

Terrence Bradshaw #320361
Applicant

- VS -

The State of South Carolina
Respondent

RECEIVED

FEB 16 2016

The Applicant now files A Cover Sheet, In Relation to the case No: 2015-CP-45-279 3th Circuit Sumter County Judges final order of Dismissel In Regards to A notice of Appeal under the SC Rules of Court 243.

S.C. SUPREME COURT

The Applicant present that And Accuse has Been PreJudiced, By the District Attorney for failing to Provide the PCR Judge with the Applicants Admission to the facts of his guilty plea and preliminary hearring transcrip. The District Attorney Show's Biased and have Sabatoge the Applicants Case By failing to Communicate and disclosing the Applicant Exhibit for the Judges Review, In The Applicants obSection to the District Attorney Conditional order of Dismissel. Please See 9-22-15 Exhibit A, In Relation's to Applicant's Affidavit.

The Applicant Declares under The 5th the 6th And 14th Amendment that, the Applicant has A right to present any Conclusions And facts for his defence. It is the duty of the case, to explore all avenues of the merits and to Acknowledge the Penaltty's with in the Circumstances of the Person's Conviction.

Pg #1 / Please Read Next Page

The Applicant asserts that his transcript provides the indication, on how each specific fact applies to the knowledge in the prior event, and the District Attorney has only provide the PCR Judge with the misinform information. By not providing the Applicant's mitigating evidence with PCR Judge in Behalf of the Applicants transcript.

The Applicant claims that when a Presiding Judge has there appropriate time to Review a Claim, that he or she will be inform with the nature of a crime, and to each critical element from the offense in the case. Relating to trials or to Court guilty plea cases, The Court will Consider the Applicants entire record, By Concluding the Information from the Applicants Court Record, when the Applicant is presenting evidence for the relief By 17-27-80 for Specific finding and Conclusions to a unresolve Particular issue.

See Harres - vs - Leeke 282 SC 131 318 Se 2d 36d (1984) And Pittman - vs - State 337 SC 597 (1999) 524 Se 2d 623. The Court Specify By Indication that A transcript of A trial OR A guilty plea Can only Speaks for itSelf. Furthermore It has ALSO have Indicated that there is nothing ^(that) ~~Can~~ Be use OR Said to discredit A transcript under the Courts oath OR without This testimony Being Place under A Penalty OR By Perjury of the Court.

(Pg#2)

Terrence Bradshaw #320361
Applicant

- VS -

The State of South Carolina
Respondent

The Applicant files A Affidavit
Motion to his Current ON going Case
Docket file NO: 2015-CP-45-279

In Relations to Case Docket No: 2015-CP-45-279, This is Applicant Exhibit A of 9-22-15/ In Relations of Applicants Cover Sheet to his notice of Appeal SC Rules of Court 243(c)

I Terrence Bradshaw #320361, Hereby Clarified The Current Documentation's which is A Complete Copy from his guilty Plea Docket No: 05-GS-45-181 which in All IS (#30 pg's) Along with his Brief ~~Decke~~ for petitioner's objection in the Conditional Order of Dismissal ~~to~~ Total of (#10 pg's) Along with Applicant Mental Health Document's And his ~~guilty plea transcript~~ ~~to~~ Preliminary Hearing Transcript (#16 pg's) In All, This Include Exhibit A-B-C which is All of Above. Applicant witness A Kershaw InStation mail Room personal Deposit #2 legal ~~envelope~~ envelope in the mail Box (1-of which) was mail too Williamsburg County Clerk of Court, And (1-of which) was mail too the South Carolina office of Attorney General.

This Statement IS True to the Best of the Applicant Ability.

Sgx Terrence Bradshaw

Terrence Bradshaw 9/22/2015

The Sworn To And Subscribed Before me This 22nd Day of September, 2015

Catherine A. Amerson

Notary Public

My Commission Expires December 22, 2018

My Commission Expires

337 S.C. 597 (1999)

524 S.E.2d 623

Timothy James PITTMAN, Respondent,

v.

STATE of South Carolina, Petitioner.

No. 25025.

Supreme Court of South Carolina.

Submitted October 20, 1999.

Decided December 6, 1999.

598 *598 Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Teresa A. Knox, and Assistant Attorney General J. Benjamin Aplin, all of Columbia, for petitioner.

Assistant Appellate Defender Melody J. Brown, of South Carolina Office of Appellate Defense, of Columbia, for respondent.

TOAL, Justice:

The State appeals the post-conviction relief ("PCR") court's order granting Timothy Pittman ("Pittman") a new trial. We affirm.

599 *599 Pittman was indicted for assault and battery with intent to kill ("ABIK"), possession of a gun during the commission of a violent crime, armed robbery, and criminal conspiracy. Pittman pled guilty as charged to all indicted offenses. The trial court sentenced Pittman to confinement for a cumulative period of twenty years. Pittman then filed a PCR application. He alleged that an involuntary guilty plea and ineffective assistance of counsel rendered his custody unlawful.

Entering a guilty plea results in a waiver of several constitutional rights, therefore the Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently by defendants. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). The United States Supreme Court has held that before a court can accept a guilty plea, a defendant must be advised of the constitutional rights he or she is waiving. *Id.* Specifically, a defendant must be aware of the privilege against self incrimination, the right to a jury trial, and the right to confront one's accusers. This Court considered the requirements of a voluntary and knowing guilty plea in State v. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980) and Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In addition to the requirements of *Boykin*, a defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived. *Id.*

When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the PCR hearing. Harres v. Leake, 282 S.C. 131, 318 S.E.2d 360 (1984). However, in this case, the transcript of Pittman's guilty plea on its face provides enough evidence to hold Pittman's plea was not voluntary or knowing. A defendant's knowing and voluntary waiver of the constitutional rights which accompany a guilty plea "may be accomplished by colloquy between the Court and the defendant, between the Court and defendant's counsel, or both." State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993).

600 Although the trial court is not required to direct defendants attention to each right and obtain a separate *600 waiver, the record should indicate the defendant was fully aware of the consequences of his guilty plea. State v. Lambert, 266 S.C. 574, 225 S.E.2d 340 (1976). In Pittman's case, the trial judge did not affirmatively ask him for an admission of guilt. The transcript also indicates the trial judge did not advise Pittman of the crucial elements of the charged offenses. Furthermore, the court's failure to inform Pittman that the armed robbery charge carried a mandatory minimum sentence of ten years, seven without the possibility of parole, renders the plea involuntary. See 22 C.J.S. *Criminal Law* § 404 (1989)

("prior to accepting a plea of guilty ... the court is required to advise accused of the range of punishment attached to the offense charged such as ... the minimum sentence."). This case is similar to Hazel, supra, where we found a defendant's plea involuntary since she was never informed of the mandatory minimum sentence required by her guilty plea. See also Brown v. State, 306 S.C. 381, 412 S.E.2d 399 (1991) (holding a judge's misinformation to defendant about required time in jail before parole eligibility invalidated voluntary nature of guilty plea). In the current case, the judge informed Pittman of the maximum sentences which could be imposed, but the mandatory minimum was only mentioned in passing by the prosecutor near the end of the hearing.^[1]

601 In addition, Pittman did not fully understand the nature of the constitutional rights being waived. Pittman's testimony at the PCR hearing was uncontradicted in that he met with his attorney only twice for approximately twenty minutes each. See Dover, 304 S.C. at 435, 405 S.E.2d at 392 ("It was never established the [defendant] understood the severity of the crimes or the sentences they carried ... the record reveals that [defendant] only spoke with his court appointed attorney three times for a total amount of less than 30 minutes."). Pittman's attorney had little recollection of the exact nature of matters discussed during meetings with the Defendant. Although Pittman signed a "checklist for guilty plea," the date on this document is one month prior to the court appearance *601 and entrance of the guilty plea. The list does not include the crimes Pittman was charged, the elements of the charged crimes, or a statement about mandatory minimum penalties. Furthermore, these defects were not cured by information provided at the guilt plea proceeding. See Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998); Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997).

The transcript of the guilty plea in this case speaks for itself. The trial judge did not ask Pittman if he was guilty of the charged offenses. The court failed to inform Pittman of the mandatory minimum sentence carried by the armed robbery charge. In addition, the trial court's lack of questions to ensure Pittman's understanding of the consequences of his plea, coupled with the trial court and attorney's failure to explain the elements charged, further indicates Pittman's plea was not voluntary, intelligent, and knowing.

Conclusion

The PCR court's order granting Pittman a new trial is affirmed.

FINNEY, C.J., MOORE, WALLER and BURNETT, JJ., concur.

[1] The solicitor stated, during his statement to the judge concerning events surrounding the incident, "I would like to remind the court that as to the armed robbery, your honor, there is a minimum of ten years, seven of which must be served without parole."

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Terrence Bradshaw #320361
Applicant

- VS -

The State of South Carolina
Respondent

In The Regards of the Applicant Case
#2015-CP-45-279 / In Relations to the
Respondents motion, of the final order
of Dismissal from 3rd Circuit Court
Sumter County / The Applicant now
file A Explanation Rule 243(C) Notice
Of Appeal with State Supreme Court
of South Carolina.

On September 21st, The petitioner contends that the appropriate action under these circumstances would be to continue the case rather than dismiss it without prejudice. Because the petitioner has a birth defect from a brain disorder, with limited capacity from birth, from his mother's mental illness. This mental effect, cost the applicant to be incapacitated by being not aware how to consult with his PCR attorney diligently.

The prisoner has a poor insight with limited judgment skills and a lack of a written expression, and a communication disorder. This prisoner has an IQ of 73 with a verbal IQ of 76 and a performance IQ of 73, with a birth defect of a borderline of intellectual functioning. It is provided by the South Carolina Guidelines of Education, that prisoner Terrence Bradshaw is classified as learning disabled.

In the form of petitioner's Exhibit (A) which shows the recommendation from the presiding judge Mr. Clifton Newman. Mr. Newman stated as indicated his acknowledgment from observing the applicant's behavior to assist his counsel in his own defense due to the lack of having a low mental capacity. This report was a part of the judge's order for criminal responsibility and capacity to conform evaluation starting at pg #2 paragraph #1 / This part is also highlighted by the court's review. The applicant contends that the other report pertains to petitioner's mental health documents along with his South Carolina Educational Guidelines report which is #6 pg's in all for Exhibit (A)

The Applicant Claim, The PCR Counsel have not protect the Applicant Claim for his innocence in PCR proceeding for Violation's of the 6th Amendment Ineffective Assistance of Counsel, And 14th Amendment Due process violation. State-vs-Idell 262 SC 397 205 Sct 2d (1973) Strader-vs-garrison 611 f2d 61 Hill-vs-Lockhart 106 Sct 366 Strickland-vs-washington 466 US At 688 104 Sct At 2064-65 McQueen-vs-Swenson 498 f2d 207-217 unitedstates-vs-Tucker 716 f2d 576-583 united State-vs-Blaylock 20 f3d 1458 Jeffries-vs-Bloodgett martinez -vs-Ryan 132 Sct 1309 Powell-vs-Alabama 278 US 45 68-69 53 Sct 55 77 Led 158 (1932) Edwards-vs-Carpenter 529 US 446 120 Sct 1587 146 Led 2d 518 (2000) McClesKey-vs-zant 449 US 467 490 111 Sct 1454 13 Le2d (1991) Miller-El-vs-Cockrell 537 US 322 123 Sct 1029 154 Le2d 931 (2003) Hardin-vs-Arkansas 350 Ark 299 301 86 Sw3d 384 385 (2002) Jensen-vs-State 2004 ND 200 13 688 NW 374 378 Murray-vs-Carrier 477 US 478 106 Sct 2639-91 Montejo-vs-Louisiana 556 US 778 792 793 129 Sct 2079 173 Led 2d 955 (2009)

This issue should not become final, under 17-27-80 Because PCR Judge havent made the Spicific finding's and Conclusion's of law Repersenting to each particular issue that the Applicant Rase from his 2008 PCR Court order Docket No: 2008-cp-45-008 PCR Judge only made the Conclusion's of law only to Ineffective Assistance's of Counsel In compliance with part(A) for failure to investigate the case and prepare A trial defence for Applicant.

The Applicant Also Contends the PCR Judge Ruling's were Also made to the Involuntary guilty plea In compliance to part(A) Those were the Only 2 Issue's were Conclusion's were made in the Applicant's case while the Issue's of part(B) And part(C) were misRepresented By PCR Judge In compliance to Ineff-ective Assistance of Counsel Claim in A catch All phrase.

I Contend that my PCR Counsel was ineffective for failure to file A Rule(59-e) motion to Alter or amend Judgement upon reading over the Judge's order and Seeing that he did not rule on each issue presented. my Attorney never inform me, that I Could have Appeal my Conviction, for failer to properly protect my Rights to Seek Appellate Review of Denial of my frist PCR Application. Therefore, this order was procedurally barred from being heard on Appeal.

As Stated In Several past cases where the final order lacked specific finding of fact and Conclusions of law to remanded for specific finding in some cases A new hearrings in order to address the pervasive problem of Inadequate order. McCullough vs-State 320 SC 270 272 464 SE2d 340 341 (1995) Pruitt vs-State SC 329 330 408 SE2d 241 (1991) Reversing order denying applicant relief and Remanding for A new PCR hearrings where PCR Courts order failed to make specific findings of fact and Conclusions of law sufficient for Appellate Review.

Smith vs-Padula 444 F Supp 2d 2006 Crooks vs-State (SC 1997) 326 SC 171 485 SE2d 374 Marlar vs-State (SC App 2007) 373 SC 275 644 SC 2d 769. The petitioner in his diligence, is now aware as eariler of this Newly acquired Knowledge and applicable principles of rules governing evidence and applicability of his Conviction and Case Ann 17-27-90, which for sufficient reason was not Assserted OR inadequately raised in the original Supplement OR amended Application. Primus vs-Padula 2008 555 f Supp 2d 596 Appeal Dismissed 298 Appx 236 2008 WL 4790 104 Cetiaroni denied 129 Sct 1621 173 Led 2d 1004 Gibson vs-State (SC 2003) 354 SC 630 583 SE2d 52 McCoy vs-State 737 SE2d 623 (2013) Leamon vs-State 611 SE2d 494 495 Citing SC Code Ann 17-27-80 where And Applicant Alleges facts that would establish and exception to either the Statute of limitations OR The prohibition Against ~~so~~ Successive PCR Applications and those facts are not conclusively Refuted By the Record before the PCR Court.

A Question of fact is Raised which can only be resolved by A Hearing. Delaney-vs-State 238 Se2d 679 (1977) The Court held that in general, PCR is A proper avenue of Relief only when the Applicant Mounts A Collateral Attack Challenging The validity of his Conviction OR Sentence. Alshabazz-vs-State 367 527 Se2d At 749. Coats-vs-State 504 575 Se2d At 557 Also Coats-vs-State 503 575 Se2d 558 17-27-20(B) 17-27-160 Finke-vs-State 273 SC 157 158 255 Se2d 447 (447-48) Harvey-vs-South Carolina 31-C f Supp 83-85 Sutton-vs-State 361 SC 644 648 Se2d 779 781 (2004) overruled grounds By Brady-vs-State 366 SC 137 620 Se2d 743 (2005) Jackson-vs-State 331 SC 486 489 Se2d 915-916 (1997).

The general one year period does not apply where A defendant is denied his direct Appeal due to ineffective Assistance of Counsel. Wilson-vs-State 348 SC 215 559 Se2d 581 (2001) State-vs-Johnson 333 SC 459 510 Se2d 423 425-26 (1999) The fact that this order is barred from being heard on appeal, this violates my rights Pursuant to 17-27-100, right to seek appellate review of the denial of my PCR application. I contend that my PCR Counsel was ineffective for failure to file a Rule (59-e) motion to alter or amend Judgment upon reading over the Judge's order and seeing that he did not rule on each issue presented.

This was A direct violation of my 6th Amendment right to effective assistance of Counsel and my 14th Amendment right to equal protection and due process of law. Marlar-vs-State 373 SC 275 644 Se2d 860 Jackson-vs-State SC 2003 355 SC 586 Se2d 562 Garner-vs-State SC 2006 371 SC 1636 Se2d 860 Humphries-vs-State SC 2002 351 SC 362 570 Se2d 160 Pauling-vs-State SC 2002 350 SC 278 565 Se2d 769. The Appellate Court will not uphold the findings of A post conviction relief of a PCR Court if there is no probative evidence to support those findings.

Gilchrist - vs - State SC 2002 350 SC 221 565 se2d 281
Patrick - vs - State SC 2002 349 SC 203 562 se2d 609 Grier - vs -
State SC 1989 299 SC 320 384 se2d 722. My Attorney never
inform me, that I could have Appeal my Conviction State - vs -
Vazquez 364 SC 293 613 se2d 359 (2005) Holmes - vs - South Carolina
~~361~~ 361 SC 333 345 605 se2d (19-25) Holmes - vs - South Carolina 547
US 319 (2006) The petitioner seeks for A Belated Appeal White - vs -
State 263 SC 110, 208 se2d 35 (1974) Sheppard - vs - State 357 SC
646 594 se2d 462 (2004) Anders - vs - State of California 386 US
738-87 SCT 1396 Led 2d 493.

