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STATE OF SOUTH CAROLINA

In The Court of Appeals

ANDERS

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No Respondent's Brief Filed

APPEAL FROM CHARLESTON COUNTY

Deadra L. Jefferson, Circuit Court Judge

ANDERS RESPONSE BRIEF

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SC Court of Appeals
RESPONDENT,

THE STATE,

v.

CORNELIUS DAVIS,

APPELLANT

APPELLATE CASE NO. 2014-000806

RECORD ON APPEAL

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INDEX

INDEX	i
GUILTY PLEA TRANSCRIPT	1
TESTIMONY	
MRS. ESSIE GREGG	15
REV. VIRGINIA STAFFORD	21
KELLY FERGUSON	22
REGINA WILLIAMS	23
CORNELIUS DAVIS	23
SENTENCING	26
MOTION TO RECONSIDER SENTENCE	29
STATE'S RESPONSE TO MOTION TO RECONSIDER SENTENCE	32
ORDER DENYING MOTION TO RECONSIDER SENTENCE	34
INDICTMENTS	39
CERTIFICATE OF COUNSEL	45

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
COUNTY OF CHARLESTON) CASE NO.: 2012-GS-10-4791;
2012-GS-40-4753; 2012-GS-32-1691

STATE OF SOUTH CAROLINA,)
)
)
v.) TRANSCRIPT OF RECORD
)
CORNELIUS K. DAVIS,)
)
)
DEFENDANT.)
)

FEBRUARY 25th, 2014
COMMENCING AT
CHARLESTON, SOUTH CAROLINA
BEFORE THE HONORABLE DEADRA L. JEFFERSON, JUDGE

APPEARANCES:

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INDEX

GUILTY PLEA OF CORNELIUS DAVIS	3
TESTIMONY BY THE FOLLOWING	
MRS. ESSIE GREGG	15
REV. VIRGINIA STAFFORD	21
KELLY FERGUSON	22
REGINA WILLIAMS	23
CORNELIUS DAVIS	21
SENTENCE BY THE COURT	26
CERTIFICATE OF REPORTER	28

EXHIBITS

NONE.

1 THE COURT: These are indictments 2012-GS-10-4791 for
2 criminal sexual conduct, second degree -- it says with a
3 minor on the indictment. Which is he pleading to?

4 ASST. SOL. LASH: It's with a minor. It's the
5 appropriate statute and code.

6 THE COURT: And 2012-GS-40-4753, which is assault and
7 battery, third, which is out of Richland County, and has a
8 waiver of jurisdiction attached. And 2012-GS-32-1691, which
9 is assault and battery, third, out of Lexington County. On
10 both of those indictments, Mr. Davis is waiving venue and
11 submitting to the venue of this Court; is that correct, Mr.
12 Chaplin?

13 MR. CHAPLIN: That is correct, Your Honor.

14 THE COURT: The State is represented by Deborah Herring
15 Lash. The defense is represented by Joenathan Chaplin. All
16 of these indictments have been true billed. Are there any
17 recommendations or negotiations?

18 ASST. SOL. LASH: No, Your Honor. The only
19 recommendation, as you see on the charges, he was charged in
20 Lexington County with lewd act upon a minor, and the
21 Lexington County Solicitor is allowing him to plead to the
22 A&B, third. And in Richland County he was charged with
23 criminal sexual conduct with a minor, second, and the
24 Richland County Solicitor is allowing him to plead to the
25 A&B, third. It was the same victim.

1 THE COURT: In Richland and Lexington?

2 ASST. SOL. LASH: And Charleston.

3 THE COURT: Okay. The victim in Lexington?

4 ASST. SOL. LASH: Is the same victim in Richland and in
5 Charleston.

6 THE COURT: Okay. So it's the same victim?

7 ASST. SOL. LASH: Yes, Your Honor.

8 THE COURT: Okay. Now, I'm clear. Does he have any
9 record?

10 ASST. SOL. LASH: No, Your Honor.

11 THE COURT: The victim was notified?

12 ASST. SOL. LASH: Yes, Your Honor. The victim's
13 mother, step-father, grandmother, and grandfather are here,
14 and the mother would like to address the Court at the
15 appropriate time.

16 THE COURT: And tell me that list again.

17 ASST. SOL. LASH: Mother, step-father, grandmother and
18 grandfather.

19 THE COURT: And he has no record and there are no
20 recommendations, other than the reduction in charges from
21 the other counties?

22 ASST. SOL. LASH: That's correct, Your Honor.

23 MR. CHAPLIN: That is correct, Your Honor.

24 THE COURT: Okay. Mr. Chaplin, have you explained to
25 your client the charges contained in the indictment, the

1 possible punishment, and his constitutional rights?

2 MR. CHAPLIN: Yes, I have.

3 THE COURT: Do you believe he understands the charges,
4 the punishment, and his rights?

5 MR. CHAPLIN: Most definitely.

6 THE COURT: Does he wish to plead guilty or not guilty?

7 MR. CHAPLIN: Guilty, Your Honor.

8 THE COURT: Do you agree with that decision?

9 MR. CHAPLIN: Yes, I do.

10 THE COURT: To your knowledge, has your client ever
11 been evaluated to determine his competency?

12 MR. CHAPLIN: No, he has not.

13 THE COURT: And he is waiving venue from Richland and
14 Lexington Counties and submitting to the jurisdiction venue
15 of Charleston County; is that correct?

16 MR. CHAPLIN: That is correct.

17 THE COURT: Sir, raise your right hand to be sworn.

18 (WHEREUPON, MR. DAVIS IS DULY SWORN BY THE COURT.)

