

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Florence County

William H. Seals, Jr., Circuit Court Judge

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S.C. Supreme Court

THOMAS E. VANHOOSE, JR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002788

APPENDIX

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STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE } GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA )  
STATE, )

TRANSCRIPT OF RECORD  
11-GS-21-1209

v. )

THOMAS E. VANHOOSE, JR., # 00348984

DEFENDANT. )

December 13, 2011  
Florence, South Carolina

**BEFORE :**

THE HONORABLE MICHAEL G. NETTLES, JUDGE

**APPEARANCES:**

E. L. CLEMENTS, III, ESQ.  
Solicitor

SCOTT P. FLOYD, ESQ.  
VICK MEETZE, ESQ.  
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**EXHIBITS****DEFENDANT'S:**

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1 MR. CLEMENTS: If it please the Court,  
2 Your Honor. This is Mr. Thomas Elbert VanHoose, Jr.  
3 This is indictment 2011-GS-21-1209. Your Honor,  
4 it's a four count indictment, count for murder which  
5 carries 30 years to life, which Mr. VanHoose is  
6 pleading to without negotiations or recommendation.  
7 Another count, Your Honor, is armed robbery which  
8 carries 10 to 30. He's pleading to that. There is  
9 a recommendation they run concurrent with the murder  
10 sentence.

11 THE COURT: Very good.

12 MR. CLEMENTS: And also, Your Honor,  
13 there's a charge of criminal conspiracy. It carries  
14 0 to 5 years. There's a recommendation by the State  
15 that that run concurrent to the murder. And there's  
16 a possession of a weapon during the commission of a  
17 violent crime charge which is being dismissed  
18 pursuant to this plea. Your Honor, there are many  
19 family members here. The victim in this case was  
20 Mr. Jimmy Spring, II. Your Honor, I have many of  
21 his friends and family in the courtroom. I'm just  
22 going to read their names out to Your Honor. Peggy  
23 Johnson, an Aunt; Jeanette Barfield, an aunt;  
24 Reverend Raymond Barfield who is an uncle; Susan  
25 Barfield, a cousin; Juanita Purvis, a cousin; Wesley

1 Purvis, a cousin; Alex Key, a cousin; Ellen Welch, a  
2 cousin; Patricia Jones, a cousin; Jenny Johnson, a  
3 cousin; Joe Johnson, a cousin; Shonda Knotts, a  
4 friend of the family; Michael Atkinson, a friend of  
5 the family; Lorie Hinsley, who is a friend of the  
6 family and attorney for the family; Maggie Harper, a  
7 friend of the family; Phillip Harper, a friend of  
8 the family; Susan Clemmons, a friend of the family;  
9 Ann Braddock, friend of the family, Jennifer Welch,  
10 a cousin; Chad White, family friend; and Dusty  
11 Braddock, who is the sister of the victim; Bryan  
12 Braddock, the brother-in-law of the victim; Jimmy L.  
13 Spring, the father of the victim; Betty Spring, the  
14 mother of the victim; and Tammy Hooks, the  
15 girlfriend of the victim. They're all present, Your  
16 Honor.

17 Also, Your Honor, we have Investigator  
18 Chad Collins, Investigator Kathlene Street, and  
19 Captain Mike Nunn of the Florence County Sheriff's  
20 Office who are here that were involved in the  
21 investigation of this case.

22 THE COURT: Very good. All right, Mr.  
23 Meetze, Mr. Floyd, do each of you represent  
24 Mr. VanHoose?

25 MR. FLOYD: Yes, Your Honor.

1 THE COURT: All right. Have you explained  
2 to him the offense of armed robbery and the fact  
3 that he could receive from minimum mandatory 10  
4 years, maximum 30, conspiracy 0 to 5 years, and  
5 murder 30 years to life. Does he understand each of  
6 these offenses, the elements of the offenses,  
7 potential defenses, and his constitutional rights?

8 MR. FLOYD: Yes, Your Honor.

9 THE COURT: All right. With regard to  
10 armed robbery have you discussed with him the fact  
11 that this is a most, very special category of crime  
12 in that it's a most serious, subject to two and  
13 three strike rule, and it's a violent offense which  
14 adversely affects his custody status, does he  
15 understand that?

16 MR. FLOYD: He understands that, Your  
17 Honor.

18 THE COURT: And that that is subject to  
19 the 85 percent rule. And with regard to murder it  
20 obviously is a violent offense, adversely affects  
21 custody status, it's a most serious offense subject  
22 to the two and the three strike rule, and murder is  
23 a non-parolable offense like armed robbery.  
24 However, murder does not have an 85 percent rule; he  
25 will serve that day for day. Whatever he's

1 sentenced to he'll serve it day for day and there is  
2 no parole.

3 MR. FLOYD: He understands that.

4 THE COURT: All right. Do you understand  
5 that Mr. VanHoose?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Let's place Mr.  
8 VanHoose under oath if we could.

9 THE CLERK OF COURT: Please raise your  
10 right hand.

11 WHEREUPON,

12 **THOMAS VANHOOSE, JR.,**  
13 having been duly sworn by the Clerk of Court,  
14 testified as follows:

15 THE COURT: Mr. Floyd, how does he intend  
16 to plead to these offenses?

17 MR. FLOYD: Guilty, Your Honor.

18 THE COURT: Do you agree with his decision  
19 to do so?

20 MR. FLOYD: I do.

21 THE COURT: Do you feel if called upon to  
22 do so the State could prove him guilty beyond a  
23 reasonable doubt?

24 MR. FLOYD: I do, Your Honor.

25 THE COURT: All right. Let's —

1 Mr. VanHoose, are you under the influence of any  
2 drugs or alcohol here today?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you experiencing any kind  
5 of physical or mental problem that could prevent you  
6 from understanding what's going on here today?

7 THE DEFENDANT: No, sir.

8 THE COURT: All right. Pay very close  
9 attention as Mr. Clements and law enforcement  
10 summarize the facts that bring us here today.

11 MR. CLEMENTS: Your Honor, first, I want  
12 to tell you that Mr. VanHoose has a conviction for  
13 public disorderly conduct in 2009, also has a  
14 conviction for petit larceny in 2009, and a  
15 conviction for forgery less than five thousand  
16 dollars in 2010 which he was on probation at the  
17 time of this offense, Your Honor. And I believe  
18 that probation wants to take up that matter at the  
19 same time.

20 THE COURT: Very good.

21 MR. CLEMENTS: Your Honor, this occurred  
22 on or about August 30, 31st, 2010 in Florence County  
23 in Coward, Your Honor — excuse me, yes, sir, in  
24 Coward I believe. Mr. Jimmy L. Springs, II was  
25 found, Your Honor, by his family. His girlfriend,

1 Tammy Hooks, was trying to call the house and she  
2 got his six year old son Caleb to answer the phone.  
3 And Caleb said, my daddy is lying on the floor  
4 bleeding and he won't wake up. And she immediately,  
5 I think, called Dusty Braddock and Bryan Braddock  
6 who is the sister of Jimmy Spring and they contacted  
7 the rest of the family and also called 9-1-1. Mr.  
8 and Mrs. Spring, the father and mother, went to the  
9 house. Other family went and they found him lying  
10 inside the front room kind of between the kitchen  
11 and living area lying face down with blood coming  
12 from like his mouth, his nose, and a little bit of  
13 blood there on the floor. And that's — they found  
14 him there and they tried to do some resuscitation,  
15 and then law enforcement immediately arrived and  
16 began to remove the family out from that area so  
17 that they could cordon the area off for preservation  
18 of evidence.

19 They found that he was shot on the left  
20 side behind the ear. There was found .25 caliber  
21 shell and there — and they began to investigate.  
22 On or about 9/9/2010 they received an anonymous tip  
23 from Crimestoppers. The caller stated that he had  
24 been contacted by one Thomas VanHoose who related  
25 that he had involved in the incident at Springs'

1 house, and they began to followup on that. The  
2 caller appeared to be kind of nervous, and somebody  
3 was coming in so they hung up. And so they went to  
4 McAllister Mill Road in Scranton, talked to Mr.  
5 VanHoose, advised him of his Miranda rights prior to  
6 the conversation, and asked if he wanted to talk to  
7 him but he didn't have to talk to him. And he sat  
8 in the car with them and began to talk to them.  
9 They began to record the conversation, and I believe  
10 this was Investigator Collins, I think.

11 THE INVESTIGATOR: Yes, sir.

12 MR. CLEMENTS: Chad Collins. And  
13 Mr. VanHoose stated that he and a friend went to  
14 Springs' residence and then went there to buy  
15 cocaine, and he — VanHoose stated that he and  
16 Dillon Lee drove over to Springs' residence in  
17 Dillon's vehicle and VanHoose said that while he was  
18 inside the residence that Spring handed him a gun  
19 and VanHoose was playing with the gun and it just  
20 went off striking Spring and VanHoose ran out of the  
21 house. And that was the first story that VanHoose  
22 told them. When they got to that point law  
23 enforcement said they needed to take him down. He  
24 was under his rights advisement; they needed to take  
25 him down to the Detention Center to talk with him

1 further to document what's being said. Talked to  
2 his mother and they all agreed to go.

3           So they took him down to the Florence  
4 County Law Enforcement Center, and they began to  
5 interview him and record it on video and audio which  
6 the interview rooms are all equipped with. So he  
7 gave a statement again. This time he relayed that  
8 he and along with Dillon Lee went to Springs'  
9 residence a second time later on in the night that  
10 Spring was killed, and earlier he had stated they'd  
11 gone only once and it was earlier in the evening.  
12 But this time he says they had gone back a second  
13 time and that Travis Lee drove VanHoose and Dillon  
14 Lee to Springs' residence. He and Dillon went to  
15 the house and they went in after knocking on the  
16 door and entering Spring let them in; and VanHoose  
17 continued, that Spring asked VanHoose what he wanted  
18 and VanHoose replied what he got earlier that day.  
19 And Chad Collins asked him what that was and  
20 VanHoose replied, a gram of cocaine. He said that  
21 Spring went down the hall to Springs' bedroom, came  
22 back with a bag and what appeared to be scales, and  
23 they sat down at the kitchen table begin to weigh  
24 out the cocaine for VanHoose and Lee. And VanHoose  
25 then said that Dillon then pulled out a gun and told

1 Spring to give him everything, and VanHoose said  
2 that he was reaching for the bag of cocaine and then  
3 he heard a gunshot and Spring rolled out of the  
4 chair and on to the floor. VanHoose stated he was  
5 scared and then he ran out the door with Dillon  
6 behind him.

7 He said that VanHoose said that he and  
8 Travis and Dillon went two days later to Santee and  
9 dropped the gun used in the shooting in the lake  
10 while out on the lake on Dillon's boat, and that  
11 statement was given by VanHoose with the second  
12 story they gave about how Spring was killed. And  
13 later he gave a third story we believe to be the  
14 truth. It was corroborated by three other  
15 individuals that have been charged in this case  
16 which are Dillon Lee, Travis Lee, and Shane  
17 Matthews. And McFadden, Investigator Thomas  
18 McFadden interviewed Dillon Lee and Travis Lee and  
19 they stated that all the parties, Shane Matthews,  
20 Dillon Travis Lee, and Thomas VanHoose met and  
21 planned to go to Springs' residence to rob him of  
22 the drugs and the money that he may have had and  
23 they conspired to do this. And then Travis Lee told  
24 McFadden they met up at a tree near Springs'  
25 residence and determined how to get into the house,

1 how the pickup of the parties were going to work at  
2 Springs' residence and who was to carry the gun.  
3 VanHoose carried the gun and he and Shane Matthews  
4 got into the bed of Travis Lee's truck while Travis  
5 drove by the victim's residence and dropped him off.  
6 And Travis Lee then went to his sister's house to  
7 wait on them. And Travis Lee said Dillon and  
8 VanHoose showed up several minutes later and they  
9 divvied up the money and Travis admitted to  
10 receiving approximately 140-dollars from the money  
11 taken from Spring during the robbery, and Travis  
12 stated that Dillon Lee got about 120-dollars and  
13 that VanHoose received approximately 6 to  
14 700-dollars. And he also related that VanHoose said  
15 he used his money to pay probation and parole for  
16 fines from being on probation.

17           They followed up with probation and parole  
18 and saw that VanHoose paid approximately 380-dollars  
19 on his probation fees right after that time. And  
20 Dillon Lee gave a statement as well and Dillon said  
21 he did receive some of the money and the cocaine and  
22 the scales. He also said that he was the one that  
23 provided VanHoose with the gun that was used in the  
24 shooting. He stated that he had bought the gun off  
25 a friend and he described the gun as a .25 caliber

1 handgun. And as you recall it was a .25 caliber  
2 shell found there at the scene. They, based on that  
3 information they went and talked to Shane Matthew,  
4 got warrants for him, and advised him his rights and  
5 he agreed to waive his rights and talk. And his —  
6 he was taken to booking and they went and talked,  
7 went to VanHoose again, advised him of his rights,  
8 told them, you know they and arrested the others.  
9 He agreed to waive his rights. And he talked with  
10 Investigator Street and Investigator Collins, and it  
11 was audio and video recorded. And in that statement  
12 VanHoose did admit that the incident that occurred  
13 at Springs' residence did result from prior  
14 planning. VanHoose, Dillon Lee, Travis Lee,  
15 Matthews planned to rob Spring of his cocaine.  
16 VanHoose admits to being dropped off by Travis Lee  
17 and then Matthews went into the residence with  
18 VanHoose. He also, VanHoose admitted, to having the  
19 gun and firing the gun at Spring. He claimed that  
20 Matthews grabbed the bag of cocaine and the money  
21 which was in the bag and fled the house after  
22 shooting Spring in the head and that they were  
23 picked up again by Dillon Lee. Matthews was given  
24 his part of the money and dropped off, and VanHoose  
25 and Dillon Lee went back to Travis' house to meet up

1 and divvy up the money. Dillon got the bag of  
2 cocaine and the scales and then VanHoose was taken  
3 back home. Matthews in his statement stated that he  
4 was contacted about going with VanHoose and the Lees  
5 to get some stuff, and he met with Travis and they  
6 then drove to the meeting place near the big tree  
7 near Springs' residence. VanHoose and Matthews  
8 agreed to go to the door. Matthews stated that they  
9 went inside, and as he was looking out the door he  
10 heard a gunshot and saw Spring falling from the  
11 chair that he was in to the floor. He did see  
12 VanHoose with the gun in his hand, and Matthews  
13 stated that VanHoose picked up the bag that  
14 contained the drugs and the money, and Matthews said  
15 he then ran out the door and Matthews with him.  
16 They called Dillon to come pick them up. While in  
17 Dillon's vehicle Matthews claimed that VanHoose  
18 turned around gave him about two hundred dollars.  
19 He said he did take the money, and he later used the  
20 money to pay his bill. He was then dropped off at  
21 his car and Dillon and VanHoose drove away.

22 In part of what was related by VanHoose,  
23 Spring died as a result of a single gunshot wound to  
24 the head and the bullet penetrated right behind his  
25 left ear. In VanHoose's earlier statements he

1 claimed to have been standing just behind the left  
2 side of Spring as he weighed out the cocaine and so  
3 the wound is consistent with where VanHoose claimed  
4 to be standing and with him saying that he was the  
5 one that shot Springs. And that, Your Honor, is all  
6 the facts in this case.

7 THE COURT: All right. Mr. VanHoose,  
8 you've heard those facts. Are they true and  
9 accurate?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You need to answer up so I can  
12 hear you.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Are you indeed guilty of  
15 criminal conspiracy?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Are you indeed guilty of armed  
18 robbery?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you indeed guilty of  
21 murder?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You stand before me pleading  
24 guilty, but you don't have to plead guilty to  
25 anything. You can exercise your right to a jury

1 trial. In that process the jury would determine  
2 whether or not the State could actually prove you  
3 guilty beyond a reasonable doubt. I would charge  
4 the jury as a matter of law that you're presumed to  
5 be innocent. No one could require that you take the  
6 witness stand. However, if you wanted to you could  
7 and you could subpoena witnesses on your own behalf.  
8 In addition to that, you and your lawyer could  
9 cross-examine the State's witness. You'd have an  
10 opportunity to eyeball them and confront them as  
11 they testified against you. You realize that by  
12 pleading guilty you're giving up all these rights?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Still wish to plead guilty?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Are you indeed guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Plea negotiations  
19 from the State, there are none?

20 MR. CLEMENTS: There are none, Your Honor,  
21 in regards to the murder. We did recommend a  
22 concurrent with armed robbery and the conspiracy to  
23 whatever he receives on the murder.

24 THE COURT: Is that your understanding,  
25 Mr. Meetze?

1 MR. MEETZE: Yes, Your Honor. Is that  
2 your understanding, Mr. VanHoose?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Is that your understanding of  
5 the plea negotiations, Mr. Floyd?

6 MR. FLOYD: That's correct, Your Honor.

7 THE COURT: All right. Mr. VanHoose, are  
8 you satisfied with your lawyers, Mr. Meetze and  
9 Mr. Floyd?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you understood all your  
12 conversations with them?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you understood — do you  
15 understand all the elements of each of these  
16 offenses, you understand any defenses that you might  
17 assert and your constitutional rights?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: There — the collateral  
20 consequence of these pleas are numerous. Have you  
21 discussed with them about all the collateral  
22 consequences, one of which is that murder is a  
23 non-parolable offense and you'll serve it day for  
24 day?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You understand the two and the  
2 three strike rule; don't you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You understand how a violent  
5 offense adversely affects your custody status; you  
6 understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Has anyone  
9 promised you anything, threatened you, pressured  
10 you, mistreated you in any way shape or form in an  
11 effort to get you to plead guilty here today?

12 THE DEFENDANT: No, sir.

13 THE COURT: Has it been your decision to  
14 plead guilty?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Are you indeed guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You understood all my  
19 questions?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Have your answers been  
22 truthful?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand that you  
25 have ten days to appeal any decision I might render

1 here today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Based on your  
4 testimony I do indeed find there is a substantial  
5 factual basis for your plea, that your decision was  
6 freely and voluntarily entered into, knowingly and  
7 intelligently with consent of competent counsel with  
8 whom you say you're satisfied.

9 I'll be glad to hear from probation at  
10 this time.

11 PROBATION OFFICER: Mr. VanHoose was  
12 sentenced here in Florence County by you on March  
13 the 4th, 2010 for the offense of forgery. He  
14 received a sentence of three years suspended one  
15 year probation. A warrant was issued on October  
16 1st, 2010, and served on October 5th, 2010, for him  
17 failing to follow the advice and instructions of his  
18 agent, failing to pay his monetary obligations which  
19 includes the supervision fees, surcharge fine, and  
20 his restitution as ordered by the court and  
21 probation office. And then a probable cause warrant  
22 was done by him being arrested for the murder  
23 charge.

24 THE COURT: And the sentence was a three  
25 year?

1                   PROBATION OFFICER: Three years suspended  
2 to one year probation.

3                   THE COURT: All right, very good.  
4 Mr. VanHoose, do you agree that your conduct is not  
5 in compliance with the terms and conditions of  
6 probation?

7                   THE DEFENDANT: Yes, sir.

8                   THE COURT: All right. Based on your  
9 testimony I do indeed find there's a substantial and  
10 willful violation, and I'll be glad to hear from the  
11 victims at this time.

12                  MR. CLEMENTS: Your Honor, first I would  
13 ask if there's anything that Captain Nunn or  
14 Investigator Street or Collins may want to add that  
15 I might have left out.

16                  INVESTIGATOR COLLINS: Nothing further at  
17 this time.

18                  CAPTAIN NUNN: No, Your Honor.

19                  THE COURT: I think you covered the facts  
20 pretty well. Anything —

21                  CAPTAIN NUNN: Nothing.

22                  THE COURT: Mr. Nunn, would you like to  
23 say anything?

24                  CAPTAIN NUNN: Nothing further from me,  
25 Your Honor.

1 THE COURT: Mr. Collins?

2 THE INVESTIGATOR: No, sir.

3 THE COURT: Ms. Street?

4 INVESTIGATOR STREET: No, sir.

5 MR. CLEMENTS: Your Honor, I know that Mr.  
6 and Mrs. Braddock, the sister-in-law — the sister  
7 and brother-in-law of Mr. Springs wishes to speak  
8 for the family and perhaps Mr. and Mrs. Springs'  
9 father and mother or Ms. Hooks, the girlfriend. I'm  
10 not sure if anyone else desires to speak or not.  
11 But I would ask that anyone wish to address the  
12 Court, if they'd come step up here so they can be  
13 heard.

14 If you would please state your name for  
15 the record.

16 THE COURT: I know these are very  
17 difficult times for all of y'all; and I'm gonna ask,  
18 if you could, to direct any comments directly to me.  
19 In these situations because they're so difficult and  
20 emotional in a lot of ways, I ask that the victims  
21 not address the defendant directly. You can say  
22 whatever you want to to me. I don't let defendants  
23 address the victims. If they want to express any  
24 kind of remorse or apologize they can apologize to  
25 me. I don't allow there to be dialogue between the

1 two, but I'll be glad to hear from each and every  
2 one of you. Who would like to go first?

3 MR. CLEMENTS: State your name please.

4 THE COURT: Yes, ma'am, your full name?

5 MS. HOOKS: Tammy Hooks.

6 THE COURT: All right, Ms. Hooks, take  
7 your time. I'll be glad to hear anything that you  
8 got to say. Yes, ma'am.

9 MS. HOOKS: Your Honor, I just want to say  
10 that August 30th was a — changed my life  
11 dramatically. I lost — on that date, that night, I  
12 was the last one to speak to Jimmy. Jimmy was my  
13 best friend. We had plans for a future together.  
14 When I spoke with him that night he was — he had  
15 gotten up to go to the restroom and promised me he  
16 would call me back. The last time I spoke with him,  
17 the last, the last person I ever spoke to every  
18 night was Jimmy, every single night. And at that  
19 time before I went to bed, I went to sleep, the last  
20 thing we would do was pray. So he was to call me  
21 back that night. We didn't pray together that  
22 night. So I knew he was calling me back, he was  
23 going to call me back. Well, he never called me  
24 back. So I called and I called, didn't get him. I  
25 texted him the next morning. I called and I called.

1 I knew something had to be wrong. This is just —  
2 this year has been a terrible year. Everybody keeps  
3 telling you it gets easier, it gets easier. It  
4 doesn't get easier; you learn to cope.

5 We had plans to build a house, get  
6 married, help raise his son. I have a picture right  
7 here, these three babies right here which are my  
8 grandbabies, which two of them knew him, the one  
9 never knew him. He was peepa Jimmy. They'll never  
10 get to know him. I just, I jut can't express, you  
11 know, Jimmy was happy. We had plans that weekend.  
12 His birthday was the very next day. We had plans to  
13 go —

14 THE COURT: How old a fellow was Jimmy?

15 MS. HOOKS: He would have been 40 on  
16 September the 1st. We had plans. We had big plans.  
17 That day, that day when I got there everybody kept  
18 saying, you know, want to know was he depressed.  
19 Jimmy was not a depressed man. He was happy. He  
20 was a happy man. We had plans to go get a tattoo  
21 together. You know what? I had to go get that  
22 tattoo by myself, something I promised him I would  
23 wait on him for. I've had to deal with this. This  
24 year has been a hard year. I've had to go through a  
25 lot of things. I've had to go to counseling this

1 year because of this to be able to try and cope. I  
2 never thought I would have to deal with counseling.  
3 I've never lost anyone other than a grand parent,  
4 but I lost my best friend that day. It's been a  
5 terrible year, terrible year.

6 THE COURT: I know it's a very difficult  
7 situation and I sympathize with you. I know it's  
8 very painful. Thank you for being here and I'll  
9 take that into consideration.

10 Who would like to speak next? Yes, ma'am,  
11 your full name.

12 THE SISTER: Dusty Spring Braddock.

13 THE COURT: I'll be glad to hear from you.

14 THE SISTER: I'm sorry for the length, but  
15 I feel like there's a lot to say.

16 THE COURT: No, we've got the luxury of  
17 time and you just take your time and tell me  
18 whatever you want to tell me.

19 THE SISTER: I want to begin by thanking  
20 you for allowing me the opportunity to speak on  
21 behalf of my brother. To say this is the hardest  
22 thing I've ever had to do would be a lie. The  
23 hardest thing I ever had to do was get a frantic  
24 phone call from my nephew he could not wake his  
25 daddy. Another phone call that my dad was doing CPR

1 in a futile effort to revive his only son. I get a  
2 phone call from my heart broken husband saying that  
3 my Bubba was gone. For that second facing a life  
4 without my Bubba was and is the hardest thing I've  
5 ever done. And my Bubba, as I always called him,  
6 sometimes our affection and other times to embarrass  
7 or annoy him. It was an excited big brother who was  
8 7 when I was born. My brother couldn't imagine the  
9 pesky little sister I grew up to be.

