

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Berkeley County

G. Thomas Cooper, Circuit Court Judge

RECEIVED

JUL 27 2015

S.C. Supreme Court

CLIFFORD RAMSEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000018

APPENDIX

WANDA H. CARTER
Deputy Chief Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

J. RUTLEDGE JOHNSON
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED APRIL 23, 2012	1
APPLICATION FOR POST-CONVICTION RELIEF	101
RETURN	109
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED SEPTEMBER 10, 2014	114
ORDER OF DISMISSAL	131
INDICTMENTS	139

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 12-GS-08-0429 et al
	)	
Clifford Antonio Ramsey,	)	
	)	
Defendant.	)	

TRANSCRIPT OF JURY TRIAL

The within jury trial was held in above-captioned action on April 23, 2012, before The Honorable R. Markley Dennis, Jr., in Courtroom E of the Berkeley County Court of General Sessions, 300 California Avenue, Moncks Corner, South Carolina; attended by Counsel, as follows:

APPEARANCES:

Ashley Cornwell, Assistant Solicitor
Anne Williams, Assistant Solicitor
9th CIRCUIT SOLICITOR'S OFFICE
300 California Avenue
Moncks Corner, SC
Appearing for State of South Carolina

Roger Dixon
Appearing for Defendant

DEBORAH GARRISON
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 901
Johns Island, South Carolina 29457
dGarrison@secourts.org

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

2

1 (DEFENDANT PRESENT)

2 THE COURT: You are Clifford Ramsey?

3 DEFENDANT: Yes, sir.

4 THE COURT: I understand that there
5 has been an offer for fifteen years and that you
6 have told your lawyer that you don't want to ---

7 FEMALE: Your Honor, ---

8 THE COURT: Ma'am, you can't speak at
9 this moment. I appreciate it. I assume you
10 must be related to this person?

11 FEMALE: He's my son.

12 THE COURT: I appreciate you --- I am
13 a parent, too. I understand that. At some
14 point I will happy to hear from you -- but I
15 thank you for your urgency and your fear.

16 You instructed your lawyer to do that,
17 right?

18 DEFENDANT: (No verbal response).

19 THE COURT: You understand that if
20 you are convicted, that would be the minimum
21 sentence that the court could impose?

22 DEFENDANT: Yes, sir.

23 THE COURT: I am at liberty to impose
24 up to a life sentence, anything in between
25 fifteen years and life. Do you understand that?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

3

1 DEFENDANT: Yes, sir.

2 THE COURT: Is it your desire to go
3 forward with the trial?

4 DEFENDANT: (Affirmative nod).

5 THE COURT: That was a "yes"?

6 DEFENDANT: Yes, sir.

7 THE COURT: We have Motions in
8 limine?

9 ASHLEY CORNWELL: Yes, sir.

10 THE COURT: Mr. Dixon, I will be
11 happy to hear from you.

12 MR. DIXON: Thank you, Your Honor.

13 THE COURT: The first one is a
14 *Jackson v Denno*. I don't now if we have enough
15 time to hear that before we empanel the jury in
16 this case.

17 SOLICITOR CORNWELL: Yes, sir, Your
18 Honor.

19 THE COURT: We can hear that before
20 we start the trial.

21 SOLICITOR CORNWELL: Understood, Your
22 Honor.

23 THE COURT: There is also a Motion
24 for a change of venue.

25 SOLICITOR CORNWELL: Yes, sir, Your

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

4

1 Honor. We believe that due to the publicity in
2 this case, the many news articles have been
3 published, both on the internet, in the news-
4 paper, on the television news, that the venue
5 in this case should be changed. We do not
6 believe that we would be able to have an
7 impartial panel in this case.

8 THE COURT: I assume at this point
9 that the State opposes the Motion?

10 SOLICITOR CORNWELL: We do.

11 THE COURT: And I understand that.

12 At this juncture, until I have qualified the
13 jury for the case, I cannot make an intelligent
14 ruling on the Motion. We will have to see how
15 many express knowledge or a bias or are excused
16 and then we can determine if the jury pool is
17 sufficient to draw a fair and impartial jury.
18 Your Motion is denied at this time, but the
19 defendant may renew that Motion after qualify
20 the panel.

21 MR. DIXON: Thank you, sir.

22 THE COURT: Yes, sir.

23 MR. DIXON: Also, Your Honor, I would
24 move to suppress her prior criminal record. We
25 feel that it would be unduly prejudicial to him

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

5

1 if he chooses to take the stand. We believe
2 under the rules of evidence that prior
3 convictions are not relevant and that under
4 403(b) they are inadmissible. They had nothing
5 to do with the crime and should be excluded.

6 SOLICITOR CORNWELL: The only prior
7 is a 2010 possession of cocaine. We would only
8 use that for impeachment purposes.

9 THE COURT: You will have to renew
10 that Motion at the appropriate time. It is
11 admissible under 511 but I'd have to do the 403
12 analysis at that time. Certainly I would be
13 happy to consider that aspect if it is
14 necessary. What is the next one?

15 MR. DIXON: We would make a Motion to
16 keep the photograph of Bobby Gadsden out, if the
17 State ---

18 SOLICITOR CORNWELL: The State
19 doesn't plan to do that.

20 THE COURT: Unless a photograph is
21 agreed to, I would ask that no photographs be
22 shown to the -- photographs and no documents be
23 shown to the jury or published until they have
24 been formally admitted by the court. Anything
25 else?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

6

1 SOLICITOR CORNWELL: Nothing from the
2 State.

3 THE COURT: Is it your desire to go
4 forward with the jury trial?

5 DEFENDANT: (Affirmative nod).

6 THE COURT: That was a "yes"?

7 DEFENDANT: Yes, sir.

8 THE COURT: Mr. Ramsey, you have been
9 charge with possession of a gun, the use of a
10 gun in the commission of a violent crime, if the
11 gun was present and the jury determines that,
12 then that would be considered a violent crime.
13 So that's a separate charge, carries a separate
14 sentence.

15 I know very little about this case
16 factually other than the fact that there were
17 -- I think that there's been a plea by one of
18 the codefendants. I believe that there were
19 several persons who were accused.

20 SOLICITOR CORNWELL: Yes, Your Honor.

21 THE COURT: One of the participants/
22 individual was apparently killed. One has pled
23 guilty and then -- were there more?

24 SOLICITOR CORNWELL: There were three
25 people, Your Honor.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

7

1 THE COURT: And allegedly Mr. Ramsey
2 was the third person?

3 SOLICITOR CORNWELL: Yes, sir.

4 THE COURT: Given the nature of it.
5 I don't who actually went inside but certainly
6 the principle of law that the hand of one is the
7 hand of all would be applicable here. Does
8 anybody disagree with that? From what little I
9 know of the facts, -- would you agree with that?

10 SOLICITOR CORNWELL: Yes, Your Honor.

11 THE COURT: Mr. Dixon?

12 MR. DIXON: Yes, Your Honor.

13 THE COURT: Have you explained that
14 to your client, that under the law of this state
15 that if you are -- if my law clerk and you and
16 your lawyer, we decide to commit a crime. I
17 know that it's going to be committed and I go
18 along but I don't take part in the crime. I'm
19 the lookout, I just sit out -- in fact, I am not
20 even near it. I am just watching. If they
21 prove that I knew it, if they prove that either
22 factually or directly or circumstantially, that
23 I had some knowledge of it, then under that
24 principle of law I could be convicted of the
25 crime. Do you understand that principle of law?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

8

1 DEFENDANT: Yes, sir.

2 THE COURT: Okay, let's bring in our
3 jury panel.

4 (JURY PANEL INTO COURTROOM @ 9:43 A.M.)

5 THE COURT: Good morning, Ladies and
6 Gentlemen. My name is Markley Dennis. I am one
7 of the Circuit Court judges in the 9th Circuit.
8 Judge Harrington and I have been assigned to try
9 cases this week with you.

10 Judge Harrington will be trying cases
11 in the civil court, Court of Common Pleas. I
12 will be trying cases in General Sessions, which
13 is the criminal side. There are some cases
14 pending for which we need your assistance in
15 resolving disputes. That is really what a jury
16 trial is, the process of dispute resolution.

17 The process involves a panel being put
18 in place to decide on the facts of a case. That
19 is what you will be about today. Your role will
20 be, in either the civil or criminal case, to
21 evaluate the evidence, listening to the evidence
22 and at the appropriate time deciding what you
23 believe the facts to be.

24 Day in and day out, the jury process is
25 a process that I have come to respect and

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

9

1 admire, even more than I did as a lawyer. I was
2 fortunate enough to practice law in this county,
3 its my home county, for twenty-one years, to try
4 cases and work with lawyers in this courtroom.
5 I just thought I appreciated your service then
6 but for the last eighteen, in doing this job, I
7 -- quite frankly, I've come to admire and
8 respect the process even more. It's one of the
9 thing that just truly does separate us from the
10 rest of the world.

11 In fact, countries today that are
12 trying to institute a system -- a jurisprudence
13 system in their country are looking at us,
14 looking at our system to try to pattern. The
15 jury system is one aspect of it, because it is
16 unique. It's unique in the sense -- let me ask
17 you this, did anybody call Mrs. Brown, our Clerk
18 of Court, and say, 'Ms. Brown, I would love to
19 serve on a jury panel. May I come down -- April
20 is a great month, I'd love to come and serve.'
21 Did anybody do that? (Laughter). I didn't
22 think so. That doesn't mean that some of aren't
23 here -- I hope and pray, and I mean this
24 sincerely, I hope that someday I can sit out
25 there. Right now I am not qualified. You will

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

10

1 hear that. I work within the walls of a
2 courthouse, which excludes me from a jury.
3 Unfortunately when I was practicing law,
4 doctors, nurses, they weren't even in the pool.
5 They have changed that over the years and now
6 those professions are in the pool. Some of you
7 may be those. But I hope one day I will be able
8 to serve, I'd love to do that.

9 Maybe some of you don't feel that way.
10 I understand that. But the beauty of this
11 process is that you didn't select it. Another
12 aspect of this, and this is the part that I find
13 -- needless to say, as you can imagine, just as
14 in your job not everything that I do in my job
15 gives me a warm fuzzy at the end of the day. I
16 don't necessarily feel real good about it
17 sometimes. But there's one aspect that I
18 consistently feel very good about, every time.
19 In the last sixteen years, I can't think of a
20 jury term that I've had that I didn't walk away
21 with a great feeling based on the fact that I
22 got to be with people just like you. It's
23 amazing that we can live in a country where
24 people make the sacrifice to make the legal
25 process work.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

11

1 I share this story from time to time
2 because it puts it really in perspective for me,
3 and maybe for you. I used to think that this
4 was ancient back in -- my grandfather was sixty-
5 four when he died, and my grandmother was sixty-
6 seven. So I thought that being sixty that you
7 were pretty old. Then when I joined the 60's
8 Club, I realized that it really isn't that old.
9 It's kind of a nice part of your life.

10 But if you've reached your 65th
11 birthday, you've earned an exemption. You don't
12 have to take it, but if you want to be excused
13 you can be.

14 Well, this gentleman in Charleston, and
15 this back at the first of this year -- and it
16 turned out after I met him -- I have to share
17 this story. They called out his name and he was
18 to stand, just as you are going to do in just a
19 moment. They called his name and there was no
20 response. I said to call it again, that maybe
21 they didn't hear it. They called his name and
22 then I heard, "Come on feet." He was sitting
23 about four rows back. He was eighty-two years
24 old. I asked him if he wanted to serve and he
25 said, 'Yes, I would like to serve.'

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

12

1 Oddly enough, fortunately, after he
2 happened to be picked for one of the juries.
3 Just like this box, you can see that if somebody
4 had problems with his legs. It was hard for him
5 to sit in the seats, so we let him sit outside
6 so that he could straighten his legs out. He
7 would be the last person to leave because he
8 couldn't move very quickly, bless his heart.

9 He was getting ready to leave and I --
10 I can't remember his name, I'll just call him
11 Smith. I said, 'Mr. Smith, it was a pleasure to
12 serve with you and I appreciate the fact that
13 you served.' He said, 'Why shouldn't I? You
14 know, we have men and women who are dying for
15 you and me. This is the least that I can do.'
16 I thought, Wow. Gave me cold chills, gives them
17 to me right now.

18 That's what it is about, folks. I know
19 that it is an inconvenience, but that's what it
20 is about. You are here to make sure that the
21 process works fairly. I look forward to serving
22 with you in that capacity. We are going to
23 qualify you very shortly but we need to go
24 through the process of calling the roll, getting
25 certain information. After that, I will come

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

13

1 back to you, try to qualify you and get the jury
2 picked.

3 I understand that there is one case
4 remaining on the civil side that they can't
5 start until tomorrow. We will see if we can
6 pick that panel. Are the attorneys present?

7 CLERK: No, she wants them to call in
8 and see if they are needed, the ones that you
9 don't choose on yours.

10 THE COURT: Oh, I understand. We
11 will pick my jury today -- other than case, is
12 that the only one that you have remaining on the
13 civil side?

14 CLERK: Yes.

15 THE COURT: We have two, maybe three,
16 on the criminal side. So those of you who are
17 serving will know today or tomorrow and that is
18 probably all that we will need this week.

19 You're only required to serve in
20 Circuit Court once every three years. Whether
21 you actually are selected or not, you'll earn an
22 exemption by being here today. So that's one
23 good thing that you will get. It's probably the
24 most valuable thing that you'll get for your
25 service. When you get your check, you'll

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

14

1 understand what I mean by that. There really is
2 no way to pay you for what you do.

3 I turn it over now to the clerk to call
4 the roll.

5 (ROLL CALL)

6 (JUROR NUMBER 53 EXCUSED

7 ENGLISH SECOND LANGUAGE)

8 THE COURT: Thank you, Ladies and
9 Gentlemen. There are a number of question that
10 I have for you. I need to ask if each of you
11 will swear or affirm that your responses to my
12 questions today -- of course, your response to
13 any question propounded to you by the court --
14 will be the truth and nothing but the truth.
15 Please indicate by saying "I will."

16 (JURORS RESPOND)

17 THE COURT: Is there any member(s) of
18 the panel who could not make that commitment for
19 any reason? (No verbal response). Thank you,
20 there are none.

21 Before qualifying you there are several
22 exemptions. One of them deals with age. If you
23 have reached your 65th birthday, you have earned
24 an exemption.

25 If you fall into any of these

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

15

1 categories it doesn't prevent you from serving
2 if you are otherwise qualified. It just gives
3 you an opportunity to be excused.

4 Are there any members of the panel who
5 have reached their 65th birthday and wish to
6 claim that exemption? If so, please stand.
7 Your number?

8 JUROR NUMBER 26: Twenty-six.

9 THE COURT: Are you 65?

10 JUROR NUMBER 26: No, I am sixty-one.
11 I thought you said 61.

12 THE COURT: I've got you beat by
13 three years.

14 JUROR NUMBER 26: But I do want to
15 talk to you about ---

16 THE COURT: Okay. We will get there,
17 we will talk about that. There is qualifying
18 question that I will discuss with you. Are
19 there any? (No response). Thank you, there
20 appear to be none.

21 Are there any members of the jury panel
22 who are officers or employees of the Department
23 of Corrections and wish to claim that exemption?
24 If so, please stand. (No response). Thank you
25 very much, there appear to be none.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

16

1 Are there any members of the jury panel
2 that have the care, custody and control of a
3 child or children under the age of seven years
4 and you either do not work outside the home or
5 your working arrangements are such that you are
6 basically home when the child is present? You
7 swap off with the other parent. If so.

8 JUROR NUMBER 1: I pick up my
9 daughter at school every day from daycare, then
10 I go back to work. I am the only one who
11 drives.