19 THE COURT: Sir, state your full name for the record.

20 MR. DAVIS: Cornelius Kiopheus Antwan Davis.

21 THE COURT: Okay. If you would spell your first and
22 middle name for us, please.

23 MR. DAVIS: C-O-R-N-E-L-I-U-S, K-I-O-P-H-E-U-S.

24 THE COURT: And you said "Antwan"?

25 MR. DAVIS: Antwan, yes, ma'am.

1 THE COURT: Sir, how old are you?

2 MR. DAVIS: Thirty-one.

3 THE COURT: How far have you gone in school?

4 MR. DAVIS: A master's degree.

5 THE COURT: What do you do for a living?

6 MR. DAVIS: Nothing at the moment. I'm in school at
7 the moment.

8 THE COURT: Okay. What are you in school for?

9 MR. DAVIS: The South Carolina Technical School for
10 Manufacturing Program.

11 THE COURT: Are you married?

12 MR. DAVIS: Yes, ma'am.

13 THE COURT: Do you have any children?

14 MR. DAVIS: Yes, ma'am.

15 THE COURT: How many?

16 MR. DAVIS: One and expecting one in three more months.

17 THE COURT: How old is your child?

18 MR. DAVIS: My daughter is five.

19 THE COURT: Are you currently on probation or parole?

20 MR. DAVIS: No, ma'am.

21 THE COURT: Have you ever been treated for the abuse of
22 alcohol, drugs or mental illness?

23 MR. DAVIS: No, ma'am.

24 THE COURT: Have you had any drugs, alcohol or
25 medication in the last 72 hours?

1 MR. DAVIS: No, ma'am.

2 THE COURT: Are you aware of any physical, emotional or
3 nervous problem that would keep you from understanding where
4 you are right now or what you're doing?

5 MR. DAVIS: No, ma'am.

6 THE COURT: On the charge of criminal sexual conduct
7 with a minor, second degree, how do you wish to plead?

8 MR. DAVIS: Guilty.

9 THE COURT: Do you understand that that carries a
10 maximum penalty of 20 years?

11 MR. DAVIS: Yes, ma'am.

12 THE COURT: And on two counts of assault and battery,
13 third, how do you plead?

14 MR. DAVIS: Guilty.

15 THE COURT: Do you understand that each of these
16 carries the maximum penalty of 30 days?

17 MR. DAVIS: Yes, ma'am.

18 THE COURT: Sir, do you understand on the criminal
19 sexual conduct charge that you will be required to register
20 for life on the sexual offender registry?

21 MR. DAVIS: Yes, ma'am.

22 THE COURT: Do you understand that if you receive an
23 active sentence that near the completion of that sentence,
24 you will be evaluated to determine if you are a sexually
25 violent predator?

1 MR. DAVIS: Yes, ma'am.

2 THE COURT: Do you understand that you could then be
3 subjected to an indeterminate period of treatment?

4 MR. DAVIS: Yes, ma'am.

5 THE COURT: Sir, you may have discussed parole or
6 parole eligibility with your lawyer or with others, but
7 until your sentenced, no one can tell you when, if ever, you
8 will be eligible for parole or under what conditions. You
9 should assume that you will serve the entire time in jail
10 that you're sentenced, day for day; do you understand?

11 MR. DAVIS: Yes, ma'am.

12 THE COURT: Sir, do you also understand that the CSC
13 charge is what we classify as most serious and violent?

14 MR. DAVIS: Yes, ma'am.

15 THE COURT: Do you understand that under the violent
16 classification that that enhances the way a sentence is
17 served?

18 MR. DAVIS: Yes, ma'am.

19 THE COURT: Do you also understand that it is
20 classified as most serious?

21 MR. DAVIS: Yes, ma'am.

22 THE COURT: Do you understand that under South Carolina
23 law that subjects you to enhanced penalties?

24 MR. DAVIS: Yes, ma'am.

25 THE COURT: Do you understand that if you receive

1 another most serious offense, you could face life without
2 the possibility of parole?

3 MR. DAVIS: Yes, ma'am.

4 THE COURT: I want you to listen carefully to the
5 facts. Ms. Karen Lash?

6 ASST. SOL. LASH: Yes, Your Honor, on March 4th of
7 2012, the Mount Pleasant police responded to the Quality Inn
8 in Mt. Pleasant where they met with the victim, 15-year-old
9 child's mother, Ms. Gregg. Investigation revealed that the
10 victim and the defendant were both here staying at the
11 Quality Inn attending the Special Olympics Program. The
12 defendant was what I think they called a counselor for the
13 Special Olympics Program, and the victim was a participant
14 in the Special Olympics.

15 What had happened was that evening prior, the chaperone
16 in the victim's room said that Mr. Davis came to the room
17 and said that he needed her to come to his room because he
18 was going to be getting a call from her mother, and she did;
19 it was around between 10:30, 10:30 or 11:00. She ended up
20 going to his room and did not get back home until 2:30 in
21 the morning. The chaperone asked her where she had been,
22 and at that point, she said she had been walking around the
23 hall. The chaperone was a bit suspicious because she had
24 been walking around looking for the victim. So later that
25 morning, when Mrs. Gregg got there, they spoke with her

1 about it. And also, a classmate who was in the same room
2 with the victim, told Mrs. Gregg that she thought that Mr.
3 Davis had had sexual intercourse with the victim that
4 evening when she was gone. Ms. Gregg then asked the victim.
5 She didn't want to talk, but Ms. Gregg checked her phone and
6 found communication that led her to realize that they had
7 been together. The victim then admitted to her mother that
8 he had had sexual intercourse with her.

9 The victim was then taken to the Medical University
10 where sexual assault protocol was performed. They did find
11 redness and swelling around the vaginal area and they did
12 vaginal swabs that was analyzed by SLED and came back with
13 the defendant's DNA present on the vaginal swabs. Law
14 enforcement then also interviewed another special olympian,
15 who was the defendant's roommate, and he gave a statement
16 that he did observe the sexual assault in the room.

17 The victim then also spoke to law enforcement and
18 she -- then is when she explained to them also that at her
19 school where he was the teacher, in Lexington County, he had
20 touched her and had taken her at some point to his home in
21 Richland County and had intercourse with her. Those are the
22 two Lexington and Richland Counties that he is pleading to
23 A&B, third, to today, Your Honor.

24 These cases were reduced by those counties and we're
25 just recommending that they all run concurrent. At the

1 appropriate time, the victim's mother will speak.

2 THE COURT: Absolutely. So the only recommendation
3 from the State is that all offenses run concurrent?

4 ASST. SOL. LASH: Yes, Your Honor, the two 30 days to
5 run concurrent with the 20 years.

6 THE COURT: Sir, do you agree or disagree with the
7 facts?

8 MR. DAVIS: Yes, ma'am.

9 THE COURT: Agree or disagree?

10 MR. DAVIS: I agree.

11 THE COURT: Do you feel anything needs to be changed or
12 added to the facts?

13 MR. DAVIS: No, ma'am.

14 THE COURT: Sir, are you pleading guilty because you
15 are guilty?

16 MR. DAVIS: Yes, ma'am.

17 THE COURT: Please listen carefully. When you plead
18 guilty, you give up certain important constitutional rights.
19 Those rights include your right to a jury trial. At a jury
20 trial, you're entitled to a presumption that you're
21 innocent. The State has the burden of proving your guilt
22 beyond a reasonable doubt. You would have the right to
23 confront and cross-examine each of the State's witnesses,
24 present your own witnesses, and present any defenses that
25 you may have, challenge any case or confessions that you may

1 have made, as well as remain silent. And if you were
2 silent, your silence cannot be used against you. Do you
3 understand each of your rights?