10 Over the years we had epic fights, faced  
11 loss of loves ones and grew up together. I was  
12 always so proud to have a big brother who always  
13 gave me extra money for the skating rink when my  
14 parents would only pay for admission. He let me  
15 sleep in his room at night when I was scared. We  
16 had periods of time we grew apart, but the bond was  
17 always strong; and any time I needed him he was  
18 there to help out his sissy. Adulthood brought  
19 different challenges for our relationship as he  
20 became a dad to my niece Reagin and me, a college  
21 student. But his own family circumstances would  
22 always bring us back together from my marriage to  
23 his divorce to the birth of our sons Caleb and Jay  
24 within three months of each other and ultimately the  
25 need to be together. I watched my brother raising

1 his son as a single parent after Caleb's mom walked  
2 out on him, and now he became everything to our  
3 little boy. He now has to rebuild his life without  
4 his dad or any parent. He was not the perfect  
5 father by any means, but he loved his two children  
6 and sacrificed daily for them. He worked fifty to  
7 sixty hours a week and he was the sole provider for  
8 his children and that left little time for nurturing  
9 relationships in our family but he made the time.  
10 He was at my parents' house every day after work and  
11 pretty much all weekend. He and my dad shared a  
12 love of their jobs as foreman of a line crew, as  
13 avid hunters, and ultimately as friends. I would so  
14 time to get jealous of their dynamics and how close  
15 they were, but I loved the interaction. Even their  
16 conversations sometimes bored me.

17 He adored our mom and always ran to her  
18 when he needed something or wanted someone to lean  
19 on. He was constantly visiting my aunts and prided  
20 himself on being the favorite nephew. He was a  
21 doting uncle to my boys, and he was so proud to have  
22 two nephews to spoil. In the summer of 2010 before  
23 his death he spent two days in the 95-degree heat in  
24 my backyard with no trees, no shade, to build a  
25 jungle gym for his boys, which were my children. I

1 see that swing set every day and am reminded how  
2 much he loved my children.

3 To describe the impact this crime has had  
4 on my family is one of the greatest challenges since  
5 losing him. I've agonized over finding the right  
6 words to express the daily struggles of my niece and  
7 nephew, my parents, my family, his friends, his  
8 coworkers, and myself. I watched my daddy go from a  
9 happy retiree who woke up early every day to feed  
10 his chickens and piddle all day, to a man who sleeps  
11 most of the day and cries all night. He doesn't  
12 enjoy hunting, visits from friends or time with his  
13 grandchildren, all things he loved before. I've  
14 watched him become a ghost in his world who seems to  
15 have forgotten how to live. He lost his best friend  
16 who he saw every day and I don't know how to be that  
17 best friend to him. I feel like he's given up on us  
18 and our family because his grief is so profound.

19 I've watched my momma work herself into a  
20 frenzy trying to be the strong one in the family,  
21 trying to stay busy to hide her grief. She now  
22 finds comfort outside of her family and at the  
23 cemetery where she visits her baby boy. She used to  
24 be the life of the party and could make anyone  
25 laugh, and now she seems to hide in the corner and

1 just exist through her days. There's been a  
2 noticeable strain on my parents' 45 year marriage  
3 because of the blame game that's resulted since my  
4 brother's death. The "if you had only have," or the  
5 "I told yous" have replaced simple understanding.  
6 My mom is bitter with my dad for his intense grief,  
7 and my dad feels abandoned by my mom because her  
8 focus is to keep moving and not to let the grief  
9 creep up on her. The impact of this senseless act  
10 has had on my family in general is just so difficult  
11 to grasp. I always knew my brother was special to  
12 everyone, but this loss has affected my aunts and  
13 cousins on a level I never expected.

14 My Aunt Peggy was my brother's cheerleader  
15 and always encouraged him to be a great son, father,  
16 and brother. She and I have had many tearful  
17 conversations about how lonely she is in her spirit  
18 because he's not there, and she visits his grave  
19 multiple times a week to find comfort. My Aunt Nett  
20 was my brother's common sense, and he relied on her  
21 to give it to him straight and not sugarcoat things.  
22 Every day after work he would venture over to her  
23 patio for a dose of reality and jokes. She does not  
24 sit on the patio in the afternoons anymore because  
25 of the pain for waiting for his truck to come up is

1 too much to bear. There's no more joy in the  
2 afternoon talks and no more time with her favorite  
3 nephew.

4 I feel selfish in describing the impact my  
5 brother's death has had on me because all I've seen  
6 or known since August 31st, 2010, is sadness from  
7 countless cousins, friends, and coworkers of my  
8 Bubba who miss him every day who feel the loss of a  
9 loyal relative, supportive friend, and mentor. I  
10 cannot let the day go by without explaining the pain  
11 and loss so significant it consumes me at times. I  
12 don't have another Bubba or a sister or anyone who  
13 to share my childhood memories with. My parents  
14 always told me and little Jimmy to love each other  
15 because when they were gone we'd be all each other  
16 had. I remember those words in my head and I  
17 realize I don't have anyone, no one to share the  
18 inside jokes of our family like never hatchy (ph),  
19 or to know what our dinner table is like as far as  
20 the Christmas morning rush to the living room. Now  
21 I have to bury my parents alone and no one to hold  
22 my hand and know the exact depth of my loss.

23 I've heard a million times over the years  
24 that little Jimmy and I look just alike and now I  
25 feel part of my identity is gone because I don't

1 have my mirror image. Most of all I don't have my  
2 best friend who defended me vigilantly against my  
3 parents for stupid mistakes I made or who told Bryan  
4 on our wedding day that he better treat me right. I  
5 don't have my Bubba who would call me daily and  
6 always say, sissy, check this out. The last  
7 conversation I had with my brother was on  
8 August 30th, 2010, and he was upset that he couldn't  
9 work for a couple of weeks because of his broken  
10 wrist. We laughed and talked about his upcoming  
11 birthday, and his last words to me were I love you,  
12 sissy. To this minute those are the most precious  
13 words I've ever heard. I thank God every day for  
14 those words. No matter the impact on myself, my  
15 parents, my other relatives or friends, nothing  
16 compares to the impact felt by my niece Reagin or my  
17 nephew Caleb. They're the real victims in this  
18 situation and nobody will feel this loss more than  
19 they will. Reagin was the little girl that my  
20 brother always wished for. She was the spitting  
21 image of her daddy, and he was so proud of every  
22 step she ever took. She and I were talking a few  
23 weeks ago and she said to me she wanted her brother  
24 to walk her down the aisle when she got married.  
25 Such serious thoughts for a 13 year old, such a huge

1 hole she's already trying to fill. This is her  
2 first year as a cheerleader; and after cheering for  
3 the first time she came off the court and said to my  
4 mom, I wish my daddy was here. The normal things  
5 that a teenage girl relies on her daddy for she'll  
6 not be able to experience. He will not be around to  
7 teach her to drive, give her unsolicited advice on  
8 teenage boys, and hug her after her first heart  
9 break. She will not have her daddy to move her in  
10 her college dorm or give her a little extra cash for  
11 late night pizza run. She will start her life  
12 without the safety net of her daddy, and she will  
13 always imagine what it would be like to have her  
14 daddy around. I hate myself for making the  
15 comparison to the impact of the loss of their daddy  
16 for Caleb versus — or Reagin versus Caleb, but  
17 Caleb is the person who feels this loss on another  
18 level.

19           On August 31st, 2010, Caleb lost  
20 absolutely everything. He lost the only parent he  
21 ever knew and the only stable figure in his life.  
22 To say that my brother loved his baby boy would be a  
23 gross understatement. He adored his hunting and  
24 fishing buddy and tried so hard to give Caleb the  
25 family he felt he deserved. Caleb idolized his

1 daddy and literally worshiped the ground he walked  
2 on. They spent countless weekends on the river and  
3 the lake, and Caleb loved every second of having his  
4 undivided attention. Caleb was in the home when my  
5 Bubba was murdered, and he found his daddy asleep  
6 and tried his best to wake him. He is forever left  
7 with the image of his daddy with the injuries to his  
8 face and my frantic daddy performing CPR and my  
9 momma screaming when she walked in and discovered  
10 her baby was gone.

11           And the days after my Bubba's murder he  
12 kept saying to us, when my daddy comes back, and  
13 there was no explanation the kind of pain you feel  
14 when you have to explain to a little boy that daddy  
15 will never come back.

16           Caleb now lives with Bryan and me and our  
17 boys. And he's a welcome addition to our home, but  
18 the effects of his loss are seen daily. After his  
19 first football game he asked me if daddy was  
20 watching from heaven. And before his Christmas  
21 program this past Sunday he cried for his daddy.  
22 What am I supposed to say to him? How am I supposed  
23 to justify this action to a little boy who needs his  
24 daddy. There's not enough time that anyone can  
25 serve to ease his heart and erase the final images

1 of his dad. There are not enough apologies to  
2 nullify the three pills he has to take every day and  
3 the endless therapy sessions. There's not enough  
4 days in a lifetime that will make a little boy stop  
5 smelling this hat every day for a sniff of his  
6 daddy's scent or sleeping in my brother's T-shirts  
7 for a little bit of closeness that he needs.  
8 Nothing would ever replace daddy. Only time will  
9 tell about the long term impact for this most  
10 innocent victim.

11 My husband, being the attorney he is, has  
12 told me all along I will never find justice in a  
13 courtroom. I can't agree with that. I believed  
14 every day since August 31st, 2010, that God will  
15 provide justice for my brother. In my heart there's  
16 no punishment suitable for someone who enters a  
17 man's house in the middle of the night with a gun, a  
18 man who had two injured arms, posed no physical  
19 threat that had no weapon of any type. He takes  
20 this man's life and leaves his six year old son to  
21 find him. I know that today is gonna be the  
22 beginning of justice for my Bubba and healing for my  
23 family who will be serving a life sense of our own.  
24 I pray for every family member involved in this  
25 because there's no winners here. We've all lost.

1 And I pray God or to God that the Court issues a  
2 punishment fitting for someone who took the life of  
3 somebody who was so valuable to so many. I thank  
4 you for this opportunity, and I pray for peace for  
5 all the families involved in this nightmare.

6 THE COURT: Thank you for being here, and  
7 I know it's very painful for us to hear how this  
8 experience has effected you. And it's painful for  
9 us to hear it, and I know it's got to be painful to  
10 live through on a daily basis and I feel for you.

11 Mr. Clements, anybody else would like to  
12 speak?

13 Mr. Braddock?

14 MR. BRADDOCK: If I may, Your Honor.

15 THE COURT: Yes, sir.

16 MR. BRADDOCK: Bryan Braddock, Your Honor.  
17 I've been in front of you many times, sometimes  
18 representing defendants, sometimes assisting family  
19 members, sometimes helping the victims. This is the  
20 first time I've been in front of you as a victim  
21 because Jimmy Spring was my family. He was my  
22 brother-in-law. He was my friend. And his son that  
23 we're helping raise now I'm having to serve the role  
24 as his father in that role. I understand and the  
25 family understands the difficult role that you serve

1 as a judge in trying to pursue justice and mercy.  
2 The same time, Your Honor, in this case to us  
3 justice is clear. Unfortunately, there can be no  
4 ultimate justice. Ultimate justice would be to have  
5 Jimmy back. That's not possible; you don't have  
6 that power. You do have the power to consider what  
7 sentence to give this man who took this life. We're  
8 asking the Court to consider giving a life sentence,  
9 the life that was taken. Your Honor, that would be  
10 the ultimate justice.

11 From the old testament it'd be an  
12 eye-for-an eye, but we can't have that; we're not  
13 asking for that. We are asking he be required to  
14 sit there for the rest of his life to consider  
15 impact he's had, the impact my wife has gone over,  
16 all the lives t hat he's affected, not just one. We  
17 can't lose sight of the fact that this just wasn't a  
18 death. All these lives, all the people who are here  
19 today, their lives have been affected, and that's  
20 what he did. And he needs to sit and think about  
21 that, and think about it and think about it.  
22 Justice seems clear — and I know the Court has to  
23 consider mercy, but there was no mercy in that  
24 trailer that night. There was no mercy when he  
25 pulled the trigger at the back of a head of a

1   helpless man. That's not mercy. There was no mercy  
2   for his family, for his parents without a son, no  
3   mercy for his sister without a brother, no mercy for  
4   children without a father. There was no mercy by  
5   him and now he's asking for mercy, and I ask the  
6   Court to remember that he was given mercy. He's  
7   been before this court before and he was given the  
8   mercy of probation; and what did he do, Your Honor,  
9   he spat on it. He spat on the probation. The  
10   conditions of the probation he violated left and  
11   right. You're not supposed to be around criminals.  
12   You're not supposed to participate in criminal acts.  
13   You're supposed to pay your fees. You're supposed  
14   to show up at probation. You're not supposed to  
15   have guns and weapons. You're not supposed to take  
16   part in conspiring to commit crimes. He violated  
17   every bit of that. He spat on the mercy this Court  
18   gave him by allowing him to walk out of here on  
19   probation. He's had his opportunity at mercy, Your  
20   Honor. The only mercy that needs to be shown is to  
21   the family so they can heal and they can move  
22   forward knowing that they never have to see him on  
23   the street, knowing that they never have to run into  
24   him. He doesn't deserve mercy, Your Honor; he  
25   deserves justice. And the justice to us is clear.

1           And Your Honor, I'm sure there may be some  
2 request for forgiveness at some point. The family  
3 believes only forgiveness he needs to seek is  
4 between him and the Lord as to forgiveness he needs  
5 to seek out, not our forgiveness. If he wants any  
6 bit of forgiveness from us the best thing he can do  
7 is help prosecute those other defendants, the people  
8 who conspired with him, the people who gave him the  
9 gun who sent him into that house to commit the  
10 crime. If he wants forgiveness, any amount of  
11 forgiveness from us, that's the best way he can do  
12 it is by helping make sure those other people who  
13 are responsible for little Jimmy's death get the  
14 appropriate justice that they deserve as well.

15           THE COURT: Thank you, Mr. Braddock.  
16           Mr. White.

17           MR. WHITE: Nothing, Your Honor, I'm just  
18 here for support. Ms. Braddock is my paralegal,  
19 Your Honor, and I can attest to the adverse effect  
20 it's had on her in this past year.

21           THE COURT: All right. Thank each of you.  
22 It's a very difficult time.

23           Mr. Floyd, I'll be glad to hear from you  
24 and Mr. Meetze and anybody who would like to offer  
25 mitigation on behalf of Mr. VanHoose.

1 MR. FLOYD: Thank you, Your Honor.

2 THE COURT: Mr. Floyd.

3 MR. FLOYD: Your Honor, Mr. VanHoose is 20  
4 years old now. He was — began being represented by  
5 our office back in September of 2010. Shortly after  
6 his arrest Mr. Lawson was originally his attorney.  
7 Upon Mr. Lawson being diagnosed with his illness  
8 several months ago, Mr. Meetze and I undertook  
9 representation of Mr. VanHoose. Your Honor, during  
10 that time we met with him both together and  
11 individually a number of occasions. We've gone over  
12 the file with him, the facts of the case with him.  
13 And after considering all the evidence and taking  
14 into account what he's related to us, he's here  
15 today to enter these pleas; and he's entering these  
16 pleas because he is, in fact, guilty of what he's  
17 pleading to, Your Honor. And he's here to accept  
18 responsibility for that. He's not offering any  
19 excuses for what he did. He's here to take  
20 responsibility for the murder, for the armed  
21 robbery, for conspiracy. Mr. Meetze and I went over  
22 his rights in detail with him. He's aware of  
23 certainly his rights to have a jury trial and  
24 present defenses during that trial. He wants to  
25 waive those, Your Honor. And frankly, you know, we

1 feel that that's in his best interest as well, I  
2 mean, based on what he's related to us and what we  
3 know the evidence to be.

4 Your Honor, he has expressed a great deal  
5 of remorse for what happened. I think at the time  
6 he said that he had been using drugs on a daily  
7 basis for quite some time before this happened. I  
8 think it's one of these situations where he started  
9 off with pill use maybe and then graduated on to  
10 other things. That's not a defense. He understands  
11 voluntarily intoxication of any kind is not a  
12 defense to what happened; but, obviously I think  
13 long term drug use affects your frame of mind and  
14 affects your judgment. And the person that I've  
15 gotten to know who's been in Effingham for over a  
16 year and has not been exposed to drugs in quite some  
17 time I don't think would have been capable of doing  
18 that on what he's here for today. But regardless,  
19 Your Honor, he is here to enter this plea. He is  
20 guilty of it.

21 You know, he can't express enough remorse  
22 for what happened. I mean, there's no way anything  
23 he can say can make up for what he's done; he  
24 understands that. The only thing he can do from  
25 this point on is to try and live a decent life and

1 try and earn redemption, Your Honor. I don't think  
2 he's beyond redemption. I think he certainly  
3 understanding the mistakes he's made in his life is  
4 capable of turning his life around. And Your Honor,  
5 he knows that the very best thing that can happen to  
6 him today is that he's gonna walk out of here with a  
7 30 year sentence; he knows that. And he knows he's  
8 gonna serve every single day of it. At his age now  
9 he'd be about 48, 49 years old when he gets out,  
10 exactly the age I am now. You know, from that time  
11 up to this time, you know, I graduated from high  
12 school, college, law school, got married, had  
13 children. I mean, and I've, you know, had a career,  
14 you know, done all those things. He's not gonna be  
15 able to do any of that at least for a very long  
16 time, Your Honor. He knows that he's given all that  
17 up, that he's — can still make a life for himself.  
18 He'll have to make it in the Department of  
19 Corrections and we'd ask that you give him that  
20 opportunity, Your Honor. If my co-counsel has  
21 anything to say.

22 THE COURT: Mr. Meetze, I'll be glad to  
23 hear from you.

24 MR. MEETZE: Thank you, Your Honor, may it  
25 please the Court. Your Honor, I would just like to

1 reiterate a little bit of what Mr. Floyd said. We  
2 did both met with him since taking over his case.  
3 From the first time we met with him he always owned  
4 up to what he did and expressed the desire to enter  
5 this plea. And between Mr. Floyd and myself we've  
6 been criminal defense attorneys for 30 or more  
7 years, and you meet all kind of folks and there's  
8 different reactions to those people. You represent  
9 a number of people charged with a number of  
10 different things. And I can tell the Court that you  
11 meet people charged with similar offenses to what  
12 Mr. VanHoose is charged with or the same offenses,  
13 and talk with those people and there are people who  
14 express no remorse and don't exhibit any kind of  
15 redeeming quality whatsoever. And in talking to  
16 them you get a feel that there's no hope at all that  
17 they could ever, you know, change or anything like  
18 that, and I say that and in representing those  
19 people which doing this job you have to do from time  
20 to time. But I don't get up in front of a judge and  
21 a court and say on those folks' behalf that I do see  
22 possibility in those people, but that's not the case  
23 with Mr. VanHoose. You know, unfortunately prior to  
24 representing him I didn't know him. And I've never  
25 had a drug problem, and I've never had anybody close

1 to me that did. It's not something that I've seen  
2 really in action as a drug substance abuse problem  
3 had its grips on somebody. But unfortunately in  
4 this job you do see the results and those results  
5 can be tragic, and I think that's what we have here.

6 We've got the worst case scenario for what  
7 can happen when someone is involved in, deeply  
8 involved in drugs, and obviously it's a shame. But  
9 I can tell you in meeting and talking with Mr.  
10 VanHoose he is somebody who obviously made a grave,  
11 grave mistake, but he is greatly remorseful and is  
12 somebody who there is hope for. And if I didn't  
13 truly believe that I would not get up here and  
14 represent that to the Court. And as serious as the  
15 offenses are, I do feel like Mr. VanHoose is someone  
16 who does deserve the benefit of mercy in this case.  
17 Thirty years wouldn't be a merciful sentence in the  
18 case; but at the same time it would be a very, very  
19 stout punishment. I feel like a sentence of that  
20 nature of a 30 year sentence on the murder would be  
21 appropriate in this case and would ask the Court to  
22 do that.

23 I would say that Mr. Floyd and I did go  
24 over with Mr. VanHoose the guilty plea affidavit  
25 where we went over with him all of his rights as

1 well as all the collateral consequences of his plea  
2 such as the two and three strikes rule, violent  
3 offense, and what all that means, and he did sign  
4 and indicate an understanding of that. He has been  
5 in jail for 460 days, and we would ask as well that  
6 he receive credit for that time since his arrest.  
7 And other than that, just, we would ask the Court's  
8 mercy. And I don't know if Mr. VanHoose wishes to  
9 address the Court; but if he would, we would ask the  
10 Court to allow him to speak.

11 THE COURT: Mr. VanHoose, I'll be glad to  
12 hear anything that you got to say, but I remind you  
13 to direct any comments directly to me. Mr.  
14 VanHoose, you're recognized.

15 THE DEFENDANT: Yes, sir. Your Honor, I  
16 would just like to apologize for my actions and what  
17 I've done. Not a day goes by I don't think about it  
18 and it ain't on my mind. I just ask the Court to  
19 have mercy upon me in my sentencing.

20 MR. MEETZE: And Your Honor, we would ask  
21 that the affidavit of guilty plea be made a part of  
22 the record.

23 THE COURT: And we'll mark that as  
24 Defendant's Exhibit 1. We'll stand at ease for  
25 about five minutes.

1 (WHEREUPON, Defendant Exhibit No. 1 was  
2 marked for identification and received  
3 into evidence.)

4 (A recess was taken from the proceedings.)

5 MR. FLOYD: Your Honor, I thought that  
6 Mr. VanHoose's mother might want to say a word, but  
7 I think we're okay, Your Honor.

8 THE COURT: Very good. Anything else from  
9 the Defense?

10 MR. FLOYD: I don't have anything further,  
11 Your Honor.

12 THE COURT: You know, I'm about to  
13 pronounce sentence on Mr. VanHoose, and of course,  
14 that's — one of my jobs is to sentence people  
15 accused of such crimes but I also have the  
16 responsibility of maintaining order in the court.  
17 And I'm gonna remind everybody there will be no  
18 outbursts with regard to the sentence from anybody;  
19 and if there is, I'm gonna ask the security and the  
20 deputies to take them into custody if there is any  
21 outburst. I don't anticipate there would be.  
22 There's no question but that when I became a circuit  
23 court judge some six years ago I don't think I  
24 really appreciated the difficulty of the job with  
25 regard to criminal sentencing. As a criminal —

1 having practiced in the criminal judicial system,  
2 quite often after a while there seems to be sort of  
3 a, can become a callousness that's involved with  
4 sentencing and sometimes it's just a number to  
5 people and to defendants and to lawyers, but it  
6 really is a difficult thing. You know, as a lawyer,  
7 whether you're working for the State or the  
8 defendant you're an advocate for their particular  
9 position and to be quite honest with you, that can  
10 be a very — can be an easier thing to do. But  
11 sitting back looking at this courtroom you're called  
12 upon to try to do what's right and that's a hard  
13 thing to do quite often, but that's what I've been  
14 called upon to do and I'll try to do my very best in  
15 that regard. I do, in rendering sentences, I do  
16 realize that these — that the number of years that  
17 I sentence someone are very real numbers, and I  
18 understand how it affects the defendant. I  
19 understand how it affects the victim's family and  
20 quite often it's a very difficult decision.

21           You know, when I first started practicing  
22 law in 1984 if a person was accused of murder and  
23 was convicted of that, whether they pled or was  
24 tried, they'd be eligible for parole after 20 and  
25 were quite often granted parole. The law has

1 changed. Our legislation in infinite wisdom has  
2 made that different. You know, there is minimum  
3 mandatory sentences with regard to murder and  
4 everything else. Thirty years is a long time. You  
5 know, in all likelihood I'll be dead when  
6 Mr. VanHoose is let out of jail. Certainly he will  
7 not be the same person and the world will be a very  
8 different place when he's let out if he lives  
9 through his period of incarceration.

10 Mr. VanHoose, you're only 20 years old.  
11 You're just a, you know, you're younger than my  
12 youngest son. I can't imagine the horrors that  
13 you're going to live through in the Department of  
14 Corrections. I have been there as a lawyer, and  
15 I've seen and firsthand the horrors that take place  
16 there and I lose sleep at night sometimes worrying  
17 about sending young people to a place like that.  
18 Anybody who thinks that it's gonna be a cake walk or  
19 that jail is a country club are mistaken. I feel  
20 for you.

21 With regard to the probation violation,  
22 Ms. Goodson, I'm going to revoke three years and any  
23 civil, any monetary obligations that have not been  
24 met reduced to a civil judgment as running, run  
25 concurrent with the sentence.

