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STATE OF SOUTH CAROLINA

NO DEFENDANT'S BRIEF

In The Court of Appeals

NO RESPONDENT'S BRIEF FILED

APPEAL FROM DORCHESTER COUNTY

Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TEVIN HART,

APPELLANT

APPELLATE CASE NO. 2014-000944

RECORD ON APPEAL

BENJAMIN JOHN TRIPP  
Appellate Defender

ALAN WILSON  
Attorney General

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

JOHN W. MCINTOSH  
Chief Deputy Attorney General

Attorney for Appellant

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211

(803) 734-3727

DAVID M. PASCOE, JR.  
Solicitor, First Judicial Circuit  
140 N. Main Street, Suite 102  
Summerville, SC 29483-6443  
(843) 871-2640

Attorneys for Respondent

INDEX

INDEX.....i

PLEA HEARING TRANSCRIPT (OCTOBER 7, 2013).....1

SENTENCING HEARING TRANSCRIPT (JANUARY 23, 2014).....19

MOTION FOR RECONSIDERATION .....36

ORDER DENYING MOTION TO RECONSIDER.....37

INDICTMENTS.....39

CERTIFICATE OF COUNSEL.....51

STATE OF SOUTH CAROLINA	)	GENERAL SESSIONS
	)	FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	
	)	
State of South Carolina,	)	CASE NO. 2012-GS-18-00714
	)	2012-GS-18-00715
	)	2012-GS-18-00716
	)	2012-GS-18-00717
	)	2012-GS-18-00718
	)	2012-GS-18-00719
PLAINTIFF,	)	
	)	
VS.	)	TRANSCRIPT OF RECORD
	)	
Tevin Hart,	)	
	)	
DEFENDANT.	)	

October 7, 2013

St. George, South Carolina

B E F O R E:

The Honorable Maite Murphy

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

Don Sorenson, Esquire  
for the Solicitor's Office

Lisa Gay, Esquire  
for the Defendant

I N D E X

HEARING -- 3

PLEA -- 4

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT -- 18

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1 MR. SORENSON: May it please the court, Your Honor.

2 THE COURT: Yes, sir.

3 MR. SORENSON: Before you is Tevin Shaquille Hart,  
4 H-A-R-T. He is represented by Ms. Lisa Gay.

5 Mr. Hart, Your Honor, is entering guilty pleas on six  
6 indictments. They are all 2012-GS-18; they have all  
7 been true billed: 714 for one count of burglary in the  
8 first-degree, 719 for one count of armed robbery; and then  
9 715, 716, 717, and 718 which are four counts of kidnapping.

10 Your Honor, what we are going to ask Your Honor to do  
11 is just to accept his plea today and then withhold  
12 sentencing until a later date.

13 (WHEREUPON, the witness was duly sworn.)

14 MS. GAY: His aunt wanted to stand by him if that was  
15 okay.

16 THE COURT: That is fine. Ms. Gay, you represent the  
17 defendant in this matter?

18 MS. GAY: I do.

19 THE COURT: And have you explained to your client the  
20 charges contained in the indictments, the possible  
21 punishment and his constitutional rights?

22 MS. GAY: Ad nauseam, Your Honor.

23 THE COURT: All right, sir.

24 MS. GAY: Much, much. This was a potential trial. So,  
25 yes, ma'am.

1 THE COURT: In your opinion does your client understand  
2 the charge, the punishment, and his rights?

3 MS. GAY: Yes.

4 THE COURT: And how does your client wish to plead?

5 MS. GAY: Guilty.

6 THE COURT: Do you agree with your client's decision to  
7 plead guilty?

8 MS. GAY: Yes.

9 THE COURT: From your investigation of the facts and  
10 circumstances of the case do you feel the State could  
11 produce sufficient evidence to convince a jury of your  
12 client's guilt beyond a reasonable doubt and that if your  
13 client were to stand trial his conviction would be probable?

14 MS. GAY: Yes.

15 THE COURT: All right. Mr. Hart, I am going to ask you  
16 certain questions. And make sure that you complete, answer  
17 audibly, so the court reporter can take down what you are  
18 saying.

19 MR. HART: Yes, ma'am.

20 **BY THE COURT OF MR. HART:**

21 Q. How old are you, sir?

22 A. Nineteen.

23 Q. And how far did you go in school?

24 A. Eleventh grade.

25 Q. Did you get your GED?

1 A. No, ma'am.

2 Q. Do you have a job?

3 A. No, ma'am.

4 Q. Are you married?

5 A. No, ma'am.

6 Q. Any children?

7 A. No, ma'am.

8 Q. Have you ever been treated for the abuse of alcohol,  
9 drugs, or any mental illness?

10 A. No, ma'am.

11 Q. Within the last 24 hours have you taken any medication,  
12 drugs or alcohol that would prevent you from understanding  
13 what you are doing here today?

14 A. No, ma'am.

15 Q. Are you aware of any physical, emotional or nervous  
16 problem that might keep you from understanding what you are  
17 doing here today?

18 A. No, ma'am.

19 Q. And you are pleading guilty to several different  
20 offenses which I will go through here with you. Burglary in  
21 the first-degree, this charge carries a potential penalty of  
22 15 years to life in prison; do you understand that?

23 A. Yes, ma'am.

24 Q. Armed robbery carries 10 to 30 years; do you understand  
25 that that is the potential punishment?

1 A. Yes, ma'am.

2 Q. Kidnapping charge you have four of these charges which  
3 carry up to thirty years each; do you understand that?

4 A. Yes, ma'am.

5 Q. So you understand the potential nature that quite  
6 frankly obviously you could be looking at a life sentence if  
7 you are convicted of these charges?

8 A. Yes, ma'am.

9 Q. And you have gone through that with your attorney?

10 A. Yes, ma'am.

11 THE COURT: All right. Solicitor, please tell me the  
12 facts.

13 MR. SORENSON: Thank you. May it please the court,  
14 Your Honor. I start off just kind of -- I don't think there  
15 is any real need for you to hear from them today because it  
16 would be more towards sentencing. But the victim in this  
17 case is Ms. Laura Smith. She is in the second row all the  
18 way to the left. Additionally her husband and sister-in-law  
19 are in the courtroom along with Sergeant Peters with the  
20 Dorchester County Sheriff's Office.

21 Your Honor, this incident occurred in the early morning  
22 hours of March the 29th of last year of 2012. Laura had  
23 gone to bed that night with her three small children;  
24 Ki Ke , and Ka . They were two, ten, and five at  
25 the time in the order I just gave them.

