

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Dillon County

Thomas A. Russo, Circuit Court Judge

RECEIVED

JUN 30 2016

SC SUPREME COURT

WILLIE MORRISON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-002250

APPENDIX

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ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 2 COUNTY OF DILLON) No. 2012 GS 17 0368; 0370; 0371;
) 0821
 3

4 STATE OF SOUTH CAROLINA)
)
 5)
)
 6 versus) TRANSCRIPT OF RECORD
)
 7)
)
 8 WILLIE GREGORY MORRISON)
)
 9 Defendant)

10 Dillon, South Carolina
 11 October 9, 2013
 12

13 B E F O R E :

14 HONORABLE PAUL M. BURCH, Judge
 15

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

17 For the State: SHIPP DANIELS, Esq.
 Solicitor

18 For the Defendant: NICHOLAS LEWIS, Esq.
 19

20 Reporter Present: HATTIE O. GORDON
 21

22
 23 HARRIET P. BENNETT
 Reporter, S. C. Court Administration
 24 46 Regency Oaks Drive
 Summerville, S.C. 29485
 25

1 (The within matter came before the Court for hearing on
2 October 9, 2013)

3 SOLICITOR: Your Honor, may it please the Court?

4 THE COURT: Yes, sir.

5 SOLICITOR: Your Honor, before you is Willie Gregory
6 Morrison on several Indictments.

7 On 2012 GS 17 370 for possession of a weapon during
8 the commission of a violent crime; 2012 GS 17 368, for
9 murder; 2012 GS 17 371 for burglary in -- burglary in
10 the first degree; and then in a separate incident, 2012
11 GS 17 821 for burglary in the second degree.

12 Judge, this is a plea to the Indictments as stated,
13 except that the murder is a plea to voluntary manslaughter
14 with a recommendation here of thirty years which would be
15 the maximum on voluntary manslaughter.

16 With me are Ali Wilson, the mother of Mr. Barr, the
17 victim in this case. Also David Barr who is the brother
18 of the victim in this case.

19 Either one of them or maybe both would like to address
20 the Court at the appropriate time.

21 Also, Chief Crystal Moore of the Latta Police Depart-
22 ment is here, and she will give the factual things in these
23 cases and have some things to say as well at the appropriate
24 time.

25 This is a plea with a recommendation, a very strong

1 recommendation, of the maximum of thirty years.

2 THE COURT: All right.

3 SOLICITOR: There are a few other minor charges that
4 will be -- two shopliftings that I'm going to dismiss in
5 conjunction with this plea.

6 THE COURT: All right. Mr. Lewis, have you discussed
7 these charges with Mr. Morrison and explained them to him
8 with the elements of the offenses and also his jury trial
9 rights?

10 MR. LEWIS: Yes, we have discussed that, Your Honor.

11 THE COURT: In your opinion does he understand your
12 advice?

13 MR. LEWIS: He does, Your Honor.

14 THE COURT: And how does he desire to plead to these
15 charges at this time?

16 MR. LEWIS: Guilty, Your Honor.

17 THE COURT: Is that correct?

18 DEFENDANT: Yes, sir.

19 THE COURT: You are forty years of age?

20 DEFENDANT: Yes, sir.

21 THE COURT: Are you from Dillon?

22 DEFENDANT: Yes.

23 THE COURT: And your education?

24 DEFENDANT: Eleventh.

25 THE COURT: And occupation?

1 DEFENDANT: I was doing construction work, sir.

2 THE COURT: On Indictment 2012 368 for murder, the
3 sentencing sheet indicates that you are entering a plea to
4 a lesser included offense of voluntary manslaughter.

5 Do you know that murder could carry up to life and a
6 voluntary manslaughter carries up to thirty years, so you
7 are entering a plea to a lesser offense?

8 DEFENDANT: Yes, sir.

9 THE COURT: This incident occurred in Dillon County
10 on or about March 27th of 2012 when you killed Jessie W.
11 Barr by shooting him, and that he died as a proximate re-
12 sult of that shooting on March -- the same day, March 27,
13 2012.

14 How do you plead to that offense of voluntary man-
15 slaughter?

16 DEFENDANT: Guilty, Your Honor.

17 THE COURT: The next one is 370, possession of a wea-
18 pon during the commission of a violent crime, and you could
19 receive up to five years on that.

20 That in Dillon County on March 27, 2012, you did pos-
21 sess a firearm or visibly displayed what appeared to be a
22 firearm during the commission of a violent crime which was
23 voluntary manslaughter.

24 How do you plead on that?

25 DEFENDANT: Guilty, Your Honor.

1 THE COURT: And 371 is for burglary in the first de-
2 gree. In Dillon County on or about March 27, 2012, you en-
3 tered the dwelling of Jessie W. Barr at
4 without consent and with intent to commit a crime therein,
5 and this was done in the night time, all in violation of 16
6 11 311 of the Code of Laws of South Carolina, 1976, as
7 amended.

8 Burglary carries up to thirty years -- up to life --
9 it carries up to life. How do you plead on that?

10 DEFENDANT: Guilty.

11 THE COURT: And 821 is a burglary second degree --
12 November 6, 2011, in Dillon County you entered without
13 consent with intent to commit a crime therein the dwell-
14 ling of Tyrone McCray located at in
15 Latta, in violation of 16 11.312 of the Code of Laws of
16 South Carolina, 1976, as amended.

17 You could receive up to ten years on that.

18 How do you plead?

19 DEFENDANT: Guilty.

20 THE COURT: Do you understand by entering these pleas
21 of guilty that you are waiving your constitutional right
22 to a jury trial?

23 DEFENDANT: Yes, sir.

24 THE COURT: If you were to have a trial, the State
25 would have to prove your guilt beyond a reasonable doubt,

1 to convince twelve jurors unanimously of your guilt.

2 With your attorney's help, you could examine the
3 State's witnesses and put up your own defense if you wished.

4 Do you understand that?

5 DEFENDANT: Yes.

6 THE COURT: You could cross examine the State's wit-
7 nesses and also you would have a right to testify in your
8 own defense, but you would also have the constitutional
9 right to remain silent.

10 If you elected not to testify, it couldn't be held
11 against you, and I will tell the jury that; that it is your
12 Fifth Amendment right under the United States Constitution.

13 Do you understand that?

14 DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that you are presumed
16 innocent and that presumption of innocence stage that you
17 would possess in a trial would only end if the jury con-
18 victed you?

19 DEFENDANT: Yes..

20 THE COURT: If a jury did convict you, you would have
21 a right to appeal just as you can enter an appeal to a
22 guilty plea as long as you file notice of appeal within
23 ten days of sentencing.

24 Those are your basic rights. Any questions?

25 DEFENDANT: No, sir.

1 THE COURT: Do you understand them?

2 DEFENDANT: Yes, sir.

3 THE COURT: You have discussed this at length with
4 counsel?

5 DEFENDANT: Yes, sir.

6 THE COURT: You do understand them?

7 DEFENDANT: Yes, sir.

8 THE COURT: You do not want a trial?

9 DEFENDANT: No, sir.

10 THE COURT: Now, you are satisfied with his help?

11 DEFENDANT: Yes, sir.

12 THE COURT: Any problem I want to hear about it now.

13 DEFENDANT: No, sir.

14 THE COURT: Have you understood all my questions?

15 DEFENDANT: Yes, sir.

16 THE COURT: Has he contacted everybody you've asked
17 him to contact?

18 DEFENDANT: Yes.

19 THE COURT: Has anybody promised you anything, held
20 out any hope of reward or threatened you in any way to get
21 you to plead?

22 DEFENDANT: No, sir.

23 THE COURT: Do you suffer from any condition, mental
24 or physical, that could be affecting your understanding
25 at this time?

1 DEFENDANT: No, sir.

2 THE COURT: And do you understand what you're doing?

3 DEFENDANT: Yes, sir.

4 THE COURT: You are not under the influence of any al-
5 cohol, drugs or medication?

6 DEFENDANT: No, sir.

7 THE COURT: You are entering this plea or these pleas
8 of your own free will and accord?

9 DEFENDANT: Yes, sir.

10 THE COURT: Nobody is making you do it?

11 DEFENDANT: No, sir.

12 THE COURT: I find your pleas are freely, voluntarily
13 and intelligently entered into; that you've had the ser-
14 vices of a competent attorney with whom you say you are
15 satisfied. I accept the pleas.

16 SOLICITOR: Thank you, Judge. May it please the
17 Court?

18 As for the facts on the murder, I would defer to
19 Chief Moore.

20 CHIEF MOORE: Judge, on March 27th at three or around
21 three fifteen in the morning, the police department received
22 a call of a gunshot. Mr. Barr was actually shot at his
23 house.

24 He doesn't have a phone so they had to go down to the
25 neighbor's house. They called nine one one, and when the

1 officer got there he asked him who shot him. He was able
2 to tell the officer at the time it was -- he called him
3 Waldo and then he said Willie Morrison.