1           Mr. VanHoose, on — I'm gonna, have taken  
2 into consideration the circumstances of the offense  
3 itself, your youth, and your acceptance and  
4 responsibility. And based on all of that, on  
5 indictment 2011-GS-21-1209, criminal conspiracy, the  
6 sentence of the Court is you be committed to the  
7 State Department of Corrections for a period of five  
8 years. Sentence to run concurrent with the other  
9 sentences here today and the probation violation.  
10 Credit for 460 days.

11           With regard to indictment 2011-GS-21-1209,  
12 armed robbery, the sentence of the Court is that you  
13 be committed to the State Department of Corrections  
14 for a period of 30 years, sentence to run  
15 concurrent, credit for 460 days.

16           With regard to indictment 2011-GS-21-1209,  
17 murder, the sentence of the Court is that you be  
18 committed to the State Department of Corrections for  
19 a period of 30 years. Sentences run concurrent,  
20 credit for 460 days. Good luck to you,  
21 Mr. VanHoose.

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

**C E R T I F I C A T E   O F   R E P O R T E R**

STATE OF SOUTH CAROLINA }  
COUNTY OF FLORENCE }

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 12th day of February, 2013.

  
FRANCES BAKIS-RAY, RPR

## FORM 5

STATE OF SOUTH CAROLINA

County of FLORENCETHOMAS ELBERT VANHOUSE, JR.

Full name and prison number (if any) of Applicant

JP 348984

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2012-CP 21 3198

APPLICATION FOR

POST-CONVICTION RELIEF

CERTIFIED: A TRUE COPY  
Clerk of Court  
FLORENCE COUNTY, S.C.

2012 DEC -3 PM 12:26

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Convictional Institution, 940  
Winnsboro Highway, Bishopville, South Carolina 29010
2. Name and location of Court which imposed sentence Florence County Court  
of General Sessions, Florence, South Carolina
3. Name(s) of co-defendant(s) (if any) Dylan Lee, Travis Lee, and  
Shade Matthews
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) Murder
  - (b) Armed Robbery

(c) Possession of a firearm

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

(a) December 13, 2011; Thirty (30) years

(b) December 13, 2011; Ten (10) years

(c) December 13, 2011; Five (5) years

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ☒

(b) after a plea of not guilty ☐

(c) after a plea of nolo contendere ☐

7. Did you appeal from the judgment of conviction or the imposition of sentence?

No, I did not.

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

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

i. N/A

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 any written opinion or orders entered pursuant to such

results:

i. N/A

ii. /

iii. /

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

(a) Not for Appellate Review,

(b) Counsel Did not file Notice of Intent to Appeal

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

(a) Denial of Effective Assistance of Counsel

(b) \_\_\_\_\_

(c) \_\_\_\_\_

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

(a) Counsel failed to adequately investigate

(b) the case or acquaint himself with

(c) facts and case law to prepare for trial.

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? No.

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.

(d) any other petitions, motions or applications in this or any other Court? No.

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. N/A

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

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

i. N/A

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(c) the disposition thereof:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No, they have not.

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. N/A
- 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) (10)(a), First Collateral Attack  
 (b)  
 (c)

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes, I was  
 (b) your trial, if any? N/A  
 (c) your sentencing? Yes, I was  
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A  
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

N/A

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Scott Floyd, Victor Metts  
 ii.  
 iii.

(b) the proceedings at which each such attorney represented you:

i. Plea and Sentencing  
 ii.  
 iii.

19. State clearly the relief you seek in filing this application:

Based on the above, Convictions and Sentences  
be Vacated, or in the Alternative, Reversed and  
Remanded for a New Trial.

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

No, I am not.

STATE OF SOUTH CAROLINA )

County of FLORENCE )

VERIFICATION

I, Thomas Elbert Vanhodge, Jr., #348134, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the ~~conviction and sentence~~ attacked in this application; and that the matters and allegations therein set forth are true.

SWORN to and subscribed before me this 30  
 day of Nov., 2012.

Debra Sims (L.S.)  
 Notary Public

My Commission Expires: 11-4-2015

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

CERTIFIED: A TRUE COPY  
*Christa Felt*  
CLERK OF COURT, C.P. & G.S.  
FLORENCE COUNTY, S.C.

I, THOMAS ELBERT VANHOUSE, JR. #348384, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Thomas E. Vanhouse Jr.  
Applicant

SWORN or affirmed to and subscribed before me this

30 day of Nov., 2015.

Debra Serin  
Notary Public

My Commission Expires: 11-4-2015

FILED  
2012 DEC -3 PM 2:27  
CLERK OF COURT, C.P. & G.S.  
FLORENCE COUNTY, SC

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA               | ) |                              |
|                                       | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF FLORENCE                    | ) |                              |
|                                       | ) |                              |
|                                       | ) | 2012-CP-21-3198              |
|                                       | ) |                              |
| Thomas Elbert Vanhooose, Jr., 348984, | ) |                              |
|                                       | ) |                              |
| Applicant,                            | ) |                              |
|                                       | ) | RETURN                       |
| v.                                    | ) |                              |
|                                       | ) |                              |
| State of South Carolina,              | ) |                              |
|                                       | ) |                              |
| Respondent.                           | ) |                              |
|                                       | ) |                              |

---

Respondent, making its Return to the Application for post conviction relief (PCR) filed December 3, 2012, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the July 2011 term of the Florence County Grand Jury for murder, armed robbery, possession of a weapon during commission of a violent crime, and conspiracy (2011-GS-21-1209). Scott P. Floyd, Esquire, represented Applicant.

On December 13, 2011, Applicant pled guilty to the murder, armed robbery, and conspiracy charges; the possession of a weapon during commission of a violent crime charge was dismissed pursuant to the plea. The Honorable Michael G. Nettles sentenced Applicant to an aggregate thirty years imprisonment.

Attached herewith and incorporated herein are the records of the Florence County Clerk of Court regarding the subject conviction, and Applicant's SCDC records, and if available, the transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

## II.

Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Denial of Effective Assistance of Counsel"
  - a. Specifically that: "Counsel failed to adequately investigate the case or acquaint himself with facts and case law to prepare for Trial."

## III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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

The State therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the State moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

#### V.

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

VI.

WHEREFORE, having made its Return, the State requests that the Application be denied and the matter dismissed with prejudice.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

TYSON ANDREW JOHNSON, SR.  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

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

3/20, 2013.

|                                  |   |                              |
|----------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA          | ) |                              |
|                                  | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF FLORENCE               | ) |                              |
|                                  | ) |                              |
|                                  | ) | 2012-CP-21-3198              |
|                                  | ) |                              |
| THOMAS E. VANHOOSE, JR., #348984 | ) |                              |
|                                  | ) |                              |
| Applicant,                       | ) |                              |
|                                  | ) |                              |
| V                                | ) | AFFIDAVIT OF SERVICE BY MAIL |
|                                  | ) |                              |
| STATE OF SOUTH CAROLINA,         | ) |                              |
|                                  | ) |                              |
| Respondent.                      | ) |                              |

---

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

**Helen T. McFadden, Esquire**  
**215 West Thomas St.**  
**Lake City, SC 29560**

DATED this 20<sup>TH</sup> day of March, 2013.

  
 Norma Bigbee, Legal Assistant  
 For Respondent

STATE OF SOUTH CAROLINA ) COURT OF COMMON PLEAS  
COUNTY OF FLORENCE ) TWELFTH JUDICIAL CIRCUIT  
CASE NO. 2012-CP-21-03198

THOMAS E. VANHOOSE, JR.,

Plaintiff,

-vs-

TRANSCRIPT OF RECORD

STATE OF SOUTH CAROLINA,

Defendant.

October 8, 2013  
Marion, South Carolina

B E F O R E:

THE HONORABLE WILLIAM H. SEALS, JR., Judge

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

HELEN T. MCFADDEN, Esquire  
Attorney for the Plaintiff

JOSHUA THOMAS, Esquire  
Attorney for the Defendant

KRYSTAL J. SMITH  
Court Reporter

|    |                                           |                    |
|----|-------------------------------------------|--------------------|
| 1  | <u>I N D E X</u>                          |                    |
| 2  |                                           |                    |
| 3  | <u>WITNESS/DESCRIPTION</u>                | <u>PAGE NUMBER</u> |
| 4  | Scott Floyd                               |                    |
| 5  | Direct Examination by Ms. McFadden.....   | 6                  |
| 6  | Cross Examination by Mr. Thomas.....      | 29                 |
| 7  | Redirect Examination by Ms. McFadden..... | 34                 |
| 8  | Recross Examination by Mr. Thomas.....    | 35                 |
| 9  | Thomas E. Vanhooose, Jr.                  |                    |
| 10 | Direct Examination by Ms. McFadden.....   | 36                 |
| 11 | Cross Examination by Mr. Thomas.....      | 39                 |
| 12 | William Vic Meetze                        |                    |
| 13 | Direct Examination by Mr. Thomas.....     | 42                 |
| 14 | Cross Examination by Ms. McFadden.....    | 45                 |
| 15 | Redirect Examination by Mr. Thomas.....   | 48                 |
| 16 | Court Reporter Certification.....         | 50                 |
| 17 |                                           |                    |
| 18 |                                           |                    |
| 19 |                                           |                    |
| 20 |                                           |                    |
| 21 |                                           |                    |
| 22 |                                           |                    |
| 23 |                                           |                    |
| 24 |                                           |                    |
| 25 |                                           |                    |

E X H I B I T S

| <u>NO.</u> | <u>DESCRIPTION</u>  | <u>ID.</u> | <u>EV.</u> |
|------------|---------------------|------------|------------|
| P-1        | Transcript of Video |            | 26         |
| P-2        | Video on CD         |            | 29         |
| P-3        | Packet of CDs       |            | 29         |

1 OCTOBER 8, 2013

2 (WHEREAS this matter was scheduled for a post-conviction  
3 relief hearing, the applicant appeared along with his  
4 counsel of record. The State appeared through counsel of  
5 record. The hearing began at 10:12 a.m.)

6 THE CLERK: Mr. Vanhooose, would you stand up for me,  
7 please? Please hold up your hand the best way you know how.  
8 Do you swear or affirm to tell the truth, the whole truth, and  
9 nothing but the truth, so help you God?

10 THE APPLICANT/PLAINTIFF: Yes, ma'am.

11 THE CLERK: All right. You can have a seat.

12 THE COURT: All right.

13 MR. THOMAS: Your Honor, the next case is Thomas Vanhooose  
14 versus the State. It's Case Number 2012-CP-21-3198. Mr.  
15 Vanhooose was indicted in July of 2011 for murder, armed  
16 robbery, possession of a weapon during the commission of a  
17 violent crime, and conspiracy. He was represented on those  
18 charges by Scott P. Floyd and Vic Meetze.

19 He pled on December 13<sup>th</sup>, 2011, to armed robbery, murder,  
20 and conspiracy. The Honorable Michael G. Nettles sentenced  
21 him to 30 years for the armed robbery, 30 years for the  
22 murder, and 5 years to Mr. Vanhooose for the conspiracy, all  
23 those to run concurrent.

24 He filed this PCR on December 3<sup>rd</sup>, 2012. He is present in  
25 the court today and represented by Helen T. McFadden. I'll

1 turn the floor over to her.

2 THE COURT: All right. I'm ready whenever you are.

3 MS. MCFADDEN: Thank you, Your Honor, and I certainly  
4 appreciate the opportunity to ---

5 THE COURT: Sure.

6 MS. MCFADDEN: --- talk to Mr. Vanhooose. I tried to meet  
7 with him on Sunday, but he wasn't around. Your Honor, I'm  
8 going to call Scott Floyd as my first witness.

9 THE COURT: All right.

10 MS. MCFADDEN: And I would ask if Mr. Meetze would be  
11 required to leave the room while we're doing that.

12 THE COURT: That would be fine. You can come back here  
13 if you want to.

14 (Whereupon, attorney Vic Meetze leaves the courtroom.)

15 THE COURT: All right. Then why don't you go ahead and  
16 have your client sit by you.

17 MS. MCFADDEN: Okay.

18 THE COURT: And we'll call Scott Floyd on up.

19 THE CLERK: Mr. Floyd, raise your right hand. Do you  
20 swear or affirm to tell the truth, the whole truth, and  
21 nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 MS. MCFADDEN: Thank you, Your Honor.

24 SCOTT P. FLOYD, being first duly  
25 sworn, testifies as follows:

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

DIRECT EXAMINATION

1  
2 BY MS. MCFADDEN:

3 Q: Hello, Scott. Or should I call you Mr. Floyd?

4 A: Scott is fine.

5 Q: Thank you. If I can call you Scott, it will keep me from  
6 tripping over things.

7 A: That's no problem.

8 Q: Okay. Now, Scott, you represented Mr. Vanhooose, you and  
9 Mr. Meetze?

10 A: That's correct.

11 Q: And that was in a guilty plea situation?

12 A: That's correct.

13 Q: Okay. Now, you provided me the opportunity to review  
14 your file in your office in Florence for this case?

15 A: Right. I did.

16 Q: And we did have some trouble finding it?

17 A: We did, at first.

18 Q: Okay.

19 A: We certainly did.

20 Q: Now, do you know for a fact that that is a full copy? Is  
21 what you've provided to me a full copy of the file?

22 A: I mean as far as I know it is. I mean I don't know that  
23 it -- I can't imagine that anything would have been removed  
24 from it.

25 Q: Okay. And did you bring that with you today?

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 A: You know, I didn't bring the file, but I think Vic  
2 brought it.

3 Q: You think it's here?

4 A: I think it might be in that expandable folder there.

5 Q: Okay. You look at it.

6 A: Okay. Well, I don't think it is. Although, when we left  
7 the office, I thought he said he had everything we needed.  
8 That's somebody else's file.

9 Q: Okay.

10 THE COURT: If you want to check with him, he's right  
11 back here by chance.

12 MS. MCFADDEN: Did he take anything in?

13 THE COURT: How about, Mr. Gerald, see if he has ---

14 MR. FLOYD: I have no idea.

15 Q: Have you reviewed that file, Scott, since the day that I  
16 reviewed it?

17 A: I didn't read the whole file. I looked at the plea  
18 affidavit, which I think you asked for specifically.

19 Q: Mm-hmm.

20 A: I read back through the transcript and I think that's  
21 really all I recall looking at.

22 Q: Okay. Now, when you -- you have been the public defender  
23 for how long?

24 A: Since March of 2012.

25 Q: Okay. And in that time period and prior to that time

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 period, you did a fair amount of criminal law defense;  
2 correct?

3 A: Yes, ma'am.

4 Q: Okay. So when you are examining a file and preparing to  
5 represent a criminal defendant, is it your habit to make notes  
6 with regards to the file and the facts?

7 A: I'm not a big note-taker. I mean I do take notes  
8 sometimes, but I don't -- I don't copiously take notes. I  
9 mean my average file might have two or three sheets of paper  
10 in there with writing on it.

11 Q: Well, when you reviewed the Vanhooose file, did you have  
12 any notes in that file?

13 A: I don't know that I did. I have no idea. I -- I didn't  
14 -- once again, I did not look through that entire file. I  
15 looked at certain things, but I couldn't tell you one way or  
16 the other if I had any notes in there.

17 Q: Well, prior to guiding Mr. Vanhooose to enter a guilty  
18 plea, what did you do with regard to the facts and the  
19 evidence in that file?

20 A: Okay. Well, I would say that I didn't guide him into a  
21 guilty plea. I stated to Mr. Vanhooose at the detention center  
22 -- no, let me back up and let me tell you how I got involved  
23 in the case, if that's okay. Originally, this was Jack  
24 Lawson's case. Okay? He got sick and he had -- I don't know  
25 -- four, five murder cases in his office at the time. He

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 asked me if Vic and I would take those cases and handle them.

2 Q: Okay.

3 A: And so we did.

4 Q: Now, I'm -- that wasn't my question and -- and I think  
5 that most of the people in the room probably know that set of  
6 facts anyway.

7 A: Okay.

8 Q: My question was before counseling with Mr. Vanhooose ---

9 A: Okay.

10 Q: --- about the entry of a guilty plea, what sort of  
11 evidence review did you do?

12 A: I read the file and I think there was some CDs in there.  
13 There was some statements on them. I, you know, went over  
14 that sort of thing. I basically looked through -- through the  
15 file. Whatever was in there at the time, I reviewed it. I  
16 can't remember if I got anything additional after I took the  
17 file or not from the solicitor, and then I went and spoke to  
18 him.

19 Q: Okay. The file is pretty thick; isn't it?

20 A: It is. It's a thick file.

21 Q: Okay. And Mr. Lawson had made repeated Rule 5 motions;  
22 hadn't he?

23 A: I believe so.

24 Q: And he had secured at least this much paperwork from the  
25 Solicitor's Office?

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 A: That is correct.

2 Q: And that is still sitting in the file; isn't it?

3 A: It is.

4 Q: And you gave me the opportunity to review it?

5 A: I did.

6 Q: Okay. Now, in this review prior to the guilty plea, did

7 you discover any discrepancies in the testimony of -- or the

8 confessions is what you have, not testimony -- confessions of

9 Mr. Vanhooose, Travis Lee, Dylan Lee, and Shane Matthews?

10 A: I mean I don't think that all their statements completely

11 matched up, no. I do not believe so.

12 Q: Did you discover any discrepancies?

13 A: Yes. I mean there were some discrepancies I believe in

14 their statements.

15 Q: Okay. Now, as an experienced trial lawyer, those

16 discrepancies are what you would exploit at a trial; aren't

17 they?

18 A: Yes.

19 Q: Okay. And so you're trying to decide whether your client

20 should plead guilty or go through trial; right? When you're

21 talking to him?

22 A: Well, yes. I mean ultimately the client decides. I

23 don't decide.

24 Q: Yes. But you give him your best advice?

25 A: Certainly.

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 Q: Is that correct?

2 A: Mm-hmm.

3 Q: Okay. And ultimately, you did advise him that a guilty  
4 plea was in his best interest?

5 A: I think so.

6 Q: Okay. Now, did you ever discuss with him the various  
7 discrepancies?

8 A: You know, I can't recall if we did or not, to be honest  
9 with you. I don't know.

10 Q: Well, I'm going to speak in hypotheticals. If there was  
11 a discrepancy between the transcripts provided to you under  
12 Rule 5 ---

13 A: Mm-hmm.

14 Q: --- and what was actually on those videotapes with regard  
15 to Mr. Vanhooose's confession ---

16 A: Right.

17 Q: --- would that have been worth exploiting at a trial or  
18 would that have been worth exploiting with the Solicitor's  
19 Office for a reduced sentence?

20 A: Certainly, if he had made a decision to go to trial, then  
21 of course -- excuse me. I'm sorry. You would have -- I  
22 apologize -- the pollen has ---

23 Q: Do you need some water?

24 A: --- gotten to me. I'm fine. If he had chosen to go to  
25 trial, certainly we would have attempted to exploit the

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1 discrepancies. I mean it would have been worth doing in a  
2 trial certainly.

3 Q: Is there from your experience any advantage to those  
4 discrepancies in the plea negotiations?

5 A: Well, certainly when you're speaking to the solicitor and  
6 you discuss the strength of the case, I mean obviously that  
7 could come into it.

8 Q: Okay. Well, in terms then of Rule 5 violations, would it  
9 be in your opinion a violation of the jurisprudence and the  
10 responsibilities of the Solicitor's Office under Rule 5 to  
11 have given you a full transcript of Mr. Vanhooose's confession?

12 A: Would it have -- would it have been a violation ---

13 Q: A violation to fail to do that.

14 A: To fail to give me that, I believe so.

15 Q: Okay. So if the record that you provided to me shows  
16 that the printed -- the transcript of Mr. Vanhooose's guilty --  
17 confession is not a full transcript, that there's 15 -- 20  
18 minutes more of conversation, would that have been a violation  
19 of Rule 5?

20 A: If they had intentionally failed to give me that, I  
21 believe so.

22 Q: Here's my question, Scott. They've given you a  
23 transcript.

24 A: All right.

25 Q: And they've given you a video.

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 A: Mm-hmm.

2 Q: And the two don't match.

3 A: Okay.

4 Q: So they're kind of trying to sucker you into relying on  
5 the transcript and not looking at ---

6 MR. THOMAS: Objection, Your Honor. She's making an  
7 assumption there on the record.

8 THE COURT: Rephrase your question.

9 Q: They're misleading you in ---

10 MR. THOMAS: Same objection, Your Honor.

11 THE COURT: It might be a little bit of leading, but why  
12 don't you rephrase your question in a non-leading way.

13 MS. MCFADDEN: Okay.

14 Q: Scott, when you get a transcript ---

15 A: Mm-hmm.

16 Q: --- and it says on the face of it that it is a transcript  
17 of a confession at a certain date and time ---

18 A: Right.

19 Q: --- and you get a video of the same, what's your  
20 expectation about the transcript containing all that's on the  
21 video?

22 A: Well, normally, you would think that the transcript would  
23 have the whole conversation, you know.

24 Q: Okay. And so if you had watched the video and it didn't  
25 have the whole -- the transcript was not a complete transcript

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1 of the video, what would you have done?

2 A: What would I have done?

3 Q: Yeah. In terms of either Rule 5 or working with the  
4 Solicitor's Office, what would you have done?

5 A: I probably would have just gone and -- and asked for the  
6 rest of it.

7 Q: Okay.

8 A: Just, you know, our offices are only three stories apart  
9 or four stories apart so it's easier just to walk up the  
10 stairs.

11 Q: Okay. So you would have asked for the rest of it. And  
12 just considering hypothetically, if the rest of it was yet a  
13 third version of what was on the printed transcripts, what  
14 would your conclusion have been about the value of Mr.  
15 Vanhooose's confession?

16 A: I'm not sure whether I understand what you're saying.

17 Q: Suppose what's not on the document that you got ---

18 A: Right.

19 Q: --- that is a transcript -- purports to be a transcript  
20 of Mr. Vanhooose's confession, the transcript -- in the  
21 transcript -- I'm just going to show you this document which  
22 is from the file. In the transcript, Mr. Vanhooose says that  
23 ---

24 MR. THOMAS: Can I ---

25 THE COURT: Why don't you let opposing counsel look at it

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 real quick?

2 MS. MCFADDEN: Okay. The only difference is my  
3 handwritten notes on it.

4 A: Okay.

5 Q: In that part of the transcript, Mr. Vanhoose says that  
6 Mr. Springs was shot inadvertently when a gun belonging to Mr.  
7 Springs went off in his hands; right?

8 A: Yes. I mean I haven't read this one, but I do recall,  
9 yeah, him saying that in the interview.

10 Q: But suppose -- right here you see my handwriting and it  
11 says more on video; right?

12 A: Right.

13 Q: Suppose the video continues to go on beyond this  
14 transcript.

15 A: Right.

16 Q: And suppose that the video says that Dylan Lee shot Mr.  
17 Springs with a gun owned by Dylan Lee.

18 A: Right.

19 Q: Had you known that, Mr. Floyd, would that have made any  
20 difference in your advice or the plea negotiations for Mr.  
21 Vanhoose?

22 A: Right. Well, certainly it could have made a difference  
23 in my advice if -- if you're assuming that I didn't know his  
24 full story. Is that what -- is that what you're assuming?

25 Q: Okay. Are ---

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1 A: I mean I did watch the video.

2 Q: Okay. So you did know ---

3 A: Right.

4 Q: --- that there's yet another story ---

5 A: Right.

6 Q: --- on the video?

7 A: Yeah.

8 Q: Okay. And so you did know that the video and the

9 transcript didn't match?

10 A: I knew that it -- yeah, I knew that it cuts off, yeah,

11 exactly. Up to a -- I mean it matches up to a point where it

12 ends.

13 Q: Right.

14 A: Right.

15 Q: Where the transcript ends ---

16 A: Exactly.

17 Q: --- and the video continues?

18 A: Right. Yeah.

19 Q: Okay. Did you ever discuss that with Mr. Vanhooose?

20 A: Absolutely, we discussed it and Vic and I both talked to

21 him about, you know, the facts of the case and what happened.

22 Q: Okay. So there -- the witnesses to this crime and the

23 purported perpetrators of this crime have a discrepancy about

24 where the gun comes from; right?

25 A: That's correct. If I recall, at least one of them says

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 it came from somewhere else and, like I said, I didn't read  
2 all the statements again. It's been a while since I've read  
3 them, but I know at least one of the co-defendants there was a  
4 discrepancy in where the gun came from.

5 Q: Okay. And in fact, the statement of Dylan Lee, he says  
6 it was his gun; doesn't he?

7 A: That I don't remember.

8 Q: Okay. And he also says where he purchased that gun;  
9 doesn't he?

10 A: I don't remember.

11 Q: But suppose that is in there ---

12 A: Right.

13 Q: --- that Dylan Lee in his confession says that the gun  
14 that killed Jimmy Springs was his gun, not a gun belonging to  
15 Jimmy Springs. Would that have made a difference in your plea  
16 negotiations and your advice to Mr. Vanhooose?

