be held. An evidentiary hearing was conducted on November 21, 2013, at the Richland County Courthouse. Applicant was present at the hearing and was represented by Tom Young, Jr., Esquire, and Andrew Walden, Esquire. Respondent was represented by Assistant Attorney General Megan E. Harrigan of the South Carolina Attorney General's Office.

The records before this Court indicate that 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 April 2010 term of the Richland County Grand Jury for murder (2010-GS-40-9525). Nathaniel Roberson, Esquire, represented Applicant. On April 24, 2012, Applicant proceeded to jury trial before the Honorable R. Knox McMahon. On April 25, 2012, Applicant decided to forgo trial and plead guilty to the lesser-included offense of voluntary manslaughter. Sentencing was deferred to allow a pre-sentencing

investigation and report to be completed. On May 24, 2012, Judge McMahon sentenced Applicant to twenty-one (21) years imprisonment. No direct appeal was taken.

At the evidentiary hearing, Applicant expressly abandoned and waived all grounds for relief beyond his allegation that his plea was unknowing and involuntary based on the fact that he was actively misinformed by all parties at his plea as to parole eligibility. Applicant refers to the record, as indicated herein, as the main evidence to support these grounds for PCR.

TESTIMONY PRESENTED AND TRIAL TRANSCRIPT

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented testimony from plea counsel Nathaniel Roberson, Esquire (hereinafter "Trial Counsel") and prosecuting Assistant Solicitor Dolly J. Garfield, Esquire (hereinafter "Solicitor Garfield"). This Court also had before it a copy of the Applicant's plea transcript, the records of the Richland County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, and Applicant's PCR Counsel's Bench Memorandum.

Testimony

During the evidentiary hearing, Applicant testified that Trial Counsel was retained to represent him shortly after his arrest. He testified that he only met with Trial Counsel five times prior to his guilty plea. He testified that he felt his Trial Counsel was not prepared for trial and that he asked the Trial Court for new counsel. He testified that this request was denied. Applicant further testified that he was originally charged with murder. Trial Counsel informed him that murder carried a sentencing range of a mandatory minimum of thirty years imprisonment, which must be served day-for-day, up to a maximum sentence of life without parole. He testified that Trial Counsel advised him that the lesser-included offense of voluntary manslaughter carried a sentence range of a mandatory minimum of two years imprisonment up to

a maximum sentence of thirty years imprisonment. He testified that he thought his guilty plea sentence would be parole eligible. He testified that Trial Counsel did not define what parole eligibility meant, but that based on his discussions with family, friends, and other various members of the community, he understood that parole eligibility meant that after he served one-third of his sentence, he would be eligible for early release. He testified that he thought that the "worst case scenario" would be that he would only have to serve ten years of a thirty year sentence before becoming parole eligible. He testified that he now understands that voluntary manslaughter is not parole eligible and requires an inmate to serve at least eighty-five percent of his sentence. He testified that if he had understood this at the time of his guilty plea, he would not have pled guilty and would have continued forward with his trial.

Applicant testified that he recalls his guilty plea proceeding clearly because it was taken during his trial. Applicant testified that he recalls all parties at the hearing stating that voluntary manslaughter was parole eligible before he made his decision to plead guilty and that he would not have pled guilty if he had not been misinformed.

Following Applicant's testimony, Respondent presented testimony from the prosecuting Assistant Solicitor. Solicitor Garfield testified that she has been practicing law for sixteen years and is the Chief Prosecutor for the City of Columbia. She testified that she oversees ten other attorneys at the Fifth Circuit Solicitor's Office and has extensive experience prosecuting violent and most serious crimes. Solicitor Garfield testified that she was the lead prosecutor assigned to Applicant's case and that assisting her on the trial team were Katherine Luck Campbell and Meghan Walker, also from the Fifth Circuit Solicitor's Office. She testified that this case involved Applicant kicking and beating the victim, who needed hospitalization for a broken

jawbone. She testified that the victim ultimately died a few days later as a result of a specific strain of pneumonia that is only contracted within a hospital setting.

Solicitor Garfield testified that Applicant was indicted for murder, but the State made an initial plea offer for the lesser-included offense of voluntary manslaughter without any recommendation or negotiation as to sentence length. She testified that Applicant originally turned down this offer and a jury was selected for his trial. She testified that following jury selection, Applicant accepted the State's offer for a plea to voluntary manslaughter without any negotiations or recommendation as to sentence length.

Following Solicitor Garfield's testimony, Respondent presented testimony from Trial Counsel. Trial Counsel testified that he has been practicing law for more than twenty years and approximately seventy percent of his practice is criminal defense. He testified that he has ample experience representing clients charged with both violent and most serious crimes. He testified that he was retained by Applicant days following his arrest and that he met with Applicant between eight to ten times before his guilty plea. Counsel testified that he also met with various members of Applicant's family, as his standard practice is to meet with parents or a trusted friend or family member whenever a client is charged with a crime carrying a sentence of more than ten years. He testified that he advised Applicant and his family members that murder carries a mandatory minimum sentence of thirty years, which must be served day-for-day, up to a maximum sentence of life without parole. He testified that he also explained that the lesser-included offense of voluntary manslaughter carries a mandatory minimum of two years imprisonment up to maximum sentence of thirty years imprisonment.

Applicant, Solicitor Garfield and Trial Counsel were the only witnesses at the evidentiary hearing.

Trial Transcript

The Applicant relies heavily on the court record to prove his grounds for PCR. The proper portion of the trial transcript that is applicable to this decision is as follows:

The Court: And, of course, he's indicted for murder. What is his potential minimum and maximum sentence on murder?

Mr. Roberson: Your Honor, as I understand it if he's convicted of murder the minimum is 30 and I believe the max is life.

The Court: Is there any eligibility for parole on any of these offenses –

Mr. Roberson: Your Honor, I –

The Court: Any of those sentences?

