

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY

Brian M. Gibbons, Circuit Court Judge

**RECEIVED**

MAR 11 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MARVIN KADARRO WORKMAN

APPELLANT

APPELLATE CASE NO. 2015-001903

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA  
COURT OF GENERAL SESSIONS  
COUNTY OF FAIRFIELD  
2015-GS-20-00284 to 00286

State of South Carolina

vs.

Marvin Workman

Winnsboro, South Carolina  
September 2, 2015

Before the Honorable Brian M. Gibbons

APPEARANCES

For the State: Riley Maxwell

For the Defendant: William Frick

Reported by: Michael C. Watkins  
Official Court Reporter

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## PLEA COLLOQUY

1 MR. MAXWELL: Your Honor, this is Marvin Workman, Mr.  
2 Workman is represented by Mr. Frick. Mr. Workman has been  
3 charged with failure to stop for a blue light,  
4 2014-GS-20-224, he is pleading guilty as charged there.  
5 He's been charged with possession of a firearm by a violent  
6 felon, 2015-GS-20-225, pleading as charged. He was  
7 initially charged with three counts of burglary, two being  
8 burglary first, one being burglary in the second degree.  
9 We've basically consolidated those charges into a direct  
10 indictment of receiving stolen goods, it is a third  
11 property offense, he is pleading to the enhanced property  
12 offense, 2015-GS-20-226. All three of those charges he's  
13 waiving presentment to the grand jury and entering the  
14 plea, and per his plea the State is dismissing the three  
15 burglary counts as well as the unlawful carrying of a  
16 pistol that was related to this case. The State is  
17 recommending a six year active sentence. Mr. Workman is  
18 also on the community supervision program and I believe  
19 probation is ready to handle that issue as well.

20 THE COURT: All right. Thank you. Mr. Frick, you  
21 represent Mr. Workman?

22 MR. FRICK: Yes, sir.

23 THE COURT: Have you had a full opportunity to go over  
24 all of these charges with your client?

25 MR. FRICK: Yes, sir.

## PLEA COLLOQUY

1 THE COURT: And what is it he wishes to do?

2 MR. FRICK: Plead guilty.

3 THE COURT: Based upon your investigation into these  
4 matters, do you agree with that decision?

5 MR. FRICK: I do.

6 THE COURT: All right. Mr. Workman, you are 29 years  
7 of age?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you understand what you're doing in  
10 court today?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand what these charges are  
13 against you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Well, let's go over the possible  
16 punishments. The enhanced property crime of receiving  
17 stolen goods carries up to ten years in prison, do you  
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. I need you to step up and I  
21 need you to quit moving around and look at me. Okay. The  
22 possession of a firearm by a person convicted of a violent  
23 felony carries up to five years, do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. The failure to stop for a blue

## PLEA COLLOQUY

1 light charge carries up to three years in jail, do you  
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And, of course, you understand that the  
5 State is recommending that you receive a six year active  
6 sentence, do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. So understanding all of those  
9 things, how do you wish to plead?

10 THE DEFENDANT: No contest.

11 THE COURT: Okay. Now, Mr. Workman, has anybody  
12 forced, pressured, coerced or made you come to court today  
13 against your will to plead no contest?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody promised you anything or held  
16 out any hope or reward to get you to plead no contest?

17 THE DEFENDANT: No, sir.

18 THE COURT: Do you understand that on a recommendation  
19 the Court is not bound to do what the State is  
20 recommending, that means I can give you the ten years or I  
21 can give you -- well, what is in front of me now is up to  
22 18 years, do you understand that?

23 THE DEFENDANT: I didn't understand that at the  
24 beginning now.

25 THE COURT: All right. Well, I'm explaining it to

## PLEA COLLOQUY

1 you. The recommendation is simply just that, they are  
2 recommending that I give you six and we'll leave it at  
3 that, that's what they're recommending. But just because  
4 they're recommending that doesn't mean I have to do that.  
5 If I thought it was best for Fairfield County and the State  
6 of South Carolina I could give you ten, plus five, plus  
7 three, for a total of 18. Of course, if I was going to do  
8 that -- if I was going to max you out like that I would let  
9 you withdraw your plea and go talk to your lawyer some  
10 more, do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So understanding all of those things you  
13 still wish to go forward with this guilty plea?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Now, you have a right to a  
16 trial and at a trial the State has to prove you guilty  
17 beyond a reasonable doubt of all of these crimes, do you  
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You don't have to prove anything because  
21 you're presumed innocent until proven guilty, do you  
22 understand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you been over your trial rights with  
25 your lawyer?