17 A: Well, we read all of the transcripts, okay, at the time.  
18 You know, I don't remember all of the details. So the advice  
19 that I gave him was based on all the information that I had,  
20 which included that.

21 Q: Okay. Did you ever try to follow up on Mr. Lee's --  
22 Dylan Lee's assertion as to his point of purchase for that gun  
23 to see whether or not that was truthful?

24 A: I did not.

25 Q: Okay. Had you turned up the fellow who purportedly sold

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1 Dylan Lee the gun, would that have made a difference in the  
2 advice given to Mr. Vanhooose?

3 A: I don't know what that person would have said. I mean I  
4 ---

5 Q: But you didn't ---

6 A: I mean ---

7 Q: --- try to find that person; did you?

8 A: You're talking about the person who sold Mr. Lee the gun?

9 Q: Mm-hmm.

10 A: No. I don't remember trying to find him.

11 Q: Okay. And according to Mr. Lee's testimony, that person  
12 was someone he worked with?

13 A: And I don't remember ---

14 Q: Okay.

15 A: --- from my looking at the transcript.

16 Q: So that would not -- you're saying that wouldn't have  
17 made a hill of beans to your advice whether or not that little  
18 rabbit really did come out of a hat?

19 A: Not based on what he told me -- when I said he, I mean  
20 Mr. Vanhooose -- and all the information that I had.

21 Q: Okay. So Mr. Vanhooose at one point in the video actually  
22 says Dylan Lee was the trigger man; doesn't he?

23 A: I believe so.

24 Q: Okay. And if Dylan Lee was also the owner of the gun,  
25 would not that assertion from Mr. Vanhooose have been more

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 credible?

2 A: Well, it certainly could have been more credible in front  
3 of a jury, absolutely.

4 Q: Okay.

5 A: Okay.

6 Q: And would -- that issue of credibility and that issue of  
7 ownership, would that not have been information that you could  
8 have used to negotiate a reduced plea for Mr. Vanhooose?

9 A: Are you asking me if I know the solicitor would have  
10 changed his mind ---

11 Q: No. I'm ---

12 A: --- about the plea offer?

13 Q: --- asking you is that not information you could have  
14 used?

15 A: Well, I mean it's possible that I could have used any  
16 information, absolutely.

17 Q: Okay. Now, there is no transcript of the Shane Matthews  
18 confession; is there?

19 A: I don't remember.

20 Q: Okay. But you do have a video of the Shane Matthews  
21 confession; is that correct?

22 A: If it's on the videos that I gave you, then I do because  
23 all the videos that I gave you came from my -- or came from my  
24 file.

25 Q: Right. Okay. And do you -- if the Shane Matthews video

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1 has yet another story about how the shooting occurred, would  
2 that have made a difference? So there are three versions  
3 among four people. Okay?

4 A: Okay.

5 Q: Is that not something you could have exploited to get  
6 either a reduced sentence or at trial?

7 A: If he went to trial, certainly we would bring up all  
8 those discrepancies and there were three or four, as you said.  
9 Certainly if he had made -- if he had made the decision to go  
10 to trial, then we would have exploited them at trial.

11 Q: Okay.

12 A: But he didn't. It was his decision to plead guilty based  
13 on the information that he gave me and Mr. Meetze. But now,  
14 as far as the solicitor goes, I had more than one talk with  
15 the solicitor and he absolutely refused to budge off of  
16 pleading to murder and so -- and we discussed that with Mr.  
17 Vanhoose.

18 Q: Okay. Did you ever have any discussions with the  
19 solicitor about all of these discrepancies and most  
20 importantly the discrepancy about the gun?

21 A: You know, I don't remember specifically what we talked  
22 about as far as him and I. I don't remember every detail of  
23 what we discussed, to be honest with you. I know -- you know,  
24 I remember discussing the case with him, but I can't tell you  
25 right now specifically all of the details I discussed.

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 Q: So if Shane Matthews also says that it was Dylan Lee's  
2 gun so that now there are three people at various times saying  
3 it was Dylan Lee's gun, why wasn't it important to find out if  
4 Dylan Lee actually purchased the type of gun that was used to  
5 kill Jimmy Springs?

6 A: Well, based on the information that I had not only in the  
7 file but from Mr. Vanhooose, I mean I just didn't think that it  
8 was important other than what I already had I mean.

9 Q: But I mean that's already in the file?

10 A: Right, exactly.

11 Q: It's in what you gave me. Okay. And the gun was never  
12 located?

13 A: That's correct.

14 Q: But the bullet that killed Mr. Springs was a known piece  
15 of evidence and it would have been possible to determine,  
16 would it not -- since nobody knew where Jimmy Springs bought a  
17 gun, it would have been possible because Dylan said where he  
18 bought the gun, it would have been possible to determine if  
19 Dylan Lee's gun was a match to the bullets, whether it shot  
20 that caliber?

21 A: Right.

22 Q: Okay. And to you, that was not an important fact to know  
23 for negotiation or for the determination of whether you go to  
24 trial?

25 A: Well, obviously if he had gone to trial, then ballistics

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 and that sort of thing would have been discussed at a trial,  
2 but ---

3 Q: But we're not ---

4 A: --- Mr. Vanhooose made the decision not to go to trial.

5 Q: We're not talking about ballistics, Mr. Floyd.

6 A: Right.

7 Q: We're talking about whether -- since no one had any  
8 information from Springs about whether he owned a gun that  
9 would shoot a .25 caliber bullet -- that's the right kind of  
10 bullet; right? Yes or no?

11 A: I don't remember.

12 Q: Okay.

13 A: I did look at the photo, but I didn't read the -- all the  
14 statements once again.

15 Q: Explain to me why it was totally unimportant to you to  
16 know whether or not Dylan Lee had ever possessed a gun that  
17 could shoot .25 caliber bullets?

18 A: Well, based on the information that Mr. Vanhooose gave me  
19 personally, okay?

20 Q: And what was that information?

21 A: That he received the gun from Mr. Lee before he went into  
22 the house. That he planned a robbery and he went into the  
23 house with a gun. That's what he told me.

24 Q: Okay.

25 A: So I mean I ---

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 Q: I understand your position that you went to a plea  
2 agreement.

3 A: Right.

4 Q: Okay. My position here today is that there were things  
5 that could have been investigated fairly quickly and they  
6 might have helped Mr. Vanhooose. Would you agree with me that  
7 knowing whether Dylan Lee ever possessed a gun that would  
8 shoot a .25 caliber bullet would have been an important piece  
9 of information for evaluating the truthfulness of all these  
10 confessions?

11 A: I agree and based on what my client himself told me, I  
12 had no reason to believe that he was lying to me about where  
13 he got the gun. I'm talking about my own client.

14 Q: Okay.

15 A: I'm not talking about somebody else.

16 Q: So even -- let's assume you did watch the balance of the  
17 video.

18 A: Right.

19 Q: Even when that balance of the video that continues after  
20 the transcript, if it was more consistent with the videos of  
21 Shane Matthews and Dylan Lee, that wouldn't have made any  
22 difference to you?

23 A: When you say more consistent ---

24 Q: About the gun.

25 A: I'm not -- I'm not sure exactly what you're asking. I'm

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1   sorry.

2   Q:   Well, let's put it this way, Mr. Scott.  Just -- Mr.

3   Floyd.  In theory, when you decide to try a case ---

4   A:   Right.

5   Q:   --- it's not unusual that folk are telling more than one

6   story because it's ---

7   A:   Right.

8   Q:   It's like a game, a children's game where people actually

9   see and remember different parts of the same event; right?

10  A:   Correct.

11  Q:   So it's not unexpected ---

12  A:   Right.

13  Q:   --- that witnesses see something different and recall

14  something different.  So when you are getting ready for a

15  trial, you try to pin down every fact that you can pin down;

16  don't you?

17  A:   Right.

18  Q:   So that you can evaluate the credibility of the various

19  stories?

20  A:   Right.  And ---

21  Q:   Because that's what you're going to do with the jury?

22  A:   Right.

23  Q:   Okay.  So what I'm saying to you is this gun, even though

24  supposedly it was tossed in a body of water and -- and there

25  are two different stories on that; right?  One -- one set of

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 people says Lynches, one set of people says Santee for the  
2 toss. But it might have been possible to determine to the  
3 certainty whether or not Dylan Lee ever possessed a .25  
4 caliber handgun; right?

5 A: It might have been.

6 Q: Okay. And you never followed that up?

7 A: I did not.

8 Q: Okay. And it -- as a matter of how you as a well-  
9 respected criminal lawyer plan to defend people, pinning down  
10 those facts that you can pin down because they are third party  
11 undeniable facts is important; isn't it?

12 A: Certainly. Absolutely.

13 Q: Okay.

14 MS. MCFADDEN: Your Honor, I probably need to introduce  
15 as evidence ---

16 Q: This is the document you gave me?

17 A: Right.

18 MS. MCFADDEN: I don't know whether you ---

19 THE COURT: Any objections?

20 MS. MCFADDEN: --- want to look at it.

21 MR. THOMAS: No objection.

22 THE COURT: All right.

23 MS. MCFADDEN: And, Your Honor, for the record, the  
24 handwriting that is on the last page is mine.

25 MR. THOMAS: No objection to that either.

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 THE COURT: All right. It is in evidence without  
2 objection.

3 MS. MCFADDEN: Okay.

4 (Whereupon, the transcript of the video is marked and  
5 entered as Plaintiff's Exhibit Number 1.)

6 Q: Scott, you ---

7 A: Yes.

8 Q: --- provided me with these. By the way, is that your  
9 handwriting on them?

10 A: No. I'll tell you how these were produced if you want to  
11 know.

12 Q: I think the Court might want that.

13 A: Okay. We had all of this in our file ---

14 Q: Mm-hmm.

15 A: --- on this -- on these CDs. I did not know how to  
16 reproduce these so I took them to one of the IT people at  
17 Florence County who works in the Complex and asked him to  
18 reproduce the CDs ---

19 Q: Mm-hmm.

20 A: --- and he did and he returned them to me.

21 Q: Okay.

22 A: And so these CDs that I now have in my hand were given  
23 back to me by the IT person in Florence.

24 Q: Okay. And I just ---

25 A: And I gave them to you.

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 Q: I believe you did. I don't know enough to do anything  
2 like that.

3 MS. MCFADDEN: Your Honor, I just realized that one we've  
4 been talking about is sitting in a computer in the trunk of my  
5 car.

6 THE COURT: All right.

7 MS. MCFADDEN: And I would like to introduce all of them  
8 into evidence. I'm going to have to go and get the one in the  
9 trunk of my car and ---

10 MR. THOMAS: No objection.

11 THE COURT: Do you want to get it now or do you want to  
12 ---

13 MS. MCFADDEN: Let me finish -- well, I am finished with  
14 Mr. Floyd. When I introduce that particular CD and that one I  
15 would like to mark as 2 so that ---

16 THE COURT: Are you talking about this one right here?

17 MS. MCFADDEN: No, sir, the one that's in my computer.  
18 It is the one I would mark as Number 2.

19 THE COURT: All right.

20 MS. MCFADDEN: That packet I would mark as 3.

21 THE COURT: This is Number 3? Is that what you're  
22 saying?

23 MS. MCFADDEN: The whole packet, yes, sir.

24 THE COURT: All right. Any objections to 2 and 3?

25 MR. THOMAS: No objection.

SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 THE COURT: All right.

2 MS. MCFADDEN: As an evidentiary matter, Your Honor, you  
3 can't look at them without the disk that's in 3 that is the  
4 program.

5 THE WITNESS: That is correct.

6 THE COURT: Applicant's 1, 2, and 3 are into evidence  
7 without objection.

8 MS. MCFADDEN: Okay. And so if I could -- at the point  
9 in time I retrieve it, if I could simply recall Mr. Floyd for  
10 him to identify what's going to be Number 2?

11 THE COURT: Why don't you go -- why don't you go ahead  
12 and get it and we'll just keep it going?

13 MS. MCFADDEN: Is there a back way out of here?

14 THE COURT: Where are you parked?

15 MS. MCFADDEN: On that parking lot.

16 THE DEPUTY: You can come through here.

17 MS. MCFADDEN: Okay.

18 (Whereupon, there is a pause in the proceedings until  
19 counsel re-enters the courtroom.)

20 BY MS. MCFADDEN:

21 Q: Is this the same one you gave me?

22 A: Yes. That is a reproduction of that CD that I had that  
23 was given to me by the IT person.

24 Q: Okay. And according to what I assume the IT person wrote  
25 on it, it's got video statements on Travis Lee, Matt Lee,

## SCOTT P. FLOYD - DIRECT EXAMINATION BY MS. MCFADDEN

1 Shane Matthews, and two statements for Vanhooose?

2 A: That -- that's what it says on there, yes.

3 MR. THOMAS: Again, we have no objection.

4 THE COURT: All right.

5 (Whereupon, the CD of a video is marked and entered as  
6 Plaintiff's Exhibit Number 2 and the packet of CDs is  
7 marked and entered as Plaintiff's Exhibit Number 3.)

8 MS. MCFADDEN: That's all for this gentleman.

9 THE COURT: All right. Cross?

10 CROSS EXAMINATION

11 BY MR. THOMAS:

12 Q: Good morning, Mr. Floyd.

13 A: Good morning.

14 Q: How long have you been practicing law?

15 A: I'm going to have to do math. Twenty-four years I think,  
16 yeah.

17 Q: And how many times did you meet with Mr. Vanhooose prior  
18 to his plea?

19 A: You know, I met with him a number of times at the  
20 detention center. I know I met with him at least once by  
21 myself, and Mr. Meetze and I met with him jointly I think a  
22 couple of times.

23 Q: And I'm assuming that Mr. Lawson would have filed the  
24 Rule 5 motions in this case; is that correct?

25 A: Yes.

SCOTT P. FLOYD - CROSS EXAMINATION BY MR. THOMAS

1 Q: But you did review all of the discovery the State  
2 provided?

3 A: Yes.

4 Q: And to the best of your knowledge, was that a complete  
5 response from the State's discovery? Did they give you  
6 everything they had?

7 A: I believe so.

8 Q: Did you have an opportunity to review the State's  
9 discovery with Mr. Vanhooose?

10 A: Yes.

11 Q: And when you reviewed it, you went over both the written  
12 statements and you would have watched the videos with him?

13 A: I can't remember if we actually watched the videos or  
14 not. He was in the detention center. You know, if a client  
15 specifically requests that we watch videos down there, I mean  
16 we make arrangements to do it, you know, have a computer taken  
17 back to the pod, but I can't remember whether he asked to look  
18 at the videos or not.

19 Q: But you yourself did review all ---

20 A: Right.

21 Q: --- the videos in their entirety?

22 A: Yes.

23 Q: And those CDs that have been put into evidence, those are  
24 complete copies of the videos that you've watched the whole  
25 thing?

## SCOTT P. FLOYD - CROSS EXAMINATION BY MR. THOMAS

1 A: Yes. I'm assuming that the copies are complete. I  
2 didn't look at the copies. The IT person made those that are  
3 in evidence, but he made those off of the CDs that I had in my  
4 file.

5 Q: And of those videos, how many different statements did  
6 Mr. Vanhooose make?

7 A: I think there were two or three.

8 Q: So he was interviewed -- was he interviewed three times  
9 or two times?

10 A: I'm trying to remember. I think he was interviewed three  
11 times I believe.

12 Q: And in any of those statements, was there ever any doubt  
13 that Mr. Springs was killed by a .25 caliber handgun?

14 A: Excuse me?

15 Q: In any of those statements, was there -- in the first  
16 statement, he indicated that he accidentally discharged ---

17 A: Right.

18 Q: --- the weapon and killed Mr. Springs. In the second  
19 statement, he said that Mr. Lee had killed Mr. Springs. And  
20 then in the third statement, that's when he said that he was,  
21 in fact, the one that pulled the trigger and killed Mr.  
22 Springs again. Isn't that correct?

23 A: I believe so.

24 Q: Okay. And so it wouldn't have made any -- there was  
25 never any doubt in your mind from those statements that there

SCOTT P. FLOYD - CROSS EXAMINATION BY MR. THOMAS

1 was, in fact, a handgun involved in the murder of Mr. Springs;  
2 correct?

3 A: No.

4 Q: And where that handgun came from was irrelevant to your  
5 investigation; isn't that correct?

6 A: Not based on what my client told me, no.

7 Q: But there was never any doubt in your mind that your  
8 client had a handgun at Mr. Springs' house?

9 A: No.

10 Q: Okay. And in your investigation, it was irrelevant to  
11 you whether Mr. Lee provided that handgun to him or whether --  
12 where Mr. Lee got the handgun from?

13 A: No.

14 Q: Right. At trial, would it -- do you think it would have  
15 made a difference where Mr. Lee got the handgun from?

16 A: In the ultimate outcome, no.

17 Q: If -- if theoretically this case had gone to trial, would  
18 you have asked for a Jackson v. Denno hearing on those  
19 statements that Mr. Vanhooose gave?

20 A: Yes.

21 Q: And do you anticipate the State would have used the  
22 transcripts or would they have used the actual CD of the  
23 statements?

24 A: I feel that they would have used the CDs. That's  
25 normally what they do.

## SCOTT P. FLOYD - CROSS EXAMINATION BY MR. THOMAS

1 Q: Ultimately, whose decision was it to plead guilty instead  
2 of go to trial?

3 A: Mr. Vanhoose.

4 Q: And at any point did he ever indicate to you that he  
5 wanted to go to trial?

6 A: No.

7 Q: I guess let's go back real quick to the -- sort of your  
8 plea negotiations. Did the State ever give you a number on  
9 the murder charge? A number of years?

10 A: They never -- actually, I don't think there was a  
11 recommendation during the plea. I don't think it was  
12 negotiated either. If I recall, I think it was just an open  
13 plea. Now, I do recall that Mr. Clements was not going to ask  
14 specifically for anything more than the minimum 30. I don't  
15 -- and I don't believe that he did, but I mean that's how I  
16 remember it.

17 Q: And so did he indicate to you that he wouldn't ask for  
18 anything more than the minimum?

19 A: I believe he did.

20 Q: And did you indicate that to Mr. Vanhoose prior to the  
21 plea?

22 A: I think I probably said something to him, but it being a  
23 non-negotiated, non-recommendation-type plea, I'm sure I would  
24 have told him that, you know, ultimately the sentence was in  
25 the judge's hand, you know.

SCOTT P. FLOYD - REDIRECT EXAMINATION BY MS. MCFADDEN

1 MR. THOMAS: I think that's all I have. Thank you.

2 THE COURT: All right. Redirect?

3 REDIRECT EXAMINATION

4 BY MS. MCFADDEN:

5 Q: Mr. Floyd, I understood in your responses to opposing  
6 counsel's question that you were of the opinion that the  
7 origin of the handgun was irrelevant?

8 A: I don't think that it would have made any difference in  
9 the outcome based on the information that I had from my  
10 client.

11 Q: So is it not relevant when -- let me start my question  
12 over. Is it not relevant to a charge of conspiracy to commit  
13 armed robbery whether or not you have the gun and bring it to  
14 the robbery or whether you just by happenstance as the  
15 confessions assert that the man in his boxer shorts comes to  
16 the door with the gun?

17 A: Right.

18 Q: And then hands it to you. So you've taken your gun to  
19 the party versus the guy in the boxer shorts that you've waked  
20 up just happened to have a gun when he comes to the door.  
21 Doesn't that make a big difference in the conspiracy charges  
22 and the plan to commit armed robbery? And if those two  
23 charges were gone, wouldn't that have resulted in a reduced  
24 sentence?

25 A: Hypothetically, if those two charges were gone, it could

## SCOTT P. FLOYD - REDIRECT EXAMINATION BY MS. MCFADDEN

1 have, absolutely. But ---

2 Q: So the origin of the gun is not irrelevant to them; is  
3 it?

4 A: Well, in that sense, no, it's not.

5 Q: Okay.

6 MS. MCFADDEN: That's it.

7 THE COURT: That's it? Anything further?

8 MR. THOMAS: Just one question.

9 RECROSS EXAMINATION

10 BY MR. THOMAS:

11 Q: The existence or non-existence -- what -- what was Mr.  
12 Vanhoose's ultimate sentence? Do you recall?

13 A: His ultimate sentence?

14 Q: What was he -- what -- what sentence did Judge Nettles  
15 impose on the murder charge?

16 A: Thirty years.

17 Q: And what sentence did he impose on the conspiracy charge?

18 A: I believe five years.

19 Q: And were those to run concurrently or consecutively?

20 A: I believe concurrently.

21 MR. THOMAS: Thank you.

22 THE COURT: All right. Go ahead and call your next  
23 witness.

24 MS. MCFADDEN: Thank you, Your Honor. I'd call Mr.  
25 Vanhoose.

THOMAS VANHOOSE, JR. - DIRECT EXAMINATION BY MS. MCFADDEN

1 THE COURT: Was the witness sworn in?

2 THE CLERK: He was already sworn.

3 THE COURT: Go ahead. He's already sworn.

4 THOMAS E. VANHOOSE, JR., being first  
5 duly sworn, testifies as follows:

6 DIRECT EXAMINATION

7 BY MS. MCFADDEN:

8 Q: Mr. Vanhooose, you heard Mr. Scott Floyd's testimony with  
9 regard to reviewing the evidence with you?

10 A: Yes, ma'am.

11 Q: Did you ever review with Mr. Floyd or Mr. Meetze the  
12 materials I forwarded to you?

13 A: No, ma'am.

14 Q: So when you saw that bulk of material from your file,  
15 that was your first shot at it; right?

16 A: Yes, ma'am.

17 Q: Okay. And could I have sent you videos? Would you have  
18 been able to look at them in prison?

19 A: Yes, ma'am.

20 Q: So you have had opportunity to review those; correct?

21 A: Yes, ma'am.

22 THE COURT: Speak up just a little bit, if you would.

23 Q: She's trying to take down what you say.

24 A: Oh. Yes, ma'am.

25 Q: Okay. Having reviewed all that material after you were

## THOMAS VANHOOSE, JR. - DIRECT EXAMINATION BY MS. MCFADDEN

1 in prison, would that -- does that make a difference to you  
2 now in terms of your plea?

3 A: Yes, ma'am.

4 Q: Can you tell the judge briefly what difference it makes  
5 for you now?

6 A: Well, the statements would be number one. I mean some of  
7 the statements are not there. Some of them that -- some of  
8 them -- they're all different.

9 Q: And so did you ever say to Mr. Floyd that you absolutely  
10 did not want to go to trial?

11 A: No, ma'am.

12 Q: Did you ever ask Mr. Floyd or Mr. Meetze about their  
13 assessment of what might happen at trial?

14 A: No, ma'am.

15 Q: Okay. Did you have any kind of -- how many times did you  
16 meet with them?

17 A: I seen Mr. Floyd and Mr. Meetze one time together and  
18 each came once a piece.

19 Q: Okay. And did they offer you anything other than  
20 pleading guilty to these crimes?

21 A: No, ma'am.

22 Q: Did they discuss with you anything about the gun  
23 discrepancies in all this testimony?

24 A: No, ma'am.

25 Q: Were you aware of that before you read the various

THOMAS VANHOOSE, JR. - DIRECT EXAMINATION BY MS. MCFADDEN

1 statements?

2 A: No, ma'am.

3 Q: Did you discuss with them any reduction in the number of  
4 charges that you were facing?

5 A: No, ma'am.

6 Q: Did they ask you anything about your defenses to the  
7 charges other than the murder charge?

8 A: No, ma'am.

9 Q: Now, with regard to the matter of an appeal, Mr.  
10 Vanhoose, did you specifically request that Mr. Scott or Mr.  
11 Meetze file an appeal for you?

12 A: Yes, ma'am.

13 Q: Okay. Do you recall when you did that?

14 A: I had wrote the day after I received my time.

15 Q: Okay. So you wrote to each one of them or one letter to  
16 both of them?

17 A: One letter to both of them.

18 Q: Okay. And in that letter, what did you ask for?

19 A: I was asking for an appeal of the sentencing.

20 Q: Okay. And how did you seek to get that letter delivered  
21 to them?

22 A: I mailed it. I was -- at the time, I was at R&E at  
23 Kirkland.

24 Q: Okay. And you put it in the postal mail?

25 A: Yes, ma'am.

THOMAS VANHOOSE, JR. - DIRECT EXAMINATION BY MS. MCFADDEN

1 Q: Okay. And in the materials that I sent you, did you see  
2 a copy of your letter?

3 A: No, ma'am.

4 Q: Okay. So the one handwritten letter that is in those  
5 materials, that's not your request for an appeal?

6 A: No, ma'am.

7 Q: Okay. What was that letter about? Could you read it?

8 A: No, ma'am.

9 Q: Neither could I so I couldn't tell you, but that is your  
10 handwriting; isn't it?

11 A: Yes, ma'am.

12 Q: So you clearly had written to them before and it had been  
13 delivered to them before?

14 A: Yes, ma'am.

15 Q: So you had a working address for them and in those  
16 materials, you don't see your request for an appeal; do you?

