

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Appeal from Anderson County

Honorable Frank R. Addy, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

OCT 26 2016

S.C. SUPREME COURT

STANLEY S. DAVIS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-000736

\_\_\_\_\_  
APPENDIX  
\_\_\_\_\_

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Case No. 2013-GS-04-00861  
Hearing of October 2, 2013  
Before The Honorable R. Lawton McIntosh

**I-N-D-E-X**

OCTOBER 2, 2013  
(STATE OF SOUTH CAROLINA v. STANLEY SHAWN DAVIS)  
(PLEA HEARING)  
(2013-GS-04-00861)

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IDENTIFICATION    ENTERED

\*\*\*\*\*NO EXHIBITS OFFERED\*\*\*\*\*

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## P R O C E E D I N G S

(11:21 A.M.)

1  
2  
3 **MS. HUEY:** Your Honor, may it please The Court?

4 **THE COURT:** Yes, ma'am.

5 **MS. HUEY:** Um, before you is Stanley Shawn Davis;  
6 he's been indicted for murder, 2013-GS-04-861. He is  
7 pleading to murder, Your Honor, with a recommendation of  
8 thirty years.

9 (WHEREUPON, **STANLEY SHAWN DAVIS** WAS DULY SWORN AND  
10 TESTIFIED AS FOLLOWS:)

11 **THE COURT:** Mr. Young, have you explained to  
12 Mr. Davis that he'd have ten days from the date of this  
13 order, if I go forward with this recommendation, to  
14 appeal my sentence?

15 **MR. YOUNG:** Yes, sir, Your Honor.

16 **THE COURT:** You are Stanley Shawn Davis?

17 **MR. DAVIS:** Yes, sir.

18 **THE COURT:** You need to speak loud so I can hear  
19 you.

20 **MR. DAVIS:** Yes, sir.

21 **THE COURT:** Mr. Davis, how old are you, please sir?

22 **MR. DAVIS:** Thirty-nine.

23 **THE COURT:** You need to speak a little louder.

24 **MR. DAVIS:** Thirty-nine.

25 **THE COURT:** Thirty-nine?

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- 1           **MR. DAVIS:** Yes, sir.
- 2           **THE COURT:** How far did you go in school, Mr. Davis?
- 3           **MR. DAVIS:** Ninth grade.
- 4           **THE COURT:** Ninth grade?
- 5           **MR. DAVIS:** Yes, sir.
- 6           **THE COURT:** Do you have a GED?
- 7           **MR. DAVIS:** No, sir.
- 8           **THE COURT:** Are you married?
- 9           **MR. DAVIS:** Yes, sir.
- 10          **THE COURT:** How long will you be married?
- 11          **MR. DAVIS:** Thirteen years.
- 12          **THE COURT:** Thirteen years?
- 13          **MR. DAVIS:** Yes, sir.
- 14          **THE COURT:** Do you have any children from that
- 15 marriage---
- 16          **MR. DAVIS:** Yes, sir, I do.
- 17          **THE COURT:** ---or otherwise?
- 18          **MR. DAVIS:** I have four.
- 19          **THE COURT:** And what are their ages?
- 20          **MR. DAVIS:** Twenty-two, sixteen, uh, sixteen, and
- 21 nine.
- 22          **THE COURT:** And before you were incarcerated, uh,
- 23 did they live in your household?
- 24          **MR. DAVIS:** One of 'em did.
- 25          **THE COURT:** One of them did?

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1           **MR. DAVIS:** Yeah, my nine-year-old little girl.

2           **THE COURT:** And the other ones live with their  
3 respective mothers?

4           **MR. DAVIS:** Yeah -- yes, sir.

5           **THE COURT:** Did you pay child support?

6           **MR. DAVIS:** Uh, to them yeah. Whenever I could  
7 afford it; it wasn't court ordered.

8           **THE COURT:** It wasn't?

9           **MR. DAVIS:** No, sir.

10          **THE COURT:** I was gonna ask you -- that's my next  
11 question. What did you do before you were incarcerated  
12 by way of employment?

13          **MR. DAVIS:** I helped my Uncle do, uh, home  
14 construction; um, I worked at a tire store in Piedmont.

15          **THE COURT:** What -- when did you work at the tire  
16 store?

17          **MR. DAVIS:** Uh, 2010 to 2012.

18          **THE COURT:** And you're pleading guilty to murder  
19 today?

20          **MR. DAVIS:** Yes, sir.

21          **THE COURT:** And you understand -- I'm sure your  
22 attorney explained all this to you -- any sentence you  
23 received will be a day-for-day service? In other words,  
24 whatever you get you'll serve day-for-day.

25          **MR. DAVIS:** Yeah, I already know.

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1           **THE COURT:** You understand that?

2           **MR. DAVIS:** Yes, sir.

3           **THE COURT:** And you understand that although there's  
4 a recommendation for thirty years I don't have to accept  
5 that and I can sentence you to life in prison today?

6           **MR. DAVIS:** Yes, sir, I know.

7           **THE COURT:** Which means that you would die in  
8 prison.

9           **MR. DAVIS:** I know.

10          **THE COURT:** Knowing that, do you still want to go  
11 forward with you plea?

12          **MR. DAVIS:** Yes, sir, Your Honor.

13          **THE COURT:** Has anybody forced, threatened, or  
14 promised you anything to get you to plead guilty?

15          **MR. DAVIS:** No, sir, Your Honor.

16          **THE COURT:** Are you pleading guilty on your own and  
17 voluntarily?

18          **MR. DAVIS:** Yes, sir.

19          **THE COURT:** Are you under the influence of any  
20 medications, drugs, or alcohol today?

21          **MR. DAVIS:** No, sir, Your Honor.

22          **THE COURT:** Are there any medications, drug -- or  
23 drugs that you should be taking that you're not?

24          **MR. DAVIS:** No, sir, Your Honor.

25          **THE COURT:** Mr. Young, are you satisfied that

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1 Mr. Davis is competent to plea?

2 **MR. YOUNG:** Yes, sir.

3 **THE COURT:** Have you had sufficient time to meet  
4 with him to make that determination? Based on your face-  
5 to-face with him and your best judgment?

6 **MR. YOUNG:** Yes, sir.

7 **THE COURT:** Mr. Davis, do you understand that you  
8 have a right to a jury trial on this charge?

9 **MR. DAVIS:** Yes, sir, Your Honor.

10 **THE COURT:** During that trial you would be presumed  
11 innocent and The State would have to prove each and every  
12 element of murder beyond a reasonable doubt, which is the  
13 highest standard which we recognize under law before you  
14 could be found guilty. Do you understand that?

15 **MR. DAVIS:** Yes -- yes, sir, Your Honor.

16 **THE COURT:** Now, if you go forward with your plea  
17 today, you will give up or waive your right to have a  
18 jury trial; has that been explained to you?

19 **MR. DAVIS:** Yes, sir, Your Honor.

20 **THE COURT:** Is that what you want to do?

21 **MR. DAVIS:** Yes, sir, Your Honor.

22 **THE COURT:** Do you freely and voluntarily waive your  
23 right to a jury trial in favor of pleading guilty today?

24 **MR. DAVIS:** Yes, sir, Your Honor.

25 **THE COURT:** Mr. Davis, if you were to choose to have

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1 a jury trial, you would have a right constitutionally to  
2 confront and cross-examine any of The State's witnesses  
3 who come to Court to testify against you. You'd have the  
4 constitutional right to present evidence in your own  
5 defense. You could subpoena people to come to Court to  
6 testify on your behalf, and you'd have the Fifth  
7 Amendment right to remain silent. Do you understand  
8 that?

9 **MR. DAVIS:** Yes, sir, Your Honor.

10 **THE COURT:** Do you understand that if you were to go  
11 to The Court and not testify, that the trial Judge would  
12 instruct the jury that they could not consider your  
13 failure to testify whatsoever, because the burden remains  
14 on The State to prove your guilt and you have a  
15 constitutional right against self-incrimination. Do you  
16 understand that?

17 **MR. DAVIS:** Yes, sir, Your Honor.

18 **THE COURT:** On the other hand, if you go forward  
19 today, as a condition of this plea, you're gonna have to  
20 admit your guilt; do you understand?

21 **MR. DAVIS:** Yeah -- yes, sir.

22 **THE COURT:** Do you understand that? Do you need a  
23 minute to talk to your attorney?

24 **MR. DAVIS:** Yeah, I have.

25 **THE COURT:** Okay; but the question is, as we stand

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1 here right now, do you need to speak with your attorney  
2 any further about that? You seemed to hesitate.

3 **MR. DAVIS:** No, sir.

4 **THE COURT:** So I ask you again, do you understand  
5 that as a condition of this plea today, you will be  
6 required to admit your guilt if you go forward with the  
7 plea?

8 **MR. DAVIS:** Yes, sir, Your Honor.

9 **THE COURT:** Is that what you want to do?

10 **MR. DAVIS:** Yes, sir, Your Honor.

11 **THE COURT:** Also, Mr. Davis, if you go forward with  
12 your plea you'll give up or waive your other  
13 constitutional protections that I've just gone over with  
14 you. Do you understand that?

15 **MR. DAVIS:** Yes, sir, Your Honor.

16 **THE COURT:** Do you freely and voluntarily waive your  
17 constitutional rights in favor of pleading guilty today?

18 **MR. DAVIS:** Yes, sir, Your Honor.

19 **THE COURT:** Have you understood everything I've gone  
20 over with you thus far?

21 **MR. DAVIS:** Yes, sir, Your Honor.

22 **THE COURT:** Do you have any questions about anything  
23 I've asked you?

24 **MR. DAVIS:** No, sir.

25 **THE COURT:** Mr. Young, have you had an opportunity

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1 to go through The State's, uh, evidence in this matter,  
2 through discovery and otherwise and to review them with  
3 Mr. Davis?

4 **MR. YOUNG:** Yes, sir, Your Honor.

5 **THE COURT:** And do you feel comfortable that there  
6 is sufficient evidence in the record on which he should  
7 plead guilty?

8 **MR. YOUNG:** Yes, sir.

9 **THE COURT:** Now, Mr. Davis, under indictment  
10 2013-861, are you guilty of murder?

11 **MR. DAVIS:** Yes, sir.

12 **THE COURT:** Okay. Now, in just a minute, I'm gonna  
13 have the, uh, Solicitor go over the facts with me. I'm  
14 gonna come back to you and ask if you admit committing  
15 those acts, okay? Do you understand that?

16 **MR. DAVIS:** Yes, sir.

17 **THE COURT:** Okay. Are you satisfied with the  
18 services of Mr. Young in the Public Defender's Office?

19 **MR. DAVIS:** Yes, sir.

20 **THE COURT:** Has the Public Defender's Office  
21 reasonably done all that you've asked them to do on your  
22 case?

23 **MR. DAVIS:** Yes, sir.

24 **THE COURT:** As we stand here in Court today, do you  
25 have any complaints whatsoever with regard to the

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1 representation you received in this matter from the  
2 Public Defender's Office?