1           Additionally, she was pregnant at the time with her  
2 what is now her fourth child. Her husband was working night  
3 shift and was at work. She had gone to bed. I think had  
4 just gotten -- gotten home from being in the hospital due to  
5 some issues she was having with her pregnancy. But gone to  
6 bed that night kind of mid evening and was awoken about 4:15  
7 or so in the morning by her dog growling. The dog was in  
8 the bed with her and had hopped down and was growling.

9           At that point in time she had looked at her phone  
10 thinking possibly that it was her husband. Realized it was  
11 too early for him to be home from work yet but had got up  
12 and was going to the door when she observed her dog  
13 basically going out in the hallway growling and saw that her  
14 laundry room door which is across from her bedroom was  
15 closed and it wasn't that way when she went to bed.

16           Almost immediately after that the door came flying  
17 open. She observed initially an individual with face  
18 covered with a gun. She retreated with her dog back into --  
19 pulling her dog back into her bedroom, slammed her door and  
20 attempted to call 911 when her door got kicked in.

21           An individual came in with a bandanna over his face,  
22 snatched her phone away from her and forced her to the  
23 ground at gunpoint.

24           She ultimately was taken out into the living room area  
25 and made basically to put the dog out in the backyard.

1           It was during the course of this initially that she  
2 observed that there were two people in her home, both armed,  
3 both with their faces covered.

4           While going down the hallway a third individual came  
5 out of the bathroom area. I would note that from her  
6 description that person was shorter than her. The other two  
7 individuals were closer to her height. She is about 5'10,  
8 5'11.

9           She ultimately was held at gunpoint then out in her  
10 living room area. And she had her child, her daughter  
11 Ki           who was the youngest of the three kids, who was two,  
12 she was actually in the bedroom with her when this happened  
13 initially and had her with her the entire time out in the  
14 living room.

15           During the course of this she indicates that one of the  
16 individuals went into her son's room. She could hear her  
17 two sons in there basically calling out for help.

18           They ultimately ended up, Your Honor, taking it was a  
19 gun safe, a jewelry box that had a lot of old jewelry of her  
20 grandmother in it, along with a tablet, her cell phone, and  
21 basically just kind of dumped her purse out on the floor.  
22 And then I think they took a diaper bag or something of that  
23 nature also.

24           The three of them ultimately ended up fleeing at that  
25 point in time. She ended up running next to her neighbor,

1 woke them up.

2       Police responded out there. Got - you know, the  
3 description at that point in time was basically just three  
4 black males. All three of them were armed; one of them with  
5 a long gun, the other two with pistols or handguns. She  
6 didn't know what way they had left on foot. Never heard a  
7 vehicle take off or anything of that nature.

8       A short time later Detective Melendez - who was I  
9 believe he was a deputy at the time but now he was an  
10 investigator - was over in the Haven Oaks which is an  
11 apartment complex right next to -- this happened -- I am not  
12 sure if I had indicated; it was Apache Drive which is in  
13 the Indian Springs Subdivision.

14       They were out patrolling that area when Deputy Melendez  
15 came upon it was a Chevy trailblazer that had several  
16 individuals kind of standing around the outside of it. As  
17 he attempted to approach them they all ended up scattering,  
18 taking off running.

19       A subsequent -- nobody was caught at that point in  
20 time. They went back and ultimately looked and just looking  
21 in the vehicle you could see a blue bandanna in the back  
22 seat.

23       Additionally on the floorboard in the back seat was a  
24 small, little pink -- pink and black handgun which matched  
25 the description of one of the guns. There were ultimately

1 there were two weapons in the gun safe that were taken.  
2 That matched upon -- they were initially looking at the  
3 description of one of those guns and ultimately upon later  
4 on securing it from the vehicle was one of the guns that was  
5 taken during the incident.

6 That vehicle belonged to a young lady by the name of  
7 Dominique Davis who lived in Haven Oaks. She initially gave  
8 a statement to law enforcement basically making up a name of  
9 an individual that allegedly had taken -- had borrowed her  
10 vehicle.

11 She subsequent down the road ended up giving a  
12 statement that ultimately would implicate this defendant and  
13 the two codefendants, a Martin Young, and Mr. Manigault who  
14 was before you a few minutes ago, as basically all kind of  
15 hanging out in her apartment and having access to having  
16 borrowed her vehicle that evening.

17 A subsequent search of that vehicle not only recovered  
18 the bandanna, recovered the gun, also recovered a kind of a  
19 little half mask which matched the description of one of the  
20 individuals, a pair of gloves, and also a cell phone which  
21 turned out to be Mr. Hart's cell phone.

22 That stuff was, all the clothing items, were all sent  
23 off to State Law Enforcement Division and we ultimately  
24 ended up getting DNA off of the bandanna in the back seat  
25 which matched Mr. Hart and DNA off of the gloves and the

1 little half mask which matched the codefendant Martin Young.

2 The third bandanna that was allegedly worn by Mr.  
3 Manigault was not in the vehicle. There were no other  
4 clothing items found.

5 Ultimately, Your Honor, about a month later Mr. -- Mr.  
6 Young initially had given a statement not having any  
7 knowledge of it. Ultimately they served him with warrants  
8 at that point in time and he ultimately gave a statement  
9 implicating himself, Mr. Manigault and Mr. Hart as being  
10 involved.

11 Basically that it was Mr. Young and Mr. Manigault that  
12 had planned to go rob -- they talked about going to rob a  
13 drug dealer that they had had some issues with that lived --  
14 ultimately turns out lived on Apache Drive two doors down  
15 from the victim's home and that when they got in the house  
16 they basically realized they were in the wrong house when  
17 they started seeing pictures and stuff of that nature on the  
18 wall inside the house.

19 But he also implicated Mr. Hart. Mr. Hart was arrested  
20 the following day or so. Initially told law-enforcement he  
21 didn't know what -- what -- have any idea what they were  
22 talking about.

23 They ultimately allowed him to talk to his mother for a  
24 short period of time with law-enforcement present and  
25 ultimately he ended up giving a statement yet again

1 admitting to his involvement in this, being armed. Actually  
2 indicated that he was the one that had the assault rifle in  
3 the home and also implicating his other two codefendants.

4 I believe that would basically be the facts as to Mr.  
5 Hart. And obviously a little more kind of detail will  
6 probably come out down the road if you do hear the trial.  
7 But I think that is the basis of the facts.

8 And four kidnappings would be for Laura and her three  
9 children that were in the home.

10 THE COURT: All right, sir. Thank you, Mr. Sorenson.

11 **BY THE COURT OF MR. HART:**

12 Q. Mr. Hart, do you agree with the facts as stated by the  
13 State?

14 A. Yes, ma'am.

15 Q. And are you in fact guilty of these charges?

16 A. Yes, ma'am.

17 Q. And do you understand -- you have discussed with your  
18 attorney ---

19 THE COURT: Ms. Gay, I will ask you. You have  
20 discussed with your client the nature of these charges  
21 regarding them all being violent and most serious offences?

