

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

JAN 19 2017

Appeal from Anderson County

Honorable Brooks P. Goldsmith, Circuit Court Judge

S.C. SUPREME COURT

SHAQUAN A. THOMPSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001121

APPENDIX

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
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(803) 734-1330

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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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SENTENCE SHEET50

1 STATE OF SOUTH CAROLINA : COURT OF GENERAL SESSIONS
2 : 2013-GS-04-0379

3 State of SC : TRANSCRIPT RECORD

4 vs :

5 Shaquan Thompson :
6 :
7 :

April 23, 2014
Anderson, South Carolina

9 -----
10 BEFORE: The Honorable Cornell Maddox, Judge

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

12 Catherine Huey, Esquire
13 Assistant Solicitor

14 B. Bryhaldt, Esquire
15 Attorney for the Defendant

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20 Caroline Hiskell
Thirteenth Circuit Court Reporter

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I N D E X

(No Witnesses or Exhibits admitted at this hearing.)

State versus Thompson

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

2 MS. HUEY: Your Honor, before you is Shaquan
3 Thompson. He's pleading guilty to attempted armed
4 robbery, 2013-0379. The recommendation from the State is
5 eight years.

6 THE COURT: Did you serve any time in jail?

7 MR. BRYHALDT: Your Honor, he was 36 days in
8 custody and 112 days on electronic monitoring.

9 THE COURT: After the law changed?

10 MR. BRYHALDT: Yes.

11 MS. HUEY: When did that change, Judge?

12 THE COURT: I don't know but that's what I'm
13 dealing with.

14 MR. BRYHALDT: He was putting on monitoring
15 last year.

16 MS. HUEY: This is from November 2012, Your
17 Honor.

18 MR. BRYHALDT: Then he's not eligible for it
19 but the 38 days, he is eligible for that.

20 THE COURT: Yes. When that law changed, that
21 was as disaster.

22 Mr. Thompson, if you would, raise your right
23 hand.

24 SHAQUAN THOMPSON, having been duly sworn,
25 testified as follows:

State versus Thompson

1 Mr. Thompson, how old are you?

2 DEFENDANT THOMPSON: Nineteen.

3 THE COURT: How far did you go in school?

4 DEFENDANT THOMPSON: I'm actually at school
5 now for adult ed working on my GED. (Inaudible).

6 THE COURT: You got to really speak up
7 because I know she can't hear you.

8 No drugs or alcohol within the last 24 hours,
9 right?

10 DEFENDANT THOMPSON: Yes.

11 THE COURT: Anybody threatened you in any way
12 or promised you anything to get you to plead guilty?

13 DEFENDANT THOMPSON: No, sir.

14 THE COURT: You understand -- the
15 recommendation is a straight eight years?

16 MS. HUEY: Yes, sir.

17 THE COURT: You understand I don't have to go
18 along with that. I could sentence you up to 20 years, do
19 you understand that?

20 DEFENDANT THOMPSON: Yes, sir.

21 THE COURT: Do you have any children?

22 DEFENDANT THOMPSON: No, sir.

23 THE COURT: Do you understand you have to
24 waive your constitutional rights in order to plead guilty?

25 DEFENDANT THOMPSON: Yes, sir.

State versus Thompson

1 THE COURT: Are you waiving your right to a
2 jury trial?

3 MR. BRYHALDT: Do you want a jury trial?

4 DEFENDANT THOMPSON: No, sir.

5 THE COURT: So you're waiving your right to a
6 jury trial?

7 DEFENDANT THOMPSON: Yes, sir.

8 THE COURT: Are you giving up your right to
9 remain silent?

10 DEFENDANT THOMPSON: Yes, sir.

11 THE COURT: Are you giving up your right to
12 confront the witnesses who would come to testify against
13 you?

14 DEFENDANT THOMPSON: Yes, sir.

15 THE COURT: Are you giving up your right to
16 put up a defense to these charges?

17 DEFENDANT THOMPSON: Yes, sir.

18 THE COURT: You have a good lawyer, have you
19 had plenty of time to speak with him?

20 DEFENDANT THOMPSON: Yes, sir.

21 THE COURT: Are you satisfied with his
22 services?

23 DEFENDANT THOMPSON: Yes, sir.

24 THE COURT: Has he done everything you have
25 asked him to do?

State versus Thompson

1 DEFENDANT THOMPSON: Yes, sir.

2 THE COURT: Have you asked him to do anything
3 he refused to do?

4 DEFENDANT THOMPSON: No, sir..

5 THE COURT: So you don't have any complaints
6 against him?

7 DEFENDANT THOMPSON: No, sir.

8 THE COURT: Have you had time to speak with
9 your client and believes he understands the charges and
10 his waiver of his constitutional rights?

11 MR. BRYHALDT: Yes, sir.

12 THE COURT: Mr. Thompson, do you want to
13 plead guilty to this charge?

14 DEFENDANT THOMPSON: Yes, sir..

15 THE COURT: And are you guilty of this
16 charge?

17 DEFENDANT THOMPSON: Yes, sir.

18 THE COURT: Yes, ma'am.

19 MS. HUEY: Your Honor, may it please the
20 Court, this offense occurred on or about October 30th o
21 2012 at 400 Williamson Road which is in the city limits of
22 Anderson. On this date, the defendant and a co-defendant
23 entered the Plez U store. The co-defendant was armed with
24 a hand gun. He demanded money from the cashier and also
25 the co-defendant hit the cashier in the head with the hand

State versus Thompson

1 gun. They ran from the scene and were apprehended close
2 by luckily and he did give a statement admitting to this
3 offense, Your Honor.

