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SC SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Aiken County

D. Craig Brown, Circuit Court Judge

SHELDON OAKMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-001612

APPENDIX

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ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
PRELIMINARY HEARING TRANSCRIPT (DATED APRIL 16, 2008)	1
GUILTY PLEA TRANSCRIPT (DATED APRIL 27-28, 2009)	109
RECONSIDERATION HEARING TRANSCRIPT (DATED JUNE 16, 2009)	251
COURT OF APPEALS OPINION 2012-UP-062	282
APPLICATION FOR POST-CONVICTION RELIEF	284
RETURN	291
AMENDMENT TO APPLICATION FOR POST-CONVICTION RELIEF	297
POST-CONVICTION RELIEF HEARING TRANSCRIPT (DATED JANUARY 12, 2015)	300
POST-CONVICTION RELIEF HEARING EXHIBITS	448
ORDER OF DISMISSAL	466
RULE 59(e) MOTION	485
RETURN TO APPLICANT'S RULE 59(e) MOTION	492
ORDER DENYING RULE 59(e) MOTION	496
INDICTMENT	498

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
 APPLICANT'S EXHIBIT #6 (CD- PHONE CALLS), APPLICANT'S EXHIBIT #7 (CD- 911
 CALL)**

1 STATE OF SOUTH CAROLINA) IN THE COURT OF THE MAGISTRATE
 2)
 3 COUNTY OF AIKEN)
 4

5
 6 PRELIMINARY HEARING TRANSCRIPT
 7 DATE OF HEARING: APRIL 16, 2008
 8

9
 10 THE STATE OF SOUTH CAROLINA
 11 PLAINTIFF(S)
 12

13 vs.
 14

15 MARION F. ABNER K-065963; K-065964
 16

17 JOHNNIE W. WALKER F-987794
 18

19 JOHN O. OAKMAN, JR. K-065967; K-065968
 20

21 SHELDON OAKMAN K-206992; K-206993; F-987793
 22

23 RONNIE BOWERS, JR F-987792; K-206994
 24

25 DARRELL WILLIAMS F-987795
 26

27 FRANKIE L. GANTT K-206915; K-206918; K-206991
 28

29 ANDRE NORRIS K-065965; K-065966
 30
 31
 32

33
 34 DEFENSE ATTORNEYS:

JAMES E. WHITTLE, JR.
 GEORGE MCELVEEN
 TOM WOODRUFF
 EVERETT CHANDLER
 PAUL TIMMERMAN
 JERRY SCREEN
 KELLY BROWN
 MICHAEL ROUTZONG

43
 44 STATE REPRESENTED BY:

JOHN W. WEEKS, SOLICITOR'S OFFICE
 45
 46

1 THE COURT

2 Central Preliminary Hearing Court is now in
3 session for the purpose of conducting a
4 preliminary hearing on this the 16th of April,
5 2008, at Aiken, South Carolina. The purpose of this hearing is to examine
6 the facts of the case of the State versus -- I'm going to read these out in
7 order as they're listed on the schedule for preliminary hearing. First
8 defendant is Marion F. Abner, who was charged under warrant K-065963
9 with the offense of kidnapping. Also, charged under warrant K-065964
10 with the offense of murder. He is in court and represented by attorney
11 James Whittle. Next defendant is Johnnie W. Walker, who was charged
12 under warrant F-987794 with the offense of accessory after the fact of
13 murder. The defendant is present in court and represented by attorney
14 George McElveen. Next defendant is John Oakman, Jr., charged under
15 warrants K-065967 with the offense of kidnapping, and warrant
16 K-065968 with the offense of murder. The defendant is present in court
17 and represented by attorney Tom Woodruff. The next defendant is
18 Sheldon Oakman, charged under warrant K-206992 with the offense of
19 murder. Second warrant charging Mr. Oakman K-206993, with the
20 offense of kidnapping and a warrant charging accessory after the fact of
21 murder warrant number F-987793. The defendant is present in court
22 and represented by attorney Everett Chandler. Next defendant is Ronnie
23 Bowers, Jr., charged under warrant F-987792 with the offense of
24 accessory after the fact of murder. Also, under warrant K-206994 with

the offense of kidnapping. Represented by attorney Paul Timmerman.
 Also, Darrell Williams, who's charged under F-987795 with accessory
 after the fact of murder represented by attorney Jerry Screen. Also, Mr.
 Williams is present. Also charged, Frankie Gantt, warrant K-206915,
 with the offense of kidnapping. K-206918 with the offense of murder.
 And K-20699, with possession of a firearm during commission of a
 violent crime. The defendant is in present in court and represented by
 attorney Kelly Brown. Also, Andre Norris charged under warrant
 K-065965 with the offense of kidnapping and also, warrant K-065966
 with the offense of murder represented by attorney Michael Routzong.
 Representing the State will be Solicitor Bill Weeks. The testimony of
 this hearing will be taken down by tape recorder, thereafter transcribed,
 and when so transcribed will constitute the official record of this
 proceeding. All objections to testimony or other evidence offered at this
 time are not waived, but is specifically reserved until such testimony or
 other evidence is offered at a trial or trials had of the accused at a date or
 date subsequent to the date of these hearings. It is further stipulated that
 the formal readings of the arrest warrants on these individuals be hereby
 waived in view of the fact the defendants have been served copies of the
 charges outlined against them. Is this satisfactory with all the attorneys?

COUNSELS FOR DEFENSE

Yes, Your Honor.

THE COURT

All right. With the State?

THE STATE

Yes, Your Honor.

1 THE COURT Before we get started have victim notifications
2 been made?
3
4
5 VICTIM SERVICES Yes, Your Honor.
6
7 THE COURT All right. Please call your witness.
8
9 THE STATE The State would call Investigator Lynn Ghant.
10
11 THE COURT Investigator Ghant, if you'd raise your right
12 hand please, sir. Do you swear or affirm the
13 testimony you're about to give in this case is
14
15 the truth, the whole truth, and nothing but the truth so help you God?
16
17
18
19 INV. GHANT I do.
20
21 THE COURT Please answer any questions.
22
23 THE STATE QUESTIONING WITNESS
24
25 Q: Investigator Ghant, you're employed with the Aiken County Sheriff's
26 Department?
27
28
29 A: Yes, sir, I am.
30
31 Q: Have you been assigned the case to investigate regarding the death of
32 Jeremy Leaphart?
33
34
35 A: Yes, sir.
36
37 Q: Has that investigation led you to obtain a number of warrants that the
38 Magistrate's just previously announced?
39
40
41 A: Yes, sir.
42
43 Q: Would you please state the facts of the case that led you to get the
44 warrants for these various defendants?
45
46

1 A: On December the 26th, 2007, Frances Rudd at [REDACTED], in
2
3 Batesburg, South Carolina filed a missing persons report with the
4
5 Lexington County Sheriff's Office. According to the Lexington County
6
7 incident report, Ms. Rudd stated on December 24th, 2007, she had
8
9 received two telephone calls from her nephew, Jeremy Leaphart, stating,
10
11 "They want their guns or five thousand dollars (\$5,000). They're going
12
13 to kill me." Ms. Rudd stated that that was the last time that anyone had
14
15 heard from Leaphart. Detective Wayne Peak and Detective Ed Pressley,
16
17 of the Lexington County Sheriff's Office were assigned to the case. With
18
19 the investigation conducted by the Lexington County Sheriff's Office it
20
21 was determined that Jeremy Leaphart was last seen getting into a maroon
22
23 car with Darrell Williams and several other black males on December 24th,
24
25 2007, at approximately 4:30 p.m. This was witnessed by Kasey Blizzard
26
27 and Nickie Gunter. On January 16th, 2008, Lexington County detectives
28
29 called Lt. Billy Fleury, a supervisor for the adult criminal investigations
30
31 division of the Aiken County Sheriff's Office and requested to have
32
33 Ronnie Martin transported from the Aiken County Detention Center to
34
35 the Aiken County Sheriff's Office for an interview. Investigator Lynn
36
37 Gbant transported Martin to the sheriff's office where Detectives Peak
38
39 and Pressley interviewed Martin. Martin provided a written statement.
40
41 He had overheard Darrell Williams and Sheldon Oakman talking about
42
43 how Frankie Gantt had shot and kill Leaphart. Martin stated that he heard
44
45 they had placed Leaphart's body in the trunk of Terry Hewitt's red in
46

1 color Toyota Corolla and transported the body to an unknown location.
2
3 On January 17th, 2008, Lexington County detectives Peak and Pressley
4
5 contacted Lt. Fleury of the Aiken County Sheriff's Office and requested
6
7 help in locating a 2007 Toyota Corolla owned by Terry Hewitt, Jr.
8
9 Investigator Charles Cain, of the Aiken County Sheriff's Office, was
10
11 assigned to assist the detectives. Investigator Cain and the Lexington
12
13 County detectives found the vehicle at [REDACTED] in North
14
15 Augusta, which is in Aiken County. The vehicle was towed by
16
17 Wayne's Automotive to the Lexington County Sheriff's Office. On
18
19 January 18th, at the request of the Lexington County detectives, Saluda
20
21 County deputies went to a mobile home rented by Bridget Bowers, at
22
23 [REDACTED] in Ridge Spring, South Carolina, in Saluda County,
24
25 in order to interview Ronnie Bowers, Jr. Saluda County Sheriff Deputy
26
27 Steve Byrd went to the residence, where he noticed a shotgun in plain
28
29 sight underneath under the mobile home. A search warrant was
30
31 obtained and Saluda County deputies recovered a 20 gauge Mossburg
32
33 shotgun, with serial number R116921. The shotgun was found to have
34
35 been reported stolen on August 24th, 2007 to the Aiken County Sheriff's
36
37 Office by Pat Lott, of [REDACTED] in Batesburg.
38
39 Jeremy Leaphart was listed as a possible suspect in the burglary. On
40
41 January 19th, 2008, Detectives Peak and Pressley located Sheldon Oakman
42
43 at his father's residence located at [REDACTED] in Ridge Spring,
44
45 South Carolina, in Aiken County. Detectives interviewed Sheldon
46

1 Oakman in the front yard of his father's residence. Sheldon Oakman
2 was advised of his rights by the Lexington County detective. Sheldon
3 Oakman stated that he was there when Frankie Gantt shot and killed
4 Jeremy Leaphart. Sheldon Oakman was transported to the Aiken
5 County Sheriff's Office where Lexington County and Aiken County
6 investigators continued to interview Sheldon Oakman. Sheldon
7 Oakman admitted to being present with Marion Abner, Jr., Andre
8 Norris, John Oakman, Jr., and Ronnie Bowers, Jr., when Frankie Gantt
9 shot and killed Leaphart. Sheldon Oakman stated that Frankie Gantt
10 fired three times at Leaphart from near the car. Gantt chased Leaphart
11 around the barn and he heard two more shots fired. Sheldon Oakman
12 directed investigators to Hutto Pond Road in Aiken, South Carolina,
13 in Aiken County, where Leaphart was killed. At the scene, investigators
14 observed three spent shotgun shell casings, one live shotgun round, and
15 a Samsung cell phone that was later identified as belonging to Leaphart.
16 Forensic investigator, Clay Adams, of the Aiken County Sheriff's Office
17 was called to and arrived on Hutto Pond Road. Investigator Adams
18 photographed and collected three Remington 20 gauge spent shell casings
19 and one unspent round for further analysis. Investigator Adams also
20 located a Samsung cell phone battery near the front door of the old barn.
21 In supplement interviews with Shelton Oakman he divulged more detail
22 that related to the death of Leaphart. According to Sheldon Oakman,
23 Leaphart was transported to Bridget Bowers residence at [REDACTED]
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1 Road, in Ridge Spring. At the residence were Sheldon Oakman, Marion
2 Abner, Jr., John Oakman, Jr., Ronnie Bowers, Jr., Frank Gantt, Andre
3 Norris, Darrell Williams, and Johnnie Walker. Sheldon Oakman stated
4 that each of these individuals stated above took turns hitting Leaphart,
5 except for John Oakman, Jr. Sheldon Oakman stated that when it was
6 John Oakman, Jr.'s turn Williams had stopped him from hitting
7 Leaphart. On January 20th, 2008, Lt. Billy Fleury and Investigator
8 Lynn Gkant interviewed Frankie Gantt. Gantt was advised of his rights,
9 but refused to make any statements. On January 22nd, 2008, Investigator
10 Gkant met Detectives Peak and Pressley at Hartley's Store in Monetta.
11 The Lexington County detectives had an arrest warrant for Abner and
12 Norris of [REDACTED] Road in Monetta. Investigators went to
13 [REDACTED] and placed Norris under arrest. Norris was
14 transported to the Aiken County Sheriff's Office where Investigator
15 Gkant and Lexington County detectives Peak and Pressley interviewed
16 Norris. Detective Pressley advised Norris of his rights, which Norris
17 elected to waive by signing a Miranda form. Norris stated on
18 December 24th, 2007, he, along with Frankie Gantt, Sheldon Oakman,
19 Ronnie Bowers, Jr., John Oakman, Jr., Marion Abney, Jr., and Leaphart
20 drove to Hutto Pond Road in Aiken County. Once there Frankie Gantt
21 told Abner, Jr. to stop the vehicle on Hutto Pond Road and told Marion
22 Abner to open the trunk and Norris stated that Leaphart got out of the
23 vehicle and started running. Norris continued that Gantt had shot three
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1 times at Leaphart, but had missed. And Leaphart ran behind an old
2 building and Gantt chased after him. Norris stated that after Gantt
3 disappeared behind the building he heard two more shots. Then Gantt
4 came from behind the building and got into the vehicle and they drove
5 off. Norris stated they went they all went back to Johnnie Walker's
6 house at [REDACTED] in Monetta where
7 Darrell Williams and Gantt got into an argument about killing Leaphart.
8 Norris stated that he went home. Norris continued stating that later that
9 night Darrell Williams, Johnnie Walker, Frankie Gantt, Sheldon Oakman,
10 Ronnie Bowers, Jr., and John Oakman, Jr., and Marion Abner, Jr. came to
11 his house wanting him to go back to Hutto Pond Road. Norris stated that
12 he did not want to go but went anyway. Norris stated that he, Williams,
13 and Walker stayed at the vehicle. The rest of the suspects went behind
14 the building came back with Leaphart's body wrapped in a blanket.
15 Norris stated they put Leaphart's body in the trunk of the vehicle and
16 drove to Batesburg. Norris stated they stopped in front of an old yellow
17 colored house. Norris stated that he and Williams, along with Walker,
18 stayed at the vehicle while the rest of the suspects placed Leaphart's body
19 under a pile of rubble. Investigator Pressley asked Norris if he would
20 take investigators to Leaphart's body and Norris agreed. Norris directed
21 investigators to travel to Batesburg. Norris then told investigators to turn
22 left onto North Bethlehem Road. After turning on North Bethlehem Road
23 Norris advised them to turn left onto Russell Street, and then turn right on
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1 Dozier. There were three old abandoned houses. Norris then got out of
2 the vehicle and took investigators to a pile of debris in front of the old
3 yellow house and pointed to the back side of the pile. Investigators found
4 the body wrapped in a blanket where Norris had pointed. Norris was
5 transported to the Lexington County Detention Center where a hold was
6 placed on him for murder and kidnapping. After locating the body
7 believed to be Jeremy Leaphart, Aiken County, Lexington County, and
8 SLED forensic investigator were called. SLED was requested to work
9 the scene by Lt. Fleury. They arrived at the scene, along with the
10 Lexington County Coroner's office. Forensic investigators took
11 photographs, collected evidence from the scene. The Lexington County
12 Coroner's office transported the body to their morgue where it stayed
13 until the following day. The body was then transported to Newberry for
14 an autopsy. On January 22nd, 2008, Investigator Adams removed the
15 shotgun shells from the temporary evidence locker of the Aiken
16 County Sheriff's Office and went to the Lexington County Sheriff's
17 Office and collected a Mossburg 500C shotgun, serial number R116921
18 and took all the items to the State Law Enforcement Division for a
19 ballistic examination. January the 23rd, 2008, the Lexington County
20 Coroner's office transported the body to the Newberry Hospital, where
21 pathologist Joel Sexton performed the autopsy. Dr. Sexton stated that
22 the cause of death was asphyxiation due to a laceration of the carotid
23 artery from a shotgun wound of the chin and neck areas. The identity
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1 of the body was confirmed in that of Jeremy Leaphart through
2 fingerprints by Edward Porter, Forensic Scientist, with SLED. On
3 January 23rd, 2008, Investigator Ghant interviewed Bridget Bowers at
4 the Aiken County Sheriff's Office. Bridget stated on December 24th,
5 2007, her boyfriend, Darrell Williams, come to her residence located at
6 [REDACTED], in Ridge Spring, South Carolina, at around
7 11:00 and stayed until 3:00 p.m. helping her wrap gifts. Bridget stated
8 that Williams told her that he was going to get a ride and go check on
9 his car. Bridget stated she did not see Williams again until later that
10 night. Bridget stated that Williams arrived at her residence around
11 10:00 p.m. and stayed the night. I asked Bridget about the shotgun that
12 was found under her mobile home and she stated she did not know how it
13 got there. On January 23rd, 2008, Ronnie Bowers was arrested on
14 warrant number F-987792 for accessory after the fact of murder. Bowers
15 was transported to the Aiken County Sheriff's Office for an interview.
16 Bowers stated he did not want to make a statement. IO transported
17 Bowers, Jr., to the Aiken County Detention Center. I went back to back
18 out to the Aiken County Detention Center to serve warrants on one of the
19 co-defendants. Bowers requested to speak to IO. IO advised Bowers of
20 his rights. Bowers, Jr. waived his rights by signing a Miranda form.
21 Bowers, Jr. stated that he was walking down a road in Ridge Spring when
22 Sheldon Oakman stopped, picked him up. Bowers, Jr. stated that they
23 followed Frankie Gantt, who was in the other car. They drove down a dirt
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1 road in Aiken County. Bowers, Jr. stated that Gantt, John Oakman, Jr.,
2 Andre Norris, and Marion Abner, Jr., and Leaphart got out of the vehicle.
3 Bowers stated that Gantt and Leaphart walked into the woods. He only
4 heard two gunshots and saw Gantt come from behind a building with a
5 shotgun. Bowers stated that they drove off and Sheldon Oakman
6 dropped him back off in Ridge Spring in front of his cousin's house
7 Bowers stated that he never went back with them to move the body. On
8 January 24th, 2008, I signed arrest warrant K-065967 for kidnapping and
9 warrant K-065968 for murder against John Oakman, Jr. John Oakman, Jr.
10 was arrested and transported to the Aiken County Sheriff's Office.
11 Lt. Fleury and Investigator J.D. Sanders interviewed John Oakman, Jr.
12 Oakman was advised of his right, which he elected to waive by signing a
13 waiver, a Miranda form. In an audio taped statement John Oakman, Jr.
14 stated that when he arrived at Bridge Bowers trailer at [REDACTED]
15 Road, in Ridge Spring, Frankie Gantt was arguing with Jeremy Leaphart
16 about guns. John Oakman, Jr. stated that they all started hitting Leaphart.
17 Walker hit Leaphart in the face and then Gantt, Abner Jr., and Sheldon
18 Oakman hit Leaphart. John Oakman, Jr. stated that he started to hit
19 Leaphart, but that Williams had stopped him. John Oakman stated that
20 Walker had grabbed a hot iron and stuck it to the left side of Jeremy's
21 face. John Oakman stated that Williams stood back, threw up his hands
22 and stated, "I'm not touching him. You do it." John Oakman, Jr. stated
23 that Bridget Bowers told them that they had to leave because her children
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1 were there. Williams told everyone to leave and take Leaphart to
2 Walker's house. John Oakman, Jr. stated that he, along with Gantt,
3 Abner, and Norris, Bowers, Jr., and Sheldon Oakman drove Leaphart
4 to Hutto Pond Road in Aiken County. Oakman, Jr. stated he got into
5 T.J.'s vehicle on the left rear passenger side. Leaphart sat in the back
6 middle between he and Norris. Gantt was in the front passenger seat.
7 John Oakman, Jr. stated Abner was driving. Sheldon Oakman and
8 Ronnie Bowers were in the other car following them. Oakman stated
9 that Leaphart was talking on his cell phone crying trying to get money.
10 John Oakman stated that Gantt fired three times at Leaphart near the
11 road but missed him. Gantt chased after Leaphart behind the barn and
12 John Oakman, Jr. heard more shots and he looked the other way
13 because he did not want to see. John Oakman, Jr. stated that Gantt told
14 him to get another shell and bring it to him but that Sheldon Oakman
15 already had one and took it to Gantt. John Oakman, Jr. stated that
16 Gantt put the shotgun back in the trunk of the vehicle and they went to
17 Walker's residence. John Oakman, Jr. stated that everyone, Darrell
18 Williams, Johnnie Walker, Sheldon Oakman, Andre Norris, Frankie
19 Gantt, and Marion Abner, Jr., and Ronnie Bowers, including himself
20 went to Hutto Pond Road to move the body. John Oakman, Jr. stated
21 that Andre Norris, Sheldon Oakman, and Frankie Gantt went to get the
22 body and placed it in the trunk of the 2007 red Toyota Corolla. John
23 Oakman, Jr. stated it was Norris' idea to take the body to Batesburg.
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1 John Oakman went on to say that Norris, Sheldon Oakman, Frankie Gantt,
2 and Ronnie Bowers, Jr. carried the body from the trunk to the trash pile.
3
4 On January 24th, 2008, forensic scientist Dan Depriest, of the South
5 Carolina State Law Enforcement Division examined the Remington
6
7 20 gauge shotgun shell and the Mossburg shotgun submitted by
8
9 Investigator Clay Adams. The Coroner's Report states that items #1, #2,
10
11 and #3, which are the three fired 20 gauge shotgun shells were examined
12
13 and microscope compared with each other with the test shotgun shells
14
15 fired by item #5, which is the Mossburg shotgun. The firing pin
16
17 impressions were compared. It was concluded that the shotgun shells
18
19 #1, #2, and #3 were fired by the Mossburg shotgun. On January the
20
21 29th, 2008, Investigator J.D. Sanders and Viktoria Lager interviewed
22
23 Terry Hewitt, Jr. at the Aiken County Sheriff's Office. In an audio taped
24
25 interview Hewitt stated that on December 21st, 2007, he drove
26
27 Darrell Williams to [REDACTED]. Williams told Hewitt to wait by the
28
29 vehicle because Williams and Leaphart had to move some guns. On
30
31 December the 23rd, 2007, Hewitt loaned his 2007 red Toyota Corolla for
32
33 crack. Hewitt told Abner, who had been driving the vehicle, and the
34
35 passenger Sheldon Oakman, that if they bought him a piece of crack and
36
37 took him home they could use his car until the following day. It was
38
39 stated it was that his vehicle was returned to him on December 25th, 2007,
40
41 approximately 1130 hours. Hewitt stated that Gantt was driving the
42
43 vehicle and Tobias was with him when they picked him up. On
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1 January 30th, 2005, Investigator Gantt interviewed Bridget Bowers again.
2
3 I advised Bowers of her rights, which she elected to waive. Bowers
4
5 stated Williams and Walker arrived at her residence at around 11:00 a.m.
6
7 on December 24th, 2007. Bowers stated that she left her residence around
8
9 2:30 p.m. and Williams and Walker were still at the residence. Bowers
10
11 stated she returned home around 4:00 p.m. to find Williams, Walker,
12
13 Norris, Gantt, Sheldon Oakman, John Oakman, Jr., Ronnie Bowers, and
14
15 Abner, Jr., and Leaphart at her residence. Bowers stated that they were all
16
17 arguing with Leaphart about guns. Bowers told them they had to leave.
18
19 Bowers stated that Leaphart, Gantt, John Oakman, Jr., Marion Abner, Jr.,
20
21 and Norris got into a red Toyota. Sheldon Oakman and Ronnie Bowers
22
23 got into an Oldsmobile. Bowers stated that Walker and Williams stayed
24
25 behind. On January 30th, 2008, Lt. Fleury and Investigator Sanders
26
27 interviewed Marion Abner, Jr. at the Saluda County Detention Center.
28
29 Lt. Fleury and Investigator Sanders then transported Abner, Jr. to the
30
31 Aiken County Sheriff's Office for a subsequent interview. Abner, Jr. was
32
33 advised of his rights, which he elected to waive. Abner, Jr. stated that
34
35 Williams and Walker went to pick up Leaphart. Williams called Abner
36
37 and told him that they had Leaphart and he had heard Walker yelling
38
39 in the background for Abner to plug in the iron. Abner stated he plugged
40
41 in the iron. Abner stated that when Williams, Walker, and Leaphart
42
43 arrived at Bridget Bowers residence they took him inside. Abner stated
44
45 that Walker grabbed the hot iron and tried to burn Leaphart's face that
46

1 Leaphart put his hands up and continue that Williams, Walker told
2 Walker not to mess with Leaphart but that Walker burned Leaphart's
3 hands. Abner stated that Walker then put the iron down and punched
4 Leaphart in the face. Abner stated that Williams told Walker to wait
5 and to give Leaphart a chance to talk first and that Leaphart told
6 Williams that he did not know where the guns were. Abner stated
7 that Williams told Leaphart that they were going to beat him if he did
8 not tell him where the guns were. Abner stated that Williams told them
9 to beat Leaphart. Abner stated that he had hit Leaphart, along with
10 John Oakman, Jr. and Ronnie Bowers. After that Gantt stepped in and
11 seriously beat Leaphart. Abner stated that Kiesha heard the noise,
12 came out, and that was when Bridget Bowers told everyone to leave.
13 Williams told them to take Leaphart to Walker's house. Abner stated
14 that Walker stood in the driveway in case Leaphart ran. Abner stated that
15 he drove a 2007 Toyota Corolla that belonging to Terry Hewitt, Jr. Gantt
16 was in the front passenger seat. Leaphart sit in the rear between, the rear
17 seat, between Norris on one side and John Oakman, Jr. on the other side.
18 Sheldon Oakman and Ronnie Bowers followed in Walker's 1997
19 burgundy Oldsmobile Alero. Abner stated that while they were driving
20 to Walker's house Gantt told Abner to turn on Highway 39. Abner stated
21 that he questioned Gantt and Gantt told him if he did not turn the vehicle
22 he was going to get the same thing. Abner stated that Gantt directed him
23 to a dirt road and told him to stop in front of an old barn. Abner stated
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1 that Leaphart was on the phone trying to get money when they stopped
2 on Hutto Pond Road. Abner stated that Gantt told everyone to get out of
3 the vehicles. Abner stated that Gantt took the phone from Leaphart, told
4 him he would make him talk. Abner stated that Gantt told him to pop the
5 trunk and Gantt told Leaphart to stand in front of the barn. Abner stated
6 that when Gantt got the shotgun out of the trunk Leaphart took off
7 running. Abner stated that Gantt fired one shot and missed Leaphart.
8 Gantt fired three more times and believed he missed. Abner stated that
9 Gantt chased after Leaphart and fired another shot. Abner stated that
10 Gantt yelled for Sheldon Oakman to bring another shotgun shell. Oakman
11 complied and a fifth shot was fired. Abner stated that on their way back
12 to Walker's house, Gantt called Walker and told Walker Leaphart had run
13 and I, Gantt, had to kill him. Abner, Jr. stated that they waited until dark
14 when Williams told them, "Get up we got to go move this man." Abner
15 stated that someone grabbed a blanket from Walker's residence. Abner
16 stated that when they got to Hutto Pond Road Williams used his flash
17 from his camera phone to try and locate the body and stated that when
18 they had found the body he saw a hole in Leaphart's neck. Abner stated
19 that Andre Norris had taken the blanket from the Toyota, taken it to the
20 body, and pulled the body onto the blanket. Norris and Sheldon
21 Oakman couldn't lift the body and Williams told Gantt he better help.
22 Three of them carried the body back to the Toyota Corolla, put the body
23 in the trunk. Abner stated that he drove the vehicle around the Gilbert
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1 area trying to find a place to dump the body. When they stopped Norris
2 took over and drove the vehicle. Abner stated that Norris took them to an
3 abandoned house on Dozier Street where he said his grandmother used to
4 live. Abner stated that Norris, Sheldon Oakman, and Gantt carried the
5 body from the vehicle onto the trash pile. Abner saw someone fall and
6 the body roll down by a pen. Abner stated that he saw Norris use his
7 foot to push the body down into the space between the pile and the pen
8 and then cover the body with debris. At the audio taped interview at the
9 Aiken County Sheriff's Office, Marion Abner, Jr. led investigators
10 Lt. Fleury, Investigator Gantt and Sanders, and forensic investigator
11 Chris Johnson back to the crime scene on Hutto Pond Road in Aiken
12 County. Abner showed Lt. Fleury how the event took place on
13 December 24th. The interview was video taped by the forensic
14 investigator Johnson. On March 21st, 2008, Johnnie Walker signed an
15 inmate request form asking to speak to Aiken County Sheriff's Office
16 investigators. On March the 26th, 2008, Investigator Ghant picked up
17 Johnnie Walker from the county jail and transported him to the
18 Aiken County Sheriff's Office for an interview. I advised Walker of
19 his right, which he elected to waived by signing a Miranda Warning
20 form. Walker, in an audio taped interview, stated on December 24th,
21 2008, he, along with Darrell Williams, John Oakman, Jr., and Shelton
22 Oakman went to pick up Jeremy Leaphart from his girlfriend's house.
23 Walker stated they passed Leaphart on the side of the road as they
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1 pulled into Casey Blizzard's driveway. Walker stated Leaphart came back
2
3 to the driveway and started to argue with Casey about stolen guns. Robert
4
5 stated Leaphart got into her vehicle and they drove to Walker's house.
6
7 Walker stated while driving to his residence Leaphart called Casey
8
9 Blizzard and argued with her about her father stealing the guns. Walker
10
11 stated they arrived at his residence and hung out for a while drinking and
12
13 playing cards. Walker stated we all left and went to Bridget Bowers
14
15 residence. Walker stated that when they arrived at Bridget Bowers
16
17 residence Terry Hewitt's vehicle was in the driveway and
18
19 Ronnie Bowers, Jr., Frankie Gantt, Marion Abner, Jr., and Andrew Norris
20
21 were in the residence. Walker stated they went into the residence.
22
23 Frankie Gantt asked Leaphart about the guns. Leaphart stated he would
24
25 try to get the guns back. Walker stated that Gantt then slapped Leaphart
26
27 in the face with his hands about three or four times. Walker stated that
28
29 Darrell Williams pulled Gantt back. Sheldon Oakman, and
30
31 John Oakman, Jr., and Marion Abner then started hitting Leaphart.
32
33 Walker stated that Leaphart told him he would not do anything like that.
34
35 Walker stated that Williams told Gantt, and Abner, and Sheldon Oakman,
36
37 and John Oakman, Jr., and Ronnie Bowers to take Leaphart to Walker's
38
39 house and get him cleaned up. Walker stated that he tried calling
40
41 Marion Abner, Jr.'s cell phone but did not get an answer. Walker stated
42
43 that Abner, Jr. returned his call and told him they were on Highway 39
44
45 going back to Walker's residence. Walker stated that Frankie Gantt
46

1 called him, told him that he had killed Leaphart. Walker stated to Gantt,
2 he asked Gantt why he shot Leaphart, and Gantt told him because he ran.
3 Walker stated that after he hung up with Gantt he told Williams what had
4 happened and Williams started crying. Walker stated that Gantt,
5 Bowers, Jr., Andre Jr., Sheldon Oakman, John Oakman, Jr., and Norris
6 arrived at Walker's house sometime after it had got dark. Walker stated
7 Williams had got into an argument with Gantt by talking by killing
8 Leaphart. Walker stated about 30 minutes had passed. Williams stated
9 they needed to get the body. They needed to get the body. Walker stated
10 that Gantt went to his residence and got the blanket in order to wrap
11 Leaphart's body. Walker said they all went to Hutto Pond Road. Walker
12 stated that he and Williams stood beside the vehicle while everyone else
13 went behind the old barn to get the body. Walker stated that the others
14 came back and stated they could not find the body. Williams then met
15 behind the barn with the others and returned later with Leaphart's body
16 wrapped in the blanket. Walker stated Leaphart's body was placed into
17 the trunk of Terry Hewitt's vehicle. Walker stated they drove around
18 looking for a place to dump the body. Andre Norris told them where
19 they could put the body. Walker stated they drove to an abandoned
20 house on Dozier Street in Batesburg. Walker stated he stood beside the
21 vehicle along with John Oakman, Jr. while everyone else went to place
22 the body under the pile of debris. Walker stated after dumping the body
23 they went back to his house and then split up.

1 Q: Detective Ghant, did you recently receive a DNA Forensics Report
2
3 from South Carolina Law Enforcement Division?
4
5 A: Yes, sir, I have.
6
7 Q: Indicating some results?
8
9 A: Yes, sir.
10
11 Q: And if I ask you to blow it down the SLED folks took swabs from the
12
13 vehicle?
14
15 A: That's correct.
16
17 Q: That was the Terry Hewitt vehicle?
18
19 A: Yes, sir.
20
21 Q: The red what was it? What kind of vehicle was it?
22
23 A: It was a ---
24
25 Q: Corolla or whatever?
26
27 A: Toyota Corolla. Yes, sir.
28
29 Q: And those swabs have come back from SLED indicating that Jeremy
30
31 Leaphart's blood was on those swabs?
32
33 A: Yes, sir, it was.
34
35 Q: And the swabs came from where in the car?
36
37 A: The trunk of the car.
38
39 Q: Now Lynn, if you would, take me through Marion Abner. Marion Abner
40
41 goes by Junior. Right? Was he called Junior?
42
43 A: Yes, sir. He was called Junior. Yes, sir.
44
45 Q: Okay. These individuals, who all has given statements indicating that
46

1 Marion Abner was involved in the kidnapping and murder of Jeremy
2
3 Leaphart?
4
5 A: I believe it was Sheldon Oakman, John Oakman, Jr., Andre Norris, and
6
7 Marion Abner also gave a statement as to his involvement.
8
9 Q: Okay. And the kidnapping in Aiken County would have been the
10
11 transportation of Jeremy Leaphart into Aiken County and his subsequent
12
13 death?
14
15 A: Yes, sir.
16
17 Q: In Aiken County?
18
19 A: To on Hutto Pond Road, which is in Aiken County.
20
21 Q: Okay. You mentioned several different residences. Johnnie Walker's
22
23 residence is in Aiken County isn't it?
24
25 A: Yes, sir, it is. Up in Monetta on #1.
26
27 Q: Okay. And as you understood from the various statements some of these
28
29 men have given statements against the other, given statements against
30
31 themselves, and some of these statements are different. Is that correct?
32
33 A: That's correct. Yes, sir.
34
35 Q: Not everybody's telling the same story to be simple about it.
36
37 A: Yes, sir.
38
39 Q: The Marion Abner story has him at the residence in Saluda County where
40
41 all this began?
42
43 A: Yes, sir.
44
45 Q: And has him coming to Aiken County in the car?
46

- 1 A: Yes, sir.
- 2
- 3 Q: How did he physically get to Aiken County?
- 4
- 5 A: He was in the Toyota that Jeremy was in, along with Gantt, and I think
- 6
- 7 Marion Abner, Jr. was actually the driver of the vehicle. He drove him
- 8
- 9 into Aiken County.
- 10
- 11 Q: All right. Junior was the driver and that's the one they call Marion Abner?
- 12
- 13 A: Correct.
- 14
- 15 Q: And he was driving the red Toyota Corolla?
- 16
- 17 A: Correct.
- 18
- 19 Q: And that's where the blood samples were taken?
- 20
- 21 A: Yes, sir.
- 22
- 23 Q: All right. In that car, coming into Aiken County, what's your
- 24
- 25 information who was contained in that car and what was their seating
- 26
- 27 arrangement?
- 28
- 29 A: My understanding was that Marion Abner was driving. Frankie Gantt was
- 30
- 31 in the front passenger seat. Leaphart was in the middle in the backseat
- 32
- 33 flanked by J.J., which is John Oakman, Jr. and I believe it was Andre
- 34
- 35 Norris.
- 36
- 37 Q: Okay. By the various statements that have been given did Marion Abner
- 38
- 39 have knowledge that they were trying to get information and/or money
- 40
- 41 and/or guns from Jeremy Leaphart?
- 42
- 43 A: Yes.
- 44
- 45 Q: And that was when they arrived in Aiken County?
- 46

1 A: That's correct.

2
3 Q: All right. Some of these phone calls that you've indicated that were made
4
5 they were actually made from the car?

6
7 A: That's correct.

8
9 Q: With all of these fellows in that car. Is that right?

10
11 A: Yes, sir.

12
13 Q: And the phone calls have been recorded. A couple of them have haven't
14
15 they?

16
17 A: Yes, sir. Some of them's been recorded, actually by the 911 operator at
18
19 Saluda County.

20
21 Q: All right. Jeremy Leaphart actually called the 911 operator and tried to
22
23 somehow tell her that he was being held.

24
25 A: Yes, sir, he was.

26
27 Q: He was trying to tell her to meet him at the Monetta ball fields or
28
29 something?

30
31 A: That's correct.

32
33 Q: Okay. And that call, to your information, was made from the car that
34
35 transported him to where he was killed in Aiken County?

36
37 A: Yes, sir.

38
39 Q: Okay. And Marion Abner was driving that car wasn't he?

40
41 A: Correct.

42
43 Q: Johnnie Walker, he's charged with accessory after the fact to murder.

44
45 A: Yes, sir.

46

1 Q: Johnnie Walker was not present at the killing of Jeremy Leaphart was he?
2
3 A: No, sir. He was not.
4
5 Q: What is your information from the various statements as to Johnnie
6
7 Walker's role in disposing of the body?
8
9 A: It was that after they left Ridge Spring they went to Hutto Pond Road.
10
11 Q: After they left Ridge Spring. What was at Ridge Spring that they left
12
13 from?
14
15 A: That's where Bridget Bowers, where they beat him up and allegedly
16
17 they would use to torture him with the hot iron.
18
19 Q: That was in Saluda?
20
21 A: That's correct. Yes.
22
23 Q: When they left Johnnie Walker's house.
24
25 A: They left Johnnie Walker's house---
26
27 Q: After Jeremy Leaphart was killed tell me.
28
29 A: They went to, after the killing they went to Walker's house, discussed
30
31 about getting the body and taking it away. They went all of them,
32
33 including Johnnie Walker, went back to Hutto Pond Road.
34
35 Q: Was Johnnie Walker present when these conversation were being had
36
37 about disposing of the body?
38
39 A: Yes, sir.
40
41 Q: All right. And everybody was gathered up there?
42
43 A: Yes.
44
45 Q: I believe there was one statement that somebody was dropped off.
46

1 A: I think that was ---
2
3 Q: Are there contradictory statements about who all was present at Johnnie
4
5 Walker's house?
6
7 A: Yes. But my understanding everybody was present and stayed there for
8
9 probably 30 minutes and then that's when Darrell Williams said we got
10
11 to go get this boy.
12
13 Q: Okay. What was the source of this other car that was present at the time
14
15 Jeremy Leaphart was killed?
16
17 A: The red Alero was, I believe, Johnnie Walker's cousin's vehicle that he
18
19 was driving.
20
21 Q: That who was driving?
22
23 A: That Johnnie Walker's was his he'd been using. And Sheldon Oakman
24
25 was driving it and Ronnie Bowers was in the passenger seat.
26
27 Q: That's at the time that the Leaphart man was killed. Is that correct?
28
29 A: That's correct.
30
31 Q: When they went back the second time where was Johnnie Walker?
32
33 A: He was in the Toyota.
34
35 Q: Okay. And somebody was driving the car that was loaned to him?
36
37 A: Yes. Sheldon Oakman was driving the Oldsmobile and Marion Abner, Jr.
38
39 was driving the red Toyota that transported the body. The one that Gantt
40
41 and them were riding in.
42
43 Q: Okay. And Johnnie Walker was present the whole time in the car, with
44
45 the body, and they're riding around Aiken County?
46

1 A: That's correct.
2
3 Q: Batesburg, which would be, I guess, Lexington County?
4
5 A: Yes. And Gilbert.
6
7 Q: Gilbert would be Lexington County?
8
9 A: Lexington County.
10
11 Q: Looking for a place to dump the body of Jeremy Leaphart.
12
13 A: That's correct.
14
15 Q: And they finally ended up on a location in Lexington County?
16
17 A: Correct. Norris indicated that he knew where they could dump the body
18
19 because the grandmother had stayed in one of those houses previously.
20
21 Q: Okay. And both Johnnie Walker and maybe another man had given a
22
23 statement that they were there. They saw it. That they were standing by
24
25 the car when the other men physically carried the body.
26
27 A: That's correct.
28
29 Q: Okay. Now at that location for dumping the body there were two cars and
30
31 eight men is that right?
32
33 A: That's correct.
34
35 Q: John Oakman, Jr.. J.J. is what they call him. Is that correct?
36
37 A: Correct. Yes, sir.
38
39 Q: Now he's charged with kidnapping and murder.
40
41 A: Correct.
42
43 Q: He's given a statement. Is that correct?
44
45 A: That's correct.
46

1 Q: His statement places him at the residence of Bridget Bowers?
2
3 A: Yes. He was placed ---
4
5 Q: That's in Saluda?
6
7 A: Yes.
8
9 Q: All right. And that's where Jeremy Leaphart allegedly was tortured?
10
11 A: That's correct.
12
13 Q: All right. From there where did John Oakman, Jr. go?
14
15 A: From there he was in the vehicle that transported Leaphart away from
16
17 Bridget's house to Hutto Pond Road. From there ---
18
19 Q: Hutto Pond Road being the location in Aiken County?
20
21 A: Correct.
22
23 Q: So he was present with the victim in the car?
24
25 A: Yes.
26
27 Q: Where was he sitting in the car?
28
29 A: He was sitting with beside the victim in the back seat.
30
31 Q: Okay. And it's your information that the victim made several calls
32
33 indicating that he was kidnapped?
34
35 A: Correct.
36
37 Q: And he was going to be ---
38
39 A: Needing money or guns.
40
41 Q: Okay. Or what?
42
43 A: Or they were going to kill him.
44
45 Q: All right. And Oakman, did he indicate he heard those conversations or
46

1 has anybody else given statements indicating that they heard those
2
3 conversations?
4
5 A: Yes. They indicated that he was on the phone.
6
7 Q: Who was on the phone?
8
9 A: That Leaphart was on the phone talking to several different people trying
10
11 to get money and/or find out where these what happened to these guns.
12
13 Q: Okay. This is all while they're taking the last trip to Aiken County?
14
15 A: That's correct.
16
17 Q: Before Mr. Leaphart's shot.
18
19 A: Yes.
20
21 Q: All right. Now John Oakman's charged with murder. What was his
22
23 participation in the alleged murder of Jeremy Leaphart?
24
25 A: According to the other witnesses is that when Leaphart was shot at by
26
27 Gantt and he ran behind the building, several more shots were fired.
28
29 When he originally got, my understanding is he went and got the
30
31 shotgun out of the trunk of the car. He racked it. One shell fell out into
32
33 the trunk of the car of the Toyota. He then yelled for Sheldon to get the
34
35 shell casing or the round and bring it to him. And there's two different
36
37 statements is that according to J. J. that Sheldon got the round took it back
38
39 to him. And that ---
40
41 Q: And Sheldon says J.J. got the round and took it back to him.
42
43 A: Correct. And then there was rounds placed into the shotgun and fired one
44
45 more time at close range.
46

1 Q: Do you have an understanding then as to the pathologist indicating that
2
3 there were three gunshot wounds essentially on the body of Jeremy
4
5 Leaphart?
6
7 A: Yes.
8
9 Q: Okay. And two of them were potentially fatal?
10
11 A: Yes, sir. To the, I think to the neck and to the chin area.
12
13 Q: Okay. Now Mr. Oakman, John Oakman, Jr., doesn't say he's the one that
14
15 took the shell back there to finish Mr. Leaphart off with.
16
17 A: No.
18
19 Q: Sheldon Oakman says that. Is that correct?
20
21 A: Yes, sir.
22
23 Q: John Oakman, Jr. was, Jeremy Leaphart was sandwiched between John
24
25 Oakman, Jr. and Andre Norris. Is that correct?
26
27 A: Yes, sir.
28
29 Q: Okay. Now was John Oakman, Jr. present in Saluda when all the torturing
30
31 and hitting was going on?
32
33 A: Yes, he was.
34
35 Q: Okay. Did he participate in that?
36
37 A: Yes, he did.
38
39 Q: How did he participate in that?
40
41 A: He also hit Jeremy.
42
43 Q: Sheldon Oakman. Sheldon Oakman gave a statement implicating himself
44
45 in coming to Aiken County with these guys didn't he?
46

1 A: Correct.
2
3 Q: And he subsequently gave another statement indicating he was present
4
5 when Jeremy was hit?
6
7 A: Yes.
8
9 Q: Tortured?
10
11 A: Yes.
12
13 Q: How did you indicate or how did you determine that Sheldon Oakman
14
15 may be involved in the actual killing of the defendant?
16
17 A: Because of that again like J. J. had said, John Oakman, Jr., that when
18
19 the last shot was fired Gantt had run out of shells and hollered that there
20
21 was one left in the trunk and for him to go get it. At that point he said
22
23 that they went and got it and he took it around there and gave it to him is
24
25 my understanding of what J. J. has indicated.
26
27 Q: And J. J. indicated there was another shot fired?
28
29 A: That's correct.
30
31 Q: And they came back without Mr. Leaphart?
32
33 A: That's correct.
34
35 Q: Okay. And what else was Mr. Oakman's involvement with regard to the
36
37 kidnapping?
38
39 A: My understanding is that he was with them when they went to Casey
40
41 Blizzard's residence and got him from that residence and took him to
42
43 Bridget Bowers house.
44
45 Q: He was one of the ones where he was picked up, according to the
46

1 statements, several guys picked him up?

2

3 A: Correct.

4

5 Q: And they took him to Bridget Bowers?

6

7 A: Correct.

8

9 Q: Was he purportedly one of the ones in the car when the call was made

10

11 telling them to plug up the iron?

12

13 A: Yes.

14

15 Q: Okay. And he was there from the time they picked up Jeremy on the side

16

17 of the road?

18

19 A: That's correct.

20

21 Q: Until the time Jeremy's body was disposed of. Is that correct?

22

23 A: Yes, sir.

24

25 Q: All right. Your Honor, for the record, the State's not proceeding on

26

27 warrant F-987793, accessory after the fact of murder for Sheldon Oakman.

28

29 Is that correct, Lynn?

30

31 A: Yes, sir.

32

33 THE COURT So noted.

34

35 THE STATE CONTINUING QUESTIONING

36

37 Q: That was initially the warrant yall took out and then subsequent

38

39 information from the other defendants ---

40

41 A: Yes, sir.

42

43 Q: Put a little more responsibility on Mr. Oakman than he did himself.

44

45 A: Yes, sir.

46

- 1 Q: Would that be fair?
- 2
- 3 A: Yes, sir.
- 4
- 5 Q: Ronnie Bowers, Jr. He's charged with accessory after the fact of murder
- 6
- 7 and kidnapping. Can you tell what Mr. Bowers roll in the accessory after
- 8
- 9 the fact -- well, let me start with the kidnapping first. How is he
- 10
- 11 involved in the kidnapping of Mr. Leaphart?
- 12
- 13 A: He was in the second vehicle when they transported him from Saluda to
- 14
- 15 Hutto Pond Road in Aiken County. And he got out. My understanding
- 16
- 17 he was at the vehicle, got out of the vehicle when the murder took place.
- 18
- 19 Q: All right. The where was Mr. Bowers in Saluda County before that fatal
- 20
- 21 ride was taken?
- 22
- 23 A: He was inside the residence. Also, he assaulted Mr. Leaphart.
- 24
- 25 Q: Was he involved in the interrogation or the torture of Mr. Leaphart to
- 26
- 27 determine the location of some guns?
- 28
- 29 A: Yes. He also did hit him with the rest of them when they were taking
- 30
- 31 turns assaulting and punching him in the face and when the iron was, he
- 32
- 33 was standing there with them.
- 34
- 35 Q: What was your understanding his or these fellows were doing when they
- 36
- 37 left the residence of Ms. Bowers in Saluda County. Where were they
- 38
- 39 purportedly heading?
- 40
- 41 A: They were supposed to be heading to Walter's house, to Johnnie Walter's
- 42
- 43 house in Monetta.
- 44
- 45 Q: All right. And that would be in Aiken County?
- 46

1 A: That's correct.
2
3 Q: That's where they were all directed to go to let him clean up?
4
5 A: That's correct.
6
7 Q: All right. Mr. Bowers was present with this gang of men who, he was in
8
9 the second car. Is that right?
10
11 A: Yes, sir. He was in the second car with Sheldon Oakman.
12
13 Q: That second car followed the first car.
14
15 A: The red Toyota. That's correct.
16
17 Q: To Aiken County. And all these fellows witnessed Mr. Leaphart being
18
19 killed. Is that correct?
20
21 A: Yes, sir.
22
23 Q: All right. Now Mr. Bowers left the scene of the killing and went where?
24
25 A: He says that he was dropped back off at his cousin's house in Ridge
26
27 Spring, but the other witnesses said they all went back to Walker's house
28
29 where they hung around and then talked about going to get the body and
30
31 taking it off and dumping it. He went back with them and got the body
32
33 and took it to Batesburg, on Dozier Street.
34
35 Q: All right. And this there were two cars involved in retrieving the body?
36
37 A: That's correct.
38
39 Q: And they followed each other?
40
41 A: Yes, sir.
42
43 Q: All over wherever they went?
44
45 A: Yes, sir.
46

1 Q: Mr. Bowers was in one of those cars?
2
3 A: He was in the Oldsmobile Alero. The same one that he left in when he
4
5 first when Jeremy was first taken to Hutto Pond Road and he was in the
6
7 same vehicle when they went back to get the body and to Dozier Street
8
9 in Batesburg.
10
11 Q: Okay. Now Mr. Bowers, did he give a statement as where the blanket
12
13 came from that Jeremy was wrapped in?
14
15 A: No, he didn't.
16
17 Q: Who indicated that?
18
19 A: That was, I think, Mr. Walker.
20
21 Q: Mr. Walker says Gantt went and got it. And somebody else says Mr.
22
23 Walker or it was brought from Mr. Walker's house. Is that correct?
24
25 A: That's correct.
26
27 Q: All right. Darrell Williams is charged here with accessory after the fact
28
29 of murder.
30
31 A: Yes, sir.
32
33 Q: Tell me what his involvement was.
34
35 A: His involvement was that he went and picked up Jeremy. He was one of
36
37 the ones that went and picked him up. Transported him to Saluda to
38
39 Bridget's house, which is, that's his girlfriend's house. From there he
40
41 told him when he was assaulted that to go clean him up and take him to
42
43 Walker's house. It wasn't until later on when Gantt called Johnnie
44
45 Walker and told him that he killed Leaphart that Walker informed
46

1 Darrell Williams that Gantt had shot and killed Jeremy. And then he made
2
3 a decision they needed to go get the body and move him. So they went
4
5 back to Hutto Pond Road.
6

7 Q: According to these witnesses, Williams was the one directing him to go
8
9 get the body?
10

11 A: That's correct.
12

13 Q: He went with them.
14

15 A: He went with them. That's correct.
16

17 Q: That's when he arrived in Aiken County.
18

19 A: That's correct.
20

21 Q: And at that location where the body was found you have information
22
23 that he helped locate the body?
24

25 A: Yes. That they went, he first told them that yall did it. Yall need to go
26
27 and Walker and Williams stood beside the car and then they came back
28
29 said they couldn't find the body because of it being so dark. And that's
30
31 when Williams went around with his cell phone, which has a camera on it
32
33 with a light and was flicking it off and on trying to find the body, which
34
35 they eventually come across.
36

37 Q: He was also present in the car that hauled the body to Batesburg?
38

39 A: Yes.
40

41 Q: According to the witnesses he was, at least one witness, he was physically
42
43 helping put the body in the trash pile?
44

45 A: Yes.
46

1 Q: Frankie Gantt would be the next one. But I believe the evidence is pretty
2
3 clear. Everybody says Frankie Gantt was the one who killed this boy.
4
5 A: Yes, sir.
6
7 Q: Everybody says Frankie Gant was in the car and making the threats on the
8
9 way to Aiken County. Is that correct?
10
11 A: Yes, sir, they did.
12
13 Q: All right. And everybody says that Frankie Gantt was the one that
14
15 possessed the firearm during the commission of this thing.
16
17 A: Yes, sir, it was.
18
19 Q: Andre Norris. You have him charged with kidnapping and murder.
20
21 Mr. Norris was present at the Saluda address where the boy was tortured?
22
23 A: Correct.
24
25 Q: And did he participate in that?
26
27 A: Yes. He also did an assault and also, and then he was in the back seat with
28
29 Jeremy Leaphart as they drove into Aiken County onto Hutto Pond Road.
30
31 Q: Okay. Was Mr. Norris present when they picked Jeremy up? Was he one
32
33 of the ones that ---
34
35 A: No. He was at Bridget's house.
36
37 Q: Okay. He was the one that was told to plug up the iron?
38
39 A: That's correct.
40
41 Q: And did he do that?
42
43 A: Yes.
44
45 Q: All right. When they left that Saluda address and headed toward Mr.
46

1 Walker's house at some point they crossed into Aiken County. Is that
2
3 correct?
4
5 A: Yes, sir.
6
7 Q: And ended up on Hutto Pond Road?
8
9 A: Yes, sir.
10
11 Q: Mr. Norris was present in the back seat.
12
13 A: Yes, he was.
14
15 Q: And Leaphart was sandwiched between him and Oakman?
16
17 A: Yes, sir.
18
19 Q: Okay. All of them get out of the car at the scene of the killing?
20
21 A: Yes. When, my understanding was that Gantt told him to pop the trunk
22
23 and they got out. And he told Jeremy to go stand in front of the old barn.
24
25 Q: Okay. Was Norris in the car when the phone calls were being made by
26
27 Jeremy telling people he was going to be killed?
28
29 A: Yes, sir.
30
31 Q: Okay. Do you have any information that Mr. Norris participated further in
32
33 the actual killing or supplying of bullets?
34
35 A: None other than that that he after they picked the body back up and they
36
37 couldn't find a place to go he took over driving the car and told them
38
39 where to go to. That his grandmother had lived in, at this abandoned
40
41 house where his grandmother had once lived.
42
43 Q: As I understand it everybody in the lead car coming to Aiken County the
44
45 first time had been charged with murder?
46

1 A: That's correct.
2
3 Q: That's based on all of them knowing that this boy's life was in jeopardy?
4
5 A: Yes, sir.
6
7 Q: Now nobody has said that they knew that Frankie Gantt was going to get
8
9 out and kill that boy when they stopped the car did they?
10
11 A: No.
12
13 Q: At some point everybody knew what was happening didn't they?
14
15 A: Correct. When the trunk was popped, and the shotgun was racked, and it
16
17 was pulled from the trunk of the car and aimed at him.
18
19 Q: Okay. And at least one or more of them assisted in resupplying him with
20
21 ammunition?
22
23 A: That's correct.
24
25 Q: Okay. Now the shotgun that was ultimately matched to the shell casings
26
27 in Aiken County that was recovered in Saluda County is that right?
28
29 A: Yes. At Bridge Bowers residence.
30
31 Q: And that's where this whole thing started at?
32
33 A: Yes, sir.
34
35 Q: How is it, what is the information yall have from witnesses as to how that
36
37 shotgun got back to that location?
38
39 A: The interviews that I have done no one can tell me how the shotgun got
40
41 into the trunk of the car. No one can tell me how the shotgun got
42
43 underneath Bridget Bowers residence.
44
45 Q: When yall recovered the car the shotgun wasn't in it?
46

1 A: No, sir.
2
3 Q: The shotgun was found later.
4
5 A: Yes, sir.
6
7 Q: Under this house?
8
9 A: Yes, sir.
10
11 Q: Or under this mobile home?
12
13 A: Yes, sir.
14
15 Q: And who was living in that mobile home at the time?
16
17 A: Bridget Bowers.
18
19 Q: And her relationship to these folks?
20
21 A: Darrell Williams girlfriend.
22
23 Q: All right. And is it one of them's sister?
24
25 A: I think it is. Yes. Ronnie Bowers, Jr.'s sister.
26
27 Q: All right. Excuse me just a minute, Your Honor. Lynn, describe the
28
29 location where the body was found as far as how you got down into it?
30
31 A: It's Hutto Pond Road is a dirt road ---
32
33 Q: No. Where the body was found.
34
35 A: Where the body was found? It's very it's woods. It's got fallen trees.
36
37 Kind of a little thick brush. It's behind an old barn.
38
39 Q: Is there kind of like a dirt road that leads down to it?
40
41 A: Yes. Hutto Pond Road is a dirt road off of Wire Road.
42
43 Q: I'm talking about where the body was found. Not where he was killed.
44
45 A: Oh, where he was found? It's a dirt driveway that goes off of #1.
46

1 Q: Your statement indicates that Williams and Walker or somebody was
2
3 standing out by the road as the body is being dumped off?
4
5 A: Walker, according to Walker, it was him and J. J. that stood beside the
6
7 cars while the rest of the suspects went and took the body to the debris.
8
9 And I think that ---
10
11 Q: Norris ---
12
13 A: And then Norris indicated that Williams and Walker stayed at the vehicle.
14
15 The rest of the suspects went behind the building and came back with the
16
17 body and then they traveled to Batesburg and said that Norris stated that
18
19 they stopped in front of the old yellow colored house. Norris stated that
20
21 he and Williams, along with Walker stayed at the vehicle while the rest
22
23 of the subjects placed Leaphart's body under a pile of rubble.
24
25 Q: No further questions at this time, Your Honor. I'd ask the lawyers if they
26
27 would just go in the order that the roster is if that meets with your
28
29 approval.

30
31 THE COURT

Mr. Whittle.

32
33 COUNSEL FOR DEFENSE (JAMES WHITTLE) ON CROSS EXAMINATION
34

35 Q: Investigator Ghant, if I understand the State's theory, Mr. Leaphart and
36
37 others stole weapons. And then the motivation in this killing was to get
38
39 the weapons back or to get money for the weapons? Can you explain
40
41 that for me?
42
43 A: Yes, sir. It was, they were, Williams had asked Jeremy Leaphart to hold
44
45 some guns for him, assault weapons, is my understanding. He took these
46

1 to Casey Blizzard's house, put them under her mobile home.
2
3 Q: I'm sorry. Let me stop you a minute.
4
5 A: Okay.
6
7 Q: Casey Blizzard is what relationship to Leaphart?
8
9 A: Girlfriend.
10
11 Q: Girlfriend.
12
13 A: Correct.
14
15 Q: So Leaphart took the guns to Casey Blizzard's house?
16
17 A: Residence. Yes. Correct.
18
19 Q: Which is a mobile home in ---
20
21 A: I believe it's in Lexington County. I think it's mobile home. I know it's
22
23 in Lexington County. A residence over in Lexington. I think it's a mobile
24
25 home.
26
27 Q: But the theory is Darrell Williams had entrusted the weapons to
28
29 Leaphart?
30
31 A: That's correct.
32
33 Q: Why was that?
34
35 A: That I don't know. They were friends from my understanding and he gave
36
37 him these guns to hold. And that they went back, to my understanding,
38
39 they went back and moved those guns to another location out in the
40
41 woods.
42
43 Q: I'm sorry. Let me stop you. When you say they you're talking about
44
45 Darrell Williams and Leaphart?
46

1 A: Williams, Darrell Williams and Leaphart. Used T. J. went and that's
2
3 when T.J. went with them back to the residence and he stood beside the
4
5 car while Darrell and Jeremy moved the guns.
6
7 Q: What was the reason for moving the guns?
8
9 A: That I don't know.
10
11 Q: Were the guns ever recovered?
12
13 A: No. The guns have not been recovered.
14
15 Q: Okay. So ultimately who became angry because they couldn't find the
16
17 guns?
18
19 A: That would be Williams and they couldn't find the guns because they
20
21 wanted the guns or they wanted five thousand dollars (\$5,000.00). And
22
23 that was on a recording, I think, the 911 recording that Saluda County
24
25 had where they were asking, you know, we want the guns or we want
26
27 five thousand dollars (\$5,000.00).
28
29 Q: Williams confronted Leaphart, "Where's my guns?"
30
31 A: Correct.
32
33 Q: Leaphart said, "I don't k now."
34
35 A: Correct.
36
37 Q: And ultimately we get to this story you've told today.
38
39 A: Yes, sir.
40
41 Q: Okay. And at this point the State doesn't have a theory as to what
42
43 Leaphart did with the gun.
44
45 A: No. No one knows what happened to the guns.
46

- 1 Q: Was the gun used in the killing part of these guns or was that separate?
2
- 3 A: That was totally separate. That was in a burglary that Leaphart was
4
5 developed as a suspect from a witness that said he tried to sell a shotgun
6
7 to him and described the shotgun to the officers that questioned him about
8
9 it that he was a witness. To my understanding that shotgun had nothing to
10
11 do with the assault weapon that was being kept.
12
- 13 Q: So the State's belief is Leaphart was killed with a weapon that he stole?
14
- 15 A: That's correct. We matched, that gun matched backtracked through
16
17 firearms through ATF that that was the gun belonging to the victim of
18
19 the burglary.
20
- 21 Q: Leaphart lived with Frances Rudd, who was his aunt?
22
- 23 A: I think he lived with Frances and also with Casey to my understanding.
24
- 25 Q: All right. To kind of pick this up in some chronology we start the story
26
27 at Casey Blizzard's house where the alleged assault and confrontation
28
29 occurred?
30
- 31 A: Between, are you talking about between Casey and Leaphart or because
32
33 where it started was on December 24th they went and picked they went
34
35 and got Jeremy from Casey's house. That's how Lexington County first
36
37 got started in this as a kidnapping.
38
- 39 Q: When you say they you're talking about the total eight defendants in ---
40
- 41 A: No. I'm talking about Williams and I think it was Sheldon Oakman. They
42
43 didn't know at the time until we got into this part about who went to pick
44
45 up Jeremy. But she, Casey knew Darrell Williams because Darrell and
46

1 Leaphart hung out together. And she said that Darrell Williams and
2
3 three other guys came, but she didn't know who they were. It wasn't until
4
5 our investigation that we found out who the other three were.
6
7 Q: And Leaphart left willingly or left against his will at that point.
8
9 A: My understanding is he left against his will according to Lexington
10
11 county and the investigators there, their investigation. That's why it
12
13 turned into a missing persons/kidnapping is because according to Casey
14
15 and the phone conversations that he was on the phone screaming and
16
17 crying saying they, you know, they wanted the money or they wanted the
18
19 guns and they're going to kill me.
20
21 Q: But prior to leaving and prior to that phone call at Casey's house there was
22
23 no confrontation between Williams and Leaphart?
24
25 A: Other than he was what I'm saying was that according to Casey and
26
27 witnesses he was taken from that residence. What I'm saying he was
28
29 taken from it. Not on his own is my understanding.
30
31 Q: Okay. But they didn't fight, torture, threaten, in front of any witnesses
32
33 there?
34
35 A: That I cannot answer. I know that he went to Bridget Bowers residence.
36
37 Q: Well, that's my next step. But there initially does Casey say that there was
38
39 any fussing that went on?
40
41 A: Bear with me just a minute.
42
43 Q: I understand it's a thick and confusing file.
44
45 END OF TAPE 1, BEGINNING OF TAPE 2
46

1 COUNSEL FOR DEFENSE (JAMES WHITTLE) CONTINUING CROSS

2
3 A: Jeremy had around five or seven guns that he brought to my house. His
4
5 buddy, Steve, put them under my trailer. They were in a blue duffle bag
6
7 type thing stuck in a blue tote. When Jeremy moved them to the bottom,
8
9 which I refer to behind my house, he took them out of the tote. As far as
10
11 I know they were still in the duffle bag. The clip that Lexington County
12
13 had found was an AK-47. That's all I can really say. I didn't get a
14
15 glimpse of the guns. As far as I know Lexington County had them and
16
17 that's the last I actually really heard about them. This was around the
18
19 beginning of December. They called him, Little Steve. Around the 21st
20
21 of December, they get in an argument with his cousin that's when he
22
23 made them moved them down behind my house. I heard Jeremy talking
24
25 on the phone and saying, "Please do something. I don't want to go to
26
27 jail." He moved the guns. Nickie was at the house on Haven Road when
28
29 the guns were moved on December 4th. I had come home about 4:00 p.m.
30
31 or a little after. Jeremy had come in my back door a few minutes after I
32
33 got home. He was all upset, nervous, and telling me he wanted the guns
34
35 and I had better tell him where they were at. If he didn't get them back a
36
37 lot of people were going to get hurt. I told him to leave. I didn't know
38
39 anything about them. He left my home walking at first. Came back and
40
41 left with Steve. When Steve pulled up in the maroon car with the other
42
43 guys Jeremy came back. Jeremy was on his phone talking to someone.
44
45 This took place around 5:00 p.m., 5:30. Steve was with two black guys.
46

1 I was fussing at Jeremy when I overheard Steve telling my sister that
2
3 the boys wanted to get their stuff and that might be the last time that we
4
5 would see him, and talking about Jeremy. One of the guys kept telling
6
7 Jeremy, let's go. Let's go. Get in the car. Let's go before, he says, she,
8
9 referring to me, Casey, called the law. It was about 5:30 or 6:00.
10
11 Q: 5:30 on December 24, at Casey's.
12
13 A: That's correct. Yes, sir.
14
15 Q: And Leaphart left with Williams and how many others?
16
17 A: It was, she said two, but it was Williams, J. J., Junior left with them
18
19 Q: Okay. Mr. Abner, my client, was not involved at that point?
20
21 A: I think he drove the car there. Because he was riding around with his
22
23 cousin and Williams called him and told him they needed to go pick up
24
25 Jeremy. So he goes back and he picks up Jeremy.
26
27 Q: Okay. They leave from Blizzard's and go to Bridget Bowers?
28
29 A: No, I'm sorry. I take that back. That never happened. Walker, I'm sorry,
30
31 Walker went with Steve and J. J., and Junior to pick up Jeremy. Abner
32
33 was at Bridget's house.
34
35 Q: Abner was not involved initially.
36
37 A: Correct. Correct.
38
39 Q: Okay. Then they go to Bowers house.
40
41 A: Correct.
42
43 Q: All right. And what happens at Bowers house?
44
45 A: My understanding on the way to Bowers residence a phone call was made
46

1 to have the iron plugged up.

2

3 Q: Okay.

4

5 A: Okay.

6

7 Q: We're talking about a good many phone calls here, cell phones. Have

8

9 yall got cell phone records that go with these various numbers, and times,

10

11 and dates?

12

13 A: That's what we're, that's what we're doing now. There is, Jeremy's cell
14 phone was tracked by Lexington County, which they have the cell phone
15 towers and exact time and location of where his cell phone was at. We've
16 gone back now and got search warrants for most of these guys cell phones
17 and requested that the phone companies give us the same information, as
18 far as GPS, time, date, and exact time to coordinate with Jeremy's cell
19 phone.
20

21

22 Q: And that will give you locations and times?

23

24 A: Correct.

25

26 Q: Okay. But you can't get the contents of the phone calls? In other words
27 they're not recorded?
28

29

30 A: Not that I know of. We asked for that so if they are we can get those. But
31 if they're not we're not going to be able to get them. That's one of the
32 things we requested.
33

34

35 Q: Okay. When they got to Bridget's, I understand the threatening that went
36 on there at Bridget's. Whose present at Bridget's? What of these eight
37 defendants is present there?
38
39
40

41

42

1 A: They were all present.
2
3 Q: All eight.
4
5 A: All eight.
6
7 Q: Okay. Is there a specific plan or a specific understanding at that point as
8
9 to what's going to happen?
10
11 A: That I don't know because all they said was that when Jeremy came in
12
13 they began to argue. Williams began to argue with him about wanting the
14
15 guns back. And that's when they started hitting him.
16
17 Q: Let me stop a minute.
18
19 A: Uh-huh.
20
21 Q: If I understand, the beef, the disagreement is between Williams and
22
23 Leaphart.
24
25 A: Correct.
26
27 Q: Williams thinks Leaphart stole his guns and hadn't given him the money.
28
29 A: Right. Or he wants either the money or his guns back that are missing.
30
31 Q: Okay. Well, what's the disagreement with the other seven fellows? Why
32
33 are they involved?
34
35 A: Because that's part of their gang, their group. That they run together.
36
37 Q: Okay. So they just taking up for Williams. They're on Williams side
38
39 against Leaphart.
40
41 A: They're, yeah, they're a gang together.
42
43 Q: Okay. All right. Anybody other than these eight witness what went on to
44
45 Leaphart there at Bridget's residence?
46

1 A: If the only one that would be able to say would be Bridget and she said
2
3 nothing happened there. She's saying she doesn't know, you know, she
4
5 said she left. She says, she never saw them hit him according to what she
6
7 said.
8

9 Q: And this residence is what now?

10
11 A: Bridget Bowers residence, which is girlfriend to Williams and the brother
12
13 to Ronnie Bowers, Jr. or the sister, I'm sorry, to Ronnie Bowers, Jr.
14

15 Q: And what kind of house is it?

16
17 A: Just a single wide mobile home.
18

19 Q: And what you've described earlier allegedly took place with her in the
20
21 home and she says she didn't hear or see anything?
22

23 A: That's correct. And I also asked her if she had a iron and she said, no. But
24
25 we have photographs when we went out to the residence photographed the
26
27 residence and on the couch, where the alleged assault took place, is a
28
29 iron that we recovered.
30

31 Q: Is that sent to SLED for forensic examination?

32
33 A: I think it has. I'd have to go back and check, but I know that was
34
35 requested.
36

37 Q: Is there a potential that the skin or something that DNA could come off
38
39 of Leaphart onto that iron?
40

41 A: There may be. I couldn't answer with that. I'm not a forensic, so I don't
42
43 know.
44

45 Q: I got you. But I ---
46

1 A: I'm pretty sure it could be. Yes.
2
3 Q: Okay.
4
5 A: So we can check it.
6
7 Q: So that's being done now?
8
9 A: That's my understanding. Yes, sir.
10
11 Q: All right. When they left Bridget's house they were in two cars.
12
13 A: Correct.
14
15 Q: Mr. Abner, my client, is driving one car.
16
17 A: He's driving the Toyota.
18
19 Q: Whose driving the other car?
20
21 A: John, Sheldon Oakman is driving the red Alero.
22
23 Q: And what's the understanding as to where they are going or what's
24
25 going to happen when they leave Bowers house?
26
27 A: My understanding is they were supposed to go back to Head Walker's,
28
29 which is Johnnie Walker's house in Monetta, which is on #1 near
30
31 Judge Fallaw's office.
32
33 Q: What was the reasoning there?
34
35 A: I guess to clean him up because evidently, according to what Williams
36
37 had indicate that they needed to take him back to Walker's house and
38
39 get him cleaned up.
40
41 Q: So was anybody talking about killing him at that point?
42
43 A: It wasn't until, I guess, they were going down 39, when Gantt told him
44
45 directed him not to go to Walker's. To go to take him back over to
46

1 Aiken County toward Hutto Pond Road. And asked him where he was
2
3 going. And basically, you know, his answer was if you want some of
4
5 what he's getting, you know, shut up and just keep driving or you're
6
7 going to get what he's going to get.
8

9 Q: Which was a threat to Abner from Gantt.

10
11 A: It's my understanding this is what he told him. I mean, that's what
12
13 he said. I don't know if he actually threatened him or not. But that's
14
15 what my understanding was the conversation was about. So he drove on
16
17 to Hutto Pond Road.
18

19 Q: At this point Leaphart allegedly is on his cell phone making calls.

20
21 A: Correct. He's supposed to be making cell phone calls, crying, talking to
22
23 family members, talking to different people, 911.
24

25 Q: How much of that is recorded? The 911 calls are recorded?

26
27 A: Yes. The 911 call was recorded. There's several that we do have
28
29 several recordings to family members and also to Saluda 911.
30

31 Q: And you listened to those?

32
33 A: I listened to some of them. Yes.
34

35 Q: Okay. And these were the family members on the 24th?

36
37 A: That's correct.
38

39 Q: And what did the family members do when they got those calls?

40
41 A: They're telling him we ain't got no money. We don't know where the
42
43 guns are at. And in the Saluda call she's asking, sir, are you know are you
44
45 in trouble? The ball field because he kept talking about going to
46

1 going to concessions to Saluda County 911 going to meet them at the
2
3 Monetta ball field.
4
5 Q: Well, the folks in the car must not have been aware that he was calling
6
7 911.
8
9 A: No. No one knew. No one knew that he somehow he was able to dial 911
10
11 without no one knowing about it. I guess he was making phone call after
12
13 phone call talking to different family members and he was pretending to
14
15 talk to a family member or a friend trying to get the money or let
16
17 somebody know that he was in trouble.
18
19 Q: Okay. Who directed them to the location on Hutto Pond Road?
20
21 A: It's my understanding Mr. Gantt did. Frankie Gantt.
22
23 Q: And again, what conversation, if any, or what understanding was obtained
24
25 as to what was going to happen when they got to Hutto Pond Road?
26
27 A: No one has said if, no one has mentioned anything about they were going
28
29 to, I think that Gant said, "I'm going to make him talk." He said, I'll make
30
31 him talk and they got to Hutto Pond Road and that's when he told them to
32
33 get him out of the car and go stand in front of this old shack type barn.
34
35 Q: Who put the shotgun in the trunk of the red car?
36
37 A: No one knows. No one can tell me who did it. I've talked to six and no
38
39 one knows how the shotgun got into the trunk of the car and no one knows
40
41 how the shotgun got under Bridget Bowers residence.
42
43 Q: It kind of would be important to know that wouldn't it?
44
45 A: Yes, sir.
46

1 Q: Who got the shotgun out of the car?

2

3 A: Gantt.

4

5 Q: Everybody agrees with that.

6

7 A: Yes, sir.

8

9 Q: How many shells were available?

10

11 A: I think we recovered three and one was unspent and I think we recovered
12 two in the back. So five I think we recovered. But there was three where
13 they parked beside the road probably a distance from here, I'd say to the
14 wall over there is basically the barn from beside the dirt road. Right at the
15 edge of the dirt road where the cars were parked at was spent shell
16 casings and one live. Off to the right a little bit was Jeremy's cell phone.
17 It was thrown over into the bushes. His battery was leaning up against the
18 wall up near the old barn. We went out back and you could see where we
19 photographed the pellets that was on side of the building and the brick
20 fireplace and into the tree line. Investigators went back out and recovered,
21 I think, two or three swaddings that was found in the back behind where
22 Jeremy was actually killed at.