4 MR. DAVIS: Yes, ma'am.

5 THE COURT: Do you understand that you are giving up
6 each and every one of those rights?

7 MR. DAVIS: Yes, ma'am.

8 THE COURT: Other than what has been stated for the
9 record, sir, have there been any other plea negotiations
10 made on your behalf that the Court should be made aware of?
11 Is there anything else that you're relying on in pleading
12 guilty that I have not yet been told about?

13 MR. DAVIS: No, ma'am.

14 THE COURT: Have you been satisfied with your lawyer's
15 services?

16 MR. DAVIS: Yes, ma'am.

17 THE COURT: Has he answered all of your questions?

18 MR. DAVIS: Yes, ma'am.

19 THE COURT: Done everything you've asked or expected in
20 representing you?

21 MR. DAVIS: Yes, ma'am.

22 THE COURT: Is there anything more that you would have
23 him to do that he has not already done?

24 MR. DAVIS: No, ma'am.

25 THE COURT: Has he met with you as often as you have

1 felt necessary?

2 MR. DAVIS: Yes, ma'am.

3 THE COURT: Have you understood your talks with him?

4 MR. DAVIS: Yes, ma'am.

5 THE COURT: Do you have any complaints about his
6 services?

7 MR. DAVIS: No, ma'am.

8 THE COURT: Has anyone promised you anything or held
9 out any hope of a reward to cause you to plead guilty?

10 MR. DAVIS: No, ma'am.

11 THE COURT: Has anyone used threats, coercion, force,
12 pressure, intimidation, or duress to cause you to plead
13 guilty?

14 MR. DAVIS: No, ma'am.

15 THE COURT: Are you pleading guilty, sir, freely and
16 voluntarily and of your own will?

17 MR. DAVIS: Yes, ma'am.

18 THE COURT: Have you understood my questions?

19 MR. DAVIS: Yes, ma'am.

20 THE COURT: Do you need to ask me about anything we
21 have been over?

22 MR. DAVIS: No, ma'am.

23 THE COURT: Have you been absolutely truthful in each
24 and every answer that you've given to the Court?

25 MR. DAVIS: Yes, ma'am.

1 THE COURT: Do you understand that you have the right
2 to appeal this guilty plea and sentence of the Court, but
3 that you must do so in writing within 10 days of today?

4 MR. DAVIS: Yes, ma'am.

5 THE COURT: Do you understand that if you could not
6 afford an attorney for that process, that one would be
7 appointed to you at no cost?

8 MR. DAVIS: Yes, ma'am.

9 THE COURT: I find there is a sufficient factual basis
10 for the plea. That the defendant has entered the plea
11 freely, voluntarily, knowingly and intelligently. That he
12 has had the advice and assistance of counsel with whom he
13 has indicated to the Court he is satisfied. I will accept
14 the plea. Anything further from the State?

15 ASST. SOL. LASH: This is the mother's attorney.

16 MR. MASSEY: May it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 MR. MASSEY: I'm attorney David Massey and I'm the
19 family's attorney. If the Court would allow me just a
20 moment to go out into the hallway to see if Mrs. Gregg is
21 here and can present her statement to the Court.

22 THE COURT: Certainly.

23 MR. MASSEY: Thank you.

24 THE COURT: You're welcome, sir.

25 (OFF THE RECORD, BRIEFLY.)

1 MR. MASSEY: Your Honor, this is Mrs. Gregg and she is
2 going to do her best to address the Court.

3 THE COURT: Yes, ma'am, if you would tell us your name
4 for the record.

5 MS. GREGG: It's Essie S. Gregg.

6 THE COURT: And that's spelled G-R-E-G?

7 MS. GREGG: Two "G's".

8 THE COURT: Okay. Yes, ma'am, the Court will be glad
9 to hear from you.

10 MS. GREGG: I just want to say that before all of this
11 happened, our daughter, she is 17 now, but she has like the
12 mind of a 12 year old. So she's always happy and jumping
13 around and just being her normal self. I'm the youth
14 minister at my church and she would praise dance, she did
15 everything, you know, that she could do for the Lord. And
16 after all of this, it's just, it's like me and my daughter,
17 we take medication every day just to get up in the morning
18 and just to lay down. It's just hard to actually cope with
19 all the things that have happened over this course of a
20 couple of years, and I'm really just kind of -- I want
21 answers as to why and how, but I know I will never get them.
22 I just ask God to have mercy on all of us, him, me, all of
23 my children, everybody. I just ask God to have mercy, show
24 mercy, and that's all.

25 THE COURT: Thank you, ma'am. Is there anyone else

1 that wishes to address the Court?

2 ASST. SOL. LASH: I don't think so, Your Honor.

3 THE COURT: Anything further from the State?

4 ASST. SOL. LASH: No, Your Honor.

5 THE COURT: Does the State take any position on bond?

6 ASST. SOL. LASH: No, Your Honor.

7 THE COURT: Is that a part of the negotiations of Mr.
8 Chaplin?

9 ASST. SOL. LASH: Yes, Your Honor.

10 THE COURT: Okay. Mr. Chaplin, I'll be glad to hear
11 from you.

12 MR. CHAPLIN: Thank you, Your Honor. Your Honor, my
13 client is 31 years old, as he said earlier. No prior
14 record, never any brushes with law enforcement at all, other
15 than maybe a speeding ticket. He graduated from Claflin in
16 2005. He then graduated from North Carolina State in 2007.
17 His first job of employment was at Lower Richland as a
18 coach, then he got to Lower Richland and he went to
19 Fairfield Central as a coach, and then in 2009 and 2012, he
20 was at Brooklyn Casey as a teacher's assistant, and then
21 also dealt as a counselor as well.

22 Your Honor, he has two kids. He has one on the way,
23 and he has a five year old that I think I've probably seen
24 10 or 15 times when he comes to see me, he normally will
25 have her with him or with somebody else sitting in the car.