4 The co-defendant was sentenced to 12 years
5 because he was the one who did have the hand gun and hit
6 the cashier in the head with it.

7 For purposes of this plea, the State is
8 allowing the defendant to plead to attempted armed robbery
9 to avoid the minimum of 10 years, but that is the reason
10 for eight years in this case.

11 THE COURT: Do you agree with those facts?

12 DEFENDANT THOMPSON: Yes, sir.

13 THE COURT: Yes, sir.

14 MR. BRYHALDT: Ms. HUEY and I have worked on
15 this case for a long time. Shaquan made a dumb mistake
16 which is now he is suffering the consequences for. They
17 were apprehended probably within 10 minutes. It was just
18 a dumb move that he made and we'd ask the Court to follow
19 the recommendation.

20 You will not see him here again. His family
21 is in the back of the courtroom. They come to see him and
22 they've been behind him.

23 Since he was put on bond, he's been going to
24 adult ed and doing everything he is supposed to do. He
25 has no violation while he's been on bond and we'd ask the

State versus Thompson

1 Court to follow the recommendation.

2 MS. HUEY: Your Honor, the manager of the
3 Plez U is here and would like to address the Court at the
4 appropriate time.

5 THE COURT: Anything else?

6 MR. BRYHALDT: He's been working and going to
7 school.

8 THE COURT: Okay. Please give us your name
9 and I'll be happy to hear from you.

10 MS. BECK: Judy Speck. It's like he's saying
11 he didn't have the gun and he didn't do much but he
12 provide the car that brought the man with the gun to my
13 store. He provided the car that case my store, he
14 provided the car that they used in the get away.

15 He brought the guy to my store with a gun in
16 his car knowing my clerk's could be killed when they
17 walked in that door and he did not turn around or stop or
18 make the guy get out of my store. He went with him to the
19 store, got out of the car and entered my store with him
20 and jumped my counter and took my money.

21 THE COURT: Anything else?

22 MR. BRYHALDT: No, Your Honor, he cooperated
23 fully and he's done everything while he's been out on
24 bond. I would ask you to follow the recommendation. I
25 would ask that he be allowed a few days because this came

State versus Thompson

1 up suddenly. I told Ms. Huey I would make that request.

2 THE COURT: I can't do that. I wish I could
3 but that's just something I can't do.

4 You seem like a nice kid, why did you do
5 this?

6 DEFENDANT THOMPSON: I was with the wrong
7 person at the wrong time to be honest, sir. Since this
8 happened I've been just trying to better myself by going
9 back to school and trying to get back on the right track
10 and not hanging around the wrong crowd.

11 MR. BRYHALDT: Your Honor, I just have one
12 request, he has received threats because he gave testimony
13 that implemented the other person and the co-defendant and
14 his brother are both in DLC and I would ask for a
15 recommendation that he not be housed in any of the
16 facilities that they are in and I'll provide the names.

17 THE COURT: Yeah, we can do an order. They
18 basically don't have to comply with it, but you can do an
19 order.

20 MR. BRYHALDT: I'll have an order by tomorrow
21 morning.

22 THE COURT: I'll accept the plea and the
23 recommendation for the eight years and give him credit for
24 the 38 days. Like you heard me say, you got two choices
25 you can get better while you're down there, and there's

State versus Thompson

1 opportunities to get better believe it or not, and I don't
2 want to see you come out worse. You have a long life
3 ahead of you but having a gun pulled on you, I've had that
4 done and it is really unpleasant.

5 DEFENDANT THOMPSON: Yes, sir.

6 THE COURT: Thank you.

7 ---END OF TRANSCRIPT RECORD---

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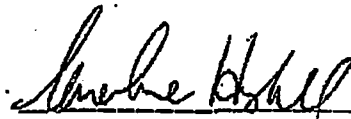
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State versus Thompson

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I, the undersigned Caroline Hiskell, Official Court Reporter for the Tenth Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions of Anderson County, South Carolina on this 23rd April of 2014.

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



Caroline Hiskell

10
nw

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF ANDERSON)

Shaquan A. Thompson, #359747
Full name and prison number (if any) of Applicant.

v.

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2014-CP-04-02746

APPLICATION FOR

POST-CONVICTION RELIEF

COMMON PLEAS COURT
GENERAL SESSIONS
2014 DEC - 3 AM 10:03

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 clear to which question any such continued answer refers.

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

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

1. Place of detention Macdougall Correctional Institution
2. Name and location of Court which imposed sentence
Court of General Sessions In Anderson South Carolina Courthouse
3. Name(s) of co-defendant(s) (if any)
Xavius Thompson

4. The indictment number or numbers (if known) upon which and the sentence was imposed:

- (a) Attempted Armed Robbery,
- (b) Robbery while armed or allegedly armed.
- (c) Indictment # 2013 - 65 - 04 - 00379

TRUE COPY
DEC - 3 2014
CLERK OF COURT

5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 23, 2014 (8 years)
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Yes
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. n/a
- ii. n/a
- iii. n/a
- (b) the result in each such Court to which you appealed:
- i. n/a
- ii. n/a
- iii. n/a
- (c) the date of each such result:
- i. n/a
- ii. n/a
- iii. n/a
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. n/a
- ii. n/a
- iii. n/a
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) No preserved issues for Appellate review
- (b) _____