12 THE COURT: Your work allows you to
13 do that?

14 JUROR NUMBER 1: He does.

15 COURT REPORTER: Her number, Your
16 Honor?

17 THE COURT: What is your juror
18 number?

19 JUROR NUMBER 1: Number one.

20 THE COURT: Number one is excused.

21 (JUROR NUMBER 1 EXCUSED)

22 THE COURT: Yes, ma'am?

23 JUROR NUMBER 75: I babysit my grand-
24 daughter Monday through Thursday while her goes
25 to school.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

17

1 THE COURT: But you don't have
2 custody of the child?

3 JUROR NUMBER 75: Oh, no.

4 THE COURT: I'll talk to you about
5 that. I may not be able to excuse but we can
6 talk about that. Yes, ma'am?

7 JUROR NUMBER 15: I have a six-year-
8 old.

9 THE COURT: You want to claim the
10 exemption?

11 JUROR NUMBER 15: (Affirmative nod).

12 THE COURT: Number 15 will be
13 excused, thank you.

14 (JUROR NUMBER 15 EXCUSED)

15 THE COURT: Are there others? (No
16 response). Thank you, there appear to be none.

17 Are there any members of the jury panel
18 who are students, teachers or necessary
19 employees with institutions of learning? That
20 would be K through 12 and institutions of higher
21 learning, including technical colleges. Such
22 that your responsibilities would impede your
23 serving on the jury this week? You are full-
24 time student?

25 JUROR NUMBER 148: Yes, sir.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

18

1 THE COURT: Your name and number?

2 JUROR NUMBER 148: Cleola

3 Singleton, 148.

4 THE COURT: You are excused. Good
5 luck.

6 (JUROR NUMBER 148 EXCUSED)

7 THE COURT: Any member(s) of the jury
8 panel who have the responsibility and care of a
9 person of any age whose mental or physical
10 condition requires constant care and you are
11 that caregiver?

12 JUROR NUMBER 19: My dad has
13 Parkinson. He is seventy-seven, seventy-eight.

14 THE COURT: And you are there ---

15 JUROR NUMBER 19: I am there as often
16 as I can be.

17 THE COURT: Do you not work?

18 JUROR NUMBER 19: Yes, I do work and
19 take care of him

20 THE COURT: I can't -- that exemption
21 is for somebody that that is all that they --
22 that that is their job.

23 JUROR NUMBER 19: Oh, okay.

24 THE COURT: It was created for that,
25 but I will talk with you about that. Just hold

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

19

1 onto that.

2 JUROR NUMBER 19: Yes, sir.

3 COURT REPORTER: His number, Your
4 Honor?

5 THE COURT: Your juror number?

6 JUROR NUMBER 19: Nineteen.

7 THE COURT: Thank you. Are there any
8 others? Thank you, there appear to be none.

9 Are there any members of the jury panel
10 who have previously served in Circuit Court in
11 the last three years? If you did, you have an
12 exemption. Is there any juror? (No response).
13 Thank you, there appear to be none.

14 Is there any member of the jury panel
15 who served on the grand jury for any county in
16 this state in the last five years? If so,
17 please stand. (No response). Thank you, there
18 are none.

19 The next one -- the history maybe helps
20 you understand. Originally it was placed on the
21 record to accommodate the agriculture industry
22 in this state, which was quite significant a
23 number of years ago though it is not as
24 extensive today. It basically is that if your
25 business has to shut down because you are

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

20

1 present, then there's an exemption for that. By
2 that, I mean you're it. You don't have any
3 employees, nobody there to cover. So if that
4 applies to any juror and they need to claim that
5 exemption, please stand. Yes, sir?

6 JUROR NUMBER 107: I am self-employed
7 and I am the only one.

8 THE COURT: What is your job?

9 JUROR NUMBER 107: Construction,
10 windows, doors, vinyls.

11 THE COURT: You don't have any
12 employees?

13 JUROR NUMBER 107: No.

14 THE COURT: Your name and number.

15 JUROR NUMBER 107: Brian Mizzell.

16 THE COURT: Number 107. Thank you,
17 sir, you are excused.

18 (JUROR NUMBER 107 EXCUSED)

19 THE COURT: Yes, sir?

20 JUROR NUMBER 55: I'm self employed.

21 THE COURT: What is your job?

22 JUROR NUMBER 55: Barber.

23 THE COURT: Are you the only barber
24 in your business?

25 JUROR NUMBER 55: No, I have two other

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

21

1 barbers but they both work for themselves. My
2 money comes from my work.

3 THE COURT: I understand -- but your
4 door is open?

5 JUROR NUMBER 55: Yeah, but I am not
6 making any money.

7 THE COURT: Do they pay you rent?

8 JUROR NUMBER 55: That's for the
9 building.

10 THE COURT: That's right. That is
11 for the building, it's your business and they
12 are working for you.

13 JUROR NUMBER 55: Actually they are
14 working for themselves.

15 THE COURT: But they pay you rent?

16 JUROR NUMBER 55: Yeah.

17 THE COURT: Thank you, sir, that
18 doesn't qualify you. I will be happy to talk
19 with me later -- well, if you tell me that you
20 will tell them that they can't come to work
21 while you are on the jury, then it qualifies.

22 JUROR NUMBER 55: No, but -- they've
23 got to eat.

24 THE COURT: That is what I am talking
25 about. It doesn't qualify.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

22

1 COURT REPORTER: His number, Your
2 Honor?

3 THE COURT: Anybody else?

4 COURT REPORTER: His number, Your
5 Honor?

6 THE COURT: Ladies and Gentlemen,
7 those are all the exemptions. The next
8 questions, if they apply to you, you need to
9 answer. The first one, I am pretty sure that I
10 know the answer to this -- through the years
11 I've been, I guess, right. I will tell you why
12 in a moment. Are there any members of the jury
13 panel that don't have a highway department
14 identification card, voters registration
15 certificate or a driver's license. You don't
16 have to have all three of them, you only have to
17 have one. You don't have to have it with you
18 today. Does that apply to any juror? If so,
19 please stand.

20 JUROR: I don't have a driver's
21 license.

22 THE COURT: Do you have an ID card?

23 JUROR: No.

24 THE COURT: Did you have one?

25 JUROR: I did once.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

23

1 THE COURT: That's it. Understand
2 that you don't have to have it with you, but at
3 one time you were issued a driver's license?

4 JUROR: No, an ID.

5 THE COURT: Okay. You still have it.
6 You may want to get it. I don't know what the
7 requirements are concerning ID, but you may want
8 to get it. Does that apply to anyone? (No
9 response). I didn't think so because you're
10 here. That's how we got your name to send you
11 the invitation.

12 I am required to ask that. That is
13 what the law requires me to do. It will be a
14 shocker if I ever find one.

15 The next one, are there any members of
16 the jury panel who have not reached their 18th
17 birthday? If so, please stand. (No response).
18 Thank you, there are none.

19 Are there any members of the jury panel
20 who are clerks of court, deputy clerks of court,
21 constables, sheriffs, probate judges, county
22 commissioners, county officers or any person
23 employed within the walls of any courthouse? If
24 so, please stand. (No response). Thank you,
25 there are none.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

24

1 Are there any members of the panel that
2 have the power to address someone generally?
3 That could be with or without pay. Does that
4 apply to any juror? (No response). Thank you,
5 there are none.

6 Are there any members of the jury panel
7 who are not residents and citizens of the county
8 of Berkeley? (No response). Thank you. There
9 are none.

10 Are there any member of the jury panel
11 who is not a citizen of the United States? (No
12 response). There are none.

13 The next group of questions, I will
14 give you an opportunity to come forward and we
15 will discuss your response with the court
16 reporter. It is important that you share your
17 response if any of these questions do apply.

18 The first one is if you've ever been
19 convicted in a court of record, state or federal
20 court of a crime of for a crime carrying a
21 potential sentence of more than a year and you
22 haven't had your civil rights restored by pardon
23 or amnesty. It does not matter how long ago
24 that it may have occurred. If it occurred in
25 your lifetime, then it is on your record and it

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

25

1 would prevent you from serving. So if that
2 applies to any juror, I need to talk to you
3 about that in just a moment.

4 Also if there are any members of the
5 jury panel who are unable to read, write, speak
6 or understand the English language, then I will
7 be happy to talk with you about that. That's
8 the one that -- I excused one juror because that
9 was a classic example of that problem.

10 Are there any members of the jury panel
11 that have some mental or physical condition that
12 they wish to share and talk with me about being
13 excused, that would prevent them from serving on
14 the jury panel?

15 If there are any members of the jury
16 panel that don't have the equivalent of a sixth
17 grade education, I need to talk with you about
18 that.

19 Also at this time if there are reasons
20 that you have, it could be personal or business
21 that you need to share, because it's a bad week
22 for you and you need to postpone the service, I
23 will consider transferring you. It will not be
24 excusing you, just postponing the service. If
25 you do postpone it, understand something. The

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

26

1 date that you will be given will be the date
2 that you have to appear and you will not be able
3 to be transferred again. So keep that in mind
4 as far as being transferred.

5 Now, if there are persons that need to
6 discuss matters with the court, if you would a
7 form a line here, we will take you one at a
8 time.

9 BAILIFF: Juror Number 188, Barney
10 Hudson.

11 SIDEBAR:

12 JUROR NUMBER 188: I had a larceny
13 charge several years ago?

14 THE COURT: What was the charge,
15 petit larceny?

16 JUROR NUMBER 188: No, I got time and
17 went up and then I did probation.

18 THE COURT: Where was this handled?

19 JUROR NUMBER 188: Dorchester.

20 THE COURT: That would excuse you.

21 (SIDEBAR CONCLUDED)

22 THE COURT: Juror Number 188 is
23 excused for statutory reasons.

24 (JUROR NUMBER 188 EXCUSED)

25 BAILIFF: Juror Number 159, Naomi

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

27

1 Swinton.

2 SIDEBAR:

3 THE COURT: Yes, ma'am.

4 JUROR NUMBER 159: Good morning,

5 Judge. I had surgery on my back, a disk, and it
6 affects me if I sit too long.

7 THE COURT: If I let you stand when
8 you need to, would that help you?

9 JUROR NUMBER 159: It does help to
10 stand.

11 THE COURT: That's what I have done.
12 I'd have people who will stand up when they need
13 to stand during a trial.

14 JUROR NUMBER 159: Thank you.

15 THE COURT: No problem. We can seat
16 you on the side and you just stand as you need
17 to. Will that work?

18 JUROR NUMBER 159: That would be
19 helpful. Thank you.

20 (SIDEBAR CONCLUDED)

21 Juror Number 159 has a situation.
22 We are going to work with her. If need be, we
23 will put her on a seat to the side so that she
24 can stand as she needs to. Thank you so much,
25 ma'am, look forward to working with you.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

28

1 BAILIFF: Number 75, Cora Hurst.

2 SIDEBAR:

3 THE COURT: You have ---

4 JUROR NUMBER 75: You have to babysit,

5 but I also suffer with depression, am bipolar.

6 I just -- I am nervous now and I just don't

7 think I can ---

8 (SIDEBAR CONCLUDED)

9 THE COURT: I will transfer you.

10 Let's transfer Number 75 to the fall.

11 SIDEBAR:

12 THE COURT: Are you treated for it by
13 a physician?

14 JUROR NUMBER 75: Yep, yep, yep.

15 THE COURT: Get your physician to
16 write Mrs. Brown a letter saying that your
17 condition would excuse you from serving, and
18 then you won't have to report.

19 JUROR NUMBER 75: Okay. Okay.

20 (SIDEBAR CONCLUDED)

21 THE COURT: Number 75 is going to
22 talk with her physician. She probably has a
23 situation that, if confirmed, will prevent her
24 from serving. We have a term in the Fall --
25 you'll send them another notice.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

29

1 CLERK: September 10th.

2 THE COURT: It will be September 10
3 but just go get that done. You are excused for
4 today, transferred.

5 (JUROR NUMBER 75 EXCUSED/TRANSFERRED)

6 BAILIFF: Number 25, Marshall
7 Carrigg.

8 SIDEBAR:

9 THE COURT: Good morning.

10 JUROR NUMBER 75: I am taking a lot
11 of medication, just had surgery on my left. I
12 wondered if I could get a postponement because
13 I've got one more surgery to go.

14 THE COURT: I tell you what you do --
15 we have a term in October. If your physician
16 feels that you would not be able to do it at
17 that time, have him just write Mrs. Brown a note
18 and that will excuse you.

19 JUROR NUMBER 75: Thank you.

20 THE COURT: Hopefully you'll be
21 better by October 25th and that can be your term.

22 (SIDEBAR CONCLUDED)

23 THE COURT: Number 15 is transferred
24 for medical reasons. Thank you, sir.

25 (JUROR NUMBER 25 EXCUSED/TRANSFERRED)

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

30

1 BAILIFF: Number 88, Walter Kinney.

2 SIDEBAR:

3 JUROR NUMBER 88: This is one of those
4 bad weeks. I have a flight in the morning to
5 Atlanta for a meeting.

6 THE COURT: How long do you need?

7 JUROR NUMBER 88: I will be back on
8 Friday, and be glad to serve.

9 THE COURT: You tell me, do you want
10 to serve in May, June?

11 JUROR NUMBER 88: Any month is fine.

12 (SIDEBAR CONCLUDED)

13 THE COURT: Number 88 has a business
14 trip scheduled for tomorrow. Transfer him to
15 some time in May or June. Okay? Thank you.

16 (JUROR NUMBER 88 EXCUSED/TRANSFERRED)

17 BAILIFF: Juror Number 103, Sharon
18 Middleton.

19 SIDEBAR:

20 JUROR NUMBER 103: I have surgery
21 scheduled for Thursday morning.

22 THE COURT: How long will this case
23 take, how many witnesses do you have?

24 SOLICITOR CORNWELL: It's a few, we
25 could be through on Wednesday but ---

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

31

1 THE COURT: How long is the civil
2 case going to take? Is it a one-day case?

3 CLERK: It's supposed to be two and a
4 half to three days.

5 (SIDEBAR CONCLUDED)

6 THE COURT: Juror Number 103 has
7 surgery scheduled for Thursday, so I have to
8 have to transfer her. Hope everything goes well
9 for you.

10 (JUROR NUMBER 103 EXCUSED/TRANSFERRED)

11 BAILIFF: Juror Number 20, Elaine
12 Buckner.

13 SIDEBAR:

14 JUROR NUMBER 20: On Friday, my
15 husband is scheduled to be in North Carolina but
16 am free until then.

17 THE COURT: So you are good to go
18 through Thursday?

19 JUROR NUMBER 20: Yes, sir.

20 THE COURT: We will be finished then
21 and the civil side will be, too.

22 (SIDEBAR CONCLUDED)

23 THE COURT: Number 20 will be
24 protected from serving on any jury for Friday.
25 Thank you.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

32

1 BAILIFF: Number 19, Jeffre4y

2 Brown.

3 SIDEBAR:

4 JUROR NUMBER 19: I don't know how to
5 begin this discussion. I am all that my mom's
6 got.

7 THE COURT: I understand.

8 JUROR NUMBER 19: I have to be there
9 from dusk to dawn because she can't drive at
10 night.

11 THE COURT: I understand. I can't
12 excuse you. I'll transfer you.

13 JUROR NUMBER 19: That would be fine.

14 THE COURT: How long do you need?

15 JUROR NUMBER 19: Just a couple of
16 weeks. I really don't know.

17 (SIDEBAR CONCLUDED)

18 THE COURT: Juror Number 19 will be
19 transferred to the Fall term. You will be given
20 notice. Hope all goes well for you.

