

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Williamsburg County

Honorable Tanya A. Gee, Circuit Court Judge

ANTWINE MATTHEWS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000494

A P P E N D I X

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| STATE OF SOUTH CAROLINA |) | |
| |) | COURT OF GENERAL SESSIONS |
| COUNTY OF WILLIAMSBURG |) | 2012-GS-45-57 |
| |) | |
| |) | |
| |) | |
| State of South Carolina |) |) |
| |) | |
| vs. |) | TRANSCRIPT OF RECORD |
| |) | |
| Antwine Lamar Matthews |) |) |
| <u>DEFENDANT</u> |) | May 13, 2013 |
| | | Kingstree, South Carolina |

B E F O R E:

THE HONORABLE GEORGE C. JAMES, JR., JUDGE.

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

KIMBERLY BARR, ASSISTANT SOLICITOR
Attorney for the State

AMANDA SHULER, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

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I N D E X

(WHEREUPON, there were no witnesses called.)

1 THE COURT: Okay, Ms. Barr.

2 MS. BARR: Your Honor, also in connection with
3 indictment number 2012-GS-45-57. The remaining defendant
4 is Antwine Lamar Matthews. He was indicted for assault
5 and battery with intent to kill two counts, criminal
6 conspiracy, attempted armed robbery. And, Your Honor, we
7 had also likewise served the defendant with LWOP notice.
8 Your Honor, we withdrawn that notice. The defendant
9 wishes to enter a guilty plea to attempted armed robbery
10 and criminal conspiracy. The State has a recommendation
11 of a cap of 30 years.

12 THE CLERK: Place your left hand on the Bible
13 and raise your right hand. Do you solemnly swear or
14 affirm to tell the truth, the whole truth, and nothing but
15 the truth so help you God?

16 DEFENDANT MATTHEWS: I do.

17 THE COURT: Okay. And what would be the trigger
18 conviction for the LWOP notice? I guess, what's his
19 record?

20 MS. BARR: Attempted armed robbery and I believe
21 it's possession of a weapon during a violent crime, but I
22 know it's attempted armed robbery.

23 THE COURT: Any relation to what Mr. Dawkins is
24 in prison for?

25 MS. BARR: Yes, sir.

1 THE COURT: So he's in prison too, Mrs. Shuler?
2 MRS. SHULER: That's correct, Your Honor.
3 THE COURT: He get the same sentence as Mr.
4 Dawkins?
5 MS. BARR: No, sir. He is serving a 20 year
6 sentence. He received a 15 year sentence for attempted
7 armed robbery and a five year sentence for criminal
8 conspiracy and the trial judge granted sentences
9 consecutive.
10 THE COURT: I may have missed the
11 recommendation, if any.
12 MS. BARR: Cap of 30.
13 MRS. SHULER: And that sentence would be
14 concurrent with the sentence that he is serving now.
15 THE COURT: Is that correct?
16 MS. BARR: It is, Your Honor.
17 THE COURT: Concurrent as of today, not backward
18 in time?
19 MRS. SHULER: The date of service of the
20 warrants was January 12th 2012.
21 MS. BARR: Correct, Your Honor.
22 THE COURT: Mrs. Shuler, you represent Mr.
23 Matthews?
24 MRS. SHULER: I do, Your Honor.
25 THE COURT: Do you think he understands the

1 charge, the punishment -- the charges and the punishment
2 that he faces and all of his rights?

3 MRS. SHULER: He does.

4 THE COURT: Do you believe he would be
5 convicted?

6 MRS. SHULER: I do, Your Honor.

7 THE COURT: And have you had a chance to review
8 with him discovery and discuss any defenses and completely
9 go into detail about his cases?

10 MRS. SHULER: We have. We dealt with that
11 extensively, Your Honor.

12 THE COURT: All right. Your name is Antwine
13 Lamar Matthews?

14 DEFENDANT MATTHEWS: Yes, sir.

15 THE COURT: You're here today evidently to plead
16 guilty to attempted armed robbery and criminal conspiracy.
17 How long have you been in prison?

18 DEFENDANT MATTHEWS: Three years.

19 THE COURT: And do you have a high school
20 diploma by chance?

21 DEFENDANT MATTHEWS: Yes, sir, I got a GED.

22 THE COURT: Okay. And before you went to
23 prison, how were you employed?

24 DEFENDANT MATTHEWS: I was working. I had got a
25 job at Wal-Mart. I was working at Wal-mart before I got

1 my time.

2 THE COURT: Okay. Do you take any medication?

3 DEFENDANT MATTHEWS: No, sir.

4 THE COURT: Do you have any mental problems?

5 DEFENDANT MATTHEWS: No, sir.

6 THE COURT: Do you have any history of drug or
7 alcohol addiction?

8 DEFENDANT MATTHEWS: No, sir.

9 THE COURT: Do you have any condition at all
10 that would keep you from being able to understand what you
11 are doing?

12 DEFENDANT MATTHEWS: No, sir.

13 THE COURT: All right. You have an indictment
14 specifically the charges that you want to plead guilty to
15 are called attempted armed robbery and criminal
16 conspiracy. Count four is the attempted arm robbery and
17 that count says that you and Jeffrey Leron Dawkins and
18 Charles A. Bishop on or about December 22, 2008, did
19 attempt to rob Anthony Joe and Alan Rollerson while one or
20 more of you was armed with a pistol or another deadly
21 weapon. Do you understand that charge?

22 DEFENDANT MATTHEWS: Yes, sir.

23 THE COURT: That carries up to 20 years in
24 prison. Do you understand that?

25 DEFENDANT MATTHEWS: Yes, sir.

1 THE COURT: And I thought that you said earlier
2 that criminal conspiracy was zero to five?

3 MS. BARR: I did, Judge. And I just mention
4 that to Mrs. Shuler. He's pleading guilty to the
5 attempted arm robbery and the criminal conspiracy. The
6 remaining charges are being dismissed. And, Judge, in
7 light of that, then I don't think it's necessary to do any
8 type of cap.

9 THE COURT: Okay. Now, do you understand that
10 the criminal conspiracy count says that on or about the
11 same date you and your co-defendants did conspire among
12 yourselves to commit the offense of arm robbery upon
13 Anthony Joe and Alan Rollerson. Do you understand that?

14 DEFENDANT MATTHEWS: Yes, sir.

15 THE COURT: That carries up to five years, so
16 you're facing a maximum of 25. Do you understand that?

17 DEFENDANT MATTHEWS: Yes, sir.

18 THE COURT: Okay. Attempted arm robbery under
19 our law is called a most serious offense. Evidently, you
20 have a conviction for that which was arm robbery; is that
21 right? You been convicted of arm robbery?

22 DEFENDANT MATTHEWS: Yes, sir.

23 THE COURT: The State is withdrawing its request
24 that you be sentenced to life without parole. But in the
25 future, if you commit any other most serious offenses, do

1 you understand that you would again be facing life without
2 parole if the law in the future is the same as it is now?

3 DEFENDANT MATTHEWS: Yes, sir.

4 THE COURT: All right, sir. There's no
5 recommendation, but you are facing a cap of 25 years that
6 could conceivably run consecutively to what you're facing
7 now; is that right? You understand that?

8 DEFENDANT MATTHEWS: Yes, sir.

9 THE COURT: The recommendation you're making is
10 concurrent; is that correct?

11 MS. BARR: Is that going to change the plea?

12 MRS. SHULER: If it's concurrent.

13 MS. BARR: Beg the Court's indulgence.

14 THE COURT: Yes, ma'am.

15 (WHEREUPON, a pause in the proceedings.)

16 MRS. SHULER: Your Honor, if I may have a moment
17 with my client?

18 THE COURT: Sure.

19 (WHEREUPON, a pause in the proceedings.)

20 THE COURT: If you want to step out, that's
21 fine.

22 MRS. SHULER: I think we're okay, Judge.

23 THE COURT: Okay. Anything else to report, Ms.
24 Barr or Mrs. Shuler?

25 MRS. SHULER: Your Honor, no, he's pleaing

1 without recommendation.