Mr. Roberson: Your Honor, I believe this is a most serious offense and as a result of that parole just isn't a reality. I think you must serve because of it is murder and because it's in the most serious category he has to serve the 30 which is the minimum

The Court: And how is your –how old is Mr. Meetze?

Mr. Roberson: 22 years old.

The Court: 22?

The Defendant: Yeah.

The Court: Now, you said there was a plea offer to voluntary manslaughter?

Mr. Roberson: Yes, Your Honor.

The Court: And what – what is the minimum sentence and the maximum sentence on voluntary manslaughter?

Mr. Roberson: Your Honor, I shared with them the statutory language and I believe the minimum is two and the maximum is 30.

The Court: Is there any offer as to a range of sentencing?

Ms. Garfield: No, sir.

The Court: So it's two to 30?

Ms. Garfield: Yes, sir.

The Court: Be up to the sentencing judge?

Ms. Garfield: Yes, sir; that's right.

The Court: Is voluntary manslaughter parole eligible?

Mr. Roberson: I believe it is, Your Honor.

The Court: You agree with that, Solicitor?

Ms. Garfield: Yes, sir.

(Trial Transcript 7:10-25; 8: 20-25)(emphasis added).

This excerpt reveals the crux of this PCR hearing. As indicated, the Applicant was first told that murder was not parole eligible and then second that voluntary manslaughter was parole eligible. The Court finds this persuasive.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the record and heard the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the

relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Unknowning and Involuntary Plea Based on Active Misinformation of Parole Eligibility

Parole eligibility is a collateral consequence of sentencing of which a defendant need not be specifically advised before entering a guilty plea. *Randall v. State*, 356 S.C. 639, 591 S.E.2d 608 (2004). However, if a defendant is actively misinformed about parole eligibility he is entitled to relief if he relied on the misinformation. *Griffin v. Martin*, 278 S.C. 620, 300 S.E.2d 482 (1983); see *Hinson v. State*, 297 S.C. 456, 377 S.E.2d 338 (1989) (relief granted on this ground); *Brown v. State*, 306 S.C. 381, 412 S.E.2d 399 (1991) (plea vacated where trial judge misinformed defendant about parole eligibility). Therefore, to find a guilty plea is voluntary and knowingly entered into, the record must establish the Applicant 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 (1969); *Dover v. State*, 304 S.C. 433, 405 S.E.2d 391 (1991).

After careful review based on the case law enumerated above and the record of the case, this Court finds that the Applicant was actively misinformed of his parole eligibility. Voluntary manslaughter, a "no parole offense," is not parole eligible. S.C. Code Ann. § 24-13-100, § 16-1-100, § 16-3-50. In *Brown*, the court stated: "We think that when a trial judge misinforms a defendant that he is eligible for parole, his plea does not represent 'a voluntary and intelligent choice among alternative courses of action' available to him'." *Id.* at 383, citing *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160 (1970). *Brown* was later modified by *Hunter v. State*, which required "something more" than erroneous parole advice from the bench to automatically reverse a guilty plea. *Hunter v. State*, 316 S.C. 105, 447 S.E.2d 203 (1994). In *Hunter*, however, the trial judge correctly explained the minimum criteria for parole eligibility although the petitioner

was not actually eligible for parole, and petitioner received correct parole information from his trial counsel prior to his guilty plea. *Hunter* is a "stark contrast" from the complete misstatement of law presented in *Brown* and the matter before this Court. *Id.* at 316 S.C. 110, 447 S.E.2d 206.

Respondent argues that Trial Counsel did not provide erroneous advice regarding parole eligibility. Even though Trial Counsel did not inform Applicant of his lack of parole eligibility prior to the plea, Trial Counsel during the plea affirmed the Court's statement that voluntary manslaughter was parole eligible. (See Trial Transcript 8: 21-25).

Here, all parties in the Trial Court actively misinformed the Applicant as indicated in the transcript. Further, Applicant stated that he relied on that misinformation and would not have pled guilty had he been informed otherwise. Applicant stated had a general knowledge of what parole eligibility meant from his family and the general community, but that general knowledge is not applicable in this instance.

The Trial Court's active misinformation, Trial Counsel's affirmation of that misinformation, and Applicant's statement that he would not have pled guilty if he had been correctly informed as to his lack of parole eligibility created an unknowing and involuntary plea. These factors took away the Applicant's opportunity to make a voluntary and intelligent choice as to procedural alternatives.

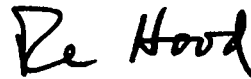
CONCLUSION

Based on the above, this Court finds and concludes that the Applicant has established that his plea was involuntary and unknowing based on the active misinformation from all parties at his Trial in regards to parole eligibility. The testimony provided and the court record does not offer any evidence to refute this finding. Further, the testimony from the Applicant indicates that

the active misinformation provided during the hearing played a significant role in his decision to plead guilty. Therefore, this application for post-conviction relief must be granted.

IT IS THEREFORE ORDERED that this application for post-conviction relief must be **GRANTED**.

AND IT IS SO ORDERED this 2nd day of June, 2014.



ROBERT E. HOOD
Presiding Judge
Fifth Judicial Circuit

Columbia, South Carolina

Respondent.

January 20, 2014. This Court signed its Order Granting Post-Conviction Relief on June 2, 2014; the Order was filed on June 9, 2014. Respondent received a copy of the Order on June 13, 2014. This Motion to Reconsider follows.