Section 17-27-70 part c / where no evidentiary hearing has been
held, The PCR Judge must Assume facts presented by the Applicant
are true and view Those facts in the light most favorable to the
Applicant. The Applicant bears the burden of showing that the
Allegations could not have been raised previously. Land - vs - State
274 SC 243 262 se2d 735 (1980) The petitioner Brings forth
the details of the claim of newly discovered evidence based on
his diligent pursuit of equity in Justice and in his pursuit of
such become aware of SCRPC Rules 60A-B 17-27-45(C) Hayden
- vs - State 278 SC 610 611 612 299 se2d 854 855 (1983) Whetell - vs -
State 276 SC 295 se2d 890 (1987) Rivers - vs - Strickland 264 SC
121 213 se2d 97 (1975)

The Attorney General didnt have the Jurisdiction to Dismiss my Claim
The Applicant contends Because of 17-27-45(A) This does not Apply to
me Because I am not Attacking The merits of my Conviction. I am
Attacking the procedure Defect of the Judge's failure to Comply with
17-27-80 By failing to make A Specific Rule on each issue, there By
making A final order. Therefore Laches And 17-27-45(A) Does not Apply
to me Because of my mental Capabilities. I was not Aware that
the Judge's order was not in Compliance with 17-27-80. And It was
not A final order only Because Another Inmate Alert me to the
Violation of my Statute rights And I didnt know to raise this Claim

therefore Cache's Should not Apply in my particular Case. This Information Comes in the form of Applicant's Exhibit (A) which is Base on the presiding Judge mR Clifton Newman Recommendation's And Applicant's mental Health Documents and South Carolina Education guideline.

Austin-vs-State 409 Se2d 395 396 SC(1991) whichever is later Austin appeals are considered belated appeals and are use to rectify unjust procedural defects Such as when An Attorney does not file A timely Appeal. Hope-vs-State 328 SC 78 492 Se2d 76(1997) permitting A belated appeal pursuant to Austin in 1992 from A denial of A PCR Application in 1989. Odum-vs-State 523 Se2d 753(1999) Gamble-vs-State 379 Se2d 118-119(1989) Carter-vs-State 362 Se2d 20(1987) Case-vs-State 289 Se2d 413(1982)

The Respondent now Raise's A Claim in the Conditional order of Dismissal Case Docket No: 2015-CP-45-279, By Stating that there is not A transcript of the Applicant's guilty plea is now unavailable, potential witness might also now be unavailable. The Applicant contend's that he can provide witness and Transcript's. #1 Benjamin George #107106 SCDC Turbeville Institution PO Box 262 Turbeville SC 29162. The Applicant claim, The PCR Counsel have not protect the Applicant claim for his innocence in PCR proceeding for violation's of the 6th Amendment Ineffective Assistance of Counsel, And 14th Amendment Due process violation. State-vs-Idell 262 SC 397 205 Se2d(1973)

In The form of petitioner's Exhibit (B) This is the Applicant T. Bradshaw Preliminary Hearing, Transcript of A total of #16 Pg's. The Applicant contend's that PCR And Trial Counsel mrs Jackson have Been Ineffective Assistance of Counsel Doing critical Stage's of the Applicant's Case. The State called, State officer Jerry Gainey to the Stand. The Applicant object's Because If had trial Counsel And PCR Counsel would have A private Investigator in defence of the Applicant Case.

~~case~~. It would have prove that the Applicant Terrence Bradshaw, was not there NOR Partake of this Allege Crium. Please Review The Applicant's PCR Transcrip Pg#74 line's 10-16. Also In The Applicant's Exhibit(B) Pg#4 line 5-16/ The State Investigator Conducted A interview with State witness MR Benjamin George. In Return of his Confession, It stated that there was only one Glen wilson with A weapon. Doing the Shottng inside the Club, And State witness MR George and Defendant Michael Hilton there until Glen Stop Shottng inside the Club.

Also In The Applicant's Exhibit(B) Pg#15 lines 1-7/ This Confession Conclude By the State Investigator MR Gainey upon the witness Stand. while Being in Question By Attorney MR Steven mckenzie, MR mckenzie Indicated to officer Jerry Gainey/ If had he taken A tape Recorded OR viedo Confession from the eye witness MR George, The Investigator ~~Answer~~ Answer ON That Question was NO I have not And NO I did not.

Also In The Applicant's Exhibit(C) which is A Complete Copy from Case Docket no: 05-GS-45-181 Guilty Plea Transcrip from The Applicant's Case. In Review of Pg's#20 line's 10-12 And Pg#21 line 2-3. The petitioner Contend that this Statement was made By the State Investigator MR Rudy Tisdale. The officer Tisdale Stated that the victim MR Benjamin George said that there was A Third Individual who he did not Recognize would have Been Inmate Terrence Bradshaw. The Applicant Contend's that the officer Rudy Tisdale gave the Court A Here Say Statement AS Becomming A eye witness, when he could not have Because It is in the victim position to Identified Inmate Terrence Bradshaw, AS Being in the Club OR with A weapon At the Crium. PCR And Trial Counsel was ineffective Assistance of Counsel for failure to object to this, And Propely preserve this Claim for the Appellate Review, And the Applicant Conviction OR Sentence was obtain in violation of the Sixth Amendment Confrontation Clause.

Any Allegation that trial Counsel ~~was~~ OR PCR Counsel was ineffective for failing to Investigate and present evidence OR call A witness must generally be Supported By the Applicant Own evidence of what the omitted testimony would have Been OR what the Complete investigation would have produced. See SC Rule's of Civil Procedures (71.1-e) Cobbs-vs-State 305 SC 299 301 408 SC 2d 223-225 (1991) Citing Griffin-vs-Martin 278 SC 620 300 SC 2d 482 (1983) Butler-vs-State 286 SC 441 442 334 SC 2d (1985) Citing Bannister-vs-State 333 SC 298 509 SC 2d 807 (1999)

The PCR Applicant must produce the testimony in Accordance with the rules of evidence at the PCR Hearing in order to establish pre-Judice from the witness failure to testify. Palacio-vs-State 333 SC 506 513 511 SC 2d 62-66 (1999) In The Sufficiency of Evidence, The Applicant Contend By Allowing officer Rudy Tisdale to testify to Statement's made By the victim Ben Jermin George And Applicant's Co-Defendent Lynell Thompson. The Court ran Awry of the Confrontation Clause of the Sixth Amendment of the United States Constitution. Thus Inadmissible under here say exception.

Crawford-vs-Washington 541 US 36 124 SC 1354 158 LEd 2d 177 (2004) Davis-vs-Washington 547 US 813 126 SC 2266 165 LEd 2d 224 (2006) Therefore the Applicant ASKS this Court to exercise its Authority to find that the Admission of the officers Statements tantamount to Palpable error. Applicant Also Argues that no Competent evidence was put forward to Justify A finding of Guilty on 16-11-330 Arm Robbery And Attempted Robbery charge. Commonwealth-vs-Benham 816 Sw 2d 186-187 Ky (1991) Burton-vs-Commonwealth 300 Sw 3d 126 144 Ky (2009).

Similarly, where the State Consents to the dismissal of A PCR A Application after the Statute has run and Agrees the petitioner should be Allowed to re-file And Application the State is estopped from Asserting the Statute of limitations As A defence to A Subsequent PCR Application. Norris-vs-State 335 SC 30-33 515 SC 2d 523 524 (1999) Austin-vs-State 409 SC 2d 395 396 SC (1991) Hope-vs-State 328 SC 78 492 SC 2d 76 (1997) Odum-vs-State 523 SC 2d 753 (1999) Gamble-vs-State 379 SC 2d 118-119 (1989) Carter-vs-State 362 SC 2d 20 (1987) Case-vs-State 289 SC 2d 413 (1982) 17-27-70 part(c)

The Applicant pray's for grace upon his petition If it pleases the Court under 17-27-80. for Jurisdiction Granting over his petition for PCR Application. Because PCR Judge havent made Spicific findings and conclusions of law Representing to each particular issue that the Applicant Raise from his 2008 PCR Court order Docket No: 2008 CP-45-0008. Because PCR Judge only made the conclusion's of law Only to Ineffective Assistences of Counsel Incompliance with Part(A) for failure to investigate the case and prepare A trial defence for Applicant. And Incompliance with Involuntary guilty Part(A)

ON This September 22 year of 2015/ I Terrence Bradshaw #320361 Hereby Clarified The current Documentation's which is A Complete Copy from his guilty Transcrip #30 pg's And his preliminary Transcrip #16 pg's And Along with Applicant mental Health Document's And petition In the Regard's of the Applicant objection to the Conditional order of Dismissal Total of #10 pg's In All. Applicant witness A Kershaw Institution mail Room personal Deposit #2 legal envelop in the mail Box (1 of which) was mail too Williamsburg County Clerk of Court, And (1 of which) was mail too the South Carolina office of Attorney General.

This Statement IS True to the Best of the Applicant Ability.

Sgt Terrence Bradshaw
Terrence Bradshaw 9/22/15

The Sworn To And Subscribed Before me This 22nd Day
of September, 2015.

Cathrine A. Amador

Notary Public

My Commission Expires December 22, 2018

My Commission Expires

In The form of petitioner Terrence Bradshaw #320361
Case Docket NO: 2015-CP-45-279 / The Applicant contends to
give the court, The proper material necessary to convey the
burden of proof of SCRCP Rules of 60-A & B, / To Newly Discovered
Evidence.

By The preponderance of the evidence, The Applicant raises a
claim for a violation, to his 6th Amendment Right to Ineffective
Assistance of Counsel. And a 14th Amendment Right to equal protection
and Due process violation.

Base on newly discovered facts from petitioners Burden of proof.
The petitioner now brings forth the following material in regards to,
The Judges order to a final order of Dismissal Case file 2008-CP-45-008 / If it may please this court, The facts and conclusions
are provided within the Applicant original PCR Application to the
PCR Judges Ruling. This Ruling was misrepresented by not being
in compliance with specific finding of law to 17-27-80, By Dismiss
the issues to petitioners claim to Ineffective Assistance of
counsel part (B) and part (C) in a catch all phrase in regards
to page (2) of the here by sign order.

The petitioner now introduces the case file 2015-CP-45-279, / In
Responses to a procedure defect violation to the 14th Amendment
Due process & equal protection of law, where the PCR Judges order
was not in compliance to 17-27-80. On page #7, In The Condi-
tional order of Dismissal Case file 2015-CP-45-279, The Respondent
describes that unless the petitioner shows that it is Based on
the grounds of which he could not have knowledge by the
exercise of reasonable diligence before the circumstances
prejudicial to the state occurred.

The petitioner contends that this motion should not become final by way of the Applicant not having a full adjudication on the merits of the original petition or to the one full bite of the apple. Austin vs State 409 S. 2d 395 396 SC (1991) Odom vs State 523 S. 2d 753 (1999) Hope vs State 328 SC 78 492 SC 2d 76 (1997) Gamble vs State 370 S. 2d 118-119 (1989) Case vs State 289 S. 2d 413 (1982) Carter vs State 362 S. 2d 20 (1987)

If it pleases this Court, this is where the petitioner, introduce his newly discovered evidence under SCRP Rules 60-A & B, / ~~the~~ By providing documentation of legal materials to the substantial elements in relation to the judges procedure defect.

Dear Clerk,

Good morning How Are you? Today The
Petitioner would like's to inquire; If it Could Be
Possible if there Can Be A Chance if; Can Be provided
Back with A Clock file Copy for petitioner's Return.
So The petitioner can provide A Copy with the williams
burg County Clerk of Court. Closing out Thank you with
A Bless Day have A good one.

RECEIVED

FEB 16 2016

Terrence Bradshaw

S.C. SUPREME COURT

Terrence Bradshaw #3203u / 2-10-16

Kershaw Institution magnolia A 31

4848 Gold mine Hwy Kershaw

SC, 29067.

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS

2008-CP-45-0008

Terrance Bradshaw, #320361,

Applicant,

v.

State of South Carolina,

Respondent.

A CERTIFIED TRUE COPY
ORDER OF DISMISSAL
CAROLYN F. WILLIAMS
CLERK OF COURT
WILLIAMSBURG COUNTY

09 JUN -2 AM 10:25
CAROLYN F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.

FILED

This matter comes before the Court by way of an Application for Post-Conviction Relief filed January 11, 2008. The Respondent made its Return on July 2, 2008. An evidentiary hearing into the matter was convened on April 1, 2009, at the Sumter County Courthouse. The Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. The Respondent was represented by Mary S. Williams of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying was Debra Jackson, Esquire. This Court had before it the records of the Williamsburg County Clerk of Court,¹ the guilty plea transcript, and the Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of the Williamsburg County Clerk of Court. Applicant was indicted for (1) Murder, (2) Assault and Battery with Intent to Kill ("ABWIK"), (3) Possession of a Firearm During a Violent Crime, (4) Armed Robbery, (5) Criminal Conspiracy, and

¹ Clerk's records included the indictment, sentencing sheet, warrants, docket sheets, orders of appointment of counsel, orders for mental evaluations, and a DMH report of mental evaluation.

(7) Possession of a Firearm by a Person Under the Age of 21 (2005-GS-45-0181).² Debra Jackson, Esquire, represented him. On February 5, 2007, Applicant pled guilty to Armed Robbery before the Honorable Clifton Newman. Applicant received the negotiated sentence of twenty-two (22) years imprisonment, and the remaining charges were *not pressed*. Applicant did not appeal his conviction and sentence.

In his application for post-conviction relief (PCR), Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
 - a. "...failure to investigate the case and prepare a trial defense for Applicant."
 - b. "...failure to advise Applicant that his statement to law enforcement authorities was involuntary and therefore inadmissible against Applicant at trial."
 - c. "...failure to advise Applicant of the relevant law as it applied to the particular facts and defenses of Applicant's case."
2. Involuntary guilty plea.
 - a. "...during adversarial process counsel was ineffective and Applicant was prejudiced by that ineffectiveness. Applicant did not have the requisite level of knowledge of the facts and the law and how the law applied to some of the facts of his case to make a knowing, voluntary, and intelligent decision on how best to proceed. Furthermore, Applicant was not advised, prior to entering the guilty plea, of all the constitutional rights he would be waiving by entering a guilty plea to the charge against him."

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.

²Applicant was charged along with his co-defendants in a seven count indictment. Count Six, Possession of a Firearm by a Convicted Felon, was charged only as to co-defendant Glen Wilson.

Ineffective Assistance of Counsel/Involuntary Guilty Plea

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence."

Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP).

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

The proper measure of performance is whether the 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, Id. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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, supra). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland). With respect to guilty plea counsel, the Applicant must show that there is

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

To find a guilty plea is voluntarily 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). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

An Applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial 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, the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

Ineffective Assistance of Counsel

Applicant submits that counsel was ineffective in failing to perform a thorough investigation. Applicant specifically alleges that counsel failed to investigate and present mitigating evidence and facts of the case. Applicant testified that counsel failed to investigate his social history, his borderline IQ, and that he was on medications like Risperdal. Applicant argues that these should have been presented in mitigation during his plea. The records before this court show that counsel obtained an

Order for Competency to Stand Trial Evaluation pursuant to State v. Blair and an Order for Criminal Responsibility and Capacity to Conform Evaluation (M'Naughten). Counsel testified that Applicant's history, school records, and medications were "red flags" to her that he should be evaluated. The basis for the Blair order included specific concerns arising from family history of mental illness and school records. Therefore, it appears that counsel had reviewed Applicant's social history issues. Counsel testified that she was present at Applicant's DMH evaluation. She also considered securing additional doctors, but over the course of her representation ultimately did not feel an additional opinion would be necessary. I find that counsel's efforts to investigate her client's mental health and social history issues were reasonable under professional norms. As for using these facts in mitigation, counsel offered a statement on her client's behalf, and Applicant had an opportunity to speak in mitigation. (Trans. p.p. 27-28.)

I further find that Applicant has failed to demonstrate prejudice in this regard. There is no evidence that Applicant was incompetent either at the time of the plea or at the time of the crimes and no evidence to contradict the DMH findings. See Jeter v. State, 308 S.C. 230, 417 S.E.2d 594 (1992). I further find no evidence of prejudice in terms of presentation of Applicant's social and mental issues in mitigation. The DMH report, which contains the information about Applicant's IQ and family history, was presented to the court during the plea, and Applicant was found to be competent. (Trans. pp. 11-13.) Furthermore, Applicant pled to a negotiated sentence, so it is unclear what further benefit in terms of sentence could be had. Counsel testified that the solicitor had considered the case for the death penalty, and she had used Applicant's background in her discussions with the solicitor about a plea offer. For all of these reasons, I find that counsel was not ineffective with regard to her investigation of Applicant's mental abilities and her presentation of

mitigating evidence on Applicant's behalf.

Applicant further alleges ineffective assistance for failure to investigate certain evidence in the case and prepare a defense. Counsel testified that she had reviewed the evidence in the case with Applicant. She had concerns because one victim who had been left for dead had survived and was able to testify. Applicant's co-defendant was also prepared to testify at trial. Counsel was preparing for trial and had met with Applicant several times the week before trial was to be called on Monday. She had prepared requests for jury charges. Counsel attempted to speak with the victim who would testify, but he refused to speak with her. Counsel stated that she would have argued that Applicant's statement was involuntary had he proceeded with trial. Counsel did not feel she needed to retain an investigator because her own investigations had not panned out or developed any leads to pursue. I find that counsel's investigation was well within reasonable professional norms. I further find that Applicant has failed to demonstrate any prejudice in this regard. Applicant has presented no evidence which could or should have been found nor any additional preparation which counsel could have undertaken. See for example Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) (no prejudice where allegation of failure to investigate is only supported by mere speculation as to the result).