22 MS. GAY: Yes.

23 THE COURT: And you have discussed with him the  
24 consequences of that?

25 MS. GAY: Yes.

1 THE COURT: And in your opinion does he understand  
2 that?

3 MS. GAY: Yes.

4 **BY THE COURT OF MR. HART:**

5 Q. And is that correct, Mr. Hart, have you been advised  
6 that these charges are violent and most serious?

7 A. Yes, ma'am.

8 Q. And you understand the consequences of such?

9 A. Yes, ma'am.

10 Q. Do you understand that by pleading guilty you are  
11 waiving certain constitutional rights?

12 A. Yes, ma'am.

13 Q. Such as the right to a trial by jury?

14 A. Yes, ma'am.

15 Q. And basically you are waiving the right to a trial by a  
16 jury in that the State would have to produce sufficient  
17 evidence to find you guilty beyond a reasonable doubt.

18 A. Yes, ma'am.

19 Q. Do you understand that?

20 A. Yes, ma'am.

21 Q. And that the State would presume that you are innocent,  
22 you are also waiving the right to have any witnesses on your  
23 own behalf and waiving the right to cross-examine them; you  
24 are also waiving the right to remain silent and I would  
25 instruct the jury that you -- they could not use it against

1 you, that you would remain silent?

2 A. Yes, ma'am.

3 Q. And also if you made any incriminating statements you  
4 would have the right to challenge those statements; do you  
5 understand that?

6 A. Yes, ma'am.

7 Q. By pleading guilty you are waiving all of these rights.

8 THE COURT: And the plea negotiations are to withhold  
9 sentencing upon the trial of this case; is that correct?

10 MR. SORENSON: Yes, Your Honor. And just to put on the  
11 record also, I mean just there have been no negotiations  
12 regarding any sentence. That would be up to Your Honor's  
13 discretion at the appropriate time.

14 THE COURT: All right, sir.

15 And Ms. Gay, is this the correct understanding of your  
16 agreement?

17 MS. GAY: Yes. I would also that -- I don't know if it  
18 is reflected on the sentencing sheet at this point or not,  
19 but this is not a kidnapping that would result with the  
20 registry.

21 THE COURT: Okay.

22 MS. GAY: You know, I don't know how that is designated  
23 whether it is an other section or what; but it does not --  
24 it is not about any kind of assault -- I mean even though  
25 there is a female involved it would not qualify him for any

1 type of registry upon release if he ever were to be  
2 released.

3 THE COURT: And certainly I think that would be  
4 indicated through the facts and the testimony at the trial  
5 and that the court would make a finding of that fact at  
6 sentencing.

7 MS. GAY: Okay.

8 THE COURT: All right.

9 **BY THE COURT OF MR. HART:**

10 Q. And Mr. Hart, are you satisfied with how your lawyer  
11 has advised you and represented you in this case?

12 A. Yes, ma'am.

13 Q. Have you talked with her as often and for as long as  
14 you feel necessary for her to properly represent you?

15 A. Yes, ma'am.

16 Q. Do you need any more time to talk to your lawyer?

17 A. No, ma'am.

18 Q. Have you understood your talks with your lawyer?

19 A. Yes, ma'am.

20 Q. Has she done everything for you that you feel she could  
21 or should have done?

22 A. Yes, ma'am.

23 Q. Are you completely satisfied with her services?

24 A. Yes, ma'am.

25 Q. Has anyone promised you anything or held out any hope

1 of a reward to get you to plead guilty?

2 A. No, ma'am.

3 Q. Has anyone threatened you or used force to get you to  
4 plead guilty?

5 A. No, ma'am.

6 Q. Has anyone mistreated you in any way, the police  
7 officers, solicitor's office, anyone?

8 A. No, ma'am.

9 Q. And have you had enough time to make up your mind as to  
10 whether or not you want to plead guilty?

11 A. Yes, ma'am.

12 Q. You are pleading guilty of your own free will?

13 A. Yes, ma'am.

14 Q. Have you understood my questions?

15 A. Yes, ma'am.

16 Q. Is there anything that you would like to ask me about  
17 what we have just been over?

18 A. No, ma'am.

19 Q. Has anyone suggested to you how to answer my questions?

20 A. No, ma'am.

21 Q. All right, sir. Have you been absolutely truthful in  
22 each and every answer you have given to the court?

23 A. Yes, ma'am.

24 Q. Do you understand that upon sentencing you can appeal  
25 the guilty plea and the sentence of the court but you must

1 do so within 10 days after that time and if you can't afford  
2 an attorney one will be appointed at no cost to you?

3 A. Yes, ma'am.

4 THE COURT: Solicitor, I find that there is a  
5 substantial factual basis for the plea and that the  
6 defendant's decision to plead guilty is freely, voluntarily,  
7 knowingly and intelligently made and that the defendant has  
8 had the advice and counsel of an attorney with whom he is  
9 satisfied. So I will withhold sentencing and accept your  
10 plea.

11 MS. GAY: Thank you, Your Honor.

12 THE COURT: Thank you. And I will mark on the sentence  
13 sheet that I will retain jurisdiction.

14 MR. SORENSON: Okay. Thank you.

15 (Whereupon the hearing concluded.)

(NOTE: A transcript which has been certified by the court reporter will bear an original signature on the below certification sheet. Please contact the court reporter for additional certified transcripts.)

### CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the captioned case, relative to appeal, in General Sessions for Dorchester County, South Carolina, on October 7, 2013.

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



PHYLLIS NORTON, CVR  
(Signature in blue ink.)

Date: January 29, 2015

Certified Transcript Provided For: SCCD  
Certification Reference # 012915 DELG FRENCH

1 STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS  
2 COUNTY OF DORCHESTER 2012-GS-18-00714-00719

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4 STATE OF SOUTH CAROLINA ) TRANSCRIPT OF RECORD  
5 VS. )  
6 ) JANUARY 23, 2014  
7 TEVIN HART ) ST. GEORGE, SC

8

B E F O R E:

9

HONORABLE MAITÉ MURPHY

10

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

11

DON SORENSON, ESQUIRE  
Attorney for the State

12

13

MELISA GAY, ESQUIRE  
Attorney for the Defendant

14

15

Ruth L. Mott, RPR, CRR  
Official Court Reporter

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CERTIFICATE OF REPORTER 17

E X H I B I T S

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1 MR. SORENSON: May it please the Court, Your Honor.