ARGUMENT IN SUPPORT OF RECONSIDERATION

Respondent moves this Court to reverse its earlier decision and deny post-conviction relief where Applicant failed to meet his burden as set forth in Strickland v. Washington, 466 U.S. 668 (1984). Under Strickland, an applicant must first prove that counsel's performance was deficient as measured by its "reasonableness under professional norms." Id. Second, an applicant must establish that counsel's deficient performance 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, an 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 asserts that Applicant has failed to carry his burden in regards to each prong. In support of this motion, Respondent has attached its proposed Order of Dismissal, setting forth its argument as to why this Court should deny post-conviction relief. Respondent requests that the arguments set forth in its proposed Order be incorporated fully into this Motion. Specifically, Respondent draws this Court's attention to the following:

Counsel did not provide erroneous or incorrect advice regarding parole eligibility

In his application, Applicant alleged that Counsel was ineffective for providing him with erroneous advice regarding parole eligibility; specifically, Applicant alleged that Counsel advised him that he would be eligible for parole after serving approximately one-third of his

sentence. However, the uncontroverted testimony reveals that no such advice was given by Counsel. Counsel testified that he informed Applicant and various trusted members of Applicant's family that Applicant would be required to serve approximately eighty-five percent of whatever sentence was imposed by the plea court before he would be eligible for early release. Counsel testified that he never informed Applicant or any member of Applicant's family that Applicant would only be required to serve one-third of his sentence before becoming parole eligible. Additionally, Applicant testified that he received this erroneous information about parole eligibility from family, friends, and various other members of the community – not from Counsel. As the undisputed testimony is that Counsel did not provide any erroneous advice to parole eligibility, but rather appropriately, correctly, and adequately advised him as to his parole, Respondent urges this Court to deny this allegation for post-conviction relief.

The Order Granting Post-Conviction Relief Omits Significant Portions of Testimony

In its Order Granting Post-Conviction Relief, this Court included testimony presented at the post-conviction relief hearing. However, Respondent respectfully disagrees with the testimony included in the Court's Order. Specifically, Respondent notes that the following portions of testimony were erroneously omitted from the Court's Order:

- Testimony from prosecuting Assistant Solicitor Garfield regarding parole eligibility, her discussions with Counsel, and her previous appearances before the plea court (See pages 4-5 of the State's proposed Order of Dismissal);
- Testimony from Counsel regarding his discussions with Applicant and his family where he correctly advised Applicant that he would be required to serve eighty-five percent of his sentence before being eligible for early release and adamantly denied ever informing Applicant or any member of his family that he would be eligible for parole after serving one-third of his sentence (See pages 5-6 of the State's proposed Order of Dismissal); and
- Testimony from Applicant that his misunderstanding as to his parole eligibility after serving one-third of his sentence came from

outside sources, *not from Counsel* (See pages 2-3 of the State's proposed Order of Dismissal).

Respondent respectfully urges this Court to reconsider its ruling to include all pertinent portions of testimony presented, including the portions highlighted above.

CONCLUSION

Based on all the foregoing, Respondent requests that this Court reconsider its prior ruling and deny Applicant's post-conviction relief. Respondent requests a hearing to fully argue this 59(e), SCRCF, motion and address each of the raised issues before this Court.

Respectfully submitted,

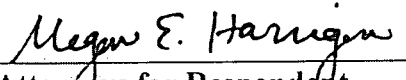
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June 18, 2014

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
County of Richland	)	2013-CP-40-3117
	)	
VANDOR DAVON MEETZE,	)	
	)	
APPLICANT,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
RESPONDENT,	)	

March 3, 2015
Columbia, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

ANDREW WALDON, ESQ.
Attorney for the Applicant

MEGAN JAMESON, ASSISTANT ATTORNEY GENERAL
Attorney for the Respondent

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S
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CERTIFICATE OF REPORTER 18

1 THE COURT: Okay. We're on the record in the State
2 of -- Vandor Meetze, inmate number 351032, Applicant,
3 versus the State of South Carolina. This is case number
4 2013-CP-40-3117.

5 So let's make sure we have this right. There is a
6 hearing held before me on or about November 21st, 2013.

7 MS. JAMESON: Yes, Your Honor.

8 THE COURT: Is that right? And Ms. Harrigan was
9 present with the Attorney General's Office. Your last
10 name is now...

11 MS. JAMESON: Jamison.

12 THE COURT: Jamison. See, I knew that. Mr. Waldon
13 was present.

14 MR. WALDON: Yes, Your Honor.

15 THE COURT: Along with Tom Young, both of the Aiken
16 County Bar, and Mr. Meetze, Meetze, was also present that
17 the time.

18 I signed an order granting Applicant's Post
19 Conviction Relief application. I signed that order on or
20 about June of 2014 with a Form 4, and the State filed a
21 motion to reconsider or amend under Rule 59(E) of the
22 South Carolina Rules of Civil Procedure.

23 It looks like it was on or about June 26th, 2014 that
24 that was filed, and then we've all kind of played tag with
25 what to do, whether to have a hearing, whether to not have

1 a hearing.

2 Of course, Mr. Young is in the senate and would
3 technically have protection for the first six months of
4 the year. So he hasn't intentionally tried to delay
5 anything. I don't want that to be the impression I'm
6 giving, but we tried to get this scheduled. Everybody has
7 agreed on this time and this place to conduct the hearing
8 at this time.

9 Now, Mr. Waldon, are you waiving your client's right
10 to be present during this hearing?

11 MR. WALDON: Yes, Your Honor.

12 THE COURT: And you believe that is in his best
13 interest at this time?

14 MR. WALDON: Yes, Your Honor.

15 THE COURT: Okay. Anything else you want to say
16 procedurally, Ms. Jamison?

17 MS. JAMESON: No. That -- that covers it all, Your
18 Honor.

19 THE COURT: Okay. All right. So this is State's
20 motion. You can go ahead.

21 MS. JAMESON: Okay. And just quickly for the record,
22 the motion was served on June 18th, 2014, so it was
23 timely. I'm not sure why it's Richland County. Eight
24 days originally filed, but it was served upon Your Honor
25 and opposing counsel by both electronic mail and US Mail

1 on June 18th. We received Your Honor's order on
2 June 13th, 2014.

3 THE COURT: Okay.

4 MS. JAMESON: There are two main areas in which
5 Respondent seeks reconsideration, alteration or amendment
6 of Your Honor's order.