## PLEA COLLOQUY

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. So you know you lose the right  
3 to remain silent and you lose the right to confront  
4 witnesses and you lose the right to that jury trial when  
5 you plead guilty, do you understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Are you satisfied with your  
8 lawyer?.

9 THE DEFENDANT: Yes, sir.

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

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have anymore questions of him at  
13 this time?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Are you under the influence of  
16 anything today that would make you not understand what is  
17 going on?

18 THE DEFENDANT: No, sir.

19 THE COURT: Do you also understand that we have a  
20 community supervision issue that we have to deal with as  
21 well?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I if I find that you have willfully failed  
24 to comply with the terms and conditions of your community  
25 supervision the Court can revoke up to one year of whatever

## PLEA COLLOQUY

1 that underlying sentence is, do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. Listen carefully to what the State  
4 says happened and then we will go from there.

5 MR. MAXWELL: As I stated earlier, Your Honor, we are  
6 dismissing the burglary charges but I'm going to talk about  
7 them briefly because this is how the story begins. On May  
8 8th of 2015 there was a burglary at Dr. Janet Mason's home  
9 on \_\_\_\_\_ Road about late -- about 5:45 p.m in  
10 the afternoon, she was away from home at the time. Entry  
11 was made through a screened window, the screen being  
12 removed from the window, some TV's, two shotguns and some  
13 watches were taken from the home. On May 10th of 2015  
14 there was another burglary on \_\_\_\_\_ in Ridgeway, it's  
15 the home of Richard and Diane Willis, they were, I think,  
16 gone out on a Sunday afternoon. They arrived home late in  
17 the afternoon and found that their side door had been  
18 kicked in, two TV's, a 12-inch computer, shotgun and some  
19 jewelry were taken from the home. On May 12th of 2015 a  
20 deputy was on patrol on Highway 34 about 1:30 in the  
21 morning, saw a GMC Yukon with a defective plate light.  
22 Deputy began to follow that car, deputy observed it  
23 swerving and crossing the center line, activated his blue  
24 lights and siren and attempted to do a traffic stop. The  
25 car accelerated, they reached speeds up to 100 miles an

## PLEA COLLOQUY

1 hour, entered the city limits of Ridgeway at about 85 miles  
2 per hour. The car turned on Highway 21 South, then it  
3 began to smoke, looks like some fuel may have been leaking  
4 or some oil may have been leaking from it according to the  
5 deputy, a tire went out at some point. The car turned on  
6 Macedonia Church Road, it slowed down and the driver fled  
7 on foot while the truck was still moving. The deputy gave  
8 chase and apprehended Mr. Workman, who was the driver after  
9 a short foot pursuit, about a 500-yard foot pursuit. There  
10 ended up being -- the deputy wasn't initially aware of it,  
11 but there was another individual in the car who was found  
12 within a half hour or so that was walking down the road.  
13 Inside the car they found a shotgun that was the shotgun  
14 that was either taken from Dr. Mason's house or the Willis  
15 home. There was a handgun also found in the car that was  
16 taken from one of the homes. They also found some of the  
17 watches on Mr. Workman's personal possessions when he was  
18 taken up to the jail that were taken from Dr. Mason's home.  
19 There was some other items found in the car as well that  
20 were taken from either of the two burglaries and I think  
21 maybe some other larcenies around Fairfield County. The  
22 other person found was Desmond Badue (phonetically), he or  
23 his mother or his parents were the registered owners of the  
24 Yukon. Mr. Workman, again, was the driver. That's  
25 essentially all of the facts of the case. Your Honor.

## PLEA COLLOQUY

1 I'll give you his record at the appropriate time.

2 THE COURT: Mr. Workman, before I ask if you still  
3 wish to plead no contest, one thing -- I was looking at  
4 these sentencing sheets as well as these indictments, these  
5 cases that you're standing in front of me for this morning  
6 have not been presented to the Fairfield County Grand Jury.  
7 Now, you have a right to have these cases presented to the  
8 Fairfield County Grand Jury, and 12 out of the 18 grand  
9 jurors have to vote to what's called true bill it, that  
10 means they have to do that before you even have to appear  
11 in front of a judge to possibly face these charges. Do you  
12 understand your grand jury rights?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you been over those with your lawyer?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now, you don't have to go through the  
17 grand jury if you don't want to, you can go ahead and get  
18 it over with today if you want to do that. What do you  
19 wish to do?