3 **MR. DAVIS:** No, sir.

4 **THE COURT:** Are you totally and completely satisfied  
5 with the services rendered to you by the Public  
6 Defender's Office?

7 **MR. DAVIS:** Yes, sir.

8 **THE COURT:** Mr. Young, have you had opportunity to,  
9 number one, go over The State's evidence against him with  
10 Mr. Davis, to go over the elements of this charge with  
11 Mr. Davis, explain to him the time he could get on this  
12 case, explain to him that he will serve day-for-day the  
13 sentence that's given to him, and as well as explain to  
14 Mr. Davis his constitutional rights?

15 **MR. YOUNG:** Yes, sir, Your Honor.

16 **THE COURT:** And do you agree with his decision to  
17 plead guilty?

18 **MR. YOUNG:** Yes, sir.

19 **THE COURT:** And is there a substantial factual basis  
20 behind his decision to plead guilty?

21 **MR. YOUNG:** Yes, sir.

22 **THE COURT:** All right, tell me about it, please.

23 **MS. HUEY:** Your Honor, may it please The Court.

24 This offense began on January 1<sup>st</sup> of 2013 at

25 in Piedmont, which is, of course, in Anderson

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1 County, Your Honor.

2 Um, the Defendant lived at this location, um,  
3 actually behind the -- the residence, um, in a camper.  
4 Um, his mother owned the residence and she is the victim  
5 in this case, Your Honor.

6 **THE COURT:** His mother?

7 **MS. HUEY:** Yes, sir. Um, there had been a dispute  
8 the night before, um, that, um, apparently extended into  
9 the following day, that being January 1<sup>st</sup>.

10 Um, a 9-1-wall -- 9-1 -- 9-1-1 call, excuse me, came  
11 out, um, from a neighbor; police responded.

12 Um, the victim in this case, Deborah Davis, who was  
13 sixty-one at the time, ran to her neighbor's house saying  
14 that her son had set her on fire.

15 Um, police responded; um, they were able to, uh,  
16 speak with her, um, initially, Your Honor, um, although  
17 she was badly burned -- forty percent of her body was  
18 burned. She went, um, straight to the Augusta Burn  
19 Center essentially, Your Honor, um, where she stayed  
20 until February 19<sup>th</sup> of 2013 and she died on that day, Your  
21 Honor.

22 **THE COURT:** Let me stop you right there. Mr. Davis,  
23 did you hear those facts as recited by The State on the  
24 record?

25 **MR. DAVIS:** Yes, sir.

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1           **THE COURT:** Do you admit committing those acts?

2           **MR. DAVIS:** Yes, sir.

3           **THE COURT:** Go ahead please.

4           **MS. HUEY:** Um, and just a little bit more, Your  
5 Honor. Um, the Defendant, um, after setting his mother  
6 on fire, um -- uh, went and told his wife and daughter,  
7 who was eight at the time, that he had just set his  
8 mother on fire and that he was going to then kill his  
9 brother, Anthony Davis, in Greenville.

10           He took off, um, to Greenville; um, Anthony Davis  
11 was able to shot him first. Um, and he did end up going  
12 to the hospital, um, non-life-threatening injuries, Your  
13 Honor. Um, he had -- and was, um, taken into custody at  
14 the hospital.

15           He had also admitted to a nurse that he set his  
16 mother on fire.

17           **THE COURT:** Was there a McNaughton or a criminal  
18 responsibility -- or not -- criminal responsibility or a  
19 competency to go forward---

20           **MR. YOUNG:** No, sir.

21           **THE COURT:** ---evaluation done?

22           **MR. YOUNG:** No, sir.

23           **THE COURT:** No need to?

24           **MR. YOUNG:** No, sir.

25           **THE COURT:** Okay.

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1           **MS. HUEY:** That issue did come up, Your Honor, and,  
2 um, Defense did not indicate a need, um, for either of  
3 those evaluations.

4           **THE COURT:** Well, I -- I trust Mr. Young's judgment,  
5 I was just asking. Okay.

6           **MS. HUEY:** Yes, sir.

7           **THE COURT:** All right.

8           **MS. HUEY:** Um, Your Honor, and then, um, of course,  
9 the investigation revealed that an accelerant was used in  
10 this case.

11           Um, this charge was originally, um, an attempted  
12 murder and, of course, was upgraded to murder when the  
13 victim died on February 19<sup>th</sup> of 2013 as a result of third-  
14 degree burns and multiple organ failure.

15           Um, Your Honor, and, um, if you need to speak with  
16 the Defendant again, um, I obviously have some things to  
17 put on the record regarding, um, the victim.

18           Um---

19           **THE COURT:** Sure; I'll be glad to hear from the  
20 victims. Would -- would you state your name, whoever  
21 wants to go first, for the record?

22           **MS. DIAL:** Uh, yes, sir. I'm, uh---

23           **THE COURT:** I'm gonna need you to speak a little  
24 louder, please.

25           **MS. DIAL:** I'm Jan Dial, J-A-N D-I-A-L. This is my

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1 nephew; my sister was -- was his mother. Uh, Friday she  
2 would be sixty-two-years-old. I was born on her birthday  
3 when she was seventeen. And, it's put a lot of loss for  
4 our family. I lost my daughter, she was in a car  
5 accident, seventeen-years-old. And that was in  
6 September, and then in -- January 1<sup>st</sup> this happened. And  
7 in three months and three days after his mother died, his  
8 dad also died of a broken heart. So it -- it's been a  
9 lot; it's so stressful.

10 But, the day that she ran to the neighbor's house,  
11 she was saying, pray for Shawn, help me Jesus; pray for  
12 Shawn, help me Jesus. She loved him to the very end --  
13 to the very end.

14 **THE COURT:** Thank you, ma'am. Do you have anything  
15 you would like to add?

16 **MS. PEPPER:** (Nod.)

17 **THE COURT:** Do you mind stating your name for the  
18 record please?

19 **MS. PEPPER:** Betty Pepper (phonetic).

20 **THE COURT:** I'm sorry?

21 **MS. PEPPER:** Betty Pepper.

22 **THE COURT:** Okay.

23 **MS. PEPPER:** Deborah Davis was my sister-in-law---

24 **THE COURT:** Okay.

25 **MS. PEPPER:** ---and even my best friend. And I

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1 still miss her so much; and I have to live with this  
2 every day. Thank you.

3 **THE COURT:** Thank you, ma'am. Does he -- does this  
4 gentleman have any type of criminal record?

5 **MS. HUEY:** Your Honor, he does. Um, 1997, um,  
6 unlawful carrying of a pistol and open container two  
7 counts, as well as DUI 2 counts and a DUS.

8 1999, domestic violence, a gun law violation, DUS,  
9 um, two counts habitual traffic offender.

10 2001, open container, DUS, failure to stop for blue  
11 light, um, as well as a burglary second.

12 2005, another CDV and an ABHAN.

13 2007, DUS, failure to stop for blue light, malicious  
14 injury to personal property, and reckless driving.

15 **THE COURT:** Officer, do you have anything you want  
16 to add on the record?

17 **OFFICER BARTON:** No, sir.

18 **THE COURT:** All right; thank you for being here.  
19 Mr. Young?

20 **MR. YOUNG:** Your Honor, if it please The Court. Um,  
21 Mr. Davis fully admits, um, the acts that resulting in --  
22 in his mother's, uh, death. Um, he -- he has, from day  
23 one when I started talking with him, adamantly denied the  
24 allegations that he made any comments about going to, um,  
25 kill his brother or anything along those lines.

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1 Um, in -- in fact, he shared with me that he went  
2 to tell his brother, uh, what he had done, um, that --  
3 that -- to injure his mother.

4 Um, when he -- when he got to -- at no point in time  
5 did he have possession of any firearms; no one found any  
6 firearms, um, on him or anything along those lines or  
7 even in his car.

8 Um, his brother was part of the argument that --  
9 that, um, transpired the day or so before, um, this  
10 incident occurred, um, and there was a threat towards him  
11 from the brother at that point in time.

12 Um, when he went and showed up at the brother's  
13 residence, um, the brother, after hearing what happened,  
14 in essence, shot him.

15 Um, the, uh -- as a result, he spent a -- a -- a  
16 little bit of -- a number of days in the hospital and  
17 then he was, uh, transferred to a -- another facility,  
18 uh, and then brought over to the, uh, Detention Center.

19 Uh, I've never talked with Mr. Davis that this  
20 matter did not affect him. Um, to the point that we had  
21 to pause our conversations to give him the opportunity  
22 to, uh, re-gather himself and -- and to be able to think  
23 through what we were talking about, um, at the time.

24 Um, this has had a tremendous impact on him, um,  
25 because of the fact that -- that it wasn't a stranger

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1 thing, this was his mother. Um, he shares with me, uh,  
2 almost every time that I speak -- speak to him, um, about  
3 how he loved his mother and how he would not, um -- um,  
4 intentionally, you know, if he was in his right mind,  
5 have done such a -- such an act.

6 Um, I believe there was a -- some level of -- of  
7 drug abuse, um, that he was experiencing during this  
8 timeframe.

9 Um, he has not fully admit (sic) the -- the drug  
10 abuse, um, to me; uh, however, um, through my  
11 investigations, through talking with people, um, a lot of  
12 that is -- is -- is part of his history. Um, I've had  
13 one conversation with his brother who have (sic) shared  
14 with me that, um, that but for the drugs, he's a good  
15 guy. Um, but unfortunately, the drugs are, um, what  
16 caused him to make irrational and in essence stupid  
17 decisions that resulted in him being before Your Honor  
18 here today.

19 I believe he is sincerely remorseful for his  
20 actions. Um, in talking with him about, um, how to  
21 resolve this case and everything, um, there were bits and  
22 pieces of the, um, allegations or the statements that  
23 people would have said -- have said and -- and things  
24 that he disagreed with. But, the all-in-all sum of it is  
25 is that, uh, there was a substantial, uh, case against

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1 him, uh, as it relates to this charge. Um, he understood  
2 that and he didn't want to put his family through more  
3 heartache and pain.

4 Um, he was really troubled -- I think it was in May  
5 when he learned that his father had passed away. Um,  
6 because his father, from my understanding, had, uh, no  
7 other, uh, problems health wise. Um, so everything is  
8 kinda, sorta, stemming back from this incident, um, that  
9 in essence caused his father to deteriorate and -- and  
10 ultimately pass away. Um, that ate at Shawn; and, in  
11 fact, there were at least two meetings that we had that  
12 we talked about just his father and his relationship with  
13 his father, um, just to give him an opportunity to, um,  
14 have someone to speak with.

15 Um, he did, uh, talk with the people at the jail on  
16 a number of occasions, um, to kind of deal with a -- a  
17 number of the issues that he was dealing with surrounding  
18 all of these incidents.

19 Um, likewise, Your Honor, he is still dealing with  
20 the -- the medical, um, issues resulting from the, um,  
21 gunshot wound.