4 The ambulance picked him up, and when he got to the
5 hospital they pronounced him dead.

6 We started investigating within probably an hour.
7 There were shell casings inside the house and on the road
8 out in front of the house, and then we called in SLED.

9 At that time, we were able to find that the front door
10 had been kicked in. The door was still in the locked posi-
11 tion.

12 Getting all of that straight, we got a phone call from
13 the emergency room in Florence that Mr. Willie Morrison was
14 there with a gunshot wound.

15 So at that time we sent SLED and officers there to
16 talk with Willie. At first he weren't helpful but during
17 the investigation later on he was helpful and give us some
18 information which actually led to two other arrests being
19 made in it.

20 He stated that he intended on going there to rob him,
21 and that when he got there there was gunshots from both
22 of them.

23 He admitted it, and that is where we are today with
24 this.

25 THE COURT: Okay.

1 SOLICITOR: Judge, as for the facts on the burglary
2 second that took place in 2011 -- Chief Moore.

3 CHIEF MOORE: That was actually a burglary of a club
4 in Latta that got robbed during the night. There was blood
5 left where they broke in.

6 So while he was in the jail on the murder, the DNA
7 came back that it was his blood that we actually got for
8 evidence at the break-in.

9 There was a bunch of beer and alcohol stolen in that.

10 THE COURT: Okay. I appreciate your giving me the
11 facts on the investigation. It sounds like it was well
12 done.

13 CHIEF MOORE: Thank you, sir.

14 SOLICITOR: Judge, if you'd now hear from the victim's
15 family? Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 SOLICITOR: This is David Barr, the victim's brother.

18 (Brief pause)

19 SOLICITOR: She would like to speak to you. Actually
20 this is Ms. Ali Wilson.

21 THE COURT: Ms. Wilson.

22 MS. WILSON: Thank you, Your Honor. Forgiveness is a
23 process, and I have worked on it.

24 MR. DAVID BARR: Your Honor, I am David Barr, as men-
25 tioned, and my mother and all of her family has had a really

1 tough time in this situation. For my mother particularly
2 in the bottom of her life to have to bury her youngest
3 son. So it has been a really, really tough time.

4 I realize that in Court proceedings negotiations take
5 place, and the fact that he's pleading to a lesser charge
6 doesn't in our mind take away from the fact that a murder
7 occurred, a murder of my brother and her son. It was a
8 murder.

9 Toward that end, we would simply like to request that
10 the maximum sentence be gave for the offense. As we were
11 having to prepare before these proceedings began I had to
12 struggle with that.

13 So we are simply asking for justice. That's all we are
14 asking for, is justice.

15 THE COURT: Thank you so much for being here.

16 SOLICITOR: Judge, if I could just wrap up briefly by
17 saying that Ms. Wilson and Mr. Barr have been more than
18 understanding in the way they have conducted themselves in
19 the bond hearings and through this plea.

20 And the reason for a lesser included to voluntary man-
21 slaughter is that Mr. Morrison has given some significant
22 assistance to both the State and Federal law enforcement on
23 multi issues.

24 As I explained to Ms. Wilson and Mr. Barr on Monday,
25 we have to give some credibility to that, and we have to

1 give him something in return. We can only give you the in-
2 formation that Mr. Morrison has been helpful to law enforce-
3 ment.

4 We feel this is a fair deal, assuming the thirty year
5 recommendation on the voluntary manslaughter charge, and,
6 finally, Judge, as mentioned earlier, the Latta Police De-
7 partment and SLED broke this case and did an outstanding job
8 with hard work. I would like to thank them.

9 We would not be standing here with even a chance to
10 give justice to Mr. Barr without that. Thank you.

11 MR. BARR: I would like to thank the Chief too for all
12 that she has done for our family, Your Honor.

13 THE COURT: Okay. Just a moment.

14 (Brief pause in the process)

15 MR. LEWIS: Your Honor, I have a letter from Mr.
16 Morrison's sister that I would pass up to you.

17 (Brief pause)

18 THE COURT: All right.

19 MR. LEWIS: Your Honor, with Mr. Morrison is Alicia
20 Morrison, Larry Williams, Tricia Lott and John Lott in be-
21 half of Mr. Morrison.

22 This is one of those unfortunate situations where
23 there is no true happy ending for anyone. Both sides have
24 lost. An innocent man on one side and on the other a man
25 is going off to prison.

1 So we hope this will provide some kind of closure in
2 some kind of way or will lead to that. I and Mr. Morrison
3 -- we have gotten to know each other since he has been in
4 jail on March 27th of last year.

5 I am very shocked to know that he was involved in this
6 from speaking with him and his family members. He is not a
7 violent person at all. He is a very religious
8 person, I know, and since he has been incarcerated he was
9 leading a church service.

10 With regards to the actual facts here, he was not
11 going out intending to shoot Mr. Barr. Unfortunately, by
12 the time he got there things had escalated and there was
13 not enough time unfortunately for him to change his mind
14 and someone lost their life.

15 Mr. Morrison stands here accountable for that, and as
16 has been said he has cooperated with the State. We hope
17 that you will consider granting him some leniency here.
18 He did not want to waste the time of the Barr family by
19 going to trial and to waste the Court's time.

20 He understands he will have to do some time for this.
21 He knows that and accepts it. He has said he is guilty of
22 this, and we are asking for some leniency for this since
23 he has been helpful and cooperative.

24 THE COURT: Anything you wish to tell me?

25 DEFENDANT: If Your Honor please, could I speak to the

1 family, please?

2 I've been thinking about this for a long time, and
3 the only thing I can say is that I apologize for what I
4 done.

5 I'm a very religious person, and I don't know much
6 about you and his brother. I remember you, maam, many
7 times on the porch -- you tell me, what you doing over
8 here, and I say, I'm going to see Jessie, you know, and
9 you say I'm coming to see my son -- I been over to your
10 mother's. See what I'm saying?

11 I'm here to plead guilty for what I done to Jessie,
12 and I hear what you say about forgiveness -- what you
13 say about being able to forgive.

14 You know, the Bible teaches us about forgiveness, and
15 I'm not trying to put it out as a religious thing, but we
16 all serve the Almighty God, and while I listen to you,
17 mother, brother, first of all, I would like to send my
18 condolences to the family of Mr. Jessie Barr, my friend.
19 All of you are my friends, just like God is my friend.

20 In order for me to truly understand the pain and the
21 resentment you hold against me I put my family into your
22 shoes. I feel your hurt at this moment, not saying it
23 is not hard when a family member pass away at the hands
24 of another man. Yes, indeed, it is.

25 I can't really feel your sorrow because everyone don't

1 take death the same as you have as a family.

2 I stand before you close family here in the Court, and
3 I have to deal with the result of my behavior and knowing
4 I can't bring him back and with my guilt.

5 I apologize for you, and I hope and pray that the
6 Court understands what I'm saying. I know that punishment
7 is a part of justice, Your Honor. I only hope that with
8 my sentence outcome that the family can go on, and may God
9 put peace in your heart and forgiveness to forgive me for
10 what I've done.

11 Last but not least, also the family, just remember
12 what the Bible say (portion inaudible) how often shall my
13 brother sin against me and I forgive him -- seven times?
14 No, seventy times seven.

15 What I'm trying to say is, please forgive me for kill-
16 ing your brother, but just remember that he got forgiveness
17 from me.

18 Your Honor, whatever you might do, let it do justice.
19 I know what I done and I want you to have mercy on me. I
20 apologize once again to the Court and to the family.

21 I know you're hurting and in pain but just remember I
22 love you because the Bible tells us to love, and I want
23 you to forgive me, to find it in your heart to forgive
24 me because you the ones who needs to forgive.

25 I know it's hard but you have the rest of your lives.

1 Bless you and may heaven smile upon you. God bless you.

2 MS. WILSON: I accept your apologies.

3 DEFENDANT: Thank you. Thank you.

4 First of all, thank you, Jesus. Thank you, Ms.

5 Barr. Thank you, Your Honor.

6 (Portion inaudible)

7 DEFENDANT: Just remember, I thank God for you. I
8 thank God for you, and God hears you. God hears you.

9 Thank you, Your Honor. Thank you, Jesus.

10 MS. MORRISON: My name is Alicia Morrison, and I stand
11 here for the Morrison family and in behalf of my uncle. May
12 it please the Court?

13 I would ask that you show some compassion for my uncle
14 and his family. Our family has never been in a situation
15 such as this.

16 My family took a great loss in 2008 in the death of his
17 mother, my grandmother, who raised ten children and myself
18 and my siblings. She brought us up in church and to fear
19 God.

20 I moved out of my grandmother's home I turned to the
21 crowd but my uncle turned to another rock, which was crack
22 cocaine, trying to replace the hurt and anguish of losing
23 his mother, the only person who has ever provided for us.

24 My uncle used crack to try to compensate for the loss.
25 Yes, he was using when there was some other crime, but

1 after his mom died he was using and so I would ask many
2 people, many of my family, what I could do to help with
3 my uncle's addiction, and they would tell me nothing but
4 pray for him.