20 THE DEFENDANT: Go ahead and get it over with.

21 THE COURT: Is anybody making you do that against your  
22 will?

23 THE DEFENDANT: No, sir.

24 THE COURT: Okay. Thank you. Did you hear what the  
25 State told me they would be able to prove if this case went

## PLEA COLLOQUY

1 to trial? Did you hear what he said?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you still wish to plead no contest?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. The Court accepts your plea. As to  
6 sentencing, let me hear from the State considering his  
7 prior record and the reason for the recommendation?

8 MR. MAXWELL: Yes, Your Honor. Your Honor, he was  
9 convicted of burglary in the third degree in 2003 along  
10 with grand larceny and blue light, received an active YOA  
11 sentence at that point in time. 2005 he was convicted of  
12 possession of a stolen vehicle and simple possession of  
13 marijuana, so the grand larceny and the possession of a  
14 stolen vehicle would enhance any subsequent property  
15 crimes. 2006 he was convicted of burglary in the second  
16 degree, he received a four year active sentence. In 2009  
17 he was convicted of assault and battery with intent to kill  
18 and attempted armed robbery, received an eight year active  
19 sentence, and I believe that's what he's on community  
20 supervision for now. We did make contact with the victims.  
21 Dr. Mason did not wish to be present, I didn't speak about  
22 it because it was an attempted burglary but we are  
23 dismissing it and the victims in that did not wish to be  
24 present. As far as Richard and Diane Willis, I think  
25 they're both teachers. They were informed of today's

## PLEA COLLOQUY

1 hearing, they've come to prior hearings, they are  
2 interested in the case. I believe their daughter, there  
3 was a chance she was going to come, she's not present, but  
4 we've been in contact with all of the victims. Your Honor,  
5 we are recommending a six year active sentence concurrent  
6 on all charges.

7 THE COURT: Okay.

8 MR. MAXWELL: We do understand the difficulty we have  
9 maybe possibly prosecuting the burglaries and that's why  
10 we've changed it to a stolen goods enhanced property  
11 offense case because that fits and it's a little bit  
12 stronger case there.

13 THE COURT: Thank you. Before I hear from you in  
14 mitigation then, Mr. Frick, let me hear from probation and  
15 parole.

16 AGENT HICKS: Yes, Your Honor. He is on CSP with a  
17 beginning date of February 27th of 2015. Outside of the  
18 reason why we're here today in reference to the charges he.

19 AGENT HICKS: Has no subsequent significant  
20 violations. He had two positive drug screens and he is in  
21 arrears on his supervision fee and drug test fee.

22 THE COURT: Anything else?

23 AGENT HICKS: No, Your Honor.

24 THE COURT: Thank you. Mr. Frick.

25 MR. FRICK: Your Honor, I've known Mr. Workman for a

## PLEA COLLOQUY

1 little while now. In fact, the first time I met Mr.  
2 Workman I was the one standing over there and we were  
3 talking about that, that was closing in on ten years ago.  
4 We are both a good deal older now, Mr. Workman is now 29  
5 years of age. He has had a rough go of it, Your Honor, I  
6 would say. He denies any involvement in the burglaries in  
7 this case. I do believe it was his -- of course, it was  
8 the co-defendant's car that was involved, unfortunately he  
9 was the one driving the co-defendant's car when it was  
10 pulled over that evening and it did have items that came  
11 from these houses, that is why we are entering the no  
12 contest. We believe that the State probably has a very  
13 good chance of convicting him of a possession of stolen  
14 goods, but not necessarily the burglaries, and, of course,  
15 the State has agreed to that as well and that's why we are  
16 here today. Your Honor, Mr. Workman was trying to do  
17 better. He'd been down the road, he'd gotten home, was  
18 doing good and then about the first part of this year his  
19 brother was killed, and as of this time no one has been  
20 arrested for that, it's an ongoing investigation who that  
21 person could be. There's been a whole lot of rumor and  
22 speculation and stuff throughout the community and that has  
23 caused a great deal of stress on Mr. Marvin Workman because  
24 his brother was about the only family he had left. Doesn't  
25 excuse what he did, Your Honor, but it is a reason for why