Involuntary Guilty Plea

Applicant alleges that his plea was involuntarily made because counsel knew his medication and still advised him to plead. As discussed above, Applicant was found competent at the time of his plea, and no evidence has been presented to the contrary. Counsel reviewed the evidence with Applicant. Counsel had a "plea checklist" to make sure that she reviewed important points with Applicant. Counsel testified that they discussed Applicant's right to a trial; the hand of one, hand of

all; the elements of the offense in detail using examples to help him understand; and the maximum sentence of thirty years he faced. Applicant was also informed of the sentence he was facing by the plea judge. (Trans. p. 4.) The plea judge also reviewed the rights Applicant was giving up as a result of his plea, and Applicant indicated that he understood. (Trans. pp.6-8.) During the plea counsel also thought Applicant understood these rights. (Trans. p. 11.) Applicant told the plea judge that he understood the nature of the charges and the consequences of a guilty plea. (Trans. p. 11.) Applicant admitted his guilt at the plea hearing. Applicant stated that he *wanted* the sentence being offered at the time of the plea. I find no credible evidence that Applicant was coerced to plead guilty and there has been no evidence which would contradict the finding that Applicant was competent to enter his plea. For these reasons, I find that Applicant's plea was not involuntary.

Other Allegations

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented.

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 advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also directed to South Carolina Appellate Court Rule 227 for appropriate procedures after notice has been timely filed.



IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be DENIED AND DISMISSED WITH PREJUDICE; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 15 day of May, 2009.



GEORGE C. JAMES, JR.
Presiding Judge
Third Judicial Circuit

South, South Carolina.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Tieria Jones (*Server*) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)

COUNTY OF Laurens)

AFFIDAVIT OF PERSONAL SERVICE

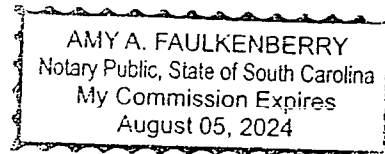
On this 13th day of November 2015, I served the Conditional Order of Dismissal, on Inmate Terrence Bradshaw, SCDC Inmate #320361, by delivering personally and leaving a copy of the same at Kershaw Correctional Institution. Deponent is not a party to this action.

s/ Tieria Jones
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 13th day of November, 2015

Amy A. Faulkenberry (s.)
Notary Public for South Carolina



My Commission Expires: 8-5-24

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal is admitted at the South Carolina Department of Corrections Kershaw Kershaw Laurens November, 2015. County, SC this 13th day of

s/ Terrence Bradshaw
Inmate
SCDC Inmate #: 320361

ALAN WILSON
ATTORNEY GENERAL



Kelshaw
RECEIVED
NOV 04 2015
GENERAL COUNSEL

November 3, 2015

David M. Tatarsky, General Counsel
Attn: Linda Martin
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221-1787

Re: Terrence Bradshaw, #320361 v. State of South Carolina
2015-CP-45-279

Dear Ms. Martin:

Enclosed please find the **Conditional Order** dismissing the above-captioned inmate's post-conviction relief application. Please serve the inmate, **Terrence Bradshaw, #320361**, with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,


Daniel Gourley
Assistant Attorney General

DG/cc
Enclosures

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

2015-CP-45-279

CONDITIONAL ORDER OF DISMISSAL

v.

Respondent.

PROCEDURAL HISTORY

Applicant filed a PCR application on January 11, 2008 (2008-CP-45-0008). In his application, Applicant set forth the following grounds for relief:

1. Ineffective assistance of counsel.
 - a. Failure to investigate.
 - b. Statement was involuntary and could not have been used at trial.
 - c. Failed to advise of law and application to facts of case.

¹ Respondent received the application for post-conviction relief on June 18, 2015.

2. Guilty plea was not knowing, voluntary, and intelligent.
 - a. Plea rendered involuntary due to ineffective assistance of counsel.
 - b. Not advised prior to plea of constitutional rights being waived.

An evidentiary hearing was convened on April 1, 2009, at which Applicant was present and represented by Charles T. Brooks, III, Esquire. In an order dated May 15, 2009 and filed June 2, 2009, the Honorable George C. James, Jr., denied and dismissed the application with prejudice. A Petition for Writ of Certiorari was then filed in the South Carolina Supreme Court by Appellate Defender Elizabeth Franklin-Best. The Petition was denied on June 23, 2011. The Remittitur was sent on July 11, 2011.

Subsequently, Applicant filed his second application for post-conviction relief (2011-CP-45-0321) July 6, 2011. In this application, Applicant alleged the following grounds for relief:

1. Plea of guilty was involuntary and unintelligently made.
2. Ineffective assistance of counsel.

Respondent filed its Return and Motion to Dismiss on January 5, 2012. The Honorable R. Ferrell Cothran, Jr., issued a Conditional Order of Dismissal on January 18, 2012 and filed on January 25, 2012. A Final Order of Dismissal was signed July 3, 2012 and filed on July 13, 2012.

Applicant filed a timely notice of appeal. On November, 7, 2012, the matter was dismissed, as "Petitioner failed to provide written explanation as to why the lower court determination was improper." The remittitur was issued on November 27, 2012.

Applicant then filed a petition for writ a habeas corpus on December 20, 2012, in federal district court. Petitioner raised the following issues verbatim:

1. Denial of Effective Assistance of Counsel
 - a. Plea counsel failed to investigate case counsel failed to advise of law and application to facts of case.
2. Denial of Voluntary Guilty Plea

- a. Guilty plea rendered was involuntary due to ineffective assistance of counsel and was not advised prior to plea of guilty of constitutional rights being waived.

On June 5, 2013, the Respondent filed its return and motion for summary judgment. The federal district court granted Respondent's motion for summary judgment by Order dated February 4, 2014, finding that Petitioner's claims were without merit. Applicant filed a Notice of Appeal on June 20, 2014. On May 1, 2014, Applicant indicated that he wished that his notice of appeal be "terminated." The Fourth Circuit Court of Appeals issued an order granting Applicant's motion to dismiss his case pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure on May 1, 2014.

In his third Application, the Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. "Guilty plea was involuntary and unintelligently made see North Carolina v. Alford 400 U.S. 25 Supreme Court (1970).
2. Ineffective Assistance of Counsel see Strickland v. Washington.
 - a. "See attached sheet/this attached sheet contain to table of content and 33 page brief."²

Respondent filed its Return and Motion to Dismiss on August 22, 2014. The Honorable W. Jeffrey Young issued a Conditional Order of Dismissal on August 28, 2014 and filed on September 8, 2014. A Final Order of Dismissal was signed by the Honorable R. Ferrell Cothran, Jr., the newly assigned Chief Administrative Judge, February 5, 2015 and filed on February 13, 2015. The Applicant filed a response to the Final Order of Dismissal by way of a motion to Alter and Amend pursuant to 59(e). The Respondent made its Return and Motion to Dismiss to the Applicant's pro se Rule 59(e) Motion April 15, 2015. The Order Denying the Applicant's Pro Se Rule 59(e) Motion was signed by the Honorable W. Jeffrey Young April 24, 2015 and filed May 8, 2015.

² Respondent notes that there was no attached sheet/brief accompanying Applicant's third PCR application.

Applicant filed a notice of appeal. By Order issued March 26, 2015, the South Carolina Supreme Court dismissed the matter for the Petitioner's failure to show that there was an arguable basis for asserting that the determination by the lower court was improper. An Order denying the Petitioner's Motion for Reconsideration and Remittitur were issued May 7, 2015.

II.

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

1. Ineffective Assistance of PCR Counsel
 - a. "Failer (sic) to propely (sic) protect Petitioner's Rights to Seek Appellate Review of Denial of my frist (sic) PCR Application."

In a document referenced in his most recent Application as the Applicant's "Initial Brief", the Applicant claims that this Application should be considered by the Court for the following reasons:

1. "Newly Discovered Evidence"
 - a. "The Petitioner brings forth the details of the claim of newly Discovered Evidence, based on his diligent pursuit of equity in Justice and In his pursuit of such became aware of SCRPC Rules/60A-B"
 - b. "The Petitioner in his diligence; is now aware as stated earlier of this Newly acquired knowledge and applicable principles of rules governing evidence and its applicability of his conviction and case."
2. Ineffective Assistance of PCR and Plea Counsel
 - a. "Mr. Brooks have not came to visit or to consult details or to perpair (sic) Applicant for his PCR hearing"
 - b. "I contend that my PCR Counsel was ineffective for failure to file a Rule (59-e) - Motion to alter or amend Judgement upon reading over the Judge's order and seeing that he did not rule on each issue presented"
 - c. "My attorney never informed me, that I could have appeal my conviction"
3. "[T]he [2008 PCR] order dismissed the remaining issues in a catch-all phrase. This was a violation of my rights pursuant to state law SC code Ann 17-27-80 which directs the PCR Judge to make findings of facts and conclusion of law on each issue presented."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgement of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant pled guilty to the offense(s) he challenges in this Application on February 5, 2007. Therefore, the Applicant had to file his application by February 6, 2008. This Application was filed April 17, 2015. This Court notes that the Applicant filed his current PCR application over eight (8) years after he pled guilty and almost six (6) years after the denial of the Applicant's first PCR action.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Additionally, this Court finds that the application should be summarily dismissed because it is successive to the previous application for post-conviction relief. Successive applications for

post-conviction relief are disfavored. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980). S.C.

Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which, for sufficient reason, was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." [Emphasis in original]. Id., 305 S.C. at 450, 409 S.E.2d at 394. If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. See also Bray v. State, 366 S.C. 137, 141, 620 S.E.2d 743, 745 (2005) ("Although petitioner did not raise an allegation that he was denied the right to review his first PCR application in his second PCR action, he could have raised this allegation. Therefore, petitioner's third PCR application should have been dismissed as impermissibly successive."). The Applicant bears the burden of showing that the allegations could not have been raised previously. Land, 274 S.C. 243, 262 S.E.2d 735 (1980). This Court notes that the Applicant has filed four (4) PCR applications and a State Habeas action. In regards to the entirety of allegations set forth in Applicant's Application and "Initial Brief," this Court finds the Applicant has not met his burden of showing sufficient reason

why the current allegations could not have raised in his previous applications or State Habeas action.

Additionally, this Court finds this application for post-conviction relief is barred by the doctrine of laches. The Applicant has filed this application over eight years after he was convicted. The doctrine of laches bars the Applicant from raising these allegations in a post-conviction relief application. Absent some explanation or justification for the delay in seeking post-conviction relief, laches will prevent an Applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to refute the applicant's claims. McElrath v. State, 276 S.C. 282, 277 S.E.2d 890 (1981); Honeycutt v. Ward, 612 F.2d 36 (2nd Cir. 1979). Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002).

To ensure finality of litigation, our courts require reasonable diligence in pursuing collateral relief. This requirement "guards the state's legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available." McElrath, 276 S.C. at 283. Rule 9(a) of the Federal Habeas Corpus Act recognizes the doctrine of laches. The Rule states in pertinent part:

A petition may be dismissed if it appears that the state of which the Respondent is an officer has been prejudiced in its ability to respond to the Petition by delay in its filing unless the Petitioner shows that it is based on grounds of which he could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the state occurred.

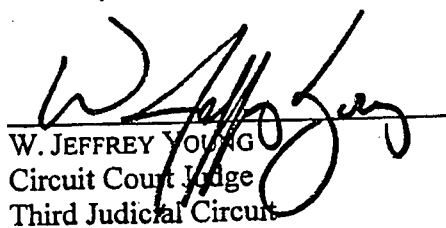
Furthermore, the South Carolina legislature has recognized this problem and instituted a one year statute of limitations. See S.C. Code Ann. §17-27-45(a). The Applicant's delay has greatly prejudiced the Respondent. A transcript of the Applicant's guilty plea is now unavailable. Potential witnesses might also now be unavailable. If the Applicant had sought

post-conviction relief within a reasonable time after his plea, neither of these problems would exist. Therefore, this Court finds that the application for post-conviction relief is summarily dismissed for failure to file within the time mandated by statute and for being barred by the doctrine of laches.

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have, factual or legal, with the Williamsburg County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Daniel Gourley, Esquire
P.O. Box 11549
Columbia, South Carolina 29211

AND IT IS SO ORDERED this 20 day of Sept, 2015.


W. JEFFREY YOUNG
Circuit Court Judge
Third Judicial Circuit

Dumter, South Carolina.

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
CASE NO.: 2015-CP-45-279

TERRENCE BRADSHAW, #320361

Plaintiff,

vs.

STATE OF SOUTH CAROLINA

Defendant.

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

Terrence Bradshaw, #320361, Bar No. _____

Address:

Kershaw Correctional Institution
Kershaw, SC 29067

Phone: _____ Fax: _____

E-mail: _____ Other: _____

Defendant's Attorney:

Daniel Gourley, Bar No. _____

Address:

PO Box 11549
Columbia, SC 29211

Phone: _____ Fax: _____

E-mail: _____ Other: _____

- ☐ **MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and III**)
☒ **FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)
☒ **PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____ Court Reporter Needed: ☐ YES/☒ NO

SECTION II: Motion/Order Type

☐ Written motion attached

☒ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff/☒ Defendant

December 21, 2015
Date submitted

SECTION III: Motion Fee

☐ PAID - AMOUNT: \$ _____

☐ EXEMPT:

(check reason)

- ☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☒ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCF)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

☒ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE 2156

Date: 01-04-16

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Tierre Jones (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF (Lancaster))

AFFIDAVIT OF PERSONAL SERVICE

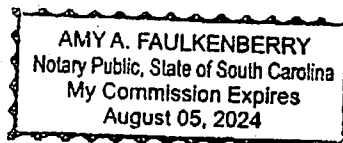
On this 13th day of November 2015, I served the Conditional Order of Dismissal, on Inmate Terrence Bradshaw, SCDC Inmate #320361, by delivering personally and leaving a copy of the same at Kershaw Correctional Institution. Deponent is not a party to this action.

s/ [Signature]
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 13th day of November, 2015

Amy A. Faulkenberry (L.S.)
Notary Public for South Carolina



My Commission Expires: 8-5-24

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal is admitted at the South Carolina Department of Corrections (Kershaw) Correctional Institution, Kershaw County, SC this 13th day of November, 2015.

s/ Terrence Bradshaw
Inmate
SCDC Inmate #: 320361

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

Terrence Bradshaw, #320361

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2015-CP-45-279

FINAL ORDER OF DISMISSAL

A CERTIFIED TRUE COPY
Sharon W. Huggins
CLERK OF COURT
WILLIAMSBURG COURT

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 17, 2015. The Respondent made its return on September 11, 2015, requesting the application be summarily dismissed based upon statute of limitations, successiveness, the doctrine of *laches*.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed September 20, 2015 and filed October 8, 2015, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated November 13, 2015, serving the above mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Petitioner Objects Back to the Conditional Order of Dismissal by the Respondents Order in Reference of Case Docket No. : 2015-CP-45-279" received on September 25, 2015 the Applicant argues that he is suffering ^{from WCB} for a mental disorder. Applicant argues that his mental incapacity prohibited him from consulting with his prior PCR attorney. Applicant argues that he is learning disabled. Applicant argues that his original PCR

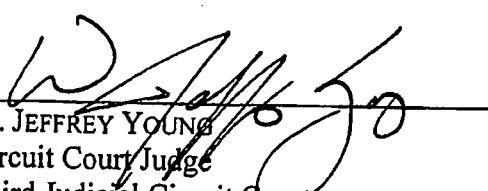
allegations were dismissed inappropriately. Applicant argues the PCR judge did not make specific findings of facts and conclusions of law.

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

This Court notes the Applicant pled guilty to the charges he challenges on February 5, 2007. As this action was filed on April 17, 2015, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-2745(a) (Supp.2003). This is the Applicant's fourth application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to his case at the evidentiary hearing for his first PCR application on April 1, 2009. See Odom v. State, 337 S.C. 256, 261 523 S.E.2d 753, 755 (1999). ("[A]n Applicant is entitled to a full adjudication on the merits of the original petition, or 'one bite at the apple.'").

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 4th day of January, 2015.


W. JEFFREY YOUNG
Circuit Court Judge
Third Judicial Circuit Court

Sumter, South Carolina.

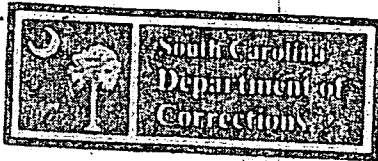
Terrence Bradshaw #320361

This is The Applicant Exhibit A Pages 1-6
This Information pertains to (#2015-CP-45-279)
Documentation's from petitioner's mental Health
Records And presiding Judge MR Clifton
Newman Recommendation, under Newly
Discover Evidence Rule 29-B) & Rule 60-A-B)

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FEB 16 2016

S.C. SUPREME COURT



NIKKI R. HALEY, Governor
BRYAN P. STIRLING, Acting Director

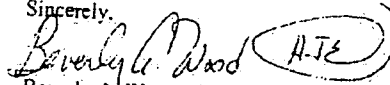
Gilliam Psychiatric Hospital
4344 Broad River Road
Columbia, South Carolina 29210

November 15, 2013

RE: Terrence Bradshaw
SCDC #: 320361

Mr. Terrence Bradshaw is diagnosed with depression and has received treatment from 2007 to present. He has been prescribed antidepressants and mood stabilizers.