1 I say all of this to say that he is definitely family
2 oriented, even until today, his entire family is here with
3 him, as well as his wife, as well as his mother,
4 grandmother, lots of other family members as well. At the
5 proper time, a couple of them would like to address the
6 Court.

7 Your Honor, I say this to say that this case was
8 definitely unique in itself, and when I use the word
9 "unique," the best word I can think to classify, in this
10 case, I understand obviously what the allegations are and
11 what my client is pleading guilty to, but the surrounding
12 circumference of it is the victim's mother knew my client
13 very, very well. To the point that she was contacting my
14 client thousands of times; that was her numbers that she
15 used, "thousands of times by text." That led from one thing
16 to another where at some point I guess she would meet up
17 with my client and my client would meet with her -- talking
18 about the mother. So the mother actually did have a
19 connection to my client.

20 THE COURT: You lost me a little. I'm sorry, I'm not
21 trying to be thick, but you lost me a little.

22 MR. CHAPLIN: My client was receiving text messages
23 from Mrs. Gregg.

24 THE COURT: You mean the mother?

25 MR. CHAPLIN: The mother.

1 THE COURT: Okay.

2 MR. CHAPLIN: She just addressed the Court.

3 THE COURT: And who were you saying they were
4 communicating about?

5 MR. CHAPLIN: They were communicating about themselves.

6 THE COURT: Oh, they were talking to one another?

7 MR. CHAPLIN: That is correct. And that was brought
8 out when spoken to by law enforcement to Ms. Gregg that she
9 did have a connection to my client. At some points they did
10 talk about her daughter as well. And then on a couple of
11 occasions, the daughter contacted my client then to address
12 the fact that maybe her mother wanting to meet with him at
13 some particular time.

14 So there were so many texts involved in this matter. I
15 think I actually contributed a whole book to it to just the
16 text messages, so I wanted to make sure the Court was aware,
17 make sure everyone else was aware that this is not a
18 scenario where there is no connection between mother and him
19 in dealing with the daughter. I really don't know what
20 transpired between him and the mother at all. I have no
21 idea what occurred.

22 But I say all of this to say, Your Honor, he is in here
23 pleading guilty because he knows that what he did was wrong
24 and that no matter what the connection, and no matter what
25 was occurring, he didn't have a justification to see or talk

1 to or deal with a 15 year old. He understands that fully.
2 He understands that obviously that is why he is in here to
3 make sure that everyone's aware of what he is standing up
4 for.

5 I say this to say, Your Honor, that he had multiple
6 concerns about a whole lot of different things. We went
7 through every one of those concerns at great length to let
8 him know what he could and what he could not do. I informed
9 him as late as yesterday that if he did not want to plead
10 guilty that he still had the right to trial.

11 THE COURT: Absolutely.

12 MR. CHAPLIN: He then contacted me in person to say no,
13 this is his decision. This is what he wants to do. He
14 alerted his family that this is what his wishes are.

15 Your Honor, I say all this to say, again, that every
16 time I've dealt with him since day one I informed my
17 secretary and she worked with me and she brought him to me.
18 From that point on, he's always had a connection to the
19 office. Calls, when you call him, he responds. He comes,
20 he sees, he goes through. As matter of fact, sat down for
21 about six and a half hours and went through his own
22 discovery and made notes in his discovery for my paralegal
23 so that those concerns could be addressed. So all of that
24 has transpired and has taken place.

25 But I say this, Your Honor, I would ask you -- I

1 understand what's before the Court. I understand the
2 decision that the Court has to make.

3 I explained at great length the registering as well. I
4 explained that an individual, even if the person didn't go
5 to jail, if the person was just placed on the registry, that
6 the registry is jail and jail in itself. That the fact that
7 he would be registering, he would have to deal with that on
8 a yearly, daily -- whatever perspective, and I even say
9 daily perspective, because your name and picture is seen and
10 you have to deal with it. He understands that as well.

11 Your Honor, I'm asking for leniency in this matter and
12 the fact that him, with the lack of record, but also the
13 fact of other mitigating issues within the case that I so
14 mentioned, Your Honor, as well as I think this has
15 definitely been a traumatic experience. I know the victim
16 has had a traumatic experience on her end, but I would say
17 he has had a traumatic experience as well in the fact that
18 something of this nature to grow to this magnitude and to be
19 where we're standing before you today, obviously begging the
20 mercy of the Court.

21 Your Honor, at this point, I don't have anything else
22 to say other than I would like his grandmother to address
23 the Court.

24 THE COURT: Certainly.

25 MR. CHAPLIN: Just start off with your name.

1 GRANDMOTHER: Rev. Virginia Stafford.

2 THE COURT: Yes, ma'am.

3 REV. STAFFORD: I'm a grandmother and pastor. And when
4 I first met Cornelius, he was just a person that I really
5 admired. He was always a family person, even when he was
6 younger when I met him. But I admired the way he carried
7 himself. Today, I'm just here to support him as a family
8 member and as his pastor. Thank you.

9 THE COURT: You're welcome, ma'am.

10 MR. CHAPLIN: Your Honor, at this time, I have Mr.
11 Kelly Ferguson.

12 MALE IN GALLERY: How many more is going to speak?

13 DEPUTY: Sir, we're not going to have anymore outbursts
14 or I'll escort you out of here.

15 MR. KELLY FERGUSON: Hi, my name is Kelly Ferguson.
16 I've been a friend of Cornelius for over 20-something years.
17 I'm a friend with the family and what not. I coached him in
18 high school and he's always been an upstanding person. He's
19 always been like the captain of the team, leadership
20 qualities are just outstanding. In the last four months,
21 we've definitely, were really wonderful for the tenure that
22 he's been going through this process, we've always had this
23 connection between us and we always tried to help kids that
24 hadn't had the right opportunities to, say, get to school.
25 And the last person, we placed at least five or six kids in

1 a junior college or something of that nature to help them
2 better their education. Never had any bad dealings with him
3 or his family or anybody, and I'm just here to support him
4 because I hate to see him -- he's a part of the community.
5 Thank you.

6 THE COURT: You're welcome, sir.

7 MR. CHAPLIN: Your Honor, I think lastly, Ms. Regina
8 Williams. She drove from Columbia, South Carolina. I want
9 to make sure she gets her chance.