22 Um, we believe, Your Honor, the -- the  
23 recommendation that has been presented to Your Honor is  
24 a, um, good recommendation to bring closure, um, to this  
25 case. Um, it is a recommendation that, um, that The

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1 State took to the victims, um, and discussed with them.  
2 It is my understanding that the, um, victims, uh -- that  
3 this offer would not have been made unless the victims  
4 were in agreement with it. Um, likewise, in my  
5 conversations with -- with, uh -- with Mr. Davis, even  
6 though he wanted something, uh -- uh, better than that,  
7 uh, he understood that this was, um, pretty much the best  
8 that he could walk away with that would allow his family  
9 to bring closure to this matter, um, because he  
10 understands it; he has lost it all. Um, not only did  
11 he -- did he lose a relationship, um, with -- with his  
12 mother and his father, uh, his -- his -- his brothers and  
13 sisters, their relationship has been affected. His --  
14 his relationship with his -- his, uh, distant family.  
15 Likewise his -- his wife and his child, um, have  
16 distanced themselves from him.

17 As a result of that, uh, he understand (sic) that  
18 it's -- it's just him now. Uh, he does not expect anyone  
19 to -- to come and visit him ever at -- at the, uh -- um,  
20 Department of Corrections, and in essence he -- uh, when  
21 we talked about him having to do a thirty-year sentence  
22 and it being a day-to-day sentence, um, he kinda settled  
23 himself to accept the fact that it's in essence a death  
24 sentence for him, um, because he just doesn't think that  
25 he's gonna -- gonna make it through that type of sentence

State of South Carolina v. Stanley Shawn Davis  
Case No. 2013-GS-04-00861  
Hearing of October 2, 2013  
Before The Honorable R. Lawton McIntosh

21

1 at any rate.

2 And, um, he and I, we've talking about, you know,  
3 him needing to continue to talk with people to deal with  
4 this and -- and everything. And, um, I'm confident that  
5 he is gonna take that advice and do so.

6 Uh, we just ask The Court to, uh, accept this  
7 recommendation and allow closure to -- to happen for  
8 everyone, um, in this matter and then bring it to an end.

9 **THE COURT:** Let me ask you this. For what it's  
10 worth, did you explain to him the strikes and this is a  
11 most serious and if he ever gets out again, just for  
12 purposes of giving him full information, that if he has  
13 one more most serious or he has a -- a life without  
14 possibility of parole with two more serious?

15 **MR. YOUNG:** Yes, sir, we -- we -- we've discussed  
16 that.

17 **THE COURT:** Yeah; I didn't know that it's necessary,  
18 but just to make sure we cover it on the record.

19 All right, Mr. Davis, do you have anything you want  
20 to place on the record?

21 **MR. DAVIS:** No, sir.

22 **THE COURT:** Okay; and again, you are satisfied with  
23 the services you've received from your attorney?

24 **MR. DAVIS:** Yeah.

25 **THE COURT:** No complaints?

State of South Carolina v. Stanley Shawn Davis  
Case No. 2013-GS-04-00861  
Hearing of October 2, 2013  
Before The Honorable R. Lawton McIntosh

22

1           **MR. DAVIS:** No, sir.

2           **THE COURT:** And you're asking that I accept this  
3 recommendation?

4           **MR. DAVIS:** Please.

5           **THE COURT:** I'm going to accept Mr. Davis' plea as  
6 knowingly, intelligently, and voluntarily made, with  
7 advice of counsel with whom he's well satisfied and find  
8 there is a substantial factual basis for the plea.

9           I'm gonna sentence you to thirty years, and I'll  
10 give you credit for time served.

11           Good luck to you.

12           **MS. HUEY:** Thank you, Judge.

13           **MR. YOUNG:** Thank you, Your Honor.

14           **THE COURT:** Thank you for being here.

15                               (WHEREUPON, HEARING ENDED AT 11:40 A.M.)

16                               \*\*\*\*\*END OF REQUESTED TRANSCRIPT\*\*\*\*\*

17

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STATE OF SOUTH CAROLINA )

In the Court of Common Pleas

County of Anderson )

2014- CP - 04 - 1013

Stanley Shawn Davis )

Full name and prison number, if any, of applicant )

v. )

State of South Carolina )

Name of Respondent )

APPLICATION FOR  
POST-CONVICTION RELIEF

COMMON PLEAS AND  
GENERAL SESSIONS

2014 MAY 14 PM 3 34

FILED CLERK'S OFFICE  
ANDERSON SC

INSTRUCTIONS - READ CAREFULLY

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

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

If the applicant 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 applicant was convicted.

1. Place of detention Lee Coles Inst. Florence North 2118  
990 Wisacky Hwy Bishopville SC 29010

2. Name and location of Court which imposed sentence Anderson County  
P.O. Box 8002 Anderson SC 29622

3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:

- (a) Murder
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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

- (a) Oct 3, 2013 30 YEARS
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

**A TRUE COPY**

**MAY 14 2014**

*Richard D. Wiley*  
CLERK OF COURT

- 5. 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 \_\_\_\_\_

6. Did you appeal from the judgment of conviction or the imposition of sentence? no

7. If you answered "yes" to (6), list

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

- i. \_\_\_\_\_
- 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. \_\_\_\_\_

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) I Plead Guilty
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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

- (a) INEFFECTIVE ASSISTANCE OF COUNSEL
- (b) NO BLAIR HEARINGS
- (c) \_\_\_\_\_

10. State concisely and in the same order the facts which support each of the grounds set out in (7)

- (a) *Counsel failed to investigate said case failed to have a Blois hearing when Counsel knew of*
- (b) *my long history of mental health problems*
- (c) \_\_\_\_\_

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law?  
*no*
- (b) any petitions in State or Federal Courts for habeas corpus or post-conviction relief?  
*no*
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7) *no*
- (d) any other petitions, motions or applications in this or any other Court?  
*no*

12. If you answered "yes" to any part of (11), 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. \_\_\_\_\_

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? no

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) no
- (b) no
- (c) \_\_\_\_\_

16. 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 application with respect to this conviction, which you filed? \_\_\_\_\_

17. If you answered "yes" to one or more parts of (16), list:

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

- i. Hervey B. O. Young 31 Cannon Rd Anderson SC 29628
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

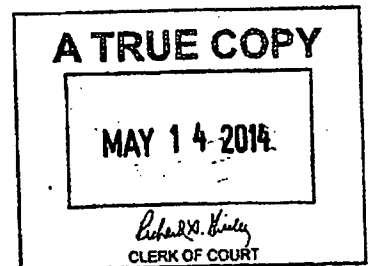
- i. Plea/ Sentencing
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

18. State clearly the relief you seek in filing this application.

That I be granted a New Trial

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

No



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF Anderson )

VERIFICATION

I, STANLEY SHAWN DAVIS, 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.

Stanley Davis

Sworn to and subscribed before me  
This 6 day of May, 2014

Debra Jones L.S.

Notary Public for South Carolina  
My Commission Expires 11-4-2015

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

I, STANLEY SHAWN DAVIS, 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:

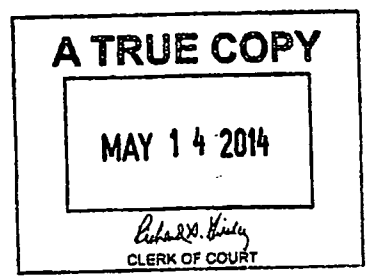
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of proceeding or give security therefor.

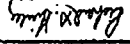
Stanley Davis  
Applicant

Sworn to and subscribed before me  
This 6 day of May, 2014

Debra Jones L.S.

Notary Public for South Carolina  
My Commission Expires: 11-4-2015

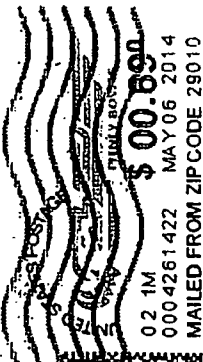


  
 CLERK OF COURT  
 MAY 14 2014  
 A TRUE COPY

Stanley Shawn Davis #277744/Florence 2118  
 Lee Correctional Institute  
 990 W. Sackville Hwy  
 Bishopville SC 29010

COLUMBIA SC 292

06 MAY 2014 PM



Clerk of Court  
 301 Camson Rd  
 Anderson South Carolina 29625

MAIL ROOM

2962531626



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ANDERSON	)	FOR THE TENTH JUDICIAL CIRCUIT
	)	
Stanley Shawn Davis,	)	C.A. No. 2014-CP-04-1013
S.C.D.C. No. 277744,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	(counsel has been appointed)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed May 14, 2014, would respectfully show this Court:

I.

Applicant is presently incarcerated pursuant to order of commitment from the Anderson County Clerk of Court. On May 21, 2013, Applicant was indicted for murder (2013-GS-04-0861). He was represented by Herverly Young, Esq. On October 2, 2013, Applicant entered a guilty plea pursuant to plea agreement that included the State’s recommendation for the offense’s mandatory minimum thirty (30) year term of imprisonment before the Honorable R. Lawton McIntosh. Judge McIntosh accepted Applicant’s plea and followed the State’s recommendation in sentencing. Applicant did not appeal his sentence or conviction.

Attached herewith and incorporated herein by reference are records from the Anderson County Clerk of Court, Applicant’s records from the Department of Corrections, and Applicant’s plea transcript.

II.

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

1. Ineffective Assistance of Counsel:
  - a. Failure to investigate Applicant's case;
  - b. Failure to investigate Applicant's competence and history of mental illness;
  - c. Failure to request a Blair hearing.

### III.

Applicant pleads several allegations concerning counsel's purported ineffective performance to Applicant was competent to enter his plea. "To show prejudice within the context of counsel's failure to fully investigate the petitioner's mental capacity, the [petitioner] need only show a reasonable probability that he was either insane at the time [the crime was committed] or incompetent at the time of the plea." Lee v. State, 396 S.C. 314, 320, 721 S.E.2d 442, 445-46 (Ct. App. 2011) (internal quotations and citations omitted). Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel

rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

#### IV.

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

#### V.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an

evidentiary hearing. S.C. Code '17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

## VI.

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

## VII.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

KAREN C. RATIGAN  
Senior Assistant Deputy Attorney General

WALT WHITMIRE  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

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

Oct 28<sup>th</sup>, 2014

1	State of South Carolina		In the Court of Common Pleas
2	County of Anderson		

3

4	Stanley S. Davis,	)	
5	Applicant,	)	2014-CP-04-01013
6	-vs-	)	September 2, 2015
7	State of South Carolina,	)	
8	Respondent.	)	Transcript of Record
9	<hr/>		

10

11

B E F O R E:

12

The Honorable Frank R. Addy, Judge

13

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

Hugh Wingo Welborn, Esquire  
Attorney for Applicant

16

Joshua Thomas, Esquire  
S.C. Attorney General's Office  
Attorney for Respondent

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19

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Diane L. Marcengill, RPR, CRR  
Circuit Court Reporter

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I N D E X

<u>Witnesses</u>	<u>Page</u>
STANLEY DAVIS	
Direct Examination By Mr. Welborn	4
Cross-Examination By Mr. Thomas	17
HERVERY YOUNG	
Direct Examination By Mr. Thomas	20
Cross-Examination By Mr. Welborn	27
Reporter's Certificate	34

E x h i b i t s

For the State:

Marked	Description	I.D.	Admitted
	None offered.		