23

24 Q: What time approximately did the group reach Hutto Pond Road?

25

26 A: To my understanding it was about close to dark. So I think about 5:00,
27 5:45. It was and I'd have to find it. It was the actual last known
28 conversation of Jeremy was about 5:00, 5:45 and no more communication
29 with Jeremy from the family members.

30

31 Q: The reason I'm asking is could people see what was going on? Was it

32

1 dark yet when they got there?
2
3 A: It's a desolate area. Normally, you would have to actually be driving
4
5 down Hutto Pond Road to see it. It's out in the country.
6
7 Q: Okay. All right. As best you know, and I understand the statements
8
9 are conflicting.
10
11 A: Yes, sir.
12
13 Q: Where would Abner have been when Gantt got the gun out of the car?
14
15 A: To my understanding they were all standing outside of the car. Now
16
17 exactly where at I don't know. But supposedly Gantt told them to get
18
19 out everybody got out of the car.
20
21 Q: What, if anything, did Abner do at that point in furtherance of the criminal
22
23 activity?
24
25 A: At that point? Nothing that I know of other than he was there. I think
26
27 they told him I think he popped the trunk when Gantt told him to open
28
29 the trunk. I think that's when ---
30
31 Q: From the interior of the car?
32
33 A: Right.
34
35 Q: Okay. All right. And I understand the statements differ, but the
36
37 allegation is two or three shots were fired in front of the building?
38
39 A: That's correct. About two or three shots were fired. We found, I
40
41 think, two shell casings and one that was not spent. And then behind
42
43 there was a couple more shots and then Gantt was told someone bring,
44
45 either Sheldon or J. J. to bring the other shotgun that was ejected from
46

1 the shotgun that was laying in the trunk of the car, to bring it back there
2
3 to him.
4
5 Q: The killing shots were behind the building?
6
7 A: Yes.
8
9 Q: And who would have seen those based on the statement?
10
11 A: That would either be Sheldon or J. J, whoever went back there between
12
13 them two whoever went back there to hand Gantt the shell casing, the
14
15 round.
16
17 Q: All right. When that was over and they came back where did they go from
18
19 that location?
20
21 A: They went back to Walker's house, Head Walker's residence.
22
23 Q: Why was that? What was the purpose at that point?
24
25 A: That's where they all hang out at. That was the that was their place to go
26
27 hang out, drink, do whatever. That's where they always hung out at.
28
29 Q: And whose idea was it to go back to the body?
30
31 A: That was to my understanding it was Williams. Darrell Williams. He
32
33 told them we need to go back and get that boy's body.
34
35 Q: What was the reasoning there? What was the theory for why they had to
36
37 go get the body?
38
39 A: I guess to move it so they wouldn't find it because he already said that,
40
41 you know, you killed him. They know. We went and picked him up from
42
43 his house. So they're going to be looking for us so we got to go hide the
44
45 body.
46

- 1 Q: All right. Again now, would Abner have known where the location was?
2
3 The trash pile where the body was finally located?
4
- 5 A: Would he have known? That I don't know. They were riding around the
6
7 Gilbert area and they couldn't find a place and then that's when to my
8
9 understanding Andre Norris told them, "Well, I know where a place is at."
10
11 Then he took over driving and drove them to ---
12
- 13 Q: So physically, it was Andre Norris who drove the vehicle to the location
14
15 where the body was finally left?
16
- 17 A: At some point in time, yeah. At some point in time.
18
- 19 Q: Okay.
20
- 21 A: After riding around the Gilbert area.
22
- 23 Q: Again now, in terms of my client, what's Abner doing at that point?
24
- 25 A: Sitting in the car and then my understanding is that when it got to where
26
27 the body was dumped at, to my understanding, he helped move and take
28
29 the body to the pile.
30
- 31 Q: What's happened to the shotgun?
32
- 33 A: The shotgun ---
34
- 35 Q: After Hutto Pond Road where did the shotgun go?
36
- 37 A: Well, we know that the shotgun wound back up at Bridget's house
38
39 underneath her house. But we don't know how it got there. We don't
40
41 know who took it there. No one can tell me how the shotgun got from the
42
43 trunk of the car under Bridget's house. When and where.
44
- 45 Q: In terms of a threat or in terms of fear among the other people was the
46

1 shotgun available to Gantt while they were moving the body, while they
2 were doing all this other stuff or do you know?
3

4
5 A: That I don't know. I don't know if the shotgun was still in the trunk of
6 the car when the body was placed in there or if the shotgun was already
7 moved out. That I cannot answer.
8

9
10
11 Q: Bill just gave us some of this SLED material today. And in the SLED
12 material there is some indication of a rectal smear.
13

14
15 A: Yes.
16

17 Q: Is there any indication of a sexual assault in this matter?
18

19 A: No, I think that had to do with the, to my understanding, it may have
20 been with the badly decomposed body. So I really can't answer that. But
21 I don't think there was any sexual ---
22

23
24
25 Q: There's no indication of anything sexual?
26

27 A: No, sir.
28

29 Q: Okay. Your Honor, can I have 20 seconds?
30

31 THE COURT Yes, sir.
32

33 COUNSEL FOR DEFENSE (JAMES WHITTLE) CONTINUING CROSS
34

35 Q: At this point, Mr. Ghant, of the eight defendants, who which of the eight
36 defendants has made statements?
37

38
39 A: Everybody but Gantt and Williams made statements. And Ronnie's made,
40 Ronnie Bowers, Jr. has made a statement, but not a truthful accurate
41 statement because he said he never went back to get the body, but
42 everyone puts him as going back to and he says he was picked up
43
44
45
46

1 walking down the street in Ridge Spring, when he was actually at his
2
3 sister's house when he was when Jeremy was brought there.
4
5 Q: Is it the State's theory for probable cause at this hearing that the charges
6
7 of kidnapping and murder would be substantiated against Mr. Abner
8
9 because he was the driver of the vehicle?
10
11 A: He was their driver. He also helped go back and get the body and helped
12
13 drive it off. And he was in the vehicle with Gantt when Mr. Leaphart was
14
15 being taken from Bridget's house and put in the back seat of the car.
16
17 Q: I don't have any further questions, Judge.
18
19 THE COURT Okay. Anything else, Mr. Whittle? That's all?
20
21 COUNSEL FOR DEFENSE Yes, sir, I'm sorry.
22
23 THE COURT No motions or anything? Do you have any
24
25 motions?
26
27 THE STATE Do you want to argue motions or make motions
28
29 or do you want to wait until the rest of them go
30
31 and ---
32
33 COUNSEL FOR DEFENSE I was going to wait until everybody got through
34
35 if that's okay.
36
37 THE COURT All right. That's fine. All right. Mr. McElveen.
38
39 COUNSEL FOR DEFENSE (GEORGE MCELVEEN) ON CROSS EXAMINATION
40
41 Q: Thank you. Let me make sure I understand. Johnny Walker went to
42
43 Casey Blizzard's house with everybody else to pick Leaphart up. Is that
44
45 correct?
46

1 A: He was with Walker, Williams, J. J., which is John Oakman, Jr., and
2
3 Junior, which is Sheldon Oakman.
4
5 Q: And how many vehicles were there at that time?
6
7 A: One. That was the his Oldsmobile Alero, that I think is his cousin's, that
8
9 he drove there.
10
11 Q: Who is his cousin?
12
13 A: That I don't remember. He just stated his cousin.
14
15 Q: All right. Do you remember his cousin's name?
16
17 A: No, he didn't say.
18
19 Q: And how do you know that's the car that he normally drove?
20
21 A: That's what he told me.
22
23 Q: When did he tell you that?
24
25 A: During the interview.
26
27 Q: The one that you referred to happened about two or three weeks ago?
28
29 A: Yes. The last one, whenever the interview was.
30
31 Q: All right. And again, who was in the car at that time?
32
33 A: That was Darrell Williams. They called him Little Stevie. Junior, which
34
35 is Sheldon Oakman, and J. J., which is John Oakman, Jr.
36
37 Q: And again, what's Casey Blizzard said that he that she knew that he
38
39 was in trouble as he was leaving.
40
41 A: According to her statement yes.
42
43 Q: And what does he base that on?
44
45 A: I guess that he come in all in a panic wanting the guns.
46

1 Q: Did she make a call to the police at that point?
2
3 A: I don't know when she actually made it. It was some time during that
4
5 December 24th, I would assume, or maybe the next day when Jeremy had
6
7 not been heard from or not been seen that date and time. I can tell you
8
9 when the, I think it was the aunt that actually made. Yes, on December
10
11 the 26th, at 9:58 a.m. that was made by Frances Rudd. That's who made
12
13 the report on the 26th.
14
15 Q: All right. And this happened on the 24th?
16
17 A: Excuse me?
18
19 Q: This happened the 24th?
20
21 A: Well, yes, actually, the murder took place on the 24th.
22
23 Q: Okay. All right. So from there they go to where?
24
25 A: According to some of the defendant's they went to Bridget Bowers house.
26
27 According to Head Walker they went back to his house, played some
28
29 cards, drank a little liquor, and then went to Bridget Bowers residence.
30
31 Q: All right. With Jeremy.
32
33 A: With Jeremy.
34
35 Q: All right. And Jeremy, there's no indication from Head, in his
36
37 statement, that there was anything improper going on there. Correct?
38
39 A: According to Walker, no.
40
41 Q: All right. But some other statements said that they went directly to ---
42
43 A: Bridget Bowers.
44
45 Q: Bridget Bowers. And that's where the burning with the iron took place?
46

1 A: That's correct.

2
3 Q: The beating?

4
5 A: Yes.

6
7 Q: Have you seen an Autopsy Report?

8
9 A: There is an Autopsy Report. I've seen some of it.

10
11 Q: All right. Does the Autopsy Report show any evidence of trauma other
12
13 than the ---

14
15 A: His face, his face and his hands were really bad decomposed. But the rest
16
17 of his body, I guess, because of exposure because most of the body was
18
19 wrapped up in the blanket, except for the face and hands, he was really
20
21 badly decomposed.

22
23 Q: Was there any evidence of well, did the pathologist indicate that he was
24
25 unable to tell about trauma, or did he say there was no trauma, or there
26
27 was trauma, or do you recall?

28
29 A: All he indicates in here is asphyxiation and laceration of the carotid artery
30
31 and shotgun wound to the chin and neck area. It doesn't say. It says fatal
32
33 distant perforating with a shotgun wound with bird shot. The right side of
34
35 his jaw lacerates the carotid artery. Potential fatal penetration shotgun
36
37 wound the entire back. Penetration shotgun wound left lower back.
38
39 Penetration of the spleen and heart. Skin discoloration, spine, it doesn't
40
41 say anything about that. Partial mummification of the hands. So it
42
43 doesn't say anything about trauma to the face.

44
45 Q: No reference to burn to the hands or the face.

46

1 A: No. As I said the body, the face was so badly decomposed.
2
3 Q: All right. All right. From there they go to where?
4
5 A: From Bridget's they're supposed to go back to Walker's house.
6
7 Q: All right.
8
9 A: And get him cleaned up.
10
11 Q: And Walker leaves how?
12
13 A: Walker leaves with Darrell Williams. They stay behind.
14
15 Q: All right. In what car?
16
17 A: In Darrell Williams' car. Darrell Williams had an Olds, I think it was a
18
19 gray Oldsmobile, something like that Monte Carlo that he owned that was
20
21 at Bridget's house. And they left and were going to go to check on his
22
23 car have it looked at for some more work or something.
24
25 Q: It's during the succeeding period that they received a telephone call
26
27 indicating that Jeremy had been killed?
28
29 A: Yes. Some time after that. After they leave Bridget's house Walker
30
31 called Andre Norris, I'm sorry, Marion Abner, Jr., and says, "Where yall
32
33 at?" And they say, "On 39 coming back to your house." And then
34
35 eventually Gantt calls Walker and tells him that he killed Jeremy.
36
37 Q: And what do you understand, again well, I know you testified to this, but
38
39 there was a, the conversation in which the decision was made to go back
40
41 and move the body, that was at Walker's house?
42
43 A: That's correct.
44
45 Q: And what exactly, what do you understand about how that conversation
46

1 went?
2
3 A: When they eventually all got back to Walker's house Gantt and Williams,
4
5 which they are step-brother's, got into an argument about killing Jeremy.
6
7 And they said, "Well, yall got to be 21 about this thing," which means
8
9 you got to be grown. Yall got to take responsibility for this because they
10
11 knew that we went and picked him up from Casey's house. And said we
12
13 got to get, we got to get rid of that body.
14
15 Q: All right. Well, did ---
16
17 A: Which eventually went back, all of them went back to Hutto Pond Road.
18
19 Q: Do you specifically know whether Walker took place in that took part in
20
21 that conversation?
22
23 A: To my understanding he did.
24
25 Q: All right. Which part did he take place at? Did he take ---
26
27 A: He was talking about because he had because Gantt had called Walker
28
29 and told him about the killing. Walker then, in turn, told Williams
30
31 because he was standing beside Williams at his house, at Walker's house,
32
33 and told him that Gantt had killed Jeremy, and Williams had started crying
34
35 according to what Walker had said.
36
37 Q: All right. But again, do you know whether or not Walker participated in
38
39 the conversation in which the decision was made to go back and move the
40
41 body?
42
43 A: To my understanding he did. When they were told he was going to move
44
45 the body he didn't, they all got in the cars, and they all left and went to
46

1 Hutto Pond Road.
2
3 Q: So basically, the answer is, not specifically, but because he went with
4
5 them he must have.
6
7 A: I don't know if he actually said, he never did tell me exactly what the
8
9 conversation was other than that Williams told him we need to go move
10
11 his body and they all left.
12
13 Q: So he went back to the location on Hutto Pond Road.
14
15 A: Correct.
16
17 Q: In which car?
18
19 A: He was in the Toyota.
20
21 Q: All right. And they parked the two cars together?
22
23 A: Correct.
24
25 Q: And how far was the location of the cars from the place in front of the
26
27 barn where the initial shot was fired.
28
29 A: To my understanding it was just from here to the wall. Twenty feet, thirty
30
31 feet. That's just pulled up right beside the barn.
32
33 Q: And you stated that Walker remained at the cars while everybody
34
35 everyone else turned their attention to Jeremy. Do you believe that there
36
37 was any particular purpose in Walker standing where he stood by the cars?
38
39 A: Walker said he didn't want to go touch the body.
40
41 Q: All right.
42
43 A: He said he didn't want to touch it.
44
45 Q: So his purpose in remaining back by the car was to maintain as much
46

1 distance as possible under the circumstances from what was going on.
2
3 A: Yeah. He said he don't like dead bodies and he wasn't touching the body.
4
5 Q: All right. Do you have any reason to believe that he had anything to do
6
7 with picking it up, which was my next question.
8
9 A: From the this location?
10
11 Q: From that location.
12
13 A: He said he didn't go back. He said wasn't going back.
14
15 Q: Did anybody else say that he helped move the body physically?
16
17 A: I'm trying to go back to -- according to Norris, that Williams and Walker
18
19 stayed at the car while the rest of the subjects went to move the body.
20
21 Q: All right. And is there any reason to believe that he had any part to play in
22
23 deciding where to take the body?
24
25 A: He rode with Walker. He was in the vehicle. My understanding was that
26
27 transported the body, but I don't know if he indicated -- no one has said
28
29 that he told them where to go.
30
31 Q: And when they got to the final location did he have anything to do with
32
33 removing the body?
34
35 A: From my understanding was that he told me was he stayed beside the car.
36
37 He said he wasn't touching the body.
38
39 Q: All right. And what happened afterwards?
40
41 A: After the body was dumped and covered they all went back to Walker's
42
43 house and then they all split up.
44
45 Q: All right. But he, and everybody went their separate ways at that point?
46

1 A: Yes, sir.
2
3 Q: Bear with me just one moment, please. That's all I have. Thank you.
4
5 THE COURT Okay. Do you want to reserve your motions
6
7 until later when we're finished?
8
9 COUNSEL FOR DEFENSE (MCELVEEN) Please, Your Honor.
10
11 THE COURT All right. Mr. Woodruff.
12
13 COUNSEL FOR DEFENSE (TOM WOODRUFF) ON CROSS EXAMINATION
14
15 Q: Thank you, Your Honor. Investigator Ghant, number one, in response
16
17 to a question that James Whittle asked you, you indicated that this
18
19 group of young men is a gang. Is that correct?
20
21 A: Correct.
22
23 Q: All right. Did this gang have a name?
24
25 A: The understanding was is that they are they're known in the Monetta
26
27 area as the ---
28
29 Q: Would it be the Monetta gang?
30
31 A: As far as I know they're known as the GKB or the Gangster Killer Bloods.
32
33 They're the Bloods. And Walker indicated that Williams is, he said that
34
35 Williams is a member of the Bloods.
36
37 Q: Okay. Give me your response one more time. Their name again is what?
38
39 A: They're known as the it's called the GKB, the Gangster Killer Bloods.
40
41 Q: And one member of the GKB is also a member of what national gang?
42
43 A: That I don't know. This is what I've been told from the resource officer
44
45 in Monetta, the Ridge Spring/Monetta High School. And also, from
46

1 Walker indicating that Williams is a Blood. He wouldn't go into detail
2
3 as far as everyone else.
4
5 Q: Do you know the name of that resource officer?
6
7 A: Yes. Everson. Chris Everson.
8
9 Q: Did you inquire as to how many members of the GKB there were. Are
10
11 these the only eight members or are there more members?
12
13 A: That I don't know.
14
15 Q: All right. Specifically, addressing John Oakman, Jr., who goes
16
17 sometimes by the nickname J.J., is John Oakman, Jr. a member of the
18
19 GKB gang?
20
21 A: To my understanding he associates and he is a member. That's my
22
23 understanding. I do not know. No one has said. The only person
24
25 that said definitely is Walker that tells that Williams is a member. And
26
27 that's where they hang out at is Walker's house.
28
29 Q: All right. Going to John Oakman, Jr., and I understand the State's
30
31 theory as to the murder charges against him. But could I get you to just
32
33 state it one more time for the record?
34
35 A: And that is ---
36
37 Q: For John Oakman, Jr. What is the State's theory as to the murder charges
38
39 against Mr. Oakman.
40
41 A: All right. He was one of the guys that went to pick up Jeremy from
42
43 Casey's house. He also, was with them when they arrived at Bridget
44
45 Bowers residence where the initial assault took place and the burning of
46

1 the face with the iron. He was also in the back seat next to Jeremy when
2
3 Jeremy was transported from Bridget's house to Hutto Pond Road. And
4
5 at that point, when he was killed, Sheldon Oakman's statement is that J.J.
6
7 is the one that got the shotgun from the trunk of the car and went and gave
8
9 it to Gantt.

10
11 Q: The shotgun shell.

12
13 A: Shotgun shell.

14
15 Q: Okay. And so there's actually conflicting evidence that you have been
16
17 given on two items relating to John Oakman. The first item is whether or
18
19 not John Oakman, Jr. actually participated in the beating of the victim. Is
20
21 that correct?

22
23 A: My understanding was, according to that he tried to hit Leaphart, but
24
25 Williams had stopped him.

26
27 Q: So to the best of your knowledge and belief John Oakman, Jr. never hit the
28
29 victim, even though he was present (INAUDIBLE).

30
31 A: Correct. From my understanding he did not hit him.

32
33 Q: Okay. And going back to who actually retrieved the last shotgun shell
34
35 from the trunk of the car.

36
37 A: That is either Sheldon Oakman, or John, or J.J, because Sheldon's saying
38
39 that J.J got the shotgun shell from the trunk of the car, took it to Gantt
40
41 behind the building, and J.J. says that Sheldon got the shotgun shell and
42
43 took it behind the building to Gantt.

44
45 Q: Okay. Wouldn't it be more accurate to say that everybody said that it was
46

1 Sheldon Oakman that got the shotgun shell, with the exception of Sheldon
2
3 himself?

4
5 A: I'll have to go back and look at the report and see what it says here.

6
7 Q: And I realize you're doing a lot of people and you have a very thick file on
8
9 this.

10
11 A: All right. Norris, when we interviewed him, he doesn't indicate which
12
13 one. He said that Gantt had shot three times at Leaphart but had missed.
14
15 Leaphart ran behind an old building. Gantt chased after him and he said
16
17 that Gantt disappeared behind the building, heard two more shots and
18
19 Gantt came from behind the building and got into the vehicle and they
20
21 drove off. He doesn't indicate who took the shotgun shell back there to
22
23 him.

24
25 Q: Doesn't indicate if it was John Oakman, Jr., J. J., or if it was Sheldon?

26
27 A: Correct.

28
29 Q: Okay. And I think John Oakman, Jr. stated it was Sheldon. And then
30
31 Abner stated that Gantt told everyone to get out of their vehicles. Abner
32
33 stated that Gantt took the phone from Leaphart that he would make him
34
35 talk. Gantt told Leaphart to stand in front of the building and Gantt fired
36
37 three more times. Believed he missed. Abner stated Gantt chased after
38
39 Leaphart, fired another shot. Abner stated that Gantt had yelled for
40
41 Sheldon to bring another shotgun shell. Sheldon complied and a fifth shot
42
43 was fired. That's Abner, Jr.

44
45 Q: So Abner, Jr. indicates Sheldon.

46

1 A: Correct.
2
3 Q: Okay. So of all, I'm sorry.
4
5 A: That's it.
6
7 Q: So of everybody that you've asked the only person that's saying that
8
9 John Oakman, Jr. retrieved the last shotgun shell is Sheldon Oakman. Is
10
11 that correct?
12
13 A: Yes. Sheldon's saying that J. J is the one that took the shotgun shell
14
15 back there to him.
16
17 Q: And of course that's important so Sheldon would have a motive for
18
19 blaming it on somebody other than himself. Isn't that correct?
20
21 A: Yes.
22
23 Q: You indicated that Williams has not made a statement. Has he been asked
24
25 to make a statement?
26
27 A: He had an attorney at the time.
28
29 Q: Is that the reason he did not make a statement?
30
31 A: That's correct. We did not interview him because he was already
32
33 employed an attorney. So we did not interview him.
34
35 Q: And Gantt has not made a statement. Is that correct?
36
37 A: Correct. We advised him, asked him, and he did not want to make any
38
39 statements.
40
41 Q: All right. The only person of the eight people that are charged in this
42
43 crime that is under the age of 17 is John Oakman, Jr. Is that correct?
44
45 A: Correct.
46

- 1 Q: Who made the decision to charge my 16-year-old client, John Oakman,
2
3 Jr., as an adult as opposed to a juvenile?
4
- 5 A: I did because of the charge. Anything that carries 21 years you can charge
6
7 as an adult.
8
- 9 Q: So you made that decision on your own?
10
- 11 A: Me and my lieutenant.
12
- 13 Q: Was anybody from the solicitor's office involved in making that decision
14
15 to the best of your recollection?
16
- 17 A: I think Bill Weeks did.
18
- 19 Q: Please bear with me. Excuse me. That's all the questions I have. And it
20
21 is my understanding we'll wait so I'll make my motions at the conclusion
22
23 of everything.
24
- 25 THE COURT All right. Mr. Chandler.
26
- 27 COUSEL FOR DEFENSE (EVERETT CHANDLER) ON CROSS EXAMINATION
28
- 29 Q: Okay. Thank you, Your Honor. Investigator Ghant, other than
30
31 Johnny Walker's statement regarding Sheldon Oakman's presence at
32
33 Casey Blizzard's home do you have anyone else that indicates that he
34
35 was there when Jeremy was picked up?
36
- 37 A: No.
38
- 39 Q: No one else. So it's just, and even in that statement basically, Mr.
40
41 Walker indicates that Jeremy voluntarily got in the car with them and
42
43 they went to Mr. Walker's home, had a few drinks before going to
44
45 Ms. Bowers home. Isn't that correct?
46

- 1 A: That's what he said. Yes.
- 2
- 3 Q: Yes. And based on the questioning earlier the only, this concept that he
- 4
- 5 was taken away from this home comes from Ms. Blizzard, who indicated
- 6
- 7 that somebody told him to hurry up and get in the car?
- 8
- 9 A: And he was also very scared and that he had made several phone calls
- 10
- 11 after then, after leaving the residence, indicating that, you know, that they
- 12
- 13 were going to hurt him if he did not produce guns or money to cover the
- 14
- 15 guns.
- 16
- 17 Q: But those phone calls were not made immediately after he left indicating
- 18
- 19 it wouldn't be the time that he was in that car.
- 20
- 21 A: One phone call was made immediately after they left, according to Mr.
- 22
- 23 Walker. He was already on the phone as soon as they left driveway
- 24
- 25 calling Ms. Blizzard, telling her he was wanting to know where those guns
- 26
- 27 were.
- 28
- 29 Q: But the question was fussing, and I think based on Mr. Walker's
- 30
- 31 statement that the only fussing was Jeremy fussing at Casey about the
- 32
- 33 location of the guns.
- 34
- 35 A: That's Mr. Walker's statement.
- 36
- 37 Q: Okay. All right. And it's my understanding that the State's probable
- 38
- 39 cause or case against my client, Mr. Oakman, regarding the kidnapping
- 40
- 41 was that he was involved in the transport from Ms. Blizzard's home
- 42
- 43 to ---
- 44
- 45 A: He was involved in -- from Ms. Blizzard's residence to Ridge Spring,
- 46

1 Saluda. And then he was in the second car from Saluda over to Hutto
2
3 Pond Road in Aiken County.
4
5 Q: Well, let's go to the second car.
6
7 A: Uh-huh.
8
9 Q: Now on the questioning you indicated that in the first car was Marion
10
11 Abner driving.
12
13 A: Uh-huh.
14
15 Q: Mr. Gantt right front passenger.
16
17 A: Yes, sir.
18
19 Q: John Oakman right rear passenger.
20
21 A: John Oakman, Jr. was the rear passenger.
22
23 Q: Okay. Leaphart's in the middle.
24
25 A: Leaphart's in the middle. And ---
26
27 Q: Andre Norris is in the left rear.
28
29 A: Norris is, yeah. And then Sheldon Oakman was driving the red
30
31 Oldsmobile Alero with Ronnie Bowers, Jr. as the passenger.
32
33 Q: And so he was simply following these guys to, based on your statement,
34
35 to a location other than where they ended up. Is that correct?
36
37 A: Yeah. From where they left Bridget's house they wound up on Hutto
38
39 Pond Road. He followed them to Hutto Pond Road.
40
41 Q: So there's no way that my client could have been restricting any
42
43 movement from Mr. Leaphart in that car?
44
45 A: Not in the car with him. No.
46

- 1 Q: And, although I know that this is the car where there were a number of
2
3 calls, desperate calls made by 911, my client, Mr. Sheldon Oakman
4
5 wouldn't have heard any of those calls or those requests in that car. Is
6
7 that correct as well?
8
- 9 A: No, sir. Huh-uh.
- 10
11 Q: So we have his presence from one, based on one statement, his presence
12
13 in a car to pick up Mr. Leaphart.
14
- 15 A: Correct.
- 16
17 Q: And him following the car ---
18
- 19 A: From Bridget's house.
- 20
21 Q: From Bridget's house.
22
- 23 A: Right. To Huddle Pond Road.
- 24
25 Q: Okay. Picking up on now the murder charge. I think you correctly
26
27 answered that the only two, there were only three statements regarding
28
29 the picking up of a shotgun shell. or the handing to Mr. Gantt of a shotgun
30
31 shell. Is that correct?
32
- 33 A: Yes.
- 34
35 Q: And two statements whereby Marion Abner and John Oakman, Jr., who
36
37 indicates that Sheldon Oakman handed the shotgun shell.
38
- 39 A: That's correct.
- 40
41 Q: And then there was a statement by my client that indicated that J. J. ---
42
- 43 A: J. J., John Oakman, Jr., handed the shell to Gantt.
- 44
45 Q: And do you have, in your investigation are you aware of the contact
46

1 between Marion Abner and John Oakman, Jr. during your investigation?
2
3 A: No.
4
5 Q: No.
6
7 A: I don't know.
8
9 Q: You don't know if they were together to get their stories together or
10
11 anything like that?
12
13 A: I think, what I'm thinking Sheldon had told me that, you know, they had
14
15 got together but he didn't elaborate. You know, he don't know what was
16
17 said. That's just what he told me.
18
19 Q: That those two, they, being Marion Abner and John Oakman, Jr.
20
21 A: Correct.
22
23 Q: Okay. And there's no indication that my client actually pulled the trigger.
24
25 It's clear that Mr. Gantt did that?
26
27 A: That's correct.
28
29 Q: No further questions.
30
31 THE COURT All right. Mr. Timmerman.
32
33 COUNSEL FOR DEFENSE (PAUL TIMMERMAN) ON CROSS EXAMINATION
34
35 Q: Thank you. Investigator Ghant, correct me if I'm wrong, but is it the
36
37 State's theory, as far as Mr. Bowers goes in the kidnapping, that he was
38
39 in the vehicle that was following the victim to Hutto Pond Road?
40
41 A: Yes. He was at, when I interviewed him he indicated to me that he was
42
43 picked up on the side of the road by Sheldon when they were riding
44
45 through, I think, Ridge Spring and he then that's how he got involved
46

1 and went to Hutto Pond Road and watched as, you know, was there when
2
3 Gantt killed him. But according to other witnesses he was actually at his
4
5 sister's house and participating in the assault on Jeremy.
6
7 Q: Okay. And as I understand it from reading the various statements and
8
9 listening to the various statements they differ into who actually
10
11 participated in the actual beating of Mr. Leaphart. Isn't that correct?
12
13 A: Yes. Several different people did give ---
14
15 Q: Some say some hit him, some didn't. And others would say that no,
16
17 others were involved and maybe some others weren't. So that various.
18
19 But there's no evidence that Mr. Bowers had anything to do with picking
20
21 up Mr. Leaphart and bringing him to that residence.
22
23 A: No. He was already at Bridget's house when Jeremy arrived with
24
25 Williams.
26
27 Q: Okay. And that was his sister's house, so you wouldn't think it would
28
29 be uncommon that he would be at her house.
30
31 A: No. He was there with, I think, Abner and Norris. You know, I mean, he
32
33 was there with Abner and Norris.
34
35 Q: There's also no evidence that he had anything to do with these guns is
36
37 there? That they were mad about ---
38
39 A: The missing guns?
40
41 Q: Right.
42
43 A: No. Not that I know of. When I asked him about what happened to the
44
45 guns, where did these guns come from. He said he does not know.
46

1 Q: Okay. And as with Mr. Oakman, Sheldon Oakman, he was in a car
2
3 following a car and went to a location that differed from where they were
4
5 supposed to go. Is that correct?
6
7 A: On Hutto Pond Road and they returned back to Walker's house where they
8
9 eventually went back to Hutto Pond Road, retrieved Jeremy's body, and
10
11 took it to Dozier Street in Batesburg.
12
13 Q: No indication that he had any idea that they were going to Hutto Pond
14
15 Road?
16
17 A: At the beginning?
18
19 Q: At any time until they got there.
20
21 A: On the second time they were told they were going back to Hutto Pond
22
23 Road.
24
25 Q: I'm talking about when the killing happened.
26
27 A: When the killing happened.
28
29 Q: They're following this car. They're supposed to go to Mr. Walker's
30
31 house.
32
33 A: No. He followed. He thought assuming that he was going to Mr.
34
35 Walker's house and wound up going to Hutto Pond Road.
36
37 Q: Okay. So obviously, as with Mr. Sheldon Oakman, he could have been
38
39 doing nothing to hold Mr. Leaphart against his will while he was riding
40
41 in a separate car.
42
43 A: No, he was not in the same car as Mr. Leaphart.
44
45 Q: And as far as going back for the body he was in a separate car from the
46

1 body at all times. Is that correct?
2
3 A: That's correct. He participated, he went back there to move the body, put
4 him in the trunk of the car, and then helped him move the body from the
5 trunk of the car on Dozier Street to the pile of debris on Dozier Street.
6
7
8
9 Q: And that depends on who you believe or who you listen to, too. Right?
10
11 A: Well, everyone ---
12
13 Q: Not everybody says he, excuse me, actually went and removed the body
14 physically.
15
16
17 A: To my understanding he participated in it.
18
19 Q: Okay. I know I've seen statements that don't say that but I know there's a
20 bunch of them. No indication that he was in on the conversation saying,
21 we got to go move the body, other than being in the same room?
22
23
24
25 A: No, Williams is from my understanding the one indicated we had to go
26 they had to go move the body.
27
28
29 Q: Okay. And he's just witnessed somebody be shot.
30
31 A: Yes.
32
33 Q: That's all I have.
34
35 THE COURT Thank you. Mr. Screen.
36
37 COUNSEL FOR DEFENSE (JERRY SCREEN) ON CROSS EXAMINATION
38
39 Q: Thank you, Judge. As to Darrell Williams.
40
41 A: Yes, sir.
42
43 Q: Darrell Williams and Jeremy Leaphart were buddies.
44
45 A: That's my understanding.
46

- 1 Q: And did you get any phone records on Jeremy Leaphart's phone where
2
3 he may have called Darrell Williams to come over to that house that
4
5 day to pick him up?
6
- 7 A: I have not seen none. But we're in the process of getting other phone
8
9 records.
10
- 11 Q: You have determined though that there was a mere altercation going on
12
13 over there at that house between Blizzard and Jeremy Leaphart.
14
- 15 A: That's what I've been told, yes, by some of the guys that went over there.
16
17 I think it was Mr. Walker actually said that it was a confrontation
18
19 between---
20
- 21 Q: Blizzard and Leaphart.
22
- 23 A: Uh-huh.
24
- 25 Q: In fact, you determined that there was bad blood between them. They had
26
27 often had been in fights and Leaphart had been barred from going over
28
29 there for a while. Isn't that right?
30
- 31 A: I don't know.
32
- 33 Q: All right. But Darrell Williams went over there because Leaphart called
34
35 him, summoned him over there.
36
- 37 A: That I cannot answer. I don't know if he called him to come get him.
38
- 39 Q: Well ---
40
- 41 A: All I know is that Williams had told Walker that he would go pick
42
43 up Jeremy and then they went to pick him up.
44
- 45 Q: And Ms. Blizzard didn't tell you that Jeremy had a brick about to hit her
46

1 with it when Darrell Williams showed up and got him out of there to keep
2
3 from getting in trouble?
4
5 A: Ms. Blizzard?
6
7 Q: Yeah.
8
9 A: No. I didn't talk to her.
10
11 Q: She didn't tell you that?
12
13 A: I didn't talk with her.
14
15 Q: You didn't talk her?
16
17 A: No. That was Lexington County did the initial interview with her because
18
19 of the kidnapping, alleged kidnapping that they were involved in of
20
21 Jeremy. But I have not seen where she has given a statement about
22
23 being (INAUDIBLE)
24
25 Q: All right. So yall have not shared any information with each other?
26
27 A: Well, I've got all this information but I don't know, I didn't see anything
28
29 where Jeremy had tried to hit her with a brick other than what Walker has
30
31 said.
32
33 Q: Are you aware of any statements that Lexington County took from
34
35 Blizzard?
36
37 A: Just the one I read.
38
39 Q: And she doesn't mention this fuss, fight going on?
40
41 A: She said they got into an argument. Well, she indicated that they were
42
43 fussing. She was fussing with Jeremy and then she heard Steve telling her
44
45 sister that the boys wanted to get their stuff and it might be the last time
46

1 they see him. And said the black guys kept telling Jeremy let's go, let's
2 go. They got in the car and let's leave before Casey calls the law. And
3 then he left and then she left. She doesn't indicate anything about that
4 he had a brick or a block or anything trying to hit her with it. They were
5 arguing about, I guess, the guns that were missing.
6

7
8
9
10
11 Q: She was arguing with Jeremy Leaphart.

12
13 A: Correct.

14
15 Q: But Darrell Williams tried to get Jeremy Leaphart to leave to break that
16 argument up. That's why he went voluntarily with him. Isn't that right?
17

18
19 A: He went with him. Yes.

20
21 Q: Yeah. He there wasn't no question about no threat or force to get him
22 to get in the car with Darrell Williams. He left voluntarily.
23

24
25 A: My understand was he got in the car with them and they left.

26
27 Q: In fact, you have statements with Darrell Williams showed just how much
28 he loved this boy because he stopped them from beating him.
29

30
31 A: Yes. That's what Walker said.

32
33 Q: Well ---

34
35 A: Now according to what the other statements is that and that when he
36 started hitting him he threw his hands up and told him, "I ain't touching
37 him. Yall do it."
38

39
40
41 Q: Because that's his buddy. If yall going to jump on him I ain't in it. But
42 I'm not going to beat him.
43

44
45 A: Right.
46

1 Q: That's essentially what he was saying.
2
3 A: Yeah.
4
5 Q: And then later he stopped the fellow from getting him after they hit him
6
7 some.
8
9 Q: That's according to Walker that they told him not to mess with him. To
10
11 go get him cleaned up and take him back to Walker's house.
12
13 A: That's right.
14
15 Q: Because, all right. So it was Darrell Williams that stopped the fight,
16
17 quelled the fight, tell them to clean this boy up, clean my buddy up,
18
19 straighten it up. All right. Let's go, let me jump, switch gears with you
20
21 just a second. Who saw any guns under the Blizzard house?
22
23 A: Other than, I guess, Darrell Williams and ---
24
25 Q: But you don't have no statement from Darrell Williams.
26
27 A: No.
28
29 Q: All right.
30
31 A: This is my understanding was that they went back to pick him up and
32
33 Casey said that the guns were underneath the house and they moved them.
34
35 That Jeremy came back and moved the guns and took them and moved
36
37 them somewhere else from underneath the house.
38
39 Q: Does she say she saw the guns?
40
41 A: My understanding that indicated she saw the guns and that he moved the
42
43 guns.
44
45 Q: She described the guns to you?
46

1 A: To my understanding, no.

2
3 Q: Well, how'd she say it was five or six if they were in a duffle bag?

4
5 A: All right. What she says, indicates here, that Jeremy had around about
6
7 five to seven guns that he brought to my house. He had his buddy Steve
8
9 put them underneath my trailer. They were in a blue duffle bag type thing
10
11 stuffed in a blue tote. When Jeremy moved them to the bottom, which
12
13 I refer to behind my house, he took them out of the tote. As far as I know
14
15 they were still in the duffle bag. The clip that Lexington County found
16
17 was an AK-47. So she indicates that there was five to seven guns that
18
19 she saw in a blue tote that Jeremy put underneath the house and then
20
21 eventually moved down to the bottom of the property.

22
23 Q: All right. But the only connection that she knows between those guns and
24
25 my client, Darrell Williams, was what Jeremy said because she didn't see
26
27 Darrell Williams with the guns did she?

28
29 A: He said him and buddy, Steve, which is known as Little Stevie, that's
30
31 Darrell Williams. She said him and Jeremy took the guns to her house
32
33 and put them underneath the trailer. That's what her statement says.

34
35 Q: All right.

36
37 A: It says, that five to seven guns that he brought to my house, him and his
38
39 buddy, Steve, put them underneath my trailer.

40
41 Q: All right. And so they were, at some point your testimony is that
42
43 Darrell Williams told them when he found out that Gantt had shot and
44
45 killed Jeremy Leaphart, Darrell Williams actually broke into tears.

46

- 1 A: According to what Walker said, that Gantt had called Walker. Walker
2
3 in turn told, told Darrell, who was at Walker's house, that Jeremy had
4
5 been killed. Yes. And that Walker started crying.
6
7 Q: And then even with the statements given Darrell Williams didn't lift
8
9 any body up, or didn't pick up any body, or do anything like that.
10
11 A: He did not pick the body up. He went with them to told them they had to
12
13 go get the body. They went back to Hutto Pond Road and at that point he
14
15 stood beside the car. And at some point they told him they couldn't find
16
17 the body and in one of those statements is that he used his light from his
18
19 cell phone camera to light the way through the woods to where they
20
21 located the body.
22
23 Q: Where he could find the body of his dead friend, Jeremy Leaphart.
24
25 A: Yes. Yes.
26
27 Q: How many other people, other than Walker indicate that Darrell Williams
28
29 went out there?
30
31 A: All of them do.
32
33 Q: All of them said Darrell Williams went out there?
34
35 A: Yes. All of them they that he was with them and they went and dumped
36
37 the body on Dozier Street in Batesburg.
38
39 Q: He was driving what car? What car was he riding in?
40
41 A: I think he was riding in the one the actual body was in. I think it was the
42
43 Toyota.
44
45 Q: Same car that the body was in?
46

1 A: Correct.
2
3 Q: So all total in this situation here you've got statements from everybody
4
5 but Darrell Williams and ---
6
7 A: And Gantt.
8
9 Q: And how many statements total because some of them gave multiple
10
11 statements. How many total statements are there?
12
13 A: Sheldon gave a couple, just went over some things that he missed.
14
15 There's probably six, seven, maybe seven or eight statements that were
16
17 given. A couple of them were from re-interviews with Sheldon
18
19 Oakman. But I'm pretty sure it was six, from each individual that was at
20
21 that went back out there to recover the body.
22
23 Q: So ---
24
25 A: It was Williams suggestion that you need to go back because Williams
26
27 had told Gant he needed to be 21 about it, in other words take
28
29 responsibility for it. Because and they had to go get the body because
30
31 they knew that the last person seen with them is because they went and
32
33 picked him up from Casey's house. And then Williams told him we need
34
35 to go get the body and let's go. And they all piled in two cars, went to
36
37 Hutto Pond Road and took the blanket back there, wrapped the body up,
38
39 and took it out, put it in the trunk of the car, and drove around the
40
41 Gilbert area and then wound up eventually going to Batesburg where the
42
43 body was placed.
44
45 Q: So they took Darrell Williams to where the body was.
46

1 A: Correct
2
3 Q: And he stood beside the car and at some point they couldn't see him,
4
5 and didn't find him, so he turned on his cell phone light.
6
7 A: Correct. And went ---
8
9 Q: That's all he did.
10
11 A: And they stayed back there until the body was recovered. Took the body
12
13 back to the trunk of the car. Got in the car and drove to Batesburg,
14
15 where they eventually wound up on Dozier Street and was there and
16
17 present when the body was removed from the trunk of the car and taken
18
19 and put in a pile and covered up.
20
21 Q: I have no further questions. Thank you, Officer Ghant.
22
23 THE COURT Thank you. Ms. Brown.
24
25 COUNSEL FOR DEFENSE (KELLY BROWN) ON CROSS EXAMINATION
26
27 Q: Thank you. You mentioned, I think, one of the very first things you
28
29 mentioned when you were giving you testimony that there was an
30
31 interview done with a Ronnie Martin?
32
33 A: Ronnie Martin. Ronnie Bowers? Yeah, I'm sorry, Ronnie Martin.
34
35 Yes.
36
37 Q: Who is Ronnie Martin?
38
39 A: Ronnie Martin is an acquaintance, a friend, of the suspects. He's hung
40
41 out with them before. Hangs out with them.
42
43 Q: Was he part of this gang?
44
45 A: I don't know if he was part of the gang or not. He just hung out there
46

1 with them.

2
3 Q: Where does he claim that he was when he overheard this conversation
4
5 between Darrell Williams and Sheldon Oakman?

6
7 A: I think they were at Walker's house.

8
9 Q: And when was this?

10
11 A: I don't know the exact date when this was. I don't have it down here
12
13 exactly when this was. He didn't give a date when this took place.

14
15 Q: How did you come to develop Ronnie Martin as a person of interest?

16
17 A: That was Lexington County that did that. They did the interview and, I
18
19 guess, they had developed information that he knew because of the
20
21 things he was associated with. Jeremy Leaphart, also he was friends with
22
23 him. And so they initially interviewed him because he was in our jail on
24
25 charges not related to this.

26
27 Q: Okay. Thank you, Your Honor. I have nothing further.

28
29 THE COURT Thank you. Mr. Routzong.

30
31 COUNSEL FOR DEFENSE (MICHAEL ROUTZONG) ON CROSS EXAMINATION

32
33 Q: Investigator Ghant, can you tell me the theory of, the State's theory as to
34
35 Mr. Norris?

36
37 A: Andre Norris?

38
39 Q: Yes, sir.

40
41 A: He was present during over at Bridget Bowers house and then he rode
42
43 with them. He was in the back seat by Jeremy when they went to
44
45 Hutto Pond Road. And then he was present during when Gantt killed
46

1 him. And then he went back to Walker's house. And then from there
2
3 where Williams told him that they needed to go move the body he in turn
4
5 goes back. Helps move the body, is my understanding, and gets the body
6
7 out of the woods and puts it in the trunk of the car. And they go to Dozier
8
9 Street where he also helps.

10
11 Q: Are the statements inconsistent by the defendants? All the defendants, the
12
13 statements that you know about so far, are they all consistent or are some
14
15 of them inconsistent about Mr. Norris' presence?

16
17 A: Everybody is telling different things about who actually took the shotgun
18
19 shells. Who actually went behind there, got the body. Who actually
20
21 assaulted him at Bridget's house. Who helped drag the body and put it in
22
23 a pile and cover it up. There's different stories.

24
25 Q: Are the statements inconsistent as to whether Mr. Bowers or, I'm sorry,
26
27 Mr. Norris was present at Bridget's house?

28
29 A: No. Everybody said that he was there at Bridget's house.

30
31 Q: And there came a time when Mr. Williams told someone to take Jeremy
32
33 to Head's house and clean him up?

34
35 A: Yes. Darrell Williams told him to take him back to Walker's house and
36
37 get him cleaned up.

38
39 Q: To your knowledge was there any evidence that anybody had mentioned
40
41 anything prior to them leaving to go to Mr. Walker's house that they were
42
43 going to kill Jeremy?

44
45 A: No.
46

- 1 Q: So as far as you know when everyone got in the car they were, as far as
2
3 you know, they were planning to go to Mr. Walker's house?
4
- 5 A: That's correct.
6
- 7 Q: What happened, what is your understanding of what happened as to
8
9 why they ended up on Huddle Pond Road?
10
- 11 A: According to what, I think, Mr. what Abner said was that Gantt told them
12
13 to travel down 39 and when he was asked where were they going he told
14
15 him, you know, shut up, you know, you're going to get what you got
16
17 coming and then they turn on Hutto Pond Road and stop.
18
- 19 Q: To your knowledge was there any opportunity for anybody to exit the
20
21 vehicle before they got to Hutto Pond Road?
22
- 23 A: That I don't know.
24
- 25 Q: So as far as you know there's no evidence that there was any conversation
26
27 about killing Mr. Leaphart that somehow began after they left Bridget's
28
29 house and somewhere between Bridget's house and Hutto Pond Road?
30
31 There was no statement saying that there was a decision made as a group
32
33 to kill Mr. Leaphart?
34
- 35 A: No. No one has said that.
36
- 37 Q: What evidence do you have, specifically, about Mr. Norris being involved
38
39 in a gang, the GKB? Do you have anything from Officer Everson?
40
- 41 A: Just other than that is they were Williams and they were a member of the
42
43 Bloods and asked what kind of Bloods and that's when he indicated the
44
45 GKB. Nothing else, other than that, was the Bloods that they were.
46

1 Q: So your testimony is that there really isn't any evidence, at least right now,
2
3 that Mr. Norris is involved in any gang?
4
5 A: I don't know if Mr. Norris is actually a member of it, other than Walker
6
7 indicated that Williams is a member of the Bloods. He was the only one
8
9 that he would officially come out and say. I asked him about the rest of
10
11 them. He would not elaborate. He didn't deny, and he didn't say, yes. He
12
13 just wouldn't elaborate any further.
14
15 Q: Have you asked Officer Everson whether or not ---
16
17 A: Everson? Yes. I asked him and he said this group was what he
18
19 understood was they're a member of the Bloods. Is that he ---
20
21 Q: And when you mean group who do you mean?
22
23 A: The eight gentlemen that's back here.
24
25 Q: He specifically said Mr. Norris was in this gang?
26
27 A: Yes. To my understanding.
28
29 Q: And they base that on, what is your understanding of what he based that
30
31 on?
32
33 A: Just, I guess, stuff that he had heard about or talked about on the street
34
35 from the high school that he's a school resource officer of.
36
37 Q: I'm kind of curious about the guns. What bothers me about the guns is
38
39 the phone calls about five thousand dollars (\$5,000.00). And, I think, I
40
41 saw in the Lexington County report it's alleged that Jeremy said they'll
42
43 take twenty-five hundred (\$2,500.00) at one point. Is that your
44
45 understanding?
46

1 A: Yes, sir.

2
3 Q: And we seem to be talking about two, at least this is why I'm confused.

4
5 We seem to be talking about two groups of guns or two sets of guns.

6
7 There are guns that were stolen that Mr. Leaphart was alleged to have
8
9 burglarized.

10
11 A: I believe there was a burglary where some guns were taken. One of them
12
13 was a shotgun and that's the gun that he was killed with. That's not to do
14
15 with the actual guns that Williams had gave Jeremy to hold. My
16
17 understanding these were assault weapons, AK-47's, that he was to hold
18
19 for Williams.

20
21 Q: I don't know, you might not know, but what would be the street value of
22
23 an AK-47?

24
25 A: I don't know.

26
27 Q: Do you believe that the guns that Bridget Bowers was talking about that
28
29 were in the that was in the tote bag, those were AK-47's?

30
31 A: Are you talking about Casey Blizzard?

32
33 Q: I'm sorry. Casey Blizzard.

34
35 A: Yes. Because as a matter of fact what I've seen indicated in the report that
36
37 Lexington County had recovered a magazine clip for an AK-47 at her
38
39 house.

40
41 Q: Do you know whether or not the Bureau of Alcohol/Tobacco/ and
42
43 Firearms was doing any investigation related to Mr. Williams or
44
45 anything like that?

46

1 A: Not that I know of. I don't know.
2
3 Q: Would it be the case that, see I'm trying to understand why people were
4
5 upset to this extent about these guns. It bothers me and I wonder did
6
7 Mr. Williams, when he when Mr. Leaphart was holding these guns for
8
9 Mr. Williams did these guns not belong to Mr. Williams and maybe Mr.
10
11 Williams was holding them for somebody else? Is that possible?
12
13 A: It could be. I don't know. We've asked that question and no one can
14
15 answer that as far as, you know, about these guns. Where the guns came
16
17 from. You know, who the guns actually belonged to. No one has
18
19 answered that question. It has been asked.
20
21 Q: Do you know, there was one part of the report that said that Mr. Norris'
22
23 grandmother lived near where the body was found at one point in time.
24
25 Have you ---
26
27 A: Yes, sir.
28
29 Q: ---actually, ascertained whether that's true or not?
30
31 A: Not yet. No. There's three houses there and the last house is the yellow
32
33 house, which is the debris was the pile basically in front of that yellow
34
35 house. And he, my understanding was that Norris said, "That's where my
36
37 grandmother used to live." It's some old abandoned houses. They've
38
39 been vacant for a long time.
40
41 Q: Is this in close proximity to the police department?
42
43 A: It's probably, yes, you can basically see the Batesburg/Leesville Police
44
45 Department. It's by, if you was to stand up you can see it across the field.
46

1 Q: Thank you. I don't have any other questions, Your Honor.

2
3 THE COURT All right. Anything else from the State?

4
5 THE STATE No, Your Honor.

6
7 THE COURT All right. Mr. Whittle.

8
9 COUNSEL FOR DEFENSE (JAMES WHITTLE)

10
11 If it please the Court, Your Honor, my motions
12
13 would be with regard to Marion Abner. The
14
15 State has chosen to proceed against him on
16
17 charges of murder and kidnapping. Murder is defined as the killing of
18
19 another human being with malice aforethought, either expressed or
20
21 implied. Kidnapping is statutorily defined as unlawfully seize, confine,
22
23 inveigle, decoy, kidnap, abduct, or carry away any other person by means
24
25 whatsoever without authority of law. In Mr. Abner's case based upon the
26
27 State's testimony it's clear that he is not a principle in terms of murder or
28
29 kidnapping. Therefore, I think the State's theory is that he was an
30
31 aider or abettor. However, to be an aider or abettor he must understand
32
33 what the situation is. He must also clearly agree to engage in the
34
35 situation and must participate freely and voluntarily. The testimony that
36
37 we have here is that when they left the Bowers home the indication was
38
39 they were going to another location. There was no agreement among the
40
41 parties that they were going to kidnap or kill Mr. Leaphart. Indeed, the
42
43 uncontradicted testimony is that Mr. Abner was told where to drive by
44
45 Mr. Gantt and, in fact, was threatened. Once they got to the location.
46

1 Mr. Abner did not participate in the killing. Did not touch the weapon.
2
3 Did not do anything in furtherance of any alleged agreement among the
4
5 parties to participate in the action. Thereafter, he drove away. He then at
6
7 some point allegedly drove to where the body was. There was an
8
9 attempt made to do away with the body. At that point there is a potential
10
11 if he knew what went on that he could be deemed to be an accessory after
12
13 the fact of certain events. But, it can't be said at that point that he would
14
15 be an aider or abettor to the principle offenses of murder and kidnapping.
16
17 For that reason I would ask you to dismiss the murder and kidnapping
18
19 warrants and I would add to that that that doesn't mean that there may not
20
21 have been criminal activity here and that the State may not directly indict
22
23 him on the appropriate criminal activity. But what's been said today
24
25 would not substantiate aiding and abetting, which would be necessary
26
27 since they agree he is not the principle. Thank you.

28
29 THE COURT

Thank you. State's position?

30
31 THE STATE

32 Your Honor, Mr. Abner was the driver of the
33
34 car that took the deceased young man from
35
36 Saluda County to Aiken County. His intention
37
38 when they left Saluda County was to go to Aiken County. He just ended
39
40 up at a different place in Aiken County than he started out to get to. They
41
42 had beat and tortured this young man in Saluda County prior to him
43
44 getting in the car, in the back seat, with these other people who had all
45
46 participated in beating and torturing him, and questioning him about guns

1 and witnessing, and listening to the young man making pleading phone
2
3 calls to relatives and anybody that would answer his call that he needed
4
5 money or was going to be killed. I think there's plenty of probable cause
6
7 that Mr. Abner was a principle in the kidnapping and the murder under the
8
9 theory of the hand of one is the hand of all on the murder. They would not
10
11 be on Hutto Pond Road if Mr. Abner hadn't turned the wheel and got them
12
13 there and he's a principle to both those charges in the State's opinion.
14

15 So would respectfully disagree with Mr. Whittle.

16
17 THE COURT

17 Thank you. Mr. Whittle, I'm going to deny
18
19 your motion at this time. I believe there's
20
21 probable cause at this point for these cases to
22

23 move forward. All right. Mr. McElveen.
24

25 COUNSEL FOR DEFENSE (GEORGE MCELVEEN)

26
27 Thank you, Your Honor. With respect to
28
29 Mr. Walker and his accessory after the fact
30
31 taking the State's evidence on it's face there's
32
33 no evidence that he had any part in deciding to go back and get that body.
34
35 There's a supposition that he must have been involved in a conversation to
36
37 that effect, but there's no evidence to that effect. Secondly, even if he did
38
39 he just stood by the car when they got there. He made no motion to move
40
41 the body. He made no motion to assist in any way. He stood there and
42
43 specifically, the evidence is, that he said he wanted no part of it. Once
44
45 the body was retrieved and put in the back of the car he made he had
46

1 nothing to do with deciding where to take the body. He had nothing to do
2 with deciding where to go or what to do. And when they got there he
3 had nothing to do with disposing of the body. He remained in the car.
4 Had nothing to do with any of that. And all they've been able to show
5 so far, Your Honor, is presence and we know that mere presence is not
6 sufficient. So I would move to dismiss that charge.
7
8
9
10
11

12
13 THE COURT

State?

14
15 THE STATE

Your Honor, I certainly understand the concept
of mere presence, but it would be stretching this
beyond belief that Mr. Walker's participation in
that was just mere presence. They started at his house, which is not on
Hutto Pond Road and ended up in Batesburg dumping a body wrapped in
a blanket that one witness says came from his house into a trash pile so
that nobody would find it. I believe that probable cause exists that
Mr. Walker was an accessory after the fact to the murder of Jeremy
Leaphart. It's clear that he had knowledge that Jeremy Leaphart was
murdered. He participated. You know, two car loads of them go down
there to move this body and their intent at that point as far as allowing
Mr. Gantt allowing these other boys that were present at the murder of
Mr. Leaphart to escape detection is certainly circumstantial evidence.
But there would be no other reason on earth for him to take a tour of
Hutto Pond Road in the middle of the night if he was not participating in
the act of allowing Mr. Gantt to escape detection or allowing these

1 men that are charged with murder to escape detection. Incidentally, the
2 law of accessory after the fact talks about harboring or assisting the
3 defendant of the principle crime. And quite honestly, Mr. Walker's house,
4 the testimony's been, was the gathering point, was the initial
5 destination, was intricately involved in the harboring of these individuals
6 while they came up with this idea, whoever it is that came up with it, to
7 remove the body of Jeremy Leaphart from Aiken County. The element
8 of harboring, aiding, or assisting the principle, I believe, there's been
9 probable cause established with regard to Mr. Walker.

10
11
12
13
14
15
16
17
18
19 THE COURT

Thank you. Mr. McElveen I deny your motion
and bound the case over for probable cause.

20
21
22
23 Mr. Woodruff.

24
25 COUNSEL FOR DEFENSE (TOM WOODRUFF)

26
27 Thank you, Your Honor. With regard to
28 John Oakman, Jr., Your Honor, my client's
29 charged with murder and with kidnapping.

30
31
32 And I, also, am going to make the argument that all my client did was
33 he was merely present. The testimony, I believe, that's been presented is
34 that my client was not engaged in the torture of the victim. He certainly
35 was not engaged in the shooting of the victim. There is conflicting
36 testimony as to whether or not my client actually delivered the last
37 shotgun shell, which apparently did kill the victim. But the only person
38 that is claiming that my client actually delivered that last shotgun shell is
39
40
41
42
43
44
45
46

1 the other Mr. Oakman, who obviously has a motive to blame it on
2 someone other than himself. And therefore, I would make the mere
3 presence argument as to both the murder and as to the kidnapping.
4
5 Additionally, Your Honor, we have a very unusual situation in this case
6
7 that I am representing a 16-year-old. And Officer Ghant testified that, yes,
8
9 it was his decision. And I believe he said that he did have input from the
10
11 solicitor's office, as well as from his lieutenant to charge my client as
12
13 an adult. And I think the court has an obligation to consider my client's
14
15 age and maturity level at the age of 16. He was merely hanging out,
16
17 which is what a lot of teenagers do. There's not been any testimony
18
19 that my client took any active participating other than the mere
20
21 presence. And so making my motion, Your Honor, I would request that
22
23 the court take into consideration the highly extenuating circumstance of
24
25 my client's very, very young age.
26
27

28
29 THE COURT

Thank you. State?

30
31 THE STATE

Your Honor, I appreciate Mr. Woodruff's
argument but I don't believe his age has
anything to do with his actions that night.

32
33
34
35
36
37 And the actions started at the residence of Blizzard in whatever county
38
39 that was and proceeded to Saluda County to the residence of Bowers and
40
41 proceeded ultimately to the death of Jeremy Leaphart in Aiken County.
42
43 And then the subsequent disposal of his body back in Lexington County.
44
45 And Mr. Oakman was there in the entire trip. Various conflicting
46

1 statements indicate that he certainly tried to participate in the torture and
2 beating of Jeremy Leaphart before he was transported ultimately to
3 Aiken County to be murdered. He was sitting beside the deceased in the
4 car. He heard all the conversations the deceased is making. If he's not a
5 part of this, and he had ample opportunity to step away from the murder
6 site. He had ample opportunity to escape from the car, from the people
7 who are allegedly his friends, and I believe his participation by taking a
8 shell to the actual shooter of Mr. Leaphart was certainly enough probable
9 cause to bound it over for murder and kidnapping.
10
11
12
13
14
15
16
17
18

19 THE COURT

Thank you. Mr. Woodruff, deny your motions
and bound the case over for probable cause.

23 Mr. Chandler.

25 COUNSEL FOR DEFENSE (EVERETT CHANDLER)

26
27 May it please the Court, Your Honor, at this
28 time we would move on behalf of my client,
29 Mr. Sheldon Oakman, to have to move that
30 both charges be dismissed based on the State's failure to provide probable
31 cause. First, with the kidnapping, regarding the kidnapping that
32 potentially could have happened in Aiken County would have been the
33 trip from Ms. Bowers to this location on Hutto Pond Road. It has been
34 based on the testimony of the investigator that my client was in a vehicle
35 that was following the vehicle where Mr. Jeremy Leaphart was making
36 the pleading calls. My client, based on the testimony and the also
37
38
39
40
41
42
43
44
45
46

1 conceded by the investigator would not have heard, would not have heard
2
3 those calls. Would not have been restricting the movements or any of
4
5 the freedom or in any way would be able to aide or abet any type of
6
7 restrictions of Mr. Leaphart. Further, it has been uncontradicted that the
8
9 purpose of leaving Ms. Bowers home at the time, Your Honor, was for
10
11 cleaning up Mr. Leaphart. And if that's the case, then any purpose that
12
13 my client would have been in the vehicle following would have been
14
15 for cleaning him up and not for committing any crime or aiding and
16
17 abetting any crime that would include kidnapping or holding him in any
18
19 type of manner against his will. Consequently, there were things that
20
21 happened. They did end up on Hutto Pond Road, but as for the
22
23 kidnapping or the detention, any type of detention, my client wouldn't
24
25 have known about the pleading calls. He wouldn't have been able to hold
26
27 him and because of that we would ask that that charge be dismissed for
28
29 the State's failure to provide probable cause. With regard to murder the
30
31 only statement made by the defendants that would link my client to this
32
33 particular murder, other than mere presence, is accusations of both
34
35 Mr. Abner, as well as John Oakman, Jr., only after my client provided a
36
37 number of statements to the State regarding the participation of everyone
38
39 in this particular charge. We would ask that this, simply this because of
40
41 that fact their statements are simply retaliation for his cooperation with
42
43 the State. And we ask that my client not be penalized for that and that the
44
45 State not be allowed to rely on both of them. Either John Oakman did it,
46

1 which they've just said that they're relying on, or Sheldon Oakman did it.

2
3 And because of that, Your Honor, we would also ask that that charge

4
5 be dismissed for failure to provide probable cause.

6
7 THE COURT

Let me change the tape.

8
9 END OF TAPE 2; BEGINNING OF TAPE 3

10
11 THE STATE

...in the previous arguments, but also, just

12
13 for the record if you would note the accessory

14
15 after the fact charge we request that that

16
17 be dismissed. The State's theory is that Mr. Oakman, under the law of

18
19 hand of one is the hand of all, participated in this event from the very

20
21 beginning of the acquisition of Mr. Leaphart from the residence and

22
23 participated in the torture and abuse of Mr. Leaphart in the adjoining

24
25 county and participated with the crew that was headed toward Aiken

26
27 County to, I guess, give him a bath if you listen to the defense lawyer.

28
29 But, it was clear from all the evidence that was presented that he was

30
31 being tortured, that he was being very much physically abused in order to

32
33 come up with money or that his life was in danger. And that was clear

34
35 from the beginning and Mr. Sheldon Oakman was a part of all of that.

36
37 In addition, the subsequent testimony after Mr. Oakman was forthcoming

38
39 other people didn't quite agree with his version of the facts. They said

40
41 that he actively participated in the demise of Mr. Leaphart by furnishing a

42
43 finishing shot to Mr. Gantt. So, I believe, all the facts lead to probable

44
45 cause and I would ask that you bind it over.

1 THE COURT

Thank you. Mr. Chandler, I deny your motion

2 at this time and bound those two cases over

3 for probable cause having dismissed

4 accessory after the fact of murder per the State's request. Mr.

5 Timmerman.

6
7
8
9
10
11 COUNSEL FOR DEFENSE (PAUL TIMMERMAN)

12 Thank you, Your Honor. On behalf of

13 Ronnie Bowers I'd move at this time to dismiss

14 the charges against him for kidnapping and

15 accessory after the fact of murder. My argument's going to sound a lot

16 like Mr. Chandlers because they were in the same car. Any kidnapping

17 that took place in Aiken County had to take place either at Hutto Pond

18 Road or on the way to Hutto Pond Road. He was not in the car when any

19 of that took place. In fact, he was supposed to be going somewhere else.

20 He goes somewhere which is controverted. He has no idea where he's

21 going. He's not privy to any phone calls that took place. As far as he

22 knows they're going somewhere else. So any kidnapping that would have

23 taken place would have taken place outside of his presence when he didn't

24 even know where they were going. Could not restrict Mr. Leaphart in any

25 way. As far as accessory after the fact it wasn't his idea to go out there.

26 He was in a car that did not even contain the body of Mr. Leaphart.

27 Again, I guess, at that point he's just present and there's contradictions

28 over what his role was, actually, at the scene with the body. So I'd ask

1 that both those charges be dismissed at this time. Thank you.

2
3 THE COURT

Thank you, sir. State.

4
5 THE STATE

Your Honor, likewise, it's very similar

6
7 arguments that I made with regard to Mr.

8
9 Oakman. But Mr. Bowers was readily present

10
11 at Bridget Bowers residence. It's his sister. He was present there when

12
13 this boy was abused, when he was threatened, when he was tortured.

14
15 It's unconceivable that the defense was that kidnapping was only in that

16
17 county. When they started out for Aiken County it's unconceivable that

18
19 Leaphart was going with them voluntarily after he's had an iron stuck to

20
21 his face. Mr. Bowers and Mr. Oakman would have been in the same car

22
23 if it'd been the size of a bus probably, but it wasn't. There wasn't

24
25 enough room for all these people to go torture and kill this boy. So they

26
27 were behind him. Mr. Bowers, with regard to going back later after

28
29 meeting back up at the location with all of the people who were in the

30
31 first car, decides to go back in, assist in removing the body. And there is

32
33 conflicting statements as to what his role was in toting the body to the

34
35 trash pile or covering it up in the trash pile. But, I believe, there's

36
37 probable cause for these charges against him.

38
39 THE COURT

Thank you. Mr. Timmerman, I deny your

40
41 motions and bound these cases over for

42
43 probable cause. Mr. Screen.

44
45 COUNSEL FOR DEFENSE (JERRY SCREEN)

1 Your Honor, please, as to Darrell Williams, the
2 evidence here, at least testimony, suggests that
3
4 Darrell Williams was a peacemaker. He
5
6 protected his friend from being beaten. He asked them to take him
7
8 somewhere and clean him up (INAUDIBLE) with him. Darrell
9
10 Williams had actually cried when he found out the plight of his friend.
11
12 Darrell Williams went to Hutto Road on a humanitarian mission. He
13
14 went out there to find out what was happening with his friend. He did
15
16 nothing but stand beside the car, didn't participate with them. He went to
17
18 try and find his buddy. He got caught up in this. I don't think he's
19
20 guilty of accessory after the fact. He may be guilty of something else,
21
22 but I don't think it's accessory after the fact. I'd ask you to dismiss it
23
24 for lack of probable cause.
25

26
27 THE COURT

State.

28
29 THE STATE

30 Your Honor, as Mr. Screen knows, I don't have
31
32 to prove he's guilty today. I have to prove
33
34 probable cause. I would like to have the case
35
36 that I had to prove that he was a humanitarian. I would dismiss that
37
38 tomorrow. But Mr. Williams started this whole thing. He was, the
39
40 reason Mr. Leaphart's dead today is because of the torture and abuse that
41
42 occurred at Bowers house, which is (INAUDIBLE) house in Saluda
43
44 County. He just was late for the show when they got to the killing part of
45
46 Mr. Leaphart. but he was there to help wrap it up at the end. And that's

1 exactly what he did. He's the one that had the flashlight or the cell phone
2
3 light. He's the one that helped him find the body. And Mr. Williams
4
5 was orchestrating the entire deal and I believe that probable cause exists
6
7 for that.
8

9 THE COURT

Thank you. Mr. Screen, I deny your motion
and bound the case over for probable cause.
Ms. Brown.

15 COUNSEL FOR DEFENSE (KELLY BROWN)

17 Your Honor, I have no, I have no motions.

19 THE COURT

All right. Bound these cases over for
probable cause on Frankie Gantt. Mr.
Routzong.