2 THE COURT: Okay.

3 MRS. SHULER: Let me clarify that, without
4 recommendation as to the sentence ---

5 MS. BARR: Running concurrent or consecutively.

6 MRS. SHULER: Right.

7 MS. BARR: Judge, we would have no objection if
8 whatever sentence the Court imposes whether it be
9 consecutive or concurrent that the two charges that he is
10 pleading guilty to that those sentences run together.

11 THE COURT: Okay. Is that clear, Mrs. Shuler
12 and Mr. Matthews?

13 MRS. SHULER: It's clear to me.

14 THE COURT: If you all want to step into a side
15 room and talk about it, that's fine. Would you like to do
16 that?

17 DEFENDANT MATTHEWS: Yes, sir.

18 THE COURT: Okay, that's fine. And we'll go off
19 the record for just a minute.

20 MRS. SHULER: Thank you, Your Honor. We can
21 just step in the hallway.

22 (WHEREUPON, a pause in the proceedings.)

23 THE COURT: Mrs. Shuler, you and Mr. Matthews
24 square?

25 MRS. SHULER: We are, Your Honor.

1 THE COURT: Mr. Matthews, anything else you like
2 to talk to your lawyer about so far?

3 DEFENDANT MATTHEWS: No, sir.

4 THE COURT: All right. There is a indication
5 from the Solicitor that there is no sentencing
6 recommendation except for the fact the conspiracy and the
7 attempted arm robbery would run concurrent; is that
8 correct, Mrs. Shuler?

9 MRS. SHULER: That's correct.

10 THE COURT: Is that right, Mr. Matthews?

11 DEFENDANT MATTHEWS: Yes, sir.

12 THE COURT: And do you understand completely the
13 charges that I've read off to you that you intend to plead
14 guilty to?

15 DEFENDANT MATTHEWS: Yes, sir.

16 THE COURT: And you understand that the
17 attempted arm is a most serious offense as far as the life
18 without parole is concern?

19 MR. MATTHEWS: Yes, sir.

20 THE COURT: All right. You not on probation or
21 parole; is that correct?

22 DEFENDANT MATTHEWS: No, sir, I'm not.

23 THE COURT: All right. When you do plead
24 guilty, Mr. Matthews, you give up some rights that we have
25 under the Constitution. First of all, you would give up

1 your right to remain silent. Do you understand that,
2 right?

3 DEFENDANT MATTHEWS: Yes, sir.

4 THE COURT: Do you understand that you also have
5 the right to have a jury trial?

6 DEFENDANT MATTHEWS: Yes, sir.

7 THE COURT: A jury would be selected by you,
8 your attorney and by the prosecutor. And the jury would
9 sit in this box over here to your right and they would
10 consider evidence that is introduced. They would be told
11 that they could not find you guilty unless everyone of
12 them agreed that you were guilty beyond a reasonable
13 doubt. That's a very high burden for the State and you
14 and your lawyer have no burden to prove or disprove
15 anything. Do you understand that?

16 DEFENDANT MATTHEWS: Yes, sir.

17 THE COURT: Also, if you plead guilty, you give
18 up the right to look at and listen to and question
19 witnesses who might be called. For example, Mr. Joe and
20 Mr. Rollerson are here. They may speak today. And Ms.
21 Barr may summarize what they or other witnesses may have
22 to say. But for today's purposes, you do not have the
23 opportunity to question them. Do you understand that?

24 DEFENDANT MATTHEWS: Yes, sir.

25 THE COURT: And the same goes for any witnesses

1 of your own. You would give up the right to call
2 witnesses of your own. Do you understand that?

3 DEFENDANT MATTHEWS: Yes, sir.

4 THE COURT: Now, do you understand those rights
5 completely?

6 DEFENDANT MATTHEWS: Yes, sir.

7 THE COURT: If you plead guilty, you're also
8 giving up your defenses and the right to challenge the
9 admissibility of any evidence the State claims to have.
10 Do you understand that?

11 DEFENDANT MATTHEWS: Yes, sir.

12 THE COURT: Now, understanding all of those
13 rights, would you like to give up them -- give them up and
14 plead guilty today?

15 DEFENDANT MATTHEWS: Yes, sir, I do.

16 THE COURT: Are you guilty or not guilty of
17 attempted arm robbery?

18 DEFENDANT MATTHEWS: Guilty?

19 THE COURT: Are you guilty or not guilty of
20 criminal conspiracy?

21 DEFENDANT MATTHEWS: Guilty.

22 THE COURT: Are you truly guilty of both
23 offenses?

24 DEFENDANT MATTHEWS: Yes, sir.

25 THE COURT: Were you in the vehicle or with

1 Mr. Dawkins and Mr. Bishop when the shooting took place?

2 DEFENDANT MATTHEWS: Yes, sir, I was.

3 THE COURT: All right. And were you part of the
4 plan to do this?

5 DEFENDANT MATTHEWS: Yes, sir.

6 THE COURT: Who was the driver?

7 DEFENDANT MATTHEWS: Bishop.

8 THE COURT: Mr. Bishop?

9 DEFENDANT MATTHEWS: Yes, sir.

10 THE COURT: And who did the shooting?

11 DEFENDANT MATTHEWS: Dawkins.

12 THE COURT: All right. Do you think you've had
13 enough time to make up your mind about pleading guilty to
14 this?

15 DEFENDANT MATTHEWS: Yes, sir, I do.

16 THE COURT: And do you -- has anyone promised
17 you anything other than the recommendation that I noted a
18 moment ago?

19 DEFENDANT MATTHEWS: No, sir.

20 THE COURT: Has anyone including your lawyer
21 used any pressure or threat or force to get you to plead
22 guilty?

23 DEFENDANT MATTHEWS: No, sir.

24 THE COURT: Have you had enough time to decide?

25 DEFENDANT MATTHEWS: Yes, sir, I have.

1 THE COURT: Are you satisfied with the services
2 provided to you by Mrs. Shuler?

3 DEFENDANT MATTHEWS: Yes, sir.

4 THE COURT: Have you talk to her enough?

5 DEFENDANT MATTHEWS: I did.

6 THE COURT: Have you understood all your
7 conversations?

8 DEFENDANT MATTHEWS: Yes, sir.

9 THE COURT: Is there anything else you would
10 like to talk to her about right now?

11 DEFENDANT MATTHEWS: No, sir.

12 THE COURT: Do you think she's done everything
13 within reason to represent you properly?

14 DEFENDANT MATTHEWS: Yes, sir.

15 THE COURT: Do you understand that you have ten
16 days to appeal your pleas and the sentences?

17 DEFENDANT MATTHEWS: Yes, sir.

18 THE COURT: Ms. Barr, just for the record, would
19 you go again over the facts?

20 MS. BARR: Yes, sir, Your Honor. Please the
21 Court, the shooting happened on December the 22nd of 2008,
22 in the Greeleyville community of Williamsburg County.
23 Your Honor, the Defendant Antwine Lamar Matthews, the
24 Defendant Jeffrey Dawkins and Charles Bishop met earlier
25 in the day at the home of Mr. Bishop. There was a

1 conversation about going and getting a vehicle.
2 Mr. Matthews had actually driven Mr. Dawkins over to
3 Mr. Bishop's home. They decided that they would get the
4 vehicle that belong to a young lady by the name of Diane
5 Singletary. She acknowledged during a statement that she
6 was using drugs back in 2008 and that she would
7 periodically loan her vehicle to Mr. Bishop in exchange
8 for drugs. And she indicated on that night she did, that
9 they were suppose to return her vehicle to her and give
10 her drugs and or money for the right to use the vehicle.