10 THE COURT: Yes, ma'am, be glad to hear from you.

11 MS. WILLIAMS: Good morning. My name is Regina
12 Williams. I first met Neil as a Sixth grade teacher. Their
13 family adopted me and my daughter. I always -- I trust
14 Cornelius, or as we call him, "Keke," with my life. I
15 unequivocally say to you, that if there were a choice
16 between my life or his life, he would give his life for me.
17 I trust him with my daughter, who is a special needs child.
18 He encourages her. He encouraged me to stay encouraged to
19 keep her motivated so that she can go ahead and finish high
20 school. She's a senior now. We're having a pretty rough
21 time, but we can always call him and he will encourage her.
22 I can't say anymore because I will get to emotional with it,
23 but I will say that I'm a 23-year educator and I work with
24 children every day and as I said, I trust him with all that
25 I have.

1 THE COURT: Thank you, ma'am.

2 MR. CHAPLIN: Your Honor, my client would like to ---

3 THE COURT: I really didn't want to interject myself,
4 but I understand this is an emotionally charged situation.
5 I understand that emotions are volatile and running high,
6 but we should be reminded that this is a Court of law. It
7 is entitled to a certain level of decorum and decency and I
8 expect order to be maintained. I have delegated that to the
9 deputies. If there are anymore outbursts, anymore
10 statements, anymore murmuring, you will be removed from the
11 courtroom. It's about a process. It's not about any one
12 individual. Mr. Chaplin, you may continue.

13 MR. CHAPLIN: Your Honor, my client would like to
14 address the Court at this time.

15 THE COURT: Sure. Be glad to hear from you, sir.

16 MR. DAVIS: First, I would just like to apologize, Your
17 Honor, to the victims, my family, to the Court, which is
18 just being here, you know, it's been a humbling experience
19 and I'm just embarrassed to even be in the courtroom dealing
20 with sex problems that's not even a part of my character.
21 Like I said earlier, I apologize. I just want to say I'm
22 sorry.

23 MR. CHAPLIN: Your Honor, at this time, I don't think
24 we have anything further. Other than again, Your Honor, I
25 would just like to reiterate that I'm asking the Court for

1 leniency based on all of the mitigating factors I've
2 mentioned and the fact that he has no prior record, and the
3 fact that where he's at educationally, educational-wise, as
4 well, as is where he is with the fact that, obviously, with
5 the registry imposed, the factions of what occurs from the
6 registry, I'm just asking that all of that be taken into
7 consideration. Thank you, Your Honor.

8 THE COURT: You're welcome. Anything further from the
9 State?

10 ASST. SOL. LASH: No, Your Honor.

11 MR. CHAPLIN: Oh, excuse me, Your Honor.

12 THE COURT: Yes, sir?

13 MR. CHAPLIN: I forgot to say that I passed up numerous
14 letters to the Court, which I gave to the Court on break,
15 and obviously, I just wanted to make sure that you were able
16 to look at the letters.

17 THE COURT: I've read half of them and I'm going to
18 take a moment to read the rest of them.

19 MR. CHAPLIN: Okay. Thank you, Your Honor.

20 THE COURT: Your Honor. And I assume you gave Ms. Lash
21 a copy of these as well?

22 ASST. SOL. LASH: He did, Your Honor.

23 MR. CHAPLIN: Prior to giving them to you Your Honor.

24 THE COURT: We will take a brief recess, because I have
25 about 10 more of these to read. So I'm going to step out

1 for a moment and read these and then we will resume the
2 hearing.

3 (OFF THE RECORD, BRIEFLY.)

4 THE COURT: I appreciate you all giving me the
5 indulgence of allowing me to read each of the letters that
6 were presented into the Court of Mr. Davis by Mr. Chaplin.

7 There were 19 letters in all and I'm going to make sure
8 that they are each made a part of the record for purposes of
9 his file and I will give those to the clerk for filing.
10 Again, I appreciate the indulgence in allowing the Court to
11 take the time to read those as I did received them prior to
12 the plea being entered in this matter.

13 The State has taken no position on punishment. I
14 assume, as Ms. Herring Lash confirmed that, that was because
15 that was a part of their negotiations with Mr. Chaplin, that
16 they would not make any recommendation other than that each
17 of the sentences run concurrent with one another.

18 ASST. SOL. LASH: Right.

19 THE COURT: I would also have to assume that testifying
20 in this matter would have been extremely traumatic for this
21 young woman.

22 ASST. SOL. LASH: I would think so, Your Honor.

23 THE COURT: I just want to make sure that my assumption
24 was accurate in that regard as well. This case, certainly,
25 when you look at it, deserves the maximum penalty, as it is

1 abhorrent in its nature, and the Court has to acknowledge
2 that. However, I have given some consideration for the
3 mitigation that has been presented on Mr. Davis's behalf.
4 That being the glowing recommendations that have been
5 submitted from the members of his community that indicate
6 that in the midst of the things he has done, that he in fact
7 had a positive influence on many of the young men in his
8 community and has facilitated their ability to attend
9 college and to receive scholarships to attend college, many
10 of whom never would have been able to do that under
11 different circumstances.

12 I've also taken into consideration the statements made
13 by the victim's mother and her heartfelt comments and candor
14 with the Court, as well as that of the members associated
15 with Mr. Davis's family. I've also given some consideration
16 to the fact that he has spared the young victim in this case
17 the trauma of testifying in this case, and has submitted and
18 elocuted completely to the facts in this case and has
19 admitted his culpability.

20 Based on what has been presented to the Court, sir, on
21 each of the offenses of assault and battery in the third
22 degree, you are sentenced to 30 days in the State Department
23 of Corrections. And on the offense of Criminal Sexual
24 Conduct, second degree, with a minor, you are sentenced to
25 the State Department of Corrections for a period of 15

1 years. These sentences will run concurrently. You will get
2 credit for any time that you have served, to be calculated
3 and applied by the Department of Corrections.

4 ASST. SOL. LASH: Thank you, Your Honor.
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STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON) CERTIFICATE

I, REBECCA H. HILL, Official Court Reporter for the Judicial Department 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 in the guilty plea of the captioned case, in the Court of General Sessions for Charleston County, South Carolina, on the 25th day of February 2014.