7 The first would be that counsel did not provide
8 erroneous or incorrect advice regarding parole
9 eligibility, and the second main contention the Respondent
10 has is that the Court's order omits significant portions
11 of testimony from all three witnesses who testified at the
12 hearing.

13 At the hearing there was testimony from Assistant
14 Solicitor Dolly Justice Garfield who prosecuted the case,
15 trial counsel Nathaniel Roberson, as well as Applicant.

16 As to the first issue, Applicant contends that he
17 pled guilty with the understanding he would receive -- be
18 eligible for early release after serving approximately a
19 third of his sentence.

20 He testified that this understanding came from
21 community members, family, and friends, not from counsel.
22 This is the ground on which this court granted relief.
23 However, the uncontroverted testimony from the hearing is
24 that no such advice was given by counsel.

25 Counsel testified that he advised Applicant and his

1 family that applicant will be required to serve at least
2 85 percent of his sentence before becoming eligible for
3 early release.

4 THE COURT: Who told him that?

5 MS. JAMESON: Mr. Roberson testified that he told him
6 he had to serve 85 percent, and the testimony from
7 Applicant during the evidentiary hearing was that his
8 mistaken belief as to having to serve a third or becoming
9 parole eligible didn't come from counsel.

10 It actually came from, I think he said, community
11 members, family, friends, other people who dealt with the
12 system before. Despite his testimony, the Respondent
13 would respectfully argue that this Court incorrectly
14 granted relief based on a small portion of the motion to
15 relieve counsel transcript dated April 24th, 2012 which in
16 Your Honor's order is characterized as the crux of the PCR
17 hearing and is persuasive upon the Court.

18 The Respondent would respectfully submit that this is
19 an error of law, and it's incongruent with the testimony
20 and evidence that was presented at the Post Conviction
21 Relief hearing.

22 When there is a PCR from a guilty plea, the Court
23 must consider both the testimony presented at the
24 evidentiary hearing, as well as transcripts from the
25 guilty plea or other proceedings. If -- if I could pass

1 up for Your Honor a few cases, Holden v. State.

2 THE COURT: Okay. Here is -- here is my issue

3 Ms. Jamison: My issue is the sentencing judge, the
4 defendant's lawyer, and the prosecutor all were wrong on
5 the record.

6 Every single one of them told the defendant something
7 that was completely and totally inaccurate. He said, "Is
8 it parole eligible?" I mean the judge asked, "Is it
9 parole -- is voluntary manslaughter parole eligible?"

10 Mr. Roberson says, "Yes."

11 The Court says, "You agree with that, Solicitor?"

12 "Yes."

13 So everybody in the room believes that voluntary
14 manslaughter is parole eligible and it's not. Parole
15 doesn't exist on a voluntary manslaughter. What exists is
16 serving 85 percent of your sentence and then being
17 released onto a community supervision program that is not
18 parole.

19 It is a -- voluntary manslaughter is a no parole
20 offense, and the defendant was told he was parole
21 eligible. I mean, I don't understand how -- how we get
22 around the fact that the three people who are responsible
23 for making sure the defendant knows what he's pleading to
24 and what the consequences of it are were all wrong.

25 MS. JAMESON: And, Your Honor, if I could respond

1 briefly, I think there's two important caveats to that.
2 First, we had testimony from Assistant Solicitor Garfield
3 and Nathaniel Roberson that when you look at the
4 transcript in question, the portion Your Honor is
5 referring to which is not the guilty plea proceeding, but
6 it was actually the motion to relieve counsel and motion
7 for a continuance before jury qualifications start, if you
8 look on page seven starting on line ten, which is in full
9 cited in Your Honor's order onto to page seven -- onto
10 page eight, the Court starts out by talking with both the
11 State and opposing counsel about how murder carries a
12 mandatory minimum of 30 years' which must be served day for
13 day.

14 THE COURT: Right.

15 MS. JAMESON: Following that, yes, the term parole
16 was used, but we had testimony from Ms. Garfield and
17 testimony from Nathaniel Roberson that it was their
18 understanding and the Court's understanding -- they talked
19 about it -- that it meant 85 percent early release as
20 opposed to the day for day which must be served for --

21 THE COURT: I don't dispute that, but that's not the
22 issue. It's not parole. I mean, they used the -- and I
23 used to do it, too. I used to say, "You know, you're
24 parole eligible after 85 percent." That's not what the
25 law is.

1 You don't become -- the legislature abolished parole
2 on violent, serious, and most serious. Well, on offenses
3 that carry more than years in prison, parole is abolished.
4 So he is not parole eligible. Nowhere in the Department
5 of Corrections are they going to say, "You're parole
6 eligible." They're going to say, "You max out at
7 85 percent, and you get released on community supervision
8 for two years."

9 MS. JAMESON: Certainly, Your Honor, and the State
10 would concede it was a poor choice of words used by the
11 trial court and agreed to by the State and trial counsel
12 at the time, but we do have testimony which is incongruent
13 with Your Honor's order from Assistant Solicitor Garfield
14 and Nathaniel Roberson.

15 THE COURT: But what is -- what is the Solicitor's
16 state of mind as to what parole eligibility means? What
17 does that have to do with the defendant's state of mind
18 when he is pleading guilty and he hears the judge and the
19 prosecutor and the defense attorney say it's parole
20 eligible and he's not?

21 MS. JAMESON: Well, Your Honor, if we could be clear
22 for the record, this was not during the guilty plea
23 proceeding. This was during a pretrial --

24 THE COURT: This is the day before.

25 MS. JAMESON: Certainly, Your Honor.

1 THE COURT: Because he is on the trial docket because
2 he is up for trial, right?

3 MS. JAMESON: Certainly, and jury qualifications did
4 begin.

5 THE COURT: Right.

6 MS. JAMESON: However, the testimony from Applicant
7 was that he pled guilty with the understanding he was
8 going to serve a third of his sentence, and that mistaken
9 belief did not come for counsel -- come from counsel.