- (c) _____
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 - (a) Ineffective Assistance of Counsel (See Attachment)
 - (b) _____
 - (c) _____
- 11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 - (a) See Attachment
 - (b) _____
 - (c) _____
- 12. Prior to this application have you filed with respect to this conviction:
 - (a) any petition in a State Court under South Carolina Law? No
 - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
 - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
 - (d) any other petitions, motions or applications in this or any other Court? No
- 13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
 - (a) the specific nature thereof:
 - i. n/a
 - ii. n/a
 - iii. n/a
 - iv. n/a
 - (b) the name and location of the Court in which each was filed:
 - i. n/a
 - ii. n/a
 - iii. n/a
 - iv. n/a
 - (c) the disposition thereof:

i. n/a

ii. n/a

iii. n/a

iv. n/a

(d) the date of each such disposition:

i. n/a

ii. n/a

iii. n/a

iv. n/a

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

i. n/a

ii. n/a

iii. n/a

iv. n/a

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

No

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

(a) which grounds have been presented:

i. n/a

ii. n/a

iii. n/a

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

i. n/a

ii. n/a

iii. n/a

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

(a) Post-Conviction Relief is the proper remedy for said grounds.

(b) _____

(c) _____

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

(a) your arraignment and plea? Yes

(b) your trial, if any? _____

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

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

i. Mr. Bruce Bvholdt

ii. _____

iii. _____

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

i. My Arraignment;

ii. Plea Hearing; and

iii. Sentencing.

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

See Attachment

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

No

STATE OF SOUTH CAROLINA)
)
County of ANDERSON)

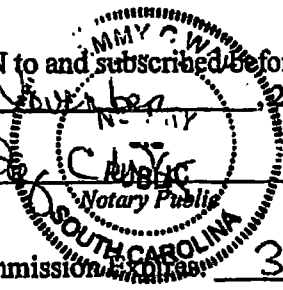
VERIFICATION

I, Shaquan A. Thompson, #359747, 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.

Shaquan Thompson

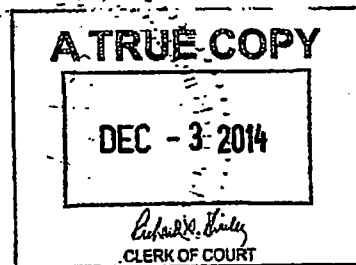
SWORN to and subscribed before me this 19th
day of November 2014.

[Signature] (L.S.)



My Commission Expires 3/9/2024

FILED-CLERK'S OFFICE
ANDERSON SC
2014 DEC -3 AM 10: 03
COMMON PLEAS AND
GENERAL SESSIONS



Revised 3/2003

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

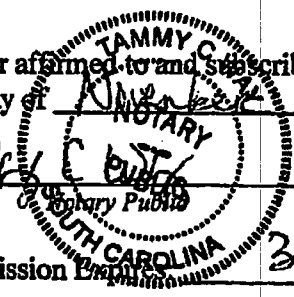
I, Shaquan A. Thompson, #359747, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

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

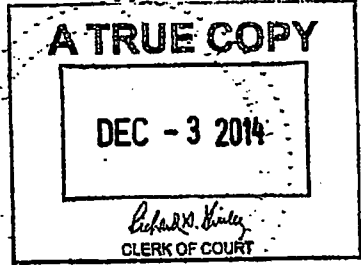
Shaquan Thompson
Applicant

SWORN or affirmed to and subscribed before me this
19th day of November, 2014.

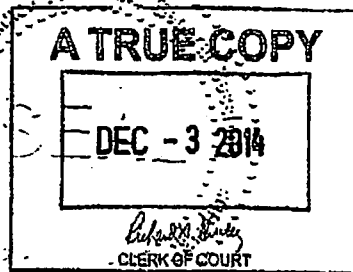
[Signature]
Notary Public
SOUTH CAROLINA
My Commission Expires 3/4/2024



FILED-CLERK'S OFFICE
ANDERSON SC
2014 DEC - 3 AM 10: 03
COMMON PLEAS AND
GENERAL SESSIONS



State of South Carolina
In The Court of Common Pleas
County of Anderson



Shaquan A. Thompson, #359747,
Applicant,

2014-CP-04-02746

vs.

Case No. 2013 - 65 - 04 - 00379

The State of South Carolina,
Respondent.

FILED-CLERK'S OFFICE
ANDERSON SC
2014 DEC - 3 AM 10: 03
COMMON PLEAS AND
GENERAL SESSIONS

ATTACHMENT TO APPLICATION FOR POST-CONVICTION RELIEF

Now Comes, Shaquan A. Thompson, the above-mentioned, and hereinafter Applicant, respectfully files this attachment to the Application for Post-Conviction relief.

Pro/Se Doctrine

The Applicant hereby declares under the penalty of perjury pursuant to 28 U.S.C. § 1746, that the following statements are true and correct, made to the best of his personal knowledge, information and belief:

- (1) Applicant is demonstratively unlearned in the complicated skills of State criminal litigation, and also has very limited experience with the even more complex art of understanding State Laws and Procedures.
- (2) Applicant further asserts for the purpose of and in context of these proceedings that while he may consider himself to be reasonable intelligent in most general areas, he must concede the lack of ability to more adequately present his claims and argue the proper legal basis for them.

Thus, to the above stated extent, the Applicant respectfully urges this Honorable Court to adopt and be guided by the teachings of the United States Supreme Court using the principles set forth in Haines v. Kerner, 404 U.S. 519 (1972) and Hughes v. Rowe, 110 S. Ct. 172, 175-177 (1980)(which states that the

Court must construe Pro/Se pleadings in a less stringent manner than pleadings drafted by lawyers). Furthermore, with regards to the above-mentioned Applicant would request to move this Honorable Court to appoint Counsel in this matter.