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

March 12, 2015

Rebecca H. Hill

Rebecca H. Hill,
Official Court Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT

The State of South Carolina,) Indictment Nos.: 2012-GS-10-0479

) 2012-GS-10-04794, 2012-GS-10-04795,

) 2012-GS-10-04796, 2012-GS-40-04753,

Vs.) 2012-GS-32-01691

Corneluis K. Davis,) MOTION TO RECONSIDER SENTENCE
Defendant.)

2014 MAR 17 AM 11:35
JULIE L. ARNOLD
CLERK OF COURT

FILED

TO: DEBORAH HERRING LASH – ASSISTANT SOLICITOR, NINTH CIRCUIT
MARGARET BODMAN, ASSISTANT SOLICITOR, FIFTH CIRCUIT
L. SUZANNE MAYES, ASSISTANT SOLICITOR, ELEVENTH CIRCUIT

CC: HONORABLE DEADRA L. JEFFERSON

YOU WILL PLEASE TAKE NOTICE that on March 5, 2014, the Defendant moves before the Court, Pro Se, for reconsideration of the sentence imposed by the Honorable Deadra L. Jefferson, on February 25, 2014.

I, the Defendant waived jurisdiction and venue for the charges that originated out of Richland County and Lexington County so that all charges could be heard with my Charleston County charges.

I plead guilty and was sentenced for Criminal Sexual Conduct 2nd Degree in Charleston County, Assault and Battery 3rd Degree in Richland County, and Assault and Battery 3rd Degree in Lexington County AND GIVEN 15 years in the State Department of Corrections as to my Charleston County Charges, a 30 day sentence on my Richland County Charge, and another 30 day sentence on my Lexington County Charge. The Defendant asserts that this sentence is excessive.

The Defendant requests that Your Honor graciously reconsider the sentence imposed

on Mr. Corneluis Davis.

Respectfully Submitted,



Corneluis K. Davis, SCDC# 00358938

Dorm F3-257A

Kirkland R & E Center

4344 Broad River Road

Columbia, South Carolina 29210

Date: March 5, 2014.

FILED

2014 MAR 17 AM 11:35

JULIE J. ARMSTRONG
CLERK OF COURT

BY 

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

Indictment Nos.: 2012-GS-10-04791,
2012-GS-10-04794, 2012-GS-10-04795,
2012-GS-10-04796, 2012-GS-40-04753,
2012-GS-32-01691

vs.

CERTIFICATE OF SERVICE

Cornelius K. Davis,

DEFENDANT.

Personally appeared before me, Corneluis Davis, who, being duly sworn, says that I have served the Motion for Reconsideration of Sentence on the State of South Carolina by serving a copy of the Defendant's Motion for Reconsideration of Sentence by delivery via U.S. Mail a copy of the same on March 5, 2014, to the following:

Deborah Herring Lash, Assistant Solicitor
Charleston County Solicitor's Office
101 Meeting Street, 4th Floor
Charleston, South Carolina 29401

Margaret Bodman, Assistant Solicitor
Richland County Solicitor's Office
P.O. Box 192
Columbia, South Carolina 29202

L. Suzanne Mayes, Assistant Solicitor
Lexington County Solicitor's Office
205 East Main Street
MHW Judicial Center
Lexington, South Carolina 29072

The Honorable Deadra L. Jefferson
100 Broad Street, Suite 336
Charleston, South Carolina 29401

FILED
2014 MAR 17 AM 11:35
JULIE J. ARTHUR
CLERK OF COURT
BY *[Signature]*

[Signature]
Cornelius K. Davis
Pro Se Defendant

FILED

2014 APR -3 AM 9:46

JULIE J. ARMSTRONG
CLERK OF COURTBY: *MA*STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

STATE OF SOUTH CAROLINA)

CORNELUIS DAVIS)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT**STATE'S RESPONSE TO
DEFENDANT'S MOTION FOR
RECONSIDERATION OF SENTENCE**WARRANT # M996748; DIRIND1714;
DIRIND1715; DIRIND1716INDICTMENT #'s: 2012GS1004791;
2012GS1004794; 2012GS1004795;
2012GS104796CHARGES: CSC with a Minor 2nd Degree
x3; Lewd Act Upon a Minor

The State has been served with a copy of Defendant's Motion for Reconsideration of the sentence imposed by this court. The State files this Response.

PROCEDURAL HISTORY

The Defendant was charged with three counts of Criminal Sexual Conduct with a Minor in the second degree and one count of Lewd Act in Charleston County. The Defendant was also charged in Richland County with Criminal Sexual Conduct with a Minor and in Lexington County with Lewd Act Upon a Minor. All of these charges involved the same minor. He pled guilty to one count of Criminal Sexual Conduct with a Minor 2nd degree and two counts of Assault and Battery 3rd degree on February 25, 2014. The Defendant received a sentence of 15 years.

FACTS

The victim and Defendant were both in Charleston to attend the Special Olympics. The Defendant was the teacher of the victim and also one of the counselors for the Special Olympics. The Defendant took the victim from her room and they went to his room where the Defendant sexually assaulted the victim. She returned to her room around two in the morning. The next day she disclosed what had occurred in the hotel room. Upon

questioning she also disclosed the Defendant has sexual intercourse with her at his home in Richland and fondled her at the school in Lexington.

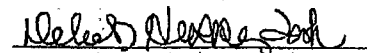
ANALYSIS

This Courts 15 year sentence is appropriate under the facts of this case. This court had the opportunity to observe this Defendant as well as listen and consider his mitigation. The Defendant's attorney submitted letters in support of the Defendant. The Defendant had family, coworkers, and friends speak on his behalf in mitigation. The Court acknowledged that considerations were being given to the Defendant based on the mitigation presented. This Court imposed an appropriate and well-reasoned sentence.

CONCLUSION

The Defendant has outlined no sound reason for the Court to change Defendant's sentence. Pursuant to Rule 29, SCRCrimP., the State respectfully requests that this Court summarily deny the Defendant's Motion for Reconsideration without a hearing. If this Court does not summarily deny the Defendant's Motion, the State respectfully requests a hearing and 10 days notice of the hearing so that the victim can be notified and scheduled to appear. The State also requests that the Defendant be compelled to outline the specific bases supporting his Motion at least 10 days before any scheduled hearing.

