

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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SC SUPREME COURT

Appeal from Darlington County

Thomas A. Russo, Circuit Court Judge

EDDIE A. HUGGINS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-002433

APPENDIX

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STATE OF SOUTH CAROLINA)
) GENERAL SESSIONS COURT
 COUNTY OF DARLINGTON)

STATE OF SOUTH CAROLINA)

STATE,)

v.)

EDDIE ANTHONY HUGGINS,)

DEFENDANT.)

TRANSCRIPT OF RECORD
 08-GS-16-1506, 08-GS-16-1507
 December 22, 2010
 Florence, South Carolina

BEFORE:

THE HONORABLE MICHAEL G. NETTLES, JUDGE

APPEARANCES:

WILLIAM B. ROGERS, JR., ESQ.
 Solicitor

KERNARD E. REDMOND, ESQ.
 Assistant solicitor

S. BOYD YOUNG, ESQ.
 HENRY M. ANDERSON, ESQ.
 Attorneys for defendant

FRANCES BAKIS-RAY, RPR
 Circuit court reporter

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(There were no exhibits submitted.)

MR. REDMOND: May it please the Court, we're here before you regarding 2008-GS-16-1506 which is -- excuse me, 1507, which is an indictment for murder. He's also been charged -- and then by the way, for the record, this is Eddie Anthony Huggins. The defendant has also been charged for 2008-GS-16-1506 for armed robbery. We are here at this time, and the defendant has signed a plea to to the charge of murder. I believe the Defense had indicated they may have some matters that they wish to have put on the record at the appropriate time regarding the prior hearing that we had, but I can tell the Court that the defendant has signed the sentencing sheet to plead to the charge of murder. And should that plea go forward and defendant -- if the defendant should go forward with this plea the State would respectfully withdraw the death penalty. Of course, the Court knows he had been noticed of our intent to seek the death penalty. As a result of him pleading the State would withdraw that particular request and in line with him pleading to life without possibility of the parole.

THE COURT: Mr. Young, you're recognized.

MR. YOUNG: Thank you, Your Honor. Your Honor, I've offered up to the Court the proposed orders from the hearings last time we had 18 motions, 17 of which Your Honor ruled on and signed those orders today. I'll take

responsibility for making sure that those are part of the file. There's one outstanding motion which Your Honor asked us to brief, which I know both the State and I submitted briefs to Your Honor regarding what was the appropriate remedy for the misconduct that was observed on the tape by Agent Edward Porter. I know Your Honor has denied that motion. I just wanted to make sure that that ruling was part of the record so that there wasn't any question later on about making sure that everything was done.

THE COURT: Okay, all right. There's no question but that I'm -- prior to the plea negotiations the motion was made and my order and ruling was that just by virtue of the fact that there was some allegation and some evidence in the film with regard to police misconduct, that did not preclude the State from seeking the death penalty. I held in abeyance my ruling with regard to how that matter was going to be dealt with at trial until a later date and time. But the motion, as I understood it was, would that indeed just by virtue of the fact that there was evidence that one of the SLED agents was near a cash register and it gave the appearance that he stole money from the cash register. That in and of itself I did not find was grounds to preclude the State from seeking the death penalty. How the defendant would be able to

address that, how much would be able to get into the discipline of that particular SLED agent, how much the Defense was able to emphasize that at trial, I did not make a ruling on, that we were going to do that when and if the trial progressed. It's very difficult to make evidentiary rulings like that in a vacuum, and I did not rule in that regard. However, my ruling was that it was not going to preclude the State from seeking the death penalty. Anything further on that regard?

MR. YOUNG: No, Your Honor.

THE COURT: All right.

MR. YOUNG: Your Honor, at this time we enter a guilty plea.

THE COURT: All right, if you can ask Mr. Huggins to come forward.

MR. YOUNG: Sure.

THE COURT: Mr. Young, Mr. Anderson, do you indeed represent Mr. Huggins?

MR. ANDERSON: Yes, sir.

MR. YOUNG: Yes, sir.

THE COURT: Have you explained to him the offense of murder, the fact that he could receive up to life imprisonment, the elements of the offense, potential defenses, and his constitutional rights?

MR. ANDERSON: Yes, sir.

MR. YOUNG: Yes, sir.

THE COURT: And how does he wish to plead?

MR. ANDERSON: Your Honor, he's indicated to myself as well as Mr. Young that he'd like to enter a plea of guilty.

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

MR. ANDERSON: Yes, sir.

MR. YOUNG: Yes, sir.

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

MR. ANDERSON: Yes, sir.

THE COURT: All right, let's place Mr. Huggins under oath if we could.

WHEREUPON,

EDDIE HUGGINS,

having been duly sworn by the Court, testified as follows:

THE COURT: Very good. Mr. Huggins, are you under the influence of any drugs or alcohol here today?

THE DEFENDANT: No, Your Honor.

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

THE DEFENDANT: No, Your Honor.

THE COURT: All right. Mr. Anderson, Mr. Young, have you explained to Mr. Huggins the fact that this is a violent offense and that it adversely affects his custody status? Does he understand that?

MR. YOUNG: Yes, sir.

THE COURT: He also understands that this is a most serious offense and the ramifications of that?

MR. YOUNG: Yes, sir.

THE COURT: All right. And before we go any further, this matter is a Darlington County case and he, Mr. Huggins has an absolute right for this matter to be heard in Darlington County. Does he wish for me to go forward with it today, or does he want us to handle this in Darlington?

MR. YOUNG: Today, Your Honor.

THE COURT: Okay. And does he waive any objections with regard to venue?

MR. YOUNG: Yes, Your Honor.

THE COURT: And you've explained to him in great detail about his rights in that regard?

MR. YOUNG: Yes, Your Honor.

THE COURT: He waives those?

MR. YOUNG: Yes, Your Honor.

THE COURT: Is that right, Mr. Huggins?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. I want you to pay very close attention as the State summarize the facts that bring us here today.

Mr. Redmond.

MR. REDMOND: Thank you, Your Honor, may it please the Court. Of course, Your Honor has had the opportunity to view the tape ---

THE COURT: All right. Mr. Redmond, I'm going to ask if you could, just traditionally we do it over here. It makes it easier for me to hear and see, if you could.

MR. REDMOND: May it please the Court, Your Honor.

THE COURT: Yes, sir.

MR. REDMOND: Yes. Again, as Your Honor has had a chance to view the tape, this horrific incident was caught on video. It occurred on the 29th of September of 2008 at which time the victim Keith Hoyle Hancock was closing his establishment, Gardener's Fertilizer, in Hartsville on Railroad Avenue. He was in the process of closing. And this is all seen on the tape. You see on the tape the defendant approached the door, and Mr. Hancock out of kindness allowed him to go in. And it was obvious that he was -- must have been discussing buying certain items, including what turned out to be the murder weapon, that being an ax handle. They go back into

the back area of this particular store, and on the other camera in that area of the store you see the defendant start brutally assaulting Mr. Hancock with that particular ax handle. Again this, as Your Honor knows, was caught on video tape and you could tell there were at least 8 to 9 strikes of a vicious variety levied against Mr. Hancock.

The defendant then left the establishment and through investigation he was -- well, let me back up. He was found within a couple of hours, a couple of hours, by residents that live nearby. And of course, they were horrified by what they saw. Law enforcement was called. The family, several family members ended up coming by. Of course the defendant was nowhere to be found; he had left. Well, through investigation Hartsville P.D., the Probation and Parole Office. SLED of course came, processed the scene. Sheriff's Department and Darlington P.D. even were involved in this particular investigation. Well, the defendant, once questions starting coming and centering around him, he, through the help of several family members fled and ended up in Fayetteville at the bus station and then ended up in Pittsburg where the U.S. marshals actually apprehend him, if I recall correctly, as he was getting off the bus.

Your Honor, the -- to say that what the defendant did was -- and of course the family will have Doctor Lee

Gardener to speak on their behalf, but I can just say that at the same time in a couple of weeks I've dealt with an act of kindness being turned into having us deal with -- having us standing in court dealing with a murder.

Mr. Hancock did not have to keep his door open; it was past closing time. But he did it out of kindness and what did that get him? That got him killed. And so that, along with the fact the defendant has a prior criminal record, led us to seek the death penalty. Through discussions with the family -- and let me thank Mr. Jim Cox who has worked with us in serving as a liaison with the family -- we have agreed to allow him to plead to life without possibility of parole.

Speaking of that prior record, Your Honor, in 1991 he had a conviction here in South Carolina for grand larceny. However, in 2003 in the State of Virginia -- and I think I'm reading this right -- State of Virginia he got a theft and robbery conviction, was sentenced to 51 years with 44 years suspended and then he served a sentence there. And my records don't reflect, but my understanding is it was a short period of time before this murder that he was released from custody in the State of Virginia. Comes to South Carolina, comes back 'cause this is where he's from. Comes to South Carolina, and while he's on parole commits this act. And that's why I mentioned

earlier South Carolina Department of Probation Parole actually assisted in this investigation as well due to his status as a parolee.

Your Honor, I've -- from a factual basis that's all I would have at this particular time, and of course at the appropriate time Doctor Gardener would like to speak on behalf of the family.

THE COURT: I'll give the victim's family plenty of opportunity to speak before sentencing, but let me finish my discussion of his constitutional rights first.

Mr. Huggins, you've heard those facts. Are they true and accurate?

THE DEFENDANT: Yes, sir.

THE COURT: Are you, in fact, guilty of murder?

THE DEFENDANT: Yes, Your Honor.

THE COURT: You stand before me pleading guilty but you don't have to plead guilty to anything. You could exercise your right to a jury trial. In that process the jury would determine whether or not the State could actually prove you guilty beyond a reasonable doubt. I would charge them as a matter of law that you're presumed to be innocent. No one could require that you take the witness stand; however, if you wanted to you could. You could subpoena witnesses on your own behalf. In addition to that, you and your lawyer would have the opportunity to

cross-examine the State's witnesses, have an opportunity to eyeball them and confront them as they testified against you. You realize by pleading guilty you're giving up all these rights?

THE DEFENDANT: Yes, Your Honor.

THE COURT: You still wish to plead guilty?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are you indeed guilty?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. I'm gonna ask, Mr. Redmond, for you once again to place with some detail the parameters of plea negotiations.

MR. REDMOND: Yes, sir, Your Honor, if it please the Court. Of course we had noticed this defendant of our intent to seek the death penalty. I can say that his attorneys, Mr. Young and Mr. Anderson, and I, the Solicitor, and Ms. Baugh -- I don't know if she's in the courtroom -- have had numerous, extensive discussions regarding how this case would proceed either toward trial or toward a plea. They have given their best efforts in my opinion to see if we could do something other than life without parole, and they approached us with that as recently as yesterday. And of course, myself and the Solicitor made it clear that we could not go any lower than life without possibility of parole. Obviously the

only other option would have been to go to trial, and we would have continued to seek the death penalty. But since he has come forward today and has indicated his desire to plead -- and by the way, I did, I failed to mention that the armed robbery indictment, he's only pleading on the murder since it is life without the possibility of parole and so we did not have a problem doing away with that particular charge. So with all that said, Your Honor, I believe that this is an adequate resolution of this case. And again, his attorneys have worked hard on his behalf as Your Honor is aware.

THE COURT: All right. One thing that we need to be very clear about, I notice on the plea sheet there's a recommendation by the State of life without parole, or is it a negotiated life without parole?

MR. REDMOND: In essence I see it's checked recommendation; but under the circumstances it's negotiated, I think we would all agree.

THE COURT: Well, let's be very clear on that.

Mr. Anderson, is it your understanding it's a negotiated life without parole?

MR. ANDERSON: Yes, sir.

THE COURT: Is that your understanding, Mr. Huggins?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Is that your understanding, Mr. Young?

MR. YOUNG: Yes, Your Honor.

THE COURT: All right. I want to ask, if we could, to note that on the sentencing sheet.

MR. REDMOND: I'll be glad to do it, Your Honor.
(Complies.)