## PLEA COLLOQUY

1 he didn't have his mind in the right spot. I think he's in  
2 a better place now but he's still dealing with that. He  
3 knows he's got to face the punishment, he recognizes he's  
4 got to be careful who he's hanging around with and that's  
5 on him and that's why he is standing here today and he is  
6 accepting responsibility for not being in the right place  
7 at the right time. I would ask you to go along with the  
8 recommendation, just -- the straight sentence, I think, is  
9 appropriate and he is prepared to do that. He has been in  
10 our detention center since his arrest on May 12th of this  
11 year, I've got that calculated as 136 days. I would just  
12 ask you to sentence him under the recommendation and give  
13 him the credit allowed.

14 THE COURT: All right. Thank you. Mr. Workman,  
15 anything you would like to tell me before I impose  
16 sentence?

17 THE DEFENDANT: No, sir.

18 THE COURT: All right. Well, let me do a little bit  
19 of talking. The problem I have, Mr. Workman, is that, you  
20 know, you've been involved with criminal behavior for a  
21 long time, your record goes back for awhile. You received  
22 an active YOA, you got out, you broke the law again with  
23 burglaries or possession of a stolen vehicle, whatever it  
24 was, and you ended up serving four years in SCDC. You get  
25 out and you think you would have learned your lesson then,

## SENTENCING

1 but no, you commit more crimes and then you go to jail for  
2 eight years of which you're being released now. You're on  
3 community supervision and you get out in February, I mean,  
4 three months after you get out in February you do all of  
5 this. I mean, you know, are you going to be the type of  
6 person that a judge is going to have to just lock up for  
7 life to stop from reoffending? See, that's kind of where  
8 you're heading if you done get your life together, do you  
9 understand what I'm saying?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And I hope you do learn while you are  
12 incarcerated and you won't continue to reoffend whenever  
13 you do get out. All right. I'm not going to follow the  
14 recommendation but I'm not going to max him out either.  
15 Sentence of the Court on indictment 15-GS-20-226 is ten  
16 years. The sentence of the Court on indictment 225 is  
17 five. Sentence on 224 is three and we're going to run them  
18 all concurrent. Credit for the time he's served. I do  
19 find he has willfully failed to comply with the terms and  
20 conditions of his community supervision, therefore I revoke  
21 one year, run that concurrent with the ten year sentence.  
22 Good luck to you.

23 MR. FRICK: Judge, I've got to ask because he's going  
24 to file a PCR if I don't ask this, you had initially said  
25 if you weren't going to follow the recommendation you would

## SENTENCING

1 consider --

2 THE COURT: That was if I was going to max him out and  
3 give me consecutive sentences on May 8. I make a specific  
4 finding for the purpose of the PCR record that Mr. Frick  
5 has done an outstanding job representing his client,  
6 specifically considering that he was facing what kind of  
7 burglary charges?

8 MR. MAXWELL: Burglary in the first degree on two of  
9 them.

10 THE DEFENDANT: I would rather just go ahead and go to  
11 trial, I don't want to accept no other pleas.

12 THE COURT: Well, see you later. It's done. You're  
13 going to jail for ten years.

14 (End of the hearing.)

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1 I, the undersigned, Michael C. Watkins, Official Court  
2 Reporter for the Sixth Judicial Circuit of the State of South  
3 Carolina, do hereby certify that the foregoing is a true,  
4 accurate and complete transcript of the proceedings had and  
5 evidence introduced in the trial of the captioned case  
6 relative to appeal in the Court of General Sessions for  
7 Fairfield County, South Carolina, on the 2nd day of  
8 September, 2015.

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

11

12

January 13, 2016

13

14



Michael C. Watkins

15

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Court Reporter

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FAIRFIELD )


INDICTMENT

At a Court of General Sessions, convened on September 15, 2015, the Grand Jurors of Fairfield County present upon their oath:

**Receiving Stolen Goods \$2,000 or Less Third Offense Property Crime**

That Marvin Workman did in Fairfield County on or about May 12, 2015, buy, receive, or possess certain personal goods, miscellaneous items, of Dr. Janet Mason and Richard Willis valued at less than \$2,000, knowing or having reason to believe that the property was stolen the defendant having been twice or more previously convicted of a property crime the term of imprisonment for which was contingent upon the value of the property involved in violation of §16-13-0180(A), (B)(1) and § 16-01-0057 *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.