5 Our family did just that. Unfortunately, (portion
6 inaudible)

7 We are losing an uncle, a brother and a son to the
8 system and through drugs and addiction. We ask for mercy
9 from the Court, and we trust that God will have mercy as
10 well.

11 Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 MR. LEWIS: Mr. John Lott.

14 MR. LOTT: First of all my heart breaks for this
15 family and breaks for him.

16 He wasn't raised this way. He came up in our church,
17 the church that I pastor in, and for years he has been ac-
18 tive in the church.

19 Sometimes people get out of the church and go out in
20 the world and do things of the world, but this is not his
21 character, and he stayed in church. I know him person-
22 ally and as a member of the church. His mother brought
23 him up in church.

24 This is a terrible thing that happened, and we just
25 ask for mercy for him for the things he has done. We ask
for the mercy of the Court.

1 THE COURT: Is the Defense done presenting its case?

2 MR. LEWIS: Yes, sir.

3 THE COURT: Anything further?

4 SOLICITOR: Judge, I just want, very briefly if I may,
5 to touch on two very brief things.

6 One, I certainly respect the family of Mr. Morrison
7 for being here and for what they said as well. One thing
8 that was said during the mitigation was that someone en-
9 abled the addiction that Mr. Morrison had.

10 You know, Mr. Morrison is here because Mr. Morrison
11 committed murder. He's not here because somebody enabled
12 something a long time ago. He's here because he committed
13 murder.

14 I don't want anything to take away from the fact that
15 he is the one to blame, not somebody else a long time ago,
16 but him.

17 Finally, I would ask the Court to strongly ^{consider} the len-
18 iency that was mentioned, and I understand that's their
19 job, but I would like the Court to understand the leniency
20 Mr. Morrison has already received by not pleading to a
21 day for day murder charge which is significant.

22 And as a result, the maximum sentence for involuntary
23 should be imposed.

24 Thank you.

25 THE COURT: Well, it is obvious that drugs were a

1 part or played a part in this. We don't have a real feel
2 for what went on. The shooting wasn't -- there wasn't a
3 lot of evidence that there was a robbery attempt. We only
4 had a little bit of information there.

5 SOLICITOR: Just a moment, please.

6 (Brief pause)

7 CHIEF MOORE: There was a robbery attempt, Judge.
8 There was -- it was known there were some drugs in Jessie's
9 house at times, and this is what he basically was going for,
10 to rob him of drugs.

11 When I did talk to him for the first time, he did
12 tell me that he was -- he did tell me he was strung out
13 that night when he actually went into the house.

14 SOLICITOR: I will tell the Court we have spoken to
15 the family. We spoke with them on Monday about this.

16 There is no evidence to support the idea that Mr.
17 Morrison went to Jessie's house that night with the inten-
18 tion to kill him. We don't think that's what happened.
19 We think he went to rob him, and things happened and Mr.
20 Morrison has no idea or any recollection of what happened
21 to Mr. Barr because he was so strung out on whatever he was
22 strung out on.

23 The bottom line is that the murder happened, but we
24 don't think Mr. Morrison went there with the intention to
25 do -- with murder in his heart for Mr. Barr.

1 MR. LEWIS: Your Honor, are we just addressing things?
2 We would say the same thing, that there was no intent to
3 murder. No one really knows what happened.

4 MR. BARR: Well, he did it, and as Reverend Billy
5 Graham would say (portion inaudible). He got involved in
6 it then, and the day he gets out it will be right there
7 tempting him again.

8 THE COURT: Well, I want you all to understand that a
9 recommendation is one thing, but what it boils down to is
10 whether I give a concurrent sentence to him or a consecu-
11 tive sentence.

12 When was he incarcerated?

13 MR. LEWIS: March 27th of last year, Judge.

14 THE COURT: Thirty-nine years old and some things can
15 be passed off as youthful mischief due to drug use on his
16 prior record.

17 I'm tempted to go with consecutive, but I have listened
18 to the family here and listened to what he has said, what
19 everybody has said.

20 On the voluntary manslaughter, the sentence is thirty
21 years, credit for time served since March 27, 2013. I
22 recommend drug treatment so that you can get some relief
23 from that.

24 On the burglary, the sentence is thirty years concur-
25 rent. Credit for time served.

1 On the weapons charge, five years, concurrent, with
2 credit for time served.

3 On the burglary, second degree, ten years, concurrent,
4 same credit.

5 SOLICITOR: Thank you, Your Honor.

6 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

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CERTIFICATE

1
2 I, HARRIET P. BENNETT, Court Reporter for South
3 Carolina Court Administration, do hereby certify that the
4 foregoing Transcript was prepared from the records of
5 Hattie Gordon to the best of my ability, having been
6 heard in the Court of General Sessions for Dillon County
7 on October 9, 2013.

8 FURTHER, I certify that I am neither of kin nor
9 counsel to any party to this matter, nor do I have any
10 interest in the same.

11 September 8, 2014

Harriet P. Bennett

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FORM 5

2014-CP-17198

STATE OF SOUTH CAROLINA)

County of Dillon County)

IN THE COURT OF COMMON PLEAS

Willie MORRISON)

#306544

Full name and prison number (if any) of Applicant)

v.

State of South Carolina

ACERTIFIED
TRUE COPY

[Signature]

CLERK OF COURT
DILLON COUNTY

APPLICATION FOR
POST-CONVICTION REVIEW

FILED
GWEN T. HYATT
2014 MAY -7 PM 2:31
CLERK OF COURT
DILLON COUNTY

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be written (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 an additional page. Applicant shall make clear to which questions 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 for 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.

- Place of detention Dillon Lieber Correctional Institution
- Name and location of Court which imposed sentence Dillon County Detention Center
- Name(s) of co-defendant(s) (if any) Lerzenzo Smith, David Graves
- The indictments number or numbers (if known) upon which and the offences for which sentence was imposed:
(a) 2012-GS-17-0368, 0821, 0370, 0371

2-13-14

(b) _____

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) Oct 9, 2013

(b) Sentence to 30 years

(c) _____

6. Check whether a finding of guilty plea 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? _____

Ask for a appeal

8. If you answer "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. Dont know

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. N/A

ii. _____

iii. _____

(c) the date of each such result:

i. N/A

ii. _____

iii. _____

(d) if known, citations of written opinion entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. If you answered "no" to (7), state reasons for not appealing:

(a) I ask for a appeal

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegations that you are being held in custody unlawfully:

(a) Ineffective Assistance of Trial Counsel

(b) Solicitor broke contract on the Plea.

(c) _____

11. State concisely and in the same order the facts which support each ground set out in (10):

(a) Counsel was ineffective and deficient for not objecting to defendant's sentence when it was agreed upon 15yrs,

(b) but received 30yrs instead. See Missouri v. Frye, 132 Sct 1399

(c) March 21, 2012. Applicant reserves the right to amend PCR grounds and facts upon appointments of counsel.

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? Yes

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.

(b) the name and location of the Court in which each was filed:

i. Gwen T. Hyatt: Clerk of Court

ii. P.O. Box Drawer 1220

iii. Dillon, S.C 29536

(c) the disposition thereof:

i.

ii.

iii.

(d) the date of each such disposition:

i. December 5, 2013

ii.

iii.

(e) if known, citations of written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. N/A

iii.

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. N/A

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? don't know
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?

(e) preparation, presentation or consideration of any petition, motion or applications with respect to this conviction, which you filed? NO

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. MR. Nicholas Lewis, 122 North McArthur Avenue
 - ii. Post Office Box 29
 - iii. Dillon S.C 29536

(b) the proceeding at which each attorney represented you:

- i. guilty plea
- ii. _____
- iii. _____

(9) State concisely the relief you seek in filing this application:

2014-CP-17192

I receive the 15 years that was a written plea agreement honor as in the alternative a vacate conviction and sentence and remand for a new trial.

20. Are you now under sentence from any other court that you have not challenged?

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Dorchester County

I, Willie MORRISON #306544, 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 include 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.

Willie Morrison

FILED
GWEN T. HYATT
2014 MAY -7 PM 2:21
CLERK OF COURT
DILLON COUNTY

SWORN to and subscribed before me this 28th
Day of April, 2014

Yvette Blome (L.S.)
Notary Public

My Commission Expires: 8/20/2016

CERTIFIED
TRUE COPY
Gwen T. Hyatt
CLERK OF COURT
DILLON COUNTY

2014-CP-171 02

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

I, Willie Morrison #306544, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefore. 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.

Willie Morrison
Applicant

SWORN to and subscribed before me this 28th
Day of April, 2014
Jnette Blone (L.S.)
Notary Public

My Commission Expires: 8/20/2016

FILED
GWENT T. HYATT
2014 MAY -7 PM 2:20
CLERK OF COURT
DILLON COUNTY

A CERTIFIED
TRUE COPY
Gwent T. Hyatt
CLERK OF COURT
DILLON COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF DILLON

)
)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTH JUDICIAL CIRCUIT

Willie Morrison, #306544,

)

Case No. 2014-CP-17-192

Applicant,

)
)

v.