11 Judge, the State believes that it was necessary
12 to get the vehicle from somebody else because these
13 defendants did not want their vehicles to be identifiable.
14 Mr. Matthews owned a white vehicle. I believe it was a
15 sedan. I can't remember the make and model. But in any
16 event, the three of them were according to the statements
17 of two of them were smoking marijuana that day. They
18 decided that they wanted to hit a lick as they call it or
19 commit a robbery. Mr. Dawkins had possession of the
20 firearm.

21 They -- all three of them go to this club or
22 pool hall in Greeleyville. They are essentially scoping
23 out various people to see whether or not they could have
24 the opportunity to rob them. They came across the victims
25 in this case Mr. Joe and Mr. Rollerson. Mr.

1 Rollerson just happen to be in town for the holidays.
2 Judge, this is around Christmas time.

3 Mr. Rollerson and Mr. Joe then get into
4 Mr. Joe's vehicle headed back to the home of a relative
5 house, which is less than half a mile. As they are
6 pulling into the lane, they notice a vehicle flash them.
7 Mr. Bishop was the driver of that vehicle. He -- and I
8 believe everybody will concede that he was driving the
9 vehicle that we believe Mr. Dawkins was in the front
10 passenger seat. We believe Mr. Matthews was in the rear
11 of the vehicle. Mr. Dawkins instructed Mr. Bishop to
12 flash the lights on the vehicle, so they could get the
13 victims to stop. Mr. Dawkins get out of the vehicle and
14 Mr. Matthews get out of the vehicle on the pretense of
15 asking the victims for directions back to Kingstree.

16 A few seconds later after asking for directions
17 Mr. Dawkins then fires into the vehicle from the driver's
18 seat striking Mr. Joe three times and striking his father
19 Mr. Rollerson two times. They then left the scene and
20 drove back to Mr. Bishop's house. Mr. Dawkins and
21 Mr. Matthews then leave Mr. Bishop at his house and they
22 go wherever they go. Mr. Bishop then takes the vehicle
23 back to Ms. Singletary.

24 Ms. Singletary remarked in her statement that it
25 is unusual because when he came back, he didn't have any

1 drugs or any money. And he appeared to be acting oddly as
2 she described it. She normally -- she said that he would
3 normally bring the car back and would be in a cheerful
4 mood because he be high, I guess. But in any event, she
5 recalled that she had to then drive him back home and then
6 come back home. There was no gas in the car. Judge,
7 Mr. Dawkins, the co-defendant, gave a statement to law
8 enforcement indicating those facts. Mr. Bishop gave a
9 statement to law enforcement implicating himself.
10 Although, he initially denied being the driver.

11 THE COURT: All right. And did Mr. Matthews
12 give any statements?

13 MS. BARR: He did not.

14 THE COURT: All right. Now, is all that
15 basically correct, Mr. Matthews, how the events happened
16 about flashing the lights, firing -- Mr. Dawkins firing
17 into the vehicle?

18 DEFENDANT MATTHEWS: For the most part, it is,
19 but some of it not all the way right.

20 THE COURT: What's different?

21 DEFENDANT MATTHEWS: The part about me getting
22 out like going up to the car. I got out the car, but I
23 got out way after he got out the car. The thing was
24 already taken place and I got out the car way after that.

25 THE COURT: All right. But the plan was to try

1 to rob them?

2 DEFENDANT MATTHEWS: Yes, sir, that was the
3 original plan, yes, sir.

4 THE COURT: Okay. All right. I guess, I will
5 accept his plea. There's certainly substantial factual
6 basis for both pleas. And he's represented by counsel
7 with whom he's satisfied. And he's given his plea freely
8 and voluntary. Would Mr. Joe -- is it Mr. Rollerson or
9 Rollingson?

10 MR. ROLLERSON: Yes, sir.

11 THE COURT: R-O-L-L-E-R-S-O-N?

12 MR. ROLLERSON: Yes, sir.

13 THE COURT: Ms. Barr, would either of these
14 gentlemen like to say anything to me?

15 MS. BARR: I think they would both, Judge.

16 THE COURT: Either one of you can stand and I'll
17 hear from you anything you like to tell me.

18 MS. BARR: State your full name.

19 MR. ROLLERSON: My name is Alan Rollerson.

20 THE COURT: Yes, sir.

21 MR. ROLLERSON: I reside in Orlando, Florida.

22 And I think December 22nd in '08, my wife and I probably
23 just got in Greeleyville probably about 3:30 that day and
24 we were sitting around talking with my mom's. And after
25 that, my son came over and he wanted to go down to the

1 pool room. So I told him I said, no, not tonight, not
2 tonight about four or five times I said not tonight, but I
3 eventually went down that way. We stayed down there
4 shooting pool and had a few beers. And on the way back, I
5 told him I say why is this car stopping -- I mean flashing
6 the lights. I said do you know these people. But we were
7 like maybe like two car lengths into my mom's driveway
8 when this happened. So he said, no, I don't know them.
9 So I said, well, don't stop. You never stop when someone
10 is flashing you down. So by that time, one of the
11 defendants came by the window wanting directions to
12 Kingstree. So by that time, another child came around the
13 car and that's when the gunshots started.

14 I just wanted to say I had to go through ten
15 surgeries. I had -- got damaged nerve in these two
16 fingers, elbow problems. I had shoulder problems. Now,
17 they got me on disability. I got a tint in my leg
18 everything. So I really just wanted to say if the
19 sentence is 25 years for one and 15 for the other,
20 shouldn't it be 25 for all three? That's my opinion. But
21 please the Court, I really appreciate your decision.
22 Thank you. Matter of act since, 2008, I had about three
23 years on my job left to work and I would have had 30
24 years, that mess me up. So I'm on disability now. So
25 have to go back and forth to the doctors. This is

1 something I didn't have to do before this happened.

2 THE COURT: What did you do for a living?

3 MR. ROLLERSON: I worked at Bright House
4 Networks. I was sweep technician and what I actually do
5 is keep networks -- internet working for 27 years.

6 THE COURT: Thank you, Mr. Rollerson.

7 Mr. Joe: You're Anthony Joe?

8 MR. JOE: Yes, sir. I'm Anthony Joe. Since,
9 this incident in the shooting, I have been out of work
10 four months, hospital bills, like \$30,000 worth of
11 hospital bill that I'm still currently paying on. I agree
12 with my father I think they should get 25 years each.

13 THE COURT: Where were you shot?

14 MR. JOE: My face, my hand and my shoulder.

15 THE COURT: And, you, Mr. Rollerson, on the left
16 side?

17 MR. ROLLERSON: Through this shoulder and one
18 right above the heart.

19 THE COURT: All right. Anything else, Mr. Joe?

20 MR. JOE: No, that's it.

21 THE COURT: All right. What is Mr. Bishop's
22 record?

23 MS. BARR: Mr. Bishop was adjudicated delinquent
24 for burglary in the second degree as a juvenile in 2005.
25 He also has a conviction for criminal conspiracy in 2007.

1 He received youthful offender sentence not to exceed five
2 years, suspended to three years of probation. He was
3 convicted in August of 2010 of criminal domestic violence.
4 And, Judge, since he was incarcerated in connection with
5 this case -- well, prior to his arrest for this case, he
6 had an offense for receiving stolen goods more than two
7 thousand. And since he has been incarcerated, he pled
8 guilty to that receiving stolen goods.

9 THE COURT: And what year was that plea?

10 MS. BARR: That was done in September of 2012.

11 THE COURT: How about Mr. Dawkins?

12 MS. BARR: Judge, he was convicted of attempted
13 arm robbery on May the 20th of 2010. It was a guilty
14 plea, Your Honor. And he received a ten year sentence
15 that is what he's serving now in the South Carolina
16 department of corrections. It looks like he had a
17 conviction for burglary in the second degree nonviolent
18 on October 14th of 2008. He received five years suspended
19 to three years probation required to undergo substance
20 abuse counseling.