17 A: No, ma'am.

18 Q: Okay.

19 MS. MCFADDEN: That's all I have.

20 THE COURT: All right. Cross?

21 CROSS EXAMINATION

22 BY MR. THOMAS:

23 Q: Mr. Vanhooose, you never reviewed your discovery with your  
24 attorneys at all?

25 A: No, sir.

THOMAS VANHOOSE, JR. - CROSS EXAMINATION BY MR. THOMAS

1 Q: Did you ever discuss with them any possible defenses you  
2 might have to the charges?

3 A: Not technically.

4 Q: Did you ever have any discussions with them about any  
5 sort of potential investigation they should be performing?

6 A: No, sir.

7 Q: Did you ever discuss with them any plea offers the State  
8 made?

9 A: No, sir.

10 Q: Do you -- you do recall pleading guilty though; don't  
11 you?

12 A: Yes, sir.

13 Q: And you recall going in front of Judge Nettles; isn't  
14 that correct?

15 A: Yes, sir.

16 Q: And you recall the solicitor, Mr. Clements, reading off  
17 the facts that the State was using for your charge?

18 A: Yes, sir.

19 Q: And you also recall when the solicitor read those facts  
20 off that you agreed with his recitation of facts?

21 A: Yes, sir.

22 Q: And you recall telling Judge Nettles that you were guilty  
23 of the charges?

24 A: Yes, sir.

25 Q: Do you recall discussing your constitutional rights with

1 Mr. Meetze and Mr. Floyd?

2 A: Yes, sir.

3 Q: And do you recall filling out the waiver -- the affidavit  
4 waiving your constitutional rights and everything, agreeing to  
5 plead guilty?

6 A: Yes, sir.

7 Q: And do you recall telling Judge Nettles that you were, in  
8 fact, guilty?

9 A: Yes, sir.

10 MR. THOMAS: That's all I have. Thank you.

11 THE COURT: All right. Anything further?

12 MS. MCFADDEN: Nothing, Your Honor.

13 THE COURT: All right. You can have a seat next to your  
14 lawyer. If you will, call your next witness.

15 MS. MCFADDEN: Your Honor, my next witness would have  
16 been Mr. Meetze, but I believe that his testimony is likely to  
17 be duplicative.

18 THE COURT: Thank you.

19 MS. MCFADDEN: So I'm going to waive that.

20 THE COURT: All right. Any other witnesses?

21 MS. MCFADDEN: No, sir.

22 THE COURT: All right. Do you have any witnesses?

23 MR. THOMAS: Your Honor, I would call Mr. Meetze just for  
24 a couple brief rebuttal issues.

25 THE COURT: All right.

WILLIAM VIC MEETZE - DIRECT EXAMINATION BY MR. THOMAS

1 (Whereupon, there is a pause in the proceedings until the  
2 witness enters the courtroom.)

3 THE CLERK: Do you swear or affirm to tell the Court the  
4 truth, and nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Okay.

7 THE COURT: All right.

8 WILLIAM VIC MEETZE, being first duly  
9 sworn, testifies as follows:

10 DIRECT EXAMINATION

11 BY MR. THOMAS:

12 Q: Mr. Meetze, I think Mr. Floyd covered pretty much  
13 everything regarding y'all's representation, but I just wanted  
14 to ask you a couple quick things.

15 A: Sure.

16 Q: What opportunities did you have to go over the State's  
17 evidence with Mr. Vanhooose?

18 A: We -- this is a case that occurred back when Jack Lawson  
19 was the circuit defender for the Twelfth Circuit and initially  
20 Jack -- Mr. Lawson was representing Mr. Vanhooose. At some  
21 point in time during that, Mr. Lawson became ill and while he  
22 was ill and in the hospital and Mr. Floyd had visited him, Mr.  
23 Lawson had conveyed to Mr. Floyd that he wanted Mr. Floyd and  
24 myself to handle the pending murder cases that he still had in  
25 Florence and Marion. Mr. Floyd came back to the office and

WILLIAM VIC MEETZE - DIRECT EXAMINATION BY MR. THOMAS

1 let me know that and we decided between the two of us that  
2 instead of just splitting them up and me taking a couple and  
3 him taking a couple that we would just represent all -- we  
4 would handle all those cases together. Mr. Vanhooose's case  
5 was one of those.

6 You know, the plea I think from looking at the transcript  
7 and everything happened on December the 13<sup>th</sup> of 2011 and it  
8 would have been, you know, September sometime when all of that  
9 happened would be my guess and when we started representing  
10 him. I don't -- I know Scott and I -- Mr. Floyd and I went  
11 out to the jail and met with him together. There may have  
12 been a time when Mr. Floyd went out there to represent him as  
13 well -- I mean to talk to him as well without me there and I  
14 may have stopped by to check on him one time without Mr.  
15 Floyd. I don't recall.

16 So we certainly had opportunities to talk to him. My  
17 recollection of representing Mr. Vanhooose was that in talking  
18 to him, he was always very up front with us with regards to  
19 his responsibility, you know, and as far as, you know, talking  
20 to him about the case, him telling us his side of things,  
21 certainly we believed based on that and based on the evidence  
22 in the file that -- and his desire to not have a jury trial  
23 that we -- you know, we moved forward with the plea.

24 As far as -- we certainly did have an opportunity to meet  
25 with him about his case and I know Mr. Lawson had as well. I

WILLIAM VIC MEETZE - DIRECT EXAMINATION BY MR. THOMAS

1 think the attorneys that represented him certainly have been  
2 over the evidence with him.

3 Q: But do you specifically recall any instances where you  
4 would have gone over the evidence with him?

5 A: Mr. Floyd and I went out there and we -- certainly we  
6 went over the case with him.

7 Q: And did you have an opportunity to discuss with him or --  
8 let me rephrase that. Did you receive any letters from him  
9 after the plea?

10 A: I do not recall receiving any letters from him after the  
11 plea.

12 Q: If you had received any letters or those, what would you  
13 have done with them?

14 A: Typically, I read those letters and if there's any  
15 response that is required as a result of those letters, I will  
16 respond appropriately.

17 Q: If he had sent you a letter asking you to file an appeal,  
18 what would you have done?

19 A: I would have filed an appeal.

20 Q: What's your normal practice in terms of when someone  
21 wants to plead guilty? Is there any sort of forms you have  
22 them fill out?

23 A: Obviously, there's a sentencing sheet that everybody  
24 fills out when they plea where they sign and we go over that  
25 with them. On more serious cases, I try to go over with them

WILLIAM VIC MEETZE - DIRECT EXAMINATION BY MR. THOMAS

1 a detailed plea affidavit that goes over with them all of  
2 their constitutional rights. It has a section on there to put  
3 in there what they did that makes them guilty and makes them  
4 want to plead guilty, whether or not there is any  
5 recommendations. It goes over with them any collateral  
6 consequences such as whether a charge is most serious or not,  
7 whether it falls under the two or three strikes rule, and that  
8 kind of thing, and on serious cases, I can't say I do it every  
9 time. Sometimes I neglect or forget to do so, but I try to do  
10 that on -- on cases that are -- that are strikes under our two  
11 or three strikes law and things like that.

12 Q: Do you recall if you had an opportunity to do that with  
13 Mr. Vanhooose's case?

14 A: We did.

15 Q: Was there ever -- did he ever indicate to you or to your  
16 knowledge to Mr. Floyd that he wanted a trial instead of  
17 pleading guilty?

18 A: My recollection is that he never conveyed that to us.

19 MR. THOMAS: Thank you. That's it.

20 THE COURT: All right.

21 MR. THOMAS: I'll turn it over to Ms. McFadden.

22 CROSS EXAMINATION

23 BY MS. MCFADDEN:

24 Q: Mr. Meetze, though Mr. Vanhooose at various points in time  
25 admitted to the shooting of Mr. Springs, he never said it was

WILLIAM VIC MEETZE - CROSS EXAMINATION BY MS. MCFADDEN

1 a planned killing; did he?

2 A: I don't recall whether he ever said that or not. I ---

3 Q: Did he not maintain that it was an accidental shooting  
4 the whole time he was represented by you and Mr. Floyd?

5 A: I'll be honest with you. I don't remember if he  
6 maintained that the whole time. He never -- he was always  
7 exhibiting when we spoke it seems like a lot of nervousness in  
8 explaining what happened. Sort of it always happened really  
9 quick, that kind of thing. Whether he maintained it was an  
10 accident the whole time, I don't recall whether he used those  
11 words or not, but I certainly do think and if I remember from  
12 the file, correct, I do think that there were times where he  
13 did maintain that. Whether that was the -- whether that was  
14 maintained the whole time with Mr. Floyd and myself, I don't  
15 recall.

16 Q: And he never in his confessions admitted that there was a  
17 planned robbery; did he?

18 A: I don't recall.

19 Q: Okay. So you haven't reviewed the file for today?

20 A: I have not.

21 Q: Okay. And you haven't reviewed the videos and the  
22 discrepancies in the videos?

23 A: I have not.

24 Q: Okay. So just in general then, Mr. Meetze, an accidental  
25 shooting is a lot different from a planned robbery with a

1 shooting; isn't it? In the eyes of the law?

2 A: In the law of accident, certainly there is a defense of  
3 accident in criminal law. However, one of those -- one of the  
4 elements of an accident defense is that the individual has to  
5 be acting lawfully, and in my review of the facts of this case  
6 would be that they were not acting lawfully and therefore an  
7 accident defense would not have been viable in this case.

8 Q: But if there was no plan to rob, doesn't that affect the  
9 -- the status of the death under the statutes and doesn't that  
10 affect the conspiracy charge?

11 A: If they were not acting -- if they were not robbing or if  
12 -- you know, if you take the facts as they are and you believe  
13 that you can somehow convince a jury that they were in the  
14 house acting lawfully and that this was purely an accident,  
15 then, you know, maybe there's a defense, but certainly  
16 arguments can be made that whether there was a planned robbery  
17 or not, a gun was brandished and pointed. That's a violation  
18 of the law and would again negate an accident defense. I  
19 really do not see ---

20 Q: Okay.

21 A: --- accident being a viable defense in this case.

22 Q: But the brandishing and pointing of the gun has got a  
23 different connotation when you bring the gun with you from the  
24 gun just happening to be there; doesn't it?

25 A: Well, I mean pointing a gun is pointing a gun.

WILLIAM VIC MEETZE - CROSS EXAMINATION BY MS. MCFADDEN

1 Q: Mm-hmm.

2 A: Brandishing a gun is ---

3 Q: Mr. Meetze, the facts are the gentleman in the house was  
4 shot. We're not ---

5 A: Right.

6 Q: I'm not just saying that didn't happen. Okay? I am  
7 asking you questions with regard to possible defense or  
8 possible mitigation or a series of discrepancies. It makes a  
9 difference to whether you have a plan; doesn't it? Whether  
10 you bring the gun with you, whether you plan to commit a  
11 robbery?

12 A: I think that things like that can make a difference, but  
13 I can't sit here and say that it would have made a difference.

14 Q: But you didn't investigate those; did you?

15 A: I did not.

16 Q: Okay.

17 MS. MCFADDEN: Thank you.

18 THE COURT: All right.

19 MR. THOMAS: Briefly.

20 REDIRECT EXAMINATION

21 BY MR. THOMAS:

22 Q: How far in advance does the intent to murder someone have  
23 to arise?

24 A: It doesn't have to be any extended period of time. It  
25 can -- can come the instant.

1 Q: And how would Mr. Vanhoose's aggregate sentence be  
2 different if the conspiracy and armed robbery charges had been  
3 dropped?

4 A: It wouldn't be any different.

5 MR. THOMAS: Thank you.

6 THE COURT: All right. Any other witnesses?

7 MR. THOMAS: That's all from the State.

8 THE COURT: All right. I'll take it under advisement and  
9 let you know something very soon. All right.

10 (Whereupon, the proceedings end at 11:19 a.m.)

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12 --- END REQUESTED TRANSCRIPT ---

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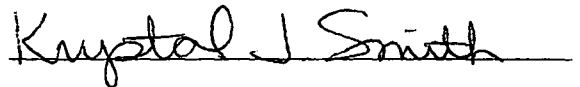
1 STATE OF SOUTH CAROLINA )  
2 ) CERTIFICATE  
3 COUNTY OF FLORENCE )  
4

5 I, the undersigned, Krystal J. Smith, Official Court  
6 Reporter for the Twelfth Judicial Circuit of the State of  
7 South Carolina, do hereby certify that the foregoing is a  
8 true, accurate, and complete Transcript of Record of all the  
9 proceedings had and evidence introduced in the hearing of the  
10 above captioned case, relative to appeal, in the Court of  
11 Common Pleas for Florence County, South Carolina, held in  
12 Marion, South Carolina, on the 8<sup>th</sup> day of October, 2013.

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

15

16



17

Court Reporter

18

19 Florence, South Carolina

20 March 31, 2014

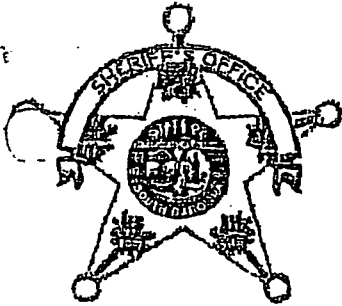
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# FLORENCE COUNTY SHERIFF'S OFFICE

WILLIAM K. "KENNEY" BOONE, SHERIFF

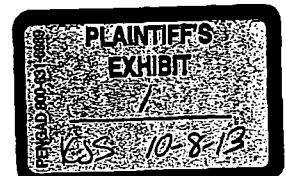
## STATEMENT AND INTERVIEW FORM

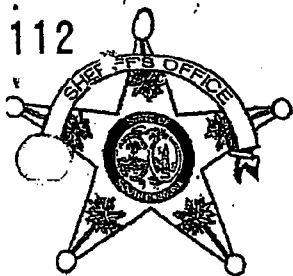
TODAY'S DATE: 9/9/10 TIME: 1715  
 LOCATION: FCSD  
 INCIDENT DATE: 8/31/10 CASE #: 2010-08-907  
 REFERENCE TO: MURDER / HOMICIDE  
 LAW ENFORCEMENT PRESENT: \_\_\_\_\_  
 SUBJECT'S NAME: THOMAS ELBERT VANHOOSF JR  
 SUBJECT'S ADDRESS: \_\_\_\_\_  
 CITY: SCRANTON STATE: SC ZIP: \_\_\_\_\_  
 HOME PHONE #: (843) WORK PHONE #: ( )  
 DOB: \_\_\_\_\_ AGE: 18 SS#: \_\_\_\_\_  
 HEIGHT: 601 WEIGHT: 145 HAIR COLOR: BLN SEX: MALE  
 PLACE OF WORK OR SCHOOL: Adult Ed

\*\*\*\*\*QUESTIONS BELOW ARE OPTIONAL\*\*\*\*\*

EDUCATION COMPLETED: 10th  
 UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AT THIS TIME? NO  
 ARE YOU COMFORTABLE MAKING THIS STATEMENT HERE? YES  
 HAVE YOU BEEN THREATENED OR MISTREATED IN ANY WAY TO MAKE THIS STATEMENT? NO

6719 FRIENDFIELD ROAD EFFINGHAM, SOUTH CAROLINA 29541  
 SHERIFF (843) 665-2121 DETENTION CENTER (843) 665-9944





**FLORENCE COUNTY SHERIFF'S OFFICE**  
**WILLIAM K. "KENNEY" BOONE, SHERIFF**



**MIRANDA WARNING**

CASE# 2610-08-907 LOCATION: FC80

DATE: 9/09/10 TIME: 1717

**THE CONSTITUTION REQUIRES (I/ WE) INFORM YOU THAT:**

- IV 1.) YOU HAVE THE RIGHT TO REMAIN SILENT.
- IV 2.) ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- IV 3.) YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
- IV 4.) IF YOU CAN NOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.
- IV 5.) YOU CAN DECIDE AT ANYTIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.
- IV 6.) DO YOU UNDERSTAND EACH OF THESE RIGHTS AS I HAVE EXPLAINED THEM TO YOU? yes
- IV 7.) HAVING THESE RIGHTS IN MIND DO YOU WISH TO TALK TO US NOW? yes

Thomas E. Vanheese Jr

ADDRESS  
SC Anten SC  
 CITY STATE

**WAIVER OF RIGHTS**

I HAVE READ THIS STATEMENT OF MY RIGHTS AND UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OF ANY KIND HAS BEEN USED AGAINST ME BY ANYONE.

SIGNED: x Thomas Vanheese Jr TIME: 5:17 pm

WITNESS: [Signature] WITNESS: [Signature]

6719 FRIENDFIELD ROAD EFFINGHAM, SOUTH CAROLINA 29541  
 SHERIFF (843)665-2121 DETENTION CENTER (843)665-9944

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
CASE NUMBER: 2010-08-0907

STATE OF SOUTH CAROLINA )  
:  
COUNTY OF FLORENCE )

CASE NUMBER: 2010-08-0907

FLORENCE COUNTY SHERIFF'S OFFICE

STATEMENT COVER SHEET

STATEMENT TAKEN FROM:

~~THOMAS VANHOOSE JR.~~

THIS PAGE IS NOT PART OF RECORDED STATEMENT,  
AND IS FOR RECORDS KEEPING PURPOSE ONLY.

INVESTIGATOR: CHAD COLLINS  
 INVESTIGATOR: THOMAS MCFADDEN  
 SUBJECT: THOMAS VANHOOSE JR.  
 CASE NUMBER: 2010-08-0907

COLLINS: TODAY'S DATE IS 09-09-2010. TIME NOW IS 17:15. LOCATION IS THE LAW ENFORCEMENT COMPLEX INTERVIEW ROOM AT THE FLORENCE COUNTY DETENTION CENTER. -INCIDENT DATE 08-31-2010. -CASE NUMBER 2010-08-907. -REFERENCE TO A HOMICIDE. -LAW ENFORCEMENT PRESENT INVESTIGATOR CHAD COLLINS, ALSO PRESENT IS INVESTIGATOR THOMAS MCFADDEN. -SUBJECT'S NAME IS THOMAS, T-H-O-M-A-S ELVERT, E-L-V-E-R-T VANHOOSE, V-A-N-H-O-O-S-E JUNIOR. -ADDRESS IS ROAD, SCRANTON, SOUTH CAROLINA. -PHONE NUMBER -DATE-OF-BIRTH- . -AGE: 18. -SOCIAL SECURITY NUMBER IS HEIGHT: 6'1. -WEIGHT: 145. -HAIR COLOR: BROWN. -SEX: MALE. -PLACE OF WORK OR SCHOOL, ADULT ED.

-UM- PRIOR TO STARTING THE TAPE -UH- THOMAS, YOU DON'T MIND ME CALLING YOU THOMAS, IS THAT OKAY?

VANHOOSE: THAT'S FINE.

COLLINS: -OKAY. -UM- WE DID ADVISE OF YOU OF YOUR MIRANDA WARNINGS. -UM- WE DID UTILIZE A MIRANDA FORM SUPPLIED BY THE FLORENCE COUNTY SHERIFF'S OFFICE. I'M MA PLACE THAT FORM IN FRONT OF YOU. IS THAT THE FORM THAT INVESTIGATOR MCFADDEN EXPLAINED TO YOU?

VANHOOSE: YES, SIR.

COLLINS: DID YOU GO OVER THAT FORM?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, I'M GONNA ADVISE YOU OF YOUR RIGHTS ONE MORE TIME FOR THE RECORDING.

YOU HAVE THE RIGHT TO REMAIN SILENT.

ANYTHING THAT YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM OR HER PRESENT WITH YOU WHILE YOU'RE BEING QUESTIONED.

IF YOU CAN NOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTION—QUESTIONING, IF YOU WISH.

YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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DO YOU UNDERSTAND EACH OF THESE RIGHTS AS THEY HAVE BEEN  
EXPLAINED TO YOU?

VANHOOSE: YES, SIR.

COLLINS: HAVING THESE RIGHTS IN MIND, YOU'LL BE ALRIGHT TO TALK TO US?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, WILL YOU STATE YOUR NAME, DATE-OF-BIRTH AND ADDRESS  
FOR ME PLEASE.

VANHOOSE: THOMAS VANHOOSE, ROAD, SCRANTON, SOUTH  
CAROLINA—

COLLINS: -OKAY.

VANHOOSE: -DATE-OF-BIRTH

COLLINS: -OKAY, NOW AT THE BOTTOM OF THIS FORM THERE'S A WAIVER OF  
RIGHTS STATEMENT. -UM- YOU HAVE READ THE STATEMENT, YOU  
UNDERSTAND YOU ARE WILLING YOU WAIVE YOUR RIGHTS AND TALK  
TO US, IS THAT CORRECT?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, AND YOU'RE DOING THIS VOLUNTARILY AND OF YOUR OWN  
FREEWILL?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, YOU HAVEN'T BEEN THREATENED OR MISTREATED IN ANY  
WAY TO TALK WITH US?

VANHOOSE: NO, SIR.

COLLINS: -OKAY, -ALRIGHT, HOW FAR DID YOU GO IN SCHOOL?

VANHOOSE: 10<sup>TH</sup> GRADE.

COLLINS: -OKAY, ARE YOU UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AT  
THIS TIME?

VANHOOSE: NO, SIR.

COLLINS: -OKAY, DO YOU FEEL COMFORTABLE TALKING TO US?

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FLORENCE COUNTY SHERIFF'S OFFICE  
STATEMENT

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: YES, SIR.

COLLINS: -OKAY, -ALRIGHT, WE'RE HERE TO DISCUSS AN INCIDENT THAT OCCURRED AT \_\_\_\_\_ ROAD. -UM- ADDRESS OLANTA, SOUTH CAROLINA, WHICH IS IN THE COUNTY OF FLORENCE. -UM- AT THAT PARTICULAR LOCATION ON 08-31-2010 -UH- JIMMY SPRINGS WAS THE RESIDENT OF THAT HOME, WAS FOUND DECEASED ON HIS LIVINGROOM FLOOR. -UM- IF YOU WOULD, IF YOU HAVE ANY KNOWLEDGE OF IT, WOULD YOU TELL ME MR. VANHOOSE WHAT KNOWLEDGE YOU HAVE OF IT.

VANHOOSE: -UH— (INAUDIBLE) WE WENT THERE THE FIRST TIME, IT'S ABOUT 7:30 - 8:00—

MCFADDEN: (INAUDIBLE) WHEN YOU SAY WE, PLEASE EXPLAIN THAT —

VANHOOSE: -ALRIGHT.

MCFADDEN: — WHERE THEY— THEY'LL KNOW (INAUDIBLE) WHEN YOU SAY WE— WE.

VANHOOSE: ME, DILLON LEE AND TRAVIS LEE WENT TO MR. JIMMY'S HOUSE BOUT' 7:30 —8:00 PURCHASED A GRAM OF COCAINE FOR \$60.00. I WENT INSIDE, I WAS THE ONLY ONE THAT WENT IN, HE BAGGED IT UP, I GAVE HIM THE MONEY AND LEFT. (INAUDIBLE) WE RODE AROUND DIRT ROADS, ALL AROUND CAMPBRANCH, IN THAT AREA, WE DONE IT. AND, WE RODE BY AND SEEN HE WAS STILL UP, WE RAN OUT OF COCAINE, PULLED BACK UP IN THERE TO PURCHASE ANOTHER GRAM OF COCAINE, SO THEY GAVE ME THE MONEY, I WENT UP THERE AND KNOCKED ON THE DOOR, TOOK HIM A FEW SECONDS TO COME TO THE DOOR. HE CAME TO DOOR IN HIS BOXERS, HE HAD A PISTOL. AND, I TOLD HIM I WANTED AND STUFF, HE WENT TO THE BACK BEDROOM, GOT IT AND CAME BACK, SITTING—HE WAS SITTING IN THE CHAIR RIGHT THERE CLOSE TO THE LIVINGROOM WHERE THE FRONT AND STUFF, I WAS STANDING TO THE LEFT BEHIND HIM KIND OF.

COLLINS: -UMH-HUH.

VANHOOSE: HE SHOWED ME A GUN HE HAD JUST GOT, HE WAS BAGGING UP THE COCAINE AND I WAS PLAYING AROUND WITH THE GUN AND IT WENT OFF.

COLLINS: -OKAY, WHAT HAPPENED AFTER THAT?