)

RETURN

State of South Carolina,

)
)

Respondent.

)
)

Respondent, making its Return to the Application for Post-Conviction Relief filed May 7, 2014, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dillon County Clerk of Court. In May 2012, the Dillon County Grand Jury indicted Applicant for murder (2012-GS-17-368), possession of a weapon during the commission of a violent crime (2012-GS-17-370), and first degree burglary (2012-GS-17-371). In April 2013, the grand jury indicted Applicant for second degree burglary (2012-GS-17-821). Nicholas I. Lewis, Esquire, represented Applicant. On October 9, 2013, Applicant pled guilty as indicted on all charges except the murder charge, which was reduced to voluntary manslaughter. The Honorable Paul M. Burch sentenced Applicant to concurrent terms of thirty (30) years for manslaughter, five (5) years for possession of a weapon during the commission of a violent crime, thirty (30) years for first degree , and ten (10) years for second degree burglary. Applicant did not appeal his plea or sentence.

II.

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

1. "Ineffective Assistance of Trial Counsel"
 - a. "Counsel was ineffective and deficient for not objecting to defendant's sentence when it was agreed upon 15 yrs, but received 30 yrs instead."
2. "Solicitor broke contract on the plea."

Any claims not specifically enumerated in the application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRPC.

Attached to this return and incorporated herein are the records of the Dillon County Clerk of Court regarding the subject conviction(s), Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript. Any records not attached will be forwarded upon receipt. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III.

Respondent submits Applicant's allegation of ineffective assistance of plea counsel is without merit. 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, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of plea counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process" that the plea proceedings "cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court strongly presumes plea counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, the Applicant must prove plea counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, plea 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." 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).

Respondent submits Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of plea counsel probably raises questions of fact the record does not conclusively refute. Accordingly, 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.

To the extent Applicant raises allegations regarding his plea agreement independent of his ineffective assistance of counsel claim, Respondent submits such allegations are without merit. The State may withdraw a plea offer at any time prior to the court accepting the defendant's plea. Reed v. Becka, 333 S.C. 676, 688, 511 S.E.2d 396, 402 (Ct. App. 1999) ("A plea agreement is only an 'offer' until the defendant enters a court-approved guilty plea. A defendant accepts the 'offer' by pleading guilty. Thus, until formal acceptance of the plea by the court has occurred, the plea binds no one, not the defendant, the State, or the court." (citing Harden v. State, 453 So.2d 550 (Fla. Dist. Ct. App. 1984))). The only exception to this rule is when the defendant detrimentally relies on the plea offer. Id. Respondent submits the record indicates the State fully complied with any plea agreement made with Applicant. Respondent further submits the record also reflects Applicant entered his plea freely, knowingly, and voluntarily. Simpson v. State, 317 S.C. 506, 508, 455 S.E.2d 175, 176 (1995) ("To knowingly and voluntarily enter a plea of guilty, all that is required is that a defendant have a full understanding of the consequences of his plea and of the charges against him." (citing Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991))). Likewise, Applicant was advised at this plea of the consequences of pleading guilty, including the sentencing range. See Wolfe v. State, 326 S.C. 158, 164, 485 S.E.2d 367, 370 (1997) (any possible errors by counsel regarding sentencing advice cured by plea colloquy). Therefore, Respondent requests this allegation be dismissed pursuant to Rule 12(b)(6), SCRPC.

V.

Respondent denies each and every allegation not hereinbefore expressly admitted, qualified, or explained.

VI.

WHEREFORE, having made its return, Respondent requests an evidentiary hearing be held on those issues so requiring one.

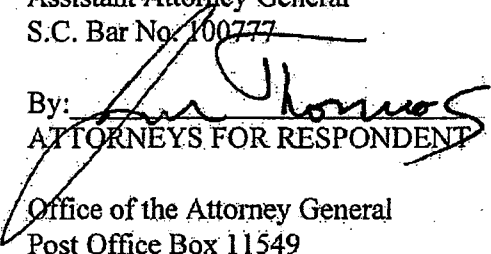
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
S.C. Bar No. 100777

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

Nov. 21, , 2014

State of South Carolina) In the Court of Common Pleas
) Fourth Judicial Circuit
 County of Darlington) 2014-CP-17-00192

Willie Morrison,)
)
 Plaintiff,)
)
 Vs.) Transcript of Record
)
 State of South Carolina,)
)
 Defendant.)
)
)
)

July 29, 2015
 Darlington, South Carolina

B e f o r e :

The Honorable Thomas A. Russo, Judge

A p p e a r a n c e s :

Tristan Shaffer, Esquire
 Attorney for the Plaintiff

Joshua L. Thomas, Esquire
 Attorney for the Defendant

Bonnie H. Kelly, CVR
 Circuit Court Reporter

I N D E X

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E X H I B I T S

NO.	DESCRIPTION	I.D.	EV.
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-- NO EXHIBITS ENTERED --

1 MR. THOMAS: May it please the Court?

2 THE COURT: Yes, sir.

3 MR. THOMAS: This is *Willie Morrison vs. the State of*
4 *South Carolina*, case number 2014-CP-17-192. This was a
5 May, 2012 indictment for murder, possession of a weapon
6 during the commission of a violent crime, and burglary
7 first degree; an April, 2013 indictment for burglary second
8 degree.

9 He was represented on those charges by Nicholas Lewis.
10 He pled guilty on October 9, 2013, to voluntary
11 manslaughter, possession of a weapon, burg first, and burg
12 second.

13 Judge Burch sentenced him to 30 years for voluntary, 5
14 for the weapon charge, 30 for the burglary first, and 10
15 for the burglary second; all those to run concurrent.

16 He filed this PCR in May of 2014, alleging ineffective
17 assistance of counsel for failing to object to his
18 sentence. He is represented by Tristan Shaffer, present,
19 and the State's ready to proceed.

20 MR. SHAFFER: And Your Honor --

21 THE COURT: Yes.

22 MR. SHAFFER: -- before we begin, there are two -- two
23 other issues related to ineffective assistance of counsel
24 that he is raising. One is that he's asserting that his
25 counsel was ineffective on failing to advise him on self-

1 defense properly -- on the law of self-defense.

2 He's also asserting that his counsel was ineffective
3 for failing to request a 15-year sentence, which is what he
4 believed -- he -- or advising him that there was a 15-year
5 sentence. I believe that Mr. Morrison will testify that he
6 -- he was under the impression that he was going in there
7 for a 15-year -- he was going to get a 15-year plea
8 whenever he entered the plea. And that was based off of
9 his attorney's statements, I believe.

10 And those are the only two -- two other issues that we
11 were going to address today.

12 THE COURT: All right.

13 MR. THOMAS: No objection to those, Your Honor.

14 THE COURT: Okay. All right.

15 MR. SHAFFER: Applicant will call Nick Lewis to the
16 stand.

17 THE COURT: All right. Mr. Lewis.

18 NICHOLAS LEWIS, having been first
19 duly sworn, testifies as follows:

20 THE WITNESS: Nicholas Lewis.

21 DIRECT EXAMINATION BY MR. SHAFFER:

22 Q Mr. Lewis, did you represent Mr. Morrison?

23 A I did.

24 Q Okay. And how did you come to represent him?

25 A He was appointed to me.

DIRECT EXAMINATION BY MR. SHAFFER - NICHOLAS LEWIS 6

1 Q Okay. Were you a public defender?

2 A Yes.

3 Q Okay. And if you could, tell us about the allegations
4 against him.

5 A Well, the facts alleged were that this was a burglary,
6 that Mr. Morrison was charged with trying to rob Jessie
7 Barr; and during the course of that, he ended up shooting
8 Mr. Barr.

9 Q Now, did he cooperate with police? Did he give a
10 statement?

11 A Eventually he did, yes.

12 Q Okay. And were you present for the statement that he
13 gave?

14 A I was.

15 Q What was his statement that he gave, what recitation
16 of the facts?

17 A I remember that he was making a point to say he was
18 under the influence of drugs, and that he was going to rob
19 him. He had no intentions of trying to kill Mr. Barr, but
20 that he was under the influence of drugs and it ended up
21 happening. He might have knocked on his door -- knocked on
22 the door. He thought he heard something, but then there
23 was gun fire that came out.

24 Q Now, do you have your file here?

25 A It's on the chair.

1 Q Could I actually get -- could I hand you your file?

2 A Yes.

3 Q Do you have a copy of his statement in here?

4 A I do not.

5 Q Okay. You don't have a copy of his Rule 5?

6 A I do not.

7 Q Okay. Now, what was going -- or did you discuss with
8 him whether it would be a good idea to go to trial or plead
9 guilty in this case?

10 A Yes.

11 Q What -- what was your advice?

12 A Due to the evidence, I did think it was in his best
13 interest to have -- to plea. I met with Mr. Morrison
14 numerous times, but I did think it was in his best interest
15 to plea, based on the facts.