MR. YOUNG: Your Honor, while Mr. Redmond is doing that, there was one other error on the sentencing sheet, and that was the box for the recidivist statute 174525 was checked. That has been scratched out and initialed by Mr. Redmond. I just want to make sure that there's no problems with any classification at SCDL that he has not been served notice under the recidivist statute.

MR. REDMOND: And that is correct, Your Honor.

THE COURT: Very good. Mr. Huggins, you have very fine counsel, Mr. Anderson, Mr. Young. Are you satisfied with your services that have been rendered to you through these lawyers?

THE DEFENDANT: Yes, Your Honor.

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

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you have any complaints with them

whatsoever?

THE DEFENDANT: No, Your Honor.

THE COURT: Have you understood all of your conversations with regard to what you're pleading to, the elements of the offense, potential defense, and your constitutional rights?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. Do you also understand that this is a negotiated life without parole sentence? Do you understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: All right. Has it been your decision to enter this plea?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Has anyone promised you anything, threatened you, pressured you, mistreated you in any way, shape, or form in an effort to get you to plead guilty here today?

THE DEFENDANT: No, Your Honor.

THE COURT: It's been your decision?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are you indeed guilty?

THE DEFENDANT: Yes, Your Honor.

THE COURT: You understand that you have ten days to appeal any decision I might render here today?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Based on your testimony I find there's a substantial factual basis for your plea. Your decision was freely and voluntarily entered into, knowingly, intelligently with consent of competent counsel with whom you say you're satisfied. I'll be glad to hear from the State with regard to sentencing.

MR. REDMOND: Thank you, Your Honor. And before I yield to Doctor Gardener I have not had a chance to meet with most of the family. The Solicitor has, and of course, Mr. Cox has been working with them. But being a resident and native -- a native rather of Hartsville, no longer a resident -- but I'd just like to extend on behalf of the Solicitor's Office and myself our most sincere condolences. Like I said, I had a chance to view that tape, and it is eerie beyond anything I've ever experienced, literally watching the last few moments of somebody's life. And it was a jarring experience. The fact that it happened in my hometown where my parents still reside was also jarring. The brutality of it was jarring. That was not lost upon us at any time, and we appreciate their patience with us through working through this particular tragedy. And with that, Your Honor, I'd yield to Doctor Gardener.

THE COURT: Doctor Gardener, you're recognized.

Could you state your full name for the record please, sir.

DOCTOR GARDENER: Yes, sir, Harold Lee Gardener, Jr.

THE COURT: Very good, I'll be glad to hear from you.

DOCTOR GARDENER: Thank you, Judge Nettles. I want to first thank Mr. Rogers and the Solicitor's Office for the work they put in this case, the Hartsville Police Department for their help early on in the process, the SLED personnel that we dealt with, again, early on. And especially Mr. Jim Cox and his friendship, his devotion and help, and his guidance through this whole process. And thanks so much for taking care of this bit of unfinished business before Christmas. It's going to be a wonderful Christmas present.

While most of the activities today are focused on Mr. Huggins I felt it would be most appropriate to remember the reason that we've all evolved together here. Keith Hancock was married to my sister Laura. And while Keith was my brother-in-law by marriage for more than 30 years, he was much more than that to me. He was the father of my only nephew Casey. He was a brother to his sister. He was an uncle. He was like a brother to me. He was one of my closest friends, and he was one of the kindest, most gentle men that I've ever known. Keith was

a loving husband, a father, and a friend to many. Back in the early '90s Keith left a dental lab business to take over the management of Gardener's Fertilizing Farm Supply in Hartsville. That was a business my father started in 1955, and Keith continued to operate it until his death on Monday, September 29th, 2008. Keith was active in the Hartsville Lions Club, the Darlington County Mental Health Association, and other civic organizations. He had friendships that were deep and long. And while Keith had hobbies over the years that varied from restoring old cars to flying modern air planes, he always remained focused on others.

While he was always a caring person, after we took over the management of the family feed and seed store after his death, he seemed to -- well, after he took over the management of the feed and seed store he honed his interest in other people, especially people that were less fortunate or down on their luck. And there are many examples I could give that would demonstrate his care and concern. But one of the easiest for me to point out are the number of pages that we found in Keith's cigar box at the feed store, and on each page each sheet had a name at the top of the page and following that was the amount of money and the dates that he loaned to people. On most sheets people would pay back a small amount of money, then

borrow more, more than they had repaid. And Keith was just that way; he was a very giving person. It was about helping other people, loaning money with no interest rate when he knew he would never get the money back. Keith was an inconspicuous, generous spirit that helped others without anyone ever knowing. It's truly sad that we have been brought together today by this unfortunate chain of events. And while I know that it will be the Court's place to pronounce judgment today and God's place to bring final judgment on Mr. Huggins, I do wish Mr. Huggins had taken the opportunity to get to know Keith or at least request him for the money.

Mr. Huggins, speaking personally to you, this is from me, speaking as a Christian; and when I pray and ask God forgive me for my sins, the Lord's Prayer tell me I must forgive those that have sinned against me. And Mr. Huggins, I have forgiven you. I just pray and hope that you will find God's peace in your spirit.

Thank you, Your Honor.

THE COURT: Very good.

MR. REDMOND: And Your Honor, I didn't mention Lieutenant Brian Rudy from Hartsville Police Department is here, and I don't know if he wants to say anything or not. But I can say, as you know, I don't primarily work in Darlington but whenever I do come over here and work a

Hartsville P.D. case I can look at the incident reports and it tells me everything I need to know. So usually did excellent work this time and it made it easy for us to bring forward what has occurred today resulting in this particular plea.

THE COURT: Very good. Anything further from the State?

I'll be happy to hear from anybody who'd like to speak on the issue of sentencing. It's not necessary that anybody else speaks, but if they would like to I'll be happy to hear from them.

MR. REDMOND: Nothing further from the State, Your Honor, on the issue of sentencing.

THE COURT: All right. Mr. Anderson, Mr. Young, I'll be happy to hear anything that you have to say on behalf of Mr. Huggins.

MR. YOUNG: Your Honor, I think Mr. Huggins wants to apologize on the record and leave it at that.

THE COURT: Mr. Huggins, I'll be glad to hear anything you got to say, but I'm gonna ask that you direct comments directly to me and not to members of the family. It works out better that way. Very good. Glad to hear anything you've got to say.

THE DEFENDANT: I just want to say I'm sorry for the pain and suffering that I caused.

THE COURT: Very good. Anything further, Mr. Anderson?

MR. ANDERSON: No, sir, Your Honor.

THE COURT: Anything further, Mr. Young?

MR. YOUNG: No, Your Honor.

THE COURT: All right. I do want to commend the Solicitor's Office and the lawyers and the manner in which they've worked through this matter. I want to commend the family for their approach to this. You know, we all learn in our -- we, just about all of us grow up in Christian environment here in the Pee Dee area. And the New Testament, the very basis of the New Testament is love, compassion, mercy, and forgiveness. And you know, that's easy to talk about on Sun-- you know, in Sunday school and in church. It's more difficult to put into practice, particularly when someone that you've loved has been taken away from you. But the family has indeed shown mercy in this regard. And in my experience throughout the years I practiced law, I've seen instances like this just destroy people, the victims. I mean, it just eats them alive. And when they don't embrace the principles of the New Testament I think it can eat you alive. And I think the family has done that.

I think that, Mr. Huggins, you ought to be grateful they have indeed done that.

Base -- there's some -- I would hope that if I found myself in this position as a victim that I would make these same choices because the very first case that I got when I first started practicing law in November of 1984 was a death penalty case. And 20 years later before I took the Bench, one of the last hearings I had was a hearing about that death penalty case. So there's some practical reasons behind the finality of this decision, and I think that everybody's well served in that regard. So I think everybody is served best by this decision, and I want to commend everybody for the manner in which it's been handled.

Mr. Huggins, on indictment 2008-GS-16-1507, murder, sentence of the Court is that you be committed to the State Department of Corrections for the remainder of your natural life, life without parole. Good luck to you.

* * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE }

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

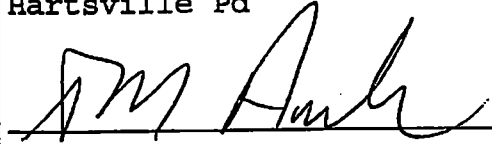
I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina,
this 27th day of December, 2010.

FRANCES BAKIS-RAY, RPR
My Commission Expires: 9-13-2014

WITNESSES

McLeod
Hartsville Pd



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

Defendant

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

Defendant

WITNESS:

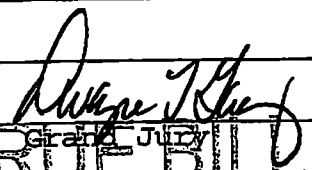
C.C.C. PLS. AND G.S.

ARREST WARRANT #:
K031944

Arrested on October 15, 2008

ACTION OF GRAND JURY

Foreman:


Grand Jury
TRUE BILL

VERDICT

Foreman:

Petit Jury

Date: NOV 6 2008

DOCKET #: 08GS16-1507

THE STATE OF SOUTH CAROLINA

County of Darlington

COURT OF GENERAL SESSIONS

Term: November, 2008

THE STATE

vs.

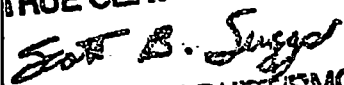
Eddie Anthony Huggins

I N D I C T M E N T F O R

0116

MURDER

16-3-10

TRUE CERTIFIED COPY,

CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA)
County of Darlington)

INDICTMENT #08GS16-1507

At a Court of General Sessions, convened on November 10, 2008
the Grand Jurors of Darlington County present upon their oath:

COUNT: MURDER
16-3-10

That Eddie Anthony Huggins in the County of Darlington on or about
September 29, 2008, feloniously, wilfully and with malice and aforethought, kill
one Keith Hancock by means of striking the victim multiple times with a wood
sledge hammer handle about the body and head, and that the said Keith Hancock
did die in Darlington County as a proximate result thereof.

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

SOLICITOR: _____

TRUE CERTIFIED COPY,
Scott B. Jagger
CLERK OF COURT
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Darlington

VS.

Eddie Anthony Huggins

AKA:

Race: B Sex: M Age: 28DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / MurderINDICTMENT/CASE#: 08GS16-1507A/W#: K031944Date of Offense: 9/29/2008S.C. Code § : 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☒ §17-25-45 HRThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State. LWDPATTEST: William B. Breyer 05000 Eddie A. Huggins 064280
Baugh, Sherrie C. SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of life without parole days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	<u> </u>
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u> </u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ <u> </u>
§ 56-5-2995 (DUI Assessment)	\$12	\$ <u> </u>
§ 56-1-286 (DUI Breath Test)	\$25	\$ <u> </u>
Proviso 47.9 (Public Def/Prob)	\$500	\$ <u> </u>
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u> </u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u> </u>
§ 50-21-114(BUI Breath Test Fee)	\$50	\$ <u> </u>
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ <u> </u>
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u> </u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$ <u> </u>
3% to County (if paid in installments)	\$	\$ <u> </u>
TOTAL	\$	\$ <u> </u>

Clerk of Court/ Deputy Clerk Court Reporter: FRANKIE BAKIS

SCCA/217 (06/2010)

PTUP days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: TRUE CERTIFIED COPY☐ Condition Discharge, §44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Presiding Judge Michael HuttoJudge Code: 140Sentence Date: 12/22/2010

Hearin's MDD is Fioence Co.

STATE OF SOUTH CAROLINA

County of DarlingtonEddie Anthony Huggins #130099
Full name and prison number (if any) of Applicant

v.