For the Defendant:

Marked	Description	I.D.	Admitted
	None offered.		

1 (WHEREUPON, court convened with all parties  
2 present and the following proceedings were had  
3 commencing at approximately 11:18 a.m.)

4 MR. THOMAS: Your Honor, this is Stanley Davis  
5 versus the State of South Carolina. It's  
6 2014-CP-04-1013. This was a May 2013 indictment for  
7 murder. He was represented on that charge by Hervery  
8 Young of the public defender's office. He did enter a  
9 guilty plea on October 2, 2013, as indicted. That was  
10 a recommendation of a 30-year sentence. Judge McIntosh  
11 did accept the recommendation, sentenced him to  
12 30 years.

13 He filed this PCR in May 2014. He is present,  
14 represented by Mr. Welborn. I believe the only  
15 allegation we're going forward today on is ineffective  
16 assistance of counsel for basically some mental health  
17 issues, failure to investigate mental health, failure  
18 to request a Blair hearing, things of that nature.

19 THE COURT: All right.

20 MR. WELBORN: That's correct.

21 THE COURT: Very good.

22 You may proceed.

23 MR. WELBORN: May it please the Court.

24 THE COURT: Yes.

25 MR. WELBORN: We call Stanley Davis to the stand.

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STANLEY DAVIS,

BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

THE CLERK: Please state and spell your last name  
for the reporter.

THE WITNESS: Stanley Shawn Davis, D-a-v-i-s.

DIRECT EXAMINATION

BY MR. WELBORN:

Q Mr. Davis, you are before the Court today on your  
application for post-conviction relief regarding a plea  
that you made to murder and received a 30-year term for  
that; is that correct?

A Yes, sir.

Q And that happened on or about October 2nd of 2013;  
is that correct?

A Yes, it is.

Q Now, you've alleged in your application for  
post-conviction relief that your lawyer was ineffective  
because he failed to investigate your case, he failed  
to investigate your competence, and you have a history  
of mental illness or you may have, he failed to have a  
Blair hearing or a competency hearing. Are those  
things you allege, sir?

A Yes, sir.

Can I speak, please?

Q Yes, sir.

1 A During my bond hearing, Mr. Young was present,  
2 Chrissy Adams was present, and the Court -- the Court  
3 ordered a mental evaluation and had me back before the  
4 judge within 90 days and that he was going to grant me  
5 a bond. He didn't deem me a menace to society. And  
6 she didn't do her job then.

7 Then during my guilty -- he got me to plead  
8 guilty. I was on all kinds of medicine.

9 Q He, being Mr. Young?

10 A Mr. Young.

11 Q Thank you. Go ahead.

12 A I told him in the two meetings that he come to the  
13 county jail to see me, "Just let me go to prison and  
14 die." I was going to commit suicide, hang myself,  
15 whatever. He knows this is the truth, what I said.  
16 Well, when I got down the road to prison, they got me  
17 on the right medication, so I got to thinking. Me and  
18 my mother were both at fault in what happened. And  
19 I've got to live with this the rest of my life. But  
20 I'm just saying right is right, wrong is wrong. I  
21 should have never pled guilty to begin with. Everybody  
22 lied on me. Even my little girl. She's eight years  
23 old. She says I held a knife to my mama's throat and  
24 told her to go get her mama. I didn't ever do that. I  
25 didn't ever do that.

1 Q I know this is very trying for you and upsetting,  
2 but I'm going to ask you a few more questions about it,  
3 okay? We're going to hand you a Kleenex or so.

4 So during the -- do you need a moment to compose  
5 yourself, Mr. Davis? Are you okay?

6 A Yeah.

7 Q So during the bond hearing when you were  
8 originally charged, then you're telling the Court that  
9 you were told to have a competency evaluation and you  
10 never got one; is that correct?

11 A No.

12 Q Let's go forward from there. So at some point in  
13 time you met with Mr. Young. Now, was Mr. Young at  
14 that bond hearing?

15 A Yes, he sure was.

16 Q Now, after that bond hearing, did he meet with you  
17 several times to discuss this case to prepare it?

18 A Two times in nine months.

19 Q And during those two times did you discuss with  
20 him your mental illness?

21 A All I did was cry and say, "Let me plead guilty to  
22 this and go on to prison. I'm going to die in prison  
23 anyway," because I was going to kill myself.

24 Q Did you tell him you thought you had some mental  
25 illness issues?

1 A I dove down 25 flights of stairs in Anderson  
2 County custody trying to kill myself in there, and they  
3 put me on all that medicine.

4 Q Well, here is my question. I might not be asking  
5 the right question. How do you know that Mr. Young  
6 should have suspected that you had some mental illness  
7 issues?

8 A I think if somebody sits in your face and says  
9 they're going to commit suicide and sits there and  
10 cries for 14 of the 15 minutes that you speak with him,  
11 I think that would just about tell me -- I'm not no  
12 psychologist nor psychiatrist by any means, and neither  
13 is he, but he's human and so am I.

14 I think I would say, you know what, he was court  
15 ordered -- I was court ordered. I believe it's as much  
16 on my part as it is Chrissy Adams because when the  
17 judge said, "I want to court order that," she said,  
18 "Well, I guess I could court order that, your Honor,"  
19 and stepped on his foot. And you know what he did, he  
20 said, "Counsel, I'm court ordering that." Yeah.

21 Q Well, let me continue. I'm looking in the  
22 transcript. And you've got your notes in front of you  
23 as well?

24 A Yeah, I sure do.

25 Q Now, on page 13 of the transcript of the day you

1 pled guilty --

2 A Yeah.

3 Q Going right to the point here, and I'm looking on  
4 page 13 on line 17, and I quote, the court said, "Was  
5 there an acknowledgement or a criminal responsibility  
6 or not -- criminal responsibility or a competency to go  
7 forward?" And the answer on number 20, "MR. YOUNG:  
8 No, sir."

9 Line 21, "THE COURT: Evaluation done?"

10 MR. YOUNG, no, sir.

11 THE COURT: No need to?

12 MR. YOUNG: No, sir."

13 Now, I also would point on line 14 -- excuse me,  
14 page 14 line 4. "THE COURT: Well, I trust Mr. Young's  
15 judgment. I was just asking."

16 A Asking.

17 Q And he's talking about evaluations referring to  
18 line 1 above it.

19 A Exactly.

20 Q Now, you're telling the Court today that there was  
21 ample evidence at that time that you needed to have a  
22 mental evaluation, and even in the colloquy with the  
23 Court and Mr. Young that he said no, there was no  
24 evidence of that. Is that your understanding of what  
25 you just read and heard?

1 A Yeah.

2 Q Now, the fact that -- and I have to say it like  
3 this, so bear with me, Mr. Davis. The fact that you  
4 killed your mother and how you did that, should that  
5 cause alarm bells to go off about your competency in  
6 going forward?

7 A That should have made it more to get a mental  
8 evaluation in itself.

9 Q That's my question.

10 A That's why the judge court ordered it. She broke  
11 court order.

12 Q And just for the Court's edification, you  
13 allegedly burned your mother and she died from --

14 A Me and her both.

15 Q -- results of that?

16 A I was going to burn myself because she's beating  
17 on my little girl.

18 Q But she ended up dying because she was burned?

19 A Yeah. Well; no, sir. She died of multiple organ  
20 failure.

21 Q Because of third-degree burns?

22 A Yes, sir.

23 Q Thank you for that correction.

24 So how many times thereafter, then, did you talk  
25 to Mr. Young, your lawyer, and tell him, "I need an

1 evaluation"?

2 A He didn't come back to see me. I only seen him  
3 twice.

4 Q Now, on the day of this proceeding when you pled  
5 guilty --

6 A Okay.

7 Q -- why did you not tell the Court --

8 A He told me that -- he told me before we went to  
9 trial that I would have to lie. I said, "I'm not going  
10 to lie and say that I murdered my mama when I didn't.  
11 This was an accident," I said. And he said, "Well, you  
12 got to admit, you got to lie. You got to say that."  
13 He was sitting over there beside me. He said, "You got  
14 to say that you murdered her or he ain't going to do  
15 that." And if you read on the papers in here, the  
16 judge said, "You seemed to hesitate, Son." What was I  
17 supposed to do? I didn't want to say I murdered my  
18 mama when I didn't really murder her. If I wanted to  
19 murder my mom, I would have never drug the hose pipe up  
20 there and put her out when we both were burning. I  
21 wouldn't have got the hose and nothing would have  
22 happened in the house. Everybody lied on me. The  
23 neighbors went in my mother's home and poured lamp oil  
24 out in my mom's bathroom and said that my mama told her  
25 that I put her in the shower to burn her.

1 MR. THOMAS: Objection, your Honor. That's  
2 hearsay.

3 THE WITNESS: No, it ain't. I got the motion that  
4 states it.

5 THE COURT: Overruled. Go ahead.

6 BY MR. WELBORN:

7 Q Go ahead, Mr. Davis. Finish what you were going  
8 to say. Go ahead, sir. You can finish what you were  
9 going to say.

10 A Well, I forgot where I was when he said that.

11 Q I'll try to help us along here.

12 A All right.

13 Q A little while ago you basically said that  
14 Mr. Young told you you would have to lie?

15 A He said I would have to admit. He didn't say lie.  
16 He said, "You're going to have to admit responsibility  
17 or he ain't going to take this plea." And they done  
18 had me saying that they was going to have me -- that I  
19 was going to get the death penalty, this, life in  
20 prison. And me not being right in my own mind, I just  
21 said, "Let me take the guilty plea. I'll go to prison  
22 and kill myself," because I'm not going to do life in  
23 prison like that.

24 Q Now, but for those errors that you have alleged,  
25 those errors of your lawyer not getting you a

1 competency evaluation, you would have insisted on going  
2 to trial; is that your testimony?

3 A Yeah. Yeah. Yeah.

4 Q Okay.

5 A No doubt because my wife made it premeditated  
6 murder, and the woman that was sitting right beside her  
7 said that I come in busting in the door and said, "I  
8 did it. I killed her." But my wife said I come in and  
9 told her that I was going to go set her on fire and  
10 then run my mama's car through my brother's trailer.  
11 My little girl done lied on me. How would you feel?  
12 Put yourself in a human being's predicament and your  
13 little girl, your whole world. That's what this  
14 happened over, eight-year-old little girl. My mama  
15 beating her. Beating her like my daddy did me. It  
16 turned me into a drug addict and a drunk.