16 Q Okay. And he was shot as a result of this -- this
17 situation, correct?

18 A Yes.

19 Q Okay. The -- the victim actually shot him; is that
20 correct?

21 A That is what we believe. There was gunfire on both
22 sides, but he -- he was shot. I can't ...

23 Q Did you discuss possible defenses to the case with
24 him?

25 A We did discuss every possible situation involved in

1 the case, yes.

2 Q Okay. What possible defenses did you have?

3 A Honestly, I did not think he had too many. We did
4 discuss them, but he did confess and he -- and the victim
5 also -- I think, when officers came to the scene, also said
6 that Waldo, Willie Morrison, shot him.

7 I remember him discussing, in one of our
8 conversations, about him changing his mind, which is not
9 really a defense, but something used for mitigation. But
10 we did discuss all possible options.

11 Q And you mean "changing his mind" about the robbery?

12 A When he got there, yes.

13 Q Okay.

14 A Sorry.

15 Q And regarding the plea, when did you get the plea
16 offer in relation to when he actually pled guilty?

17 A The final offer, I would have to look at my notes, but
18 it might have been maybe a month before? I -- I'd have to
19 look at my notes -- the -- the actual final offer because
20 we got different --

21 Q What was the initial offer in the case, do you recall?

22 A I don't. At one point I think it might have been 30,
23 and the only point it might have gotten to 20. But the
24 final -- final offer was 30 to -- to voluntary
25 manslaughter.

1 Q Okay. At any point did you advise him of the
2 possibility of getting less than 30?

3 A Yes.

4 Q Okay. When was that? Was that related to the final
5 offer or ...

6 A Yes. Even maybe -- I know definitely during the final
7 offer, once we heard the 30; and I relayed that to Mr.
8 Morrison, and we were discussing mitigation and based on
9 what we present, I was saying I was hopeful that we know --
10 we could maybe get something in the range of 20. That was
11 my ideal, my projection.

12 Q Okay. No further questions.

13 THE COURT: Mr. Thomas?

14 CROSS-EXAMINATION BY MR. THOMAS:

15 Q Mr. Lewis, how many meetings do you think you had with
16 Mr. Morrison, ball park?

17 A At least 10, at least. But definitely double digits,
18 especially near the end. I met him a lot.

19 Q And then you had an opportunity during those meetings
20 to go over the State's evidence with him?

21 A Yes.

22 Q And you talked about his version of what happened.

23 A Yes.

24 Q Based on that, did you guys discuss self-defense?

25 A It -- it got mentioned, but I didn't -- especially

CROSS-EXAMINATION BY MR. THOMAS - NICHOLAS LEWIS 10

1 with him confessing, it -- especially at the end, it never
2 -- it was kind of a moot point.

3 Q And self-defense probably wouldn't have been
4 applicable here any way.

5 A I 'don't think so. Correct.

6 Q And that's because he was definitely at fault by going
7 there to rob somebody.

8 A Correct.

9 Q And as far as the plea negotiations, was this an open-
10 ended plea? Was it a recommended plea? What -- do you
11 remember that?

12 A It was a recommended.

13 Q And the State recommended 30?

14 A Yes. And he made a point to say, during the -- the
15 plea, the solicitor, a strong recommendation of 30.

16 Q And did you explain to him what that meant?

17 A Yes.

18 Q Did you ever promise him that you would get him --
19 that he would get anything less than 30?

20 A I never promised, no.

21 Q Did you ever promise him he would get 15?

22 A Never, no.

23 (Brief pause.)

24 MR. THOMAS: Thank you, Mr. Lewis. That's all I have.

25 THE COURT: Thank you very much, sir.

DIRECT EXAMINATION BY MR. SHAFFER - WILLIE MORRISON 11

1 THE WITNESS: Thank you, sir.

2 THE COURT: You may step down.

3 (The witness complies.)

4 THE COURT: Call you next witness.

5 MR. SHAFFER: Applicant would call Mr. Morrison to the
6 stand.

7 THE COURT: All right. Mr. Morrison, please, sir, if
8 you would come around to be sworn.

9 WILLIE MORRISON, having been first
10 duly sworn, testifies as follows:

11 DIRECT EXAMINATION BY MR. SHAFFER:

12 Q Mr. Morrison, you're currently incarcerated after a
13 guilty plea, right?

14 A Yes, sir.

15 Q The charges that led to this -- you gave a statement
16 and -- and I'd like you to tell the Court what your
17 statement was.

18 A Yes. My statement was that I went to Mr. Jessie Barr
19 house to really purchase some drugs, not to rob him because
20 I used to stay -- stay with him plenty nights and plenty
21 days; and I did a lot or errands for him and I did a lot of
22 things for him. Why should I take the man's life?

23 But at the same time, I -- me and the co-defendant
24 walked up there to the door and I knocked on the door. And
25 he say, "Who?" And I said my alias name, which is "Waldo."

DIRECT EXAMINATION BY MR. SHAFFER - WILLIE MORRISON 12

1 And he said, "It ain't nothing." I said, "No, sir. I need
2 to speak to you 'cause I got something for you so that I
3 can get some drugs from you." So he said, "It ain't
4 nothing."

5 So five or ten minutes later the door came open and --
6 and the -- and the guy inside the house, which was Jessie
7 Barr -- he opened fire. And as I -- as I seen the fire
8 come from the gun, I was running off the porch. As I run
9 off the porch, I -- I react for the gun that I had and I
10 shot.

11 It was -- it was mid -- it was dark, so I didn't
12 realize that I shot him or not. But my intention was not
13 going over there to rob him or shoot him. It was just a
14 reflex that I had done, you know, that -- that I shot back.

15 So my intention was not going to rob him as -- as you
16 -- as you shot -- as I was shooting, I didn't realize I
17 shot him in the arm or by the chest. And as I -- as that,
18 he shot me in my hand. I didn't realize til I got to my
19 destination.

20 Q Okay. And -- and there was something in your
21 statement about somebody kicking in the door.

22 A Yes. My -- yes. I -- I -- I wasn't the one kick the
23 door. My co-defendant, David Grays, had kicked the door.

24 Q Okay. Now, how many times did you meet with Mr. Lewis
25 prior to trial?

1 A Several times.

2 Q Okay.

3 A I can't recall how many numbers, but it was several
4 times.

5 Q Did he go over the discovery with you?

6 A Not -- not -- not my notion. He spoken -- concern
7 about what evidence they may have on me or something. But
8 it wouldn't -- they had evidence, because I had -- I had
9 wrote a statement to what had conspired and what had
10 happened. They didn't need no -- you know, need that right
11 off hand.

12 But he did not show me none of that.

13 Q Okay. What other evidence, other than your statement,
14 did they have against you?

15 A I didn't see none of that. I have -- I asked for the
16 autopsy and stuff that's -- you know, that I need to see
17 for myself. But I didn't get none of that.

18 I asked for it, and also, when I was at the county
19 jail, I asked him can I get my -- my Rule 5, all my stuff.
20 He told me I couldn't. I had to find out. And I asked him
21 why I could not get it, he said that you got to wait til
22 the jail or somebody, you know, get a piece of paper
23 stating that I'm fixing to get my information that I need.

24 And I -- to -- to this day I don't have -- have it yet
25 or receive it from him. I wrote him several letters before

DIRECT EXAMINATION BY MR. SHAFFER - WILLIE MORRISON 14

1 he, you know, left my case. And I haven't received no Rule
2 5, no autopsy report, none of that stuff yet.

3 Q Okay. Did he discuss with you self-defense?

4 A Yeah. He spoke to me about that. He said it wasn't -
5 - it wasn't no way I could get self-defense. I said, "Why
6 because the -- the guy inside the house, Jessie Barr, he
7 shot me first in the hand prior to, you know, what -- what
8 conspired."

9 And I -- and to this day the bullet's still in my
10 hand, in my right hand, a 38.

11 Q Your statement to police, was it -- did it say that
12 you were trying to rob him?

13 A They put it as I tried to rob him. But I told in my
14 statement I was not going to rob Mr. Jessie Barr.

15 Q Where -- did you sign something saying you were trying
16 to rob him?

17 A No, sir. Not -- no, sir.

18 Q But they alleged you were trying to rob him.

19 A Yes. They were trying to say I alleged because as the
20 door got kicked in, they perceive as it was a burglary or
21 something. But noone did not enter the house because we
22 didn't have a chance to enter the house because of the
23 shooting.

24 Q Was your co-defendant trying to rob him?

25 A I can't say because -- but I -- I know this much that

1 my co-defendant and the guy that is deceased now, Jessie
2 Barr, they had some kind of confrontation prior to me going
3 over that night, a couple of days before that. If I would
4 have known that, I wouldn't never went with him period, you
5 know.

6 But him and the other guy had a confrontation or
7 something, then that may be what caused the conflict of the
8 shooting or -- or whatever. I don't know for sure whether
9 the man really shooting for me or not.

10 Q Do you think if you would have known about self-
11 defense, if he had advised you that it was a possible
12 defense to your case, that you would have gone to trial?