21 (JUROR NUMBER 19 EXCUSED/TRANSFERRED)

22 THE COURT: Number 170, Sean
23 Vondohlen.

24 SIDEBAR:

25 JUROR NUMBER 170: I have a couple

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

33

1 of problems. One, I am learning disabled ---

2 THE COURT: Do you work outside the
3 home?

4 JUROR NUMBER 170: I have
5 scoliosis, which prevents me from ---

6 THE COURT: The lady who walked up
7 here with a crutch, I will allow you to stand
8 up.

9 JUROR NUMBER 170: I also got
10 charged with over an ounce of marijuana ---

11 THE COURT: That doesn't disqualify
12 you for the jury. It might disqualify you for a
13 case, but not for this.

14 SOLICITOR: Your Honor, it was more
15 than an ounce and it was his third.

16 THE COURT: Then that would
17 disqualify you..

18 (SIDEBAR CONCLUDED)

19 THE COURT: Juror Number 170 will
20 remain.

21 BAILIFF: Juror Number 74, Alvin
22 Hui.

23 SIDEBAR:

24 JUROR NUMBER 74: Yes, sir. English is
25 not my first language.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

34

1 THE COURT: But you communicate?

2 JUROR NUMBER 74: Yes, sir, I just
3 wanted to make sure.

4 THE COURT: As long as you can
5 communicate with persons. If you're employed
6 and work in a group, obviously you're able to do
7 that. You will be with people and they can
8 explain or restate it. You don't have to do
9 anything. You understand the English language
10 apparently.

11 JUROR NUMBER 74: Yeah.

12 (SIDEBAR CONCLUDED)

13 THE COURT: Number 74 will remain.

14 BAILIFF: Number 11, Delton Bell.

15 JUROR NUMBER 11: I don't have no
16 education.

17 THE COURT: What type of work do you
18 do?

19 JUROR NUMBER 11: Warehouse work.

20 THE COURT: Have you worked any other
21 places in your life?

22 JUROR NUMBER 11: Just warehouse,
23 that's it.

24 THE COURT: I think the most
25 important thing that you bring to this process

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

35

1 is your common sense. You obviously have that.
2 You've been successful in working and keeping a
3 job, so I am not concerned about that.

4 (SIDEBAR CONCLUDED)

5 THE COURT: Number 11 will remain.
6 Thank you, sir. You are qualified.

7 BAILIFF: Juror Number 85, Carol
8 Kass.

9 SIDEBAR:

10 JUROR NUMBER 85: I have a problem as
11 a grandmother, keeping the children. The other
12 grandparents will arrive on Friday but this week
13 my daughter, she is the principal of Charleston
14 High School, is twelve months and -- I'd like to
15 serve but this is a really bad week. And we'd
16 have trouble transporting them from morning
17 church school to anyone ---

18 THE COURT: Your number is?

19 JUROR NUMBER 85: 85.

20 THE COURT: Were you convicted of
21 contributing to the delinquency of a minor?

22 JUROR NUMBER 85: It was a
23 misdemeanor.

24 THE COURT: That doesn't matter. It
25 carries over a year, so that would disqualify

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

36

1 you. You're excused.

2 (SIDEBAR CONCLUDED)

3 THE COURT: Number 85 is excused for
4 statutory reasons.

5 (JUROR NUMBER 85 EXCUSED)

6 BAILIFF: Number 37, Gary Crawford.

7 SIDEBAR:

8 JUROR NUMBER 37: I am currently on
9 disability and I'm not able to -- I have a
10 doctor's excuse.

11 THE COURT: So sorry, hope all goes
12 well for you.

13 (SIDEBAR CONCLUDED)

14 THE COURT: Number 37 is excused for
15 statutory reasons. Have a great day.

16 (JUROR NUMBER 37 EXCUSED)

17 BAILIFF: Number 55, Cohen Graham.

18 SIDEBAR:

19 JUROR NUMBER 55: Like I was saying,
20 If I don't work, I don't make any money.

21 THE COURT: I understand. Like I
22 said, I don't mind transferring you so that you
23 can arrange for it. That doesn't disqualify
24 you, that doesn't excuse you. So do you want to
25 work this week or do you want to postpone it to

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

37

1 a week when you have to work? It's up to you.

2 JUROR NUMBER 55: So if I stay, I am
3 going to be picked or I am not going to be
4 picked?

5 THE COURT: Like very single person
6 that is in that boat, and there are tons of
7 them, I work with them every single day and have
8 for eighteen years. They make that sacrifice.
9 It's part of this country, my friend. It's part
10 of the right to do what you are doing. Do you
11 want to stay with us or do you want to postpone
12 it?

13 JUROR NUMBER 55: Is it for the whole
14 week?

15 THE COURT: It may be. I don't know.
16 You may be finished tomorrow. I don't now. I
17 can't tell you that. You are under subpoena for
18 the whole week, until released.
19 It won't be like some states where you serve
20 four or five months.

21 JUROR NUMBER 55: Oh, lord.

22 THE COURT: Do you want to transfer
23 or do you want to stay?

24 JUROR NUMBER 55: I guess I ain't got
25 no choice.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

38

1 THE COURT: The choice is to transfer
2 or stay? If you don't think that's a choice, I
3 can't argue with you about that. That's up to
4 you.

5 JUROR NUMBER 55: I will stay, man.

6 THE COURT: Thank you, sir.

7 (SIDEBAR CONCLUDED)

8 THE COURT: Number 55 will remain.

9 BAILIFF: Number 63, Richard Hans.

10 SIDEBAR:

11 JUROR NUMBER 63: I've been charged
12 with DWI and possession of marijuana.

13 THE COURT: Was there a lewd act
14 involved?

15 SOLICITOR CORNWELL: Yes, sir.

16 THE COURT: That would disqualify
17 you.

18 (SIDEBAR CONCLUDED)

19 THE COURT: Number 63 is excused for
20 statutory reasons. Have a good day, sir.

21 (JUROR NUMBER 63 EXCUSED)

22 BAILIFF: Number 54, Erika Goodman.

23 SIDEBAR:

24 JUROR NUMBER 54: I would like to
25 serve if I can. I wear hearing aids and there

State of South Carolina v: Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

39

1 are some ranges that I can't hear.

2 THE COURT: It will be up to you.

3 First of all, the seats have microphones. If
4 you need to be closer to the witness, we can
5 move you up in a chair next to them. We will
6 work with you. Thank you.

7 (SIDEBAR CONCLUDED)

8 THE COURT: Number 54 will remain.

9 Are there others? Thank you very much, Ladies
10 and Gentlemen. It is a privilege to qualify you
11 to serve this week. It's an honor to serve with
12 you.

13 I wasn't trying to be flippant with the
14 gentleman who served in the military. I
15 appreciate that. But this is also a part of
16 this country, a part of having the opportunity
17 that we have to participate.

18 I am not going to sit in here and tell
19 you that there are no other systems of dispute
20 resolution in the world that won't work. I am
21 just telling you that the jury system, in my
22 humble opinion, is hands down -- is tremendously
23 better than the next best thing. I credit
24 people like you for its success. It really is,
25 while there are many persons, many groups, many

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

40

1 different parts of making this process work, and
2 you have dealt with several this morning: Ms.
3 Tucker, Ms. Hill, Ms. Webb. They are
4 representatives of Mrs. Brown, our Clerk of
5 Court. The court could not function without
6 them. Mrs. Brown does a great job of managing
7 this court, the Family Court, the Master in
8 Equity, running this building, running her
9 office. It is a tremendously important job.

10 Mr. McFarland is assisting. He is one
11 of the bailiffs that works for Ms. Brown. You
12 will see all of them. They are very helpful.
13 They will be your liaison with court. You will
14 find them extremely helpful this week.
15 We couldn't function without them.

16 Obviously there are uniformed persons
17 here. I wish that they didn't have to be here
18 with us but I'm delighted that they are. They
19 are here for your's and my security, and
20 everyone's who uses this courtroom. It would be
21 great if we didn't have to have them. But we
22 have to recognize that we live in the real world
23 and so they are here. We can't function without
24 them.

25 Certainly the lady to whom some of you

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

41

1 spoke and the lady that I've had the privilege
2 of working with for a number of years, I am just
3 proud to be on her team. She is -- I place --
4 if she is not the best in this state, I would
5 like to meet the best because I think that there
6 is nobody any better in performing the task that
7 she has. Ms. Garrison is my court reporter.
8 She has the responsibility of taking down
9 everything that is said and also of trying to
10 keep me straight, keep me on task sometimes. I
11 have sometimes been qualifying and I may have
12 failed to ask one of the questions. I'll walk
13 up, as I just did then, and she will say 'you
14 need to ask this question.' She reminds me, and
15 I like to be on a team like that.

16 Obviously the lawyers that are present.
17 They have a very important responsibility in
18 this process. They have the responsibility of
19 presenting their cases in a fashion that will
20 assist us in making the decisions that they are
21 called upon to make. It is a very important
22 role, a very important part of his process.

23 Obviously the litigants present are a
24 very important part of the process. It is their
25 time to have their matters resolved in a civil,

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

42

1 proper fashion that we have.

2 The lady that has been seated with me,
3 Miss Craig, is my clerk. I am delighted to have
4 her. She's left now.

5 In fact, several years ago a clerk
6 appropriately gave a little desk sign to the
7 only lady that I've had working for me, the boss
8 really, that says "Boss Lady". She is my
9 administrative assistant and I don't know what
10 I'd do without her to keep things straight there
11 as well.

12 I have some little role in this process
13 as well, so I have something to do, too, as does
14 you.

15 But really and truly, this whole
16 process needs everybody to do their job, to the
17 best of their ability. That is what you all
18 will be able to do.

19 The best thing is that I don't have to
20 worry about been fair. Mr. Garner and I grew up
21 in this community and he's say, 'Yeah, Judge, it
22 would take too long to train you to be a
23 bailiff.' I can appreciate and understand that.

24

25 Our roles and responsibilities don't

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

43

1 overlap. Your job will be to do one thing. One
2 thing only, whether it is a civil case or a
3 criminal case. In criminal cases in this state
4 there is only one time when a jury has to
5 participate in sentencing. That is in a capital
6 murder case. Sentencing is the responsibility
7 of the judge, you don't have to do that. You
8 don't have to do anything in a civil case other
9 than determine the facts. The facts are
10 determined by considering the evidence.

11 I don't know that there are any persons
12 in the world more capable of performing that
13 task than you are. Unless you can convince me
14 that somebody can apply your life's experiences,
15 your common sense, your sense of logic and
16 reasoning better than you can -- and I don't
17 think that persons exists. Folks, I would hate
18 to guess how many times a day we apply that,
19 that we perform that task. We do it every day:
20 when we shop, when we read something, talk to
21 somebody, we make a determination of 'do I
22 believe that or not.' And, if so, 'how strongly
23 do I believe it.'
24 Your competent, you are real capable of doing
25 that.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

44

1 The real catch to everything that we
2 have been talking about is the individual who
3 has that job has to sort of have an
4 understanding with him or herself. The process
5 we have of being judges, we have to be fairest
6 person that we know how to be.

7 I confess that I have my biases, and I
8 know that. No question, we all have them. But
9 the way that you deal with that is that you
10 acknowledge them, make sure that they don't have
11 anything to do with the process. When you --
12 that is what you will need to do, just as I do.
13 I made a commitment when I took this job to try
14 to be the fairest judge that I knew how to be,
15 to apply my knowledge, my sense of reasoning and
16 logic. I try to do every day that I come to
17 work.

18 Am I perfect? No. I am sure that I am
19 not. I just try to do the best that I can. And
20 you aren't perfect either. But if you make that
21 commitment, then I am comfortable enough with
22 the process, because I have seen it work over
23 and over and over again, that while we may not
24 please everybody with our decisions, that we can
25 at least please the concept and ourselves by

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

45

1 doing the best that we can.

2 I just ask that you do the best that you can.

3 I know this, too. There was a time in
4 my life, maybe you did too, that I thought that
5 I had some control over things and people. The
6 older I get, the more I realize that is not so.
7 In fact there is only one person in the world
8 over which I have any control; that's me, and
9 sometimes I don't do such a good job with that.

10 What will happen now is that you are
11 going to be qualified again. This
12 qualification, like the last one, there are no
13 correct answers to any of the questions you hear
14 from me or from Judge Harrington in the case-
15 specific qualification. That's what we will do.
16 We will tell you a little bit about the case, we
17 will tell you a little bit about who may be
18 involved in the case, either as a litigant or as
19 a witness, identifying the attorneys handling the
20 case. We will ask you question, no questions to
21 pry into your background, not questions to do
22 anything other than to help you make a decision
23 whether or not you can be a fair and impartial
24 judge in that particular case.

25 If there is a question that gives you

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

46

1 concern about your ability to do -- a typical
2 example I use is that if you see a person walk
3 in who is a person that you have known all of
4 your life, you live in the same neighborhood,
5 been best friends, your children play together,
6 you eat supper together frequently, you just --
7 you are just very close friends. You probably
8 are not to be able to be a fair and impartial
9 person.

10 Likewise, if the person you see is
11 somebody that lives in your neighborhood but is
12 a person that you've never spoken to, would
13 never speak to because you just can't stand the
14 person for various and sundry reasons, you
15 probably are not going to be fair in that
16 situation either.

17 Those are the extremes, if you will.
18 If there is something about the case that gives
19 you any concern about your ability to be a fair
20 and impartial judges, just simply stand and say
21 -- express that concern.

22 That is the whole process, to identify
23 person who can't -- and, frankly, we do it as
24 well. An example is that I have a son that
25 unfortunately made the mistake -- I shouldn't

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

47

1 say that, I say it in jest, he chose the
2 profession I chose and he works in Charleston. I
3 have a standing rule that I will not hear any --
4 he doesn't do any courtroom cases, never appears
5 before me, and he probably would say 'thank the
6 Lord.' But I don't hear any cases in that firm
7 unless the parties agree that I, after hearing
8 it, am comfortable. If they are uncomfortable,
9 I will recuse myself. That is what you will do
10 if you feel that you cannot be fair and
11 impartial.

12 Let's talk about the work so that you
13 understand that, then we will take a little
14 break and then we will get back together and
15 start the selection process. I think Judge
16 Harrington will pretty much follow this same
17 process. We start about 9:00 or 9:30 in the
18 morning. We'll break midmorning -- generally
19 I've found over the years that about an hour and
20 a half is generally the time that works for
21 everybody, that we need to take a stretch break.
22 We come back and work until we take a lunch
23 break. Generally we break for an hour, hour an
24 a half, and then we come back and work until
25 5:00 or 5:30. You won't have to spend the night

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

48

1 in any motels this week, you won't be
2 sequestered. So you will be able to be home at
3 night.

4 We try not to waste your time.
5 Obviously Judge Harrington's case will be drawn
6 tomorrow. For any additional qualification,
7 when you come back you won't be here as long as
8 you have been today. It generally takes about
9 an hour. So you'll -- if you are not selected,
10 you will be able to return to work, those of you
11 who are not selected.

12 Those of you who do serve, hopefully
13 you will find it to be a rewarding experience.
14 Thank you. We will be at-ease now for about ten
15 minutes. Please be back in your seats at 11:00
16 o'clock and we will start the jury selection.

17 (BRIEF RECESS)

18 (OFF RECORD SIDEBAR)

19 THE COURT: Let the jury panel return
20 to the assembly room.

21 (JURY PANEL TO JURY ROOM)

22 (OFF RECORD STATUS DISCUSSION WITH COUNSEL)

23 THE COURT: Let's go ahead and get
24 started, if we could, because I told the jury
25 that I would be -- that I would try to be with

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

49

1 them as quick as I can.

2 Mr. Ramsey, I've been advised by your
3 attorney that you are desirous of changing your
4 plea. Is that right?

5 DEFENDANT: Yes, sir.

6 THE COURT: All right. I am going to
7 need for you to come forward so that you can
8 stand and speak into the mic, please, so that I
9 will be able to hear you -- everything that is
10 being said.