25 COUNSEL FOR DEFENSE (MICHAEL ROUTZONG)

27 Your Honor, the State's mentioned a few things
28
29 that leads the State to believe that if someone
30
31 has committed a murder in this case one of them
32
33 is, Your Honor, is driving the victim to Hutto Pond Road. Mr. Norris did
34
35 not drive the victim to Hutto Pond Road. Another one is that one of the
36
37 defendant's opened the trunk for Mr. Gantt to get the shotgun out. Mr.
38
39 Norris did not open the trunk to get the shotgun out. The State has relied
40
41 on the fact that one of the defendants aided Mr. Gantt in shooting the
42
43 victim by resupplying him with a shotgun shell. Mr. Norris did not aid
44
45 Mr. Gantt by resupplying him with a shotgun shell. Your Honor, there's
46

1 no evidence that there was in fact the officer specifically said he had no
2 way of knowing and there's no evidence that a decision was made along
3 the way to murder this young man and that Mr. Norris could have
4 participated in or furthered, Your Honor. And I would ask the Court to
5 reduce the charge of murder to accessory after the fact for lack of
6 probable cause that there is that he participated in murdering Mr. Leaphart
7 Your Honor, the State has mentioned, at least a couple things, that they
8 relied on to prove that some of the defendants are accessories after the
9 fact and that's knowledge that the murder took place and that they
10 participated in covering up the murder. And, Your Honor, I believe the
11 State has made the case that there may be probable cause for
12 accessory after the fact and I'd ask the court to reduce the charges.
13
14
15
16
17
18
19
20
21
22
23
24

25 THE COURT

Thank you, sir. State.

26
27 THE STATE

28 Your Honor, with regard to Mr. Norris, he
29 likewise was at the torture and inquisition of
30 Mr. Leaphart in the adjoining county. He
31 likewise gathered up with the troops and piled into the car. He happened
32 to be in sitting next to the victim. He heard the victim's pleading calls
33 telling people he was going to be killed if he doesn't come up with the
34 money and the prediction certainly came true. He was killed. He had
35 ample opportunity to exit the murder scene. He was not being held. The
36 shotgun in question was in the trunk by everybody's argument. Mr.
37 Norris participated as much as anybody in that car in the ultimate murder
38
39
40
41
42
43
44
45
46

1 of Jeremy Leaphart and the kidnapping of Jeremy Leaphart through
2
3 Aiken County. I ask that you bind this charge over under the legal basis
4
5 that probable cause exists at this stage.
6

7 THE COURT

All right. Mr. Routzong, I deny your motions
8
9 and bound both of these cases over. Anything
10
11 else from either side?
12

13 THE STATE

Your Honor, I think that's all from the State.

14
15 THE COURT

All right. Thank you, Investigator Ghant.

16
17
18
19
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21

S. L. LYNN, JR., MAGISTRATE
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State of South Carolina	)	
County of Aiken	)	Court of General Sessions
		08-GS-02-1087
		08-GS-02-1098
		08-GS-02-1096
		08-GS-02-1086
		08-GS-02-1091
		08-GS-02-1770
		09-GS-02-0725
		08-GS-02-1093
The State of South Carolina	)	
Plaintiff	)	
vs.	)	Multiple Guilty Plea
	)	Transcript of Record
Frankie L. Gantt, Marion F.	)	
Abner, John Oakman, Jr.,	)	
Sheldon Oakman, Ronnie Bowers,	)	
Jr., Darrell L. Williams,	)	
Johnnie W. Walker, and Andre	)	
Norris	)	
Defendants	)	

April 27 & 28, 2009
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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Lisa H. Davenport
Official Court Reporter

INDEX OF WITNESSES

Frankie L. Gantt, Marion F. Abner, John O. Oakman, Jr.,
Sheldon Oakman, Ronnie C. Bowers, Jr., Darrell L.
Williams, Johnnie W. Walker, Andre Norris,

Questions by The Court..... 4

Statement by Mr. Weeks..... 28

Individual Pleas

Frankie L. Gantt,
Statement by Mr. Gibbons..... 50

Darrell L. Williams,
Statement by Mr. Katonak..... 55

Johnnie W. Walker,
Statement by Mr. Brown..... 59

Sheldon Oakman,
Statement by Mr. Chandler..... 72

John O. Oakman, Jr.,
Statement by Mr. Woodruff..... 89

Andre Norris,
Statement by Mr. Routzong..... 105

Marion F. Abner,
Statement by Mr. Whittle..... 122

Ronnie C. Bowers, Jr.,
Statement by Mr. Timmerman..... 133

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>

(none offered)

1 (Whereupon, on April 27, 2009 the following
2 proceedings were held:)

3 THE COURT: Let me have everybody's attention,
4 please. Be quiet. As your name is called, come forward.

5 MR. WEEKS: Frankie Gantt. Your Honor, I think for
6 purposes of qualification we have them all sitting in the
7 jury box with their lawyer if don't mind taking them that
8 way.

9 THE COURT: I don't mind.

10 MR. WEEKS: If Lisa can hear them. It will be
11 Frankie Gantt.

12 THE COURT: All right.

13 MR. WEEKS: Johnnie Walker, Darrell Williams, Ronnie
14 Bowers, Sheldon Oakman, John Oakman, Jr. Those are the
15 ones we have, Your Honor. It should be six.

16 THE COURT: All right. Mr. Gantt, you're represented
17 by Mr. Gibbons?

18 MR. GIBBONS: He is, Your Honor.

19 THE COURT: Mr. Oakman by Mr. Woodruff?

20 MR. WOODRUFF: John Oakman, Jr., Your Honor.

21 THE COURT: Mr. Bowers by Mr. Timmerman?

22 MR. TIMMERMAN: Yes, Your Honor.

23 THE COURT: Mr. Chandler, Mr. Sheldon Oakman?

24 MR. CHANDLER: That's correct.

25 THE COURT: Mr. Katonak, Darrell Williams.

1 MR. KATONAK: Yes, sir.

2 THE COURT: Hold on one second. Mr. Whittle, you
3 want to join us?

4 MR. WHITTLE: Yes, sir.

5 MR. WEEKS: Mr. Whittle will be Marion Abner, Your
6 Honor.

7 THE COURT: Brian, who do you have?

8 MR. WEEKS: Brian has Darrell Williams.

9 THE COURT: Hold on a second. Mr. Whittle?

10 MR. WHITTLE: Yes, sir.

11 THE COURT: Put Mr. Abner down here on this end. Are
12 you still missing one? Is he going to join us?

13 MR. WEEKS: He hadn't as of the last report.

14 THE COURT: All right. Mr. Gantt, Walker, Abner,
15 Sheldon Oakman, Darrell Williams, Ronnie Bowers, and John
16 Oakman Jr., please raise your right hand.

17 FRANKIE L. GANTT, JOHNNIE W. WALKER, MARION F.
18 ABNER, SHELDON OAKMAN, DARRELL L. WILLIAMS, RONNIE
19 BOWERS, JR., AND JOHN O. OAKMAN, JR., after being duly
20 sworn by the Court, testified as follows:

21 THE COURT: Let the record reflect that everyone
22 answered in the affirmative. Thank you. Put your hands
23 down.

24 MR. WEEKS: One more minute. Somebody call
25 Mrs. Godard and tell her that we're running after

1 5 o'clock.

2 THE COURT: For those in the audience, I know there
3 are a lot of family members of the Defendants. I assume
4 that we have family members of the victim. I will not
5 tolerate any untoward behavior. That means no talking, no
6 disruptive behavior, no crying, no shouting, no nothing.
7 If you cannot control yourself, I am asking you please now
8 to leave. If you violate my instructions, then I will
9 deal with you and you'll be subjecting yourself to
10 contempt of court and I can incarcerate you for up to six
11 months.

12 So, please, I ask everyone to behave themselves as
13 you have done throughout the day. You've been very good.
14 Please continue.

15 Where is Mr. Routzong? Is he coming?

16 All right. Gentlemen, y'all can be seated until I
17 get Mr. Routzong.

18 Are you Mr. Andre Norris? Just have a seat one more
19 back right there.

20 Mr. Gibbons, you have a seat down here by your
21 client.

22 Mr. Norris, would you please stand? Is he signed up,
23 Mr. Routzong?

24 MR. ROUTZONG: He did sign, Your Honor, but I am not
25 fully confident that he is really wanting to do this.

1 THE COURT: Either he does or he doesn't.

2 Are you here to plead guilty, sir?

3 DEFENDANT ANDRE NORRIS: Yea.

4 THE COURT: All right. Raise your right hand.

5 ANDRE NORRIS, after being duly sworn by the
6 Court, testified as follows:

7 THE COURT: Thank you. You may be seated. Is it
8 more comfortable to remain seated or would you rather
9 stand?

10 MR. WHITTLE: Whatever is better for you, Judge.

11 THE COURT: Let's just stay seated for a second. How
12 about that?

13 All right. Mr. Whittle, you represent Marion Floyd
14 Abner in indictment 08-GS-02-01098, an indictment for
15 kidnapping?

16 MR. WHITTLE: I do, Your Honor.

17 THE COURT: Thank you. You may be seated.
18 Mr. Gibbons?

19 MR. GIBBONS: Yes, sir.

20 THE COURT: You represent Frankie Gantt -- Frankie
21 Lamon Gantt -- in indictment 08-GS-02-01087, an indictment
22 for murder?

23 MR. GIBBONS: I do, Your Honor.

24 THE COURT: Thank you. You may be seated.

25 Mr. Woodruff, you represent John Oakman, Jr., in

1 indictment 08-GS-02-1096, an indictment for kidnapping?

2 MR. WOODRUFF: Yes, sir.

3 THE COURT: Thank you.

4 Mr. Chandler, you represent Sheldon Oakman in
5 indictment 08-GS-02-1086, an indictment for kidnapping?

6 MR. CHANDLER: I do, Your Honor.

7 THE COURT: Thank you.

8 Mr. Timmerman, you represent Ronnie Bowers, Jr., in
9 indictment 08-GS-02-1091, an indictment for kidnapping?

10 MR. TIMMERMAN: Yes, sir, Your Honor.

11 THE COURT: Mr. -- strike that. Mr. Katonak --

12 Mr. Brian Katonak, you represent are Darrell L. Williams
13 in indictment 2008-GS-02-1770, an indictment for
14 kidnapping?

15 MR. KATONAK: Yes, sir, Your Honor.

16 THE COURT: Thank you.

17 Mr. Lawrence Brown, you represent Johnnie W. Walker,
18 in indictment 09-GS-02-00725, an indictment for
19 kidnapping?

20 MR. BROWN: Yes, Your Honor.

21 THE COURT: All right. I'd ask all of the lawyers to
22 please stand. I called everybody, didn't I? All eight?

23 Mr. Woodruff, Routzong, Brown, Timmerman, Chandler,
24 Whittle, and Katonak, have you advised each of your
25 clients of the charges contained in their indictment; that

1 is, the charge of kidnapping?

2 (Whereupon, the group responds affirmatively.)

3 THE COURT: Have each of you advised your client that
4 this -- a possible sentence would be anywhere from zero to
5 30 years?

6 (Whereupon, the group responds affirmatively.)

7 THE COURT: Have you further advised your client that
8 it is classified as a violent act?

9 (Whereupon, the group responds affirmatively.)

10 THE COURT: Gentlemen, have you further advised your
11 clients that this is what is classified as a most serious
12 crime?

13 (Whereupon, the group responds affirmatively.)

14 THE COURT: Have you advised them of the consequences
15 of most serious; i.e., that it constitutes a strike and
16 that if they become involved in law violations in the
17 future which are classified as most serious that would be
18 two strikes and they would be subjecting themselves to
19 life in prison without the possibility of parole or if
20 they become involved in criminal activity that's
21 classified as serious and they get a combination of a most
22 serious and two serious that would subject themselves --
23 subject them to life in prison without the possibility of
24 parole?

25 (Whereupon, the group responds affirmatively.)

1 THE COURT: Have you also advised each of them that
2 this is what we call a no-parole sentence and whatever I
3 sentence them to that they will serve 85 percent of that
4 sentence and be released to a community supervision
5 program?

6 (Whereupon, the group responds affirmatively.)

7 THE COURT: Mr. Lawrence Brown, have you advised
8 Mr. Walker of his right to have his indictment sent to the
9 Grand Jury?

10 MR. BROWN: I have, Your Honor.

11 THE COURT: Does he wish to waive presentation of the
12 indictment to the Grand Jury?

13 MR. BROWN: Yes, sir.

14 THE COURT: Mr. Weeks?

15 MR. WEEKS: Yes, sir.

16 THE COURT: Mr. Lawrence Brown, would you please have
17 your client initial where he waives presentation of the
18 indictment?

19 MR. BROWN: Yes, sir.

20 THE COURT: Gentlemen, have each of you advised your
21 client of his right to trial by jury?

22 (Whereupon, the group responds affirmatively.)

23 THE COURT: Mr. Whittle, as to Marion Abner how does
24 he wish to plead?

25 MR. WHITTLE: Guilty, Your Honor.

1 THE COURT: Do you, after reviewing his file and
2 discussing the matter with him, agree with his decision?

3 MR. WHITTLE: I do, sir.

4 THE COURT: Mr. Katonak, how does your client Darrell
5 Williams wish to plead, not guilty or guilty?

6 MR. KATONAK: Guilty, Your Honor.

7 THE COURT: Do you agree with his decision after
8 having reviewed all of the evidence with him?

9 MR. KATONAK: Yes, sir, I do.

10 THE COURT: Mr. Everett Chandler, how does your
11 client Mr. Sheldon Oakman wish to plead, not guilty or
12 guilty?

13 MR. CHANDLER: Guilty, Your Honor.

14 THE COURT: Do you agree with his decision?

15 MR. CHANDLER: I do.

16 THE COURT: Mr. Timmerman, how does your client
17 Ronnie Bowers wish to plead?

18 MR. TIMMERMAN: Guilty.

19 THE COURT: Do you agree with his assessment?

20 MR. TIMMERMAN: I do.

21 THE COURT: Mr. Woodruff, how does John Oakman, Jr.,
22 wish to plead, not guilty or guilty?

23 MR. WOODRUFF: Guilty.

24 THE COURT: Do you agree with his decision?

25 MR. WOODRUFF: Yes, sir.

1 THE COURT: Mr. Routzong, how does your client Andre
2 Norris wish to plead, not guilty or guilty?

3 MR. ROUTZONG: Guilty, Your Honor.

4 THE COURT: Do you agree with his decision?

5 MR. ROUTZONG: Yes, sir.

6 THE COURT: Mr. Brown -- strike that. Mr. Johnnie
7 Walker, would you please stand? Mr. Walker, your
8 indictment has not yet been sent to the Grand Jury. You
9 have the right to have it presented to the Grand Jury like
10 all of these other indictments before we proceed here
11 today. Your lawyer says you wish to give up that right
12 and proceed here in this court without the indictment
13 going to the Grand Jury. You've signed the sentence sheet
14 indicating that you wish to waive presentment to the Grand
15 Jury. Is that correct?

16 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

17 THE COURT: Do you have any questions you need to ask
18 me about the functions of the Grand Jury or your right to
19 have the matter sent to the Grand Jury -- the indictment
20 sent to the Grand Jury?

21 DEFENDANT JOHNNIE W. WALKER: No, sir.

22 THE COURT: All right, sir. I find your decision to
23 waive presentment of the indictment to be freely,
24 voluntarily, and with advice of counsel. You may have a
25 seat.

1 Mr. Lawrence Brown, have you advised Mr. Johnnie
2 Walker of his rights to trial by jury?

3 MR. BROWN: I have, Your Honor.

4 THE COURT: How does he wish to plead?

5 MR. BROWN: Guilty, Your Honor.

6 THE COURT: Do you agree with his assessment?

7 MR. BROWN: I do.

8 THE COURT: Mr. Gibbons, as to Frankie Gantt, he is
9 charged with murder. Have you advised him of those
10 charges?

11 MR. GIBBONS: I have, Your Honor.

12 THE COURT: Have you advised him that under our
13 statutory scheme -- have you advised him that under our
14 current statutory scheme that the minimum sentence that he
15 will receive is 30 years up to a maximum of life in prison
16 without the possibility of parole?

17 MR. GIBBONS: I have.

18 THE COURT: Have you advised him that whatever the
19 Court sentences him to that he will do his time day for
20 day?

21 MR. GIBBONS: I have, Your Honor.

22 THE COURT: Have you further advised him that it is
23 classified as violent and most serious?

24 MR. GIBBONS: I have and we have gone through the
25 strikes, Your Honor.

1 THE COURT: And I see that in your case there is a
2 recommendation. I don't think there is a recommendation
3 in any other case.

4 Is that correct, Mr. Weeks?

5 MR. WEEKS: That's correct.

6 THE COURT: And the recommendation is what?

7 MR. WEEKS: Just that he not receive not a complete
8 life sentence.

9 THE COURT: The recommendation is that he receive
10 something less than life in prison without the possibility
11 of parole.

12 MR. GIBBONS: That's the agreement, Your Honor.

13 THE COURT: Any other agreement?

14 MR. GIBBONS: No, sir.

15 THE COURT: Now, have you explained to him those
16 charges, the classification of most serious, violent, and
17 what the recommendation is?

18 MR. GIBBONS: I have, Your Honor.

19 THE COURT: Have you advised him of his right to
20 trial by jury?

21 MR. GIBBONS: I have.

22 THE COURT: How does he wish to plead?

23 MR. GIBBONS: He wishes to enter a plea of guilty,
24 Your Honor.

25 THE COURT: After reviewing all of evidence and

1 listening and talking with your client are you in
2 agreement with his decision?

3 MR. GIBBONS: I am.

4 THE COURT: Thank you. All right, Gentlemen, if you
5 would please stand. I remind each of you are still under
6 oath. As to Mr. John Oakman, Jr., Andre Norris, Johnnie
7 Walker, Ronnie Bowers, Sheldon Oakman, Marion Abner, and
8 Darrell Williams, as well as Mr. Frankie Gantt -- first of
9 all, as to Mr. Gantt, Mr. Gantt, you are aware, are you
10 not, of the fact that that you are indicted for murder?
11 The charges of murder are currently pending against you.
12 Do you understand those charges?

13 DEFENDANT FRANKIE L. GANTT: Yes, sir.

14 THE COURT: Do you understand that under our
15 statutory scheme that the minimum sentence I can give you
16 is 30 years in the State Department of Corrections? The
17 maximum sentence I can give you is up to life. Do you
18 understand that?

19 DEFENDANT FRANKIE L. GANTT: Yes, sir.

20 THE COURT: Do you understand those charges and the
21 possible punishment?

22 DEFENDANT FRANKIE L. GANTT: Yes, sir.

23 THE COURT: You further understand that there is a
24 recommendation that the State has made to me that I not
25 sentence you to life, but that is the only recommendation

1 that's been made. Do you understand all of that?

2 DEFENDANT FRANKIE L. GANTT: Yes, sir.

3 THE COURT: All right. The rest of the Gentleman:
4 Mr. Oakman, Jr., Mr. Andre Norris, Mr. Johnnie Walker,
5 Mr. Ronnie Bowers, Mr. Sheldon Oakman, Mr. Marion Abner,
6 and Mr. Darrell Williams, do each of you gentlemen
7 understand the charges currently against you as indicted
8 which is kidnapping? Do each of you understand that?

9 (Whereupon, the group responds affirmatively.)

10 THE COURT: All have answered in the affirmative. Do
11 you understand that the possible sentence is zero to 30
12 years? Do each of you understand that?

13 (Whereupon, the group responds affirmatively.)

14 THE COURT: Do each of you understand that it is
15 classified as violent and most serious?

16 (Whereupon, the group responds affirmatively.)

17 THE COURT: That most serious means that you will now
18 have a strike against you and if you -- once you're
19 released from incarceration if you become involved in law
20 -- unlawful activity and you have another most serious
21 then you would be subjecting yourself to life in prison
22 without the possibility of parole. Do each of you
23 understand that?

24 (Whereupon, the group responds affirmatively.)

25 THE COURT: Also, if you get out and you get involved

1 in law enforcement -- law -- criminal activity that is
2 classified as serious and you have a most serious and two
3 serious, then you would also be subjecting yourself to the
4 possibility of life in prison without parole.

5 (Whereupon, the group responds affirmatively.)

6 THE COURT: Everybody?

7 (Whereupon, the group responds affirmatively.)

8 THE COURT: Do you understand that this is what is
9 known as a no-parole sentence which means under our
10 current law that you would do 85 percent of whatever
11 sentence I give you? Do each of you understand that?

12 (Whereupon, the group responds affirmatively.).

13 THE COURT: Do each of you understand that once
14 you're released after doing 85 percent that you would be
15 released to a community supervision program?

16 (Whereupon, the group responds affirmatively.)

17 THE COURT: Each one of you understand that?

18 (Whereupon, the group responds affirmatively.)

19 THE COURT: All right. Gentlemen, understanding the
20 charges currently pending against you, understanding the
21 fact that it is classified as violent and most serious and
22 what that means, understanding that it is a no-parole
23 sentence and that you do 85 percent of it -- understanding
24 all of that, Mr. John Oakman, Jr., how do you wish to
25 plead, not guilty or guilty?

1 DEFENDANT JOHN O. OAKMAN, JR.: Guilty.

2 THE COURT: Mr. Ronnie Bowers, how do you wish to
3 plead, not guilty or guilty?

4 DEFENDANT RONNIE BOWERS, JR.: Guilty.

5 THE COURT: Mr. Darrell Williams, how do you wish to
6 plead, not guilty or guilty?

7 DEFENDANT DARRELL L. WILLIAMS: Guilty.

8 THE COURT: Mr. Andre Norris, how do you wish to
9 plead, not guilty or guilty?

10 DEFENDANT ANDRE NORRIS: Guilty.

11 THE COURT: Mr. Sheldon Oakman, how do you wish to
12 plead, not guilty or guilty?

13 DEFENDANT SHELDON OAKMAN: Guilty.

14 THE COURT: Mr. Johnnie Walker, how do you wish to
15 plead, not guilty or guilty?

16 DEFENDANT JOHNNIE W. WALKER: Guilty, sir.

17 THE COURT: And Mr. Marion Abner, how do you wish to
18 plead, not guilty or guilty?

19 DEFENDANT MARION F. ABNER: Guilty, Your Honor.

20 THE COURT: Mr. Frankie Gantt, as to the murder
21 charges, do you wish to plead guilty or not guilty?

22 DEFENDANT FRANKIE L. GANTT: Guilty.

23 THE COURT: All right. Gentlemen, I am going to ask
24 you a series of questions. Please listen carefully.

25 Gentlemen, when you plead guilty each of you give up

1 certain constitutional rights. One is your right to
2 remain silent. You have a constitutional right not to
3 testify in a criminal matter, but if you plead guilty then
4 you have to admit your guilt. Do each of you understand
5 that?

6 (Whereupon, the group responds affirmatively.)

7 THE COURT: Also, you give up a very important
8 constitutional right. You give up your right to a trial
9 by jury. If any of you asked or requested a trial by
10 jury, of course, the state would give you one at which
11 time you would have the right through your lawyers to
12 confront and cross examine everybody who testified against
13 you. You would have the right to present your own
14 defense. That means you could call witnesses to testify
15 on your behalf. You could introduce relevant exhibits,
16 and you could testify in your own defense if you chose to
17 do so.

18 If you exercised your constitutional right to remain
19 silent, then I would tell the jury they could not hold
20 your failure to testify against you in any manner
21 whatsoever, and, in fact, I would instruct them that they
22 could not even consider the fact that you did not testify
23 when they deliberated your guilt or innocence. You would
24 be presumed innocent throughout the trial, and the State
25 of South Carolina would have the burden of proving your

1 guilt beyond a reasonable doubt to a jury of 12 people,
2 and in order for that jury to convict you, all 12 people
3 would have to unanimously agree that you were, in fact,
4 guilty, and even if you were found guilty, you would still
5 have the right to an appeal.

6 Now, do each of you understand your rights to trial
7 by jury?

8 (Whereupon, the group responds affirmatively.)

9 THE COURT: Now, understanding your rights to trial
10 by jury, do any of you wish to change your mind and have a
11 jury trial as opposed to pleading guilty?

12 (Whereupon, the group responds negatively.)

13 THE COURT: Other than the recommendation made to
14 Mr. Gantt, has anyone made any promise, held out any hope
15 of reward, or threatened any of you in any manner in order
16 to make you plead guilty?

17 (Whereupon, the group responds negatively.)

18 THE COURT: Mr. Gantt, you're represented by
19 Mr. Gibbons; Mr. Walker by Mr. Brown; Mr. Abner by
20 Mr. Whittle; Mr. Sheldon Oakman by Mr. Chandler;
21 Mr. Norris by Mr. Routzong; Mr. John Oakman, Jr., by
22 Mr. Woodruff; Mr. Ronnie Bowers by Mr. Timmerman;
23 Mr. Darrell Williams by Mr. Katonak. Are each of you
24 totally and completely, fully satisfied with the legal
25 representation provided to you by your lawyer?

1 (Whereupon, the group responds affirmatively.)

2 THE COURT: Do each of you gentlemen believe that
3 your lawyers have had enough time so they can spend time
4 with you to go over the facts of the case, they can
5 research the law, and they can investigate the independent
6 facts of the case?

7 (Whereupon, the group responds affirmatively.).

8 THE COURT: Is there anything else any of you want
9 your lawyers to do for you today before I move forward
10 other than speak up on your behalf?

11 (Whereupon, the group responds negatively.)

12 THE COURT: I ask each of you gentlemen, again, are
13 you totally, completely, and fully satisfied with your
14 lawyers?

15 (Whereupon, the group responds affirmatively.)

16 THE COURT: Gentlemen, are any of you today under the
17 influence of alcoholic beverages, drugs, or prescription
18 medication? If so, let me know.

19 (Whereupon, the group responds negatively.)

20 THE COURT: Gentlemen, are you each pleading guilty
21 of your own free will and accord? Is it your own will
22 that you're pleading guilty to?

23 (Whereupon, the group responds affirmatively.)

24 THE COURT: Gentlemen, are any of you aware of any
25 mental, nervous, or emotional condition which would keep

1 you from understanding what we're doing here today?

2 (Whereupon, the group responds negatively.)

3 THE COURT: Has every one of you understood all of my
4 questions?

5 (Whereupon, the group responds affirmatively.)

6 THE COURT: Does anybody have any questions that you
7 want to ask of me?

8 (Whereupon, the group responds negatively.)

9 THE COURT: I ask you, once again, are each one of
10 you pleading guilty of your own free will and accord? If
11 so, please let me know.

12 Mr. Gantt, did you here in Aiken County on or about
13 December 24 of 2007 willfully and with malice aforethought
14 kill and murder one Jeremy Leaphart by shooting him with a
15 shotgun and that he did die here in Aiken County as a
16 result thereof?

17 DEFENDANT FRANKIE L. GANTT: Yes, sir.

18 THE COURT: Sir? You did murder Jeremy Leaphart?

19 DEFENDANT FRANKIE L. GANTT: Yes, sir.

20 THE COURT: You're pleading guilty because you
21 murdered Mr. Leaphart; is that correct?

22 DEFENDANT FRANKIE L. GANTT: Yes, sir.

23 THE COURT: You're pleading guilty because you are
24 guilty?

25 DEFENDANT FRANKIE L. GANTT: Yes, sir.

1 THE COURT: You pleading guilty because you broke the
2 law?

3 DEFENDANT FRANKIE L. GANTT: Yes, sir.

4 THE COURT: You may have a seat.

5 Mr. Johnnie W. walker?

6 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

7 THE COURT: Did you here in Aiken County on
8 December 24, 2007 participate in a plan to unlawfully
9 kidnap one Jeremy Leaphart without authority of law?

10 DEFENDANT JOHNNIE W. WALKER: No, sir. It wasn't
11 nothing planned or nothing.

12 THE COURT: Well, did you kidnap him?

13 DEFENDANT JOHNNIE W. WALKER: No, sir.

14 THE COURT: Were you involved in kidnapping him?

15 DEFENDANT JOHNNIE W. WALKER: Nothing ever
16 intentionally, sir.

17 THE COURT: I didn't say it was intentional. Was he
18 kidnapped?

19 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

20 THE COURT: Were you part of the kidnapping?

21 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

22 THE COURT: You understand that once you kidnapped
23 him you were violating the law?

24 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

25 THE COURT: Is that what you're pleading guilty to?

1 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

2 THE COURT: Pleading guilty because you are guilty?

3 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

4 THE COURT: Pleading guilty because you participated
5 in the kidnapping of Jeremy Leaphart?

6 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

7 THE COURT: You may have a seat.

8 Mr. Marion Floyd Abner, did you here in Aiken County
9 on December 24, 2007 kidnap or participate in the
10 kidnapping of Jeremy Leaphart?

11 DEFENDANT MARION F. ABNER: Yes, sir, Your Honor.

12 THE COURT: Are you pleading guilty because you are
13 guilty?

14 DEFENDANT MARION F. ABNER: Yes, sir.

15 THE COURT: Pleading guilty because you broke the
16 law?

17 DEFENDANT MARION F. ABNER: Yes, sir.

18 THE COURT: Pleading guilty because you did either
19 participate or kidnap Mr. Leaphart?

20 DEFENDANT MARION F. ABNER: Yes, sir, Your Honor.

21 THE COURT: You may have a seat.

22 Mr. Sheldon Oakman, I ask you did you on December 24,
23 2007 participate in or kidnap -- participate in the
24 kidnapping of Jeremy Leaphart here in Aiken County?

25 DEFENDANT SHELDON OAKMAN: Yes, sir, Your Honor.

1 THE COURT: Are you pleading guilty because you are
2 guilty?

3 DEFENDANT SHELDON OAKMAN: Yes, sir.

4 THE COURT: Pleading guilty because you broke the law
5 and because you did, in fact, kidnap or participate in the
6 kidnapping of Jeremy Leaphart?

7 DEFENDANT SHELDON OAKMAN: Yes, sir, Your Honor.

8 THE COURT: Thank you. You may have a seat.

9 Mr. Andre Norris, did you here in Aiken County on or
10 about December 24, 2007 participate in or kidnap one
11 Jeremy Leaphart here in Aiken County?

12 DEFENDANT ANDRE NORRIS: Yes, sir.

13 THE COURT: Pleading guilty because you are guilty?

14 DEFENDANT ANDRE NORRIS: Yes, sir.

15 THE COURT: Pleading guilty because you broke the
16 law?

17 DEFENDANT ANDRE NORRIS: Yes, sir.

18 THE COURT: Pleading guilty because you did, in fact,
19 kidnap or help kidnap Mr. Leaphart?

20 DEFENDANT ANDRE NORRIS: Yes, sir.

21 THE COURT: Thank you. You may have a seat.

22 Mr. John Oakman, Jr., I ask you did you here in Aiken
23 County on or about December 24 --

24 MR. ROUTZONG: Excuse me, Your Honor.

25 (Whereupon, Mr. Routzong conferred with Mr. Weeks.)

1 MR. ROUTZONG: I apologize, Your Honor.

2 THE COURT: Accepted.

3 Mr. John Oakman, Jr., did you here in Aiken County on
4 December 24, 2007 participate in or kidnap Jeremy
5 Leaphart?

6 DEFENDANT JOHN OAKMAN, JR.: I was there. I didn't
7 kidnap him, but I was there.

8 THE COURT: Well, you understand that the hand of one
9 is the hand of all?

10 DEFENDANT JOHN OAKMAN, JR.: Yes, sir.

11 THE COURT: And that constitutes participation. Is
12 that what you're pleading guilty to?

13 DEFENDANT JOHN OAKMAN, JR.: Yes, sir.

14 THE COURT: Pleading guilty because you did
15 participate?

16 DEFENDANT JOHN OAKMAN, JR.: Yes, sir.

17 THE COURT: Pleading guilty because you're guilty?

18 DEFENDANT JOHN OAKMAN, JR.: Yes, sir.

19 THE COURT: All right. You may have a seat.

20 Mr. Bowers -- Ronnie Catrell Bowers, did you here in
21 Aiken County on or about December 24, 2007 participate in
22 or plan or carry out the kidnapping of one Jeremy
23 Leaphart?

24 DEFENDANT RONNIE BOWERS, JR.: Yes, sir, Your Honor.

25 THE COURT: Are you pleading guilty because you are

1 guilty?

2 DEFENDANT RONNIE BOWERS, JR.: Yes, sir, Your Honor.

3 THE COURT: Pleading guilty because you broke the
4 law?

5 DEFENDANT RONNIE BOWERS, JR.: Yes, sir.

6 THE COURT: Pleading guilty because you did kidnap
7 Jeremy Leaphart?

8 DEFENDANT RONNIE BOWERS, JR.: Yes, sir.

9 THE COURT: You may have a seat.

10 Mr. Darrell Williams, I ask you did you here in Aiken
11 County on or about December 24, 2007 participate in or, in
12 fact, kidnap one Jeremy Leaphart?

13 DEFENDANT DARRELL L. WILLIAMS: Yes, sir, Your Honor.

14 THE COURT: Are you pleading guilty because you are
15 guilty?

16 DEFENDANT DARRELL L. WILLIAMS: Yes, sir.

17 THE COURT: Are you pleading guilty because you broke
18 the law?

19 DEFENDANT DARRELL L. WILLIAMS: Yes, sir.

20 THE COURT: Are you pleading guilty because you did
21 kidnap Jeremy Leaphart?

22 DEFENDANT DARRELL L. WILLIAMS: Yes, sir, Your Honor.

23 THE COURT: All right. You may have a seat.

24 I'll ask each of you to stand back up for me. All
25 right, Gentlemen, I will accept each of your pleas. I

1 find that each of you -- Frankie Gantt as to murder;
2 Johnnie Walker, Marion Abner, Sheldon Oakman, Andre
3 Norris, John Oakman, Jr., Ronnie Bowers, and Darrell
4 Williams as to the kidnapping. I find your pleas to be
5 freely, voluntarily, and knowingly and intelligently made;
6 that each of you have a lawyer respectively that I've
7 talked to this morning or this afternoon -- Mr. Gantt,
8 Mr. Gibbons; Mr. Walker, Mr. Brown; Mr. Abner,
9 Mr. Whittle; Mr. Sheldon Oakman, Mr. Chandler; Mr. Norris,
10 Mr. Routzong; Mr. John Oakman, Jr., Mr. Woodruff;
11 Mr. Bowers, Mr. Timmerman; Mr. Darrell Williams,
12 Mr. Katonak -- that each of you have had those lawyers.
13 Each of you said that you're totally and completely
14 satisfied with your lawyer; that you've had competent
15 counsel and I will accept your plea.

16 I further advise you that you have a right to appeal
17 this decision within 10 days if you disagree with the
18 sentence or with my -- with these proceedings. I further
19 advise you that you have within 10 days of today's date to
20 file a motion to reconsider the sentence which I will hold
21 in abeyance until everything is concluded if we need to
22 have that. You may have a seat.

23 Mr. Weeks?

24 MR. WEEKS: Your Honor, if I could give the facts I
25 can summarize everybody's involvement in the giving of the

1 facts, and then we can call them up here individually if
2 you'd like.

3 THE COURT: All right, sir.

4 MR. WEEKS: With regard to one exception which I
5 agreed with the request to allow some family members to
6 come up tomorrow because we were not aware that he was
7 going to enter a plea.

8 THE COURT: That's fine.

9 MR. WEEKS: Your Honor, on December 26 of 2007
10 Frances Rudd, the Defendant's (sic) grandmother, I
11 believe, notified the Lexington County Sheriff's
12 Department that Jeremy Leaphart was missing.

13 THE COURT: I'm sorry. Whose grandmother?

14 THE WITNESS: Jeremy Leaphart, the victim in this
15 case. It was her nephew Jeremy Leaphart -- I'm sorry --
16 that was missing. She stated that on December 24 she had
17 received two telephone calls from Jeremy stating they want
18 their guns or \$5,000 or they're going to kill me. She
19 stated the last time anyone had heard from Jeremy was on
20 the 24th of 2007. The Lexington County investigators
21 began an investigation into the kidnap of Jeremy, and they
22 determined that he was last seen getting in a maroon car
23 with Darrell Williams and a couple of other individuals on
24 or about 4 o'clock or so December 24, 2007 in Lexington
25 County.

1 THE COURT: Getting in the car with whom? Darrell
2 Williams?

3 MR. WEEKS: Darrell Williams. Our information as I
4 understand it it was Darrell Williams and Johnnie Walker
5 and Sheldon Oakman, I believe, were the three people who
6 were there when he was actually picked up, but there was
7 some question to be candid with the Court as to whether or
8 not he was kidnapped at that point. He was picked up, but
9 they were -- I think their intention at that time was
10 ultimately to kidnap him, but Jeremy might have actually
11 called and said give me a ride. Jeremy had been involved
12 with Darrell Williams in the theft of some guns or the
13 possession of some guns from some earlier incident.

14 Anyway, after the report on December 24 the Lexington
15 County detectives began to receive information. They
16 called Lieutenant Billy Fleury who is here with me on
17 January 16. They wanted to interview an individual who
18 had overheard a conversation between Darrell Williams and
19 Sheldon Oakman talking about how Frankie Gantt had shot
20 and killed Leaphart. Martin stated -- this individual
21 stated they had heard that Leaphart's body was put in the
22 trunk of a red-in-color Toyota corolla owned by a fellow
23 named Terry Hewitt.

24 Investigators along with Aiken County Sheriff's
25 Department people located and contacted Terry Hewitt who

1 indicated that he had loaned out that automobile and that
2 the investigation subsequently led them to recover that
3 automobile and take DNA samples from it which ultimately
4 ended up in a report from South Carolina Law Enforcement
5 Division that Jeremy Leaphart's blood was present in the
6 trunk of that automobile, but subsequent and all about
7 this same time of the January 16, January 18 of 2008
8 individuals began to be identified.

9 They went to interview Ronnie Bowers and Ronnie --
10 the residence in Saluda County. There were three counties
11 that were involved in this whole melee. It was Lexington,
12 Saluda, Aiken, and then back to Lexington again, but,
13 anyway, investigators from Saluda County Sheriff's
14 Department located a shotgun under the underpinning of a
15 trailer where the main part of this kidnapping actually
16 occurred. The shotgun was found to have been stolen in
17 August of 2007, and Jeremy Leaphart was actually listed as
18 a possible suspect in that burglary. That's the victim in
19 the case.

20 On January 19 investigators from Lexington located
21 Sheldon Oakman at his father's residence and he began to
22 give up the people who were involved. He stated he was
23 shot by Frankie Gantt. He was transported to the Aiken
24 County Sheriff's Department where the Lexington and Aiken
25 County Sheriff's Department investigators continued to

1 interview him. He named all of the other people who were
2 involved in the actual kidnapping and who was present when
3 Jeremy was shot and the location where he was shot. He
4 directed the investigators to Hutto Pond Road in Aiken
5 County South Carolina which is on I would call it the
6 northern side of Aiken County, Your Honor.

7 At that scene investigators were able to find some
8 forensic evidence including three spent shotgun shell
9 casings, a live shotgun round, and a cellphone that was
10 ultimately in the investigation identified as belonging to
11 the victim Jeremy Leaphart. The shotgun shell casings
12 were tied in with the shotgun that was found at the
13 residence in Saluda.

14 All of these individuals began to be apprehended, and
15 several of them gave detailed statements leading to the
16 various arrests for different charges that were made
17 against them initially. All of them were present at a
18 location at the trailer -- I'll call it the Bowers
19 trailer -- in Saluda where Jeremy arrived with Darrell
20 Williams and Johnnie Walker and was -- no other way to
21 describe it -- tortured for several hours by being beat,
22 by allegedly being burnt with an iron, and everybody had a
23 chance or everybody was invited to pound on him a little
24 bit to try to obtain information as to the location of
25 these guns that he had purportedly let get out of his

1 possession that had been entrusted to him allegedly by
2 Darrell Williams or that they had some common interest in
3 these guns, but Jeremy was -- uncontradicted according to
4 the the other Co-Defendants in this case -- beaten, held,
5 and not allowed to leave from that trailer in Saluda.

6 He ended up leaving that trailer in Saluda in the
7 company of John Oakman, Frankie Gantt, Marion Abner, Andre
8 Norris in one car along with the victim Jeremy Leaphart
9 and then the second car was Ronnie Bowers and Sheldon
10 Oakman. Darrell Williams and Johnnie Walker stayed behind
11 at that residence. The idea from the individual
12 statements that were given is that they were supposed to
13 go to Johnnie Walker's house in Aiken County and clean up
14 Mr. Leaphart.

15 Somewhere on the ride from the Saluda residence to
16 the Aiken County location where Mr. Leaphart was killed
17 the plan changed. At one point Jeremy calls 9-1-1 from
18 the cellphone and essentially tries to convince the 9-1-1
19 operator to send the deputies to the Saluda ballfield by
20 acting like that's where they needed to bring the money.
21 He was allegedly -- I think he was giving a fake
22 phonecall. He called 9-1-1. Since they had already heard
23 him call various relatives trying to get money for these
24 guns, he decided he would call 9-1-1 and ask them for
25 money and tell them to come to the Saluda ballfield

1 hoping, I am assuming, to raise enough interest where the
2 deputies would start heading his way. I think that was
3 the last phonecall Jeremy Leaphart ever made.

4 The individuals at some point -- all the testimony or
5 all of the statements that have ultimately been given in
6 this case was that they turned into Aiken County and went
7 on Hutto Pond Road where they stopped on this dirt road
8 near an old building and that Frankie Gantt got out of the
9 front passenger seat of the car. Jeremy was in the
10 backseat surrounded by two other individuals. He was told
11 to get out. John Oakman, I believe, was driving the car,
12 and he was told to pop the trunk, and when he popped the
13 trunk Frankie Gantt took out a shotgun -- and the shotgun
14 that had previously been stolen earlier that summer.

15 Apparently, at some point Jeremy took off running and
16 Mr. Gantt shot at him three times. I think the evidence
17 at the scene would show that he at least clipped him on
18 those shots, but for some reason he was not able to finish
19 him off, and somebody -- there is different testimony as
20 to who it was -- gave him another shotgun shell and he
21 finished him off behind this deserted building. He was
22 killed from a shotgun wound to the neck where he bled out.
23 He was hit -- basically, the pathologist said he was hit
24 three times with 20 gauge shotgun shell birdshot, but
25 close range shot at the level he was hit killed him very

1 quickly on the last shot.

2 Your Honor, they found the cellphone at that location
3 along with these other indicia. We've been dating for
4 some period of time for the DNA to come back from the
5 various swabs that were taken in the vehicles from the
6 various search warrants that were done in the case by both
7 Lexington County and by Aiken County.

8 Your Honor, this plea to these charges of these
9 individuals will take care of any potential kidnapping
10 charges from this incident or any charges from this
11 incident in these other two counties. I have spoken to
12 the Assistant Solicitor in Lexington and the Assistant
13 Solicitor in Edgefield -- Saluda County and they actually
14 transferred their kidnapping charges to us to dispose of
15 in this fashion on Darrell Williams.

16 There was a real question as to whether or not he was
17 kidnapped initially and they were all too happy to allow us
18 to pursue the kidnapping charges here, but, actually, him
19 being held against his will in Saluda county for that
20 period of time and tortured and beat, there could have
21 been charges in Saluda County, but since the buck kind of
22 ended in Aiken County we felt like it was appropriate to
23 take all of the pleas here.

24 As if this isn't bad enough, what happened afterwards
25 is morbid. After all of these individuals left the scene

1 of Jeremy's death --

2 THE COURT: Were they all on the scene where he was
3 shot?

4 MR. WEEKS: Darrell Williams was not on the scene
5 where he was shot and Johnnie Walker wasn't on the scene
6 when he was shot.

7 They all left the scene and went back to, I believe,
8 Johnnie Walker's house where they all met up. It's been
9 told by the various people that Darrell Williams who is
10 related to Frankie Gantt was upset at him for killing
11 Jeremy. Ultimately, everybody -- all eight of them -- got
12 in two cars and went back to the location where Jeremy's
13 body was behind this deserted building on Hutto Pond Road
14 in Aiken County and depending on who you believe two or
15 three of them loaded him up in a blanket that had been
16 taken from Mr. Walker's house and loaded him in the back
17 of the car and transported him.

18 At least initially didn't nobody know where they were
19 going to take him, but, ultimately, they ended up taking
20 him to a location outside of Batesburg and dumped him in a
21 trash pile there and covered him up with trash. After
22 investigation determined who the parties were and people
23 started talking, Mr. Norris -- Andre Norris led to
24 investigators to the location where Jeremy's body was
25 found.

1 Jeremy's body was in a pretty deteriorated condition
2 after having been outside for some two or three weeks at
3 the time that it was located. It was located, I believe,
4 on January 23. So, it was autopsied by Dr. Sexton,
5 confirmed fingerprints that it was his body, and the cause
6 of death was listed as exsanguination due to a laceration
7 of the carotid artery from a shotgun wound to the chin and
8 neck areas.

9 Your Honor, the Solicitor's Office along with Aiken
10 County Sheriff's Department and all of these other
11 agencies worked for a month there trying to find out who
12 all was the players in this thing and what all their roles
13 were, and at least initially a lot of folks were arrested
14 for accessory after the fact. We upgraded some of them to
15 murder based upon a hand-of-one-hand-of-all theory. We
16 upgraded some of them to kidnapping. Throughout the
17 course of the year there's been various charges depending
18 on what may have been said when one person or another was
19 interviewed and whether or not they established probable
20 cause for other charges.

21 I have met with the family -- the immediate family
22 and some of the extended family members -- I don't know,
23 three or four times during the course of the last year and
24 explained to them the law and how it works as much as I
25 can based on as long as I have been doing this to explain

1 to them the ramifications of a trial and US v Bruton
2 issues and different statements, and when it is all said
3 and done we really felt like that Frankie Gantt acted out
4 of impulse or acted out of meanness or spite or
5 something -- we don't know -- but that the primary charge
6 of murder against him was one that we felt very easily we
7 could prove by using all of the other Co-Defendants'
8 testimony or just using one or two of them, but to make
9 everybody's role in this complete the kidnapping had to
10 find its way home, and under a felony murder or under a
11 hand-of-one-hand-of-all theory that I really felt like
12 that it was a potential that all of them could be
13 convicted of murder even though they might not have known
14 that a murder was going to take place and they might not
15 have anticipated that a murder was going to take place and
16 it would have been stretching it to some degree to believe
17 that they all knew that Jeremy was going to be killed.

18 I think they were trying to extort money out of him.
19 I do not think all of them, at least initially, thought he
20 was going to be killed, but I think every one of them
21 that's sitting over there in that box knew he was being
22 held against his will at some point, and that's the basis
23 for us offering this most serious violent charge to them
24 to plead guilty.

25 There was discussion amongst the family, amongst the

1 law enforcement and me about Darrell Williams being the
2 ringleader and we wanted to try him for a felony murder,
3 but everybody tells the same story that he was quite upset
4 when he learned that his -- I believe it's his
5 half-brother had killed him on the trip to Ed Walker's
6 house. Mr. Gantt cooperated when he got ready to go to
7 trial. He finally gave us a statement and it was a
8 detailed statement indicating that Darrell Williams was
9 the one that controlled everything and, you know,
10 basically, gave us enough information that we felt
11 comfortable charging Darrell with murder at that time, but
12 all of the evidence points to the fact that Frankie Gantt
13 was the one that elected on that day to kill Jeremy
14 Leaphart.

15 Could we have had a trial where one or two of these
16 individuals would have been believed? As we looked at all
17 of the interviews they all kind of pointed the finger at
18 each other and all minimized somewhat some of their
19 involvement in it. We had two or three interviews from
20 some of them and one interview from several of them, but
21 they all pointed the finger at Darrell Williams as being
22 the one who was trying to get the information and that
23 they were kind of along for the ride.

24 THE COURT: How many of them participated in the
25 torture, the beatings?

1 MR. WEEKS: According to the statements given to us,
2 everybody participated. The only one that didn't
3 physically hit him according to the statements -- and it
4 depends on really kind of who you believe -- was
5 Mr. Oakman -- John Oakman -- who was restrained from
6 hitting him by Mr. Williams because he had had enough, and
7 that's based on one of the individual's statements. They
8 were all in this trailer there together and it ain't a
9 coliseum. It's a small trailer, and they were, basically,
10 run out of there by Darrell Williams' baby's mother who
11 said they were, you know, they needed to get -- they
12 needed to leave, and that's when they left and went to Ed
13 Walker's house or headed in that direction and that's when
14 they ended up in Aiken County.

15 I have tried to paraphrase all of the facts with
16 eight different Defendants, but essentially, the State's
17 contention was that Darrell Williams was the ringleader of
18 getting everybody together to or at least keeping
19 everybody together once they got together -- and they came
20 from different directions, but once they got together they
21 clearly assaulted Jeremy, clearly tortured Jeremy, clearly
22 held him against his will, and the telephone conversations
23 that were recorded while Jeremy was in their presence
24 certainly gave everybody clear indication that he was
25 being threatened with his life if he didn't come up with

1 some money, and it's our contention that they all heard
2 those conversations. The two people in the second car
3 might not have heard the last conversation, but they heard
4 conversations that Jeremy made and they knew what the
5 whole deal was.

6 We offered them the plea to kidnapping to clean up
7 all of the charges and to clean up the various liabilities
8 in the various counties because the charge is serious,
9 because the charge carries a wide range in sentencing, and
10 when I first started practicing kidnapping carried life.
11 So, I treat it as a serious charge, and I impressed upon
12 his family that the Court will treat it as a serious
13 charge.

14 THE COURT: I assume that you not prosed a number of
15 charges against all of them?

16 MR. WEEKS: The variety of accessories and murder
17 charges will be not prosed with this plea.

18 THE COURT: All right.

19 MR. WEEKS: Your Honor, I would say that we would
20 call Frankie Gantt first.

21 THE COURT: All right. Maybe you want to go ahead
22 and hear from the victims first.

23 MR. WEEKS: Okay. That will be fine.

24 THE COURT: Any representative from the victim's
25 family?

1 THE VICTIM'S ADVOCATE MRS. DEERING: Thank you, Your
2 Honor. Carla Deering with victim's service in the
3 Solicitor's office. We have a number of family members
4 present today for Jeremy. We have Ernest and Frances
5 Rudd. Those were his aunt and uncle that raised him. We
6 have Terry Jones, a cousin; Doris Hooks, another cousin;
7 Shriley Jones, Jeremy's mother; Betty Harmon, an aunt;
8 Retha Jones, an aunt; Amy Stills, a cousin; and Missy and
9 David Lewis, cousins. I am going to read a letter from
10 Mr. and Mrs. Rudd, the parents -- well, the guardians that
11 raised Jeremy and it's also from their family.

12 "Your Honor, I know that we were only the guardians
13 over Jeremy for 12 years, but he was not only our nephew
14 but we loved him like he was our son. Jeremy wasn't
15 perfect. We tried to raise him right, but we can't
16 control their lives forever, but we tried to teach him
17 right from wrong. What happened to Jeremy shouldn't have
18 happened, but maybe it took his life to save others. I
19 pray day and night that if they had killed him that they
20 would have had the decency to bury him.

21 I know that he wasn't coming home alive. I'm sorry
22 that he didn't have the money, but I know now that it
23 wouldn't have mattered if he had \$20,000. It wouldn't
24 have saved him because you wouldn't ask for money and then
25 in less than two hours he was dead. I lay awake at night

1 and pray to God that there was something I could have
2 done. It has really affected our lives tremendously. We
3 were scared to stay at home at night. Ernest and I would
4 be afraid to go out and get in our own cars. We were
5 afraid that maybe where they had thrown Jeremy out and we
6 would have run over his body.

7 Then on New Year's morning at 5:05 a.m. the call rang
8 and Ernest answered and it was a voice that came over the
9 phone and told him that they were in our yard and they had
10 killed Jeremy and that he was next. We were afraid to
11 answer the phone. Christmas has come and gone again, and
12 all we can do is put a flower on Jeremy's grave, and I
13 will never forgive myself for not speaking earlier. Even
14 I know it wouldn't have made any difference in his life
15 for I believe these guys knew all along what they were
16 going to do when they forced him in their car, but in
17 Jeremy's mind he thought these guys were his best friends.
18 I still can't talk about Jeremy without getting
19 teary-eyed. These guys still have their families and can
20 still see them.

21 I hope you will find it in your heart to give these
22 guys what they deserve because, you see, Your Honor,
23 Jeremy didn't deserve what he went through begging and
24 pleading for his life. Jeremy's family asks Your Honor to
25 sentence these Defendants to the maximum that the law will

1 allow. Thank you."

2 And now you're going to hear from Missy Lewis, a
3 cousin of Jeremy's.

4 MISSY LEWIS: My name is Missy Lewis. I am Jeremy
5 Leaphart's first cousin. I am also speaking on behalf of
6 our family. First, we would like to thank the
7 investigators in Lexington, Saluda, and Aiken for their
8 hard work on solving this for us. We also wanted to thank
9 our prosecutor, the State, and the victim's witness
10 assistant for all of their hard work and support. Also,
11 the parents of Sheldon Oakman for their support.

12 What happened to Jeremy has really messed up our
13 lives. This is a terrible tragedy that no family should
14 have to go through. Jeremy struggled most of his life.
15 He always searched for the feeling of belonging. He
16 struggled for real friends and love. Jeremy had a real
17 bad stutter problem. He was called stutterbox a lot.
18 Jeremy only had the mind of a 12-year-old. He would give
19 you the shirt off his back. Jeremy would give his life
20 for someone else.

21 He was far from perfect. He did get into things that
22 he should not have, but he was a follower. He thought
23 that made friends. Jeremy always smiled and laughed
24 everytime he was at family gatherings. He was just so
25 happy to have so many people that loved him together at

1 one time. Jeremy is missed so much. I can see him now
2 when he got a new pair of clothing he was so proud of it.
3 It was like giving him a lot of money. He appreciated
4 even the smallest things.

5 Jeremy lived with his Aunt Frances and Uncle Ernest.
6 At their home it is a lot of sleepless nights waiting for
7 Jeremy to walk through the door and say, I'm home. Jeremy
8 was a harmless person. He would have never hurt anyone.
9 So, why was he beat and tortured, and why did they have to
10 kill him? Why was he ever taken to -- taken in the first
11 place? There are questions that will always -- we will
12 always wonder.

13 These guys know in their heart exactly what their
14 participation was during this and how they really feel
15 about what they have done. We have heard at the bond
16 hearings their young ages and about the children that most
17 of them already have. Jeremy was young, too, and he will
18 never have the chance to know what being a daddy would be
19 like. We just don't understand why did this have to
20 happen. Jeremy's life didn't have to be taken or did he
21 have to lay there and rot away.

22 When we went to the funeral home to lay Jeremy to
23 rest we had clothes to put on him, but we were told that
24 clothes could not be used. There was not any way to put
25 clothes on him. We took a blanket there for him to be at

1 least covered up with. We were then told by the funeral
2 home director that Jeremy would stay in the body bag that
3 he was delivered in to the funeral home. When Jeremy
4 arrived at the funeral home he was placed inside a second
5 body bag. He had to remain in the cooler until an hour
6 before funeral service was to begin where he was placed
7 inside a third body bag because of the smell from the
8 decomposed body.

9 This sounds like something that would happen to an
10 animal, not a human. There is no excuse for this. Why
11 was he done this way? For those days that he lay rotting
12 away and knowing there were people out there that loved
13 him and was looking for him, why not a phonecall? It took
14 the investigators to convince one of these guys to lead
15 them to the body. No one stepped up on their own. Why?
16 We will never have the answer.

17 We will never know the truth about what happened,
18 only pieces of the truth. There is something that we are
19 are sure of about that day. Jeremy was scared and begging
20 for his life. Every one of them heard this that day and
21 no one helped Jeremy. Why? We just wonder was it a game?
22 Were all of them laughing as he stuttered and begged for
23 his life? We can only hope and pray that what happened
24 that day will always stay that their minds and one day
25 thoughts of what they did will turn to pain kind of like

1 what Jeremy was feeling that day. So, instead of tears
2 for their freedom, it will be tears for Jeremy.

3 We didn't get to say goodbye. There were unopened
4 Christmas gifts left. He never had the chance to open
5 them. Jeremy paid an ultimate price. Now the family is
6 left to suffer. At Jeremy's funeral service I read
7 something to all the family and friends, something that
8 helps when thinking of how scared Jeremy was surely
9 feeling on that day his life was taken and how no one got
10 to say goodbye, and in my heart if Jeremy would have known
11 this was going to be his last day with us this is what he
12 would have wanted to say:

13 When tomorrow starts without me. When tomorrow
14 starts without me and I am not there to see, if the sun
15 should rise and find your eyes all filled with tears for
16 me, I wish so much you wouldn't cry the way you did today.
17 I'm thinking of many things we didn't get to say. I know
18 how much you love me as much as I love you, and each time
19 you think of me I know you'll miss me, too. When tomorrow
20 starts without me, please try to understand that an angel
21 came and called my name and took me by the hand, and said
22 my place was ready in heaven far above and that I'd have
23 to leave behind all those I dearly love, but as I turn to
24 walk away a tear fell from my eye for all my life I always
25 thought I didn't want to die. I had so much to live for,

1 so much yet to do. It seemed almost impossible I was
2 leaving you. I thought of all of the yesterdays, the good
3 ones and the bad. I thought of all the love we shared and
4 all the fun we had. If I could relive yesterday just even
5 for a while, I'd say goodbye and kiss you and maybe see
6 you smile; but then I fully realize that this could never
7 be for emptiness and memories would take the place of me.
8 When I thought of worldly things I might miss come
9 tomorrow, I thought of you and when I did my heart was
10 filled with sorrow, but when I walk through heaven's gates
11 I felt so much at home when God looked down at me and
12 smiled from his great golden throne. He said this is a
13 eternity and all I have promised you. He said today for
14 life on earth has passed, but here it starts anew. I
15 promise no tomorrow, but today will always last, and since
16 each day is the same there is no longing for the past.
17 You've been so faithful, so trusting, and so true though
18 they were times you did some things you knew you shouldn't
19 do, but you've been forgiven and now at last you're free.
20 So won't you take my hand and share my life with me? So
21 when tomorrow starts without me, don't think we're far
22 apart for everytime you think of me I'm right here in your
23 heart.

24 That's all we have is words. So, we're asking you,
25 Your Honor, to please search your heart and find justice

1 for Jeremy.

2 THE COURT: All right. Mr. Weeks, how do you want to
3 do it? You want to do them one at a time?

4 MR. WEEKS: Yes, sir.

5 THE COURT: How do you want to do them? One at a
6 time remain here? Or bring them in? Okay. Let me have
7 Mr. Owens -- I mean, Mr. Gantt up here, please. The rest
8 of you step in the back.

9 MR. WOODRUFF: Your Honor, it is my understanding
10 that they're all being housed in separate locations so
11 that they're not together.

12 THE COURT: That's correct. There is a reason for
13 that.

14 MR. WOODRUFF: Yes, sir.

15 (Whereupon, all other Defendants exit the courtroom.)

16 THE COURT: All right. Mr. Weeks, does Frankie Lamon
17 Gantt have any prior record?

18 MR. WEEKS: Your Honor, a juvenile conviction for
19 assault is all he has.

20 THE COURT: Anything else that the State needs to
21 tell me in regards to Mr. Gantt?

22 MR. WEEKS: Your Honor, as you indicated during your
23 questioning of the the Defendants, the State had agreed to
24 recommend after Mr. Gantt had given a complete video
25 statement when we were getting ready to try him -- I want

1 to say it was like December of last year. He was going to
2 be the first up for trial up at that time. He had not
3 given any statements to us, but he cooperated and gave a
4 complete statement to the investigators that led us to
5 issue more arrest warrants for Darrell Williams, his
6 half-brother, in the hopes that we would get enough to
7 kind of loop him into the murder also, but based on
8 everything that we were able to come up with we've made
9 the right offer, but our promise, for lack of better word,
10 to him was that we would just ask the Court not to give
11 him life.

12 THE COURT: Have you discussed that with the victim's
13 family?

14 MR. WEEKS: Yes, sir.

15 THE COURT: They are understanding of that?

16 MR. WEEKS: I believe they are, Judge. I told them
17 since the first meeting with them that, you know, at
18 various times we may have to make concessions to get
19 people to talk and they've been as cooperative as any
20 family I've ever had to work with.

21 THE COURT: Mr. Gibbons?

22 MR. GIBBONS: Your Honor, this is a tough situation
23 to be in. There's no question a great tragedy took place
24 and just to see the number of lives that's affected is
25 kind of humbling if you look out over this courtroom.

1 THE COURT: Well, you got eight young men. I guess
2 the oldest one is in his mid 20's.

3 MR. GIBBONS: That's right, Your Honor.

4 THE COURT: You got a young little kid who was slow
5 and taken advantage of and tortured and beaten and burned
6 and unnecessarily executed for lack of a better term.

7 MR. GIBBONS: Yes, sir. There is no --

8 THE COURT: They didn't kill him and they went over
9 to him again and stuck it right in the side of his head.

10 MR. GIBBONS: It's as bad as it gets, Your Honor.

11 THE COURT: As bad as it gets.

12 THE COURT: Nineteen years old, son?

13 MR. GIBBONS: Yes, sir. He was 17 when this
14 happened, Your Honor. Frankie, as I said, was 17 years
15 old when this happened. He was raised in the Ridge Spring
16 Monetta area. He went through the tenth grade in high
17 school when he got expelled, and I think his Dad kind of
18 has a drug problem and doesn't have a whole lot to do with
19 him. His closest family member is his Aunt Beverly Long
20 and his sister and Cousin Jana Gantt and Tina Williams who
21 are here in court to support him.

22 He -- I think what -- it's hard to figure out exactly
23 what happened because of all of the statements that went
24 on, to be quite frank with the Court. In my conversations
25 with Mr. Gantt I kind of get the feeling that this group

1 of young men were his family. There was a strange bond
2 between all of them for a long time even after they got
3 arrested.

4 THE COURT: I understand it's sort of not close
5 anymore?

6 MR. GIBBONS: I think that's kind of gone now, Your
7 Honor, but for whatever reason they were pretty thick when
8 this all went down, and I think there was kind of a pack
9 mentality going on that night, and whether they meant for
10 it to go that far or not, it just kind of got rolling and
11 before they knew it it had all gone down and Mr. Leaphart
12 had been killed, and then it went on to them hiding the
13 body, but these were a group of real young men just in a
14 situation that got real serious real quick.

15 Frankie realizes how bad a decision he made that
16 night. I asked him over and over and over to give me a
17 good reason, and there is just not a good reason in his
18 mind even at this point. He got caught up in the moment
19 it appears and made a real, real, real bad choice for
20 himself, for Jeremy, and for all of these other people as
21 well.

22 Your Honor, he's got a child that was six months old
23 when this happened and he's been in jail for 477 days. I
24 got this case -- when I first started this position I took
25 it over from one of the other lawyers back in July. This

1 was the first case I took over, and I went and saw Frankie
2 and I've had a chance to talk to him and as I said at
3 first there was this strange bond that we weren't
4 communicating, but when we finally were able to break
5 through that barrier he was forthcoming with me.

6 We called law enforcement. He give a video statement
7 to law enforcement that I believe kind of tied some ends
8 up that Mr. Weeks was trying to get tied up at that point.
9 He, in addition to that, said he had some information on a
10 shooting in Monetta that he was willing to testify about
11 that was unsolved. We contacted law enforcement there and
12 they verified there was a shooting. The victim would not
13 cooperate. The victim wanted to take care of it himself
14 and so that case never got made, but Mr. Gantt was trying.
15 He made efforts what little he could to try and locate --
16 tell where the guns were, where they ended up.

17 But, you know, all of that's not worth much after
18 this young man has lost his life, but he has tried to be
19 forthright and tried to be a man about this situation and
20 come forward before the court and own up to what he did.
21 He's a very young man. We would ask the Court to give him
22 a sentence that would do justice to everyone involved in
23 this case and give him a chance at some point in the
24 future -- a glimmer of hope to get out and try to make a
25 life for himself, whatever life he has left, but this is

1 -- he recognizes this is a very serious situation, Your
2 Honor.

3 THE COURT: Mr. Gantt, anything you want to tell me?

4 DEFENDANT FRANKIE L. GANTT: The only thing I got to
5 say is that I'm sorry for my actions.

6 THE COURT: Sorry for your actions?

7 DEFENDANT FRANKIE L. GANTT: Yes, sir. I'm sorry
8 about the -- if I could change things, I would take it
9 back what I did.

10 THE COURT: You'd take it back?

11 DEFENDANT FRANKIE L. GANTT: Yes, sir, and tell the
12 victim's family I'm sorry. That's all I have to say, Your
13 Honor.

14 THE COURT: Anything else?

15 DEFENDANT FRANKIE L. GANTT: No, sir.

16 THE COURT: Mr. Weeks, anything else?

17 MR. WEEKS: (shakes head.)

18 MR. GIBBONS: No, sir.

19 THE COURT: Well, Mr. Gantt, you're very lucky the
20 State didn't seek the death penalty against you for
21 torturing the man, beating him up, burning him with irons.
22 Not only did you kill him, but you took his body to a
23 trash dump and let him rot before his family could have a
24 decent burial for him. Your actions are despicable. You
25 certainly don't deserve to be with any of us for a long

1. time.

2. The sentence of this Court is that you be committed
3. to the State Department of Corrections for a period of 45
4. years. Good luck to you.

5. (Whereupon, a break was taken.)

6. MR. WEEKS: Darrell Williams will be the next one
7. Your Honor.

8. THE COURT: Mr. Weeks, does Mr. Darrell Williams have
9. a record?

10. MR. WEEKS: Your Honor, he has a contributing to the
11. delinquency of a minor in 2002 and three counts of CDV
12. first all the same day conviction in April of 2007. Those
13. are the convictions.

14. THE COURT: Twenty-six years of age now?

15. MR. KATONAK: Yes, sir. Is that correct?

16. DEFENDANT DARRELL L. WILLIAMS: (nods head.)

17. THE COURT: Mr. Katonak?

18. MR. KATONAK: Yes, sir, Your Honor. I was appointed
19. on this matter. As you just stated Mr. Williams is 26
20. years of age. He has five children, I believe.

21. THE COURT: Five children?

22. DEFENDANT DARRELL L. WILLIAMS: Yea, six.

23. MR. KATONAK: I'm sorry. Six children. He went
24. through the tenth grade. He last worked for his Uncle
25. Charles Gantt doing some painting. As Mr. Gibbons said

1 before me this was just a terrible, terrible situation --
2 terrible situation for this family to go through. I
3 couldn't imagine it personally.

4 What makes it even more tragic in talking to
5 Mr. Williams who goes by Stevie is that Stevie and
6 Mr. Leaphart were very good friends. Of all of the
7 Defendants here today -- and they're all friends of
8 Mr. Leaphart's -- it appears to Mr. Williams and
9 Mr. Leaphart were the best friends of the bunch. I think
10 Mr. Leaphart and Mr. Williams even spent the night with
11 each other from time to time.

12 So, as Your Honor heard this escalated due to guns
13 that were stolen. It certainly is a matter that careened
14 up way, way out of control into this tragic situation
15 where this young man was killed. As Mr. Weeks said
16 Mr. Williams was not present in the automobile when they
17 left where Mr. Leaphart was ultimately killed. He stayed
18 behind at the mother of one of his children's house, and,
19 in fact, as Mr. Weeks said the other Defendants stated
20 that once they came back to where Mr. Williams was and
21 they were told that Mr. Gantt had committed this murder
22 Mr. Williams was very upset with Mr. Gantt about this and
23 I believe a fight almost broke out because of their
24 friendship.

25 THE COURT: Well, I assume that he got upset and he

1 immediately called the police so the police could take
2 care of it?

3 MR. KATONAK: No, sir.

4 THE COURT: He went back and took his body and hid it
5 in a trash pile.

6 MR. KATONAK: That is correct, Your Honor.

7 THE COURT: Don't sound like he was too upset to me.

8 MR. KATONAK: Your Honor, we'd also like to point out
9 I believe the Solicitor in stating that when the victim
10 was being beaten at the house by several people that
11 everyone participated -- I will say from the police report
12 that I have that it does say Mr. Williams -- individuals
13 there said Mr. Williams stated he was not touching him and
14 that eventually told them to leave, but, be that as it
15 may, Mr. Williams is the one who picked him up at the
16 scene, brought him to the residence. He was present at
17 this residence.

18 I have talked to Stevie and in great lengths on four
19 or five occasions about the fact that the hand of one is
20 the hand of all. He understood that he was directly
21 indicted for murder -- that by pleading to this case that
22 they were dismissing that charge. In looking at
23 everything we believe in our long discussions that this is
24 an appropriate plea to plea to kidnapping that the State
25 most likely would plead -- would be able to prove the case

1 against him for kidnapping based on the evidence.

2 THE COURT: I disagree with you. I think that the
3 State could perhaps prove a lot more against your client.

4 MR. KATONAK: And, Judge, that is a possibility and
5 one of the factors that led us into that plea and the
6 possible risk of being convicted of a murder charge was
7 certainly out there and the State certainly had
8 significant evidence they could have shown in that case.
9 So, Your Honor, we ask the Court to be as lenient as you
10 could possibly could.

11 THE COURT: Well, I am going to be as lenient to him
12 as he was to the victim.

13 How many cases did you not pros on him, Mr. Weeks?

14 MR. WEEKS: Judge, we directly indicted him for
15 murder after Frankie Gantt gave a statement. He was just
16 arrested in Aiken County for accessory after the fact. He
17 had had -- they arrested him initially in Lexington County
18 when they began their investigation up there. He didn't
19 give any kind of credible statement to us throughout the
20 investigation.

21 THE COURT: Well, I thought he was his best friend.
22 He would certainly want to help his best friend out.

23 Mr. Williams, anything you want to tell me?

24 DEFENDANT DARRELL L. WILLIAMS: No, sir.

25 THE COURT: No, sir?

1 DEFENDANT DARRELL L. WILLIAMS: Just something that
2 happened that I couldn't control.

3 THE COURT: Well, who could control it?

4 DEFENDANT DARRELL L. WILLIAMS: I wasn't never
5 present there, Your Honor.

6 THE COURT: The sentence of this Court is that you be
7 committed to the State Department of Corrections for 30
8 years. Good luck to you.

9 (Whereupon, a break was taken.)

10 MR. WEEKS: Johnnie Walker.

11 THE COURT: Mr. Weeks, does Johnnie W. Walker, age
12 29, have any prior record?

13 MR. WEEKS: Yes, sir, Your Honor. He has an assault
14 and battery of a high and aggravated nature in 1999 as
15 well as a burglary third degree. Apparently, he got a
16 youthful offender sentence then. He has a possession of
17 crack in 2000, another assault and battery in -- well, no,
18 that was the youthful offender revocation. Those are his
19 priors, Judge.

20 THE COURT: Mr. Brown?

21 MR. BROWN: Thank you, Your Honor. Your Honor,
22 Mr. Walker is 29 years old. He has six children.

23 THE COURT: Let's see. The last guy had six. So
24 this is six. The other guy has had one on the way. So,
25 we got 12 -- 13 children who are going to be fatherless?