13 A Yes, sir. I -- I -- I would have went to trial. Yes,
14 sir.

15 Q And just so I -- I get -- get this right, Mr. Lewis
16 did tell you that self-defense would not apply in your
17 case?

18 A Yes, sir.

19 Q Now, did you want to appeal after your guilty plea?

20 A Yes, sir.

21 MR. THOMAS: I'm going to object to that, Your Honor.
22 That hasn't been pled at all, so what's the relevance of
23 that question?

24 MR. SHAFFER: I apologize, Your Honor.

25 THE COURT: Sustained. It's not part of the

DIRECT EXAMINATION BY MR. SHAFFER - WILLIE MORRISON 16

1 application.

2 DIRECT EXAMINATION BY MR. SHAFFER (continues.)

3 Q Now, prior to pleading guilty, what was your
4 understanding of what you were going to plead guilty to?

5 A I was going to plead guilty to involuntary
6 manslaughter, but it -- come to find out that they -- I got
7 -- they changed it from murder to manslaughter, 0 to 30.
8 But I thought I was getting 0 to 20. But I -- I proceeded
9 and got 30.

10 Q Okay. And you thought you were getting 0 to 20 for
11 what charge?

12 A For manslaughter.

13 Q Okay. Did -- who told you that you were going to get
14 0 to 20?

15 A I had spoken to Mr. -- Mr. Lewis about -- concerning
16 he said that he was going -- going speak to the solicitor
17 concerning what we spoke about, that he was going see if he
18 could get 0 to 20.

19 Q Did he tell you that manslaughter carried up to 30
20 years?

21 A He told me murder was 30 to life, I believe. And I
22 can't recall was zero -- you know, the other charge. But I
23 thought I was getting 0 to 20.

24 Q Okay. And you thought you were pleading 0 to 20 for
25 manslaughter?

1 A Yes, sir.

2 Q Okay. If you had known that you were pleading -- that
3 you were going to get -- well, during the -- during the
4 plea, they -- they recommended 30 years, right?

5 A Yes, sir.

6 Q Why didn't you -- why didn't you speak up and say that
7 you didn't want to plead guilty?

8 A I thought my lawyer had it under -- you know, and --
9 you know, I thought he had it, you know, all together --
10 all -- you know, all together. But seems like he didn't
11 because I received 30.

12 Q By "all together," you -- what do you mean?

13 A What I mean is that I -- when I was spoken [sic] to
14 him concerning the charge that I -- what I'm going to plead
15 to and -- and I thought he -- I was going to get 0 to 20,
16 but proceed, I -- I have not received that ---

17 Q Okay.

18 A --- as we see now.

19 MR. SHAFFER: No further questions.

20 THE COURT: Mr. Thomas.

21 CROSS-EXAMINATION BY MR. THOMAS:

22 Q The solicitor said at the plea that you went there to
23 rob him though, didn't he?

24 A Sir?

25 Q At the plea, the solicitor said you went there to rob

1 the victim.

2 A Yes, sir. That's what he said.

3 Q And you never thought to say, "Whoa, whoa, whoa, Judge

4 ---

5 A I ---

6 Q --- that's not what happened" ?

7 A I had spoken to Mr. Lewis and -- and -- and let him --

8 let him know that it was no intention of me going to rob

9 Mr. Barr, Mr. Jessie Barr, that's his name.

10 Q But you didn't tell anybody that at the plea hearing.

11 A At the plea, no. I told my lawyer. I thought he was

12 gonna -- done spoke to the solicitor about that --

13 concerning that situation.

14 Q But you didn't tell the judge at the plea hearing that

15 you didn't go there to rob him.

16 A No.

17 Q You didn't say that.

18 A No, sir.

19 Q And you remember the judge at the plea hearing saying

20 it carried up to 30?

21 A The charge?

22 Q Uh-huh.

23 A Yes. It's -- they said 0 to 30, yeah.

24 Q And you -- again, you didn't stop the judge and say,

25 "No, Judge, I'm getting 20 here"?

RE-DIRECT EXAMINATION BY MR. SHAFFER - WILLIE MORRISON 19

1 A No. I had -- I told -- I had spoken to my lawyer, Mr.
2 Nick Lewis, concerning all -- everything. He told me he
3 had everything, you know, on hand and I was okay. But they
4 give me a chance to -- to speak, and I had spoke what I had
5 to say.

6 Q And when you said what you had to say, you apologized
7 twice, right?

8 A Yes, sir. For what I done.

9 Q Thank you, Mr. Morrison. That's all I have.

10 RE-DIRECT EXAMINATION BY MR. SHAFFER:

11 Q Were you relying on your lawyer when -- when you
12 thought you were getting 20 years?

13 A Yes, sir, 'cause he told me everything --
14 consideration.

15 Q Okay.

16 MR. SHAFFER: No further questions.

17 THE COURT: All right. Thank you very much, sir. You
18 may step down.

19 (The witness complies.)

20 MR. SHAFFER: Applicant rests.

21 MR. THOMAS: Nothing from the State, Your Honor.

22 (Brief pause.)

23 THE COURT: All right.

24 MR. SHAFFER: Your Honor, I would -- I would just
25 argue that -- you know, that whenever you're doing criminal

1 defense work, a lot of times defendants might hear what the
2 judge says, but they're -- they rely on what they think
3 might be worked out with their lawyer. Sometimes that
4 creates confusion.

5 I think that Mr. Morrison was confused about it. I
6 think that he actually thought he was going to get up to 20
7 years, which is what -- what was indicated, you know, that
8 they might -- at some point there was a 20-year offer, I
9 think Mr. Lewis said. And I think that he -- he was
10 credible whenever he said that going there, he thought that
11 that might be the case.

12 There's also an issue of self-defense. I certainly
13 think that -- he's saying the guy shot at him, and he
14 didn't try to rob him, then, you know, self-defense may be
15 applicable. Even if the co-defendant was trying to rob
16 him, I certainly think it would have been at least a
17 defense at trial.

18 So I guess that I would argue that that was -- that it
19 would ineffective to advise him that it wasn't -- wasn't
20 really a defense. I mean, you know, it might not be the
21 best defense in the world, Your Honor, but it is a defense.
22 And he might have taken a chance of saying, "Hey, I want to
23 roll the dice if there is a defense out there."

24 And I would -- I believe the record speaks -- would be
25 consistent with what I said about that, Your Honor.

1 THE COURT: Okay. Mr. Thomas?

2 MR. THOMAS: Everything in the plea colloquy is clear
3 that this is a recommendation for a cap of 30. He got what
4 the recommendation was. I think the plea transcript itself
5 completely refutes that allegation.

6 As far as the self-defense goes, Mr. Lewis was
7 correct. Self-defense wouldn't have been a viable defense
8 here. He said they may have mentioned it, they might have
9 talked about it, but it wouldn't have been viable. And
10 that's because he -- under the theory of the case the State
11 went forward on, he went there to rob him. Under those
12 facts, he's bringing on the difficulty. He's not entitled
13 to self-defense in that case.

14 Even if he just went there to buy drugs, I would still
15 argue that he's bringing on the difficulty because he went
16 there with the co-defendant. The record's clear the door
17 was kicked in by somebody. So if he's engaging in -- in a
18 -- a act to go there and -- and buy drugs, they kicked the
19 door in, that's certainly a burglary. Again, no self-
20 defense there.

21 And -- and I would just submit that he waived all that
22 by pleading guilty, Your Honor. And we would ask that you
23 deny the application.

24 THE COURT: All right. I have -- haven't read it
25 verbatim, but I've -- I have perused through the plea

1 colloquy looking for certain things that Mr. Morrison
2 raises.

3 And -- and it -- it just -- you know, in presenting
4 the case to the Court back then, during the plea, in 2013,
5 the -- the solicitor made it clear what the -- the plea was
6 and the negotiations involved in the plea. And -- and --
7 and at no time is it anything other than reducing the
8 murder charge down to a voluntary manslaughter, and that it
9 was a recommendation of a 30-year sentence.

10 And -- and I -- I don't -- I think -- I don't know,
11 Mr. Lewis may have mentioned it, but I'm looking on page 2,
12 going -- line 25, going into page 3, the solicitor then
13 reiterates to the Court (as read): "This is a plea with a
14 recommendation, a very strong recommendation, of the
15 maximum of 30 years."

16 And then it goes further. Then the judge -- it talks
17 about other charges that -- that are being dismissed in
18 relation to the plea.

19 I know there was some testimony with regards to a
20 discussion of about 20 years. But it -- it doesn't appear
21 that that was ever actually offered.

22 I -- I -- I think, in his application, Mr. Morrison
23 and -- on Number 19, it says (as read): "State concisely
24 the relief you seek in filing this application." "That I
25 receive the 15 years that was a written plea agreement."

1 And -- and I -- there's no evidence in this case of a
2 written plea agreement, or at least that -- I haven't seen
3 it.

4 And so there's nothing in writing. There was a -- Mr.
5 Lewis, I think, discussed that, you know, he was hoping
6 that he could convince the Court to get something down in
7 that 20 year range, if not lower. But that that was never
8 offered or at least, as this plea went forward on this
9 date, that was not the recommendation clearly.