2 THE COURT: Yes, sir.

3 MR. SORENSON: Before you is Tevin Hart, here with his  
4 lawyer, Lisa Gay. We're here for purpose of a sentencing  
5 hearing, Your Honor. Mr. Hart plead guilty back on October  
6 7th of 2013 on indictments 2012-GS-18-714 through 719, one  
7 count of burglary in the first degree, one count of armed  
8 robbery and four counts of kidnapping.

9 THE COURT: Thank you.

10 MS. GAY: Your Honor, I'd like to put on the record the  
11 stuff that we had discussed this morning, or today earlier  
12 about this situation. Mr. Hart is 20 years old. This  
13 incident happened when he was 18, and his mother, whose name  
14 is Rosemary Mazyck, is very, very involved in his life and  
15 has been integrally involved in hiring me for him and has  
16 every -- has been my point of contact for his entire case. I  
17 notified her earlier this week of this sentencing time today,  
18 23rd of January at 2:00. Mr. Sorenson notified her on  
19 Monday. She called him and talked to him about the date.  
20 Unfortunately, last night, at approximately 7:30 at night  
21 some DSS problem ensued, and she became a defendant in a DSS  
22 abuse and neglect case as of last evening. As of today she  
23 was told sometime -- sometime between 11:00 and 12:00 that  
24 she was required to appear as a defendant, you know,  
25 subpoenaed defendant, in the DSS action in the family court

1 in Summerville today at 2:00, January 23rd. I then contacted  
2 Mr. Sorenson. I contacted your office. I contacted Judge --  
3 I can't remember her name, starts with an M, who's the Judge  
4 in Dorchester County Family Court. I spoke to their office.  
5 They took the position that she was in fact required to  
6 appear in their Court because she was the defendant. I  
7 believe it's a violation of my client's due process rights to  
8 do this sentencing hearing without her being able to come.  
9 She is an important mitigating witness for him. She is the  
10 most important person in his life. We, in my presentation  
11 that I prepared to do today for his sentencing and in my  
12 conversations with him, she is integral I believe to  
13 indicating -- to setting forth what we need to put forth  
14 today. I can't do what she would be able to do. It's her  
15 son. It's his mother. She was prepared to -- she didn't  
16 have enough time today to give me anything in writing or any  
17 type of supplemental way to present her position. There are  
18 other family members here for Mr. Hart, but they're not his  
19 mom; and I believe, as a defendant, having a due process  
20 right to justice and the process, that he's entitled to have  
21 his mother present at sentencing. And I would ask that the  
22 sentencing be continued.

23 THE COURT: Ms. Gay, I'm going to respectfully deny your  
24 motion. Mr. Hart is certainly an adult, and he pled as an  
25 adult, and I don't see anything that gives him some due

1 process right to have his mother at sentencing. I'll be  
2 happy to hear from you regarding any mitigation witnesses  
3 that you may have. You've obviously had a close relationship  
4 with her, and although you cannot portray it exactly like his  
5 mother, maybe you'll be able to portray how she feels about  
6 mitigation regarding her son. I'll be happy to place  
7 whatever you feel is necessary on the record regarding what  
8 you may have relayed to the Court, but this will not be  
9 continued based upon his mother not being able to be present.

10 MS. GAY: I would just add, Your Honor, she's not  
11 capable of being present. This is not willful on her part.  
12 She's a defendant in another action, and that Court has  
13 specifically told me over the phone that she can't leave that  
14 building; and so this is not a situation where she chose not  
15 to come or had -- even that she's sick. She's physically  
16 incapable of leaving the Dorchester County Family Court.

17 THE COURT: I certainly understand that. I understand  
18 that that's the family court's position and Judge McLin's  
19 position, and they're right. If they subpoenaed her to be a  
20 defendant there for an emergency protective custody case,  
21 that's beyond my purview. I'm not taking the position that  
22 she's willfully not here. I'm taking the position that I'm  
23 allowing you to say, she would say this in mitigation, or  
24 whatever you may want to put on the record regarding  
25 mitigation, and taking the position that she would be here if

1 she could capably be here. I certainly recognize that a  
2 parent would want to be here in a sentencing hearing, but I  
3 don't think it's just cause to continue this proceeding.

4 MS. GAY: Yes, ma'am.

5 THE COURT: Solicitor, you may proceed on the State's  
6 position.

7 MR. SORENSON: Thank you, Your Honor, may it please the  
8 Court. Mr. Hart, I'll start off initially by saying he does  
9 not have any prior record. I think you did hear that during  
10 his testimony, when he testified in his codefendant's trial.  
11 As I told you yesterday with Mr. Young, Mr. Hart -- I guess I  
12 approached Ms. Gay several months ago now about whether --  
13 what Mr. Hart wanted to do. After kind of a little bit of  
14 back and forth ultimately came to the decision that he was  
15 going to be willing to plead guilty to these charges and  
16 agree to meet with me and then testify against Mr. Manigault.  
17 I have had opportunity, as I had with Mr. Young, to meet with  
18 Mr. Hart on somewhere around three occasions to actually sit  
19 and kind of go over his testimony with him. Possibly one or  
20 two other times just briefly here in the Courthouse.

21 As with Mr. Young, Mr. Hart has been for the most part  
22 very cooperative with me. Specifically, the last time I met  
23 with him, I really felt that that was probably the -- leading  
24 up to the trial was probably about the most cooperative he  
25 had been at that point in time. But as Your Honor heard, at

1 no point in time did we ever come to any kind of  
2 recommendation; and ultimately he knew, and it was put on the  
3 record at the time of his plea, that it was a straight-up  
4 plea and ultimately, as was told to the jury during his  
5 testimony, that his sentencing would be up to Your Honor.  
6 That's obviously still the position that we're in at this  
7 point in time. I will say I've had a chance to talk to Ms.  
8 Smith here yesterday for Mr. Young's sentencing. She was  
9 intending on coming today, had some issues come up with two  
10 of her children, one of them some behavioral stuff that I  
11 think has kind of stemmed basically out of this incident  
12 still; and another medical issue that came up with her  
13 daughter that she had to ultimately end up dealing with but  
14 did know of this hearing and told us -- she's at this point  
15 in time ready for this all to be over with, so she did not  
16 wish it to be delayed because of her being unable to be here.  
17 But as she told you yesterday with Mr. Young, wanted me to  
18 basically just kind of relay again at this hearing just kind  
19 of the effect that this has had on her family, not only her  
20 but her small children. You know, she's got a ten-year-old  
21 that she's dealing with some behavioral issues that she  
22 didn't have before this all happened; and the fact that, I  
23 think as she told you yesterday, that this has forever  
24 changed basically her whole family dynamics. Other than  
25 that, I mean, obviously as was put forth to the jury in Mr.