11 Mr. Ramsey, first I am going to ask you
12 to raise your right hand.

13 DEFENDANT: (Complies)

14 THE COURT: Do you solemnly swear or
15 affirm that all of your responses to my
16 questions will be the truth and nothing the
17 truth, so help you God?

18 DEFENDANT: Yes, sir.

19 THE COURT: I need for you to speak
20 loudly for me, please, because I want to be sure
21 that I hear your responses. You heard me
22 qualify the jury, one of the things that does
23 happen when you get to my age is that your
24 hearing is not as good as it used to be. I want
25 to be sure that I hear your responses. Okay?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

50

1 DEFENDANT: Yes, sir.

2 THE COURT: Are we going forward on
3 both indictments?

4 ASHLEY CORNWELL: Yes, Your Honor.

5 THE COURT: Mr. Ramsey, Indictment
6 2012-429 charges you with burglary in the -- is
7 that the one that we're going forward on, the
8 Burg 1st?

9 ASHLEY CORNWELL: Second, Your Honor.

10 THE COURT: Charges you with burglary
11 in the first degree. Do you understand that?

12 DEFENDANT: Yes, sir.

13 THE COURT: Your lawyer has explained
14 to you that I could sentence you to a minimum
15 sentence of fifteen years up to life in prison?

16 DEFENDANT: Yes, sir.

17 THE COURT: You understand that it is
18 considered a Most Serious offense, do you
19 understand that?

20 DEFENDANT: Um-humm.

21 THE COURT: Sir?

22 DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that it
24 is considered a Violent offense?

25 DEFENDANT: Yes, sir.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

51

1 THE COURT: Do you understand the
2 significance of those terms?

3 DEFENDANT: No, sir.

4 THE COURT: You get two Most Serious
5 offenses in this state and you're facing life in
6 prison, and the State makes the election. Do
7 you understand that?

8 DEFENDANT: Yes, sir.

9 THE COURT: If you get one, then --
10 is it -- as a Serious offense, does it count as
11 two?

12 ASHLEY CORNWELL: Most Serious is two
13 and Serious is one, Your Honor. So if you get
14 an additional Serious offense, it's a life ---

15 THE COURT: So it doesn't matter
16 whether it is Most Serious or Serious?

17 ASHLEY CORNWELL: No, sir.

18 THE COURT: So it is counted as two,
19 so it would be your third strike if you get a
20 Most -- if you get another Most Serious,
21 obviously that would be four. If you get a
22 Serious Offense, it would be three strikes and
23 you are in prison for the rest of your life. Do
24 you understand that?

25 DEFENDANT: Yes, sir.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

52

1 THE COURT: Let me say something to
2 you, Mr. Ramsey, because I'm -- I share this
3 with you not to be critical of anything but
4 because what you're about to do is probably, for
5 me, one of the most important functions that I
6 have. It doesn't take very long -- and if you
7 sat in here and heard me, as we did last week,
8 one day we did thirty-eight guilty pleas. So
9 thirty-eight times I determined a person wanted
10 to give up something that was very important, to
11 me and to them and to this whole process, and
12 that is the right for you to make the State
13 prove its case. That's really what it is.

14 It's the right to a jury trial, it's a
15 right to remain silent, a right to challenge
16 witnesses, a right to require proof. I hope and
17 pray that if I do this job for another eighteen
18 years that I never ever, ever take it for
19 granted because it is the most important thing
20 in this country. It separates us from the
21 world. There are some countries that you have
22 to prove your innocence. That's tough. But in
23 this country, you don't.

24 So you're going to have to convince me
25 that this is what you want to do. In order to

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

53

1 do that, you're going to have to convince me
2 both in what you're telling me and how you tell
3 me. Looking around and looking at other people,
4 looking for answers, tells me 'I am not
5 comfortable doing what I'm doing.'

6 So if -- we've got a jury, we're ready
7 to go. We're ready, first of all, to see if we
8 can empanel twelve people and an alternate
9 because your lawyer, on your behalf, has made a
10 Motion to change venue. It might not happen
11 today if most of these people know something
12 about it and -- you heard me, I spent more time
13 than I typically do talking about how important
14 it is to be fair and to be truthful and to be
15 honest about being a judge. So we've already
16 started laying the foundation. All that was
17 wasn't just for me to talk. That was part of
18 preparing for your case, to make sure that those
19 people are going to understand that they have to
20 be serious about what they're doing. I think
21 that they will be.

22 But before you are going to convince me
23 that you want a trial (sic), you're going to
24 have to convince me that that's what you want --
25 don't want to have a trial, you're going to have

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

54

1 to convince me of that. Okay?

2 DEFENDANT: (No verbal response).

3 THE COURT: Do you understand?

4 DEFENDANT: Yes, sir.

5 THE COURT: Okay. You want to have
6 him sign up so that I can have the sheet?

7 ROGER DIXON: I am doing that
8 right now, Your Honor.

9 THE COURT: Sure. Take your time.

10 ROGER DIXON: (Sidebar with
11 defendant). Your Honor, Mr. Ramsey would like
12 to ask you a question.

13 THE COURT: Sure. Absolutely.

14 DEFENDANT: Before I sign this, will
15 I be able to have a little time with my family?

16 THE COURT: Sir, at this point ---

17 DEFENDANT: I mean, my brother, my
18 mother is over here.

19 THE COURT: Sir, I am going to answer
20 your question. I understand that. I don't know
21 what the visiting situation is, but -- do y'all
22 permit them to have visitation in lockup?

23 DEPUTY: No, sir.

24 THE COURT: You do not?

25 DEPUTY: (Negative gesture).

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

55

1 THE COURT: I would ask you to
2 accommodate him in the jury room and permit some
3 conference, but that you be present.

4 DEPUTY: Yes, sir.

5 THE COURT: Do you understand that
6 you will not be alone with them?

7 DEFENDANT: Yes, sir.

8 THE COURT: One at a time. But
9 frankly -- frankly, we're going to have to go
10 through -- I will do that before I sentence you
11 but I want to know whether or not -- because we
12 were -- we're wasting time.

13 DEFENDANT: Yes, sir.

14 THE COURT: And you're not wasting my
15 time.

16 DEFENDANT: No, sir.

17 THE COURT: You're not wasting
18 anybody's in this room time.

19 DEFENDANT: But me.

20 THE COURT: No. You're not wasting
21 your time either, because this is the most
22 important day of your life.

23 The people that I worry about are the
24 people that I told -- the gentleman that came up
25 and wanted to -- the barber? There's a good

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

56

1 example. That man is not going to make a dime.
2 But he's here to be fair and do what the law --
3 what our law requires us to do. I don't want to
4 waste his time. I don't want to waste anybody's
5 like that time.

6 So those people are -- we're going to
7 pick a jury and the majority of those persons
8 are going home today.

9 DEFENDANT: Um-humm.

10 THE COURT: Yours is the only jury
11 that we are going to pick right now. So that's
12 what I am talking about, wasting time. So I'll
13 let you talk to them but the first thing that I
14 want to do is find out whether I need to pick a
15 jury. And in order to do that, you've got to
16 convince me that you want to change your plea.
17 So if you're telling me, 'I'm not sure I want to
18 change the plea', then let's just sit down and
19 pick a jury. That's your call.

20 DEFENDANT: Okay.

21 THE COURT: Let me just tell you
22 something. I'm not like Judge Singletary -- I
23 don't fault him, don't fault him at all. But I
24 do take into consideration in fashioning a
25 sentence everything that happens from the start.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429-et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

57

1 of the crime to the end of the plea. Judge
2 Singletary used to say, 'I have three forms of
3 sentencing: one, if you enter a plea before you
4 -- right off the bat or before you pick a jury;
5 two, after you pick a jury; and, three, after
6 the trial. And -- the older that I get, the
7 more that I do this, the more I understand that.
8 Because those are all things that are very
9 important -- and I'm not criticizing them.

10 Certainly after a trial I hear a lot
11 more at trial than I hear in a guilty plea, so I
12 get a better feeling for what the whole case is
13 about. Because I -- I know -- I'm just like the
14 jury. I know a little bit about it. Having
15 lived in this community, I know about the crime.
16 That's all that I know. Do I know the facts?
17 Absolutely not.

18 I'm like most of these people, I hope.
19 The paper gives you what they want you to read
20 but that isn't everything about the crime. That
21 isn't everything that happened, and I know that.

22

23 So, you know, you hear -- you may want
24 to see the twelve people that are going to
25 decide. That's your call.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

58

1 But all I am saying to you is, if you
2 want to -- if you want to talk to them -- let's
3 bring the jury back in and let's go on through
4 the process, because we're wasting time.

5 DEFENDANT: All right.

6 THE COURT: So you're not ready to
7 plead, then?

8 DEFENDANT: I'm ready to plead but --
9 -

10 THE COURT: No, no "but's. Let me
11 tell you something. Anything -- anything in
12 your life -- let me give you some advice, you
13 can take it or leave it. If anybody you've
14 talked to says, 'I am ready to do this, but...'
15 -- that "but" is a real key factor. They're not
16 ready to do this, it's qualifying. You can't
17 qualify this one. Okay?

18 So if you're ready to go, let's go.

19 If you're not, I don't have a problem.
20 We can stand it aside.

21 DEFENDANT: Can I ask one more
22 question?

23 THE COURT: Sure.

24 DEFENDANT: If somebody were to go
25 through with the trial date, would they be able

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429-et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

59

1 to go home like at the -- like until the trial
2 was over?

3 THE COURT: If somebody goes through
4 the trial date?

5 DEFENDANT: Yeah, like if they --
6 like me, going through trial, ---

7 THE COURT: If we have a trial, are
8 you going to be able to go home?

9 DEFENDANT: (Affirmative nod).

10 THE COURT: No, sir.

11 DEFENDANT: I mean, like, if I'm in
12 trial.

13 THE COURT: No, sir. Your bond is
14 revoked -- if you had a bond. Did you have a
15 bond?

16 DEFENDANT: Yes, sir.

17 THE COURT: Your bond is revoked the
18 minute that we've empaneled that jury.

19 DEFENDANT: So my bond is revoked?

20 THE COURT: Right now -- once I
21 empanel that jury, your bond is revoked. And
22 there's an obvious reason for that. I am not
23 going to suggest that you would go anywhere, but
24 the reason for it is -- that's exactly what
25 happens sometimes.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

60

1 DEFENDANT: (Sidebar with Mr. Dixon).

2 THE COURT: I tell you what. The
3 body language that I just saw by you asking him
4 to sign -- Mr. Ramsey, you just convinced me
5 that you don't want to do this. You looked
6 around and you grabbed the pen and that
7 (gesture). No, sir.

8 ROGER DIXON: Your Honor, ---

9 THE COURT: No. Mr. Dixon, let me
10 tell you something. I appreciate you being a
11 lawyer. As I told you, ---

12 DEFENDANT: No, sir.

13 THE COURT: --- this is something
14 that I have to do. You may have an
15 understanding but I'm convinced -- I told him --
16 I mean, I -- I took the time to tell you, Mr.
17 Ramsey, I'm watching you, man.

18 DEFENDANT: Yes, sir.

19 THE COURT: And I know -- I've been
20 doing this for eighteen years.

21 DEFENDANT: I'm pleading. I ain't --
22 -

23 THE COURT: No, no. No. You can't -
24 - I can't tell you how many times I've heard --
25 just listen to me, Mr. Ramsey. Listen closely.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

61

1

2

DEFENDANT: Yes, sir.

3

4

5

THE COURT: Because I don't want to
hear it again. I hear people all the time. You
know what they say?

6

DEFENDANT: Yes, sir.

7

8

9

THE COURT: 'I'm pleading guilty
because I just want to get it over with, I'm
just pleading.' Not before me you're not.

10

DEFENDANT: No, sir.

11

12

13

14

15

16

THE COURT: That isn't going to
happen because you -- you haven't convinced me
that you want to give up the Constitutional
right. The State will have to prove you guilty
and you don't have to disprove or prove a thing.

17

18

So if you want to plead guilty, you
better start now convincing this judge that's
what you want to do.

19

DEFENDANT: Yes, sir.

20

THE COURT: Okay?

21

DEFENDANT: Yes, sir.

22

23

THE COURT: You want to hand me the
sentencing sheets?

24

ASHLEY CORNWELL: (Tenders).

25

THE COURT: All right. We were

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-CS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

62

1 talking about Indictment 2012-429, Mr. Ramsey.
2 Now I've been handed a sentencing sheet which
3 bears your signature and it sets forth those
4 things that I was talking with you about: about
5 it being a Violent offense and a Most Serious
6 offense. You now understand those terms, is
7 that right, sir?

8 DEFENDANT: Yes, sir.

9 THE COURT: You need to speak up,
10 sir.

11 DEFENDANT: Yes, sir.

12 THE COURT: Also you know that the
13 potential sentence is up to life in prison?

14 DEFENDANT: Yes, sir.

15 THE COURT: It also says that there
16 is a recommendation of twenty to twenty-five
17 years. Is that correct?

18 DEFENDANT: Yes, sir.

19 THE COURT: You also understand that
20 that is just a recommendation, that I'm not
21 bound by that?

22 DEFENDANT: Yes, sir.

23 THE COURT: I can go below it or I
24 can go above it?

25 DEFENDANT: Yes, sir.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

63

1 THE COURT: You also understand that
2 this is a nonparolable offense. Do you
3 understand that?

4 DEFENDANT: Yes, sir.

5 THE COURT: That means that you will
6 serve a minimum of eighty-five percent of the
7 sentence that I impose.

8 DEFENDANT: Yes, sir.

9 THE COURT: And do you understand
10 that there is a two-year community supervision
11 part of this, component?

12 DEFENDANT: Humm, (negative gesture).

13 THE COURT: When you -- after serving
14 eighty-five percent, if they release you, you're
15 out and you have to satisfactorily complete a
16 two-year supervision. It's basically probation
17 for two years. The only difference is that if
18 you violate it -- let's just use for round
19 figures, if I sentence you to twenty years that
20 means that you would serve a minimum of
21 seventeen years. You would do a two-year
22 program. If you did a year and a half and then
23 violated it, a judge could send you back to jail
24 for a year.

25 DEFENDANT: Um-humm.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

64

1 THE COURT: And you'd come out after
2 that and you'd serve again. If you did eighteen
3 months and violated, a judge could sentence you
4 back to jail for a year.

5 You come back, get out, and you could
6 do a supervision for eighteen months. If you
7 violated, a judge could send you back for a
8 third time for a year.

9 DEFENDANT: Um-humm.

10 THE COURT: So you could be sentenced
11 up to a year for the balance of the sentence
12 remaining. Do you understand that?

13 DEFENDANT: Yes, sir.

14 THE COURT: Okay. What is your plea?

15 DEFENDANT: (No verbal response).

16 THE COURT: Guilty or not guilty?

17 DEFENDANT: Guilty.

18 THE COURT: Speak up.

19 DEFENDANT: Guilty.

20 THE COURT: Indictment 2012-430
21 sentences you -- excuse me -- charges you with
22 possession of a firearm during the commission of
23 a violent crime. Do you understand that?

24 DEFENDANT: Yes, sir.

25 THE COURT: And your lawyer has

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

65

1 explained that, that I could sentence you up to
2 five years for that?

3 DEFENDANT: Yes, sir.

4 THE COURT: That is a day-for-day
5 sentence, meaning it's -- that you don't get any
6 good time for that one, you serve a minimum of
7 five years for that one. Do you understand
8 that?

9 DEFENDANT: Yes, sir.

10 THE COURT: That also can be -- I can
11 sentence that one -- I could give you that first
12 and run the second one second and it means that
13 you would serve five years, day-for-day, before
14 you start serving the other one. Do you
15 understand that?