1 MR. BROWN: Yes, sir.

2 THE COURT: And a family who has lost a son?

3 MR. BROWN: Yes, sir.

4 THE COURT: This keeps getting deeper and deeper.

5 MR. BROWN: Yes, sir. Your Honor, Mr. Walker was
6 working at the time this incident took place. He had
7 employment as a plumber. He is also trained as a mason,
8 and he was working with a company out of Sumter at the
9 time that this incident happened. I've got -- two of his
10 former employers did provide letters on his behalf stating
11 that he was -- basically the type of worker he was and
12 dependable and the type of person they thought he was. We
13 would ask to make those a part of the record and hand
14 those up to the Court.

15 Your Honor, since he -- one of his priors -- I
16 believe that Mr. Weeks was talking about was a drug
17 charge. Since he's been in the jail he has completed a
18 drug training course, drug and alcohol treatment course
19 there and education course.

20 The situation here, Your Honor, as I think everybody
21 will say is very tragic. Mr. Walker has got a lot of
22 family support. I've been impressed by him, basically, in
23 the way he's dealt with me. I have represented him now
24 since last fall. He's always been very polite, very
25 straight forward, very forthright, very willing to

1 cooperate, and has expressed a lot of remorse about this
2 whole situation that he got himself in.

3 His family -- they've also been extremely nice to
4 deal with. There are two or three rows of people out
5 there today that have come here to provide support for him
6 and a couple of them would like to speak at the time the
7 Court deems appropriate, Your Honor.

8 The situation as it happened here from Mr. Walker's
9 standpoint and what he's maintained from the get-go and
10 has told the police and everybody else -- this was the day
11 before Christmas. He was out Christmas shopping, got a
12 phonecall from Darrell Williams that, basically, they
13 needed a car. They needed a ride. They were going over
14 to see Mr. Leaphart. He came back from shopping, went and
15 picked them up. They went to where Mr. Leaphart was.
16 Mr. Leaphart, I believe, had had a fight with his
17 girlfriend and got in the car with them, told them to, you
18 know, leave because she was threatening to call the
19 police, I think, at the time. So, they left.

20 At that time he didn't realize where things were
21 going with the situation. They went back to the house.
22 That's when, basically, the beatings and all started
23 taking place. One thing -- he's been very forthright but
24 he has consistently denied taking part in any beating or
25 burning himself. He was there when it happened. He has

1 not denied that he was there when it happened. That went
2 on. They -- I think Mr. Williams finally said that was
3 enough of that and told them to take Mr. Leaphart over to
4 his house, clean him up, and my understanding was they
5 were going to take him home or go from there. That was
6 supposed to be the end of it.

7 Mr. Walker and Mr. Williams stayed there at the
8 residence. As the Solicitor said they did not go with
9 everybody else when Mr. Leaphart was taken out into the
10 country and murdered, and the first that they heard about
11 that was when Mr. Gantt called back to the house where
12 they were and informed Mr. Williams -- told Mr. Walker
13 that he had shot Mr. Leaphart; that he had killed him at
14 which point the consensus was that Mr. Williams was
15 extremely upset about that having taken place. That was
16 not supposed to take place.

17 They then did make a poor decision about going back
18 out there to where the shooting had taken place. There
19 were two cars that went back. They --

20 THE COURT: I assume Mr. Walker's car?

21 MR. BROWN: Mr. Walker's car was one of them, but it
22 was not the car that was used to transport the body. He
23 did not go down to the area where the body was. He saw
24 them bring Mr. Leaphart's body out in a blanket, and, Your
25 Honor, that is, basically, the entire sequence of events

1 as they took place that day. It's a situation that
2 ballooned well beyond what it should ever have been. I
3 know during the questioning about the kidnapping that's
4 why the issue came up about when the Solicitor in the
5 indictment said there was a conspiracy basically or plan
6 to go out and kidnap him because it became that. I
7 explained to him about being held against your will and,
8 you know, when Mr. Leaphart was held and was not free to
9 leave and they were all there that, basically, that became
10 a kidnapping situation.

11 THE COURT: Mr. Walker, you were free to leave when
12 they were beating on him if you weren't participating,
13 weren't you?

14 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

15 THE COURT: Why didn't you leave and go call the
16 police and tell them what they were doing to this poor
17 boy?

18 DEFENDANT JOHNNIE W. WALKER: I made a bad choice,
19 sir.

20 THE COURT: How come when they hide him under the
21 brush pile and the garbage pile to let him rot -- how come
22 you didn't call the police?

23 DEFENDANT JOHNNIE W. WALKER: Bad choice, sir.

24 THE COURT: Bad choice. You sure did make a bad
25 choice.

1 MR. BROWN: The situation, Your Honor -- you had
2 asked about other charges being dismissed and that kind of
3 stuff. From the time this incident happened -- and
4 Mr. Walker has now been in jail since February of 2008 I
5 believe is the right time -- he was charged with one
6 charge and that was accessory after the fact which was a
7 non-violent, non-serious 15-year charge, and, basically,
8 but even with that, he's been willing to cooperate and
9 provide any assistance he could. He's had interviews with
10 the Solicitor Office and everybody else over this thing.

11 We got word last week that, basically, you either
12 plead guilty to kidnapping or we try you for kidnapping
13 and felony murder. So, and I understand and we've
14 discussed that. That's the way the facts are, but, Your
15 Honor, as far as this is not a situation where there is a
16 bunch of charges and where he had a bunch of serious
17 charges the whole time hanging over his head.

18 THE COURT: Mr. Brown, this is about as serious as it
19 gets.

20 MR. BROWN: It is now, yes, sir.

21 THE COURT: Was. As soon as they killed the guy, as
22 soon as they beat him, and as soon as they tortured him --

23 MR. BROWN: Yes, sir.

24 THE COURT: -- as soon as they take him out in the
25 field and just execute him and as soon as this guy follows

1 them back and puts him in a trash pile it is serious.

2 MR. BROWN: I understand that, Your Honor.

3 THE COURT: Probably as serious as one you've had in
4 a while.

5 MR. BROWN: But as far as the charge and everything
6 that he's had against him, he's been willing to cooperate
7 and provide assistance from the time he was arrested, and,
8 Your Honor, basically, we hope this is a situation where
9 it's not going to, basically, destroy his entire life.
10 We'd like to see him have an opportunity to get out and
11 make a life for himself and would hope that the Court
12 would give him an opportunity, basically, to have some --
13 at some point have the keys to the jail in his hands
14 where, basically, he can serve some time, have an
15 opportunity to get out and be a member of society, and
16 still have time hanging over his head or something to,
17 basically, so that there is society being protected all
18 the way around.

19 Your Honor, we would also ask that since this is a
20 kidnapping charge that the Court designate on his sentence
21 that this is not a sex offender registration offense
22 because there is no allegation of any type of that
23 involved, and, Your Honor, I would like to have an
24 opportunity for a couple of his family members to have an
25 opportunity to speak.

1 THE COURT: I'll listen to one or two. Which ones?

2 Mr. Weeks, there is no sexual involved in any of it?

3 MR. WEEKS: That's correct, Your Honor.

4 THE COURT: Yes, ma'am. Your name?

5 DEBRA T. BOSTICK: Debra Tolan Bostick.

6 THE COURT: You're kin to him how?

7 DEBRA T. BOSTICK: I am his aunt.

8 THE COURT: His aunt?

9 DEBRA T. BOSTICK: Yes, sir.

10 THE COURT: What do you want to tell me, Ms. Bostick?

11 DEBRA T. BOSTICK: I am here today speaking on his
12 behalf.

13 THE COURT: Yes, ma'am.

14 DEBRA T. BOSTICK: On Johnnie's behalf that the crime
15 that was committed was very bad, whatever you want to call
16 it. It was real bad. I am speaking on his behalf as I
17 don't see -- I wish he would've made a right choice and
18 tell it no matter how it would have looked -- not for him.
19 They can call me whatever they wanted. I would have did
20 what was right, but Johnnie would have took the shirt off
21 his back and give to somebody. At a time when he called
22 me and he said that I'm going to turn myself in, I said,
23 well, do the right thing and do that. Turn yourself in.
24 I said, I know you're a good person because when I didn't
25 have one penny to my name to pay my light bill he said the

1 only thing I got to offer you is \$30. He said if you meet
2 me to my Mama's house or whatever, I'll give it to you.

3 That is the kind of person that Johnnie is to me.

4 I'm not speaking because he is my nephew. Whatever
5 they did was wrong. Whatever they did -- but I don't see
6 how, you know, this could have had come with that -- went
7 that far. I wouldn't have never let it went that far. I
8 would have did something.

9 THE COURT: What would you have done when they
10 started beating the guy and burning him? What would you
11 have done?

12 DEBRA T. BOSTICK: I would have hit the road. I
13 would have left there walking.

14 THE COURT: Absolutely.

15 DEBRA T. BOSTICK: Because, you know, even though
16 they probably would have got me before I got where I am
17 going, but I tried.

18 THE COURT: But you wouldn't have taken place in
19 that, would you -- part in that?

20 DEBRA T. BOSTICK: I wouldn't take no part of it, no,
21 sir. I wouldn't have.

22 THE COURT: Well, I just wish somebody would have
23 stood up for the young man and stopped it. It is crazy.
24 You got a nephew getting ready to go to jail for a long
25 time. He's got six children. You got a man that's dead.

1 His family is destroyed. The community is going to be
2 destroyed because of what would possess somebody to beat
3 and burn and shoot in the neck a young man who was slow
4 like this young man was? Anything else?

5 DEBRA T. BOSTICK: No. That's all I have to say.

6 THE COURT: Thank you for coming.

7 Good afternoon, ma'am. Your name, please?

8 LATOYA ZEIGLER: My name is Latoya Zeigler
9 (phonetically spelled.)

10 THE COURT: You are related?

11 LATOYA ZEIGLER: I am not blood related to Johnnie.

12 THE COURT: Just friends?

13 LATOYA ZEIGLER: I have two grandchildren who are his
14 children. First of all, I'd like to tell the family that
15 I'm really sorry that this took place and that I could
16 stand here and say I'm sorry as many times as I want to
17 and it still doesn't take back what happened, but, you
18 know, I am sorry.

19 I have been knowing Johnnie for a good while now,
20 probably about 10 or 11 years. He's always been a swell
21 guy. I mean, when I found out I heard about this I was
22 really in shock. I was really, really in shock because I
23 have never -- or I could have never have believed that
24 this would have happened and I have listened to you, you,
25 know. You talk about how he could have maybe turned this

1 around by, you know, when it first happened or when he was
2 being beat or whatever that he could have called the
3 police or whatever and that was one of the things that I
4 said to myself, well, why didn't that happen? Why didn't
5 someone call? And more in my heart I said why didn't he?

6 Well, after some time of thinking and praying and
7 going over that over and over in my mind I realized that
8 and, you know, maybe talking to a few other family members
9 that maybe he was afraid, you know. Maybe he felt that
10 his life was in jeopardy.

11 THE COURT: You think he was afraid? How do you
12 think poor little Jeremy Leaphart felt?

13 LATOYA ZEIGLER: Oh, I mean, I can't imagine.

14 THE COURT: They stuck that gun to his neck.

15 LATOYA ZEIGLER: I can't imagine. I can't imagine.
16 I really can't. I am not standing here --

17 THE COURT: No, ma'am. And I'm not -- I understand.
18 It's just terrible all the way around. You got two
19 grandchildren by him?

20 LATOYA ZEIGLER: Yes, sir.

21 THE COURT: I've got two little grandchildren. It's
22 just nothing good about it, is it?

23 LATOYA ZEIGLER: No, it's not.

24 THE COURT: And it's not good sending him to jail for
25 a long time, but society demands that, ma'am. When you

1 make a choice to do something this cowardly, this just
2 absolutely no feeling for anybody -- if you participate in
3 it, you have to be punished. That's the tough part about
4 my job.

5 LATOYA ZEIGLER: Yes, sir. Well, again, I ask you to
6 please take it into your heart that he do have children.

7 THE COURT: I will.

8 LATOYA ZEIGLER: And I have two granddaughters who
9 I'm sure are going to need their father, you know. I'm
10 sure.

11 THE COURT: I understand. Thank you so much.

12 Sir, anything you want to say?

13 DEFENDANT JOHNNIE W. WALKER: Yes, sir.

14 THE COURT: Say it.

15 DEFENDANT JOHNNIE W. WALKER: First I want to
16 apologize to Ms. Leaphart and also the rest of the family.
17 I am not a violent person. I never was raised up to be a
18 violent person, but I'm sorry for what had happened. If I
19 can change anything that happened on that day, I would. I
20 never had any intentions to be harmful to anyone. I'm
21 sorry. I hope they find it in their hearts to forgive me.

22 I should have took the initiative myself and called
23 someone and notified someone and let them know what had
24 happened. I should have. I'm sorry. Again, I'm sorry.
25 I pray the Court to have mercy on me. Thank you.

1 THE COURT: All right. The sentence of this Court is
2 that you be committed to the State Department of
3 Corrections for a period of 30 years. Good luck to you.

4 (Whereupon, a break was taken.)

5 THE COURT: Mr. Weeks, does Mr. Sheldon Oakman have
6 any prior record?

7 MR. WEEKS: Nothing that he's been convicted of, Your
8 Honor.

9 THE COURT: And what was his involvement?

10 MR. WEEKS: Your Honor, Mr. Sheldon Oakman is one of
11 the ones in this thing that's kind of been -- that's been
12 a little perplexing. He was in the second car. He was at
13 the location of the physical abuse in Saluda County. He
14 was driving the second car when Jeremy was killed. One of
15 the witnesses says that -- or one of the Defendants says
16 that Sheldon was the one that supplied the killing
17 shell -- that he ran out of shells and that somebody
18 supplied him. Sheldon says the other fellow which was
19 John Oakman, Jr., was the one that supplied the shells.
20 So, they had two of them going at each other that way.

21 It is no question that Frankie Gantt was the one that
22 shot all of the shells. Sheldon gave us three statements.
23 He was actually the first one interviewed that started
24 giving up the people that was involved and, ultimately,
25 gave us three recorded statements.

1 THE COURT: How did you get to him first? If you
2 know. That's all right.

3 MR. WEEKS: He was overheard talking by an individual
4 named Ronnie Martin.

5 THE COURT: He didn't come forward?

6 MR. WEEKS: No, no. They notified him, but they went
7 to his parents' house. He was heard -- overheard talking
8 with Darrell Williams about how Frankie Gantt had shot and
9 killed Jeremy.

10 THE COURT: Mr. Chandler?

11 MR. CHANDLER: May it please the Court, Your Honor.
12 My client Sheldon is 21 years of age today. He is from
13 the Ridge Spring Monetta community. He is here. Here in
14 support of him is a large amount of family members as also
15 all of the people involved here which includes his
16 parents, his grandmother, and a number of aunts, uncles,
17 and cousins -- all as you've already noted they've
18 certainly been affected by it.

19 I would bring to your attention again the statement
20 by -- one of the victim's statements where they
21 acknowledged the family of Sheldon Oakman. The family had
22 long-time been in contact with each other. They
23 acknowledged some of the initial statements that
24 Mr. Oakman had provided. As you indicated he didn't call
25 the police up and come forth, but he was one that provided

1 a significant amount of --

2 THE COURT: He didn't call the police.

3 MR. CHANDLER: Right. He did not call the police.

4 However, he was the one that, in essence, was given credit
5 by both investigators and the Solicitor's Office as to a
6 break in the case for the prosecution by naming all of the
7 individuals, directing them to the location of the
8 shooting.

9 He has been locked up since January 24, 2008, Your
10 Honor, which puts him in jail for 459 days, and since that
11 time, Your Honor, my client has been providing a high
12 level of support to the Solicitor's Office. Earlier
13 Mr. Frankie Gantt did indicate or it was indicated that
14 Frankie Gantt gave the statement sometime -- the first
15 statement. The Solicitor's Office contacted us, and it
16 was my client that reviewed the statement for his veracity
17 as to give the impression as to what was said and who
18 participated in this.

19 Your Honor, the murder of Mr. Jeremy Leaphart was --
20 and also the kidnapping of Jeremy Leaphart -- was
21 senseless. It was horrible, but since this incident, Your
22 Honor, my client has made steps to try to make right.

23 Just to tell you a little bit about Sheldon, Sheldon
24 also has a young daughter who is going to be two years old
25 in July. Of all the young men that were involved in

1 this -- and this just makes it even sadder -- he was the
2 only high school graduate. He is a graduate of Ridge
3 Spring Monetta High School. At the time he was already
4 enrolled in Augusta Tech, and he was preparing to take the
5 placement exams that would place him in particular tracks
6 within the curriculum, and he was hanging out with the
7 guys that he grew up with, and, unfortunately --

8 THE COURT: Well, it sounds like this is just regular
9 guys from high school and just friends.

10 MR. CHANDLER: And it just --

11 THE COURT: What would make eight guys want to do
12 this to a young man who was slow, simple, can't take care
13 of himself?

14 MR. CHANDLER: I think counsel --

15 THE COURT: I mean, help with me.

16 MR. CHANDLER: I think the prior counsel has said it
17 best. It was one of those dynamics where it started
18 rolling and it was just completely out of control, and,
19 unfortunately, it led to the death of a human being, and
20 this whole community loses as a result of it, and the fact
21 of the matter is these young men didn't have the maturity
22 to say, no, stop it, I'm going home. And I don't know if
23 it was fear, Your Honor. I don't know what it was, but
24 they didn't do it, and that's why we're here because my
25 client didn't separate himself from this matter on that

1 night as he should, Your Honor, but as I said before since
2 that time he had done everything that he could do to make
3 it right.

4 He did not provide that final shell during -- to
5 Frankie Gantt. One of the things that happened, Your
6 Honor, at the beginning when there was an initial bond
7 hearing and all eight of these same guys were lined up
8 across this bar the statements that were read by the
9 Solicitor's Office -- every statement started off with
10 "Sheldon Oakman said" and ever since that time those guys
11 were peering down at the one snitch in the bunch who,
12 basically, named names and provided locations. It just
13 highlighted the fact that he was the one that told.

14 He didn't make any phonecalls that night, but he has
15 provided a significant amount of information.

16 THE COURT: So I should give him some break?

17 MR. CHANDLER: Your Honor, that's what we're asking
18 for. We're asking for a break because he has acknowledged
19 what he's done is wrong. As I indicated, the family did
20 acknowledge also the support from his family, and, again,
21 based on what -- on his participation in breaking this
22 case. I know --

23 THE COURT: Mr. Weeks, you agree with that? That he
24 was -- somebody overheard a conversation, but if he hadn't
25 said anything you may still be --

1 MR. WEEKS: Your Honor, if you had asked me a year
2 ago I would have said, yes, I believed he was less
3 involved than others because he was in the second car, but
4 the more we heard about and the more these individuals
5 came forward -- now, realizing some of them had pressure
6 on them by us because of charges they gave statements --
7 he was alleged to have been the one that supplied the
8 fatal bullet. He was also alleged to have been one that
9 struck Jeremy in the trailer. There is no question that
10 he was involved in the kidnapping and burial of the body
11 or at least going back to the scene.

12 So, I don't know that he is any rising star in the
13 mass, but he is in that level of folks that were
14 participants. We thought all along that there was a gang
15 involvement here and we just didn't have enough to prove
16 any kind of gang, but, you know, you keep asking why these
17 young men would do that. Well, I think it was more to it
18 than just --

19 THE COURT: Something that just kind of got out of
20 hand?

21 MR. WEEKS: That's right. Now, you know, as far as a
22 scale of people I would think that he's lesser involved in
23 the planning and implementation of this than Johnnie
24 Walker and Darrell Williams were. Do I think that he knew
25 that Jeremy was going to be killed by Frankie Gantt on

1 that dirt road? I don't think he did. I mean, I will
2 just be candid with you. I realize that if we tried all
3 of these people under the theory of
4 hand-of-one-is-the-hand-of-all we may get one jury to
5 convict one of them and an acquittal on the next jury and
6 this is the best solution for us.

7 THE COURT: Well, do you think you could have broke
8 the case had he not --

9 MR. WEEKS: Well, the case was in the -- yes, sir.
10 It was in the direction of being broken. He just happened
11 to be the first one we got to. And that's from Lexington
12 County and Aiken County working together. The one that
13 actually broke it was an individual that wasn't charged
14 who wasn't there.

15 He has cooperated with us, and, of course, you know
16 Mr. Chandler. He's always cooperating with us when it
17 comes to helping his clients. He's been in constant
18 contact with me. Mr. Oakman has had two or three bond
19 motions.

20 THE COURT: Mr. Chandler does his job excellently.
21 He's got a bad set of facts. Terrible facts.

22 Anything else, Mr. Chandler?

23 MR. CHANDLER: Yes, Your Honor. I -- it has been
24 been presented to the families that our client did
25 participate in some level, and I certainly understand the

1 Solicitor's position, and we would ask for some leniency
2 because I do believe that his lack of participation, his
3 cooperation, the fact that he was separate -- he was not
4 privy to a number of those chilling conversations where
5 this young man was pleading for his life. I do believe
6 that that separates him and we would ask for a departure
7 from a 30-year sentence as a result of it.

8 Your Honor, I do have two -- one family member and
9 one person from the community who would like to speak on
10 his behalf and my client would like to speak as well and
11 they do know to make it very brief. His first would be
12 his aunt, Your Honor, Ms. Cynthia Howard.

13 THE COURT: Good evening, Ms. Howard.

14 CYNTHIA HOWARD: Good evening. How are you?

15 THE COURT: Fine. Thank you. Are you his aunt?

16 CYNTHIA HOWARD: Yes, I am. First of all, I'd like
17 as I once before apologized to the family for the part
18 that my nephew played in the loss of Jeremy's life. I
19 don't believe nor think that he knew the involvement that
20 he was getting into being involved with the young men.
21 All of us can -- have competed back off of each other
22 about our family members being, you know, good and kind
23 and mannerable, and I think, you know, as you can see, you
24 know, he's come from a background of a good family.

25 I think as my mother which is a single mom had six of

1 us and the most trouble I think we got in is trying to get
2 the prize out of the Cheerios box before eating all of the
3 cereal. She used to tell us that we had to eat all of the
4 cereal and then come to the prize.

5 THE COURT: That's what I don't understand. To come
6 from good families and to do something this mean and just
7 no feeling -- it is terrible.

8 CYNTHIA HOWARD: I think, you know, he's expressed
9 his sympathy for the part that was played. He's been -- I
10 mean, I don't know how -- I'm not at a loss for words to
11 say, but I am just so sorry for what has happened, and if
12 there is anything we could have done to made a difference
13 in Jeremy's family -- all of the families have been torn
14 by this. I mean, we all have lost in a way. We all had
15 lost our loved one as well, and, you know --

16 THE COURT: Sure you have.

17 CYNTHIA HOWARD: -- we're at the mercy of asking you
18 all to please allow us as a family to rectify the
19 situation -- at least, you know, do a memorial to the
20 family, you know, help our nephew as in participating with
21 trying to save some other young boys' lives. He himself
22 is -- he never -- he's always -- like, you know, he
23 wouldn't hurt a thing. If he seen an animal that needed
24 help, he would go out --

25 THE COURT: How do you explain what they did to this

1 poor child?

2 CYNTHIA HOWARD: I think he was also involved in a
3 situation where he thought they were his friends as well
4 and even with him having an opportunity to badger them and
5 say things that was against them he still is standing on
6 truth and being honest about the situation and being
7 honest about what had happened, and I am just saying, you
8 know, a prayer for you all, you know, sympathy to the
9 family, you know, to what we have been through.

10 I cannot begin to tell you since this has happened
11 what our family has been through. His mother and father
12 gave their life over to Christ. His two brothers have
13 also joined the church and gave their life over to Christ.
14 Me and my mom and countless others of us all of us have
15 been praying for all of the family -- not just for our
16 nephew, but all of the families who are involved in the
17 situation where what has happened, and we, too, are trying
18 to find -- find some peace and find some sense to it, but
19 the only thing we can do is just, you know, say that, you
20 know, hold us accountable as a family to make a difference
21 in other family's lives, to make a difference in our
22 nephew's life, to give an honorable memorial for Jeremy
23 and for his family and allowing them to talk with us as
24 well.

25 We have been communicating with them, and I don't

1 know if it has helped them or not, but we have been
2 communicating with them and expressing our deepest
3 sympathy to them for everything that has happened.

4 THE COURT: Thank you so very much.

5 MR. CHANDLER: We have Ms. -- Minister Nora Bing from
6 the community.

7 THE COURT: Yes, ma'am?

8 MINISTER NORA BING: Judge, to the audience, I really
9 didn't know I was going to be called, but after looking at
10 the facts and thinking about the family, I'm so sorry for
11 your loss. I'm so sorry for what has happened. A lot of
12 times what the devil means for evil God will turn it
13 around and make good out of it. So, we're going to hope
14 that a lot of good comes out of what has happened because
15 God can turn it around like that.

16 What I did hear coming out of this is that he was a
17 slow child. I also have members in my family that I deem
18 as slow or that their community or the school has deemed
19 as slow. So, we really have to look at the depths of what
20 we're talking about when we say slow because slow may not
21 mean that he doesn't understand everything that's going on
22 and that's no disrespect to anybody, but I have been there
23 and I know about that.

24 My children I have to teach. All of us have to
25 teach. Our children are a product of who we are and what

1 we are, and we as a community, we as leaders we're going
2 to have to make laws and regulations that can help these
3 eight young men and also others that are going to come up
4 the same way. If we don't, we're going to have erosion
5 just like we're having now of the whole community and the
6 whole family.

7 We're going to have to do something. We're going to
8 have to step up to the plate as parents and be examples
9 for our children because our children are what we are and
10 who we are. So, I'm looking at this --

11 THE COURT: Well, ma'am, I agree with you. I hope --
12 you know, all of us as parents -- I have two boys and two
13 grandchildren and a daughter-in-law and I'm sure that you
14 have children.

15 MINISTER NORA BING: Yes.

16 THE COURT: I just saw his aunt.

17 MINISTER NORA BING: Yes.

18 THE COURT: You couldn't find anybody more
19 respectable --

20 MINISTER NORA BING: Yes.

21 THE COURT: -- and just the kind of person you want
22 to be in society. He has wonderful leadership.

23 MINISTER NORA BING: Yes.

24 THE COURT: What makes these young men forget that
25 family, forget those values, forget that leadership, and

1 torture and murder a young man? What makes them do it?

2 You tell me.

3 MINISTER NORA BING: We're going to have to step in.
4 We're going to have to keep our eyes open. We're going to
5 have to step up to the plate and do what's needed.

6 THE COURT: Well --

7 MINISTER NORA BING: We're going to have to do that.

8 THE COURT: -- unfortunately --

9 MINISTER NORA BING: And I listened at the
10 testimonies and I listened at the kidnapping and things
11 like that, and was there ever actually a kidnapping?
12 That's what was on my mind.

13 THE COURT: Ma'am, I know it was a kidnapping. They
14 had the young man in a trailer and they were beating on
15 him and burning him with the irons --

16 MINISTER NORA BING: Okay.

17 THE COURT: -- and then they put him in a car and
18 take him and execute him. That's a kidnapping.

19 MINISTER NORA BING: Okay. Okay.

20 THE COURT: And he's plead guilty to that. He's
21 admitted that. Thank you.

22 MR. CHANDLER: Your Honor --

23 THE COURT: Mr. Chandler, you know how much I respect
24 you.

25 MR. CHANDLER: Yes, sir.

1 THE COURT: You know how difficult this decision is
2 with those family members up here, his aunt coming up
3 here, wonderful person?

4 MR. CHANDLER: Yes.

5 THE COURT: It is tough. But look over here at this
6 family.

7 MR. CHANDLER: I understand.

8 THE COURT: It is just terrible what's going to
9 happen in this community with a nice looking young man.
10 It's just terrible.

11 MR. CHANDLER: My client would like to address the
12 Court, Your Honor.

13 DEFENDANT SHELDON OAKMAN: Yes, sir. Yes, sir, Your
14 Honor. First and foremost, I want to apologize to Jeremy
15 and his family, and I want to let him know that not a day
16 goes by that I don't pray for them and had them in my
17 prayers. I want to apologize to my parents for letting
18 them down as a parent and as a friend. I want to
19 apologize to my daughter for not being there most of her
20 life. I let everybody down.

21 I graduated from high school, Your Honor. I did
22 everything I was supposed to do. I worked 12 long hard
23 years for my high school diploma. I was currently about
24 to attend Augusta Tech and major in Business Management,
25 and from there I was going to gain transfers to the

1 University of Georgia so I can be an athlete and play
2 football and major in veterinary science to be a vet, but
3 I feel like I let my parents down. I let everybody down
4 because I had goals in my life. They know I had goals in
5 my life, and I just want to apologize to all of them.

6 I just missed my daughter's first steps, first words,
7 the sight of her first tooth, teeth coming in and
8 everything. So, Your Honor, I feel like that I could be a
9 mentor for young kids and help them out when they need
10 guidance in their life.

11 Again, I would like to apologize to Jeremy and his
12 family letting them know that they are always in my
13 prayers, and thank you for just letting me speak here
14 today.

15 MR. CHANDLER: Your Honor, we'd just like to ask you
16 to take into account my client's actions since this has
17 happened. Not in any way has my client not acknowledged
18 his guilt today or what happened and the horrific events
19 that have occurred and the fact as I said before since
20 that time he's worked tirelessly (sic) to make it right.

21 As you highlighted he did not call the police
22 initially, but he did name the names, take them to the
23 locations, and allowed them to thoroughly investigate this
24 matter. I would ask for a departure from the maximum,
25 Your Honor, because I do believe that my client has

1 separated himself significantly from this crime to the
2 extent that his efforts have been to try to make right the
3 wrong that he has done.

4 He can't bring Jeremy back and he realizes that. The
5 family has provided a tremendous amount of support to the
6 family as has been highlighted in the family's
7 acknowledgements as well, and, your Honor, I would just
8 like for you to take that into account.

9 THE COURT: Mr. Chandler, I don't know how I can feed
10 him out of any different spoon than I fed the rest of
11 them. The sentence of this Court is that you be committed
12 to the State Department of Corrections for a period of 30
13 years. Good luck to you.

14 (Whereupon, the proceedings were concluded for the
15 day and were reconvened on April 28, 2009 as
16 follows:)

17 THE COURT: Okay. We're back on the record in
18 regards to the matters that we had yesterday afternoon.
19 This is the State versus John Otis Oakman, Jr., indictment
20 08-GS-02-01096. Before I go on the record with this case,
21 Mr. Oakman, just let me make sure I understand. Yesterday
22 when we were doing all the questions to you about your
23 right to jury trial and whether or not you were satisfied
24 with your lawyer and those types of questions, you
25 responded to all of those, did you not?

1 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir.

2 THE COURT: And you responded that you were satisfied
3 with your lawyer and you were waiving your right to trial
4 by jury and all of those questions you responded to?

5 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir.

6 THE COURT: Let the record further reflect that even
7 though the set-up yesterday afternoon was such that the
8 Court Reporter has advised me in chambers this morning she
9 had trouble being able to look at everybody I find and I
10 saw and I observed that all Defendants answered each and
11 every question appropriately with the correct responses.
12 Had there been any responses that were not -- in the
13 negative to a question that required a positive response
14 or a positive to a question that required a negative, I
15 would have stopped the proceedings and further inquired as
16 to that Defendant. I am satisfied that all of the
17 Defendants answered the questions in the appropriate
18 manner for me to accept the plea.

19 Mr. Weeks, was that your observation?

20 MR. WEEKS: It was, Your Honor.

21 THE COURT: Mr. Weeks, does Mr. John Otis Oakman, Jr.
22 age 17, have a record?

23 MR. WEEKS: No, Your Honor. He was a juvenile,
24 actually, at the time of this offense. He was 16 years
25 old.

1 THE COURT: And anything in particular you need to
2 tell me about?

3 MR. WEEKS: Your Honor, as I understand it,
4 Mr. Oakman by his own statement was in the back passenger
5 seat of the front automobile. He gave a voluntary
6 statement to the Sheriff's Department on January 24 of
7 2008 indicating his presence and the kidnapping and
8 ultimate murder of Frankie Gantt.

9 THE COURT: So, he was in the car that left the
10 trailer where the young man was beaten?

11 MR. WEEKS: Yes, sir.

12 THE COURT: And driven to the point where he was
13 killed?

14 MR. WEEKS: Yes, sir.

15 THE COURT: He was in the car with the victim?

16 MR. WEEKS: Yes, sir. And he was in the trailer and
17 he indicated that he was the one of the ones that
18 indicated that all of them had started hitting Jeremy.

19 THE COURT: Including himself?

20 MR. WEEKS: He said that he started to hit Jeremy but
21 that William stopped him, but he -- one of the ones that
22 indicated that a hot iron was used and he indicated that
23 he was the left rear passenger side of Jeremy being in the
24 middle and Andre Norris being on the right passenger side
25 of the lead car that stopped on Hutto Pond Road.

1 THE COURT: Thank you. Mr. Tom Woodruff?

2 MR. WOODRUFF: Yes, sir, Your Honor.

3 THE COURT: I'll be glad to hear anything you'd like
4 to tell me.

5 MR. WOODRUFF: Thank you, Your Honor. Your Honor, it
6 was very obvious from the pleas that took place yesterday
7 afternoon -- of course, Mr. Gantt plead guilty to murder
8 and received 45 years. The remaining three individuals
9 plead guilty to kidnapping and each one of them received
10 30 years. It's apparent to me, Your Honor, that you,
11 apparently, are feeding each one of the Defendants that
12 plead guilty to kidnapping from the same spoon, and I
13 think that it's my obligation to my client to attempt to
14 explain to you why John, Jr., should be treated
15 differently.

16 THE COURT: I think you are absolutely correct, and
17 I'll listen to you, and if you can convince me that he
18 played a role that was not as significant as the others I
19 will certainly come off of the 30 years.

20 MR. WOODRUFF: Very good. Thank you, Your Honor.
21 Your Honor, first, every person in front of you according
22 to my records that appeared in front of you yesterday had
23 a record. My client has no record. He has no record as a
24 juvenile, and when he was arrested for this offense he was
25 16. Actually, he was actually housed at DJJ in Columbia

1 because of his age. DJJ sort of kicked him out and sent
2 him to the Aiken County detention Center on his 17th
3 birthday. My client today is 17 years of age.

4 Of course, I worry about my cases, and I thought
5 about what I was doing when I was 16 and when I was 17.
6 Whenever I was 16 I was a stockboy at K-mart putting
7 together bicycles trying to decide how I was going to be
8 able to borrow the family car to take a girl out on
9 Saturday night. That's not the life that John, Jr. has
10 had.

11 Quite frankly, as he stands in front of you today
12 he's only 17. It's, of course, the Solicitor's option to
13 try Mr. Oakman as an adult because normally he would have
14 been tried in family court because he was 16 when this
15 crime was committed. Unfortunately, the Solicitor saw fit
16 to try him as an adult.

17 THE COURT: Mr. Woodruff, it's not an unfortunate
18 choice by the Solicitor. I think the facts and the
19 horrendous results in this case dictate this young man --
20 if he is going to act as he did, he must face his
21 consequences as an adult. So, I don't think it's
22 unfortunate. It might be unfortunate for your client, but
23 I think the Solicitor was certainly justified, and, in
24 fact, he would be criticized if he did not. So, it might
25 be unfortunate for your client, but it is just the facts

1 dictate he be tried as an adult.

2 MR. WOODRUFF: Yes, sir, but we would request that
3 Your Honor please take into consideration that my client
4 was only 16 when this happened. We would additionally ask
5 the Court to take into consideration that as my client
6 stands in front of you today -- what you're looking at is
7 you're looking at a 17-year-old kid who went halfway
8 through the tenth grade.

9 John has always told me during every one of my
10 conversations with him -- he says two things. He said,
11 Tom -- and I am going to quote my client. He says, I
12 didn't do nothing, and, unfortunately, he was there, and I
13 have explained to him that the hand of one is the hand of
14 all. Mr. Weeks did acknowledge that my client actually
15 never physically touched Mr. Leaphart. He never put an
16 iron to him. He was not involved in the shooting. He was
17 just there.

18 His problem -- John's problem is he made the wrong
19 choice as to the people he was going to associate with,
20 and I think that a lot of young men want to hang out with
21 older people. That's what he was trying to do. He was
22 trying to hang out with older people.

23 Your Honor, he tells me that he was in fear of his
24 life that they were going to kill him next and he was
25 afraid that if he tried to stop anything that he was going

1 to be killed or that a family member was going to be
2 killed. Your Honor --

3 THE COURT: This crowd was that mean and bad?

4 MR. WOODRUFF: That's what my client tells me, and my
5 client has asked for the opportunity to talk to you.

6 THE COURT: Mr. Oakman, why do you think they were
7 going to kill you?

8 DEFENDANT JOHN O. OAKMAN, JR.: They done killed
9 somebody right in front of my face.

10 THE COURT: How did you end up with that crowd?

11 DEFENDANT JOHN O. OAKMAN, JR.: I was just hanging
12 out with my cousin. I was hanging with my cousin.

13 THE COURT: Who is your cousin?

14 DEFENDANT JOHN O. OAKMAN, JR.: Sheldon Oakman.

15 THE COURT: You were hanging with him?

16 DEFENDANT JOHN O. OAKMAN, JR.: It was Christmas Eve.
17 I was just hanging with him.

18 THE COURT: Hanging out means just sort of?

19 DEFENDANT JOHN O. OAKMAN, JR.: Being with him, just
20 chilling with him.

21 THE COURT: And what happened?

22 DEFENDANT JOHN O. OAKMAN, JR.: We went down there,
23 and when we went down there, I mean, all this just started
24 happening. I didn't have no knowledge none of this was
25 going to happen.

1 THE COURT: I know you didn't have any knowledge it
2 was going to happen, but after it started happening, I
3 mean, you were there and they took the young man in the
4 trailer and I assume they beat on him. Is that correct?

5 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir.

6 THE COURT: What did they beat him with?

7 DEFENDANT JOHN O. OAKMAN, JR.: Their hands.

8 THE COURT: What else?

9 DEFENDANT JOHN O. OAKMAN, JR.: Well, they -- one of
10 them tried to put an iron on him.

11 THE COURT: What do you mean an iron? Like an iron
12 you iron clothes with?

13 DEFENDANT JOHN O. OAKMAN, JR.: You iron clothes
14 with.

15 THE COURT: Did they burn him?

16 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir.

17 THE COURT: What were you doing?

18 DEFENDANT JOHN O. OAKMAN, JR.: Just watching,
19 shocked.

20 THE COURT: Shocked? Why did you get back in the car
21 when they took him from there back to where they killed
22 him?

23 DEFENDANT JOHN O. OAKMAN, JR.: I wasn't trying to
24 get in the car. They told me to get in the car. I wasn't
25 trying to get in the car. I wasn't going to get in the

1 car, but...

2 THE COURT: But what?

3 DEFENDANT JOHN O. OAKMAN, JR.: I ain't had no other
4 choice.

5 THE COURT: You couldn't run?

6 DEFENDANT JOHN O. OAKMAN, JR.: If I would have run
7 the same thing would have happened to me.

8 THE COURT: Why do you think that?

9 DEFENDANT JOHN O. OAKMAN, JR.: I just...

10 THE COURT: How old is your cousin Sheldon?

11 DEFENDANT JOHN O. OAKMAN, JR.: Twenty, 21, 22.

12 THE COURT: You were 16?

13 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir.

14 THE COURT: What happened when they got down to Aiken
15 County? When they got out the car with the gun, what
16 happened?

17 DEFENDANT JOHN O. OAKMAN, JR.: They just got out of
18 the car. When he got out of the car he started running.
19 He started shooting.

20 THE COURT: That's when Mr. Gantt started shooting?

21 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir.

22 THE COURT: What did you do?

23 DEFENDANT JOHN O. OAKMAN, JR.: I just watched.

24 THE COURT: Did you try to stop him?

25 DEFENDANT JOHN O. OAKMAN, JR.: I couldn't.

1 THE COURT: Why?

2 DEFENDANT JOHN O. OAKMAN, JR.: He did it too fast.
3 He just started shooting.

4 THE COURT: And the kid kept running?

5 DEFENDANT JOHN O. OAKMAN, JR.: (Witness nods head.)

6 THE COURT: What did he do then?

7 DEFENDANT JOHN O. OAKMAN, JR.: He kept shooting and
8 he ran out of bullets and he told me to go get the
9 bullets, but I didn't go get the bullets.

10 THE COURT: Who got them?

11 DEFENDANT JOHN O. OAKMAN, JR.: My cousin went and
12 got the bullets.

13 THE COURT: Where did he get them from?

14 DEFENDANT JOHN O. OAKMAN, JR.: In the trunk.

15 THE COURT: What were you doing then?

16 DEFENDANT JOHN O. OAKMAN, JR.: Still watching.

17 THE COURT: And then what happened?

18 DEFENDANT JOHN O. OAKMAN, JR.: He went up on him and
19 shot him, I guess. I mean, he went up on him and I heard
20 a shot. I guess he shot him.

21 THE COURT: Then what did y'all do?

22 DEFENDANT JOHN O. OAKMAN, JR.: Get back in the car
23 and leave.

24 THE COURT: Where did you go?

25 DEFENDANT JOHN O. OAKMAN, JR.: Back to Johnnie's

1 house.

2 THE COURT: Johnnie Walker's house?

3 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir.

4 THE COURT: How long did y'all stay there?

5 DEFENDANT JOHN O. OAKMAN, JR.: About 10 minutes.

6 THE COURT: And then what did you do?

7 DEFENDANT JOHN O. OAKMAN, JR.: And then we went back
8 down there, back down there where he got shot at.

9 THE COURT: Who picked the body up?

10 DEFENDANT JOHN O. OAKMAN, JR.: Well, it was dark
11 then. I was still at the car. I stayed at the car. I
12 didn't even see who go back there and picked him up. I
13 stayed at the car, beside the car.

14 THE COURT: Who got out of the car and went and got
15 the body?

16 DEFENDANT JOHN O. OAKMAN, JR.: I think -- this is
17 what who I think went and got him. I am not sure who went
18 and got him, but I think Andre went and got him -- Andre
19 and Frankie, I think.

20 THE COURT: Then what happened?

21 DEFENDANT JOHN O. OAKMAN, JR.: They put him in the
22 trunk and we just rode around. We just rode around, rode
23 around, rode around, I mean.

24 THE COURT: What was going on while you were riding
25 around? What were they taking about?

1 DEFENDANT JOHN O. OAKMAN, JR.: It is like I can't
2 believe -- I can't believe we're doing this. I can't
3 believe this is happening. That's all they were saying is
4 I can't believe this is happening, why you did it?

5 THE COURT: Who was saying that?

6 DEFENDANT JOHN O. OAKMAN, JR.: Everybody. All of
7 them was saying I can't believe he did that. He ain't had
8 no reason to do that.

9 THE COURT: Whose gun was it?

10 DEFENDANT JOHN O. OAKMAN, JR.: I don't know.

11 THE COURT: You ever see it before then?

12 DEFENDANT JOHN O. OAKMAN, JR.: No, sir.

13 THE COURT: You ever had a gun?

14 DEFENDANT JOHN O. OAKMAN, JR.: (Witness shakes
15 head.)

16 THE COURT: Then who decided where to dump the body?

17 DEFENDANT JOHN O. OAKMAN, JR.: I don't know. I
18 don't know.

19 THE COURT: What happened after y'all disposed of the
20 body?

21 DEFENDANT JOHN O. OAKMAN, JR.: Well, we got back in
22 the car and went back to Johnnie's house and then we went
23 to the club after that.

24 THE COURT: What club?

25 DEFENDANT JOHN O. OAKMAN, JR.: Ponderosa.

1 THE COURT: How can you get in the Ponderosa when you
2 were 16?

3 DEFENDANT JOHN O. OAKMAN, JR.: (No response.)

4 THE COURT: What did y'all do at at the Ponderosa?

5 DEFENDANT JOHN O. OAKMAN, JR.: Nothing.

6 THE COURT: What did the big older boys, do? Men?
7 Drink?

8 DEFENDANT JOHN O. OAKMAN, JR.: I guess.

9 THE COURT: Let me ask you this. When all of this
10 was going on when they were beating the guy, shooting and
11 killing him and burying him and putting the body in the
12 trash, were they drinking?

13 DEFENDANT JOHN O. OAKMAN, JR.: Not as I know of. I
14 don't know.

15 THE COURT: Were they doing dope? Were they doing
16 crack?

17 DEFENDANT JOHN O. OAKMAN, JR.: I don't think so.

18 THE COURT: I mean, they did all of this with a clear
19 mind with not drunk or on dope or crack cocaine or
20 marijuana? You didn't see them using any drugs?

21 DEFENDANT JOHN O. OAKMAN, JR.: No, sir.

22 THE COURT: Why didn't you tell anybody?

23 DEFENDANT JOHN O. OAKMAN, JR.: I was scared for my
24 own life. I was scared. I mean, I know they was going to
25 find out. If I told they would have killed me or killed

1 my Mama or my Daddy or my Sister, somebody. They would
2 have got somebody.

3 THE COURT: Why do you think that? Are they that
4 mean?

5 DEFENDANT JOHN O. OAKMAN, JR.: Yes, sir. I did not
6 participate. I ain't participate in nothing that
7 happened. I didn't help them do nothing.

8 THE COURT: Except being there.

9 DEFENDANT JOHN O. OAKMAN, JR.: Just there.

10 THE COURT: Mr. Woodruff, anything else?

11 MR. WOODRUFF: Yes, sir, Your Honor, I have in the
12 audience -- and I'd like to ask all three of them to come
13 up. I have John's mother, his father, and his 19-year-old
14 sister. Quite honestly, his Mother speaks the most
15 eloquently, but I don't think that she is emotionally up
16 to addressing the Court. Mr. Oakman I don't think is up
17 to addressing the Court either. John's 19-year-old sister
18 I believe would like to make a short statement to the
19 Court and I think she'd like to say something to the
20 family, but, Your Honor, I would like to ask Mrs. Oakman
21 one question if I may address her with one question.

22 THE COURT: When she comes up I'll certainly allow
23 that. Y'all come up.

24 MR. WOODRUFF: Mr. Oakman, Mrs. Oakman.

25 THE COURT: One at a time, please. If he is not

1 going to address the Court, let the Mama. Do you need to
2 tell me anything, sir?

3 THE FATHER: No, sir. He ain't nothing but just 16
4 years old. He's out there hanging out with his boys.

5 THE COURT: It was a little more than hanging out
6 with the boys.

7 THE FATHER: Well, if he afraid of his life and they
8 tell you what to do, I guess you got to do what they tell
9 you to do.

10 THE COURT: No, sir. You ain't got to kill somebody
11 and you ain't got to beat somebody up and you don't have
12 to put them in a trash pile.

13 DEFENDANT JOHN O. OAKMAN, JR.: I didn't do that. I
14 didn't participate.

15 THE COURT: Anything else? Let me see your wife.

16 MR. WOODRUFF: Your Honor, if I may preface my
17 question, Mrs. Oakman has been very emotional. She was in
18 my office last week and she was just sobbing very quietly.
19 This is very, very difficult for her.

20 THE COURT: I imagine it is.

21 MR. WOODRUFF: It is, but, Your Honor, Mrs. Oakman
22 has a son that is with the South Carolina Department of
23 Corrections and wears a uniform. That's John's older
24 brother. John's older brother --

25 THE COURT: What do you mean he is an inmate or he

1 works for them?

2 MR. WOODRUFF: He works for them. He works for the
3 Department of Corrections. John's older brother went and
4 tried to get John from hanging out with these young men,
5 and, Mrs. Oakman, could you briefly describe to the Court
6 what happened after your older son went and tried to get
7 John away from these young men?

8 THE MOTHER: Well, it wasn't ten minutes before they
9 had already got in touch with JJ -- John, Jr. -- and told
10 him to tell his younger brother -- his older brother to
11 stay away from there because they thought he was a cop and
12 if he came back there they was going to shoot him. He
13 wasn't afraid, but I was.

14 THE COURT: I would be, too, ma'am. That's a crazy
15 crowd. Thank you.

16 MR. WOODRUFF: Your Honor, if John's older sister who
17 is two years older than John -- she would like to address
18 the Court.

19 THE COURT: Tell me about his family. Obviously, his
20 Mama and Daddy and he's got a brother that works for the
21 Department of Corrections. He's got his sister. How many
22 other siblings are there?

23 DEFENDANT JOHN O. OAKMAN, JR.: I got one more
24 brother.

25 THE COURT: What does he do?

1 DEFENDANT JOHN O. OAKMAN, JR.: I don't know.

2 THE COURT: You don't know what your brother does?

3 Yes, ma'am, your name?

4 VERNETTA OAKMAN: Vernetta Oakman.

5 THE COURT: I'll be glad to hear from you.

6 VERNETTA OAKMAN: First of all, I would like to say
7 I'm sorry. I'm sorry for the whole family. I know my
8 brother. I know my brother is nothing like how he's being
9 portrayed as I know, and he has two nephews at home that
10 he holds -- he used to hold everyday and everyday they
11 asked for him. My brother was 16, and I -- if I was 16
12 with all of these other boys around me, I wouldn't -- I
13 would be scared. I would be scared for my family. I know
14 how they used to be. I know that. And I would be so
15 scared for my family and myself. I just -- I just believe
16 he deserves another chance at life.

17 THE COURT: Thank you.

18 VERNETTA OAKMAN: He is only 16.

19 THE COURT: Thank you very much.

20 MR. WOODRUFF: Your Honor, at this point I had told
21 my client that I would ask for a 10-year sentence. If the
22 Court could see fit to sentence John to 10 years, we would
23 be very, very appreciative.

24 MR. WEEKS: Your Honor, I want to give Mr. Woodruff
25 time to finish, but I did want to point out that as I

1 mentioned yesterday we had conflicting witness statements
2 as to each one of them's role. Mr. Oakman's cousin
3 Sheldon Oakman said that Mr. Oakman was the one that gave
4 Mr. Gantt the killing shot. This Mr. Oakman says that it
5 was Sheldon that did. So, we had conflicting statements
6 in that regard, and I think that's why the charges were
7 upgraded on this young man to murder originally, but we'll
8 be dismissing those charges.

9 THE COURT: Well, there is no question of fact he was
10 there and he was in the car when the young man was
11 kidnapped. He was part of the kidnapping. That's
12 uncontradicted.

13 MR. WEEKS: It is uncontradicted he was in the
14 trailer where the young man was tortured and beaten, and
15 according to his own statement he went to hit the fellow
16 but was stopped.

17 DEFENDANT JOHN O. OAKMAN, JR.: No. I didn't say
18 that.

19 THE COURT: All right. All right, Paul, take him
20 back. I am going to hold his under advisement until I
21 listen to the rest of them.

22 MR. WOODRUFF: Thank you, Your Honor.

23 (Whereupon, a break was taken.)

24 THE COURT: This is the the State versus Andre
25 Norris, 0193. Present and appearing is Mr. Andre Norris

1 and his lawyer Mr. Routzong.

2 Mr. Norris, let me ask you a couple of questions. Do
3 you remember yesterday when I asked you all those
4 questions about your right to trial by jury and whether
5 you were satisfied with your lawyer and whether you were
6 under the influence of alcohol? You answered all of those
7 questions, didn't you?

8 DEFENDANT ANDRE NORRIS: Yes, sir.

9 THE COURT: Appropriately for me? You didn't have
10 any doubt about my questions and your responses; is that
11 correct?

12 DEFENDANT ANDRE NORRIS: Not really.

13 THE COURT: I mean, you answered. When I asked
14 you --

15 DEFENDANT ANDRE NORRIS: Yea.

16 THE COURT: -- a question you answered yes or no, did
17 you not?

18 DEFENDANT ANDRE NORRIS: Yea.

19 THE COURT: Mr. Weeks, did you observe Mr. Norris
20 answering appropriately?

21 MR. WEEKS: I observed each one of them answering
22 appropriately that were in the box yesterday including
23 Mr. Norris.

24 THE COURT: Mr. Routzong, as his lawyer you were
25 standing right next to him and you heard him answer all of

1 the questions, did you not?

2 MR. ROUTZONG: Yes, sir.

3 THE COURT: Mr. Weeks, does Mr. Norris have a record?

4 MR. ROUTZONG: Your Honor, before we go any further
5 Mr. Norris has asked me to ask the Court to consider
6 allowing him to withdraw his guilty plea.

7 THE COURT: Sir, I have taken his guilty plea
8 yesterday. It was done knowingly, voluntarily, and
9 intelligently. I went through all of the questions. He
10 answered them appropriately. Motion denied.

11 MR. WEEKS: Your Honor, he has a disorderly conduct
12 in '03 and that's all.

13 THE COURT: Anything else?

14 MR. WEEKS: That's all.

15 THE COURT: All right. Mr. Routzong, tell me a
16 little bit about Mr. Morris and why I should treat him any
17 differently than the rest of them.

18 MR. ROUTZONG: I think there is reason to treat him
19 differently.

20 THE COURT: Hold on one second.

21 (Whereupon, the Court speaks with someone off the
22 record.)

23 Okay.

24 MR. ROUTZONG: I think there is reason to treat him
25 differently, Your Honor. He is 26 years old. He is a

1 resident of Batesburg. He's been remarkably consistent
2 with me as to what happened on that evening. He tells me
3 that he was there at Bridget Bowers' house initially for
4 the reasons they were playing cards and they were having a
5 party.

6 THE COURT: At whose house?

7 MR. WEEKS: Bridget Bowers, Your Honor.

8 THE COURT: That's Ronnie Bowers' sister, wife,
9 girlfriend?

10 MR. WEEKS: It was the mother of Darrell Williams'
11 children and it's the trailer location where the assault
12 occurred.

13 MR. ROUTZONG: He tells me that he is not a part
14 of -- normally a part of that group, although he is
15 related to some of the other Co-Defendants. He's a
16 cousin, I believe, but, anyway, he was there on that day
17 playing cards. He describes it as a party. He tells me
18 that he did observe -- while he was playing cards he did
19 observe some of the interactions with the other
20 Co-Defendants and the victim in this case, but to put that
21 in a little bit of context I think he viewed them as being
22 a rough-and-tumble kind of crowd. This was something they
23 engaged in to get somebody in their group squared away.

24 He tells me that from his personal knowledge he knew
25 that Darrell Williams considered himself to be a good

1 friend of the victim and that he -- he tells me that he
2 knows that Darrell Williams took good care of the victim,
3 bought him things. He tells me that he occasionally
4 bought him things and they lived together for a while. He
5 didn't view that as anything other than people in this
6 particular group -- I hesitate to call it a gang because I
7 don't know that it rises to that level, but this
8 rough-and-tumble group, they were just squaring away
9 somebody. They had an issue. He overheard it was about
10 guns.

11 THE COURT: Squaring him away with beating him up and
12 using an iron? Is that what you're saying?

13 MR. ROUTZONG: Your Honor --

14 THE COURT: This is the trailer where the, for lack
15 of a better word, torture took place, beating him and
16 burning him with the iron and kicking him.

17 MR. ROUTZONG: I think Mr. Norris based on what he's
18 told me would disagree that he never saw an iron being
19 applied to Mr. --

20 THE COURT: Okay. Leave the iron out. He saw him
21 being beaten up, didn't he?

22 DEFENDANT ANDRE NORRIS: I wouldn't say a beating.

23 THE COURT: What were they doing to him?

24 DEFENDANT ANDRE NORRIS: I only seen one or two
25 people really touch him period. It wasn't really a

1 beating, you know. It was just like two people just had
2 -- had a misunderstanding.

3 THE COURT: Who were those people?

4 DEFENDANT ANDRE NORRIS: Frankie Gantt touched him
5 and Sheldon Oakman was about to hit him but Stevie stopped
6 him.

7 THE COURT: So, it was just one person according to
8 you?

9 DEFENDANT ANDRE NORRIS: Yea. There wasn't no iron.

10 THE COURT: That was Frankie Gantt who ultimately
11 killed him?

12 DEFENDANT ANDRE NORRIS: But it wasn't no --

13 THE COURT: What were you doing?

14 DEFENDANT ANDRE NORRIS: I was playing cards at the
15 time at the table right next to to living room. I was
16 playing cards.

17 THE COURT: Go ahead.

18 MR. ROUTZONG: After -- at some point in time
19 Ms. Bowers asked them to leave the home. Mr. Gantt and --
20 I'm sorry. Mr. Norris tells me that from his perspective
21 this issue had been resolved -- that after Darrell
22 Williams had told everyone we're going to go to Ed's
23 house -- that's Johnnie Walker -- they told them to go
24 there and clean him up. I think he will agree that that's
25 what he heard Darrell Williams say.

1 THE COURT: What do you mean clean him up? Was he
2 bleeding?

3 DEFENDANT ANDRE NORRIS: His lip had been busted.

4 THE COURT: Okay.

5 DEFENDANT ANDRE NORRIS: And they was leaving to go
6 to Head's house.

7 THE COURT: That's Johnnie Walker's house?

8 DEFENDANT ANDRE NORRIS: To get him some clothes
9 because Jeremy also was going to the party with them on
10 that same day and Steve told him to go to Head's house and
11 get cleaned up. He had some clothes laying out on the bed
12 for him. So, when we left and was going to Head's house
13 and let them guys get dressed to go to the party.

14 THE COURT: What did you do?

15 DEFENDANT ANDRE NORRIS: I got in the car and my
16 cousin Head asked me to go to his house and open his door
17 because he left his key. He leave his key on the outside
18 and I know where it be at. He told me to go out there and
19 open the door for him to get dressed and he was going to
20 come pick me up later and take me home.

21 THE COURT: So, y'all all went to Johnnie Walker's
22 house?

23 DEFENDANT ANDRE NORRIS: Yea. We was on our way to
24 Johnnie Walker's house when the issue occurred.

25 THE COURT: When what happened?

1 DEFENDANT ANDRE NORRIS: Before he got shot. Before
2 Jeremy got shot we were headed to Johnnie Walker's house.

3 THE COURT: Whose car were you in?

4 DEFENDANT ANDRE NORRIS: I was in the car with me --
5 it was me, Junior, JJ, Jeremy, and Frankie.

6 THE COURT: So, you were in the car with the young
7 man that got killed?

8 DEFENDANT ANDRE NORRIS: Yea.

9 THE COURT: All right. Now we're going to go to
10 Johnnie Walker's house. What happened -- who stopped the
11 car?

12 DEFENDANT ANDRE NORRIS: When I went to Johnnie's
13 house -- the party was in Ridge-Spring Monetta. We had to
14 go through Monetta to Head's house, and, so, when we got
15 to the stop sign going to Head's house Junior was driving
16 the car. He had his signal light on to turn to go to
17 Head's house and we made a left. We was on the road and
18 if we make a left we go to Head's house but on our way
19 when Junior had his signal light on Frankie told him to go
20 straight -- that he had to get an ID from his friend's
21 house named big D. His name is Devin. He said he had to
22 get an ID.

23 Junior was saying that Steve said to take Jeremy to
24 Head's house and Mon kept telling him to go straight, go
25 straight. Junior would hesitate to take him to go

1 straight, but we ended up going straight and Mon was
2 telling him to go left, right, left, right. We ended up
3 on Hutto Pond Road. We did turn around at a house that he
4 said was big D house on Hutto Pond Road. On our way back
5 coming back down the road Mon asked to stop the car.

6 THE COURT: Who asked to stop the car?

7 DEFENDANT ANDRE NORRIS: Frankie Gantt.

8 THE COURT: What do you call him?

9 DEFENDANT ANDRE NORRIS: Mon. That's his nickname.

10 MR. WEEKS: M-O-N.

11 THE COURT: All right.

12 DEFENDANT ANDRE NORRIS: He asked to stop the car.

13 So he asked him -- when he stopped the car he opened up
14 the front passenger door. Jeremy was on the outside
15 passenger door on the driver's side. Jeremy got out of
16 the car. Him and Frankie Gantt was outside talking and
17 Frankie was asking him about the guns, where the guns was,
18 and Jeremy was like, I ain't got to talk to you. I'll
19 talk to Steve. Me and Steve already talked about the
20 guns. And Frankie kept asking him and kept asking him.
21 He was like, I ain't got to talk to you. If you want me
22 to talk, I'll talk to Steve.

23 So, Steve (sic) was like, bump my brother. I'm here
24 now. You can tell me.

25 THE COURT: Who is Steve?

1 DEFENDANT ANDRE NORRIS: Steve is his brother.

2 MR. ROUTZONG: Darrell Williams.

3 DEFENDANT ANDRE NORRIS: So, at that time I guess he
4 got tired of arguing with Jeremy and he opened up the
5 passenger back door and he had Junior to pop the trunk.
6 So at this time when he popped the trunk a gun came out.
7 I was in the back passenger seat. I never got out of the
8 car, but at the back of the glass -- at the crack of the
9 glass I could see. I could look behind and when I'm
10 looking back in the backseat I could look between the
11 crack and I see a gun.

12 So, at this time me and Frankie get to arguing. I am
13 telling Frankie to put the gun up before somebody get
14 hurt, and, so, he come around to my side. He told me that
15 you ain't got nothing to do with it, you know. You need
16 to chill out and sit back.

17 So, at this time while me and him are arguing Jeremy
18 took off running. You know, what I'm saying? Jeremy took
19 off running so his back is facing to me. I am on the
20 driver's -- I mean, I'm on the passenger's back. So, his
21 back is faced to me. So, Jeremy takes off running. So,
22 when Frankie turns around he fired three shots, but when
23 he fired the three shots Jeremy was running this way and
24 Mon was shooting this way. So, his intentions to me was
25 like he wasn't intending to shoot him. It was like he was

1 intending to make him stop or something, but at that time
2 Jeremy had done made it behind whatever the barn area.

3 So, at this time I can't see, but Frankie takes off
4 running where he locates where Jeremy ran at. Frankie
5 takes off running. So I hear two more shots. So, Frankie
6 came back running to the car and we left. We left on this
7 day. He got in the car. He's like I wasn't even going to
8 shoot him. He said I was just trying to make him stop,
9 and I said, man, you shot him? I said, man, you ain't
10 shot that man. He said, yea, I shot him.

11 So, I thought he had got away because he was a long
12 distance. The way he ran it was a long distance from the
13 car. So, I thought he had done ran. I didn't think he
14 had shot him until I found out he had shot him when he
15 called my cousin Head and he told Head, he said, man, I
16 had to shoot Jeremy. That's when Steve said, you did
17 what? He said, come on to Head's house. So, we went to
18 Head's house.

19 Him and Steve get in an altercation. Him and Steve
20 fixing to fight, you know what I'm saying? So, we broke
21 that up. So, at this time when we was at the house and
22 the altercation is going on -- so everything is settled
23 down. So, Steve asked Mon, did you shoot him or did you
24 kill him? Mon said he didn't know. So, Steve is like,
25 hey, y'all, we can go back. We might can help him. So,

1 all of us left and we went back and planned on helping
2 him.

3 When we get back Steve made Mon go back there where
4 he shot him at. So at the time it took me, Head, and
5 Steve -- we stood on the outside because we're like we
6 ain't had nothing to do with it. We stood on the outside,
7 and Mon and some of the other Co-Defendants went back
8 there and found him, and it took them about 45 minutes to
9 find him. Apparently, he had moved from where he was, you
10 know what I'm saying? I guess he was still living, but he
11 moved from where he was from the location where Mon shot
12 him at. So, that's why it took him a long time to find
13 the body.

14 So, they found the body. So, when we went -- when we
15 went to Hutto Pond Road -- When we went back to Hutto Pond
16 Road Steve had already told Mon that you're going to be a
17 man about what you done tonight, you know what I am
18 saying? If he is dead, we were going to the police
19 station and everybody else was going to be there that you
20 done this.

21 So, on that day -- okay, when we got down there they
22 found the body. They brought him back. Steve asked Mon,
23 is he dead? And Mon was like, I guess so. Steve is like,
24 well, we're going to the police station. So, we were
25 going to Batesburg Leesville police station. So, I'm in

1 the car -- me, Johnnie Walker, Steve, and Junior -- we are
2 in the car. We're behind them. So, we're going to
3 Batesburg Police Station. So we are following behind
4 them. We're going down the road. So, when we get close
5 to Batesburg Leesville Police Station, they turn off. So,
6 Steve is telling Head to blink the lights and blow the
7 horn so we can stop them and see where they're going
8 because we supposed to be going to the police station.

9 So, Steve started calling Mon's phone and blinking
10 the lights and blowing the horn. They never would stop.
11 So, we end up on this dirt road. We went down the dirt
12 road. So, they took a left and went down on the dirt
13 road. We kept going straight and turned back around and
14 came back. That's when we noticed that the boot was up.

15 THE COURT: The what was up?

16 DEFENDANT ANDRE NORRIS: The boot was up. The trunk
17 was up, and, so, Steve got out of the car. Steve got out
18 of the car at this time and asked them what they was
19 doing, and they was like -- no, they ain't say nothing.
20 So, Steve said, hey, that's on y'all. Whatever happens is
21 on y'all. So, Steve got back in the car. We left and we
22 went home. That was the whole moral of the story of what
23 happened.

24 THE COURT: Mr. Weeks, how does that jibe with what
25 he told you earlier?

1 MR. WEEKS: Well, that's a lot more detail.

2 THE COURT: As far as his involvement?

3 MR. WEEKS: Well, he was -- one thing consistent --
4 he was the back right seat passenger in the lead car.
5 According to the other witnesses he participated in
6 hitting Jeremy while he was at the house and he was the
7 one who directed the investigators to the body location
8 after he was questioned. He indicated that -- like he
9 said here that the other suspects went behind the
10 building, but I think at some point he actually drove the
11 car that ended up with the body in it which was a car that
12 Jeremy -- that they were all riding in earlier that we
13 found Jeremy's DNA in after it was processed by SLED.

14 THE COURT: Were y'all drinking that night?

15 DEFENDANT ANDRE NORRIS: Yea. It was a party. It
16 was a Christmas Eve party that we was at. All of us was
17 drinking -- drinking beer and liquor, having a party.

18 THE COURT: Anything else you want to tell me?

19 DEFENDANT ANDRE NORRIS: Well, I -- on his behalf
20 about me showing where the body was, the only way I know
21 where the body was because one day we was together and
22 they were talking about where the body was located at.

23 THE COURT: Who is he?

24 DEFENDANT ANDRE NORRIS: Frankie Gantt was talking
25 about where the body was located at and they were

1 saying -- because I know the area where we was at and he
2 was like where they was parked at the last house on the
3 left in a pile of wood. That's where they had hid the
4 body at. That's what he was telling me. So, that's how I
5 knew where the body was.

6 MR. ROUTZONG: There are some consistencies in the
7 story that he's telling, Your Honor. For one thing --

8 THE COURT: Well, what if there is consistency,
9 Mr. Routzong? How do I sitting up here trying to do
10 what's right with a bunch of men who take this kid out and
11 whatever happens and he ends up dead and your client is
12 right there in the thick of things -- how am I supposed to
13 cut him any slack?

14 MR. ROUTZONG: Well, I'd have to point out, Your
15 Honor, I think most of these statements that where people
16 are pointing their fingers at each other is after the case
17 got broken open, and, of course, they knew who was the one
18 who pointed out to law enforcement where the body was.
19 He's told me that I think it was through his baby's mom's
20 mother that there were threats about what would happen to
21 anybody who told where the body was. Yet, in spite of
22 that when he was approached by law enforcement he did tell
23 the truth.

24 THE COURT: Well, Mr. Norris, who was the ringleader?

25 DEFENDANT ANDRE NORRIS: Huh?

1 THE COURT: Who was behind all of this?

2 DEFENDANT ANDRE NORRIS: Who was behind all of this?

3 THE COURT: Yea..

4 DEFENDANT ANDRE NORRIS: Well, basically, you know, I
5 feel like, you know, that Steve, you know what I'm
6 saying -- it was all about Steve.

7 THE COURT: That's Darrell?

8 DEFENDANT ANDRE NORRIS: Yea. And I feel like Steve
9 started it and Frankie ended it, you know what I'm saying?
10 I feel like it is them two that really got us involved in
11 this -- this whole case because, basically, we came -- I
12 was picked up from my house to go to a party and I ended
13 up being in a murder. The only thing I knew is I was
14 going to a party. When I got to the party Jeremy wasn't
15 even there.

16 THE COURT: When it was all over and you went back
17 home that night -- here you got a dead person that's been
18 stuffed in a garage dump, so to speak. How do you sleep?
19 How come you didn't call the police? How come you didn't
20 tell all of this then?

21 DEFENDANT ANDRE NORRIS: Because like Mike was saying
22 that it was a lot of threats going on and then I worked a
23 lot at night and I had a family and I ain't want them to
24 be home while I'm not at home.

25 THE COURT: All right. Mr. Routzong, anything else?

1 MR. ROUTZONG: Just that there is really no reason
2 for them to have moved the body. I think it was found not
3 far from the police station. So, that tends to -- in
4 Batesburg, I believe. I've been to that --

5 THE COURT: There was really no reason?

6 MR. ROUTZONG: To move the body. That corroborates
7 the Steve being upset -- I'm sorry; Darrell Williams being
8 upset, going out to check him, and he's always maintained
9 we were taking the body to the police station right in the
10 general area because I'm pretty sure having visited the
11 site that I think it's almost within maybe 200 meters of
12 the police station.

13 Also, Your Honor, to help the corroborate his story,
14 there is nothing on his record. He owns a carpet cleaning
15 business and that's what he did. The evidence tends to
16 show that he's not a part of any gang. He got caught up
17 into this. He made an unfortunate error in judgment by
18 not maybe coming to law enforcement sooner.

19 THE COURT: He made an unfortunate error in judgment
20 by leaving and going in a car with a guy with a gun and
21 shooting somebody.

22 MR. ROUTZONG: I don't think there's any allegations,
23 Your Honor, that -- maybe, obviously, Frankie Gantt knew
24 there was a gun, but there's not been any allegations that
25 anyone else was aware that there was a gun.

1 THE COURT: Well, he is certainly aware of the gun
2 once it got out.

3 You didn't try to do anything to stop him from
4 shooting that young man?

5 DEFENDANT ANDRE NORRIS: Yea, that's what I said. Me
6 and Frankie was arguing when this took place. That's how
7 he got a chance to run. Me and him was arguing. I was
8 telling him to put the gun up before somebody gets hurt
9 and then that's when Jeremy got a chance to run. He took
10 off running.

11 MR. ROUTZONG: One of the oddities of this is, well,
12 he tells me that Mr. Leaphart was even armed -- that he
13 had -- he had seen him with a firearm.

14 DEFENDANT ANDRE NORRIS: A .38 snub-nose pistol.

15 THE COURT: Where were these guns supposed to have
16 come from?

17 DEFENDANT ANDRE NORRIS: He always had it. He always
18 carried a gun all the time. All the time. Always.

19 THE COURT: Anything else, Mr. Routzong?

20 MR. ROUTZONG: Just one other thing, Your Honor.
21 It's peculiar that Mr. Norris is saying -- he's not
22 pointing fingers all over the place. He's been
23 consistent. He says that this happened and that happened
24 and that happened. I think it's -- I have his tax returns
25 given to me by his baby's mother and he's a carpet

1 cleaner. He was there and he got caught up in this. He
2 shouldn't have been there. His connection to this is that
3 he's related to two people and that he was in that car,
4 and I think it is distinguishable from everyone else.