21 Judge, I don't know that there's any way not to
22 get into some of the facts surrounding the second case
23 because the second case enable us to solve the first case.
24 Your Honor, about a week after this particular shooting
25 occurred in Greeleyville, Mr. Matthews and Mr. Dawkins go

1 to a convenience store in Williamsburg County. What's
2 interesting -- I shouldn't say interesting, but what's
3 tragic about that situation is when they go into the
4 store, it is Mr. Matthews who has the gun that we
5 believe -- the same gun that was used in connection with
6 this shooting. When they into the convenience store, the
7 owner is there. It's late at night. They are driving
8 Mr. Matthews' white vehicle. Immediately when they walk
9 in the store, they fire -- Mr. Matthews fires a gun at the
10 owner. The gun -- the owner had the presence of mind to
11 drop as though he had been hit. He describes in the trial
12 of Mr. Matthews feeling the heat from the bullet pass his
13 ear. He then picks up his firearm located behind the
14 counter and he starts firing in response.

15 As a result of his firing, Mr. Matthews is then
16 struck. And he's later taken to the hospital. He
17 actually went to the -- Mr. Matthews sister -- Dawkins
18 went to the home of Mr. Bishop and Mr. Bishop was
19 concerned that Mr. Matthews was gone die. Mr. Matthews
20 did not want anybody to call E.M.S. or 9-1-1, but
21 Mr. Bishop called 9-1-1. And he was taken I believe to a
22 hospital in Florence. And following his release from the
23 hospital, he was arrested for that particular crime.

24 We actually did not know at the time that these
25 individuals were involved in the shooting that happened in

1 Greeleyville a week earlier. We did not learn that until
2 around 2010, 2011. But essentially, Judge, that's the tie
3 in as it relates to second case.

4 THE COURT: How about Mr. Matthews' record?

5 MS. BARR: Mr. Matthews was convicted following
6 a trial on May 14th 2010, of attempted arm robbery,
7 criminal conspiracy. He was found not guilty of assault
8 and battery with intent to kill and possession of a weapon
9 during the commission of a violent crime. Judge,
10 Mr. Matthews also had a record as a juvenile in which he
11 was charged with burglary in the first degree. And I
12 believe he was committed to the department of juvenile
13 justice for an indeterminate period not to exceed his 21st
14 birthday.

15 THE COURT: And the ABIK and attempted arm
16 robbery are both violent, correct?

17 MS. BARR: Most serious, yes.

18 THE COURT: And violent?

19 MS. BARR: Yes, sir.

20 MRS. SHULER: Your Honor, Mr. Matthews is not
21 pleading to the...

22 THE COURT: ABIK, but Mr. Dawkins is?

23 MRS. SHULER: That's correct.

24 THE COURT: I want to check those blocks. ABIK
25 and attempted arm robbery are violent, correct?

1 MS. BARR: Yes, sir, Your Honor.

2 THE COURT: Okay. Anything else from the State
3 at this point as far as sentencing is concerned before I
4 hear from the defendants and their lawyers?

5 MS. BARR: I think Mr. Rollerson's wife would
6 like to speak.

7 THE COURT: Okay.

8 MS. BARR: Judge, she drove them to the hospital
9 that night.

10 THE COURT: Your name please, ma'am.

11 MRS. ROLLERSON: Good afternoon. My name is
12 Cassandra Rollerson. I am the wife of Alan Rollerson. As
13 of right now, we been married for 25 and a half years. We
14 were here for Christmas vacation like you've heard several
15 times. And when this incident took place and they pulled
16 up to the house after getting shot, I am the one who had
17 to drive them to the hospital. My son standing on the
18 front porch bleeding, just dripping in blood. My daughter
19 was suppose to go with them. She went back to put her
20 shoes on, so they left her. Thank God they left her or
21 she too would have been a victim. We went -- when Anthony
22 came to the door and I went out -- I said where is your
23 dad because I said are you okay, are you okay. He said,
24 yeah, I'm fine. They tried to shoot us. I said, no,
25 baby, they shot you. Are you okay? He said, yeah, I am.

1 So I said where is your dad. Oh, he's in the truck. What
2 he's doing putting his shoes on, his jacket on. It was
3 20 degrees that night. He said, no, he got hit. So I run
4 to the truck in a T-shirt and a pair of sweat pants to
5 check to my husband, who is leaning back in the truck
6 holding his chest with blood pouring between his fingers
7 from his heart. And he tells me I'm not gone make it.
8 I'm like, yes, you are because you're a fighter and so is
9 your wife. So I got my daughter and I told them we had to
10 remain calm. This is the first time I really broke down
11 and cried about it, but I had to drive them to the
12 hospital, which was in Manning, closest hospital was in
13 Manning. I knew where it was because we had to go there
14 for my daughter having an allergic reaction before. So I
15 drive him to the hospital.

16 I jump in the truck and say look we got to get
17 them treatment. I broke all the speed limit laws in South
18 Carolina everyone, but I got them there. The truck
19 stalled on my way to the hospital and I saw the police
20 officers turn around to stop me. But I, too, I'm a police
21 officer and I knew I had to keep going to get them where
22 they needed to be to get treatment. So I drove them on up
23 to the hospital.

24 As I pulled in to the parking lot, I get stopped
25 by five police officers at gun point, which is fine. They

1 were doing their job. But they wondered what was wrong
2 with me for driving so erratically. I pulled into the
3 hospital parking lot and I told them I got two gunshot
4 victims from Greeleyville they need treatment. They said,
5 okay. I said I'll give you my license in a minute. I ran
6 into the hospital and got some help for them. They said
7 could you drive to the emergency entrance please, so now I
8 got to try to start the truck again go to the other
9 entrance which I did. They got them out, treated them and
10 then they had to be air lifted two hours away to Columbia.
11 So we spent our Christmas holiday just in turmoil.

12 And then since it has been very hard because he
13 hasn't been able to work. He is now on disability, but he
14 hasn't always been. So I've had to pick up extra jobs to
15 try to make ends meet, so we could survive. If this
16 incident had not taken place, we would not have depleted
17 all of our savings. We would be living -- I retired, but
18 I had to go back to work to and try to get some more money
19 in the household. It's been extra hard, but thank God we
20 have made it. We made it to this point and we just want
21 justice, that's it.

22 THE COURT: Thank you, ma'am.

23 MRS. ROLLERSON: Thank you.

24 THE COURT: Anyone else, Ms. Barr?

25 MS. BARR: That's all we have.

1 THE COURT: Mr. Harvin, Mr. Carroway. I see Mr.
2 Carroway. Any consensus amongst all of you who wants to
3 speak first? And then if your clients would like to say
4 anything or anybody in their families?

5 MR. HARVIN: I will go first.

6 THE COURT: All right, Mr. Harvin. And you
7 represent Mr. Bishop?

8 MR. HARVIN: Yes, Your Honor.

9 THE COURT: And just make it clear on the
10 record, we'll be on the record on all three defendants on
11 sentencing. Sentence for Mr. Dawkins and Mr. Bishop was
12 to be deferred until the conclusion of Mr. Matthews'
13 trial, but he's opted to plead guilty, so we'll go forward
14 now.

15 MR. HARVIN: All right. May it please the
16 Court, Your Honor, the facts that the Solicitor's Office
17 has presented is somewhat I believe took place that day.
18 Just to give you our version of what took place from the
19 viewpoint of my client, Mr. Charles Bishop. Mr. Bishop
20 was actually at home when this incident happened -- well,
21 before this incident, he was at home. Mr. Dawkins and Mr.
22 Matthews came over to his place of residence and they
23 asked him if he could get a vehicle for them. The
24 Solicitor's office is right my client got a vehicle for
25 him, but at that time it was not under the auspices that

1 there was going to be a criminal activity happening as it
2 relates to that vehicle. At some point in time after they
3 had been out in the Greeleyville community, Mr. Dawkins
4 made the comment about hitting a lick which means slang
5 for arm robbery in this particular instance. My client
6 under the direction of Mr. Dawkins, yes, did flash
7 Mr. Rollerson and then got out of the vehicle and shot up
8 the vehicle several times.

