

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Spartanburg County

R. Scott Sprouse, Circuit Court Judge

RECEIVED

MAR 21 2016

SC SUPREME COURT

MICHAEL D. STAGGS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-001742

APPENDIX

JOHN H. STROM
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

ALICIA OLIVE
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA } COURT OF GENERAL SESSIONS
2 COUNTY OF SPARTANBURG }

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 vs.) RECORD
7 MICHAEL DEAN STAGGS,) 2013-GS-42-1393
8 DEFENDANT.)
9

10 June 26th, 2013
11 Spartanburg, South Carolina
12

13 B E F O R E:

14 THE HONORABLE J. MARK HAYES, II, Judge.

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

16 BARRY BARNETTE
17 SOLICITOR
18 Attorney for the State

19 WILLIAM BEAN
20 ESQUIRE
21 Attorney for the Defendant

22
23
24 PAMELA E. GREEN
25 Circuit Court Reporter
Seventh Judicial Circuit

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
<u>State's Exhibits</u>			
S-1	Incident Report	3	19
S-2	SLED Report	3	19
S-3	MAIT Report	3	19
S-4	Affidavit	3	19
S-5	Certificate	3	19
S-6	Record	3	19
S-7	Email	3	19
S-8	Medical Records	3	19

P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1 through 8 were marked for identification purposes only at this time.)

SOLICITOR BARNETTE: May it please the Court, Your Honor.

This is the case of The State versus Michael Dean Staggs, Your Honor. He's gonna plead under Alford under Indictment 13-GS-42-1393. Your Honor, there's two counts on that indictment. Both counts are for Felony DUI great bodily injury, Your Honor. They've been true billed by the Grand Jury.

This is a straight up plea, Your Honor. He's represented by Mr. Bill Bean, and, Your Honor, I do have seven exhibits to make a part of the, part of the facts of the case to supplement the facts at the appropriate time, Your Honor.

May I approach the bench?

THE COURT: You are Mr. Staggs?

THE DEFENDANT: Yes, sir.

THE COURT: Please raise your right-hand and let the clerk of court swear you in.

(WHEREUPON, the defendant was placed under oath at this time.)

THE COURT: Mr. Staggs, it is your intent to enter a

1 plea to the charge that was announced by the solicitor --

2 THE DEFENDANT: Yes, sir.

3 THE COURT: -- or rather to the charges that were
4 announced by the solicitor?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Sir, I need to let you know we are making a
7 recording of everything that happens here. This lady to my
8 right is a court reporter. She's taking down everything
9 that's said. So, when you respond to my questions, if you
10 would, give verbal responses and speak up loud enough so
11 that both she and I can hear you. And if ever during this
12 process you can't hear me, you let me know and I'll speak up
13 as well.

14 Okay?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: How old are you, sir?

17 THE DEFENDANT: Forty.

18 THE COURT: How far did you go in school?

19 THE DEFENDANT: Sixth.

20 THE COURT: Did you ever obtain a GED?

21 THE DEFENDANT: No.

22 THE COURT: Are you married, single, divorced, widowed?

23 THE DEFENDANT: Single.

24 THE COURT: Do you have any children?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: How many?

2 THE DEFENDANT: One.

3 THE COURT: How old?

4 THE DEFENDANT: Eight years old.

5 THE COURT: Prior to your arrest on these charges, did
6 you have a job outside of the home?

7 THE DEFENDANT: No, sir.

8 THE COURT: How were you supporting yourself
9 financially?

10 THE DEFENDANT: I'm disabled.

11 THE COURT: When you worked, what type work did you do?

12 THE DEFENDANT: Boiler maker.

13 THE COURT: Okay. Ever served in the military?

14 THE DEFENDANT: No, sir.

15 THE COURT: On these charges, how long have you been in
16 jail?

17 THE DEFENDANT: Almost six months. January 11th.

18 THE COURT: Within the last 24 hours, have you consumed
19 any type of substance that is adversely or negatively
20 affecting your ability to understand what we're doing today?

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you ever been treated for any type of
23 substance abuse issues or any drugs or alcohol problems?

24 THE DEFENDANT: Alcohol problem. I been to ADSAP for
25 that.

1 THE COURT: To SADAC?

2 THE DEFENDANT: ADSAP.

3 THE COURT: ADSAP.

4 And about how long ago was that?

5 THE DEFENDANT: It's -- that was back in 2008.

6 THE COURT: And was it successful at the time?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Has anybody come to you, Mr. Staggs, and
9 threatened you in any way or have they made you any promises
10 in order to get you to make the decision to enter these
11 pleas today?

12 THE DEFENDANT: No, sir.

13 THE COURT: Am I correct to conclude that your decision
14 to enter these pleas today that it is a free and voluntary
15 decision?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Sir, I need for you to understand that,
18 under the law, you are presumed innocent of both of these
19 charges and you do have a right to have a jury trial on
20 either or both of these charges. At any jury trial that
21 would take place, it would be the State that has the burden
22 of proof, and the State would have to convince all 12
23 members of a jury that you are, in fact, guilty beyond a
24 reasonable doubt of both of these charges.

25 Now, do you understand that you have a right to that

1 jury trial on both of these charges?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you wish to have a jury trial on either
4 of these charges?

5 THE DEFENDANT: No, sir.

6 THE COURT: Sir, I need for you to understand that
7 there are other very important Constitutional rights that
8 you are entitled to, but that you have to give up in order
9 to enter these pleas. You have to give up your right to
10 confront and cross-examine the State's witnesses. You also
11 have to give up your right to present evidence that you or
12 your lawyer may feel would establish some type of defense to
13 these charges, and you have to give up your right of
14 subpoena and also your right to remain silent.

15 Do you understand all those rights?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you wish to give up those rights?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right, sir. Please listen to the
20 solicitor. He's going to tell us the facts and then I'll
21 have some more questions for you.

22 okay?

23 THE DEFENDANT: Yes, sir.

24 SOLICITOR BARNETTE: May it please the Court, Your
25 Honor.

1 I'm gonna enter seven exhibits, Your Honor. The first
2 exhibit is an incident report done by Trooper Collins, Your
3 Honor. It consists of three pages.

4 State Exhibit 2, Your Honor, is the SLED toxicology
5 report. It consists of all -- three pages, Your Honor.

6 State Exhibit 3, Your Honor, is the MAIT Team report.
7 It's actually the report and it also has a disk in it with
8 the information on it. This is the solicitor's copy. I'll
9 be entering that into evidence also.

10 State Exhibit 4, Your Honor, is two statements. One is
11 by April Brady Pervey as well as Robert Briggs, whom both
12 those statements is State Exhibit No. 4.

13 State Exhibit No. 5, Your Honor, is the defendant's
14 driving record.

15 State Exhibit 6, Your Honor, is his rap sheet and
16 N.C.I.C. sheet, Your Honor.

17 State Exhibit 7, Your Honor, in this case is the
18 medical bills at this time for Mr. Harry Meadows, and he's
19 still under treatment at the time, Your Honor. The total
20 amount due is \$22,835.59 at this time, and then Loretta, I
21 may not be pronouncing this, Oletta was the other victim on
22 the great bodily injury. Her medical bills are 33,955.36
23 plus, and she's still being treated for her injuries.

24 Your Honor, this incident occurred on January 11th,
25 2013, Your Honor. It happened on U.S. 221 south of

1 Woodruff, South Carolina in Spartanburg County, Your Honor.
2 Trooper Collins was dispatched to a motor vehicle, Your
3 Honor.

4 Upon his arrival, he observed three vehicles was
5 involved in the collision, Your Honor. They were starting
6 to gathering information. He had other troopers arrive on
7 the scene to help him. Most of the victims had been
8 transported by EMS. He advised that four subjects had been
9 in a 1995 Geo Tracker that had been hit in the back by a
10 1985 Ford Ranger, Your Honor.

11 Inside the 1985 Geo Tracker was both the victims in
12 this case plus two other people. Four -- there were four
13 people in the vehicle. The defendant was distracted from
14 the Ford Ranger, Your Honor. What he did was he approached
15 the ambulance and found that the driver of that truck was
16 the defendant, Your Honor, Michael Dean Staggs. It was
17 determined he was driving the 19 -- 1998 Ford Ranger, Your
18 Honor.

19 Basically what happened was they was driving the Geo.
20 He hit the back of the Geo, knocked them, and they went
21 rolling and went over into a tree, Your Honor, then he
22 continued on. He ran into a third vehicle from there, which
23 was driven by Monique Cheeks, Your Honor, and that was a
24 Suzuki, Your Honor, 2011 model, Your Honor, that he ran into
25 her face first and then she stopped in the middle of the

1 road and he continued on slightly, but beyond where she was,
2 and that's shown by a map of the MAIT Team report inside of
3 it, Your Honor.

4 Monique Cheeks, Your Honor, had told the troopers, and
5 she was the driver of the third vehicle, that Ford Ranger
6 crossed the center line and struck her vehicle head on, and
7 it's clear the Geo Tracker had been struck in the rear and
8 lost control. The tracker ran off the roadway on the right
9 rolling over several times. The Tracker came to rest on a
10 fence in an open field. He observed marks in the roadway in
11 the north bound lane, Your Honor. The Geo Tracker was
12 traveling north and the Ford Ranger was driving behind the
13 Geo Tracker, Your Honor, and caused the accident to occur,
14 Your Honor, in this case.

15 Afterwards, he writes down about the injuries.
16 Mrs. Let -- and she'll be -- both victims will be speaking
17 to you, Your Honor. She sustained a large cut on her face,
18 several deep cuts on her face. The cut was approximately
19 7-inches long and very deep. She was rushed to surgery,
20 Your Honor. She also had internal bruising and a mass on
21 her kidney. She was the driver of the Geo Tracker that was
22 hit, and she's also ejected from it, Your Honor.

23 The passenger in the vehicle, Harry Meadows, was also
24 in the Geo Tracker, Your Honor. He was located on the right
25 passenger side of the Tracker. He was also ejected, Your

1 Honor. He sustained fractures to his T-6 in his back,
2 several broken ribs, and a clavicle fracture, Your Honor, in
3 this case.

4 They spoke to Michael Staggs, Your Honor, gave him his
5 Miranda warnings. Also gave him his felony implied consent
6 rights, Your Honor, and asked if he had -- what he had
7 taken. He said Valium, Oxycontin. He had smoked marijuana,
8 Your Honor. The blood and urined was provided by
9 Mr. Staggs, and was taken to SLED, Your Honor. State
10 Exhibit 2, Your Honor, is the SLED report. It did show a
11 THC metabolite as well as meth in his system. It's a very
12 slight amount, Your Honor, with that, and also showed the
13 drugs that he admitted taking, the Valium, and the other
14 drugs he admitted taking with that, Your Honor.

15 State Exhibit 4, Your Honor, is just witnesses to it
16 basically confirming what the trooper had said that happened
17 in this case.

18 State Exhibit 5, Your Honor, is his prior record. He
19 has a reckless driving from 2011. He also has a driving
20 under, driving under the influence charge, Your Honor, from
21 2008 in this case.

22 Your Honor, on his rap sheet, going back to 2003, Your
23 Honor, fraudulent check.

24 Carrying a weapon in 2007.

25 Assault and battery of a high and aggravated nature in

1 2009.

2 Also the DUI in 2008.

3 Public disorderly conduct in 2010.

4 Your Honor, I think I've listed injuries to both
5 victims in the case and they'd like to address the Court at
6 the appropriate time. I'll pass these up to the Court, Your
7 Honor, and make them a part of the record and part of the
8 facts in this case.

9 THE COURT: Yes, sir, and let the record reflect that
10 prior to taking the bench I was able to review the exhibits
11 in chambers.

12 Mr. Staggs, you were able to hear the solicitor when he
13 told me the facts that were behind the accidents?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you believe that, as he related those
16 facts, that he is substantially correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And on the felony driving under the
19 influence resulting in great bodily injury, the possible
20 range of sentencing?

21 SOLICITOR BARNETTE: Thirty days to 15 years, Your
22 Honor, and I believe there's a fine. I think it's -- I want
23 to say it's 5,100 up to 10,100, Your Honor.

24 THE COURT: And, sir, do you understand that, on these
25 charges, I could sentence you between 30 days, but could

1 sentence you up to 15 years in prison on these charges?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And that I am required to issue a fine of
4 somewhere between 5,100, but could be up to 10,100?

5 SOLICITOR BARNETTE: I think it's 5,000 -- I'm trying
6 to -- I don't know exactly what the Court costs breakdown
7 would be, Your Honor, but it's approximately 5,100 to 10,100
8 with Court costs.

9 THE COURT: Okay. And you understand that I'm required
10 to issue that type of fine as well?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: With that understanding, do you still wish
13 to enter these pleas?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: In regards to the two charges of felony
16 driving under the influence resulting in great bodily
17 injury, which are listed as Count 1 and Count 2 under
18 charges of 2013-GS-42-1393, do you believe that the State
19 could produce sufficient evidence to prove your guilt of
20 these charges beyond a reasonable doubt and that if it went
21 to trial a jury would most probably find you guilty of these
22 charges?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have all of your answers to my questions
25 been truthful?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Discovery's been shared with the defense?

3 SOLICITOR BARNETTE: Yes, sir, it has. I apologize.

4 THE COURT: And we have the prior record.

5 Did you say that the victims did wish to address the
6 Court?

7 SOLICITOR BARNETTE: Yes, sir, they would.

8 Your Honor, I think this is Mrs. Olette. I hope I'm
9 pronouncing that right.

10 THE COURT: Ma'am, if you would, we are making a
11 recording of everything that's happening here. So, if you
12 would, please speak up loud enough so that both the court
13 reporter and I can hear you, and, if you would, just start
14 by giving us your full name.

15 MS. OLETTE: Lora Anne Olette.

16 THE COURT: Yes, ma'am.

17 MS. OLETTE: Well, ever since the accident I haven't
18 been able to sleep. I don't like going out in public
19 because of my scar. That's it. It's hard and I don't want
20 to see anybody else go through what I'm going through. I
21 wouldn't wish it on nobody, and then I forgive him. But I
22 can't forget it. That's it.

23 THE COURT: Thank you.

24 SOLICITOR BARNETTE: Thank you, ma'am.

25 Your Honor, our next is Mr. Meadows. I think he wanted

1 to address the Court too, Your Honor.

2 THE COURT: Sir, if you would, likewise, please speak
3 up loud enough so that both the court reporter and I can
4 hear you, and just start by giving us your full name.

5 MR. MEADOWS: My name is Harry Anthony Meadows.

6 THE COURT: Yes, sir.

7 MR. MEADOWS: I was on my way to pay my bills, and
8 after the wreck I don't remember what happened after the
9 wreck or before it happened I don't remember cause it --
10 after it happened it knocked me out what happened to me
11 because I was in the back seat. It hit the back seat so
12 hard it broke the seat in the back of it, and from there it
13 just done -- I don't, don't know what kind of day you want
14 to call it. It ain't been right since. I can't get out and
15 do what I'm suppose to be doing with my family or nothing
16 else, which I forgive him for what he done. Don't get me
17 wrong.

18 But still it -- shouldn't nobody else have to go
19 through nothing else like this right here, and that's about,
20 about the honest way I can put it, and the injuries, I don't
21 think they gonna go away like that, that easy.

22 I appreciate that.

23 SOLICITOR BARNETTE: Thank you, sir.

24 THE COURT: Thank you, sir.

25 SOLICITOR BARNETTE: Your Honor, that would be the

1 State's presentation in this case, and I believe you've got
2 the exhibits, Your Honor. They've been provided.

3 THE COURT: I do.

4 Yes, sir.

5 MR. BEAN: Thank you, Your Honor.

6 May it please the Court.

7 Your Honor, as Mr. Staggs told you, he is 40 years old.
8 He went through the sixth grade, and he does not have a GED.
9 His last employment, Your Honor, was at Mid-Atlantic Boiler,
10 which is in North Carolina. He was a boilermaker. While
11 working there, he was badly injured in a fire and explosion
12 which resulted in him having to have back surgery, and he is
13 disabled as a result of that, and he draws approximately
14 \$700 a month in Social Security Disability.

15 He takes regular medication, Your Honor, for pain and
16 the inflammation that is a result of those injuries, and
17 those are the, the drugs that were listed in his system
18 by -- in the report from the SLED lab. All of the drugs he
19 was taking, Your Honor, were prescription medication. No
20 alcohol was involved in this case, and, of course, I've
21 explained to him that a DUI case can involve other than
22 alcohol, but just wanted Your Honor to know that it wasn't a
23 case of willfully drinking and driving.

24 Your Honor, he, he tells me that he occasionally does
25 smoke marijuana for pain. The last time he did it before

1 this accident was approximately two to three weeks before.
2 Of course, that stays in your system for I think about 30
3 days. He denies the use of meth in anyway, Your Honor, and,
4 of course, SLED, as Your Honor knows, doesn't distinguish
5 whether meth, if they find it in the test, is, is from a
6 legal or an illegal substance. It can come from things such
7 as cough medicine and, in fact, is very common in the small
8 quantities that's shown in the SLED lab report.

9 Your Honor, Mr. Staggs lives with his dad in Waterloo,
10 which is a small town in Laurens County. He does have an
11 eight year old son for whom he pays child support. He --
12 excuse me, Your Honor.

13 On the day that this accident happened, it was, it was
14 raining. It was foggy. The car that he hit, as, as best he
15 could tell, did not have any lights on. That's why he hit
16 it is cause he couldn't see it till it was too late, and, as
17 a, as a matter of information, Your Honor, he was on his way
18 to my office when this accident occurred. I was handling a
19 personal injury case for him where someone had run a stop
20 sign and hit him some time prior to this. But that, that
21 matter has been resolved favorable for him.

22 Your Honor, he's been in jail since January the 11th,
23 a little over five months ago, and we would respectfully
24 request that, if any sentence of active time is given, that
25 the Court consider perhaps a home detention or otherwise

1 probationary sentence.

2 Again, Your Honor, I would just emphasize to the Court
3 this is not a situation involving willfulness. It doesn't
4 involve drinking. It involves prescription drugs that were
5 prescribed for him, and it's, it's a terrible thing, what
6 happened to these folks over here. Certainly no one,
7 including myself, wishes to minimize that at all, but it's
8 not a case where somebody went out, got drunk, went out, and
9 did some damage and hurt people. It's, it's truly an
10 accident, Your Honor, and we would ask for the Court's mercy
11 for Mr. Staggs.

12 THE COURT: Were you able to hear what your lawyer just
13 told me?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Is there anything else that you would like
16 to say or want me to know or consider?

17 THE DEFENDANT: Yes, sir, you know, I'd like to
18 apologize to everybody that was in the vehicle in the
19 accident, and I'd like to apologize for them and all of
20 y'all.