1 Manigault's trial, sentencing is up to Your Honor. As I  
2 said, he does not have a prior record. That is something  
3 that obviously is a little different than his codefendant,  
4 Mr. Young.

5 THE COURT: Ms. Gay, I'll be happy to hear from you.

6 MS. GAY: Thank you, Your Honor. As I said, Mr. Hart is  
7 20 years old. He didn't have a high school diploma. His  
8 testimony at trial would -- kind of described a little bit  
9 about what was happening in his life. He had been having  
10 some basic adjustment issues, like he wasn't getting along  
11 very well with his mother; so he went down and started living  
12 with this woman who was a friend, not any type of  
13 relationship with him or anything, just a person who took him  
14 in and was helpful to him. During the course of living with  
15 her and hanging out in that household, he met these other men  
16 that were involved in other criminal activity. We -- I  
17 firmly believe that the man who went to trial was guilty. I  
18 believe he also has been guilty of doing other awful things  
19 in and around the Colleton and Dorchester County area. He --  
20 my client was a young boy at that time, as I said, barely 18  
21 years old, and he was, I guess being groomed is maybe the  
22 best way to put it, by this man who was taking him and kind  
23 of saying, hey come with me, come with me. I think they, in  
24 some of the police reports and the way it was described is he  
25 called him little brother or something like that. He sort

1 of, you know, kind of adopted him or kind of wanted to get  
2 him involved in what was going on.

3 On the night in question my client -- he was there. He  
4 participated. You heard him testify. But he did not know  
5 what they were going to do. He was told; get up, let's go.  
6 He gets up and goes because the older defendant -- I mean, I  
7 think the codefendant you sentenced yesterday was now 26 or  
8 27, and then the other man that went to trial was older, mid  
9 20s as well. He's the little bro who's just being told to  
10 come with them. Now, obviously we don't know what would have  
11 happened if Mr. Hart had not been arrested in this incident.  
12 I've had many conversations with him and his mother about the  
13 fact that whatever else could have occurred in life, you  
14 know, it was a good thing that Mr. Hart had been arrested  
15 this night and that this relationship or this pattern was  
16 ended. Mr. Hart believed firmly that the man he testified  
17 against was going to hurt his family. There was -- and  
18 that's one of the things that his mother would tell you, that  
19 genuinely he had fear for her and for other family members  
20 that if he did in fact testify, that something would happen  
21 to her. As Mr. Sorenson said, there was many conversations  
22 back and forth to try to figure out what Mr. Hart's intention  
23 was going to be in terms of testifying, and also what he was  
24 saying along the way because I don't know how much of it came  
25 out at the trial, but there was a document that was generated

1 by someone else in the jail that Mr. Hart was asked to sign  
2 that was not helpful to the State that he signed because he  
3 felt pressure from inside the jail; and he said that people  
4 would come into the jail and say things to him, like people  
5 off the street just had come in for a disorderly or some kind  
6 of small arrest that they were sort of passing through the  
7 jail and back out, and he was getting messages sent through  
8 the jail about how much of a threat it was going to be to him  
9 and his family if he chose to testify. To this day his  
10 mother has -- we talked with Mr. Sorenson about that, and she  
11 would tell you that to this day, even now, as he, you know,  
12 has in fact testified in this trial, that they're afraid.  
13 You know, she's afraid that something might happen to her,  
14 that something might happen to him, and that it was -- you  
15 know, he was very, very concerned about her. And they are  
16 very close, and she would tell you -- I mean, I can't cry,  
17 obviously, over this situation because it's not my child; but  
18 I told Mr. Sorenson yesterday that he should have EMS  
19 personnel here if Ms. Mazyck was going to be here because she  
20 might drop out. I mean, she's just extremely emotional about  
21 the case. She's been extremely emotional about all of it  
22 ever since. I mean, she was terrified for him to testify.  
23 She has -- we've had just any number of conversations. He  
24 had to talk with her and say being, you know, it's going to  
25 be okay. I've decided to do this. And she's just fearful

1 for him. He has other family members that are here on his  
2 behalf, some aunts and uncles and some cousins, different  
3 people that have come to support him. At one point, and I  
4 know this because I talked to Mr. Sorenson and the detective  
5 in this case, because of his age and lack of record -- I mean  
6 they can't recommend the minimum sentence, but I always  
7 talked to him about the possibility of ending up in the low  
8 end or very low end of the sentencing scale because of how  
9 scared he was to come in and testify and what his -- you  
10 know, the fact that he has no record, and he was a kid at the  
11 time. But I will let the other family members talk on his  
12 behalf, Your Honor.

13 THE COURT: All right. I'll be happy to hear from them.

14 MS. GAY: If you'd like to come forward and identify  
15 yourself.

16 FAMILY MEMBER: Hi. My name is Laverne Glover. I'm the  
17 aunt of Tevin Hart. I've got my husband with me, Roosevelt  
18 Glover, but he couldn't take it. He's in a wheelchair. He  
19 had to go outside. We practically raised Tevin from a little  
20 boy. We know he made a mistake. We want to say also sorry  
21 for the family, you know, for what he did; and if you could  
22 just, please, have a little mercy on him today. He made a  
23 bad mistake, and I know he didn't mean to do all that, what  
24 he had did, but we stood by his side from day one. Like I  
25 said, his mama, she's on dialysis. My husband on dialysis,

1 and this kind of like a big blow to us today. And I know  
2 that ain't no excuse. He did wrong, but if you can just  
3 please take all that into consideration and just be lenient  
4 on him.

5 THE COURT: Thank you, Ms. Glover. Thank you for being  
6 here.

7 MS. GLOVER: Thank you.

8 MS. GAY: Anybody else? Any other aunt, cousin, friend?

9 FAMILY MEMBER: I'm his auntie, and ever since we was  
10 family we never did have no problem with him. He's a good  
11 boy. He really is a good boy.

12 THE COURT: Yes, ma'am, thank you.

13 FAMILY MEMBER: He just happened to hang with the wrong  
14 crowd.

15 MS. GAY: Your Honor, he's written a letter that I can  
16 read. "First I would like to start off by saying that I'm  
17 truly sorry for the pain and the heartache that I've caused  
18 for the victim and her family. Not a day goes by that I  
19 don't think about the mistake that I've made and how the time  
20 has come that I have to face the consequences of my actions  
21 and ask -- and I ask the victim if she can forgive me with  
22 the goodness of her heart and so that I am not a bad person,  
23 not trying to cover up for what I did, but I have" -- I can't  
24 read that.