17 Q Mr. Davis, you also allege that Mr. Young failed  
18 to investigate your case; is that correct?

19 A He didn't investigate nothing.

20 Q Now, what would he have found if he had  
21 investigated your case?

22 A He would have said, "Hey, listen here, Son. Look,  
23 you got one witness here saying that you premeditatedly  
24 told her this.. Then you got your child and this other  
25 old woman over here saying that you come in and said,

1 'Well, I did it. I killed the bitch. She could burn  
2 in hell.'" That's what that old woman lied on me and  
3 said. Yeah, I wanted to kill myself. I mean, you  
4 should have read into all that. I was telling you I  
5 was innocent the whole time. Man, I told you, I said,  
6 "Look, it was an accident."

7 "Well, look at this right here, what they said.  
8 You might as well plead guilty to this."

9 "Well, my mind is pretty messed up. Just let me  
10 go on to prison and kill myself."

11 Well, I got enough now. Just grant me a new trial  
12 and I'll make liars out of all of them. I'll make them  
13 feel so bad because they can already hear it. They'll  
14 want to tell the truth anyway.

15 I think my aunt Jan knows what I'm talking about  
16 there, don't you?

17 Q Are you asking the Court, then, for --

18 A If they want to grant me a new trial, grant me a  
19 new trial. We'll go to trial.

20 Q That's what you're asking for?

21 A That's what I asked for in my PCR. I didn't ask  
22 to take back all this time. I asked for a new trial.  
23 Either way they want to do it. It's just not fair, if  
24 you look at it.

25 Q Now, this is your day in court, Mr. Davis. I want

1 to make sure I've covered all the issues and I have  
2 addressed what you've told me. Is there anything else  
3 you want the Court to know that you think is important  
4 on your application for post-conviction relief?

5 A Okay. I'll go ahead and tell you this, too.

6 Q Yes, sir.

7 A After I pled guilty, me and Mr. Hervery Young was  
8 walking toward the door.

9 MR. THOMAS: Your Honor, I'm going to object to  
10 anything that happened after a guilty plea. That's not  
11 relevant to the issue at hand.

12 THE WITNESS: He said, "No appellate rights." He  
13 said, "I'll be down there at the detention center to  
14 see you" --

15 MR. WELBORN: Let the Court rule.

16 THE COURT: Overruled. You can speak to that.

17 BY MR. WELBORN:

18 Q Go ahead, Mr. Davis.

19 A When Mr. Young said, "I'll be down there at the  
20 detention center to see you tomorrow, I've got to tell  
21 you about you being able to appeal or whatever." Well,  
22 guess what, my enrollment there -- my trial was  
23 October 2nd, 2013. My enrollment date in the South  
24 Carolina Department of Corrections is October 3rd,  
25 2013. So that duly speaks for itself. That's why I

1 didn't appeal the case because I had no appellate  
2 rights that I didn't know of. I didn't know about none  
3 of that.

4 Q Well, I believe that, in all candidness with the  
5 Court, the Court said on page three of the transcript  
6 line 11, "THE COURT: Mr. Young, you've explained  
7 Mr. Davis would have ten days from the date of this  
8 order" --

9 A Man, I was so far out.

10 Q "-- with this recommendation to appeal my  
11 sentence?"

12 A And he did. He said he did to the judge. But he  
13 didn't tell me none of that before I got up there. He  
14 didn't even talk about none of that stuff. We didn't  
15 talk about nothing but me going to prison and killing  
16 myself and that's it.

17 Q But the transcript indicates the Court questioned  
18 him about that. I assume you were there if the  
19 transcript --

20 A I was standing there crying. My aunt Jan is  
21 sitting right there, and I was standing there so tore  
22 up and crying that I was wiping tears off the whatever  
23 you call it, podium.

24 Q Mr. Davis --

25 A I couldn't -- he even -- the judge had to ask me

1 bunches of different times right here. He'll ask me,  
2 "Mr. Davis?"

3 "Yes, sir, your Honor."

4 Yeah, I was pretty messed up then.

5 Q Okay. So my understanding is -- I want to make  
6 sure you have all the say you need in this courtroom  
7 today.

8 A Okay.

9 Q My understanding is that you didn't get a  
10 competency hearing and he didn't investigate your case  
11 and he didn't give you your appellate rights; is that  
12 correct?

13 A Yeah.

14 Q And that's your complaint today; is that correct?

15 A Yeah.

16 Q And you would have insisted on going to trial but  
17 for those errors; is that correct?

18 A Yeah. Yeah.

19 Q Do you feel your plea was involuntarily given,  
20 then?

21 A Yes, sir.

22 Q Thank you.

23 Answer anything the Court or opposing counsel may  
24 have?

25 THE COURT: Counsel.

1 CROSS-EXAMINATION

2 BY MR. THOMAS:

3 Q Mr. Davis, you said you only met with your  
4 attorney twice?

5 A Yep.

6 Q And during both of those meetings, you told him  
7 you wanted to go ahead and plead guilty so you could go  
8 to jail?

9 A So I could go to prison and kill myself.

10 Q So you told him you want to plead guilty?

11 A I told him, I said -- he said, "Looking at all  
12 this, looking at all this, these are words that  
13 everybody said on you." He said, "They're going to  
14 find you guilty if you go to trial anyway." I said,  
15 "So either way I go, I'm going to be found guilty  
16 because of lies." I said, "So --"

17 Q So you reviewed the evidence with him? You looked  
18 at those statements?

19 A No, he didn't never -- no. I read it on my own.

20 Q So you read it on your own?

21 A I read it on my own. I had a transcript, motion  
22 of discovery. I read all the lies. That's what made  
23 me go crazy. That's why they put me on medicine.

24 Q And you told Mr. Young those statements were full  
25 of lies?

1 A Yeah. Bunches of them. "Everybody lied on me,"  
2 is what I said. "Everybody lied on me."

3 Q So you told him you didn't do this crime?

4 A It was an accident. Me and my mama --

5 Q Let me ask you. Did you tell him you didn't set  
6 your mother on fire?

7 A I told him it happened because of both of our  
8 fault. I didn't tell him that I didn't do it. I said,  
9 "It was mine and my mother's fault." We were jerking  
10 the bucket back and forth. I was going to dump the  
11 bucket over my head.

12 Q I'm going to ask you the questions. You can  
13 answer me. So you told him what happened that day?

14 A Yeah, I told him what happened.

15 Q So you remember what happened that day?

16 A Yeah.

17 Q Okay. And you said you were court ordered to get  
18 a mental evaluation?

19 A Sure was. Chrissy Adams was court ordered.

20 Q Did you ever ask Mr. Young why you didn't get that  
21 evaluation?

22 A Yes, I asked.

23 Q What did he tell you?

24 A He didn't say nothing. I was sitting there  
25 crying. And I was on all kind of medicine, that I was

1 hearing voices to start with. I dove down 25 flights  
2 of stairs trying to kill myself. There is a record of  
3 that. The nurse says, "You dove. You didn't fall."  
4 What can I say? They throwed me in a sleep tank,  
5 stripped me butt naked and me freezing to death, throw  
6 finger food in there at me.

7 Q You didn't tell the judge any of that, though, at  
8 the plea, did you?

9 A No, I couldn't. He said I couldn't tell him none  
10 of that.

11 Q He asked you if you had any complaints to make.  
12 You didn't make any of those complaints then?

13 A He told me I couldn't. Hervery told me I  
14 couldn't. He said, "You got to go over this, and I  
15 don't care." I said, "I can't lie and say that I  
16 killed my -- murdered my mama when I didn't."

17 Q But you did, though?

18 A Huh?

19 Q But you did?

20 A Yeah. He got me to lie.

21 Q So you --

22 A So I'd take the plea. And I wasn't right in my  
23 own mind.

24 Q So you lied to the plea judge?

25 A Yeah.

1 Q Okay. That's all the questions I have.

2 THE COURT: Redirect?

3 MR. WELBORN: No, sir.

4 THE COURT: Very good. Mr. Davis, you can step  
5 down. Thank you, sir.

6 Any additional witnesses for Mr. Davis?

7 MR. WELBORN: That's our case, your Honor.

8 THE COURT: Mr. Thomas, call your first witness,  
9 please.

10 MR. THOMAS: State would call Mr. Young to the  
11 stand, your Honor.

12 HERVERY YOUNG,

13 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

14 THE CLERK: Please state your name and spell your  
15 last name for the record.

16 THE WITNESS: Hervery Young, Y-o-u-n-g.

17 DIRECT EXAMINATION

18 BY MR. THOMAS:

19 Q Mr. Young, how long have you been practicing law?

20 A About 21 years.

21 Q And most of that has been criminal defense?

22 A 20 years criminal defense.

23 Q How did you become involved in Mr. Davis' case?

24 A He was arrested, screened for a public defender in  
25 January, and the case was assigned to me.

1 Q And after you got assigned that case, how many  
2 meetings do you think you had with him?

3 A According to all the notes, it looks like it was  
4 seven meetings.

5 Q And during any of those meetings, did you have an  
6 opportunity to discuss with him sort of what happened  
7 the day that the crime happened?

8 A Yes.

9 Q And what was his version of events he gave you  
10 that day about what happened that day?

11 A He shared with me that he was working on a  
12 lawnmower. He had drained the gasoline out of the  
13 lawnmower into a bucket. His mother had come out and  
14 confronted him, and there was a verbal altercation  
15 between the two of them. Somehow they both started  
16 tussling over the bucket. Gasoline spilled on both of  
17 them, and somehow a fire started, and she was engulfed  
18 in flames and he was burned, I believe, on his arms.  
19 He went to get a water hose in order to put her out,  
20 and then he left there and went to, I believe it was  
21 someplace in Greenville, to his brother's house, where  
22 his brother shot him. And from there he ended up in  
23 the Greenville Memorial Hospital, and then he was sent  
24 to Patrick B. Harris.

25 Q And in terms of your discussions with him, did it

1 seem like he had a pretty vivid recollection of what  
2 happened that day?

3 A Yes.

4 Q What kind of defenses did y'all discuss that might  
5 be applicable to him?

6 A Basically, we were going to pursue the defense of  
7 an accident, that it was an accident, that he did not  
8 intend to bring any harm to his mother as a result of  
9 the tussle over the bucket of gasoline.

10 Q And what kind of investigation did you do into, I  
11 guess, the facts of this whole thing?

12 A I hired Johnson Investigations. We don't have a  
13 private investigator on staff, so we usually retain  
14 private investigators. Hired the investigator, went  
15 out to talk with -- there was a neighbor to his  
16 mother's residence. There was his wife. We were never  
17 able to talk with the daughter because she was never  
18 made available to us. I believe the brother was  
19 interviewed, and there may have been a couple more  
20 people that Stanley had given me information on that we  
21 would have followed up on.

22 Q Have you had a chance to look at the statements  
23 the mother and daughter gave?

24 A Yes.

25 Q You went over those with him?

1 A I did. What I did was I provided a copy of the  
2 discovery materials as it came in. I would send it  
3 over to him, give him a few days to review that --  
4 those materials and then I would go and meet with him  
5 in order to discuss it.

6 Q Let's talk about sort of his mental health, if you  
7 will. Was there ever a court-ordered evaluation in  
8 this case?