State of South Carolina

2011-CPK-0994 27
IN THE COURT OF COMMON PLEASAPPLICATION FOR
POST-CONVICTION RELIEFFILED
2011 DEC 28 AM 11:46
CLERK OF COURT
DARLINGTON COUNTY, SCINSTRUCTIONS - 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 Darlington County Detention Center
2. Name and location of Court which imposed sentence Florence City Court (Judge Nettles)
3. Name(s) of co-defendant(s) (if any) Terry Huggins, Bonnie Huggins Edwards, Christy Huggins, Anttravette Huggins
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) 2008-GS-16-1507

(b) _____

TRUE CERTIFIED COPY,

John B. Judge
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) Dec. 22, 2010 - Life Without parole
- (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. None
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) I entered a guilty plea,
- (b) didn't know that I could appeal

- (c) a guilty plea.
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) ineffective assistant of counsel
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Wasn't given a mental evaluation
- (b) was coerced into a guilty plea
- (c) _____
12. Prior to this application have you filed with respect to this conviction: NO
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- 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. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or ³¹ Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) wasn't given a mental evaluation
- (b) was coerced into a guilty plea
- (c) ineffective assistant of counsel

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? _____
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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. my sentencing, Boyd Young (SCCJD)
1330 Lady Street, Suite 402, P.O. Box 11433
Columbia, S.C. 29211
 - ii. _____
 - iii. Henry (Hank) Anderson, Florence City
County, address unknown
- (b) the proceedings at which each such attorney represented you:
 - i. ~~Sentencing~~ Sentencing to my guilty plea
 - ii. _____
 - iii. _____

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

I just want the courts to do it's
ethical duty by which the grounds I filed.

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

NO

STATE OF SOUTH CAROLINA)

County of

Darlington)

VERIFICATION

I, _____, 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.

Eddie A. Higgins

SWORN to and subscribed before me this 21
day of Dec 2011.

Debra Jones

(L.S.)

Notary Public

My Commission Expires: 11-4-2015

FILED

2011 DEC 28 AM 11:46

SCOTT B. SUGGS
CLERK OF COURT, P.O.D.
DARLINGTON COUNTY, S.C.

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

I, Eddie Anthony Huggins #130099, 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.

Eddie A. Huggins #130099
Applicant

SWORN or affirmed to and subscribed before me this

21 day of Dec. 2011.

Debra Jones

Notary Public

My Commission Expires: 11-4-2015

2011 DEC 28 AM 11:46
 FILED
 SCOTT D. SUTHER
 CLERK OF COURT
 DARLINGTON COUNTY, S.C.

continuing my answer from question 10-11,
I ask for a mental evaluation and was told that
I would receive one by Henry (Hank) Anderson,
and I wasn't thinking clearly, facing the
Death penalty.

Also I was coerced into pleading guilty
the ~~prosecutor~~ solicitor telling my lawyer
advise me that if I didn't plead guilty

that the co-defenders in my case would
be taken to trial and they would be
sentenced to 15 yrs for accessory after
the fact, 3 of the co-defendant are my
sisters and the other one is my niece.

I was also told that if I plead guilty
that the charges would be dropped on

2 of my sisters and my other sister and
niece would have their charges dropped
to time served and they all have had
their charges dropped and to time served.

I was also told by my lawyer (Boyd Young)

FILED
2011 DEC 28 AM 11:46
CLERK OF DISTRICT COURT
DAKOTA COUNTY
JAN 10 2012

that the solicitor ask him to let me know that if I go to trial that I would recieve the death penalty. I was told by my lawyer that my 10yr old daughter would be put on the witness stand and she was already having a hard time.

Also, SLED agent Edward Porter, was caught taking money from the cash ~~over~~ drawer at the crime sence. He was ~~Dis~~ fired for misused of conduct. He was on tape clearly taking money, and I have proof of Edward Porter Hearing on these allagations. Sled Agent Porter collected evidence from the crime sence and around the victim's body, even took ~~p~~ finger prints of the victim, so therefore He contaminated the whole crime sence. I will present more of what I have at my hearing. (misused of conduct) Also from question 10-11.

continued From question #16,
Wasn't given a mental evaluation, was coerced into a
guilty plea, ineffective assistant of counsel. The
reason for me filing to the courts now, is that I just
received my sentence almost a year ago and I've
been trying to cope with this situation.

Continue From question #19

All I want was for the courts to drop the death
penalty warrant and we could have come to a
better agreement from there. Because the Sled
Agent contaminated the crime ~~scene~~ scene, and
that's on the courts. He was fired and I
know that it was not public knowledge of
Sled wrong doing

FILED
2011 DEC 28 AM 11:46
SCOTT B. JONES
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DARLINGTON	)	FOR THE FOURTH JUDICIAL CIRCUIT
Eddie Anthony Huggins, #130099,	)	Case No. 2011-CP-16-0994
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the Application for Post-Conviction Relief filed December 28, 2011,¹ would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Darlington County Clerk of Court. In November 2008, the Darlington County Grand Jury indicted Applicant for murder (2008-GS-16-1507) and armed robbery (2008-GS-16-1506). S. Boyd Young, Esquire, and Henry M. Anderson Jr., Esquire, represented Applicant. On December 22, 2010, Applicant pled guilty to murder. In exchange his plea, the State dismissed the armed robbery indictment and withdrew its notice of intent to seek the death penalty on the murder indictment. The Honorable Michael G. Nettles accepted the negotiations and sentenced Applicant to life imprisonment without parole. Applicant did not appeal his plea or sentence.

II.

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

¹ Respondent received a copy of the application from the Darlington County Clerk of Court on March 5, 2014.

1. "Ineffective assistant of counsel"
 - a. "Wasn't given a mental evaluation"
 - b. "Was coerced into a guilty plea"

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

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

III.

Respondent submits Applicant's allegation of ineffective assistance of plea counsel is without merit. In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of plea counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process" that the plea proceedings "cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The court

strongly presumes plea counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, the Applicant must prove plea counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, plea counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Respondent submits Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of plea counsel probably raises questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

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

V.

WHEREFORE, having made its return, Respondent requests an evidentiary hearing be held.

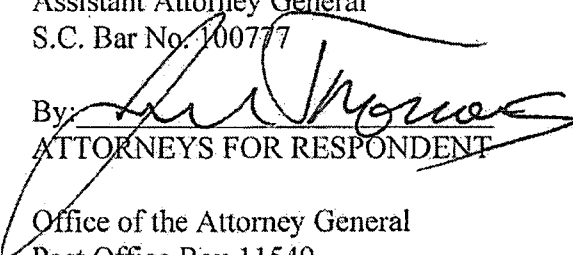
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

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

By: 

ATTORNEYS FOR RESPONDENT

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

Nov. 19, , 2014

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS

2011-CP-16-0994

EDDIE ANTHONY HUGGINS, 130099)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

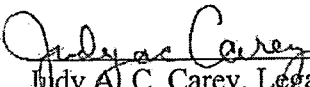
STATE OF SOUTH CAROLINA,)

Respondent.)

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

Tristan M. Shaffer, Esquire
Axelrod & Associates, PA
4701 Oleander Drive
Myrtle Beach SC 29577

DATED this 19th day of November, 2014.


 Judy A. Carey, Legal Assistant
 For Respondent

State of South Carolina) In the Court of General Sessions
County of Darlington) Fourth Judicial Circuit
2011-CP-16-00994

Eddie A. Huggins)
Plaintiff,)
Vs.) Transcript of Record
State of South Carolina,)
Defendant.)
_____)

July 28, 2015
Darlington, South Carolina

B e f o r e:

The Honorable Thomas A. Russo, Judge

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

Tristan Shaffer, Esquire
Attorney for the Applicant

Joshua L. Thomas, Esquire
Attorney for the Defendant

Bonnie H. Kelly, CVR
Circuit Court Reporter

I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NO.</u>
Case Called/Mr. Thomas	4
DIRECT CROSS REDIRECT RECROSS	
Boyd Young	
Mr. Shaffer 6	19
Mr. Thomas	15
Eddie Huggins	
Mr. Shaffer 21	
Mr. Thomas	22
Henry M. Anderson	
Mr. Thomas 24	
Kenard Redmond	
Mr. Thomas 27	31
Mr. Shaffer	30
Closing Argument/Mr. Shaffer	32
Closing Argument/Mr. Thomas	33
Ruling by the Court	36
Certificate Page	39

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
A-1	Warrant and Disposition Sheet/Bonnie Huggins		4
A-2	Warrants and Disposition Sheet/Christy Huggins		4
A-3	Warrants and Disposition Sheet/Antranette Huggins		4

1 (Pre-marked Applicant's Exhibit No. 1, warrant and
2 disposition sheet for Bonnie Huggins, 2 pages.)

3 (Pre-marked Applicant's Exhibit No. 2, warrant and
4 disposition sheet for Christy Huggins, 2 pages.)

5 (Pre-marked Applicant's Exhibit No. 3, warrant and
6 disposition sheet of Antranette Huggins, 2 pages.)

7 (All exhibits are in evidence by stipulation of the
8 attorneys.)

9 THE COURT: All right.

10 MR. THOMAS: Please the Court?

11 THE COURT: Yes, sir.

12 MR. THOMAS: This is *Eddie Huggins vs. the State of*
13 *South Carolina*; 2011-CP-16-994. This was a November, 2008
14 indictment for murder and armed robbery. He was
15 represented on those charges by Henry Anderson and Boyd
16 Young.

17 It was originally noticed as a death penalty case, but
18 on December 22, 2010, the State withdrew the death notice
19 in exchange for a guilty plea to murder. They dismissed
20 the armed robbery charge.

21 Pursuant to negotiations, Judge Nettles sentenced him
22 to life without the possibility of parole.

23 He filed this PCR in December of 2011, alleging
24 ineffective assistance of counsel. He is represented by
25 Tristan Shaffer, and the State's ready to proceed.

1 THE COURT: All right. Mr. Shaffer?

2 MR. SHAFFER: Your Honor, we're bringing forth, I
3 guess, two -- two different claims. The first one is that
4 he was coerced into pleading guilty, that his guilty plea
5 was not knowingly, intelligently, and voluntarily given.

6 Based off of that, we're saying that -- or I guess,
7 the factual support for that is, one, obviously he had the
8 death penalty pending in this situation. But he also had
9 his sisters and niece were charged with accessory after the
10 fact, and part of the reason he pled guilty was to save
11 them from having to go forward with their -- their criminal
12 charges. And that, I believe, was a coercive tactic -- or
13 it's our position that it was coercive.

14 And the other issue that we have is that he never
15 actually had an evaluation, either for -- you know, he
16 didn't have a competency evaluation, but he also didn't
17 have a -- the *Atkins* evaluation to determine whether or not
18 he was eligible for the death penalty.

19 And I would actually ask that the -- at the end of
20 today, based off of what we go forward, that the record be
21 left open and that he -- that the Court order a *Atkins*
22 evaluation in this case.

23 THE COURT: All right, sir.

24 MR. SHAFFER: Your Honor, first -- the first witness
25 we're going to have, I'm gonna go ahead and call Mr. Young

DIRECT EXAMINATION BY MR. SHAFFER - BOYD YOUNG

6

1 to the stand.

2 THE COURT: All right.

3 BOYD YOUNG, having been first duly
4 sworn, testifies as follows:

5 THE COURT REPORTER: State your name for the record,
6 please.

7 THE WITNESS: My name's Stanley Boyd Young.

8 DIRECT EXAMINATION BY MR. SHAFFER:

9 Q Mr. Young, you represented Mr. Huggins, correct?

10 A Correct.

11 Q When did you get appointed?

12 A November of 2009. About a year after the murder and
13 after the case was noticed.

14 Q Okay. So it had noticed for a year at that point.

15 A It -- it was unnoticed ---

16 Q Okay.

17 A --- for a year, and they served a notice. And then I
18 substituted in for Michael Stevens.

19 Q How long had it been unnoticed from the time of the
20 arrest until the -- or approximately how long was that?

21 A About a year.

22 Q Okay. So about a year between arrest and noticing.
23 And then ---

24 A Yes.

25 Q --- about a year more until you took over, correct?

1 A He was arrested -- I think I met with him pretty much
2 close to the time that he was arrested and -- with Michael
3 Stevens -- and said they didn't know if it was going to be
4 a death penalty case or not. I said, "Well, we're here if
5 you need us."