5 He doesn't have a record. I am not sure what the
6 record of all the Co-Defendants are, but there were
7 allegations of a gang being formed. I called the resource
8 officer in the high school where Frankie Gantt and Johnnie
9 Walker went to and I asked him did you ever hear of Andre
10 Norris? Of course, Mr. Norris didn't attend there, but
11 often they understand gang affiliations. He had never
12 heard of him.

13 THE COURT: All right.

14 MR. ROUTZONG: I just think that he is
15 distinguishable.

16 THE COURT: All right. Thank you.

17 Paul, take him back.

18 (Whereupon, a break was taken.)

19 THE COURT: All right. Mr. Weeks, we've got two
20 more?

21 MR. WEEKS: Marion Abner.

22 THE COURT: Mr. Abner, good afternoon.

23 DEFENDANT MARION F. ABNER: Good afternoon, Your
24 Honor.

25 THE COURT: Mr. Abner, just let me make sure.

1 Yesterday when we were doing all the questions, you heard
2 all of my questions, didn't you?

3 DEFENDANT MARION F. ABNER: Yes, sir.

4 THE COURT: And your responses were truthful to all
5 of my questions?

6 DEFENDANT MARION F. ABNER: Yes, sir, Your Honor.

7 THE COURT: And you answered all of the questions
8 appropriately yes or no or whatever it had to be; right?

9 DEFENDANT MARION F. ABNER: Yes, sir, Your Honor.

10 THE COURT: Mr. Weeks, you observed him yesterday
11 answering his questions as well?

12 MR. WEEKS: I did, Your Honor.

13 THE COURT: Mr. Whittle, you were standing next to
14 him?

15 MR. WHITTLE: That is correct, Your Honor.

16 THE COURT: Did he respond appropriately to all of
17 the questions?

18 MR. WHITTLE: Yes, sir.

19 THE COURT: And the reason I am asking is there was
20 some mention made by the Court Reporter she was having --
21 she does such a wonderful job always, but her back was to
22 the group and we had to put them over in the box for
23 security purposes. So I am just making sure that the
24 record reflects that.

25 Mr. Weeks, does Mr. Abner have any criminal record?

1 MR. WEEKS: He does not have any convictions, Your
2 Honor.

3 THE COURT: And he is 20 now. He would have been 17,
4 18 at the time, Mr. Whittle?

5 MR. WHITTLE: Yes, sir.

6 THE COURT: I'll be glad to hear from you.

7 MR. WHITTLE: Your Honor, the stark reality of the
8 legal concept of hand-of-one-hand-of-all hit each of these
9 fellows in the face as their lawyers told them about it.
10 In their misguided and false and incorrect and inaccurate
11 thought that night I think most all of them felt if I
12 didn't shoot him, if I wasn't part of it, I'm not part of
13 it. Obviously, that's wrong; and that's what we have said
14 to them, to their family members, to those that can
15 understand and that's why we're here.

16 THE COURT: Absolutely. Or if any of them had just
17 stood up like a man and put a stop to the craziness by
18 Frankie Gantt or the rest of them.

19 MR. WHITTLE: There are elements of that. He was
20 born in Greenwood. He lived with his mother and father
21 and his family. He has a brother. He's got three
22 sisters, and when he was in the fifth grade he had a
23 teacher walk in and tell him that his daddy had been
24 killed. When he left home that morning his mother and
25 father were arguing. He ends up being told in class that

1 day that his mother had stabbed his father in a situation
2 where there was some sort of domestic violence. She
3 apparently plead to a lesser offense and received a
4 probationary sentence, but at 11 years of age he lost his
5 father.

6 That's not a defense. That's not an excuse, but when
7 I was talking to him I thought, what in the world would I
8 be if it wasn't for my Daddy? He went through school and
9 made excellent grades. When we contacted the school his
10 counselor who hadn't seen him in a year and a half jumped
11 up and was anxious that we knew about him. In his
12 sophomore year he made A's and B's. He ended up with a
13 GPA of 3.375. In his tenth grade year his grades started
14 going down, and in the 11th grade year he failed four of
15 his seven subjects, and you can just see the decline. I
16 see it.

17 What happened? He had been an outstanding athlete in
18 the 11th grade. He was getting calls from schools, not
19 quite division one. You can see he is 5'7". They were
20 afraid of him, but he made every tackle on the field. His
21 coaches wanted him, and they wanted him in school.
22 Without that guidance -- and I don't make a criticism of
23 his mama -- but from his Daddy, from that male figure, he
24 got, in his words, the big head. He moved out, started
25 living with one of these fellows -- started living with

1 the one they call Head, Johnnie Walker. That's where he
2 slept.

3 Pretty soon he wasn't going to school. He became a
4 father when he was 15 years old. He has three children
5 now. He had three children when he was 19 years old.
6 Obviously, the sort of thing that my immediate thought is
7 what's going to happen with those young'uns? When I got
8 appointed to represent him my first thought was as I
9 talked to Mr. Weeks in the beginning he was referred to me
10 as the driver, and I thought oh, no. He has been --
11 there's some grand plan, there is some grand scheme, he
12 was the driver, he was the get-away man, and we're going
13 to rank high up on the chart. Then I sit down and talk
14 with him, and then I talked to Mr. Fleury who investigated
15 this case and put it together, and I found out that what
16 had happened around January -- early January -- Mon --
17 Mr. Gantt -- had started making everybody aware of the
18 fact that if they talked they were going to get killed.

19 Well, talk is cheap. I sent out Mr. Staulcup to talk
20 to some people and see if we couldn't come up with some
21 witnesses about what happened. We talked to a fellow
22 named Ronnie Martin. Ronnie Martin is his cousin. They
23 thought he was his uncle. Mr. Gantt in the presence of
24 several other of these fellows said to Mr. Martin if he
25 doesn't go along with what we tell him, if he talks up --

1 the word on the street was he was talking -- we got no
2 room for this; we're going to kill him.

3 All of these fellows had heard but hadn't been
4 witness to the fact that Mr. Gantt had allegedly shot
5 somebody else. They thought that. They believed that
6 that was what was on the street. He was at Head's house
7 that morning and went to Bridget's house, basically, to
8 eat breakfast. Then they come in with Jeremy. He along
9 with all of the others was involved in striking Jeremy.
10 One fellow used the iron.

11 THE COURT: Who used the iron, Mr. Abner?

12 DEFENDANT MARION F. ABNER: Walker.

13 THE COURT: Who?

14 DEFENDANT MARION F. ABNER: Walker.

15 MR. WHITTLE: He is at the tail end and he goes and
16 takes a lick on him. Apparently, Mon thought y'all are
17 not hitting him hard enough, y'all are not treating him
18 bad enough. Mon picks up a baby seat and whacks him with
19 the baby seat. Then they separate and decide that's over,
20 that's done. They end up allegedly gonna drive him
21 somewhere and clean him up.

22 According to -- I listened attentively to Mr. Norris
23 and that's what Mr. Abner has been telling me that he
24 thought they were going to one place and didn't want to go
25 another place and, ultimately, Mon says go this way, do

1 this, go here, do this. He's the driver of the car that
2 goes there.

3 The significance of that is this. Of the eight of
4 them, there were four that could drive. The other ones
5 didn't have a driver's license, and traditionally when
6 they would go somewhere they would pick out one that could
7 drive that had a driver's license. One other fellow was
8 driving the other car. He had a driver's license. So,
9 that's about the significance of why he was driving.

10 They get to the point when they get there Mon says to
11 pop the trunk. He pops the trunk. I'm convinced none of
12 them knew. I don't know who knew the gun was in there.
13 Obviously, Mon did. Then I think what happened from that
14 point was so immediate and fast that all of them were
15 scared to death.

16 He gets back in the car, tells him to start driving.
17 He's reluctant to do what he tells him. I'm going to do
18 exactly the same thing to you if you don't do what I tell
19 you to do. They go back. They ultimately go back. I
20 think the problem they had -- it's horrendous. They
21 couldn't find the young man. Apparently, several of them
22 are out there with their cell phones opened up with a
23 little bit of a light trying to look in the dark with
24 their cell phones so they can find him, and, ultimately,
25 they found him, put him in the back, take him.

1 Physically he was away from it, but he was certainly
2 there, and he could have told and he could have
3 intervened. He is a strong-willed young man. He's
4 guilty. Please don't misunderstand me, but in terms of
5 relevant culpable conduct there are degrees.

6 When Ronnie Martin talked that led them to Sheldon.
7 Sheldon talked, gave a little bit of it, not all of it,
8 led them to, I think, Andre. Andre talked and then they
9 got enough to get the warrants. Then it's on TV. When
10 it's on TV he sees the news media. He sees the television
11 show, has the big confession with Mama. Mama calls the
12 law. Mama says, Junior is here with me. They come there,
13 end up going to his grandmother's house and arrest him and
14 take him to Saluda to separate him from the rest of them,
15 I think, because they're afraid that he is going to talk
16 and he will be in danger if he is in the same place with
17 Steve who is Darrell Williams -- and I don't know how you
18 get Steve out of that -- and Frankie Gantt.

19 Mr. Fleury goes the next morning and talks to him,
20 takes a short statement from him, takes him to Aiken,
21 takes a long recorded statement from him. Then he drives
22 with them out there and they make a videotape of him going
23 step-by-step-by-step through what he saw and what he knew
24 and what happened.

25 Your Honor, the overwhelming feeling that I have is

1 we're involved way late. We're involved way late for
2 Jeremy. We're involved way late for these boys.
3 Somewhere before they got here some of us -- some of us
4 from the community -- should have done something to
5 provide male leadership, and I have grown to respect him,
6 care for him. He's dealt with me with respect, and he's
7 shown what I deem a genuine faith.

8 His sister is here. His mother is here. A number of
9 relatives are here and friends. I would just simply ask
10 all of those in support of Junior to please stand now,
11 please. We would ask you to hear from just one. That's
12 his sister. Please come forward.

13 YVONNE ABNER: My name is Yvonne Abner. I would like
14 to say I'm sorry for what happened to Jeremy and we do
15 feel the pain of your family -- the Leaphart family -- as
16 well as ours. Your Honor, my brother -- he is a very
17 outgoing person and as many times that we had
18 opportunities -- we haven't had the opportunities to talk
19 to our father because he was taken away from us at a very
20 young age. Me and my brother grew closer and as many
21 times as I have to talk to him and what I feel like I
22 can't talk to my mama about things, I always talked to him
23 and he's always been there for me, and he's just a very
24 good person, God -- I mean, Your Honor and I just hope and
25 pray that you will give him a second chance.

1 MR. WHITTLE: Your Honor, I don't mean to minimize
2 what the other folks would have to say, but we met and
3 discussed who would be the spokesman and that's why we did
4 it this way. Thank you for hearing from us, Judge.

5 Junior, you got anything you want to say?

6 THE COURT: Mr. Abner? Why didn't you stop Frankie
7 Gantt that night? You're a big strong football player?

8 DEFENDANT MARION F. ABNER: Fear.

9 THE COURT: Why did you hit the young man in the
10 trailer? What were y'all doing that him?

11 DEFENDANT MARION F. ABNER: It was a reflex.

12 THE COURT: A reflex? If I get ready to hit you, you
13 might reflex and hit me, but the kid wasn't fighting back,
14 was he?

15 DEFENDANT MARION F. ABNER: No, sir.

16 THE COURT: Who burned him with an iron?

17 DEFENDANT MARION F. ABNER: Mr. Walker.

18 THE COURT: Johnnie Walker?

19 DEFENDANT MARION F. ABNER: Yes, sir.

20 THE COURT: And Gantt hit him with a baby chair?

21 DEFENDANT MARION F. ABNER: Yes, sir.

22 THE COURT: All of the rest of you hit him?

23 DEFENDANT MARION F. ABNER: Everybody except John
24 Oakman.

25 THE COURT: Except for who? John, Jr.? Why? Give

1 me some rhyme or reason.

2 DEFENDANT MARION F. ABNER: Got caught up with the
3 wrong crowd, Your Honor.

4 THE COURT: All seven of you got caught up with the
5 wrong crowd? Who is the wrong crowd?

6 DEFENDANT MARION F. ABNER: I guess I didn't make
7 smart decisions.

8 THE COURT: Who is the wrong crowd? Who is the
9 ringleader?

10 DEFENDANT MARION F. ABNER: The ringleader?

11 THE COURT: Yea.

12 DEFENDANT MARION F. ABNER: I'd have to say
13 Mr. Gantt.

14 THE COURT: Who is second in command?

15 DEFENDANT MARION F. ABNER: Mr. Williams.

16 THE COURT: Who was third? Mr. Walker?

17 DEFENDANT MARION F. ABNER: Yes, sir.

18 THE COURT: Those were the three main ones?

19 DEFENDANT MARION F. ABNER: Yes, sir.

20 THE COURT: How about Sheldon Oakman?

21 DEFENDANT MARION F. ABNER: Sheldon and his
22 participation -- he drove the car with the body in the
23 trunk and he gave Gantt the last shell to kill him.

24 THE COURT: How about John, Jr.? He was 16 years
25 old.

1 DEFENDANT MARION F. ABNER: Sixteen. They tried to
2 make him help tote the body. When Steve told him to grab
3 the body to help him tote the body he was putting on a
4 sock and he looked at me and I shook my head no. He told
5 Steve that he didn't want to help tote the body. So Steve
6 told Mon -- Mr. Gantt -- that he had to help tote it
7 because he was the one who killed him.

8 THE COURT: So, Steve was sort of directing people
9 around and Gantt was the one -- Mon was the bad one?

10 DEFENDANT MARION F. ABNER: Yes, sir.

11 THE COURT: And you just happened to be there?

12 DEFENDANT MARION F. ABNER: Yes, sir, Your Honor.

13 THE COURT: Anything else you want to tell me?

14 DEFENDANT MARION F. ABNER: I apologize for Mr. Weeks
15 and Mr. Fleury and everybody else through this and I do
16 feel sorry for the family, for stutterbox. He was a good
17 kid.

18 THE COURT: I believe you. I believe you're sorry.
19 Thank you. All right. I'll reserve ruling on him for
20 just a few minutes. Let me hear the last one.

21 (Whereupon, a break was taken.)

22 THE COURT: Mr. Weeks, does Mr. Bowers have a record?

23 MR. WEEKS: Your Honor, he has a juvenile record for
24 simple assault and threatening a school official, an adult
25 record in '07 for simple possession of marijuana and

1 simple battery.

2 THE COURT: Mr. Bowers, good afternoon.

3 DEFENDANT RONNIE BOWERS, JR.: Good afternoon, sir.

4 THE COURT: How old are you now?

5 DEFENDANT RONNIE BOWERS, JR.: Nineteen.

6 THE COURT: Do you remember yesterday when I asked
7 you all of those questions?

8 DEFENDANT RONNIE BOWERS, JR.: Yes, sir.

9 THE COURT: All of your answers truthful?

10 DEFENDANT RONNIE BOWERS, JR.: Yes, sir.

11 THE COURT: And you understood my questions?

12 DEFENDANT RONNIE BOWERS, JR.: Yes, sir.

13 THE COURT: And you have responded appropriately to
14 each question?

15 DEFENDANT RONNIE BOWERS, JR.: Yes, sir.

16 THE COURT: Mr. Timmerman, you were standing by him
17 the whole time; is that correct?

18 MR. TIMMERMAN: Yes, Your Honor.

19 THE COURT: Did you hear him answer appropriately to
20 all the questions?

21 MR. TIMMERMAN: I did, Your Honor.

22 THE COURT: Mr. Weeks, you likewise?

23 MR. WEEKS: I did, Your Honor.

24 THE COURT: All right. Mr. Timmerman, tell me about
25 Mr. Bowers.

1 MR. TIMMERMAN: Thank you, Your Honor. This case is
2 tragic on so many levels. First you have the needless
3 loss of a young man's life, but you also have a lot of
4 kids involved on the other side, too. When this event
5 occurred Mr. Bowers was 17 years old. He is now 19. He
6 was -- had dropped out of high school. While he's been in
7 jail he attempted to get his GED. As he tells me and my
8 office confirmed with the jail administrator he passed the
9 pretest, but, evidently, they outsource the actual
10 testing. You have to have 15 people. They were never
11 able to get that. That's why he does not have his GED.

12 He is here today to take responsibility for his
13 actions in this matter. Certainly not to make any excuses
14 for his actions, but I do think that as Mr. Whittle said
15 earlier there are degrees of culpability and I listened
16 intently and I know that you heard six or seven different
17 stories now. The one thing I noticed in listening to the
18 stories is you don't hear Mr. Bowers' name very much.

19 THE COURT: I have not heard his name yet.

20 MR. TIMMERMAN: And I think that's very telling as to
21 what his role was in this event. He tells me that he was
22 at his sister's house -- and this is Christmas Eve and he
23 was at his sister's house and they're playing cards, maybe
24 drinking. And Steve -- Darrell Williams -- has a baby by
25 his sister. So, I think that's part of the connection

1 here. Anyway, he's over there playing cards and whatnot,
2 and then Steve -- Darrell -- and some others come in with
3 Mr. Leaphart.

4 In the beginning according to Mr. Bowers everything
5 is fine, cool as they say. All of a sudden there's
6 conversation about guns -- where are the guns? He tells
7 me that he knew that Mr. Leaphart was holding some guns,
8 but he had no vested interest in the guns. Anyway, there
9 is conversation about the guns. The fellows start
10 striking Mr. Leaphart, unfortunately. Maybe one of them
11 burns him with an iron or attempts to burn him with an
12 iron. There's certainly no allegation that Mr. Bowers
13 participated in that.

14 However, unfortunately, and the main reason he's here
15 today -- one of the main reasons -- is that he did
16 participate and he tells me he struck Mr. Leaphart two
17 times with a closed fist. Unfortunately, a bad decision.

18 THE COURT: Why did you hit the man?

19 DEFENDANT RONNIE BOWERS, JR.: Your Honor, if I
20 wouldn't have participated in it --

21 THE COURT: You did participate. You hit him.

22 DEFENDANT RONNIE BOWERS, JR.: I said if I wouldn't
23 have I probably would have been like Jeremy. I probably
24 would have got jumped or something. I was fearing for my
25 life, Your Honor.

1 MR. TIMMERMAN: At this point after all this as
2 everybody else has said everybody thinks it's over.
3 Mr. Bowers thinks it's over. He's told to get in the car
4 with Sheldon. They were going to go to -- Sheldon
5 Oakman -- and they were going to go to Head's house at
6 which point he thinks, okay, they've given up on this
7 quest for the guns. He's in the car with Sheldon, not in
8 the car with the victim. He is a passenger. He thinks
9 they're going to Head Walker's house.

10 They pass Head's -- the turn-off to Head's road. All
11 of a sudden he realizes they're not going to Head's house.
12 He tells me that he gets on his cellphone and calls
13 Frankie and says, Frankie, where are you going? He says,
14 just follow us. So they keep going. Calls him again.
15 Just follow us. So, they pull down the dirt road. He is
16 sitting in the other car facing what's going on. He sees
17 Jeremy get out -- Leaphart get out of the car with maybe
18 John Oakman. Frankie gets out and gets the shotgun of
19 which Mr. Bowers had no idea there was a gun in the trunk
20 of the car.

21 He's in the car. He believes that they're still
22 asking him about the guns. At some point he runs. He
23 sees Mr. Gantt shoot the gun. He runs around the
24 building -- and when I say he I mean Jeremy Leaphart runs
25 around the building where Gantt follows him and maybe the

1 Oakman boys go around the building. What he's told me is
2 that he has stayed in the vehicle the whole time.

3 After all of this happens everybody gets back in
4 their cars. They go back to Head's house. Steve is
5 upset. Steve -- Darrell -- and we need to go move the
6 body and he participates in that part of it.

7 Certainly no excuses can be made here for anybody's
8 conduct. As I said he does admit to participating in the
9 -- at least part of what's been called as torture at the
10 house and that's an unfortunate situation because here
11 stands before you a young man who at least in my dealings
12 with him has been very respectful. He is very soft
13 spoken, always been honest with me, and I guess if I was
14 going to rate the folks -- and I don't want to rate them,
15 but he's certainly not at the top, and if he isn't at the
16 bottom of level of involvement, not that any of it is
17 excusable, I think it would be --

18 THE COURT: Who is at the top?

19 MR. TIMMERMAN: Who is at the top to me? If you want
20 my opinion I would have to say that the guy who pulled the
21 trigger would be at the top.

22 THE COURT: I agree with you on that. Who is the
23 next two?

24 MR. TIMMERMAN: In my opinion it would be
25 Mr. Williams.

1 THE COURT: Stevie.

2 MR. TIMMERMAN: Because I think, ultimately, he may
3 have wielded some control over his brother, but he still
4 ultimately pulled the trigger. Then I would probably have
5 to go with Mr. Walker because he was involved when
6 actually bringing Jeremy to this house. The testimony is
7 that he used the iron which is just reprehensible and most
8 -- two of those guys were older. Of course, Frankie is as
9 young as my client -- my client being the third youngest.
10 John Oakman is younger, and I think Frankie Gantt was
11 maybe a month younger than my client, and then I think,
12 you know, you have the testimony about who provided the
13 final shell, and, of course, none of that has been linked
14 to my client as well and I have to think that that --

15 THE COURT: Mr. Bowers, who gave the final shell to
16 Gantt?

17 DEFENDANT RONNIE BOWERS, JR.: Well, what I seen,
18 Your Honor, Sheldon -- like I said, they were passing it
19 to each other. JJ gave it to Sheldon. Sheldon gave it to
20 Mon.

21 THE COURT: Where did the gun come from?

22 DEFENDANT RONNIE BOWERS, JR.: Out of the trunk.

23 THE COURT: Whose car?

24 DEFENDANT RONNIE BOWERS, JR.: The first vehicle,
25 TJ's.

1 MR. TIMMERMAN: TJ was a fellow according to his
2 hours' worth of testimony that would leave his car with
3 these guys for -- I think for drugs, quite honestly, to be
4 totally honest. Another tragic situation, but that's...

5 THE COURT: Anything else?

6 MR. TIMMERMAN: No, Your Honor. I would just ask you
7 to consider a lesser sentence than the 30 years for
8 Mr. Bowers.

9 THE COURT: All right. Mr. Bowers, have a seat back
10 there with Mr. Paul.

11 All right. Let me see Timmerman, Woodruff, Whittle,
12 Routzong, Weeks. Let me check y'all in chambers for a few
13 minutes.

14 (Whereupon, a break was taken.)

15 THE COURT: All right. Let the record please
16 reflect, Madam Court Reporter, that during our last break
17 I invited into my chambers the head investigating officer,
18 Solicitor Thurmond, Solicitor Weeks, all of the defense
19 lawyers who were before me a moment ago -- Mr. Whittle,
20 Mr. Woodruff, Mr. Routzong, and Mr. Timmerman -- as well
21 as Mr. Gibbons who was involved yesterday, and I had an
22 in-chambers discussion with everyone trying to enlighten
23 everyone about how I assess the culpability of these four
24 Defendants compared to the four Defendants that I
25 sentenced yesterday with 45 years on the murder and 30

1 years on each of the kidnapping.

2 To the victim's family, I, quite honestly, having
3 listened to all of it, feel like there are sort of two
4 levels involved in this case. I think you got the major
5 players who I sentenced yesterday -- the murderer and then
6 you had the other three who were I felt like were most
7 instrumental in the kidnapping -- but having listened to
8 these four young men, I feel like that their involvement
9 is not as substantial as the ones yesterday, and they have
10 certain mitigating factors or factors that cause it to be
11 on a different level -- age, prior record, involvement or
12 lack of involvement, some cooperation after the fact --
13 and my assessment was pretty much coincided with how law
14 enforcement looked at it as well, but, obviously, deals or
15 offers could not have been made because we could not have
16 gotten pleas to everybody admitting their guilt in this
17 thing if the Solicitor had to differentiate. So, that was
18 sort of my job.

19 I commend, first of all, the Solicitor's Office for
20 excellent handling of this case. I secondly commend --
21 and not necessarily in that order -- but the investigating
22 officers both here in Aiken as well as outlying areas. I
23 commend the defense lawyers. They were all appointed in
24 this case, very difficult case, but I commend them for
25 their participation in making the system work. Special

1 thanks to Sergeant Toole and his staff for handling the
2 security of a potentially volatile case and the families
3 of the Defendants. Y'all have conducted yourselves very
4 admirably. I appreciate that.

5 So, having said that, the sentence as to Mr. Andre
6 Norris, indictment 1093; Mr. Ronnie Bowers, indictment
7 1091; Mr. John Otis Oakman, indictment 1096; Mr. Marion
8 Abner, indictment 1098, the sentence of this Court is,
9 Gentlemen, that each of you be committed to the State
10 Department of Corrections for a period of 17 years. Good
11 luck to you. Each will be given credit for your time
12 served. No registry necessary.

13 (End of transcript of record.)
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CERTIFICATE OF REPORTER

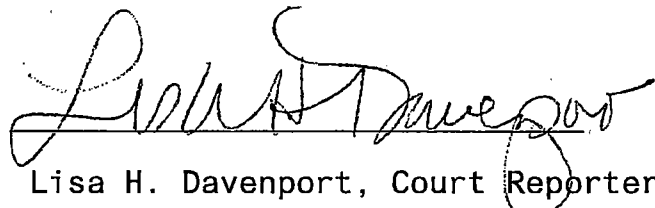
State of South Carolina)

County of Aiken)

I, Lisa H. Davenport, Official Court Reporter for the second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Aiken County, South Carolina, on the 27th & 28th days of April, 2009.

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

August 12, 2009



Lisa H. Davenport, Court Reporter

1 STATE OF SOUTH CAROLINA

2 COUNTY OF AIKEN

CIRCUIT COURT

2008-GS-02-1098 (Abner)

2008-GS-02-1770 (Williams)

2008-GS-02-1086 (Oakman)

2009-GS-02-725 (Walker)

5 STATE OF SOUTH CAROLINA,

6 -vs-

TRANSCRIPT OF RECORD

7 MARION FLOYD ABNER,
8 DARRELL L. WILLIAMS,
9 SHELDON OAKMAN, JR.,
JOHNNIE W. WALKER,
Defendant.

10

11

12

13 Heard on Tuesday, June 16, 2009
Aiken, South Carolina

14

15 BEFORE:

THE HONORABLE DOYET A. EARLY, II

16

17 APPEARANCES:

18 Counsel on Behalf of the State:
J. William Weeks, Esq.

19

20 Counsel on Behalf of the Defendants:
21 James Whittle, Esq. (Abner)
22 Brian Katonak, Esq. (Williams)
Everett Chandler, Esq. (Oakman)
Lawrence Brown, Esq. (Walker)

23

24

25

Cheri L. Young, RPR
Circuit Court Reporter
P O Box 1154
Aiken, SC 29802-1154

1 ON TUESDAY, JUNE 16, 2009 AT 11:40 P.M.:

2 MR. WEEKS: Your Honor, just in your discretion
3 whether you want to call them all up at one time. These
4 are four motions to reconsider in the case involving the
5 death of Jeremy Leaphart. You sentenced each of these
6 individuals a prior term of court and their attorneys have
7 made these motions timely for reconsideration of the
8 sentence.

9 THE COURT: All right. I'm going to do them all
10 today. Mr. Whittle, would you please come forward and
11 identify your client?

12 MR. WHITTLE: Your Honor, I represent Mr. Abner.

13 THE COURT: All right, Mr. Katonak.

14 MR. KATONAK: (No response).

15 THE COURT: And your client, Mr. Katonak?

16 MR. KATONAK: Your Honor, this is Mr. Darrell
17 Williams.

18 THE COURT: Williams?

19 MR. KATONAK: Yes, sir.

20 THE COURT: Mr. Chandler?

21 MR. CHANDLER: Yes, sir.

22 THE COURT: And Mr. Brown.

23 MR. BROWN: Lawrence Brown.

24 THE COURT: Mr. Chandler, you represent?

25 MR. CHANDLER: Mr. Sheldon Oakman, Jr.

1 THE COURT: Mr. Brown, you represent?

2 MR. BROWN: Mr. Walker, Your Honor. Johnnie
3 Walker.

4 THE COURT: All right. I am missing Williams and
5 Walker.

6 THE CLERK: Getting it.

7 THE COURT: Missing their file, not them.

8 (Pause.)

9 THE COURT: All right. Madam court reporter,
10 this is the case of State versus Marion Abner, 08-GS-02-
11 1098, kidnapping. Correct, Mr. Weeks?

12 MR. WHITTLE: Yes, sir, Your Honor.

13 MR. WEEKS: That's correct, Your Honor.

14 THE COURT: Who pled guilty before me on April 27
15 of '09. He received a sentence of 17 years in the State
16 Department of Corrections with no registration of any type
17 of a sex offender registry.

18 MR. WEEKS: Yes, sir.

19 MR. WHITTLE: Yes, sir.

20 THE COURT: And he was given credit for his time
21 served. He timely filed a motion for reconsideration
22 dated May 7, 2009.

23 And also apparently the Department of Corrections
24 have -- did not honor my no registration. And you need to
25 have that addressed; is that correct, Mr. Whittle?

1 MR. WHITTLE: Correct, Your Honor.

2 THE COURT: We also have Mr. Darrell L. Williams
3 represented by Mr. Brian Katonak who likewise pled on
4 April 27, '09. He was sentenced to 30 years in the State
5 Department of Corrections for the crime of kidnapping,
6 given credit for his time served. And he was not required
7 to be registered.

8 And he had timely filed a motion for
9 reconsideration dated April 29, 2009.

10 Next I have Mr. Sheldon Oakman -- strike that.

11 That last indictment on Mr. Williams was 08-GS-
12 02-1770.

13 Next is Mr. Sheldon Oakman represented by
14 Mr. Everett Chandler charged with kidnapping in indictment
15 08-GS-02-1086. He received a sentence of 30 years, given
16 credit for time served. No registration. That was on the
17 same date, April 27, '09. And he timely filed a motion to
18 reconsider dated April 29, '09.

19 And last in line is Mr. Johnnie W. Walker in
20 indictment 09-GS-02-00725, an indictment for kidnapping.
21 He was sentenced to 30 years, no registration, on April
22 27, '09. Given credit for time served. Represented by
23 Mr. Lawrence Brown who timely filed a motion to reconsider
24 dated April 29, 2009.

25 Mr. Whittle?

1 MR. WHITTLE: Your Honor, initially --

2 THE COURT: I have heard all of the mitigation,
3 everything, so I don't need to hear all of that again but
4 be glad to hear what you need to offer.

5 MR. WHITTLE: Your Honor, initially, thank you
6 for hearing this.

7 The rule nor the case law requires that you give
8 us the opportunity to be reheard. You can simply rule on
9 the motion itself and we do appreciate that opportunity.
10 Thank you.

11 THE COURT: You're welcome. I just felt like
12 this was a major, major case. Involved, Mr. Weeks, we had
13 eight defendants; did we not?

14 MR. WEEKS: We did, Your Honor.

15 THE COURT: And --

16 MR. WEEKS: One of them pled guilty to murder.
17 Seven of them pled guilty to kidnapping.

18 THE COURT: And this was a horrible set of facts
19 where the guy was shot down in the barn.

20 MR. WEEKS: Yes, sir.

21 THE COURT: The body was moved.

22 MR. WEEKS: He was tortured and then he was
23 killed.

24 THE COURT: Tortured and killed.

25 MR. WEEKS: And then his body was moved and later

1 recovered.

2 THE COURT: Put on a dump pile; wasn't he?

3 MR. WEEKS: Yes.

4 THE COURT: Trash pile. And we had, if my memory
5 is correct, we had some that were more culpable than
6 others. And I tried to structure sentences based on
7 culpability.

8 And here we are, Mr. Whittle. Your guy got 17
9 years. Are you sure you want me to reconsider that
10 sentence?

11 MR. WHITTLE: Yes, sir, Your Honor.

12 Your Honor, initially there's a recordkeeping
13 matter that needs to be addressed. The Department of
14 Corrections did not read your sentencing sheet. You wrote
15 plainly at the bottom of the sentencing sheet that he was
16 not to be on the sexual offender registry.

17 THE COURT: I don't know how else it can be any
18 plainer.

19 MR. WHITTLE: This is the website printout from
20 this morning.

21 THE COURT: Apparently they got people up there
22 that can't read.

23 MR. WHITTLE: Because it was a kidnapping, I
24 believe it is a computer issue. People stopped thinking
25 some, many years ago and started relying upon computers to

1 a degree that we are left with this situation on a regular
2 basis.

3 Simply because it says computer -- or because it
4 says kidnapping, it prints out sex offender registry,
5 yes. I think -- I've talked with the people in the legal
6 department. It will require a written order from you and
7 if you will allow, I will do that and submit it to you so
8 that we can try to get this corrected.

9 THE COURT: Well, let me ask, Mr. Katonak,
10 Mr. Chandler and Mr. Brown, are you all having the same
11 problem?

12 MR. CHANDLER: Yes, Your Honor.

13 MR. BROWN: Yes, sir, Your Honor.

14 MR. KATONAK: Yes, sir.

15 THE COURT: Let's do one order. We can do it
16 four captions or all captioned together, whatever you guys
17 think is necessary but obviously I do not think they need
18 to be on the registry. I put it on my sentencing sheet.

19 So, Mr. Whittle, just get with the other three
20 lawyers and I'll be glad to take care of that.

21 MR. WHITTLE: Yes, sir. Thank you.

22 Your Honor, I understand we are not to appear
23 before you and restate the matters that we stated before
24 and that's not my intention.

25 Our focus before was on his age. He was 19. The

1 fact that he had no prior criminal record, the fact that
2 his cooperation was extraordinary. He was arrested after
3 his mother heard of the event on the television. They
4 called the county. They came and arrested him. He gave a
5 complete statement that was the best, most coherent
6 statement given, and then gave a videotaped statement
7 where he literally walked through it.

8 Chief investigating officer Billy Fleury said, he
9 put it all together for me. We covered that previously.

10 Your Honor, he now is at Lee where he has the
11 most structure, I think, that he has had, probably at any
12 point in his life.

13 THE COURT: I would hope so.

14 MR. WHITTLE: He works in the kitchen where he
15 gets up at 4:15 a.m. He goes to work at 4:45 a.m. Works
16 to 12 o'clock every day. He made an attempt to enroll in
17 the GED program but because of his age, he's 21, he has to
18 get a written exemption to be able to do that.

19 Those are things he's done on his own without my
20 help.

21 I met with him prior to filing this motion to
22 explain the motion. And I felt compelled based upon my
23 feeling of his character, of his remorse, and of the
24 situation he's placed himself in regarding his children,
25 to make this motion.

1 As I indicated to you before, he's got three
2 children. His first child was born when he was 15 years
3 old. I computed it and based upon the present Department
4 of Corrections website, he'll be out in July of 2022. If
5 that holds true, his children would be the age of 17, 18,
6 and 15. They will be part of the same cycle that I submit
7 to the Court that placed him in this position. They will
8 grow up without a father.

9 He had lost his father when he was 11 years old.
10 I explained that to you. His mother killed his father and
11 he was told that when he was in grammar school.

12 Anything would be appreciated. As the Court is
13 well aware, once people get in jail they start talking to
14 you about sentence cuts. It's like wildfire. Everybody
15 says, oh, you can file for a sentence cut. And there are
16 jurisdictions where that sort of thing is allowed.

17 The only potential remedy in South Carolina is
18 that motion for reconsideration, that ten days. And
19 that's why we're here before you. Anything at all would
20 be appreciated because, frankly, it will get him home
21 quicker so he can take responsibility for those children
22 and so he can give them a father, a father figure that he
23 never really had.

24 Your Honor, I would ask rather than you hear from
25 all of his family members, some of them were not able to

1 be here before. They are here now. I would simply ask
2 family members and those here in support of Mr. Abner to
3 please stand.

4 (Individuals in courtroom stand.)

5 THE COURT: Thank you. Thank you.

6 MR. WHITTLE: Thank you. These include his
7 mother, aunts and uncles, brothers and sisters and a
8 cousin, an individual, Mr. Williams, who kind of stepped
9 into his life and acted as his godfather during the kind
10 of formative years.

11 We can't go back and change anything, but I would
12 ask you in light of all that's happened and all that
13 you've heard to consider a reduction in this matter and
14 indeed anything would be appreciated.

15 Mr. Abner says that he wants to speak with you.

16 THE DEFENDANT ABNER: I just thank you for seeing
17 us today, Your Honor, for hearing that motion.

18 THE COURT: Sounds like you're doing pretty good
19 up there. Make the best of a bad situation.

20 THE DEFENDANT ABNER: Yes, sir.

21 THE COURT: Which is admirable. Some people go
22 up there and just keep getting in trouble. It sounds like
23 you got the right attitude and the right sort of look-at-
24 the-future, do-the-best-you-can-under-the-circumstances
25 and come out a better person.

1 THE DEFENDANT ABNER: Yes, sir

2 THE COURT: I appreciate you doing that. All
3 right. Mr. Katonak?

4 MR. KATONAK: Yes, sir. I represent Mr. Darrell
5 Williams. He's 26 years of age. He's currently at the
6 Broad River Facility. And present today in the courtroom
7 is five of his family members who wanted to be here to see
8 how he's doing. They're certainly concerned about him.

9 We're going to be as brief as possible. What
10 we'd like Your Honor to consider and we brought this out
11 before but the victim, Mr. Leaphart, and Mr. Williams were
12 actually very good friends, had been good friends for some
13 period.

14 And what we think's important for mitigation is
15 Mr. Williams was not present when the shooting took place.
16 Mr. Leaphart had been at his house. A group of them had
17 left with Mr. Leaphart. Mr. Williams stayed behind.

18 When Mr. Williams heard that they had killed
19 Mr. Leaphart, he was very upset. Highly upset.
20 Especially that was his half-brother who did the
21 shooting. In fact, when they got back they got into an
22 argument.

23 As Darrell has told me, you know, Jeremy was a
24 friend of his and though the kidnapping kind of caught
25 forth with all of it, it shouldn't have taken place. This

1 is the last thing that he wanted to see happen was harm to
2 Mr. Leaphart.

3 He acknowledges he did break the law. He
4 acknowledges he needed to be sentenced for that. He's
5 very remorseful about his activity to it that ultimately
6 led to Mr. Leaphart's death.

7 Certainly if he would have been at the scene,
8 provided bullets, done the shooting or something like
9 that, I could understand the Court's sentence. But an
10 individual that while he was tied up during the kidnapping
11 part, once he got murdered and we understand he's not
12 before the Court for murder but, you know, he was at the
13 house and not part of this overall act that finally led to
14 Mr. Leaphart's death.

15 And I believe that Mr. Williams would also like
16 to address the Court.

17 THE DEFENDANT WILLIAMS: Yes, sir, Your Honor.

18 I want to say I'm sorry for what happened. He
19 was my friend. And I did get into it with my brother
20 about the situation. I never thought that this man was
21 going to lose his life. I still -- it still hurt me to
22 this day because he was my best friend.

23 His family know I always looked out for Jeremy.
24 They know I gave him my last. I never wanted the man to
25 be hurt, Your Honor. I just got caught up in a situation

1 that I should have called the police right then when I
2 find out.

3 And I did, Your Honor, tell them to take the body
4 to the Batesburg Police Station and which they didn't,
5 Your Honor. So, I did -- trying to do the right thing
6 but, you know, in a situation like that. But I did ask to
7 take the body to the Batesburg Police Station, the body,
8 which they didn't, and the body was found by the police
9 department in Batesburg, Your Honor. And --

10 THE COURT: Where are you serving your time?

11 THE DEFENDANT WILLIAMS: In Broad River.

12 THE COURT: What are you doing up there?

13 THE DEFENDANT WILLIAMS: Working in the kitchen,
14 Your Honor. Ain't been in trouble. Just staying out of
15 trouble. Wish to be out there with my kids. I got a
16 little sick son which my baby mama talked to my
17 lawyer about it.

18 MR. KATONAK: Judge, I was going mention too,
19 that he has six children. One of his children who's two,
20 [REDACTED], I talked to the child's mother, is
21 very sick. You know, of course he can't help out being in
22 jail, but we wanted to point that out to the Court as
23 well.

24 THE COURT: Thank you. Mr. Chandler?

25 MR. CHANDLER: Again, thank you, Your Honor, for

1 allowing us to speak during this motion.

2 Your Honor, just briefly, when we met with you
3 before we did highlight a tremendous amount of what we
4 believed was a tremendous amount of mitigation.

5 Your Honor, just to bring it to your memory,
6 although my client pled on the first day among those who
7 received --

8 THE COURT: Hold on one second. Mr. Whittle,
9 there may be some family members still out there. Let's
10 try to get them in here so they can participate.

11 (Pause.)

12 THE COURT: Mr. Chandler?

13 MR. CHANDLER: Thank you, Your Honor. My client
14 did plead on the day that the defendants, his
15 co-defendants received the 30-day sentence.

16 THE COURT: Thirty day?

17 MR. CHANDLER: The 30-year sentence. I
18 apologize. During that time, Your Honor, I did highlight
19 some facts that we had offered in mitigation. More
20 specifically, Detective Pete from Lexington County
21 Sheriff's Office assertion that my client did help break
22 the case. That in preparing the family for the potential
23 plea where the victims were, actually shared with them,
24 preparing them that in fact Sheldon may receive a lesser
25 sentence. They actually shared that.

1 Now we offered that, Your Honor, and it was at
2 that time where you inquired and even was giving pause as
3 to consider the sentence that may be levied against my
4 client, even in consideration that two prior individuals
5 or three prior individuals have received 30-year
6 sentences.

7 Your Honor was at that time, on the record you
8 did indicate something that you're very consistent about
9 and that's feeding everyone out of the same spoon.

10 Your Honor, you asked and posed questions
11 specifically to the State as to his specific involvement
12 which included everything from initially giving the
13 statements to the officers, taking them to the scene, his
14 lack of significant participation in the case.

15 And prior to anybody giving any of their
16 statements of being the one who during the initial report
17 of the State, it was his name according to Sheldon Oakman
18 that that was actually laid out by every one of his
19 co-defendants sitting there prior to them giving their
20 statements and assertions of what happened.

21 Your Honor, that -- it was a horrible crime and
22 in light of that, Your Honor, even in pause you shared
23 with me that you had to feed them out of the same spoon.
24 Well, on the second day, there were individuals who as
25 much as I can glean from the transcript, that the

1 remaining co-defendants who actually pled offered
2 information to the Court, Your Honor, that distinguished
3 themselves from everyone who had pled the day earlier
4 based on their age, their lack of prior records and level,
5 and their level of involvement.

6 All of which would solidify my client to at least
7 receive the 17-year sentence that everyone else received.
8 As for Marion Abner, my client was in the same vehicle
9 with Marion Abner during the time of the kidnapping that
10 occurred and as they went to the scene.

11 The same age of most of the ones that received 17
12 years. And without getting into the specifics of
13 rehashing each and every fact, for the most part his level
14 of involvement was at least the same, if not less than
15 everyone else involved. They received 17 years on the
16 second day. My client received 30 years.

17 Your Honor, for that at least, we believe that my
18 client should have a reduction that would reflect the 17
19 years and the feeding out of the same spoon.

20 Further, Your Honor --

21 THE COURT: All right. Hold on a second. We
22 had, on the first day we had the guy pled to the murder.
23 We had three guys. I gave 30 years on the kidnapping.

24 MR. CHANDLER: That's correct.

25 THE COURT: Next day we had four more,

1 Mr. Whittle's client.

2 MR. WEEKS: Paul Timmerman had one.

3 MR. CHANDLER: Michael Routzong.

4 MR. WEEKS: Michael Routzong.

5 MR. BROWN: And Tom Woodruff.

6 MR. CHANDLER: And Tom Woodruff.

7 THE COURT: And they all got?

8 MR. CHANDLER: Seventeen.

9 MR. WEEKS: Seventeen.

10 THE COURT: Go ahead.

11 MR. CHANDLER: Age, involvement, and lack of
12 prior record, Your Honor, would firmly put my client in
13 the position where he would receive or should receive 17.

14 Further, Your Honor, I would like to offer a
15 public policy argument as well as for why my client should
16 receive even a lesser sentence than that.

17 THE COURT: Lesser than 17?

18 MR. CHANDLER: Yes, sir. Yes, sir. Your Honor,
19 Sheldon Oakman did provide, when the officers were trying
20 to investigate, he did provide the initial information in
21 this case.

22 Because his name was a part of the initial report
23 that was read, not only at the bond hearing where every
24 paragraph made it clear that he was the one that was the
25 snitch, he was the one that basically laid out this case

1 for the sheriff's office, whether it was Lexington County
2 or Aiken.

3 Everyone else was given the opportunity
4 afterwards to then give their statements in conjunction
5 with their cooperation. My client was placed in a
6 vulnerable position or placed himself by being the first
7 one to come to the table, to the police and share the
8 information.

9 And, I mean, the first one to come as in the one
10 that offered the information because the police went to a
11 number of individuals and they didn't get the information
12 that they were looking for. And based on my client's
13 information they were able to move forward with the
14 investigation of the case.

15 Your Honor, I served as a prosecutor for a number
16 of years. And it is good public policy for the person who
17 provided the additional information, although I would
18 argue that his involvement would be similar to, if not the
19 same as the ones who received the 17-year sentence, to
20 make sure or to show that even if it's a year deviation or
21 five-year deviation, that if you cooperate with the police
22 that you ought to get some benefit.

23 And we're not asking him to deviate or to move,
24 remove himself completely away from this horrible crime
25 because he's a young man who has a two-year old child, who

1 at the time that this incident happened he was the only
2 person that had a high school diploma and was prepared to
3 go to Augusta Tech.

4 If he received a five- to ten-year sentence at 85
5 percent, that is not a short time for him to acknowledge
6 his involvement in the death of Jeremy Leaphart --

7 THE COURT: Mr. Chandler, I could not in any way
8 in good conscience even consider a five- to ten-year
9 sentence.

10 MR. CHANDLER: Yes, sir, Your Honor.

11 THE COURT: That's a horrible situation.

12 MR. CHANDLER: Well, I certainly would then
13 argue, Your Honor, that he receive a sentence that would
14 at least be less than the 17-year sentence because of his
15 assistance with the police.

16 Even, Your Honor, when the State was
17 investigating whether or not they could pursue murder
18 charges against Mr. Williams, it was my client and my
19 client only, that we still have the disk, that listened to
20 Frankie Gantt the triggerman's disk and his statement to
21 determine whether or not there was truthful statements or
22 just simply self-serving statements to help himself out.

23 He was heavily relied on upon the State, Your
24 Honor. And, no, he didn't -- no, he didn't volunteer. He
25 didn't rush that day. And certainly there's some horrible

1 things that had happened, Your Honor.

2 But in this type of situation certainly someone
3 who has greatly put himself in great jeopardy, one by
4 being a snitch which is not one major popular thing to be
5 in the Aiken County --

6 THE COURT: Mr. Chandler, this argument does not
7 appeal to me a whole lot because here we have eight boys,
8 young men, takes another boy or young man and literally
9 kidnaps him and he ended up getting killed. I mean, it's
10 not like kidnapping and then taking him down the street or
11 letting him go or holding him overnight.

12 They kidnapped him. They tortured him. They
13 killed him. But for pulling the trigger, they'd be in --
14 the State could have charged them with felony murder. I
15 mean, you know --

16 MR. CHANDLER: And each and every one -- my
17 argument is simply, Your Honor, feed them out of the same
18 spoon. Certainly he should receive the 17-year sentence.

19 THE COURT: Well, I tried to feed them out of the
20 same spoon. I tried to weigh out the culpability of your
21 client, Mr. Katonak's client, Mr. Brown's client, as
22 opposed to Mr. Whittle et al's client of course leaving
23 the murderer all by himself. What did he get? What did
24 the murderer get?

25 MR. WEEKS: Forty-five years.

1 MR. CHANDLER: But, Your Honor, if the State is
2 preparing even in light of this the victim's -- for my
3 client to receive a lesser sentence acknowledging his
4 cooperation, I think at least he should receive the
5 17-year sentence that the rest of them --

6 THE COURT: Well, that argument appeals a little
7 bit more than trying to get me down to five years.

8 MR. CHANDLER: Well, Your Honor, I would argue
9 the five to ten-year sentence, but as for the public
10 policy argument any slight deviation from the 17 years,
11 even if it be a year.

12 THE COURT: Thank you. Mr. Brown?

13 MR. BROWN: Thank you, Your Honor. Your Honor,
14 we also appreciate you taking the time to hear from us
15 today.

16 MR. CHANDLER: Your Honor, if I may, my client
17 did want to address the Court.

18 MR. BROWN: Oh, sorry.

19 MR. CHANDLER: Thank you, Your Honor.

20 THE COURT: Mr. Oakman?

21 THE DEFENDANT OAKMAN: Yes, sir. I wanted to
22 thank you for allowing us to come back today, at least to
23 make an attempt to try to hear anything.

24 I want to let Jeremy family know that I'm truly
25 sorry. I accept true responsibility for everything that

1 went on, all my actions. I want to let him know not a day
2 goes by I don't think about Jeremy or his family.

3 THE COURT: Where are you now?

4 THE DEFENDANT OAKMAN: I'm at McCormick.

5 THE COURT: At McCormick. So y'all at three
6 different places?

7 THE DEFENDANT OAKMAN: Yes, sir.

8 THE COURT: What are you doing at McCormick?

9 THE DEFENDANT OAKMAN: Right now I'm in the law
10 library.

11 THE COURT: What does that mean?

12 THE DEFENDANT OAKMAN: I'm in there studying the
13 law and trying to help others with the cases.

14 THE COURT: You don't have a job?

15 THE DEFENDANT OAKMAN: Not at the moment, sir. I
16 didn't have chance to see the counselor. I've been
17 nagging him, getting on his nerves. He still ain't had a
18 chance to see me.

19 THE COURT: Are you enjoying the law library?

20 THE DEFENDANT OAKMAN: Yes, sir.

21 THE COURT: You finished high school; didn't
22 you?

23 THE DEFENDANT OAKMAN: Yes, sir.

24 THE COURT: You're one of the few that finished
25 high school.

1 MR. CHANDLER: He's the only one.

2 THE COURT: And had been enrolled, as you say,
3 for college.

4 MR. CHANDLER: For Augusta Tech.

5 THE DEFENDANT OAKMAN: Learned a lot of new
6 things and trying to help others, too.

7 THE COURT: All right. Mr. Brown?

8 MR. BROWN: Thank you, Your Honor.

9 And, Your Honor, picking up a little bit on
10 Mr. Chandler's public policy argument, I understand his
11 frustration. We share some of that frustration in that
12 this is a situation where Mr. Walker was originally
13 charged with accessory after the fact.

14 That's what his warrant was for. That's what he
15 was charged with, but the whole process through this thing
16 where we're dealing with the solicitor and area law
17 enforcement and up until the week before this plea took
18 place. And I guess the frustration is that, you know,
19 basically the information that you get is, we really want
20 these people and, you know, so you advise your client to
21 cooperate.

22 Of course the solicitor won't promise you
23 anything but usually you take that with the idea that
24 cooperating is not going to hurt you. You're not going to
25 end up in a worse situation than where you were by

1 cooperating and trying to provide assistance.

2 And Mr. Walker, you know, from the time I became
3 involved in this matter he was, you know, we provided
4 assistance, gave interviews, provided any information that
5 was requested of us, you know, to try to, you know,
6 basically cooperate and help the Court with what we could
7 of course in the hopes that that would be to his benefit.

8 And this is the first situation I've ever been in
9 where my client as a result of that went from being
10 charged with accessory after the fact which is a 15-year
11 non-violent charge to kidnapping which is a 30 year, no
12 parole offense.

13 And so, Your Honor, from that standpoint it
14 certainly -- it makes it difficult to advise clients going
15 forward on these types of situations. It's very
16 frustrating.

17 That being said, Your Honor, the State was well
18 within their rights to charge him with kidnapping. And we
19 discussed it and he understood what he was pleading to
20 when he pled guilty.

21 Your Honor, this is a situation where we also
22 were kind of surprised when we found out that the people
23 who had pled guilty on the second day got 17 years.
24 We believe --

25 THE COURT: Who got 17 years because I felt like

1 their culpability was not nearly as extensive as the three
2 guys who pled the day before.

3 MR. BROWN: Yes, sir. And I felt like perhaps I
4 had not done a sufficient job explaining --

5 THE COURT: It had nothing to do with you,
6 Mr. Chandler or Mr. Katonak. It had all to do with the
7 facts.

8 MR. BROWN: Because this was a situation, Your
9 Honor, you know, our understanding was the people they
10 were after from the git-go was Mr. Williams and
11 Mr. Gantt. That Mr. Gantt was the person who did the
12 murder and they basically felt like Mr. Williams was the
13 person who had planned the kidnapping and put the whole
14 thing together and but for his actions it wouldn't have
15 happened.

16 My client, as we stated then, was Christmas
17 shopping that day when he got the call from Mr. Williams
18 to come over to the house because they needed for him to
19 drive them. And, yes, they went and they picked up
20 Mr. Leaphart. They went back to the house. There was an
21 assault that took place on Mr. Leaphart at the house.
22 Mr. Williams at that point told them to, you know, take
23 Mr. Leaphart, clean him up, and everybody else left except
24 for Mr. Williams and Mr. Walker.

25 Mr. Williams and Mr. Walker stayed at the house.

1 They did not go. And so his participation in the
2 kidnapping ended at that point. He was not present when
3 the murder took place. He didn't find anything else until
4 he got a call from Mr. Gantt that he had shot Mr. Leaphart
5 and that was when the whole thing took place as far as
6 moving the body.

7 But Mr. Walker did not actively -- he went out
8 there. He was in a separate car. The body was not placed
9 in his car. He stayed up at the road whenever they
10 brought the body out. He didn't participate actively in
11 that. He stood by.

12 That was a mistake. That was wrong, yes, but the
13 other people that were involved were there when the murder
14 took place, were actively involved in concealing the body,
15 removing the body, placing the body somewhere else, one of
16 them was Andre Norris who was the one who told them to
17 place to hide the body at.

18 And so, you know, Mr. Abner and Mr. John Oakman
19 both took place in beating the victim while he was at the
20 residence before.

21 And so, Your Honor, we understand that Mr. Walker
22 did something wrong in the kidnapping of this matter. We
23 understand and he understands that he has to face
24 punishment for that.

25 But, Your Honor, the -- his part in the

1 kidnapping ended when Mr. Leaphart left that residence.
2 His understanding at that time was Mr. Leaphart was going
3 to get cleaned up and go home. And basically he felt like
4 the whole matter was over. It wasn't until he got the
5 call that the man was dead that, you know, he found out
6 what a mess it was.

7 And so, as far as punishment for his actions and
8 involvement in this matter, yes, Your Honor, we do believe
9 that he understands he should face punishment for that.
10 And if the Court had given him 17 years, Your Honor, we
11 would not be standing here right now because we discussed,
12 you know, as far as sentences and everything what he was
13 looking at and all.

14 But I think that based on his actions compared to
15 the people who actually, you know, did the murder and set
16 this whole set of, series of events in motion, that based
17 on that he falls much more in line with the individuals
18 who received 17 years than with receiving a 30-year
19 sentence, Your Honor.

20 He also does have strong family support. There
21 are members of his family who are here with him today.

22 And, you know, Your Honor, we would just ask that
23 basically, you know, nowadays with 85 percent on a 30-year
24 sentence that's 25 and a half years. And, you know,
25 pretty much life's over at that point for him.

1 And so, and we think that basically if he gets a
2 17-year sentence, Your Honor, he'd have to serve 14 and a
3 half years of that on 85 percent. That is punishment,
4 Your Honor. We believe that is punishment for what he did
5 for his involvement in this action. And that, you know,
6 but that would still allow him to try to make something of
7 his life when he's released from the Department of
8 Corrections.

9 THE COURT: Thank you. Mr. Weeks?

10 MR. WEEKS: Your Honor, I'm sitting here reminded
11 of seven different versions probably times three by the
12 time we got ready to try this case of what happened that
13 day and ain't the version that came out yet is the truth
14 about what happened that day.

15 But, each one of these guys pointed the finger at
16 the other at some point in time with varying degrees of
17 culpability. Mr. Walker, for example, was the one who
18 purportedly called and said cut the iron on. One of these
19 boys or one of these other young men are the ones that
20 gave that statement against Mr. Walker.

21 The other individuals gave statements that each
22 one of these boys participated in hitting and torturing
23 Jeremy Leaphart before he left the trailer. They were
24 supposed to go to Mr. Walker's house after they left the
25 trailer. Why are they going to Mr. Walker's house if he

1 ain't got nothing further to do with it? Doesn't explain
2 anything.

3 But the State was left with seven different
4 versions. One version we didn't have and that was
5 Mr. Williams who never talked to us about his
6 participation in it until he got ready to plead guilty.

7 But, the truth of the matter is there was just a
8 hodgepodge of statements as to their involvement but all
9 of them told a pattern of felony murder.

10 And what each one of them has forget to say is
11 that with that plea to kidnapping that the State offered
12 them was the promise that they didn't take that I was
13 going to try them under the laws pertaining to felony
14 murder for the crime of murder. So each one of them made
15 a free and voluntary decision to plead guilty to
16 kidnapping in lieu of going to trial for kidnapping and
17 murder.

18 And I believe the facts spoke for themselves
19 during the plea and during the allocution as to each one
20 of them's participation in it. Sure there were different
21 events but me nor 15 investigators is going to ever get
22 these guys to tell the solid same-page truth about what
23 happened that day.

24 What I do know is that Jeremy Leaphart is not
25 going to walk another day. He's not going to be cooking

1 to do anything to him or to kill him. I never, I never
2 had any intentions of none of that, sir.

3 THE COURT: Well, I hope you didn't have any
4 intentions of it. But it happened and it happened in all
5 of you's eyes. None of you tried to stop it.

6 THE DEFENDANT WALKER: I strongly believe that if
7 he still was living I'd be home right now.

8 THE COURT: Well, there's no question you'd still
9 be home --

10 THE DEFENDANT WALKER: Yes, sir, Your Honor.

11 THE COURT: -- but he's dead. And y'all killed
12 him. Y'all tortured him and you kidnapped him. Come on.
13 Don't insult my intelligence.

14 Anything else?

15 THE DEFENDANT WALKER: No, sir.

16 THE COURT: All right. As to Mr. Whittle's
17 client, Mr. Abner, motion is respectfully denied.

18 Mr. Katonak, Chandler, Brown, I'll take it under
19 advisement. Gentlemen, I would suggest within 30 days
20 that you prepare me an order but in that order I want a
21 factual recitation comparing your client's culpability
22 with everybody else's. And I want you to provide to me a
23 copy of the transcript along with that and I will hold it
24 under advisement, but don't get your hopes up.

25 MR. CHANDLER: Your Honor, with respect to the

1 order are we going to leave the time blank?

2 THE COURT: Absolutely. Thank you.

3 MR. CHANDLER: Thank you, Your Honor.

4 MR. WHITTLE: Thank you, Judge.

5 THE COURT: Mr. Whittle, how about being
6 responsible for that order getting the sexual registration
7 matter done?

8 MR. WHITTLE: Yes, sir.

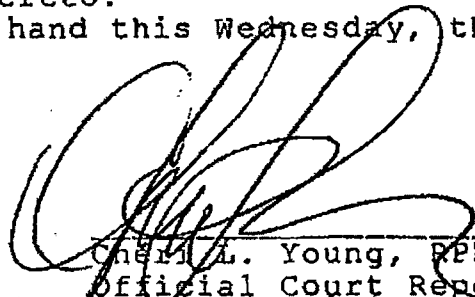
9 END OF PROCEEDINGS: 12:19 P.M.

10 CERTIFICATE OF REPORTER

11 I, Cheri L. Young, Registered Professional Reporter,
12 and Official Court Reporter for the State of South
13 Carolina, do hereby certify that the foregoing transcript
14 of proceedings heard on Tuesday, June 16, 2009, in Aiken,
15 South Carolina, was reported by me using machine shorthand
16 and realtime computer-aided translation and is a true,
17 accurate and complete transcript of the proceedings had
18 and evidence introduced in the hearing of the matter.

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

21 I have hereunto set my hand this Wednesday, the 23rd
22 day of September, 2009.

23
24
25

Cheri L. Young, RPR
Official Court Reporter

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State,

Respondent,

v.

Sheldon Oakman, Jr.,

Appellant.

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2012-UP-062
Submitted January 3, 2012 – Filed February 8, 2012

AFFIRMED

Julie Martino Thames, of Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy
Attorney General John W. McIntosh, Assistant
Deputy Attorney General Salley W. Elliott, and
Assistant Attorney General William M. Blich, Jr.,

all of Columbia; and Solicitor J. Strom Thurmond, Jr., of Aiken, for Respondent.

PER CURIAM: Sheldon Oakman Jr. appeals his thirty year sentence for kidnapping, arguing the circuit court abused its discretion because similarly situated co-defendants were sentenced to seventeen years' imprisonment. We affirm¹ pursuant to Rule 220(b)(1), SCACR, and the following authorities: State v. Follin, 352 S.C. 235, 257, 573 S.E.2d 812, 824 (Ct. App. 2002) ("[W]hen the record clearly reflects an appropriate basis for a disparate sentence, the [circuit court] may impose a different sentence on a co-defendant in a criminal trial."); Brooks v. State, 325 S.C. 269, 271-72, 481 S.E.2d 712, 713 (1997) ("A [circuit court] is allowed broad discretion in sentencing within statutory limits. A sentence is not excessive if it is within statutory limitations and there are no facts supporting an allegation of prejudice against a defendant." (citations omitted)); S.C. Code Ann. § 16-3-910 (2003) ("Whoever shall unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law . . . is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty years . . .").

AFFIRMED.

HUFF, PIEPER, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

K206993
FORM 5

2013-CP-02-00401
2008-GS-02-01086
Filed 15 February 2013
11:00 am
C.C.C.P. & G.S. Aiken County

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

Sheldon Oakman, #334454,
Full name and prison number (if any) of Applicant.)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS Time 1:00pm

Trial Judge: David E. HARRIS III

Trial Atty: Everett Chandler

Court Reporter: Lisa Hicklin

Sec: PCR Petitioner Solicitor

General Sessions Atty. Gen.

Appointed Atty.

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899
2. Name and location of Court which imposed sentence Aiken County Court of General Sessions, 109 Park Ave. SE, Aiken, SC 29801
3. Name(s) of co-defendant(s) (if any) Frankie Gantt, Marion Abner, John Oakman, Jr., Ronnie Bowers, Darrell Williams, Johnnie Walker, and Andre Norris
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2008-GS-02-1086: Kidnapping
 - (b) _____
 - (c) _____

5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) April 29, 2009; 30 years
 - (b) _____
 - (c) _____
6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty X
 - (b) after a plea of not guilty _____
 - (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes.
8. If you answered "yes" to (7), list:
 - (a) the name of each Court to which you appealed:
 - i. South Carolina Court of Appeals
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. Conviction affirmed.
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. February 8, 2012
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. 2012-UP-062
 - ii. _____
 - iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
 - (a) _____
 - (b) _____
 - (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel.
 - (b) Involuntary Guilty Plea.
 - (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Failure to conduct an independent investigation and review evidence with Applicant.
 - (b) Failure to advise Applicant regarding possible defenses.
 - (c) Failure to properly advise Applicant regarding plea.
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No.
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.
 - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
 - (d) any other petitions, motions or applications in this or any other Court? No.
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
 - (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
 - (c) the disposition thereof:
 - i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

No.

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) PCR is the proper forum.

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? Yes.
 - (b) your trial, if any? _____
 - (c) your sentencing? Yes.
 - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes.
 - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
 - i. Everett K. Chandler, PO Box, 2391, Aiken, SC 29801
 - ii. Julie M. Thames, PO Box 12159, Columbia, SC 29211
 - iii. _____
 - (b) the proceedings at which each such attorney represented you:
 - i. Plea and Reconsideration.
 - ii. Direct Appeal.
 - iii. _____
19. State clearly the relief you seek in filing this application:
A new trial.
20. Are you now under sentence from any other court that you have not challenged?
No.

STATE OF SOUTH CAROLINA)

VERIFICATION

County of McCormick)Sheldon Oakman

I, Sheldon Oakman, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Sh. Oak

SWORN to and subscribed before me this 12th
day of February, 2013.

Shirley A. Polito (L.S.)
Notary Public

My Commission Expires: 4/12/2016

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

Sheldon Oakman

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

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

Sheldon Oakman

Applicant

SWORN or affirmed to and subscribed before me this
12th day of February, 2013.

John A. Smith
Notary Public

My Commission Expires: 4/12/2016

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

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

)
) 2013-CP-02-401
)

Sheldon Oakman, #334454,

)
)
) Applicant,
)

)
) v.
)

RETURN

State of South Carolina,

)
)
) Respondent.
)
)

The Respondent, making its Return to the application for post-conviction relief filed February 15, 2013, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was true billed indicted at the July 2008 term of the Aiken County Grand Jury for Kidnapping (2008-GS-02-1086). Everett K. Chandler, Esquire, represented him. On April 27, 2009, Applicant pled guilty as indicted. The Honorable Doyet A. Early, III, sentenced Applicant to thirty years imprisonment.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected by Julie M. Thames, Esquire. The South Carolina Court of Appeals affirmed the Applicants conviction and sentence. State v. Oakman, Op. No. 2012-UP-062 (Ct. App. filed February 8, 2012). The Remittitur was issued on February 27, 2012.

Attached herewith and incorporated herein by reference are the records of the Aiken County Clerk of Court regarding the subject convictions, records from the South Carolina

Department of Corrections, appellate records, and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective Assistance of Counsel.
 - a. "Failure to conduct an independent investigation and review evidence with Applicant."
 - b. "Failure to advise Applicant regarding possible defenses."
 - c. "Failure to properly advise Applicant regarding plea."
2. Involuntary Guilty Plea.

Any claims not specifically enumerated in the post-conviction application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

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

IV.

Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit. In post-conviction relief cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must

prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

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

[signature block on following page]

VI.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

June 18, 20 13.

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

SHELDON OAKMAN, 334454,

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

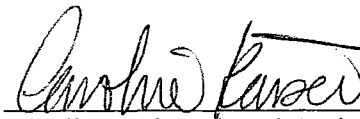
2013-CP-02-401

AFFIDAVIT OF SERVICE BY MAIL

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

Lance Boozer, Esquire
The Boozer Law Firm, LLC
1331 Park Street
Columbia, SC 29201

DATED this 18th day of June, 2013.


 Caroline Kaiser, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN)	SECOND JUDICIAL CIRCUIT
Sheldon Oakman, #334454,)	
Applicant,)	2013-CP-02-0401
v.)	
State of South Carolina,)	AMENDMENT TO APPLICATION
Respondent.)	FOR POST CONVICTION RELIEF

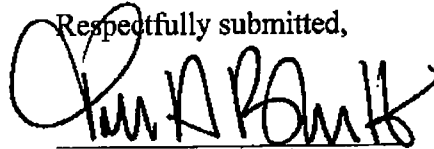
This matter comes before the Court pursuant to an Application for Post Conviction Relief filed on February 15, 2013, Applicant would amend his original Application by adding the following specific allegations to his original claim of ineffective assistance of plea counsel and involuntary guilty plea:

1. Ineffective assistance of counsel that resulted in an involuntary guilty plea due to counsel arguing strongly for dismissal of the kidnapping charge at the preliminary hearing and subsequently, under the same facts, advising Applicant to enter a guilty plea.
2. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to address and/or raise matters of jurisdictional defect or impropriety.
3. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to conduct a reasonable investigation and fully review the discovery with Applicant prior to advising him to enter a guilty plea.
4. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to protect the interests and rights of Applicant during a circus like or cattle call guilty plea proceeding.
5. Ineffective assistance of counsel that resulted in an involuntary guilty plea and prejudicial sentencing due to counsel's failure to attend the second day of the guilty plea proceedings and be present at the chamber's meeting by which the court assessed the levels of the defendants' culpability based upon information offered by counsel for Applicant's co-defendants and Applicant's co-defendants.

FILED 12.17 2014
Lee Anderson
 C.C.P. & G.S.
Deputy Clerk 12:35pm

6. Ineffective assistance of counsel that resulted in an involuntary guilty plea due to counsel's failure to effectively argue on Applicant's behalf at the hearing on reconsideration and provide the court with an Order fully addressing the issues in the case.
7. Pursuant to Rule 15(b), SCRCP, Applicant would move to amend to conform to the evidence and testimony presented at the evidentiary hearing.

Respectfully submitted,



Tricia A. Blanchette
Attorney for Applicant
Post Office Box 12725
Columbia, South Carolina 29211

December 15, 2014
Columbia, SC

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

Sheldon Oakman, 334354,)
 Applicant,)

2013-CP-20-0401

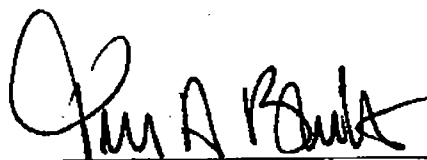
v.)

CERTIFICATE OF SERVICE

State of South Carolina,)
 Respondent.)

I, Tricia A. Blanchette, Attorney at Law, hereby certify that I hand delivered this 15th day of December 2014, a copy of an Amendment to Application for Post Conviction Relief, to Dan Gourley of the Attorney General's Office, at:

Office of the Attorney General
 Att: Dan Gourley, Ast. AG
 1000 Assembly Street, 5th Floor
 Columbia, SC 29201



Tricia A. Blanchette
 PO Box 12725
 Columbia, SC 29211
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December 15, 2014

FILED 12.17 2014

L. L. Leland
 C.C.P. & S.
 12:35pm
 Deputy Clerk

1 STATE OF SOUTH CAROLINA

2 COUNTY OF AIKEN

CIRCUIT COURT
2013-CP-02-00401

3 SHELDON OAKMAN,
4 Applicant,

5 -vs-

TRANSCRIPT OF RECORD

6 STATE OF SOUTH CAROLINA,
7 Respondent.

8
9 Post Conviction Relief Hearing

10 Heard on Monday, January 12, 2015

11 Aiken, South Carolina

12
13 BEFORE:

14 THE HONORABLE D. CRAIG BROWN

15
16 APPEARANCES:

17 Counsel on Behalf of the Applicant:
18 Tricia A. Blanchette, Esq.

19 Counsel on Behalf of the Respondent, State of SC:
20 Daniel F. Gourley, II, Esq.

21 Cheri L. Young, RPR
22 Circuit Court Reporter
23 P O Box 5232
24 Aiken, SC 29803-5232
25

EXAMINATION INDEX

JOHNNIE WALKER

DIRECT BY MR. BLANCHETTE	9
CROSS BY MR. GOURLEY	20
REDIRECT BY MS. BLANCHETTE	22

CLEO SUMMER

DIRECT BY MS. BLANCHETTE	23
CROSS BY MR. GOURLEY	28

SHELDON OAKMAN, SR

DIRECT BY MR. BLANCHETTE	30
CROSS BY MR. GOURLEY	40

SHELDON OAKMAN, JR

DIRECT BY MR. BLANCHETTE	41
CROSS BY MR. GOURLEY	96
REDIRECT BY MR. BLANCHETTE	108
RECROSS BY MR. GOURLEY	111

EVERETT KEITH CHANDLER

DIRECT BY MR. BLANCHETTE	113
CROSS BY MR. GOURLEY	133
REDIRECT BY MR. BLANCHETTE	141
RECROSS BY MR. GOURLEY	144

EXHIBIT INDEX

MAR ADM

State's:

1	Order amending sentence	137

Applicant's:

1	Listing of 8 defendants and other information	6
2	Indictment	43
3	Statement of Casie Blizzard	114
4	Statement of Nicky Gunter	115
5	Statement of Jamie Jones	116
6	Audio recordings - Oakman	117
7	Audio recordings	117
8	Written argument	146

1 ON MONDAY, JANUARY 12, 2015 AT 9:58 A.M.:

2 THE COURT: Yes, sir.

3 MR. GOURLEY: Yes, Your Honor.

4 This is Sheldon Oakman versus the State of South
5 Carolina. Docket Number 2014-CP-02-0401. He's presently
6 confined to the South Carolina Department of Corrections
7 pursuant to orders of commitment of the Aiken County Clerk
8 of Court. He was true bill indicted the July 2008 term of
9 the Aiken County Grand Jury for kidnapping.