Sincerely,


Beverly A. Wood, M.D.
Chief of Psychiatry

BAW/aje
pc: file

1 standard of reasonableness.

2 I was prejudiced also by counsel error because
3 no other jury would have found me guilty which show
4 the outcome would have been different had counsel
5 prepared to go for a trial instead of advising me to
6 plead guilty.

7 Counsel also failed to investigate my social
8 history at sentencing, Your Honor. I suffer from
9 mild retardation since I was 12 years old. I was
10 prescribed several medication, Lexipro, Versidol and
11 Cogentin (phonetic.)

12 If counsel had argued at sentencing his history
13 because of my mental abilities to perform while on
14 this medication, I'm saying the outcome would have
15 been different had I gone to trial.

16 THE COURT: All right. Is he claiming today,
17 Mr. Brooks, that he is not capable of understanding
18 these proceedings?

19 MR. BROOKS: He's not -- he's not saying he's
20 not capable of understanding what's going on today.
21 He's saying he wasn't capable of understanding what
22 was going on at his plea.

23 THE COURT: I assume that will be covered on
24 cross-examination. I just want to make sure that
25 he's not saying today.

It appears that the defendant Terrence Bradshaw may lack the capacity to understand the proceedings against him or to assist in his own defense due to a lack of mental capacity because he has a family history of mental illness; it is reported that his mother was on psychotropic drugs at the time of his birth and was unable to care for him due to her mental incapacity; he is currently being treated for mental health issues and has been prescribed medication. Further, Terrence Bradshaw is classified as Learning Disabled under South Carolina Department of Education Guidelines and was placed in self contained classes for the learning disabled. He should be fully evaluated as to possible mental retardation.

THEREFORE, IT IS ORDERED: Because the Department of Mental Health has statutory responsibility for custody and control of individuals determined not guilty by reason of insanity, defendant shall be examined and observed at an appropriate facility of the Department of Mental Health by one or more examiners to determine whether defendant is criminally responsible pursuant to S.C. Code Ann. § 17-24-10(A) (1976) for conduct on or about December 25, 2004.

If defendant is believed to be criminally responsible by the designated examiners, defendant shall be further examined to determine whether, because of mental disease or defect, defendant lacked sufficient capacity to conform conduct to the requirements of the law on or about December 25, 2004 pursuant to S.C. Code Ann. § 17-24-20(A) (1976).

COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION. The examining facility shall schedule the ordered examination as soon as possible and no later than sixty (60) days from the receipt of this order by the Department of Mental Health, this time being necessary to gather required records. If defendant is currently free on bond or personal recognizance, defendant is responsible for making transportation arrangements to attend the examination. In the event defendant does not appear at the scheduled examination, upon written notice of such failure by the Department of Mental Health to the Sheriff of the county in which this case arose, defendant shall be taken into custody by the Sheriff and held until an examination can be scheduled and completed, and thereafter shall be released. Defendant's bond or bail is hereby revoked to the extent necessary to carry out the provisions of this order, and upon completion of the examination and release of defendant, any previous bail or bond issued by the Court shall remain in effect. If defendant is in custody at the time of the scheduled examination, the Sheriff is hereby authorized and required to transport defendant to and from the examination, arriving at the examining facility at the time

established by confirmed appointment with the staff of the examining facility. In the event defendant is in custody of a law enforcement agency other than a Sheriff's department, nothing herein prevents such agency from carrying out the provisions of this order.

PROCEDURE IF LACK OF COMPETENCY IS INDICATED. If, during the course of the criminal responsibility and capacity to conform evaluation scheduled pursuant to this Order, the examiner finds indications that defendant may not be competent to stand trial pursuant to S.C. Code Ann. § 44-23-410 (1976) and State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981), the examiner shall terminate the criminal responsibility and capacity to conform evaluation, issue no report thereon, and by written communication recommend to the Court that a competency to stand trial evaluation should be ordered. Further, the examiner should state whether, in the examiner's opinion, such lack of competency is due to a mental illness or, in the alternative, mental retardation or a related disability. A copy of this written communication shall be sent to the prosecutor and defense counsel.

AUTHORIZATION FOR INPATIENT EVALUATION. In the event examiners from the Department of Mental Health determine defendant requires an inpatient examination, upon written notice to this Court from the director of the Department of Mental Health or his designee, defendant shall be committed to an appropriate facility of the Department of Mental Health for no more than fifteen (15) days for examination and observation related to defendant's criminal responsibility and capacity to conform. If the examination and observation of defendant has not concluded at the end of the initial inpatient fifteen (15) days, defendant may be kept in the continued custody of the Department of Mental Health for an additional period not to exceed fifteen (15) days, provided the director of the examining facility or his designee notifies this Court in writing. The issuance of an additional Court order allowing for the inpatient commitment(s) discussed in this paragraph is not necessary.

DETENTION BEYOND EVALUATION PERIOD. If, in the judgment of Department of Mental Health examiners, defendant is in need of immediate hospitalization or inpatient treatment, upon written request to this Court from the director of the examining facility or his designee, defendant may be detained by the Department of Mental Health in a suitable facility for so long as deemed clinically necessary or until a hearing on the matter may be conducted by this Court. An additional Court order shall be necessary for ongoing pre-trial inpatient detention of defendant as discussed in this paragraph.

11/17/2005 11:38

8837755-15

SWCMHC MAIN CTP

PAGE 08/31

SWCMHC Clinical Assessment Form: Part B - CAF		Program #: 54	Date: 3-5-02	Time: 9:00
Name: Terrance Bradshaw		ID#: 9520178		
Consumer Reported/Observed Social/Cultural Information (Complete all that are applicable)				
Family of Origin: (Constellation and Dynamics- include extended family relationships) Mother - Linda Spay - lives in Richwood Village - sees every week or every other week Father - Herbert Black - lives in Greeleyville - sees "once in a blue moon" Brother - Anthony Black - age 13 Sister - Courtney - age 13 Sister - Brittany - lives in Greeleyville w/ father, rarely sees, does not know ages but they are younger than brother Current Family/Living Situation: (Who lives in the home, relationship, age, etc.) Lives with maternal g'me, brother Anthony Black age 13 (get along well) and Uncle Willie Bradshaw - age 70 Peer Relationships: Mostly hangs around with cousins "I don't have any friends" Community Social/Leisure Activities: "go places" Daily Activity Patterns: Up about 10, stay home until about 1pm, go to cousin's house, home by nightfall, bed by about 10pm				
School/Academic Information				
School Attending: ☐ NA ☐ Gifted ☐ LD ☐ EM ☐ Self Contained ☐ Resource ☐ Alternative School Special Education: ☐ Regularly Attends ☐ Misses Often - Excused ☐ Misses Often - Unexcused Attendance: ☐ Illness ☐ Truancy ☐ Other: "He had a nice report card" Reason for Absences: ☐ Illness ☐ Truancy ☐ Other: "He had a nice report card" Current Grades: Grades Reported: Most Recent Grades Earned: A+ B+ best science Consumer/Parent agrees to School Based Counseling: ☐ Yes ☐ No ☐ N/A Consents/Release Completed: ☐ Yes ☐ No ☐ N/A like all subjects				
Developmental History				
Pre-natal Development: (Pre-natal care, maternal healthiness, history of genetic disorders, use of D&A trauma during pregnancy, etc.) Mother was on psychotropics while pregnant ← Please Review				
Birth History: ☒ Normal ☐ Low Birth Weight ☐ Pre-Mature ☐ NICU ☐ C-Section Birth Weight: 12 lbs Immunizations Current: ☒ Yes ☐ No "Happy baby - easy" Developmental Stages: 0-3 Years: (Include age for talking, walking and being toilet trained) Developmental milestones: walk 4-8 Years: Parents married when Terrance was 4 7-11 Years: Age 5, mother remarried Has lived w maternal g'me all his life 12-17 Years: except for two short periods at age 4 and age 8.				
Abuse History: (Physical, emotional, sexual, etc.) None reported				
Other Information: (Miscellaneous information- may include payee, spiritual beliefs, legal issues, sexuality issues, ethnicity, etc.) Lived with maternal g'me all his life				
DSS Case Worker:		Phone #:		
Foster Parent:		Phone #:		
Other Agency Involvement:				
Strengths: (Include family/spiritual support, social network, active in the community, employment status, motivation (going to school), etc.) Plans to finish high school. Supportive grandmother				
Abilities: (measured/observable, skills/tasks able to perform w/ an established history- i.e. med compliance, grades, paying bills, promptness, following instructions, healthy behaviors, etc.) Leads a very "putting down flower beds" does chores at home. Enjoys good grades at Willow Glen				
Consumer Stated Needs/Problems/Desired Outcomes for Treatment and Post Discharge: Continue on meds.				
Preferences: (treatment, appointment times, cultural/gender orientation, etc.) None stated				

FEB 21 2006 1:14PM CLARENDON DIST TWO

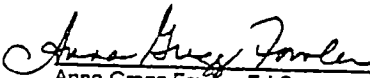
No. 7690 P. 5

BRADSHAW, Terrance

4

discrepant with intellectual ability level. The school district's multidisciplinary team should consider all available data in addition to this psychoeducational evaluation report in making a placement decision regarding this student's educational needs. In conclusion, although this profile is typical of a slow learner, the examinee appears to meet South Carolina State Department of Education guidelines for classification as Learning Disabled.

See attached recommendations.


Anna Gregg Fowler, Ed.S.
School Psychologist II

Mr. Bradshaw had a psychoeducational evaluation with the Clarendon School District #2 on October 27, 1998. He was administered the Wechsler Intelligence Scale for Children-3rd Edition and had a measured Full Scale IQ of 73 with a Verbal IQ of 76 and a Performance IQ of 73. This IQ test falls in the range of Borderline Intellectual Functioning.

More recently, since being incarcerated Mr. Bradshaw has been treated by the Waccamaw Mental Health Center. The initial diagnosis as reflected in the February 23, 2005 clinical evaluation was Dysthymic Disorder. Dysthymic Disorder is a chronic mild depression. However, we also note in an individual treatment plan dated February 23, 2006 that the diagnosis has been listed as Schizophrenia, Undifferentiated Type. Mr. Bradshaw is receiving both antipsychotic and antidepressant medication. He is prescribed risperidone (Risperdal[®]), an antipsychotic and escitalopram (Lexapro[®]), an antidepressant. He has been on medication since March of 2005.

After reviewing these medical records as well as conducting two separate interviews of the defendant, it is our opinion that he suffers from Major Depression with Psychotic Features. He gives a history of being depressed for sometime with tearful episodes, depressed mood, low energy, suicidal ideation, difficulty initiating sleep, and a decreased appetite. These symptoms would meet diagnostic criteria for Major Depression. He has atypical psychotic symptoms which include auditory hallucinations of voices telling him that they want to kill him. These auditory hallucinations began after he became significantly depressed. We do not believe that his reported psychotic symptoms would satisfy the diagnostic criteria for Schizophrenia, but they appear to have occurred in conjunction with significant depressive symptoms and Mr. Bradshaw would therefore qualify for a diagnosis of Major Depression with Psychotic Features.

Additionally, he reports that he drinks daily when not incarcerated of a sufficient quantity to indicate physiological tolerance. He has also described withdrawal symptoms upon cessation of use and would therefore meet diagnostic criteria for a diagnosis of Alcohol Dependence.

On the July 3, 2006 interview, Mr. Bradshaw reported symptoms which seemed suspect to these examiners. For example, he claimed not to know the actual month (stating it was March rather than July) or the actual year (stating it was 2004 rather than 2006). Although he was able to register three objects, he could recall none of them after five minutes, even when given prompts. He could not do simple tasks. He could not name the number of dimes in a dollar. He stated the American flag was "black, orange, and white." He also claimed to have special abilities including an ability to fly. He also was unable to name all of the months of the year, omitting the month of April. Because we suspected Mr. Bradshaw might not be putting forth good effort and that there was a likelihood of malingering, we referred him for psychological evaluation to evaluate this possibility further.

The psychological evaluation was conducted on July 11, 2006 by Jeffery Musick, Ph.D. with a report generated on July 14, 2006. Clinically, Mr. Bradshaw continued to present with implausible symptoms that were inconsistent with what he had done during the July 3, 2006 interview. For

BRADSHAW, TERRENCE
932-0178
OUTPATIENT EVALUATION

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE 1443 4

EDUI200D
 EDUI200M
 OMEUCA
 SCD#> 320361
 BRADSHAW,TERRENCE
 OFFENDER TYPE: ADULT-STRAIGHT

SCDC OFFENDER MANAGEMENT SYSTEM
 EDUCATIONAL SERVICES
 TEST HISTORY

03/07/1
 C022586

CURR LOC: LEE
 DOB: 12/19/84 RACE:
 SCDC CLASSIFICATION: VIOLENT

TEST DATE	TYPE	LEVEL	READING	MATH	LANG	TOT BATT	ENROLL IND.
09/12/12	TABE 10	MEDIUM	07.7	05.5	01.6	04.0	NOT ENROLLED IN E
02/25/11	TABE 10	MEDIUM	06.2	07.8	.	.	4-7 HRS PER WK EN
11/18/09	TABE 9	MEDIUM	07.4	08.0	.	.	4-7 HRS PER WK EN
10/14/08	TABE 10	MEDIUM	.	03.6	.	.	8-11 HRS PER WK E
07/23/08	TABE 9	MEDIUM	04.1	05.0	02.9	03.9	12-14 HRS PER WK
12/18/07	TABE 8	MEDIUM	04.1	03.5	.	.	12-14 HRS PER WK
11/28/07	TABE 7	MEDIUM	05.6	.	.	.	4-7 HRS PER WK EN
10/19/07	TABE 8	MEDIUM	04.8	04.6	02.8	.	4-7 HRS PER WK EN
09/07/07	TABE 7	MEDIUM	5.8	5.9	.	.	ENTERING SCHOOL
03/08/07	WRAT						

TEST SCORE HISTORY DISPLAYED...
 PFKEY 3:ADD 4:MOD ENTER:INQ

PAGE> 0001

Per Bradshaw, Terrence?
request
AJcom
3/7/14

Terrence Bradshaw #320361

This is The Applicant Exhibit B Page's
1-16 from Petitioner's Preliminary Hearing
Transcript under Newly Discover Evidence
Rule 29-B) & Rule 60-A-B)

The petitioner Indicate's Page's #4 line
5-16 And Pages #15 line 1-7 please Review

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FEB 16 2016

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
) COURT OF MAGISTRATE
 COUNTY OF WILLIAMSBURG)
 THE STATE,)
 Plaintiff,)
 -vs-) PRELIMINARY
)
 MICHAEL HILTON,)
)
 Defendant.)
 _____)

MAGISTRATE: Judge Marty Easler

DATE: Jan, 2005 (On a Wedn.) (Before the 19th)

TIME: 1:00 p.m.

LOCATION: Williamsburg County Courthouse, Kingstree, S. C.

TAKEN BY: Mr. Steve McKenzie

REPORTER: Andrea R. Kelly

APPEARANCES:
 FOR THE STATE
 Mr. Ronnie A. Sabb
 Assistant Solicitor
 Kingstree, S. C. 29556

FOR THE DEFENDANT
 Mr. Steve McKenzie
 2 North Brooks Street
 Manning, S. C. 29102

ANDREA R. KELLY
 401 WITHERSPOON DRIVE
 KINGSTREE, S. C. 29556
 PHONE: 843-334-7169

1 Magistrate This is the preliminary hearing in the matter of the
2 State versus Michael Hilton and Terrence Bradshaw
3 Are you going to do these preliminary hearings
4 together or separately?
5 Mr. McKenzie Your Honor, the factual background is basically the
6 same. I think we can do them together. I would
7 just request permission to question him on behalf of
8 my client's culpability.
9 Magistrate I just wanted to make sure we were clear. What
10 about the reading of the warrants, Mr. Carraway and
11 Mr. McKenzie.
12 Mr. McKenzie Your Honor, I will waive on that right.
13 Mr. Carraway We will waive the reading of the warrant.
14 Magistrate We are ready to proceed in the matter of the State
15 versus Michael Hilton, and I have three warrants. Is
16 it your understanding there are 3 warrants, Mr.
17 McKenzie?
18 Mr. McKenzie Yes, sir.
19 Magistrate The State versus Michael Hilton, H-856425 and
20 State versus Michael Hilton, H-856449, and arrest
21 warrant H-856450. The first charge being murder,
22 the second charge being assault and battery with
23 intent to kill and the third charge being armed
24 robbery while armed with a weapon. In the matter
25 of the State versus Terrence Bradshaw we have three

1 warrants, H-856444, the first charge being murder,
2 the second charge is arrest warrant H-856445,
3 assault and battery with intent to kill, and the third
4 arrest warrant is H-856446, the offense of armed
5 robbery while armed with a weapon. Mr. Sabb, are
6 you ready to proceed?