6 Q Okay.

7 A We didn't hear anything for about a year, and I think
8 it was Mr. Huggins that sent me a letter, letting me know
9 that he had been noticed --

10 Q Uh-huh.

11 A -- and if I would come back. And then I did a
12 substitution order with Michael Stevens.

13 Q Okay. Who was your co-counsel on the case?

14 A Hank Anderson.

15 Q Were you lead or were you second chair?

16 A I don't know that we ever designated.

17 Q Okay. Tell us a little bit about the allegations
18 against him.

19 A The allegation were -- was that Mr. Huggins went into
20 a store, in the afternoon when the store owner was closing
21 up -- Keith Hancock, I think -- when he was closing up, and
22 asked for an axe handle. The store owner goes off video,
23 returns, hands him an axe handle -- hands the guy on video
24 an axe handle, which is Mr. Huggins. And then turns back
25 around to open up the cash register, at which point in time

1 he's -- he's assaulted with the axe handle that results in
2 his death.

3 Q Okay. And if you could, tell us a little bit about
4 what you did to prepare for this case.

5 A Met with Mr. Huggins a lot, met with his family a lot.
6 Obviously I was more leaning towards preparation for a
7 sentencing phase.

8 There was a lot of back and forth about the video and
9 getting the video analyzed and whether or not the video had
10 been tampered with; which, after a couple years of
11 litigation, led to the judge ordering that they turn over
12 the original video tape to us. At which point they told us
13 that there was a SLED agent who appeared to be stealing out
14 of the cash register at the crime scene.

15 So then we had a number of motions about state actor
16 misconduct barring the State from seeking the death
17 penalty. And it was after litigation of those claims that
18 we resulted in a plea offer.

19 Q And the plea offer was to life without parole,
20 correct?

21 A Yes.

22 Q Were there any other conditions associated with the
23 plea offer?

24 A I believe that there was an -- at least an offer was
25 supposed to be extended to some of his co-defendants or all

1 of his co-defendants. I don't recall the specifics.

2 Q Okay. Do you recall the names of his co-defendants?

3 A I do not. I mean, I know I have them written down.

4 MR. SHAFFER: And Your Honor, we actually admitted 1
5 through 3 via stipulation. We had stipulated to it a while
6 ago.

7 MR. THOMAS: Without objection.

8 THE COURT: All right.

9 (Mr. Shaffer hands exhibits to the witness.)

10 Q I'm showing you Petitioner's Exhibit 1 through 3.
11 Could you read the names on those exhibits?

12 A (As read) Bonnie Huggins Gee, Christy Danelle Huggins,
13 and Antranette Lashonda Huggins.

14 Q Does that appear to be at least some of this co-
15 defendants?

16 A Yeah. For some reason I think there was one more that
17 was his sister?

18 Q Would -- Terry? Would you agree with me that Terry is
19 missing off there, Terry Huggins?

20 A Harry Huggins?

21 Q Sorry. Terry Huggins.

22 A Carrie.

23 Q Terry, with a "T."

24 A Terry, with a "T."

25 Q Yeah.

1 A That sounds right.

2 Q Does that sound familiar?

3 A Yes.

4 Q Okay. And of those three, what were they charged
5 with?

6 A They all appear to have been charged with accessory
7 after the fact of murder.

8 Q And could you look at the second page of each of
9 those?

10 (The witness complies.)

11 A Yes, sir.

12 Q Does it appear that two of them were remanded, and one
13 of them was dismissed?

14 A Yes.

15 Q Is that part of the plea deal, to your recollection?

16 A That sounds right.

17 Q Okay. Did you -- had you prepared this case like it
18 was going forward to a trial?

19 A Yes.

20 Q Did you ever discuss plea offers with -- or plea
21 negotiations with Mr. Huggins?

22 A Yes.

23 Q What kind of -- did you ever discuss possible pleas
24 with Kenard Redmond?

25 A Yeah. Probably every time I saw him I asked him for a

1 life offer.

2 Q Were you trying to get something lower than life at
3 some point?

4 A I know we had meetings about trying to get something
5 less than life, even all the way up until the day before
6 the plea was entered. But they weren't interested.

7 Q Do you know if they -- or when they offered life, how
8 -- how long before the guilty plea did they offer life?

9 A I -- I think -- I -- I recall saying something to the
10 effect of, "Y'all better strike now while the iron's hot.
11 Anthony's ready to go. If y'all want to make an offer, we
12 need to do it."

13 The -- after reviewing the plea transcript, I noticed
14 that the -- that Judge Nettles still hadn't ruled or
15 entered a final ruling on our motion to bar the death
16 penalty for state actor misconduct. So he made that ruling
17 on the record and then entered the plea. So it would have
18 been pretty close in time.

19 Q Okay. When you said -- you just commented something
20 about "striking while the iron's hot." Was that something
21 you had said to Kenard?

22 A Yes.

23 Q When you first met with Mr. Huggins, did he want to
24 plead guilty or did he want to go to trial?

25 A That's not something that I would have asked him when

1 I first met with him.

2 Q Okay. When -- well, excuse me. Whenever you got
3 involved in the case --

4 A Yeah.

5 Q -- do you think that he wanted to plead guilty, or do
6 you think he wanted a trial?

7 A Again, I don't know. My general practice is let --
8 let's look at everything and see what all they got, and
9 then we'll talk about what your options are after that.

10 Q Okay.

11 A Which -- I mean, in this case, that went on all the
12 way -- I mean, it took us a couple of years before we
13 finally got that video. So we wouldn't have been ready to
14 have that conversation until months -- two months before we
15 actually entered the plea.

16 Q Prior to getting the video, do you think he was
17 receptive to pleading guilty to a life sentence?

18 MR. THOMAS: Objection. Calls for speculation.

19 THE COURT: Sustained.

20 Q Prior to pleading guilty, did he ever say to you that
21 he wanted to -- or prior -- excuse me. Prior to finding
22 out about the video, did he ever say to you that he wanted
23 to plead guilty to a life sentence to avoid the death
24 penalty?

25 A I -- I don't recall him saying that.

1 Q After the offer for life was made, how long did you
2 speak with him prior to him accepting -- or telling you he
3 wanted to plead guilty?

4 A Not long.

5 Q Was it one time? Several times?

6 A It seems to me that he was ready when we got the
7 offer. I was pretty clear that, based on his record and
8 the video tapes, that I didn't think I could do any better
9 than that.

10 Q Did you inform him of what you thought about his
11 likelihood of success at trial?

12 A Yes.

13 Q And you would take that -- what about the sentence --
14 I mean, the guilt phase.

15 A Right. Yeah.

16 Q Did you think -- did -- what did you inform him about
17 the guilt phase?

18 A That he had no chance ---

19 Q Okay.

20 A --- of not being convicted of murder.

21 Q What about the sentencing phase?

22 A We had a chance of getting life. I thought his kids
23 were the key to that.

24 Q What do you mean "his kids were the key to that"?

25 A That -- well, his ex-wife and family would be the key

1 to a jury not sentencing him to death.

2 Q Did you ever have any issue with competency or any
3 question about his competency to stand trial?

4 A I did not.

5 Q Okay. Is it your general practice to do a -- well,
6 did you do a *Atkins* evaluation in this case?

7 A I did not.

8 Q Is it your general practice to do one in most death
9 cases?

10 A Where there's a reason to, yes. Absolutely.

11 Q And in this case, why didn't you; do you recall?

12 A I do not recall. In going back, I know that there was
13 some IQ scores from his DJJ records which could go sort of
14 either way. So ...

15 Q Do you think that you should have done *Atkins*
16 evaluation?

17 A Well, I don't know. And -- because since we didn't
18 have the death penalty, *Atkins* would have -- you know,
19 certainly avoid the death penalty. A successful *Atkins*
20 claim would enable him to say, "Well, we're not going to
21 plead guilty to the maximum. We need something better than
22 life."

23 But the cost benefit analysis of getting there with
24 Mr. Huggins record, in my opinion he was going to get LWOP
25 any way. So --

1 Q Okay.

2 A And I seem to remember that the armed robbery -- or
3 the robbery conviction from Virginia had a component that
4 he was armed with a knife. And when that came back to
5 South Carolina and got analyzed as to what it would be in
6 South Carolina for the purpose of recidivist statute, it
7 would be an armed robbery; which would be a prior most
8 serious, mandating life on a murder conviction.

9 Q Now, you reference that during the plea -- plea
10 agreement. Apparently the plea sheet had it down that he
11 was a recidivist.

12 A Right. And then Kenard scratched it out. Yeah.

13 Q Okay. Why did you ask him to scratch it out? Was it
14 just for notice?

15 A Right.

16 Q Okay.

17 MR. SHAFFER: No further questions.

18 THE COURT: Mr. Thomas?

19 MR. THOMAS: Thank you, Your Honor.

20 CROSS-EXAMINATION BY MR. THOMAS:

21 Q Mr. Young, I guess, let's get a little background. At
22 the time of this -- this plea and this representation, what
23 was your job title?

24 A I was the Deputy Director for the South Carolina
25 Commission of Indigent Defense, Capital Trial Division.

1 Q As part of that, I guess, what are your job duties
2 there?

3 A Represent people in South Carolina facing the death
4 penalty.

5 Q So this -- you've done several death penalty cases
6 before this?

7 A Yes.

8 Q How many meetings do you think you had with Mr.
9 Huggins?

10 A 40, 50?

11 Q Enough that you felt like you were prepared to go
12 forward with the plea at that time?

13 A Yes. And 40 or 50, that may be -- I don't want -- we
14 had a lot -- a number of -- large number of meetings.

15 Q And that's your general practice in these death
16 penalty cases.

17 A I try to make sure I see people once every two weeks.

18 Q Could you just give us a brief overview of -- of sort
19 of what you shared with him as far as the discovery goes.
20 I mean, what -- what was the State's key evidence? What
21 was ---

22 A The video.

23 Q --- you said he was likely to get convicted at least
24 in the guilt phase.

25 A The video. The video was the State's key piece of

1 evidence. And when they originally gave it to us, they
2 just gave us the one -- or the couple of clips that showed
3 Anthony in the store. And then we went through a lot of
4 discovery litigation to get the unedited, full video.

5 Q And you shared all that with him.

6 A I did.

7 Q What other investigate -- I guess, in this case, you
8 had a psychologist, a litigation expert. What sort of
9 other people did you bring into this other than ---

10 A We did not have a psychologist. We had an MSW, and I
11 don't think that Morgan Daniels -- I don't think that she
12 had finished. She was in the process of getting her MSW at
13 the time that she was on Anthony's case.

14 We would have a fact investigator, myself, Mr.
15 Anderson. I know that we consulted a bunch with a DNA
16 expert. Steve Lambert, but that's about ...

17 Q Then it's safe to say that your -- in cases like this,
18 your -- your largest part of your -- sort of your focus of
19 your investigation is mitigation -- mitigation phase?

20 A In most cases where the State seeks death and guilt is
21 sort of a foregone conclusion, yeah.

22 Q In this case, you said you don't remember why you
23 didn't do an Atkins evaluation, but is that something you -
24 - you would have done had this progressed a little farther
25 down?

1 A I would -- yes.

2 Q And I believe these charges arose in 2008. Does that
3 sound right?

4 A Yes.

5 Q And he ended up pleading in 2010. Is that a fairly
6 short turn around for a death penalty case?

7 A (No audible response.)

8 Q It wasn't ready to go to trial, right?

9 A I wasn't ready for trial, no.

10 Q And you said you never had any concerns about his
11 competency to stand trial.

12 A No, I did not.

13 Q He never seemed to have any trouble understanding your
14 conversations with him?

15 A No.

16 Q As far as the co-defendants go, now, you said that the
17 -- there was something -- resolving the family members's
18 charges was part of the plea deal, or was that just part of
19 the discussions you had with the solicitor?

20 A I want to tell you that if it had been part of the
21 plea deal, I would have made sure it was on the record.
22 But obviously it's not in the transcript. I know that we
23 talked about it, but I believe that Mr. Anderson has a
24 better recollection of that than I do.

25 Q And based on the exhibits you've already looked at --

1 1, 2, 3 -- does it look like those charges actually did get
2 either dropped or reduced?