10 And all of this is done with Mr. Morrison present. At
11 -- at no time did Mr. Morrison ever correct anyone if this
12 was, in fact, a 15 year plea. The whole time it went
13 forward it was going forward understanding the State was
14 asking the Court for 30.

15 When it came to the -- the facts in the case, they --
16 they talked about the -- the facts being there to go and
17 rob and -- and the kicking in the door. And at no time
18 does -- does Mr. Morrison ever make any correction to that.

19 As a matter of fact, it states in the plea colloquy
20 that he intended to go there to -- he stated that he
21 intended to go there to rob him, and then, when he got
22 there, there were gunshots from both of them. He admitted
23 that, and the Court said, "Okay."

24 So all -- I mean, all of that's in front of the Court,
25 and there -- and -- and everyone remained silent as -- as

1 to making any corrections to any of that.

2 It -- it just appears that there's nothing in the
3 record that would support that Mr. Lewis was ineffective in
4 his representation. It doesn't appear that self-defense
5 would have been available to Mr. Morrison based on the
6 facts that were given at the -- at the plea to which he did
7 not dispute.

8 He does dispute it now, and I understand that. But
9 that doesn't appear to be the case at the time.

10 I don't find that there's been any -- that Mr. Lewis's
11 representation was deficient in any fashion. It does not
12 appear to -- to be an ineffective -- an appropriate
13 ineffective assistance case.

14 I just don't think that the Applicant has carried his
15 burden with regards to his application. And I'm going to
16 respectfully deny it.

17 MR. THOMAS: Thank you, Your Honor.

18

19

-- END OF TRANSCRIPT RECORD --

20

21

22

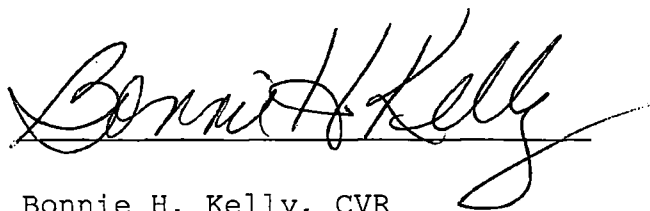
23

24

CERTIFICATE

1
2 I, the undersigned Bonnie H. Kelly, Official
3 Court Reporter for the Fifth Judicial Circuit of the
4 State of South Carolina, do hereby certify that the
5 foregoing is a true, accurate, and complete transcript
6 of record of all the proceedings had and evidence
7 introduced in the hearing of the captioned cause,
8 relative to appeal, in the Fourth Circuit Court for
9 Darlington County, South Carolina, on the 29th day of
10 July, 2015.

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

13
14 

15
16 Bonnie H. Kelly, CVR

17 Official Court Reporter

18
19 Columbia, South Carolina

20 January 9, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF DILLON) IN THE COURT OF COMMON PLEAS
FOR THE FOURTH JUDICIAL CIRCUIT

Willie Morrison, #300344,)
Applicant,) Case No. 2014-CP-17-192

CLERK OF COURT)
DILLON COUNTY)

v.)

ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)

This matter comes before the Court by way of an Application for Post-Conviction Relief filed May 7, 2014. Respondent made a timely Return on or about November 21, 2014. The Court convened an evidentiary hearing into the matter on July 29, 2015, at the Darlington County Courthouse. Applicant was present at the hearing and represented by Tristan M. Shaffer, Esquire. Joshua L. Thomas, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, Nicholas I. Lewis, Esquire, also testified. The Court had before it a copy of the plea transcript, the records of the Dillon County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this matter. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dillon County Clerk of Court. In May 2012, the Dillon County Grand Jury indicted Applicant for murder (2012-GS-17-368), possession of a weapon during the commission of a violent crime (2012-GS-17-370), and first degree burglary (2012-GS-17-371).

In April 2013, the grand jury indicted Applicant for second degree burglary (2012-GS-17-821). Nicholas I. Lewis, Esquire ("plea counsel"), represented Applicant. On October 9, 2013, Applicant pled guilty as indicted on all charges except the murder charge, which was reduced to voluntary manslaughter. The Honorable Paul M. Burch sentenced Applicant to concurrent terms of thirty years for manslaughter, five years for possession of a weapon during the commission of a violent crime, thirty years for first degree burglary, and ten years for second degree burglary. Applicant did not appeal his plea or sentence.

II. ALLEGATIONS

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

1. "Ineffective Assistance of Trial Counsel"
 - a. "Counsel was ineffective and deficient for not objecting to defendant's sentence when it was agreed upon 15 yrs, but received 30 yrs instead."
2. "Solicitor broke contract on the plea."

At the evidentiary hearing, Applicant proceeded on the following allegations:

1. Ineffective assistance of counsel for failing to advise on the law of self-defense.
2. Ineffective assistance of counsel for advising Applicant he would receive a fifteen year sentence.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

A. Ineffective Assistance of Plea Counsel

In this post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Because Applicant alleges ineffective assistance of plea counsel as a ground for relief, he must prove plea counsel's "conduct so undermined the proper functioning of the adversarial process" that the plea proceedings "cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether plea counsel provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The Court strongly presumes plea counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove plea counsel's performance was deficient. Id. Under this prong, the Court measures plea counsel's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, plea counsel's deficient performance must have prejudiced 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. Because he entered a plea, Applicant must show there is a reasonable probability that, but for plea counsel's

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

1. Self-Defense

The Court finds Applicant failed to meet his burden to demonstrate plea counsel ineffective in failing to advise him on the law of self-defense. Plea counsel testified he met with Applicant several times. He recalled Applicant giving a statement to police in which he confessed to shooting the victim during a robbery attempt. Plea counsel testified he reviewed the rest of the State's evidence with Applicant and discussed Applicant's version of events. Plea counsel testified he did not believe self-defense was appropriate in this case because the evidence showed Applicant was at fault in bringing on the shooting. However, he testified he did discuss self-defense with Applicant. In contrast, Applicant testified he told police he was simply going to buy drugs from the victim when the victim opened fire on him and his co-defendant. However, he admitted he agreed with the facts put forth by the State at the guilty plea hearing. Applicant testified plea counsel told him self-defense did not apply in his case. He maintained that he would have insisted on a trial if self-defense had been a possibility at trial.

The Court finds Applicant's testimony on this issue lacks credibility. Instead, the Court finds plea counsel's testimony credible and gives it great weight. Plea counsel conducted a proper investigation, adequately conferred with Applicant, and was thoroughly competent in his representation. The Court finds credible plea counsel's testimony he discussed self-defense with Applicant. Accordingly, Applicant waived his right to assert self-defense by entering his plea. See Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981) (knowing and voluntary plea waives non-jurisdictional defects and defenses (citations omitted)). Furthermore, the Court agrees with plea counsel's assessment that self-defense would not have been a viable defense

under the facts of this case. See, e.g., State v. Bryant, 336 S.C. 340, 345, 520 S.E.2d 319, 322 (1999) (self-defense not applicable where defendant brought on the initial difficulty by attempting a carjacking). Because this defense would not have been successful, plea counsel would not be deficient even if he did not discuss it with Applicant. See Arnette v. State, 306 S.C. 556, 557, 413 S.E.2d 803, 804 (1992) (counsel not ineffective for failing to advise of potential defense where no evidence exists to support the defense). Furthermore, Applicant cannot show he was prejudiced by plea counsel's advice because the defense would not have been successful at trial. Hill, 474 U.S. at 59 ("[W]here the alleged error of counsel is a failure to advise the defendant of a potential affirmative defense to the crime charged, the resolution of the 'prejudice' inquiry will depend largely on whether the affirmative defense likely would have succeeded at trial." (citations omitted)). Therefore, the Court finds Applicant was not ineffective in this regard.

2. Sentencing Advice

The Court finds Applicant failed to meet his burden to show trial counsel provided incorrect sentencing advice. Plea counsel testified the State's initial plea offer was for a sentence of thirty years. He testified he explained the nature of the recommended sentence to Applicant. Plea counsel testified he informed Applicant they may be able to convince the judge to issue a sentence in the twenty year range. However, he maintained he did not promise Applicant a sentence lower than thirty years. On the other hand, Applicant testified he thought he would get a sentence of zero to twenty years. However, he admitted he recalled the plea judge telling him he was facing up to thirty years.

The Court finds plea counsel's testimony on this issue credible and dispositive; Applicant's testimony is not credible. Plea counsel advised Applicant of the possible sentencing

range for his charge. He also explained to Applicant the nature of a recommended plea. Accordingly, the Court finds plea counsel's advice was not deficient in this regard. Furthermore, the plea colloquy reveals the sentencing judge and plea counsel informed Applicant of the range of possible sentences. Accordingly, any misconception Applicant may have had about the possible sentence was cured by the plea colloquy. Holden v. State, 393 S.C. 565, 575, 713 S.E.2d 611, 616 (2011) (citations omitted). Therefore, Applicant has likewise not demonstrated he was prejudiced by plea counsel's sentencing advice. Plea counsel was not ineffective in this regard.