21 Thank you.

22 THE COURT: I'll find that there's a substantial
23 factual basis for the plea and that the defendant's decision
24 to enter the plea is made freely, voluntarily, knowingly,
25 and intellectually by him. Therefore, I will accept the

1 plea.

2 On these charges, these will be concurrent sentences, a
3 like sentence under each, it will be a 15 year sentence at
4 the Department of Corrections, and the payment of a \$5,100
5 fine. That will be suspended upon the service of eight and
6 one-half years and the payment of a \$5,100 fine, and the
7 service of five years of supervision. He'll get credit
8 since January the 11th, 2013. By my calculation, that's
9 166 days.

10 Once he is released, he needs to be evaluated to
11 determine what type of substance abuse plan he'll need to
12 comply with. He'll need to comply with that plan, and also
13 need to be sure that he stays clean of illegal substances
14 cause they will be doing random drug and alcohol testing on
15 him.

16 Good luck to you, sir.

17 SOLICITOR BARNETTE: Thank you, Your Honor.

18 (WHEREUPON, State's Exhibits Nos. 1 through 8 were
19 received into evidence at this time.)

20

21

22 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

23

24

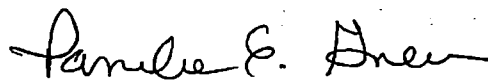
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh 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 Spartanburg County, South Carolina, on the 26th day of June, 2013.

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

February 18th, 2014



PAMELA E. GREEN, Court Reporter

2013-CP-42- 4600

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Michael Dean Stagg # 236145
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

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 McDugal Corr Inst
2. Name and location of Court which imposed sentence Spartanburg
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013 GS-420 1393
 - (b) 2013 GS-420 1393 (A)
 - (c)
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) June 26, 2013, 8 1/2 years, 15 yrs probation and \$1,000 fine
 - (b) June 26, 2013, 8 1/2 years, 15 yrs probation + \$1,000 fine

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 NOV 14 PM 4:20
M. HOPE BLACKLEY

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere ☒
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____ N/A
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____ N/A
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____ N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____ N/A
- 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: (See Attach)

- (a) _____
 (b) _____
 (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10): (See Attach)
- (a) _____
 (b) _____
 (c) _____
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) _____

(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? N/A
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A
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. William Bean P.O. Drawer 81 Spartanburg S.C. 29304-0081
- ii. _____
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. Plea & Sentencing
- ii. _____
- iii. _____
19. State clearly the relief you seek in filing this application:
Sentence Vacated...
20. Are you now under sentence from any other court that you have not challenged?
NO

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 NOV 14 PM 4:20
B. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

County of

2013-CP-42-4600
VERIFICATION

I, _____, 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.

Michael Dean Stepp

SWORN to and subscribed before me this 17th
day of November, 2013.

Joe C. Way (L.S.)
Notary Public

My Commission Expires: March 9, 2014

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 NOV 14 PM 1:20
M. HOPE BLACKLEY

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

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.

Michael Dean Steggs
Applicant

SWORN or affirmed to and subscribed before me this
17th day of November, 2013.

Jay C. W.
Notary Public

My Commission Expires: March 9, 2014

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 NOV 14 PM 4:20
M. HOPE BLACKLEY

10) Grounds: 1) Ineffective Assistance of Counsel

2) Involuntary Guilty Plea

3) Actual Innocence

4) Due Process.

11) Ground(I): ^I Counsel fail to inform applicant that the S.C. Law Enforcement Division Forensic lab report shows that there was no alcohol in his system ~~and~~ other intoxicant was not enough to insist that he was impaired at the time of collision. (See Attach)

^{II} Counsel fail to conduct an adequate investigation of applicant backgrounds to show that he was under doctor care and taking prescribe medication. (See Attach)

^{III} Counsel fail to present and explain the variance between prescription drugs and Ethical (dangerous) drugs.

Ground(2): Applicant plea was involuntary because he only plead because Counsel advise him that he would receive time served.

4.1 Don't

Ground(3): According to the alledge Charge Crime, of D.O.I. w/ Direct Bodily Injury, the evidence of the result of the urine and blood test from the lab report from SLEID indicate nothing about whether applicant was impaired at the time of the collision...

Ground(4) The violation of applicant six Amendment right to effective counsel and 14th Amendment due process of the afore mention

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 NOV 14 PM 1:20
M. HOPE BLACKLEY

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

K.W. Collins
S.C. Highway Patrol Troop #3
211 Century Dr. / Suite 210 C Century Plaza
Greenville, SC 29607

TOXICOLOGY DEPARTMENT

March 12, 2013
SLED No: L13-00678
Your Case No: 13GV005384HP42
Incident Date: 01/11/2013

[S] Michael Dean Staggs
[V] Loretta Dean Oulette
[V] Monquell F Cheeks
[V] Roderick Briggs
[V] Harry A Meadows
[V] Regina A Harlem
[V] Larry Dean Staggs

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE

Item: 1 Sample Type: Blood (Toxicology) - labeled "Michael Dean Staggs"

Analysis by Headspace Gas Chromatography (GC) and/or Headspace Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
Ethanol	Negative	% (g/dL)	0.010



SLED No :L13-00678

3/12/13

Screen by Enzyme Linked Immunosorbant Assay (ELISA)

Analyte	Result	Units	Threshold
Drugs Buprenorphine	Negative	µg/L	1.000
Cocaine Metabolite	Negative	mg/L	0.200
Methadone	Negative	mg/L	0.050
Methamphetamine	Negative	mg/L	0.100
Opiates	Negative	mg/L	0.075
Oxycodone	Negative	mg/L	0.075
Tramadol	Negative	mg/L	0.050
Zolpidem	Negative	mg/L	0.020

Analysis by Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
11-carboxy-Tetrahydrocannabinol Synonyms: THC metabolite	21	µg/L	2.000
Methamphetamine	0.02	mg/L	
Amphetamine Synonyms: Adderall®, metabolite of Methamphetamine, metabolite of Vyvanse®	0.14	mg/L	

Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)

Analyte	Result	Units	Threshold
Carisoprodol Synonyms: Soma®	1.0	mg/L	
Meprobamate Synonyms: Equanil®, Miltown®, Carisoprodol metabolite	11	mg/L	
Diazepam Synonyms: Valium®, Zetran®, Valrelease®	0.72	mg/L	
Nordiazepam Synonyms: Diazepam/Chlordiazepoxide/Chlorazepate metabolite	1.0	mg/L	
Oxazepam Synonyms: Serax®, Nordiazepam metabolite	0.04	mg/L	
Temazepam Synonyms: Restoril®, Diazepam metabolite	0.03	mg/L	

Item: 2 Sample Type: Urine - labeled "Michael D Staggs"

No Analysis Performed



3/12/13



Dustin Smith
Forensic Toxicologist

For any additional interpretation of results please contact the Toxicologist above at the SLED Toxicology Department, (803) 896-7385.



 * M E D I C A L E X P E N S E S BGN DTE:11/01/2012 END DTE:01/31/2013

FOR: STAGGS, MICHAEL D
 CARE OF: [REDACTED]

LAURENS DRUG COMPANY
 923 WEST MAIN STREET
 LAURENS, SC 29360
 PHARMACIST - YOUmans, DEAN
 Store PH # - 864-984-6023
 Provider # - 4205349
 Pat. Sex - M
 Medical Record# -

STAGM WATERLOO, SC29384
 Store LIC# - 1139
 Store DEA# - AL7224481
 Birth Date - [REDACTED]
 Social Security# - - -

DATE	RX#	DRUG (ITEM) NAME	QTY	PRESCRIBER	PRICE PR	TYPE
	N/R	NDC#	MFG#	DEA#		GEN INI
12/22/12	06273989	GABAPENTIN 300MG	90	CAP	CHILDERS	1.10 COPE
	REFILL	14550-0512-02 ACTAV	30DAYS	AC3203902		BRAND
	Rx DAW Ind - NO Policy#	1304245301		ECS Auth # - 123573065354135		
12/31/12	02014920	OXYCODONE HCL 30MG 120	TAB	CHILDERS	1.10 COPE	
	NEW	00228-2879-11 KVK-T	30DAYS	AC3203902		BRAND
	Rx DAW Ind - NO Policy#	1304245301		ECS Auth # - 123663189317087		
12/31/12	02014921	DEXTROAMPHETAMINE 60	TAB	CHILDERS	1.10 COPE	
	NEW	00185-0404-01 BARR	30DAYS	AC3203902		BRAND
	Rx DAW Ind - NO Policy#	1304245301		ECS Auth # - 123663190315045		

29.90 TOTAL

88Babb, CPT
 10-30-13

* M E D I C A L E X P E N S E S

BGN DTE:11/01/2012 END DTE:01/31/2013

FOR: STAGGS, MICHAEL D
CARE OF: [REDACTED]

LAURENS DRUG COMPANY
923 WEST MAIN STREET
LAURENS, SC 29360
PHARMACIST - YOUNG, DEAN
Store PH # - 864-984-6023
Provider # - 4205349
Pat. Sex - M
Medical Record# -

STAGM WATERLOO, SC29384
Store LIC# - 1139
Store DEA# - AL7224481
Birth Date - [REDACTED]
Social Security# - [REDACTED]

DATE RX# DRUG (ITEM) NAME QTY PRESCRIBER PRICE PR TYPE
N/R NDC# MFG# D/S DEA# GEN INI

12/03/12 06273988 CRESTOR 20MG 30 TAB CHILDERS 3.30 COP
REFILL 00310-0752-90 ASTZE 300DAYS AC3203902 BRAND
Rx DAW Ind - NO Policy# 1304245301 ECS Auth # - 12338295845713
12/12/12 06283108 RANITIDINE 150MG 60 TA CHILDERS 1.10 COP
NEW 00172-4357-70 TEVA 300DAYS AC3203902 GENERI
Rx DAW Ind - NO Policy# 1304245301 ECS Auth # - 12347295349004
12/12/12 04063098 CARISOPRODOL 350MG 90 TAB CHILDERS 1.10 COP
NEW 00603-2582-32 QUALT 300DAYS AC3203902 GENERI
Rx DAW Ind - NO Policy# 1304245301 ECS Auth # - 12347311731101
12/22/12 04063201 DIAZEPAM 10MG TABS 120 TAB CHILDERS 3.40 COP
NEW 00591-5620-01 WATSO 200DAYS AC3203902 GENERI
Rx DAW Ind - NO Policy# 1304245301 ECS Auth # - 00014179244501

Nov. 7. 2013.

Dear Ms. Blackley.

Enclose, please find, for filing an application for E.C.R. along with attach documents in support of. I've also send a copy of the aforementioned to the Atty. Gen. office.

I ask that you or your office provide me with a clock stamp copy of this application.

Thank you.

Sincerely,
St. Michael
Michael O'Shea

FILED
CLERK OF DISTRICT COURT
SPARTANBURG, SOUTH CAROLINA
2013 NOV 14 AM 11:20
M. HOPE BLACKLEY

WITNESSES

1. SENTENCE MADE
2. REPORT ENDED
- South Carolina Highway Patrol (SHP)
3. CARD FILLED
4. INDEXED *Thompson*
5. CHECKED WARRANTS
6. CHECKED SIGNATURE
7. ASSESSMENT AND FINE CARD MADE
8. TRAFFIC VIOLATION COPY

Computer**Computer****The State of South Carolina**

County of Spartanburg

Barry J. Barnette, Solicitor**COURT OF GENERAL SESSIONS**

APR 8 2013

TERM**ARREST WARRANT NUMBER**

F836572 and F836573

THE STATE

v.

ACTION OF GRAND JURY**MICHAEL DEAN STAGGS****True Bill**

Foreperson of Grand Jury

Date: MAR 29 2013

VERDICT**Indictment for****FELONY DUI – GREAT BODILY INJURY
(TWO COUNTS)**

SC Code: 56-5-2945 (A) (1)

CDR Code: 0406

Class FEL/D

Foreperson of Petit Jury

Date:

M. HOPE BLACKLEY

2013 APR -4 AM 10:25

CLERK OF COURT
SPARTANBURG COUNTY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on MAY 24 2012 the
 Grand Jurors of Spartanburg County present upon their oath:

FELONY DUI – GREAT BODILY INJURY (Count I)

That the Defendant, Michael Dean Staggs, did in Spartanburg County on or about January 11, 2013, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Restriction on Speeding (Article II, Section 56), and/or
- (2) Failure of driving on roadway laned for traffic (Section 56-5-1900), and/or
- (3) Failure to maintain proper control of vehicle, and/or
- (4) Driving Left of Center (Sections 56-5-1810 and 56-5-1880), and/or
- (5) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (6) Reckless Driving (Section 56-5-2920) and/or
- (7) Driver's failure to exercise due care and/or

Which proximately caused Great Bodily Injury to Loretta Ann Ouellette, in violation of §56-05-2945 (A) (1), of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

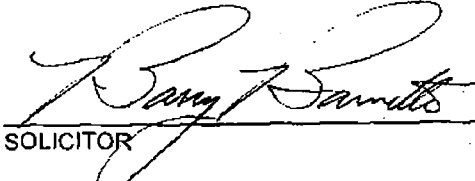
FELONY DUI – GREAT BODILY INJURY (Count II)

That the Defendant, Michael Dean Staggs, did in Spartanburg County on or about January 11, 2013, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Restriction on Speeding (Article II, Section 56), and/or
- (2) Failure of driving on roadway laned for traffic (Section 56-5-1900), and/or
- (3) Failure to maintain proper control of vehicle, and/or
- (4) Driving Left of Center (Sections 56-5-1810 and 56-5-1880), and/or
- (5) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (6) Reckless Driving (Section 56-5-2920) and/or
- (7) Driver's failure to exercise due care and/or

Which proximately caused Great Bodily Injury to Harry Anthony Meadows, in violation of §56-05-2945 (A) (1), 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.


 SOLICITOR

BIB

Form 438
Rev. 9/10

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY

UNIFORM TRAFFIC TICKET

Computer

STATE OF SOUTH CAROLINA VERSUS

FIRST NAME: Michael MIDDLE NAME: Dean LAST NAME: STAGGS

STREET AND NO. [REDACTED] CITY: [REDACTED] STATE: [REDACTED] ZIP CODE: [REDACTED]

VEHICLE NO. [REDACTED] STATE: SC MAKE: Ford YEAR: 85 CDL: NO DRL LIC. CLASS: 0

COM. VEH. ☐ ALTO ☐ HAZ. MT. ☐ MOPED ☐ MTRCYCL. ☐ OTHER ☐

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT: General Session 180 MAGNOLIA ST STREET AND NO. SPARTANBURG 29306 CITY SC STATE SC ZIP CODE 29306

DATE OF TRIAL: Feb 10 1985 TIME OF TRIAL: 10:00 AM VIOLATION - COURT APPEARANCE REQUIRED: YES NO ☐ VIOLATION SECTION NO. 56-5-2945

OWNER OF VEHICLE: STAGGS, Dean DATE OF ARREST: 1/11/85

ADDRESS OF OWNER: WATERLOO 3C DATE OF VIOLATION: 1/11/85

NAME OF ARRESTING OFFICER: KELLINS, K.W. RACE: W SEX: M HEIGHT: 5'10" WEIGHT: 170 EYES: BRN HAIR: BRN COUNTY: Spartanburg DOCKET NO. 01223

DATE RAILED: 1/11/85 BY: [REDACTED] BRIDGE: 01223 TROOP: 3

CASE BEFORE: ☐ MAGISTRATE ☐ MUN. COURT ☐ FEDERAL COURT ☐ CIRCUIT COURT ☐ FARMER COURT ☐ TIME OF VIOLATION: 10:00 AM WEATHER: RAIN

NAME OF TRIAL COURT: 180 MAGNOLIA ST HWY. NO. 35

DEFENDANT: DID NOT APPEAR ☐ APPEARED ☐ MILES: 35 CITY: Woodruff CODE: 3

NOTICE PROCESSED: ☐ DISPOSITION: None FORFEITED BOND: ☐ PLED: NO CONTENDERE: ☐

TRIAL BY: TRIAL JUDGE JURY: ☐ VERDICT OF TRIAL: NOT GUILTY DATE OF TRIAL IF ANY: 3/13/85

JAIL: ☐ SUSPEND: ☐ FINE: ☐ AMT. COLLECTED: ☐ AMT. SUSPENDED: ☐ LONG: 62013396

COMMITTED TO: Vehicle Arrest as Result of Collision: 99 OFFENSE CODE: 99 B.A. LEVEL: PENAL

CERTIFIED CORRECT: ☐ DATE: 1/11/85 F 836573

TRIAL COURT COPY

CLERK OF COURT
SPARTANBURG COUNTY
2-10-85

FILED
CLERK OF COURT
JAN 15 2013

2013 JAN 15 PM 4:33

M. HOPE BLACKLEY

B.J.B

Form 438
Rev. 6/10
SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
UNIFORM TRAFFIC TICKET

01-15-13 Computer

STATE: SOUTH CAROLINA VERSUS

FIRST NAME: MICHAEL MIDDLE NAME: D LAST NAME: STAGGS

STREET AND NO.: [REDACTED] CITY: [REDACTED] STATE: [REDACTED] ZIP CODE: [REDACTED]

STATE LICENSED DRIVER'S LICENSE NO.: [REDACTED] CDL: ☐ YES ☒ NO DRI. LIC. GLASS: D

VEH. LIC. NO.: [REDACTED] STATE: SC MAKE OF VEH: [REDACTED] YEAR: 2013 COM. VEH. ☒ ALLEG: HAZ. MT. MOPED MTRCYCL OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT: [REDACTED] STREET AND NO.: [REDACTED]

DATE OF TRIAL: [REDACTED] TIME OF TRIAL: [REDACTED] CITY: [REDACTED] STATE: SC ZIP CODE: 29306

VIOLATION: COURT APPEARANCE REQUIRED: YES NO VIOLATION SECTION NO.: 56-5-2945

OWNER OF VEHICLE: [REDACTED] DATE OF ARREST: 11/11/13

ADDRESS OF OWNER: [REDACTED] DATE OF VIOLATION: 11/11/13

BADGE NO.: [REDACTED] NAME OF ARRESTING OFFICER: [REDACTED] RANK: [REDACTED]

RACE: [REDACTED] SEX: [REDACTED] DESCRIPTION OF ACCUSED: [REDACTED] WT. [REDACTED] EYES: [REDACTED] COUNTY: [REDACTED] BADGE: 0172 TROOP: 3

DATE BAIL RE: [REDACTED]

CASE BEFORE: MAGISTRATE ☒ MUN. COURT ☐ CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

NAME OF TRIAL COURT: [REDACTED] IF DIFFERENT FROM ABOVE: [REDACTED]

DEFENDANT: DID NOT APPEAR ☒ APPEARED ☐

WHEE PROCEEDED ☒ DISPOSITION: [REDACTED] MILES: 25 N E S W

FORFEITED BOND ☒ NOLE NOLO CONTENDERE ☐ CITY: [REDACTED] CODE: [REDACTED]

TRIAL BY: TRIAL JUDGE ☒ JURY ☐ Woodruff 5

VERDICT OF TRIAL IF ANY: GUILTY ☒ NOT GUILTY ☐ DATE OF TRIAL IF ANY: [REDACTED]

JAIL SUSPEND FINE AMT. COLLECTED AMT. SUSPENDED

COMMITTED TO: [REDACTED] Vehicle Searched: N Arrest as Request of Collision: 4

CERTIFIED CORRECT: [REDACTED] DATE: [REDACTED]

OFFENSE CODE: 99 B.A. LEVEL: [REDACTED]

F 836572

TRIAL COURT COPY

DOCKET NO.

cws

CERTIFIED COPY
CLERK OF COURT
CLERK OF DISTRICT COURT
D.