VANHOOSE: AND, I -I STOOD THERE FOR A SECOND, DIDN'T KNOW WHAT TO DO, I FREAKED OUT, GRABBED THE LITTLE BIT OF COCAINE THAT WAS ON

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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THE TABLE AND THE PISTOL, I RUN OUT THE FRONT DOOR. AND, WHEN I GOT BACK IN THE TRUCK, (INAUDIBLE) TELL THEM EVERYTHING THAT HAPPENED, I JUST—JUST TOLD THEM THAT THE GUN WENT OFF (INAUDIBLE). THEN WE WENT TO THE BRIDGE —

COLLINS: -UMH-HUH.

VANHOOSE: -THREW THE GUN AND THEY DROPPED ME OFF AT THE HOUSE.

COLLINS: -OKAY, WHAT HAPPENED WHEN YOU GOT HOME?

VANHOOSE: I WAS JUST SITTING ON THE FRONT PORCH (INAUDIBLE). WHEN I FIRST GOT HOME I WENT INSIDE AND SOON AS I GOT THERE I CAME OUTSIDE AND WAS JUST SITTING THERE CRYING ON THE PORCH. I WENT INSIDE, GOT THE LITTLE BIT OF WEED I HAD, I ROLLED A BLUNT, I WAS SITTING ON THE FRONT PORCH SMOKING IT. AND, I WENT IN THERE AND LAYED DOWN AND WATCHED TV ALL NIGHT, COULDN'T SLEEP.

COLLINS: -OKAY, NOW THE FIRST TIME YOU WENT WAS THERE —YOU SAID YOU WENT IN THE HOUSE BY YOURSELF?

VANHOOSE: YES, SIR.

COLLINS: — WAS THERE ANYBODY ELSE INSIDE THE HOUSE BESIDES MR. SPRINGS?

VANHOOSE: I DIDN'T SEE NO ONE.

COLLINS: -UM- ANY CHILDREN?

VANHOOSE: NO, SIR.

COLLINS: DID YOU KNOW IF HE HAD CHILDREN?

VANHOOSE: NO, SIR.

COLLINS: YOU DIDN'T— YOU HAD NEVER SEEN A CHILD AT HIS HOUSE BEFORE?

VANHOOSE: NO, SIR.

COLLINS: HOW MANY TIMES HAD Y'ALL BEEN OVER THERE PRIOR TO THEN?

VANHOOSE: -MAYBE 3 —4 TIMES.

COLLINS: AND, THOSE 3 OR 4 TIMES YOU WENT (INAUDIBLE) WERE YOU DOING OVER THERE?

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FLORENCE COUNTY SHERIFF'S OFFICE  
STATEMENT

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
CASE NUMBER: 2010-08-0907

VANHOOSE: PURCHASING COCAINE.

COLLINS: -OVER A TIME PERIOD, I MEAN, UP UNTIL THIS INCIDENT HAPPEN, THE LAST ONE, WHEN YOU WENT BACK THE SECOND TIME -UM- HOW LONG HAD YOU KNOWN MR. SPRINGS?

VANHOOSE: MAYBE A MONTH OR TWO MONTHS.

COLLINS: HOW DID YOU GET INTRODUCED TO HIM?

VANHOOSE: LOGAN PROSSER.

COLLINS: I'M SORRY---

VANHOOSE: LOGAN PROSSER.

COLLINS: LOGAN PROSSER.

VANHOOSE: I MET HIM THROUGH LOGAN.

COLLINS: AND, WAS THAT, BECAUSE YOU WERE LOOKING FOR SOMEBODY TO BUY FROM OR YOU WANTED TO MEET ANOTHER PERSON FRIEND WISE OR WHAT?

VANHOOSE: I MEAN, I--I DIDN'T EVEN KNOW HE SOLD COCAINE, ME AND LOGAN WAS RIDING AROUND DRINKING ONE NIGHT---

COLLINS: -UMH-HUH.

VANHOOSE: -AND, WE WENT UP THERE AND LOGAN (INAUDIBLE) AND WE GOT SOME COCAINE THEN.

COLLINS: -OKAY.

VANHOOSE: AND, (INAUDIBLE) HE TOLD ME, IF I NEEDED ANYTHING JUST COME TO HIM. I DID (INAUDIBLE) A FEW TIMES TO GET SOME STUFF AFTER THAT.

COLLINS: SO, ON THIS PARTICULAR EVENING ON THE 30<sup>TH</sup> OF AUGUST YOU AND DILLON--WAS IT YOU AND DILLON THE FIRST TIME--

VANHOOSE: YES, SIR.

COLLINS: -EARLIER IN THE EVENING--

VANHOOSE: YES, SIR.

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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COLLINS: - DID TRAVIS GO WITH YOU THEN?

VANHOOSE: NOT THE FIRST TIME.

COLLINS: NOT THE FIRST TIME?

VANHOOSE: NO, SIR.

COLLINS: -OKAY, Y'ALL -UM- DID YOU TALK ABOUT GOING OVER THERE, YOU AND DILLON?

VANHOOSE: YES, SIR.

COLLINS: YOU DID? -OKAY, WHAT WAS THAT DISCUSSION?

VANHOOSE: I TOLD HIM - WE JUST SAID WE WAS— WANTING COCAINE. THEN, WE RODE BY AND WE SEEN JIMMY WAS AT HOME AND WE STOPPED.

COLLINS: -UM- WHO KNOCKED ON THE DOOR?

VANHOOSE: I DID.

COLLINS: AND, HOW DID—HOW DID JIMMY COME TO THE DOOR AT THAT TIME? I MEAN, HOW WAS HE DRESSED? -YOU RECALL?

VANHOOSE: HE HAD SHORTS ON AND I KNOW IT WAS A GUY HARVEY T-SHIRT, NOT SURE—

COLLINS: -OKAY.

VANHOOSE: -A PAIR OF KHAKI SHORTS AND A GUY HARVEY SHIRT.

COLLINS: DID YOU GO IN OR DID YOU STAY ON THE PORCH?

VANHOOSE: (INAUDIBLE)

COLLINS: WHERE DID YOU GO WHEN YOU WENT IN THE HOUSE THE FIRST TIME?

VANHOOSE: STOOD AT THE LIVINGROOM.

COLLINS: -OKAY, DID ANYBODY GO IN WITH YOU?

VANHOOSE: NO, SIR.

COLLINS: WHERE DID JIMMY GO WHILE YOU WERE STANDING IN THE LIVINGROOM?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: IN THE BACK PART OF HIS BEDROOM.

COLLINS: THE FIRST TIME YOU WENT OVER THERE DID YOU SEE A WEAPON, DID HE PRODUCE A WEAPON THEN?

VANHOOSE: NO, SIR.

COLLINS: -ALRIGHT, DID HE HAVE IT ON HIM PERSON, DID YOU SEE ONE ON HIM?

VANHOOSE: NO, SIR.

COLLINS: DID HE SAY HE HAD ONE ON HIM?

VANHOOSE: NO, SIR.

COLLINS: -ALRIGHT, SO HE GOES BACK DOWN THE HALLWAY, COMES BACK AND HE'S GOT WHAT?

VANHOOSE: HE HAD UH—HE HAD A LITTLE BLACK—LOOK LIKE -UM- A CROWN ROYAL BAG OF SOME SORT, SOMETHING OF THAT NATURE. AND, HE SIT DOWN BY THE TABLE AND PULLED OUT THE SCALES AND MAKE ME UP A-GRAM OF COCAINE.

COLLINS: -OKAY, WHAT DID THE SCALES LOOK LIKE?

VANHOOSE: IT WAS BLACK, LITTLE, PROBABLY ABOUT THIS LONG AND THIS WIDE.

COLLINS: -OKAY, WAS IT ELECTRIC?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, WHEN HE BAGGED THAT UP FOR YOU, YOU GAVE HIM HOW MUCH?

VANHOOSE: \$60.00.

COLLINS: -OKAY, AT THAT POINT YOU GO BACK OUT, DID YOU TALKED TO HIM, DID YOU STAY AND CONVERSE WITH HIM ANY AFTER THAT WAS OVER?

VANHOOSE: I ASKED HIM, HOW HE'D BEEN DOING AND STUFF.

COLLINS: -OKAY, —

VANHOOSE: (INAUDIBLE)

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
CASE NUMBER: 2010-08-0907

COLLINS: - WHAT DID HE SAY?

VANHOOSE: HE SAID, I'M DOING GOOD.

COLLINS: -OKAY, AND AS FAR AS MAKING SURE WE'RE TALKING ABOUT THE SAME JIMMY SPRINGS, OKAY— -UM- DID HE HAVE ANY—HAD HE BEEN INVOLVED IN AN ACCIDENT OR ANYTHING RECENTLY—HAVE ANY—

VANHOOSE: YES, SIR.

COLLINS: — ANY INJURIES ON HIM?

VANHOOSE: HIS -UH- RIGHT ARM -THINK RIGHT ARM WAS BROKE.

COLLINS: -OKAY.

VANHOOSE: (INAUDIBLE)

COLLINS: -OKAY, NOW -UM- SO YOU GO BACK AND GET IN THE CAR AND YOU AND DILLON RIDE AROUND?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, WHEN DID Y'ALL PICK TRAVIS UP?

VANHOOSE: -UH— PROBABLY ABOUT FORTY-FIVE MINUTES AFTER WE LEFT JIMMY'S HOUSE.

COLLINS: -OKAY, DID TRAVIS RIDE AROUND WITH Y'ALL WHILE Y'ALL WERE DOING ALL THAT?

VANHOOSE: YES, SIR.

COLLINS: DID HE? I—I KNOW THIS IS GOING TO BE A TOUGH QUESTION TO ANSWER, DID HE PARTICIPATE?

VANHOOSE: IN?

COLLINS: -IN DOING COCAINE?

VANHOOSE: YES, SIR.

COLLINS: -OKAY.

VANHOOSE: HE DID IT A FEW TIMES.

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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COLLINS: HE DID, ALRIGHT. -ALRIGHT, SO Y'ALL RODE AROUND FOR - FOR WHAT A GOOD COUPLE OF HOURS OR MORE?

VANHOOSE: YES, SIR (INAUDIBLE)

COLLINS: DID Y'ALL GO ANYWHERE BESIDES JUST RIDING AROUND, DID YOU GO TO A STORE, RESTURANT—ANYTHING TO EAT?

VANHOOSE: NO, SIR.

COLLINS: YOU JUST RODE AROUND?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, AND, WHO'S IDEA WAS IT TO GO BACK UP THERE?

VANHOOSE: IT JUST KIND OF CAME UP.

COLLINS: -OKAY, WHO -WHO (INAUDIBLE) THE SUBJECT? I MEAN, WAS IT YOU, WAS IT DILLON, TRAVIS?

VANHOOSE: DILLON.

COLLINS: DILLON DID?

VANHOOSE: (INAUDIBLE) WE RUN OUT, WE WAS JUST RIDING AROUND, (INAUDIBLE) WANT SOME MORE, YOU THINK HE'S STILL UP.

COLLINS: ANY OTHER DISCUSSION?

VANHOOSE: NO, SIR—I SAID, I TOLD, HIM I SAID, HE MIGHT BE WE CAN RUN BY AND SEE. WE RODE BY AND SEEN HE WAS STILL UP.

COLLINS: -UMH-HUH.

VANHOOSE: AND, WE PULLED UP, (INAUDIBLE).

COLLINS: -OKAY, AND WHO GOT OUT OF THE CAR THEN?

VANHOOSE: I DID.

COLLINS: -ALRIGHT, WERE YOU DRIVING?

VANHOOSE: NO, SIR.

COLLINS: WHO WAS DRIVING?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: DILLON.

COLLINS: DID YOU TELL HIM HOW TO GET OVER THERE OR HAD DILLON BEEN OVER THERE BEFORE?

VANHOOSE: (INAUDIBLE)

COLLINS: WELL, I MEAN, THAT—EARLIER THAT NIGHT?

VANHOOSE: YES, SIR.

COLLINS: —WAS THAT HIS FIRST TIME GOING OVER THERE?

VANHOOSE: I—THINK SO, YES, SIR.

COLLINS: —OKAY, SO YOU GET OUT OF THE VEHICLE, SURE DILLON DIDN'T GET OUT AND WALK UP BEHIND YOU?

VANHOOSE: I'M POSITIVE.

COLLINS: SO, YOU GET UP ON THE PORCH AND THEN WHAT HAPPENED?

VANHOOSE: KNOCKED ON THE DOOR.

COLLINS: —ALRIGHT, THEN WHAT?

VANHOOSE: AND, JIMMY SAID, HE SAID, HEY BOY, WHAT YOU WANT (INAUDIBLE). I SAID MAN, JUST LET ME IN I WANT TO TALK TO YOU FOR A SECOND. HE LET ME IN; I TOLD HIM I WANTED A GRAM OF COCAINE. HE HAD THE PISTOL IN HIS HAND, HE WENT TO THE BACK BEDROOM, GOT THE SAME BLACK BAG, COME BACK, HE SAID, YEAH, CHECK THIS OUT, I JUST GOT IT. AND, I WAS PLAYING WITH IT, MESSING AROUND WITH IT—

COLLINS: —UMH-HUH.

VANHOOSE: — WHILE HE WAS BAGGING UP THE COCAINE. AND, I TOOK THE CLIP OUT AND ALL THAT GOOD STUFF, I PUT IT BACK IN, I WENT TO GO PULL IT BACK, AS SOON AS, I WENT TO GO PULL IT BACK IT, PULL IT BACK MAYBE A HALF INCH IT SLIPPED OUT MY HAND.

COLLINS: —UMH-HUH.

VANHOOSE: SOON AS THAT HAPPENED IT FIRED.

COLLINS: HOW CLOSE DO YOU THINK YOU WERE TO HIM WHEN IT WENT OFF?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: -UH— I WAS STANDING RIGHT BEHIND HIM.

COLLINS: YOU JUST STAY SEATED -UM- HOW—HOW WAS THE—HOW WAS THE CHAIR POSITIONED?

VANHOOSE: (INAUDIBLE)

COLLINS: HOW WAS HE SITTING?

VANHOOSE: (INAUDIBLE) I WAS—HE WAS SOMETHING LIKE THIS.

COLLINS: -OKAY, BUT THE CHAIR WAS SITTING LIKE THAT?

VANHOOSE: I'M—I'M NOT SURE, SIR.

COLLINS: -ALRIGHT, WELL, YOU -YOU REMEMBER HOW THE TABLE WAS SET UP IN THE HOUSE, RIGHT?

VANHOOSE: YES, SIR.

COLLINS: IT WAS UP AGAINST THE WALL.

VANHOOSE: YEAH, IT WAS LIKE - THAT CHAIR, THAT CHAIR WAS THE TABLE HE WAS SITTING, HIS CHAIR—HE WAS SITTING THERE, IT WAS—I KNOW IT WAS UP CLOSE (INAUDIBLE) DOING THE COCAINE.

COLLINS: -OKAY.

VANHOOSE: AND, I WAS STANDING, -CAN I STAND UP FOR A SECOND—

COLLINS: LET HIM —

MCFADDEN: (INAUDIBLE) I'LL DO IT. (INAUDIBLE)

VANHOOSE: I WAS STANDING PROBABLY—PROBABLY ABOUT RIGHT THERE, A LITTLE BIT CLOSER. -PROBABLY ABOUT RIGHT HERE.

MCFADDEN: -ALRIGHT.

VANHOOSE: YES, SIR. AND, HE WAS DOING THE COCAINE AND I WAS MESSING WITH THE GUN. AND, HE KEPT LOOKING AT ME.

COLLINS: HE KEPT TURNING AND LOOKING AT YOU?

VANHOOSE: YES, SIR.

COLLINS: WHAT DID HE KEEP LOOKING AT YOU FOR?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: I DON'T KNOW.

COLLINS: DID MAKE ANY THREATS TO HIM?

VANHOOSE: NO, SIR.

COLLINS: DID YOU ASK FOR ANY MORE THAN THAT?

VANHOOSE: NO, SIR. -JUST A GRAM OF COCAINE.

COLLINS: DID YOU TELL HIM THAT YOU WANTED MORE AND YOU DIDN'T HAVE ENOUGH MONEY TO PAY FOR IT AND HE WAS GOING TO GIVE IT TO YOU ANYWAY?

VANHOOSE: NO, SIR.

COLLINS: SO, YOU WERE PLAYING WITH THE GUN OR -I WANT-I WANT SAY PLAYING WITH IT, YOU WERE LOOKING AT IT-

VANHOOSE: YES, SIR.

COLLINS: - IS THAT-IS THAT RIGHT, IS THAT FAIR? -UM- YOU SAID YOU TOOK THE CLIP OUT OF IT?

VANHOOSE: YES, SIR.

COLLINS: DID YOU CHECK THE CHAMBER TO SEE IF- WHEN YOU PULLED IT BACK TO SEE IF THE CHAMBER WAS CLEAR?

VANHOOSE: NO, SIR.

COLLINS: YOU JUST TOOK THE CLIP OUT? AND, YOU PUT IT BACK IN?

VANHOOSE: YES, SIR.

COLLINS: AND, THEN-?

VANHOOSE: I PULLED IT BACK, PULL THE CHAMBER-I PULLED IT BACK MAYBE THIS FAR, SOON AS I DID IT SLIPPED OUT MY HAND AND WENT OFF.

COLLINS: WHICH HAND DID YOU HAVE IT IN?

VANHOOSE: MY RIGHT HAND.

COLLINS: ARE YOU RIGHT HANDED?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: YES, SIR.

COLLINS: -OKAY, AND YOU TOOK THE CLIP OUT WITH YOUR?

VANHOOSE: -UM- I HAD IT IN MY RIGHT HAND, I TOOK THE, IT WAS A LITTLE TINY (INAUDIBLE) ON THE SIDE THE —

COLLINS: -UMH-HUH.

VANHOOSE: -THE GUN. I HIT IT AND I HELD IT IN MY LEFT HAND AND MESS WITH THE CLIP FOR A SECOND (INAUDIBLE) 2 OR 3 SHELLS IN IT, HOLD IT DOWN AND STUFF. HE TOLD ME IT HELD 5—6 SHELLS. I PUT IT BACK IN. I HAD IT LIKE THIS RIGHT HERE, MY FINGER WASN'T ON THE TRIGGER, I PULLED IT BACK AND IT SLIPPED.

COLLINS: -OKAY, DID HE TELL YOU IF THERE WAS A SAFETY ON IT OR ANYTHING, DID HE TELL YOU IF IT WAS A SAFE FIREARM OR ANYTHING LIKE THAT?

VANHOOSE: NO, SIR.

COLLINS: HE JUST HANDED IT TO YOU?

VANHOOSE: YES, SIR, HE SAID, JUST CHECK THIS OUT, I JUST GOT IT.

COLLINS: -OKAY, AND, THE GUN GOES OFF WHAT HAPPENED?

VANHOOSE: (INAUDIBLE) HE WAS SITTING IN THE CHAIR, THE GUN WENT OFF AND HE WAS DOWN LIKE THIS RIGHT HERE, LIKE TO HIS HEAD, (INAUDIBLE) TOWARD ME. AND, I JUST STOOD THERE FOR A SECOND, I DIDN'T KNOW WHAT TO DO, I FREAKED OUT. AND, I GRABBED JUST THE BLACK CROWN—CROWN ROYAL BAG AND SCALES AND I RAN OUT THE FRONT DOOR.

COLLINS: -OKAY, DID -UM- YOU REMEMBER WHERE THE—DID YOU SEE WHERE THE BULLET HIT HIM AT?

VANHOOSE: NO, SIR.

COLLINS: YOU DIDN'T?

VANHOOSE: I WAS LOOKING DOWN AT THE GUN WHEN IT WENT OFF.

COLLINS: -ALRIGHT, DID ANYBODY COME RUNNING OUT SAY ANYTHING TO YOU?

VANHOOSE: NO, SIR.

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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COLLINS: SO, YOU LOOKED AT HIM FOR A MINUTE, YOU GRABBED WHAT YOU GRABBED -UM- TOOK (INAUDIBLE) IS THAT RIGHT?

VANHOOSE: YES, SIR.

COLLINS: --WENT OUT AND GOT IN THE CAR? WHAT DID YOU TELL DILLON AND TRAVIS?

VANHOOSE: -UM- (INAUDIBLE) I DIDN'T SAY NOTHING, I FROZE. THEY KEPT ASKING ME WHAT HAPPENED, WHAT HAPPENED. I TOLD THEM IS BASICALLY THE GUN WENT OFF.

COLLINS: DID YOU TELL THEM THAT IT PROBABLY HIT HIM?

VANHOOSE: YES, SIR.

COLLINS: -OKAY, DID THEY ASK YOU WHERE THE GUN CAME FROM?

VANHOOSE: SIR?

COLLINS: DID THEY ASK YOU WHERE THE GUN CAME FROM?

VANHOOSE: YES, SIR.

COLLINS: WHAT DID YOU TELL THEM?

VANHOOSE: I TOLD, THEM WHAT HAPPENED, I TOLD, THEM IT WAS HIS AND I WAS JUST PLAYING WITH IT AND IT WENT OFF.

COLLINS: -OKAY, WHAT WAS THEIR SUGGESTION TO YOU (INAUDIBLE)? DID THEY MAKE ANY SUGGESTIONS?

VANHOOSE: NO, SIR (INAUDIBLE) THEY WERE SPEECHLESS.

COLLINS: WHOSE DECISION WAS IT TO DRIVE TO I BELIEVE ITS FRIENDFIELD ROAD, IS THAT RIGHT?

VANHOOSE: -UM- (INAUDIBLE) WE GO DOWN THERE FISHING A LOT. I DIDN'T KNOW ANYWHERE ELSE.

COLLINS: -OKAY, AND, WHAT WERE YOU GOING TO DO (INAUDIBLE)?

VANHOOSE: YES, SIR.

COLLINS: -ALRIGHT, I MEAN, YOU SAID YOU WENT HOME. HAVE YOU TALKED OR TOLD ANYBODY ABOUT THIS?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: NO, SIR.

COLLINS: YOU HAVEN'T TOLD ANYONE?

VANHOOSE: NO, SIR.

COLLINS: YOU TALK TO DILLON OR TRAVIS ANY--

VANHOOSE: I TALKED TO THEM--

COLLINS: --ABOUT IT?

VANHOOSE: --I DIDN'T TALK TO THEM ABOUT IT. BUT, I TALKED TO THEM.

COLLINS: YOU HAVE? -HOW HAVE Y'ALL TALKED -UM- FACE TO FACE, ON THE PHONE, TEXT MESSAGES, WHAT?

VANHOOSE: WE TALKED ON THE PHONE AND FACE TO FACE.

COLLINS: DID AT ANY POINT AND TIME DID YOU OR DILLON OR TRAVIS MAKE AN EFFORT TO CONTACT LAW ENFORCEMENT TO TELL THEM WHAT HAPPENED?

VANHOOSE: NO, SIR.

COLLINS: IS THERE A REASON FOR THAT?

VANHOOSE: JUST SCARED.

COLLINS: AND, WHAT WERE YOU AFRAID OF?

VANHOOSE: --GOING TO JAIL.

COLLINS: -OKAY, FAIR ENOUGH.

MCFADDEN: -UM- (INAUDIBLE) BE THE DEAD HORSE (INAUDIBLE) BE HONEST. BUT, DID YOU SAY THAT FIRST -WHAT STATEMENT YOU GIVEN YOU WAS FIXING TO TELL A LIE (INAUDIBLE)

VANHOOSE: (INAUDIBLE)

MCFADDEN: BUT, THIS TIME YOU TELLING THE TRUTH?

VANHOOSE: YES, SIR.

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
CASE NUMBER: 2010-08-0907

MCFADDEN: LET ME ASK YOU THIS, YOU SAY YOU DROVE AND WHAT GOT—  
CAUGHT MY EYE WAS YOUR PROPERTY WAS A FOUR-RUNNER. WHO  
DROVE—WHO—I HEARD YOU KEPT TELLING INVESTIGATOR COLLINS  
Y'ALL WERE DRIVING, WHO WAS DOING ALL THE DRIVING THAT  
NIGHT?

VANHOOSE: DILLON WAS.

MCFADDEN: WHAT—WHAT KIND OF VEHICLE WAS HE DRIVING?

VANHOOSE: DILLON DRIVES A TOYOTA FOUR-RUNNER.

MCFADDEN: WHAT COLOR?

VANHOOSE: LIKE A CHAMPAGNE, SILVER LOOKING COLOR.

MCFADDEN: —HAS—HAS DILLON —DOES DILLON KNOW THE VICTIM, JIMMY?

VANHOOSE: NO, SIR.

MCFADDEN: HE NEVER MET HIM BEFORE THEN?