9 A Not that I'm aware of.

10 Q And in terms of any evaluation, did you ever have  
11 him evaluated?

12 A Never had him actually investigated -- I mean  
13 evaluated primarily because, in my conversations with  
14 him, I did not have any issues as it relates to his  
15 competency to stand trial or his ability to assist me  
16 in his case. As he indicated earlier, because of the  
17 nature of the circumstances of this -- of the  
18 allegations here, whether or not he was in his right  
19 mind or not was a red flag for me. So I was on alert  
20 for that. In my conversations with him, I never had  
21 any reason to believe that he was -- that he did not  
22 understand what was going on and that he was not able  
23 to assist me. I did obtain, with his consent -- he  
24 signed a release -- I obtained all of his records from  
25 Patrick B. Harris, and there was one other mental

1 health facility that was referenced in his Patrick B.  
2 Harris records that we obtained those records, and then  
3 I retained the services of Dr. Donna Schwartz-Watts in  
4 order to review those records and tell me whether or  
5 not there was any issues that I really needed to be  
6 concerned about. At that point I was looking at trying  
7 to determine whether or not there was any mental health  
8 issues that we could use for purposes of mitigation in  
9 the case.

10 Q So Dr. Schwartz-Watts did take a look at his  
11 records?

12 A She did.

13 Q And based upon your conversations you reviewed  
14 with her, you still didn't have any concerns about his  
15 criminal responsibility or his competency?

16 A Not about those issues because the diagnoses that  
17 he received would not have affected either of those.

18 Q And as far as the decision to enter a guilty plea,  
19 did he ever tell you he wanted to go to trial on these  
20 charges?

21 A He kind of waived between the two. He was  
22 adamant that this was an accident and that the gas  
23 accidentally spilled on him and his mother. Yet when  
24 he was looking at the end result in the worst case  
25 scenario, he did ask me to explore what type of offer

1 the solicitor would give him so that he could just go  
2 on to prison and get this behind him. The solicitor  
3 made a plea offer, and I took it to him and we  
4 discussed it.

5 Q In terms of entering that plea, whose decision was  
6 it to enter that guilty plea?

7 A That was his decision.

8 Q At the plea hearing you guys eventually had, you  
9 went over with him before that, obviously, all the  
10 rights he was going to give up before he pled guilty?

11 A Yes. Before we even stepped into the court, it is  
12 my practice to go over -- there is a litany of  
13 questions which are all the plea colloquy questions  
14 that I think it was Judge Wilson some years ago had a  
15 form that he required all defendants to fill out. I  
16 use that form to go over questions with clients before  
17 we even go into court so that they will know what  
18 the -- what the questions are that the judge will ask,  
19 what to expect.

20 When Mr. Davis mentioned that I shared with him  
21 that he would have to admit the allegations, I shared  
22 with him that in order for him to plead guilty and  
23 accept the plea offer, he would have to admit the  
24 allegations that he is pleading guilty to. I believe  
25 at the time that I went over those questions with him,

1 I was not sure who the judge was going to be. And at  
2 that time I believe Judge Macaulay was still on the  
3 bench, and I knew that Judge Macaulay specifically  
4 asked defendants to tell him in their own words what it  
5 is they did. So, yes, I prepared him to be ready to  
6 admit the allegations.

7 Q Did you ever tell him he had to lie at his guilty  
8 plea hearing?

9 A Of course not.

10 Q At the actual hearing itself, did he ever indicate  
11 to you that he maybe changed his mind, he was wavering,  
12 he wanted to not plead guilty? Did he ever give you  
13 that impression?

14 A No.

15 Q Do you remember the judge asking him at the guilty  
16 plea if he was on any medication or if he had taken any  
17 drugs or alcohol, do you recall that?

18 A I don't recall it specifically, but of course, it  
19 is usually the first two or three questions that judges  
20 ask.

21 Q And you did mention in sort of your mitigation his  
22 history of drug use and sort of mental health issues?

23 A Yes.

24 Q Did he ever ask you to file an appeal for him?

25 A No, but he is correct that I shared with him, as

1 we were leaving from in front of the judge, that I  
2 would be over to the jail to visit him, but he was  
3 transported the next day.

4 Q But he never sent you a letter or anything after  
5 the fact about an appeal?

6 A No.

7 Q In your view of this, did you see any reason he  
8 could have appealed?

9 A No. I would have shared with him when I went over  
10 those -- one of the questions that is on that  
11 questionnaire that I use, it talks about the right to  
12 appeal and that they understand that they have so many  
13 days that they have to file the notice of appeal.

14 MR. THOMAS: Thank you, Mr. Young. I'll let you  
15 answer any questions opposing counsel has.

16 THE COURT: Cross.

17 CROSS-EXAMINATION

18 BY MR. WELBORN:

19 Q Mr. Young, you've been present during the entire  
20 proceeding today; is that correct?

21 A Yes, sir.

22 Q And you observed my client, Mr. Davis, and his  
23 demeanor while he was on the stand; is that correct?

24 A Yes, sir.

25 Q And having seen his demeanor today, was it

1 different with you when you counseled with him or do  
2 you recall?

3 A No, it was about the same. He might be -- he's  
4 looking healthier than he did when I represented him,  
5 but as far as his ability to communicate with me and  
6 him, you know, crying at certain points in time, that  
7 occurred while we met and was preparing this case.

8 Q Now, on page six of the transcript, and I'll read  
9 it. Line three, the Court says, "And you understand  
10 that although there is a recommendation for 30 years, I  
11 don't have to accept that and I can sentence you to  
12 life in prison?" He's addressing Mr. Davis. Mr. Davis  
13 says, "Yes, sir. I know." Line seven, "THE COURT:  
14 Which means you would die in prison." Line nine,  
15 "MR. DAVIS: I know."

16 So even in that particular colloquy, wouldn't you  
17 agree that Mr. Davis was suicidal in some way in  
18 thinking more in terms of, "I'm going to die," as  
19 opposed to, "How can I help my lawyer"?

20 A Not by the time we did his guilty plea. When we  
21 initially -- when I initially met with him in, I  
22 believe it was February the 11th was around the time --  
23 first time that I actually met with him, at that point  
24 in time he had some issues as far as suicidal thoughts  
25 and things, and I brought that to the attention of the

1 jail personnel so that they could monitor it. Knowing  
2 that he had been transported from the jail -- I mean  
3 from Patrick B. Harris to the jail, they were already  
4 on alert for any type of suicidal tendencies. But by  
5 the time we did his guilty plea, no, I didn't have any  
6 reason to believe he had any additional suicidal  
7 tendencies.

8 Q And it's your testimony that he was competent to  
9 stand trial, he was able to assist you and understood  
10 what was going on?

11 A Yes, sir.

12 Q And if you had some doubts about that, even on  
13 this plea hearing date, you would have asked for a  
14 competency hearing?

15 A I would have asked for it beforehand, and that  
16 was, you know, not wanting to rely solely on my  
17 experience alone. That's one of the reasons why I  
18 consulted with Dr. Schwartz-Watts, in order to make  
19 sure that, you know, I wasn't missing anything.

20 THE DEFENDANT: Why did you break her order?

21 BY MR. WELBORN:

22 Q Now, is there any reason -- let me ask it like  
23 this. Do you recall my client's testimony a few  
24 minutes ago about going to a bond hearing where the  
25 judge ordered Chrissy Adams to have him evaluated?

1 Were you there?

2 A I was not present for that. I believe he  
3 testified that I wasn't there but Chrissy Adams was  
4 there.

5 Q Are you familiar with that proceeding? Did he  
6 tell you about that proceeding at some point?

7 A Today was my first time hearing that. In fact,  
8 we -- I'm not sure if an order of evaluation would have  
9 been issued by the magistrate that saw him who would  
10 have been there when Chrissy would have been there.

11 THE DEFENDANT: It was a general sessions judge.  
12 BY MR. WELBORN:

13 Q Well, if it were a general sessions court judge,  
14 this being a murder charge, they normally set a bond.  
15 Would you have been privy to getting a copy of that  
16 order if there had been such an order? Do you think  
17 you would have received it?

18 A I would have received it, yeah. And if there was  
19 such an order, I'm almost certain it would have been  
20 filed with the clerk's office as well.

21 Q Did you review his bond sheet or where he may have  
22 been denied bond before proceeding in this case? Do  
23 you normally do things like that?

24 A No, I didn't.

25 Q Okay. Is it a possibility it could have been on

1 his bond sheet?

2 A Could have been.

3 Q But, nevertheless, when you met with him, you  
4 determined that he was okay, he was competent, you had  
5 no concerns?

6 A There were no concerns in my discussions with him  
7 as far as competency or his ability to help me by  
8 giving me information and stuff so I didn't request an  
9 evaluation because I didn't think it was needed.

10 MR. WELBORN: Thank you, sir.

11 THE COURT: Redirect?

12 MR. THOMAS: No redirect, your Honor.

13 THE COURT: Just one quick question or a couple of  
14 quick questions, Mr. Young.

15 The records that you reviewed from Patrick B.  
16 Harris, did they give a diagnosis of any kind that you  
17 recall?

18 THE WITNESS: They did.

19 THE COURT: Depression, or what was it? Do you  
20 recall what it was?

21 THE WITNESS: They did. I believe his axis one  
22 was personality disorder borderline. Axis two, I  
23 believe, was depressive disorder nonspecific, and axis  
24 three was substance abuse or affective substance abuse  
25 or something to that nature, and axis four was the

1 family problems and issues.

2 THE COURT: All right. And in your meetings with  
3 Mr. Davis, you never observed anything that would  
4 indicate him suffering from auditory hallucinations or  
5 visual hallucinations, anything like that, no behavior  
6 that would indicate voices talking to him, things like  
7 that?

8 THE WITNESS: No, sir.

9 THE COURT: Follow up based on my questions from  
10 Mr. Davis?

11 MR. WELBORN: No, your Honor.

12 THE COURT: From the State?

13 MR. THOMAS: No, your Honor.

14 THE COURT: Very good. Thank you, Mr. Young. You  
15 can step down, and you are free to go.

16 THE WITNESS: Thank you, your Honor.

17 THE COURT: Anything further from the State?

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

19 THE COURT: Anything in reply?

20 MR. WELBORN: No, your Honor.

21 THE COURT: Very good. I have a good feeling for  
22 the case.

23 Any argument on behalf of the State with regard to  
24 this issue?

25 MR. THOMAS: Unless you have anything specific,

1 no, your Honor.

2 THE COURT: Mr. Davis, anything?

3 MR. WELBORN: Your Honor, may it please the Court.  
4 You have seen the demeanor of Mr. Davis today on the  
5 stand, and accordingly to the family, he's had that  
6 demeanor for some time. I believe an alarm bell would  
7 have gone off, and I think he should have had a  
8 competency hearing. I'd ask you to rule in that  
9 regard.

10 THE COURT: Very good. Thank you very much. The  
11 Court will take the matter under advisement and issue  
12 an order as soon as possible.