7 Mr. Sabb I am your Honor.

8 Magistrate If you would, call your first witness.

9 Mr. Sabb We would call Investigator Jerry Gainey.

10 JERRY GAINEY, HAVING been duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION BY MR. SABB:

13 Q You are Investigator Jerry Gainey with the
14 Williamsburg County Sheriff's Department?

15 A Yes, I am.

16 Q And did you have occasion to investigate this
17 incident involving the shooting death of Mr. Louis
18 Henry?

19 A Yes, I did.

20 Q Would you give the court the facts and
21 circumstances surrounding this incident from your
22 understanding.

23 A Yes, on the 25th of December, 2004 in the morning
24 between 2:00 and 3:00 o'clock Benjamin George
25 who is a victim and Louis Henry was at a club at

1 149 Harrison Ned Road in the Greeleyville area.
2 When they were about to leave the club they saw
3 headlights coming towards inside where the
4 business is, and they went back into the club area. ✓
5 The Defendants drove up in the car, one Glen
6 Wilson, along with Michael Hilton, Terrence
7 Bradshaw and Lonnell (Lionel) Thompson. Once
8 they approached the club area Benjamin George
9 along with Louis Henry were inside the club, and
10 Mr. Henry was sitting behind the bar area when
11 Michael went inside the club to see who was inside
12 the club, and then he came back out to let Glen
13 Wilson know who was inside. Glen Wilson along
14 with Michael Hilton and Terrence Bradshaw went
15 inside the club. Glen went straight behind where
16 Mr. Louis was asking him for his money. At the time
17 that he went inside Mr. Louis told him the money
18 was outside in the truck. They went out the back
19 door and went around to the truck where they got
20 the bag of money, and then came back inside the
21 club. Mr. Louis tried to tussle with him and Glen
22 Wilson shot him and then he turned and shot
23 Benjamin George also. When they retrieve the
24 money and shot the victims, they left and Mr.
25 Benjamin George crawled over Mr. Louis and made

1 a phone call to 9-1-1. Once he called and told them
2 he had been shot and needed some police officers
3 down there he said he needed to get off the phone
4 fast because he said that they might come back and
5 try to kill him. That's when an officer arrived on the
6 scene shortly after that, a Sgt. Timmons and Deputy
7 Justin Whack. Once they got there Mr. George was
8 able to talk, and he knew the people who went inside
9 the club and shot them. Mr. Glen Wilson was one of
10 the people that he identified along with Michael
11 Hilton. During that time he still was in and out of
12 consciousness, and when I got to the hospital where
13 he was, I spoke with him again. He informed me of
14 the people who went inside the club and shot him
15 and Mr. Louis before he was taken to a different
16 hospital.

17 Q If you would tell us about your investigation beyond
18 that point and what you did. We understand that Mr.
19 Hilton and Mr. Wilson went inside the club and Mr.
20 Hilton went in first scoping the place out, and went
21 back out, and then he came back with Mr. Wilson
22 and Wilson has the gun, and he committed armed
23 robbery and does the shooting with Hilton there.
24 Tell us about your investigation from that point and
25 where it takes you specifically talking about

1 Bradshaw.

2 A

3 That particular night we were trying to locate Glen
4 Wilson but we were unable to. We got up Terrence
5 Bradshaw, and went to his residence in the
6 Clarendon County area. We went to Clarendon
7 Count and we spoke with someone at the
8 Brewington Road. We went to the residence at 6975
9 S Brewington Road in the Manning area. That is
10 where Terrence Bradshaw lived, and we spoke with
11 his grandmother, and we had a Clarendon County
12 deputy with us and she said that he had not been to
13 the club at all. We told her that we needed to speak
14 to him, and she finally called him and got in contact
15 with him in Summerton. He met us behind the
16 Clarendon County Sheriff's Department, and we
17 advised him then that was not under arrest and asked
18 if he would come with us to Williamsburg County.
19 He stated that yes he would and we asked the driver
20 would he drive him over, but he said he didn't have
21 enough gas. We told him that was no problem, we
22 would go ahead and bring him over here so we could
23 talk to him. We told him he could ride with us and
24 he rode with us over here to the Williamsburg
25 County Sheriff's office. We spoke with him, and he
gave us a statement saying who all was involved.

1 He called Glen Wilson's name along with his
2 cousin, Michael Hilton and the he called Lionel's
3 (Lonnell) name. We took him back the following
4 day because he said he did not go inside the club at
5 first and then he said he did go into the club but he
6 did not shoot anybody. He said he was in the pool
7 table area, and that they didn't know that Glen
8 (2) Wilson was going to do what he did. Later after we
9 got back home, he told me to tell his cousin, Michael
10 Hilton to tell the truth, everything will be alright.

11 Later on that night, I received a call that Michael
12 Hilton had turned himself in and they brought him
13 over to the sheriff's office the following day where
14 Lt. Tisdale talked to him about it.

15 Q Part of Mr. Bradshaw's statement did he indicate to
16 you any statement that Mr. Wilson made in terms
17 what had to happen to somebody that night?

18 A Yes, he was saying that when Michael Hilton went
19 inside the club to check the club out and came back
20 out, he said Wilson made the statement somebody's
21 going to have to die tonight. After that Michael
22 Hilton said I've got your back, and so they all went
23 inside the club.

24 Q And after Michael went in and scoped the place out
25 and then Glen went in, Glen was driving when they

1 got there, right.

2 A Correct.

3 Q Who got in the driver's seat when Glen and them
4 went inside to do what they were going to do?

5 A Lionel (Lonnell) Thompson.

6 Q What did Terrence Bradshaw do when Hilton and
7 Wilson went inside, and Thompson then took the
8 driver's seat, what did Bradshaw do at that point?

9 A Bradshaw also was inside, he went inside along with
10 them. He said he was standing at the pool table
11 area.

12 Q So he was in there and Hilton was in there, Wilson
13 was in there, and the getaway driver was under the
14 wheel.

15 A Yes.

16 Q And as I understand it there was an autopsy
17 performed on Mr. Louis Henry's body?

18 A Yes.

19 Q And the results of the autopsy report are not back,
20 correct?

21 A That's correct.

22 Q How many times do you understand that Mr. Henry
23 was shot?

24 A He was shot 5 times, 4 in the chest and 1 in the head.

25 Q How many times do you understand was Mr.

1 Benjamin George shot?

2 A He was shot 4 times, 1 in the left shoulder, 1 in the
3 hip area and 2 in the groin.

4 Q And how did Mr. Benjamin George describe for you
5 how he had to behave in order not to be shot more?

6 A He had to act like he was dead, because if he wasn't,
7 they would have killed him.

8 Q Basically he had to lay as still as he possibly could
9 and pretend to not be breathing and all of those
10 things?

11 A That's correct.

12 Q And as we currently are discussing this matter, have
13 all of the Defendants been arrested that are part of
14 this case?

15 A Yes, sir.

16 Q If you would answer any questions that Mr.
17 Carraway or Mr. McKenzie might have for you.

18 CROSS EXAMINATION BY MR. McKENZIE:

19 Q Investigator, how are you doing?

20 A Alright.

21 Q Can you tell me exactly what Mr. George's
22 statement indicated Michael Hilton's involvement
23 was?

24 A That he was inside, that he saw him inside the club.

25 Q Did Mr. George indicate to you in his statement that

1 he felt like Michael was involved in this?

2 A Yes, but he said he didn't do the shooting but he was
3 inside the club along with the others.

4 Q That's a little bit different than what I asked you.

5 Did he indicate in his statement that Michael Hilton
6 was involved in the conspiracy that ultimately ended
7 up in Mr. Henry's death?

8 A He was sitting at the bar.

9 Q Right, and being in the club is one thing, but being
10 involved in what is going on is another.

11 A Right.

12 Q Did Mr. George, who is a victim in this case,
13 indicate in his statement to you that he felt like
14 Michael Hilton or any of these other boys were
15 involved other than Glen Wilson?

16 A The only thing he said to me in his statement was
17 there were three guys that came in, and Glen did the
18 shooting.

19 Q Did he know whether or not Michael was involved?

20 A He knew he was along with Glen Wilson.

21 Q But all he knew was that Michael was there with
22 Glen Wilson?

23 A Yes, they came in together.

24 Q How many statements have been provided in this
25 case?

1 A Numerous statements.

2 Q And you have a statement from Terrence I believe,
3 don't you.

4 A Yes, I do.

5 Q And you have one from my client, don't you?

6 A Yes.

7 Q My client statement says he didn't realize Glen was
8 going to in there and rob the place, is that correct?

9 A That is what he said.

10 Q And Terrence's statement is basically the same?

11 A Yes, that's what he said.

12 Q And how about Lionel?

13 A About the same except to the point that when they
14 all went in it was more than one gun.

15 Q Did the other gun get brandished, did anybody see
16 the other gun?

17 A The only gun that the victim saw was the one that
18 Glen Wilson had.

19 Q Has anything come back from SLED regarding the
20 ballistics on the gun?

21 A Not yet.

22 Q So where do you get the information that Mr. Hilton
23 was the one that went in and scoped the place out to
24 see if anybody was in there?

25 A Terrence said that.

1 Q

Your understanding is that Terrence gave a statement and said they were all going to go rob this place?

2
3
4 A

They were outside talking about it in the car when we spoke to Lionel (Lonnell).

5
6 Q

Wait now, so Terrence and Lionel (Lonnell) were in the car together?

7
8 A

They were all in the same car when they drove up together.

9
10 Q

Was there a common plan and design to go and rob this place?

11
12 A

Yes.

13 Q

Who told you that?

14 A

Terrence Bradshaw along with Lionel (Lonnell).

15 Q

Lionel also said that they had planned to rob Louis' place?

16

17 A

Yes.

18 Q

And they went to Louis' place with that in mind?

19 A

Yes.

20 Q

Is that in a written statement?

21 A

I would have to check and make sure. I know we talked to them several times.

22

23 Q

Were they recorded, video taped statements.

24 A

The statements were recorded and videoed, but we spoke with them before that.

25

1 Q And then you put it down and recorded it and
2 videoed it.

3 A Yes, we recorded a statement.

4 Q ✓ So Terrence and Lionel both gave the same ✓
5 statement in regards that prior to going into Louis'
6 Club in the Greeleyville area that there was a
7 common plan or design to rob the place?

8 A They said at first they did not go there to rob the
9 place. They got to the club and Terrence was saying
10 his intention was he was supposed to see a girl there
11 from Williamsburg County, the Greeleyville area.
12 Once they got there they discussed it outside the
13 club.

14 Q What did they discuss from your understanding?

15 A My understanding was that they were going to go in
16 and rob the place.

17 Q Who is they?

18 A Glen, along with Michael Hilton, Lionel and
19 Terrence Bradshaw. Who was doing the talking
20 with Glen Wilson.

21 Q And that would be on video or a tape recorded
22 conversation you had with them?

23 A Should be.

24 Q Is it in writing?

25 A Yes, I had it transcribed.

1 Q Did Mr. George tell you that he and Michael had a
2 conversation during or prior to the robbery or Mr.
3 prior to Mr. Henry being killed.

4 A Would you repeat that again.

5 Q Mr. Benjamin George, one of the victims, did he
6 inform you that Michael Hilton and he knew each
7 other?

8 A Yes.

9 Q Did he tell you that he and Michael had a
10 conversation whenever Glen came in and shot Mr.
11 Henry?

12 A I can't remember that at this time.

13 Q You can't remember whether or not he told you
14 about that?

15 A No, I can't.

16 Q Can you tell us who went into the club first?

17 A Michael Hilton.

18 Q And then he left the club?

19 A Yes, sir, and then they went back in.

20 Q And they are who?

21 A Glen Wilson, Michael Hilton and Terrence.

22 Q And Lionel is the one who was driving.

23 A He was sitting under the steering wheel when they
24 went inside the club.

25 Q Did any of the Defendants in this case give any

1 indication to you in any of their statements that they
2 were forced to leave the club at gun point by Glen
3 Wilson?

4 A They made a statement to that. I didn't talk to
5 Michael Hilton too much, Lt. Tisdale was talking to
6 him. I was there when he was talking to Terrence
7 Bradshaw, and they stated that they were afraid of
8 him, and he told them if you don't do this, I'll get
9 ya'll too.

10 Q So that was told to the three of them, and when I say
11 three, Michael, Lionel, and this was Glen saying this
12 to Michael and Lionel?

13 A He said it to them when they were in the car.

14 Q Who else supposedly had a gun besides Glen?

15 A I believe Lionel said all three of them went in with a
16 gun.

17 Q And Lionel gave that statement?

18 A Yes, sir.

19 Q And again that would be on video or transcribed?

20 A Yes.

21 Q Did you find any money on any of the Defendants?

22 A No.

23 Q Did Benjamin George relate to you the sequence of
24 events in regards to Michael going in and then
25 leaving?

1 A I can't recall if he told me that or not. I can't
2 remember at this time.

3 Q Have you taken a tape recorded or video from Mr.
4 George?

5 A No, I have not.

6 Q A written statement?

7 A No, I did not.

8 Q The court's indulgence your Honor.

9 Magistrate Certainly.

10 Q No further questions your Honor.

11 Magistrate Mr. Carraway. *Mr McKenzie talk &*

12 Mr. Carraway I have no questions. *Mr Carraway did nothing*
for me.

13 Magistrate Mr. Sabb, do you have any other questions.

14 Mr. Sabb I do not your Honor.

15 Magistrate You may step down. Any other witnesses?

16 Mr. Sabb No, sir, judge, that's it.

17 Mr. McKenzie Your Honor, I have no motions at this time. I will be
18 sending out the appropriate Rule 5 discovery, but I
19 would ask the court, and I am sure that Mr. Sabb
20 will cooperate by letting me hear and see the video
21 recording statements given by the Defendants in this
22 case.

23 Mr. Sabb Judge we certainly understand that they have a right
24 to see them, and we intend to comply with the Rules
25 throughout the process.

1 Mr. McKenzie Thank you your Honor.

2 Magistrate The court does find probable cause on all three
3 charges on each, Mr. Michael Hilton, charged with
4 murder, and also on Mr. Terrence Bradshaw the
5 court does find probable cause on all three of these
6 charges. Each person is charged with three charges,
7 murder, assault and battery with intent to kill and
8 armed robbery while armed with a weapon, and they
9 will be sent up.

Terrence Bradshaw #320361

This is The Applicant Exhibit C Page's
1-30 under Case Number (# 05-GS-45-181)
from his Guilty plea Transcrip. under
Newely Discover Evidence Rule 29-B) & Rule
60-A-B

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the Petitioner Indicates Page's #20 line
10-12 And Pages #21 line 2-3 Please Review

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)

COUNTY OF WILLIAMSBURG)

STATE OF SOUTH CAROLINA,
PLAINTIFFS

DOCKET NO. 05-GS-45-181

VS.

TERRANCE BRADSHAW, MICHAEL HILTON,
LIONEL THOMPSON,
DEFENDANTS

FEBRUARY 5, 2007
WILLIAMSBURG, S.C.

B E F O R E:

THE HONORABLE CLIFTON NEWMAN, JUDGE.

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

MS. KIMBERLY BARR,
ASSISTANT SOLICITOR FOR THE STATE

MR. STEVEN SMITH MCKENZIE,
ATTORNEY FOR DEFENDANT HILTON

MS. DEBRA OWENS JACKSON,
ATTORNEY FOR DEFENDANT BRADSHAW

MR. W. JAMES HOFFMEYER,
ATTORNEY FOR DEFENDANT THOMPSON

MARGARET T. SULLIVAN,
COURT REPORTER

1 MS. BARR: JUDGE, THE STATE CALLS 2005-GS-45-181.
2 THIS IS STATE VERSUS TERRANCE BRADSHAW, MICHAEL HILTON,
3 LIONEL THOMPSON AND GLEN WILSON. THESE INDIVIDUALS WERE
4 INDICTED BY THE WILLIAMSBURG COUNTY GRAND JURY ON
5 OCTOBER 6TH 2005. UNDER THE INDICTMENTS, THE DEFENDANTS,
6 EACH OF THE THE DEFENDANTS ARE CHARGED WITH COUNT 1,
7 MURDER. COUNT 2, ASSAULT AND BATTERY WITH INTENT TO KILL.
8 COUNT 3, POSSESSION OF A FIREARM DURING THE COMMISSION OF
9 A VIOLENT CRIME. AND COUNT 4, ARMED ROBBERY. AND COUNT
10 5, CRIMINAL CONSPIRACY. THE DEFENDANT GLEN WILSON IS
11 CHARGED IN COUNT 6, FOR POSSESSION OF A FIREARM BY A
12 CONVICTED FELON. UNDER COUNT 7, TERRANCE BRADSHAW WAS
13 INDICTED FOR POSSESSION OF A FIREARM BY A PERSON UNDER AGE
14 21.

15 IN ADDITION, YOUR HONOR, THERE IS AN INITIAL
16 ATTACHMENT TO THE INDICTMENT, COUNT 8, ACCESSORY AFTER THE
17 FACT OF ARMED ROBBERY. JUDGE, BEFORE YOU IS THE LIONEL
18 LESLIE THOMPSON, WITH HIS ATTORNEY, JAMES HOFFMEYER. YOUR
19 HONOR MAY IT PLEASE, I'LL START WITH THE DEFENDANTS TO
20 YOUR HONOR'S RIGHT. WE HAVE HERE MR. MICHAEL HILTON, WHO
21 IS HERE WITH LAWYER, STEVEN MCKENZIE. IN THE MIDDLE, YOUR
22 HONOR, WE HAVE TERRANCE BRADSHAW, WHO IS HERE WITH HIS
23 LAWYER, DOBRA JACKSON. AND TO YOUR HONOR'S LEFT IS LIONEL
24 THOMPSON, WHO IS HERE WITH HIS LAWYER, JAMES HOFFMEYER.