VANHOOSE: NO, SIR.

MCFADDEN: —THAT WAS HIS FIRST TIME GOING OVER THERE—

VANHOOSE: YES, SIR.

MCFADDEN: —WITH YOU? -UM- WHEN YOU SAY HE BROUGHT THE BAG OUT, DID  
THE BAG CONTAIN ANY MONEY? WHERE HE KEPT THE MONEY AT?

VANHOOSE: I DON'T KNOW.

MCFADDEN: SO, WHEN HE TOOK—WHEN YOU—WHEN YOU SAY HE WAS SHOT DID  
YOU TAKE YOUR MONEY BACK AND EVERYTHING THAT YOU GAVE TO  
HIM—WAS THE MONEY STILL THERE?

VANHOOSE: YES, SIR I STILL HAD MY MONEY IN MY HAND.

MCFADDEN: -OKAY.

VANHOOSE: WHEN HE BAGGED IT UP THEN, I ALWAYS GIVE HIM THE MONEY,  
THAT'S WHAT I DID THE TIME BEFORE, EARLIER THAT DAY.

MCFADDEN: AND, INVESTIGATOR COLLINS ASKED YOU DID YOU SPEAK WITH —UM—  
DILLON LEE OR TRAVIS —TRAVIS A LEE, ALSO?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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VANHOOSE: YES, HE IS.

MCFADDEN: YOU SPEAK WITH (INAUDIBLE) I'M ASKING, WE GOING TO HAVE TO INTERVIEW THEM AND TALK TO THEM THE SAME WAY.

VANHOOSE: YES, SIR.

MCFADDEN: --WITH--WOULD ANYTHING BE DIFFERENT FROM-- WILL THEIR STORY BE DIFFERENT FROM YOURS? AND, IF Y'ALL WENT BACK-- (INAUDIBLE) DID ANY--DID ANY OF THEM SAY, WELL, LETS GO BACK, WE AIN'T GOT NO MORE MONEY BUT, MAN LETS GO BACK AND GET THIS COCAINE FROM HIM--

VANHOOSE: NO, SIR.

MCFADDEN: --OR LET'S GO BACK--GO BACK INTO HIS HOUSE?

VANHOOSE: NO, SIR.

MCFADDEN: SO, YOU JUST WENT BACK TO TRY TO PURCHASE SOME MORE COKE?

VANHOOSE: WE HAD, WE HAD THE CASH-- DILLON, IT WAS DILLON'S MONEY..

MCFADDEN: THEN, WHEN YOU GOT BACK IN THE CAR, YOU SAID, AFTER YOU SHOT HIM IN THE CAR, WHEN YOU GOT BACK YOU TOLD THEM WHAT HAPPENED. WHAT MADE Y'ALL GO TO FRIENDFIELD, WHAT WAS SAID? WHAT DID THEY SAY TO YOU AFTER YOU TOLD THEM WHAT HAPPENED?

VANHOOSE: THEY DIDN'T REALLY SAY MUCH.

MCFADDEN: HUH?

VANHOOSE: I TOLD, THEM LET'S GO TO THE RIVER. --THAT'S WHERE WE ALWAYS FISH AND STUFF, PUT THE BOAT IN THE RIVER--

MCFADDEN: THEY FISH WITH YOU OUT THERE, TOO?

VANHOOSE: -- (INAUDIBLE) YES, SIR.

MCFADDEN: --ALRIGHT, WHO GOT OUT THE CAR AT THE RIVER?

VANHOOSE: I DID.

MCFADDEN: AND, WHAT YOU DID?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
CASE NUMBER: 2010-08-0907

VANHOOSE: (INAUDIBLE) HE PULLED UP TO THE BRIDGE, I JUMPED OUT AND RAN AROUND THE TRUCK, THREW THE GUN AND JUMPED BACK IN.

MCFADDEN: AND, -AND, I KNOW YOU KNEW AT SOME POINT AND TIME THAT LAW ENFORCEMENT WAS GOING TO FIND OUT WHAT WAS—Y'ALL FIND—WHAT WAS YOUR REACTION AFTER LAW ENFORCEMENT FIND OUT? —YOU DIDN'T TALK TO NOBODY, WHAT—WHAT WAS SAID?

VANHOOSE: I DIDN'T REALLY DISCUSS ANYTHING. I—WAS JUST SCARED.

MCFADDEN: WHAT—THAT NIGHT HE HAD —HE HAD TO SAY SOMETHING IN THE CAR, WHAT DID HE SAY—YOU KNEW LAW ENFORCEMENT WAS GOING TO FIND OUT, WHAT DID YOU SAY—WHAT DID Y'ALL SAY NIGHT IN THE CAR, WHAT DID YOU SAY TO HIM THAT NIGHT? —AFTER YOU THREW THE GUN OUT, WHAT WAS SAID, AFTER YOU GOT BACK IN THE TRUCK?

VANHOOSE: —NOT TOO MUCH, EVERYBODY JUST QUIET, STAYING TO THEIRSELF.

MCFADDEN: WHAT DID Y'ALL DO WITH TRAVIS? WHO WENT HOME FIRST?

VANHOOSE: I DID.

MCFADDEN: ~~THEY DROP YOU OFF FIRST?~~

VANHOOSE: YES, SIR.

MCFADDEN: AND, THEN THEY LEFT?

VANHOOSE: YES, SIR.

COLLINS: WHO ~~KEPT~~ THE COCAINE?

VANHOOSE: DILLON.

COLLINS: DILLON DID?

MCFADDEN: HOW ABOUT THAT BAG—YOU REMEMBER SAYING Y'ALL HAD THAT LITTLE BAG AND THE SCALES AND ALL THAT. WHERE ALL THAT AT?

VANHOOSE: (INAUDIBLE) IT'S BLACK BAG WITH THE COCAINE AND SCALE AND EVERYTHING IN IT.

MCFADDEN: SO, DILLON KEPT ALL OF THAT?

VANHOOSE: YES, SIR.

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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MCFADDEN: LET ME ASK YOU THIS - (INAUDIBLE) DID YOU LOOK IN THE BAG, DID YOU SEE ANYTHING, LOOK IN THE BAG—

VANHOOSE: (INAUDIBLE)

MCFADDEN: --WHAT --WAS IN ANY MONEY OR ANYTHING ELSE IN THAT BAG?

VANHOOSE: NO, SIR, JUST THE COCAINE.

MCFADDEN: HOW MUCH?

VANHOOSE: EIGHTEEN--NINETEEN GRAMS.

COLLINS: DID YOU WEIGH IT OUT?

VANHOOSE: NO, SIR, I DIDN'T.

COLLINS: WHO--WHO WEIGHED IT?

VANHOOSE: DILLON.

COLLINS: DILLON. DID HE CALL YOU AND TELL YOU HOW MUCH WAS ALL - IN THE BAG?

VANHOOSE: YES, SIR.

COLLINS: -OKAY.

MCFADDEN: (INAUDIBLE) WHO THE OLDEST OUT OF THESE TWO, (INAUDIBLE) --

VANHOOSE: DILLON.

MCFADDEN: --DILLON, HE -- HAS HE EVER BEEN IN ANY TROUBLE?

VANHOOSE: -UH- I-THINK ONCE. WE WAS ALL SHOOTING SKEETS AND HE LEFT HIS SHOTGUN IN HIS TRUCK AT THE HIGH SCHOOL AND THEY FOUND IT.

MCFADDEN: Y'ALL BEEN SHOOTING SKEETS?

VANHOOSE: YEAH, HE HAD THE SHOTGUN IN HIS TRUCK.

MCFADDEN: -OH- AT THE SCHOOL HOUSE?

VANHOOSE: YES, SIR. HE HAD TO GO THROUGH P-T-I OR SOMWTHING.

MCFADDEN: --FOR THAT, WHAT AN UNLAWFUL WEAPON (INAUDIBLE)?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
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VANHOOSE: YES, SIR, I THINK THAT WHAT THEY CHARGE HIM WITH.

MCFADDEN: -UM- BUT HE SAID, (INAUDIBLE) SO WHAT HE DID (INAUDIBLE) YOU DIDN'T GO BACK AND USE NO MORE COCAINE AFTER THAT TOO?

VANHOOSE: NO, SIR, I DIDN'T.

MCFADDEN: WHAT HE DO WITH THAT?

VANHOOSE: I DON'T KNOW.

MCFADDEN: YOU THINK HE STILL GOT IT?

VANHOOSE: HE MIGHT, I'M NOT REALLY SURE. I HAVEN'T DISCUSSED NOTHING ABOUT THE COCAINE (INAUDIBLE).

MCFADDEN: YOU AIN'T WANT NO—NO PART IN THAT?

VANHOOSE: NO, SIR.

MCFADDEN: DID—LET ME ASK YOU THIS, AND YOU NEED TO BE HONEST. —AFTER IT WAS ON TV, I GUESS, THEY SHOW—DID IT AIR ON TV?

VANHOOSE: I THINK IT DID (INAUDIBLE).

MCFADDEN: YEAH, IT DID—DID—DID YOU SEE IT ON TV —NEWS?

VANHOOSE: YES, SIR.

MCFADDEN: DID HE CALL—ANY Y'ALL TALK ABOUT IT AFTER THAT? DID HE CALL AND SAY ANYTHING ABOUT THAT?

VANHOOSE: NO, SIR.

COLLINS: NOW, EARLIER YOU SAID THAT YOU AND — YOU AND DILLON TALKED —

MCFADDEN: YEAH.

COLLINS: —Y'ALL TALKED—TALKED FACE TO FACE, YOU TALKED TO HIM PHONE—

VANHOOSE: (INAUDIBLE) BUT— AND WE DIDN'T MENTION NOTHING ABOUT MR. JIMMY. WE WAS JUST TALKING, (INAUDIBLE) TALK EVERYDAY.

COLLINS: BUT, Y'ALL NEVER DISCUSSED ANYTHING ABOUT YOU KNOW, CRAP WHAT THE HECK ARE WE GOING TO DO, THAT TYPE OF THING?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
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VANHOOSE: YES, SIR WE BASICALLY SAID—  
COLLINS: -OKAY, WELL BE HONEST.  
VANHOOSE: -YES, SIR -UM- HE SAID, IF THEY COME QUESTION US JUST TELL THEM  
WE WENT UP THERE TO BUY SOME COCAINE AND (INAUDIBLE).  
COLLINS: WHO TOLD YOU TO SAY THAT?  
VANHOOSE: DILLON TOLD ME—TOLD ME TO SAY THAT.  
COLLINS: DILLON TOLD YOU TO SAY THAT?  
VANHOOSE: YES, SIR.  
COLLINS: (INAUDIBLE)  
VANHOOSE: HE TOLD, ME—HE TOLD ME THAT THE NEXT DAY, AFTER IT  
HAPPENED.  
COLLINS: SO, HE TOLD YOU TO TELL US IF WE WOULD COME QUESTION YOU OR  
HIM THAT—  
VANHOOSE: -JUST TO SAY WE WENT UP THERE ABOUT 7:30—8:00 SOMEWHERE  
AROUND THERE THE FIRST TIME JUST TO BUY SOME COCAINE THEN  
WE LEFT.  
MCFADDEN: THAT WAS THE STORY YOU WAS TRYING TO TELL US IN THE YARD?  
VANHOOSE: YES, SIR.  
MCFADDEN: AND, THEN WE ASKED YOU—WAIT A MINUTE DID YOU GO BACK, YOU  
SAID -OKAY, I'LL TELL Y'ALL THE TRUTH?  
VANHOOSE: YES, SIR.  
MCFADDEN: SO, THAT WAS THE STORY YOU WAS FIXING TELL IN THE YARD THERE,  
YOU PURCHASE COCAINE, YOU NEVER WENT BACK?  
VANHOOSE: YES, SIR.  
MCFADDEN: BUT, IF—BUT, IF IT WAS AN ACCIDENT, WHY NOT TELL THE TRUTH?  
YOU UNDERSTAND WHAT I'M SAYING?  
VANHOOSE: YES, SIR.

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MCFADDEN: IF IT WAS AN ACCIDENT WHY WOULD HE WOULD NOT WANT US TO —  
VANHOOSE: HUM?  
MCFADDEN: HUH?  
VANHOOSE: UMM—UMM.  
MCFADDEN: —GO AHEAD AND FINISH. I KNOW (INAUDIBLE) YOU SURE? I'M JUST ASKING YOU—YOU NOT SAY THAT— TRUCK, SOMEBODY SAW THE TRUCK THERE. AND, YOU SURE THAT NO—YOU WAS THE ONLY ONE THAT GOT OUT THAT TRUCK?  
VANHOOSE: I'M SURE.  
MCFADDEN: -POSITIVE?  
VANHOOSE: POSITIVE.  
MCFADDEN: (INAUDIBLE) THE WEAPON DID IT HAVE —UH— A HANDLE ON THE THING, OR WAS IT A TRIGGER—  
VANHOOSE: (INAUDIBLE)  
MCFADDEN: —IT'S AN AUTOMATIC.  
VANHOOSE: (INAUDIBLE)  
MCFADDEN: WHAT COLOR WOULD IT BE?  
VANHOOSE: IT'S SILVER AND CROME. (INAUDIBLE)  
MCFADDEN: (INAUDIBLE)  
VANHOOSE: (INAUDIBLE) REALLY SMALL ONES, MAYBE A 22 OF SOME SORT.  
MCFADDEN: LET ME ASK (INAUDIBLE) WHEN —WHEN YOU SAW HIM, YOU DIDN'T THINK WELL, -UH— (INAUDIBLE) COULD —COULD HE —COULD YOU DO SOMETHING TO HELP HIM AT THAT TIME? (INAUDIBLE)  
VANHOOSE: (INAUDIBLE)  
MCFADDEN: HUH?  
VANHOOSE: I DIDN'T THINK ANYTHING (INAUDIBLE) I JUST FREAKED OUT.  
MCFADDEN: THEN, WHEN YOU SNAPPED BACK TO WHAT DID YOU DO?

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
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VANHOOSE: SIR?

MCFADDEN: YOU FREAKED OUT FOR A SECOND, BUT WHEN YOU CAME BACK TO WHAT DID?

VANHOOSE: I GRABBED THE STUFF—

MCFADDEN: —GRABBED THE COCAINE, (INAUDIBLE) SCARED.

COLLINS: IS THERE—IS THERE ANY REASON WHY YOU WOULD NOT TELL US DILLON—IF DILLON DID GO IN THE HOUSE, IS THERE ANY REASON WHY YOU WOULDN'T TELL US HE DID?

VANHOOSE: NO, SIR. HE HONESTLY DIDN'T.

COLLINS: —OKAY, ALRIGHT, REASON WHY WE'RE ASKING YOU THIS, WE WANT TO MAKE SURE THAT WE'VE GOT EVERYTHING CLEAR. YOU GOT TO UNDERSTAND THAT THERE COULD BE DIFFERENT STORIES TOLD TO US BY DIFFERENT PARTIES, OKAY.

VANHOOSE: YES, SIR.

COLLINS: AND, IF WHAT YOU'RE TELLING US IS TRUE, OKAY, THEN, THAT'S FINE. BUT, IF IT COMES DOWN TO IT AND THESE STORIES START DIFFERENTING WAY TO MUCH, OKAY, THEN SOMEBODY IS LYING, ALRIGHT. AND, WE DON'T WANT THAT PERSON TO BE YOU. —OKAY.

VANHOOSE: YES, SIR.

COLLINS: —ALRIGHT. SO LIKE YOU SAID, NOT TO BE THE DEAD HORSE. ALRIGHT, DID ANYONE GO IN THAT HOUSE WITH YOU?

VANHOOSE: NO, SIR.

COLLINS: YOU WERE THE ONLY PERSON IN THAT HOUSE BESIDES JIMMY?

VANHOOSE: YES, SIR.

COLLINS: —OKAY.

MCFADDEN: I'M GMA (INAUDIBLE) I'M GMA FINISH THIS UP THOUGH. (INAUDIBLE) BEEN HERE A WHILE. I KNOW HE TOLD YOU TO SAY THIS. YOU UNDERSTAND WHAT I'M SAYING, I KNOW WHAT STORY HE TOLD YOU TO SAY AND, MAKE UP. —CAUSE THIS—IT'S ANOTHER STORY THAT WAS TOLD JUST SAY TO COVER SOMETHING ELSE UP THAT HAPPENED AND IT—AND THE —IT WILL BE TURN—TURN OFF BAD FOR YOU TO

INVESTIGATOR: CHAD COLLINS  
INVESTIGATOR: THOMAS MCFADDEN  
SUBJECT: THOMAS VANHOOSE JR.  
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COME IN HERE AND SAY WELL, I KNOW HE TOLD THIS STORY, I'M 'MA  
TELL THIS STORY JUST TO CLEAR HISSELF UP, TO CLEAN HIS SELF UP,  
YOU KNOW UNDERSTAND WHAT I'M SAYING?

VANHOOSE: YES, SIR.

MCFADDEN: -CAUSE I DON'T WANT HIM TO COME AND SAY (INAUDIBLE) THOMAS  
TELLING THE TRUTH. WHY -UM- DILLON DIDN'T. -UM- YOU KNOW  
TRAVIS TELLING A WHOLE ANOTHER STORY. THEN YOU—YOU  
TELLING, (INAUDIBLE) OKAY JUST TELL THIS, YOU KNOW TELL THIS  
STORY. (INAUDIBLE) Y'ALL HAD WHAT—HOW LONG WAS THAT— HOW  
LONG IT WAS?

VANHOOSE: -UH- (INAUDIBLE)

MCFADDEN: (INAUDIBLE) A WEEK OR SO TO PLAN OUR STORY, SAY WELL THIS  
HAPPENED AND THAT HAPPENED. BUT, THEY IF THEY GET IN HERE  
AND SAY NO, OKAY, I DID TELL HIM TO SAY THIS, BUT, LET ME TELL  
YOU THE TRUTH, LET ME TELL YOU EXACTLY WHAT THOMAS DID,  
THOMAS PLANNED THIS AND THOMAS PLANNED THAT BY HIMSELF.  
AND, THIS WHAT HE DID. (INAUDIBLE) BE QUIET, HE TOLD US NOT TO  
SAY NOTHING. YOU UNDERSTAND WHAT I'M SAYING?

VANHOOSE: YES, SIR.

MCFADDEN: SO, THAT'S WHY NOW, IF YOU GOING TO TELL THE TRUTH, IT'S BEST  
TO TELL IT NOW. THEN, COME BACK LATER, THEN YOU REALIZE  
(INAUDIBLE). -THAT WHY I'M ASKING YOU NOW BEFORE WE STOP,  
TAPE (INAUDIBLE) ASKING THESE QUESTIONS. YOU STILL UNDER  
YOUR MIRANDA WARNING, YOU GONNA HAVE TO TALK (INAUDIBLE).

VANHOOSE: YES, SIR.

MCFADDEN: AND, MAKE SURE THIS STORY YOU TELLING IS THE TRUTH, NOTHING  
BUT THE TRUTH THAT YOU -THAT YOU TELLING US NOW.

VANHOOSE: YES, SIR.

MCFADDEN: IS THIS THE TRUTH, THIS AIN'T NOTHING MADE UP?

VANHOOSE: NO, SIR.

MCFADDEN: MAKE YOURSELF LOOK GOOD?

VANHOOSE: I WAS GONNA LIE TO Y'ALL STANDING IN MY FRONT YARD, THAT'S  
WHEN I ASKED Y'ALL TO SIT DOWN, I TOLD Y'ALL THE TRUTH, IT

more on video

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )

IN THE COURT OF COMMON PLEAS  
FOR THE TWELFTH JUDICIAL CIRCUIT

Thomas Vanhooose, Jr., #348984, )

Case No. 2012-CP-21-3198

Applicant, )

v. )

**ORDER OF DISMISSAL**

State of South Carolina, )

Respondent. )

FILED  
2013 DEC 10 PM 12:28  
CONNIE REEL-SHEPARD  
CLERK OF COURT  
C.C.P. & G.S.  
FLORENCE COUNTY, S.C.

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed December 3, 2012. Respondent made its Return on or about March 20, 2013. The Court convened an evidentiary hearing into the matter on October 8, 2013, in Marion County. Applicant was present at the hearing and represented by Helen T. McFadden, Esquire. Joshua L. Thomas, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the PCR hearing. Applicant's plea counsels, Scott P. Floyd, Esquire, and William V. Meetze, Esquire, also testified. The Court had before it a copy of the plea transcript, the records of the Florence County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the application, the return, and the exhibits introduced at the hearing. The Court finds as follows:

**I. PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Florence County Clerk of Court. In July 2011, the Florence County Grand Jury indicted Applicant for murder, armed robbery, possession of a weapon during the commission of a violent crime, and conspiracy (2011-GS-21-1209). He was

CERTIFIED: A TRUE COPY  
*Connie Reel-Shepard*  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

represented by Scott P. Floyd, Esquire, ("Floyd") and William V. Meetze, Esquire ("Meetze"). On December 13, 2011, Applicant pled guilty to murder, armed robbery, and conspiracy. The Honorable Michael G. Nettles sentenced Applicant to confinement for a period of thirty (30) years for murder, thirty (30) years for armed robbery, and five (5) years for conspiracy. All sentences were to run concurrently. Applicant did not appeal his plea or sentence.

## **II. ALLEGATIONS**

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

### **1. "Denial of Effective Assistance of Counsel"**

- a. "Counsel failed to adequately investigate the case or acquaint himself with facts and case law to prepare for trial."

At the PCR hearing, the Applicant proceeded on the allegations of ineffective assistance of plea counsel for failure to investigate.

## **III. SUMMARY OF TESTIMONY**

Floyd testified he and Meetze took over representation of Applicant after his prior attorney became ill. The prior attorney filed numerous Rule5/Brady motions. Floyd testified he reviewed everything in the file after taking the case and believed the State's discovery response to be complete. He testified the file included recorded copies of each co-defendants' statements. The State also provided transcripts of the recordings. Some of the transcripts were incomplete. However, Floyd testified he reviewed the recordings themselves and would have noticed any discrepancies between the recording and the transcript.

Floyd testified the co-defendants' statements did contain some inconsistencies that could have been exploited at trial and he discussed these inconsistencies with Applicant. Specifically,

Floyd recalled there being a disagreement about where the origin of the murder weapon. He admitted these inconsistencies were helpful in plea negotiations. He further testified he would have been prepared to address the inconsistencies at trial.

Floyd testified he did not remember if one co-defendant admitted to owning the murder weapon. He further testified he did not think it was relevant how the gun came to be in Applicant's hands at the time of the shooting. Floyd did not investigate the origin of the gun because Applicant gave at least two statements implicating himself as the person who pulled the trigger. Floyd testified his advice would not have changed if he had discovered the co-defendant did not bring the gun to the victim's residence because it would only have absolved Applicant of the conspiracy charge, not the murder and armed robbery charges.

Floyd denied attempting to guide Applicant into a guilty plea. However, he testified he advised Applicant a plea was in his best interest and Applicant never asked to go to trial. Floyd testified his advice was based in part on one of Applicant's statements, wherein he admitted to shooting the victim. He advised Applicant the State was not willing to reduce the murder charge. Floyd testified that he was, however, able to get the State to agree to not make a recommendation over the minimum thirty (30) years.

Applicant testified he never reviewed discovery materials with Floyd or Meetze. He further testified they never discussed with him the discrepancies in the co-defendants' statements. He further testified he never told them he was not interested in a trial and never asked for their assessment of the strength of his case. Applicant testified neither attorney offered him the opportunity to take the case to trial.

Applicant also testified neither attorney advised him of the nature or number of charges against him. He testified neither attorney discussed with him any defense to the charges other than the murder charge. However, on cross-examination, Applicant agreed he discussed the case with his attorneys at the time he filled out the guilty plea affidavit. He also alleged he wrote a letter to his attorneys requesting they appeal his sentence.

Meetze testified he met with Applicant both individually and with Floyd. He recalled discussing the case and the statements with Applicant at those meetings. He testified Applicant was up front about his guilt and never wanted to take the case to trial. Meetze recalled reviewing the case a final time when Applicant was completing the plea affidavit. He also testified he would have filed an appeal if Applicant had written a letter asking for one. However, he did not recall Applicant writing such a letter, and he could not find one in the file. Meetze also testified he did not advise Applicant of an accident defense because all the evidence indicated Applicant was acting unlawfully at the time of the shooting.