16 DEFENDANT: Yes, sir.

17 THE COURT: Sir?

18 DEFENDANT: Yes, sir.

19 THE COURT: How do you plead?

20 DEFENDANT: Guilty.

21 THE COURT: Are you satisfied with
22 your lawyer?

23 DEFENDANT: (Pause) -- no, sir.

24 THE COURT: What has he not done for
25 you that you wanted him to do?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

66

1 DEFENDANT: Well, I can't say he
2 ain't.

3 THE COURT: Sir? What do you mean
4 that you can't say anything? I'm asking you a
5 question. You'd better say something.

6 DEFENDANT: All right. I'm
7 satisfied.

8 THE COURT: Well, why did you tell me
9 that you're not satisfied? Which one am I to
10 believe?

11 DEFENDANT: Because I ---

12 THE COURT: Sir?

13 DEFENDANT: I'm satisfied. Because
14 at the time I was thinking that I'm not, but I -
15 - I'm ---

16 THE COURT: Do you know what it means
17 to tell the truth?

18 DEFENDANT: Yes, sir.

19 THE COURT: Do you know what the oath
20 that you just took means?

21 DEFENDANT: Yes, sir.

22 THE COURT: You know that if you tell
23 me two different things, one of them is perjury?

24 DEFENDANT: Yes, sir.

25 THE COURT: Do you understand that?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

67

1 DEFENDANT: Yes, sir.

2 THE COURT: Because one of them is
3 not true when they're totally inconsistent?

4 DEFENDANT: Yes, sir.

5 THE COURT: Don't want that to happen
6 again. If you don't understand my question, you
7 can ask me a question or you can ask your lawyer
8 one. Okay?

9 DEFENDANT: All right.

10 THE COURT: Thank you. So are you
11 satisfied with your lawyer?

12 DEFENDANT: Yes, sir.

13 THE COURT: Is there anything that he
14 didn't do that you specifically asked him to do?

15 DEFENDANT: No, sir.

16 THE COURT: Have you -- did he share
17 with you the result of his investigation?

18 DEFENDANT: Certain parts.

19 THE COURT: Well, what part did you
20 want to see that he didn't share?

21 DEFENDANT: I wanted to see the
22 evidence, the evidence that they've got.

23 THE COURT: What did you show him,
24 Mr. Dixon?

25 DEFENDANT: Your Honor, he's seen a

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

68

1 lot of the evidence. I've been trying to meet
2 with him. I was available -- I've been trying
3 to make myself available, since January really,
4 to talk to him about -- to meet and talk with
5 him about this case. And I've been unable to do
6 so.

7 THE COURT: Why?

8 ROGER DIXON: Because he's -- he's
9 not -- I've called him numerous times and he
10 hasn't returned my phone calls. I've sent him
11 letters.

12 I talked to his mom -- you know, I was
13 supposed to meet with him last Wednesday at
14 court after our pretrial and they never showed
15 up. His mom never called me back.

16 I talked to mom on Friday night and she
17 said that they definitely would reschedule --
18 that they'd meet all day Saturday. She said on
19 Friday night that she would be there. I even
20 offered to make sure that she was able to get
21 there. Never showed up. Clifford never called
22 me, did not call me again until last night about
23 10:00 o'clock.

24 THE COURT: That's fine. You've had
25 the evidence and you've reviewed the evidence?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

69

1 ROGER DIXON: I certainly have,
2 sir.

3 THE COURT: Very well. You're not a
4 lawyer, are you, Mr. Ramsey?

5 DEFENDANT: No, sir.

6 THE COURT: All right. What else did
7 you want to see?

8 DEFENDANT: That's all.

9 THE COURT: That's it?

10 DEFENDANT: Yes, sir.

11 THE COURT: Well, you can have a
12 chance to see it. Do you want to see it unfold
13 before you? Be happy to -- that's what a trial
14 is, the State presents the evidence.

15 DEFENDANT: I don't want to see it
16 unfold.

17 THE COURT: Sir?

18 DEFENDANT: I don't want to see it
19 unfold, but ---

20 THE COURT: Well, you were given
21 opportunities but you chose not to take
22 advantage of those. You're not trying the case.
23 Your lawyer is.

24 DEFENDANT: Yes, sir.

25 THE COURT: So what else?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

70

1 DEFENDANT: (No verbal response).
2 THE COURT: Anything else?
3 DEFENDANT: No, sir.
4 THE COURT: All right. Have you
5 investigated the matter fully on your client's
6 behalf, Mr. Dixon?
7 DEFENDANT: Yes, Your Honor, I have.
8 THE COURT: And you shared the
9 results of your investigation with him?
10 DEFENDANT: Yes, I have.
11 THE COURT: I noticed -- and I used
12 to do the same thing. I notice that there is a
13 notebook on your desk. Is that your trial
14 notebook?
15 ROGER DIXON: Yes, sir.
16 THE COURT: And that contains --
17 obviously that didn't just drop, they didn't
18 hand you a trial notebook, did they?
19 ROGER DIXON: That's correct.
20 THE COURT: You had to put together
21 the case for your trial?
22 ROGER DIXON: That's right. And -
23 --
24 THE COURT: Which is an indication of
25 some organization on your part?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

71

1 ROGER DIXON: Yes, sir. There's
2 been two attorneys working on this case as well.

3 THE COURT: I understand.

4 ROGER DIXON: My law clerk --
5 she's not licensed in South Carolina yet, but
6 she's worked -- she's licensed in California.
7 She's been working on this for three weeks ---

8 THE COURT: Very well.

9 ROGER DIXON: --- as well. And
10 also, Your Honor, as far as our conf--, -- as
11 far as discussing the case with him, we've
12 talked several times on the phone for lengthy
13 periods of time within the last two weeks and
14 what I believed about it. And so it is -- there
15 has been a lot of back and forth and discussion
16 of all the evidence.

17 THE COURT: So you're ready to go to
18 trial?

19 ROGER DIXON: I'm ready.

20 THE COURT: You've also filed a
21 number of Motions which are very pertinent
22 Motions, I may add. Certainly the Motion for
23 change of venue was very pertinent. Probably
24 some lawyers -- and I am not saying that it is
25 many but some lawyers may have missed that one.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

72

1 It's obvious that you've spent some time to get
2 prepared. But you're ready to try the case if
3 your client wanted you to?

4 ROGER DIXON: Oh, yes, sir.

5 THE COURT: Okay. Based on your
6 investigation, do you concur with his decision?

7 ROGER DIXON: I do, Your Honor.

8 THE COURT: Have you advised him of
9 the rights that he will be relinquishing if I
10 accept the plea?

11 ROGER DIXON: I have, Your Honor.

12 THE COURT: In your opinion, does he
13 fully appreciate and understand those rights?

14 ROGER DIXON: He does.

15 THE COURT: Any question in your mind
16 that the decision to enter this plea is one that
17 he makes freely, voluntarily, knowingly and
18 intelligently?

19 ROGER DIXON: There is no doubt.

20 THE COURT: Mr. Ramsey, is that true,
21 sir?

22 DEFENDANT: Yes, sir.

23 THE COURT: Then you realize and you
24 understand, sir, that if I accept your plea that
25 you will not have a jury trial?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

73

1 DEFENDANT: (No verbal response).

2 THE COURT: And that jury that we
3 qualified, we won't go through the process --
4 and it is still a long, fairly lengthy process.
5 Probably another hour or hour and a half, I
6 would think, with the questions that we are
7 going to ask them.

8 DEFENDANT: Yes, sir.

9 THE COURT: By the time we select it.
10 You will have ten strikes that you can use to
11 excuse jurors. Do you understand that?

12 DEFENDANT: Okay.

13 THE COURT: The State only has five
14 but you have ten because of the nature. That
15 won't happen now because you're giving -- you
16 are entering a guilty plea. Do you understand
17 that?

18 DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that if
20 you went to trial that you wouldn't have to
21 prove or disprove anything?

22 DEFENDANT: (No verbal response).

23 THE COURT: You need to answer my
24 questions. I saw you shake your head. I do the
25 same thing. But that lovely lady (court

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

74

1 reporter) that is seated in front of you is
2 taking down everything that we're saying so she
3 needs the words.

4 DEFENDANT: All right.

5 THE COURT: Do you understand that?

6 DEFENDANT: Yes, sir.

7 THE COURT: The State would have to
8 prove you guilty. In order to do that, they
9 would present witnesses and you would have the
10 right, through your lawyer, to challenge that
11 testimony; do you realize that?

12 DEFENDANT: Yes, sir.

13 THE COURT: That is not going to
14 happen now because you're not going to have a
15 trial. Do you realize that?

16 DEFENDANT: (No verbal response).

17 THE COURT: You need to answer.

18 DEFENDANT: Yes, sir.

19 THE COURT: Do you realize that
20 you're giving up your Constitutional rights to
21 remain silent by answering my questions?

22 DEFENDANT: Yes, sir.

23 THE COURT: And admitting your guilt
24 here today? Do you understand that?

25 DEFENDANT: Yes, sir.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

75

1 THE COURT: Do you understand that I
2 am going to be relying on your responses?

3 DEFENDANT: Yes, sir.

4 THE COURT: Is that what you want me
5 to do, as being correct and truthful responses?

6 DEFENDANT: (No verbal response).

7 THE COURT: To all my questions?

8 DEFENDANT: (No verbal response).

9 THE COURT: You need to answer.

10 DEFENDANT: Yes, sir.

11 THE COURT: I've also had the benefit
12 of reviewing your statement. Do you understand
13 that we are going to challenge that? That there
14 is a hearing to be had before we start trial as
15 to whether or not the statement would be
16 admitted? Do you understand that?

17 DEFENDANT: Yes, sir.

18 THE COURT: That's not going to
19 happen now because you are pleading guilty. Do
20 you realize that?

21 DEFENDANT: Yes, sir.

22 THE COURT: Is that what you want to
23 do, give up that right as well, to challenge
24 this statement?

25 DEFENDANT: (Pause) -- yes, sir.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

76

1 THE COURT: You sure?

2 DEFENDANT: Yeah, because it's like -
3 - it seems like to me that I ain't going nowhere
4 either way, any way around it. It's like if I
5 do go to trial and -- not like you put the trial
6 on hold, it's not like I'm going home.

7 THE COURT: Sir, I don't think you're
8 focusing on the right thing.

9 DEFENDANT: No, I'm ---

10 THE COURT: To be candid with you,
11 all I've heard is about 'going home.' You're
12 facing right now -- right now as we are speaking
13 ---

14 DEFENDANT: Yes, sir.

15 THE COURT: --- life plus five years.
16 That's what you're facing. That ought to be the
17 most important thought to you rather than 'am I
18 going home?'

19 DEFENDANT: Yes, sir.

20 THE COURT: Now, if the State is
21 unsuccessful in proving your case beyond a
22 reasonable doubt, you're going home. That's as
23 simple as that.

24 If you're convicted, you're not -- at
25 least for a while.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

77

1 If you plead guilty, you're not -- at
2 least for a while -- going home..

3 So does that answer your question and
4 concern about going home?

5 DEFENDANT: (No verbal response).

6 THE COURT: What in the world has
7 that got to do with whether or not you're
8 pleading guilty?

9 DEFENDANT: Nothing.

10 THE COURT: Well, I've heard it about
11 three times, so I don't understand why you keep
12 saying that. That seems to be the most
13 important thing to you.

14 DEFENDANT: (No verbal response).

15 THE COURT: It also -- and I'm not
16 saying that you did it for that reason, but it
17 also kinda goes to support why I denied the
18 Motion to hire another lawyer. Because it
19 sounds like all you're doing is just trying to
20 buy some time to be at home.

21 DEFENDANT: No, sir, I mean ---

22 THE COURT: I mean, the day has come,
23 sir. Let me just tell you something -- and I
24 understand. I stood where your lawyer is
25 standing, for twenty-one years from time to time

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

78

1 I represented persons accused of committing
2 crimes.

3 DEFENDANT: Yes, sir.

4 THE COURT: And as long as we could
5 keep them from going to trial, my clients were
6 walking and had freedom. When you go to trial
7 there's a risk in that.

8 It's kinda like -- a trite analogy, but
9 very similar. It's kinda like throwing a pass
10 in football. If you complete it, you score.
11 That's 'not guilty.' If you miss it, you might
12 score later, that's kind a 'hung jury.'

13 DEFENDANT: Yes, sir.

14 THE COURT: If they intercept it,
15 that's 'guilty.'

16 DEFENDANT: Yes, sir.

17 THE COURT: So there's a couple
18 things that are good for you. Two out of three
19 isn't bad. So the State has got to prove you
20 guilty. What do you want to do? Do you still
21 want to plead?

22 DEFENDANT: Yes, sir.

23 THE COURT: Okay. Are you guilty?

24 DEFENDANT: (No verbal response).

25 THE COURT: Any question in your mind

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al.
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

79

1 about your guilt?

2 DEFENDANT: No, sir.

3 THE COURT: That part you're
4 comfortable with? No question that you're
5 guilty of this offense?

6 DEFENDANT: I am not saying I'm
7 guilty.

8 THE COURT: You just did. Now, there
9 it is. You're not saying you're guilty?

10 DEFENDANT: I'm guilty.

11 THE COURT: Why did you say, "I'm not
12 saying I'm guilty."

13 DEFENDANT: I don't know. I'm just -
14 - (pause).

15 THE COURT: I'm about to be convinced
16 let's go to trial.

17 DEFENDANT: No, no, I'm ready to
18 plead, get this over with.

19 THE COURT: Sir, let me tell you
20 something.

21 DEFENDANT: Uh-huh.

22 THE COURT: This really isn't that
23 complicated. It really is not that -- did you
24 go with a group -- you didn't have -- as I told
25 you, the hand of one is the hand of all.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

80

1 DEFENDANT: Yes, sir.

2 THE COURT: Were you involved in a
3 group that was going into -- did in fact go into
4 Mr. Barwick's residence in Moncks Corner?

5 DEFENDANT: Yes, sir.

6 THE COURT: Any question in your mind
7 that you went into -- that somebody went into
8 that house and you were with the group -- if you
9 went in or not, I don't know. I haven't heard
10 that yet. But you were with a group, some of
11 whom went in to the house to rob it? To take
12 property from it?

13 DEFENDANT: Yes, sir.

14 THE COURT: Any question about that?

15 DEFENDANT: No, sir.

16 THE COURT: And you knew what was
17 going down?

18 DEFENDANT: (No verbal response).

19 THE COURT: Did you go in the house?

20 DEFENDANT: Yes, sir.

21 THE COURT: So no question you
22 entered the house and you knew when you entered
23 the house that you were going in for the purpose
24 of stealing stuff from them. Correct?

25 DEFENDANT: Yes, sir.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

81

1 THE COURT: Any question in your mind
2 of that?

3 DEFENDANT: No, sir.

4 THE COURT: And that was decided
5 before you went in the house? Is that correct?

6 DEFENDANT: Yes, sir.

7 THE COURT: Are you under the
8 influence of any alcohol?

9 DEFENDANT: Were?

10 THE COURT: No. Today?

11 DEFENDANT: No, sir.

12 THE COURT: Have you been treated for
13 any emotional problems, any mental illness?

14 DEFENDANT: No, sir.

15 THE COURT: In the past?

16 DEFENDANT: (No verbal response).

17 THE COURT: Have you consumed any
18 alcohol or taken any type of drugs in the last
19 twenty-four hours?

20 DEFENDANT: Yes, sir.

21 THE COURT: What?

22 DEFENDANT: Marijuana.

23 THE COURT: When?

24 DEFENDANT: Last night.

25 THE COURT: Okay. How is it

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

82

1 influencing you right now?