25 YOUR HONOR, PURSUANT TO PLEA NEGOTIATIONS, MR. HILTON

1 IS ENTERING A GUILTY PLEA TO ARMED ROBBERY. MR. BRADSHAW
2 IS ENTERING A GUILTY PLEA TO ARMED ROBBERY. MR. THOMPSON
3 IS ENTERING A GUILTY PLEA TO ACCESSORY AFTER THE FACT OF
4 ARMED ROBBERY. HE'S WAIVING PRESENTMENT OF THAT CHARGE
5 AND ENTERING A GUILTY PLEA. YOUR HONOR, THERE IS A
6 NEGOTIATED SENTENCE WITH REGARD TO MR. HILTON AND
7 MR. BRADSHAW. AND A RECOMMENDATION FROM THE STATE WITH
8 REGARD TO MR. THOMPSON. YOUR HONOR, WE'RE ALSO ASKING
9 THAT WITH REGARD TO MR. THOMPSON THAT SENTENCE BE HELD IN
10 ABEYANCE.

11 THE COURT: MR. HOFFMEYER, YOUR CLIENT IS LIONEL
12 THOMPSON?

13 MR. HOFFMEYER: YES, SIR, YOUR HONOR?

14 THE COURT: AND, MS. JACKSON, YOUR CLIENT IS?

15 MS. JACKSON: TERRANCE BRADSHAW, YOUR HONOR.

16 MR. MCKENZIE: MICHAEL HILTON.

17 (WHEREUPON, THE DEFENDANTS ARE SWORN.)

18 THE COURT: MR. MICHAEL HILTON, ARE YOU HERE TO PLEAD
19 GUILTY TO ARMED ROBBERY?

20 THE DEFENDANT: YES, SIR.

21 THE COURT: AND ARE YOU GUILTY OF ARMED ROBBERY?

22 THE DEFENDANT: YES, SIR.

23 THE COURT: AND, MR. BRADSHAW, ARE YOU HERE TO PLEAD
24 GUILTY TO ARMED ROBBERY?

25 THE DEFENDANT: YES, SIR.

1 THE COURT: ARE YOU GUILTY OF ARMED ROBBERY?

2 THE DEFENDANT: YES, SIR.

3 THE COURT: AND, MR. THOMPSON, ARE YOU HERE TO PLEAD
4 GUILTY TO ACCESSORY AFTER THE FACT OF ARMED ROBBERY?

5 THE DEFENDANT: YES, SIR.

6 THE COURT: AND ARE YOU GUILTY OF THAT?

7 THE DEFENDANT: YES, SIR.

8 THE COURT: DO YOU WAIVE PRESENTMENT OF THAT CHARGE
9 TO THE GRAND JURY?

10 THE DEFENDANT: YES, SIR.

11 THE COURT: AND, MR. HILTON, FOR THE OFFENSE OF ARMED
12 ROBBERY, THE MINIMUM SENTENCE IS 10 YEARS. THE MAXIMUM
13 SENTENCE IS 30 YEARS. THIS OFFENSE IS CLASSIFIED IN THE
14 LAW AS BEING A MOST SERIOUS OFFENSE. IF YOU ARE CONVICTED
15 OF MORE THAN ONE MOST SERIOUS OFFENSE DURING YOUR
16 LIFETIME, YOU MAY BE SENTENCED TO PRISON WITHOUT THE
17 POSSIBILITY OF PAROLE. DO YOU UNDERSTAND THAT AS BEING
18 THE MAXIMUM SENTENCE AND THE MINIMUM SENTENCE FOR ARMED
19 ROBBERY?

20 THE DEFENDANT: YES, SIR.

21 THE COURT: AND, MR. BRADSHAW, THE MINIMUM SENTENCE
22 FOR ARMED ROBBERY IS 10 YEARS. THE MAXIMUM SENTENCE IS
23 30 YEARS. IT'S CLASSIFIED IN THE LAW AS A MOST SERIOUS
24 OFFENSE. AND IF YOU ARE CONVICTED OF ANOTHER OR TWO OR
25 MORE MOST SERIOUS OFFENSES, YOU MAY BE SENTENCED TO

1 PRISON FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE. DO
2 YOU UNDERSTAND THAT, SIR?

3 THE DEFENDANT: YES, SIR.

4 THE COURT: THE STATE HAS INDICATED YOU ALL HAVE
5 ENTERED INTO A NEGOTIATED SENTENCE WITH REGARD TO THESE
6 ARMED ROBBERY CHARGES. IS THAT CORRECT, MR. MCKENZIE?

7 MR. MCKENZIE: THAT'S CORRECT, YOUR HONOR.

8 THE COURT: MS. JACKSON?

9 MS. JACKSON: YES, SIR.

10 THE COURT: AND, MR. HILTON?

11 THE DEFENDANT: YES, SIR.

12 THE COURT: AND, MR. BRADSHAW?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: WHERE THERE IS A NEGOTIATED SENTENCE
15 EITHER I WILL ACCEPT THE GUILTY PLEA AND GIVE YOU THE
16 EXACT SENTENCE THAT YOU HAVE -- YOU, YOUR LAWYER, AND THE
17 SOLICITOR HAVE NEGOTIATED, OR I WILL NOT ACCEPT YOUR
18 GUILTY PLEA. DO YOU UNDERSTAND THAT, MR. HILTON?

19 THE DEFENDANT: YES, SIR.

20 THE COURT: DO YOU UNDERSTAND THAT MR. BRADSHAW?

21 THE DEFENDANT: YES, SIR.

22 THE COURT: AND DO YOU WANT ME TO ACCEPT YOUR GUILTY
23 PLEA AND SENTENCE YOU ACCORDING TO THIS NEGOTIATED
24 SENTENCE, MR. HILTON?

25 THE DEFENDANT: YES, SIR.

1 THE COURT: AND, MR. BRADSHAW?

2 THE DEFENDANT: YES, SIR.

3 THE COURT: NOW WHEN YOU PLEAD GUILTY, YOU GIVE UP
4 CERTAIN IMPORTANT CONSTITUTIONAL RIGHTS. AS YOU STAND
5 BEFORE ME, YOU ARE PRESUMED TO BE NOT GUILTY OF THESE
6 CHARGES. AND YOU CANNOT BE FOUND GUILTY OF THESE CHARGES
7 UNLESS THE STATE PROVES AND CONVINCES A JURY BEYOND A
8 REASONABLE DOUBT THAT YOU ARE GUILTY OF THESE CHARGES.
9 WHEN YOU PLEAD GUILTY, YOU GIVE UP THAT PRESUMPTION OF
10 INNOCENCE. DO YOU UNDERSTAND THAT, MR. HILTON?

11 THE DEFENDANT: YES, SIR.

12 THE COURT: DO YOU UNDERSTAND THAT, MR. BRADSHAW?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: AND ALSO, MR. THOMPSON, WITH RESPECT TO
15 THE CHARGE THAT YOU ARE FACING, YOU ARE PRESUMED TO BE NOT
16 GUILTY, AND CANNOT BE HELD FOUND GUILTY UNLESS THE STATE
17 PROVES GUILT BEYOND A REASONABLE DOUBT. AND WHEN YOU
18 PLEAD GUILTY, YOU GIVE UP THAT PRESUMPTION OF INNOCENCE.
19 DO YOU UNDERSTAND THAT, SIR?

20 THE DEFENDANT: YES, SIR.

21 THE COURT: YOU ALSO HAVE THE RIGHT TO REMAIN SILENT,
22 WHICH MEANS THAT YOU CANNOT BE COMPELLED TO TESTIFY
23 AGAINST YOURSELF. AND THE JURY WILL BE INSTRUCTED IF YOU
24 ARE TO HAVE A TRIAL, THAT YOU HAVE A CONSTITUTIONAL RIGHT
25 TO REMAIN SILENT; AND THEY CANNOT DRAW ANY INFERENCE FROM

1 THE FACT THAT YOU DID NOT TESTIFY IN THIS CASE. AND
2 CANNOT HOLD THAT AGAINST YOU IN ANY FORM OR FASHION. WHEN
3 YOU PLEAD GUILTY, YOU GIVE UP YOUR RIGHT TO REMAIN SILENT.
4 DO YOU UNDERSTAND THAT, MR. HILTON?

5 THE DEFENDANT: YES, SIR.

6 THE COURT: DO YOU UNDERSTAND THAT, MR. BRADSHAW?

7 THE DEFENDANT: YES, SIR.

8 THE COURT: AND, MR. THOMPSON?

9 THE DEFENDANT: YES, SIR.

10 THE COURT: NOW PRIOR TO PLEADING GUILTY, YOU HAVE
11 THE RIGHT TO REQUIRE THE STATE TO PROVE YOUR GUILT BEYOND
12 A REASONABLE DOUBT. YOU HAVE THE RIGHT TO CONFRONT ANY
13 WITNESSES AGAINST YOU, TO HAVE YOUR LAWYER CROSS EXAMINE
14 ANY WITNESSES WHO MAY WANT TO TESTIFY AGAINST YOU. YOU
15 HAVE THE RIGHT TO HAVE THE WITNESSES COME IN AND TESTIFY
16 IN YOUR OWN BEHALF AND HAVE THE COURT TO PROVIDE
17 ASSISTANCE IN ISSUING SUBPOENAS TO COMPEL WITNESSES TO
18 ATTEND AND TESTIFY IF YOU HAVE WITNESSES WHO MAY TESTIFY
19 ON YOUR BEHALF. YOU HAVE THE RIGHT TO PRESENT ANY
20 DEFENSES THAT YOU MAY HAVE TO THESE CHARGES. AND THE
21 RIGHT TO CHALLENGE ANY INCRIMINATING STATEMENTS YOU MAY
22 HAVE MADE IN THIS CASE. AND THE RIGHT TO A JURY TRIAL
23 ITSELF. DO YOU UNDERSTAND EACH AND EVERY ONE OF THOSE
24 RIGHTS, MR. HILTON?

25 THE DEFENDANT: YES, SIR.

1 THE COURT: MR. BRADSHAW?

2 THE DEFENDANT: YES, SIR.

3 THE COURT: MR. THOMPSON?

4 THE DEFENDANT: YES, SIR.

5 THE COURT: AND DO YOU WANT TO GIVE UP THOSE RIGHTS
6 AND PLEAD GUILTY TO THE CHARGE OF ARMED ROBBERY,
7 MR. HILTON?

8 THE DEFENDANT: YES, SIR.

9 THE COURT: TO ARMED ROBBERY, MR. BRADSHAW?

10 THE DEFENDANT: YES, SIR.

11 THE COURT: AND TO ACCESSORY AFTER THE FACT OF ARMED
12 ROBBERY, MR. THOMPSON?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: NOW FOR ACCESSORY AFTER THE FACT OF ARMED
15 ROBBERY, WHAT IS THE PENALTY FOR THAT, MS. BARR?

16 MS. BARR: I THINK UP TO 15 YEARS, YOUR HONOR.

17 THE COURT: IS THAT YOUR UNDERSTANDING, MR.---

18 MR. HOFFMEYER: YES, SIR,---

19 THE COURT: ---HOFFMEYER?

20 MR. HOFFMEYER: ---THAT IS CORRECT.

21 THE COURT: IS THAT YOUR UNDERSTANDING AS WELL,
22 MR. THOMPSON?

23 THE DEFENDANT: YES, SIR.

24 THE COURT: LET'S SEE WHAT THE STATUTE SAYS ABOUT IT.
25 SECTION 16-1-55 SAYS: THAT A PERSON WHO COMMITS THE

1 OFFENSE OF ACCESSORY AFTER THE FACT MUST BE PUNISHED BASED
2 UPON THE CLASSIFICATION BELOW THE PUNISHMENT PROVIDED FOR
3 THE PRINCIPAL OFFENSE. CLASS A, CLASS B, CLASS C FELONIES
4 FOR MURDER. IF A PRINCIPAL OFFENSE IS A CLASS A, CLASS B
5 OR CLASS C OR MURDER, THE PENALTY MUST BE PRESCRIBED FOR A
6 CLASS D FELONY. AND HOW DO YOU INTERPRET ALL THAT,
7 MS. BARR?

8 MS. BARR: YOUR HONOR, THE, I THINK THE CLASS B
9 FELONY CARRIES 15.

10 THE COURT: AND CLASS?

11 MS. BARR: B FELONY.

12 THE COURT: IS THAT YOUR UNDERSTANDING AS WELL, MR.
13 THOMPSON?

14 MR. HOFFMEYER: YES, SIR.

15 THE COURT: AND IS THAT YOUR UNDERSTANDING, MR.?

16 THE DEFENDANT: YES, SIR.

17 THE COURT: SO THEREFORE, MR. THOMPSON, DO YOU
18 UNDERSTAND THAT YOU FACE A SENTENCE OF UP TO 15 YEARS FOR
19 THIS OFFENSE?

20 THE DEFENDANT: YES, SIR.

21 THE COURT: AND, MR. THOMPSON, HAS ANYONE PROMISED
22 YOU ANYTHING TO GET YOU TO PLEAD GUILTY TO THIS CRIME?

23 THE DEFENDANT: NO. NO, SIR. JUST MY LAWYER AND
24 THE SOLICITOR, THEY HAD CAME TO AN AGREEMENT TO MY
25 SENTENCING.

1 THE COURT: YOU SAID YOUR LAWYER AND THE SOLICITOR
2 HAD COME TO AN AGREEMENT CONCERNING YOUR SENTENCE?

3 THE DEFENDANT: YES, SIR.

4 THE COURT: AND WHAT IS YOUR UNDERSTANDING AS TO WHAT
5 AGREEMENT THEY CAME TO?

6 THE DEFENDANT: PROBATION.

7 THE COURT: DO YOU UNDERSTAND THAT THE SENTENCE IN
8 YOUR CASE THOUGH THE SOLICITOR INDICATED THAT SHE MAY
9 RECOMMEND A SENTENCE, THAT I AM NOT OBLIGATED TO ACCEPT
10 THAT RECOMMENDATION. IT IS MY DECISION TO SENTENCE
11 YOU -- TO PRISON. I CAN SENTENCE YOU UP TO 15 YEARS.
12 AND IT IS NOT UP TO YOUR LAWYER OR THE SOLICITOR.

13 THE DEFENDANT: RIGHT. YES, SIR.

14 THE COURT: AND DO YOU STILL WANT TO PLEAD GUILTY?

15 THE DEFENDANT: YES, SIR.

16 THE COURT: DO YOU HAVE ANY QUESTIONS AT ALL ABOUT
17 THAT?

18 THE DEFENDANT: NO, SIR.

19 THE COURT: AND, MR. HOFFMEYER, HAVE YOU EXPLAINED
20 ALL OF THAT TO HIM?

21 MR. HOFFMEYER: YES, YOUR HONOR.

22 THE COURT: AND DO YOU BELIEVE THAT HE UNDERSTANDS
23 THE FACT THAT HE MAY BE SENTENCED UP TO 15 YEARS BY ME IF
24 I DECIDE TO DO SO, AS WELL AS ALL THE OTHER CONSTITUTIONAL
25 RIGHTS I HAVE EXPLAINED TO HIM?

1 MR. HOFFMEYER: YES, SIR, YOUR HONOR.

2 THE COURT: AND, MS. JACKSON, DO YOU BELIEVE THAT
3 YOUR CLIENT MR. BRADSHAW UNDERSTANDS HIS CONSTITUTIONAL
4 RIGHTS, INCLUDING THE RIGHT TO THE JURY TRIAL AS WELL?

5 MS. JACKSON: YES, SIR, I DO, YOUR HONOR. I DON'T
6 KNOW IF IT IS AN APPROPRIATE TIME, BUT WE DID HAVE HIM
7 EVALUATED. AND HE WAS FOUND COMPETENT TO STAND TRIAL.
8 AND WE DO NOT CONTEST THAT FINDING.

9 THE COURT: IS THAT RIGHT, MR. BRADSHAW?

10 THE DEFENDANT: YES, SIR.

11 THE COURT: DO YOU AGREE YOU ARE COMPETENT TO
12 UNDERSTAND TRIAL?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: THAT YOU UNDERSTAND THE NATURE OF THE
15 CHARGES YOU ARE FACING?

16 THE DEFENDANT: YES, SIR.

17 THE COURT: AND THE POSSIBLE CONSEQUENCES OF YOUR
18 GUILTY PLEA?

19 THE DEFENDANT: YES, SIR.

20 THE COURT: AND, SOLICITOR, DO YOU HAVE A REPORT FROM
21 THE EVALUATOR CONCERNING MR. BRADSHAW?

22 MS. BARR: YES, SIR. MAY I APPROACH, YOUR HONOR?

23 ↓ THE COURT: YES. REGARDING MR. BRADSHAW, I AM
24 LOOKING AT THE EVALUATION SERVICE OF FORENSIC PROVISION,
25 INDICATING THAT AN EVALUATION OF MR. BRADSHAW BY

1 DR. FRIERSON AND DR. WAYER DURING JULY AND AUGUST 2006.
2 IN WHICH THERE IS AN INDICATION OF A DIAGNOSIS OF A MAJOR
3 DEPRESSIVE WITH PSYCHOTIC FEATURES. ALCOHOL DEPENDENCE.
4 MALINGERING OF COGNITIVE DEFICITS. BORDERLINE
5 INTELLECTUAL FUNCTIONING. AND HYPOPLASIA OF THE LEFT
6 TOES.