Factual And Procedureal Background

On February 19, 2013, the Applicant along with co-defendant Xavius Thompson were indicted by the South Carolina Grand Jury for an alleged crime of Robbery/ Armed Robbery, robbery while armed or allegedly armed, this crime allegedly occurred on October 30, 2012, at 11:45 PM. On November 1, 2012, the Applicant was arrested for the alleged crime. On December 7, 2012, the Applicant made bond for the same crime and remained out on bond until April 23, 2014, wherein the Applicant was sentenced to 8 years with 36 days credit for time served, provided with a plea agreement.

Ground To Be Presneted

- (1) Did Counsel render ineffective assistance of counsel when he informed Applicant and Family members that he would have a parole date by pleading to a lesser included offense?
- (2) Did Counsel render ineffective assistance of counsel when he did not request to the Court to give the Applicant credit for time served while out on home confinement?

Argument (1)

Attorney for Applicant informed him along with Applicant's Mother and Grandmother that he would have the possibility to make parole. The only way this could have happened was if the Attorney would have requested to the Court for a YOA Sentence being that the Applicant has never been convicted of a felony, or the Attorney for the Applicant could have requested to the State to drop the Applicant's charge to a lesser included offense where he would be eligible for parole.

In Missouri v. Frye, 2012 BL 67235 (U.S. 3/21/12) and Lafler v. Cooper, BL 67236 (U.S. 3/21/2012), the United States Supreme Court held that plea bargaining lies at the heart of the way that current criminal justice system operates.

Thus, the Court's decision to set standards for defense counsel's assistance during plea bargaining is handled in this country.

Counsel's performance fell below an objective standard of reasonableness when he did not request to the Court for a Youth Offender Sentence when the Applicant qualified for such sentence. See Strickland v. Washington, 466 U.S. 668 (1984). In the case at bar, considering that the Applicant had never been in any serious trouble with the Law and upon request to the Court, the Judge may have sentenced the Defendant to a YOA Sentence.

Argument (2)

Applicant was arrested on or about November 1, 2012, for Armed Robbery. On December 7, 2012, Applicant was bonded out of Jail and remained on house arrest until April 23, 2014. The 16 months that the Applicant remained out on bond with good behavior, can be deducted from the 8 year sentence that was imposed.

Attorney for Applicant rendered ineffective assistance of counsel when he didn't request to the Court to receive credit towards his sentence for the time he was placed on house arrest. Chief Justice Kennedy held that the Sixth Amendment guaranteed Applicant the right to effective assistance of counsel, citing Frye. This prejudice the Applicant to the point where if Attorney would have requested the time done on house arrest, the Court may have gave the Applicant credit for that time done on house arrest, which Applicant would have been 16 months closer to being released from confinement. The outcome of this situation may have been different because the Applicant could have been released 16 months earlier than the date that's established now.

Conclusion

Applicant prays that this Honroable Court will give him credit for the time served on house arrest and resentence him to a lesser included offense where he will be eligible for a parole date or resentence him to a YOA Sentence.

Respectfully Submitted,

/s/ Shaquan A. Thompson *
Shaquan A. Thompson, #359747

Shaquan A. Thompson, #359747
Maddougall Correctional Institution
1516 Old Gillard Road
Ridgeville, South Carolina 29472

Honorable Richard A. Shirley
Clerk of the Court
P.O. Box 8002
Anderson, South Carolina 29622

Re: Shaquan A. Thompson v. State of South Carolina (R.C.R.)

2014-CP-04-02746

Dear Honorable Judge Shirley:

Enclosed, please find one original Post Conviction Application with attachments and one copy of the same. Please file with the Court and forward me a copy back indicating that such application has been filed. For your convenience, an enclosed self-addressed pre-paid envelope has been provided.

Thank you in advance for your time and assistance regarding this matter, it is greatly appreciated.

Sincerely,

/s/ Shaquan A. Thompson *

Mr. Shaquan A. Thompson, #359747

CC: ST
KT enclosure

FILED-CLERK'S OFFICE
ANDERSON SC
2014 DEC -3 AM 10:03
COMMON PLEAS AND
GENERAL SESSIONS
A TRUE COPY
DEC - 3 2014
Richard A. Shirley
CLERK OF COURT

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF ANDERSON)	TENTH JUDICIAL CIRCUIT
)	
Shaquan D. Thompson,)	C.A. No. 2014-CP-04-2746
S.C.D.C. No. 359747,)	
)	
Applicant,)	
)	
v.)	RETURN¹
)	
State of South Carolina,)	
)	
Respondent.)	
)	

Respondent, making its Return to the application for Post-Conviction Relief (PCR) filed December 3, 2014, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. Applicant was indicted by the February 2013 term of the Anderson County Grand Jury for armed robbery (2013-GS-04-0379). Applicant was represented by Bruce Byrholdt, Esq. On April 23, 2014, the Applicant pled guilty to the lesser included offense of attempted armed robbery. The Honorable J. Cordell Maddox, Jr., sentenced Applicant to a term eight (8) years imprisonment. Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein are the records of the Anderson County Clerk of Court regarding the subject conviction(s), Applicant's records from the South Carolina Department of Corrections and the guilty plea transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

¹ By Order of January 22, 2015, Hugh Welborn has been appointed as Counsel to the case.

II.

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

1. Ineffective Assistance of Counsel
 - a. "[Counsel] informed Applicant and Family members that he would have a parole date by pleading to a lesser included offense"
 - b. "[Counsel] did not request to the Court to give the Applicant credit for time served while out on home confinement"

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

Respondent submits plea counsel rendered effective assistance of counsel. In a post-conviction relief action, Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, 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 (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, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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

IV.