25 Do you want to read the rest? You've got to read loud.

1 THE DEFENDANT: I believe in my background shows that I  
2 am not a bad person at all. I just picked the wrong friends  
3 to call friends and ended up in a bad situation that I never  
4 thought I'd be in. The nature of my charges, people put a  
5 face on me of being a bad guy, but I have a big heart and  
6 wouldn't wish harm on anybody. I know that I have caused a  
7 lot of time, tears and money in the 20 months that I've been  
8 locked up, and I ask that if the victim -- ask the victim, if  
9 the victim would believe my words, I'm trying to tell her  
10 today, I'm not a good speaker, you know what I'm saying, but  
11 I would ask her just if she could please forgive me for the  
12 pain and heartache I've caused on her part. And I also ask  
13 that Mr. Sorenson, the victim, and you of course, Your Honor,  
14 if you would show leniency on me. I really am a good person.

15 MS. GAY: I think, in terms of the facts, Your Honor, I  
16 know you remember, he did all the things that he did and  
17 basically went in the bathroom and was in the back of the  
18 bathroom when the other gentlemen came out and said, you  
19 know, stay here with the victim, you know, stay here with  
20 her; and that's what he did, and he openly admitted that.  
21 One of the things that was interesting about his testimony  
22 was he admitted to having the biggest gun, even though she  
23 believed and her testimony was that the person with the  
24 biggest gun was the person who came out of her bedroom, but  
25 that wasn't my client. He was, as Mr. Sorenson said, he was

1 the shorter gentleman, shorter man, who was in the bathroom,  
2 who was I think completely overwhelmed by the circumstances.  
3 Doesn't make any of it right. Doesn't make any of it  
4 tolerable in a decent society. It just is something that we  
5 would ask you to please consider allowing him to have some  
6 kind of future or some kind of life after he serves time for  
7 this, Your Honor. He's just a little guy. He was 18 years  
8 old.

9 THE COURT: Anything further from anyone?

10 (No response.)

11 THE COURT: Mr. Hart, these are difficult cases to  
12 sentence people on, especially people who have family that  
13 obviously loves and supports them, and they state that you've  
14 exemplified some good virtues; however, you didn't exercise  
15 those on that night.

16 THE DEFENDANT: No, I didn't.

17 THE COURT: And whether or not this victim forgives you  
18 or not, she's never going to forget. Those children are  
19 never going to forget --

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: -- what you did to them. To hold a pregnant  
22 woman at gunpoint with her two children present, not knowing  
23 if they're going to be murdered, your attorney's right, that  
24 is not tolerable in our society. It's not as if you went not  
25 knowing that there were guns present. You were in the home

1 that didn't belong to you with an AK-47.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And I understand that you don't have a prior  
4 criminal record, but those are the types of cases that our  
5 State can just not tolerate and be lenient upon. It's  
6 something that you had an opportunity to back away from.  
7 Your codefendant clearly testified that you all were in the  
8 wrong house. What's also troubling is the fact that, after  
9 you all stole this gun and did this to this poor family, you  
10 were going back out, armed again. I have no idea what you  
11 planned on doing then, but I'm glad you got stopped.

12 On Indictment 2012-GS-18-0715 for kidnapping, you're  
13 hereby committed to the State Department of Corrections for  
14 30 years. On Indictment 2012-GS-18-0716 for kidnapping  
15 you're hereby committed to the State Department of  
16 Corrections for 30 years. On 2012-GS-18-0717 for kidnapping  
17 you're hereby committed to the State Department of  
18 Corrections for a period of 30 years. On Indictment  
19 2012-GS-18-0718 for kidnapping you're hereby committed to the  
20 State Department of Corrections for 30 years. On Indictment  
21 2012-GS-18-0719 for armed robbery you're hereby committed to  
22 the State Department of Corrections for 30 years. And on  
23 indictment 2012-GS-18-0714 for burglary in the first degree  
24 you're hereby committed to the State Department of  
25 Corrections for a period of 40 years. These are all

1 concurrent to each other.

2 MS. GAY: How many?

3 THE COURT: 40.

4 MR. SORENSON: Your Honor, could you make a notation as  
5 on the kidnapping indictments that it's not -- sex offender  
6 registry is not --

7 THE COURT: Yes, I will.

8 --- END OF TRANSCRIPT OF RECORD ---

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1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA

3 COUNTY OF DORCHESTER

4

5 I, the undersigned Ruth L. Mott, Official Court Reporter  
6 for the State of South Carolina, do hereby certify that the  
7 foregoing is a true, accurate and complete transcript of  
8 record of all the proceedings had and evidence introduced in  
9 the matter of the above-captioned case, relative to appeal,  
10 in the 1st Judicial Circuit Court for Dorchester County,  
11 South Carolina, on the 23rd of January, 2014.

12 I further certify that I am neither related to nor  
13 counsel for any party to the cause pending or interested in  
14 the events thereof.

15

February 18, 2015

16

17

*Ruth L. Mott*

18

Official Court Reporter

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
 ) FIRST JUDICIAL CIRCUIT  
 COUNTY OF DORCHESTER ) WARRANT NO.: M-473265; M-473266;  
 ) M-473267; M-473268; M-473269; M-473271  
 STATE OF SOUTH CAROLINA )  
 )  
 vs. )  
 )  
 TEVIN HART, )  
 )  
 Defendant. )

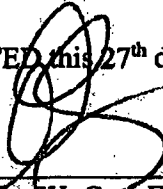
MOTION FOR RECONSIDERATION

FILED - RECORDED  
 2014 JAN 30 PM 2:30  
 CHERYL GRANHAM  
 CLERK OF COURT  
 DORCHESTER COUNTY

YOU WILL PLEASE TAKE NOTICE that the Defendant through the undersigned attorney, will move for a Reconsideration of the Sentence of 30 YEARS AND 40 YEARS CONCURRENTLY imposed upon him by the Honorable Maite Murphy on January 23, 2014. This sentence was overly harsh in light of the Defendant's lack of any prior record and his participation in the State's prosecution of his co-defendant as a testifying witness.

The Court's failure to postpone sentencing until the Defendant's mother Ms. Rosemary Mazyck could be present was a violation of his due process right under both the State and Federal Constitution. Ms. Hart's failure to attend was not willful in light of her required presence in the Dorchester County family Court. Though the Defendant was an adult at the time of the sentencing, the Defendant was unable to adequately present mitigation to the court based on the absence of his mother Ms. Hart

AND IT IS RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of January 2014 at St George, South Carolina.