10 Mr. Chandler represented him. On April 27th, 2009,
11 he pled guilty as indicted. The Honorable Doyet A. Early
12 the Third sentenced the Applicant to 30 years
13 imprisonment.

14 A timely notice of appeal was filed on Applicant's
15 behalf. An appeal was perfected. South Carolina Court of
16 Appeals affirmed the Applicant's conviction and sentence,
17 State v. Oakman, Number 2012-CP-062. Remittitur was
18 issued on February 27th, 2012. Mr. Oakman filed a timely
19 application for PCR relief on February 15th, 2013,
20 alleging ineffective assistance of counsel and an
21 involuntarily guilty plea.

22 His PCR counsel, Ms. Blanchette, filed an amended
23 application on December 15th, 2014, alleging additional
24 claims of ineffective assistance of counsel and
25 involuntary guilty plea. The State filed its return on

1 June 18th, 2013, and he is represented in this matter by
2 Ms. Blanchette.

3 THE COURT: Ms. Blanchette.

4 MR. BLANCHETTE: Thank you, Your Honor. May it
5 please the Court.

6 My name is Tricia Blanchette. I represent Sheldon
7 Oakman.

8 This case, even though it's a guilty plea, it's a
9 rather complicated guilty plea because Mr. Oakman had
10 seven co-defendants. So as a matter of convenience, I
11 have prepared a document that has been pre-marked as
12 Applicant's Exhibit Number One which lists all eight
13 co-defendants, the sentences they received and some
14 information regarding them that will help this Court sort
15 them out as I talk about them today.

16 THE COURT: All right.

17 MR. GOURLEY: Your Honor, I don't have an
18 objection.

19 MR. BLANCHETTE: And, Your Honor, I've prepared an
20 extra copy of each of these. Would you appreciate having
21 a copy beyond the ones that are marked?

22 THE COURT: Yeah, that would be great. Go ahead
23 and give that to the court reporter. That's Number One
24 right there. All of them together is Number One?

25 THE CLERK: Yes, sir.

1 (Applicant's Exhibit No. 1, listing of 8
2 co-defendants and other information, received into
3 evidence.)

4 MR. BLANCHETTE: Your Honor, due to the fact that
5 there are the eight co-defendants and as I said this is a
6 complex case despite a guilty plea, I have prepared a
7 factual introduction for Your Honor that I'd like to
8 present at this time before I call witnesses if that would
9 be okay to proceed with this at this time.

10 THE COURT: Any objection, Mr. Gourley?

11 MR. GOURLEY: No, Your Honor.

12 THE COURT: Pass it up, please.

13 MR. BLANCHETTE: Your Honor, actually it was
14 something that I was going to explain into the record.

15 THE COURT: All right. Go ahead.

16 MR. BLANCHETTE: Okay. And I also wanted to note
17 that the majority of the facts that I will be giving are
18 also found on page 29 of the transcript where Solicitor
19 Weeks gives the facts of the guilty plea.

20 This case file begins with incident reports
21 regarding stolen guns. And those incident reports date
22 back to August and September of 2007. Jeremy Leaphart is
23 listed as a suspect on those incident reports. The case
24 file contains several statements explaining how those
25 stolen guns were placed under Jeremy's girlfriend's

1 trailer, and her name is Casie Blizzard, in Lexington
2 County. These stolen guns are the backdrop to the events
3 that took place on December 24th, 2007, that we are here
4 about today.

5 On December 24th, 2007, Jeremy contacted Darrell
6 Williams who is one of the co-defendants in this case and
7 known as Steve. He asked him to pick him up at Casie's
8 trailer. An argument ensued between Jeremy and Casie
9 regarding where are the stolen guns were and that they
10 were now missing. Because Darrell Williams wanted these
11 guns, Jeremy left the trailer with Darrell and several of
12 the Applicant's co-defendants.

13 Jeremy was then taken to the trailer of Bridgette
14 Bowers which was located in Saluda County. Sheldon
15 Oakman was there playing cards with several of his
16 co-defendants. At the trailer all eight co-defendants,
17 which would be Frankie Gantt, Darrell Williams, Johnnie
18 Walker, Sheldon Oakman, John Oakman, Ronnie Bowers, Andre
19 Norris, and Marion Abner assembled and proceeded to hit
20 and threaten Jeremy about the missing guns.

21 Bridgette asked them to leave since she had kids in
22 the trailer. And the statements and the facts given at
23 the plea reflect that the plan was to take Jeremy to
24 Johnnie Walker's house and clean him up and then go out
25 for the night. Walker and Williams remained at the

1 trailer.

2 In the first car that left was Marion Abner as the
3 driver and Frankie Gantt in the front passenger seat.
4 John Oakman and Andre Norris flanked the victim, Jeremy
5 Leaphart, on either side of the back seat. Sheldon Oakman
6 was the driver of the second car that belonged to Johnnie
7 Walker and Ronnie Bowers was his passenger. And all of
8 that information is listed on the sheet I just handed up.

9 En route to Walker's house Frankie Gantt ordered
10 Abner to drive into Aiken County and in a direction that
11 resulted in the vehicle coming to a stop on Hutto Pond
12 Road in Aiken County.

13 Oakman followed behind the car driven by Abner.
14 While in the car the victim made two calls to 9-1-1 and
15 several calls to his girlfriend and family explaining
16 threats that were being made against his life and asking
17 them to come up with the guns.

18 After arriving at Hutto Pond Road the facts show
19 that Gantt acted on his own, pulled out a gun and shot the
20 victim. The victim ran behind an abandoned building and
21 Gantt chased him down and finished him off. Both vehicles
22 left the scene and a call was made from the first car,
23 which Mr. Oakman was not in, to Walker and Williams
24 telling them what Gantt had done.

25 After the group reassembled it was decided that the

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 victim's body needed to be moved. By the light of a cell
2 phone the victim's body was located. The victim's body
3 was then driven into Lexington County and left on a trash
4 pile near a home owned by Norris's grandmother.

5 Three counties were involved in the investigation
6 which led to law enforcement contacting the Applicant,
7 Sheldon Oakman, on January 19th at his home. Sheldon was
8 interviewed by law enforcement several times and provided
9 the names of the people involved and the locations where
10 the events occurred. This all culminated in a plea of all
11 the co-defendants on April 29th to 30th, 2009.

12 Your Honor, at this time I'm prepared to call my
13 first witness.

14 THE COURT: All right. Call your first witness.

15 MR. BLANCHETTE: Your Honor, I would call Johnnie
16 Walker to the stand.

17 JOHNNIE WALKER, having been duly sworn, was
18 examined and testified as follows:

19 THE CLERK: Please have a seat. State your full
20 name for the Court, please.

21 THE WITNESS: Johnnie Walker.

22 DIRECT EXAMINATION

23 BY MR. BLANCHETTE:

24 Q. Mr. Walker, are you presently confined in SCDC?

25 A. Yes, ma'am.

JOHNNIE WALKER - DIRECT BY BLANCHETTE

- 1 Q. And where are you confined?
- 2 A. Broad River Correctional.
- 3 Q. And how long a sentence are you serving?
- 4 A. Thirty years.
- 5 Q. And what is the charge you're serving that sentence
- 6 on?
- 7 A. Kidnapping.
- 8 Q. Okay. And who was the victim in that case?
- 9 A. Jeremy Leaphart.
- 10 Q. And are you the co-defendant of Sheldon Oakman?
- 11 A. Yes, ma'am.
- 12 Q. And do you currently have a PCR pending in Aiken
- 13 County?
- 14 A. Yes, ma'am.
- 15 Q. Are you represented by counsel?
- 16 A. Yes, ma'am.
- 17 Q. Okay. And who is your attorney currently on that
- 18 case?
- 19 A. Andrew Marine.
- 20 Q. And is he present in the courtroom today?
- 21 A. Yes, ma'am.
- 22 Q. And did you have the opportunity to speak with him
- 23 before you took the stand today?
- 24 A. Yes, ma'am.
- 25 Q. Okay. And, Johnnie, just so we make sure

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 everything is clear, I have previously represented you; is
2 that correct?

3 A. Yes, ma'am.

4 Q. And I handled your direct appeal that came from
5 your guilty plea?

6 A. Yes, ma'am.

7 Q. Okay.

8 MR. GOURLEY: Your Honor, Mr. Marine -- it's my
9 understanding that Mr. Marine advised him of his rights
10 and the potential perjury charge that could result from a
11 potential recantation or anything like that.

12 THE COURT: Where is his attorney?

13 MR. GOURLEY: Just for record.

14 THE COURT: Tell me your name for record.

15 MR. MARINE: Andrew Marine, attorney. I have
16 spoken with Mr. Walker about his testimony.

17 THE COURT: Did you advise him of his rights?

18 MR. MARINE: I've advised him of the impact of his
19 testimony.

20 THE COURT: Is that correct, Mr. Marine? Is that
21 correct?

22 THE WITNESS: Walker.

23 THE COURT: Is it Walker?

24 THE WITNESS: Walker. Yes, sir.

25 THE COURT: I'm sorry. Mr. Walker. Is that

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 correct?

2 THE WITNESS: Yes, sir.

3 THE COURT: Go ahead, Ms. Blanchette.

4 BY MR. BLANCHETTE:

5 Q. And, Mr. Walker, I just have one more question for
6 you. Even though I previously represented you on your
7 direct appeal, that representation has ceased; is that
8 correct?

9 A. Yes, ma'am.

10 Q. And the advice you received today was from
11 Mr. Marine, not from myself, before taking the stand?

12 A. Correct. Yes, ma'am.

13 Q. Okay. Now, Johnnie, I just want to ask you a
14 couple questions. If I could take you back to December
15 24th, 2007. Were you with Darrell Williams when he went
16 and picked up Jeremy Leaphart?

17 A. Yes, ma'am.

18 Q. Okay. And did it appear to you as if Jeremy
19 Leaphart willingly got in the vehicle when you all picked
20 him up?

21 A. Yes, ma'am. He willingly got in.

22 Q. Okay. And where did you pick him up from?

23 A. Lexington County. A trailer in Lexington County.

24 Q. Okay. And do you know whose trailer that was?

25 A. Casie Blizzard.

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 Q. Was that his girlfriend?

2 A. Yes, ma'am.

3 Q. Okay. And then where did you take Mr. Leaphart?

4 A. To the Bowers' house in Ridge Spring, Monetta.

5 Q. Okay. And is that in Saluda County as far as you
6 know?

7 A. Yes, ma'am.

8 Q. Okay. And you were all at the trailer for some
9 time. Some events transpired?

10 A. Yes, ma'am.

11 Q. But when it was decided that you all needed to
12 leave, what was the plan at that point as far as what was
13 going to be done with Jeremy? And what the plan was for
14 the rest of the evening?

15 A. Well, him and Williams had whatever they had going
16 on with the gun situation. That was -- it was over with.
17 And they supposed to just been leaving going to my house.

18 Q. Okay. And was someone driving your vehicle?

19 A. Yes, ma'am.

20 Q. Okay. And who drove your vehicle?

21 A. Sheldon.

22 Q. Okay. And which vehicle was the victim in? Was he
23 in your vehicle with Sheldon or was he in other vehicle?

24 A. No, ma'am. He was in the vehicle, the other
25 vehicle that Sheldon was following.

JOHNNIE WALKER - DIRECT BY BLANCHETTE

- 1 Q. And where were they supposed to be bringing the
2 victim, Mr. Leaphart?
- 3 A. To go to my house.
- 4 Q. Okay.
- 5 A. Uh-huh.
- 6 Q. Now, you weren't in either vehicle; is that
7 correct?
- 8 A. No, ma'am.
- 9 Q. Were you present at Hutto Pond Road where the
10 shooting took place?
- 11 A. No, ma'am.
- 12 Q. How did you find out about it?
- 13 A. Gantt called -- well, he tried to call his brother
14 first and then he called me and they told us what
15 happened.
- 16 Q. Okay. And who is Gantt's brother?
- 17 A. Steve, Little Steve, Williams.
- 18 Q. And he's also known by what name?
- 19 A. Darrell Williams.
- 20 Q. Okay. And Gantt was unable to reach Darrell
21 Williams so you spoke with him and at that time you
22 learned about the shooting?
- 23 A. Yeah.
- 24 Q. What was your reaction to that? Was that a plan?
- 25 A. No. No, ma'am. It was no plan.

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 Q. Okay. And what was Darrell Williams' reaction to
2 that when you told him?

3 A. He was upset about it, uh-huh.

4 Q. Okay. So as far as you knew, no one knew that
5 Gantt was going to shoot the victim when they left the
6 trailer?

7 A. No, ma'am.

8 Q. Okay. Now, did you have a conversation with
9 Sheldon Oakman after the shooting took place?

10 A. Yes, ma'am. We met one night at a club here in
11 Aiken. And we discussed some things about the case, and
12 I told -- and I told him I know that the heat was going to
13 come down on all of us. So when they do tell the truth.
14 I told him that, make sure you tell the truth about it.

15 Q. And Sheldon ended up being essentially the first
16 one that talked?

17 A. Right.

18 Q. And he gave several statements to law enforcement;
19 is that correct?

20 A. Yes, ma'am.

21 Q. Did you have any ill feelings toward Sheldon for
22 doing that?

23 A. No, ma'am.

24 Q. Now in -- two of your co-defendants and the
25 information they gave to law enforcement and the

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 information that was eventually put together in the
2 case --

3 A. Uh-huh.

4 Q. -- they stated that Sheldon Oakman had provided the
5 last bullet to Gantt, that Gantt had asked for another
6 bullet and Sheldon Oakman had provided that. Had you ever
7 heard that?

8 A. I ain't heard that story until we got locked up,
9 ma'am.

10 Q. Okay. Do you know if the other, if your other
11 co-defendants had any motivation for implicating
12 Mr. Oakman?

13 MR. GOURLEY: Your Honor, I'm going to object.

14 THE COURT: Hold on. He can answer the question if
15 he has personal knowledge about that. If he does not, I
16 will sustain the objection as to your objection.

17 MR. GOURLEY: Thank you, Your Honor.

18 BY MR. BLANCHETTE:

19 Q. Mr. Walker, let me ask that question better.

20 A. Yes, ma'am.

21 Q. Did you have any personal knowledge from your
22 co-defendants as to why they would implicate or say that
23 Sheldon gave that last bullet? Were any of them out to
24 get him as far as you knew?

25 A. Only thing I knew they was young, we were all young

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 at the time and they was scared, you know. Was scared to
2 go to jail and just started lying on people.

3 Q. Okay. Now, let me take you to the day of your
4 plea. All eight of you co-defendants assembled in front
5 of Judge Early; is that correct?

6 A. Yes, ma'am.

7 Q. During that plea did you feel like your individual
8 rights were being protected or was it more like a circus
9 there that day?

10 A. Yeah, I didn't really understand what I was really
11 doing that day.

12 Q. Now you and Mr. Oakman actually finished your plea
13 on the first day; is that correct?

14 A. Yes, ma'am.

15 Q. And a second set of the co-defendants got to finish
16 their pleas on the second day and be sentenced?

17 A. Yes, ma'am.

18 Q. On that first day, Johnnie, were you allowed to go
19 through the facts and explain the case as you saw it?

20 A. No, ma'am.

21 Q. Were the people that were there on your behalf,
22 were they allowed to speak freely to the judge or did he
23 cut them off?

24 A. He cut them -- he was very rude to them.

25 Q. Okay. Were you allowed to go through and assess

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 the culpability, essentially say who was most responsible
2 and most guilty on the record? Did the judge ask you
3 that?

4 A. No, ma'am.

5 Q. Is it your understanding that happened on the
6 second day?

7 A. On the second day it was, like, it was -- they come
8 up with some story like it was two different levels.
9 Like, the first four was cold criminal -- hard, cold
10 criminals and the next day the four was, like, less
11 involved.

12 Q. Okay. Having known that the level of involvement
13 that Sheldon Oakman had, would you have put him at the
14 same level? Would you have put him at a higher level --
15 sorry -- than the four that were sentenced the following
16 day if you were asked?

17 A. No, ma'am.

18 MR. GOURLEY: Your Honor, that's just not relevant
19 to the proceedings.

20 THE COURT: I'll allow him to answer the question.
21 Go ahead.

22 BY MR. BLANCHETTE:

23 Q. Let me ask you a better question. On the second
24 day the four co-defendants were allowed to say how guilty
25 they thought Sheldon Oakman was.

JOHNNIE WALKER - DIRECT BY BLANCHETTE

1 A. Correct.

2 Q. If you were asked that question on the first day,
3 would you have said he was more guilty than the guys that
4 were in the first car with victim?

5 A. No, ma'am.

6 Q. Okay. But you were never asked that question, were
7 you?

8 A. No, ma'am.

9 Q. If -- Mr. Oakman was represented by Everett
10 Chandler. Did he ever contact you or your attorney as far
11 as you know?

12 A. Not once.

13 Q. If he wanted to sit down and talk with you about
14 the case and what you knew about the case, would you have
15 done that?

16 A. Yes, ma'am.

17 MR. BLANCHETTE: Your Honor, if I could just beg
18 the Court's indulgence one moment.

19 (Pause.)

20 Your Honor, I have no further questions of this
21 witness.

22 THE COURT: All right. Hold on just one minute.

23 MR. GOURLEY: Yes, Your Honor.

24 (Pause.)

25 THE COURT: All right. Mr. Gourley, go ahead.

JOHNNIE WALKER - CROSS BY GOURLEY

CROSS-EXAMINATION

BY MR. GOURLEY:

Q. Mr. Walker, Mr. Oakman was with you when y'all picked up the victim, Jeremy Leaphart, from his house?

A. Yes, sir.

Q. Okay. And he was also with you all at the trailer when you all beat Mr. Leaphart?

A. We didn't beat him, but.

Q. You didn't beat him?

A. Yeah, he was there.

Q. Were you the one that burned him with the iron?

A. No, sir.

Q. Who was the one that burned him with the iron?

A. I don't know.

Q. You don't know?

A. No, sir.

Q. But you all were present inside this trailer?

A. Yes, sir.

Q. And you wouldn't disagree with the fact that Jeremy Leaphart was physically abused and beaten?

A. Yes, sir.

Q. Okay. And then you weren't there at the time Mr. Leaphart was shot?

A. No, sir.

Q. So you weren't present at all?

JOHNNIE WALKER - CROSS BY GOURLEY

1 A. No, sir.

2 Q. Didn't see any of it happen?

3 A. Didn't see none of it happen.

4 Q. Wasn't involved with it at all?

5 A. No, sir.

6 Q. Okay. You only heard from secondhand
7 information --

8 A. Right.

9 Q. -- from the co-defendants about what took place?

10 A. Yes, sir.

11 Q. Okay. Beg the Court's indulgence, Your Honor.

12 (Pause.)

13 Mr. Walker?

14 A. Yes, sir.

15 Q. I'm sorry -- yeah. Mr. Walker, your attorney had
16 the opportunity to speak on your behalf during your guilty
17 plea, correct?

18 A. Yes, sir.

19 Q. And he presented some mitigation in the fact that
20 you weren't there at the shooting, that you were a little
21 less culpable than your other co-defendants and should
22 receive a lighter sentence?

23 A. Yes, sir.

24 Q. And then Judge Early asked you a few questions
25 about how come you didn't call the police after the

1 shooting?

2 A. Yeah, he asked me that. Yes, sir.

3 Q. Okay. And you just told him that you made a bad
4 choice?

5 A. Right. Uh-huh..

6 Q. That you --

7 Beg the Court's indulgence, Your Honor. Your
8 Honor, that's all the questions I have.

9 THE COURT: Any redirect?

10 MR. BLANCHETTE: Very briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. BLANCHETTE:

13 Q. The State asked you questions about what occurred
14 in Bridgette Bowers' trailer. What county was that
15 located in?

16 A. Saluda County.

17 MR. BLANCHETTE: Your Honor, I have no further
18 questions.

19 THE COURT: Any recross?

20 MR. GOURLEY: No, Your Honor.

21 THE COURT: Sir, you may step down. Thank you. I
22 saw you shaking your head in a negative before you spoke.

23 MR. GOURLEY: Yes, sir.

24 THE COURT: That's why I was going ahead and
25 telling him to step down.

CLEO SUMMER - DIRECT BY BLANCHETTE

1 MR. GOURLEY: Yes, sir.

2 THE COURT: Call your next witness.

3 MR. BLANCHETTE: Your Honor, I would call Cleo
4 Summers to the stand.

5 CLEO SUMMER, having been duly sworn, was examined
6 and testified as follows:

7 THE CLERK: Please have a seat in the witness box
8 and state your full name for the Court.

9 THE WITNESS: May name is Cleo Summer.

10 DIRECT EXAMINATION

11 BY MS. BLANCHETTE:

12 Q. Ms. Summers {sic}, what city and state do you
13 currently reside in?

14 A. I live in Batesburg, South Carolina, Lexington
15 County.

16 Q. Okay. And how is it that you know Sheldon Oakman
17 here at the table?

18 A. That's my grandson, my oldest grandson.

19 Q. And, Ms. Summers, I can only assume you love the
20 Applicant very much. But you understand --

21 A. Very much.

22 Q. -- you're here today to only tell the truth; is
23 that correct?

24 A. Yes, yes.

25 Q. Okay. Let me ask you a couple questions. Your

CLEO SUMMER - DIRECT BY BLANCHETTE

1 grandson was charged and retained an attorney, Everett
2 Chandler. Do you recall that?

3 A. Yes, I do.

4 Q. Okay. Did you ever have the opportunity to meet
5 with Mr. Chandler and talk about your grandson's case with
6 him?

7 A. Not really.

8 Q. Okay.

9 A. I saw him a couple of times, you know, when we was,
10 like, at court or at the jail on Wire Road but that was
11 basically it.

12 Q. And when you saw him at court or at the jail, did
13 you ever ask him questions about what he was doing in your
14 grandson's case?

15 A. Yes.

16 Q. Okay. What were the questions you asked him?

17 A. I asked him if he needed some help.

18 Q. And why were you concerned if he needed help?

19 A. I didn't think that each guy had been -- he had
20 been visiting the guys in, you know, with the case,
21 talking to them. And he didn't seem like he was making
22 good communication with my grandson.

23 Q. Okay. So you had concerns about the case?

24 A. Yes.

25 Q. Okay. And did Mr. Chandler ever indicate to you

CLEO SUMMER - DIRECT BY BLANCHETTE

1 that he did need help with the case?

2 A. He told me he didn't need help.

3 Q. Okay.

4 A. That he had it.

5 Q. Okay. Now, in your communications with your
6 grandson, what was your understanding, was he going to
7 plead guilty or did he want a trial?

8 A. He really didn't know what to do. He was afraid.

9 Q. Okay.

10 A. He was afraid.

11 Q. Did you know prior to the day of his guilty plea
12 that the plan was for him to enter a guilty plea?

13 A. No.

14 Q. Now at the day of his plea, what information did
15 you find out about the guilty plea? Did Mr. Chandler
16 explain anything to you?

17 A. At the time we was -- well, I was just told, you
18 know, he was so upset. He did talk, talk to us, and said
19 about the guilty plea but the Court was already, you know,
20 they was already going, fixing to go on.

21 Q. Okay. Did you understand from Mr. Chandler why
22 your grandson needed to take a guilty plea, the reason why
23 he needed to take a guilty plea, what he was concerned
24 about?

25 A. No, not really.

CLEO SUMMER - DIRECT BY BLANCHETTE

1 Q. Okay. Did he ever tell you in pleading -- if your
2 grandson pled guilty, what type of sentence he thought he
3 would get, how long his sentence would be?

4 A. No.

5 Q. Okay. If your grandson did not plead guilty, what
6 was your understanding could happen to him if he went to
7 trial? What kind of sentence would he get if he went to
8 trial?

9 A. If he went to trial he probably wind up being
10 charged with kidnapping and murder but I didn't, I didn't
11 really understand it.

12 Q. Did that scare you?

13 A. It scared me, yes, it did.

14 Q. Okay. Now, you were present in the courtroom
15 during the guilty plea; is that correct?

16 A. I was.

17 Q. Okay. And they had all eight co-defendants in
18 there that day?

19 A. Yes.

20 Q. Okay. And then at one point they brought them in
21 one by one and they sentenced four of them; is that
22 correct?

23 A. That's right.

24 Q. On that first day when your grandson pled, was
25 there media in the courtroom? Did you see, like, news

CLEO SUMMER - DIRECT BY BLANCHETTE

1 cameras or reporters?

2 A. I knew they was on the outside, but I'm not sure
3 about the inside.

4 Q. Okay. But you were aware that there was media
5 there that day?

6 A. That's right.

7 Q. Okay. Now you were present in the courtroom. Just
8 based upon what you saw and heard that day, did it appear
9 to you as if your grandson was being treated as an
10 individual and that Mr. Chandler was making sure that the
11 guilty plea that day was about your grandson and your
12 grandson getting the best sentence possible?

13 A. No.

14 Q. Can you explain kind of what you saw that day or
15 what you took in that day?

16 A. Mainly the only thing I really took in was most of
17 what the judge said, everybody eat out of the same spoon.

18 Q. And he advised that everybody is going to eat out
19 of the same spoon when he gave your grandson 30 years; is
20 that correct?

21 A. That's right. Everybody.

22 Q. Did you find out what happened the second day?

23 A. Yes, I found out the next day what happened the
24 second day.

25 Q. Did the judge ultimately feed them all out of the

CLEO SUMMER - CROSS BY GOURLEY

1 same spoon and give them the same sentence?

2 A. No.

3 Q. Okay. Ms. Summers, I appreciate you being here.

4 Is there anything else regarding your grandson's case or

5 Mr. Chandler's representation of your grandson that you

6 wanted to tell the Court about today?

7 A. Basically I just asked Mr. Chandler, you know,

8 Don't you think you need some help and he said, No, I got

9 it. So, he's the lawyer and he was handling the case.

10 So that's why we was saying hopefully we was going to pay

11 him, you know, to do. It wasn't our, you know, it wasn't

12 our job. So I left it up to him to do his job.

13 MR. BLANCHETTE: Your Honor, I have no further

14 questions of this witness.

15 THE COURT: All right. Cross-examination?

16 CROSS-EXAMINATION

17 BY MR. GOURLEY:

18 Q. Ms. Summers, you were present in the courtroom

19 during your grandson's guilty plea?

20 A. Yes.

21 Q. But you didn't speak?

22 A. No, I didn't.

23 Q. Okay. But Cynthia Howard and a minister spoke on

24 his behalf, is that correct?

25 A. Yes, yes.

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 Q. Okay. And you weren't present during every meeting
2 with Mr. Chandler and your grandson, were you?

3 A. No, no.

4 Q. There was a lot of times that he met outside of
5 y'all's presence?

6 A. I'm not sure but I know he met with Sheldon's dad.

7 Q. Okay.

8 A. Uh-huh. And Sheldon mom.

9 Q. Okay. And -- beg the Court's indulgence, Your
10 Honor.

11 (Pause.)

12 I have no other questions.

13 MR. BLANCHETTE: Nothing further of this witness,
14 Your Honor.

15 THE COURT: Thank you, ma'am. You may step down.

16 MR. BLANCHETTE: Your Honor, I would call Sheldon
17 Oakman, Sr., to the stand

18 SHELDON OAKMAN, SR., having been duly sworn was
19 examined and testified as follows:

20 THE CLERK: Please have a seat in the witness box.
21 State your full name for the Court.

22 THE WITNESS: Thank you. My name's Sheldon Oakman,
23 Sr.

24

25

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

DIRECT EXAMINATION

BY MR. BLANCHETTE:

Q. Mr. Oakman, in what city and state do you currently reside?

A. I live in Ridge Spring, South Carolina. That's Aiken County.

Q. How is it that you know Sheldon Oakman, the Applicant, sitting here at the table with me?

A. He's my son.

Q. Okay. And the fact that he's your son, that in no way hinders your being here to tell the truth; is that correct?

A. That's correct.

Q. Okay. Let me take you back to January of 2007 -- I'm sorry. 2008 that would have been. The record reflects that your son talked to law enforcement on January 19th. Did they first come in contact with you -- did law enforcement first contact you before they spoke with your son?

A. When -- we called them.

Q. Okay. And just take me through those events. Did they show up at your home and you arranged for your son to speak with them?

A. Yes. We got in contact with them and they arrived and they drove off with him.

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 Q. Okay. And did he return that day after he drove
2 off with law enforcement?

3 A. Yes, he did.

4 Q. Okay. Did they come to your house and meet with
5 your son again?

6 A. I think the second time they took him to Aiken
7 County.

8 Q. Okay. And after that second time, did he return
9 home?

10 A. No.

11 Q. Okay. So at that point your son was arrested; is
12 that correct?

13 A. That's correct.

14 Q. But just going back, law enforcement got in touch
15 with you and you made arrangements for them to speak with
16 your son; is that correct?

17 A. That's correct.

18 Q. Okay. So you were attempting to fully cooperate
19 with law enforcement?

20 A. Yes, ma'am. We did.

21 Q. Okay. Now after that second meeting and your son
22 was arrested, did you hire an attorney to represent him?

23 A. Yes.

24 Q. And who did you hire?

25 A. Everett Chandler.

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 Q. Do you recall approximately how many times you got
2 to meet with Mr. Chandler?

3 A. I know at least once a month because we had to pay
4 him.

5 Q. Okay. And on those monthly meetings when you went
6 to pay him, did you discuss the case or what would
7 transpire at those monthly -- when you went to his office
8 monthly?

9 A. A couple times we discussed the case. And one time
10 he was looking at an all-boys group, something like that.

11 Q. So he was looking into some alternatives --

12 A. Yeah.

13 Q. -- to incarceration?

14 A. As he progressed he said, I got this.

15 Q. Now you say several times you talked about the
16 case. What did you talk about the other times?

17 A. Everything pretty much but the case.

18 Q. Okay. Now, when you talked about the case did you
19 tell him about information you were hearing from people
20 out in the community?

21 A. Yes. He said, Don't listen to the street
22 community.

23 Q. Okay. So you were trying to give him information
24 that you were hearing; is that correct?

25 A. Right, right. Even Jeremy aunts was giving us

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 information what was going on and we was --

2 Q. Okay. Go ahead.

3 A. -- telling him, like my mother already said, we was
4 asking did he need help, he could have got a PI or
5 something, these people, somebody else.

6 Q. And your family was in communication with the
7 victim's family; is that correct?

8 A. That's correct.

9 Q. Did you convey to Mr. Chandler that the victim's
10 family was willing to talk with him?

11 A. That's correct.

12 Q. And as far as you know did he ever make any
13 arrangements to do that?

14 A. No.

15 Q. Okay. Now, did you ever question him about the
16 judge that your son would have to go in front of?

17 A. Yes. I think we asked even, Do we have to go in
18 front of him or could the case be moved.

19 Q. And when you say 'him', who are you referring to?

20 A. Judge Early.

21 Q. Okay. I think you already said that he told you
22 he got this. But was that -- what was his typical
23 response when you questioned him about what was going on
24 in the case?

25 A. That was pretty much it. Just like, you know, he

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 knew something we didn't know.

2 Q. Okay. Did he ever explain to you if he was
3 preparing your son's case for trial and what the strategy
4 was going to be?

5 A. Kind of at the end before the last sentence when he
6 was called in, he called us outside.

7 Q. So at the guilty plea he talked to you?

8 A. Right.

9 Q. Okay. Prior to getting to the guilty plea, did he
10 ever explain to you a hopeful sentence or a potential
11 sentence your son could receive?

12 A. Something called a cap five. I don't remember
13 when, the time we spoke about that but he got laughed at
14 in court about that.

15 Q. Okay. You said he got laughed at in court about
16 that. Do you want to explain that?

17 A. Judge Early looked like he ain't never heard of
18 that before.

19 Q. Now did you go to each of your son's court
20 appearances?

21 A. Yes.

22 Q. As far as you know leading up to the day of the
23 guilty plea, had your son ever planned to plead guilty or
24 did he want a trial?

25 A. He wanted a trial.

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 Q. Now did you have an opportunity to speak with
2 Mr. Chandler on the day of the guilty plea?

3 A. Yes, he called us outside about three or four
4 minutes before they sentenced him.

5 Q. Okay. And what was your understanding based upon
6 that conversation about what was going to take place that
7 day?

8 A. Well, he told me he was going to get Sheldon to
9 plead guilty on this cap five, whatever that thing was.

10 Q. Okay.

11 A. If he didn't plead guilty he told us he will be
12 found guilty and tried for murder and kidnapping and we'll
13 get life.

14 Q. Did that scare you, Mr. Oakman?

15 A. Yes, it did.

16 Q. Okay. Now you were present in the court during the
17 guilty plea; is that correct?

18 A. That's correct.

19 Q. Did you notice the presence of media in the
20 courthouse that day?

21 A. Yes, they were there. It was on the news later on
22 that afternoon.

23 Q. Okay. And that first day when your son was
24 actually sentenced, did it appear to you as if his
25 individual rights were being protected and Mr. Chandler

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 was there to make sure that your son got the best possible
2 sentence for pleading guilty?

3 A. No.

4 Q. What did it look like that day? We weren't there
5 so tell us what you saw that day.

6 A. It seemed like a bunch of people in the courtroom
7 didn't know what was going on. The judge just came out
8 and gave him what he thought was right for him.

9 MR. BLANCHETTE: Court's indulgence.

10 (Pause.)

11 All right. I think I got my voice back. Thank
12 you.

13 THE WITNESS: Okay.

14 BY MS. BLANCHETTE:

15 Q. And your son pled guilty that day, you were able to
16 talk with him; is that correct?

17 A. The next day.

18 Q. What was your understanding as to why your son pled
19 guilty? What was the reason that he essentially gave in
20 and pled guilty?

21 A. Everett told him he could probably get a lighter
22 sentence.

23 Q. Okay. Do you know that your son was afraid?

24 A. Yes.

25 Q. At that time, did you know whether or not

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 Mr. Chandler was prepared to proceed to a trial on your
2 son's behalf?

3 A. It didn't look like it to me.

4 Q. Okay. And was your son aware of that? Did your
5 son think that Everett Chandler was prepared to go to
6 trial on his behalf?

7 A. No, he didn't. He didn't think so. He asked where
8 we got him from.

9 Q. Based upon your conversations with your son and
10 Mr. Chandler and being present through all of this, did it
11 appear to you that your son had any other option but to
12 plead guilty that day? Was that essentially his only
13 choice was to plead guilty?

14 A. By not knowing the law, we never was involved with
15 it. We rely on our lawyer and that's what the lawyer told
16 me.

17 Q. Okay. Now, the first day of -- I had you review
18 the guilty plea transcript. And the first day was
19 drastically different from the second day, but the victims
20 did thank your family on the first day. Can you explain a
21 little bit as to why the victims would have been thanking
22 your family? They don't thank anyone else, but they
23 thanked your family.

24 A. Because he's the one that told on the rest of the
25 guys. When this event happened, he would sleep there and

SHELDON OAKMAN SR - DIRECT BY BLANCHETTE

1 it was always somebody at the door to pick him up, make
2 sure he didn't say nothing. And we knew something was
3 wrong.

4 Q. And you said before, you had communicated with the
5 victim's family throughout the entire process?

6 A. That's correct.

7 Q. Did you have better communication with victim's
8 family than you did with Mr. Chandler?

9 A. Yes.

10 Q. Now after the two-day plea concluded, did you have
11 the opportunity to meet with Mr. Chandler?

12 A. Yes, I met with him the next day when the others
13 went to court when we found out the pleas they had.

14 Q. Okay. And what did you find out?

15 A. That the rest of them got 17 years.

16 Q. Okay. As far as you know, was Mr. Chandler
17 present in the courtroom when they got --

18 A. No, ma'am, he wasn't there.

19 Q. Did he tell you if he had someone in the courtroom?

20 A. He had said he had some eyes in there but I didn't
21 know that.

22 Q. Now there was a chambers meeting held the second
23 day where the attorneys, the solicitors, some
24 investigating officers went in the back and communicated
25 with the judge. Did Mr. Chandler ever convey to you that

SHELDON OAKMAN SR - CROSS BY GOURLEY

1 he was part of that chambers meeting?

2 A. No.

3 MR. GOURLEY: Your Honor, I'm going to have to
4 object to that. Ms. Blanchette wasn't present nor this
5 witness so in regards to --

6 THE COURT: Rephrase your question. Objection's
7 sustained. Rephrase your question.

8 MR. BLANCHETTE: Thank you, Your Honor.

9 THE COURT: Conclusory in nature. Rephrase your
10 question as to whether or not he had personal knowledge
11 about such.

12 MR. BLANCHETTE: Thank you, Your Honor.

13 Q. When you met with Mr. Chandler immediately after
14 the second-day plea had taken place, did he convey to you
15 that he had been present during a chambers meeting with
16 Judge Early on the second day?

17 A. No, no.

18 Q. Okay. Did he ever discuss a chambers meeting that
19 took place on the second day?

20 A. No.

21 MR. BLANCHETTE: Okay. Your Honor, if I could beg
22 the Court's indulgence one moment.

23 THE COURT: Okay.

24 (Pause.)

25 MR. BLANCHETTE: Your Honor, I have no further

1 questions of this witness. Thank you.

2 THE COURT: Okay. Hold on just a moment.

3 MR. GOURLEY: Yes, Your Honor.

4 (Pause.)

5 THE COURT: Yes, sir. Go ahead.

6 CROSS-EXAMINATION

7 BY MR. GOURLEY:

8 Q. Mr. Oakman --

9 A. Yes.

10 Q. -- you mentioned that your son pled guilty because
11 he didn't want to face life?

12 A. That's correct.

13 MR. GOURLEY: Okay. Your Honor, that's all the
14 questions I have.

15 THE COURT: All right. Any redirect?

16 MR. BLANCHETTE: Nothing further, Your Honor.

17 THE COURT: Mr. Oakman, you may step down, sir.
18 Thank you.

19 THE WITNESS: Thank you.

20 MR. BLANCHETTE: Your Honor, at this time we're
21 prepared to call Sheldon Oakman. He will be my longest
22 witness.

23 THE COURT: Mr. Oakman, Jr., if you'd come around
24 please, sir.

25 SHELDON OAKMAN, JR., having been duly sworn, was

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 examined and testified as follows.

2 THE CLERK: Please have a seat in the witness box.
3 State your full name for the Court.

4 THE APPLICANT: Sheldon Oakman, Jr.

5 MR. BLANCHETTE: Your Honor, if I may beg the
6 Court's indulgence one moment. There was a matter I
7 wasn't able to take care of before the hearing. I have
8 two CDs that I want to play. And I can play them on my
9 computer. My understanding is the only one place I can
10 plug in is up here at the smaller bench. Is it okay?

11 THE COURT: That's fine. Any objection to her
12 playing those CDs?

13 MR. GOURLEY: No, Your Honor.

14 MR. BLANCHETTE: And, Your Honor, while that's
15 starting up, I can begin my questions of this witness.

16 THE COURT: All right. Go ahead.

17 DIRECT EXAMINATION

18 BY MR. BLANCHETTE:

19 Q. Mr. Oakman, are you currently incarcerated?

20 A. Yes, ma'am.

21 Q. Okay. And where are you incarcerated at?

22 A. Lee Correctional.

23 Q. Mr. Oakman, you have a quieter voice than I do. So
24 just make sure you speak up. Okay?

25 A. Okay.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. You are currently serving a sentence of how many
2 years?

3 A. Thirty.

4 Q. Okay. And that's on Indictment 2008-GS-02-1086,
5 and that was for kidnapping?

6 A. Yes, ma'am.

7 Q. And that is out of an incident that occurred on
8 December 24th, 2007?

9 A. Yes, ma'am.

10 MR. BLANCHETTE: Your Honor, may I approach the
11 witness?

12 THE COURT: Yes.

13 MR. BLANCHETTE: Your Honor, would you like me to
14 ask every time if I need to approach the witness?

15 THE COURT: No, ma'am. That's fine.

16 BY MS. BLANCHETTE.

17 Q. Okay. Sheldon, I'm going to show you what has
18 previously been marked as Applicant's Number Two. Could
19 you please identify that for the record?

20 A. This is the indictment for murder.

21 Q. Okay. And as part of my representation on your
22 PCR, did we acquire a copy of that from the clerk of
23 court's office?

24 A. Yes, ma'am.

25 Q. Okay. And is that the copy of your indictment for

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 murder?

2 A. Yes, ma'am.

3 MR. BLANCHETTE: Your Honor, at this time I'd move
4 this in as Applicant's Number Two.

5 THE COURT: Any objection?

6 MR. GOURLEY: No objection, Your Honor.

7 THE COURT: Without objection it's admitted as
8 Applicant's or Petitioner's Exhibit Number Two.

9 MR. BLANCHETTE: Your Honor, I have a copy for you
10 if you'd like.

11 (Applicant's Exhibit No. 2, indictment, received
12 into evidence.)

13 THE COURT: Go ahead.

14 BY MR. BLANCHETTE:

15 Q. And, Mr. Oakman, you said already that you pled
16 guilty to kidnapping but you had also been indicted for
17 murder; is that correct?

18 A. Yes, ma'am.

19 Q. Now you ultimately entered a plea on April 22nd,
20 2009?

21 A. Yes.

22 Q. And who represented you at that plea?

23 A. Everett Chandler.

24 Q. And did you have a direct appeal that followed?

25 A. Yes.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. And who handled that for you?

2 A. Julia Thames.

3 Q. Okay. And you have filed the PCR application that
4 we are here on today that was docketed at 2008 -- I'm
5 sorry, 2013-CP-02-00401; is that correct?

6 A. Yes, ma'am.

7 Q. And in that application you are asking this Court
8 to grant you a new trial; is that correct?

9 A. Yes, ma'am.

10 Q. Now, Mr. Oakman, we have met a number of times and
11 I have explained to you what it is you're asking for by
12 asking for a new trial; is that correct?

13 A. Yes, ma'am.

14 Q. And do you understand that by asking for a new
15 trial you are asking the Court to set aside your guilty
16 plea and your 30-year sentence and to put you back in the
17 position you were when you were originally indicted?

18 A. Yes, ma'am.

19 Q. And, Mr. Oakman, you understand you're not
20 currently serving the maximum sentence on the charges that
21 you received; is that correct?

22 A. Yes, ma'am.

23 Q. So there is a risk involved in going forward with
24 this PCR application. And knowing there is risks, do you
25 still want to go forward today?

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 A. Yes, ma'am.

2 Q. Now, Mr. Oakman, I have previously handed up and
3 admitted Applicant's Number One which is a list of your
4 seven co-defendants in this case.

5 A. Uh-huh.

6 Q. You along with seven others were actually charged
7 in the kidnapping and murder of Jeremy Leaphart; is that
8 correct?

9 A. Yes, ma'am.

10 Q. Now this kidnapping and murder that allegedly
11 occurred, did it occur just in one county, Mr. Oakman?

12 A. No, ma'am.

13 Q. Okay. According to the facts the case says -- or
14 that are given at the plea and that I gave at the
15 beginning of your hearing today, it all began when he was
16 picked up from Casie Blizzard's trailer. Do you know what
17 county that is located in?

18 A. It's Lexington County.

19 Q. Okay. And then the group gathered at a Bridgette
20 Bowers' trailer. What county was that located in?

21 A. Saluda County.

22 Q. Now, the shooting that took place on Hutto Pond
23 Road, do you know what county that was in?

24 A. That's in Aiken County.

25 Q. And then when the body was placed behind, like, an

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 abandoned or rundown home on a trash pile, do you know
2 what county that was in?

3 A. That's also in Lexington County.

4 Q. Okay. So as far as the events that took place in
5 Aiken County, what is your understanding that those would
6 be?

7 A. The events that took place in Aiken County, that
8 would just be the -- that's where Jeremy Leaphart was shot
9 and killed.

10 Q. Mr. Oakman, just to keep things simple, I'm going
11 to go through each of your allegations as they appear in
12 your amendment and go through each of those with you and
13 allow you to offer any testimony that you would like on
14 those issues. Okay?

15 A. Okay.

16 Q. The first issue we're going to talk about is that
17 you've alleged ineffective assistance of counsel for
18 failure to conduct a reasonable investigation and fully
19 review the discovery with you prior to advising you to
20 enter a guilty plea.

21 Now do you have a copy of your guilty plea
22 transcript there in front of you?

23 A. Yes, ma'am.

24 Q. Okay. Could you turn to page 11, please?

25 A. Yes, ma'am.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. Now at your guilty plea, how many of your
2 co-defendants were present to plead guilty that day?

3 A. All, all seven of them.

4 Q. So you were all in there together and the Court's
5 questions would be to each of you kind of in a row; is
6 that correct?

7 A. Yes, ma'am.

8 Q. So at this point on page 11, Judge Early is going
9 through and asking each attorney if he has reviewed
10 everything with his client, if he's reviewed the complete
11 file and evidence, and if he agrees with the decision to
12 plead guilty.

13 On page 11 line seven, does he ask Mr. Oakman if he
14 reviewed the complete file with you? Or, I'm sorry. Did
15 he ask Mr. Chandler if he reviewed the complete file with
16 you?

17 A. No, ma'am.

18 Q. Does he just simply ask if he agreed with the
19 decision to plead guilty?

20 A. Yes, ma'am.

21 Q. Okay. Now, as part of your post-conviction relief
22 you requested and I obtained a copy of your file from
23 Mr. Chandler; is that correct?

24 A. Yes, ma'am.

25 Q. And you have reviewed that and I have reviewed that

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 with you?

2 A. Yes, ma'am.

3 Q. It contains hundreds of pages of documents and
4 approximately 15 CDs; is that correct?

5 A. Yes, ma'am.

6 Q. Did you have the opportunity to review all of the
7 information that was in that file with Mr. Chandler prior
8 to the entry of your guilty plea?

9 A. No, ma'am.

10 Q. Did you have a full understanding of the case
11 documents and evidence in that file prior to the entry of
12 your guilty plea?

13 A. No, ma'am.

14 Q. Now, Mr. Oakman, instead of going through all those
15 pages and all those CDs, we're going to go through a
16 couple of items today that are important to you; is that
17 correct?

18 A. Yes, ma'am.

19 Q. Okay. And are you alleging specifically these are
20 items that he should have reviewed with you?

21 A. Yes, ma'am.

22 Q. Mr. Oakman, I'm going to show you what's previously
23 been marked as Applicant's Number Three. Could you
24 identify what that appears to be for the record, please?

25 A. This is a voluntary statement from Casie Blizzard.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. Okay. And that was contained in the case file that
2 I received on your behalf from Mr. Chandler; is that
3 correct?

4 A. Yes, ma'am.

5 MR. BLANCHETTE: Your Honor, at this time I would
6 move this in as Applicant's Number Three. It's my
7 understanding the State may want to wait and do so with
8 Mr. Chandler.

9 MR. GOURLEY: Yes, Your Honor. I don't feel the
10 appropriate foundation has been laid to introduce it at
11 this point.

12 THE COURT: Can I see it, Mr. Oakman?

13 THE APPLICANT: Yes, sir. (Document handed to the
14 Judge.)

15 THE COURT: All right. Objection's sustained at
16 this time. Foundation.

17 Who's phone was that? Was that a phone? Get the
18 phone.

19 UNIDENTIFIED SPEAKER: I apologize. It was my
20 alarm.

21 THE COURT: Sir?

22 UNIDENTIFIED SPEAKER: I said, that was my alarm
23 that went off. I got my phone on silent but the alarm --

24 THE COURT: Get the phone, please. Give it to this
25 gentleman right here, please. If you got a phone on you,

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 make sure it's off. If it's not off and it goes off, it
2 can be confiscated as it just was or you can be held in
3 contempt and sentenced to a period of incarceration and/or
4 fined.

5 You may be seated. I'll deal with it in a little
6 bit. Tell me your name for the record.

7 UNIDENTIFIED SPEAKER: My name is Tyronne Coleman.

8 THE COURT: Okay. Did you cut it off, sir?

9 MR. COLEMAN: No, I didn't but I can.

10 THE COURT: Cut that off, please.

11 MR. COLEMAN: Sorry about that, Your Honor.

12 THE COURT: Okay.

13 All right. Ms. Blanchette, you may continue,
14 please.

15 MR. BLANCHETTE: Thank you, Your Honor.

16 Q. And, Mr. Oakman, do you have Applicant's -- what's
17 been pre-marked as Applicant's Exhibit Three there in your
18 hand?

19 A. Yes, ma'am.

20 Q. And, again, who's that a statement of?

21 A. Casie Blizzard.

22 Q. And did you have the opportunity to go over this
23 statement with Mr. Chandler prior to the entry of your
24 guilty plea?

25 A. No.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. Now in this statement that will be introduced later
2 through Mr. Chandler -- and, I apologize, it's actually a
3 copy of each of her statements put together. So there's
4 two statements here -- she explains about guns that were
5 stolen and put underneath her trailer and there's a lot of
6 information in here about guns.

7 Did you know anything about these guns?

8 A. No, ma'am.

9 Q. Were you involved in stealing these guns?

10 A. No, ma'am.

11 Q. Were you expecting to get a cut or any benefit from
12 these stolen guns?

13 A. No, ma'am.

14 Q. Did you and Mr. Chandler ever sit down and talk
15 about the information contained in Ms. Blizzard's
16 statement about these guns?

17 A. No, ma'am.

18 Q. Okay. Mr. Oakman, do you have a copy of your
19 preliminary hearing there in front of you?

20 A. Yes, ma'am.

21 Q. If you could turn to page 92 through 93. And about
22 line 27, Mr. Chandler is actually questioning the law
23 enforcement officer about the guns that are reported in
24 Casie Blizzard's statement. And he asks if there was any
25 type of investigation done by the Bureau of Alcohol,

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Tobacco and Firearms which would be a federal agency. And
2 the officer responds that he doesn't know of any
3 investigation.

4 Did Mr. Chandler ever talk with you about that
5 whether or not there was a federal investigation into
6 these matters involving the guns?

7 A. No, ma'am.

8 Q. Do you think it would have been important to
9 discuss this matter of the guns with Mr. Chandler? And if
10 so, why?

11 A. Yes, I do, because that would mean that there would
12 be investigation upon myself just for being involved in
13 this case with these guns.

14 Q. Okay. And what do you think would have been shown
15 or what do you know would have been shown if you were
16 investigated as far as any connection to these guns?

17 A. I don't understand the question.

18 Q. If an investigation was done trying to trace who
19 was involved with stealing these guns and what was done
20 with these guns, would you have been implicated in that?

21 A. Yes.

22 Q. Let me rephrase my question. I'm sorry. I'm just
23 asking you a bad question.

24 If there would have been a federal investigation or
25 if law enforcement -- here they admit that they didn't

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 investigate that matter --

2 A. Uh-huh.

3 Q. -- if it would have been investigated, would it
4 have shown that you were involved with the guns at all?

5 A. Yeah, it would have showed that I wasn't involved
6 with these guns.

7 Q. Okay. And you were there during most of these
8 events. Was it your understanding that the reason that
9 Jeremy Leaphart was picked up that day, the reason he was
10 in that trailer, the reason for all of this was those
11 guns?

12 A. Yes, ma'am.

13 Q. Okay. Now, in this statement of Casie Blizzard --
14 and we have one, two, three, four pages of statement
15 here -- does she also talk about calls that were made?

16 A. Yes, ma'am.

17 Q. Okay. Did you make any calls to Casie Blizzard or
18 place any threats to Casie Blizzard about hurting Jeremy
19 Leaphart or about getting these guns?

20 A. No, ma'am.

21 Q. Now, at the end of page two of this compiled
22 statement of Casie Blizzard, she informs law enforcement
23 that Steve came over later that night and they watched a
24 movie for a couple of minutes. Who is Steve?

25 A. Darrell Williams.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. And as it's reported in the statement, when would
2 that have taken place that Casie Blizzard and Darrell
3 Williams sat down and watched a movie together?

4 A. Sometime between Jeremy being killed and after
5 that.

6 Q. Okay. So after Jeremy was killed, after Darrell
7 Williams receives a call -- I'm sorry. After he receives
8 information from Johnnie Walker and he finds out that the
9 victim has been shot and after the body is moved and he
10 knows that Jeremy's deceased, this statement indicates
11 that he went and essentially hung out at Casie Blizzard's
12 trailer; is that correct?

13 A. Yes, ma'am.

14 Q. Were you present when Darrell Williams went back
15 and hung out at Casie Blizzard's trailer?

16 A. No, ma'am.

17 Q. Now, in her second statement which is just one page
18 which is the third page of this exhibit, she gives
19 information regarding calls between Nicky and Steve. And
20 who is Nicky?

21 A. If I'm not mistaken that's, like, Casie's cousin or
22 something like that.

23 Q. Okay. And Nicky also gave a statement; is that
24 correct?

25 A. Yes.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. And who is Steve again?

2 A. Darrell Williams.

3 Q. Okay. And does it appear as though she's
4 concerned about these phone calls from the statement?

5 A. Yes.

6 Q. Did you ever discuss that, that there was
7 communication going on between Nicky and Darrell Williams,
8 with Mr. Chandler?

9 A. No, ma'am.

10 Q. Mr. Oakman, I'm going to show you what's been
11 previously marked as Applicant's Number Four. And who
12 does this report to be the statement of?

13 A. Nicky Gunter.

14 Q. And you can give me back Three.

15 A. (Complying.)

16 Q. Thank you. Mr. Oakman, as part of my
17 representation on your PCR we sent the request to
18 Mr. Chandler to receive a complete copy of his file; is
19 that correct?

20 A. Yes, ma'am.

21 Q. And as a part of that request he provided me what
22 was purported to be a complete copy of your file; is that
23 correct?

24 A. Yes, ma'am.

25 Q. And I provided you a copy of all those documents to

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 review; is that correct?

2 A. Yes, ma'am.

3 Q. And is the document that you're holding there, was
4 that contained in Mr. Chandler's file that I gave to you?

5 A. No, ma'am.

6 Q. In the copy that I gave to you at the prison that
7 we reviewed, did you get that from me, Mr. Oakman?

8 A. Yes, ma'am.

9 MR. BLANCHETTE: Your Honor, at this time I would
10 move this in as Applicant's Number Four.

11 MR. GOURLEY: Same objection, Your Honor. A proper
12 foundation has not been made.

13 THE COURT: Objection is sustained at this time.

14 BY MR. BLANCHETTE:

15 Q. Mr. Oakman, had you seen that statement prior to
16 the entry of your guilty plea or did you only get it as
17 part of your PCR?

18 A. Repeat that question, please, ma'am.

19 Q. Did you get a copy of that statement prior to the
20 entry your guilty plea or did you only get it as part of
21 your PCR?

22 A. Part of my PCR.

23 Q. Okay.

24 And, Your Honor, if you would like these. I have
25 copies of these statements that aren't marked if that

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 would be helpful.

2 THE COURT: That would be fine. It may have been
3 -- let me see what you're talking about.

4 (Documents handed to the Judge.)

5 BY MR. BLANCHETTE:

6 Q. Mr. Oakman, in reviewing the statement that I've
7 given you of Nicky Gunter, does she also discuss these
8 guns that we've been talking about today?

9 A. Yes, ma'am.

10 Q. Okay. And does she give information about hearing
11 the guns being placed under Casie Blizzard's trailer?

12 A. Yes, ma'am.

13 Q. Okay. Does she ever indicate that you were
14 involved in doing that?

15 A. No, ma'am.

16 Q. Okay. And, Mr. Oakman, were you involved in doing
17 that?

18 A. No, ma'am.

19 Q. Now she also recounts seeing six or seven guns in a
20 bag. Did you ever see those guns in a bag?

21 A. No, ma'am.

22 Q. In her three-page statement she also tells about
23 phone calls that they received threatening them saying
24 that something was going to happen to Jeremy Leaphart if
25 they didn't get the guns. Did you make any of those phone

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 calls, Mr. Oakman?

2 A. No, ma'am.

3 Q. She also reports in here that she hung out with
4 Darrell Williams and Casie Blizzard over at Casie's
5 trailer the night of December 24th. Were you present
6 there?

7 A. No, ma'am.

8 Q. Were you aware that Mr. Williams went back and hung
9 out with the victim's girlfriend and Nicky Gunter after
10 the victim had been killed?

11 A. No, ma'am.

12 Q. And then finally I'm going to hand you what has
13 been pre-marked as Applicant's Number Five. Mr. Oakman,
14 could you identify who is reported at the top of this as
15 giving this statement?

16 A. Jamie Jones.

17 Q. Okay. And as part of your preparation for your
18 PCR we requested and we received a copy of Mr. Chandler's
19 file. I made a copy of that for you and provided it to
20 you at the prison. Was that part of the documents that I
21 gave to you at the prison?

22 A. Yes, ma'am.

23 Q. Okay. And did we review that prior to today?

24 A. Yes, ma'am.

25 MR. BLANCHETTE: Your Honor, at this time I would

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 move this in as Applicant's Number Five.

2 MR. GOURLEY: Your Honor, a proper foundation has
3 not been made so I object.

4 THE COURT: Objection's still sustained at this
5 time. Certainly entertain the introduction of them during
6 Mr. Chandler's testimony.

7 MR. BLANCHETTE: Thank you, Your Honor.

8 Q. Mr. Oakman, did you have a chance to review this
9 statement with Mr. Chandler prior to your guilty plea?

10 A. No, ma'am.

11 Q. Now, this witness along with Ms. Blizzard also gave
12 an audio or a recorded statement. Did you get to review
13 those prior to the entry of your guilty plea?

14 A. No, ma'am.

15 Q. Okay. Now, on that statement she talks about a
16 number of calls that were made from Jeremy during the day
17 that he was allegedly kidnapped and killed. Were you
18 aware that those phone calls were being made? Were you
19 present when those phone calls were being made?

20 A. No, ma'am.

21 Q. Okay. Did you ever discuss those phone calls with
22 Mr. Chandler and the contents of them?

23 A. No, ma'am.

24 Q. Okay.

25 Beg the Court's indulgence one moment.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 THE COURT: Yes, ma'am.

2 (Pause.)

3 MR. BLANCHETTE: Your Honor, at this time I intend
4 to introduce and play Applicant's Number Six which is
5 actually the audio recording of the phone calls that are
6 addressed in that statement.

7 I have provided this to the State prior to today.
8 It's my understanding they didn't have any objection until
9 we got to the courtroom today, otherwise I would have
10 called Mr. Chandler first and had him identify these.

11 Would the Court like me to play this at this time
12 or should I put Mr. Chandler up to properly admit all of
13 items?

14 MR. GOURLEY: Your Honor, it's not that I didn't
15 have an objection. I feel like a proper foundation needs
16 to be made.

17 THE COURT: I understand that. Go ahead and play
18 them, Ms. Blanchette, if you so desire.

19 MR. BLANCHETTE: Thank you, Your Honor.

20 THE COURT: How many of them are there?

21 MR. BLANCHETTE: This has eight phone calls on it.
22 They're very brief. They're very hard to hear, so I don't
23 know that it will be audible but I have the CD to hear, to
24 leave for you to review and then I have two 9-1-1 calls to
25 play.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 THE COURT: All right.

2 BY MR. BLANCHETTE:

3 Q. Mr. Oakman, while we're waiting on that CD to load,
4 did you review any of the audio files with Mr. Chandler
5 prior to the entry of your guilty plea?

6 A. Yes, ma'am.

7 Q. Okay. What did you review with him?

8 A. I heard one of the 9-1-1 calls and Frankie Gantt's
9 audio.

10 Q. Mr. Oakman, did I have the opportunity to come to
11 the prison and play for you all of the CDs that we
12 received from Mr. Chandler?

13 A. Yes, ma'am.

14 Q. Okay. And did one of those CDs contain eight
15 recordings of phone calls?

16 A. Yes, ma'am.

17 Q. Okay. And did we listen to each of those?

18 A. Yes, ma'am.

19 MR. BLANCHETTE: Your Honor, at this time I can
20 either play these in the record or if the Court would just
21 like me to admit it. I don't have specific questions
22 regarding the content.

23 THE COURT: I'll leave that up to you. It's your
24 case.

25 MR. BLANCHETTE: I'll go ahead and play those.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 (Audio files played, Exhibit Number Six.)

2 MR. BLANCHETTE: I can ask my client questions
3 about these and then we'll admit them through the record.

4 Q. And in the phone calls it's a recording, it
5 appears, of Casie Blizzard as she's talking to an
6 individual who's calling and threatening her and her
7 family, she says?

8 A. Yes, ma'am.

9 Q. And in the phone calls they're asking for money or
10 they're going to kill Mr. Leaphart?

11 A. Yes, ma'am.

12 Q. Did you have the opportunity to hear those phone
13 calls and hear the contents of the threats that were being
14 made to Ms. Blizzard and the threats that were being made
15 to her about Mr. Leaphart prior to the entry of your
16 guilty plea?

17 A. No.

18 Q. And at one point in one of the phone calls she
19 actually states that they had come and kicked her door in
20 looking for those guns. Did that pique your interest at
21 all when you heard that on the recording?

22 A. Yes, ma'am.

23 Q. Why? Explain why that mattered to you.

24 A. Because she said they came and kicked the door in
25 and supposedly the only thing they had found was, I think

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 it was an AK-47 clip that holds bullets for an AK-47, but
2 we -- there was never any police incident reports or
3 anything done or anything issued about that matter, about
4 them kicking in her door just for that sole purpose of
5 looking for these guns.

6 Q. Okay. Now, Mr. Oakman, when I came to Lee with a
7 copy of the file that we received from Everett Chandler,
8 did I also have a copy of the 9-1-1 calls for you?

9 A. Yes, ma'am.

10 Q. Okay. And did we listen to those?

11 A. Yes, ma'am.

12 Q. At this time I'm going to see if these will pay as
13 they previously did this morning.

14 (Audio file played.)

15 You had met Jeremy Leaphart; is that correct?

16 A. Yes, ma'am.

17 Q. And what was Mr. Leaphart's nickname?

18 A. Stud Box.

19 Q. And you had heard his voice; is that correct?

20 A. Yes, ma'am.

21 Q. And is that the voice that you just heard on that
22 9-1-1 call?

23 A. Yes, ma'am.

24 Q. Mr. Oakman, I'm going to play a second 9-1-1 call.

25 (Audio file played.)

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Now, Mr. Oakman, those are two -- a copy of the two
2 9-1-1 calls that I received from Mr. Chandler's office.

3 You said you'd only reviewed one of those with him?

4 A. Yes, ma'am.

5 Q. Okay. Now you were present in the vehicle where he
6 was making those 9-1-1 calls?

7 A. No, ma'am.

8 Q. Did you know those calls were being made?

9 A. No, ma'am.

10 Q. And where were you at the time those calls were
11 being made?

12 A. I was in a second car.

13 Q. Is there anything specifically regarding those
14 calls that you're alleging today that you should have
15 discussed with your attorney prior to the entry of your
16 guilty plea?

17 A. Yes, ma'am.

18 Q. And what is that, Mr. Oakman?

19 A. Those calls were very, very important. I never
20 knew about those calls until I had got my Rule Five when I
21 was in Aiken County. And that's when Mr. Chandler came
22 and, came and met with me and let me listen to one of
23 9-1-1 calls. I never had any knowledge of them before
24 that, period.

25 Q. Now, in these 9-1-1 calls the voice that you

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 identify as Jeremy Leaphart -- and you heard the same
2 voice in both calls; is that correct?

3 A. Yes, ma'am.

4 Q. -- he talks over and over again about these guns.
5 And we've gone over Casie Blizzard's statement and Nicky
6 Gunter's statement about these guns.

7 A. Yes, ma'am.

8 Q. You've had the opportunity now to review the
9 complete file that Mr. Chandler provided to me?

10 A. Yes, ma'am.

11 Q. Is there a matter regarding these guns or something
12 that you have discovered regarding these guns that you
13 would have wanted Mr. Chandler to look into prior to
14 advising you to enter a plea and forego a trial?

15 A. I felt like if he really would have done his
16 homework and properly investigated that he would have seen
17 that it had to be some type relationship going on,
18 something. Because this, this family has just been
19 threatened and then this man goes to his house, the same
20 person that she said made these phone calls -- well, the
21 same person that supposedly made those threatening phone
22 calls, she allowed them to come into her home and watch a
23 movie like everything was just, everything was cool.

24 Q. So the statements recount threatening phone calls
25 made by Darrell Williams and then we have eight recordings

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 of what was purported to be those phone calls where he's
2 threatening her and her family and her life and she's
3 begging him not to kill her. And then based on her
4 statement she hung out with him that night; is that
5 correct?

6 A. Yes.

7 Q. Based upon your review of the file and that
8 information you just brought up, what is it you would have
9 wanted Mr. Chandler to look into? Just so we're specific
10 on the record today.

11 A. To really, really get into the whole kidnapping
12 detail. To really get down to the real details of it,
13 because if they charge you with something they must be
14 able to prove every principal of that, the nature of that
15 crime in order to charge you with that crime. I feel like
16 if he would have really looked into the principals and
17 really gotten into it and did his homework they would have
18 never been able to convict me of kidnapping.

19 Q. Based upon your review of the discovery documents
20 that you didn't get to do with your attorney, do you have
21 a theory of the case that you would have wanted him to
22 pursue?

23 A. Yes.

24 Q. And what is that theory? What do you think was
25 going on in this case?

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 A. I think that, I really think that it was, it was
2 kind of like somebody was trying to cover up for somebody
3 else and really trying to get somebody else off.

4 Q. Can you be specific? This is your one day in
5 court. So if there's a theory you wanted Mr. Chandler to
6 look into, who and what was it?

7 A. Casie and Darrell. I really wanted him to look
8 into that whole situation right there.

9 Q. Okay. So based upon your review of the case
10 documents and the evidence we've gone over today, what did
11 you think was going on there?

12 A. I think he was -- they did something that's --
13 Casie and Darrell did something with those supposed guns
14 that went missing. And they was trying -- I guess they
15 was trying to make Jeremy out to be their fall guy,
16 feeling like that nothing was going to get done to Jeremy
17 except he was going to get beat and they was going to and
18 let him go.

19 Q. And at the plea the solicitor makes it clear that
20 no one planned for Jeremy Leaphart to get shot and killed
21 but Gantt acted on his own. So that wasn't planned by
22 Darrell Williams; is that correct?

23 A. No. Nothing was planned.

24 Q. Now as part of his work on your case, do you know
25 if Mr. Chandler ever spoke with any of your

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 co-defendants?

2 A. Not to my knowledge. He never spoke to any of
3 them.

4 Q. And today we called Johnnie Walker, one of your
5 co-defendants. Would you have wanted him to speak with
6 Mr. Walker?

7 A. Yes.

8 Q. And why?

9 A. Because I feel like Mr. Walker has some details
10 that could have helped Mr. Chandler out or some details
11 could have led him to investigate, follow up certain
12 details in the case.

13 Q. And did Mr. Walker, was he in your mind capable of
14 corroborating some of the things you were trying to convey
15 to Mr. Chandler?

16 A. Yes, ma'am.

17 Q. I know you weren't present during the meetings that
18 Mr. Chandler had with your family, but was there anything
19 further you wanted him to discuss with your family or
20 anything regarding your family's testimony here today?

21 A. I really just wanted -- because my family was
22 communicating with me as well. I really just wanted him
23 to get in contact with Jeremy's family and try to, you
24 know, try to see what was really, really going on with
25 this whole situation.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. Now at the guilty plea, as I stated during your
2 father's questioning, the family thanked -- the victim's
3 family thanked your family.

4 A. Yes, ma'am.

5 Q. And you knew that your family was communicating
6 with the victim's family; is that correct?

7 A. Yes, ma'am.

8 Q. Now, is there anything else as far as an
9 investigation or review of your case documents that you
10 wanted Mr. Chandler to do to properly prepare you for
11 trial?

12 A. Yes, ma'am. Look more into my preliminary hearing.

13 Q. Okay. And we're actually going to talk more about
14 the preliminary hearing and his argument there. So I'll
15 ask you some questions about that later. But is there
16 anything else regarding the discovery documents or the
17 recordings or anything else you would have wanted him to
18 discuss with you specifically?

19 A. No.

20 Q. Okay. Now you said that you all did not review
21 everything. But what was Mr. Chandler's advice to you
22 about the potential sentence you would be facing as you
23 all were working on this case?

24 A. At first, when we first -- when he first came and
25 saw me, he was talking about Youthful Offender Act, a YOA

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 sentence. And from there it went from a Youthful Offender
2 Act to no bond.

3 And after that they did set me a bond. They set my
4 bond at \$900,000. And, like, maybe like a month later he
5 came to me and said that Bill Weeks has a deal he wanted
6 to present. And that's when he said that he's willing to
7 drop the murder charge just for you to plead to the
8 kidnapping charge and it's going to be a open plea from
9 zero to 30 which I told Mr. Chandler I didn't want to take
10 it.

11 That's when he called my family and kind of got my
12 family upset because he's, like, if I didn't take the plea
13 that the Court could give me or the judge could give me a
14 life sentence but they couldn't give me two life sentences
15 for the charge. He brought me some paperwork on that.
16 And I read up on it.

17 But when we got to the courthouse I still didn't
18 want to take the plea. That's when he came out saying
19 that they could sentence -- if they wanted to, they could
20 sentence my co-defendants today and allowed them to come
21 back on a motion to reconsider and a lot of them would
22 testify on me when I go to trial and give them a lesser
23 sentence than what they received in the courtroom that
24 day.

25 Q. And when he was advising you that your

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 co-defendants could or would testify against you, do you
2 know if he had spoken to any of your co-defendants in that
3 regard?

4 A. No, ma'am.

5 Q. Okay. On April 29th when you entered your guilty
6 plea and Mr. Chandler advised you to do so, did you know
7 if he was prepared to go to trial on that day?

8 A. He wasn't prepared to go to trial.

9 Q. Had you all gone over your possible defenses and
10 your strategy for trial?

11 A. No.

12 Q. Had you all discussed what witnesses and evidence
13 you would use?

14 A. No.

15 Q. Now, Mr. Oakman, your second allegation is that you
16 received ineffective assistance of counsel that resulted
17 in an involuntary guilty plea when your counsel argued
18 strongly for dismissal of the kidnapping charge at the
19 preliminary hearing and then subsequently under the same
20 facts advised you to enter a guilty plea?

21 A. Yes, ma'am.

22 Q. Now you mentioned the preliminary hearing. If you
23 could turn to page 22 of the preliminary hearing. And on
24 page 22, if you'd look at lines nine through 15.

25 A. Yes, ma'am.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. What does the officer say amounted to the
2 kidnapping in Aiken?