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

V.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: *f. Wall*
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

8/6 11/16, 2015

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
)
 SHAQUAN THOMPSON, #359747,)
)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

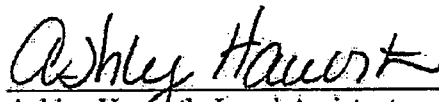
2014-CP-04-2746

AFFIDAVIT OF SERVICE BY MAIL

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

Mr. Hugh Wingo Welborn, Esquire
PO Box 173
Anderson, SC 29622

DATED this 14th day of September, 2015.



 Ashley Haworth, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS
COUNTY OF ANDERSON)	
Shaquan Akeem Thompson,)	
)	
v.)	Case No. 14-CP-04-2746
)	
State of South Carolina,)	
)	
Defendant.)	

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on February 9th, 2016, before The Honorable Brooks P. Goldsmith in the Court of Common Pleas for the Tenth Judicial Circuit; attended by counsel as follows:

APPEARANCES:

Hugh Welborn, Esq.
 Post Office Box 173
 Anderson, South Carolina 29622
 Appearing for Applicant

Patrick Schmeckpeper, Esq.
 OFFICE OF ATTORNEY GENERAL
 P O Box 11549
 Columbia, South Carolina 29211
 Appearing for State of South Carolina

TRANSCRIBED FOR VIVIAN CROSS
 CIRCUIT COURT REPORTER

Transcribed by:

Deborah A. Garrison
Circuit Court Reporter – 13th Judicial Circuit
 P O Box 27145
 Greenville, South Carolina 29616
dgarrison@sccourts.org

Shaquan Akeem Thompson v State of South Carolina
Case No. 14-CP-04-2746
Hearing of February 9, 2016
Before The Honorable Brooks Goldsmith

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Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016

Before The Honorable Brooks Goldsmith

1 THE COURT: Whenever you are
2 ready.

3 MR. SCHMECKPEPER: Thank you, Your
4 Honor, may it please the Court. This is
5 Shanquan Thompson versus the State of South
6 Carolina, 2014-CP-04-2746.

7 Mr. Thompson was indicted February
8 2013 for armed robbery. He was represented
9 by Bruce Byrholdt. He was convicted of
10 attempted armed robbery on April 23, 2014
11 before Judge Maddox and received a sentence
12 of eight (8) years imprisonment.

13 At this time, I will turn it over to
14 opposing counsel.

15 THE COURT: Mr. Welborn?

16 MR. WELBORN: Your Honor, if it
17 please the court, my client filed this
18 application alleging the following: that his
19 lawyer informed my client and his family
20 members that my client would have a parole
21 date by pleading to the lesser-included
22 offense. That is under ineffective
23 assistance of counsel. Also saying that his
24 lawyer did not request the court to give my
25 client credit for time served while on home

Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Applicant
Before The Honorable Brooks Goldsmith

1 confinement. Those are the issues.

2 At this time I would like to call my
3 client, Shanquan Thompson.

4 THE COURT: All right.

5 (APPLICANT TAKES STAND)

6 SHANQUAN THOMPSON, having been sworn
7 to tell the truth, and nothing but the truth,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. WELBORN:

11 Q. Mr. Thompson -- you are Shanquan
12 Thompson, is that correct, sir?

13 A. Yes, sir.

14 Q. You heard a moment ago opposing
15 counsel state what you were indicted for,
16 what you pled guilty to. Is that correct,
17 those things that he said?

18 A. Yes, sir.

19 Q. And you allege the things that I
20 just told the court; is that correct?

21 A. Yes, sir.

22 Q. Well, I want to talk to you a little
23 while this morning. I want to ask you,
24 please, sir, uh, you state first of all that
25 your lawyer was ineffective because you

Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Applicant
Before The Honorable Brooks Goldsmith

1 thought -- because he told you that you'd
2 have a parole date by pleading guilty to a
3 lesser-included offense. Now when we talked
4 this morning, you told me that Mr. Byrholdt
5 said that after two years or some short
6 period of time you'd be eligible for parole
7 and that that is why you pled guilty to this;
8 is that correct?

9 A. Yes, sir.

10 Q. Now, you also told me that you would
11 not have insisted on going to trial if he'd
12 not said that you'd get early parole but that
13 you would had to have served eight years.

14 A. (No verbal response).

15 Q. You still would have requested to go
16 to trial, wouldn't have you?

17 A. No, sir.

18 Q. But you want the court to know how
19 you feel about this; correct?

20 A. Yes, sir.

21 Q. So what did Mr. Bryholdt tell you
22 that you relied on?

23 A. Due to what my charge was that if I
24 pled out to the lesser-included offense
25 charge, which was attempted armed robbery, he

Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Applicant
Before The Honorable Brooks Goldsmith

1 told me that I'd be able to get parole in two
2 years of my eight-year sentence.

3 Q. And you found out later that you've
4 got to do eighty-five percent of this; is
5 that correct?

6 A. Yes, sir.

7 Q. And eighty-five percent is more than
8 two years; is that correct?

9 A. Yes, sir. I've been in two years
10 now.

11 Q. But in talking to me this morning
12 you said that you still would not have
13 insisted on going to trial if he'd said 'take
14 the eight years and do eighty-five percent'?

15 A. (No verbal response).

16 Q. Is that correct?

17 A. Yes, sir.

18 Q. All right. Thank you now. You
19 also allege in here that you should have been
20 given credit for your home confinement. We
21 talked about that this morning, Mr. Jones
22 (sic).