7 AND THE DOCTOR'S CONCLUSION IS THAT HE IS ABLE TO
8 STATE THE ACTIONS WITH WHICH HE IS CHARGED. HE
9 APPRECIATES THE SERIOUSNESS OF THESE CHARGES. HE
10 UNDERSTANDS THAT HE COULD BE INCARCERATED. AND LISTED
11 THE MAXIMUM TIME HE COULD GET AS BEING 20 YEARS.
12 ALTHOUGH HE DID NOT KNOW FOR SURE, HE IDENTIFIED THE
13 CORRECTIONAL OFFICER AS THE PERSON TO ASK ABOUT -- HE
14 COULD ASK ABOUT POTENTIAL SENTENCES. HE DEFINED THE ROLE
15 OF HIS ATTORNEY. AND STATED THE JOB OF THE PROSECUTOR.
16 WHEN ASKED ABOUT THE JUDGE HE SAID THAT HE DECIDES IF
17 YOU GET TIME OR NOT. HE STATES THE JURY LISTENS TO SEE
18 IF YOU ARE GUILTY OR NOT GUILTY. AND SAID THAT A PLEA
19 BARGAIN HAS SOMETHING TO DO WITH THE AMOUNT OF TIME. HE
20 UNDERSTANDS THAT IF HE WANTS A JURY TRIAL HE WOULD HAVE
21 TO PLEAD NOT GUILTY.

22 AND HE STATED THE IMPORTANCE OF COURTROOM BEHAVIOR.
23 AND THE DOCTOR STATED IN THEIR OPINION THAT MR. BRADSHAW
24 HAD LIMITED INTELLECTUAL ABILITY THAT IS NOT SEVERE
25 ENOUGH TO WARRANT A DIAGNOSIS OF MENTAL RETARDATION.

1 HOWEVER DESPITE HIS INTELLECTUAL LIMITATIONS AND HIS
2 DEPRESSIVE SYMPTOMS, HE HAS DISPLAYED ACTUAL
3 UNDERSTANDING OF THE LEGAL SYSTEM. AS WELL AS SUFFICIENT
4 ABILITY TO RATIONALLY CONSULT WITH HIS ATTORNEY IN
5 PREPARATION OF HIS DEFENSE. AND THEREFORE, THEY
6 CONCLUDED THAT HE IS COMPETENT TO STAND TRIAL. AND THAT
7 HE SHOULD CONTINUE TO RECEIVE APPROPRIATE MENTAL HEALTH
8 TREATMENT WHILE HE IS INCARCERATED.

9 THE COURT: MS. JACKSON, DO YOU HAVE ANYTHING FURTHER
10 TO ADD REGARDING THIS ISSUE OF COMPETENCY OF MR. BRADSHAW?

11 MS. JACKSON: NO, SIR.

12 THE COURT: ANYTHING FURTHER THE STATE INTENDS TO
13 OFFER REGARDING THAT?

14 MS. BARR: NO, YOUR HONOR.

15 THE COURT: I'LL MAKE THE REPORT A PART OF THE
16 RECORD IN THE CASE, AND I FIND THAT BASED ON THE REPORT
17 AND REPRESENTATION OF COUNSEL AND MR. BRADSHAW THAT HE IS
18 COMPETENT TO STAND TRIAL.

19 MR. MCKENZIE, HAVE YOU EXPLAINED TO MR. HILTON THE
20 NATURE OF THE CHARGES AGAINST HIM, DISCUSSED THE POSSIBLE
21 PUNISHMENT, AS WELL AS HIS CONSTITUTIONAL RIGHTS WITH
22 HIM?

23 MR. MCKENZIE: I HAVE, YOUR HONOR.

24 THE COURT: AND DO YOU BELIEVE HE UNDERSTANDS ALL
25 THAT?

1 MR. MCKENZIE: HE DOES, YOUR HONOR.

2 THE COURT: AND DO YOU UNDERSTAND ALL THAT,
3 MR. HILTON?

4 THE DEFENDANT: YES, SIR.

5 THE COURT: NOW THE SOLICITOR INDICATES THAT THERE IS
6 A NEGOTIATED SENTENCE IN THIS CASE. AND WHAT IS THE
7 NEGOTIATED SENTENCE, SOLICITOR?

8 MS. BARR: YOUR HONOR, ON MR. HILTON IT'S 25 YEARS.
9 ON MR. BRADSHAW IT'S 22 YEARS.

10 THE COURT: IS THAT YOUR UNDERSTANDING OF THE
11 NEGOTIATED SENTENCE FOR ARMED ROBBERY, MR. MCKENZIE, YOUR
12 GUY?

13 MR. MCKENZIE: THAT IS, YOUR HONOR. ALONG WITH
14 CREDIT FOR THE TIME THAT HE HAS ALREADY BEEN INCARCERATED.

15 THE COURT: IS THAT YOUR UNDERSTANDING AS WELL,
16 MR. HILTON?

17 THE DEFENDANT: YES, SIR.

18 THE COURT: AND ARE THERE REMAINING CHARGES THAT WILL
19 BE DISPOSED OF AS A PART OF THIS GUILTY PLEA, OR IS THAT
20 WHAT HE IS INDICTED FOR?

21 MR. MCKENZIE: NO, SIR. HE IS INDICTED ON ALL, I
22 THINK THERE ARE 5 COUNTS. THE REMAINING COUNTS WILL BE
23 DISMISSED AS PART OF THIS NEGOTIATION.

24 THE COURT: IS THAT CORRECT, SOLICITOR?

25 MS. BARR: YES, SIR.

1 THE COURT: IS THAT YOUR UNDERSTANDING AS WELL,
2 MR. HILTON?

3 THE DEFENDANT: YES, SIR.

4 THE COURT: AND DO YOU WANT TO PLEAD GUILTY TO ARMED
5 ROBBERY AND FOR ME TO GIVE YOU THIS NEGOTIATED SENTENCE
6 OF 25 YEARS?

7 THE DEFENDANT: YES, SIR.

8 THE COURT: WITH CREDIT FOR TIME SERVED?

9 THE DEFENDANT: YES, SIR.

10 THE COURT: AND REGARDING MR. BRADSHAW, WHAT IS THE
11 NEGOTIATED SENTENCE?

12 MS. BARR: 22 YEARS, YOUR HONOR.

13 THE COURT: IS THAT WITH REGARDING THE REMAINING
14 CHARGES? WHAT?

15 MS. BARR: THEY WILL BE NOL-PROSSED AGAINST HIM.

16 THE COURT: IS THAT YOUR UNDERSTANDING AS WELL AS,
17 MS. JACKSON?

18 MS. JACKSON: YES, SIR. OF COURSE WE HOPE TO GET THE
19 TIME SERVED AS A PART OF THAT AS WELL. BUT THAT'S MY
20 UNDERSTANDING THE 22 YEARS.

21 THE COURT: IS THAT YOUR UNDERSTANDING, MR.
22 BRADSHAW?

23 THE DEFENDANT: YES, SIR.

24 THE COURT: AND DO YOU WANT TO PLEAD GUILTY AND HAVE
25 ME SENTENCE YOU TO 22 YEARS IN PRISON FOR ARMED ROBBERY?

1 THE DEFENDANT: YES, SIR.

2 THE COURT: CREDIT FOR TIME SERVED?

3 THE DEFENDANT: YES, SIR.

4 THE COURT: MR. HILTON, WHAT DID YOU DO THAT MAKES
5 YOU GUILTY OF ARMED ROBBERY?

6 THE DEFENDANT: I WENT INSIDE THE CLUB, AND CAME
7 BACK AND LET GLEN KNOW WHO WAS INSIDE THE CLUB. AND I
8 WENT INSIDE THE CLUB WHILE HE COMMITTED THE ARMED
9 ROBBERY. AND AFTERWARDS AFTER WE LEFT THE CLUB, WE
10 DIVIDED THE MONEY.

11 THE COURT: WHAT DID YOU DO THAT MAKES YOU GUILTY OF
12 ARMED ROBBERY, MR. BRADSHAW?

13 THE DEFENDANT: I WENT INSIDE THE CLUB TO LOOK, AND
14 CAME BACK OUT. AND THEN GET SOME OF MONEY OUT OF THE
15 CRIME.

16 THE COURT: YOU WENT INSIDE TO LOOK FOR WHAT REASON?

17 THE DEFENDANT: JUST LOOK OUT.

18 THE COURT: YOU WERE A LOOK OUT?

19 THE DEFENDANT: LOOK OUT FOR GLEN.

20 THE COURT: FOR SOMEONE ELSE TO DO THE ARMED
21 ROBBERY?

22 THE DEFENDANT: YES, SIR.

23 THE COURT: YOU GOT SOME OF THE MONEY---

24 THE DEFENDANT: YES, SIR.

25 THE COURT: ---AFTERWARDS?

1 THE DEFENDANT: YES, SIR.

2 THE COURT: HOW MUCH MONEY DID YOU GET?

3 THE DEFENDANT: \$20.

4 THE COURT: \$20? AND HOW MUCH MONEY DID YOU GET?

5 THE DEFENDANT: \$100.

6 THE COURT: MR. THOMPSON, WHAT DID YOU DO THAT MAKES
7 YOU GUILTY OF BEING AN ACCESSORY AFTER THE FACT OF ARMED
8 ROBBERY?

9 THE DEFENDANT: THAT I WAS IN THE CAR, WHICH I
10 DIDN'T HAVE NOTHING TO DO WITH IT, AND I DID NOT KNOW.
11 BUT AFTER THE FACT THAT I DID NOT INFORM THE POLICE ABOUT
12 THE SITUATION THAT HAD WENT ON.

13 THE COURT: MR. HOFFMEYER, DO YOU BELIEVE THERE IS A
14 FACTUAL BASIS FOR HIM TO PLEAD GUILTY OF BEING AN
15 ACCESSORY AFTER THE FACT?

16 MR. HOFFMEYER: YES, SIR, I DO.

17 THE COURT: AND WHAT IS THAT?

18 MR. HOFFMEYER: WELL, YOUR HONOR, HE WAS NOT WHERE
19 THE CRIME WAS COMMITTED. HE WAS IN THE VEHICLE
20 AFTERWARDS. HE WAS AWARE OF WHAT HAD OCCURRED, OVERHEARD
21 CONVERSATIONS. IN A SENSE BY HIS INACTION FURTHERED
22 THEIR OFFENSE. WAS AN ACCESSORY AFTER THEY COMMITTED THE
23 CRIME. DID NOT INITIALLY REPORT IT TO LAW ENFORCEMENT.
24 WAS IN THE CAR WITH THEM WHEN THEY LEFT. WAS AWARE OF
25 THE MONEY BEING COUNTED. I BELIEVE THAT CLEARLY WOULD

1 MEET THE ELEMENTS.

2 THE COURT: AND DO YOU AGREE WITH THAT MR. THOMPSON?

3 THE DEFENDANT: YES, SIR.

4 THE COURT: AND BASED ON THAT, YOU WANT TO PLEAD
5 GUILTY TO BEING AN ACCESSORY AFTER THE FACT OF ARMED
6 ROBBERY?

7 THE DEFENDANT: YES, SIR.

8 THE COURT: AND ARE YOU SATISFIED WITH THE SERVICES
9 OF YOUR LAWYER IN THIS CASE, MR. THOMPSON?

10 THE DEFENDANT: YES, SIR.

11 THE COURT: HAS HE DONE EVERYTHING YOU THINK HE COULD
12 OR SHOULD HAVE DONE TO HELP YOU OUT?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: AND ARE YOU SATISFIED WITH THE SERVICES
15 OF YOUR LAWYER, MR. BRADSHAW?

16 THE DEFENDANT: YES, SIR.

17 THE COURT: DO YOU BELIEVE SHE HAS DONE EVERYTHING
18 THAT SHE COULD OR SHOULD HAVE DONE TO HELP YOU OUT?

19 THE DEFENDANT: YES, SIR.

20 THE COURT: AND ARE YOU SATISFIED WITH THE SERVICES
21 OF YOUR LAWYER, MR. HILTON?

22 THE DEFENDANT: YES, SIR.

23 THE COURT: DO YOU BELIEVE HE HAS DONE EVERYTHING
24 THAT HE COULD OR SHOULD HAVE DONE TO ASSIST YOU?

25 THE DEFENDANT: YES, SIR.

1 THE COURT: DO YOU HAVE ANY COMPLAINT THAT YOU WANT
2 TO MAKE ABOUT YOUR LAWYER, THE SOLICITOR, OR ANY POLICE
3 OFFICERS OR ANYONE ELSE IN CONNECTION WITH THIS CASE,
4 MR. HILTON?

5 THE DEFENDANT: NO, SIR.

6 THE COURT: MR. BRADSHAW?

7 THE DEFENDANT: NO, SIR.

8 THE COURT: MR. THOMPSON?

9 THE DEFENDANT: NO, SIR.

10 THE COURT: UNDERSTANDING THE NATURE OF THE CHARGES
11 AND THE POSSIBLE PUNISHMENT THEN, HOW DO YOU PLEAD TO
12 ARMED ROBBERY, MR. HILTON?

13 THE DEFENDANT: GUILTY.

14 THE COURT: HOW DO YOU PLEAD, MR. BRADSHAW?

15 THE DEFENDANT: GUILTY.

16 THE COURT: AND HOW DO YOU PLEAD, MR. THOMPSON?

17 THE DEFENDANT: GUILTY.

18 THE COURT: MADAM SOLICITOR.

19 MS. BARR: YOUR HONOR, IF IT PLEASE THE COURT,
20 LIEUTENANT RUDY TISDALE WILL PROVIDE THE FACTS REGARDING
21 THE CHARGES.

22 THE COURT: MR. TISDALE.

23 LIEUTENANT TISDALE: PLEASES THE COURT, YOUR HONOR,
24 THIS INCIDENT TOOK PLACE ON CHRISTMAS DAY OF 2004. IT
25 WAS IN THE MORNING HOURS, APPROXIMATELY 2:30. AT A 149

1 HARRISON NED ROAD IN GREELEYVILLE. IT WAS THE BUSINESS
2 OF MR. HENRY -- MR. LOUIS HENRY, JR. MR. HENRY ALONG
3 WITH MR. BENJAMIN GEORGE WHO IS IN THE COURTROOM, WERE IN
4 THE NIGHTCLUB AS IT WAS BEING CLOSED DOWN WHENEVER
5 MR. THOMPSON CAME IN. CORRECTION. MR. HILTON CAME IN,
6 AND WALKED BACK OUT. ONCE HE WALKED BACK OUT, THE NEXT
7 THING ACCORDING TO MY VICTIM, MR. GEORGE, IS THAT GLEN
8 WILSON CAME IN AND DEMANDED MONEY. AND SHOT HIM WHERE HE
9 WAS SITTING ON A STOOL.

10 HE ALSO INDICATED THAT THE THIRD INDIVIDUAL WAS
11 INSIDE THE CLUB AT THE TIME. HE DID NOT KNOW HIS NAME,
12 WHICH WOULD BE TERRANCE BRADSHAW, THERE WITH HIS ATTORNEY
13 IN THE MIDDLE. DURING THE INVESTIGATION, IT WOULD SHOW
14 THAT MR. HENRY LOUIS WAS ROBBED AND SHOT MULTIPLE TIMES
15 INSIDE OF HIS OWN STORE. INSIDE OF HIS OWN
16 ESTABLISHMENT. AN UNDISCLOSED AMOUNT OF MONEY WAS TAKEN
17 FROM THE CLUB. MR. BENJAMIN GEORGE AGAIN WHO SURVIVED IT
18 STRICTLY BY PLAYING DEAD. HE WAS SHOT AND LAYING ON THE
19 FLOOR AND REFUSED TO MOVE UNTIL THE THREE INDIVIDUALS
20 LEFT OUT OF THE STORE AFTER THE SHOOTING WAS OVER WITH.
21 HE GOT SHOT MULTIPLE TIMES, YOUR HONOR, AND HAD TO BE
22 TRANSPORTED FROM THE SCENE, AND LATER ON TO MUSC.

23 MR. GEORGE WHEN WE DID A QUICK INTERVIEW WITH HIM AT
24 THE SCENE THAT NIGHT, HE DIDN'T SAY I THINK I KNOW WHO IT
25 WAS. OR THEY LOOK LIKE SO AND SO. HE FLAT OUT SAID THAT

1 GLEN WILSON, WHO DATES MY NIECE, SHOT ME. HE RECOGNIZED
2 MICHAEL HILTON AS WELL. *THE THIRD INDIVIDUAL WHO HE DID
3 NOT RECOGNIZE WOULD HAVE BEEN TERRANCE BRADSHAW. DURING
4 THE COURSE OF THE INVESTIGATION, HILTON TURNED HIS SELF
5 IN TO CLARENDON COUNTY LAW ENFORCEMENT AFTER SEEING HIS
6 NAME ON THE LOCAL NEWS, IF I AM CORRECT. BRADSHAW WAS
7 PICKED UP BY INVESTIGATOR GAINNEY AND INVESTIGATOR BROWN
8 FROM WILLIAMSBURG COUNTY. AND DURING THE INTERVIEW WITH
9 HIM IS WHEN HE TOLD US ABOUT LIONEL BEING IN THE CAR.
10 BECAUSE MR. BRADSHAW COULDN'T KEEP HIS STORY STRAIGHT AS
11 TO WHERE HE WAS SITTING IN THE VEHICLE. AND THAT PUT
12 MR. LIONEL THOMPSON ACTUALLY DRIVING THE VEHICLE
13 ACCORDING TO BRADSHAW.