  
 \_\_\_\_\_  
 Melissa W. Gay, Esquire  
 ATTORNEY FOR TEVIN HART  
 Post Office Box 2144  
 Mt. Pleasant, SC 29465-2144  
 Ph: (843) 856-0580  
 Fax: (843) 856-0590

St George, South Carolina  
 Dated: January 27, 2014

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )

STATE OF SOUTH CAROLINA )

Vs. )

Tevin Hart )

Defendant. )

COURT OF GENERAL SESSIONS  
FOR THE FIRST JUDICIAL CIRCUIT  
Warrant No.: M-473265; M473266;  
M473267; M473268; M473269; M4732271

**ORDER DENYING MOTION TO  
RECONSIDER**

FILED-RECORDED

4-7-2014

Cheryl Graham  
Clerk of Court  
Dorchester County

CERTIFIED COPY  
4-7-2014  
Cheryl Graham  
Clerk of Court  
Dorchester County

THIS MATTER came before the Court upon Defendant's Motion to Reconsider his sentence handed down by this Court on January 23, 2014 for Burglary in the 1<sup>st</sup> Degree, four counts of Kidnapping, and one count of Armed Robbery.

IT APPEARING that this Court sentenced the Defendant to a concurrent term of thirty (30) and forty (40) year's incarceration in the Department of Corrections. After considering the Defendant's Motion and a careful review of the record, the Court hereby DENIES Defendant's Motion to Reconsider for the reasons set forth below.

**FINDINGS OF FACT**

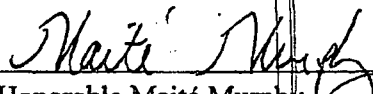
Defendant argues the sentence was overly harsh in light of the Defendants' lack of any prior record and his participation in the State's prosecution of his co-defendant as a testifying witness. Defendant further argues that the Court's failure to postpone sentencing until the Defendant's mother Ms. Rosemary Mazyck could be present violated his due process rights under the State and Federal Constitution.

The Court's failure to postpone sentencing until the Defendant's mother Ms. Rosemary Mazyck could be present is not a violation of the Defendant's due process rights. First, Mr. Hart is, and was an adult at the time of his sentencing. Second, Mr. Hart was accompanied by numerous family members, and each was given the opportunity to present mitigating circumstances to the Court.

In addition, the facts and circumstances of this particular case justify a concurrent sentence of thirty (30) and forty (40) years. Moreover, Mr. Hart's forty (40) year sentence fits well within the sentencing guidelines for Burglary in the 1<sup>st</sup> Degree, Kidnapping, and Armed Robbery. Accordingly, the Court does not find any circumstances justifying an alteration of Defendant's sentence.

THEREFORE, IT IS HEREBY ordered that the Defendant's Motion to Reconsider is denied.

AND IT IS SO ORDERED!

  
The Honorable Maité Murphy  
Presiding Judge, 1<sup>st</sup> Judicial Circuit

St. George, South Carolina

April 3, 2014

**WITNESSES**

D Peters

Dorchester County Sheriff

12-003395

**ARREST WARRANT NUMBER**

M473269

Arrested: May 8, 2012

**ACTION OF GRAND JURY**

**TRUE BILL**

*Charles P. Shirley*  
Foreperson of Grand Jury  
Date: July 12, 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012GS18-0718

The State of South Carolina

2012 County of DORCHESTER

CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

**COURT OF GENERAL SESSIONS**

July 16, 2012 TERM

THE STATE  
vs.

Tevin Shaquille Hart

Indictment for

KIDNAPPING

SC Code: 16-3-910

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

Defendant

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

Defendant

Witness:

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

FILED - RECORDED  
2012 JUL 12 PM 3:13  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

INDICTMENT  
2012GS18-0718

At a Court of General Sessions, convened on July 16, 2012 the Grand Jurors of  
Dorchester County present upon their oath:

**KIDNAPPING**

That in Dorchester County, South Carolina, on or about March 29, 2012, the  
Defendant, Tevin Shaquille Hart, unlawfully did seize, confine, inveigle, decoy,  
kidnap, abduct or carry away the victim, Ke Smith, without authority of law.  
This offense in violation of Section 16-03-910, of the South Carolina Code of  
Laws, as amended.

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

TRNEBIT



Meghan Hall, Solicitor

**WITNESSES**

D Peters

Dorchester County Sheriff

12-003395

**ARREST WARRANT NUMBER**

M473268

Arrested: May 8, 2012

**ACTION OF GRAND JURY**

**TRUE BILL**

*Charlene P Shurley*  
Foreperson of Grand Jury

Date: July 12, 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012GS18-0717

FILED - RECORDED  
**The State of South Carolina**  
2012 JUL 12 PM 3:13  
County of **DORCHESTER**

CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

**COURT OF GENERAL SESSIONS**

July 16, 2012 TERM

**THE STATE**  
vs.

Tevin Shaquille Hart

Indictment for

KIDNAPPING

SC Code: 16-3-910

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

Defendant

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

Defendant

Witness:

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

FILED - RECORDED  
2012 JUL 12 PM 3:13  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

INDICTMENT  
2012GS18-0717

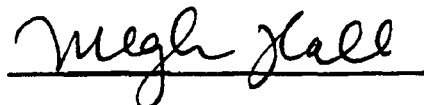
At a Court of General Sessions, convened on July 16, 2012 the Grand Jurors of  
Dorchester County present upon their oath:

**KIDNAPPING**

That in Dorchester County, South Carolina, on or about March 29, 2012, the  
Defendant, Tevin Shaquille Hart, unlawfully did seize, confine, inveigle, decoy,  
kidnap, abduct or carry away the victim, Gage Smith, without authority of law.  
This offense in violation of Section 16-03-910, of the South Carolina Code of  
Laws, as amended.

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

FILED



Meghan Hall, Solicitor

**WITNESSES**

D Peters

Dorchester County Sheriff

12-003395

**ARREST WARRANT NUMBER**  
M473267

Arrested: May 8, 2012

**ACTION OF GRAND JURY**

**TRUE BILL**

*Charleen P. Shirley*  
Foreperson of Grand Jury  
Date: July 12, 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012GS18-0716

FILED - RECORDED  
The State of South Carolina  
2012 JUL 12 PM 3:13  
County of DORCHESTER

CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

**COURT OF GENERAL SESSIONS**

July 16, 2012 TERM

**THE STATE**  
vs.

Tevin Shaquille Hart

Indictment for  
KIDNAPPING

SC Code: 16-3-910

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

Defendant

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

Defendant

Witness:

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

FILED - RECORDED  
2012 JUL 12 PM 3:13  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

INDICTMENT  
2012GS18-0716

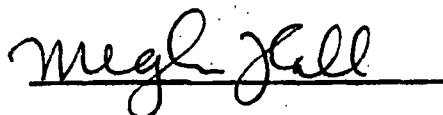
At a Court of General Sessions, convened on July 16, 2012 the Grand Jurors of  
Dorchester County present upon their oath:

**KIDNAPPING**

That in Dorchester County, South Carolina, on or about March 29, 2012, the  
Defendant, Tevin Shaquille Hart, unlawfully did seize, confine, inveigle, decoy,  
kidnap, abduct or carry away the victim, Kynslee Smith, without authority of law.  
This offense in violation of Section 16-03-910, of the South Carolina Code of  
Laws, as amended.