23 On page three of your guilty plea
24 transcript, Mr. Bryholdt told the court that
25 he'd looked at that and that you weren't

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Applicant

Before The Honorable Brooks Goldsmith

1 eligible for it because the law at that time
2 had not changed; is that correct?

3 A. Yes, sir. It had taken effect and
4 he was saying that I wasn't eligible for it
5 because -- but I was on house arrest from
6 December 7th, 2012, and -- when did it take
7 effect?

8 Q. I can't answer that question right
9 off. I'll let your lawyer or the court
10 advise you on those dates. You did get
11 credit for thirty-eight (38) days but you
12 didn't get any credit for what you thought
13 would have been a much longer period of time;
14 is that correct?

15 A. Yes, sir.

16 Q. Are those your allegations against
17 Mr. Byrholdt today?

18 A. Yes, sir.

19 Q. And you wanted to tell the court
20 that and see if the court would help you in
21 some way; is that correct?

22 A. Yes, sir.

23 Q. Thank you.

24 THE COURT: Mr. Schmeckpeper?

25 MR. SCHMECKPEPER: I don't have any

Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Bruce Byrholdt
Before The Honorable Brooks Goldsmith

1 questions of this witness.

2 THE COURT: Thank you. You may
3 step down.

4 (WITNESS STEPS DOWN)

5 MR. WELBORN: If it please the
6 court, that is our case.

7 THE COURT: The Applicant rests?

8 MR. WELBORN: Yes, sir.

9 THE COURT: Mr. Schmeckpeper?

10 MR. SCHMECKPEPER: Your Honor, the
11 State calls Bruce Byrholdt.

12 (WITNESS TAKES STAND)

13 BRUCE BYRHOLDT, having been sworn to
14 tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. SCHMECKPEPER:

18 Q. Good morning, Mr. Byrholdt, how are
19 you doing?

20 A. Good morning.

21 Q. You remember representing Mr.
22 Thompson in this case?

23 A. I do.

24 Q. Were you retained or appointed?

25 A. I was retained by the family. I've

Shaquan Akeem Thompson v State of South Carolina

Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Bruce Byrholdt
Before The Honorable Brooks Goldsmith

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1 represented members of the family for a
2 number of years.

3 Q. Turning to Mr. Thompson's
4 allegations, what -- did you talk to him
5 about potential negotiations?

6 A. I did. Shanquan was charged with
7 armed robbery. I met with his family a
8 number of times, his grandparents and his mom
9 were concerned about this. He'd had some
10 educational problems, uh, -- for the longest
11 time our position was that he was kinda
12 coerced into this by a friend of his, that he
13 was just in the wrong place at the wrong
14 time. Then we got DVDs in that showed him
15 going over the counter and getting the money.

16 When he was arrested -- he was
17 arrested a short time after the incident --
18 he cooperated and gave a statement. I was
19 attempting to negotiate with the solicitor,
20 uh, a lesser sentence. I was negotiating
21 trying to get strong arm robbery, where he'd
22 be looking at zero to fifteen and parole
23 eligibility. We worked on that until the
24 time of -- we discussed that. I said, you
25 know, if we could that -- you know, strong

Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Bruce Byrholdt
Before The Honorable Brooks Goldsmith

1 arm robbery is a crime of violence but he'd
2 be eligible after a third. Uh, I couldn't
3 get her off -- she wanted armed robbery but I
4 finally got her down the day of the plea to
5 attempted armed robbery, eight years with a
6 minimum of two years where armed robbery was
7 ten to thirty. The codefendant got twelve on
8 the armed robbery. It just fell that way.

9 The question of monitoring, the
10 electronic monitoring came up and the
11 solicitor met with the clerk -- and it was
12 before the timeframe came into effect. The
13 codefendant sat in jail for a little bit of
14 time but he was out with his family for the
15 entire time and the court didn't grant.

16 That was just a misunderstanding.
17 Had he got -- had he gone to trial and been
18 convicted -- and he didn't want a trial, he
19 accepted responsibility right away. I just
20 couldn't get it down to common law robbery.
21 Even the owner of the store came and
22 testified that he wanted him to get more
23 time, didn't think that he should be given
24 attempted armed robbery because it was actual
25 armed robbery.

Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Testimony of Bruce Byrholdt
Before The Honorable Brooks Goldsmith

1 Q. Did you tell him that he would get
2 parole eligibility with armed robbery?

3 A. No. We discussed that when I was
4 attempting to negotiate common law strong arm
5 robbery.

6 Q. Did he serve the entire portion of
7 his time on house arrest?

8 A. That's my recollection.

9 MR. SCHMECKPEPER: I have no further
10 questions, Your Honor.

11 THE COURT: Cross-examine?

12 MR. WELBORN: No questions.

13 THE COURT: You may step down.

14 (WITNESS STEPS DOWN)

15 THE COURT: You may call your next
16 witness.

17 MR. SCHMECKPEPER: Your Honor, the
18 State rests.

19 THE COURT: Mr. Welborn, any
20 reply?

21 MR. WELBORN: No reply.

22 THE COURT: Brief argument?

23 MR. WELBORN: Your Honor, I believe
24 as I told the court that my client just
25 wanted to have his day in court here. To be

Shaquan Akeem Thompson v State of South Carolina

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Case No. 14-CP-04-2746

Hearing of February 9, 2016 - Ruling of The Court

Before The Honorable Brooks Goldsmith

1 very candid with the court even if it had
2 been discussed with him, he still did not
3 want to take it to trial, just to be very
4 candid with the tribunal. I told him that I
5 didn't think that the court was going to
6 penalize him for coming in.