FILED
CLERK OF COURT
JUDICIAL DISTRICT COURT

2013 JAN 15 PM 4:34

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

SPARTANBURG

VS.

Michael Dean Staggs

AKA:

Race: WHITE Sex: M Age: 40

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Waterloo, SC 29384-3753

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

INDICTMENT/CASE#: 2013GS4201393(4)

A/W#: F836573

Date of Offense: 1/11/2013

S.C. Code § 56-05-2945(A)

CDR Code #: 0406

SENTENCE SHEET

TO: DUI / Felony driving under the influence, great bodily injury results- Count Two

☐ CONVICTED OF or ☒ PLEADS

in violation of § 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code # 0406

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST:
BARNETTE, BARRY13039
SC Bar#Michael Staggs
DefendantW.B. Ben
Attorney for Defendant602
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 5,100; provided that upon the service of 90 days/months/years and/or payment of \$ 5,100; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Jan 11, 2013 (16 days)☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$5100.00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$ 5482.50
§ 14-1-211(A)(2) (DUI Surcharge)	\$ 100.00
§ 56-5-2995 (DUI Assessment)	\$ 100.00
§ 56-1-286 (DUI Breath Test)	\$ 12.00
Proviso 47.9 (Public Def/Prob)	\$ 25.00
§ 14-1-212 (Law Enforce. Funding)	\$ 500.00
§ 14-1-213 (Drug Court Surcharge)	\$ 25.00
§ 50-21-114(BUI Breath Test Fee)	\$ 150.00
§ 56-5-2942(J) (Vehicle Assessment)	\$ 50.00
Proviso 90.5 (SCCIA Surcharge)	\$ 324.81
3% to County (if paid in installments)	\$ 11,174.31
TOTAL	

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2132

Sentence Date: 6/26/13

Clerk of Court/ Deputy Clerk

Court Reporter: P. Green

SCCA/217 (03/2011)

COUNTY OF SPARTANBURG
STATE VS.

Michael Dean Staggs

AKA:

Race: WHITE Sex: M Age: 40

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Waterloo, SC 29384-3753

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: DUI / Felony driving under the influence, great bodily injury results- Count One

INDICTMENT/CASE#: 2013GS4201393

A/W#: F836572

Date of Offense: 1/11/2013

S.C. Code §: 56-05-2945(A)

CDR Code #: 0406

SENTENCE SHEET

in violation of § 56-05-2945(A) of the S.C. Code of Laws, bearing CDR Code # 0406

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

13039 * SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Voluntary Offender Act not to exceed years

and/or to pay a fine of \$ 5,100; provided that upon the service of 8 1/2 days/months/years and/or payment

of \$ 5,100; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Since Jan 11, 2013 (166 days)☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$ 5100.00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 482.50
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ 100.00
§ 56-5-2995 (DUI Assessment)	\$12	\$ 12.00
§ 56-1-286 (DUI Breath Test)	\$25	\$ 25.00
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 324.81
TOTAL		\$ 11,743.11

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☒Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2132

Sentence Date: 6/26/13

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

44

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Court: General Sessions Court City/County: Spartanburg, SC
 Referring Judge Name: _____ Court Phone: (864) 596-2591
 Court Address: 184 Magnolia Street, Spartanburg, SC 29301
 Court Fax: (864) 596-2239 Court Email: SpartanburgCounty, SC
 Defendant Name: Michael Dean Stages
 Address: _____ Phone: () _____
 City & State: WYCKGEE, SC Date of Birth: _____
 Ticket/Warrant # F 836513 Driver's License # _____ Driver's License State: SC
 Convicted of (CDR Code-Description): 0406
 Date of Conviction: 6/26/13 Indictment #: 2013-6542-1393A

B

REFERRAL (Please check appropriate boxes)

Defendant is to enroll within 30 days, attend and complete a South Carolina certified ADSAP (Alcohol Drug Safety Action Program) pursuant to SC Code of Law sections 56-5-2930, 56-5-2933 and 56-5-2990. Defendant is subject to contempt of this court if there is failure to enroll within 30 days. Defendant is required to attend and complete a SC certified ADSAP and comply with recommendations of ADSAP.

SC Department of Probation, Parole and Pardon Services (SCDPPPS) to receive notification if there is failure to enroll, attend and complete a SC certified ADSAP and comply with recommendations of ADSAP if the defendant is currently on supervision for the referred offense.

ADSAP Site: _____ (See Site List) Enroll by Date: _____
 Agency Name: Spartanburg Alcohol and Drug Abuse Commission Phone Number: (864) 528-7588
 Address: 187 West Broad Street, Spartanburg, SC 29306
 ADSAP Fax: (864) 582-0431 ADSAP Email: _____

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NON-ADSAP ASSESSMENT/TREATMENT PROGRAM REFERRAL (See Site List.)

Program Site: _____ Reason for Referral: _____
 Address: _____
 City/State Zip: _____
 Other Instructions: _____ Enroll by Date: _____

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ADSAP/OTHER PROGRAM REPORT

- ☐ Failed to Enroll
☐ Failed to Complete (Summary Attached)
☐ Assessment Date: _____
☐ Completion Date: _____ (for SCDPPPS)

- Treatment Recommendations:
☐ PRI ☐ Relapse Prevention
☐ Outpatient ☐ _____
☐ Intensive Outpatient (Alternative Services)
☐ Inpatient

Clinical Counselor (Signature) _____

Clinical Counselor Name (Print) _____

Date _____

Defendant's Signature (If applicable) _____

Date _____

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ADSAP COUNSELOR

The counselor's signature indicates that treatment has been completed in accordance with South Carolina law and that the defendant is in compliance with the recommendations of the ADSAP program and order of the court.

Clinical Counselor Name (Signature) _____

Clinical Counselor Name (Print) _____

Date _____

Distribution: Original - Court; Copies - Defendant; ADSAP (and SCDPPPS if applicable)

ADSAP/EDUCATION/TREATMENT REFERRAL FORM
ENROLLMENT REQUIRED WITHIN 30 DAYS

45
CMS

C O U R T	A	Court: <u>General Sessions Court</u> City/County: <u>Spartanburg, SC</u> Referring Judge Name: _____ Court Phone: <u>(864) 596-2591</u> Court Address: <u>184 Magnolia Street, Spartanburg, SC 29301</u> Court Fax: <u>(864) 596-2239</u> Court Email: <u>SpartanburgCounty.org</u> Defendant Name: <u>Michael Dean Stages</u> Address: _____ Phone: () _____ City & State: <u>WATERLOO SC</u> Date of Birth: _____ Ticket/Warrant # <u>F831572</u> Driver's License # _____ Driver's License State: <u>SC</u> Convicted of (CDR Code-Description): <u>0406</u> Date of Conviction: <u>6/24/13</u> Indictment #: <u>2013-65-42-1393</u>						
	B	REFERRAL (Please check appropriate boxes) Defendant is to enroll within 30 days, attend and complete a South Carolina certified ADSAP (Alcohol Drug Safety Action Program) pursuant to SC Code of Law sections 56-5-2930, 56-5-2933 and 56-5-2990. Defendant is subject to contempt of this court if there is failure to enroll within 30 days. Defendant is required to attend and complete a SC certified ADSAP and comply with recommendations of ADSAP. SC Department of Probation, Parole and Pardon Services (SCDPPPS) to receive notification if there is failure to enroll, attend and complete a SC certified ADSAP and comply with recommendations of ADSAP if the defendant is currently on supervision for the referred offense. ADSAP Site: _____ (See Site List) Enroll by Date: _____ Agency Name <u>Spartanburg Alcohol and Drug Abuse Commission</u> Phone Number: <u>(864) 528-7588</u> Address: <u>187 West Broad Street, Spartanburg, SC 29306</u> ADSAP Fax: <u>(864) 582-0431</u> ADSAP Email: _____						
U S E	C	NON-ADSAP ASSESSMENT/TREATMENT PROGRAM REFERRAL (See Site List.) Program Site: _____ Reason for Referral: _____ Address: _____ City/State Zip: _____ Other Instructions: _____ Enroll by Date: _____						
	D	ADSAP/OTHER PROGRAM REPORT <table border="0" style="width:100%;"> <tr> <td style="width:50%; vertical-align: top;"> ☐ Failed to Enroll ☐ Failed to Complete (Summary Attached) ☐ Assessment Date: _____ ☐ Completion Date: _____ (for SCDPPPS) </td> <td style="width:50%; vertical-align: top;"> Treatment Recommendations: ☐ PRI ☐ Relapse Prevention ☐ Outpatient ☐ _____ ☐ Intensive Outpatient (Alternative Services) ☐ Inpatient </td> </tr> <tr> <td colspan="2"> Clinical Counselor (Signature) _____ Clinical Counselor Name (Print) _____ Date _____ </td> </tr> <tr> <td colspan="2"> Defendant's Signature (If applicable) _____ Date _____ </td> </tr> </table>		☐ Failed to Enroll ☐ Failed to Complete (Summary Attached) ☐ Assessment Date: _____ ☐ Completion Date: _____ (for SCDPPPS)	Treatment Recommendations: ☐ PRI ☐ Relapse Prevention ☐ Outpatient ☐ _____ ☐ Intensive Outpatient (Alternative Services) ☐ Inpatient	Clinical Counselor (Signature) _____ Clinical Counselor Name (Print) _____ Date _____		Defendant's Signature (If applicable) _____ Date _____
☐ Failed to Enroll ☐ Failed to Complete (Summary Attached) ☐ Assessment Date: _____ ☐ Completion Date: _____ (for SCDPPPS)	Treatment Recommendations: ☐ PRI ☐ Relapse Prevention ☐ Outpatient ☐ _____ ☐ Intensive Outpatient (Alternative Services) ☐ Inpatient							
Clinical Counselor (Signature) _____ Clinical Counselor Name (Print) _____ Date _____								
Defendant's Signature (If applicable) _____ Date _____								
U S E	E	ADSAP COUNSELOR The counselor's signature indicates that treatment has been completed in accordance with South Carolina law and that the defendant is in compliance with the recommendations of the ADSAP program and order of the court. Clinical Counselor Name (Signature) _____ Clinical Counselor Name (Print) _____ Date _____						

Distribution: Original – Court; Copies – Defendant; ADSAP (and SCDPPPS if applicable)

Form DL-76-B

SOUTH CAROLINA TRAFFIC CITATION AND DRIVER LICENSE TRANSMITTAL FORM

NAME OF JURISDICTION THAT ISSUED CITATIONS:

SC HP

CITATION NUMBER	VIOLATOR'S COMPLETE NAME	DL #	DL ATTACHED Y OR N	DATE DL SURREN- DERED
F836572	Michael Dean Stapp		N	—
	2013-GS-42-1393			

NUMBER OF CITATIONS ATTACHED:

1

FROM: MAGISTRATE:

NUMBER OF LICENSE ATTACHED:

0

MUNICIPAL:

CIRCUIT:

✓

ADDRESS OF COURT: 180 MAGNOLIA STREET SPARTANBURG SC 29306

TRANSMITTAL FORM SUBMITTED BY: M. HOPE BLACKLEY / R. Roemhild, DC

TELEPHONE #: (864) 596-2591

DATE:

6/26/13

MAIL COMPLETED FORM & ATTACHMENTS TO:

S.C. DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 1498

BLYTHEWOOD, SC 29016

STATE OF SOUTH CAROLINA
COUNTY/CITY OF SPARTANBURG

* * Please Print * *

Full Name: Michael Dean StaggsDate of Birth: 8/27/72Driver License #: [REDACTED]

I, the undersigned, hereby certify that the South Carolina driver license listed above which was issued to me is not in my possession. The license is not surrendered to the Court as required by law. This Certification is being made in order to comply with Section 56-1-365 of the South Carolina Code of Laws. Conviction or falsification of this statement is punishable by a fine of one hundred dollars or imprisonment for thirty days as established by Section 56-1-510 of the South Carolina Code of Laws.

Check One:

☐ Driver license lost, stolen, misplaced.☐ Surrendered to: Inmate

Date Surrendered: _____

Michael Staggs
Signature[REDACTED]
Street AddressWaterloo SC 29384
City/State/Zip codeSworn to me this 26 day of June 2013_____
Notary Public of South Carolina

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
VICTIM'S ADVOCATE CHECKLIST

Victim's Name: Loretta ^{ANN} Ouellette Work No. [REDACTED] Home No. [REDACTED]

Address: [REDACTED] SC 29335

Incident/Citation Number: F 836572 Defendant's Name: Michael Steggs

Date of incident: 1-11-13 Incident Involving:

- | | |
|---|--|
| <u> </u> 56-5-1210 Leaving the Scene (Fatality/PI) | <u> </u> 56-5-2930 DUI |
| <u> </u> 56-5-2910 Reckless Homicide | <u>✓</u> 56-5-2945 Felony DUI |
| <u> </u> 56-5-2920 Reckless Driving | <u> </u> 16-3-1510 (3) Other Personal Injury or Death |
| <u> </u> Other offense against person: | |

Investigating Officer's Checklist

Initial and date next to each task when a victim is provided with the information. Put N/A next to any task that is not applicable.

- | | | |
|---------------------------|------------------------|---|
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided list of Victim's rights and crime victim assistants and social providers |
| <u> </u>
initials | <u> </u>
date | Referred to Victim Advocate For "Victim Compensation Application", if applicable |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Notified that the suspect has been arrested |
| <u>N/A</u>
initials | <u>N/A</u>
date | Notified if juvenile offender is released to parent or guardian |
| <u> </u>
initials | <u> </u>
date | Notified of date & time of bond hearing: <u> </u> <u> </u> <u> </u>
Date Time Location |
| <u> </u>
initials | <u> </u>
date | Notified of date & time of trial or case: <u> </u> <u> </u> <u> </u>
Date Time Location |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided form to receive free copy of accident report or provided officer's number to request free copy of incident report |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided victim identification information to jail or juvenile detention center, if applicable |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided information pertaining to the case to the supervisor handling General Sessions or Magistrate cases for the county. The supervisor will turn this information over to the Solicitor Advocate or Magistrate within 48 hours or the next working day. |

[Signature]
Investigating Officer's Signature

K W Collins
Investigating Officer's Name (print)

Division: SCHP

District/Unit: Troop 3 post 0

Victim's Acknowledgement & Signature: UNABLE TO SIGN IN SURGERY

WHITE: Victim YELLOW: Investigating Officer PINK: Jail/Detention Center GOLDENROD: Court GREEN: DPS Victim Advocate

x Youth Auth 1-12-13



**SPARTANBURG COUNTY SHERIFF'S OFFICE
DETENTION**

CHUCK WRIGHT, SHERIFF

MAJOR NEAL URCH
DIRECTOR

VICTIM/WITNESS JAIL NOTIFICATION FORM

STATE VS. STAGGS, MICHAEL

OFFENSE FELONY DUI

TICKET/WARRANT# F836572,73 AGENCY SCHP

VICTIM'S NAME MEADOWS, HARRY ANTHONY

VICTIM'S ADDRESS [REDACTED]

VICTIM'S TELEPHONE # [REDACTED]

OTHER CONTACT INFORMATION _____

ATTEMPTS TO CONTACT OF ARREST: 1

DATE: 1-13-13 TIME: 1900

DATE: _____ TIME: _____

DATE: _____ TIME: _____

COMMENTS: NOTIFIED VICTIM OF ARREST AND ARRAIGN OF SUSPECT.

**SPARTANBURG COUNTY SHERIFF'S OFFICE****DETENTION**

CHUCK WRIGHT, SHERIFF

MAJOR NEAL URCH

DIRECTOR

VICTIM/WITNESS JAIL NOTIFICATION FORM**STATE VS. STAGGS MICHAEL****OFFENSE FELONY DUI****TICKET/WARRANT# F836572,73 AGENCY SCHP****VICTIM'S NAME LORETTA ANN OUELLETTE****VICTIM'S ADDRESS** [REDACTED]**VICTIM'S TELEPHONE #** [REDACTED]**OTHER CONTACT INFORMATION** _____**ATTEMPTS TO CONTACT OF ARREST: 1****DATE: 1-13-13 TIME: 1850****DATE: _____ TIME: _____****DATE: _____ TIME: _____****COMMENTS: NOTIFIED VICTIM OF ARREST/ARRAIGN OF SUSPECT
AND NOTIFIED OF FORMAL ARRAGIN.**

STATE OF SOUTH CAROLINA)
 COUNTY/CITY OF SPARTANBURG)

CHECKLIST

Michael Dean Staggs

Name of Defendant

TRIAL COURT:

- ☒ GENERAL SESSIONS COURT
☐ MAGISTRATE COURT
☐ MUNICIPAL COURT

CASE NUMBER/CHARGE:

F836572, 3 DUI / Felony driving under the influence, great bodily injury results x 2

CHECKLIST FOR MAGISTRATE AND MUNICIPAL JUDGES

DIRECTIONS: Magistrate and Municipal Court Judges must use this checklist for **ALL GENERAL SESSIONS** and for **ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE**. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. **Defendant must be provided a completed copy of this form.**

☒ BAIL PROCEEDING / ☐ FIRST APPEARANCE (NON-BAILABLE OFFENSES)

1. Form used at bail proceeding
 - ☐ a. Bond Form I (personal recognizance)
 - ☐ b. Bond Form II (surety, cash, percentage)
 - ☐ c. None (Non-Bailable Offense)
2. For cases in which bond was set, defendant was informed:
 - ☒ a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - ☒ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - ☒ c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
 - ☒ a. Orally
 - ☒ b. In writing [NOTE: Defendant must be informed of right both orally and in writing]
4. ☒ Defendant was informed of the right to trial by jury.
5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - ☒ a. Charges against defendant and nature of the charges.
 - ☒ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
 - ☒ c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before the **Office of Public Defender** located at **366 North Church Street, Suite 3000, Spartanburg, SC 29306** for indigency screening. Defendant is responsible for a statutory fee of **\$40.00** for indigency screening.
6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

1/14/13
 First Appearance or Bond Hearing Date


 JUDGE'S SIGNATURE

Form DL-76-B.