9 Your Honor, Mr. Bishop in no way shape or form
10 does not believe his participation didn't play apart in
11 what we've heard is the tragic incident that happened to
12 Mr. Rollerson and Mr. Joe. He's very remorseful about
13 what happened to him. I just wanted to point out the day
14 they didn't start with him planning to do that. In fact,
15 the day started out with him planning to be law abiding
16 and doing what he was required to do under the law because
17 he was actually handling some business related to his past
18 legal troubles. So he was not planning in any way when he
19 woke up to do that. The idea came about he played the
20 part as to flashing the vehicle down.

21 Your Honor, Mr. Bishop is a married man. He has
22 three young boys that he raised. He also has one child of
23 his own that he raise. He is here today with his
24 mother-in-law, his brother, his brother-in-law and also
25 his mother, Ms. Fulton. Ms. Fulton and Ms. Burgess would

1 like to address the Court his mother-in-law and mother at
2 the appropriate time. And I believe at the appropriate
3 time as well Mr. Bishop would like to address the Court as
4 it relates to this issue as well.

5 One of the things that's interesting I think
6 about Mr. Bishop's standpoint in this particular case is
7 that when this happened he spoke to his best friend, who
8 is Mr. Melvin Segars. He told his best friend, hey, you
9 know, some crazy stuff went down. You may want to stay
10 away from this particular environment. Well, it's that
11 conversation is the conversation that the investigator
12 actually received during the second trial of Mr. Matthews
13 and Mr. Dawkins. When that happened, the investigator
14 again spoke to Mr. Bishop. And Mr. Bishop gave a
15 statement that lead the police to the shooter in this
16 incident and also led the police to arrest Mr. Matthews as
17 well.

18 Admittedly, Your Honor, his first statement he
19 did not admit to driving the vehicle. But he does -- he
20 did give the police officer everything they needed to go
21 forward with finding out who the shooter was, who the
22 person was that tried to kill these two individuals. And
23 who the person was that came up with the plan and
24 orchestrated the whole event. I believe that if
25 Mr. Bishop was a necessary party to this activity that

1 they were involved in, this second robbery they would have
2 called him and brought him along on that. They used their
3 own vehicle for the second robbery because Mr. Bishop
4 didn't want any parts of what they were doing because he
5 had seen what they were capable of.

6 In fact, Your Honor, it was but for Mr. Bishop's
7 call to the police related to the injuries that were
8 sustained by Mr. Matthews, his call to 9-1-1 is actually
9 what lead to them being identified as it relates to the
10 second arm robbery of the liquor store and home of, I
11 think, Mr. Cooper at that time, if I'm not mistaken. You
12 know, he stands a little bit different in a situation then
13 the other individuals. Although, he understands the
14 impact of his participation has had on the lives of the
15 Rollerson and Joe family. We would ask the Court to
16 consider these things also consider his statements and
17 also the statements of his mother-in-law and his mother if
18 the Court would deem them opportunity to say something.

19 THE COURT: All right. They can talk to me from
20 where they are or come on up whatever suits the deputies.

21 Mr. Matthews, stand off to the side just a
22 little bit.

23 MR. HARVIN: I think his mother-in-law is having
24 some health difficulties at this present moment.

25 THE COURT: Your name, ma'am.

1 IDA BURGESS: My name is Ida Burgess. I reside
2 in Johnsonville, South Carolina.

3 THE COURT: Yes, ma'am.

4 IDA BURGESS: And I've known Charles from the
5 time he met my daughter and they got married. He has a
6 daughter with her. They have three young sons -- step
7 sons. And he raised one of the younger sons from the age
8 of three months up until the present time. The time that
9 I known him he got into church. And he's always talking
10 with me and stuff. You know, I never knew that this stuff
11 went on I'm just shocked, you know, but Charles is a
12 pretty good young man and he's a mannerable young man.
13 And he listen when I talk to him and a lot of times he
14 comes to me and he talks to me. And I try to counsel him
15 in telling him to do what is right, you know. And I'm
16 thinking if you would have a second chance to rewind the
17 clock and it be better. And now that he's into the church
18 and he's more -- depending on God for his answers and
19 stuff in his situations know that behind every situation
20 there is consequences behind every situation and
21 everything you take. Thank you, ma'am.

22 THE COURT: Thank you, ma'am.

23 Anyone else from the family, Mr. Harvin?

24 MR. HARVIN: No, I think his mother is having
25 some issues.

1 THE COURT: Anything you want to tell me, Mr.
2 Bishop?

3 DEFENDANT BISHOP: Yes, sir. If it pleases the
4 Court, I'm not going to apologize to the victims for what
5 happened because I really didn't know that there was going
6 to be shots, so I just ask that they could forgive my for
7 participation in the crime.

8 THE COURT: All right. Thank you, sir.

9 MR. HARVIN: And, Your Honor, just for the
10 record, he's been incarcerated without bond since
11 December 30th of 2011 with these charges pending.

12 THE COURT: Is that correct, Ms. Barr?

13 MS. BARR: Yes, sir.

14 THE COURT: December 30th 2011?

15 MS. BARR: I've got December 29th.

16 MR. HARVIN: Twenty-ninth sorry I'm a day off.

17 THE COURT: Okay. All right. Mr. Carroway.

18 MR. CARROWAY: Mr. Dawkins is 24 years old. I
19 don't know that he's been in any trouble before this
20 little two week period here and I met him back then. I
21 met his momma, met his daddy back then. They came by.
22 And, you know, you get these guys and usually you think
23 you can look at somebody -- we have seen people that you
24 can look and tell that, you know, from the time they're
25 juveniles and you can just tell. I know good and well

1 where this kid is headed or whatever, but with these two
2 guys -- and I know Charles too. I've known him for
3 probably three or four years. And they really are what
4 they appear to be here.

5 And I mean, you know, when we came up, it was a
6 movie that had been a made long time ago call Reefer
7 Madness about people going crazy when they smoke marijuana
8 or whatever. Well, a lot of people smoke marijuana, but
9 don't commit crimes. Of course, most people that do smoke
10 marijuana. It's not a good thing. There other things,
11 other problems that come along with that, but they don't
12 do things like this. But what happens here is laying
13 around these days and watching these videos, which he's
14 told me that they did laying around smoking reefer,
15 watching these videos and playing these games on TV where,
16 you know, everybody is shooting everybody. And these
17 games you play games to see how many people you can kill.
18 And you got all of these. Some of these are army videos
19 and all these things. And then you have these movies
20 where and videos they watch.

21 And, of course, everybody kills everybody in
22 this. And if you ever notice in these movies, it use to
23 be in a motion picture code that any time someone
24 committed a crime that they had to be punished within the
25 movie. Of course, that doesn't happen any more because if

1 you watch -- I use to watch the Wire on TV, which was a
2 good -- which was an excellent show, but nobody -- people
3 use to kill everybody in that and nobody ever got caught
4 or paid a price for that or whatever. And I don't know
5 quite -- I do believe if these movies weren't out there
6 circulating all this and these drugs which, of course, he
7 went and rented these movies and watch these movies and
8 smoke this marijuana. And He and I talked about this. He
9 said I don't think any of this would have ever happened or
10 whatever here.

11 Point being really if you meet, you know, these
12 guys -- let say you had a son or whatever and your son was
13 15 or 16. You would not have thought that, oh, I don't
14 want you hanging around with these guys. If these guys
15 came to your house or whatever or friends with your son
16 and played ball with your son and hung out on weekends
17 with your son. You wouldn't until may be 17 or 18 you
18 wouldn't have thought that, oh, you got to stay away from
19 these guys because look at Mr. Bishop. He's been this way
20 every time I've have seen him for -- I've known him since
21 he was 14 or 15. I don't recall him ever being in any big
22 trouble then. He's not somebody that you would have told
23 your son to stay away from. Mr. Dawkins the same way.
24 But clearly what happened here, you know, there are a lot
25 of steps you take here go from here to here, to here to

1 here. That none of us would have taken these steps that
2 led to this particular crime or whatever here.