7 THE COURT: No, the court wouldn't
8 do that.

9 MR. SCHMECKPEPER: Your Honor, the
10 State rests.

11 THE COURT: I am obligated to
12 deny the application. The Court cannot grant
13 the relief, therefore the Motion is denied.
14 Please prepare an Order, Mr. Schmeckpeper.

15 MR. SCHMECKPEPER: Yes, sir.

16 (HEARING CONCLUDED)

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STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Shaquan D. Thompson,
S.C.D.C. No. 359747

Applicant,

v.

State of South Carolina,

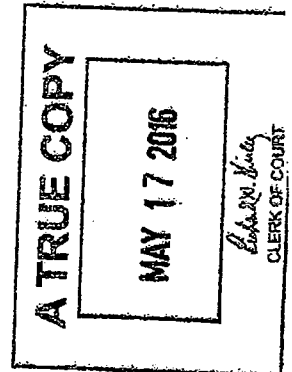
Respondent.

) IN THE COURT OF COMMON PLEAS

) TENTH JUDICIAL CIRCUIT

) C.A. No. 2014-CP-04-2746

**ORDER OF DISMISSAL
(with prejudice)**



This matter comes before the Court by way of a post-conviction relief (PCR) application filed on December 3, 2014. Respondent filed its Return on September 17, 2015. An evidentiary hearing into the matter was convened on February 9, 2016, at the Anderson County Courthouse. Applicant was present at the hearing and was represented by Hugh W. Welborn, Esquire. Respondent was represented by Patrick Schmeckpeper, Esquire, of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. Applicant was indicted by the February 2013 term of the Anderson County Grand Jury for armed robbery (2013-GS-04-0379). Applicant was represented by Bruce Byrholdt, Esquire. On April 23, 2014, the Applicant pled guilty to the lesser included offense of attempted armed robbery. The Honorable J. Cordell Maddox, Jr., sentenced Applicant to a term eight (8) years imprisonment. Applicant did not appeal his guilty plea or sentence.

COMMON PLEAS AND
GENERAL SESSIONS

MAY 17 2016 11:11 AM

CLERK OF COURT



Allegations

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

1. Ineffective Assistance of Counsel
 - a. "[Counsel] informed Applicant and Family members that he would have a parole date by pleading to a lesser included offense"
2. "[Counsel] did not request to the Court to give the Applicant credit for time served while out on home confinement"

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 pleas, 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 the legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2016), this Court makes the following findings of fact and conclusions of law based upon all of the probative evidence presented.

Ineffective Assistance of Counsel

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler, 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 (1985).

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 (1985). 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." Id. at 117-18, 386 S.E.2d at 625. Because Applicant pled guilty, he must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Parole Eligibility

Applicant first alleges counsel was ineffective for misadvising him that he would be eligible for parole. Normally, parole eligibility is a collateral consequence of sentencing of which a defendant need not be specifically advised before entering a guilty plea. Randall v. State, 356 S.C. 639, 641, 591 S.E.2d 608, 609 (2004). However, if counsel undertakes to advise the defendant about parole eligibility and gives erroneous advice, then the defendant may be entitled to post-conviction relief if he can prove he relied on the information. Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Smith v. State, 329, S.C. 280, 283, 494

S.E.2d 626, 628 (1997)). In this case, Applicant has failed to meet his burden with respect to deficiency or prejudice.

Applicant testified counsel told him that by pleading guilty to a lesser included offense, he would be eligible for parole after two years. Applicant said he later found out that he was required to serve eighty-five (85) percent of his sentence. Counsel testified that while he attempted to negotiate a deal that allowed Applicant to plead guilty to strong armed robbery, which would have included a parole date, the solicitor ultimately refused after viewing the video of the incident, which showed Applicant playing an active role in the robbery and jumping over the counter. This Court finds counsel's testimony more believable than Applicant's testimony, particularly in light of the fact that Applicant did not plead guilty to a lesser included offense, but to armed robbery. Accordingly, Applicant has failed to meet his burden to show deficiency.

Applicant has also failed to show prejudice. As discussed above, in order of an applicant to show prejudice resulting from a guilty plea, he must prove that but for counsel's deficiency, he would have insisted upon going to trial. Hill v. Lockhart, supra. In this case, Applicant testified that had he known he would not be parole eligible, he would still not have insisted on going to trial. Accordingly, this allegation is denied and dismissed.

Credit for Time Served on House Arrest

Applicant further alleged counsel was ineffective for failing to request credit for time served while he was on house arrest. PCR is a proper avenue of relief only when the applicant mounts a collateral attack challenging the validity of his conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 367 S.E.2d 742, 749 (2000). A claim regarding sentence-related credits or other conditions of confinement does not fall into this category. Id. Rather, an inmate may challenge the Department of Corrections' final decision in non-collateral or administrative

matters under the Administrative Procedures Act. Id. at 383-84, 527 S.E.2d at 758. This court finds that Applicant's allegation is not a collateral attack on his conviction, but rather an assertion that his sentence is being improperly calculated by the Department of Corrections. Accordingly, this is not an appropriate forum for relief.

In any event, to the extent this claim can be construed as an allegation of ineffective assistance of counsel, Applicant has failed to meet his burden. Counsel testified that Applicant was not eligible for home confinement because he served all of his time on electronic monitoring or home confinement prior to the statute changing allowing for such credit. Further, the record indicates Applicant started electronic in November or December of 2012, and was in that program for 112 days. At latest, Applicant would been on electronic monitoring until April of 2013. The relevant statute was not amended to allow for time served while under house arrest until June 6, 2013. S.C. Code Ann. § 24-13-40 (2013). Prior to that, inmates were not entitled to credit for time spent on house arrest. See State v. Higgins, 357 S.C. 382, 386, 593 S.E.2d 180, 182 (Ct. App. 2004) (finding legislature only intended to allow credit for time served in a penal institution)). Accordingly, this allegation is denied and dismissed with prejudice.