2 DEFENDANT: It's not helping.

3 THE COURT: Sir?

4 DEFENDANT: It's not.

5 THE COURT: You're not feeling any
6 effects of it?

7 DEFENDANT: No, sir.

8 THE COURT: Is it in any way
9 affecting your ability to make a decision, the
10 decision that you've made here today?

11 DEFENDANT: No, sir.

12 THE COURT: Are you comfortable with
13 your decision to plead guilty?

14 DEFENDANT: Yes, sir.

15 THE COURT: Solicitor, tell me the
16 facts, please.

17 ASHLEY CORNWELL: Thank you, Your
18 Honor, may it please the court. On April 13th,
19 2011, Moncks Corner responded to a breaking-and-
20 entering in progress.

21 When they arrived on the scene and met
22 with the victim, Cecil Barwick, Mr. Barwick was
23 at his next-door neighbor's house. Mr. Barwick
24 was in shorts, no tee-shirt, shaving cream on
25 his face, no socks, no shoes. He was completely

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

83

1 disheveled.

2 When the officers asked what happened,
3 he informed him that he and -- his wife and his
4 son had gone off to school and work,
5 respectively, that day. Normally he leaves out
6 about the same time that they do. However, that
7 morning he had a toothache, so he was inside
8 getting dressed because he was going to go to
9 the dentist.

10 He heard a noise upstairs, he exited
11 his bathroom and looked out the front window to
12 see if his son had maybe come home because he'd
13 forgot something before going to school. He
14 didn't see his son's truck outside.

15 When he got just underneath the
16 stairway hallway, he heard footsteps and loud
17 voices. At that time -- the stairs come down
18 right to his bedroom and he thought that they
19 were coming down to get him at that time. He
20 reached into a drawer and got out his wife's
21 gun. His wife's brother had given her that gun
22 because the victim traveled quite often at
23 night.

24 He took that gun and started to walk
25 towards his kitchen. In the kitchen area there

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

84

1 is a staircase where you can't see who is coming
2 up or who is coming down. At that time the co-
3 defendant, Bobby Gadsden, came down, jumped over
4 a dog gate and was holding a shotgun and bag in
5 his hand. The victim yelled out and the
6 defendant stood up. When the defendant stood
7 up, Mr. Barwick was afraid that he was about to
8 be attacked. He fired his weapon as he was
9 turning to run out the door. He then ran out
10 the door, to the neighbor's house and called
11 911.

12 Officers responded and this defendant
13 was upstairs in a closet, hiding. He came down
14 the stairs and ran. He took off out the back
15 door, went through Francis Marion Circle, down
16 behind The Swamp Fox Bowling Alley, around to
17 the YMCA, into the BP Handy Mart gas station at
18 the corner of Edwards and R.C. Dennis. He
19 changed clothes in the bathroom there and then
20 proceeded across the street into the wooded area
21 behind where Pointe North Community Church is.

22 Canines were brought out and the
23 canines eventually apprehended this defendant.
24 When the canine found him, he jumped up and
25 tried to run a second time. The dog then bit

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

85

1 him. That's how he was apprehended.

2 There was an evidence track. The track
3 showed where this defendant ran from the house.
4 He shed a hoodie sweatshirt, he dropped the gun
5 that he had taken inside the house with him, he
6 also dropped all the evidence in a dumpster.
7 All of that evidence was also recovered.

8 Officers searched Bobby Gadsden, who
9 was the codefendant that was shot in this
10 matter. When they searched him, they discovered
11 that Mr. Gadsden had handcuffs on him and a
12 butterfly knife. So those defendants came into
13 the home with a butterfly knife, handcuffs and a
14 gun. They went in with the purpose to steal --
15 as I said, the AK-47 which was in Mr. Gadsden's
16 hands when he came down the stairs. They also
17 had pulled out a .12 gauge shotgun and a
18 Winchester .30-.30 rifle that belonged to the
19 defendant's son for hunting purposes.

20 This defendant was taken to the
21 hospital. He was given his Miranda as he was
22 brought out of the hospital. He was taken to
23 the hospital, where Berkeley County gave custody
24 to Moncks Corner. Moncks Corner then Mirandized
25 him again. He gave a statement to that officer

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

86

1 that day confessing to being in the home, to
2 taking a gun into the home, to being in the home
3 for the purposes of stealing guns. He was
4 served with arrest warrants. A day later he was
5 interviewed again, again Mirandized, and again
6 he confessed to that crime.

7 He does have a prior record. He has a
8 2010 possession of cocaine.

9 Your Honor, the State is recommending a
10 sentencing range of twenty to twenty-five years.
11 The reason we're recommending this is because
12 this is anything but your typical Burglary 1st.
13 This isn't a situation where the defendant went
14 in a home at night or just went in to steal
15 guns. Unfortunately this is a situation where
16 somebody lost their life because of this
17 Burglary 1st, and I believe that this is why the
18 Legislature has specifically put a life sentence
19 on this crime.

20 The victim, Mr. Barwick, unfortunately
21 has been persecuted through the social media.
22 He's been called a murderer. He's been called a
23 racist. He was afraid to leave his home for the
24 first month after this happened, because of
25 retaliation and retribution.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

87

1 His son went to school with the
2 deceased defendant, as well as the other
3 codefendant who has already pled guilty. He had
4 to face them in school every day and face the
5 ridicule of his classmates. He had to hear his
6 dad get persecuted through them.

7 Mr. Barwick is no longer able to keep
8 the job that he had because it required him to
9 be away from his family at night and his family
10 was afraid for him to be away for that long, so
11 he's had to get a new job. They've also done
12 several things to the house, as far as getting
13 an alarm system, adding more locks. It's
14 affected them in quite a few ways. Mr. Barwick
15 has said to me before that he also has to live
16 with the fact, every day, that he took a man's
17 life. That is something that really upsets him.
18 He is here and would like to speak with Your
19 Honor at the appropriate time.

20 THE COURT: Okay. What is the
21 sentence for the other codefendant? Has he been
22 sentenced?

23 ASHLEY CORNWELL: He has not been
24 sentenced, Your Honor. He is going to be
25 sentenced this court term. I believe that Judge

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

88

1 Young is going to come back and sentence him.

2 THE COURT: His plea was taken by
3 Judge Young?

4 ASHLEY CORNWELL: Yes, it was taken by
5 Judge Young. We tried to get jurisdiction to be
6 waived so that you could sentence, but Judge
7 Young retained jurisdiction.

8 THE COURT: I understand. Mr.
9 Ramsey, the factual recitation by the Solicitor,
10 is it correct?

11 DEFENDANT: Yes, sir.

12 THE COURT: Have you been truthful in
13 responding to my questions?

14 DEFENDANT: Yes, sir.

15 THE COURT: It is your desire to
16 enter these pleas?

17 DEFENDANT: Yes, sir.

18 THE COURT: Has anybody threatened
19 you in any way, promised you anything to get you
20 to plead guilty?

21 DEFENDANT: No, sir.

22 THE COURT: Very well. I find that
23 there is a sufficient factual basis, obviously,
24 to support the pleas based on the solicitor's
25 representations as well as Mr. Ramsey's

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

89

1 statements of what he did.

2 I find that Mr. Ramsey has had the
3 benefit of very competent counsel, that he's
4 indicated that he is satisfied with him. He's
5 indicated that he had some dissatisfaction, but
6 I think that -- I think some dissatisfaction is
7 that partially he's the author or some of his
8 own dilemma. Clearly his lawyer is ready and
9 has demonstrated that throughout this proceeding
10 -- and before.

11 I find his plea to be freely,
12 voluntarily, knowingly and intelligent made and
13 entered and I will accept the plea. I am going
14 to ask this -- let's stand down and I will allow
15 Mr. Ramsey, as I indicated that I will, one at
16 time to talk to family members in the jury room.
17 His lawyer will be present and officers will be
18 present, Mr. Ramsey, if you want to do that. Do
19 you still wish to talk to them?

20 DEFENDANT: Yes, sir. I mean, I
21 don't know where they're at.

22 THE COURT: Well, we will make them
23 available to you very shortly.

24 DEFENDANT: Okay.

25 THE COURT: Then you -- I am going to

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

90

1 ask -- is Mr. -- let's stand down with this.

2 You can take Mr. Ramsey back. Thank you all. I
3 appreciate your helping with this.

4 ASHLEY CORNWELL: Your Honor, the
5 codefendant did plea to a lesser charge. He
6 pled to Burglary 2nd. I just wanted to make the
7 record clear.

8 THE COURT: That's fine.

9 (DEFENDANT IN CUSTODY)

10 (BRIEF RECESS)

11 (DEFENDANT RETURNED TO COURTROOM)

12 THE COURT: Thank you. Mr. Ramsey,
13 we are ready to go forward now. You've had an
14 opportunity, Mr. Ramsey, to talk to your family
15 members, sir?

16 DEFENDANT: Yes, sir.

17 THE COURT: Are you ready to go
18 forward now, sir?

19 DEFENDANT: Yes, sir.

20 THE COURT: Okay. I've accepted the
21 plea, I think. Mr. Dixon, I'll be delighted to
22 hear from you -- anything further from the
23 State?

24 ASHLEY CORNWELL: Just that the victim
25 would like to address the court at the

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

91

1 appropriate time.

2 THE COURT: All right. Before I hear
3 from you -- if you all want to be seated, you
4 can. I'll be happy to hear from the victim at
5 this point.

6 ASHLEY CORNWELL: Tell the court
7 reporter your name and spell it.

8 CECIL BARWICK: Cecil, C-e-c-i-l,
9 Barwick, B-a-r-w-i-c-k.

10 THE COURT: Thank you, Mr. Barwick.
11 Good afternoon, sir.

12 CECIL BARWICK: I just want the
13 court to know that this event has totally
14 changed my life.

15 THE COURT: I'm sure.

16 CECIL BARWICK: My family's life, my
17 kid's life, my parents' life. You know, the
18 sanctuary that I once called my home is -- it is
19 not a sanctuary anymore. It's, uh, -- three
20 months after this happened or for three months
21 after this happened, you know, the stuff that
22 was being said on Facebook, on the internet, you
23 know, it just took a toll. It's going to take a
24 good while for my family to get back to normal
25 again.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

92

1 I don't wish this on anyone. You know,
2 it was an unfortunate day. I wish that it had
3 never happened. I wish that they had decided to
4 do something else that morning. But we can't
5 change that. And -- you know, God speed with
6 all of us here and, uh, -- there will be a
7 better day.

8 THE COURT: I am delighted that
9 you're here. I'm sorry under the circumstances
10 but I'm delighted that you're here.

11 Anything else, Solicitor?

12 ASHLEY CORNWELL: Nothing, Your Honor.

13 THE COURT: Mr. Dixon, thank you so
14 much. I'll be happy to hear from you now.

15 ROGER DIXON: Your Honor, I
16 believe that we had some family members here. I
17 believe that the mom had to leave.

18 THE COURT: Okay.

19 ROGER DIXON: His brother Jerome
20 is here and he may want to address the court.

21 THE COURT: I'll be happy to hear
22 from any family members that want to speak.

23 ROGER DIXON: All right. And ---

24 THE COURT: In just a minute.

25 ROGER DIXON: Your Honor, we are

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

93

1 asking that in fashioning a plea that you
2 consider the youth of this defendant. He was
3 twenty years old when he committed this crime.
4 He has -- he dropped out of school in the ninth
5 grade, I believe, and he's had very little
6 education beyond that. I think that he comes
7 from -- and I think he has a hard time
8 understanding things. I've experienced this
9 through my hours of discussion with him about
10 this case. I think you maybe, that the court
11 has seen some of that today. He especially has
12 trouble making decisions, making good decision
13 or making any decision sometimes.

14 I believe that in this case, Your
15 Honor, he was someone -- according to the
16 State's evidence, he was picked up at the top of
17 his road and kind of -- picked up and swept into
18 this crime that he was not the architect of. He
19 was somebody that got pulled along into someone
20 else's nightmare. It became his nightmare.

21 We would also like you to consider the
22 fact that the codefendant has pled guilty to a
23 lesser offense, to a Burg 2nd. Of course he is
24 awaiting his sentence.

25 But we believe that in this case a

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

94

1 minimum sentence being imposed on Clifford
2 Ramsey would be the appropriate one and one that
3 we would ask Your Honor to have mercy on and to
4 sentence him to.

5 THE COURT: All right. Thank you
6 very much. Mr. Ramsey, is there anything that
7 you wish to add, sir?

8 DEFENDANT: No, sir.

9 THE COURT: You said that you have a
10 family member that would like to speak.

11 JEROME RAMSEY: How you doing, sir?

12 THE COURT: I'm fine.

13 THE COURT: If you would, give me
14 your full name for the record.

15 JEROME RAMSEY: Jerome Jaquan
16 Ramsey.

17 THE COURT: Yes, sir, Mr. Ramsey?

18 JEROME RAMSEY: I understand that he
19 made a mistake. A mistake, you know what I'm
20 saying? But it was like he was in the wrong
21 place at the wrong time. I don't see -- I
22 understand that he should get time but not the
23 full consent (sic), because that day everybody
24 lost something. Like -- it was never planned to
25 happen but, you know, one thing happened from

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

95

1 another thing.

2 THE COURT: Thank you, sir.

3 JEROME RAMSEY: You're welcome.

4 THE COURT: Unfortunately, I don't
5 agree with you. It was planned to happen. The
6 death wasn't planned.

7 JEROME RAMSEY: Yeah.

8 THE COURT: That's for sure. Mr.
9 Ramsey, and to all those family members here, in
10 some ways it's fortunate that you're -- that the
11 crime was committed in South Carolina. There
12 are states, and we're not one, that have
13 something called the felony murder rule. The
14 felony murder doctrine says in this situation
15 where someone died, and you know who gets
16 charged with murder? Not Mr. Barwick, because
17 he had every right to do what he did. Not him.
18 You do.

19 DEFENDANT: Yes, sir.

20 THE COURT: Because somebody died.

21 DEFENDANT: Yes, sir.

22 THE COURT: And you know what? Based
23 on that law, I don't know what defense you would
24 have. So you're fortunate in the sense that we
25 don't have that.

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

96

1 You are also fortunate in the sense
2 that you're -- does he have a record?

3 ASHLEY CORNWELL: He has a 2010
4 possession of cocaine.

5 THE COURT: Possession of cocaine.

6 ASHLEY CORNWELL: That's his adult
7 charges, I believe.

8 THE COURT: I am going to take into
9 consideration -- it's good that I had both of
10 these come before me, both being burglaries, uh,
11 getting a feel for it. Certainly the
12 codefendant is getting a break and I understand
13 that. That's a separate case altogether. But I
14 am going to consider -- I am going to consider
15 that, as well.

16 The sentence of the court is seventeen
17 (17) years. I give you credit for any time that
18 you have served.

19 The sentence of the court on the
20 indictment for possession of a firearm is five
21 years. It's concurrent. Good luck to you.

22 DEFENDANT: So how much is that?

23 THE COURT: What, sir?

24 DEFENDANT: Seventeen?!

25 THE COURT: Seventeen years. Yes,

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

97

1 sir. Thank you.

2 ASHLEY CORNWELL: Thank you, Your
3 Honor.

4 DEFENDANT: Seventeen?! You told me
5 that he wasn't going to give me but sixteen.
6 He's talking about seventeen.

7 THE COURT: Sir, just -- just for
8 your information, Mr. Ramsey, I told your lawyer
9 that I could consider maybe sixteen years. I
10 didn't tell him that's what I'd give. You made
11 a comment that nobody promised you anything.
12 You want to withdraw it? I'll allow you to
13 withdraw it, sir. We'll try it tomorrow. Mr.
14 Ramsey, do you want to withdraw your plea?

15 DEFENDANT: (No verbal response).

16 ROGER DIXON: You need to answer.

17 DEFENDANT: No, sir.

18 THE COURT: You're under oath. Do
19 you understand that, sir?

20 DEFENDANT: Yes, sir.

21 THE COURT: You told me that nobody
22 promised you anything. Now you're saying that
23 you were promised sixteen years?

24 DEFENDANT: He was saying that.

25 THE COURT: He told you what I --

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

98

1 that I would consider it. I considered it. I
2 couldn't impose it.