3 A Yes.

4 Q But you didn't represent any of those co-defendants,
5 did you?

6 A I did not. I know that I met with them all.

7 Q That would have been a part of your investigation?

8 A Yes. Yeah.

9 Q I want to sort of clarify, it seems like in your
10 direct testimony you were negotiating, trying to get this -
11 - the death penalty taken off the table the whole time?

12 A Yes.

13 Q And at some point, did Mr. Huggins indicate to you
14 that he was willing to accept a life without parole plea?

15 A Yes.

16 Q And whose decision was it to enter that plea?

17 A His. Thank you, Mr. Young. That's all I have.

18 THE COURT: Re-direct?

19 MR. SHAFFER: Briefly.

20 RE-DIRECT EXAMINATION BY MR. SHAFFER:

21 Q You said that you know that you talked about a
22 reduction of co-defendants's charges. Who did you talk
23 about that with?

24 A Kenard Redmond.

25 Q Okay. Did you convey that to the -- to Mr. Huggins as

1 well?

2 A My recollection is that I told him they were going to
3 make an offer. Now, we couldn't make the decision about
4 whether or not they accepted it or not. But they were
5 going to make misdemeanor offers to them. Now, if they
6 didn't want to take them, then whatever the State did with
7 the charges after that is what the State did.

8 Q And you conveyed -- conveyed that information to Mr.
9 Huggins.

10 A Yes.

11 MR. SHAFFER: No further questions.

12 THE COURT: Anything further?

13 (No audible response.)

14 MR. THOMAS: Thank you very much, sir.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you, sir.

17 (The witness exits the stand.)

18 MR. THOMAS: The Applicant would call Mr. Huggins to
19 the stand.

20 THE COURT: All right. Mr. Huggins, sir, if you would
21 please come around and be sworn.

22 EDDIE HUGGINS, having been first
23 duly sworn, testifies as follows:

24 THE COURT REPORTER: Please state your name for the
25 record.

1 THE WITNESS: Eddie Anthony Huggins.

2 DIRECT EXAMINATION BY MR. THOMAS:

3 Q Mr. Huggins, where are you originally from?

4 A Hartsville, South Carolina.

5 Q How old are you, sir?

6 A I'm 46.

7 Q And you're locked up in Lee Correctional, correct?

8 A Correct.

9 Q Serving a life sentence?

10 A Yes

11 Q Why did you plead guilty to a life sentence?

12 A Say why did I?

13 Q Yeah.

14 A Because I was informed that if I -- if I didn't plea,
15 that if I didn't take the plea bargain, that my family
16 would be prosecuted to the fullest.

17 Q What -- what members of -- what would have happened if
18 you did take the plea bargain?

19 A If I did?

20 Q Yeah.

21 A That they would get their charges dropped or
22 dismissed.

23 Q Okay. And you said your "family members." Who
24 specifically in your family?

25 A My sister, Terry, Terry Huggins; my sister Bonnie

CROSS-EXAMINATION BY MR. THOMAS - EDDIE HUGGINS

22

1 Huggins Gee; and my sister Christy Darnelle Huggins, and my
2 niece Antranette Huggins.

3 Q Were you ready to go to trial in this case?

4 A I was scheduled for trial in January. I was.

5 Q Okay. What changed your mind about going to trial?

6 A Well, when -- when we went to Florence, when I was in
7 the back, he told me -- Boyd told me that the solicitor
8 said that they'd drop all pending charges of -- or reduce
9 charges on my family if I plead guilty.

10 Q Okay.

11 A And I accepted the plea bargain.

12 Q Now -- no further questions.

13 THE COURT: Mr. Thomas?

14 CROSS-EXAMINATION BY MR. THOMAS:

15 Q Mr. Huggins, those charges for your family members,
16 those did get dropped, right?

17 A Yes.

18 Q So you got what you wanted when you pled guilty?

19 A Yes. He ---

20 Q Did you ever tell Mr. Young or Mr. Anderson that you
21 wanted a trial?

22 A Yeah. From the beginning.

23 Q But then, when the State made this plea offer, you
24 decided you wanted to take the plea offer instead of go to
25 trial?

1 A Yes.

2 Q Thank you, Mr. Huggins. That's all I have.

3 A All right.

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

6 THE WITNESS: You're welcome.

7 (The witness exits the stand.)

8 MR. SHAFFER: Your Honor, the Applicant rests.

9 THE COURT: All right. Thank you, sir. Mr. Thomas?

10 MR. THOMAS: Your Honor, if I could get permission to
11 shoot Mr. Redmond a text to get him up here. But I'll call
12 Mr. Anderson in the meantime.

13 THE COURT: All right. Mr. Anderson, would you come
14 on up and we'll ask somebody to get Mr. Redmond off the
15 fourth floor. Is that where he is?

16 MR. THOMAS: I'm going to send him a text ---

17 THE COURT: Okay.

18 MR. THOMAS: --- right now. But he said he's on the
19 fourth floor.

20 (Brief pause.)

21 HENRY ANDERSON, having been first
22 duly sworn, testifies as follows:

23 THE COURT REPORTER: Would you state your name for the
24 record, please.

25 THE WITNESS: My name is Henry Morris Anderson, Jr.

1 DIRECT EXAMINATION BY MR. THOMAS:

2 Q Mr. Anderson, how'd you become involved in this case?

3 A I think I got appointed by either Judge Lockemy or
4 Judge Nettles.

5 Q How many times do you think you got to meet with Mr.
6 Huggins?

7 A I think I met with Mr. Huggins on six or seven
8 occasions.

9 Q Did y'all have a chance to discuss the State's theory
10 of the case, the evidence they had, that sort of thing?

11 A Yes, sir.

12 Q As far as the guilt phase of this goes, what was your
13 assessment of his likelihood of success in the guilt phase
14 of this trial?

15 A Not very good.

16 Q And why was that?

17 A They -- I guess the best piece of evidence that the
18 State had was the video of Anthony actually in the store.
19 And in my opinion, it pretty accurately showed Anthony as
20 well as, I guess, the victim in this case.

21 Q And were you involved in any plea negotiations with
22 the State?

23 A Yes, sir.

24 Q What -- what was the -- what were the conditions of
25 the plea that they -- that they initially -- or that they

1 eventually offered?

2 A Well, I think what was more or less the catalyst or
3 what brought the plea about was Boyd and I had several
4 motions hearings. We actually called the SLED agent as a
5 witness. He had to get up there and testify. We showed
6 him the tape of him, in my opinion, taking money out of the
7 cash register.

8 Boyd also argued some motions, and right after that I
9 think the State became a lot more amenable as far as trying
10 to work this case out.

11 A lot of things happened in the month of December.
12 Boyd and I, along with the -- I guess the mitigation of
13 Morgan, we met with Mr. Huggins several times in December.
14 I think everything came together right before Christmas.
15 We had a meeting with Kenard, meeting with Will Rogers.

16 Then I think Boyd and I and Morgan went to Darlington,
17 met with Mr. Huggins. And then got in touch with Judge
18 Nettles, set the plea up right before Christmas.

19 Q And as far as the specifics of the plea, was there
20 anything else other -- well, what were the co-defendants
21 involvement? What was your understanding of what was going
22 to happen with the co-defendants?

23 A My understanding of what was going to happen with the
24 co-defendants is their charges were going to be dismissed
25 or either substantially reduced.

DIRECT EXAMINATION BY MR. THOMAS - HENRY ANDERSON

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1 MR. THOMAS: May I approach, Your Honor.

2 THE COURT: Yes, sir.

3 (Mr. Thomas hands exhibits to the witness.)

4 DIRECT EXAMINATION BY MR. THOMAS (continues):

5 Q Mr. Anderson, I'm going to hand you what's been pre --
6 what's marked as Petitioner's Exhibit No. 1, 2, and 3.

7 Those are basically charges against the co-defendants?

8 A Yes, sir.

9 Q And based on your review of those, what happened to
10 the co-defendants's charges?

11 A From State's [sic] Exhibit No. 1, it appears that it
12 was dismissed in February of 2011; State's No. 2, it was
13 remanded to either Magistrate's Court or Municipal Court on
14 March the 3, 2011; and on State's 3, also remanded to
15 either Magistrate's Court or Municipal Court on March the
16 3, 2011.

17 Q Does that comport with what your understanding of the
18 Solicitor said they were going to do in exchange for the
19 plea?

20 A Yes, sir.

21 Q Thank you, Mr. Anderson. That's all I have.

22 THE COURT: Yes, sir.

23 MR. SHAFFER: No questions, Your Honor.

24 THE COURT: All right. Thank you very much. You may
25 step down.

DIRECT EXAMINATION BY MR. THOMAS - KENARD REDMOND 27

1 (The witness complies.)

2 MR. THOMAS: The State would call Mr. Redmond to the
3 stand.

4 THE COURT: All right. Mr. Redmond, if you'd please
5 come around to be sworn, sir.

6 MR. REDMOND: How you doing this afternoon, Your
7 Honor.

8 THE COURT: Doing well. Thank you for coming over.

9 KENARD REDMOND, having been first
10 duly sworn, testifies as follows:

11 THE COURT REPORTER: Would you state your name for the
12 record.

13 THE WITNESS: Yes. Kenard Edward Redmond.

14 DIRECT EXAMINATION BY MR. THOMAS:

15 Q Mr. Redmond, what was your involvement with this case?

16 A I actually assisted in the prosecution of the case. I
17 actually came in toward the end of the case. I think
18 originally Solicitor Rogers and Deputy Solicitor Baugh were
19 primarily handling it, and then I came in toward the end of
20 the case.

21 Q And as far as -- were you involved in plea
22 negotiations?

23 A I was, especially as it relates to the defendant,
24 obviously. And I was involved in the outcome of -- I
25 believe they were cousins, the two females that were

1 involved with helping him escape the jurisdiction.

2 Q And I guess -- yeah. Let's back that up. What was
3 the basis for charging them?

4 A Because they actually assisted -- if my recollection
5 is correct, they actually assisted him by taking him, I
6 believe, to Fayetteville, North Carolina, to hop a bus that
7 ultimately ended up with the defendant in Pittsburgh, which
8 is where he was apprehended.

9 Q And based on that behavior, you charged them with
10 what?

11 A They were charged -- to the best of my recollection it
12 would -- would have been accessory after the fact. I can't
13 remember if there was a misprison charge along with it, but
14 obviously assisting him in escaping the jurisdiction after
15 the murder. The accessory charges were primarily their ---

16 Q Was there any agreement to sort of meet -- make a
17 resolution of those charges in exchange for his guilty
18 plea?

19 A There -- well, I guess for lack of a better term, yes.
20 We -- the understanding was that once he pled, we would go
21 ahead and resolve the cases against the two females.

22 Q And what -- what eventually did you do with those
23 cases?

24 A That's a good question. I was in here and listened to
25 part of it. In all honestly, my recollection's a little

1 vague. I might need to review the documents. I do know
2 that ---

3 MR. THOMAS: May I approach, Your Honor.

4 A --- those cases were resolved.

5 (Mr. Thomas hands exhibits to the witness.)

6 Q I give you what's been marked as Exhibits 1, 2, and 3.

7 A Okay.

8 Q See if those refresh your memory.

9 A All right. Okay. And I had said "two." Actually
10 there are three here. Looks like -- looks like one was --
11 on Ms. Huggins, was remanded to magistrate's court in March
12 of 2011, which would have been about three months after the
13 plea.

14 Same thing as it relates to Ms. Christy Huggins; and
15 finally, as it relates to Bonnie Gee, it appears that she -
16 - her case was nolle prossed in February of 2011.

17 Q Do you remember the plea hearing in this case?

18 A I do, yes. In Florence, in front of Judge Nettles.

19 Q Do ever remember Mr. Huggins, at that plea hearing,
20 balking, I guess, for lack of a better word?

21 A No.

22 Q Thank you, Mr. Redmond. That's all I have.

23 THE COURT: Mr. Shaffer?

24 MR. SHAFFER: Thank you.

25 CROSS-EXAMINATION BY MR. SHAFFER:

1 Q Mr. Redmond, there were actually four females charged
2 --

3 A Okay. And -- and I will take your word for that. I
4 dealt more -- in all candor, I dealt more with the
5 defendant because we were gearing toward the actual capital
6 trial, and that's why I came in at the tail end. I don't --
7 - I can't swear that I've ever even met the co-defendant --
8 the -- the other defendants.