10 Applicant readily admitted it. We have testimony
11 from Mr. Roberson saying that he advised Applicant and his
12 family he was certain he advised them that he was going to
13 serve 85 percent.

14 He told him he would not be eligible for release from
15 his sentence, whatever term it was, unless he served at
16 least 85 percent of it, and when you look at the record
17 from the Post Conviction Relief hearing, the testimony
18 from all three witnesses in conjunction with the PCR or
19 the pretrial, trial and plea proceedings that it does not
20 support this ruling, and that the State would submit there
21 is probative evidence to support Your Honor's ruling,
22 respectfully.

23 THE COURT: All right. Mr. --

24 MS. JAMESON: And if I could briefly --

25 THE COURT: Oh yes, sure.

1 MS. JAMESON: -- pass up some cases so those could be
2 on the record.

3 THE COURT: Sure. Yes, absolutely.

4 MS. JAMESON: The State would say first cite to
5 Holden vs. State, H-O-L-D-E-N, v. State, 393 SC 565. It's
6 a 2011 case, and I've got a copy for Your Honor and
7 opposing counsel. If I may approach.

8 THE COURT: Yes, ma'am.

9 MS. JAMESON: For the proposition that the Court must
10 consider both the guilty plea transcript and the PCR
11 testimony.

12 THE COURT: Thank you, ma'am.

13 MS. JAMESON: The State would also cite to Suber v.
14 State, S-U-B-E-R, v. State, 371 SC 554, for that same
15 proposition.

16 THE COURT: Thank you, ma'am.

17 MS. JAMESON: And additionally, the State would also
18 cite to Vickery v. State, V-I-C-K-E-R-Y v. State, for a
19 similar proposition, 258 SC 33. And one more for that
20 proposition, Your Honor, which is Harres v. Leeke,
21 H-A-R-R-E-S v. Leeke, L-E-E-K-E, and that is 282 SC 131
22 for that proposition, and Your Honor, there is another
23 part to our argument.

24 THE COURT: Okay.

25 MS. JAMESON: If you will give me one moment. I'll

1 pass these up to you.

2 (Pause).

3 Your Honor, the State would also rely on Holden which
4 was previously passed up to Your Honor for the proposition
5 that Applicant's mistaken belief regarding a third parole
6 eligibility isn't a sufficient ground to support relief.

7 In that case, the Applicant had wishful thinking
8 regarding the sentencing they could possibly get, and the
9 Court ruled that that was not a sufficient ground to grant
10 relief, so we would also rely on it.

11 THE COURT: Well, that's different from this case,
12 isn't it?

13 MS. JAMESON: It can be distinguished --

14 THE COURT: I mean --

15 MS. JAMESON: -- from this case; however --

16 THE COURT: -- he says, "You're in the range from two
17 to 30." I mean, the Applicant is not arguing, "I don't
18 like my sentence." The Applicant is arguing the judge
19 provided -- when the judge takes the risk of giving a
20 defendant that he is sentencing -- or that he's taking a
21 plea on information about a collateral consequence which
22 the judge is not required to do, the judge bears the
23 burden of making sure that that information is correct.

24 MS. JAMESON: Certainly, Your Honor. And, again, the
25 State would rely on parole is not an appropriate word that

1 should have been used by the Court.

2 THE COURT: Right.

3 MS. JAMESON: And either --

4 THE COURT: I mean, it was wrong.

5 MS. JAMESON: Yes. Either the prosecuting assistant
6 solicitor or Mr. Roberson should have respectfully
7 corrected the court. It's unfortunate that they did not.

8 When you look at it in conjunction with page seven
9 directly before where they're talking about murder
10 carrying a mandatory day for day, I think that that gives
11 a little more explanation particularly in light of
12 Mr. Roberson's testimony --

13 THE COURT: Right.

14 MS. JAMESON: -- and Ms. Garfield's testimony. As to
15 the second issue, Respondent would respectfully request
16 that the Court's order contain a full summary of all
17 testimony presented.

18 The order as it stands now contains only a fraction
19 of the testimony that was presented at the PCR hearing,
20 and it omits significant testimony from all three
21 witnesses.

22 Our motion sets out these points, but the particular
23 aspects that the State would like to be altered or amended
24 or reconsidered is the testimony from prosecuting
25 Assistant Solicitor Garfield regarding parole eligibility,

1 her discussions with counsel, and her previous appearances
2 before the plea court.

3 We can look to page four or five of the State's
4 proposed order of dismissal which is incorporated into our
5 motion. Additionally, the testimony from plea counsel
6 Roberson regarding his discussion with Applicant and his
7 family where he incorrectly advised Applicant that he
8 would be required to serve 85 percent of his sentence
9 before becoming eligible for early release, and his
10 adamant denials of ever informing Applicant or any member
11 of his family that he would be eligible for parole after
12 serving a third of his sentence which can be found on
13 pages five and six of the State's proposed order of
14 dismissal.

15 Finally, the testimony from Applicant that his
16 misunderstanding as to parole eligibility after serving a
17 third of his sentence came from outside sources, not from
18 counsel.

19 THE COURT: Mr. Waldon?

20 MR. WALDON: Yes, Your Honor. Respectfully, we
21 would -- Ms. Jamison has, as indicated, that the word
22 parole eligible was not appropriate. It took away
23 Mr. Meetze's constitutional rights to have a knowing and
24 voluntary plea.

25 As you indicated in your order, we had three officers

1 of the court that misinformed, actively misinformed,
2 Mr. Meetze about parole eligibility. What made it
3 particularly worse was the fact that right before that,
4 they talked about -- as Ms. Jamison indicated, they talked
5 about murder and how it was after 30 years, day for day.