SOUTH CAROLINA TRAFFIC CITATION AND DRIVER LICENSE TRANSMITTAL FORM

NAME OF JURISDICTION THAT ISSUED CITATIONS:

SCAP

CITATION NUMBER	VIOLATOR'S COMPLETE NAME	DL #	DL ATTACHED Y OR N	DATE DL SURREN- DERED
F836573	Michael Dean Stapp	[REDACTED]	-	-
	2013-GS-42-1393(A)			

NUMBER OF CITATIONS ATTACHED: _____

FROM: MAGISTRATE: _____

NUMBER OF LICENSE ATTACHED: _____

MUNICIPAL: _____

CIRCUIT: _____

ADDRESS OF COURT: 180 MAGNOLIA STREET SPARTANBURG SC 29306

TRANSMITTAL FORM SUMMITTED BY: M. HOPE BLACKLEY / B. Rasmussen, Jr.

TELEPHONE #: (864) 596-2591

DATE: 6/26/13

MAIL COMPLETED FORM & ATTACHMENTS TO:

S.C. DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 1498

BLYTHEWOOD, SC 29016

VICTIM NOTIFICATION (560) FORM

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA

VS

STAGGS, MICHAEL

CHECK AND COMPLETE ONE OF THE FOLLOWING

☒ X

A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), acknowledge that a reasonable attempt was made to notify the victim(s) sufficiently, in advance of the bond hearing

Name of Victim(s) OUELLETTE, LORETTA ANNMEADOWS, HARRY ANTHONY

A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), indicates the victim(s) did not wish to be notified of the bond hearing.

Name of Victim(s) _____

CROCKER, BRAD

(Representative's Signature)



(Judge's Signature)

- Or the arresting officer if Defendant is brought directly before the judge
- SCCA/560

SCA/560

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
VICTIM'S ADVOCATE CHECKLIST

Victim's Name: Harry Anthony Meadows Work No. NA Home No. [REDACTED]

Address: [REDACTED]

Incident/Citation Number: _____ Defendant's Name: Michael Stagg

Date of incident: 1-11-13 Incident Involving:

- | | |
|--|---|
| ☐ 56-5-1210 Leaving the Scene (Fatality/PI) | ☐ 56-5-2930 DUI |
| ☐ 56-5-2910 Reckless Homicide | ☒ 56-5-2945 Felony DUI |
| ☐ 56-5-2920 Reckless Driving | ☐ 16-3-1510 (3) Other Personal Injury or Death |
| ☐ Other offense against person: | |

Investigating Officer's Checklist

Initial and date next to each task when a victim is provided with the information. Put N/A next to any task that is not applicable.

K.W.C. 1-12-13 Provided list of Victim's rights and crime victim assistants and social providers
initials date

K.W.C. 1-12-13 Referred to Victim Advocate For "Victim Compensation Application", if applicable
initials date

K.W.C. 1-12-13 Notified that the suspect has been arrested
initials date

NA NA Notified if juvenile offender is released to parent or guardian
initials date

Notified of date & time of bond hearing: _____
initials date Date Time Location

Notified of date & time of trial or case: _____
initials date Date Time Location

K.W.C. 1-12-13 Provided form to receive free copy of accident report or provided officer's
initials date number to request free copy of incident report

K.W.C. 1-12-13 Provided victim identification information to jail or juvenile detention center,
initials date if applicable

K.W.C. 1-12-13 Provided information pertaining to the case to the supervisor handling General
initials date Sessions or Magistrate cases for the county. The supervisor will turn this information over to the Solicitor Advocate or Magistrate within 48 hours or the next working day.

[Signature]
Investigating Officer's Signature

K. W. Collins
Investigating Officer's Name (print)

Division: SCHP

District/Unit: TROOP 3 POSTO

Victim's Acknowledgement & Signature: [Signature] Date: 1-12-13
WHITE: Victim YELLOW: Investigating Officer PINK: Jail/Detention Center GOLDENROD: Court GREEN: DPS Victim Advocate

UNIFORM TRAFFIC TICKET

Computer

55

STATE OF SOUTH CAROLINA VERSUS

FIRST NAME

MIDDLE NAME

LAST NAME

MICHAEL

D

STAGGS

STATE

ZIP CODE

SC

29405

STATE LICENSED DRIVER'S LICENSE NO.

CDL

ORI. LIC. CLASS

SC

YES

NO

D

VEH. LIC. NO.

STATE

MAKE OF VEHICLE

VEH.

ALTO

16PSGR VEH.

COMB.

SC

FORD

HAZ. MT.

MOPED

MTRCYCL.

OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT

STREET AND NO.

Spartanburg 180 MAGNOLIA ST

DATE OF TRIAL

TIME OF TRIAL

CITY

STATE

ZIP CODE

TO 10:30 A.M.

T

SPARTANBURG

SC

29306

VIOLATION - COURT APPEARANCE REQUIRED YES

NO

VIOLATION SECTION NO.

FELONY OUT/IN

JURY

56-5-3945

VIOLATION SECTION NO.

OWNER OF VEHICLE

DATE OF ARREST

Staggs, Michael D

1/11/13

ADDRESS OF OWNER

DATE OF VIOLATION

Waterloo SC

1/11/13

BAIL DEPOSITED

NAME OF ARRESTING OFFICER

RANK

2000

K. W. Collins

Kern

RACE

SEX

DESCRIPTION OF ACCUSED

HT.

HAIR

WT

EYES

COUNTY

NUMBER

W.M.

M

5'10" 170 lbs

BRO

SP

6

Spartanburg

40

DATE BAIL

20

1/11/13

BRO

SP

6

Spartanburg

40

CASE BEFORE

MAGISTRATE

MUN. COURT

FAMILY COURT

FEDERAL COURT

MAGISTRATE

MUN. COURT

FAMILY COURT

FEDERAL COURT

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NAME OF TRIAL COURT

IF DIFFERENT FROM ABOVE

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DEFENDANT: DID NOT APPEAR

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MUN. COURT

FAMILY COURT

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DEFENDANT: DID NOT APPEAR

APPEARED

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MAGISTRATE

MUN. COURT

FAMILY COURT

FEDERAL COURT

MAGISTRATE

MUN. COURT

FAMILY COURT

FEDERAL COURT

MAGISTRATE

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FAMILY COURT

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FAMILY COURT

FEDERAL COURT

MAGISTRATE

MUN. COURT

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 JAN 15 PM 4:34

M. HOPE BLACKLEY

COMMUNICATIONS

FILED
CLERK OF COURT
STANTONBURG COUNTY

2013 JAN 15 PM 4:33

M. HOPE BLACKLEY

2013

2013 JAN 15 PM 4:33
M. HOPE BLACKLEY
CLERK OF COURT
STANTONBURG COUNTY

Spartanburg County

F836572-59

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2259

M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 2-13-13

Name: Michael Staggs

We have received your letter on 2-13-13. The applicable response is checked below.

- ☐ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- ☒ I suggest you contact the Solicitors Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @950 Howard Street, Spartanburg, SC 29303.
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ Please provide us with the original document.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Due to the large volume of request, this office no longer conducts criminal records research.
- ☐ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.
- ☐ Other: _____

If we can be of further assistance to you please let us know.

R. Boehm
General Sessions Clerk

Spartanburg County Detention Facility

INMATE GRIEVANCE/REQUEST FORM (Form 12.10-A)

Inmate Signature: Michael Huggins Date: 2-6-13Inmate's Name (Print) Michael Huggins Area/Pod # 3 Cell/Bed # 17/3Grievance received by (Print): T. Knighton Date: 2-6-13

In keeping with the Director's policy of open communications between the jail staff and inmates, this form is to be used by any inmate who wishes to convey a complaint, grievance, or special request. If the situation can be resolved immediately by an officer or other staff member, then he/she is empowered within his/her authority (as set forth by the Director) to do so, and no further action is needed other than documenting the same on this form. If the officer or staff member cannot resolve the situation, the inmate complaint, grievance, or request will be forwarded to the officer or staff member's supervisor for resolution and if not, then onto the Director and/or his designee for his review. After careful completion of this form, should the duty officer/staff member be unable to resolve your complaint/request and/or is the basis of your complaint/request, please solicit the complaint to the grievance drop box for review by the Director and/or his designee. Under normal circumstances, the Director or his designee will provide you with a written response within seven [7] days of receipt. In no case will any grievance response be held longer than thirty (30) days. Once a response has been issued, inmates should refrain from continually addressing the same issue over and over again in hopes of soliciting a more favorable response. In all such cases, the Director reserves the right not to issue another response.

Please define your complaint, grievance, or request, including all relevant facts that you wish to be considered:

I hereby request for my motion of recovery

Thank you

Specify what results or actions you want taken: Note: If this is a complaint against an officer or staff member, please specify the harm (if any) you allege occurred as the result of the staff's actions and/or inactions.

Specify the specific relief or action sought to remedy the problem:

M. HOPE BLACKLEY

2013 FEB 13 AM 11:45

Note: While inmates may request different cell assignments or classifications, as a general rule such assignments and classifications are not subject to grievance. Courts have long held that jails may make classification and

22

[illegible]

Date: _____

☐ Inmate
☐ Inmate File
☐ Director File
☐ Public Defender's Office
☐ Solicitor's Office
☐ Court/Judge: _____
☐ Law Enforcement: _____
☐ Attorney (other than PD): _____
☐ News Media: _____
☐ Other: _____
☐ Other: _____
☐ Other: _____

SPARTANBURG COUNTY SHERIFF'S OFFICE

LOC P6 BIN # 101CASE 62

TO BE COMPLETED BY ARRESTING OFFICIAL

NAME: Stass - MICHAEL DEAN ALIASES:ADDRESS: [REDACTED] FIRST [REDACTED] MIDDLE [REDACTED] LAST [REDACTED] PHONE # [REDACTED]AGE: 10 RACE: W SEX: M HT: 60 SWT: 155 HAIR: BRN EYES: BLUS.S. # [REDACTED] ISSUING STATE: SCEMPLOYER: NONCNEXT OF KIN: Sheila Kelly RELATIONSHIP: 3-500ADDRESS: Gray Court SC PHONE #: [REDACTED]ARRESTEE ARMED: ☐ YES ☒ NO WEAPON TYPE: [REDACTED] ARREST TYPE: ☒ ON VIEW ARREST ☒ SUMMONED ☒ CUSTODYJUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED 2. ☐ REFERRED TO OTHER AUTHORITY

CHARGE(S)	WARRANT/TICKET #	ISSUING JUDGE	TRIAL DATE	TIME
1. <u>FELONY OUT</u>	<u>F836522</u>	<u>GIS</u>	<u>TO BE SET</u>	<u>7</u>
2. <u>FELONY OUT</u>	<u>F836573</u>	<u>GIS</u>		
3.				
4.				
5.				

HOLD (Explain): VNI SCRAM monitoringVEHICLE IMPOUNDED: TOWED BY Red's Towing
IN LIEU OF AN ARREST WARRANT, I HEREBY REQUEST, BY AFFIXING MY SIGNATURE, THAT THE DETENTION FACILITY HOLD THE ABOVE SUBJECT ON THE ABOVE LISTED CHARGE. I WILL OBTAIN A WARRANT AT THE EARLIEST OPPORTUNITY AND I UNDERSTAND THAT THE FACILITY WILL CARRY THE SUBJECT BEFORE THE MAGISTRATE AT THE NEXT ARRAIGNMENT HEARING.Arrest Location: SPM C Arrest Tract: [REDACTED]OFFICER'S SIGNATURE: [Signature] AGENCY: SCHPOFFICER'S NAME (PRINT): K W CollinsBOOKED BY: Maier SEARCHED BY (if different): [REDACTED]TYPE OF SEARCH (check): NONE ☐ FRISK ☐ STRIP ☒ (explain if not being housed in facility)BOOKING: JAIL NO. 13-70572 DATE IN: Jan 13, 2013 TIME: 1040

TO BE COMPLETED BY MAGISTRATE: ARRAIGNMENT

DATE: 1-14-13 TIME: 2pm MAGISTRATE: Ashman

M/C BOND

G/S BOND 60,000 cash/guilty O-Tolerance drugs/alcohol w/ SCRAM monitoringBOND REDUCTION: while case reason: one pending - full M/D programJUDGE: [REDACTED] Random Drug Test DATE: [REDACTED]BOND ADJUSTMENT: [REDACTED] REASON: [REDACTED] DATE: [REDACTED]JUDGE: [REDACTED] DATE: [REDACTED]

BASED UPON THE BELOW FACTS, A P/R BOND [] WILL NOT REASONABLY ASSURE APPEARANCE,

[] WILL RESULT IN AN UNREASONABLE DANGER TO THE COMMUNITY: Prior DUI convictionCounty Co. Monitoring OK Prior Drug + alcohol charges + convictionshall not leave SC or leave Prior traffic charges/A change of address w/o permission of the Court to include multiple chargesKnow the Sol. Office

WARRANT # JUDGE SENTENCE

1. [REDACTED] [REDACTED] [REDACTED]2. [REDACTED] [REDACTED] [REDACTED]3. [REDACTED] [REDACTED] [REDACTED]4. [REDACTED] [REDACTED] [REDACTED]5. [REDACTED] [REDACTED] [REDACTED]RELEASED BY: [REDACTED] TIME: [REDACTED]

(JUDGE'S SIGNATURE)

IF RELEASED OTHER THAN BY COURT: REASON: [REDACTED]AGENCY: [REDACTED] DATE: [REDACTED] TIME: [REDACTED] OFFICIAL: [REDACTED]

SPARTANBURG COUNTY SHERIFF'S OFFICE

LOC P6 BIN # 101

63

CASE #:
TO BE COMPLETED BY ARRESTING OFFICIAL

NAME: [REDACTED]

ADDRESS: [REDACTED]

AGE: [REDACTED] RACE W SEX: M HT: 60 WT: 175 HAIR: BRO EYES: BRO
S.S.N. [REDACTED] DR. LIC. NO. [REDACTED] ISSUING STATE: SC

EMPLOYER: None

NEXT OF KIN: Sheila Kelly RELATIONSHIP Sister
ADDRESS: Gray Court St PHONE #: (864) 976-1274

ARRESTEE ARMED: ☐ YES ☒ NO WEAPON TYPE: _____ ARREST TYPE: ☒ ON VIEW ARREST ☒ SUMMONED ☒ CUSTODY
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED 2. ☐ REFERRED TO OTHER AUTHORITY

CHARGE(S)	WARRANT/TICKET #	ISSUING JUDGE	TRIAL DATE	TIME
1. <u>FELONY DWI</u>	<u>F836572</u>	<u>GIS</u>	<u>Tag set</u>	<u>7</u>
2. <u>FELONY DWI</u>	<u>F836573</u>	<u>GIS</u>	<u>"</u>	<u>"</u>
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____

HOLD (Explain): VNI SCRAM monitoring

VEHICLE IMPOUNDED: TOWED BY Reels Towing
IN LIEU OF AN ARREST WARRANT, I HEREBY REQUEST, BY AFFIXING MY SIGNATURE, THAT THE DETENTION FACILITY HOLD THE ABOVE SUBJECT ON THE ABOVE LISTED CHARGE. I WILL OBTAIN A WARRANT AT THE EARLIEST OPPORTUNITY AND I UNDERSTAND THAT THE FACILITY WILL CARRY THE SUBJECT BEFORE THE MAGISTRATE AT THE NEXT ARRAIGNMENT HEARING.

Arrest Location: SPM 6 Arrest Tract: _____

OFFICER'S SIGNATURE: [Signature] AGENCY: SCHP
OFFICER'S NAME (PRINT): K W Collins

BOOKED BY: Nayer SEARCHED BY (if different) _____
TYPE OF SEARCH (check): NONE ☐ FRISK ☐ *STRIP ☐ (explain if not being housed in facility)
(reason) _____
BOOKING: JAIL NO. 13-20572 DATE IN: Jun 13, 2013 TIME: 1840
TO BE COMPLETED BY MAGISTRATE: ARRAIGNMENT
DATE: 6-14-13 TIME: 2pm MAGISTRATE: Ashmun
M/C BOND _____
G/S BOND 60,000 cash/guilty 0-tolerance drugs/alcohol w/ SCRAM monitoring
BOND REDUCTION: _____ while case reason: has pending - full r/d program
JUDGE: _____ Random Drug Test DATE: _____
BOND ADJUSTMENT: _____ REASON: _____ DATE: _____
JUDGE: _____

BASED UPON THE BELOW FACTS, A P/R BOND [] WILL NOT REASONABLY ASSURE APPEARANCE,
[] WILL RESULT IN AN UNREASONABLE DANGER TO THE COMMUNITY: Prior DWI conviction
Prior Drug & alcohol charges & conviction
Prior traffic charges/
to include multiple DWI charges
lost of Co monitoring OK
shall not leave S.C. or have
A change of address w/o permission of the Court
thru the Sol. Office

WARRANT #	JUDGE	SENTENCE
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

P/D

RELEASED BY: _____ DATE: _____ TIME: _____

(JUDGE'S SIGNATURE)
IF RELEASED OTHER THAN BY COURT: REASON: _____
AGENCY: _____ DATE: _____ TIME: _____ OFFICIAL: _____

Clerk of CT Miss Knight
Ms Taylor
 Spartanburg County Detention Facility

INMATE GRIEVANCE/REQUEST FORM (Form 12.10-A)

Inmate Signature: Michael Stapp Date: 2-3-13

Inmate's Name (Print) Michael Stapp Area/Bed # 3 Cell/Bed # 17-3

Grievance received by (Print): Clayton Date: 2/3/13

In keeping with the Director's policy of open communications between the jail staff and inmates, this form is to be used by any inmate who wishes to convey a complaint, grievance, or special request. If the situation can be resolved immediately by an officer or other staff member, then he/she is empowered within his/her authority (as set forth by the Director) to do so, and no further action is needed other than documenting the same on this form. If the officer or staff member cannot resolve the situation, the inmate complaint, grievance, or request will be forwarded to the officer or staff member's supervisor for resolution and if not, then onto the Director and/or his designee for his review. After careful completion of this form, should the duty officer/staff member be unable to resolve your complaint/request and/or is the basis of your complaint/request, please solicit the complaint to the grievance drop box for review by the Director and/or his designee. Under normal circumstances, the Director or his designee will provide you with a written response within seven [7] days of receipt. In no case will any grievance response be held longer than thirty (30) days. Once a response has been issued, inmates should refrain from continually addressing the same issue over and over again in hopes of soliciting a more favorable response. In all such cases, the Director reserves the right not to issue another response.