3 A. You say nine through what?

4 Q. Nine through 15.

5 A. Nine through 15?

6 Q. Uh-huh. What does he explain amounted to the
7 kidnapping in Aiken County?

8 A. It said, and the kidnapping in Aiken County would
9 have been the transportation of Jeremy Leaphart into Aiken
10 County and subsequent his death.

11 Q. And, it's discussed on page 24 but I can also ask
12 you: Were you in the vehicle that transported him into
13 Aiken County?

14 A. No, ma'am.

15 Q. Okay. But other of your co-defendants were; is
16 that correct?

17 A. Yes, ma'am.

18 Q. And specifically, Andre Norris was in the back seat
19 of the car with the victim; is that correct?

20 A. Yes, ma'am.

21 Q. And what sentence did he receive?

22 A. A 17-year sentence.

23 Q. And Ronnie Bowers was the passenger -- I'm sorry.
24 He was your passenger. And what sentence did he receive?

25 A. A 17-year sentence.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. And Marion Abner was the driver of the car with the
2 victim, and what sentence did he receive?

3 A. A 17-year sentence.

4 Q. And John Oakman, Jr., was also in the back seat of
5 the car with the victim. And what sentence did he
6 receive?

7 A. A 17-year sentence.

8 Q. Okay. And, again, what sentence are you currently
9 serving?

10 A. Thirty.

11 Q. Now if you could turn to page 78 of that
12 preliminary hearing transcript and look at lines 29
13 through 43. That's 78, lines 29 through 43.

14 A. Twenty-nine through 43?

15 Q. Uh-huh.

16 A. Yes, ma'am.

17 Q. In there when Mr. Chandler is questioning the
18 officer, does he admit that you had no idea that the plan
19 was to go to Hutto Pond Road and he agrees that you could
20 have done nothing in the other car to hold the victim
21 against his will?

22 A. Yes, ma'am.

23 Q. Okay. Now pages 100 through 101 of Mr. Chandler's
24 argument as to why your kidnapping charge should be
25 dismissed because it does not meet the standard of

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 probable cause. At that point he makes a very detailed
2 and, I would say, effective argument.

3 Did he ever explain to you why he abandoned that
4 argument and advised you to plead guilty on that same
5 exact charge?

6 A. No, ma'am.

7 Q. Are you confused by that to this day?

8 A. Yes.

9 Q. Would you like to explain anything else to the
10 Court about that?

11 A. I mean, it's just, it's just -- it was evident he
12 knew that there was no kidnapping. The facts said and I
13 guess from the investigation that he had done so far, he
14 knew that there wasn't a kidnapping. He knew that I was
15 guilty of something, but he didn't know that I was guilty
16 of the kidnapping.

17 Q. Okay. Now if you could turn to your plea
18 transcript which is contained in the record on appeal that
19 we're using today.

20 A. Yes, ma'am.

21 Q. And if you could turn to page 30. And, Your Honor,
22 I'll just briefly summarize what's in the record instead
23 of reading the entire record if that's okay.

24 There the State, Mr. Weeks, gives facts that you
25 had originally picked up the victim but there was a

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 question as to whether or not he was even kidnapped at
2 that point, that he may have gone voluntarily. But where
3 did that take place?

4 A. That took place in Lexington County.

5 Q. Okay. And then if you could turn and look at page
6 33. The solicitor there gives a series of facts. And to
7 summarize that he essentially says that the plan was when
8 you all left the trailer, and you were in a different car
9 than the victim, the plan was to go to Johnnie Walker's
10 house and the plan changed somewhere in the drive.

11 Were you in the vehicle in which that plan changed?

12 A. No, ma'am.

13 Q. Okay. Now if you could turn back to page 23 of the
14 guilty plea proceeding. There Johnnie Walker is actually
15 entering his plea. And he tries to start explaining to
16 the judge on line 10 that it wasn't anything planned, he
17 never kidnapped him.

18 A. Yes, ma'am.

19 Q. And what does the judge say in response to his
20 questions about whether or not there was even a
21 kidnapping?

22 A. He said, he said, Well, you did -- well, you did
23 kidnap him. Whereas Johnnie Walker said, No, sir. He
24 said, Were you involved in kidnapping him. Nothing ever
25 intentionally, sir.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. Okay. Did you have the same question that Johnnie
2 Walker had that day: Why am I pleading guilty to a
3 kidnapping in Aiken County?

4 A. Yes, ma'am.

5 Q. Were you able to address that with Mr. Everett
6 Chandler prior to the entry of your guilty plea?

7 A. No, ma'am.

8 Q. Did he ever explain that to you as to why he had
9 argued so vehemently in preliminary that that charge
10 should have been dismissed and now that was the charge
11 that you were going to be pleading guilty to?

12 A. No, never said anything.

13 Q. I'm sorry. What was that?

14 A. No, I never -- I never got any type of
15 understanding about that.

16 Q. Now, I have reviewed your guilty plea transcript.
17 I've had you review it. And the record will speak for
18 itself, but it appears that your indictment was actually
19 never read in open court, was it?

20 A. No, ma'am.

21 Q. And your indictment, which is part of the packet
22 that the Court has and part of the record for this PCR,
23 actually says -- and I'm going to read from it so I don't
24 state it incorrectly -- that Sheldon Oakman did in Aiken
25 County on or about December 24th, 2007, participate as a

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 principal with others to unlawfully seize, confine,
2 inveigle, decoy, kidnap, abduct, or carry away Jeremy
3 Leaphart.

4 Now that says participate as a principal with
5 others. Did Mr. Chandler ever clarify to you if you were
6 being charged as a principal or if you were being charged
7 under the theory of hand of one hand of all?

8 A. No, ma'am.

9 Q. On page 83 if you could turn to there and look at
10 lines -- or, sorry. Look at lines nine through 21.

11 A. Yes, ma'am.

12 Q. Nora Bing who is a minister is actually speaking on
13 your behalf.

14 A. Yes, ma'am.

15 Q. And she questions whether there was a kidnapping.

16 A. Yes, ma'am.

17 Q. Again, did you have that same question at the time
18 you entered your guilty plea?

19 A. Yes, ma'am.

20 Q. And was that ever answered for you?

21 A. No, ma'am.

22 Q. Knowing that along with the facts that we've talked
23 about how you did not feel that you were properly prepared
24 to proceed to a trial, is it your position today -- well,
25 please tell me what your position is today. Was your plea

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 either voluntary or involuntary?

2 A. Involuntary.

3 Q. And why was it involuntary?

4 A. Because I didn't have any knowledge as to what I
5 was pleading to. My indictment was never read. I never
6 completely understood my indictment.

7 Q. Did you understand exactly what you were being
8 charged with before you entered that guilty plea?

9 A. No, ma'am.

10 Q. Mr. Oakman, the third issue in your amendment that
11 I'm going to ask you about today deals with jurisdictional
12 issues. And most of my questions regarding that are going
13 to be for your attorney because you don't need to answer
14 legal questions for us here today.

15 But, did Mr. Chandler ever advise you if you did
16 proceed to trial which county it would take place in?

17 A. No.

18 Q. Now, it's in the record that there were three
19 counties involved. If you could turn to page 31 where the
20 solicitor is explaining the three counties involved and
21 look at lines 15 through 16.

22 A. Yes, ma'am.

23 Q. And there on page 31 lines 15 through 16, where
24 does the solicitor say the main part of the kidnapping
25 actually occurred?

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 A. At the trailer in Saluda County.

2 Q. Okay. And you pled guilty to kidnapping in Aiken
3 County; is that correct?

4 A. Yes, ma'am.

5 Q. And then if you could turn to page 35, and if you
6 could just read slower than I do, please, read lines eight
7 through 15 into the record for me, please?

8 A. It says, Your Honor, this plea to these charges of
9 these individuals would take care of any potential
10 kidnapping charges from this indictment {sic} or any
11 charges from this incident in these other two counties. I
12 have spoken to the assistant solicitor in Lexington County
13 and the assistant solicitor in Edgefield -- Saluda
14 County. They actually transferred the kidnapping charges
15 to us to dispose of any -- to dispose of in this fashion
16 on Darrell Williams.

17 Q. And, I'm sorry, if you could keep going through
18 line 23.

19 A. Okay. There was a real question as to whether or
20 not he was kidnapped initially and they were all happy to
21 allow us to pursue the kidnapping charges here, but
22 actually, him being held against his will in Saluda County
23 for that period of time and tortured and beat, there could
24 have been charges in Saluda County but since in the
25 bulk county -- since the bulk kind of ended in Aiken

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 County we felt like it was appropriate to take all of the
2 pleas here.

3 Q. So there on page 35 Solicitor Weeks is explaining
4 to the judge why they're pursuing the kidnapping charge in
5 Aiken County and why you're pleading to that. Was that
6 ever explained to you?

7 A. No, ma'am.

8 Q. Does that make sense to you as of today?

9 A. No, ma'am.

10 Q. Okay. Mr. Oakman, the fourth allegation is
11 ineffective assistance of counsel that resulted in an
12 involuntary guilty plea due to your attorney's failure to
13 protect your interests and rights during what we call a
14 circus like or cattle-call guilty plea proceeding and also
15 that he failed to move to withdraw your guilty plea. Is
16 that your allegation today?

17 A. Yes, ma'am.

18 Q. Okay. Mr. Walker -- or, I'm sorry. Mr. Walker has
19 already told us a little bit about what occurred that day,
20 but could you just take us through what you experienced
21 that day? I know it's in the transcript but just what
22 doesn't appear in the transcript as to how it all went
23 down.

24 A. It was kind of, like, all, all eight of us was
25 sitting in the jurors' box. We never had a chance to be

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 treated as an individual. I only been treated as a
2 individual once in this case. That's when I went up for
3 my bond hearing. Other than that, everybody was always
4 there in court with everybody else. One came, all seven
5 came. So it was always eight of us in front of the judge
6 at one time.

7 I just -- I felt -- that day I felt like I wasn't,
8 I didn't have no rights. All my rights was the same --
9 everybody was treated the same that was sitting in that
10 jury box.

11 Q. Did you all have the same involvement in this
12 case? Did you all do all of these same things, all the
13 same actions against Jeremy Leaphart?

14 A. No, not everybody had the same actions against him.

15 Q. Okay. How did you find out that you were going to
16 be pleading guilty that day?

17 A. Actually that was -- I think if I'm not mistaken
18 that was a Monday. Chandler came -- Everett Chandler came
19 to see me on a Sunday and advised me of the plea and which
20 I told him I didn't want to take. And when he left he got
21 in touch with my parents.

22 Q. Okay. And then what happened after that?

23 A. That's -- the next day we went back. I was advised
24 that I could sign this plea form or I can go on, go back
25 to the county and be waiting to be arraigned for trial.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 Q. Okay. And did Mr. Chandler advise you to take the
2 guilty plea?

3 A. Yes.

4 Q. And how did you first find out kind of the time you
5 were looking at, or what the scenario was going to be that
6 day?

7 A. They finally took all eight of us out of the jury
8 box and put us in separate holding cells and brought us
9 back out one by one. When it was my turn to come up for
10 my plea arraignment, Mr. Chandler had a piece of paper and
11 he wrote -- he had on there Darrell Williams-30 years,
12 Johnnie Walker-30 years, and Frankie Gantt-45 years. So
13 he had my name wrote down too and he put a question mark
14 beside it when I stepped up so I was kind of, like,
15 everybody that went in front of him so far got 30 years.
16 More than likely he's going to give me the same thing,
17 too.

18 Q. And what sentence did you actually receive?

19 A. Thirty years.

20 Q. And Frankie Gantt, we've submitted a document
21 that's part of the record that indicates his involvement
22 in the case. But what did he do in this case that kind of
23 set him apart from everyone else?

24 A. He was the shooter.

25 Q. Okay. Now when you were in the courtroom for the

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 first part of your plea, were all the questions asked as a
2 group essentially, or did you have an opportunity to
3 respond to them individually?

4 A. It was, it was asked as a group but he was asking
5 individuals but it was still as a group. It was a group
6 issue.

7 Q. Okay. And we've discussed the fact that your
8 indictment wasn't read and it said principal with others.
9 But would you agree that a majority of the judge's
10 questions all went to the theory of hand of one hand of
11 all?

12 A. Yes, ma'am.

13 Q. Okay. Now, if you could turn to page 76 and look
14 at line 21.

15 A. Yes, ma'am.

16 Q. And beginning on line 21 he is addressing --
17 Mr. Weeks is addressing your culpability. And it goes
18 through to page 77. And there he discusses the
19 possibility of trying you all under the theory of hand of
20 one hand of all on lines one through six.

21 A. Yes, ma'am.

22 Q. And does he indicate there could actually be a
23 problem with that?

24 A. Yes, he does.

25 Q. Okay. And what does he indicate could be the

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 problem with that?

2 A. He says he charged us with the hands of one hands
3 of all that one could be acquitted and you can get a jury
4 to convict one of them and acquit on the next jury. So
5 that was the best solution for them.

6 Q. Was that weakness or potential problem ever
7 conveyed to you by Mr. Chandler when he advised you to
8 plead guilty?

9 A. No.

10 Q. Okay. And what was his advice to you as far as
11 what would happen if you went to trial?

12 A. That I would receive a life sentence.

13 Q. Okay. On page 105 -- that is actually
14 Mr. Norris's. He's in front of the Court at that point.
15 And he tried to withdraw his guilty plea. Did you ever
16 at any time want to withdraw your guilty plea or tell your
17 attorney that?

18 A. Yes, ma'am.

19 Q. Okay. Please explain that.

20 A. I did but he, he was like, it was too late. We
21 have to proceed on with it. I wasn't, I wasn't as
22 knowledgeable as I am in the law right now. So when he
23 said that I was thinking that I couldn't take it back, you
24 know. I was kind of like, I just went with the flow.

25 Q. So during the course of the guilty plea proceeding

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 you advised your attorney that you wanted to withdraw?

2 A. Yeah.

3 Q. And did he do that on your behalf?

4 A. No.

5 Q. Why did you want to withdraw?

6 A. I didn't, I didn't feel like it was right. I
7 didn't want to plead guilty to it anyway, but the way that
8 he put it, like I said, I wasn't as knowledgeable as I am
9 with the law so I kind of -- I kind of went with him
10 because I felt like he was my counsel. He was supposed to
11 have my best interests at heart.

12 Q. At the very end of the first day, on page 86, your
13 attorney is actually asking for a lesser sentence than
14 your other co-defendants had received at that point.
15 Mr. Gantt had gotten 45, Williams had gotten 30, Walker
16 had gotten 30 and now it was your turn to be sentenced.

17 And in response on line nine the judge says,
18 Mr. Chandler, I don't know how I can feed him out of any
19 different spoon than I fed the rest of them. The sentence
20 of this Court is that you be committed to the State
21 Department of Corrections for a period of 30 years. Good
22 luck to you.

23 There the judge conveyed that he's feeding you all
24 out of the same spoon. At that point did you feel like an
25 individual and like your rights were being protected by

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 your attorney on that day?

2 A. No, ma'am.

3 Q. Now the judge makes that comment at the end of the
4 first day. And what does he turn around and do on the
5 second day?

6 A. He feeds them out of a totally different spoon.

7 Q. Okay. And what did all the co-defendants receive
8 that pled on the second day?

9 A. Seventeen years.

10 Q. Okay. Now, your next allegation actually goes to
11 what happened on that second day. You're alleging that
12 your attorney was ineffective and it resulted in an
13 involuntary guilty plea in a prejudicial sentence due to
14 your attorney's failure to attend or be on the record as
15 attending on that second day of the guilty plea proceeding
16 and to be present as it is recorded in the transcript at
17 the chambers meeting by which the Court assessed the
18 levels of the defendants' culpability based on the
19 information given by those that were present on the second
20 day.

21 Now if you could turn to page 89, just a couple
22 pages over. On line 16 on 89 and also on page 105, there
23 the Court on the second day is asking each attorney why
24 his client should be treated differently and tells them
25 he'll come off the 30 years.

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 A. Yes, ma'am.

2 Q. Did he ever afford you or your attorney that
3 opportunity on the first day?

4 A. No, ma'am.

5 Q. Now I will give all the page cites, but it's
6 reflected in the transcript on the second day he allows
7 the four remaining co-defendants to give their version of
8 the facts, and then asked extensive questions. What
9 happened on the first day when you tried to talk to the
10 judge? Did he let you talk?

11 A. No, ma'am. He cut me off and the questions that I
12 did try to answer, he answered so rudely.

13 Q. Now if you could turn to page 131. One example of
14 that is when Mr. Abner was given his opportunity to
15 address the Court, the judge specifically asked him who's
16 first in command, who's second in command, who's third in
17 command.

18 And on page 131, who does he say are the three main
19 defendants in the case?

20 A. Gantt, Williams, and Walker.

21 Q. So he separates you from those three; is that
22 correct?

23 A. Yes, ma'am.

24 Q. But that's another co-defendant being allowed to
25 address your culpability?

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 A. Yes, ma'am.

2 Q. Now on pages 137 through 138 Attorney Timmerman who
3 represents one of your other co-defendants is also given
4 the opportunity on the record to go through and say who he
5 thinks is the most guilty. And who does he identify as
6 the two most guilty, Mr. Timmerman?

7 A. Gantt and Williams.

8 Q. Were you included there with Mr. Gantt and
9 Mr. Williams?

10 A. No, ma'am.

11 Q. And did you receive the same sentence as
12 Mr. Williams?

13 A. Yes, ma'am.

14 Q. Now if you could turn to page 139 through 140.
15 There on page 15 the judge puts on the record that he had
16 invited into chambers the investigating officer, Solicitor
17 Thurmond, Solicitor Weeks and then the attorneys that were
18 present; Mr. Whittle, Mr. Woodruff, Mr. Routzong and
19 Mr. Timmerman, as well as Mr. Gibbons who was involved
20 yesterday.

21 Does he say there that he had invited Everett
22 Chandler into chambers with him?

23 A. No, ma'am.

24 Q. And does he explain that as a result of that
25 meeting he has determined that he sentenced the major

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 players yesterday and those most involved in that
2 kidnapping of which you would have been part of?

3 A. Yes, ma'am.

4 Q. Was your -- does it appear on the record as though
5 your attorney was part of that meeting where the judge
6 determined who was most culpable in this case and what the
7 appropriate sentences were?

8 A. No, ma'am.

9 Q. After asking all of your co-defendants on the
10 record to explain the facts and who they thought were most
11 culpable, after asking each of their attorneys to explain
12 on the record the facts and who was most culpable, and
13 after having the chambers meeting that it appears that
14 both Mr. Walker and yourself -- and your attorney were not
15 present at, what sentence did the four remaining
16 co-defendants get?

17 A. Seventeen years.

18 Q. And were several of those co-defendants actually in
19 the car with the victim when he was making the 9-1-1 calls
20 that we've heard today?

21 A. Yes, ma'am.

22 Q. And was one of those co-defendants that received 17
23 years actually the driver of that car?

24 A. Yes, ma'am.

25 Q. Mr. Oakman, when you found out about that what was

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 your reaction?

2 A. I was, I was -- I was very, very mad. I didn't
3 like that at all.

4 Q. Okay. What did Mr. Chandler do on your behalf to
5 attempt to address that issue?

6 A. He filed a motion to reconsider.

7 Q. And are you alleging today that he was actually
8 ineffective in his representation regarding the motion to
9 reconsider the sentence of your case?

10 A. No. I'm filing my motion saying that he was
11 ineffective for my guilty plea.

12 Q. But he -- today you're alleging that he wasn't only
13 ineffective, you know, leading up to your guilty plea, at
14 your guilty plea, but also at -- and it's our final
15 allegation, also at the reconsideration hearing --

16 A. Yes, ma'am.

17 Q. -- is that correct?

18 A. Yes, ma'am.

19 Q. Now at the reconsideration hearing of which the
20 Court has the record, he argued your age, your involvement
21 and lack of prior record and that he argued as a public
22 policy you should receive even less than 17?

23 A. Yes.

24 Q. Did he ever question the Court about the procedure
25 that took place on the second day and about that chambers

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 meeting he didn't get to be a part of?

2 A. No, ma'am.

3 Q. Did he ever question that the judge who was sitting
4 there reconsidering your sentence was given all of that
5 information by your co-defendants and their attorneys as
6 to your culpability?

7 A. No, ma'am.

8 Q. Did he ever go over the plea transcript and the
9 facts that the State actually gave as to you, the
10 favorable facts?

11 A. No, ma'am.

12 Q. Okay. Now his argument is -- and he did make an
13 argument on your behalf. We're not saying that he didn't,
14 but that's reflected in the reconsideration hearing
15 transcript on pages 13 through 18. But if we could look
16 back at the plea, I just want to point out several of the
17 facts that the State gave as they relate to you.

18 Now one of the factors that was supposedly against
19 you was that you had provided the last shell to Mr. Gantt
20 before he killed the victim.

21 A. Yes, ma'am.

22 Q. But on page 34 lines 18 through 21, does the State
23 actually say there's some different testimony as to that?

24 A. Yes, ma'am.

25 Q. Okay. And, Mr. Oakman, did you provide the last

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 shell to Mr. Gantt?

2 A. No, ma'am. I even -- I guess, the investigator
3 that investigated the crime scene, they had found some of
4 the shells that was discarded from the gun. I asked for
5 ballistic reports and didn't get any fingerprints off of
6 it. Just to clear that up.

7 Q. Okay. And the individuals that said you did were
8 John Oakman and Marion Abner?

9 A. Yes, ma'am.

10 Q. And both of those individuals gave information to
11 law enforcement after you had fully cooperated; is that
12 correct?

13 A. Yes, ma'am.

14 Q. Now on page 40 the State indicates that the
15 ringleader of this horrible series of events was Darrell
16 Williams. Did you receive the same sentence as
17 Mr. Williams?

18 A. Yes, ma'am.

19 Q. As I've mentioned before but specifically on page
20 44 lines 10 through 11, the victim's family thanks your
21 family. Did Mr. Chandler point that out at your
22 reconsideration hearing?

23 A. No, ma'am.

24 Q. On pages 31 line 20, Mr. Weeks said that you met
25 with law enforcement and you gave up the people that were

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 involved. On page 32 lines one through 13, he talks about
2 how you provided the murder location and the evidence that
3 was recovered. And then on page 77 he says that you have
4 fully cooperated with law enforcement.

5 Did your attorney at the reconsideration point out
6 any of those favorable facts as stated by the solicitor
7 that the solicitor had said that at your plea?

8 A. Yes.

9 Q. Did he point that out at the reconsideration?

10 A. Oh, no. No, he didn't.

11 Q. Okay. And then if you could look at page 118
12 where Mr. Norris is speaking. And this is when your
13 co-defendants were allowed to assess everyone's
14 culpability. Who does he say is the ringleader and who
15 started all of this?

16 A. He said the ringleader was Darrell Williams. That
17 would be Darrell Williams.

18 Q. Okay. And who does he say ended it all?

19 A. Frankie.

20 Q. Okay. Mr. Oakman, we have provided the Judge a
21 list of the sentences, what each co-defendant received. I
22 think we put that all sufficiently in the record today.

23 Are you alleging and asking the Court today to
24 recognize that there is prejudice just simply from the
25 sentence that you received?

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 A. No, ma'am.

2 Q. And, Mr. Oakman, it's a complicated question I want
3 to ask you so let me re-ask it. Okay?

4 You're asking the Court today for a new trial; is
5 that correct?

6 A. Yes, ma'am.

7 Q. And you're doing that because you're alleging that
8 your attorney was ineffective and your plea was
9 involuntary?

10 A. Yes, ma'am.

11 Q. Okay. I have provided you some cases to review
12 that I'll provide to the Court later that talk about how
13 prejudice can be presumed from the length of the
14 sentence. Are you also asking the Court today to look at
15 the prejudice that's inherent or obvious from the sentence
16 that you received in this case?

17 A. Yes, ma'am.

18 MR. BLANCHETTE: Okay. If I could just beg the
19 Court's indulgence one moment.

20 THE COURT: Yes.

21 (Pause.)

22 BY MR. BLANCHETTE:

23 Q. Mr. Oakman, I have found you to be very intelligent
24 in helping me prepare this case. I've gone over all the
25 case documents with you. We've reviewed all the audio

SHELDON OAKMAN JR - DIRECT BY BLANCHETTE

1 recordings. We have had just a number of meetings to
2 prepare for today.

3 A. Yes, ma'am.

4 Q. You only have one PCR application and one
5 opportunity to come to court.

6 Is there anything else in support of your
7 allegations or request for relief that you would like to
8 tell the Court or testify to that I failed to ask you
9 about today?

10 A. No, ma'am.

11 MR. BLANCHETTE: Your Honor, I have no further
12 questions at this point.

13 THE COURT: Before we go into cross-examination
14 we're going to take a short break.

15 Sir, you may step down. You're not allowed to
16 discuss your testimony at all. We're going to take a
17 short break and then we'll come back and have cross-
18 examination. Thank you.

19 (Break taken at 11:43 a.m. At 11:57 a.m., the
20 hearing resumed:)

21 THE COURT: Tell me your name.

22 MR. COLEMAN: Tyronne Coleman.

23 THE COURT: Tyronne Coleman. Mr. Coleman, don't
24 bring your phone back in here.

25 MR. COLEMAN: Not a problem.

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 THE COURT: If it goes off in here again I'm going
2 to either take it, I'm going to fine you or I can put you
3 in jail. I don't want to do any of them.

4 MR. COLEMAN: Not a problem. We won't bring them
5 in here no more.

6 THE COURT: All right. Thank you. That's
7 everybody's warning so if it goes off now you are going to
8 be fined or it will be confiscated. There's your warning.

9 All right.

10 MR. GOURLEY: Judge, if you don't mind.

11 THE COURT: Yes, sir.

12 MR. GOURLEY: Going to inch a little closer. I
13 have a hard time hearing sometimes.

14 CROSS-EXAMINATION

15 BY MR. GOURLEY:

16 Q. Mr. Oakman, how many times did you meet with
17 Mr. Chandler?

18 A. I can't recollect in my mind right now exactly how
19 many times we met.

20 Q. Would you say it was more than five, less than 12?
21 Just a roundabout number, no specific number.

22 A. Maybe, maybe around 12, somewhere around in there.

23 Q. Around 12 times. That's great. And did y'all go
24 over the discovery materials?

25 A. Parts and pieces of it. Almost like what he wanted

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 me to know or what he wanted me to understand.

2 Q. Okay. And you were saying that you didn't see the
3 9-1-1 calls?

4 A. Only heard one. And it was two.

5 Q. Okay. So you heard one out of two of the 9-1-1
6 calls. You didn't see the statements that your attorney
7 introduced today?

8 A. I didn't see those nor did I hear the audio
9 statements.

10 Q. Okay. Did y'all talk about any kinds of defenses
11 to these charges that you were facing?

12 A. No. We never talked about any type of defenses.

13 Q. And do you feel you had any defenses to these
14 charges?

15 A. Yes.

16 Q. What's that?

17 A. For one, just by the preliminary, the preliminary
18 hearing. Just from the information that he got when he
19 made -- when he got the head investigator over the case to
20 say that there was no type of way that I could have been
21 restricting any type of movement from Mr. Leaphart.

22 Q. Uh-huh.

23 A. That -- I believe that was a strong, a strong
24 defense just for the kidnapping charge by itself.

25 Q. So you're saying that your defense would be that

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 you just didn't do it, you didn't commit the kidnapping?

2 A. No. It's not that I didn't do it. It's just that
3 the investigator said that there's no way that I could
4 have been restricting any type of movement stopping
5 Mr. Leaphart or holding him against his will.

6 Q. Okay. What about the murder charge?

7 A. The murder charge, the murder charge, me, myself, I
8 feel like if we would have took the murder charge to trial
9 it never would have stood up because they found every last
10 shell that's supposed to have been discharged from the
11 shotgun. And no fingerprints or anything were ever lifted
12 off anything. Only thing they had was hearsay about that
13 shell.

14 Q. Okay. But you don't dispute you were there when
15 Mr. Leaphart was shot?

16 A. No, I don't dispute that.

17 Q. Okay. Did you ever ask your attorney to look at
18 any leads or witnesses on your behalf?

19 A. Yes. I asked him to talk to several of my
20 co-defendants.

21 Q. Okay. Several of your co-defendants. Mr. Oakman,
22 you ultimately pled guilty, right?

23 A. Yes.

24 Q. And during your guilty plea do you recall waiving
25 your constitutional rights?

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 A. Yes.

2 Q. What's that?

3 A. Yes.

4 Q. Okay. Sorry.

5 And during your guilty plea you told the plea judge
6 that you were satisfied with your attorney's services,
7 right?

8 A. To my knowledge at that time, correct.

9 Q. Okay. And you also told him that you didn't have
10 any complaints against your attorney?

11 A. To my knowledge at that time, that's correct.

12 Q. You also told Judge Early that no one is promising
13 you or threatening you to get you to plead guilty, right?

14 A. Yes.

15 Q. That you were pleading guilty freely and
16 voluntarily?

17 A. Yes.

18 Q. Okay. You told the judge you wanted to plead
19 guilty, right?

20 A. To my knowledge at that time, yes.

21 Q. And you stated to the judge that you did
22 participate in the kidnapping of the victim, right?

23 A. To my knowledge at that time, I did. My counsel
24 along with everyone else that was involved in the case had
25 me thinking that this was a kidnapping. I did not

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 understand the, none of the statutes of kidnapping.

2 Q. So what's the difference between now and then?

3 A. What's the difference between now and then? I
4 understand the statute of kidnapping and I understand that
5 on my indictment they didn't say, they said principal
6 along with others.

7 Q. Okay. So the only difference between now and then
8 is that you feel your indictment didn't sufficiently
9 allege your involvement in this case?

10 A. And I also seen that Chandler had a strong argument
11 in the beginning.

12 Q. Right.

13 A. And he just kind of, here he just left it alone.
14 Kind of like, I don't know, lost steam or something.

15 Q. And you understand what a preliminary hearing is?

16 A. Yes.

17 Q. Okay. And the judge ultimately denied
18 Mr. Chandlers' motion to dismiss the charge, right, at the
19 prelim?

20 A. Yes.

21 Q. And then you were going to trial or going to plead
22 guilty?

23 A. Yes.

24 Q. Either one?

25 A. Yes.

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 Q. Okay. Now the State presented the factors that
2 they were prepared to proceed on if they proceeded to
3 trial, right, during your guilty plea?

4 A. Yes.

5 Q. The solicitor read a bunch of what he was intending
6 to prove at trial, right?

7 A. Yes.

8 Q. Okay. And you agreed with those, right?

9 A. No, I didn't.

10 Q. You don't?

11 A. No.

12 Q. Did you object to them?

13 A. I didn't -- I didn't know that I could object to
14 anything. Only thing I knew I was just supposed to stand
15 there beside Mr. Chandler, spoke when spoken to and he was
16 going to -- he told me to be -- he told me that I was
17 going to have to -- I could say something to the victim's
18 family.

19 Q. Right.

20 A. That's all I knew. I did not know I could object
21 on anything or anything like that. I didn't have any
22 knowledge of that at that time.

23 Q. Okay.

24 Beg the Court's indulgence, Your Honor. (Pause.)

25 Mr. Oakman, I may have misheard your testimony

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 earlier on direct but regarding the guns, did you state
2 that you didn't -- weren't aware of the guns?

3 A. I didn't have any knowledge of guns.

4 Q. No knowledge of guns whatsoever?

5 A. It was just, like, just like hearsay. I just, you
6 know, I might have heard somebody say something about it
7 but I never seen them, I never touched them or nothing
8 like that. I never had them in my possession or anywhere
9 around me.

10 Q. Okay. But you were aware of the guns but you just
11 had no involvement with the guns?

12 A. It was just, like -- I thought it was just hearsay.

13 Q. Yeah.

14 A. A lot of people might say they have something but
15 that doesn't really mean they have it.

16 Q. Mr. Oakman, you cooperated with police, correct?

17 A. Yes.

18 Q. In fact, you were one of the, if not the first
19 co-defendant to testify -- or not to testify but to speak
20 with police, correct?

21 A. Yes.

22 Q. And you gave multiple statements?

23 A. Yes.

24 Q. Okay. And you're not denying your involvement in
25 this crime, are you?

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 A. No, I'm not denying my involvement in the crime.

2 Q. Okay. And you were with, I believe it was
3 Mr. Williams and Mr. Walker when they picked up
4 Mr. Leaphart?

5 A. No.

6 Q. Who were you --

7 A. Actually if the motion -- Casie and, I think --
8 Casie Blizzard and Nicky Gunter, they were allowed a photo
9 lineup of every one of us along with other people that
10 were mixed in. They only circled -- the only person they
11 picked out of the photo lineup was Norris.

12 Q. But you would agree with me that your co-defendants
13 stated that you were one of the people that picked up
14 Mr. Leaphart?

15 A. Yes, my co-defendants stated a lot of things that
16 wasn't true.

17 Q. But you weren't the one that picked up
18 Mr. Leaphart?

19 A. No. I was never in the car with Mr. Leaphart,
20 period.

21 Q. Okay. You were at the trailer though --

22 A. Yes.

23 Q. -- when they were beating up on Mr. Leaphart?

24 A. Yes.

25 Q. Did you participate in beating him?

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 A. Yes, I did. I hit him once.

2 Q. And then you were also in the second car behind
3 Mr. Leaphart and your other co-defendants when they drove
4 out to Aiken County, correct?

5 A. Yes.

6 Q. And at that point ultimately pulled off the side of
7 the road, Mr. Leaphart jumped out, Mr. Gantt shot him?

8 A. Yes.

9 Q. Okay. This all took place in Aiken County?

10 A. Yeah, that was in Aiken County.

11 Q. And the phone calls we heard earlier, Mr. Leaphart
12 stating on the phone that he was kidnapped, correct?

13 A. Yes, that's what he said on the phone -- on the
14 statement.

15 Q. All right.

16 Beg the Court's indulgence, Your Honor.

17 THE COURT: Yes, sir.

18 BY MR. GOURLEY:

19 Q. Mr. Oakman, why did you beat on Mr. Leaphart?

20 A. Initially it wasn't -- it wasn't because anybody
21 told me to do anything. I was just, like, I hit him once
22 and I told him he needed to tell them what they wanted to
23 know, you know what I'm saying, so the situation would be
24 over because this is a lot of people that's still around
25 here, there's no need for everyone getting in trouble just

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 so, you know, for something, something so stupid that
2 y'all got going on. It wasn't even my situation.

3 Q. Okay. And what was it that he needed to tell?

4 A. He supposedly had something, something that
5 somebody -- well, the guns in somebody's possession. They
6 were in somebody else's possession.

7 Q. And so you beat on him to try to get him to talk
8 about the guns that he had in his possession?

9 A. I just wanted him to tell the truth. If you didn't
10 have them say you didn't have them. If you had them say
11 you had them and you did something with them.

12 Q. Okay. Mr. Oakman, you said you were guilty of
13 something on direct. What are you guilty of?

14 A. I feel, I feel as though I'm only guilty of
15 accessory after the fact for knowing about this and then
16 not notifying the proper authorities.

17 Q. Knowing about what?

18 A. Knowing about him being shot, him being shot,
19 murdered, killed.

20 Q. Okay. Mr. Oakman, why did you plead guilty?

21 A. Why did I plead guilty? Because I, I had no
22 knowledge of the law. I have never had a felony charge.
23 Don't know --

24 Q. Uh-huh.

25 A. -- I didn't know what -- if a felony charge, what

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 it was, what it consists of. And I felt as though
2 Mr. Chandler's supposed to have been, you know, like my,
3 my legal counsel. He's supposed to know everything there
4 is to know about this, whatever I'm going in here for. I
5 never knew anything about the law.

6 Q. Okay.

7 A. Never studied the law, nothing, nothing of that
8 nature.

9 Q. Okay. So because you didn't know about the law you
10 pled guilty?

11 A. No. I was following Mr. Chandler's advice.

12 Q. What was Mr. Chandler's advice?

13 A. He told me that the best thing was if I didn't want
14 a life sentence was to plead guilty.

15 Q. So you pled guilty to avoid a life sentence?

16 A. And he said that he didn't see the judge giving me
17 no more than 10 to 15 years even though I had -- I just
18 heard people talking about a cap. He was, like, there's
19 no cap, but I don't see the judge giving you no more than
20 10, 15 years if you take this plea.

21 Q. Okay. But the judge advised you that you were
22 facing up to 30 years for kidnapping during your guilty
23 plea, right?

24 A. Yes.

25 Q. Okay. So you knew that you could potentially get

SHELDON OAKMAN JR - CROSS BY GOURLEY

1 up to 30 years?

2 A. I knew that I could potentially get up to 30 years
3 but he kept on telling my family -- by him telling my
4 family and myself that he had this situation under
5 control, I'm thinking that there's something going on that
6 I don't know --

7 Q. Right.

8 A. -- because, like I said, I've never been in this
9 situation before.

10 Q. So when Judge Early said you could get up to 30
11 years you didn't feel like you needed to speak up and say,
12 Mr. Chandler's telling me 15?

13 A. Mr. Chandler told me to answer all his questions
14 yes. Tell him that I'm taking the plea and I accept the
15 plea. And I was going off what he said. He was my
16 counsel. He's supposed to have brought the knowledge of
17 law --

18 Q. Right..

19 A. -- to the courtroom for my behalf that day.

20 Q. But Mr. Chandler's not doing time, Mr. Oakman, you
21 are.

22 A. Yeah, yeah. You're absolutely right.

23 Q. Okay. So, Mr. Oakman, I'm sorry, I don't know if
24 you answered that. Did you plead guilty to avoid a life
25 sentence?

SHELDON OAKMAN JR - REDIRECT BY BLANCHETTE

1 A. No.

2 Q. No, you did not?

3 A. No, I did not plead guilty just to avoid a life
4 sentence.

5 Q. Okay. And you want to go to trial, you want to
6 face the murder charges and the kidnapping charges and
7 everything else?

8 A. Yes.

9 Q. Okay.

10 Your Honor, I think that's all questions I have at
11 this time. Thank you, Mr. Oakman.

12 THE COURT: Any redirect?

13 MR. BLANCHETTE: Very briefly, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. BLANCHETTE:

16 Q. Mr. Oakman, you've talked today about how you had
17 seven co-defendants. Did you at any time ever plan with
18 those co-defendants to restrict the movement of Jeremy
19 Leaphart or kidnap him in any way?

20 A. No, ma'am.

21 Q. We've talked about your co-defendant Frankie Gantt
22 who was the shooter who received 45 years in this case.
23 Did you ever plan or conspire with Mr. Gantt to shoot and
24 kill Jeremy Leaphart?

25 A. No, ma'am.

SHELDON OAKMAN JR - REDIRECT BY BLANCHETTE

1 Q. Now the State has asked you a number of questions
2 about the guilty plea proceeding. When you were at that
3 guilty plea proceeding sitting in the box with all of your
4 co-defendants, did you feel like you had any choice but to
5 say yes to the Court's questions?

6 A. I feel like that's the only choice I had was to say
7 yes to the Court's questions.

8 Q. And at some point did you tell Mr. Chandler you had
9 concerns and you did not want to go forward?

10 A. Yes.

11 Q. And did he do anything about that?

12 A. No, ma'am.

13 Q. Were you in the car where the 9-1-1 calls were
14 being made where Jeremy mentioned that he had been
15 kidnapped?

16 A. No, ma'am.

17 Q. Were your co-defendants who received 17 years after
18 their attorneys were allowed to meet in chambers with the
19 judge and assess everyone's culpability, were some of
20 those co-defendants in the car with Jeremy when he made
21 those phone calls?

22 A. Yes, ma'am. The majority of them.

23 Q. The State asked you a series of questions about why
24 you took the guilty plea, if it was to avoid a life
25 sentence and what your reasoning was. My question is

SHELDON OAKMAN JR - REDIRECT BY BLANCHETTE

1 this: Did you feel like you had a choice that day? Did
2 you feel that your attorney was prepared to go to trial
3 instead of doing a guilty plea?

4 A. No, ma'am. Because when he, when he broke down the
5 whole scenario of him even worried about my co-defendants
6 coming to try to testify, I knew he -- it was no -- he
7 didn't have any type of defense planned or anything. He
8 was -- kind of like he was tucking his tail.

9 Q. And, Mr. Oakman, we were clear on direct that you
10 are asking for a new trial. I've shown you a line of
11 cases that talk about the fact that there should be a
12 benefit from the bargain. That's what encourages
13 defendants to take a guilty plea, that there could be a
14 benefit from entering a guilty plea.

15 A. Yes, ma'am.

16 Q. Is it your position today that the sentence you
17 received shows that you were prejudiced and that you got
18 no benefit from your guilty plea?

19 A. I was prejudiced and I got no benefit from it.
20 Actually he said that he was -- he said, If you plead
21 guilty, by you pleading guilty the judge, the judge might
22 show, you know, leniency. He could show some type of
23 mercy on you and give you, you know, anywhere from zero to
24 30.

25 But, I got the whole sentence, the whole 30-year

SHELDON OAKMAN JR - RECROSS BY GOURLEY

1 sentence.

2 Q. And, Mr. Oakman, I just want to be clear. We're
3 not here today complaining and whining that you got too
4 much time. You are alleging today that your attorney was
5 ineffective and that your plea was involuntary; is that
6 correct?

7 A. Yes, ma'am.

8 MR. BLANCHETTE: Your Honor, I have no further
9 questions.

10 THE COURT: Any redirect {sic}?

11 MR. GOURLEY: Your Honor, if I may, just very
12 briefly.

RECROSS-EXAMINATION

13
14 BY MR. GOURLEY:

15 Q. Mr. Oakman, you did get the benefit because the
16 murder charge was nolle prossed, right? You went from a
17 potential life sentence to a 30-year sentence, correct?

18 A. Yes, sir.

19 Q. Okay. And you just mentioned that you felt like
20 your attorney had tucked tail and run, right?

21 A. Yes, sir.

22 Q. Why didn't you tell that to the judge during your
23 guilty plea?

24 A. I was doing -- now that I have knowledge of this,
25 now that I've had time to sit down and read and study and

SHELDON OAKMAN JR - RECROSS BY GOURLEY

1 actually go over some things and read about other cases, I
2 didn't -- I was going by what he said. He was my -- he
3 was my counsel. He's supposed to have brought the
4 knowledge and skill to the courtroom for me.

5 Q. Okay.

6 A. I told him that when he first -- I've never been in
7 trouble before. I don't know nothing, anything possible
8 about the law.

9 Q. Okay. Well, what was your basis for feeling like
10 he tucked tail and run at your guilty plea?

11 A. What was my basis?

12 Q. Yeah.

13 A. He didn't even have a possible defense. He didn't
14 even say anything about, Well, we can do this. You don't
15 got to think about that. We ain't -- we don't have to
16 take this guilty plea. We can go in here and we can do
17 this. And I feel like he never said any of that.

18 Q. Never said any of that prior to your guilty plea?
19 Why didn't you tell the judge that?

20 A. I felt -- well, he told me to answer the judge
21 questions yes or no and speak to the victim's family, and
22 then you're going to get sentenced.

23 Q. Okay. Thank you, Mr. Oakman.

24 Nothing further, Your Honor.

25 THE COURT: Sir, you may step down. Thank you.

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 Anything further?

2 MR. BLANCHETTE: Your Honor, I would call Everett
3 Chandler at this time.

4 EVERETT KEITH CHANDLER, having been duly sworn, was
5 examined and testified as follows:

6 THE CLERK: Please have a seat in the witness box.
7 State your full name for the Court.

8 THE WITNESS: Everett Keith Chandler.

9 DIRECT EXAMINATION

10 BY MR. BLANCHETTE:

11 Q. Mr. Chandler, what's your current occupation?

12 A. I'm an attorney.

13 Q. And what is the primary focus of your practice?

14 A. I do criminal defense and personal injury.

15 Q. Okay. And where is your practice located?

16 A. Chesterfield Street here in Aiken.

17 Q. And did you have the opportunity back in 2008 to
18 represent Sheldon Oakman?

19 A. Yes, ma'am.

20 Q. And as part of that did you file your Rule Five
21 motion?

22 A. Yes.

23 Q. And did you receive the discovery or Rule Five from
24 the solicitor's office?

25 A. Yes, ma'am.

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 Q. And once the PCR application was filed, did you
2 receive a request from myself for a copy of those
3 documents?

4 A. Yes.

5 Q. And did your office comply in providing a complete
6 copy of your file?

7 A. Absolutely.

8 MR. BLANCHETTE: Your Honor, at this time may I
9 approach the witness?

10 THE COURT: Yes.

11 BY MR. BLANCHETTE:

12 Q. Mr. Chandler, I'm going to show you what has been
13 marked as Applicant's Number Three which is the statement
14 of Casie Michelle Blizzard. Did you receive this document
15 as part of the Rule Five discovery in this case?

16 A. As far as I know.

17 Q. And was this document provided to me from your
18 office?

19 A. As far as I know.

20 MR. BLANCHETTE: Your Honor, at this time I'd move
21 this in as Applicant's Number Three.

22 MR. GOURLEY: I have no objection, Your Honor.

23 THE COURT: Without objection Applicant's Number
24 Three in evidence.

25 (Applicant's Exhibit No. 3, statement of Casie

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 Blizzard, received into evidence.)

2 BY MR. BLANCHETTE:

3 Q. Mr. Chandler, I'm going to show you what's been
4 previously marked as Applicant's Number Four. It's the
5 statement of Nicky Gunter.

6 A. Yes.

7 Q. Is this the statement that you received as part of
8 the Rule Five in this case?

9 A. As far as I know.

10 Q. Is this a statement that your office provided me as
11 part of the copy of your file?

12 A. As far as I know.

13 MR. BLANCHETTE: Your Honor, at this time I'd move
14 this in as Applicant's Number Four.

15 THE COURT: Any objection?

16 MR. GOURLEY: No, Your Honor.

17 THE COURT: Without objection, Applicant's or
18 Petitioner's Number Four into evidence without objection.

19 (Applicant's Exhibit No. 4, statement of Nicky
20 Gunter, received into evidence.)

21 BY MR. BLANCHETTE:

22 Q. Mr. Chandler, I'm going to show you what's been
23 previously marked as Applicant's Number Five. It's the
24 statement of Jamie Jones. Did you receive this statement
25 as part of your Rule Five discovery in this case?

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 A. As far as I know.

2 Q. And did you provide a copy of the statement to my
3 office as part of my request for a copy of your file?

4 A. As far as I know.

5 MR. BLANCHETTE: Your Honor, at this time I move
6 this in as Applicant's Number Five.

7 THE COURT: Any objection?

8 MR. GOURLEY: No, Your Honor.

9 THE COURT: Applicant's or Petitioner's Number Five
10 admitted without objection.

11 (Applicant's Exhibit No. 5, statement of Jamie
12 Jones, received into evidence.)

13 BY MR. BLANCHETTE:

14 Q. Mr. Chandler, I'm going to show you what's been
15 previously marked as Applicant's Number Six. It's a CD.
16 It says case number 08-002981 Oakman audio. Did you
17 receive the audio recordings as part of the Rule Five
18 discovery in this case?

19 A. Yes.

20 Q. And did you provide a copy of those as part of my
21 request for a copy of your file?

22 A. As far as I know, yes.

23 MR. BLANCHETTE: Your Honor, at this time I move
24 Applicant's Number Six in.

25 MR. GOURLEY: No objection, Your Honor.

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 THE COURT: Without objection Applicant's Six
2 admitted into evidence.

3 (Applicant's Exhibit No. 6, CD-Oakman audio,
4 received into evidence.)

5 BY MR. BLANCHETTE:

6 Q. And finally, Mr. Chandler, I'm going to show you
7 what's been marked as Applicant's Number Seven. It says
8 on it case number 08-002981 audio Oakman. Did you receive
9 a copy of the audio recordings, specifically the 9-1-1
10 call as part of the discovery in this case?

11 A. Yes.

12 Q. And did you provide a copy of that to my office
13 when I requested a copy of your file?

14 A. As far as I know.

15 MR. BLANCHETTE: Your Honor, at this time I'd move
16 this in as Applicant's Number Seven.

17 MR. GOURLEY: No objection, Your Honor.

18 THE COURT: Without objection Number Seven admitted
19 into evidence.

20 (Applicant's Exhibit No. 7, audio recordings,
21 received into evidence.)

22 BY MR. BLANCHETTE:

23 Q. Mr. Chandler, do you remember how many times you
24 met with Mr. Oakman?

25 A. I don't.

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 Q. Okay. Do you recall what you went over with him
2 during your meetings?

3 A. It is, it is normally my practice to go over the
4 entire file which would include listening and viewing any
5 audio or video discovery that we may have.

6 Q. Do you have any specific notes or recollections of
7 specific pieces of evidence you went over with him in
8 preparation of his case?

9 A. Actually I just saw an e-mail where I had indicated
10 that I went over everything but Gantt's video, but that we
11 had some problems with it and we had to reschedule a time
12 that I met with my client and that we went over Gantt's --
13 we went over audio recordings, and that -- and that we had
14 a problem getting some of the audio, I mean, getting
15 Frankie Gantt's interview and as soon as I get it I will
16 reschedule another time to meet with Sheldon.

17 Q. During your meetings with Mr. Oakman, did you talk
18 about possible defenses or prepare for a potential trial
19 in this case?

20 A. We talked. I always talk about possible defenses
21 as I discuss the possible -- as I discuss also the
22 elements of the crime. It is my practice to do so.

23 I will tell you I spent the bulk of my
24 representation focused on the mitigation of the charges
25 especially in light of the cooperation that Mr. Oakman had

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 already provided.

2 Q. And you would agree that he cooperated fully with
3 law enforcement?

4 A. Without any question.

5 Q. Okay.

6 A. Without any question.

7 Q. So I take what you're saying to be that you were
8 then trying to essentially work out the best deal for him
9 as a result of that?

10 A. Later, yes, when we got to the end of it, yes.

11 Q. Okay. Were you ever actively preparing his case
12 for a trial?

13 A. Well, you know, when I open up a file I'm always
14 actively preparing it, as you were describing, as far as
15 looking at the evidence and developing theories of the
16 case that may help my client. And it is my practice to go
17 over those with my client and at some point we will
18 discuss a course of action. And that may or may not
19 include a focus on trial preparation.

20 Q. Did you utilize a private investigator in this
21 case?

22 A. No, I didn't.

23 Q. Okay. Do you recall any specific investigation
24 that you did in this case?

25 A. I guess as far as specific investigation I reviewed

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1 the file but no, none, none -- I mean, as far as none --
2 if you're talking about taking pictures or anything like
3 that, no, I didn't take any pictures.

4 Q. Did you have the opportunity to speak with any of
5 the co-defendants?

6 A. No, no.

7 Q. Did you have the opportunity to speak with the
8 victim's family?

9 A. No.

10 Q. When was it in the course of your representation
11 that you started kind of pointing this case towards a
12 guilty plea? When did it essentially become a guilty plea
13 case to you?

14 A. I'm really not sure because we were gathering
15 information all along. So I really, I really can't
16 recall.

17 Q. Okay. Do you recall when you first spoke with
18 Mr. Oakman about entering a guilty plea and giving him any
19 advice regarding entering a guilty plea?

20 A. Not really specifically. I know that there were
21 always discussions during the course of the
22 representation, but I don't remember at the point that I
23 said that This is, this is your only avenue, or if I ever
24 said that.

25 Q. Okay. Now, I've said it over and over again here

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1 today, he received a 30-year sentence. At any point in
2 your representation were you more optimistic regarding the
3 potential plea, whether it be a plea offer or the sentence
4 that he would get?

5 A. Oh, without any question, yes. Initially.
6 Initially I was very optimistic. We had the opportunity
7 with all of those defendants, with Sheldon cooperating
8 early on, to be the one person that could potentially give
9 him the benefit. It had been my experience first as
10 prosecutor for the same office and even in private
11 practice that it was my experience that the first person
12 to the trough always get the best goods.

13 And at this point Sheldon before he came to me had
14 already cooperated with police. Nobody else was stepping
15 up. And my discussions with the deputy solicitor was
16 encouraging me that if Sheldon continued to cooperate that
17 we would be in a better position to get a very favorable
18 sentence.

19 And, frankly, before then and since then, that has
20 been pretty much consistently what has ultimately
21 happened. And this outcome has probably -- has been so
22 far off the radar and it still kind of bothers me today,
23 what ultimately happened.

24 Q. I won't beat around the bush. I'll just ask you a
25 simple question. Can you put your finger on what happened

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1 here?

2 A. It would be mere speculation. But the judge, the
3 judge can lay down sentences on the first day fresh off
4 probably the most horrific and effective victim-impact
5 statement I've ever heard in my life. Mr. Leaphart's
6 cousin talked about how the family couldn't even bury him
7 because they had to put him in multiple body bags because
8 his body was decaying at such a rapid rate.

9 The look on Judge Early's face and just the
10 atmosphere, with the cameras and everything, Judge Early
11 obviously was well within his right to give the 30 years
12 to my client. But everything pointed to him getting the
13 benefit. And at the time that he got that sentence there
14 was no doubt in my mind if Sheldon didn't get the benefit
15 nobody else was going to get it. That's just the bottom
16 line. There was, there was no doubt. And I was
17 absolutely shocked when I heard about what happened on the
18 following day.

19 Q. And were you present in the courtroom on the
20 following day?

21 A. No, I wasn't. Sheldon had received his sentence.
22 My representation basically had ended. But I promise you
23 as I shared with Sheldon's parents, it probably was the
24 best news because there was no way that these young
25 people, the other young men that were in that car or even

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 in the car where Mr. Leaphart actually was making those
2 calls, there was no way in the world that they could
3 receive the sentences that they had and Sheldon not get
4 it. So we used that as an opportunity to go back to the
5 judge and hold him to a standard that basically, I guess
6 they concocted in the chambers.

7 And basically it still didn't work. We laid the
8 standard out before, the judge's own standard. We
9 reminded him of what Bill Weeks and -- the prosecuting,
10 lead prosecutor said during that time, and we basically
11 tried to hold him to the same standard. And it just
12 failed at every corner.

13 I was extremely disappointed. It is true, my
14 client didn't have a chance to do any of those things.
15 And all of that was just a sheer effort basically for the
16 judge to hand out a lesser sentence.

17 But, again, that is mere conjecture. Judge Early
18 for me is one of the fairest judges in this county. I
19 mean that. That I've seen in this county, and I even to
20 this day am surprised about what happened on that day.

21 Q. And he ended the first day, Judge Early, when
22 you're asking for a lesser sentence, right, saying he's
23 going to feed everyone out of the same spoon?

24 A. Well, that's the only way he could describe it. I
25 mean, my client was the one -- I mean, it's already been

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 brought up. He was the one that gave everybody up. He
2 consistently cooperated with the police. He did
3 everything. There was nothing. There was absolutely
4 nothing. In fact, I think I remember in one of the
5 hearings he said, Well, Everett Chandler is always good
6 about getting his clients to help themselves out.

7 But in this case there's nobody that I've ever seen
8 that helped himself out more than Sheldon did. I promise
9 you, if everybody received a 30-year sentence, everybody
10 received a 30-year sentence I would understand that
11 because, again, it was an effective victim-impact
12 statement, the facts are horrible, and even listening to
13 Mr. Leaphart trying to convince the 9-1-1 caller that he
14 was in trouble still bothers me. But there's nothing as a
15 defense attorney that bothers me more to know that we
16 wouldn't have been out there that day with all of them
17 pleading if Sheldon hadn't given all of that information.

18 And for Sheldon to get caught up in that same thing
19 and then frankly get more time than some of the more
20 culpable guys, this is one of the cases that bothers me,
21 probably, in my entire career the most.

22 Q. Let me ask you, just jumping back to the
23 preliminary hearing. You were in here when I questioned
24 Mr. Oakman.

25 A. Sure.

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 Q. And we talked about the preliminary hearing and
2 highlighted the argument that you made and the fact that
3 you got the officer to admit that he was not in the car
4 where Jeremy Leaphart was being held against his will and
5 making the phone calls, and also that there was no plan.
6 You argued very strongly for dismissal at the preliminary
7 hearing stage.

8 A. Yes.

9 Q. Why did you feel then that he could later be
10 convicted under a reasonable doubt for why -- I'm sorry.
11 I'm poorly wording this. But why would you advise him to
12 enter a guilty plea to that same charge later on?

13 A. And what you're alluding to is the fact that
14 there's a lower standard -- I mean, there's a higher
15 standard, I guess, on the part for us to overcome in
16 preliminary hearings because all we're asking for is
17 probable cause.

18 And so my argument was, was really, I was laying
19 out basically just, just the best argument I could for my
20 client. The reality of it is that under the facts,
21 considering what happened in Saluda and what eventually
22 happened in Aiken County, the magistrate made a good, a
23 great decision but as an advocate of course I'm going to
24 lay out the best argument I can on behalf of my client.
25 And I did that at the time when there was opportunity or

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 at least appeared to be an opportunity to have those
2 charges dismissed. And while we were still cooperating
3 with the police, give us a better argument for even a
4 lesser sentence with the prosecution later on.

5 Q. So how did that argument evolve into advice to
6 enter a guilty plea on that exact charge?

7 A. Because those two things are not mutually
8 exclusive. I mean, advocacy, what I basically advocated
9 were several arguments that I could, I could come up with
10 but there were other arguments that the opposing counsel
11 didn't argue that I knew existed.

12 And there were arguments about the fact that this
13 was a continuous act that led from Saluda. And that, in
14 fact, the kidnapping started in Saluda and there was
15 really nothing changed because even though Sheldon was in
16 the other car, they knew that young man wasn't free to
17 leave. And they were still participating in the complete
18 scheme.

19 And so while I argued that Sheldon himself was not
20 holding a gun to him or not privy to everything, I
21 ultimately knew what the potential arguments or the
22 potential State's position would be. And obviously I
23 would not want to expose my client or I advised my client
24 of the potential exposure which eventually led to him
25 ultimately entering the guilty plea.

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 Q. Did you have discussions with the State or were you
2 aware if he was going to be charged as a principal or
3 tried as a principal if he went to trial if he was going
4 to be tried under the hand-of-one-hand-of-all theory?

5 A. I don't recall having that discussion. I can't say
6 if we did or not. I just don't recall.

7 Q. Did you know if any of his co-defendants planned to
8 testify against him if he had proceeded to a trial?

9 A. No, I did not know. I do not know. I would say
10 this: What I did know was that I was wishing that
11 somebody wanted a trial so that Sheldon would be able to
12 testify. And shared that with his family, Sheldon and
13 also his family, that that would be one of the better
14 scenarios that we could have.

15 Q. Did you ever push the issue or address the matter
16 with the Court that you did not want your client lined up
17 with the seven other co-defendants, you wanted him to have
18 his individual day in court to make sure his rights were
19 protected?

20 A. No, ma'am. No, ma'am. Before then and since then
21 I've done, I guess what you call a cattle call or
22 multiple-defendant pleas. And, I've never seen -- and
23 even since, I've never seen the prejudice in
24 multiple-defendant pleas and I didn't see it in Sheldon's
25 case.

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 But I will, I will say that the circus of it
2 probably added to, you know, added to what ultimately led
3 to the judge giving him such a harsh sentence but, you
4 know, it was well within the range of the plea agreement.
5 It was after a victim who has the right to testify offers
6 some information. And as disappointed as I was in the 30
7 years, I certainly understood what the judge's position
8 was, obviously, until I heard the second day that there
9 were more-culpable defendants who were given lighter
10 sentences.

11 Q. Mr. Oakman and his family retained you to represent
12 him and to be his advocate --

13 A. Absolutely.

14 Q. -- to help him through this what can be an
15 adversarial process. You just characterized the first day
16 of the plea proceeding as a circus. What did you
17 specifically do on that first day to protect his rights
18 and to make sure that he received the best possible
19 sentence in this case?

20 A. First, I was making reference to your reference of
21 the circus. In many ways especially for high-profile
22 cases you can't avoid having press there or cameras
23 there. And those are things that obviously can't be
24 avoided in a free and open society.

25 But the reality of it is, I think I made an

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 effective argument about the, basically how Sheldon -- and
2 separated Sheldon from these bad actors more
3 specifically -- all of them, but even more importantly the
4 three that he was sentenced with on the first day with
5 those who had already received those serious sentences.
6 And it is the reason why in the transcript that the judge
7 felt compelled to give a reason why he was going to give
8 Sheldon the 30 years because it was already laid out that
9 Sheldon should have gotten it.

10 And there was no reason why the judge would have
11 said that had he not felt that there was at least a
12 compelling reason that was put forth before him that he
13 should give Sheldon that. And, again, it was that thing
14 that says, I'm sorry, Mr. Chandler, but I need to feed him
15 out of the same spoon that made me or allowed me to go
16 before the Court to remind him that obviously he felt that
17 there was something different and that even using the
18 standard that they came up with and -- on the second day,
19 that Sheldon should be given the same type of
20 consideration.

21 Q. And would you agree upon review of the transcript
22 and just what we've talked about here today already that
23 the State gave very favorable information during the plea
24 regarding Mr. Oakman?

25 A. There's no question about it. There's no question

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 about it. All of it was true. And many times they
2 reiterated the things that I had already said about my
3 client.

4 Q. At the reconsideration hearing you give an argument
5 about as a public policy to encourage others in being
6 cooperative that the judge should potentially give him
7 less than 17 and somewhere around five. The transcript
8 appears as though Judge Early laughed in response.

9 Do you recall your argument and the judge's
10 response to that reconsideration? If you can take us
11 through that.

12 A. I don't recall it in detail. And, again, I still
13 believe that there should be, and that public-policy
14 argument has helped me in other jurisdictions since then
15 because they do believe it. And they, the law enforcement
16 believes it as well.

17 And, the reality of it is, I do believe that the
18 cover that we, the cover that we would normally have in
19 most cases would kind of help that Sheldon provided, we
20 just didn't get the credit for it or Sheldon didn't get
21 the credit for it.

22 I perfectly understood it on the day because of,
23 again, the facts as presented. And the victim-impact
24 statement was so powerful I could understand why the judge
25 emotionally would be moved to give everybody those

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 substantial sentences. And I certainly understand why,
2 having been able to cool off, that the judge would give
3 lesser sentences.

4 It was just unfortunate that the most -- the least
5 culpable person of that entire crowd was Sheldon and he
6 got 30 years.

7 Q. And just to make sure that I'm clear for the
8 record, the victim-impact statement that was read in the
9 first day would have been applicable to everyone that was
10 sentenced on the second day as well, correct?

11 A. It certainly would have but I'm promising you the
12 temperature in that room after she laid that out, it was,
13 again I'll say, it was one of the most compelling things.
14 And, again, Sheldon being called up and we ran out of time
15 and, you know -- I wish we would have run out of time
16 after the third one. There's no doubt in my mind that
17 Sheldon would have gotten 17 if not less but it just
18 didn't work out for him. I wish five o'clock would have
19 came sooner, quite frankly, or whatever time it was that
20 Judge Early had ended court.

21 But the reality of it is there was no logical
22 reason why Sheldon Oakman should have gotten the five that
23 Judge Early laughed at. Now I had to ask for the five.
24 Then he apologized for it. He may have laughed at the
25 five but that would have been consistent with my, my

EVERETT KEITH CHANDLER - DIRECT BY BLANCHETTE

1 clients who have testified in armed robberies and murders
2 in the past who have gotten accessories for five or less,
3 who have gotten probationary sentences in armed
4 robberies.

5 It is what I asked for. And, again, I would say
6 that's the reason why he had to apologize and set a
7 standard on the first day and then come up with a new
8 standard on the second day.

9 Q. I believe I have two more questions. First: Did
10 you ever look into the guns in any investigation regarding
11 the gun theft that was kind of the precursor, the start of
12 all of these events?

13 A. No, I didn't. No, I didn't.

14 Q. Okay. And, secondly: Did you ever discuss with
15 the solicitors from the counties where jurisdiction would
16 be proper or where a trial would be held in this case?

17 A. Yes, we had the discussion and -- but, again, we
18 chose Aiken because we were going to get the benefit of
19 the murder charge which was the most serious of all of the
20 charges to be dismissed.

21 And I thought adding a sentence such as kidnapping
22 which would actually allow -- which didn't have any
23 mandatory minimums, that Sheldon had the best chance based
24 on his cooperation and based on his lack of culpability
25 compared to his other co-defendants, that this would give

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 him the best chance to get a very low sentence like the
2 one that I would have asked for.

3 MR. BLANCHETTE: Your Honor, if I could just beg
4 the Court's indulgence one moment, please.

5 (Pause.)

6 Your Honor, I have no further questions of this
7 witness. Thank you.

8 THE COURT: Cross-examination.

9 MR. GOURLEY: Yes, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. GOURLEY:

12 Q. Mr. Chandler, regarding the discovery material and
13 audiotapes, it's your typical practice to review all of
14 the discovery material with your clients?

15 A. Absolutely, yes.

16 Q. Okay. And you just don't have any specific
17 recollection whether or not you reviewed those audiotapes
18 today?

19 A. You know, until I saw the e-mail I don't -- I just
20 had an e-mail that said -- I saw an e-mail that was
21 explaining why I didn't -- I looked at all -- we listened
22 to all of the videos and the audio recordings except
23 Frankie Gantt's or somebody, and then we had to get, we
24 had to get that again.

25 Q. Okay.

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 A. But, again, it is my normal practice to go over
2 every piece of evidence, play it for my client, show it to
3 my client. And, in fact, I do remember meeting with my
4 client in the interview room going over all the recordings
5 and videos.

6 Q. Okay. Mr. Oakman -- I'm sorry. Mr. Chandler, in
7 your discussions with Mr. Oakman, did he ever relay to you
8 his version of the facts?

9 A. Yes.

10 Q. And do you recall those?

11 A. I just -- I remember him relaying them to me but to
12 this day I can't remember specifics, no, sir.

13 Q. Okay. Was there any question that Mr. Oakman was
14 involved in this case?

15 A. No, there was no question.

16 Q. And that included him picking him up from the
17 trailer, Mr. Leaphart being tortured at the trailer and
18 subsequently being driven to his ultimate demise?

19 A. That's correct.

20 Q. And, again, prior to your representation Mr. Oakman
21 had already given multiple statements to the police?

22 A. I knew he had given at least one statement to the
23 police, yes.

24 Q. Okay. And can you briefly describe the State's
25 evidence that they had against Mr. Oakman?

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 A. To the best of my recollection they had evidence
2 that, at least in one -- at least in Saluda, at the
3 trailer in Saluda County is that he participated in what
4 they described as torture. My client had admittedly
5 struck him and it was during the time when other actors
6 had burned him. He was bound. There was an argument
7 about a gun that I knew my client didn't know anything
8 about or didn't have any direct knowledge about. And then
9 ultimately the victim was driven to a location in Aiken
10 County where no one knew that the, that the trigger man
11 had the gun, he pulls it out and he shoots him. And it
12 shocks everyone.

13 That ultimately my client along with the other guys
14 that were there were coerced or convinced by all the
15 parties there to move the body and so I think they did it
16 in some ritual way, everyone had to touch the body or
17 something. And they wrapped the body up, laid it in a
18 place where the body decayed. And, again, it was some of
19 the facts connected to that that really, really, truly
20 kind of led to Judge Early being very emotional during the
21 plea.

22 Q. And it was alleged by some of the co-defendants and
23 of course the speech by Mr. Oakman and yourself that he
24 was the one that handed the final shot to Mr. Gantt?

25 A. That was just some convenient fact that they came

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 up with. Those guys were very surprised in the prelims
2 because they were all looking at him. When they had heard
3 that Sheldon had given up most the information against
4 them and I knew a lot of these things would start popping
5 up where they would begin to start making up things about
6 Sheldon.

7 And, frankly, on that second day, as I shared with
8 the family, had I represented some of those other
9 co-defendants, I would have met in chambers and come up
10 with a new standard for Judge Early to come up with as
11 well that would help them.

12 Q. Mr. Chandler, you obviously had no way of knowing
13 that Judge Early was going to give a lesser sentence to
14 the other co-defendants on the second day.

15 A. By the last words he gave me, I was absolutely
16 convinced that those other young men were going to get 30
17 years. It was no doubt in my mind.

18 Q. And once you learned though the sentences of the
19 other co-defendants, you filed a motion for
20 reconsideration, correct?

21 A. I had a public defender who gave me the play-by-
22 play about what was going on and gave me what was going on
23 from there. We ordered a transcript and we took every
24 word from Judge Early, put together a standard that he
25 came up with and basically made a motion to the judge to

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 basically, basically evaluate Sheldon's case in the same
2 way that he evaluated everyone else's case on that second
3 day.

4 MR. GOURLEY: Your Honor, may I approach?

5 THE COURT: Yes.

6 BY MR. GOURLEY:

7 Q. Mr. Chandler, is this the standard, I guess, if you
8 will, that you handed Judge Early?

9 A. Yes.

10 MR. GOURLEY: Okay. And, Your Honor, I would move
11 at this time as State's Exhibit One.

12 THE COURT: Any objection?

13 MR. BLANCHETTE: No, Your Honor, no objection.

14 THE COURT: All right. Without objection State's
15 Exhibit Number one admitted into evidence.

16 MR. GOURLEY: Thank you, Your Honor.

17 (State's Exhibit No. 1, Order amending sentence,
18 received into evidence.)

19 THE COURT: You have a copy for me?

20 MR. GOURLEY: Your Honor, you can have this one.

21 THE COURT: Thank you.

22 BY MR. GOURLEY:

23 Q. Mr. Chandler, can you just briefly describe this
24 and what it contains?

25 A. Basically it was just me laying out what happened

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 on this next day for my client. And followed the
2 reasoning of the Court on the second day, having pulled
3 the transcript. And for every standard that he laid --
4 that Judge Early laid out, age, prior record, level of
5 involvement, and cooperation with law enforcement, I
6 basically went through each stage and laid out, and laid
7 out giving reference to the, at least to the partial
8 transcript about how Sheldon in every way exceeded each
9 and every one of those co-defendants in the new standard
10 that Judge Early had come up with on the second day.

11 And, again, I say that and I have all respect for
12 Judge Early --

13 Q. Yes, sir.

14 A. -- and his ability to be fair, but this was a
15 deviation.

16 Q. Obviously Judge Early sentenced Mr. Oakman within
17 the statutory limits of kidnapping.

18 A. And as I said, had everyone gotten 30 years I would
19 not only understood it, I mean, I would have certainly
20 understood it and would have been as disappointed simply
21 because of the level of cooperation that Sheldon had given
22 from the very beginning.

23 Q. And just going back to some of the allegations that
24 Mr. Oakman has raised. Regarding jurisdictional defect
25 and impropriety, do you feel you had any basis to

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 challenge the fact that there was a kidnapping or a
2 kidnapping in Aiken?

3 A. No. I mean, legally there was a kidnapping in
4 every jurisdiction. I really believed that. And while I
5 made, made the arguments as an advocate during the
6 preliminary hearing, obviously I knew the arguments that
7 weren't made at the preliminary hearing.

8 And I also knew that my client's best -- in light
9 of his cooperation, his best opportunity was to plead to a
10 -- plead under a kidnapping charge where there was zero to
11 30. And for the judge to be able to possibly take into
12 consideration all of the cooperation.

13 Q. And did you explain this to Mr. Oakman?

14 A. Certainly, without any question.

15 Q. Mr. Chandler, you mentioned that you were aware of
16 the arguments that weren't made at the prelim. Can you
17 briefly discuss what those were?