6 Then the next set of sentences, they go in to say
7 that voluntary manslaughter was not parole eligible. My
8 client has indicated in his testimony and also in an
9 affidavit that we filed with memorandum supporting the
10 original PCR, if Your Honor would like an additional copy
11 of that I'm sure it's in the record, directly
12 contraverting Mr. Roberson's testimony.

13 He is saying that he was never told that -- he's
14 saying that he was -- that the trial -- at the trial
15 hearing, that whenever they indicated that it was parole
16 eligible, that meant something to him.

17 Again, that goes back to what Ms. Jamison keeps talks
18 about, the community. I think they are taking that out of
19 context. He is saying where he grew up, where -- with his
20 family, where he grew up with his town.

21 Some of these families, they know more about the
22 criminal justice system than some of the lawyers do. So
23 with that being said, when it comes down to hearing parole
24 eligible, he immediately thought that it would be great;
25 that it would be one-third, and as long as he was on his

1 best behavior, he would potentially get out. If he got
2 the maximum sentence of 30 years, out in ten years.

3 So that's taken a little bit out of context. He
4 wasn't advised by his family that it was one-third. He
5 just knew from the general community, and that's what that
6 indicates in the affidavit and his testimony; that parole
7 eligibility would be potentially a third, and that's all
8 he would have to serve.

9 So whenever the court, the three officers of the
10 court misstated, misspoke, did not use the appropriate
11 word, Your Honor, that that took away Mr. Meetze's
12 opportunity to have a knowing and voluntary waiver of his
13 constitutional rights. For that, we ask you to uphold
14 your original order.

15 MS. JAMESON: If I could respond very briefly, Your
16 Honor.

17 THE COURT: Sure.

18 MS. JAMESON: The State would note that Mr. Meetze
19 pled guilty without negotiation or recommendation. He
20 understood he could face up 30 years.

21 He acknowledged to the plea court, to Judge McMahon,
22 that he knew he could get up to 30 years, and during his
23 testimony at the Post Conviction Relief hearing, he
24 testified that he understood that he could expect to serve
25 all 30 years; that parole doesn't guarantee release.

1 Parole can be denied, and it's not a guarantee.
2 Based on that, his plea was knowing and voluntary, and we
3 ask Your Honor to reconsider.

4 THE COURT: Okay. All right. Your motion to
5 reconsider the ruling of the court on the total -- I'm
6 going to say this in my own words. You all can put it in
7 lawyer's terms.

8 My ruling is the same. I believe that I'm going to
9 grant the Applicant's motion for a Post Conviction Relief
10 action. However, Mr. Waldon, I do want you to add the
11 information that Ms. Jamison has referred to that she
12 believes is necessary for the order to contain more
13 information about what happened in the hearing and to put
14 the testimony that she has requested, go back and weave
15 that into your order as you see fit and send me a copy of
16 it along with Ms. Harrigan. How long do you need to do
17 that? Just be honest with me.

18 MR. WALDON: Thirty days.

19 THE COURT: Thirty days will be fine. Make sure you
20 cc Ms. Jamison.

21 Thank you very much.

22 MS. JAMESON: Thank you, Your Honor.

23 MR. WALDON: Thank you, Your Honor.

24 (Whereupon, the proceedings were concluded.)
25

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 Common Pleas for
Richland County, South Carolina, on the 3rd day of March,
2015.

June 9, 2015

s/Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4003117

Vander Davon #00351032 Meetze

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____

Judge Code _____

Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 6 May 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Thomas Roy Young Jr.

Megan Harrigan Jameson

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court *Janette W...*

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Vander Davon Meetze, #351032,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No. 2013-CP-40-3117

ORDER

FILED
2015 MAR 15 PM 2:55
CLERK OF COURT
RICHLAND COUNTY, S.C.

PROCEDURAL HISTORY

This matter comes before the Court upon Respondent's Rule 59(e) Motion for Reconsideration. A hearing was held on March 3, 2015 at the Richland County Courthouse. Appearing on behalf of Respondent was Megan Harrigan Jameson, Esquire of the S.C. Attorney General's Office. Appearing on behalf of the Applicant was Andrew Walden, Esquire. After considering the issues raised by Respondent in its Rule 59(e) Motion, and diligent review of the record, memoranda, case law, exhibits, and arguments of counsel, I deny Respondent's Motion to Reconsider and uphold my original Order granting the Applicant post-conviction relief.

FACTS

The records before this Court indicate that the 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 April 2010 term of the Richland County Grand Jury for murder (2010-GS-40-9525). Nathaniel Roberson, Esquire, represented Applicant. On April 24, 2012, Applicant proceeded to jury trial before the Honorable R. Knox McMahon. On April 25, 2012, Applicant decided to forgo trial and plead guilty to the lesser-

included offense of voluntary manslaughter. Sentencing was deferred to allow a pre-sentencing investigation and report to be completed. On May 24, 2012, Judge McMahon sentenced Applicant to twenty-one (21) years imprisonment. No direct appeal was taken.

At the evidentiary hearing, Applicant expressly abandoned and waived all grounds for relief beyond his allegation that his plea was unknowing and involuntary based on the fact that he was actively misinformed by all parties at his plea as to parole eligibility. Applicant refers to the record, as indicated herein, as the main evidence to support these grounds for PCR.

TESTIMONY PRESENTED AND TRIAL TRANSCRIPT

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented testimony from plea counsel Nathaniel Roberson, Esquire (hereinafter "Trial Counsel") and prosecuting Assistant Solicitor Dolly J. Garfield, Esquire (hereinafter "Solicitor Garfield"). This Court also had before it a copy of the Applicant's plea transcript, the records of the Richland County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, and Applicant's PCR Counsel's Bench Memorandum.