Please define your complaint, grievance, or request, including all relevant facts that you wish to be considered:

I hereby request for a copy of my Motion of Discovery

Specify what results or actions you want taken: Note: If this is a complaint against an officer or staff member, please specify the harm (if any) you allege occurred as the result of the staff's actions and/or inactions.

Specify the specific relief or action sought to remedy the problem:

FEB 05 2013

Note: While inmates may request different cell assignments or classifications, as a general rule such assignments and classifications are not subject to grievance. Courts have long held that jails may make classification and

[illegible]

Date: _____

☐ Inmate
☐ Inmate File
☐ Director File
☐ Public Defender's Office
☐ Solicitor's Office
☐ Court/Judge: _____
☐ Law Enforcement: _____
☐ Attorney (other than PD): _____
☐ News Media: _____
☐ Other: _____
☐ Other: _____
☐ Other: _____

FILED
CLERK OF COURT
SHARPE COUNTY
2013 FEB -7 AM 11:23
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

)

) IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

)

The State,

)

)

vs.

) FIRST COURT APPEARANCE REPORT

)

Michael Dean Staggs,

)

Warrant/Ticket Nos: F836572; F836573

)

Defendant.

)

TO: THE CIRCUIT SOLICITOR AND THE CLERK OF COURT:

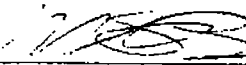
This letter shall serve as notice that the undersigned has been retained by the Defendant, Michael Dean Staggs, for representation on the below-referenced criminal warrant(s) and/or indictment(s) and provides the following information pursuant to Administrative Order(s) providing for the management of criminal cases in the Court of General Sessions.

Charge(s): Felony DUI

Warrant(s)/Indictment Number(s):

A preliminary hearing has been requested. ☐ Yes ☒ NoA discovery request has been filed and served. ☒ Yes ☐ NoDiscovery has been provided. ☐ Yes ☒ NoA mental health evaluation is necessary. ☒ Yes ☐ NoA drug analysis report has been provided. ☐ Yes ☒ NoThere is a conflict in representation. ☐ Yes ☒ NoAn interpreter will be needed for the plea/trial.
If yes, what type interpreter _____ ☐ Yes ☒ NoThe 180 day track is affected by an issue(s). ☐ Yes ☒ No

March 19, 2013


 WILLIAM S. BEAN, ATTORNEY
 Post Office Box 81, 147 E. St. John St.
 Spartanburg, S.C. 29304-0081
 (864) 582-3341 Fax: (864) 542-1033
 Email: wbean@thebeanlawfirm.com

M. HOPE BLACKLEY

2013 APR -3 AM 9:45

FILED
CLERK OF COURT
SPARTANBURG COUNTY

SCANNED

Spartanburg County

67

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2259

M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 2-12-13

Name: Michael Staggs - F836572 & F836573

We have received your letter on 2-7-13. The applicable response is checked below.

- ☒ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- ☒ I suggest you contact the Solicitors Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @950 Howard Street, Spartanburg, SC 29303.
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ Please provide us with the original document.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Due to the large volume of request, this office no longer conducts criminal records research.
- ☐ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.

Other: This office does not keep discovery, please contact the solicitors office for such material.
If we can be of further assistance to you please let us know.

M. Long
General Sessions Clerk



STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

) IN THE COURT OF GENERAL SESSIONS
)
) FOR THE SEVENTH JUDICIAL CIRCUIT

me

STATE OF SOUTH CAROLINA,

V.

MICHAEL DEAN STAGGS,
DEFENDANT.

REQUEST FOR DISCOVERY

(Reciprocal Rule 5)

Warrant(s): F836572-73

Ind. No(s): 2013-GS-42-1393

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 APR 11 AM 10:36
M. HOPE BLACKBURN

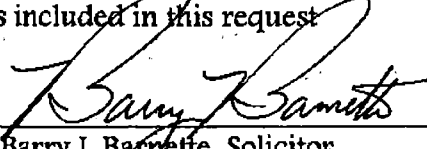
TO THE DEFENDANT AND HIS/HER ATTORNEY, WILLIAM S. BEAN:

PURSUANT to the South Carolina Rules of Civil Procedure, the State in the above captioned matter, requests the disclosure of all evidence by the Defendant to the State that is required by Rule 17(b)(5) of the Rules of Criminal Procedure, including but not limited to the following items:

- (1) That the Defendant notify the State of and permit the State to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the Possession, custody or control of the Defendant, the Defendant's witnesses, or his/her attorney and which the Defendant intends to use as evidence;
- (2) That the Defendant notify the State of and permit the State to inspect and copy and results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, which are within the possession, custody or control of the Defendant, Defendant's witnesses, or his/her attorney, which the Defendant intends to use as evidence or when the results or reports relate to his/her testimony.
- (3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he/she intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been on the date of January 11, 2013 and the names, addresses and birthdays of the witnesses upon whom he/she intends to rely to establish such an alibi.
- (4) That any and all evidence is available for viewing at the arresting agency or the South Carolina Law Enforcement Division.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity or to enter a plea of guilty but mentally ill at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.


Barry J. Barnette, Solicitor
Seventh Judicial Circuit

Spartanburg, South Carolina
April 11, 2013



STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina,

Plaintiff,

Michael Dean Staggs,

Defendant.

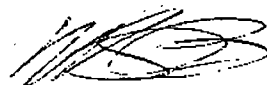
GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUITNOTICE OF GENERAL APPEARANCE
Warrant/Ticket Nos: F836572; F836573

TO: Barry Barnette, Seventh Circuit Solicitor:

YOU WILL PLEASE TAKE NOTICE, that the undersigned counsel represents the above-named Defendant, in matters relating to the above stated charges. Please direct all further communication relating to the Defendant and his charges to me; or to my office.

March 19, 2013
Spartanburg, South Carolina

THE BEAN LAW FIRM, P.A.



William S. Bean
Attorney for the Defendant
147 E. St. John St., P.O. Drawer 81
Spartanburg, S.C. 29304-0081
Telephone: (864) 582-3341
Facsimile: (864) 542-1033

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 APR -3 AM 8:46
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina,

Plaintiff,

vs.

Michael Dean Staggs,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUITNOTICE OF BRADY MOTION
AND CRIMINAL PRACTICE RULE 5
Warrant/Ticket Nos: F836572; F836573

TO: Barry Barnette, Seventh Circuit Solicitor:

YOU WILL PLEASE TAKE NOTICE that the Defendant above named, by his undersigned attorney, does hereby move before the presiding Judge in the Spartanburg County General Sessions Court, Seventh Judicial Circuit, for information pursuant to Brady v. Maryland, 373 U. S. 83 (1963) and information important to the Defendant's defense as follows:

1. Disclosure to the defense of any and all exculpatory information that is now or has been or may come to the attention of the prosecution or the police or any person or agency associated with the prosecution, in the subject matter, until the conclusion of this matter by trial and appeal; as required under the mandate of Brady v. Maryland, 373 U. S. 83 (1963).

2. Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person known to the Defendant to be a prosecution agent.

3. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

4. All books, papers, documents, photographs, tangible objects, building or places, or copies or portions thereof, which are in the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial or were obtained from or belong to the defendant.

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, or custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the

FILED
CLERK OF COURT
SPARTANBURG COUNTY
MICHAEL BLANCHARD
MAR 3 AM 10:10

MAILED

prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

6. All statements, oral or written, made by prosecution witnesses or prospective witnesses. All statements, oral or written, made by prosecution witnesses testifying before the state or county grand jury recorded pursuant to the requirements of SC Code §14-7-177 and §14-7-1595, 1976, as amended. This motion is made in order to timely notify the Circuit Solicitor prior to the grand jury hearing testimony in the immediate case, of the Defendants right to obtain these statements so that the transcripts of such recorded testimony or proceedings must be made.

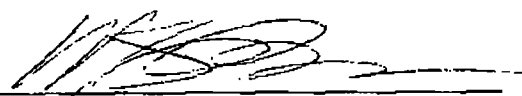
7. A certification from the State that the Motion and Request have been complied with within 30 days; and further a certification that any Court Order pertinent to the within Motion and Request has been complied with; and further that there is no information, whether "material to the defense", or otherwise that has been kept from the defense; and further that the prosecution has not seen or known of any such information either in the custody of the prosecution or in the possession of any agent of the prosecution, police or investigative agency.

8. The Defendant hereby asserts his Fifth Amendment right to remain silent and does not wish to be questioned in the absence of counsel, pursuant to McNeil v. Wisconsin, 111 S. Ct. 220 (1991) and Edwards v. Arizona, 451 U.S. 477 (1981).

9. Furthermore, pursuant to Rule 6 of the South Carolina Rules of Civil Procedure, the Defendant objects to the introduction of a chemist's or analyst's report without such person being personally present at trial. The Defendant also requests the appearance in Court of all persons within the chain of custody of all physical evidence.

March 19, 2013

The Bean Law Firm, P.A.


 WILLIAM S. BEAN
 Attorney for the Defendant
 147 E. St. John St., P.O. Drawer 81
 Spartanburg, S.C. 29304-0081
 (864) 582-3341

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2013 APR -3 AM 8:46
 M. HOPE BLACKLEY

 SCANNER

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

INDICTMENT NOS: 2013-GS-42-1393
WARRANT NOS: F836572-73

THE STATE OF SOUTH CAROLINA)
v.)
MICHAEL DEAN STAGGS,)

**AFFIDAVIT OF SERVICE
DISCOVERY MATERIAL**

PERSONALLY APPEARED BEFORE ME the undersigned deponent who being duly sworn, says that she copied/served the following materials on the defense:

One (1) DVD dated April 11, 2013 containing:

10 Year Driver Record (4 pages)	13.1393 (2 pages)
Booking Sheet (1 page)	Certified Driver Record (4 pages)
Incident Report (3 pages)	Inmate Grievance Form (3 pages)
Lt/Major Incident Notification Form (2 pg)	PH Sheet (1 page)
Rap (11 pages)	SLED Toxicology Report (3 pages)
Supervisor Checklist (28 pages)	Stmt of April Kirby (1 page)
Stmt of Roderick Briggs (1 page)	Tickets (2 pages)
TR-310 Report Form (2 pages)	
<u>FOLDER: Victim Photos (4 photos)</u>	
<u>FOLDER: MAIT Report</u>	
Full Case Report (7 pages)	MAIT Notes (78 pages)
<u>Folder: Pictures</u>	
Burgess (3855-4071)	SCHP (0055-0159)
<u>Folder: Video</u>	
1 Crime Scene Video	
<u>Folder: Audio</u>	
Interview Tracking Form (3 pages)	
Interview April Kirby; Interview Harry Meadows; Interview K.W. Collins; Interview Larry Staggs; Interview Loretta Ouellette; Interview Monquella Cheeks; Interview Regina Harlem; Interview Roderick Briggs;	
Audio Notes: Andis, Burgess, Duncan	

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 APR 15 AM 9:39
M. HOPE BLACKLEY

I, William S. Bean, attorney for the defendant(s) or his/her designee, have reviewed copies of the above-referenced documents and accept them as the response to the Rule 5/Brady Motion in this matter. I also accept service of the Solicitor's Reciprocal Rule 5.

Thomas O. Ruler (832)
Seventh Circuit Solicitor's Office

Sandra O. Muth
Defense Attorney or Designee

Sworn to before me this 11
day of April, 2013.

Cathy B. Boone
Notary Public for South Carolina
My Commission Expires: 11-14-2022

SCANNED

M

General Sessions Jail Slip

Certified copies of the following sentence were accepted by: _____



Of the Spartanburg County Jail dated 6/26/13, 2012. For Michael Staggs

Warrant, Ticket and/or Indictment Number: 13-1393 & 1393(A)

VICTIM NOTIFICATION (560) FORM

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA

VS

STAGGS, MICHAEL

CHECK AND COMPLETE ONE OF THE FOLLOWING:

☒

A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), acknowledge that a reasonable attempt was made to notify the victim(s) sufficiently, in advance of the bond hearing

Name of Victim(s) OUELLETTE, LORETTA ANNMEADOWS, HARRY ANTHONY☐

A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant), indicates the victim(s) did not wish to be notified of the bond hearing.

Name of Victim(s) _____

CROCKER, BRAD

(Representative's Signature)


(Judge's Signature)

- Or the arresting officer if Defendant is brought directly before the judge
- SCCA/560

SCA

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
VICTIM'S ADVOCATE CHECKLIST

75

Victim's Name: HARRY ANTHONY MEADOWS Work No. NA Home No. [REDACTED]Address: [REDACTED] FOREST DR ENOREE [REDACTED] [REDACTED]Incident/Citation Number: _____ Defendant's Name: Michael StaggDate of incident: 1-11-13 Incident Involving: 56-5-1210 Leaving the Scene (Fatality/PI) 56-5-2930 DUI 56-5-2910 Reckless Homicide✓ 56-5-2945 Felony DUI 56-5-2920 Reckless Driving 16-3-1510 (3) Other Personal Injury or Death Other offense against person:

Investigating Officer's Checklist

Initial and date next to each task when a victim is provided with the information. Put N/A next to any task that is not applicable.

K.W.C. 1-12-13 Provided list of Victim's rights and crime victim assistants and social providers
initials date Referred to Victim Advocate For "Victim Compensation Application", if applicable
initials dateK.W.C. 1-12-13 Notified that the suspect has been arrested
initials dateNA NA Notified if juvenile offender is released to parent or guardian
initials date Notified of date & time of bond hearing: _____
initials date Date Time Location Notified of date & time of trial or case: _____
initials date Date Time LocationK.W.C. 1-12-13 Provided form to receive free copy of accident report or provided officer's
initials date number to request free copy of incident report.K.W.C. 1-12-13 Provided victim identification information to jail or juvenile detention center,
initials date if applicableK.W.C. 1-12-13 Provided information pertaining to the case to the supervisor handling General
initials date Sessions or Magistrate cases for the county. The supervisor will turn this information over to the Solicitor Advocate or Magistrate within 48 hours or the next working day.[Signature]
Investigating Officer's SignatureK. W. Collins
Investigating Officer's Name (print)Division: SCHPDistrict/Unit: TROOP 3 POST 0Victim's Acknowledgement & Signature: [Signature]Date: 1-12-13

WHITE: Victim

YELLOW: Investigating Officer

PINK: Jail/Detention Center

GOLDENROD: Court

GREEN: DPS Victim Advocate

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
VICTIM'S ADVOCATE CHECKLIST

Victim's Name: Loretta ^{ANN} Ouellette Work No. [REDACTED]

Incident/Citation Number: F 83 6572 Defendant's Name: Michael Stagg

Date of incident: 1-11-13 Incident Involving:

- | | |
|--|---|
| ☐ 56-5-1210 Leaving the Scene (Fatality/PD) | ☐ 56-5-2930 DUI |
| ☐ 56-5-2910 Reckless Homicide | ☒ 56-5-2945 Felony DUI |
| ☐ 56-5-2920 Reckless Driving | ☐ 16-3-1510 (3) Other Personal Injury or Death |
| ☐ Other offense against person: | |

Investigating Officer's Checklist

Initial and date next to each task when a victim is provided with the information. Put N/A next to any task that is not applicable.

- | | | |
|------------------------|------------------------|---|
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided list of Victim's rights and crime victim assistants and social providers |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Referred to Victim Advocate For "Victim Compensation Application", if applicable |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Notified that the suspect has been arrested |
| <u>NA</u>
initials | <u>NA</u>
date | Notified if juvenile offender is released to parent or guardian |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Notified of date & time of bond hearing: _____
Date Time Location |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Notified of date & time of trial or case: _____
Date Time Location |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided form to receive free copy of accident report or provided officer's number to request free copy of incident report |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided victim identification information to jail or juvenile detention center, if applicable |
| <u>KWC</u>
initials | <u>1-12-13</u>
date | Provided information pertaining to the case to the supervisor handling General Sessions or Magistrate cases for the county. The supervisor will turn this information over to the Solicitor Advocate or Magistrate within 48 hours or the next working day. |

[Signature]
Investigating Officer's Signature

K W Collins
Investigating Officer's Name (print)

Division: SCHP

District/Unit: Troop 3 POST 0

Victim's Acknowledgement & Signature: UNABLE TO SIGN

WHITE: Victim YELLOW: Investigating Officer PINK: Jail/Detention Center GOLDENROD: Court GREEN: DPS Victim Advocate

x Loretta Ouellette 1-12-13 INSURGENCY

**SPARTANBURG COUNTY SHERIFF'S OFFICE****DETENTION**

CHUCK WRIGHT, SHERIFF

MAJOR NEAL URCH
DIRECTOR**VICTIM/WITNESS JAIL NOTIFICATION FORM****STATE VS. STAGGS, MICHAEL****OFFENSE FELONY DUI****TICKET/WARRANT# F836572,73 AGENCY SCHP****VICTIM'S NAME MEADOWS, HARRY ANTHONY****VICTIM'S ADDRESS FOREST ENOREE SC 29335****VICTIM'S TELEPHONE #****OTHER CONTACT INFORMATION****ATTEMPTS TO CONTACT OF ARREST: 1****DATE: 1-13-13 TIME: 1900****DATE: TIME:****DATE: TIME:****COMMENTS: NOTIFIED VICTIM OF ARREST AND ARRAIGN OF SUSPECT.**

**SPARTANBURG COUNTY SHERIFF'S OFFICE****DETENTION**

CHUCK WRIGHT, SHERIFF

MAJOR NEAL URCH

DIRECTOR

VICTIM/WITNESS JAIL NOTIFICATION FORMSTATE VS. STAGGS MICHAELOFFENSE FELONY DUITICKET/WARRANT# F836572,73 AGENCY SCHPVICTIM'S NAME LORETTA ANN OUELLETTEVICTIM'S ADDRESS [REDACTED] 35VICTIM'S TELEPHONE # [REDACTED]

OTHER CONTACT INFORMATION _____

ATTEMPTS TO CONTACT OF ARREST: 1DATE: 1-13-13 TIME: 1850

DATE: _____ TIME: _____

DATE: _____ TIME: _____

**COMMENTS: NOTIFIED VICTIM OF ARREST/ARRAIGN OF SUSPECT
AND NOTIFIED OF FORMAL ARRAGIN.**

STATE OF SOUTH CAROLINA)
 COUNTY/CITY OF SPARTANBURG)

CHECKLIST

Michael Dean Staggs)
 Name of Defendant)

TRIAL COURT:
☒ GENERAL SESSIONS COURT
☐ MAGISTRATE COURT
☐ MUNICIPAL COURT

CASE NUMBER/CHARGE:

F836572, 3 DUI / Felony driving under the influence, great bodily injury results x 2

CHECKLIST FOR MAGISTRATE AND MUNICIPAL JUDGES

DIRECTIONS: Magistrate and Municipal Court Judges must use this checklist for **ALL GENERAL SESSIONS** and for **ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE**. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must be provided a completed copy of this form.