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.

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), SCRCP; 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

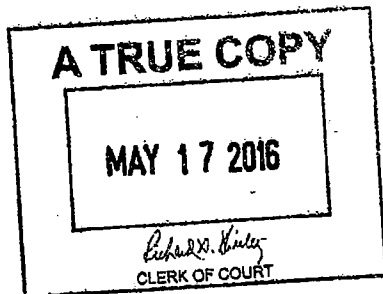
1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 10 day of May 2016.



 BROOKS P. GOLDSMITH
 Presiding Judge
 Tenth Judicial Circuit

_____, South Carolina



CLERK'S OFFICE
 ANDERSON SC
 2016 MAY 17 AM 11:14
 COMMON PLEAS AND
 GENERAL SESSIONS

DOCKET NO. 2012-GS-04-00379

WITNESSES

J Mosher, Anderson Police Dept.

**The State of South Carolina
County of Anderson**

COURT OF GENERAL SESSIONS

FEB 19 2013

Term

ARREST WARRANT NUMBER

2012A0420700481

THE STATE

vs.

Shaquan Akeem Thompson

ACTION OF GRAND JURY

TRUE BILL

FEB 19 2013

[Signature]

Foreperson of Grand Jury
Date:

VERDICT

CTH

Indictment for

**Robbery / Armed Robbery, robbery while armed
or allegedly armed**

SC Code: 16-11-0330(A)
CDR Code: 0139

Foreperson of Petit Jury
Date:

A TRUE COPY
DEC - 3 2014
[Signature]
CLERK OF COURT

COMMITMENT

4/23/14-RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on FEB 19 2013, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Shaquan Akeem Thompson did in Anderson County, on or about October 30, 2012, while armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he/she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: cash from the person or presence of Angela Campbell an employee of Plez U. This is in violation of §16-11-330(A) 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

ARREST WARRANT

2012A0420700481

STATE OF SOUTH CAROLINA

County/ Municipality of

Anderson Municipal Court

2012-46031 THE STATE

against

Shaquan Akeem Thompson

Address:

Phone: SS

Sex: M Race: B Height: 5 8 Weight: 160

DL State: DL #:

DOB: Agency ORI #:

Prosecuting Agency: Anderson Police Department

Prosecuting Officer: Sgt Jeff Mosher 280

Offense: ARMED ROBBERY

Offense Code: 00139

Code/Ordinance Sec: 16-11-330A

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant on Shaquan Thompson 11-1-12

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Anderson Municipal Court
401 South Main Street
Anderson, SC 29624

STATE OF SOUTH CAROLINA

County/ Municipality of

Anderson Municipal Court

Personally appeared before me the affiant Sgt Jeff Mosher 280

being duly sworn deposes and says that defendant Shaquan Akeem Thompson

did within this county and state on 10/30/2012

State of South Carolina (or ordinance of County/ Municipality of

Anderson Municipal Court

In the following particulars:

DESCRIPTION OF OFFENSE: ARMED ROBBERY

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

On 10/30/2012, at approximately 1145 PM the Defendant, Shaquan Thompson did along with co-Def. Xavius Thompson use a handgun, which is considered a deadly weapon to rob victim. Defendant did demand and take monies from the cash register and a cash drawer at the PLez-U store which is located in the city limits of Anderson, SC. The Defendant was apprehended a short distance from the crime scene and has provided a voluntary statement admitting his involvement in said crime.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Anderson Municipal Court

Affiant's Address 401 South Main Street
Anderson, SC 29621-

Affiant's Telephone

ARREST WARRANT

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

it appearing from the above affidavit that there are reasonable grounds to believe that

on 10/30/2012 defendant Shaquan Akeem Thompson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Anderson Municipal Court as set forth below:

DESCRIPTION OF OFFENSE: ARMED ROBBERY

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

Sworn to and subscribed before me

on 10/31/2012

Signature of Issuing Judge (L.S.)

Judge Code: 6188 6308

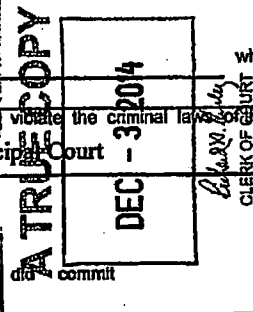
Judge's Address Anderson Municipal Court
Anderson, SC 29624-

Judge's Telephone (864)231-2271

Issuing Court: Magistrate Municipal Circuit

AFFIDAVIT

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518



ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF Anderson
STATE VS.

Shaquan Akeem Thompson

AKA:

Race: B Sex: M Age: 18

DOB: SS#

Address:

City, State, Zip:

DL#: SID#: SC02021926

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery v. Attempted (20)

in violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code #

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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.

WITNESSETH: Catherine T. Huey, 68416 SC Bar#; Shaquan Thompson, Defendant; Bruce B. Holdt, Attorney for Defendant, 0711 8 years SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 8 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. 36 days The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp.

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$390, TOTAL \$13390

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:

TRIPLE COPY stamp with date DEC - 3 2014 and signature of Richard A. Kinley, CLERK OF COURT

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

Clerk of Court/Deputy Clerk: Richard A. Kinley Court Reporter: C. Hiskell

Presiding Judge: Judge Code: #2131 Sentence Date: 4-23-14