Respectfully submitted,


Deborah Herring-Lash
Assistant Solicitor

FILED

2014 APR -3 AM 9:46

JULIE J. ARMSTRONG
CLERK OF COURT

EX-174

STATE OF SOUTH CAROLINA **FILED** IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

2014 APR 10

FOR THE NINTH JUDICIAL CIRCUIT

Indictment No.: 2012-GS-10-04791

Indictment No.: 2012-GS-10-04794

Indictment No.: 2012-GS-10-04795

Indictment No.: 2012-GS-10-04796

Indictment No.: 2012-GS-40-4753

Indictment No.: 2012-GS-32-01691

JULIE J. ARMSTRONG
CLERK OF COURT

BY *[Signature]*

STATE OF SOUTH CAROLINA,

vs.

CORNELUIS K. DAVIS,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION
OF SENTENCE**

RECEIVED

Presiding Judge:

Assistant Solicitor:

Defendant's Attorney:

Date of Plea Hearing:

Court Reporter:

The Hon. Deadra L. Jefferson

Deborah Herring-Lash, Esquire

Joenathan S. Chaplin, Esquire

February 25, 2014

Rebecca Hill

MAY 01 2014

DEPT. of Appeals

This matter is before the Court on Defendant's Pro Se Motion for Reconsideration of Sentence, filed with the Charleston County Clerk of Court on March 17, 2014 and received by this office on April 2, 2014. Assistant Solicitor Deborah Herring-Lash submitted a Response to Defendant's Motion for Reconsideration of Sentence on behalf of the State of South Carolina, filed with the Charleston County Clerk of Court on April 3, 2014 and received by this office on April 3, 2014. On February 25, 2014, Defendant pled guilty before this Court to Criminal Sexual Conduct with a Minor-Second Degree, Indictment Number 2012-GS-10-4791, Assault and Battery-Third Degree, Indictment Number 2012-GS-40-4753, and Assault and Battery-Third Degree, Indictment Number 2012-GS-32-1691. After qualifying his plea, this Court sentenced

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)

By *[Signature]*

DEPUTY CLERK

1 1045
APR 10 2014

Defendant to fifteen (15) years, thirty (30) days and thirty (30) days commitment to the State Department of Corrections respectively with all sentences running concurrently.

At Defendant's plea hearing, Defendant was present and represented by Joenathan S. Chaplin, Esquire. Assistant Solicitor Deborah Herring-Lash, Esquire was present for the State of South Carolina. At the plea hearing, the Defendant waived jurisdiction and venue on his Richland County and Lexington County charges so that the Court could accept the Defendant's plea and sentence him in Charleston County. On February 25, 2014, Defendant pled guilty before this Court to Criminal Sexual Conduct with a Minor-Second Degree, Indictment Number 2012-GS-10-4791. The Indictments numbered 2012-GS-10-4795, 2012-GS-10-4796, and 2012-GS-4794 were dismissed (*nolle prosequi*) as conditions of the plea on February 25, 2014. The Defendant ultimately pled guilty and was sentenced to fifteen (15) year's imprisonment for Criminal Sexual Conduct with a Minor-Second Degree, Indictment Number 2012-GS-10-4791; thirty (30) day's imprisonment for Assault and Battery-Third Degree, Indictment Number 2012-GS-40-4753; and thirty (30) day's imprisonment for Assault and Battery-Third Degree, Indictment Number 2012-GS-32-1691. The Defendant's fifteen (15) year sentence on Indictment Number 2012-GS-10-4791 is to run concurrent with the Defendant's thirty (30) day sentence on Indictment Number 2012-GS-40-4753 and thirty (30) day sentence on Indictment Number 2012-GS-32-1691.

Under S.C. CODE ANN. § 16-3-655(B)(2) (2012) it is unlawful for a person to engage "in sexual battery with a victim who is at least fourteen years of age but who is less than sixteen years of age and the actor is in a position of familial, custodial, or official authority to coerce the victim to submit or is older than the victim. S.C. CODE ANN. § 16-3-655(B)(2) (2012). The felony offense of Criminal Sexual Conduct with a Minor-Second Degree carries a maximum

2 245
519

penalty of twenty (20) years imprisonment and is a violent, most serious offense. S.C. CODE ANN. § 16-3-655(C)(3) (2012); S.C. CODE ANN. § 16-1-60 (2012); S.C. CODE ANN. § 17-25-45(C)(1) (2012). "A person commits the offense of [A]ssault and [B]attery in the [T]hird [D]egree if the person unlawfully injures another person, or offers or attempts to injure another person with the present ability to do so." S.C. CODE ANN. § 16-3-600(E)(1) (2012). The misdemeanor offense of Assault and Battery-Third Degree is punishable by thirty (30) days imprisonment, or a five-hundred dollar (\$500.00) fine, or both. S.C. Code Ann. § 16-3-600(E)(2) (2012).

In support of his Motion for Reconsideration of Sentence, Defendant asserts that his sentence is excessive. In support of the State's position that this Court's sentence is appropriate under the facts of this case—namely, that the Defendant was a teacher and Special Olympics counselor for the victim and sexually assaulted, fondled, and had sexual intercourse with the victim, a Special Olympian—the State propounds the following grounds: this Court had the opportunity to observe the Defendant as well as listen and consider his mitigation; the Defendant's attorney submitted letters in support of the Defendant at the hearing; the Defendant had family, coworkers, and friends speak on his behalf in mitigation; this Court acknowledged on the record that considerations were being given to the Defendant based on the mitigation presented; and the sentence imposed by this Court was appropriate and well-reasoned.

"The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion." State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) (citing State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). "A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear

3 345
219

on the proper sentence for the particular defendant, given the crime committed." Hicks, 377 S.C. at 325, 659 S.E.2d at 500. The South Carolina Supreme Court has held, "it is proper for the trial judge, in open court, in the presence of the defendant, to inquire into any relevant facts in aggravation or mitigation of punishment," notably, "the fullest information possible concerning the defendant's life and characteristics." State v. Cantrell, 250 S.C. 376, 379-80, 158 S.E.2d 189, 191 (1967) (citing Williams v. People of State of New York, 337 U.S. 241, 69 S.Ct. 1079 (1949)).