3 What he tells me what happened here he was very
4 forth coming as to what happened is I didn't intend to
5 shoot anybody or whatever, but I think when the other guy
6 came up to the car he said he notice the passenger in the
7 car going for -- going under the seat or going into his
8 pants and doing something because I would imagine like the
9 gentleman said when somebody else came up somebody came up
10 to the car, but somebody came up from behind or whatever.
11 And it's possible that at that time he felt like something
12 is wrong here or whatever. And maybe he had something
13 under the seat or something which is, you know, they have
14 these days say all these athletes and everybody getting
15 caught for having a gun or whatever.

16 Well, sometimes you can't call and wait for law
17 enforcement. Sometimes you need to have these guns
18 registered, but it's not a bad idea to have a gun
19 sometimes or whatever. And, of course, if that's what he
20 had and if that's what he was going for or whatever,
21 that's certainly, you know, understandable. He never said
22 he saw a gun, but he said there was some activity by the
23 passenger in this car that led me to believe -- and it
24 could have been this other person came up. This is what
25 he tells me any way happened. And he said I back off at

1 that point. I fired at that point and I was backing up
2 and because -- and I believe that because the purpose of
3 all this was to rob somebody. And I think these gentlemen
4 will say -- I mean, they didn't follow through with this.
5 It's not like they said give us what you have empty your
6 pockets and nobody did anything or whatever and then
7 somebody went. You know, he said he ran off. He said he
8 was backing up and he fired these shots and he ran off is
9 what he said. They didn't stay there and try to complete
10 this robbery or whatever. So something that happened
11 there is why he fired or whatever.

12 Of course, under the law and every other thing,
13 Mr. Rollerson and Mr. Joe were obviously justified in what
14 they were doing in protecting themselves or whatever. But
15 he said at that point, that's when the gun came out or
16 whatever. He -- but, of course, the gun would have come
17 out before then because it was his intention to rob them
18 and to hold the gun on them until they -- I guess, they
19 had seen that these fellows as they were watching the pool
20 game or whatever that these fellows had some money or
21 whatever, so I think that's what happened here.

22 We have seen certain situations where people
23 have described just cold-blooded situations where somebody
24 intended to hurt somebody. And, you know, just shot
25 people for no reason or whatever. Obviously, this was

1 commission of a -- certainly intended to rob these men by
2 means of holding this gun on them, but it was not just
3 a -- well, I'm mad at these guys. I'm going to shoot
4 these guys or whatever. He didn't even know these
5 gentlemen. It wasn't like -- we've already got their
6 money and now we gone shoot these guys for no reason,
7 that's sort of why this happened. And he was a young
8 fellow at the time.

9 You know, what these gentlemen have gone through
10 and the family has gone through this is an America tragedy
11 right here. What has happened to them. This man in three
12 years he would have retired, had a good retirement at that
13 point. I would imagine what he said here is that all
14 that's off. I could not make it to those three years get
15 to this requirement level and everything was off there.
16 And now all -- not only his health problems but all of
17 these financial. And these guys didn't stop and think
18 about any of that stuff. But the point being I think Mr.
19 Dawkins was around 17 or 18 when this happened or
20 whatever.

21 THE COURT: According to this he was 20.

22 MR. CARROWAY: He is 24 now. And this happened
23 in what year?

24 THE COURT: 1988 excuse me -- 2008.

25 MR. CARROWAY: 2008. So any way he also had a

1 job at the time. He was working as, I believe,
2 Mr. Bishop said he was working as a brick mason. I don't
3 know whether they worked for the same guy or whatever, but
4 he did have a job at that time. But his mother did say he
5 was hanging with these guys. And she had had some
6 problems at the time but not anything like this. And all
7 of this happened within a couple of weeks, Your Honor.
8 And I would ask that you consider all these things. He
9 understands that he's going to have to in addition to what
10 he paid for the other crime, he's going to have to pay
11 with more time here, Your Honor. But I think you get the
12 picture of exactly of how this occurred, Your Honor. And
13 every time I ever talk to Mr. Dawkins, you know, sometimes
14 you can talk to people over at the jail or you know how
15 they talk among their friends and they show you a
16 completely different side when they come in here.
17 Sometimes they aren't smart enough to hide what they
18 really like or whatever, but Mr. Dawkins is just what he
19 appears like today. A very -- he's always been a nice guy
20 when I've talk to him. He's always very courteous. And
21 his statement to law enforcement I believe was dead on.
22 He didn't try to minimize what he did. He identified
23 himself as the shooter. I think he told everyone's part
24 here. And I would just ask that you consider all these
25 things and be as lenient as you possibly can with

1 Mr. Dawkins.

2 I think he has done well in prison he says. He
3 has learned an awful lot. And we've talked how in the
4 world did guy a that I might have let my son stay over to
5 his house or whatever, maybe even let him stay in my
6 house, what in the world led you to not only one thing,
7 but then another thing here what in the world were you
8 thinking. And, of course, they never think they going to
9 have to use that gun when they rob somebody. It is not
10 like they went there to kill somebody or shoot someone.

11 THE COURT: They almost did.

12 MR. CARROWAY: Well, they almost did, that's for
13 sure. Thank you, Your Honor.

14 THE COURT: Mr. Dawkins, anything you want to
15 tell me?

16 DEFENDANT DAWKINS: Yes, sir. I want to
17 apologize to both of y'all and y'all family.

18 THE COURT: Why did you start the shooting?

19 DEFENDANT DAWKINS: Like I said, when I came to
20 the vehicle, you know, it was dark, you know what I'm
21 saying. I was high up on marijuana and popping ectasy,
22 you know what I'm saying. So when I came to the vehicle
23 and ask the man for directions, you know, he hesitate to
24 like tell me what direction was to get back to my
25 location. And the guy on the passenger side look like he

1 was fumbling around in the vehicle. I mean, like my
2 lawyer said I ain't see no firearm or anything, but I just
3 shot off in the truck.

4 THE COURT: You panicked?

5 DEFENDANT DAWKINS: And ran.

6 THE COURT: All right. Anything else?

7 DEFENDANT DAWKINS: No, sir.

8 THE COURT: Anything else, Mr. Carraway?

9 MR. CARROWAY: Nothing, Your Honor.

10 THE COURT: Mrs. Shuler.

11 MRS. SHULER: Thank you, Your Honor. May it
12 please the Court. I'm here with Mr. Matthews. Your
13 Honor, you've heard basically what happened that night.
14 Mr. Matthews informed me that Mr. Bishop got the vehicle
15 from Ms. Diane. And they went back to another
16 individual's house who I cannot recall the name right now
17 where they sat and they did consume extensive amounts of
18 marijuana from what I understand. It was a house where
19 they went to quite frequently that there were no rules.
20 Prior to this occurring, my client is here today and
21 understands that what he did was wrong but, Your Honor, he
22 had no part whatsoever in the shooting. There was no
23 understanding on his part that that was going to happen,
24 that was not the plan. He had no intentions of that
25 occurring at all. The two incidents that his record is

1 relatively minor. He's doing 15 and five for the crime
2 that happened -- the arm robbery of the store.

3 THE COURT: Consecutive?

4 MRS. SHULER: It is, they are.

5 THE COURT: Fifteen plus five?

6 MRS. SHULER: Yes, Your Honor. For an incident
7 that occurred a week before. He was 18 at the time this
8 was going on. He was young. Basically, did not know the
9 consequences of his actions at that time. He's a young
10 guy. I think that -- he's very intelligent. He obtained
11 his GED while he was locked up. He always speaks to me
12 very intelligently, very humble. And sincerely remorseful
13 for what happened that day. His mother is here. He has a
14 good support system back at home. He is one of five
15 children total.