Testimony

During the evidentiary hearing, Applicant testified that Trial Counsel was retained to represent him shortly after his arrest. He testified that he only met with Trial Counsel five times prior to his guilty plea. He testified that Trial Counsel reviewed discovery with him, including various witness statements, but did not provide him with a copy of discovery materials. He testified that he felt his Trial Counsel was not prepared for trial and that he asked the Trial Court for new counsel. He testified that this request was denied. Applicant further testified that he was originally charged with murder. Trial Counsel informed him that murder carried a sentencing

range of a mandatory minimum of thirty years imprisonment, which must be served day-for-day, up to a maximum sentence of life without parole. He testified that Trial Counsel advised him that the lesser-included offense of voluntary manslaughter carried a sentence range of a mandatory minimum of two years imprisonment up to a maximum sentence of thirty years imprisonment. He testified that he understood that his guilty plea was being entered without any recommendation or negotiation as to sentence range, but that he thought the sentence would be parole eligible. He testified that Trial Counsel did not define what parole eligibility meant, but that based on his discussions with family, friends, and other various members of the community, he understood that parole eligibility meant that after he served one-third of his sentence, he would be eligible for early release. He testified that he thought that the "worst case scenario" would be that he would only have to serve ten years of a thirty year sentence before becoming parole eligible. He testified that he now understands that voluntary manslaughter is not parole eligible and requires an inmate to serve at least eighty-five percent of his sentence. He testified that if he had understood this at the time of his guilty plea, he would not have pled guilty and would have continued forward with his trial.

Applicant testified that he recalls his guilty plea proceeding clearly because it was taken during his trial. Applicant testified that he recalls all parties at the hearing stating that voluntary manslaughter was parole eligible before he made his decision to plead guilty and that he would not have pled guilty if he had not been misinformed. He acknowledged that his understanding as to what parole eligibility meant came from various other sources in the community, not Trial Counsel. He testified that that he recalled telling the plea court that he wanted to plead guilty,

that he was guilty, and admitted to kicking the victim several times while he was on the ground injured. He testified at that he is indeed guilty.

Following Applicant's testimony, Respondent presented testimony from the prosecuting Assistant Solicitor Dolly J. Garfield, Esquire (hereafter "Solicitor Garfield"). Solicitor Garfield testified that she has been practicing law for sixteen years and is the Chief Prosecutor for the City of Columbia. She testified that she oversees ten other attorneys at the Fifth Circuit Solicitor's Office and has extensive experience prosecuting violent and most serious crimes. Solicitor Garfield testified that she was the lead prosecutor assigned to Applicant's case and that assisting her on the trial team were Katherine Luck Campbell and Meghan Walker, also from the Fifth Circuit Solicitor's Office. She testified that this case involved Applicant kicking and beating the victim, who needed hospitalization for a broken jawbone. She testified that the victim ultimately died a few days later as a result of a specific strain of pneumonia that is only contracted within a hospital setting. She testified that the victim this case had a very low intellect and was developmentally delayed. She testified that at the time of the altercation, the victim was walking alone following a verbal altercation between Applicant's mother and the victim. She testified that multiple witnesses gave statements to law enforcement that Applicant was the sole aggressor and that during and immediately following the beating, Applicant made threats to other observers.

Solicitor Garfield testified that the Applicant was indicted for murder, but the State made an initial plea offer for the lesser-included offense of voluntary manslaughter without any recommendation or negotiation as to sentence length. She testified that Applicant originally turned down this offer and a jury was selected for his trial. She testified that following jury

selection, Applicant accepted the State's offer for a plea to voluntary manslaughter without any negotiations or recommendation as to sentence length. She testified that she recalled discussing parole eligibility on the record with the plea court and Trial Counsel, and that her meaning of "parole eligible" in this context was that Applicant would be eligible for early release under the community supervision program after serving eighty-five percent of his sentence, as opposed to murder, which requires a defendant to serve thirty years, day-for-day, without any possibility of early release. She testified that she has been before Judge McMahon numerous times and worked with Counsel multiple times, and she believes that this was the meaning all parties were attributing to the term "parole" in the context for Applicant's case.

Following Solicitor Garfield's testimony, Respondent presented testimony from Trial Counsel. Trial Counsel testified that he has been practicing law for more than twenty years and approximately seventy percent of his practice is criminal defense. He testified that he has ample experience representing clients charged with both violent and most serious crimes. He testified that he was retained by Applicant days following his arrest and that he met with Applicant between eight to ten times before his guilty plea. Counsel testified that he also met with various members of Applicant's family, as his standard practice is to meet with parents or a trusted friend or family member whenever a client is charged with a crime carrying a sentence of more than ten years. He testified that he thoroughly explained the elements of murder, what the State would be required to prove at trial, and Applicant's constitutional rights to Applicant and his family members. He testified that he advised Applicant and his family members that murder carries a mandatory minimum sentence of thirty years, which must be served day-for-day, up to a maximum sentence of life without parole. He testified that he also explained that the lesser-

included offense of voluntary manslaughter carries a mandatory minimum of two years imprisonment up to maximum sentence of thirty years imprisonment. He testified that he explained to Applicant and his family members that a significant benefit of pleading to voluntary manslaughter was that Applicant would be eligible for early release after serving eight-five percent of his sentence. He testified that he never advised Applicant of a particular sentence he would serve or exactly when he should expect to become eligible for parole. He adamantly denied ever informing Applicant or any member of Applicant's family that Applicant would be eligible for parole or any type of early release after serving one-third of his sentence. Counsel agreed with the characterization provided to the Court by Garfield regarding the term "parole" as discussed by the court and both parties, with all having the understanding that Applicant would be eligible for early release after serving approximately eight-five percent of his sentence as opposed to murder, which requires day-for-day service would a possibility of early release.

Applicant, Solicitor Garfield and Trial Counsel were the only witnesses at the evidentiary hearing.

Trial Transcript

The Applicant relies heavily on the court record to prove his grounds for PCR. The proper portion of the trial transcript that is applicable to this decision is as follows:

The Court: And, of course, he's indicted for murder. What is his potential minimum and maximum sentence on murder?