B. 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, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

IV. 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's allegations are refuted by the credible testimony of plea counsel and by the transcript of the plea hearing. See Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) ("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. Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements." (citations omitted)); Kolle v. State, 386 S.C. 578, 597 n.7, 690

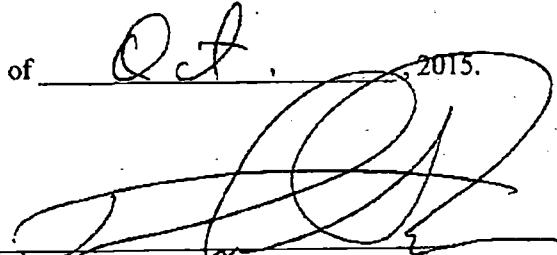
S.E.2d 73, 83 n.7 (2010) (Kittredge, J., dissenting) (an inmate should not be able to collaterally attack a plea where counsel's alleged deficiency was known at the time of the plea and the inmate lied about counsel's performance at the plea). Therefore, this application for post-conviction relief must 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 must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 7th day of Oct., 2015.


 THE HONORABLE THOMAS A. RUSSO
 Presiding Judge

Florence South Carolina

WITNESSES

Derrick Cartwright

Latta Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

**ARREST WARRANT NUMBER
I836060**

ARRESTED ON: 2012-03-27

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

[Signature]
8-9-12

VERDICT

Petit Jury Foreperson

Date

**DOCKET NUMBER:
2012-GS-17-0368**

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

**Term:
May 2012**

THE STATE

vs.

Willie Gregory Morrison

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DILLON)

INDICTMENT FOR

Murder / Murder

§16-03-0010; 16-03-0020

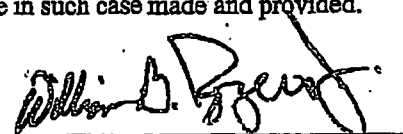
At a Court of General Sessions, convened on May 31, 2012, the Grand Jurors of Dillon County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Willie Gregory Morrison did in Dillon County, on or about March 27, 2012, willfully, feloniously, and intentionally kill the victim, Jesse W. Barr, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about March 27, 2012 in Dillon County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



WILLIAM B. ROGERS, JR.
 SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Dillon
STATE VS.
Willie Gregory Morrison
AKA:
Race: Sex: M Age: 40
DOB: -1973 SS#
Address:
City, State, Zip: Dillon, SC 29536
DL# SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-17-0368
A/W#: 1836060
Date of Offense: 3/27/2012
S.C. Code §: 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Manslaughter / Voluntary manslaughter

CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Daniel, Shipp SC Bar# 76085 Defendant
Willie Gregory Morrison Defendant
Nicholas Lee Attorney for Defendant SC Bar# 100162

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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 3/27/2012 (PMB)
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

FILED
OCT 9 PM 2:59
CLERK OF COURT
JENNIFER HYATT

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.
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
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:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

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

Clerk of Court/Deputy Clerk Jennifer Hyatt
Court Reporter Willie Gordon

Presiding Judge Judge Code: 2048
October 9, 2013

WITNESSES

Derrick Cartwright

Latta Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
I836062

ARRESTED ON: 2012-03-28

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

[Signature]
8-9-12

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER: ..
2012-GS-17-0370

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2012

THE STATE

vs.

Willie Gregory Morrison

INDICTMENT FOR

Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DILLON)

) Weapons / Poss. weapon during violent crime, if not
also sentenced to life without parole or death

§16-23-0490

At a Court of General Sessions, convened on May 31, 2012, the Grand Jurors of Dillon County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Willie Gregory Morrison did in Dillon County, on or about March 27, 2012, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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



WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Dillon
 STATE VS.
Willie Gregory Morrison
 AKA: _____
 Race: _____ Sex: M Age: 40
 DOB: 1973 SS#: _____
 Address: _____
 City, State, Zip: Dillon, SC 29536
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2012-GS-17-0370
 A/W#: 1836062
 Date of Offense: 3/27/2012
 S.C. Code §: 16-23-0490
 CDR Code #: 0549

SENTENCE SHEET

*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: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The 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: W. Shipp 76085 Willie Morrison Nicholas Lem 100162
 Daniel, Shipp 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 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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 3/27/2012 (PMB)
 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 _____ days/hours Public Service Employment.

Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms:
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

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.

Clerk of Court/ Deputy Clerk [Signature]
 Court Reporter [Signature]

Presiding Judge [Signature]
 Judge Code: 2048
 Sentencing Date: October 9, 2013

FILED
 GRENTHYATT
 13 OCT - PM 12:59
 CLERK OF COURT
 DILLON COUNTY

WITNESSES

Derrick Cartwright

Latta Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
I836063

ARRESTED ON: 2012-03-28

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

[Signature]
6-9-12

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-17-0371

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
May 2012

THE STATE

vs.

Willie Gregory Morrison

INDICTMENT FOR

Burglary / Burglary (After June 20, 1985) -
First degree

§16-11-0311

CDR Code: 0079

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Burglary / Burglary (After June 20, 1985) - First degree

§16-11-0311

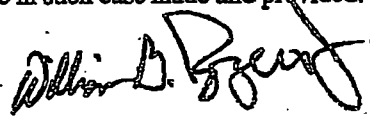
At a Court of General Sessions, convened on May 31, 2012, the Grand Jurors of Dillon County present upon their oath:

BURGLARY, 1ST DEGREE

CDR: 0079 16-11-0311

That Willie Gregory Morrison did in Dillon County on or about March 27, 2012 enter the dwelling of Jesse W. Barr located at [REDACTED] Street without consent and with the intent to commit a crime therein and the defendant did so in the nighttime, in violation of Section 16-11-0311(A), 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.



WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Dillon
STATE VS. Willie Gregory Morrison
AKA:
Race: Sex: M Age: 40
DOB: -1973 SS#:
Address:
City, State, Zip: Dillon, SC 29536
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-17-0371
A/W#: I836063
Date of Offense: 3/27/2012
S.C. Code: § 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Burglary / Burglary (After June 20, 1985) - First degree

CONVICTED OF or PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The 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: Daniel Shipp SC Bar# Willie Morrison Defendant Nicholas Lee Attorney for Defendant 10/2/12 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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 3/27/2012 (pub)
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

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

FILED
OCT-9 PM 12:59
DILLON COUNTY
GWENTHYA

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100.00, § 14-1-211(A)(2) (DUI Surcharge) \$100.00, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.
Presiding Judge: [Signature]
Judge Code: 2048
October 9, 2013

Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]

WITNESSES

Crystal Moore

Latta Police Department

Law Enforcement Case #:

085

WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
2012A1720300030

ARRESTED ON: 2012-09-12

ACTION OF GRAND JURY

TRUE BILL

Robert 2 [Signature]
Grand Jury Foreperson

18 Apr 2013
Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-17-0821

The State of South Carolina

County of Dillon

COURT OF GENERAL SESSIONS

Term:
April 2013

THE STATE

vs.

Willie Gregory Morrison

INDICTMENT FOR

Burglary / Burglary (Non - Violent) (After
June 20, 1985) - Second Degree

§16-11-0312

CDR Code: 0080

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DILLON)

INDICTMENT FOR

Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second Degree

§16-11-0312

At a Court of General Sessions, convened on April 18, 2013, the Grand Jurors of Dillon County present upon their oath:

BURGLARY, SECOND DEGREE
(NON-VIOLENT)

CDR: 0080 16-11-0312

That Willie Gregory Morrison did in Dillon County on or about November 6, 2011, enter without consent and with the intent to commit a crime therein, the dwelling of Tyrone McRae, located at [REDACTED] Ave, Latta, SC, in violation of Section 16-11-0312, S. C. Code of Laws, 1976, as amended.

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


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE: Dillon VS. Willie Gregory Morrison
AKA:
Race: Sex: M Age: 40
DOB: -1973 SS#:
Address:
City, State, Zip: Dillon, SC 29536
DL#: SID#:

INDICTMENT/CASE#: 2012-GS-17-0821
A/W#: 2012A1720300030
Date of Offense: 11/6/2011
S.C. Code §: 16-11-0312
CDR Code #: 0080

SENTENCE SHEET

*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: Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree - Offense Statute 16-11-0312(C)(1); Felony Class E

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Daniel, Shipp SC Bar# 76085 Defendant Willie Morrison SC Bar# 10525 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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 sentences on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied.
since 3/27/2012 (P.M.O.)
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

Table with columns for description, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, Proviso 90.5 (SCCIA Surcharge) \$5, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

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 weeks/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.

FILED
GMENT HATT
2013 OCT -9 PM 12: 9
DILON COURT

CLERK OF COURT
DILLON COUNTY

Clerk of Court/ Deputy Clerk: Daniel Shipp
Court Reporter:
Presiding Judge:
Judge Code:
Sentencing Date: October 9, 2013