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

TRUST



Meghan Hall, Solicitor

**WITNESSES**

D Peters

Dorchester County Sheriff

12-003395

**ARREST WARRANT NUMBER**

M473266

Arrested: May 8, 2012

**ACTION OF GRAND JURY**

**TRUE BILL**

*Charleen P. Shirley*  
Foreperson of Grand Jury  
Date: July 12, 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012GS18-0715

FILED - RECORDED  
The State of South Carolina

2012 JUL 12 PM 3:13  
County of DORCHESTER

CHERYL GRANATH  
CLERK OF COURT  
DORCHESTER COUNTY

**COURT OF GENERAL SESSIONS**

July 16, 2012 TERM

THE STATE  
vs.

Tevin Shaquille Hart

Indictment for

KIDNAPPING

SC Code: 16-3-910

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

Defendant

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

Defendant

Witness:

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

FILED - RECORDED  
2012 JUL 12 PM 3:13  
CHERYL GRANATH  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

INDICTMENT  
2012GS18-0715


At a Court of General Sessions, convened on July 16, 2012 the Grand Jurors of  
Dorchester County present upon their oath:

**KIDNAPPING**

That in Dorchester County, South Carolina, on or about March 29, 2012, the  
Defendant, Tevin Shaquille Hart, unlawfully did seize, confine, inveigle, decoy,  
kidnap, abduct or carry away the victim, Laura Barber-Smith, without authority of  
law. This offense in violation of Section 16-03-910, of the South Carolina Code of  
Laws, as amended.

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

FILED



Meghan Hall, Solicitor

**WITNESSES**

D Peters

Dorchester County Sheriff

12-003395

**ARREST WARRANT NUMBER**

M473265

Arrested: May 8, 2012

**ACTION OF GRAND JURY**

**TRUE BILL**

*Charleen P. Shirley*  
Foreperson of Grand Jury  
Date: July 12, 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012GS18-0714

The State of South Carolina

County of DORCHESTER

CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

**COURT OF GENERAL SESSIONS**

July 16, 2012 TERM

THE STATE  
vs.

Tevin Shaquille Hart

Indictment for  
BURGLARY - FIRST DEGREE

SC Code: 16-11-311

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

Defendant

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

Defendant

Witness:

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

FILED - RECORDED  
2012 JUL 12 PM 3:12  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

INDICTMENT  
2012GS18-0714

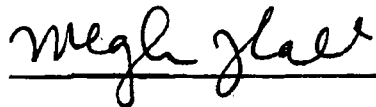
At a Court of General Sessions, convened on July 16, 2012 the Grand Jurors of  
Dorchester County present upon their oath:

**BURGLARY - FIRST DEGREE**

That in Dorchester County, South Carolina, on or about March 29, 2012, the  
Defendant, Tevin Shaquille Hart, did willfully and unlawfully enter the dwelling of  
Laura Barber-Smith, without consent and with the intent to commit a crime  
therein and the defendant did enter without permission during hours of darkness,  
while armed with a weapon. This offense being a violation of Section 16-11-311  
of the South Carolina Code of Laws, as amended.

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

JUDGE



Meghan Hall, Solicitor

**WITNESSES**

D Peters

Dorchester County Sheriff

12-003395

**ARREST WARRANT NUMBER**

M473271

Arrested: May 8, 2012

**ACTION OF GRAND JURY**

**TRUE BILL**

*Charleen P. Shirley*  
Foreperson of Grand Jury  
Date: July 12, 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012GS18-0719

**The State of South Carolina**

County of **DORCHESTER**

FILED - RECORDED  
2012 JUL 12 PM 3:13  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

**COURT OF GENERAL SESSIONS**

July 16, 2012 TERM

**THE STATE**  
vs.

Tevin Shaquille Hart

Indictment for  
**ARMED ROBBERY**

SC Code: 16-11-330(A)

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

Defendant

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

Defendant

Witness:

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

FILED - RECORDED  
2012 JUL 12 PM 3:13  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF DORCHESTER )

INDICTMENT  
 2012GS18-0719

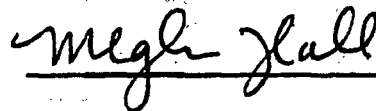
At a Court of General Sessions, convened on July 16, 2012 the Grand Jurors of  
 Dorchester County present upon their oath:

**ARMED ROBBERY**

That on or about March 29, 2012, in Dorchester County, the defendant, Tevin  
 Shaquille Hart did by use of force, threats or intimidation and while armed with a  
 deadly weapon or while alleging either by words or action that he was armed  
 while using a representation of a deadly weapon or any object which a person  
 present during the commission of the robbery reasonably believed to be a deadly  
 weapon, take and carry away goods and/or monies from the person or presence  
 of the victim, Laura Barber-Smith, with the intent to permanently deprive the  
 victim of possession of the goods or monies. Such weapon or alleged weapon  
 described as a gun. This offense in violation of Section 16-11-330 of the South  
 Carolina Code of Laws, as amended.

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

INDICTMENT

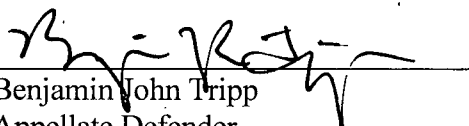


Meghan Hall, Solicitor

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

This 28th day of April, 2015,

  
Benjamin John Tripp  
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Dorchester County

Maite Murphy, Circuit Court Judge

RECEIVED

APR 28 2015

THE STATE,

SC Court of Appeals  
RESPONDENT,

V.

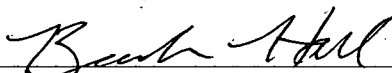
TEVIN HART,

APPELLANT

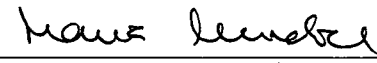
APPELLATE CASE NO. 2014-000944

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at this 28th day of April, 2015.

  
\_\_\_\_\_  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 28th day of April, 2015.

 (L.S.)  
\_\_\_\_\_  
Notary Public for South Carolina

My Commission Expires: July 3, 2013 .