Mr. Roberson: Your Honor, as I understand it if he's convicted of murder the minimum is 30 and I believe the max is life.

The Court: Is there any eligibility for parole on any of these offenses -

Mr. Roberson: Your Honor, I

The Court: Any of those sentences?

Mr. Roberson: Your Honor, I believe this is a most serious offense and as a result of that parole just isn't a reality. I think you must serve because of it is murder and because it's in the most serious category he has to serve the 30 which is the minimum

The Court: And how is your --how old is Mr. Meetze?

Mr. Roberson: 22 years old.

The Court: 22?

The Defendant: Yeah.

The Court: Now, you said there was a plea offer to voluntary manslaughter?

Mr. Roberson: Yes, Your Honor.

The Court: And what - what is the minimum sentence and the maximum sentence on voluntary manslaughter?

Mr. Roberson: Your Honor, I shared with them the statutory language and I believe the minimum is two and the maximum is 30.

The Court: Is there any offer as to a range of sentencing?

Ms. Garfield: No, sir.

The Court: So it's two to 30?

Ms. Garfield: Yes, sir.

The Court: Be up to the sentencing judge?

Ms. Garfield: Yes, sir; that's right.

The Court: Is voluntary manslaughter parole eligible?

Mr. Roberson: I believe it is, Your Honor.

The Court: You agree with that, Solicitor?

Ms. Garfield: Yes, sir.

(Trial Transcript 7:10-25; 8: 20-25)(emphasis added).

This excerpt reveals the crux of this PCR hearing. As indicated, the Applicant was initially told that murder was not parole eligible and then he was told that voluntary manslaughter was parole eligible. The Court finds this persuasive.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the record, considered Respondent's Motion for Reconsideration and heard the arguments at the Motion hearing. This Court has further had the opportunity to observe the witnesses presented at the original PCR hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Unknowning and Involuntary Plea Based on Active Misinformation of Parole Eligibility

Parole eligibility is a collateral consequence of sentencing of which a defendant need not be specifically advised before entering a guilty plea. *Randall v. State*, 356 S.C. 639, 591 S.E.2d

608 (2004). However, if a defendant is actively misinformed about parole eligibility he is entitled to relief if he relied on the misinformation. *Griffin v. Martin*, 278 S.C. 620, 300 S.E.2d 482 (1983); see *Hinson v. State*, 297 S.C. 456, 377 S.E.2d 338 (1989) (relief granted on this ground); *Brown v. State*, 306 S.C. 381, 412 S.E.2d 399 (1991) (plea vacated where trial judge misinformed defendant about parole eligibility). Therefore, to find a guilty plea is voluntary and knowingly entered into, the record must establish the Applicant 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 (1969); *Dover v. State*, 304 S.C. 433, 405 S.E.2d 391 (1991).

Notwithstanding the arguments present by Respondent in its Motion for Reconsideration, and after careful review based on the case law enumerated above and the record of the case, this Court upholds its original finding that the Applicant was actively misinformed of his parole eligibility. Voluntary manslaughter, a "no parole offense," is not parole eligible. S.C. Code Ann. § 24-13-100, § 16-1-100, §16-3-50. In *Brown*, the court stated: "We think that when a trial judge misinforms a defendant that he is eligible for parole, his plea does not represent 'a voluntary and intelligent choice among alternative courses of action' available to him." *Id.* at 383, citing *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160 (1970). *Brown* was later modified by *Hunter v. State*, which required "something more" than erroneous parole advice from the bench to automatically reverse a guilty plea. *Hunter v. State*, 316 S. C. 105, 447 S.E.2d 203 (1994). In *Hunter*, however, the trial judge correctly explained the minimum criteria for parole eligibility although the petitioner was not actually eligible for parole, and petitioner received correct parole information from his trial counsel prior to the guilty plea. *Hunter* is a

"stark contrast" from the misstatement of law presented in *Brown* and in the matter before this Court. *Id.* at 316 S.C. 110, 447 S.E.2d 206.

Respondent argues that Trial Counsel did not provide erroneous advice regarding parole eligibility. Further, Respondent argues that the meaning that the parties gave to the term "parole eligible" was meant to indicate that Applicant would be eligible for early release after serving 85% of his time instead of having to serve his sentence day-for-day. I find this argument unpersuasive.

Here, all parties in the Trial Court actively misinformed the Applicant as indicated in the transcript. Even though Trial Counsel testified that he did not inform Applicant of his lack of parole eligibility prior to the plea, Trial Counsel during the plea affirmed the Court's statement that voluntary manslaughter was parole eligible. (See Trial Transcript 9: 21-25).

Further, Applicant stated that he relied on that misinformation and would not have pled guilty had he been informed otherwise. Applicant stated he had a general knowledge of what parole eligibility meant from his family and the general community, but that general knowledge is not applicable in this instance.

The Trial Court's active misinformation, Trial Counsel's affirmation of that misinformation, and Applicant's statement that he would not have pled guilty if he had been correctly informed as to his lack of parole eligibility created an unknowing and involuntary plea. These factors took away the Applicant's opportunity to make a voluntary and intelligent choice as to procedural alternatives.

CONCLUSION

Based on the above, and notwithstanding Respondent's Rule 59(c) arguments, this Court finds and concludes that the Applicant has established that his plea was involuntary and unknowing based on the active misinformation from all parties at his Trial in regards to parole eligibility. The testimony provided and the court record does not offer any evidence to refute this finding. Further, the testimony from the Applicant indicates that the active misinformation provided during the hearing played a significant role in his decision to plead guilty. Therefore, this application for post-conviction relief must be granted.

Based on all of the above, I hereby **DENY** Respondent's Rule 59(c) Motion for Reconsideration.

IT IS SO ORDERED.

AND IT IS SO ORDERED this 27 day of APR, 2015.

Re Hood

ROBERT E. HOOD
Presiding Judge
Fifth Judicial Circuit

Columbia South Carolina