13 Mr. Davis, take care of yourself, sir. Pleasure  
14 to meet you.

15 (WHEREUPON, the hearing ended at 2:45 p.m.)

16 \*\*\*END OF REQUESTED TRANSCRIPT OF RECORD\*\*\*

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Certificate of Reporter

I, Diane L. Marcengill, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of a portion of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Anderson County, South Carolina, on the 2nd day of September 2015.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

June 24, 2016

*Diane L. Marcengill*

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Diane L. Marcengill, RPR, CRR  
Circuit Court Reporter

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Certificate of Reporter

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

June 24, 2016



\_\_\_\_\_  
Diane L. Marcengill, RPR, CRR  
Circuit Court Reporter



STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS  
COUNTY OF ANDERSON TENTH JUDICIAL CIRCUIT

**A TRUE COPY**  
MAR 28 2016  
*Richard X. Bailey*  
CLERK OF COURT

Stanley Shawn Davis,  
S.C.D.C. No. 277744

C.A. No. 2014-CP-04-1013

COMMON PLEAS AND  
GENERAL SESSIONS

2016 MAR 28 AM 11:26

FILED-CLERK'S OFFICE  
ANDERSON SC

Applicant,

v.

**ORDER OF DISMISSAL**  
**(with prejudice)**

State of South Carolina,

Respondent.

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed May 14, 2014. Respondent made its Return on or about October 30, 2014. An evidentiary hearing into the matter was convened on September 2, 2015, at the Anderson County Courthouse. Applicant was present and was represented by Hugh W. Welborn, Esquire. Respondent was represented by Josh Thomas, Esquire, of the South Carolina Attorney General's Office.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, Hervery Young, Esquire, also testified. This Court had before it a copy of Applicant's guilty plea transcript, the records of the Anderson County Clerk of Court regarding the subject guilty pleas, Applicant's records from the South Carolina Department of Corrections, and the pleadings. The Court finds as follows:

**PROCEDURAL HISTORY**

The Applicant is presently incarcerated pursuant to order of commitment from the Anderson County Clerk of Court. On May 21, 2013, Applicant was indicted for murder (2013-

GS-04-0861). He was represented by Herverly Young, Esquire. On October 2, 2013, Applicant entered a guilty plea pursuant to plea agreement that included the State's recommendation for the offense's mandatory minimum thirty (30) year term of imprisonment before the Honorable R. Lawton McIntosh. Judge McIntosh accepted Applicant's plea and followed the State's recommendation in sentencing. Applicant did not appeal his sentence or conviction.

### **Allegations**

In his application for post-conviction relief, Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel:
  - a. Failure to investigate Applicant's case;
  - b. Failure to investigate Applicant's competence and history of mental illness;
  - c. Failure to request a Blair<sup>1</sup> hearing.


### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject guilty plea, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and documents from the prior proceedings, and legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2015), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds that counsel presented credible testimony, to the effect that he prepared thoroughly for Applicant's criminal proceedings and had a firm grasp of all relevant issues. Applicant's conflicting testimony was not credible, especially in light of his sworn statements during the guilty plea hearing.

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<sup>1</sup> State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981).



**Ineffective Assistance of Counsel**

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to a guilty plea, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

**a. Failure to Investigate**



Applicant has failed to meet his burden with respect to this allegation. Without a doubt, “[a] criminal defense attorney has a duty to investigate, but this duty is limited to a reasonable investigation.” Ard v. Catoe, 372 S.C. 318, 331-32, 642 S.E.2d 590, 597 (2007). Accordingly, the controlling standard for counsel’s duty to investigate is *reasonableness*. Edwards v. State, 392 S.C. 449, 457, 710 S.E.2d 60, 64 (2011). So long as a defendant’s attorney conducts a reasonable investigation, including interviewing potential witnesses when it is reasonable to do so, his performance will not be deficient. Id. at 457, 710 S.E.2d at 65. Moreover, failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result. Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998).

This Court finds that counsel met with Applicant a sufficient number of times to prepare for trial and observe his demeanor. Counsel testified credibly that he met with Applicant seven times and reviewed discovery with him. This Court finds Applicant’s contrary assertions concerning only meeting counsel twice lacking in credibility. Counsel said he also hired an investigator, who interviewed Applicant’s neighbor, wife, and daughter. Concerning Applicant’s history of mental illness, counsel said that he reviewed Applicant’s psychological records with an expert and determined a mental health evaluation was not necessary. This Court therefore finds that Applicant has failed to meet his burden to prove counsel’s investigation was not reasonable given the circumstances of this case. This allegation is therefore denied and dismissed.

**b. Failure to Request a Blair Hearing**

Applicant has also failed to meet his burden to prove counsel was ineffective in failing to request a Blair hearing. Due process prohibits the conviction of a person who is mentally

incompetent. Jeter at 232, 417 S.E.2d at 595 (citing Bishop v. United State, 350 U.S. 961, 76 S.Ct. 440, 100 L.Ed. 835 (1956)). This right cannot be waived by a guilty plea. Jeter at 232, 417 S.E.2d at 595 (citing Pate v. Robinson, 383 U.S. 375, 86 S.Ct. 836, 15 L.Ed.2d 815 (1966)). The test of competency to enter a plea is the same as required to stand trial. State v. Lambert, 266 S.C. 574, 225 S.E.2d 340 (1976). The accused must have sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and have a rational as well as a factual understanding of the proceedings against him. Carnes v. State, 275 S.C. 353, 271 S.E.2d 121 (1980). In determining whether a competency hearing is warranted, an attorney is permitted to reasonably rely on his own perceptions of the client. See Jeter at 233, 417 S.E.2d at 596; Lee v. State, 396 S.C. 314, 322, 721 S.E.2d 442, 447 (Ct. App. 2011) (finding plea counsel could not be deficient if she had no indication of client's mental state).

Based upon the testimony and the evidence presented at the evidentiary hearing, this Court finds that counsel thoroughly investigated Applicant's mental health issues, and no grounds existed for additional evaluations to be conducted. Counsel had Applicant's existing mental health records reviewed by an outside expert who indicated that no further testing was needed. Clearly, Applicant was competent to stand trial and assist his counsel, and he understood right from wrong at the time of the incident.

Applicant has also failed to show prejudice. To show prejudice arising from failure to request a competency hearing, "the [applicant] bears the burden of proof to show by a preponderance of the evidence he was incompetent at the time of his plea." Jeter v. State, 308 S.C. 230, 232, 417 S.E.2d 594, 569 (1992). Applicant did not present any evidence or credible testimony during the evidentiary hearing that would suggest to this Court that he was not

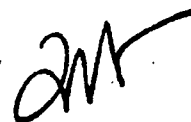
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competent at the time of his guilty plea. As Applicant has failed to meet his burden with respect to this allegation, it is denied and dismissed.

**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.

*[Signature follows]*

A handwritten signature in black ink, appearing to be the initials 'JW' or similar, written in a cursive style.



**CONCLUSION**

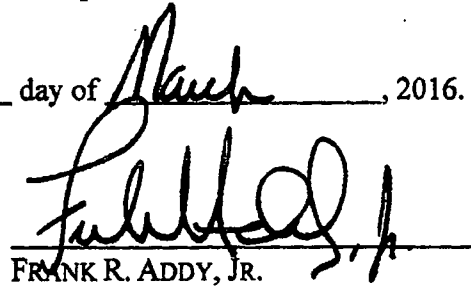
Based on the foregoing, this Court finds that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRPC; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

**IT IS THEREFORE ORDERED**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 14<sup>th</sup> day of March, 2016.



FRANK R. ADDY, JR.  
Presiding Judge  
Tenth Judicial Circuit

, South Carolina

FILED-CLERK'S OFFICE  
ANDERSON SC  
2016 MAR 28 AM 11: 24  
COMMON PLEAS AND  
GENERAL SESSIONS

DOCKET NO. 2013-GS-04-00861

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

MAY 21 2013  
Term

THE STATE

vs.

Stanley Shawn Davis

CTH

Indictment for

Murder

SC Code: 16-03-0010, 0020  
CDR Code: 0116

WITNESSES

D Barton, Anderson Co. Sheriff's Office

ARREST WARRANT NUMBER

2013A0410100208

ACTION OF GRAND JURY

TRUE BILL

MAY 21 2013

*[Signature]*

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

A TRUE COPY

MAY 14 2014

*[Signature]*

CLERK OF COURT

COMMITMENT

10/2/13-RT

STATE OF SOUTH CAROLINA )  
COUNTY OF Anderson )

INDICTMENT

At a Court of General Sessions, convened on May 21 2013, the Grand Jurors of Anderson County present upon their oath:

**Murder**

That Stanley Shawn Davis did in Anderson County, on or about January 1, 2013, unlawfully and with malice aforethought kill [REDACTED] by means of using an accelerant and setting her on fire, and that [REDACTED] died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

Catherine J. Huey  
ASSISTANT SOLICITOR



STATE OF SOUTH CAROLINA )

COUNTY OF Anderson )  
STATE VS. )

Stanley Shawn Davis )

AKA: )

Race: W Sex: M Age: 39 )

DOB: [REDACTED] SS#: [REDACTED] )

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 / Murder (30 to life)

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45 w/minor 1st or Lewd Act)

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

ATTEST: Catherine T. Huey 68416 Stanley Shawn Davis Henry B. O. Jones 7013  
Huey, Catherine T. SC Bar# Defendant Attorney for Defendant SC Bar# 30

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

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

Clerk of Court/Deputy Clerk: Richard A. Huey  
Court Reporter: V. CROSS  
SCCA/217 (03/2011)

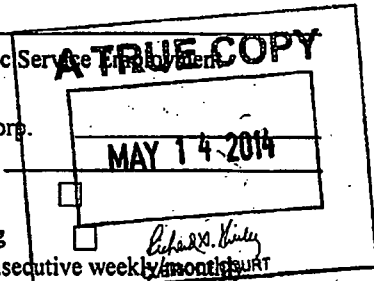
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS0400861  
A/W#: 2013A0410100208  
Date of Offense: 1/1/2013  
S.C. Code § : 16-03-0010, 0020  
CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or  PLEADS

\_\_\_\_\_ days/hours Public Service  
Obtain GED   
Attend Voc. Rehab. or Job Corp.   
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_



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

Presiding Judge: [Signature]  
Judge Code: 2150  
Sentence Date: 10-2-13

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 06/04/14  
 OMCOMITA RELEASE DATE SCREEN C023981  
 SCDC# > 277744 LOC: LEE  
 DAVIS, STANLEY SHAWN SCDC CLASSIFICATION...: VIOLENT  
 OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N  
 SEXUAL PREDATOR...: NOT APP  
 DNA STATUS...: COMPLETED  
 GPS REQUIREMENT...: N  
 PREA DECISION...:  
 CURRENT SENTENCE: 030-00-000 CONSECUTIVE SENTENCE ...: N  
 030-00-000 CURRENT SENT START DATE: 01/24/2013  
 PROJECTED COMPLETION DATES  
 MAXOUT DATE .....: 01/17/2043 CURRENT EWC ..: 3 F 5  
 YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC  
 INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000  
  