☒ BAIL PROCEEDING/ ☐ FIRST APPEARANCE (NON-BAILABLE OFFENSES)

1. Form used at bail proceeding
 - a. Bond Form I (personal recognizance)
 - b. Bond Form II (surety, cash, percentage)
 - c. None (Non-Bailable Offense)
2. For cases in which bond was set, defendant was informed:
 - a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - c. Failure to appear in court as required will result in institution of additional criminal charges. Failure to appear in connection with a felony, or while awaiting sentence after conviction, additional charge has penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, additional charge has penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above will result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.
3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
 - a. Orally
 - b. In writing [NOTE: Defendant must be informed of right both orally and in writing]
4. Defendant was informed of the right to trial by jury.
5. In all general sessions cases, in all criminal domestic violence cases, and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - a. Charges against defendant and nature of the charges.
 - b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
 - c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court appointed counsel if indigent (must meet federal poverty guidelines) and instructions on how to obtain court appointed counsel. In order to apply for court appointed counsel, defendant is required to appear before the **Office of Public Defender** located at **366 North Church Street, Suite 3000, Spartanburg, SC 29306** for indigency screening. Defendant is responsible for a statutory fee of **\$40.00** for indigency screening.
6. In all criminal domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

1/14/13
 First Appearance or Bond Hearing Date

JUDGE'S SIGNATURE

STAGGS, MICHAEL DEAN

WM

DOB: [REDACTED]

FELONY DUI WITH BODILY INJURY

F836573

October 10, 2013

M. Hope Blackley

P.O. Box 3483

Spartanburg, S.C. 29304

RE: Michael Dean Steggs #236145

Case No: 2013-GS-420393-420393

Dear MS. Blackley,

On June 26, 2013, the above case was tried by the Honorable Judge Hayes. Please ask that you or your office provide me a copy of the indictment(s) in the above case. Thank you in advance for your consideration into this matter.

Sincerely,

Michael D Steggs #236145

FILED
CLERK OF COURT
2013 OCT 17 AM 10:27
M. HOPE BLACKLEY

cc

D
ccw

General Sessions

CASE HISTORY FOR CASE F836572

The State of South Carolina VS Michael Dean Staggs

FILED DATE: 1/16/2013

CASE TYPE: GS/180 Day Track

STATUS: Disposed

JUDGE: Clerk Of Court C P, G S, And Family Court

ARRESTING AGENCY: S C Highway Patrol

CASE PARTIES:

Defendant Staggs, Michael Dean

[REDACTED], SC 29384-3753

Officer Collins, K W

8794 Fairforest Road, Spartanburg, SC 29303

Defendant Pro Se Staggs, Michael Dean

[REDACTED], SC 29384-3753

Solicitor Barnette, Barry Joe

Spartanburg Cnty. Courthouse, 180 Magnolia St., Spartanburg, SC 29306

Defendant Attorney Bean, William S. IV

PO Drawer 81, Spartanburg, SC 293040081

Court Reporter Green, Pamela E.

[REDACTED] SC 29376

CASE HISTORY FOR CASE F836572

Staggs, Michael Dean

Age: 41

DOB:

DL#:

SSN:

Waterloo, SC 29384-3753

CHARGE

VIOL. DATE

DISPOSITION

DISP. DATE

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
0406 DUI / Felony driving under the influence, great bodily injury results	1/11/2013	Pled Guilty	6/26/2013

SENTENCING

Sentenced - 15 YRS AND FINE OF \$5100.00 SUS TO 8 1/2 YEARS AND FINE OF \$5100.00; CONC; CFTS (166 DYS); SUBSTANCE ABUSE COUNSELING; RANDOM DRUG/ALCOHOL TESTING; EVAL/TREAT

COST

ORIGINAL

BALANCE DUE

DISBURSED

PAY PRIORITY

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: DUI / Felony driving under the influence, great bodily injury results				
Fine to State 44%	\$2,156.00	\$2,156.00	\$0.00	999
Victim Services Asm 38.0013% / 5.783	1,938.00	1,938.00	0.00	999
DUI Breath Test \$25	25.00	25.00	0.00	999
DUI Pullout \$100	100.00	100.00	0.00	999
DUI Surcharge \$12	12.00	12.00	0.00	999
State Assessment	3,544.50	3,544.50	0.00	999

Print Date: 10/17/2013

Print Time: 10:25:58AM

Requested By: C42CSMITH

CaseHistory.rpt V6.1

COPIED
[Signature]

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2259

M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 10-17-13

Name: Michael Staggs

We have received your letter on _____. The applicable response is checked below.

- ☐ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Solicitors Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @950 California Ave., Spartanburg, SC 29303.
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ Please provide us with the original document.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Due to the large volume of request, this office no longer conducts criminal records research.
- ☒ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.
- ☐ Other: _____

If we can be of further assistance to you please let us know.

LaBouch
General Sessions Clerk

ewz

Michael Dean Staggs #23645

Birch 2 D-6

1516 Old Gilliard Rd.

Ridgeville S.C. 29472

GS

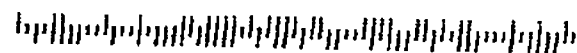
M. Hope Blackley clerk,

P.O. Box 3483

Spartanburg S.C. 29304



2930433453



F 836512 CB 85 393
F 836573

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2259

M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 10-28-13

Name: Michael Dean Stagg

We have received your letter on 10-28-13. The applicable response is checked below.

- ☐ I suggest you contact the Probation Office @ 180 Library Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Solicitors Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @ 950 California Ave., Spartanburg, SC 29303.
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ Please provide us with the original document.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Due to the large volume of request, this office no longer conducts criminal records research.
- ☐ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.

☒ Other: Please find copies of indictment reflecting the case numbers along with the indictment numbers

If we can be of further assistance to you please let us know.

General Sessions Clerk

SEARCHED
SERIALIZED
INDEXED
FILED

October 2, 2013

M. Hope Blackley
P.O. Box 3483
Spartanburg S.C. 29304

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 OCT 28 AM 11:44
M. HOPE BLACKLEY

RE: Michael Dean Staggs
Case NO. 2013-GS-4201393-4201393(A)

Dear Ms. Blackley

On October 10, 2013 I wrote to you in regards to an indictment in the above case. You only provided me with a copy of my case history. I ask that you or your office please provide me with the indictment to the above case: NO. 2013-GS-4201393(A) 4201393 if it is at all possible. Again thank you for your consideration into this matter. I hope to hear from you soon.

Sincerely,
St Michael Staggs
Michael Dean Staggs.

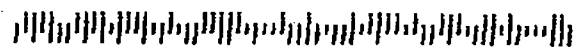
Michael D. Stepp #236445
BIRCH 2-D6
1516 Old Gillard Rd
Ridgeville S.C. 29472

GS



Clerk of Court
Attn: M. Hope Blackley
P.O. Box 3483
Spartanburg S.C. 29304

293043483



STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Michael Dean Staggs, #236145,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2013-CP-42-4600

RETURN

Respondent, making its Return to the application for post-conviction relief (PCR) filed November 14, 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 Spartanburg County Clerk of Court. He was indicted at the April 2013 term of the Spartanburg County Grand Jury for two counts of felony DUI - great bodily injury (2013-GS-42-1393, counts 1 and 2). The Applicant was represented by William Bean, Esquire. On June 26, 2013, the Applicant pled guilty as indicted. The Honorable J. Mark Hayes II sentenced Applicant to concurrent terms on each count of fifteen years and a fine of \$5,100, provided that upon service of eight and one half years, the balance is suspended to five years of probation payment of the fine. The Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, 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, the Applicant alleges that he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel, in that;
 - a. Counsel failed to inform Applicant the results of the SLED lab report,
 - b. Counsel failed to fully investigate Applicant's background and medical history,
 - c. Counsel failed to present and explain the variance between prescription drugs and "dangerous" drugs,
2. Involuntary guilty plea, in that;
 - a. Applicant only pled because Counsel advised him he would receive a sentence of time served;
3. Actual innocence, in that;
 - a. The evidence of urine and blood lab tests from SLED do not indicate that the Applicant was impaired at the time of the collision; and
4. Due process, in that;
 - a. Applicant's Sixth and Fourteenth Amendment rights to effective counsel and due process were violated.

III.

Respondent interprets the first and third allegations as allegations of ineffective assistance of counsel. In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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 PCR 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 that 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.

The Applicant further alleges that he was denied due process of law. The Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief,

it is incumbent upon the Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). This allegation is so vague that it is impossible for the State to respond.

VI.

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

VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held solely on the claims of ineffective assistance of counsel and involuntary guilty plea.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE
Assistant Deputy Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

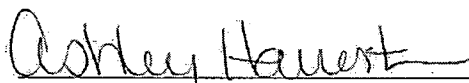
August 18, 2014.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
	)	
	)	2013-CP-42-4600
MICHAEL DEAN STAGGS, #236145	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid;

Mr. John Brandt Rucker
Brandt Rucker Attorney At Law
522 North Church Street
Greenville, SC 29601

DATED this 18TH day of August, 2014.


 Ashley Haworth, Legal Assistant
 For Respondent

1 State of South Carolina
2 County of Spartanburg
3

In the Court of Common Pleas

4 Michael D. Staggs,
5 Applicant,

2013-CP-42-4600

6 -vs-

June 8, 2015

7 State of South Carolina,
8 Respondent.

Transcript of Record

9
10

11 B E F O R E:

12 The Honorable R. Scott Sprouse, Judge
13

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

15 John Brandt Rucker, Esquire
Attorney for Applicant

16 Justin James Hunter, Esquire
17 Attorney for Respondent
18
19
20
21

22 Diane L. Marcengill, RPR, CRR
23 Circuit Court Reporter
24
25

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MICHAEL D. STAGGS

Direct Examination By Mr. Rucker

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WILLIAM S. BEAN

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Reporter's Certificate

40

E x h i b i t s

For the Applicant:

Marked Description

I.D.

Admitted

None offered.

For the Respondent:

Marked Description

I.D.

Admitted

None offered.

1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at approximately 10:06 a.m.)

4 MR. HUNTER: Your Honor, this is State versus
5 Michael Dean Staggs, Case Number 2013-CP-42-4600. Your
6 Honor, he was indicted at the April 2013 term of
7 Spartanburg County general sessions for two counts of
8 felony DUI resulting in great bodily injury, that is
9 2013-GS-42-1393, counts one and two.

10 Your Honor, he was represented by William Bean,
11 Esquire, on June 26, 2013. He pled under *Alford* as
12 indicted. The Honorable J. Mark Hayes, II, sentenced
13 him to concurrent terms on each count of 15 years and a
14 fine of \$5,100 provided upon the service of eight and a
15 half years. The balance suspended with five years
16 probation to follow. He did not appeal his conviction
17 or sentence.

18 Your Honor, on November 14, 2013, he filed this
19 application for a postconviction relief alleging that
20 he was being held in custody unlawfully based on
21 ineffective assistance of counsel in that counsel
22 failed to inform him of the results of the SLED lab
23 report, that counsel failed to fully investigate his
24 background and medical history, that counsel failed to
25 present and explain the variants between prescription

1 drugs and dangerous drugs. He also alleges involuntary
2 guilty plea in that he only pled because counsel
3 advised him that he would receive a sentence of time
4 served. He also alleges actually innocence in that the
5 evidence of the urine and blood lab test from SLED do
6 not indicate that he was impaired at the time of the
7 collision. Lastly, a due process violation of his
8 Sixth and Fourteenth Amendment rights. State filed its
9 return. He is here represented by Mr. Brandt Rucker,
10 and I will turn it over to them.

11 MR. RUCKER: Your Honor, may it please the Court.
12 I'm going to call my client as our witness.

13 MICHAEL D. STAGGS,
14 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

15 THE COURT: Mr. Rucker, your witness.

16 MR. RUCKER: Thank you, your Honor. May it please
17 the Court.

18 DIRECT EXAMINATION

19 BY MR. RUCKER:

20 Q Mr. Staggs, make sure you speak clearly so the
21 court reporter can hear everything and certainly the
22 judge can hear you. Okay? And if you have any
23 questions of my questions, just feel free to ask.

24 What is your current sentence?

25 A 15 -- two 15-year's run concurrent,

1 eight-and-a-half, five years probation, \$5,100 fine.

2 Q That's as the attorney general announced it?

3 A Yes.

4 Q Did you, in fact, plead guilty in this case or did
5 you have a trial?

6 A I took an *Alford* plea.

7 Q Okay. And what is an *Alford* plea?

8 A *Alford* plea?

9 Q Yes.

10 A He told me it was something like a no contest
11 plea.

12 Q Who was your attorney in this case?

13 A William Bean.

14 Q How did you come to hire him Mr. Bean?

15 A He was on another incident for me. I had an
16 18-wheeler back into me in 2010 and I hired him for
17 that.

18 Q Was that a civil case or a criminal case?

19 A Civil.

20 Q And how much did you pay him to represent you in
21 this case?

22 A This case here?

23 Q Yes.

24 A 6,500.

25 Q How many times did you meet with Mr. Bean before

Michael D. Staggs v. State of South Carolina 2013-CP-42-4600
Michael D. Staggs - Direct Examination by Mr. Rucker

1 you went forward with the guilty plea?

2 A I think about three times.

3 Q Okay. And how long would those -- each of those
4 individual meetings last?

5 A About 15, 20 minutes.

6 Q All right. Were you in jail at the time?

7 A Yeah.

8 Q All right. Do you know what discovery in a
9 criminal case is?

10 A No.

11 Q All right. Did you ever go over material that
12 showed what the solicitor's office had against you with
13 Mr. Bean?

14 A He -- he kept saying, you know, my bad record and
15 all like that. He said he didn't know how to read the
16 lab report.

17 Q Did you know that he, in fact, received a lab
18 report from the solicitor's office?

19 A Yes, sir.

20 Q I'm sorry?

21 A Yes, sir.

22 Q All right. And did you go over that lab report
23 with him before the guilty plea?

24 A No.

25 Q When did you get a chance to actually review the

1 lab report?

2 A When I was in the penitentiary.

3 Q Okay. That was after you were sentenced?

4 A Yeah.

5 Q All right. What did the -- and the judge will
6 have a copy of the toxicology report, but what did it
7 show, as you recall?

8 A It had nothing in the threshold, and all of it was
9 negative.

10 Q Did you have any alcohol in your system?

11 A No, sir.

12 Q The only illegal drugs in your system were a very
13 small amount of marijuana and a very small amount of
14 methamphetamine; is that right?

15 A The methamphetamine, it come from the Adderall.
16 It was amphetamines. I don't do methamphetamine.

17 Q Were you prescribed amphetamines?

18 A Yes.

19 Q Did Mr. Bean know that you had a prescription?

20 A Yeah, he should know because I done talked to him
21 about the other case like that, and I was on them
22 prescription drugs for that 18-wheeler backing into me.

23 Q Describe basically the facts, the underlying facts
24 of the case. That they -- what did they accuse you of
25 and what happened that day?

1 A They said I was drinking -- well, impaired on
2 something, you know. I took *Alford* plea because I was
3 guilty of some, not all. You know, the wreck was my
4 fault. I mean, you know, but the time in jail, felony
5 DUI, I didn't do.

6 Q What actually happened that day? Where were you
7 headed and what was going on?

8 A I was going to talk to Mr. Bean about the money
9 off the other wreck.

10 Q Had you consumed any kind of illicit drugs or
11 alcohol at that point?

12 A No, sir. No, sir.

13 Q What time of day was it?

14 A I was 10:45 when I had that wreck.

15 Q Was that in the morning, I'm assuming?

16 A Yes, sir. Yes, sir.

17 Q Okay. And so you were intending to go meet with
18 Mr. Bean about the other case?

19 A Yes, sir.

20 Q Were you clearheaded at the time?

21 A Yes, sir.

22 Q Why did you wreck into the other vehicle?

23 A He didn't have lights on, and he was almost
24 stopped in the middle of the road, and it was raining
25 and foggy that morning.

1 Q And so you believe it was basically a traffic
2 accident rather than a criminal act?

3 A Yes, sir. I was speeding, you know. I was
4 speeding.

5 Q Okay. Did you talk to Mr. Bean about the required
6 intent in a criminal case? Do you remember talking
7 about what had to happen for them to be able to convict
8 you?

9 A No. I didn't remember talking to him about that.

10 Q And you said previously that he mentioned
11 something about your prior record.

12 A Yes.

13 Q What did he tell you about your prior record?

14 A He said my prior record. I had a DUI one time
15 before anyway, and he kept bringing that up and that
16 they could find me guilty.

17 Q So your testimony is that the jury -- he believes
18 the jury would have known about those prior convictions
19 and that would have been used to find you guilty?

20 A Yes, sir.

21 Q All right. What kind of plea offer did you get in
22 this case?

23 A I was offered, you know, at the start, you know,
24 he told me time served, you know. He wanted me to
25 plead straight-up guilty, and I told him I wasn't

1 pleading straight because I wasn't guilty. I wasn't
2 high or drunk on nothing.

3 Q When you say straight-up guilty, are you talking
4 not by an *Alford* plea?

5 A Right. Right.

6 Q Did he explain what an *Alford* plea was to you?

7 A No. I asked him three times what that plea was,
8 and he told me it was something like a no contest plea.

9 Q Did you want to go to trial on the case?

10 A Yes, sir.

11 Q What evidence did Mr. Bean tell you they had
12 against you when you were discussing trial?

13 A You know, he wouldn't -- he didn't read the report
14 to me, the lab report or none of that, you know. So I
15 knowed I had that in my system. I was supposed to have
16 had it in my system because if I didn't, the doctor
17 wouldn't have prescribed it to me, you know. So, you
18 know, that was in my system, but I wasn't taking it
19 that day.

20 Q All right. When you pled guilty, was there an
21 offer on the table at that point? Do you recall the
22 solicitor, Mr. Barnett, mentioning that there was an
23 offer?

24 A No, I don't remember no offers. I mean, he told
25 me time served.

1 Q And who is "he"?

2 A William Bean.

3 Q All right. Did Mr. Bean and you go over any kind
4 of offer at any time other than what you're saying is
5 the time served offer?

6 A No, not that I remember.

7 Q Okay. And you did, in fact, plead guilty in this
8 case?

9 A No. I took the *Alford* plea, you know, because
10 they're saying I'm guilty of some but not all.

11 Q Do you remember the judge going through -- Judge
12 Mark Hayes going through the questions with you about
13 whether it was voluntary or involuntary, your plea?