18 A. Well, again, I was laying out Sheldon's being in
19 the other car and Sheldon not being privy to the pleas on
20 behalf of Mr. Leaphart -- actually Mr. Leaphart's pleas to
21 9-1-1 or to someone to give the guns, give the guns.

22 But one thing that the State did not focus on and
23 neither did the officer focus on was the fact that Sheldon
24 was an active participant in what was going on in Saluda.
25 And that basically the kidnapping or the facts that went

EVERETT KEITH CHANDLER - CROSS BY GOURLEY

1 on in Saluda to Aiken was basically a continuous process
2 and it would be hard for Sheldon to separate himself from
3 any of that.

4 Q. Okay.

5 A. We would have had a difficult time, whether it was
6 in Saluda County or in Aiken County.

7 Q. Did Mr. Oakman ever indicate to you that he wanted
8 to proceed to trial?

9 A. He never. And had he done that, I would have tried
10 my best to advise him against it, because I didn't think
11 it was in his best interests. But he never did.

12 But ultimately if he insisted on it we would have
13 lined up a trial for him. And I've done it in the past,
14 but Sheldon never, never indicated to me that --
15 especially as we came to the close of everything, to my
16 recollection he did not indicate to me that he wanted a
17 trial.

18 Q. Okay. Beg the Court's indulgence, Your Honor.
19 (Pause.)

20 Did Mr. Oakman ever request that you meet with his
21 co-defendants or the victims in the case? Did Mr. Oakman
22 ever request that you meet with his co-defendants or
23 victims in the case?

24 A. He never requested that I meet with the
25 co-defendants.

EVERETT KEITH CHANDLER - REDIRECT BY BLANCHETTE

1 Q. Uh-huh.

2 A. Now the family did want me to talk to the victims
3 and I really wanted to be careful about speaking to the
4 victims.

5 Q. Why is that?

6 A. Well, frankly, I didn't want -- I mean, Sheldon was
7 already providing cooperation. I didn't want it to appear
8 as if that we were trying to take advantage of the victims
9 at the time.

10 Q. Okay.

11 MR. GOURLEY: Your Honor, that's all the questions
12 I have of Mr. Chandler.

13 THE COURT: Anything further, Ms. Blanchette?

14 MR. BLANCHETTE: Just briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. BLANCHETTE:

17 Q. Mr. Chandler, the record reflects that Gantt's
18 attorney and -- Gantt had received a negotiated 45 years,
19 his attorney was present and attended the chambers
20 meeting. It would be easy to say Mr. Gantt couldn't, you
21 know, gain anything from that because he had a negotiated
22 sentence.

23 So what was your reasoning, again, for not being
24 there on the second day?

25 A. My client had just been sentenced. I don't know

EVERETT KEITH CHANDLER - REDIRECT BY BLANCHETTE

1 who Mr. Gantt's attorney was. I don't know if that was a
2 public defender who was already there and would have been
3 in court anyway that day. But my client had, we had just
4 did his plea the day before, and there was no other reason
5 for me to be at the sentencing.

6 Q. The State admitted Respondent's Number One which
7 was the order amending sentence that you had drafted and
8 submitted to Judge Early.

9 A. Sure.

10 Q. And in that order you cite to the partial
11 transcript. Do you recall if you had both the first and
12 the second day of the plea proceedings to utilize in
13 preparing this order or did you just have the first day?

14 A. I can't remember.

15 Q. Okay. So you don't know why it was considered
16 partial?

17 A. Right.. Right. Yes, I can't remember why.

18 Q. Okay. Do you have a reason as to why you didn't
19 cite to anything that happened on the second day such as
20 when the co-defendants and their attorneys essentially say
21 that your client wasn't as culpable as Darrell Williams or
22 he wasn't in the top three? Is there any reason you did
23 not include in this amended order? Or, I'm sorry. In
24 this order amending sentence?

25 A. I can't recall.

EVERETT KEITH CHANDLER - REDIRECT BY BLANCHETTE

1 Q. And is there any reason why you did not include in
2 this order the fact that the victim's family, since its
3 victim-impact statement was so damaging why you didn't
4 include the fact that the victim's family had thanked the
5 family of the Sheldon Oakman?

6 A. And I can't recall.

7 Q. And then you did -- and correct me if I'm wrong,
8 but you've given some testimony to the fact that you feel
9 that Judge Early got this wrong even with, you know, out
10 of all respect to him, you feel like he may have erred in
11 the sentences that he handed down.

12 Are you aware of the fact that the Court of Appeals
13 found that Judge Early did not err and that did he not
14 abuse his discretion in this case?

15 A. I think you shared that with me today. You shared
16 that with me today.

17 Q. And specifically in citing to Rule 220(B)(1) of the
18 South Carolina Appellate Court Rules in upholding his
19 guilty plea and his sentence the Court cited to State
20 versus Fullman and their decision in the Court of Appeals
21 and in that case it held that when the record clearly
22 reflects an appropriate basis for a disparate sentence,
23 the circuit court may impose a different sentence on a
24 co-defendant in a criminal trial.

25 Whose responsibility was it to put in the record

1 that there was a basis why he should be treated
2 differently, why he should have gotten that 17 years?
3 Whose responsibility was that to put that in the record?

4 A. Oh, it was certainly mine.

5 MR. BLANCHETTE: Your Honor, if I could just beg
6 the Court's indulgence.

7 THE COURT: Yes, ma'am.

8 (Pause.)

9 BY MS. BLANCHETTE:

10 Q. Mr. Chandler, do you recall ever showing and going
11 over with Mr. Oakman a video reenactment at the scene?

12 A. I don't recall that.

13 Q. Okay.

14 Your Honor, I have no further of this witness.

15 MR. GOURLEY: Your Honor, just very briefly.

16 RECROSS-EXAMINATION

17 BY MR. GOURLEY:

18 Q. Mr. Chandler, did you feel that you adequately
19 represented Mr. Oakman at the reconsideration hearing?

20 A. Oh, yeah. During the plea and the reconsideration
21 yes.

22 MR. GOURLEY: No further questions, Your Honor.

23 Thank you.

24 THE COURT: Mr. Chandler, do you have a copy or does
25 the State have a copy of the final order signed by Judge

1 Early, his denial of your motion to reconsider?

2 MR. GOURLEY: I don't have a copy, Your Honor.

3 THE WITNESS: I'll flip through while I sit down.

4 THE COURT: Okay. You may step down.

5 THE WITNESS: Thank you, Your Honor.

6 MR. GOURLEY: Your Honor, Ms. Blanchette pointed
7 out that it's the last page of the record on appeal in the
8 packet. It's just a form four, page 175, Your Honor.

9 THE COURT: All right. Anything further?

10 MR. BLANCHETTE: Your Honor, I do have several
11 cases that I've copied for Your Honor. I have prepared a
12 three-page written argument that goes over these cases.
13 Unless Your Honor would prefer for me to put that in the
14 record, I've prepared that ahead of time.

15 THE COURT: Do you have a copy of it?

16 MR. BLANCHETTE: I provided a copy to the State --

17 MR. GOURLEY: She has.

18 MR. BLANCHETTE: -- as well, Your Honor. I don't
19 know if we'd like to mark that so it is part of the record
20 as well, but I just figured I would give you these cases
21 that go along with it and so you would have that for
22 review.

23 I did want to mention that I'm handing up Smith
24 versus State which is Gerald Smith's case. And I was
25 fortunate to be his PCR attorney. We did lose in the

1 circuit court, but it was reversed recently by our Supreme
2 Court. And that deals with counsel's failure to withdraw
3 a guilty plea or object to a guilty plea. And it also
4 goes into an analysis and the standard for prejudice when
5 you're looking at that issue. And that's an issue that
6 we've raised today so I've included that additionally.

7 And then I have Roberts versus State which is a
8 case out of Oklahoma, I believe -- I'm sorry, Missouri,
9 Your Honor. And that is the only case I've been able to
10 find that discusses the prejudice that can be suffered
11 from a cattle call or circus-like guilty plea which is a
12 term that we've used today. So I've included that in the
13 packet as well.

14 THE COURT: All right.

15 MR. BLANCHETTE: And I have a copy of the argument
16 to mark for the record.

17 THE COURT: All right.

18 MR. BLANCHETTE: That would be Applicant's Number
19 Seven.

20 THE COURT: All right. Any objection?

21 THE CLERK: Number Eight.

22 MR. BLANCHETTE: Number Eight. I'm sorry.

23 (Applicant's Exhibit No. 8, written argument,
24 received into evidence.)

25 MR. BLANCHETTE: And, Your Honor, we have no

1 further witnesses or anything further that we would like
2 to submit to the Court.

3 THE COURT: Anything on behalf of the State?

4 MR. GOURLEY: No, Your Honor.

5 THE COURT: I'll take a look at what you've
6 submitted to consider.

7 MR. BLANCHETTE: Thank you, Your Honor.

8 THE COURT: Let you all know. All right. Thank
9 you.

10 END OF PROCEEDINGS: 1:03 P.M.

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, Cheri L. Young, Registered Professional Reporter and Official Court Reporter for the State of South Carolina, Second Circuit-At Large, do hereby certify that the foregoing proceedings were written stenographically by me using computer-aided translation; further, that the foregoing is a true, accurate and complete record, to the best of my skill and ability, of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of Common Pleas for Aiken County, on the 12th day of January, 2015.

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

I have hereunder set my hand this 22nd day of September, 2015.

Cheri L. Young, RPR
Official Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

STATE OF SOUTH CAROLINA

VS

SHELDON OAKMAN, JR.

DEFENDANT

IN THE COURT OF GENERAL SESSIONS
SECOND JUDICIAL CIRCUIT

ORDER AMENDING SENTENCE

INDICTMENT #: 2008-GS-02-1886

STATE'S
EXHIBIT

1-12-15

ACB

13-70

The above Defendant moved before this Court to have a sentence contained in the above indictment amended to reflect sentences given to similarly situated codefendants. On April 27, 2009, the above defendant was sentenced to thirty years in the South Carolina Department of Corrections on Kidnapping charges that ultimately led to the death of victim, Jeremy Leaphart.

On the day of the Defendant's guilty plea, he was sentenced with the triggerman, Frankie Gantt, who received a forty five year sentence. Also sentenced, were two other codefendants, Johnny Walker and Darrell Williams, who both received similar sentences of thirty years.

On the following day, the remaining codefendants (John Oakman, Andre Norris, Marion Abner, and Ronnie Bower) entered guilty pleas and all received a sentence of seventeen years in the South Carolina Department of Corrections. This Court reasoned that mitigating factors such as age, prior record, level of involvement and cooperation with law enforcement supported a departure from the thirty year sentences imposed the day earlier (Partial Transcript, p.19 lines 6-13).

The above Defendant contends that the factors listed above make him more comparable with the defendants sentenced on the second day who received the seventeen year sentences.

Ages: Darrell Williams [REDACTED] and Johnny Walker [REDACTED] are ages twenty-nine and twenty-six respectively. Sheldon Oakman [REDACTED] is twenty-one years of age and would be more comparable to the ages of John Oakman [REDACTED] seventeen, Ronnie Bower [REDACTED] nineteen, and Marion Abner [REDACTED] twenty-one.

Prior Record: As for the prior record of Mr. Sheldon Oakman, Jr., Deputy Solicitor Weeks indicated that Mr. Sheldon Oakman did not have prior convictions (Partial Transcript, p. 3 lines 3-6).

Level of Involvement: With regard to Sheldon Oakman Jr.'s involvement in the above crime, Deputy Solicitor Bill Weeks indicated that Mr. Sheldon Oakman, Jr. was not as culpable as the other defendants receiving the thirty year sentences neither did Sheldon realize that Frankie Gantt was going to kill Jeremy Leaphart (Partial Transcript, p.8 lines 19-25). Further, Ronnie Bower and Sheldon Oakman, Jr. were both riding together in the second car and were not privy to the threats going on in the car carrying Jeremy Leaphart. Ronnie Bower received a seventeen year sentence.

Cooperation with Law Enforcement: Mr. Sheldon Oakman provided substantial assistance to law enforcement, providing information regarding the location of the shooting and all parties involved (Partial Transcript, p. 5 lines 1-16).

IT IS THEREFORE ORDERED that the Defendant's sentence shall be reduced from the thirty year sentence to a sentence of ____ in the South Carolina Department of Corrections to reflect comparable time given to codefendants similarly situated with him.

Done on this ____ day of July, 2009, at _____, South Carolina.

The Honorable Doyet A. Early, III
Judge, 2nd Judicial Circuit

Judge: Brown

State Atty. Daniel Gourley

Def's Atty. Tricia Blanchette

Received of Cheri Young, Court Reporter for the above case, these exhibits:

[illegible]

Page 1 of 1

copy court reporter 1/12/15
Date



451

LISTING OF DEFENDANTS WITH LOCATION IN CARS AND SEATS

J. Garland
cc. C.P. & G.S.
Anita Knoepfle
Deputy Clerk
430

- Frankie L. Gantt
 - In car with victim / front passenger seat
 - Shooter
 - 45 years
- Darrell Williams
 - Not in either car
 - 30 years
- Johnnie Walker
 - Not in either car
 - 30 years
- Sheldon Oakman, Jr.
 - Driver of second car / victim in other car
 - 30 years
- John Oakman, Jr.
 - In backseat of car with victim
 - 17 years
- Ronnie Bowers, Jr.
 - Passenger in second car / driven by Applicant (Sheldon Oakman)
 - 17 years
- Andre Norris
 - In backseat of car with victim
 - Provided location for victims' body
 - 17 years
- Marion Abner
 - Driver of car with victim
 - 17 years

WITNESSES

L. Gant, A.C.S.O.

FILED July 10 2008

Lia Godard
C.C.P. & G.S. S.A.
Shannon W. Rosenkrantz
Deputy Clerk

ARREST WARRANT NUMBER

K-206992

ACTION OF GRAND JURY

True Bill

Lia Godard
Foreperson of Grand Jury
Date: July 10, 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-02- 1085

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

July 14, Term 2008

THE STATE

vs.

SHELDON OAKMAN

4/28/09 Willie Rose
Pled to Kidnapping
Jonul White

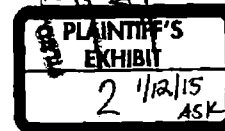
Indictment for

MURDER

SC Code 16-3-10

CDR Code 116

Class FEL-EXM



STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Lia Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

21 day of May 2008
Lia Godard
C.C.P. & G.S. Aiken County, SC
Cheryl Westlake
Deputy Clerk

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

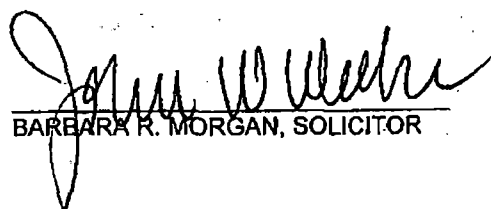
INDICTMENT

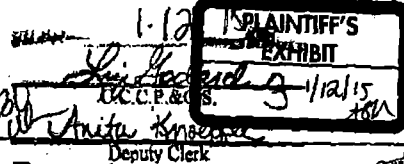
At a Court of General Sessions, convened on July 14, 2008, the
Grand Jurors of Aiken County present upon their oath:

MURDER

That SHELDON OAKMAN did in Aiken County on or about December 24, 2007, feloniously, wilfully and with malice aforethought, participate as a principal with others to then and there kill and murder Jeremy Leaphart by means of shooting Jeremy Leaphart with a shotgun and that the victim did die in Aiken County at Hutto Pond Road, Aiken, South Carolina as a proximate result thereof on the 24th day of December, 2007. All in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

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


BARBARA R. MORGAN, SOLICITOR



Lexington County Sheriff's Department



VOLUNTARY STATEMENT

(Not Under Arrest)

I, Kasey Michelle Buzzard, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to ED RES764.com. I volunteer the following information of my own free will, for whatever purposes it may serve. I am 20 years of age, and I live at [REDACTED]

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

VB
Jeremy had round about 5 to 7 guns that he brought to my house. Him & his buddy Steve put them under my trailer. They were in a blue duffle bag type thing, stuck in a blue tote when Jeremy moved them to the bottom of (which I refer to behind my house) he took them out the tote. As far as I know they were still in the duffle bag. The clip that Lexington County had found was an AK-47. That's all I can really say b/c I didn't get a glimpse of the guns. As far as I knew Lexington County had them and that's the last I had actually really heard about them. This was around the beging of december. They call him Lil Steve. Around the 21st of december he got in an argument with his cousin, that's when he moved them down behind my house. I heard Jeremy talking on the phone & saying please, please do something I don't want to go to jail. He moved the guns. Nikki was at the house on Haven Rd when the guns were moved. Dec. 24th I had come home about 4:00 p.m or a little after. Jeremy had come in my back door a few min after I got home, he was all upset, nervous, and telling me he wanted his guns and that I better tell him where they were. If he didn't get them back alot of people were going to get hurt. I told him to leave b/c I don't know anything about the. He left my home walking at first, came back & left w/ Steve. VB

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at BATESBORO, LOUISIANA P. D., this 08th day of JANUARY 20 08.

WITNESS:
DET [Signature]

Kasey Buzzard
Signature of person giving voluntary statement.
01-08-08



Voluntary Statement (con't.)

☐ Victim/Witness☐ Suspect/Defendant

Page 2 of 2 pages

Date 01/08/08

When Steve pulled up in a maroon car with two other guys, Jeremy had come back. ^{He} ~~He~~ ^{Jeremy} was on his phone talking to some one. This took place around 5:00pm - 5:30pm. Steve was with two black guys. I was talking with Jeremy when I over heard Steve tell my sister that ^{wanted} them boys wanted to get their stuff and that might be the last time we see him. (Talking about Jeremy.) One of the black guys kept telling Jeremy let go let's go get in the car and let's go before she (referring to me) calls the law. It was about 5:30 - 6:00. I left behind them and went to Betty's to talk to Sean. Sean got in my car & we talked for maybe 5 to 10 minutes then I called Jeremy's Verizon phone. That's when Steve picked up. We started talk and at one point I asked was they going to kill Jeremy and he said no b/c Jeremy was his boy. He said something about those boys. Can't quite remember. I started screaming talking about different things, either the phone went out of or someone hung it up. A few minutes later Steve called back to Betty's. I sat with him once again about Jeremy getting hurt. After we hung the phone up left and went home. Around 9:00 - 11:00pm Steve and two other guys came to my house. They came in we talked about Jeremy. Steve asked was he true. I told him no I last seen him when he left with you (Steve) earlier. Steve's I will you see he's out with me. I said yeah or I see that. We watched a 5 min. of a movie and they left.

I have read this page, initialed any corrections or changes, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Sworn to before me this 8th day of JANUARY, 2008

AET. [Signature]
☒ Witness or ☐ Notary Public

Keray Blinn
 Signature of person giving voluntary statement
 01-08-08



Lexington County Sheriff's Department

VOLUNTARY STATEMENT



(Not Under Arrest)

I, Kasey Blizzard, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to DA INVESTIGATOR. I volunteer the following information of my own free will, for whatever purposes it may serve. I am 25 years of age, and I live at [REDACTED]

Alternate Contact Name: Neta Williams Phone (H) [REDACTED] (W) [REDACTED] (C) [REDACTED]

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

Dicki received a text message from Steve on 01-10-08 around the hours 6:00-7:00. It said something about here's my new #, someone was playing on his other # so he got it changed. She said she knew it was Steve DIC his signature ... I'm paid ... sometime's after 9:00 a.m. she spoke with Steve. His phone went dead or something so he called her back off another #. After I took Dicki to the store to get some minutes for her phone so she could receive the picture message Steve sent her, she called him and Steve sounded upset by someone telling him that I was at the police station and him being questioned over & over about Jeremy. He had mentioned something about a guy called SAPP. They questioned him & he says he don't mess with him like that. Wilkie & I were talkin later about the whole deal and she claims that I'm over reacting about the phone call between her & Steve. It's a LOV #. Both #'s I called from was LOV. FB

END OF
STATEMENT
01-11-2008

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at Pitt Stop #17, this 11 day of Jan. 20 08

WITNESS
DET. [Signature]

Kasey Blizzard
Signature of person giving voluntary statement.



Voluntary Statement (con't.)

☒ Victim/Witness

☐ Suspect/Defendant

 Page 1 of 1 pages

 Date 01/09/08

THE BLUE TOFE WAS WHAT JEREMY AND LITTLE STEVE
 BROUGHT THE GUNS TO MY HOUSE IN. THEY PUT THE
 GUNS UNDER MY HOUSE AND IN THE BLUE TOFE. I
 WHEN JEREMY MOVED THE GUNS HE LEFT THE
 BLUE TOFE IN MY BACKYARD -
 I AM ALLOWING DETECTIVES PEAKE/PRESTIGIANARD
 TO TAKE THE BLUE TOFE.

I have read this page, initialed any corrections or changes, and received a copy of this page. I certify that the facts contain herein are true and correct to the best of my knowledge.

Sworn to before me this 09 day of 01, 2008

D. R. Peake
 Notary Public

Kathy Blinnard
 Signature of person giving voluntary statement

FILED

1.12.15

PLAINTIFF'S
EXHIBITL1 1/12/15
ATM

Lexington County Sheriff's Department

9-5-84

VOLUNTARY STATEMENT

(Not Under Arrest)

I, Nikki L. Gunter

, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to E. AUSTIN/ANG P. PERKINS. I volunteer the following information [REDACTED] for whatever purposes it may serve. I am 23 years of age, and I live at [REDACTED] Batesburg S.C. 29006

Alternate Contact Name: Nikki L. Gunter Phone (H) _____ (W) _____ (C) [REDACTED]

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

(N/A)

I Nikki L. Gunter knew about 2 weeks before Christmas Day, there was Jeremy and a black guy, it possible could have been Lil' Steve putting something in a blue tote and putting it under the house. I got my little and brought her back into the house and I didn't go back outside. But I did hear noises like they were putting something under the house. Then shortly after that they left & I'm not sure if Jeremy left or not. Later on that night Jeremy said that he had them choppers & he say ~~he~~ he had about 16 or 17 ~~guns~~ guns in a bag. The night before Christmas eve I heard some noise from under the trailer like Jeremy was getting something then he left and we heard him talking on the phone with someone telling them not to worry about the guns, that he done put them some ~~where~~ elsewhere. On the 24th of Dec. Jeremy came beating on the door, hollering asking Casey to please tell him where the rest of the guns were. He kept saying that over and over again. Then he (Jeremy) left. Then later on Lil' Steve and 4 other guys showed up & then Jerem

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at [REDACTED] this 09th day of JANUARY 20 08WITNESS: DET [Signature] @ 11:50 HRS
1-09-08

Nikki L. Gunter
Signature of person giving voluntary statement.



Voluntary Statement (cont.)

☒ Victim/Witness

☐ Suspect/Defendant

Page 2 of 3 pages

Date 01/07/2008

came across the road walking. Lil' Steve asked me what the guys and said he didn't know anything about the guns. Then the driver kept saying let's go b/c she's going to call the police and get Jeremy in the car. But before Jeremy got in the car the guy out the back looked mad and angry. Then Jeremy got in the car and they all left. As Lil' Steve was walking to the car he said if them boys don't get them guns that they was going to take care of Jeremy. After they left about 5 minutes later Jeremy called my cellphone asking me to tell him where the guns was at and I told him I didn't know where the guns was, then he told the guys that I said my daddy stole the guns & hang up on me. And when I received that call Kasey has done left and me and my little girl was at the house. After that I called Jeremy phone back leaving him a message telling him to stop lying about my daddy stealing them guns b/c he knows I didn't say that. Then at 4:51 that day someone called from Jeremy's phone saying that if we ever want to see that pussy ass white boy again that we would help him. Then I said how can I help him & I didn't even know where the guns is at. And they hang up on me and I haven't heard from Jeremy since then. The guy on Jeremy's phone was a black guy. And when they called I did hear

I have read this page, initialed any corrections or changes, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Sworn to before me this 09th day of JANUARY, 2008

Per. [Signature]
Notary Public

[Signature]
Signature of person giving voluntary statement



Voluntary Statement (con't.)

☒ Victim/Witness

☐ Suspect/Defendant

Page 3 of 3 pages

Date 01/09/2008

Jeremy in the ^(NG) background hollering saying please help me, please help me. Jeremy did sound really really scared to me. About 9 p.m. Lil' Steve and 2 other guys came over. One of the guys looked like 50 cent the singer and the other guy was in and out the back door on his cellphone, he was talkin' he had to bend down to walk out the door. When Lil' Steve walked in and said where's Jeremy and we was like he was with you! Then he said that Jeremy started walking torch Hartley's in ^(NG) ~~Monetta~~ Monetta talking on the phone with a girl and Lil' Steve said he thought it was Kasey.

END
 STATEMENT
 01-09-08

I have read this page, initialed any corrections or changes, and received a copy of this page. I certify that the facts contain herein are true and correct to the best of my knowledge.

Sworn to before me this 09th day of JANUARY, 2008

☒ Witness or ☐ Notary Public

[Signature]
 Signature of person giving voluntary statement

Batesburg-Leesville Police Department

VOLUNTARY STATEMENT

(Not Under Arrest)

I, Tamie Corrie Jones, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Lieutenant Walter B. Galt. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve. I am 25 years of age, and I live at [redacted] [redacted] [redacted], Batesburg, SC 29006

Date of Birth [redacted] SSN: [redacted] Time Begin: 1215 Time End: 1410
Phone (H) [redacted] (W) [redacted] (C) [redacted] Case Number: [redacted]

Q On Dec 24, 87 around the time of 1:00 pm to 3:00 pm Casey came to Betty's house upset and crying stating that were gonna kill her and her sister if they didn't get them the guns or money

Q What is Casey's last name?

A I met her through Julie, as Jeremy Leaphart girl

Q What is Betty's last name and where does she live?

A Betty Harmon, and she lives on Haven rd. 84

Q Who is they that you are referring to?

A Darrell Williams aka Steve, and they call them the monetta goods. 84

Q Please Continue -

A Casey was on the phone with Steve aka: Darrell William and he pretty much kept sayin I want my guns or the money or he's dead. 84

Q Who was present during this phone conversation?

A Casey, Sean Harmon, Tamie Jones, Betty Sean's mom

Q What happened after that?

A Sean recorded the conversation on the cell phone me and Julie got Jeremy's cell number to call back.

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at: [redacted] [redacted] [redacted] Avenue, Batesburg, SC this 8th day of January, 20 08

WITNESS: [redacted] [redacted] [redacted]

Tamie Jones
Signature of person giving voluntary statement.

VOLUNTARY STATEMENT OF VICTIM / WITNESS

Page 2 of 2 pages.

- And Jeremy answered and begged to talk to Betty, he got on the phone with Betty and kept sayin I need 5,000 dollars or their gonna kill me.
- Julie talked to Jeremy when he answered the phone.
 - Betty called ~~me~~³³ Jeremy's family and told them they had him for ransom then I left and went home.
 - Shannon Senterfitt's kids said they had a friend who told them he talked to Jeremy Leaphart and ~~33~~ could hear gunshots in the background and the phone went dead.
 - And the kids at school stated they had him at a crack house off 39.
 - Shannon Senterfitt went with me today to find maybe the location of where Jeremy's Leaphart is at. Me, my sister Melissa DeLoach, and Shannon came upon a brick house which is described as the location, which is off Trojan rd [redacted] [redacted] [redacted]. I was given this info by my cousin Shannon Senterfitt which said her kids had been talkin about it from other kids at school (Ridge Menetta Middle.) I brought photos that were taken of a possible house that Jeremy might be at.

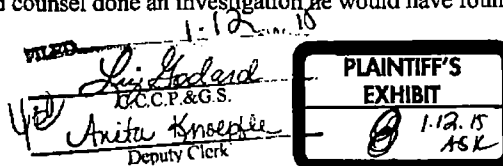
I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

 Witness

Samie Jones
Signature of person giving voluntary statement

A guilty plea may not be accepted unless it is voluntarily and understandingly made. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709 (1969). In South Carolina, the courts have consistently held that a defendant must have a full understanding of the consequences of his plea and the charges against him. Smith v. State, 329 S.C. 280, 494 S.E.2d 626 (1997), Simpson v. State, (317 S.C. 506, 455 S.E.2d 175 (1995)). Additionally, a defendant has the right to the effective assistance of counsel under the Sixth Amendment to the United States Constitution. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). In examining the assistance provided by counsel, "There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007).

In a PCR stemming from a guilty plea, an applicant alleging a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). Therefore, an applicant that entered a plea on the advice of counsel may only attack the voluntary nature of that plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, applicant would not have pled guilty and insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S. Ct. 366 (1985), Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000). In Hill, the Supreme Court of the United States made it clear that the "voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases." 474 U.S. at 57, 106 S.Ct. at 369. In Stalk v. State, 383 S.C. 559, 681 S.E.2d 592 (2009), the South Carolina Supreme Court reiterated the prejudice requirement set forth in Hill. The Court reasoned that for Stalk to meet the prejudice requirement, he needed to show "some evidence that had counsel done an investigation he would have found a witness or



evidence that was helpful" to him and that would have affected either counsel's advice or his decision to take the plea. Id.

However, in Davie v. State, 381 S.C. 601, 613, 675 S.E.2d 416, 422-23 (2009), the South Carolina Supreme Court reasoned that it is not always necessary for a defendant to offer objective evidence to support a claim of actual prejudice. Instead, depending on the facts of the case, a defendant's self-serving statement may be sufficient to establish actual prejudice. See Jackson v. State, 342 S.C. 95, 97, 535 S.E.2d 926, 927 (2000) (Rejecting objective evidence requirement established in Judge and finding Petitioner proved he was prejudiced by counsel's deficient performance in failing to properly advise the Petitioner that he was pleading to a felony rather than a misdemeanor where Petitioner's uncontradicted testimony established that he would not have pled had he known the charge was a felony), overruling Judge v. State, 321 S.C. 554, 562, 471 S.E.2d 146, 150 (1996) ("The second prong of the ineffective assistance inquiry--prejudice--is shown by demonstrating through objective evidence . . . [the existence of] a reasonable probability that, but for counsel's advice, [the defendant] would have accepted the plea. Mere statements by the PCR petitioner that he would have accepted the plea agreement but for counsel's incompetence are insufficient to show prejudice because they are self-serving and inherently unreliable.") (citation omitted); See also Smith v. State, 369 S.C. 135, 138, 631 S.E.2d 260, 261 (2006) ("The defendant's undisputed testimony that he would not have pled guilty to the charges but for trial counsel's advice is sufficient to prove that defendant would not have pled guilty."), Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000) (Holding that there was enough evidence to demonstrate that there was a reasonable probability that defendant would not have pled guilty even though defendant did not specifically testify that he would have insisted upon going to trial if he had known the solicitor was going to make a recommendation.).

"In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing." Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007). "Specifically, the voluntariness of a guilty plea is not determined by an examination of a specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea, and also from the record of the PCR hearing." Roddy v. State, 339 S.C. 29, 33, 528 S.E.2d 418, 420 (2000). "The longstanding test for determining the validity of a guilty plea is 'whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.'" Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 88 L. Ed. 2d 203 (1985) (quoting North Carolina v. Alford, 400 U.S. 25, 31, 91 S.Ct. 160, 27 L. Ed. 2d 162 (1970)).

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Sheldon Oakman, #334454,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2013-CP-02-0401

ORDER OF DISMISSAL

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on February 15, 2013. Respondent made its return on June 18, 2013. An evidentiary hearing into the matter was convened on January 12, 2015, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Tricia Blanchette, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was true billed indicted at the July 2008 term of the Aiken County Grand Jury for kidnapping (2008-GS-02-1086). Everett K. Chandler, Esquire, represented him. On April 27, 2009, Applicant pled guilty as indicted. The Honorable Doyet A. Early, III, sentenced Applicant to thirty years imprisonment.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected by Julie M. Thames, Esquire. The South Carolina Court of Appeals affirmed the Applicant's conviction and sentence. State v. Oakman, Op. No. 2012-UP-062 (Ct. App. filed February 8, 2012). The Remittitur was issued on February 27, 2012.

ALLEGATIONS

Page 1 of 19

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Shannon G. Galloway
Deputy Clerk 1/10

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

1. Ineffective assistance of counsel that resulted in an involuntary guilty plea due to counsel arguing strongly for dismissal of the kidnapping charge at the preliminary hearing and subsequently, under the same facts, advising Applicant to enter a guilty plea.
2. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to address and/or raise matters of jurisdictional defect or impropriety.
3. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to conduct a reasonable investigation and fully review the discovery with Applicant prior to advising him to enter a guilty plea.
4. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to protect the interests and rights of Applicant during a circus like or cattle call guilty plea proceeding.
5. Ineffective assistance of counsel that resulted in an involuntary guilty plea and prejudicial sentencing due to counsel's failure to attend the second day of the guilty plea proceedings and be present at the chamber's meeting by which the court assessed the levels of the defendants' culpability based upon information offered by counsel for Applicant's co-defendants and Applicant's co-defendants.
6. Ineffective assistance of counsel that resulted in an involuntary guilty plea due to counsel's failure to effectively argue on Applicant's behalf at the hearing on reconsideration and provide the court with an Order fully addressing the issues in the case.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf and presented testimony from Johnnie Walker (Co-Defendant), Cleo Summers, and Sheldon Oakman, Sr. The State presented testimony from Everett Chandler (hereinafter "Plea Counsel"). This Court also had before it a copy of the plea transcript, the Aiken County Clerk of Court records, Applicant's South Carolina Department of Correction records, appellate records, the PCR application, and return. Both Applicant and the State introduced various exhibits during the PCR evidentiary hearing.

During the evidentiary hearing, Applicant called Co-Defendant to testify on his behalf. Co-Defendant testified that he was currently serving thirty years for kidnapping of Jeremy Lephart ("Victim"). Co-Defendant testified that he had a pending PCR filed in Aiken County. Co-Defendant

DCP
p. 2 of 19

testified that his current PCR Counsel, Andrew Marine, Esquire, was present in the courtroom. Co-Defendant testified that Mrs. Blanchette was his appellate counsel for his direct appeal.

Co-Defendant testified that he was with Darrell Williams¹ on December 24, 2007. Co-defendant stated Applicant was with him when they picked up Victim from his house. Co-Defendant testified that Victim was willing to get into the car. Co-Defendant stated that Applicant was driving the second vehicle following the lead vehicle that contained various co-defendants and Victim.² Co-Defendant stated that Applicant was the first person to talk to the police.

Co-defendant stated that he was "young and scared" the day of the plea. Co-defendant stated that he was assembled in front of the Honorable Doyet A. Early, III. Co-defendant stated that he did not know what he was doing when he pled guilty. Co-defendant stated some of his co-defendants were sentenced the following day. Co-defendant stated the co-defendants who pled guilty on the second day received less time.

Following Applicant's testimony, Cleo Summers ("Summers") testified on behalf of the Applicant. Summers stated that Applicant is her grandson. Summers stated that she met with Plea Counsel a couple of times, but never really saw him. Summers stated she was not present during all the meetings between Applicant and Plea Counsel. Summers stated that she offered to help Plea Counsel with the case. Summers stated Plea Counsel explained that he did not need any help with the case.

Summers stated that she felt she did not have a full understanding of what was going on during the guilty plea. She stated that she had concerns about the length of sentence. Summers stated that Plea Counsel informed them that if they proceeded to trial then Applicant would likely be convicted of both kidnapping and murder. Summers stated that she was in the courtroom during the plea. Summers stated

¹ Darrell Williams pled guilty to kidnapping along with Johnnie Walker and Applicant on April 27-28, 2009. Darrell Williams received thirty years for his participation in the kidnapping of Jeremy Lephart.

² This Court notes that after Victim was beaten and tortured, Applicant along with his other co-defendants drove two separate vehicles to the location where Victim was ultimately killed. The lead car contained Victim along with four other co-defendants. Applicant and his other co-defendants followed behind the first car.

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there was media outside the courtroom. Summers recalled the plea judge stating that he needed to "feed everyone out of the same spoon." Summers stated some of the co-defendants were sentenced on the following day and they received seventeen years.

Following Summer's testimony, Sheldon Oakman, Sr., ("Oakman Sr.") was called to testify on behalf of Applicant. Oakman Sr. stated Applicant was his son. Oakman Sr. stated Applicant called law enforcement on January 19th and voluntarily went with the police. Oakman Sr. stated Applicant returned to their house following the meeting with police. Oakman Sr. stated the police came a second time and Applicant did not return. Oakman Sr. stated Applicant fully cooperated with police. Oakman Sr. stated the Victim's family was willing to talk. Oakman Sr. stated the Victim's family thanked the Oakman family because Applicant was the one who talked to the police first. Oakman Sr. stated the day of the guilty plea there were several media cameras present. Oakman Sr. stated they were hopeful for a five year cap. Oakman Sr. stated he was aware that Applicant could get life without parole for murder. Oakman Sr. stated Applicant pled guilty to avoid a life sentence. Oakman Sr. stated the following day some of the co-defendants received seventeen year sentences. Oakman Sr. stated he was not present on the second day of the guilty plea.

Following Oakman Sr.'s testimony, Applicant testified on his own behalf. Applicant stated that he was thirty years old. Applicant stated that he pled guilty to kidnapping and was indicted for murder. Applicant stated that he filed a PCR application and is asking for a new trial. Applicant stated he understood that meant setting aside his thirty year sentence and facing a possibility of life without parole for murder. Applicant recalled meeting with Plea Counsel twelve times prior to his plea. Applicant stated that he pled guilty because there was no defense planned. Applicant opined that he received no benefit for pleading guilty, despite the fact that the murder charge was dropped.

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p. 4717

Applicant stated Plea Counsel informed him that he was looking at a sentence under the youthful offender act. However, Applicant recalled the plea judge advising him that he was facing up to thirty years for kidnapping and life without parole for murder. Applicant stated the crimes occurred in multiple counties. Applicant stated Victim was kidnapped in Lexington county, beaten and tortured in Saluda county, murdered in Aiken County, and his body was dumped in Lexington County.

Applicant stated Plea Counsel was ineffective for failing to review discovery material with him prior to his plea. Specifically, Applicant stated that there were hundreds of pages of documents and fifteen cd's. Applicant stated that he did not review all of the material. Applicant stated that he did not have a full understanding of the information prior to his plea. Applicant stated he did not go over Kasey Blizzard's statement prior to his plea. Curiously, Applicant recalled telling the plea court under oath that he was satisfied with Plea Counsel's services and had no complaints against him.

Applicant stated that he never discussed any defenses with Plea Counsel. Applicant asserted that there was no kidnapping. Applicant admitted that he was present when Victim was beaten, burned, and tortured. Applicant readily admitted to being present when Victim was shot and killed by Frankie Gantt. Further, Applicant recalled telling the plea judge that no one was promising or threatening him in order to get him too pled guilty. Applicant recalled telling the plea judge that he wanted to plead guilty and that he was guilty of kidnapping. Applicant recalled the State's recitation of the facts and that he had no objections to them. Applicant further recalled waiving his constitutional rights during his guilty plea.

Applicant stated Victim was holding several stolen guns. Applicant stated that he did not know anything about the guns. Applicant stated that he was not aware of any phone calls made by Victim prior to his death. Applicant explained that he was in the second vehicle following the vehicle that contained Victim. Applicant stated he did not hear all of the 911 audio tapes prior to his plea. Applicant

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opined that the 911 calls were very important and only learned about them after he received his Rule 5 in Aiken.

Applicant stated that in his opinion Darrell Williams and Kasey Blizzard planned this kidnapping and murder. Applicant stated he and his other co-defendants were the fall guys. Applicant stated the kidnapping and murder of Victim was not planned. Applicant stated he never spoke to anyone about planning on kidnapping or murdering Victim.

Applicant stated Plea Counsel made a very persuasive argument during preliminary hearing that he was not guilty of kidnapping and murder. Applicant stated that Plea Counsel knew it was not a kidnapping, yet advised him to plead guilty to kidnapping. Applicant stated he along with his co-defendants picked up Victim in Lexington County, but was in the vehicle when the "plan changed."

Applicant stated that he did not plead guilty with a full understanding of the information. Specifically, Applicant pointed to the indictment that listed him as a "principal with others." Applicant stated that he was not a principal and felt that the Solicitor's office could not prosecute him as a principal. Applicant further stated that no kidnapping ever took place in Aiken County, yet he pled guilty to kidnapping in Aiken.

Applicant stated that he was charged with murder and Plea Counsel advised him that he could face life without parole. Applicant stated that he was not the shooter. Applicant stated Frankie Gantt was the shooter and Applicant opined that he should not have been charged with murder. Applicant stated Plea Counsel advised him that the hand of one is the hand of all and that he was just as guilty as Frankie Gantt. Applicant disputed that he provided the last shot to Frankie Gantt. Applicant stated that it was his co-defendant John Oakman, Jr., who provided the shotgun shell used by Frankie Gantt to shoot and kill Victim.

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Applicant stated that his co-defendants who pled on the second day received significantly lesser sentences. Applicant pointed out that he and the other co-defendants who pled on the first day received thirty years or more. However, the co-defendants who pled on the second day only received seventeen years.

Following Applicant's testimony, Plea Counsel was called to testify on behalf of the State. Plea Counsel stated that he was retained to represent Applicant. Plea Counsel stated he met with Applicant approximately twelve times prior to his plea. Plea Counsel stated he filed for and received Brady and Rule 5 material. Plea Counsel stated he reviewed the material with Applicant prior to his plea. Plea Counsel stated it is his typical practice to review all material prior to his client going to trial or pleading guilty.

Plea Counsel stated evidence against Applicant was "overwhelming." Specifically, Plea Counsel stated Applicant was one of three co-defendants who picked victim up and took him to the trailer where he was ultimately beaten, tortured, and burned. Plea Counsel stated Applicant was adamant that he did not hit Victim. Plea Counsel stated Applicant was in the second vehicle that followed his co-defendants and Victim to the location where Victim was murdered. Plea Counsel stated some of the co-defendants alleged that Applicant provided the shotgun shell used by Frankie Gantt to shoot the Victim. Plea Counsel stated Applicant participated in the moving of Victim's body. Plea Counsel further stated Applicant cooperated with the police and gave a full confession.

Plea Counsel stated he spent most of his time in mitigation due to Applicant's cooperation with the police. Plea Counsel stated he attempted to work out the best plea deal possible. Plea Counsel stated, despite the overwhelming evidence, he always looks at the evidence and attempts to create a theory of the case. Plea counsel stated he did not have an opportunity to speak to any of the other co-defendants or the Victim's family.

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Plea Counsel stated he was optimistic that Applicant would receive a light sentence due to his cooperation. Specifically, Plea Counsel stated Applicant was the first person to go to the police. Plea Counsel stated Applicant had spoken to police prior to him being retained. Plea Counsel stated that he was not present during the second day of the guilty plea. Plea Counsel stated he heard about the sentences and immediately filed a motion for reconsideration. Plea Counsel stated he drafted an outline of each co-defendant's participation and compared them to Applicant. Plea Counsel stated he attempted to use Judge Early's standard against him and argued that Applicant should receive something less than thirty years.

Plea Counsel stated he argued strongly against Applicant being charged with murder and kidnapping during the preliminary hearing. Plea Counsel stated the State simply had to meet the probable cause standard at the preliminary hearing. Plea Counsel stated that he advocated on behalf of Applicant and came up with several arguments. However, Plea Counsel stated the act was continuous from Saluda County to Aiken County to Lexington county. Plea Counsel stated Applicant had informed him that Victim was not forced to leave his residence and voluntarily got in the car with Applicant and his co-defendants. Despite his arguments at the preliminary hearing, Plea Counsel opined that the magistrate judge made the correct decision in denying the motions to dismiss both charges.

Plea Counsel stated he advised Applicant of the potential sentences if he proceeded to trial. Plea Counsel stated that he did not know if any of the co-defendants were willing to testify against Applicant if he proceeded to trial. However, he did advise the solicitor that Applicant would be willing to testify against his co-defendants if any of them proceeded to trial.

Plea Counsel stated that he had done several joint guilty pleas in the past. Plea Counsel stated that he has never once felt like any of his clients are prejudiced by participating in a joint guilty plea.

DCB
p. 8 of 19

Plea Counsel stated that he still continues to do joint guilty pleas. Plea Counsel stated Applicant's sentence was well within the plea agreement and sentencing range.³

Plea Counsel stated the State gave favorable information to the plea judge and reiterated a lot of his arguments to the plea judge as to why Applicant should be sentenced differently. Plea Counsel stated that he attempted to make a public policy argument that cooperating defendants should be treated differently as compared to non-cooperating defendants. Plea Counsel noted Applicant cooperated with the solicitor and law enforcement in the varying jurisdictions. Plea Counsel stated that Applicant simply did not receive the credit for his cooperation. Plea Counsel stated the victim's statement was very compelling. Plea Counsel stated that he felt he made a compelling argument at the guilty plea as to why Applicant should receive less than the other co-defendants. Plea Counsel noted that the plea judge felt compelled to state his reasons as to why Applicant was receiving thirty years.⁴

Plea Counsel stated he discussed the stolen gun aspect but did not dedicate a lot of investigation into the guns. Plea Counsel stated they chose to plead guilty in Aiken in order to get the murder charge dismissed. Plea Counsel stated Applicant pled guilty on the kidnapping because there was no mandatory minimum of years in sentencing. Plea Counsel stated Applicant never wanted to proceed to trial and only wanted to plead guilty.

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. Specifically, this Court finds Plea Counsel's testimony credible while Applicant's

³ This Court notes the State *not proceed* the murder charge pursuant to Applicant's guilty plea.

⁴ Counsel noted and the plea transcript reflects, the plea judge stated that he had feed them out of the same spoon. (App. p. 90 lines 9-13).

DCB
P- 9/19

testimony is not credible. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of Plea Counsel is alleged as a ground for relief, the Applicant must prove that "Plea Counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that Plea Counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of Plea Counsel. First, the Applicant must prove that Plea Counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, Plea Counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for Plea Counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty ^{plea} ~~Plea Counsel~~, the Applicant must show that there is a reasonable probability that, but for Plea 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 (1985).

Ineffective assistance of Plea Counsel that resulted in an involuntary guilty plea due to Plea Counsel arguing strongly for dismissal of the kidnapping charge at the preliminary hearing and subsequently, under the same facts, advising Applicant to enter a guilty plea.

This Court finds Applicant's allegation that he received ineffective assistance of Plea Counsel when Plea Counsel advocated for the charges to be dismissed at the preliminary hearing and subsequently advised him to plead guilty to the charge of kidnapping is without merit. Plea Counsel stated that he advocated zealously at the preliminary hearing on behalf of Applicant. A review of the preliminary hearing shows Plea Counsel attempted to argue that Applicant was not an active participant in the kidnapping or murder of Victim. Despite his arguments, the magistrate court properly dismissed Plea Counsel's motion and bounded the cases over to General Sessions. Plea Counsel opined that the preliminary hearing was his best opportunity to get the charges dismissed. Following the magistrate court's ruling, Plea Counsel was able to work out a favorable plea deal which ultimately removed the possibility of life without parole for murder. This Court finds Plea Counsel's actions and advice were reasonable in the circumstances, and did not fall below professional norms of reasonableness. Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). This Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance. This Court notes Applicant knowingly and intelligently pled guilty to kidnapping. As part of his plea, the State dismissed the murder charge. Nothing about Plea Counsel's advice to plead guilty to kidnapping was prejudicial. As noted below, this Court further finds Applicant can show no prejudice due to overwhelming evidence of guilt. Based off of the foregoing, this Court finds Applicant's allegation is denied and dismissed with prejudice.

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p. 119 19

Ineffective assistance of Plea Counsel that resulted in an involuntary guilty plea for failure to address and/or raise matters of jurisdictional defect or impropriety.

This Court finds Applicant's allegation that he received ineffective assistance of Plea Counsel for failing to raise matters of jurisdictional defect or impropriety is meritless. Plea Counsel stated that he was well aware that the kidnapping and murder took place in three separate jurisdictions. Plea Counsel stated he advised Applicant to waive jurisdiction and plead guilty to kidnapping in Aiken County because Aiken County was willing to dismiss the murder charge. Our courts are understandably wary of second-guessing defense Plea Counsel's trial tactics. Where Plea Counsel articulates valid reasons for employing a certain strategy, Plea Counsel's choice of tactics will not be deemed ineffective assistance. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 530 (1992). See also Dempsey v. State, 363 S.C. 365, 610 S.E.2d 812 (2005) and McLaughlin v. State, 352 S.C. 476, 575 S.E.2d 841 (2003). Plea Counsel articulated valid strategic reasons for advising Applicant to waive any jurisdictional issues and plead guilty in Aiken County. The Applicant has not shown that Plea Counsel was deficient in that choice of tactics. This Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms.

Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance. This Court finds Applicant's assertions that he was not privy to Victim's pleas to 911 and thereby could not have known that Victim was being kidnapped not credible. Applicant readily admitted that he was present in the trailer while Victim was being beaten and burned. After torturing the Victim, Applicant along with his co-defendants loaded up into two separate vehicles. Just because Applicant happened to be in the second vehicle that did not contain Victim does not mean

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p-12 7/19

that Applicant did not actively participate in the kidnapping of Victim. To the contrary, Applicant trailed the lead vehicle, sat idly by while Victim was shot, and then participated in moving and dumping the body in a wood pile. It is clear that Applicant along with his co-defendants kidnapped Victim. As noted below, this Court further finds Applicant can show no prejudice due to overwhelming evidence of guilt. Based off of the foregoing, this Court finds Applicant's allegation is denied and dismissed with prejudice.

Ineffective assistance of Plea Counsel that resulted in an involuntary guilty plea for failure to conduct a reasonable investigation and fully review the discovery with Applicant prior to advising him to enter a guilty plea.

This Court finds Applicant's allegation that he received ineffective assistance of Plea Counsel due to Plea Counsel's failure to investigate and review discovery is without merit. "[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012). Failure to conduct an independent investigation does not constitute ineffective assistance of Plea Counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to Plea Counsel's judgments." Wiggins v. Smith, 539 U.S. 510, 521-22 (2003).

In the instant case, Plea Counsel stated he met with Applicant approximately twelve times. Plea Counsel stated that Applicant had cooperated with police and had already given a statement. Plea Counsel stated he filed for and reviewed the discovery material with Applicant prior to his plea. Based on the foregoing, this Court finds Plea Counsel's actions were reasonable in the circumstances, and did

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not fall below professional norms of reasonableness. Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). This Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms.

Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance. Applicant failed to present any documents or witnesses on his behalf to support his allegation that Plea Counsel failed to conduct a sufficient investigation. See Skeen v. State, 325 S.C. 210, 481 S.E.2d 129. (1997) (holding applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial). As noted below, this Court further finds Applicant can show no prejudice due to overwhelming evidence of guilt. Based off of the foregoing, this Court finds Applicant's allegation is denied and dismissed with prejudice.

Ineffective assistance of Plea Counsel that resulted in an involuntary guilty plea for failure to protect the interests and rights of Applicant during a circus like or cattle call guilty plea proceeding.

This Court finds Applicant's allegation that Plea Counsel was ineffective for failing to protect Applicant's interest and rights during a joint guilty plea to be meritless. Plea Counsel stated in his opinion Applicant was in no way prejudiced by pleading guilty along with his co-defendants. To the contrary, by pleading guilty with his co-defendant's Plea Counsel was able to articulate and argue to the plea judge the reasons why Applicant should receive less time than his co-defendants. Plea Counsel properly pointed out to the plea judge that Applicant was the first to talk to police, fully cooperated with police, and essentially broke the case open for investigators. Furthermore, this Court notes that Applicant knowingly and intelligently pled guilty. Based on the foregoing, this Court finds Plea

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Counsel's actions were reasonable in the circumstances and did not fall below professional norms of reasonableness. Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). This Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms.

Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance. This Court notes Applicant received a lawful thirty year sentence for kidnapping. As noted below, this Court further finds Applicant can show no prejudice due to overwhelming evidence of guilt. Based off of the foregoing, this Court finds Applicant's allegation should be denied and dismissed.

Ineffective assistance of Plea Counsel that resulted in an involuntary guilty plea and prejudicial sentencing due to Plea Counsel's failure to attend the second day of the guilty plea proceedings and be present at the chamber's meeting by which the court assessed the levels of the defendants' culpability based upon information offered by Plea Counsel for Applicant's co-defendants and Applicant's co-defendants.

This Court finds Applicant's allegation that he received ineffective assistance of Plea Counsel due to Plea Counsel's failure to attend the second day of guilty plea is without merit. Plea Counsel stated that he did not attend the second day of the guilty plea, but heard about the sentences.⁵ Plea Counsel stated he immediately filed a motion for reconsideration once he learned of the co-defendants sentences. Plea Counsel stated he created a document that depicted each of the co-defendants involvement, any mitigating factors, and their sentences. Plea Counsel stated he presented this document to the plea judge during the motion for reconsideration and attempted to argue that Applicant should receive a seventeen year sentence or less due to Applicant's lack of involvement and cooperation with the police. Based on the foregoing, this Court finds Plea Counsel's actions were reasonable in the

⁵ Four of Applicant's co-defendants sentenced on the second day of the guilty plea received seventeen years.

circumstances, and did not fall below professional norms of reasonableness. Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). This Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms.

Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance. This Court notes Applicant received a lawful thirty year sentence for kidnapping. Additionally, Applicant failed to present sufficient evidence or testimony to show what more Plea Counsel should have done to persuade the plea judge to give a lighter sentence. As noted below, this Court further finds Applicant can show no prejudice due to overwhelming evidence of guilt. Based off of the foregoing, this Court finds Applicant's allegation should be denied and dismissed.

Ineffective assistance of Plea Counsel that resulted in an involuntary guilty plea due to Plea Counsel's failure to effectively argue on Applicant's behalf at the hearing on reconsideration and provide the court with an Order fully addressing the issues in the case.

This Court finds Applicant's allegation that he received ineffective assistance of Plea Counsel for Plea Counsel's failure to effectively argue on Applicant's behalf during the motion for reconsideration is without merit. Plea Counsel stated that he did not attend the second day of the guilty plea, but heard about the sentences.⁶ Plea Counsel stated he immediately filed a motion for reconsideration once he learned of the co-defendants sentences. Plea Counsel stated he created a document that depicted each of the co-defendants involvement, any mitigating factors, and their sentences. Plea Counsel stated he presented this document to the plea judge during the motion for reconsideration and attempted to argue that Applicant should receive a seventeen year sentence or less due to Applicant's lack of involvement and cooperation with the police. Based on the foregoing, this

⁶ Four of Applicant's co-defendants sentenced on the second day of the guilty plea received seventeen years.

DCB
P 16 of 19

Court finds Plea Counsel's actions were reasonable in the circumstances, and did not fall below professional norms of reasonableness. Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). This Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test – that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms.

Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance. This Court notes Applicant received a lawful thirty year sentence for kidnapping. Additionally, Applicant failed to present sufficient evidence or testimony to show what more Plea Counsel should have done to persuade the plea judge to give a lighter sentence. As noted below, this Court further finds Applicant can show no prejudice due to overwhelming evidence of guilt. Based off of the foregoing, this Court finds Applicant's allegation should be denied and dismissed.

OVERWHELMING EVIDENCE

In addition to its prejudice analysis in each separate allegation, this Court notes Applicant can show no prejudice as a result of Plea Counsel's alleged deficiencies as there is clear evidence of overwhelming guilt. See Franklin v. Catoe, 346 S.C. 563, 570 n. 3, 552 S.E.2d 718, 722 n. 3 (2001), cert. denied, 535 U.S. 1114, 122 S.Ct. 2332, 153 L.Ed.2d 162 (2002) (finding overwhelming evidence of guilt negated any claim that Plea Counsel's deficient performance could have reasonably affected the result of defendant's trial); Geter v. State, 305 S.C. 365, 367, 409 S.E.2d 344, 346 (1991) (concluding reasonable probability of a different result does not exist when there is overwhelming evidence of guilt); cf. Ford v. State, 314 S.C. 245, 248, 442 S.E.2d 604, 606 (1994) (holding respondent failed to prove prejudice from trial Plea Counsel's failure to request an alibi charge where there was overwhelming evidence of guilt).

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P. 17 of 19

Initially, this Court notes Applicant reaffirmed his guilt during the PCR evidentiary hearing. Regardless, all seven codefendants related similar versions of the events. The co-defendants agreed that Victim was picked up by Applicant and two co-defendants. Applicant along with his two codefendants drove Victim to a trailer where he was beaten and burned. After being tortured, Victim was transported in a vehicle that contained several of Applicant's co-defendants. Applicant followed the lead vehicle containing Victim to a desolate area where a discussion over guns began. Victim attempted to flee for his life, at which point Frankie Gantt shot Victim. It was disputed whether Applicant provided the kill shot. Following the brutal murder of Victim, Applicant and his co-defendants went back to the trailer to devise a plan. Ultimately, all of the co-defendants went back to the scene of the murder, picked up the body, transported it over county lines, and dumped the Victims body in a wood pile.

Notably, Applicant fully cooperated with police and was the first of seven additional co-defendants to come forward and confess. Applicant attempted to use his cooperation with police as mitigation in an effort to receive a lesser sentence. During the evidentiary hearing, Applicant did not dispute that he along with his two co-defendants picked up Victim and took him to the trailer. Applicant did not dispute that he was inside the trailer when Victim was beaten and burned. Applicant did not dispute he was with Frankie Gantt when he shot Victim. Applicant did not dispute that he was with his co-defendants when they returned to the scene of the murder, picked up the Victim's body, and dumped it a wood pile. Based off of the foregoing, this Court finds that there is clear overwhelming evidence of guilt. As a result, Applicant can show no prejudice due to Plea Counsel's alleged deficiencies in of the above mentioned allegations.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any

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testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by Plea Counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate Plea Counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief Plea Counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That 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 13 day of April, 2015.


D. CRAIG BROWN
Presiding Judge
Second Judicial Circuit

Florence, South Carolina

DCB
1-19-19

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	SECOND JUDICIAL CIRCUIT
	)	
Sheldon Oakman, #334454,	)	2013-CP-02-0401
Applicant,	)	
v.	)	MOTION FOR REHEARING PURSUANT
	)	TO RULE 59(A), SCRCP, AND/OR
State of South Carolina,	)	MOTION TO ALTER OR AMEND
Respondent.	)	PURSUANT TO RULE 59(E), SCRCP

COMES NOW Applicant, through his undersigned attorney, and requests the entry of a new judgment, pursuant to Rule 59(a)(2), and/or amendment of the findings of fact and conclusions of law in the standing Order of Dismissal, pursuant to Rule 59(e), SCRCP.

This matter comes before the Court pursuant to an Application for Post Conviction Relief filed on February 15, 2013. Respondent submitted a Return on June 18, 2013. An evidentiary hearing was convened on January 12, 2015 at the Aiken County Courthouse in front of the Honorable D. Craig Brown. Applicant was present and was represented by Tricia A. Blanchette, Esquire. Respondent was represented by Daniel Gourley, Assistant Attorney General.

At the conclusion of the hearing, the Honorable D. Craig Brown took the matter under advisement. Thereafter, the request was made for Respondent to submit a proposed Order of Dismissal. Respondent complied, and an Order of Dismissal was signed by the Honorable D. Craig Brown on April 13, 2015. The Order was filed on May 8, 2015, and Applicant, through counsel, received a signed and filed copy of the Order on May 13, 2015.

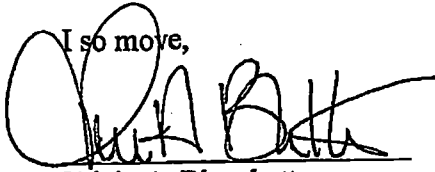
In Marlar v. State, 375 S.C. 407, 653 S.E.2d 266 (2007), the South Carolina Supreme Court made it clear that a post conviction relief judge must make specific

findings of fact and state expressly the conclusions of law relating to each issue presented. See also S.C. Code Ann. § 17-27-80. Through his allegations, testimony and case law provided, Applicant asked this Court to consider the following all-encompassing issues in his case: 1) the constitutionality of his plea – whether his plea was knowing and voluntary due to counsel’s ineffective assistance, and 2) whether actual prejudice could be presumed since his sentence demonstrated that there was no benefit to his plea bargain. To more fully address the case law surrounding these questions, Applicant, through counsel, provided a three page written summary of the case law, a copy of which is attached, along with a copy of Smith v. State, 407 S.C. 270, 754 S.E.2d 900 (S.C. Ct. App. 2014), cert. granted 2014 SC LEXIS 589 (S.C. Dec. 10, 2104) and Roberts v. State, 276 S.W.3d 833 (Mo. 2009).

Applicant submits that the standing Order of Dismissal fails to properly address his allegation that counsel’s ineffective assistance caused Applicant’s guilty plea to fail the constitutional requirements that a guilty plea must be knowing and voluntary. Furthermore, Applicant submits that the standing Order of Dismissal fails to address the inherent prejudice his current sentence amounts to, but the Order provides a finding of overwhelming evidence of guilt, which Applicant would ask this Court to reconsider.

For the above stated reasons, Applicant would respectfully request that this Court hold a motion hearing to allow Applicant, through counsel, to address this Court regarding the standing Order of Dismissal, and/or alter the standing Order of Dismissal to ensure that all arguments are fully addressed by this Court prior to appeal, and/or reconsider the standing Order of Dismissal and direct the entry of a new judgment.

May 18, 2015
Columbia, SC

I so move,


Tricia A. Blanchette
Attorney for Applicant
Post Office Box 12725
Columbia, South Carolina 29211

A guilty plea may not be accepted unless it is voluntarily and understandingly made. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709 (1969). In South Carolina, the courts have consistently held that that a defendant must have a full understanding of the consequences of his plea and the charges against him. Smith v. State, 329 S.C. 280, 494 S.E.2d 626 (1997), Simpson v. State, (317 S.C. 506, 455 S.E.2d 175 (1995). Additionally, a defendant has the right to the effective assistance of counsel under the Sixth Amendment to the United States Constitution. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). In examining the assistance provided by counsel, "There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007).

In a PCR stemming from a guilty plea, an applicant alleging a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). Therefore, an applicant that entered a plea on the advice of counsel may only attack the voluntary nature of that plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, applicant would not have pled guilty and insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S. Ct. 366 (1985), Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000). In Hill, the Supreme Court of the United States made it clear that the "voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases." 474 U.S. at 57, 106 S.Ct. at 369. In Stalk v. State, 383 S.C. 559, 681 S.E.2d 592 (2009), the South Carolina Supreme Court reiterated the prejudice requirement set forth in Hill. The Court reasoned that for Stalk to meet the prejudice requirement, he needed to show "some evidence that had counsel done an investigation he would have found a witness or

evidence that was helpful” to him and that would have affected either counsel’s advice or his decision to take the plea. Id.

However, in Davie v. State, 381 S.C. 601, 613, 675 S.E.2d 416, 422-23 (2009), the South Carolina Supreme Court reasoned that it is not always necessary for a defendant to offer objective evidence to support a claim of actual prejudice. Instead, depending on the facts of the case, a defendant's self-serving statement may be sufficient to establish actual prejudice. See Jackson v. State, 342 S.C. 95, 97, 535 S.E.2d 926, 927 (2000) (Rejecting objective evidence requirement established in Judge and finding Petitioner proved he was prejudiced by counsel's deficient performance in failing to properly advise the Petitioner that he was pleading to a felony rather than a misdemeanor where Petitioner's uncontradicted testimony established that he would not have pled had he known the charge was a felony), overruling Judge v. State, 321 S.C. 554, 562, 471 S.E.2d 146, 150 (1996) ("The second prong of the ineffective assistance inquiry--prejudice--is shown by demonstrating through objective evidence . . . [the existence of] a reasonable probability that, but for counsel's advice, [the defendant] would have accepted the plea. Mere statements by the PCR petitioner that he would have accepted the plea agreement but for counsel's incompetence are insufficient to show prejudice because they are self-serving and inherently unreliable.") (citation omitted); See also Smith v. State, 369 S.C. 135, 138, 631 S.E.2d 260, 261 (2006) ("The defendant's undisputed testimony that he would not have pled guilty to the charges but for trial counsel's advice is sufficient to prove that defendant would not have pled guilty."), Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000) (Holding that there was enough evidence to demonstrate that there was a reasonable probability that defendant would not have pled guilty even though defendant did not specifically testify that he would have insisted upon going to trial if he had known the solicitor was going to make a recommendation.).

"In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing." Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007). "Specifically, the voluntariness of a guilty plea is not determined by an examination of a specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea, and also from the record of the PCR hearing." Roddy v. State, 339 S.C. 29, 33, 528 S.E.2d 418, 420 (2000). "The longstanding test for determining the validity of a guilty plea is 'whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.'" Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 88 L. Ed. 2d 203 (1985) (quoting North Carolina v. Alford, 400 U.S. 25, 31, 91 S.Ct. 160, 27 L. Ed. 2d 162 (1970)).

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
 SECOND JUDICIAL CIRCUIT

Sheldon Oakman, 334354,)
 Applicant,)

2013-CP-20-0401

v.)

CERTIFICATE OF SERVICE

State of South Carolina,)
 Respondent.)

I, Tricia A. Blanchette, Attorney at Law, hereby certify that I placed in the mail this 20th day of May 2015, a copy of a Motion for Rehearing Pursuant to Rule 59 A, to Dan Gourley of the Attorney General's Office, at:

Office of the Attorney General
 Att: Dan Gourley, Ast. AG
 1000 Assembly Street, 5th Floor
 Columbia, SC 29201



Tricia A. Blanchette
 PO Box 12725
 Columbia, SC 29211
 (803) 988-0008

May 20, 2015

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Sheldon Oakman, #334454,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2013-CP-02-0401

**RETURN TO APPLICANT'S
RULE 59(e) MOTION**

Respondent, by and through undersigned counsel, making a Return to Applicant's Motion to Alter or Amend a Judgment, would respectfully show unto this Court:

1. The matter is before the Court by way of a post-conviction relief action filed February 15, 2014.
2. An evidentiary hearing was convened on January 12, 2015, at the Aiken County Courthouse.
3. Applicant was present at the hearing and represented by Tricia Blanchette, Esquire. Applicant testified on his own behalf. Also testifying was Sheldon Oakman, Sr., and Everett Chandler, Esquire ("plea counsel").
4. After a full review of the evidence presented at the evidentiary hearing, this Court issued an order dated April 13, 2015, and filed May 8, 2015, denying the application for post-conviction relief.
5. Applicant – through counsel – submitted a Motion to Alter or Amend Judgment on May 18, 2015 (which was received by Respondent on May 26, 2015). Applicant argues the Order of Dismissal fails to properly address his allegation that counsel's ineffective assistance caused

Applicant's guilty plea to fail the constitutional requirements that a guilty plea must be knowing and voluntary. Furthermore Applicant argues that the standing Order of Dismissal fails to address the inherent prejudice his current sentence amounts to, but the Order provides a finding of overwhelming evidence of guilt, which Applicant asks this Court to reconsider.

6. Respondent submits Applicant's motion to alter or amend should be denied. Applicant is not requesting either an alteration or amendment to the Order of Dismissal. Rather, Applicant is asking the Court to reverse its decision and grant post-conviction relief. Such a request is more properly addressed through the appellate process. See Wilder Corp. v. Wilke, 330 S.C. 71, 77, 497 S.E.2d 731, 734 (1998) ("Post-trial motions are not necessary to preserve issues that have been ruled upon at trial; they are used to preserve those that have been raised to the trial court but not yet ruled upon by it." (citing Hubbard v. Rowe, 192 S.C. 12, 5 S.E.2d 187 (1939))).

7. Respondent submits the post-conviction relief court fully reviewed and properly ruled upon all issues raised in the motion to alter or amend. (Order of Dismissal p. 13-16).

8. Therefore, Respondent submits Applicant's Motion to Alter or Amend should be denied

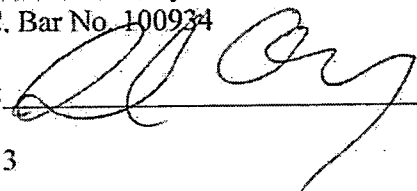
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOULEY
Assistant Attorney General
S.C. Bar No. 100934

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

June 2, 2015

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

SHELDON OAKMAN, #334454,

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

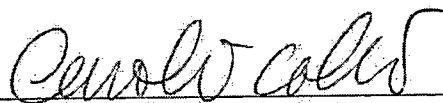
2013-CP-02-0401

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return to Applicant's Rule 59(e) Motion** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Tricia A. Blanchette, Esquire
 Law Office of Tricia A. Blanchette, LLC
 PO Box 12725
 Columbia, SC 29211

DATED this the 2nd day of June, 2015.


 Caroline Collins, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

Sheldon Oakman, #334454,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2013-CP-02-0401

ORDER

FILED

7.24.15

L. J. Haddad
C.C.P. & C.S.

Justin Knepper
Deputy Clerk

This matter comes before this Court by way of a post-conviction relief (PCR) application filed by Sheldon Oakman (Applicant) on February 15, 2014. The State (Respondent) made its return on June 18, 2013. An evidentiary hearing into the matter was convened on January 12, 2015, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Tricia Blanchette, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office. This Court issued an Order dated April 13, 2015 and filed May 8, 2015, denying the application for post-conviction relief.

Applicant filed a motion pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, in which he asked this Court to alter or amend its order dismissing his PCR application. Respondent made its return to the motion, requesting this motion be dismissed.

Based upon careful reconsideration of the evidence in this case, including Applicant's motion and supporting memorandum, this Court is not persuaded to alter or amend its judgment. This Court further finds oral argument would not aid in the reconsideration of the original judgment. The Order of Dismissal issued by this Court

PCB
P-10/12

contains the required findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2014) and Rule 52(a) of the South Carolina Rules of Civil Procedure.

IT IS THEREFORE ORDERED that Applicant's motion be denied and dismissed.

AND IT IS SO ORDERED this 29 day of June, 2015.


D. CRAIG BROWN
P Judge
Second Judicial Circuit

Flowers, South Carolina

PCH
6-25/12

WITNESSES

L. Gkant, A.C.S.O.

FILED July 10 2008Shannon D. Rosenkrantz
Deputy Clerk

DOCKET NO. 2008-GS-02-

1086**The State of South Carolina****County of Aiken****COURT OF GENERAL SESSIONS****JULY 14, TERM 2008****ARREST WARRANT NUMBER**

K-206993

ACTION OF GRAND JURYTrue BillShannon D. RosenkrantzForeperson of Grand Jury
Date: July 10, 2008**VERDICT**Foreperson of Petit Jury
Date:**THE STATE**
vs.**SHELDON OAKMAN****Indictment for**
KIDNAPPINGSC Code: 16-3-910
CDR Code: 0095
Class FEL-A

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

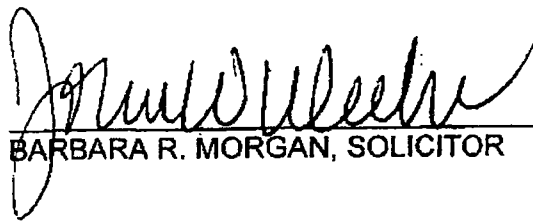
INDICTMENT

At a Court of General Sessions, convened on July 14, 2008, the Grand Jurors of Aiken County present upon their oath:

KIDNAPPING

That SHELDON OAKMAN did in Aiken County on or about December 24, 2007, participate as a principal with others to unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Jeremy Leaphart without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

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


BARBARA R. MORGAN, SOLICITOR