

**THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals**

**APPEAL FROM CLARENDON COUNTY
Court of General Sessions**

W. Jeffery Young, Third Circuit Court Judge

Case No(s): 2016-GS-14-108

The State of South Carolina,

v.

Antonio Travis Pittman,

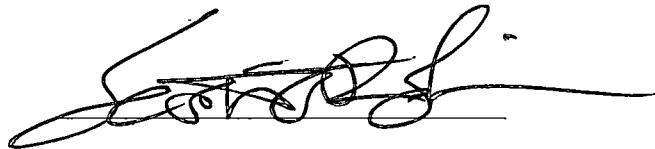
Respondent.

Appellant.

Statement of Facts for Appeal of Guilty Plea

Defendant, Antonio Travis Pittman, appeals his guilty plea and sentence in this case. The following is the statement of facts required by Rule 203(B)(iv) of the South Carolina Appellate Court Rules.

Date: August 12, 2016



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SC Court of Appeals

Pursuant to Rule 203 (B)(iv) of the South Carolina Appellate Court Rules, the Defendant, Antonio Travis Pittman, is appealing a guilty plea in front of the Honorable W. Jeffrey Young on August 3, 2016. The Defendant contends that his guilty plea was not freely and voluntarily entered into because the Court abused its discretion and effectively forced the Defendant to enter a guilty plea when the court denied the Defendant's motion for a continuance to attain mental health/medical records of the victim's daughter. The Defendant argues that the trial court both erred and abused its discretion by not allowing the Defendant sufficient time to retrieve these records and to prepare its defense in this case.

The Defendant was arrested on March 18, 2016 and charged with Burglary 1st Degree for allegedly being caught in the residence of the victim/homeowner on December 11, 2015, and that this burglary was committed in the night time and/or the Defendant had two or more prior burglary convictions. The homeowner/victim did not know who the person in his home was, but later described the individual to his daughter who identified the individual based on her father's description as the Defendant. The daughter did not see the Defendant in the home and identified him simply based on a verbal description given by the homeowner several hours after the incident. The homeowner who saw the individual in the home could not pick him out of a photo lineup which included the Defendant's photograph. Several days later, the wife of the homeowner/victim and mother of the young lady who named the Defendant based on the homeowner's description brought the Defendant's SCDC identification card to the Manning Police Department and claimed that she had found that card in her daughter's closet where the homeowner/victim had found the perpetrator hiding in the home. There were no fingerprints or DNA found at the scene or elsewhere but based on the daughter's statement to the homeowner/victim and the ID card found in the closet, the Manning Police Department issued a warrant for the Defendant's arrest.

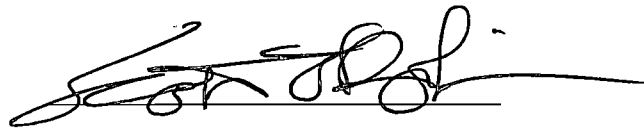
The Defendant was arrested on March 18, 2016 and was incarcerated at the Clarendon County Detention Center without bond until his plea on August 3, 2016. Discovery was sent to the Defendant's attorney on June 23, 2016. However, due to the case load and court schedule of the Defendant's attorney, the Defendant was unable to review the discovery with his attorney until July 29, 2016. In addition, the solicitor sent additional discovery on July 27, 2016, which validated the Defendant's contention that the card was given to the daughter previously because they had been in an ongoing relationship. Based upon the additional discovery and the plausible alternative explanation of the ID card of the Defendant, the Defendant then requested that his attorney subpoena the mental health/medical records of the daughter, who had been institutionalized on a number of occasions. These records could have corroborated the Defendant's explanation that he and the daughter had been involved in an ongoing relationship for years and that the ID card had been given to the daughter by the Defendant over a year prior to this incident.

Without the corroborating records, the Defendant who was convicted of three prior burglaries would have had to take the stand in his own defense, had his record revealed to the

jury, and had his credibility (with no corroborating evidence of his version of the facts) weighed against that of a female witness with no prior criminal convictions but a history of mental health problems and substance abuse problems and a relationship with the Defendant that Defendant was denied the opportunity to prove. Without being given the opportunity to obtain this evidence, the Defendant would have likely been convicted of Burglary 1st degree and received a no parole, 85% max out sentence of no less than 15 years. Defendant had no choice in light of this reality but to accept a plea to Burglary 2d degree, non-violent and a sentence of ten (10) years.

The Defendant contends that because of the inability to obtain corroborating evidence that he and the daughter had a prior relationship and to explain the presence of his SCDC ID card in her home, he did not enter his plea freely and voluntarily. Here, the Defendant was in the Clarendon County Detention Center, had no intentions of attempting to bond out of jail and simply wanted an opportunity to fully obtain corroborating evidence in his own defense. The Defendant was denied the opportunity to fully defend himself against the charges made against him and had no choice but to accept a plea to a lesser included offense, thereby forcing Mr. Pittman to enter into a plea that was not freely and voluntarily given.

Date: August 12, 2016

A handwritten signature in black ink, appearing to read 'Scott L. Robinson', with a long horizontal line extending to the right.

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