14 A Yeah.

15 Q All right. Why did you tell the judge you waived
16 your right to a trial?

17 A Because I thought they had enough evidence against
18 me to convict me.

19 Q Okay. And that was based on your discussion with
20 Mr. Bean?

21 A Yes, sir.

22 Q All right.

23 A And --

24 Q Did the judge tell you you were going to get time
25 served, or did the prosecutor say you were going to get

1 time served?

2 A No, sir.

3 Q Why -- did you worry that you weren't going to get
4 the deal that Mr. Bean told you you would have?

5 A Yeah.

6 Q All right. And why didn't you say, speak up at
7 that point to the plea judge?

8 A Well, like it is, you know, if I had knowed how
9 the lab work results read, I wouldn't have took none of
10 that. If he had done his duty and told me all that,
11 you know. That's why I paid him that money.

12 Q How long after you were initially arrested did you
13 enter your plea in months?

14 A 166 days.

15 Q Okay. So was that pretty fast, in your view?

16 A Yes, sir.

17 Q Did you have enough time to review the case with
18 your attorney?

19 A No, sir.

20 Q All right. Would you have entered the guilty plea
21 if you would have known the issues with the toxicology
22 report?

23 A No, sir.

24 Q And do you believe you were misled about the prior
25 convictions as well?

1 A Yes, sir.

2 Q All right.

3 MR. RUCKER: No further questions.

4 THE COURT: All right. Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. HUNTER:

7 Q Mr. Staggs?

8 A Yes, sir.

9 Q Can you hear me?

10 A Yes, sir.

11 Q Okay. So you met with him, you said, three times
12 before?

13 A Yes, sir.

14 Q How long after you were arrested did he start
15 representing you?

16 A He come seen me the day of the wreck when I was
17 arrested. You know, I stayed in the hospital for a
18 day.

19 Q Okay. Did you ever give him your version of
20 events about what happened?

21 A Yes, sir.

22 Q Okay. Did y'all go over any defenses that you
23 might have?

24 A No. No, sir.

25 Q Okay. Did you tell him of any leads or witnesses

1 that might help your case?

2 A That I wouldn't -- yeah, that I was straight that
3 day. I told him that.

4 Q Yes, sir. Now, it says that you -- in the
5 transcript you agreed with the facts that the solicitor
6 said, that the solicitor presented. Do you recall
7 agreeing with those facts?

8 A Yeah. That's what he asked me to do. He said,
9 you know, "Go in there and agree to it."

10 Q Who told you that?

11 A William Bean.

12 Q He told you to go in there and agree with
13 everything?

14 A (Nodding.)

15 Q You didn't think to speak up if it wasn't true?

16 A Say what?

17 Q You didn't think to speak up and tell the judge if
18 it wasn't true?

19 A No, sir.

20 Q Okay. Now, you spoke with -- okay. You gave a
21 statement to police. Do you recall giving a statement
22 to police?

23 A No, sir. I don't recall that.

24 Q You don't recall that?

25 A No.

1 Q Okay. But you recall them taking a blood sample,
2 a urine sample that led to the toxicology report?

3 A Oh, yes, sir. Yes, sir.

4 Q Did you ever ask about the toxicology report?

5 A Yeah, I asked about it.

6 Q How often did you ask?

7 A I asked William Bean about it, and, you know, that
8 was it. I asked him once or twice.

9 Q So when you showed up for the plea, did you want
10 it, the toxicology report?

11 A Well, the time served, you know, I was going to
12 take the time served. That's what I took the plea for.

13 Q Okay. And I'm sorry if you already answered this
14 question, but who told you it would be time served, the
15 solicitor or Mr. Bean?

16 A Bean.

17 Q He told you it would be time served?

18 A Yes.

19 Q Do you recall telling the judge that no one
20 promised you anything?

21 A Yes, sir.

22 Q Okay. You didn't think to speak up saying, "Well,
23 I was promised time served"?

24 A (Shaking head.)

25 Q Okay. And you also told him no one threatened you

1 to make this plea?

2 A Yes, sir.

3 Q Okay. And you recall going over your
4 constitutional rights and that you would be waiving
5 those, and that you would waive --

6 A Yes, sir.

7 Q -- the defense? Okay. Now, you also told the
8 judge that you did not want a jury trial?

9 A Yes, sir.

10 Q Okay. But now today you say you do want a jury
11 trial?

12 A Yes, sir.

13 Q Okay. Did he tell you -- did he go over anything
14 with you that you felt, I guess, was a surprise -- did
15 the judge go over anything with you that you felt like
16 was a surprise that day that you weren't ready for?

17 A Well, see, you know, I wasn't on my medication and
18 all that day, you know. I was on their medication, so,
19 you know, I had a lot of bearing with it. See, I was
20 wanting to get back to my medication, and time served
21 is the way to get back to my medication.

22 Q So you weren't on medication that day that you
23 took the plea and you should have been? I'm sorry if I
24 misunderstood.

25 A The medication I was on on the street I wasn't on.

1 I was on the Spartanburg County jail's medication that
2 day.

3 Q Okay. And you told the judge that day that you
4 weren't under any substances that would affect your
5 judgment that day; is that correct?

6 A Yeah, I told him that.

7 Q Okay. And, now, they told you that -- or when
8 they went over the facts, I believe Mr. Bean also went
9 over with the judge that you told him that you took
10 Valium and OxyContin?

11 A I told him that's what I was prescribed. I was
12 prescribed RoxyContin not OxyContin RoxyContin.

13 Q Okay. And also that you had smoked marijuana, I
14 guess, a couple weeks before, you told the judge?

15 A I was -- yeah.

16 Q Before the accident?

17 A Yeah.

18 Q Okay.

19 A It was almost out of my system.

20 Q Okay. Now, you say that you want a trial, but you
21 also say that you are guilty of some but not all?

22 A The speed -- I was speeding, yes, sir. I was
23 speeding.

24 Q I mean, were you charged with speeding?

25 A Yes, sir. I was charged with speeding, reckless

1 driving.

2 Q But so when you say you're guilty, you're not
3 talking about felony DUI?

4 A No, sir. I'm not guilty of felony DUI.

5 Q I misunderstood that. I just want to go over
6 again, you told the judge that you were pleading freely
7 and voluntarily, but now you're saying it was
8 involuntary?

9 A Yes, sir. I mean, you know, I was expecting time
10 served.

11 Q Okay. And, again, when you didn't receive time
12 served, you didn't speak up?

13 A Well, you know, I had a lawyer that was supposed
14 to be doing all that, you know. So that's why my Sixth
15 and Fourteenth Amendments are violated.

16 Q Right. But he's not the one that has to go to
17 jail, so why didn't you speak up after the judge
18 sentenced you to 15 suspended to eight and a half?

19 A He got straight up and went on back to his office.

20 Q You didn't try to notify him or get his attention
21 at all --

22 A No, sir.

23 Q -- after you received something you didn't think
24 you would?

25 A You know, it hadn't hit me real bad yet, you know.

1 Q Now, you did apologize to the victims that day
2 when you were pleading?

3 A Yeah.

4 Q Do you recall that?

5 A Yes, sir.

6 Q Okay. And he went over with you the fact that, it
7 says in the transcript, he went over with you that a
8 DUI can involve stuff other than alcohol. Did he go
9 over that with you?

10 A Yes, sir.

11 Q Okay.

12 A What was involved for the DUI?

13 Q Sir?

14 A What made it a DUI is what I'm talking about.

15 Q Okay. I understand your concern. But he says
16 that -- he went over with you that a DUI can be --

17 A If he had went over with me the way that I paid
18 him to go over with me, he would have said that wasn't
19 a DUI to start with.

20 Q So he should have told you it wasn't a DUI to
21 start with?

22 A It should have been that way.

23 Q I understand. When you met with him, what did
24 y'all go over?

25 A The money.

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Michael D. Staggs - Redirect Examination by Mr. Rucker

1 Q That's it?

2 A Yeah.

3 Q So y'all met three times 15 to 20 minutes just
4 about money?

5 A Yes, sir.

6 Q Okay. And when the judge asks you if the State
7 could provide evidence to find you guilty beyond a
8 reasonable doubt, you said yes. And then you said yes,
9 if you're answering truthful, you said yes. Has that
10 situation changed now?

11 A Yeah, I mean, because, you know, I wasn't guilty
12 of felony DUI.

13 Q But you were pleading to felony DUI. So when he
14 is asking about your guilt, you thought he was talking
15 about something else?

16 A That's why I took the *Alford* plea because I'm
17 guilty some of but not all. I wrecked the in -- the
18 speeding and all like that, I was guilty on.

19 Q I understand you, sir.

20 MR. HUNTER: Beg the Court's indulgence for just
21 one second.

22 All right. That's all my questions.

23 MR. RUCKER: Just to follow up, your Honor.

24 REDIRECT EXAMINATION

25 BY MR. RUCKER:

1 Q Were you in jail at the time you pled guilty?

2 A Yes, sir.

3 Q Were you in jail continuously from the time you
4 were arrested until you pled guilty?

5 A Yes, sir.

6 Q How long was that again?

7 A 166 days.

8 MR. RUCKER: No further questions.

9 THE COURT: Anything further from the State?

10 MR. HUNTER: No follow up, your Honor.

11 THE COURT: Thank you, Mr. Staggs. You can step
12 down.

13 MR. RUCKER: We have no other witnesses in our
14 case-in-chief. I do reserve the right to call him in
15 rebuttal.

16 THE COURT: Thank you, Mr. Rucker.

17 Yes, sir.

18 MR. HUNTER: Yes, sir. We would call Bill Bean to
19 the stand, please.

20 THE COURT: Come around to the witness stand.

21 WILLIAM S. BEAN,

22 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

23 THE COURT: State your name for the record.

24 THE WITNESS: William S. Bean, B-e-a-n.

25 THE COURT: Your witness.

3 BY MR. HUNTER:

24 Q Okay. And did you go over -- did you make -- you
25 made -- did you make the proper discovery motions?

1 A Yes. I received a substantial amount of discovery
2 information from the solicitor, and, of course, shared
3 all of that with Mr. Staggs.

4 Q Did you share with -- did you have that at your
5 first meeting?

6 A I did not have it at the first meeting, no. It
7 was at a subsequent meeting after we got all of that
8 and printed it out, I believe it came to us on a CD,
9 and we printed it out in the office and passed it on.

10 Q Do you recall what exactly y'all went over?

11 A Well, we discussed the accident in detail, and
12 Mr. Staggs' contention was that it was not a DUI
13 because he had not been drinking and he was taking his
14 medications which were prescribed for him, and he
15 denied using any illegal substances. If I remember
16 correctly, I think there was a positive for marijuana
17 in the SLED report. But other than that, I think it
18 was just his prescription medication. And I explained
19 to him that, of course, even taking legally prescribed
20 substances, you can still be found guilty of DUI if the
21 facts support that.

22 Q So you explained that it would still meet the
23 elements of the crime even if it's prescription?

24 A Yes.

25 Q Okay. And did he have any concerns about this?

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William S. Bean - Direct Examination by Mr. Hunter

1 A Well, he maintained and continues to maintain
2 today apparently that because he was taking
3 prescription medications that he wasn't under the
4 influence. And I did explain to him on more than one
5 occasion that, you know, that was a jury question since
6 there were positives for various substances in the
7 report, even though we could argue the levels and
8 things like that, a jury could very reasonably conclude
9 that he was under the influence under the statute.

10 Q Okay. Now, just jumping ahead a little bit, did
11 you go over prior record, how that would affect him?

12 A We did.

13 Q Did he have any concerns with that?

14 A Well, he had a substantial prior record. I don't
15 remember exactly what was on there, but there were
16 quite a number of things over the years, I think going
17 back maybe as far as 1993. I don't remember for sure,
18 but there were a fair number of convictions for
19 different things, some more serious than others, but
20 the prior record was a concern when it came to
21 sentencing because, obviously, he wasn't without a
22 record.

23 Q Right. I did -- did you ever tell him that he
24 should plead because of his prior record?

25 A I never told him that directly. I told him that

1 if we could work out a plea deal, that we ought to
2 consider whatever that might be because the prior
3 record would be a concern. If we went to trial and he
4 was convicted, then the prior record would come into
5 play and could really, really work against him.

6 Q Okay. And I'll come back to that in a second.
7 Sorry I jumped ahead. Did he give you any witnesses or
8 leads or anything to help his defense?

9 A Well, he gave me some information, if I remember,
10 about his various medical providers. He gave me a
11 history, of course, of his situation medically and the
12 fact that the medications were prescribed. And I
13 didn't go there directly because the fact that he told
14 me these were prescriptions kind of made me think,
15 well, okay. He's using them legally so we don't have
16 an issue there. He's not buying pain medicine on the
17 street, for example. But I didn't follow up with the
18 medical providers because I didn't think that was
19 directly relevant to what he was facing.

20 Q Right, sir. And did the information he provide to
21 you seem to match what was found in the toxicology
22 report?

23 A Yes, it did.

24 Q Okay. And did you go over this with him?

25 A We discussed it. I don't remember specifically

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William S. Bean - Direct Examination by Mr. Hunter

1 what the discussion was, but we did talk about the
2 different things that came up in the toxicology report
3 because he tested positive for a number of things which
4 were not unexpected but, again, were a concern.

5 Q Right. Okay. And do you recall if he ever saw
6 the toxicology report before the trial?

7 A I don't remember if he did or not. Our normal
8 practice is to give a copy of the discovery, and that
9 was in there, to the client. And I presume that was
10 done but I don't have a note directly on that.

11 Q Okay. That's your normal practice to hand over
12 the discovery?

13 A Yes.

14 Q Okay. So you explained to him that DUIs can
15 happen without alcohol?

16 A Yes.

17 Q Okay. And he claims that you did not explain the
18 difference between prescription drugs or dangerous
19 drugs. Are you aware of why you would need to do that?

20 A I'm not sure what the difference is between
21 prescription and dangerous. Obviously, any type of
22 medication that can cause impairment is a concern in a
23 case that involves a charge of driving under the
24 influence.

25 Q Yes, sir. Now, he gave a statement, correct?

1 A I'm sorry?

2 Q He gave a statement to police?

3 A Yes, I believe so.

4 Q Did he discuss with you the statement?

5 A We went over what he had told them, yes.

6 Q Okay. Did you have any concerns about Miranda or
7 just how this statement was given?

8 A Well, we talked about that, but the ultimate issue
9 was going to be the fact that they could prove he was
10 driving, they could prove he was taking various
11 medications which can cause impairment. And if the
12 issue came down to one of whether a particular level or
13 levels would sort of determine guilt or result in an
14 acquittal, my thinking and what I discussed with him
15 was that a jury wasn't going to be real receptive to
16 the issue of the levels because, if I remember
17 correctly, I think there were five or six different
18 things in his system in addition to the marijuana. So
19 that was -- that was a big negative for him.

20 Q Right. So you believe that his plea was the
21 proper course, the proper action to take in this case?

22 A Yes.

23 Q Okay. Were you ready to go for trial -- to go to
24 trial if he wanted it?

25 A We could have gone to trial, yes, if he wanted

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William S. Bean - Direct Examination by Mr. Hunter

1 one. But in my judgment, that would not have been in
2 his best interest and I told him that.

3 Q Did he express interest in going to trial?

4 A Well, he kept saying that it wasn't so much he
5 wanted to go to trial, he just kept saying that he
6 wasn't under the influence, and that the whole thing
7 just wasn't right. And I explained to him that, you
8 know, with what he was facing, that was a question, if
9 he went to trial, a jury was going to decide, and I
10 thought the verdict would probably be adverse to him.

11 Q Okay. And he claims that he only pled because he
12 would receive a sentence of time served. What were
13 your discussions with the solicitor's office about this
14 plea?

15 A There was never an offer of a plea with a sentence
16 of time served. I would have strongly recommended that
17 he do that. I don't know where that came from, but we
18 never had anything like that offered to us at all.

19 Q Okay. Did you have any sort of offers?

20 A Normally, and I think that's true in this case,
21 the solicitor here on felony DUIs isn't willing to make
22 offers. Their thing is if you plead, you plead. If
23 you have a trial, you have a trial. We're not going to
24 recommend anything.

25 Q Okay.

1 A And, of course, he was, if I remember correctly, I
2 think he was facing 15 years times two, so, you know,
3 potential at least, he could have gotten 30 years.

4 Q Okay. So there was never any time served offer?

5 A No, there was not.

6 Q You certainly would have requested that if he --
7 or if that was even a possibility?

8 A Absolutely.

9 Q Okay. And did you make any sort of promises or
10 predictions to him about what his sentence would be?

11 A No. I told him that I would present everything I
12 could to the Court in the light that I thought was most
13 favorable to Mr. Staggs. If I remember correctly, I
14 think he has a child, a minor that he supports. There
15 were a number of other positives, and I presented all
16 of those things to the Court and, frankly, was hopeful
17 that he would get a lesser sentence than he received,
18 but I didn't ever tell him that. I always tell clients
19 that, you know, we'll argue for less but you could get
20 the max.

21 Q And you did that in this case?

22 A Yes.

23 Q Okay. Now, did you discuss with him -- I know
24 it's different for a lot -- it's a different concept,
25 but an *Alford* plea, did you discuss with him what that

1 was and what the State had to show to find him guilty
2 and that that was the best option for him?

3 A Yes. And he did not want to plead guilty. That
4 was the reason for the *Alford* plea. He was adamant
5 that he wouldn't plead guilty, but he would do that.
6 So that was why we did that.

7 Q And you feel like he understood what exactly an
8 *Alford* plea is and its consequences?

9 A Yes.

10 Q Okay. So was it ultimately his decision to plead?

11 A It was.

12 Q Do you feel like he had enough time to prepare for
13 this case?

14 A Yes.

15 Q Did you receive everything you asked for from the
16 State?

17 A We got all the discovery. I think we got
18 everything that they had. I'm confident that we did.

19 Q Okay. And as far as your investigation, he claims
20 that you did not fully investigate his background and
21 medical history. Did you -- other than, I guess, his
22 prescription drugs, did you go into any other medical
23 history or have any need to?

24 A Well, we discussed his medical history, although I
25 don't think that it was directly relevant other than

1 the fact that he was prescribed a number of medications
2 which showed up on the toxicology report. That was, of
3 course, very relevant. But beyond that, I don't think
4 there was a need to, for example, talk to his doctors
5 or anything like that.

6 Q Right. Okay. Do you believe he made an informed
7 decision to plead that day?

8 A Yes, I do.

9 Q Did he have -- did he seem to have any problems
10 understanding the judge or just the proceedings that
11 were going on that day?