16 Your Honor, my client was -- played apart in
17 this. And I'm definitely not trying to minimize what
18 happened to these -- Mr. Rollerson and Mr. Joe as it was
19 very tragic and it was a senseless act. But by no means
20 was that his intention for that day for that to occur.
21 And the facts as the Solicitor stated for the prior armed
22 robbery are not what he told me happened. Your Honor, he
23 is -- does not have a propensity for violence at all. I
24 don't think that you'll have a problem with him. I'm
25 asking Your Honor to consider a consecutive sentence --

1 I'm sorry a concurrent sentence with what he's serving
2 right now. And something that is fair in light of the
3 circumstances. And I think that he would like to express
4 his remorse to the Court and to the victims in this case.

5 THE COURT: All right, Mr. Matthews.

6 MR. MATTHEWS: I like to apologize to the
7 victims. I'm not denying that an armed robbery was
8 planned, but I had no prior knowledge of y'all being shot.
9 I guess, that's why -- the gun went off. I didn't know
10 y'all was gone ever get shot. I ain't been the same ever
11 since this happened. I wasn't sleeping right at night
12 either. It's always been on my conscious. And if I
13 could, I would take it back. I was real young at the
14 time, I was nothing but 18 years old. I was on drugs that
15 night. I really wish it wouldn't have happened. I really
16 gave my life to God now, so I ask God for forgiveness. I
17 wish y'all could do the same for me.

18 MRS. SHULER: Your Honor, Ms. Plowden, Abigail
19 Plowden is his mother and she's here and would like to
20 speak.

21 THE COURT: Ms. Plowden, you can come forward to
22 the rail. Yes, ma'am.

23 MS. PLOWDEN: Your Honor, I first want to
24 apologize to the family. I'm very very sorry for your
25 tragic and what you been through. And just like Lawyer

1 Shuler said Antwine is the second oldest of five children.
2 I have two boys and three girls and my oldest is a doctor.
3 And Antwine was raised up in the church, in a good home.
4 His father is a contractor. And he was working with his
5 father at the time. How he came to know his
6 co-defendants, I think they were working with his dad
7 during the time when all this happened. But I'm just
8 asking, Judge, everything has come forward. I mean, the
9 shooter already said that he was the one who had the gun. We
10 have the driver. Antwine did say that he was in the car,
11 but he did not know what was going to take place. And I
12 just ask for the mercy of the Court that you would have
13 mercy on him because he is doing a 20 year sentence for
14 another incident -- the other incident that happened two
15 weeks -- I think it happened two weeks after this
16 incident. And I just ask for the mercy of the Court.

17 THE COURT: All right, thank you, ma'am.

18 Anything else, Mrs. Shuler?

19 MRS. SHULER: Nothing further, Your Honor.

20 THE COURT: Ms. Barr?

21 MS. BARR: Judge, Mr. Rollerson just wanted me
22 to advise the Court that during the course of the
23 shooting, he didn't move until after his son was shot.
24 And what he was doing was trying to move the seat back and
25 had he not moved the seat back he probably wouldn't be

1 here today. So I just wanted to shed light on that.

2 Judge, I appreciate these defendants coming
3 forward acknowledging their guilt, not placing the victims
4 family through a long and drawn out trial having to relive
5 that whole experience. But, Judge, I'll say that and I'll
6 also say I heard Mr. Matthews say that his -- this has
7 been weighing on his conscious since it happened. I hear
8 that and then I recognize that a week later they go out
9 and they do the same thing. And, Judge, there's no doubt
10 in my mind that had it not stopped that day with
11 unfortunately -- well, I should say fortunately God choose
12 to spare his life but had that not happened where
13 Mr. Cooper returned fire and shot at Mr. Matthews, I think
14 that this conduct would have continued to go on.

15 Judge, I would ask that Mr. Matthews correct me
16 if I'm wrong, but I think I remember prosecuting him as a
17 juvenile for that during burglary first. And I think the
18 victim in that case reported how they came into her house
19 in the middle of the night after they cut the phone wire
20 to the phone cord in her house, so she couldn't call
21 9-1-1. It was disturbing facts. I don't necessarily view
22 this crime as simply youthful indiscretions. I think that
23 if I had been involved in a situation where somebody was
24 shot, I think that would even if I didn't commit that
25 crime, it would weigh on my conscious. And I certainly

1 would not be involved in another situation exactly one
2 week later where somebody is shot at in another armed
3 robbery is attempted. So, Judge, I would just certainly
4 ask the Court to keep all of those things in mind.

5 THE COURT: All right. When would -- when were
6 Mr. Dawkins and Matthews served with their warrants?

7 MRS. SHULER: Mr. Matthews was served on January
8 the 12th of 2012.

9 THE COURT: When was Mr. Dawkins served with his
10 warrants?

11 MS. BARR: Mr. Dawkins was served on January the
12 18th of 2012.

13 THE COURT: All right. Anything else from Mr.
14 Rollerson or Mr. Joe?

15 MR. ROLLERSON: No, Your Honor.

16 THE COURT: Well, part of me wishes that Mr.
17 Rollerson and Mr. Joe had been armed and put a stop to it
18 themselves. Part of me wishes that. But most of me --
19 all of me is glad that they weren't harmed any more
20 seriously than they were. I just don't understand how
21 young folks or even old folks can think that this is open
22 season on people. They are out there just canvassing the
23 neighborhood for victims. I think you think it's pretty
24 neat to say, well, let's go hit a lick makes you feel like
25 a big man. Well, you going to be in prison for a long

1 time with a lot men bigger than you. But just does not
2 make my sense to me how anybody can think with any common
3 sense that this is a pretty neat thing to do. All right.
4 Mr. Bishop he's the only defendant where there is a
5 recommendation, correct?

6 MS. BARR: Correct, Your Honor.

7 THE COURT: All right. Mr. Bishop under the
8 count of attempted arm robbery, you are committed to the
9 state department of corrections for a period of 15 years.
10 Concurrent with that you are committed for a period of
11 five years criminal conspiracy. You'll get credit for the
12 time you spent in jail for Mr. Rollerson. Mr. Joe's
13 purpose the law requires that he get credit for the time
14 that he has served because he has been incarcerated since
15 he was arrested. I just want to make sure that you
16 understand that and that is from December 29th 2011 to
17 today. I will follow the State's recommendation.

18 Mr. Matthews and Mr. Dawkins these are difficult
19 because you're young. I don't like putting people in
20 prison. It's not because I don't feel for the victims
21 it's because you're wasting your life. You wasted -- you
22 are going to waste more than half your life being in
23 prison because you want to smoke dope and go out and rob
24 people and shoot them because things don't happen
25 according to plan.

1 Mr. Matthews I'm going to give you 20 years on
2 the attempted arm robbery. Concurrent with that the five
3 years on the criminal conspiracy. But the 20 years will
4 be consecutive to the time you're serving now. You can't
5 blame that on me. You did it. You did it.

6 Mr. Dawkins, I'm going to sentence you to five
7 years criminal conspiracy. This will be concurrent with
8 your other pleas today and your current SCDC sentence.
9 And he did all the shooting; is that right?

10 MS. BARR: Yes, sir.

11 THE COURT: How many shots were fired does
12 anybody know?

13 MRS. ROLLERSON: Five or six, there was a stray
14 bullet.

15 THE COURT: Five or six, more than likely six.
16 And Mr. Rollerson and Mr. Joe and Mrs. Rollerson, the
17 reason I hesitate is -- I just know -- I know it's tragic
18 for you all, but he's throwing away his life. I don't
19 feel sorry for him, but I just don't understand it how you
20 can just go out shooting people because the robbery
21 doesn't go according to plan.

22 By the way, Mr. Matthews and Mr. Dawkins are
23 going to get credit on these pleas today. Mr. Dawkins
24 from January 18th 2012 to the date of the plea. And
25 Mr. Matthews from January 12, 2012, to the date of the

1 plea.