14 I MADE CONTACT WITH NUMEROUS -- ATTEMPTS TO MAKE
15 CONTACT WITH LIONEL THOMPSON OVER ON WAYNE'S DRIVE.
16 ACTUALLY MADE CONTACT WITH HIM ONE TIME, AND DIDN'T
17 REALIZE HE WAS A SUSPECT; WHILE SEARCHING FOR THE OTHER
18 THREE INDIVIDUALS. HE COMPLIED WITH CLARENDON COUNTY LAW
19 ENFORCEMENT AFTER I TALKED TO HIM ON THE PHONE, AND WAS
20 TOLD SOMEONE WOULD BE BY TO PICK HIM UP. WE BROUGHT HIM
21 DOWN, AND HE IN TURN GAVE STATEMENTS AS WELL AS TO WHAT
22 HAD OCCURRED AT HENRY LOUIS' CLUB. LOUIS HENRY'S CLUB,
23 I'M SORRY. MR. HENRY WAS 53 YEARS OLD. AND IT WAS
24 DETERMINED BY US THAT NIGHT THAT HE HAD HAD A FUNCTION AT
25 HIS PARTICULAR CLUB AND WAS IN THE PROCESS OF CLOSING IT

1 DOWN. THESE INDIVIDUALS WENT THERE WITH THE INTENT AND
2 THE ONLY INTENT OF ROBBING THE STORE -- OR ROBBING THE
3 CLUB, I SHOULD SAY. KNOWING THAT IT WAS CLOSE TO CLOSING
4 TIME, AND THERE HAD IN FACT BEEN A BACHELOR PARTY FROM
5 WHAT I UNDERSTAND, FOR SOMEONE WHO HAS NOTHING TO DO WITH
6 THIS, AT THE CLUB THAT PARTICULAR NIGHT.

7 AGAIN, MR. LOUIS WAS SHOT MULTIPLE TIMES INSIDE OF
8 HIS OWN CLUB WHILE TRYING TO DEFEND HIMSELF AND PROTECT
9 HIS PROPERTY. AND MR. BENJAMIN GEORGE WAS SHOT AND LEFT
10 FOR DEAD. AND HAD HE NOT PLAYED DEAD, HE WOULD BE DEAD.

11 THE COURT: ARE ALL THOSE FACTS TRUE, MR. HILTON?

12 THE DEFENDANT: YES, SIR.

13 THE COURT: IS THERE ANYTHING THAT THE OFFICER SAID
14 THAT IS NOT TRUE?

15 THE DEFENDANT: NO, SIR.

16 THE COURT: AND EVERYTHING HE HAS STATED IS TRUE AND
17 CORRECT?

18 THE DEFENDANT: IT IS TRUE, YES, SIR.

19 THE COURT: IS EVERYTHING THE OFFICER SAID TRUE, MR.
20 BRADSHAW?

21 THE DEFENDANT: YES, SIR.

22 THE COURT: AND, MR. THOMPSON?

23 THE DEFENDANT: UM, YES, SIR.

24 THE COURT: IS THERE ANYTHING YOU WANT TO CORRECT OR
25 CLARIFY?

1 THE DEFENDANT: NO, SIR.

2 THE COURT: AND DO YOU AGREE WITH EVERYTHING THAT HE
3 SAID?

4 THE DEFENDANT: YES, SIR.

5 THE COURT: MADAM SOLICITOR.

6 MS. BARR: YOUR HONOR, NEITHER ONE OF THESE
7 INDIVIDUALS HAVE ANY CRIMINAL CONVICTIONS.

8 THE COURT: ANYTHING ELSE FROM THE STATE?

9 MR. SABB: JUDGE, IF I MIGHT, PLEASE, WE JUST WANTED
10 THE COURT TO KNOW THAT THE FAMILY OF MR. LOUIS HENRY, JR.
11 IS HERE. HIS WIFE IS HERE ALONG WITH HIS SISTER, HIS
12 NEPHEW, AND SOME OTHER RELATIVES AND FRIENDS. IN
13 ADDITION, MR. BENJAMIN IS HERE AS WELL. I INDICATED TO
14 THEM THAT THERE WOULD PROBABLY COME A POINT IN THE
15 PROCEEDING WHERE THE COURT COULD ACKNOWLEDGE THEM AND SEE
16 WHETHER OR NOT THEY WISHED TO ADDRESS THE COURT. I DO
17 NOT KNOW AT THIS TIME, JUDGE, WHETHER OR NOT THERE ARE
18 ANY OF THEM THAT WISHES TO ADDRESS THE COURT DURING THESE
19 PROCEEDINGS. I'D ASK THE COURT TO EXTEND AN OPPORTUNITY
20 TO THEM AT THIS TIME.

21 THE COURT: I'D LIKE -- I WILL BE HAPPY TO HEAR
22 FROM ANYONE FROM THE FAMILY WHO WOULD LIKE TO SAY
23 ANYTHING. IN ADDITION TO MR. BENJAMIN. ANYONE WANT TO
24 SAY ANYTHING? I WILL BE HAPPY TO HEAR FROM YOU AT THIS
25 TIME.

1 (WHEREUPON, NO RESPONSE.)

2 MR. SABB: JUDGE, I BELIEVE I INDICATED TO THE COURT
3 THAT THEY WERE INVOLVED IN THESE NEGOTIATIONS AND WERE
4 MADE AWARE OF THE POSITION THAT THE SOLICITOR'S OFFICE
5 WOULD TAKE AND, YOU KNOW, WERE FULLY INFORMED AND
6 INVOLVED. IN ADDITION TO ONE OF MR. HENRY'S SON'S, NICKY.
7 I GOT A CHANCE TO SPEAK TO HIM. THE OTHER BROTHER WAS ON
8 THE WAY, AND HE IS ALSO IN AGREEMENT WITH WHAT WE HAVE
9 DONE.

10 THE COURT: AND YOU ALL WANT ME TO SENTENCE HILTON
11 AND BRADSHAW AT THIS TIME. AND THOMPSON LATER OR WHAT DO
12 YOU WANT?

13 MR. SABB: YES, THAT'S CORRECT, YOUR HONOR.

14 THE COURT: MR. MCKENZIE.

15 MR. MCKENZIE: YOUR HONOR, NOTHING I SAY TODAY IS
16 GOING TO BE TAKEN IN ANY CONTEXT TO HELP BRING BACK
17 MR. HILTON. I'M SORRY MR. HENRY IN THIS CASE. THIS IS A
18 TRAGEDY THAT THREE YOUNG MEN WHO HAD NO CRIMINAL
19 HISTORIES, NO PRIOR LAW ENFORCEMENT INVOLVEMENT, ARE
20 STANDING BEFORE YOU. TWO OF THEM ARE PLEADING GUILTY, AND
21 ARE GOING TO SENTENCED TODAY. MY CLIENT, MICHAEL, IS IN
22 THE 9TH -- HE GRADUATED FROM THE 9TH GRADE. OR I AM
23 SORRY, HE WENT TO THE 9TH GRADE, YOUR HONOR, AT MANNING
24 HIGH SCHOOL. HE DROPPED OUT OF SCHOOL.

25 HE WAS WORKING AT GOLD GIST WHEN ALL THIS OCCURRED.

1 SO HE WAS GAINFULLY EMPLOYED; ALTHOUGH, HE DID NOT HAVE A
2 HIGH SCHOOL DIPLOMA. HE IS NOT MARRIED. HE DOES NOT
3 HAVE ANY CHILDREN. HE COMES FROM A FAMILY OF FOUR
4 INDIVIDUALS. HIS MOTHER'S NAME IS JACQUELINE. HE HAS
5 TWO SISTERS AND ANOTHER BROTHER. AND THEY LIVE IN THE
6 FORESTON AREA OF CLARENDON COUNTY. AND, YOUR HONOR, THE
7 TRAGEDY OF ALL THIS IS, MICHAEL KNEW THEY WERE GOING OVER
8 THERE TO ROB THIS PLACE THAT NIGHT. THE PROBLEM OR
9 THE -- WHAT'S EVEN MORE TRAGIC SOMEONE GOT KILLED. THERE
10 IS NO EXCUSE FOR HIM GOING OVER THERE TO ROB THIS PLACE.
11 AND NOTHING I SAY TO THE FAMILY OR ANYBODY IN THIS
12 COURTROOM IS GOING TO HELP THAT FACT. HE KNEW WHAT WAS
13 GOING TO HAPPEN.

1 HE KNEW WHAT GLEN WAS GOING TO DO. BUT HE DID NOT,
15 KNOW GLEN WAS GOING TO KILL ANYONE. AND THAT'S WHAT WE
16 BELIEVE THAT THE EVIDENCE SHOWS IN THIS CASE. AND I
17 THINK THAT'S WHY WE ARE HERE TODAY WITH THIS GUILTY PLEA.
18 OBVIOUSLY THE PROBLEM WE HAVE IN GOING FORWARD WITH THIS
19 CASE AT A TRIAL, IS THAT THE FACTS DO PROVE THAT HE IS
20 GUILTY OF ARMED ROBBERY. HE DID NOT KNOW, YOUR HONOR,
21 THAT OF COURSE THE EVENTS WOULD LEAD WHERE THEY HAVE.
22 BUT HE PUT HIMSELF IN HARM'S WAY. AND AS A RESULT A MAN
23 IS DEAD THAT WE CAN'T REPLACE. NOBODY CAN EVER REPLACE
24 LOUIS HENRY. AND BENJAMIN GEORGE WAS WOUNDED. I THINK
25 HE WAS SHOT FOUR TIMES, IF I AM CORRECT. AND NOTHING

1 THAT WE CAN DO CAN BRING BACK ALL THE PAIN AND SUFFERING
2 AND ALL THAT HE HAS DONE; HAD TO GO THROUGH.

3 ALL WE CAN TELL, YOUR HONOR, IS, IS AND MY CLIENT
4 HAS TOLD ME THIS; IS THAT, HE IS SINCERELY SORRY. THERE
5 IS NOTHING THAT HE CAN SAY THAT WILL CHANGE ANY OF THE
6 EVENTS IN THE PAST. IF HE COULD GO BACK AND DO IT OVER
7 AGAIN, I BELIEVE HE WOULD. AND I BELIEVE HE WOULD STOP
8 THIS. BUT HINDSIGHT IS 20/20. AND WE CAN'T GO BACK AND
9 CHANGE WHAT HAS ALREADY HAPPENED. HE OFFERS HIS SINCERE
10 APOLOGY TO THE FAMILIES. HE OFFERS A SINCERE APOLOGY TO
11 MR. GEORGE. AND HE WOULD ASK THE COURT TO FOLLOW THE
12 NEGOTIATED SENTENCE THAT HAS BEEN NEGOTIATED BETWEEN
13 MYSELF AND THE SOLICITOR'S OFFICE. HE BELIEVES THAT THIS
14 SENTENCE DOES PUNISH HIM FOR WHAT HE DID IN FACT DO. AND
15 THAT IT IS FAIR UNDER THE CIRCUMSTANCES. THANK YOU, YOUR
16 HONOR.

17 THE COURT: YES, SIR. MR. HILTON, WHAT DO SAY ABOUT
18 IT?

19 THE DEFENDANT: I AM VERY SORRY THAT THIS INCIDENT
20 TOOK PLACE. AND I JUST ASK THE FAMILY TO FORGIVE ME.
21 AND I JUST -- I WAS WRONG. AND, YOU KNOW, I JUST, I AM
22 SORRY.

23 THE COURT: ANYTHING ELSE BY THE STATE?

24 MS. BARR: NO, YOUR HONOR.

25 THE COURT: THE SENTENCE, THE NEGOTIATED SENTENCE FOR

1 HIM IS WHAT?

2 MS. BARR: 25 YEARS, JUDGE.

3 THE COURT: MR. HILTON, I WILL ACCEPT THE GUILTY
4 PLEA AND IMPOSE A NEGOTIATED SENTENCE OF 25 YEARS.
5 CREDIT FOR TIME SERVED.

6 MS. JACKSON.

7 MS. JACKSON: YES, SIR. YOUR HONOR, TERRANCE IS 21
8 YEARS OF AGE. HE MADE IT THROUGH THE 10TH GRADE. HE'S
9 BEEN DOING YARD WORK IN THE PAST AND WORKED CONSTRUCTION
10 WORK. HE'S STANDING BEFORE THE COURT TODAY PLEADING
11 GUILTY BECAUSE HE IS GUILTY OF THE CHARGE HE IS PLEADING
12 TO. HE VERY MUCH REGRETS JOINING UP WITH GLEN AND THE
13 OTHERS AND BEING A PART OF THIS. HE PARTICULARLY WANTED
14 ME TO TELL THE COURT AND TO TELL THE FAMILY OF MR. HENRY,
15 THAT HE IS VERY, VERY SORRY. AND HIS WORDS AREN'T ENOUGH
16 AND HE UNDERSTANDS THAT, BUT HE WANTED IT TO BE SAID. AND
17 ALSO PARTICULARLY, MR. GEORGE. MY CLIENT KNEW THESE MEN.
18 HE HAD BEEN IN THAT ESTABLISHMENT ON NUMEROUS OCCASIONS.
19 AND HE, I THINK HE REALIZES JUST NOW HE'S LEARNED THE HARD
20 WAY, YOU KNOW, WHAT HAPPENS WHEN YOU JOIN UP WITH A GROUP
21 LIKE THIS AND PARTICIPATE IN THESE KINDS OF ACTIVITIES.
22 AND YOU CAN'T CHANGE. SOME THINGS YOU CAN'T CHANGE. AND
23 HE'S LEARNED A LOT THE HARD WAY. AND HE JUST WANTS TO TRY
24 TO MOVE FORWARD AND MAYBE TRY TO FINISH HIS EDUCATION OR
25 LEARN A TRADE WHILE HE'S INCARCERATED. AND I THINK HE HAS

1 SPENT A GOOD BIT OF TIME IN PRAYER. AND HE'S JUST TRYING
2 TO MOVE FORWARD, YOUR HONOR. AND HE IS SINCERELY SORRY,
3 AND REGRETS BEING A PART OF THIS.

4 THE COURT: MR. BRADSHAW, WHAT DO YOU SAY?

5 THE DEFENDANT: I AM SO VERY, VERY SORRY. AND I
6 HOPE THE FAMILY FORGIVES ME SO I CAN SLEEP IN PEACE AT
7 NIGHT.

8 THE COURT: SOLICITOR.

9 MS. BARR: NOTHING FURTHER FROM THE STATE.

10 THE COURT: THE NEGOTIATED SENTENCE FOR HIM IS
11 WHAT?

12 MS. BARR: TWENTY-TWO YEARS.

13 THE COURT: MR. BRADSHAW, I ACCEPT THE GUILTY PLEA.
14 AND I SENTENCE YOU TO 22 YEARS IN THE STATE DEPARTMENT OF
15 CORRECTIONS. AND YOU RECEIVE CREDIT FOR TIME SERVED.

16 MS. JACKSON: THANK YOU, YOUR HONOR.

17 THE COURT: WITH REGARD TO MR. THOMPSON IS THERE
18 ANYTHING FURTHER YOU WOULD LIKE TO SAY AT THIS TIME,
19 MR. HOFFMEYER?

20 MR. HOFFMEYER: NO, SIR. I BELIEVE THAT WE WILL LET
21 THE COURT KNOW OUR POSITION ON SOME THINGS THAT MAKE THIS
22 AN APPROPRIATE SENTENCE WHEN HE IS SENTENCED. UNLESS
23 YOUR HONOR WANTS TO HEAR FROM ME ON THOSE ISSUES.

24 THE COURT: AT THIS TIME I WILL ACCEPT THE GUILTY
25 PLEA OF MR. THOMPSON. AND I FIND THAT HE KNOWINGLY WAIVES

1 HIS RIGHT TO A JURY TRIAL WITH THE FULL UNDERSTANDING OF
2 ALL HIS CONSTITUTIONAL RIGHTS. AND WAIVES PRESENTMENT OF
3 THE PARTICULAR CHARGE TO THE GRAND JURY. AND WE WILL
4 DEFER SENTENCING AS TO MR. THOMPSON.

5 MS. BARR: THANK YOU, YOUR HONOR.

6 MR. HOFFMEYER: THANK YOU, SIR.

7 -----END OF REQUESTED TRANSCRIPT OF RECORD-----
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STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG

I, MARGARET T. SULLIVAN, OFFICIAL COURT REPORTER FOR THE THIRD JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS, ON FEBRUARY 5, 2007, FOR WILLIAMSBURG COUNTY, KINGSTREE, SOUTH CAROLINA.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL NOR INTEREST TO ANY PARTY HERETO.

March 30, 2008

Wagant John Oliver

MARGARET T. SULLIVAN, COURT REPORTER
MY COMMISSION EXPIRES OCTOBER 3, 2011

Terrence Bradshaw #320361
Kershaw Institution Magnolia #A31
4848 Goldmine Hwy Kershaw
SC, 29067.

To: The State Supreme Court
Clerk of Court; Mr Daniel Shearouse
PO Box 11330 / Columbia SC, 29211.