9 Q Okay. And the other -- you said two -- two of the
10 females were arrested for taking him to the bus station?

11 A That's my recollection, yes.

12 Q Do you recall what the other two females were arrested
13 for?

14 A I don't remember in all honesty.

15 Q Was there a difference between the two defendants that
16 got nolle prossed and the -- or excuse me -- the one
17 defendant up there that's in the documents, that got nolle
18 prossed, Ms. Gee apparently got nolle prossed ---

19 A Yes.

20 Q --- according to the exhibits. Is there a difference
21 in the level of her culpability versus the other two that
22 got remanded to magistrate court?

23 A I would assume so. I don't -- I -- I can't say for
24 sure. There's one thing I can say for sure with all of the
25 defendants involved in the case, that their culpability was

RE-DIRECT EXAMINATION BY MR. THOMAS - KENARD REDMOND 31

1 nowhere near the defendant. I mean, they were not present
2 at the hardware store at the time of the murder. So that's
3 why I'm a little bit foggier on them because our focus was
4 on what happened at that time, and they were not present at
5 the time of the actual murder.

6 Q Okay.

7 MR. SHAFFER: No further questions.

8 THE COURT: Anything further?

9 MR. THOMAS: One question.

10 RE-DIRECT EXAMINATION BY MR. THOMAS:

11 Q Mr. Redmond, if I told that perhaps some of the other
12 co-defendants maybe picked him up from the scene, gave him
13 a ride in the period between the murder and him leaving,
14 would that ---

15 A Oh, yes.

16 Q --- sound right?

17 A Uh-huh. Yes. That -- I do know that -- that to be
18 the case. But again, they were not there at the time of
19 the murder, but after the murder is when they got involved
20 in it.

21 Q Thank you, Mr. Redmond.

22 THE COURT: All right. Thank you very much, sir.

23 THE WITNESS: Thank you, Your Honor.

24 (The witness exits the stand.)

25 MR. THOMAS: That's all from the State, Your Honor.

1 THE COURT: All right. Mr. Shaffer, be happy to hear
2 from you, sir.

3 MR. SHAFFER: Your Honor, one thing I -- I had
4 mentioned is that I would like the court-ordered *Atkins*
5 evaluation. That was based off of the fact that -- in
6 order to prove our case, obviously, we had preyed for that
7 -- for that particular issue. And Mr. Young did say it was
8 -- his IQ was borderline, where he probably -- or it could
9 have gone either way. So I would ask that the record stay
10 open for an *Atkins* evaluation -- would be ordered.

11 The primary issue we focused on here in this case,
12 obviously, is the -- whether the plea was voluntarily
13 entered. I think that -- well, there -- there's case law
14 saying that a third party benefitting is not a per se
15 constitutional violation, that it doesn't per se render the
16 case -- or render the plea involuntary.

17 But I think, given the facts of this situation --
18 there's also case law saying -- Fourth Circuit case law
19 that says that, in a situation like this, whenever a third
20 party does benefit through a plea deal, that the Court
21 should look at or scrutinize it more closely than they do a
22 normal plea offer, to find out whether or not it was
23 voluntarily entered.

24 In this situation, I think that there's certainly
25 plenty of evidence saying that, you know, a good part of

1 his family was locked up, a good part of his family were
2 facing serious charges, and he could make all of that go
3 away by simply pleading guilty, which his attorneys had
4 told him might be a foregone conclusion that you're going
5 to be found guilty and do life any way.

6 But I think given the fact that there's four family
7 members who were facing felony charges and four close
8 family members; and the fact that his -- or he wasn't given
9 a whole lot of hope that his trial was going to turn out
10 well anyway, I think that that's very coercive to say,
11 "Well, maybe we should do it." And I think that in this
12 situation it is involved here, Your Honor.

13 THE COURT: Mr. Thomas, would you like to respond?

14 MR. THOMAS: Your Honor, I -- I'm failing to see how
15 this is coercive in any manner. I mean, they made him a
16 plea offer. They told him that -- that in exchange for you
17 pleading guilty, we will let you plead to life, we will
18 dismiss some other charges. He accepted that benefit.

19 He admitted -- he himself admitted he got what he
20 sought when he entered that plea bargain. I think the
21 testimony from the attorneys also indicated that he
22 actually actively sought a plea bargain along those lines.
23 He wanted to plead to life at that point.

24 I think that the addition of the family stuff is icing
25 on the cake, for what it's worth.

1 His attorneys advised him that he was not looking like
2 he was going to be successful on the guilt phase of the
3 trial; that the best case scenario for him, if he went to
4 trial, was life without the possibility of parole. If he
5 goes to trial, gets life, those family members are still
6 facing that same potential penalty, but this time there's
7 no benefit to it.

8 I don't -- just under the circumstances, Your Honor, I
9 don't think this was a coerced plea bargain at all.

10 And again, those charges that he actually -- the
11 family was facing, those did get reduced. They all pled
12 out to something lesser or they got dismissed. So it looks
13 like he got the benefit of the bargain. We would just
14 submit that it's not involuntary on that.

15 As far as the expert goes, the testimony was pretty
16 clear. There was no concerns with his competency. So I
17 don't think an evaluation for competency to stand trial
18 would have been necessary. I don't think you need to order
19 one at this point. That seems to me like it would be a
20 waste of effort and a waste of resources.

21 Under the case law, specifically *Geter*, you're allowed
22 to look at the attorney's representation, their discussions
23 with the family members, whether in all of that the
24 attorney had any concerns about competency. There was none
25 in this case.

1 As far as the evaluation for the *Atkins* exam, you
2 know, Mr. Boyd testified that he absolutely would have
3 gotten that *Atkins* exam done if they had proceeded farther
4 down the line.

5 Again, this plea came only two years into this thing.
6 If this had been something that was going to trial down the
7 road, you know, that's absolutely something that they could
8 have done then. But by pleading guilty, he's -- that's a
9 break in the chain here. He's -- he's pled guilty before
10 he could have had a chance to do that.

11 Obviously, Mr. Boyd can't be ineffective for not
12 getting him evaluated because he said he would have gotten
13 him evaluated if he had wanted to go to trial. He didn't
14 want to go to trial. So by waiving his right to a trial,
15 he's also waived his right his right to that *Atkins* exam.

16 And that would be the State's case. We'd just ask
17 that you deny PCR.

18 MR. SHAFFER: Your Honor --

19 THE COURT: Yes, sir.

20 MR. SHAFFER: -- can I clarify something I previously
21 said? I'd said that there's case law saying that it's not
22 a per se violation. I mean whenever there is probable
23 cause to support it, there's -- there's not a per se
24 constitutional violation.

25 I think in this situation also there -- there's some

1 distinction that also needs to be made because two of the
2 defendants obviously pled to a lesser -- lesser charge, and
3 then two of them -- one of them's nolle prossed and the
4 other one we can't find records for.

5 So we know that at least one of them was nolle
6 prossed, and two of them pled guilty. So I think that you
7 also have to look, to some degree in making a ruling, at
8 the distinction between those parties because there's two
9 of them that it's not a per se violation -- one of them I
10 think there actually would be coercive just in the fact the
11 -- the one that had the -- the one that as nolle prossed, I
12 think it certainly would be coercive because we haven't --
13 I -- I don't think there's any support that it was actually
14 supported by probable cause other than the affidavit which
15 is basically just a recitation of the statute, more or
16 less.

17 THE COURT: All right. I'm a little bit at a loss as
18 -- as -- as to why we're here. Mr. -- Mr. Huggins was --
19 was facing this situation. He had exceptional counsel. I
20 know both Mr. Anderson and Mr. Young personally and by
21 reputation. They're outstanding lawyers. Both of them
22 very well experienced in the area of death penalty cases.
23 So he had outstanding counsel.

24 There's -- there's nothing in this record at all that
25 would support the -- the allegations of ineffective

1 assistance. There's -- there's absolutely nothing in the -
2 - in -- in the record.

3 He -- he was -- my understanding from the testimony
4 was the negotiations were involved -- that were involved
5 were that in exchange for his plea, the State would not
6 seek the death penalty. And they would also handle the co-
7 defendants either through -- either dismissing or
8 substantially reducing their -- their exposure or their
9 charges. There wasn't any conversation that it was, "We're
10 -- we're gonna drop the cases against them." It was
11 simply, "We'll consider that, or at the minimum, a
12 substantial reduction."

13 It's exactly what Mr. Huggins wanted, and it's exactly
14 what he got.

15 You simply can't take -- take a position that when
16 someone -- that when -- if someone's motive for pleaing is
17 to get someone else off, that is grounds for granting a
18 PCR. Because if that's the case, there's nothing to stop
19 anyone who has a meaningful co-defendant in their life from
20 "falling on the sword," so to speak, get that person freed
21 up from their charge, let a couple of years pass, file a
22 PCR, and get their charge sent back. I mean, that would
23 just be the routine if that was the case.

24 And it's simply not the case in -- in looking at the
25 situation here. I -- I -- I don't see that this plea was

1 anything other than a plea that was entered into freely,
2 voluntarily, and intelligently. And I don't find any
3 coercion at -- at all.

4 The -- I -- I don't know that I completely understand
5 your wanting to leave the record open to have him evaluated
6 -- an *Atkins* evaluation done. It -- it never got that far.
7 The -- the State -- once they negotiated the plea, it -- it
8 -- it -- it just -- it never got that far, and -- and he
9 accepted the -- the plea offer and entered his plea. So
10 I'm not -- I don't see any need to -- to -- for the record
11 to remain open and -- and to -- and to have that evaluation
12 done.

13 So I'm going to respectfully deny the application and
14 -- and the request to leave the record open for that. All
15 right.

16 MR. SHAFFER: Thank you, Your Honor.

17 MR. THOMAS: Thank you, Your Honor.

18

19 -- END OF TRANSCRIPT RECORD --

20

21

22

23

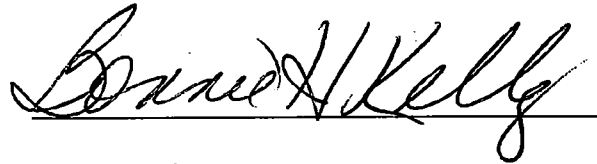
24

25

CERTIFICATE

I, the undersigned Bonnie H. Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Darlington County, South Carolina, on the 28th day of July, 2017.

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

A handwritten signature in cursive script, reading "Bonnie H. Kelly", is written over a horizontal line.

Bonnie H. Kelly, CVR

Official Court Reporter

Columbia, South Carolina

March 13, 2016.

ARREST WARRANT

J652424

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
DARLINGTON COUNTY

THE STATE

against

GEE, BONNIE HUGGINS

Address: _____

Phone: _____ SSN: _____

Sex: F Race: B Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI#: _____

Prosecuting Agency: _____

Prosecuting Officer: ANY LAWFUL OFFICEROffense: ACCESSORY AFTER THE FACT OF MURDEROffense Code: G2413Code/Ordinance Sec. 16-01-0055
 This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge

(L.S.)