 TOTAL GT DAYS EARNED .....: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999  
 TOTAL EARNED WORK CREDITS ...: 000116 LABOR CREW DISQ REASON:  
 TOTAL EDUCATION CREDITS ....: 000000 CATEGORY 4 OR 5 OFFENSE  
 TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00  
 TOTAL SERVICE TIME EARNED ...: 000490 ISS.....:

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PFKEYS: 5:HISTORY OF DATE CHANGES  
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 RECORD SUMMARY REPORT DATED 06/04/14

C0239

DAVIS, STANLEY SHAWN FBI # 340099PA0 SID# SC00837958 SCDC # 277744

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: LEE CORR INST

SECURITY/CUST.: 3 MINIMUM IN

CURR INCARC SENT...: 30 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES

SOCIAL SECURITY #...: [REDACTED]

DORM.....: FLO2118T

RACE....:W SEX...:M

PROJ MAXOUT DATE: 01/17/2043

PROJ PAROLE DATE: 00/00/0000

EWC JOB...: MACHINE OPERATOR

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 3F5 EEC LEVEL:

ASSIGNMENT...: PRISON INDUSTR

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 40 DATE OF BIRTH...: [REDACTED]

-----  
 PREVIOUS NUMBERS:

00261958

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE		
	YRS	MOS	DYS		START	V/NV	CATEGORY
MURDER	30	0	0	ANDERSON	1/24/2013	V	5
MALIC INJURY/PERS PROPTY	0	0	30	GREENVILLE	4/20/20	7 N	2
PETIT LARCENY	0	0	30	GREENVILLE	4/20/20	7 N	1
NONMOVING TRAFFIC VIOL	0	0	30	GREENVILLE	3/14/20	7 N	1

PREVIOUS SCDC OFFENSES (COMPLETE)	SENTENCE			COUNTY	SENTENCE		
	YRS	MOS	DYS		START	V/NV	CATEGORY
ASSL&BATTERY-HIGH&AGG.NA	0	45	0	GREENVILLE	9/ 5/20	7 N	3
ASSL&BATTERY-HIGH&AGG.NA	0	45	0	GREENVILLE	9/ 5/20	7 N	3
CDV 1/2/3-NON-MAND	1	0	0	GREENVILLE	6/ 6/20	7 N	3
DRIVING WITHOUT A LICENS	0	0	30	GREENVILLE	3/14/20	7 N	1
MOVING TRAFFIC VIOL	0	0	30	GREENVILLE	3/14/20	7 N	1
NONMOVING TRAFFIC VIOL	0	0	30	GREENVILLE	3/14/20	7 N	1
DRIVING UNDER SUSPENSION	0	0	60	GREENVILLE	3/14/20	7 N	1
ASSAULT-HIGH&AGGRV NATUR	1	0	0	GREENVILLE	3/ 1/20	7 N	3
MOVING TRAFFIC VIOL	0	0	30	GREENVILLE	3/ 1/20	7 N	1
DRIVING UNDER SUSPENSION	0	0	180	ANDERSON	10/ 2/20	6 N	1
FAIL TO STOP FOR OFFICER	0	0	120	ANDERSON	8/27/20	1 N	2
BURGLARY-2ND DEG/NON-VIO	0	18	0	GREENVILLE	8/24/20	1 N	3

PRIOR COMMITMENTS OVER 90 DAYS:

10/27/99 \*CARRY PROHIBITED WEAPON 0 YRS 0 MOS 130 DYS

DETAINERS (HOLD, WANTED, NOTIFY):

\*NO DETAINERS\*

ESCAPES:

\*NO ESCAPE HISTORY\*

CRIMINAL CHARGES:

\*NO CRIMINAL CHARGES HISTORY\*

ASSAULTIVE DISCIPLINARIES:

10/31/ 8 FIGHTING WITHOUT A WEAPO CONVICTED MAJOR

NON-ASSAULTIVE DISCIPLINARIES:

2/24/ 9 OUT OF PLACE CONVICTED MAJOR  
 12/ 3/ 8 POSSESSION OF CONTRABAND CONVICTED MAJOR  
 9/ 9/ 8 USE, POSS NARC, MARIJ, UNAU CONVICTED MAJOR  
 9/ 9/ 8 POSSESSION OF CONTRABAND CONVICTED MAJOR  
 7/ 7/ 8 POSSESSION OF CONTRABAND CONVICTED ADMIN  
 6/14/ 8 FALSE STATEMENT TO HARM CONVICTED ADMIN  
 6/13/ 8 VIOLATIONS WRITE/POST IN CONVICTED ADMIN  
 2/ 6/ 8 INTERFERING WITH COUNT CONVICTED ADMIN  
 11/22/ 7 POSSESSION OF CONTRABAND CONVICTED ADMIN  
 10/ 7/ 1 POSSESSION OF CONTRABAND OTHER

HISTORY OF MOVEMENTS:

4/ 3/14 LEE INCARCERATED ADMINISTRATIVE  
 4/ 3/14 RICHLAND CO AUTH ABSENCE (AWL) MEDICAL

2/20/14 LEE

INCARCERATED

ADMINISTRATIVE

DAVIS, STANLEY SHAWN FBI # 340099PA0 SID# SC00837958 SCDC # 277744 (CONTINUED)				
2/20/14	KIRKLAND	INCARCERATED		MEDICAL
1/22/14	LEE	INCARCERATED		ADMINISTRATIVE
1/14/14	KIRKLAND	INCARCERATED		RETURN FROM COURT
1/14/14	ANDERSON CO	AUTH ABSENCE (AWL)		TO COURT
10/ 3/13	KIRKLAND	INCARCERATED		R&E PROCESSING
10/ 3/13	PERRY	INCARCERATED		NEW ADMISSION
12/ 1/ 9	UNK	RELEASE		EXPIRATION OF SENTENCE
9/ 1/ 9	KERSHAW	INCARCERATED		RETURN FROM COURT
9/ 1/ 9	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
8/17/ 9	KERSHAW	INCARCERATED		RETURN FROM COURT
8/ 4/ 9	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
3/24/ 9	KERSHAW	INCARCERATED		ADMINISTRATIVE
8/20/ 8	TRENTON	INCARCERATED		ADMINISTRATIVE
8/20/ 8	BROAD RIVER	INCARCERATED		COURT/PAROLE HEARING VIA
12/ 5/ 7	TRENTON	INCARCERATED		ADMINISTRATIVE
9/ 5/ 7	KIRKLAND	INCARCERATED		RETURN FROM COURT
9/ 5/ 7	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
8/ 8/ 7	KIRKLAND	INCARCERATED		RETURN FROM COURT
8/ 8/ 7	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
7/16/ 7	KIRKLAND	INCARCERATED		R&E PROCESSING
7/16/ 7	PERRY	INCARCERATED		NEW ADMISSION
6/ 6/ 7	UNK	RELEASE		EXPIRATION OF SENTENCE
5/ 2/ 7	ALLENDALE	INCARCERATED		RETURN FROM COURT
5/ 2/ 7	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
4/26/ 7	ALLENDALE	INCARCERATED		ADMINISTRATIVE
4/20/ 7	KIRKLAND	INCARCERATED		RETURN FROM COURT
4/20/ 7	ANDERSON CO	AUTH ABSENCE (AWL)		TO COURT
3/28/ 7	KIRKLAND	INCARCERATED		R&E PROCESSING
3/28/ 7	PERRY	INCARCERATED		NEW ADMISSION
2/ 8/ 7	UNK	RELEASE		EXPIRATION OF SENTENCE
2/ 6/ 7	KIRKLAND	INCARCERATED		R&E PROCESSING
2/ 6/ 7	PERRY	INCARCERATED		NEW ADMISSION
5/26/ 3	UNK	RELEASE		PROB/CS/EPA COMPLETE
5/28/ 2	GREENVILLE CO	PROBATION		RELEASED TO PROBATION
5/23/ 2	BROAD RIVER	INCARCERATED		RETURN FROM COURT
5/23/ 2	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
1/15/ 2	BROAD RIVER	INCARCERATED		RETURN FROM COURT
1/15/ 2	ANDERSON CO	AUTH ABSENCE (AWL)		MEDICAL
11/ 5/ 1	BROAD RIVER	INCARCERATED		RETURN FROM COURT
11/ 5/ 1	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
10/12/ 1	BROAD RIVER	INCARCERATED		RETURN FROM COURT
10/12/ 1	GREENVILLE CO	AUTH ABSENCE (AWL)		TO COURT
10/11/ 1	BROAD RIVER	INCARCERATED		ADMINISTRATIVE
9/10/ 1	WALDEN	INCARCERATED		ADMINISTRATIVE
8/27/ 1	KIRKLAND	INCARCERATED		R&E PROCESSING
8/27/ 1	PERRY	INCARCERATED		NEW ADMISSION

## HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
MACHINE OPERATOR	02/26/14	0/ 0/ 0		3F5
GENERAL WORKER	02/04/14	2/25/14	LATERAL TRANSFER	3F5
WARDKEEPER	09/18/09	12/ 1/ 9	RELEASED/PAROLED	3F5
WARDKEEPER	03/27/09	9/17/ 9	CUSTODY REVIEW	5F5
WARDKEEPER	03/17/09	3/24/ 9	INSTIT TRANSFER	5F5
WARDKEEPER	11/18/08	3/16/ 9	CUSTODY REVIEW	3F5
WARDKEEPER	09/24/08	10/31/ 8	PLACED IN ST/SP CUSTODY	3F5
WARDKEEPER	08/20/08	9/ 9/ 8	PLACED IN ST/SP CUSTODY	2F5
HORTICULTURE TRAINEE	04/23/08	6/30/ 8	REDUCTION IN FORCE	2F5

ELECTRICIAN' HELPER	01/17/08	3/26/ 8	UNSAT JOB PERFORM	2F5
WARDKEEPER	12/07/07	1/16/ 8	LATERAL TRANSFER	2F5

DAVIS, STANLEY SHAWN FBI # 340099PA0 SID# SC00837958 SCDC # 277744 (CONTINUED)  
WARDKEEPER 09/27/07 12/ 5/ 7 INSTIT TRANSFER 2F5  
WARDKEEPER 09/06/07 9/26/ 7 LATERAL TRANSFER 2F5  
CUSTODIAL WORKER 05/01/07 6/ 6/ 7 RELEASED/PAROLED 2F5  
WELDER 10/19/01 5/28/ 2 RELEASED/PAROLED 2F5  
WELDER 10/16/01 10/18/ 1 MI ELIGIBLE FOR LEVEL 2 3F5  
MACHINE OPERATOR 09/11/01 10/11/ 1 INSTIT TRANSFER 2F5

## HISTORY OF EARNED EDUCATION CREDITS:

EEC	START	END	TERMINATION
DESCRIPTION	DATE	DATE	REASON

\*NO SCHOOL ASSIGNMENTS\*

\*\*\*\*\* END OF REPORT \*\*\*\*\*