12 A None that I could tell, no.

13 Q After the sentence, did he express any concern to
14 you about the time he received?

15 A No.

16 Q Okay. Did you do everything you could to
17 adequately represent him?

18 A I believe so.

19 Q Okay.

20 MR. HUNTER: No further questions.

21 THE COURT: Mr. Rucker, your witness.

22 MR. RUCKER: Thank you, your Honor. May it please
23 the Court.

24 CROSS-EXAMINATION

25 BY MR. RUCKER:

1 Q Mr. Bean, your statement is there was no offer at
2 all from the solicitor's office. Do you recall that?

3 A That's my recollection. I don't think there was.
4 I know there wasn't an offer of time served. That
5 would have been -- I think that would have stuck in my
6 mind, but I don't recall an offer at all.

7 Q All right. I believe I understood your position
8 was that the solicitor's office does not negotiate
9 felony DUIs?

10 A That's been my experience.

11 Q Is it your view, just in your experience, if
12 someone has substances in their bodies and they are
13 then in a wreck and are charged with DUI, that's
14 sufficient to convict them of DUI?

15 A Well, yes, that's the short answer. Juries are
16 all over the map on DUI cases, whether it's felony DUI
17 or just basic DUIs, and you can have clients charged
18 with DUI that you believe were seriously impaired and
19 juries will find them not guilty, and the reverse of
20 that is also true. You're really kind of rolling the
21 dice anytime you go to trial on a DUI.

22 Q Sure. What did he actually get out of pleading
23 guilty? He was still exposed to the 30 years because
24 there was no negotiation, right?

25 A I think that's correct. So what did he get?

1 Q What benefit did he get that he might not have
2 gotten if he was found guilty and sentenced?

3 A Well, I think the benefit was that the sentence he
4 got as opposed to, I think if he had gone to trial and
5 the jury found him guilty, there was a good chance the
6 judge would have given him at least 15 years, perhaps
7 twice, run concurrent. But he got, if I remember
8 right, eight and a half. And I think under the
9 circumstances, that that was probably a reasonable
10 sentence.

11 Q You're not suggesting that the law allows the
12 judge to punish somebody for exercising their jury
13 rights, are you?

14 A Oh, no.

15 Q Okay. Are you speculating that he would have
16 gotten a much worse sentence if he would have gone in
17 front of the jury?

18 A I think there was a good chance that he could
19 have, yes.

20 Q I'm asking you: Why do you believe he was going
21 to get more time?

22 A Well, a lot of times judges, at least in my
23 experience, some judges will perhaps impose a lesser
24 sentence if someone is pleading, even though it's not a
25 negotiation, as opposed to a posttrial sentence.

1 Q Okay. Was there anything aggravating about the
2 evidence that would have made the judge think this is a
3 worse felony DUI with great bodily injury than others?

4 A No, I don't think so.

5 Q Okay. Now, your testimony also is that you did
6 not speak with his doctor or any doctors about the
7 medication he was prescribed?

8 A Right.

9 Q Did he tell you that he was prescribed all this
10 medication by one doctor, outside of the marijuana?

11 A He may have. I don't recall exactly whether there
12 was one or more than one, but that may well be the
13 case.

14 Q If you would have talked to him and found out that
15 the medication, the way he was taking it, would not
16 have impaired his driving, that would have helped your
17 defense, right?

18 A It might have.

19 Q Could you use that to try to negotiate some kind
20 of better sentence for him with the solicitor's office?

21 A Perhaps. Although, again, the solicitor normally
22 doesn't negotiate felony DUIs; so I'm not sure that
23 that would have made a difference, but it might have.

24 Q You told my client if he went in front of the
25 jury, those prior convictions would be used against

1 him, right?

2 A Yes.

3 Q Which prior convictions were going to be used
4 against him referring to the jury?

5 A You mean with the jury?

6 Q Yes, sir.

7 A No. I don't believe I told him that. I think I
8 told him that they would be used against him at
9 sentencing, not in front of the jury.

10 Q All right. If you would have called the doctor,
11 Dr. Childress, his doctor, and the doctor testified
12 that this would not have materially and appreciably
13 affected his ability to drive, and my client, your
14 former client, testified; why do you believe a jury
15 would have found him guilty anyway?

16 A Well, I think the facts and circumstances of the
17 case and the toxicology report still could have
18 resulted in their making that conclusion. The other
19 thing is I don't know that the doctor would have said
20 that. Again, I didn't talk to him, that's true. But
21 I've not had a case in the past where a doctor has said
22 that taking particular medications can't impair you.
23 My experience has been that some of the medications he
24 was taking do or can cause impairment.

25 Q Well, one of the medications he was taking was

1 Adderall, correct?

2 A I believe so.

3 Q And I know you're not a chemist or a doctor, but
4 do you know what Adderall does?

5 A Off the top of my head, I do not.

6 Q Do you know if it affects attention, your ability
7 to focus?

8 A I believe that is correct. I think that's a drug
9 used in the treatment of Attention Deficit Disorder, I
10 think.

11 Q But you don't know and you didn't have an expert
12 or at least this doctor to talk to about what effects
13 this would have on him?

14 A Correct.

15 Q Did you call anybody at the pharmacy school at
16 MUSC or anybody like that?

17 A No.

18 Q What was your fee in this case?

19 A I don't remember. I want to say \$6,500, but I'm
20 not sure.

21 Q All right. My client was able to pay that amount
22 to you?

23 A I believe he was, yes.

24 Q You have no reason to believe he wouldn't have
25 been able to pay for an expert to come in and testify

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William S. Bean - Redirect Examination by Mr. Hunter

1 that -- once you talked to them, that this medication
2 would not have affected his ability to drive, would
3 you?

4 A I'm sorry. Would you repeat that.

5 Q Sure. He had the ability to pay for an expert to
6 come in and testify truthfully about how the drugs
7 would affect his ability to drive, correct?

8 A Yes, he might have. I don't know, but I presume
9 he might have.

10 Q But \$6,500 is a substantial amount of money, and
11 he was able to come up with that, correct?

12 A Correct.

13 Q He, in fact, paid you more money based on the
14 civil case as well, didn't he?

15 A I believe he did pay his fee for that, too, yes.

16 Q So there was no money reason that you couldn't
17 talk to an expert; it was just your view of what the
18 drugs were, based solely on your nonexpertise he would
19 have been found guilty because you believe those drugs
20 would have affect his ability to drive?

21 A I think so yes.

22 MR. RUCKER: No further questions.

23 MR. HUNTER: Just briefly, your Honor.

24 REDIRECT EXAMINATION

25 BY MR. HUNTER:

1 Q Have you represented clients on felony DUIs
2 before?

3 A Yes.

4 Q Is that a large part of your practice, DUIs in
5 general?

6 A I do have a fair amount of DUI work, yes.

7 Q Okay. Have you had DUIs before that were
8 non-alcohol related?

9 A Yes.

10 Q Okay. And you viewed the toxicology report. And
11 even without any medical expertise, you were able to
12 decipher what drugs he was taking, what was found in
13 his system? That's Adderall and then muscle relaxers
14 such as sleeping pills, Valium, you were able to
15 decipher that even without expertise?

16 A Yes. And, of course, he told me what he was
17 taking as well.

18 Q Okay. No further questions.

19 MR. RUCKER: Nothing further, your Honor.

20 THE COURT: All right. Thank you, Mr. Bean. You
21 can step down.

22 THE WITNESS: May I be excused, your Honor?

23 THE COURT: Any objection to this witness being
24 excused?

25 MR. RUCKER: No objection.

1 MR. HUNTER: No, your Honor.

2 THE COURT: Thank you.

3 MR. HUNTER: Your Honor, that's all from the
4 State.

5 THE COURT: Okay. Anything further from the
6 defendant?

7 MR. RUCKER: No, sir.

8 THE COURT: All right. I have reviewed the
9 application and supporting documentation. I have --
10 the documentation that was attached to the application.
11 I have reviewed the return from the State, the
12 sentencing sheet, and the transcript of record from the
13 plea. I also heard the testimony of the case. I find
14 that the applicant has failed to meet his burden
15 proving ineffective assistance of counsel in the plea.

16 Attorney General, will you prepare me an order?

17 MR. HUNTER: Yes, sir. We ask 30 days. Is that
18 appropriate?

19 THE COURT: That's fine.

20 MR. HUNTER: Okay. Thank you.

21 (WHEREUPON, the hearing ended at 10:46 a.m.)

22 ***END OF REQUESTED TRANSCRIPT OF RECORD***
23
24
25

1 Certificate of Reporter
2

3 I, Diane L. Marcengill, Official Court Reporter
4 for the Tenth Judicial Circuit of the State of South
5 Carolina, do hereby certify that the foregoing is a
6 true, accurate, and complete transcript of record of a
7 portion of the proceedings had and evidence introduced
8 in the trial of the captioned case, relative to appeal,
9 in the Circuit Court for Spartanburg County, South
10 Carolina, on the 8th day of June 2015.

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.

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

15 October 15, 2015
16

17 
18 Diane L. Marcengill, RPR, CRR
19 Circuit Court Reporter
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STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

Michael Dean Staggs,
S.C.D.C. No. 236145,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
OF THE SEVENTH JUDICIAL CIRCUIT

2013-CP-42-4600

ORDER OF DISMISSALPresiding Judge:
Applicant's Attorney:
Respondent's Attorney:
Trial Counsel:
Date of Hearing:
Court Reporter:Hon. R. Scott Sprouse
J. Brandt Rucker, Esquire
Justin J. Hunter, Esquire
William Bean, Esquire
June 8, 2015
Diane L. Marcengill

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed November 14, 2013. Respondent made its Return on or about August 20, 2014. An evidentiary hearing into the matter was convened on June 8, 2015, at the Spartanburg County Courthouse. Applicant was present at the hearing and represented by J. Brandt Rucker, Esquire. Justin J. Hunter, Esquire, of the South Carolina Attorney General's Office represented the Respondent. At the hearing, Applicant testified on his own behalf. William Bean, Esquire, also testified. This Court also had before it a copy of the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the Return, and the plea transcript.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. He was indicted at the April

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2013 term of the Spartanburg County Grand Jury for two counts of felony DUI - great bodily injury (2013-GS-42-1393, counts 1 and 2). Applicant was represented by William Bean, Esquire. On June 26, 2013, Applicant pled under Alford¹ as indicted. The Honorable J. Mark Hayes, II, sentenced Applicant to concurrent terms of fifteen years imprisonment on each count and a fine of \$5,100, provided that upon service of eight and one-half years, the balance is suspended to five years of probation payment of the fine. Applicant did not appeal his conviction or sentence.

Allegations

In his application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that;
 - a. Counsel failed to inform Applicant the results of the SLED lab report,
 - b. Counsel failed to fully investigate Applicant's background and medical history,
 - c. Counsel failed to present and explain the variance between prescription drugs and "dangerous" drugs,
2. Involuntary guilty plea, in that;
 - a. Applicant only pled because Counsel advised him he would receive a sentence of time served;
3. Actual innocence, in that;
 - a. The evidence of urine and blood lab tests from SLED do not indicate that the Applicant was impaired at the time of the collision; and
4. Due process, in that;
 - a. Applicant's Sixth and Fourteenth Amendment rights to effective counsel and due process were violated.

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II. SUMMARY AND EVIDENCE PRESENTED AT PCR HEARING

Applicant's Testimony

Applicant testified that Counsel only met with him three times while he was in jail for fifteen to twenty minutes each time and did not go over the SLED lab report containing the

¹ North Carolina v. Alford, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970).

toxicology findings. Applicant testified that his Alford plea was involuntary because Counsel never explained the Alford plea and Applicant thought he would only get a time served sentence. Applicant also testified that he waived his right to a jury trial because he thought that the State had enough evidence to convict him of felony DUI based on his conversations with Counsel. Applicant testified that he wanted to go to trial but did not know of any evidence to help his case. Applicant testified that he gave Counsel his version of events and that he was guilty of some, but not all, of the wreck. Applicant testified that the only substances he was taking at the time of the wreck were prescribed to him by a doctor. Applicant further testified that he did not remember giving a statement to police describing which medications he was taking.

Counsel William Bean's Testimony

Counsel testified he represented Applicant on the charges currently before the Court. Counsel testified he was retained to represent Applicant and had also represented Applicant on a previous civil matter. Counsel testified that he met with Applicant at least four times, meeting for one hour the first time and for twenty minutes to one hour each time after that. He testified that he received discovery from the State on a CD and shared it with Applicant, including the toxicology report and Applicant's statement to police. Counsel testified that Applicant had difficulty understanding that he could be guilty of a DUI without consuming alcohol, however, Counsel explained to Applicant that legally prescribed drugs can still support the elements of a felony DUI. Counsel testified that he informed Applicant that his prior DUI would not look favorable to a jury and that pleading under Alford would be in Applicant's best interest. Counsel testified that he and Applicant discussed Applicant's medical history, however it was not relevant to the facts of this case. Counsel testified that he never received any plea deal that would offer a sentence of time served and did not tell Applicant that he would be receiving a time served

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sentence. Counsel further testified that he was fully prepared for a trial but Applicant made the decision to plead under Alford.

III. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their 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. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any 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." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he

would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the guilty plea transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Ineffective Assistance of Counsel

Applicant alleges Counsel was ineffective in failing to advise him of the possibility of being sentenced to a sentence other than time served. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An applicant 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 applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C.

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16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969).

Applicant has failed to meet his burden in proving Counsel was ineffective in any regard. This Court finds Counsel's testimony credible and persuasive on all matters. This Court finds Counsel is a criminal practitioner who has experience in the trial of serious offenses and specifically DUI cases. Counsel properly advised Applicant of the elements of the crime and that the State could likely produce evidence to find him guilty given the toxicology report and Applicant's statement. Counsel properly went over all discovery with Applicant and discussed with Applicant that prescription drugs can still result in a DUI offense. Counsel also properly relayed the plea negotiations that allowed Applicant to plead under Alford. Applicant now claims he would have elected to go to trial but has not shown any error in Counsel's assistance at trial. He told him to plead instead, and therefore he cannot prove any prejudice. Applicant made the decision to accept the State's offer to plead under Alford. Although Applicant asserts that Counsel informed him that he would be receiving a time-served sentence, Counsel testified that there was never an offer for a time-served sentence. Furthermore, it is clear from the record that the plea judge advised Applicant that he could be sentenced "between 30 days, but could [be sentenced] up to 15 years in prison" on the charges. (Plea Transcript, 12-13). When asked if he understood

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the sentencing range, Applicant answered in the affirmative. (Plea Transcript, 13). Accordingly, this allegation is denied and dismissed with prejudice.

Involuntary Guilty Plea

Applicant further argues his plea was not given freely and voluntarily. This Court finds otherwise and concludes that Applicant's plea was entered freely and voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1691, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir. 1975).

Applicant claims his plea was given involuntarily because he thought he would receive a time-served sentence. This Court finds this contention meritless. This Court finds the record reflects Applicant was fully advised that he was pleading under Alford and therefore waiving any challenges to the evidence against him. The plea court's thorough colloquy with Applicant demonstrates that he understood the consequences of pleading under Alford. This Court finds

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Applicant's testimony not credible. Applicant presented no credible evidence as to why he should be able to depart from his statements at the plea hearing. This Court finds very credible Counsel's testimony regarding his preparation and advice concerning the case. The record reflects Applicant fully admitted his guilt to the plea court. "A guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 129 (2014) (citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013); Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Notably the South Carolina Supreme Court has held "[a] guilty plea represents a break in the chain of events which has preceded it in the criminal process." Id. (citations omitted). "When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." Id. (citing Rice, 401 S.C. at 332, 737 S.E.2d at 486). Therefore, this Court finds the plea judge correctly found Applicant's plea was freely, voluntary, and intelligently made.

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 Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds Applicant has abandoned any such allegations.

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V. CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Applicant failed to demonstrate counsels' performance was unreasonable under prevailing

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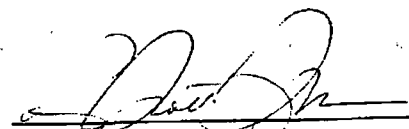
professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt 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, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant will remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 1 day of July, 2015


R. SCOTT SPROUSE
Presiding Judge

W. Albritton, South Carolina

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2015 JUL -6 PM 3:31
M. HOPE BLACKLEY

DOCKET NO. **13-GS-42-1393**

WITNESSES

- 1. SENTENCE MADE ☒
- 2. REPORT ENDED ☒
- 3. CARD PULLED ☒
- 4. INDEXED ☒
- 5. CHECKED WARRANTS ☒
- 6. CHECKED SIGNATURE ☒
- 7. ASSESSMENT AND FINE CARD MADE ☒
- 8. TRAFFIC VIOLATION COPY ☒

ARREST WARRANT NUMBER
F836572 and F836573

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: **MAR 29 2013**

VERDICT

Foreperson of Petit Jury

Date:

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

APR 8 2013

TERM

THE STATE
v.

MICHAEL DEAN STAGGS

Indictment for

FELONY DUI – GREAT BODILY INJURY
(TWO COUNTS)

SC Code: 56-5-2945 (A) (1)

CDR Code: 0406

Class **FEL/D**

M. HOPE BLACKLEY

2013 APR - 4 AM 10:25

CLERK OF COURT
SPARTANBURG COUNTY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

MAR 28 2012

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

FELONY DUI - GREAT BODILY INJURY (Count I)

That the Defendant, Michael Dean Staggs, did in Spartanburg County on or about January 11, 2013, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Restriction on Speeding (Article II, Section 56), and/or
- (2) Failure of driving on roadway laned for traffic (Section 56-5-1900), and/or
- (3) Failure to maintain proper control of vehicle, and/or
- (4) Driving Left of Center (Sections 56-5-1810 and 56-5-1880), and/or
- (5) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (6) Reckless Driving (Section 56-5-2920) and/or
- (7) Driver's failure to exercise due care and/or

Which proximately caused Great Bodily Injury to Loretta Ann Ouellette, in violation of §56-05-2945 (A) (1), of THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

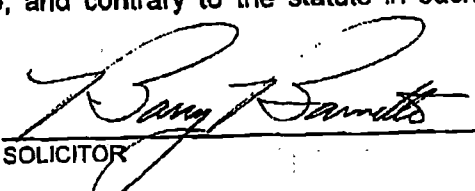
FELONY DUI - GREAT BODILY INJURY (Count II)

That the Defendant, Michael Dean Staggs, did in Spartanburg County on or about January 11, 2013, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs, and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Restriction on Speeding (Article II, Section 56), and/or
- (2) Failure of driving on roadway laned for traffic (Section 56-5-1900), and/or
- (3) Failure to maintain proper control of vehicle, and/or
- (4) Driving Left of Center (Sections 56-5-1810 and 56-5-1880), and/or
- (5) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (6) Reckless Driving (Section 56-5-2920) and/or
- (7) Driver's failure to exercise due care and/or

Which proximately caused Great Bodily Injury to Harry Anthony Meadows, in violation of §56-05-2945 (A) (1), 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.


 SOLICITOR