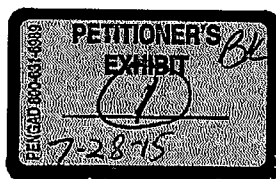
Date _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant GEE, BONNIE HUGGINS
 on 10-10-2008

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 JAMES E. THOMAS
 404 S. FOURTH ST.
 HARTSVILLE, SC 295500000


STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

DARLINGTON COUNTY)

AFFIDAVIT

CASE #: 200809-510

 Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 618

 Personally appeared before me the affiant HPD, DET. J. MCLEOD who
 being duly sworn deposes and says that defendant GEE, BONNIE HUGGINS
 did within this county and state on OCT 01, 2008 violate the criminal laws of the
 State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of DARLINGTON COUNTY)
 in the following particulars:

DESCRIPTION OF OFFENSE:

 ACCESSORY AFTER THE FACT OF MURDER
 16-01-0055

 I further state that there is probable cause to believe that the defendant named above did commit the
 crime set forth and that probable cause is based on the following facts:

 DET. JOHN W. MCLEOD AN INVESTIGATOR WITH THE HPD. THAT THE DEFENDANT (BONNIE HUGGINS GEE)
 DID COMMIT THE OFFENSE OF ACCESSORY AFTER THE FACT OF MURDER, S.C. CODE OF LAWS(16-1-55).
 THAT ON OCTOBER 1, 2008 THE DEFENDANT DID ALONG WITH CO-DEFENDANT DID PLAN CONSPIRE AND
 ASSIST A MURDER SUSPECT EVADING CAPTURE BY LAW-ENFORCEMENT. EDDIE ANTHONY HUGGINS HAD
 BEEN CHARGED WITH MURDER IN THE DEATH OF KEITH HANCOCK AND WAS ACTIVELY BEING SOUGHT
 BY LAW ENFORCEMENT. THE DEFENDANT ALONG WITH CO-DEFENDANTS DID HAVE KNOWLEDGE THAT
 EDDIE HUGGINS COMMITTED THE MURDER. THE DEFENDANT ALONG WITH CO-DEFENDANTS PICKED
 HUGGINS UP AT HIS RESIDENCE LOCATED AT 1019 E. CAROLINA AVE. IN THE HARTSVILLE AREA OF
 DARLINGTON CO. S.C. AND TRANSPORTED HIM TO DARLINGTON AND ASSISTED HIM TO GET OUT OF
 STATE. INFO. BASED ON STATEMENTS AND EVIDENCE.

Signature of Affiant

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

DARLINGTON COUNTY)

Affiant's Address 133 W CAROLINA AVEHARTSVILLE, SC 29550Affiant's Telephone (843) 383-3011

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on OCT 01, 2008 defendant GEE, BONNIE HUGGINS

 did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of DARLINGTON COUNTY) as set forth below:

DESCRIPTION OF OFFENSE:

 ACCESSORY AFTER THE FACT OF MURDER
 16-01-0055

 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
 the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)

on OCTOBER 10, 2008)Signature of Issuing Judge James E. Thomas (L.S.))Judge Code: 007)

JAMES E. THOMAS

Judge's Address 404 S. FOURTH ST.HARTSVILLE, SC 295500000Judge's Telephone (843) 332-9661
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

CASE HISTORY FOR CASE J652424

The State of South Carolina VS Bonnie Huggins Gee

FILED DATE: 10/16/2008

CASE TYPE: GS

STATUS: Dismissed

JUDGE: Solicitor

ARRESTING AGENCY: Darlington County Sheriff

CASE PARTIES:

Defendant Gee, Bonnie Huggins

Solicitor Kendall Burch

Bond Entity Avl

CASE HISTORY FOR CASE J652424

Gee, Bonnie Huggins

Age: Unknown
DL#:DOB: Unknown
SSN:

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
2413 Accessory / Accessory after the fact to Felony A, B, C or Murder	10/10/2008	Dismissed Not Indicted	2/14/2011

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
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Total:

DATE	TIME	EVENT DESCRIPTION
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	12:00 AM	Filing recorded: ORDER FOR BOND 80K 102808
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3/10/2011	12:21 AM	Filing recorded: Bond Comment To Notes Screen
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10/16/2008	12:00 AM	Bond 1 was set in the amount of 80000 by
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2/14/2011	12:00 AM	recorded the following Case Note: Date Disposition was Entered 2011-02-14
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10/31/2008	12:00 AM	recorded the following Case Note: BOND SET DATE: 10/31/08
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10/31/2008	12:00 AM	recorded the following Case Note: BOND AMOUNT: 80000
------------	----------	--

3/10/2011	12:00 AM	MBURNARD recorded the following Case Note: AVL
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TRUE CERTIFIED COPY

CLERK OF COURT/RMC

DARLINGTON COUNTY, SC

Print Date: 07/28/2015
 Print Time: 11:42:59AM
 Requested By: C16MNORTON

CaseHistory.rpt V6.1

Page 1 of 1

83

ARREST WARRANT

J652383

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

DARLINGTON COUNTY

THE STATE

against

HUGGINS, CHRISTY DONELL

Address: _____

Phone: _____ SSN: _____

Sex: F Race: B Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI#: _____

Prosecuting Agency: _____

Prosecuting Officer: ANY LAWFUL OFFICEROffense: ACCESSORY AFTER THE FACT OF MURDEROffense Code: G2413Code/Ordinance Sec. 16-01-0055This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of_____. The accused
is to be arrested and brought before me to be
dealt with according to law._____. (L.S.)
Signature of Judge

Date _____

RETURN

A copy of this arrest warrant was delivered to
defendant HUGGINS, CHRISTY DONELLon 10-3-08_____
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

JAMES E. THOMAS.
404 S. FOURTH ST.
HARTSVILLE, SC 295500000

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

DARLINGTON COUNTY)

AFFIDAVIT

CASE #: 2008-09-510

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant HPD DET. JOHN MCLEOD who
being duly sworn deposes and says that defendant HUGGINS, CHRISTY DONELL
did within this county and state on OCT 01, 2008 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of DARLINGTON COUNTY)
in the following particulars:

DESCRIPTION OF OFFENSE:

ACCESSORY AFTER THE FACT OF MURDER
16-01-0055

I further state that there is probable cause to believe that the defendant named above did commit the
crime set forth and that probable cause is based on the following facts:

DET. JOHN MCLEOD AN INVESTIGATOR WITH THE HPD. THAT THE DEFENDANT (CHRISTY D. HUGGINS) DID
COMMIT THE OFFENSE OF ACCESSORY AFTER THE FACT OF MURDER, S.C. CODE OF LAWS 16-1-55. THAT
ON 01 OCTOBER 2008 THE DEFENDANT ALONG WITH CO-DEFENDANT DID PLAN CONSPIRE AND ASSIST A
MURDER SUSPECT IN EVADING CAPTURE BY LAW-ENFORCEMENT. EDDIE ANTHONY HUGGINS HAD BEEN
CHARGED WITH MURDER IN THE DEATH OF KEITH HANCOCK AND WAS ACTIVELY BEING SOUGHT BY
LAW ENFORCEMENT. THE DEFENDANT ALONG WITH CO-DEFENDANT DID HAVE KNOWLEDGE THAT EDDIE
HUGGINS COMMITTED THE MURDER. THE DEFENDANT ALONG WITH CO-DEFENDANT PICKED HUGGINS UP
AT HIS RESIDENCE LOCATED ON CAROLINA AVE. IN THE HARTSVILLE AREA OF DARLINGTON COUNTY
COUNTY, SC AND TRANSPORTED HIM OUT OF STATE AND PLACED HIM ON A BUS TO ANOTHER STATE.
INFO IS BASED ON STATEMENTS AND VIDEO FOOTAGE.

Signature of Affiant

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

DARLINGTON COUNTY)

Affiant's Address 135 W CAROLINA AVEHARTSVILLE, SC 29550Affiant's Telephone (843) 383-3011

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on OCT 01, 2008 defendant HUGGINS, CHRISTY DONELL

did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of DARLINGTON COUNTY) as set forth below:

DESCRIPTION OF OFFENSE:

ACCESSORY AFTER THE FACT OF MURDER
16-01-0055

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)

on OCTOBER 03, 2008)

_____. (L.S.))

Signature of Issuing Judge)

Judge Code: 007

JAMES E. THOMAS

ORIGINAL

Judge's Address 404 S. FOURTH ST.HARTSVILLE, SC 295500000Judge's Telephone (843) 332-9661Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

CASE HISTORY FOR CASE J652383

The State of South Carolina VS Christy Donell Huggins

FILED DATE: 10/16/2008

CASE TYPE: GS

STATUS: Disposed

JUDGE: Solicitor

ARRESTING AGENCY: Darlington County Sheriff

CASE PARTIES:

Defendant Huggins, Christy Donell

Solicitor Kenard Redmon

CASE HISTORY FOR CASE J652383

Huggins, Christy Donell

Age:

DOB:

DL#:

SSN:

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
2413 Accessory / Accessory after the fact to Felony A, B, C or Murder	10/3/2008	Remand to Mag/Muni Ct/Sent to Family Ct	3/3/2011

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
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Total:

DATE	TIME	EVENT DESCRIPTION
	12:00 AM	Filing recorded: BOND ORDER 80K 102008CONSENT BOND 012109
3/8/2011	12:00 AM	recorded the following Case Note: Date Disposition was Entered 2011-03-08
1/21/2009	12:00 AM	recorded the following Case Note: BOND SET DATE: 01/21/09
1/21/2009	12:00 AM	recorded the following Case Note: BOND AMOUNT: 40000

TRUE CERTIFIED COPY
 [Signature]
 CLERK OF COURT/PMO
 DARLINGTON COUNTY, SC

Print Date: 07/28/2015
 Print Time: 11:42:30AM
 Requested By: C16MNORTON

CaseHistory.rpt V6.1

Page 1 of 1

ARREST WARRANT

J652388

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 DARLINGTON COUNTY

THE STATE

against

HUGGINS, ANTRANETTE LASHONDA

Address: _____

Phone: _____ SSN: _____

Sex: F Race: B Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI#: _____

Prosecuting Agency: _____

Prosecuting Officer: ANY LAWFUL OFFICEROffense: ACCESSORY AFTER THE FACT OF MURDEROffense Code: G2413Code/Ordinance Sec. 16-01-0055
 This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge

(L.S.)

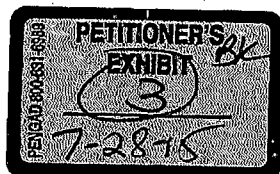
Date _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant HUGGINS, ANTRANETTE LASHONDA
 on 10-3-08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 JAMES E. THOMAS
 404 S. FOURTH ST.
 HARTSVILLE, SC 295500000


STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

DARLINGTON COUNTY)

AFFIDAVIT

CASE #: 2008-09-510

 Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 818

 Personally appeared before me the affiant HPD DET. JOHN MCLEOD who
 being duly sworn deposes and says that defendant HUGGINS, ANTRANETTE LASHONDA
 did within this county and state on OCT 01, 2008 violate the criminal laws of the
 State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of DARLINGTON COUNTY)
 in the following particulars:

DESCRIPTION OF OFFENSE:

 ACCESSORY AFTER THE FACT OF MURDER
 16-01-0055

 I further state that there is probable cause to believe that the defendant named above did commit the
 crime set forth and that probable cause is based on the following facts:

 DET. JOHN MCLEOD AN INVESTIGATOR WITH THE HPD. THAT THE DEFENDANT (ANTRANETT L. HUGGINS)
 DID COMMIT THE OFFENSE OF ACCESSORY AFTER THE FACT OF MURDER, S.C. CODE OF LAWS 16-1-55.
 THAT ON 01 OCTOBER 2008 THE DEFENDANT ALONG WITH CO-DEFENDANT DID PLAN CONSPIRE AND
 ASSIST A MURDER SUSPECT IN EVADING CAPTURE BY LAW-ENFORCEMENT. EDDIE ANTHONY HUGGINS
 HAD BEEN CHARGED WITH MURDER IN THE DEATH OF KEITH HANCOCK AND WAS ACTIVELY BEING
 SOUGHT BY LAW ENFORCEMENT. THE DEFENDANT ALONG WITH CO-DEFENDANT DID HAVE KNOWLEDGE
 THAT EDDIE HUGGINS COMMITTED THE MURDER. THE DEFENDANT ALONG WITH CO-DEFENDANT PICKED
 HUGGINS UP AT HIS RESIDENCE LOCATED ON CAROLINA AVE. IN THE HARTSVILLE AREA OF DARLINGTON
 COUNTY COUNTY, SC AND TRANSPORTED HIM OUT OF STATE AND PLACED HIM ON A BUS TO ANOTHER
 STATE. INFO IS BASED ON STATEMENTS AND VIDEO FOOTAGE.