  
\_\_\_\_\_  
Douglas A. Barfield, Jr. SOLICITOR

WITNESSES

The State of South Carolina  
County of Fairfield

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2015

ARREST WARRANT NUMBER/DOA

DIRECT INDICTMENT

THE STATE  
vs.

Marvin Workman

ACTION OF GRAND JURY

Foreperson of Grand Jury  
Date:

VERDICT

Indictment for  
Receiving Stolen Goods \$2,000 or Less  
Third Offense Property Crime

SC Code: § 16-13-180(A), (B)(1), 16-01-57  
CDR Code: 3598  
Class: Felony, E

Foreperson of Petit Jury  
Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FAIRFIELD )

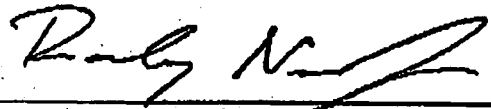
INDICTMENT

At a Court of General Sessions, convened on September 15, 2015, the Grand Jurors of Fairfield County present upon their oath:

**POSSESSION OF FIREARM OR AMMUNITION BY PERSON CONVICTED OF  
FELONY VIOLENT CRIME**

That Marvin K. Workman did in Fairfield County on or about May 12, 2015, possess a firearm or ammunition, to wit: a .38 special revolver and a 12 gauge shotgun, within this state, the Defendant having been previously convicted of a violent crime defined in Section 16-1-60 of the Code of Laws of South Carolina that is classified as a felony offense in violation of Section 16-23-500 of the *Code of Laws of South Carolina*.

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



Randy E. Newman, Jr., SOLICITOR

**WITNESSES**

Rolfe-FCSO

DOCKET NO. 2015-GS-20-225

**The State of South Carolina**

**County of Fairfield**

**COURT OF GENERAL SESSIONS**

**SEPTEMBER TERM 2015**

**ARREST WARRANT NUMBER/DOA**

2015A2010100267 (DOA-05-13-15)

**THE STATE**

**vs.**

**ACTION OF GRAND JURY**

**Marvin K. Workman**

*Foreperson of Grand Jury*

*Date:*

**VERDICT**

**POSSESSION FIREARM OR AMMUNITION BY  
PERSON CONVICTED OF FELONY VIOLENT  
CRIME**

SC Code: §16-23-500

CDR Code: 3434

Class: Felony F

*Foreperson of Petit Jury*

*Date:*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FAIRFIELD )

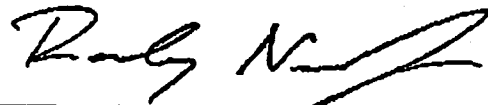
INDICTMENT

At a Court of General Sessions, convened on September 15, 2015, the Grand Jurors of  
Fairfield County present upon their oath:

**FAILURE TO STOP FOR BLUE LIGHT AND SIREN**

That Marvin K. Workman did in Fairfield County on or about May 12, 2015, being  
a motor vehicle driver and while driving on a road, street, or highway of this state,  
knowingly and wilfully fail to stop when signaled to do so by Deputy Rolfe of the Fairfield  
County Sheriff's Office in a law enforcement vehicle by means of a siren or flashing light  
in violation of § 56-5-750(A), (B)(1), *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.



Randy E. Newman, Jr., SOLICITOR

**WITNESSES**

Rolfe-FCSO

DOCKET NO. 2015-GS-20- 22-A

**The State of South Carolina**  
**County of Fairfield**

**COURT OF GENERAL SESSIONS**

**SEPTEMBER TERM 2015**

**ARREST WARRANT NUMBER/DOA**

2054A2010100265 (DOA-05-13-15)

**THE STATE**  
**vs.**

**Marvin K. Workman**

**ACTION OF GRAND JURY**

*Foreperson of Grand Jury*  
Date:

**VERDICT**

**Indictment for**

**Failure to Stop for Blue Light and Siren**

*Foreperson of Petit Jury*  
Date:

SC Code: § 56-5-750(A), (B)(1)  
CDR Code: 0065  
Class: Misdemeanor, A

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

March 11, 2016

*Robert M. Pachak*

Robert M. Pachak  
Appellate Defender

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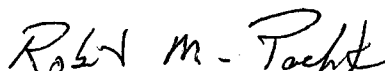
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March 11, 2016



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ATTORNEY FOR APPELLANT

**RECEIVED**

MAR 11 2016

**SC Court of Appeals**