3 DEFENDANT: So, I thought if I do it
4 -- I get seventeen?

5 THE COURT: Sir, I'm going to tell
6 you. We will start over and we will try your
7 case tomorrow. You can face life imprisonment.
8 I don't -- it doesn't matter to me.

9 JEROME RAMSEY: I don't ---

10 THE COURT: No, sir. If I hear
11 another word out of you, I'm going to put you in
12 jail for contempt of court. Do you understand
13 me?

14 JEROME RAMSEY: (No verbal
15 response).

16 THE COURT: Do you understand me,
17 sir?

18 JEROME RAMSEY: (No verbal
19 response).

20 DEPUTY: Sir, ---

21 THE COURT: You better answer the
22 court. You're in court.

23 JEROME RAMSEY: I hear you.

24 THE COURT: You want to go to trial
25 tomorrow, sir?

State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

99

1 DEFENDANT: Can I go home tonight?

2 THE COURT: No, sir.

3 DEFENDANT: All right, let's do it.

4 Put the wheels on the bus, man.

5 (DEFENDANT IN CUSTODY)

6 (JURY PANEL EXCUSED)

7 (HEARING CONCLUDED)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

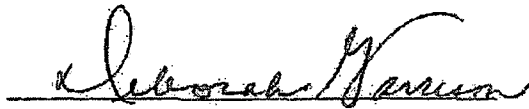
State of South Carolina v. Clifford Antonio Ramsey
Case No. 12-GS-08-0429 et al
Jury Trial of April 23, 2012
before The Honorable R. Markley Dennis, Jr.

100

CERTIFICATE OF REPORTER

I, the undersigned, Deborah Garrison,
official court reporter for the 9th Judicial
Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true,
accurate and complete transcript of the hearing
held before The Honorable R. Markley Dennis,
Jr., on April 23, 2012;

I further certify that I am neither kin nor
counsel to any of the parties and have no
interest in the outcome of this action.



Deborah Garrison

Circuit Court Reporter

9th Judicial Circuit

Charleston, South Carolina

June 23, 2013

FORM 5

STATE OF SOUTH CAROLINA)

County of)

Berkley)Clifford Antonio Ramsey)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2013-CP-08-843

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lieber Correctional Inst. P.O. Box 205 Ridgeville, S.C. 29477
2. Name and location of Court which imposed sentence General Sessions, Berkley County
3. Name(s) of co-defendant(s) (if any) Tyler McCoy + Bobby Graston
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012-GS-08-0429
 - (b) _____

FILED
2013 APR -8 AM 10:56
CLERK OF COURT
BERKLEY COUNTY, S.C.

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 4-23-12 Seventeen (17) years
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. 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) Counsel failed to inform me of my right to direct appeal.
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Counsel because no appeal was filed.
- (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 file notice of appeal when requested to do so by client.
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? _____
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

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) All grounds listed in section 10 and 11 above be-
 (b) -cause ineffective counsel.
 (c) _____

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

(a) your arraignment and plea? Yes
 (b) your trial, if any? Guilty Plea
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NO

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

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

i. Roger Dixon
105 Wappoo Creek Drive. Suite, 3-B
Charleston, S.C 29412
 ii. _____
 iii. _____

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

i. ALL the above
 ii. _____
 iii. _____

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

Sentence reduction based on total disregard of my
direct appeal.

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

NO.

STATE OF SOUTH CAROLINA)

County of Berkley)

VERIFICATION

I, Clifford Antonio Ramsey # 350632, 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.

Clifford Ramsey

SWORN to and subscribed before me this 3RD
day of April, 2013.

Sylvia Jones (L.S.)
Notary Public

My Commission Expires: 1/24/2018

MAKITA T. BRADY
CLERK OF COURT
BERKLEY COUNTY, S.C.

2013 APR -8 AM 10:45

FILED

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

I, Clifford Antonio Ramsey ^{SCDC#} 350632, 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.

Clifford Ramsey

Applicant

SWORN or affirmed to and subscribed before me this

3RD day of April, 2013.

Sylvia Jones
Notary Public

My Commission Expires: 1/24/2018

151 FILED
 2013 APR -8 AM 10:46
 MARY H. SHUMWAY
 CLERK OF COURT
 BERKELEY COUNTY, SC

THIS PAGE INADVERTENTLY
LEFT BLANK

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY	)	
	)	
	)	2013-CP-08-0843
	)	
Clifford Ramsey,	)	
S.C.D.C No. 350632	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The Respondent, making its Return to the application for post-conviction relief (PCR) filed April 8, 2013, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the March 2012 term of the Berkeley County Grand Jury for burglary- 1st degree (2012-GS-08-0429) and possession of a weapon during the commission of a violent crime (2012-GS-08-430). The Applicant was represented by Roger Dixon, Esquire.

On April 23, 2012, the Applicant pled guilty as indicted. Applicant was sentenced by the Honorable R. Markley Dennis, Jr. to confinement for a period of seventeen (17) years for burglary and five (5) years for the weapons charge. The Applicant did not appeal his convictions or sentences.

Attached herewith and incorporated herein are the records of the Berkeley County Clerk of Court regarding the subject conviction and the Applicant's records from the South Carolina

Department of Corrections. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective Assistance of Counsel

- a. Counsel failed to advise him of his right to appeal.

III.

The Applicant alleges ineffective assistance of counsel. The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a criminal defense attorney.

Where ineffective assistance of counsel is alleged 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 on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 6885). 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. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

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

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

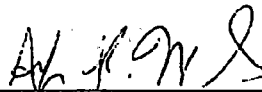
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

ASHLEIGH R. WILSON
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

Oct. 10, 2013.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

CLIFFORD RAMSEY, #350632

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

2013-CP-08-0843

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the abovecaptioned 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:

Rodney D. Davis, Esquire
Lowcountry Law Office
4000 Faber Place Drive
Suite 300
Charleston, SC 29405

DATED this 11th day of October, 2013


 Anne Henley, Legal Assistant
 For Respondent

THE COURT OF COMMON PLEAS
DOCKET NO. 2013-CP-08-0843

CLIFFORD A. RAMSEY,
Plaintiff

VS.

STATE OF SOUTH CAROLINA,
Defendant

TRANSCRIPT OF RECORD

September 10, 2014
Charleston, South Carolina

B E F O R E:

THE HONORABLE G. THOMAS COOPER, JR., JUDGE

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

RODNEY D. DAVIS, ESQ.
Attorney for the Plaintiff

ASHLEIGH R. WILSON, ESQ.
Attorney for the State

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	3
CLIFFORD A. RAMSEY	
Direct Examination by Mr. Davis	5
Cross Examination by Ms. Wilson	11
ROGER S. DIXON	
Direct Examination by Ms. Wilson	12
Cross Examination by Mr. Davis	14
CERTIFICATE OF THE COURT REPORTER	17

INDEX TO EXHIBITS

No exhibits

Clifford A. Ramsey v State of S.C.
Proceedings
September 10, 2014

PROCEEDINGS

1
2 MS. WILSON: May it please the court, Your Honor.
3 This is Clinton -- Clifford, I'm sorry, Clifford Antonio
4 Ramsey v the State of South Carolina, docket number
5 2013-CP-08-0843. Mr. Ramsey was indicted in March 2012
6 for one count of Burglary First Degree which is
7 indictment number 2012-GS-08-0429 and he was also
8 indicted for Possession of a Weapon during Commission of
9 a Violent Crime, indictment number 2012-GS-08-0430. He
10 also had a second indictment that was nol prossed.
11 But, he pled guilty on April 23, 2012 before Judge
12 Dennis. He was represented by Roger Dixon at that guilty
13 plea. After he pled guilty, he filed his application for
14 post conviction relief on April 8, 2013 and in his
15 application the sole issue that he raises is counsel's
16 failure to file an appeal. And, it's the State's
17 understanding that that's the issue that he will proceed
18 on today and he's here today represented here by Mr.
19 Davis.
20 THE COURT: Once again, I'm looking at a transcript
21 of a jury trial.
22 MS. WILSON: It turned into a ---
23 MR. DAVIS: --- Judge, excuse me, on the 48th page
24 is when it went from a -- they picked a jury, recessed,
25 and then on page it's either 47 or 48 the decision was

Clifford A. Ramsey v State of S.C.
Proceedings
September 10, 2014

1 made for it to be a guilty plea rather than a trial.

2 THE COURT: Let me just find it.

3 MR. DAVIS: Yes, sir.

4 [Whereupon, the court reviews documents]

5 THE COURT: This is Judge Dennis, page 49 it says
6 I've been advised by your attorney you have the desire to
7 change your plea. That's what we're talking about?

8 MR. DAVIS: Correct, Your Honor.

9 THE COURT: Okay. You may proceed Mr. Davis.

10 MR. DAVIS: Thank you, Your Honor. We would call
11 Mr. Ramsey to the stand.

12 THE COURT: Come around Mr. Ramsey.

13 [Whereupon, Mr. Ramsey comes forward]

14 [Whereupon, the witness is duly sworn by the Clerk
15 of Court]

16 CLERK OF COURT: Mr. Ramsey I need you to speak
17 into this microphone and state your full name and spell
18 your last name for the record.

19 THE WITNESS: Clifford Antonio Ramsey. Ramsey,
20 R-A-M-S-E-Y.

21

22

23

24

25

Clifford A. Ramsey v State of S.C
Clifford A. Ramsey-Direct Examination by Mr. Davis
September 10, 2014

1 CLIFFORD A. RAMSEY,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY MR. DAVIS:
6 Q. Thank you Mr. Ramsey, I have a few questions for you
7 about your guilty plea. First of all, let's tell the
8 Judge where are you from originally? Where were you born
9 and raised?
10 A. Pineville, South Carolina.
11 THE COURT: Where?
12 A. Pineville.
13 THE COURT: Pineville?
14 A. Yes, sir.
15 Q. [Mr. Davis] And how far did you go in school?
16 A. Ninth grade.
17 Q. Did you drop out?
18 A. Yes, sir.
19 Q. Did you ever get a diploma or G-E-D?
20 A. I was taking up that when this situation happened.
21 Q. Did you complete it or not?
22 A. No, sir.
23 Q. Okay. Currently you are incarcerated where?
24 A. Lieber Correctional Institution.
25 Q. And that's because of the conviction and the

Clifford A. Ramsey v State of S.C
Clifford A. Ramsey-Direct Examination by Mr. Davis
September 10, 2014

1 sentence from this case?

2 A. Yes, sir.

3 Q. Just briefly, prior to this case did you have a
4 prior criminal record?

5 A. Yeah, a little simple possession.

6 Q. Simple possession of?

7 A. Cocaine base.

8 Q. Okay. And was that a trial or a guilty plea to
9 resolve that case?

10 A. Guilty plea.

11 Q. And what was the sentence on that case?

12 A. Time served.

13 Q. Okay. Now on this particular case, back in April
14 of 2012 you were represented by Mr. Dixon?

15 A. Yes, sir.

16 Q. And actually began that week, it was going to be a
17 jury trial -- started as a jury trial, is that right?

18 A. Yes, sir.

19 Q. Okay. And at some point it changed to a guilty
20 plea?

21 A. Yes, sir.

22 Q. Okay. I want to talk to you about conversations you
23 had leading up to the guilty plea, all right? At any
24 time leading up to the guilty plea, did you have
25 discussions with Mr. Dixon about after the plea your

Clifford A. Ramsey v State of S.C
Clifford A. Ramsey-Direct Examination by Mr. Davis
September 10, 2014

- 1 right to an appeal? Did you have any conversations about
2 that?
- 3 A. No.
- 4 Q. Okay. Is it fair to say this plea took quite a bit
5 to get through, is that fair?
- 6 A. [No response]
- 7 Q. I need you to answer out loud.
- 8 A. Yes, sir.
- 9 Q. Okay. Once you finally got through the plea what
10 was your reaction, do you recall your reaction to the
11 Judge's sentence?
- 12 A. No, sir.
- 13 Q. Do you remember what the sentence was?
- 14 A. Yes, sir.
- 15 Q. What was it?
- 16 A. 17 years.
- 17 Q. Had there been discussions about maybe a 16 year
18 sentence?
- 19 A. Yes.
- 20 Q. Following the Judge imposing the sentence on you in
21 the courtroom, were you taken back into custody?
- 22 A. Yes, sir.
- 23 Q. This was up in Berkeley County?
- 24 A. Yeah.
- 25 Q. Were you taken back over to the jail ---

Clifford A. Ramsey v State of S.C
Clifford A. Ramsey-Direct Examination by Mr. Davis
September 10, 2014

- 1 A. --- no, no, no ---
2 Q. --- there in Berkeley County?
3 A. No, I think they kept me in a holding cell.
4 Q. In a holding cell at the courthouse?
5 A. Yeah.
6 Q. Okay. Following that were you transported back to
7 the County jail or were you taken straight to the
8 Department of Corrections?
9 A. County jail.
10 Q. Do you remember, recall whether you left that day or
11 another day for Department of Corrections?
12 A. I left like two or three days after.
13 Q. Okay. And then you were going to Columbia to
14 Kirkland originally?
15 A. Yeah.
16 Q. Okay. And then from there to ---
17 A. --- Lieber ---
18 Q. --- where you -- to Lieber to where you are now?
19 A. Yeah.
20 Q. Okay. After the sentence imposed by Judge Dennis,
21 did you have any communications with Mr. Dixon at the
22 courthouse?
23 A. No, sir.
24 Q. Did you have any conversations with him at the
25 Berkeley County jail?

Clifford A. Ramsey v State of S.C
Clifford A. Ramsey-Direct Examination by Mr. Davis
September 10, 2014

- 1 A. No, sir.
- 2 Q. Any conversations when you were at Kirkland?
- 3 A. No, sir.
- 4 Q. Any conversations when you were at Lieber?
- 5 A. No, sir.
- 6 Q. When is it that you realized that you could have
7 filed an appeal on the guilty plea?
- 8 A. When I had hit Lieber.
- 9 Q. And can you tell the Judge about how you found out
10 about that?
- 11 A. An inmate told me so.
- 12 Q. And do you remember the conversation?
- 13 A. He just say you have up to like 10 days to file an
14 appeal.
- 15 Q. And would you have arrived at Lieber within 10 days
16 of this sentencing? Did you get to Lieber that quickly?
- 17 A. No, it took at least 30 days or so to get to Lieber.
- 18 Q. Because you had to go to Kirkland and get ---
- 19 A. --- yeah, the R and E process and everything.
- 20 Q. Okay. Did you make any attempt while at the
21 courthouse, okay after the plea, did you make any attempt
22 to reach out to Mr. Dixon?
- 23 A. No.
- 24 Q. While you're at the Berkeley County jail, did you
25 make any attempt to contact Mr. Dixon?

Clifford A. Ramsey v State of S.C
Clifford A. Ramsey-Direct Examination by Mr. Davis
September 10, 2014

1 A. No.

2 Q. While you were at Kirkland did you make any attempt
3 to contact Mr. Dixon?

4 A. No.

5 THE COURT REPORTER: Sir, can you please speak up a
6 little please?

7 Q. [Mr. Davis] While at Lieber after you found out
8 about the opportunity to make an appeal, did you contact
9 Mr. Dixon?

10 A. I tried to get in touch with him, but I couldn't get
11 in touch with him. My people tried to get in touch with
12 him and they couldn't get in touch with him.

13 Q. Was any appeal from this guilty plea ever filed, to
14 your knowledge?

15 A. No.

16 Q. Did you ever file an appeal on this?

17 A. No.

18 Q. You filed this application for post conviction
19 relief though, right?

20 A. Yeah.

21 Q. All right, Mr. Ramsey, that's all the questions I
22 have, thank you. The Assistant Attorney General may have
23 some questions for you.