Signature of Affiant

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of)

DARLINGTON COUNTY)

Affiant's Address 135 W. CAROLINA AVEHARTSVILLE, SC 29550Affiant's Telephone (843) 383-3011

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on OCT 01, 2008 defendant HUGGINS, ANTRANETTE LASHONDA
 did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of DARLINGTON COUNTY) as set forth below:

DESCRIPTION OF OFFENSE:

 ACCESSORY AFTER THE FACT OF MURDER
 16-01-0055

 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
 the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)

on OCTOBER 03, 2008)
 Signature of Issuing Judge
James E. Thomas (L.S.)
Judge Code: 007

JAMES E. THOMAS

ORIGINAL

Judge's Address 404 S. FOURTH ST.HARTSVILLE, SC 295500000Judge's Telephone (843) 332-9661
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

General Sessions

CASE HISTORY FOR CASE J652388

The State of South Carolina VS Antranette L Huggins

FILED DATE: 10/16/2008

CASE TYPE: GS

STATUS: Disposed

JUDGE: Solicitor

ARRESTING AGENCY: Darlington County Sheriff

CASE PARTIES:

Defendant Huggins, Antranette L

Solicitor K Redmond

Bond Entity Woods Bonding

CASE HISTORY FOR CASE J652388

Huggins, Antranette L

Age: 1
DL#:DOB:
SSN:

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
2413 Accessory / Accessory after the fact to Felony A, B, C or Murder	10/3/2008	Remand to Mag/Muni Ct/Sent to Family Ct	3/3/2011

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
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Total:

DATE	TIME	EVENT DESCRIPTION
3/10/2011	12:00 AM	Filing recorded: BOND ORDER 80K 102008RULE 5 KILGO 102808CONSENT BOND 40K 012
3/10/2011	12:21 AM	Filing recorded: Bond Comment To Notes Screen
10/16/2008	12:00 AM	Bond 1 was set in the amount of 40000 by
3/7/2011	12:00 AM	recorded the following Case Note: Date Disposition was Entered2011-03-07
1/21/2009	12:00 AM	recorded the following Case Note: BOND SET DATE:01/21/09
1/21/2009	12:00 AM	recorded the following Case Note: BOND AMOUNT:40000
3/10/2011	12:00 AM	MBURNARD recorded the following Case Note: WOODS BONDING

TRUE CERTIFIED COPY
Scott B. Surges
 CLERK OF COURT/RMC
 DARLINGTON COUNTY, SC

Print Date: 07/28/2015
 Print Time: 11:42:47AM
 Requested By: C16MNORTON

CaseHistory.rpt V6.1

Page 1 of 1

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTH JUDICIAL CIRCUIT

Eddie A. Huggins, #130099,)

Case No. 2011-CP-16-0994

Applicant,)

v.)

State of South Carolina,)

Respondent.)

ORDER OF DISMISSAL

TRUE CERTIFIED COPY,

Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

This matter comes before the Court by way of an Application for Post-Conviction Relief filed December 28, 2011. Respondent made a timely¹ Return on or about November 19, 2014. The Court convened an evidentiary hearing into the matter on July 28, 2015, at the Darlington County Courthouse. Applicant was present at the hearing and represented by Tristan M. Shaffer, Esquire. Joshua L. Thomas, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Testifying at the hearing were: Applicant; Applicant's plea counsel, S. Boyd Young, Esquire, and Henry M. Anderson Jr., Esquire; and Deputy Solicitor Kernard E. Redmond. The Court had before it a copy of the plea transcript, the records of the Darlington County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the pleadings, and the exhibits introduced at the hearing. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections, pursuant to orders of commitment of the Darlington County Clerk of Court. In November 2008, the Darlington County Grand Jury indicted Applicant for murder (2008-GS-16-1507) and armed

¹ Respondent averred it did not receive a copy of the application from the Darlington County Clerk of Court until March 5, 2014.

robbery (2008-GS-16-1506). The State served Applicant with notice of its intent to seek the death penalty for the murder charge. S. Boyd Young, Esquire, and Henry M. Anderson Jr., Esquire, (collectively, "plea counsel") represented Applicant. On December 22, 2010, Applicant pled guilty to murder. As part of a negotiated plea, the State dismissed the armed robbery indictment and withdrew its death penalty notice. The Honorable Michael G. Nettles accepted the negotiations and sentenced Applicant to life imprisonment without parole. Applicant did not appeal his plea or sentence.

II. ALLEGATIONS

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

1. "Ineffective assistant of counsel"
 - a. "Wasn't given a mental evaluation"
 - b. "Was coerce into a guilty plea"

At the evidentiary hearing, Applicant proceeded on allegations that (1) plea counsel was ineffective for failing to have Applicant evaluated pursuant to Atkins v. Virginia, 536 U.S. 304 (2002), and (2) his guilty plea was involuntary.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

A. Ineffective Assistance of Plea Counsel

In this post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective

assistance of plea counsel as a ground for relief, Applicant must prove plea counsel's "conduct so undermined the proper functioning of the adversarial process" that the plea proceedings "cannot be relied upon as having produced a just result." Id. (citing Strickland v. Washington, 466 U.S. 668, 686 (1984)).

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

The Court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove plea counsel's performance was deficient. Id. Under this prong, the Court measures plea counsel's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, plea counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. Because Applicant pled guilty, he must show there is a reasonable probability that, but for plea counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

The Court finds Applicant failed to meet his burden of proof to demonstrate plea counsel ineffective in failing to have Applicant undergo an Atkins evaluation. Mr. Young testified he met with Applicant forty to fifty times. He testified Applicant never appeared to have any difficulty understanding their conversations. Young testified the evidence of Applicant's guilt

was strong, so he focused on the mitigation aspect of the death penalty case. He recalled employing a fact investigator as well as a social worker. Young testified he had no questions about Applicant's competency. He recalled Applicant's juvenile justice records demonstrated Applicant's IQ was in the range that an Atkins evaluation could have gone either way. However, Young testified they never got around to having an Atkins evaluation done because Applicant chose to accept the State's offer to plead to life imprisonment. Young also testified he believed a life sentence was possible at trial regardless of the result of an Atkins evaluation because Applicant had a prior armed robbery conviction in Virginia.

The Court finds Applicant failed to demonstrate plea counsel deficient for failing to have an Atkins evaluation conducted. The Court finds very credible Young's testimony that he had no reason to question Applicant's competency. See Jeter v. State, 308 S.C. 230, 233, 417 S.E.2d 594, 596 (1992) (attorney not deficient where he discussed the applicant's case on several occasions, was familiar with the applicant, relied on his own perceptions, and was never informed about a potential capacity issue). The Court also finds persuasive and credible Young's testimony they would have requested an Atkins evaluation if Applicant had chosen to proceed with a trial. However, because Applicant accepted the State's plea offer, he cannot now allege trial counsel should have further pursued this avenue to avoid the death penalty. See Whetsell v. State, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981) (knowing and voluntary plea waives non-jurisdictional defects and defenses (citations omitted)).

The Court further finds Applicant failed to demonstrate he was prejudiced by plea counsel's decision not to pursue an Atkins evaluation. First, Applicant presented no evidence of what such an evaluation would have found regarding his competency. Jeter, 308 S.C. at 234, 417 S.E.2d at 596 (citations omitted); see also Dempsey v. State, 363 S.C. 365, 369, 610 S.E.2d 812, 814 (2005) (an applicant must present allegedly favorable evidence at the evidentiary hearing (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995))). Second, even

assuming such an evaluation had determined he was not competent to be executed, Applicant could still be sentenced to life imprisonment. Because Applicant entered a plea in exchange for the State withdrawing the death penalty notice, he received the same benefit he would have received had an Atkins evaluation been successfully pursued. Therefore, Applicant has not demonstrated an Atkins evaluation would have changed the result of his proceedings.

B. Involuntary Guilty Plea

The Court further finds Applicant failed to meet his burden of proof regarding his allegation his plea was rendered involuntary by the State's threats to prosecute his co-defendants. "To knowingly and voluntarily enter a plea of guilty, all that is required is that a defendant have a full understanding of the consequences of his plea and of the charges against him." Simpson v. State, 317 S.C. 506, 508, 455 S.E.2d 175, 176 (1995) (citing Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991)). Specifically, a defendant must only be informed of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Roddy v. State, 339 S.C. 29, 33, 528 S.E.2d 418, 421 (2000) (citing Boykin v. Alabama, 395 U.S. 238 (1969)). Furthermore, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

Applicant testified he only pled guilty because he was informed his family would be prosecuted to the fullest extent of the law if he did not. He testified the solicitor told him the charges against his family would be dropped if he entered a plea. Applicant admitted those charges were dropped or reduced, and he received what he wanted by accepting the plea.

Young recalled discussing a reduction in the co-defendant's charges as part of the plea negotiations. He testified he believed the co-defendant's charges were reduced or dismissed when Applicant pled. Mr. Anderson testified he met with the solicitor and discussed Applicant wanting the co-defendant's charges reduced as part of the plea. Anderson testified the ultimate disposition of those charges appears to be that they were dismissed or reduced to misdemeanors and handled in magistrate's court. He believed that resolution comported with the plea negotiations.

Mr. Redmond ("the solicitor") testified he handled the prosecution of Applicant and his co-defendants. He testified the co-defendants assisted Applicant in leaving town after he committed the murder. The solicitor testified those co-defendants were charged with either accessory after the fact to a felony or misprision of a felony. He testified two co-defendants were allowed to plead to reduced charges in magistrate court and one co-defendant's charges were dismissed.

The Court finds Applicant failed to demonstrate his guilty plea was coerced by threats of prosecution of his co-defendants. Regarding this allegation, the Court finds credible the testimony of plea counsel and the solicitor that Applicant sought to assistance for his family as part of his plea. The Court also finds credible the testimony of plea counsel and the solicitor that the result of the co-defendant's cases comported with everyone's understanding of the plea terms. Furthermore, the Court notes there is "no intrinsic constitutional infirmity in broadening plea negotiations so as to permit third party beneficiaries." Harman v. Mohn, 683 F.2d 834, 837 (4th Cir. 1982). Here, the charges against the co-defendants were brought well before plea bargaining began in Applicant's case. The limited record before this Court indicates the State did not act in bad faith in seeking charges against the co-defendants based on their involvement in Applicant evading capture. Furthermore, plea counsel did not represent any of the co-defendants. Nothing in this record indicates Applicant's plea was coerced by the State's

agreement to reduce or dismiss the charges against the co-defendants. See Id. at 837-38 (dismissal of charges against defendant's wife's as part of plea bargain acceptable where wife was indicted separately and represented by different counsel).

Furthermore, Applicant raised no objections to the terms of his agreement at his plea hearing. In fact, the record before this Court demonstrates Applicant received the benefit of his bargain, as the charges against the co-defendants were reduced or dismissed. See United States v. Morrow, 914 F.2d 608, 613 (4th Cir. 1990) (linked plea not involuntary where defendant admitted the only reason he entered plea was to help third-party). To the extent Applicant now claims his plea was coerced by threats the State would prosecute his family, the Court finds that testimony not credible and refuted by the record. Accordingly, the Court finds Applicant's plea was knowingly, intelligently, freely, and voluntarily entered with a full understanding of the consequences thereof.

C. All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

IV. CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

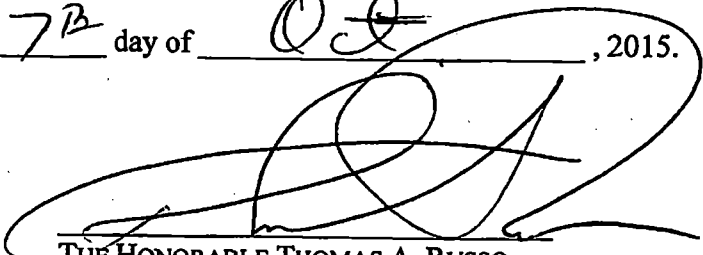
The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d

395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

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


THE HONORABLE THOMAS A. RUSSO
Presiding Judge

Flame, South Carolina