#### **IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing and to closely pass upon their credibility. This 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 a post-conviction relief action, the 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)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Id. at 442, 334 S.E.2d at 814 (citing Strickland v. Washington, 466 U.S. 668 (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)). Courts presume 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).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

The Court finds Applicant failed to meet his burden of proving ineffective assistance of counsel for failing to investigate the origins of the murder weapon. Failure to conduct an independent investigation is not *per se* ineffective assistance of counsel, especially where an investigation would not have uncovered any helpful information. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998). Here, Applicant has failed to demonstrate any way an investigation would have affected the outcome of his proceedings. In reaching this conclusion, the Court finds Floyd's and Meetze's testimony to be credible, and Applicant's to be not credible. Applicant's attorneys reviewed the inconsistencies in the co-defendants' statements and were prepared to address them at trial. Applicant failed to demonstrate what further information would have been revealed had counsel done further investigation. Furthermore, both attorneys testified a further investigation would not have changed their advice to Applicant that a plea was in his best interest. See Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009) (applicant must show "something that would have affected counsel's advice to [the applicant] to accept the plea bargain offered or that would have caused [the applicant] to decline to accept it").

Likewise, further investigation of the murder weapon would not have exculpated Applicant from liability for the armed robbery or murder. Even if the weapon had not been brought to the victim's house by the co-defendant, the State possessed strong evidence Applicant shot and robbed the victim. Each co-defendant eventually gave a statement indicating they went to the house with the intent of robbing the victim. (Plea Tr. 11:14-23). Thus, it is immaterial whether the gun was brought to the house by the co-defendant or procured from the victim. State v. Keith, 283 S.C. 597, 598, 325 S.E.2d 325, 326 (1985) ("[W]hen a defendant commits robbery without a deadly weapon, but becomes armed with a deadly weapon before asportation of the

victim's property, a conviction for armed robbery will stand."'). Likewise, both Applicant and the co-defendant who entered the house gave statements indicating Applicant shot the victim. (Plea Tr. 13:18-19; 14:8-15). Thus, Applicant could be convicted of murder even if he did not bring the gun to the residence with the intent to shoot the victim. See State v. Judge, 208 S.C. 497, 506, 38 S.E.2d 715, 720 (1946) (Malice "need not exist for any appreciable period of time before the commission of the act [and] may be conceived at the very moment the fatal blow is given."'). Therefore, the Court finds Floyd and Meetze were not deficient in their representation and Applicant cannot show he was prejudiced by their representation.

#### **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 sufficient evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

#### **V. CONCLUSION**

Based on the foregoing, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes that Applicant must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-

conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on the applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED THAT:**

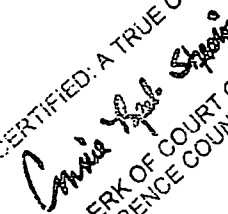
1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 27 day of Nov., 2013.

  
 THE HONORABLE WILLIAM B. SEALS, JR.  
 Presiding Judge

Man, South Carolina

FILED  
 2013 DEC 10 PM 12:28  
 CONNIE REEL-SHEARN  
 CCOP & GS  
 FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY  
  
 CLERK OF COURT C.P. & G.S.  
 FLORENCE COUNTY, S.C.

ARREST WARRANT

M-272529

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

THE STATE

against

Thomas Elbert Vanhose, Jr.

Address:

Scranton, SC 29591-

Phone:

Sex: M Race: W Height: 6 Weight: 145

DL #:

Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: Chad Collins - 1045

Offense: Murder / Murder

Offense Code: 0116

Code/Offense Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be  
dealt with according to the law. The accused

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to  
defendant Thomas Vanhose Sr  
on 9/10/10

Chad Collins  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court  
M S C-E 180 North Hwy Street  
Florence, SC 295013456

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

Personally appeared before me the affiant Chad Collins

Swearing duty sworn deposes and says that defendant Thomas Elbert Vanhose, Jr.

on or about 08/31/2010 did within this county and state on or about

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Florence)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

ON OR ABOUT 8/31/2010 THE DEFENDANT ALONG WITH SEVERAL CODEFENDANTS DID GO TO  
ROAD IN THE COUNTY OF FLORENCE WITH THE INTENT TO COMMIT A ROBBERY WHILE ARMED WITH A  
HANDGUN. THE DEFENDANT AND A CODEFENDANT DID ENTER THE VICTIM PROPERTY AND WHILE INSIDE  
THE RESIDENCE COMMITTING THE ACT OF ARMED ROBBERY THE DEFENDANT WAS PRESENT WHEN THE  
CODEFENDANT DID SHOOT THE VICTIM IN THE HEAD CAUSING THE DEATH OF THE VICTIM. THE DEFENDANT  
DID ADMIT THIS IN A STATEMENT GIVEN TO LAW ENFORCEMENT. THIS CASE HAS BEEN INVESTIGATED BY  
THE PCO. CASE NUMBER 2010-08-907

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

Affiant's Address

6719 Friendfield Road  
Effingham, SC 29541-

Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasons to believe that

on or about 8/31/2010

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Florence) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Hearing found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Signed and subscribed before me

on 09/10/2010

Chad Collins  
Signature of Issuing Judge

Judge's Address

6719 Friendfield Road

Effingham, SC 29541-

Judge's Telephone (843)665-3095

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL

ORIGINAL ORIGINAL

BAIL set by

WITNESSES

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Type and Amount \_\_\_\_\_  
Name of Surety \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(Indicate jury or bench trial, plea, not. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

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MAINE  
JUL 22 1964

Name: \_\_\_\_\_  
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Telephone: \_\_\_\_\_

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Name: \_\_\_\_\_  
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Telephone: \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ARREST WARRANT

M-272528

STATE OF SOUTH CAROLINA  
☒ County/ ☐ Municipality of  
Florence

THE STATE

Thomas Elbert Vanhooose, Jr.  
against

Address: Scranton, SC 29591-

Phone:

Sec: M Race: W Height: 6 Weight: 145

DL #:

SSN:

Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: Chad Collins - 1045

Offense: Robbery / Armed Robbery, robbery while armed  
or allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the  
☐ County/ ☐ Municipality of

is to be arrested and brought before me to be  
dealt with according to the law. The accused

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to  
defendant Thomas Vanhooose Jr  
on 8/31/10

Caroline S. H. H. H.  
Signature of Clerk of Court

RETURN WARRANT TO:

General Sessions Court  
M S C-E 180 North Ithby Street  
Florence, SC 295013456

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA  
☒ County/ ☐ Municipality of  
Florence

AFFIDAVIT

ORIGINAL

Personally appeared before me the affiant Chad Collins

being duly sworn deposes and says that defendant Thomas Elbert Vanhooose, Jr.  
did within this county and state on or about 08/31/2010 violate the criminal laws of the  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Florence)  
in the following particulars:

DESCRIPTION OF OFFENSE

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

ON OR ABOUT 8/31/2010 THE DEFENDANT ALONG WITH SEVERAL CODEFENDANTS DID GO TO  
ROAD IN THE COUNTY OF FLORENCE WITH THE INTENT TO COMMIT A ROBBERY WHILE ARMED WITH A  
HANDGUN. THE DEFENDANT AND A CODEFENDANT DID ENTER THE VICTIM PROPERTY AND TOOK ITEMS OUT  
THE HOUSE. WHILE INSIDE THE RESIDENCE COMMITTING THE ACT OF ARMED ROBBERY THE DEFENDANT  
WAS PRESENT WHEN THE CODEFENDANT DID SHOOT THE VICTIM IN THE HEAD CAUSING THE DEATH OF THE  
VICTIM. THE DEFENDANT DID ADMIT THIS IN A STATEMENT GIVEN TO LAW ENFORCEMENT. THIS CASE HAS  
BEEN INVESTIGATED BY THE FCSO. CASE NUMBER 2010-08-907

Signature of Affiant

STATE OF SOUTH CAROLINA  
☒ County/ ☐ Municipality of  
Florence

Affiant's Address

6719 Frindfield Road  
Effingham, SC 29541-

Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/31/2010 defendant Thomas Elbert Vanhooose, Jr.

did violate the criminal laws of the State of South Carolina (or ordinance of Florence) as set forth below:  
☒ County/ ☐ Municipality of

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before me

on 09/10/2010

Signature of Issuing Judge

Belinda B Timmons  
(L.S.)

Judge Code: 7065

Judge's Address 6719 Frindfield Road

Effingham, SC 29541-

Judge's Telephone (843)665-3095

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

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ORIGINAL

Bail set by

WITNESSES

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Type and Amount: \_\_\_\_\_  
Name of Surety: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(Judge jury trial, bench trial, plea, not. pro., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

JURORS

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

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Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

CODEFENDANTS

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

ARREST WARRANT

M-272556

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

THE STATE

against

Thomas Elbert Vanhooze, Jr.

Address:

Scranton, SC 29591-

Phone: \_\_\_\_\_ BSN: \_\_\_\_\_

Sex: M Race: W Height: 6 Weight: 145

D. State: \_\_\_\_\_ Agency OR # : SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: Chad Collins - 1045

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

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be dealt with according to the law. The accused

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Thomas Vanhooze Jr. on 9/13/10

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Court  
M S C-E 180 North Hwy Street  
Florence, SC 295013456

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA )  
☒ County/ ☐ Municipality of )

AFFIDAVIT

ORIGINAL

Form Approved by  
U.S. Attorney General  
April 21, 2009  
SCCA 518

Florence

Personally appeared before me the affiant Chad Collins who

being duly sworn deposes and says that defendant Thomas Elbert Vanhooze, Jr.

did within this county and state on or about 08/31/2010 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Florence)

in the following particulars:

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

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON OR ABOUT 8/31/2010 THE DEFENDANT ALONG WITH SEVERAL CODEFENDANTS DID GO TOGETHER TO S M ROAD IN THE COUNTY OF FLORENCE WITH THE INTENT TO COMMIT A ROBBERY WHILE ARMED WITH A HANDGUN. THE DEFENDANT AND A CODEFENDANT DID ENTER THE VICTIM'S PROPERTY AND WHILE INSIDE THE RESIDENCE COMMITTING THE ACT OF ARMED ROBBERY THE DEFENDANT WAS ARMED WITH A HANDGUN AND DID SHOOT THE VICTIM IN THE HEAD CAUSING THE DEATH OF THE VICTIM. THE DEFENDANT DID ADMIT THIS IN A STATEMENT GIVEN TO LAW ENFORCEMENT. THIS CASE HAS BEEN INVESTIGATED BY THE PCSO CASE NUMBER 2010-08-907

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

Affiant's Address 6719 Frindfield Road

Effingham, SC 29541-

Affiant's Telephone (843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/31/2010

did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Florence)

as set forth below:

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

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me

09/10/2010

Signature of Issuing Judge

Judge's Address 6719 Frindfield Road

Effingham, SC 29541-

Judge's Telephone (843)665-3095

Belinda B. Timmons

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

Bail set by

WITNESSES

Judge

on

Type and Amount

Name of Surety

PRELIMINARY HEARINGS held by

Judge

on

Defendant Attorney

Adm.

DISPOSITION before

Judge

on

by

(Indicate jury trial, bench trial, plea, not pros, etc.)

Disposition

Sentence

JURORS

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

Address

Telephone

Name

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Telephone

Name

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Telephone

Name

Address

Telephone

CODEFENDANTS

PROBATION DEPT. 20  
CCL 202  
COMM. SECT. 202  
2010-202 50 AM 11:11

FILED

ARREST WARRANT

M-272530

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

THE STATE

against

Thomas Elbert Vanhoose, Jr.

Address:

Scranton, SC 29591-

Phone:

SSN:

Sex: M Race: W Height: 6 Weight: 145

State:

DL #:

Agency ORI #: SC0210000

Prosecuting Agency: Florence County Sheriff

Prosecuting Officer: Chad Collins - 1045

Offense: Conspiracy / Criminal Conspiracy, Common Law

conspiracy defined

Offense Code:

0049

Code/Offense Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be

dealt with according to the law.

The accused

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant

on Thomas Vanhoose Jr

Alodie

RETURN WARRANT TO:

General Sessions Court  
M S C-E 180 North Iby Street  
Florence, SC 295013456

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

Personally appeared before me the affiant

Chad Collins

being duly sworn deposes and says that defendant

Thomas Elbert Vanhoose, Jr.

did within this county and state on or about

08/31/2010

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Florence

In the following particulars:

DESCRIPTION OF OFFENSE Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON OR ABOUT 8/31/2010 THE DEFENDANT ALONG WITH SEVERAL CODEFENDANTS DID CONSPIRE TOGETHER TO GO TO

ROAD IN THE COUNTY OF FLORENCE WITH THE INTENT TO COMMIT A ROBBERY WHILE ARMED WITH A HANDGUN. THE DEFENDANT AND A CODEFENDANT DID ENTER THE VICTIM PROPERTY AND WHILE INSIDE THE RESIDENCE COMMITTING THE ACT OF ARMED ROBBERY THE DEFENDANT WAS PRESENT WHEN THE CODEFENDANT DID SHOOT THE VICTIM IN THE HEAD CAUSING THE DEATH OF THE VICTIM. THE DEFENDANT DID ADMIT THIS IN A STATEMENT GIVEN TO LAW ENFORCEMENT. THIS CASE HAS BEEN INVESTIGATED BY THE FCSO. CASE NUMBER 2010-08-907

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Florence

Affiant's Address

6719 Frindfield Road  
Eftingham, SC 29541-1800

Affiant's Telephone

(843)665-2121

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/31/2010

defendant Thomas Elbert Vanhoose, Jr.

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Florence

) as set forth below:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Having found probable cause and the above affidavit having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as soon thereafter as is practicable sworn to and subscribed before me

on 08/30/2010

Judge's Address

6719 Frindfield Road  
Eftingham, SC 29541-

Belinda B. Timmons

Judge's Telephone

(843)665-3095

Judge Code: 7065

Issuing Court:

☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

ORIGINAL

ORIGINAL

FORM APPROVED BY  
S.C. Attorney General  
April 21, 2003  
SCCA 518

BAIL set by

WITNESSES

Judge

on

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

Judge

on

by

Disposition:

Sentence:

JURORS

Name:

Address:

Telephone:

Name:

Address:

Telephone:

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Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

WITNESSES

Chad Collins Florence County Sheriff

DOCKET NO. 2011-GS-21-1209

The State of South Carolina

County of

FLORENCE

FILED

2011 JUL 21 AM 11:54

CONNIE REEL-SHEARIN  
JUL 21 2011  
FLORENCE COUNTY, SC

COURT OF GENERAL SESSIONS

JULY TERM 2011

THE STATE

vs.

MATT DYLAN LEE

TRAVIS CARLTON LEE

DAVID SHAYNE MATTHEWS

THOMAS ELBERT VANHOOSE, JR.

E. L. CLEMENTS, III

ARREST WARRANT NUMBER

M272529, M272542, M272534 (1)

M272528, M272555, M272531 (2)

M272556, M272533 (3)

M272530, M272592, M272537 (4)

M272536 (5)

M272535 (6)

ACTION OF GRAND JURY

TRUE BILL

*Donald A. Lee*  
Foreperson of Grand Jury  
Date: 7-21-11

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

MURDER,

ARMED ROBBERY,

POSSESSION OF WEAPON DURING  
COMMISSION OF VIOLENT CRIME,

CONSPIRACY,

ACCESSORY BEFORE THE FACT, AND  
ACCESSORY AFTER THE FACT

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF FLORENCE )

MURDER, ARMED ROBBERY,  
 POSSESSION OF WEAPON DURING COMMISSION  
 OF VIOLENT CRIME, CONSPIRACY,  
 ACCESSORY BEFORE THE FACT, AND  
 ACCESSORY AFTER THE FACT

At a Court of General Sessions, convened on JULY 21, 2011 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE- MURDER**

CDR: 0116 16-03-0010, 0020, 16-01-0060

That MATT DYLAN LEE, DAVID SHAYNE MATTHEWS, and THOMAS ELBERT VANHOOSE, JR. acting in concert, did in Florence County on or about August 31, 2010, feloniously, willfully and with malice aforethought kill one Jimmy L. Spring, II, by means of shooting him with a handgun at his residence in Scranton, SC, while committing an Armed Robbery, and that the said Jimmy L. Spring, II did die as a proximate result thereof; in violation of Sections 16-03-0010, 0020, and 16-01-0060, S.C. Code of Laws, 1976, as amended.

**COUNT TWO- ARMED ROBBERY**

CDR: 0139 16-11-0330(A), 16-01-0060

That MATT DYLAN LEE, DAVID SHAYNE MATTHEWS, and THOMAS ELBERT VANHOOSE, JR. acting in concert, did in Florence County, on or about August 31, 2010, while armed with a deadly weapon, or while alleging, either by actions or words, that they were armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a handgun, did feloniously rob Jimmy L. Spring, II in his residence at \_\_\_\_\_ Road, Scranton, SC, by means of force or intimidation, goods or monies of the said Jimmy L. Spring, II; in violation of Sections 16-11-0330(A) and 16-01-0060, S.C. Code of Laws, 1976, as amended.

**COUNT THREE - POSSESSION OF WEAPON DURING COMMISSION OF VIOLENT CRIME**

CDR: 0549 16-23-0490

That MATT DYLAN LEE and THOMAS ELBERT VANHOOSE, JR. did in Florence County on or about August 31, 2010, was in possession of a firearm, or did visibly display what appeared to be a firearm, or visibly displayed a knife, to wit: a handgun, during the commission of a violent crime, to wit: Murder and/or Armed Robbery; in violation of Section 16-23-0490, S.C. Code of Laws, 1976, as amended.

ELC  
11-209  
PD-JLSTATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )

INDICTMENT FOR

MURDER, ARMED ROBBERY,  
POSSESSION OF WEAPON DURING COMMISSION  
OF VIOLENT CRIME, CONSPIRACY,  
ACCESSORY BEFORE THE FACT, AND  
ACCESSORY AFTER THE FACT

At a Court of General Sessions, convened on JULY 21, 2011 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE- MURDER**

CDR: 0116 16-03-0010, 0020, 16-01-0060

That MATT DYLAN LEE, DAVID SHAYNE MATTHEWS, and THOMAS ELBERT VANHOOSE, JR. acting in concert, did in Florence County on or about August 31, 2010, feloniously, willfully and with malice aforethought kill one Jimmy L. Spring, II, by means of shooting him with a handgun at his residence in Scranton, SC, while committing an Armed Robbery, and that the said Jimmy L. Spring, II did die as a proximate result thereof; in violation of Sections 16-03-0010, 0020, and 16-01-0060, S.C. Code of Laws, 1976, as amended.

**COUNT TWO- ARMED ROBBERY**

CDR: 0139 16-11-0330(A), 16-01-0060

That MATT DYLAN LEE, DAVID SHAYNE MATTHEWS, and THOMAS ELBERT VANHOOSE, JR. acting in concert, did in Florence County, on or about August 31, 2010, while armed with a deadly weapon, or while alleging, either by actions or words, that they were armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a handgun, did feloniously rob Jimmy L. Spring, II in his residence at \_\_\_\_\_ Road, Scranton, SC, by means of force or intimidation, goods or monies of the said Jimmy L. Spring, II; in violation of Sections 16-11-0330(A) and 16-01-0060, S.C. Code of Laws, 1976, as amended.

**COUNT THREE - POSSESSION OF WEAPON DURING COMMISSION OF VIOLENT CRIME**

CDR: 0549 16-23-0490

That MATT DYLAN LEE and THOMAS ELBERT VANHOOSE, JR. did in Florence County on or about August 31, 2010, was in possession of a firearm, or did visibly display what appeared to be a firearm, or visibly displayed a knife, to wit: a handgun, during the commission of a violent crime, to wit: Murder and/or Armed Robbery; in violation of Section 16-23-0490, S.C. Code of Laws, 1976, as amended.

RECEIVED  
JUL 21 2011PUBLIC DEFENDER'S OFFICE  
BY [Signature]

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR MURDER, ARMED ROBBERY, POSSESSION OF WEAPON DURING THE COMMISSION OF VIOLENT CRIME, CONSPIRACY, ACCESSORY BEFORE THE FACT, AND ACCESSORY AFTER THE FACT, WITH THE AFORESAID NAMES(S) OF MATT DYLAN LEE, TRAVIS CARLTON LEE, DAVID SHAYNE MATTHEWS, AND THOMAS ELBERT VANHOOSE, JR. SHOWN THEREON:

**COUNT FOUR- CONSPIRACY**

CDR: 0049

16-17-0410

That MATT DYLAN LEE, TRAVIS CARLTON LEE, and THOMAS ELBERT VANHOOSE, JR. did on or about August 31, 2010, unlawfully, willfully, knowingly, wickedly and feloniously unite, combine, conspire, confederate, agree between and among themselves and have tacit understanding with each other and with divers other persons whose names are unknown to the Grand Jurors for the purpose of committing the crimes of Murder and/or Armed Robbery, by conspiring to rob Jimmy L. Spring, II at his residence in Scranton, SC; in violation of Section 16-17-0410, S.C. Code of Laws, 1976, as amended.

**COUNT FIVE- ACCESSORY BEFORE THE FACT**

CDR: 0002

16-01-0040, 0050

That TRAVIS CARLTON LEE did in Florence County, on or about August 31, 2010, did aid in the commission of, or was an accessory before the fact in the commission of a felony, to wit: Murder and/or Armed Robbery, by counseling, hiring, or otherwise procuring the said felony to be committed, by driving and dropping off co-defendants at the home of Jimmy L. Spring, II in Scranton, SC, for them to rob him with a handgun, and the victim was subsequently murdered; in violation of Sections 16-01-0040, 0050, S.C. Code of Laws, 1976, as amended.

**COUNT SIX- ACCESSORY AFTER THE FACT**

CDR: 2413

16-01-0055

That TRAVIS CARLTON LEE did in Florence County, on or about August 31, 2010, render assistance after the fact to co-defendants, who, on or about August 31, 2010 committed the felonies of Murder and Armed Robbery of one Jimmy L. Spring, II, by picking them up after they had committed the crimes, and driving them away from the scene; in violation of Section 16-01-0055, 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.




---

**E.L. Clements, III**  
TWELFTH CIRCUIT SOLICITOR

158

STATE OF SOUTH CAROLINA

30 yrs to life

IN THE COURT OF GENERAL SESSIONS

COUNTY OF  
STATE

Florence

VS.

Thomas Elbert Vanhooose Jr.

AKA:

Race: W Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Scranton, SC 29591

DL#: SID#:

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was  
TO: Murder / MurderINDICTMENT/CASE#: 2011-GS-21-1209A/W#: M272529Date of Offense: 8/31/2010S.C. Code §: 16-03-0010; 16-03-0020CDR Code #: 0116

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ 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 initial: \_\_\_\_\_)The plea is: ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 15295 [Signature] Scott P. Pyle 12061  
Clements, III, E. L. 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 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: 12-13-11 + Probation Violate☒ 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. 460 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

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

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    | \$               |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$               |
| § 50-21-114 (BUI Breath Test Fee)      | \$50    | \$               |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$               |
| Proviso 90.5 (SCCA Surcharge)          | \$5     | \$ <u>5.00</u>   |
| 3% to County (if paid in installments) |         | \$               |
| TOTAL                                  |         | \$ <u>105.00</u> |

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: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk

Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge

Judge Code: \_\_\_\_\_

Sentence Date: 12/13/11

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 159

COUNTY OF  
STATE

Florence

VS.

Thomas Elbert Vanhooose Jr.

AKA:

Race: W Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Scranton, SC 29591

DL#: SID#:

\*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: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-4.The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initiThe plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the StateATTEST: [Signature] 15295 [Signature] [Signature] 1206  
Clements, III, E. L. SC Bar# Defendant Attorney for Defendant SC BarWHEREFORE, 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 \_\_\_\_\_ year  
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. 460 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

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

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   | \$ 100.00 |
| § 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     | \$ 5.00   |
| 3% to County (if paid in installments) |         | \$        |
| TOTAL                                  |         | \$ 105.00 |

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: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk

Court Reporter: \_\_\_\_\_

SCCA/217 (03/2011)

Presiding Judge

Judge Code: \_\_\_\_\_

Sentence Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
160 COUNTY OF Florence  
STATE VS.  
Thomas Elbert Vanhooe Jr.  
AKA:  
Race: W Sex: M Age: 20  
DOB: 1 SS#:   
Address: d.  
City, State, Zip: Scranton, SC 29591  
DL#: SID#:   
\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011-GS-21-1209  
A/W#: M272530  
Date of Offense: 8/31/2010  
S.C. Code § : 16-17-0410  
CDR Code #: 0049

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  
TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049  
☒ 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: E. L. Clements 15295 Thomas Vanhooe Scott P. Hays 12061  
Clements, III, E. L. 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: 12-13-11 Probation Parole  
☒ 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. 460 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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 \$ 100.00

§ 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 (SCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \_\_\_\_\_

TOTAL \$ 105.00

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: \_\_\_\_\_

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

Clerk of Court/ Deputy Clerk

Court Reporter: K. Hays

SCCA/217 (03/2011)

Presiding Judge

Judge Code: \_\_\_\_\_

Sentence Date: 12/18/11