24

25

Clifford A. Ramsey v State of S.C
Clifford A. Ramsey-Cross-Examination by Ms. Wilson
September 10, 2014

1 CROSS-EXAMINATION

2 BY MS. WILSON:

3 Q. Just briefly, Mr. Ramsey you never told Mr. Dixon
4 that you wanted to appeal, is that correct?

5 A. No, he ain't never brought it to my attention. I
6 didn't know I could have appeal.

7 Q. Thank you.

8 MR. DAVIS: No questions, Your Honor.

9 THE COURT: All right, sir, you may come down,
10 thank you.

11 [Whereupon, the witness is excused and exits the
12 witness stand]

13 MR. DAVIS: The applicant would have no other
14 witnesses, Your Honor.

15 THE COURT: State?

16 MS. WILSON: The state would call Mr. Roger Dixon.

17 [Whereupon, Mr. Dixon comes forward]

18 [Whereupon, the witness is duly sworn by the Clerk
19 of Court]

20 CLERK OF COURT: Please state your full name and
21 spell your last name for the record.

22 THE WITNESS: It's Roger Scott Dixon and the last
23 name is D-I-X-O-N.

24

25

Clifford A. Ramsey v State of S.C
Roger S. Dixon-Direct Examination by Ms. Wilson
September 10, 2014

1 ROGER S. DIXON,
2 Having been first duly sworn,
3 Was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. WILSON:

6 Q. Mr. Dixon, were you appointed or retained to
7 represent Mr. Ramsey?

8 A. I was retained.

9 Q. Do you recall around the time when you were
10 retained?

11 A. It was -- I believe it was April of 2011.

12 Q. And can you tell the court how long you've been
13 practicing law and what your law practice has been ---

14 A. --- sure. I was sworn in 2000 -- May 2010. And, so
15 it's been four years, just over four years and I have a
16 general practice. I do primarily family and criminal
17 work.

18 Q. Do you recall discussing with Mr. Ramsey before his
19 trial and before he pled guilty about his right to
20 appeal?

21 A. Well, we went over all his rights including the
22 right to appeal as, these would be the rights that he
23 would be waiving and we discussed that.

24 Q. After he -- he ultimately plead guilty to resolve
25 his charges, that's correct?

Clifford A. Ramsey v State of S.C
Roger S. Dixon-Direct Examination by Ms. Wilson
September 10, 2014

1 A. Yes.

2 Q. And after he pled guilty, did he ever indicate to
3 you he wanted to appeal?

4 A. No.

5 Q. Did you think that he had any meritorious issues
6 that he could raise from his guilty plea on appeal?

7 A. No.

8 Q. And you said you did talk to him about his right to
9 appeal?

10 A. Yeah, well during that day when we had empanelled
11 the jury and then we were, we went back -- they took us
12 back we discussed because he said he wanted to talk to me
13 about the possibility -- the possibility of him having a
14 doing a guilty plea was something we talked about
15 frequently.

16 And, he had expressed -- earlier expressed a desire,
17 you know before the trial expressed the desire to enter a
18 guilty plea. And when we went back and were talking in
19 the courtroom, in the courthouse, we talked about his
20 right to appeal at that time and also what the possible
21 sentences could be.

22 Q. Thank you Mr. Dixon.

23 THE COURT: Cross?
24
25

Clifford A. Ramsey v State of S.C
Roger S. Dixon-Cross-Examination by Mr. Davis
September 10, 2014

1 CROSS-EXAMINATION

2 BY MR. DAVIS:

3 Q. Good afternoon. I can say that now; it's afternoon.

4 Just a few questions for you. You met with Mr. Ramsey
5 several times leading up to this trial and ultimate
6 guilty plea, is that fair?

7 A. That's fair.

8 Q. Is it fair to describe conversations with him as
9 sometimes slow and tedious?

10 A. I would say that -- characterize what you mean by
11 that, I guess.

12 Q. Were you aware when you represented him that he only
13 had a ninth grade education?

14 A. I was.

15 Q. Did that manifest itself in your conversations with
16 him?

17 A. I can't say that I -- I was a teacher for almost 15
18 years and I can't say that I perceived that he had a lack
19 of understanding of what we were talking about.

20 Did he -- did we have long, lengthy conversations
21 that were tedious? Yes we did. But I didn't have a
22 feeling that he had any problem comprehending the facts,
23 especially the essential facts.

24 Q. Especially, I'm sorry?

25 A. Especially the essential facts of the matter.

Clifford A. Ramsey v State of S.C
Roger S. Dixon-Cross-Examination by Mr. Davis
September 10, 2014

1 Q. You've testified on direct about conversations
2 leading up to the trial and then ultimate guilty plea.
3 Did you have personal meetings with Mr. Ramsey after the
4 guilty plea?

5 A. I did not.

6 Q. It's your recollection that he was removed from the
7 courtroom, in custody, pretty quickly following the plea?

8 A. That's correct.

9 Q. In preparation for testifying at this hearing,
10 you've reviewed your file pertaining to this case?

11 A. Yes, I did.

12 Q. Are there any contemporaneous notes about your
13 pretrial and -- trial for lack of a better way to say it,
14 discussions that would have notated that you did talk
15 with him about his right to appeal?

16 A. I did not note anywhere in my -- I don't have any
17 contemporaneous notes to that effect.

18 Q. And, in fact you did not file any appeal on Mr.
19 Ramsey's behalf based on his conviction?

20 A. I did not.

21 Q. Thank you Mr. Dixon. No further questions.

22 MS. WILSON: Nothing further from the State.

23 THE COURT: All right, sir, you may come down.

24 [Whereupon, the witness is excused and exits the
25 witness stand]

Clifford A. Ramsey v State of S.C
Roger S. Dixon-Cross-Examination by Mr. Davis
September 10, 2014

1 MS. WILSON: No additional witnesses from the State,
2 Your Honor.

3 THE COURT: All right. I was looking at the
4 transcript to see if the court advised him of his right
5 to appeal.

6 MS. WILSON: The court did not, Your Honor.

7 THE COURT: Okay, that's why I couldn't find it.
8 All right. Proposed orders, how much time do you need?

9 MS. WILSON: Thirty days will be enough. Thank
10 you.

11 THE COURT: Thirty days?

12 MR. DAVIS: Yes, Your Honor. Thank you.

13 THE COURT: Thank you very much.

14 *****END OF TRANSCRIPT OF RECORD*****
15
16
17
18
19
20
21
22
23
24
25

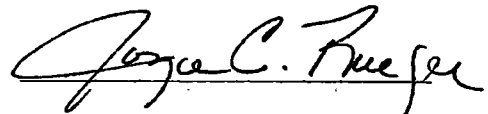
Clifford A. Ramsey v State of S.C
Certificate of Court Reporter
September 10, 2014

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Berkeley County, South Carolina on the 10th day of September, 2014.

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

February 20, 2015



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA)
 COUNTY OF BERKELEY)

Clifford Antonio Ramsey, #350632,
 Applicant,

v.

State of South Carolina,
 Respondent.

IN THE COURT OF COMMON PLEAS

2013-CP-08-0843

2014 DEC -2 AM 11:55
 CLERK OF COURT
 BERKELEY COUNTY, SC

ORDER OF DISMISSAL

Presiding Judge:
 Applicant's Attorney:
 Respondent's Attorney:
 Plea Counsel:
 Date of Hearing:
 Court Reporter:

The Honorable G. Thomas Cooper
 Rodney Davis, Esquire
 Ashleigh R. Wilson, Esquire
 Roger Dixon, Esquire
 September 10, 2014
 Joyce C. Rueger

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 8, 2013. The Respondent made its Return on October 10, 2013. An evidentiary hearing into the matter was convened on September 10, 2014 at the Charleston County Courthouse. The Applicant was present at the hearing and represented by Rodney Davis, Esquire. Ashleigh R. Wilson, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. The Applicant's plea counsel, Roger Dixon, Esquire, also testified at the hearing. This Court had before it the guilty plea transcript, the records of the Berkeley County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the PCR application, and the Respondent's Return thereto.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Berkeley County Clerk of Court. The Applicant was indicted at the March 2012 term of the Berkeley County Grand Jury for burglary-first degree (2012-GS-08-0429) and possession of a weapon during the commission of a violent crime (2012-GS-08-0430). Roger Dixon, Esquire, represented the Applicant. On April 23, 2012, the Applicant pled guilty as indicted. The Honorable R. Markley Dennis, Jr. sentenced the Applicant to confinement for seventeen (17) years for burglary and five (5) years for possession of a weapon during the commission of a violent crime. The sentences were to run concurrently. The Applicant did not appeal his convictions or sentences.

ALLEGATIONS

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

1. Ineffective assistance of counsel.
 - a. Counsel failed to file a Notice of Appeal when an appeal was requested by his client.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review 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 his or her 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).

GR-2

Summary of the Testimony

The Applicant was present at the hearing and testified he dropped out of high school in 9th grade and did not complete his GED. The Applicant testified he was represented by Roger Dixon on the charges he challenges in his application. He testified he and Dixon did not discuss his right to appeal. The Applicant testified after he pled guilty and was sentenced he was taken into custody. He testified he was transported to the county jail and then transported to the Department of Corrections two or three days after his guilty plea. He testified he had no conversations with Dixon after his guilty plea. He testified he learned of his right to appeal from another inmate in the prison. The Applicant testified he did not try to get in touch with plea counsel after his guilty plea. He testified he never told plea counsel that he wanted to appeal his guilty plea.

Roger Dixon, was present and testified he was retained to represent the Applicant in April 2011. Counsel testified he met with the Applicant frequently and was aware that he had a 9th grade education. He testified he was a teacher for fifteen (15) years and never perceived the Applicant had a lack of understanding during their discussions. Counsel testified he had long conversations with the Applicant and he did not feel the Applicant had any problems comprehending the essential facts of his case.

Counsel testified he discussed with the Applicant all of his rights including his right to appeal. He testified they talked about the Applicant's right to appeal and the potential sentences he was facing at the courthouse during the Applicant's trial. He testified the Applicant never indicated he wanted to appeal. Counsel testified there were no meritorious issues for the Applicant to raise on appeal from his guilty plea. Counsel testified the Applicant was removed quickly after his guilty plea and he did not meet with the Applicant after his plea. He testified he



did not file an appeal on the Applicant's behalf.

Ineffective Assistance of Counsel

The Applicant alleges that he received ineffective assistance of counsel. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

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

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Id. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. 668). 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." Id. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness

and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial: Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)). When a defendant pleads guilty on the advice of counsel, the plea may only be attacked through a claim of ineffective assistance of counsel. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2002) (citations omitted).

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds that Applicant's attorney demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C. 441, 334 S.E.2d 813. This Court further finds counsel adequately conferred with the Applicant, advised him of his constitutional rights, and provided thorough representation. This Court finds that counsel's representation did not fall below an objective standard of reasonableness.

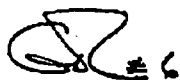
This Court finds that trial counsel was not ineffective for failing to file an appeal. The United States Supreme Court has rejected a "bright-line rule that counsel must always consult with the defendant regarding an appeal." Roe v. Flores-Ortega, 528 U.S. 470, 480; 120 S. Ct.

Q 5

1029, 1036, 145 L. Ed. 2d 985 (2000). They instead held that "counsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Id. "[A]lthough not determinative, a highly relevant factor in this inquiry will be whether the conviction follows a trial or a guilty plea, both because a guilty plea reduces the scope of potentially appealable issues and because such a plea may indicate that the defendant seeks an end to judicial proceedings." Id.

This Court finds this allegation is without merit and the Applicant has failed to carry his burden of proving he did not freely and voluntarily waive his right to appeal. This Court finds counsel provided credible testimony that he conferred with the Applicant prior to his guilty plea about his right to appeal. This Court finds further counsel provided credible testimony that after consulting with the Applicant about his right to appeal, the Applicant never indicated his desire to pursue an appeal of his guilty plea. Counsel also testified he did not see any meritorious issues to raise on appeal from the Applicant's guilty plea. This Court finds there is no evidence that rational defendant would want to appeal his guilty plea or that the Applicant ever indicated to counsel that he wanted to appeal. This Court finds most telling the Applicant's own testimony that he never expressed his desire to appeal to counsel. This Court finds counsel consulted with the Applicant about his right to appeal and never received an express instruction from the Applicant regarding appealing his guilty plea. This Court finds the Applicant freely and voluntarily waived his right to appeal.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test, specifically that counsel failed to render reasonably effective assistance under



prevailing professional norms. The Applicant failed to present specific and compelling evidence that counsel committed either errors or omissions while representing the Applicant. The Applicant failed to show that counsel's performance was deficient. Therefore, this Court need not address prejudice. Applicant's complaints concerning counsel's performance are without merit and are denied and dismissed.

All Other Allegations

As to any and all allegations that were raised in the application in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant abandoned such allegations. Therefore, they are hereby denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner, nor was the Applicant prejudiced by counsel's representation. Therefore, this application for PCR must be denied and dismissed with prejudice.

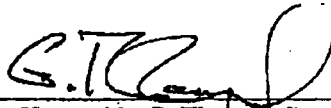
This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely served and filed.



IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 24 day of November, 2014



The Honorable G. Thomas Cooper
Presiding Judge
9th Judicial Circuit

Columbia, South Carolina.

COR2011-04-00549

WITNESSES

Moncks Corner Police Department

AGENCY CASE NUMBER

110683

ARREST WARRANT NUMBER

Direct Indictment

DATE OF ARREST

April 14, 2011

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

D. 3/21/12

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012-GS-08-0429

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

March Term 2012

THE STATE

Vs

CLIFFORD ANTONIO RAMSEY

DOB: [REDACTED]

B/M

Indictment for

Burglary, First Degree

FILED
 12 MAR 21 PM 1:36
 MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

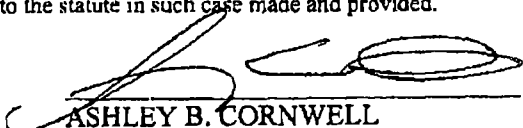
INDICTMENT

At a Court of General Sessions, convened on March 21, 2012 the Grand Jurors of Berkeley County present upon their oath:

Burglary, First Degree

That Clifford Antonio Ramsey did in Berkeley County, South Carolina, on or about April 13, 2011, enter the dwelling of Cecil Barwick, located at [REDACTED], Moncks Corner, without consent and with the intent to commit a crime therein, to wit; larceny, and while effecting entry or while in the dwelling or while in immediate flight there from Clifford Antonio Ramsey or another participant in the crime did arm themselves with a deadly weapon, to wit; firearms. This is in violation of Section 16-11-311 of the South Carolina 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.


ASHLEY B. CORNWELL
ASSISTANT SOLICITOR

COR2011-04-00549

WITNESSES

Moncks Corner Police Department

AGENCY CASE NUMBER

110683

ARREST WARRANT NUMBER

Direct Indictment

DATE OF ARREST

April 14, 2011

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 3/24/12

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012-GS-08-0430

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

March Term 2012

THE STATE

Vs

CLIFFORD ANTONIO RAMSEY

DOB: [REDACTED]

B/M

Indictment for

Possession of a Firearm During the
Commission of a Violent Crime

12 MAR 21 PM 1:36
 MARY F. GROWN
 CLERK OF COURT
 BERKELEY COUNTY, S.C.

FILED

[Signature]

[Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2012 the Grand Jurors of Berkeley County present upon their oath:

Possession of a Firearm During the Commission of a Violent Crime

That Clifford Antonio Ramsey did in Berkeley County, South Carolina, on or about April 13, 2011, possess a firearm or visibly display what appeared to be a firearm during the commission, or attempted commission, of Burglary, First Degree, a violent crime. This is in violation of 16-23-490 of the South Carolina 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.


ASHLEY B. CORNWELL
ASSISTANT SOLICITOR