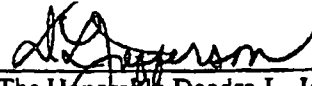
This Court finds that the Defendant has outlined no sound reason for this Court to alter its sentence. The Defendant's Motion raises no new issues, nor proffers any arguments not considered by the Court at the time of the Defendant's sentencing. Further, this Court deems that the sentence ordered is appropriate under the facts and aggravated circumstances of this case, including, but not limited to the egregious facts of the underlying offense, namely the multiplicity of offenses; the fact that the Defendant was a teacher, counselor, chaperone, and custodian to the victim a Special Olympian; the fact that the sexual assaults occurred during the Special Olympics and on school grounds; the fact that other Special Olympians witnessed the sexual assault occurring in the hotel room; and the predatory acts of the Defendant. Moreover, this Court considered the arguments presented by the Defendant's attorney, letters introduced on the Defendant's behalf in mitigation, and the statements of the Defendant's family, coworkers, and friends on the Defendant's behalf presented in mitigation during the plea hearing. Having fully considered the Defendant's Motion for Reconsideration of Sentence, the evidence and testimony presented at the hearing, the State's response, as well as having fully reviewed the

4 445
219

record and the various interests balanced by the Court at the time of the ruling, the Defendant's Motion for Reconsideration of Sentence is hereby **DENIED** pursuant to Rule 29, SCRCrimP.¹

IT IS SO ORDERED.

April 9, 2014
Charleston, South Carolina


The Honorable Deadra L. Jefferson
Presiding Judge, Ninth Judicial Circuit

FILED
2014 APR 10 AM 10:19
JULIE J. ARMSTRONG
CLERK OF COURT

BY 

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P. & S.E.C.
By 
DEPUTY CLERK

¹ This motion is disposed of without the necessity of a hearing and decided on the record and briefs and motions submitted by the parties. See Rule 29, SCRCrimP.

5 5065


WITNESSES

Cayce Department of Public Safety

Tillman A. Shealy

Law Enforcement Case #: 1201412

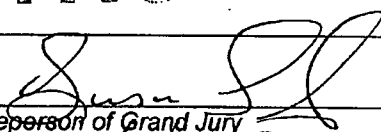
LSM

ARREST WARRANT NUMBER

1204412

ACTION OF GRAND JURY

TRUE BILL


Foreperson of Grand Jury
Date: 7/9/2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS3201691

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JULY TERM 2012

THE STATE
vs.

Cornelius Kiopheus Davis

CDR #: 2468

Indictment for

COMMITTING OR ATTEMPTING A
LEWD ACT UPON A CHILD

§ 16-15-0140

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

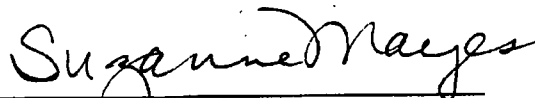
)
) INDICTMENT FOR
) COMMITTING OR ATTEMPTING A LEWD ACT
) UPON A CHILD
)

§ 16-15-0140

At a Court of General Sessions, convened on JULY 2012, the Grand Jurors of Lexington County present upon their oath:

That **Corneluis Kiopheus Davis**, a person over the age of fourteen (14) years, did in Lexington County, on or about February 1, 2012 through March 6, 2012, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: minor date of birth [REDACTED], with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, in violation of Section 16-15-140, South Carolina Code of Laws 1976, as amended and preserved by Savings Clause.

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


ASSISTANT SOLICITOR

HER20120301771

WITNESSES

Mt. Pleasant Police Department

AGENCY CASE NUMBER

2012P02559

ARREST WARRANT NUMBER

M996748

DATE OF ARREST

March 5, 2012

ACTION OF GRAND JURY

TRUE BILL
*CM*Foreperson of Grand Jury
Date:

AUG 07 2012

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS1004791

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

August Term 2012

THE STATE

vs.

CORNELUIS DAVIS
DOB: 1982-11-17
B/M

Indictment for

Criminal Sexual Conduct With A Minor,
2nd Degree**FILED**8/22/2012 8:33:05 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on August 6, 2012 the Grand Jurors of Charleston County present upon their oath:

Criminal Sexual Conduct With A Minor, 2nd Degree

That CORNELUIS DAVIS, date of birth [REDACTED] 1982, did in Charleston County between March 2, 2012 and March 3, 2012 commit a sexual battery: to wit: intercourse upon minor [REDACTED] date of birth [REDACTED] 1996; in violation of Section 16-3-655(B)(2), S.C. Code of Laws, 1976, as amended.

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


DEBORAH HERRING-LASH
ASSISTANT SOLICITOR

WITNESSES

(S) Kevin Preston – Richland County
Sheriff

ARREST WARRANT NUMBER

1939184

ACTION OF GRAND JURY

TRUE BILL

Jill R. Koenigs
Foreperson of Grand Jury

Date:

SEP 12 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-40-04753

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

92

**THE STATE
vs.**

CORNELUIS KIOPEHU DAVIS

**Indictment for
CRIMINAL SEXUAL CONDUCT WITH
MINOR, 2ND DEG (AGE14-16)**

SC Code: 16-03-0655(B)(2)
CDR Code: 0397

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on SEPTEMBER 12, 2012, the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2nd DEGREE (AGE 14-16)

That CORNELUIS KIOPHEU DAVIS did in Richland County, State of South Carolina, on or about March 1, 2012, willfully, unlawfully and feloniously engage in sexual battery, with a minor who was at least fourteen (14) years of age but who was less than sixteen (16) years of age, minor and the said Defendant was in a position of familial, custodial, or official authority to coerce the said victim to submit and/or the defendant was older than the victim, in violation of Section 16-03-655(C) [formerly Section 16-3-655(3)], S. C. Code of Laws, 1976, as amended.

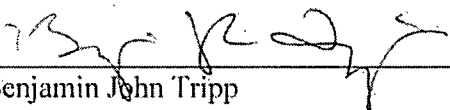
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 DAN JOHNSON, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This 27th day of May, 2015



Benjamin John Tripp
Appellate Defender

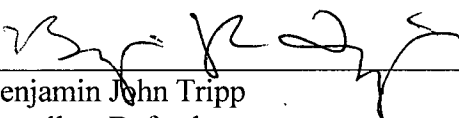
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

This 27th day of May, 2015


Benjamin John Tripp
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Charleston County
Deadra L. Jefferson, Circuit Court Judge

RECEIVED

MAY 27 2015

THE STATE,

SC Court of Appeals

RESPONDENT,

V.

CORNELIUS K. DAVIS,

APPELLANT

APPELLATE CASE NO. 2014-000806

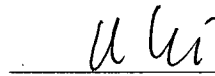
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 27th day of May, 2015.



Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 27th day of May, 2015.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: May 12, 2025