2 Mr. Dawkins on your two assault and batteries
3 with intent to kill 20 years. They'll be concurrent with
4 one another, consecutive to that is 15 years on the
5 attempted arm robbery. Intention of the sentence is for
6 him to serve a 20 year sentence after he finishes his
7 current sentence and then consecutive to that another 15
8 year sentence. Again, five years on the criminal
9 conspiracy concurrent with everything. I don't take any
10 joy in doing it. It just doesn't make me feel good, but,
11 you know, civilized society can't tolerate this.

12 Mr. Dawkins is getting off with half the time he would
13 have served if he getting everything consecutive.

14 Mr. Matthews I don't doubt that you regret what you did,
15 but you got to pay the piper. Thank you.

16 MS. BARR: Thank you, Your Honor.

17 MR. HARVIN: Thank you, Your Honor.

18 END OF REQUESTED HEARING

19

20

21

22

23

24

25

14 WP45 136

STATE OF SOUTH CAROLINA)
)
 County of Williamsburg)
Antwine Matthews 340876)
 Full name and prison number, if any, of applicant.)
)
 v.)
State of South Carolina)
 Name of Respondent)
 _____)

In the Court of Common Pleas

APPLICATION FOR
POST-CONVICTION RELIEF

FILED
 21 MAR 11 PM 5:00
 CLERK OF COURT
 WILLIAMSBURG COUNTY

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 Correctional Institution, 990 Wisacky Hwy,
Bishopville, S.C. 29010.
2. Name and location of Court which imposed sentence Williamsburg County Court of
General Sessions, 125 West Main Street, Kingstree, S.C. 29556
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) 2012-GS-45-00057 Attempted Armed Robbery, Criminal Conspiracy
 - (b) _____
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) May 14, 2013: 20 years, 5 years concurrent
 - (b) _____
 - (c) _____

SHARON W. STAGGERS
 WILLIAMSBURG COUNTY SC
 CLERK OF COURT
 A CERTIFIED TRUE COPY
 Sharon W. Staggers
 SHARON W. STAGGERS
 CLERK OF COURT
 WILLIAMSBURG COUNTY

- 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 advised my attorney to do so but she never did.
 - (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 trial counsel.
 - (b) _____
 - (c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9)

(a) Failure to prepare and investigate.

(b) Failure to make contemporaneous objections.

(c) Failure to file my appeal after I requested she do so.

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) PCB is the proper forum.
- (b) _____
- (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. M. Amanda Shuler, P.O. Box 980, Kingstree, S.C. 29556
- ii. _____
- iii. _____

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

- i. Arraignment and plea.
- ii. _____
- iii. _____

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

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 Williamsburg)

VERIFICATION

I, Antwine Matthews, 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.

Antwine Matthews

Sworn to and subscribed before me

This 7 day of March, 2014.

D. Suris L.S.

Notary Public for South Carolina

My Commission Expires 11-4-2015

FILED
2014 MAR 11 PM 5:00
CLERK OF COURT
WILMINGTON, N.C.

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

I, Antwine Matthews, 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 or 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.

Antwine Matthews

Applicant

Sworn to and subscribed before me

This 2 day of March, 2014

D. Suris L.S.

Notary Public for South Carolina

My Commission Expires: 11-4-2015

| | | |
|-----------------------------|---|--------------------------------|
| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF WILLIAMSBURG |) | FOR THE THIRD JUDICIAL CIRCUIT |
| |) | |
| Antwine Matthews, # 340876, |) | 2014-CP-45-136 |
| |) | |
| Applicant, |) | |
| |) | |
| v. |) | RETURN |
| |) | |
| State of South Carolina, |) | |
| |) | |
| Respondent. |) | |

The Respondent, making its Return to the application for post conviction relief (PCR) filed March 11, 2014¹, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. The Applicant was true bill indicted at the March 2012 term of the Williamsburg County Grand Jury for two counts of assault and battery with intent to kill, criminal conspiracy, attempted armed robbery, and possession of a weapon during the commission of a violent crime (2012-GS-45-0057). Amanda Shuler, Esquire represented Applicant. On May 13, 2013, Applicant pled guilty as indicted before the Honorable George C. James, Jr. Judge James sentenced Applicant pursuant to a recommendation by the State to twenty year term of imprisonment for attempted armed robbery and five year term of imprisonment for criminal conspiracy with all sentences running concurrent from his previous guilty plea on January 12, 2012. Applicant did not appeal his guilty plea or sentence.

¹ The application for Post-Conviction Relief was received by Respondent by July 11, 2014.

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

II.

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

1. Ineffective Assistance of Counsel
 - a. Failure to prepare and investigate.
 - b. Failure to make contemporaneous objections.
 - c. Failure to file my appeal after I requested to do so.

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, SCRPC.

III.

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

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

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

IV.

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

V.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

September 18, 2014.

| | | |
|--------------------------|---|---------------------------|
| State of South Carolina |) | Court of Common Pleas |
| |) | Third Judicial Circuit |
| County of Williamsburg |) | Case No. 2014-CP-45-00136 |
| |) | |
| Antwine Matthews, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | Transcript of Record |
| |) | |
| |) | |
| State of South Carolina, |) | |
| |) | |
| Defendant. |) | |
| |) | |

November 18, 2015
Sumter, South Carolina

B E F O R E:

The Honorable Tanya A. Gee, Judge

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

Charles T. Brooks III, Esquire
Attorney for the Plaintiff

Daniel Gourley, Esquire
Attorney for the Defendant

Krystal J. Smith
Court Reporter

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(No Exhibits Presented)

1 NOVEMBER 18, 2015

2 (WHEREAS this matter was scheduled for a post-conviction
3 relief hearing, the applicant appeared along with his
4 counsel of record. The State appeared through counsel of
5 record. The hearing began at 2:08 p.m.)

6 THE COURT: Good afternoon.

7 MR. GOURLEY: Good afternoon.

8 MR. BROOKS: Good afternoon.

9 THE COURT: All right. Mr. Gourley?

10 MR. GOURLEY: Yes, Your Honor. This is going to be
11 Antwine Matthews versus the State of South Carolina, Docket
12 Number 2014-CP-45-136. He's presently confined in the South
13 Carolina Department of Corrections pursuant to orders of
14 commitment of the Williamsburg County Clerk of Court.

15 He was true-bill indicted in the March 2012 term of the
16 Williamsburg County Grand Jury for two counts of assault and
17 battery with intent to kill, criminal conspiracy, attempted
18 armed robbery, and possession of a weapon during the
19 commission of a violent crime. Ms. Shuler represented him.

20 On May 13th, 2013, he pled guilty as indicted before the
21 Honorable George C. James Jr. Judge James sentenced the
22 applicant pursuant to a recommendation by the State to a 20-
23 year term of imprisonment for attempted armed robbery and a
24 five-year term of imprisonment for criminal conspiracy, with
25 those sentences running concurrent to his previous conviction

1 on January 12th, 2012.

2 He did not appeal his guilty plea or sentence. He filed
3 a timely PCR application on March 11th, 2014, alleging
4 ineffective assistance of counsel. The State filed its return
5 on September 18th, 2014, and he is represented in this matter
6 by Mr. Brooks.

7 THE COURT: All right. Mr. Brooks?

8 MR. BROOKS: Yes, Your Honor.

9 THE COURT: Go ahead.

10 MR. BROOKS: May it please the Court.

11 THE COURT: Yes, sir.

12 MR. BROOKS: We would go ahead and call Mr. Matthews to
13 the stand.

14 THE COURT: All right. Mr. Matthews, if you could, come
15 forward to be sworn in.

16 THE CLERK: Place your left hand on the Bible and raise
17 your right hand. State your name.

18 THE APPLICANT: Antwine Matthews.

19 THE CLERK: Do you solemnly swear or affirm your
20 testimony to the Court shall be the truth, the whole truth,
21 and nothing but the truth, so help you God?

22 THE APPLICANT: Yes, sir.

23 THE CLERK: Thank you.

24 THE COURT: And, Mr. Brooks, before you ask him
25 questions, I just want to ask him a couple of things before

ANTWINE MATTHEWS - DIRECT BY THE COURT

1 you get started.

2 MR. BROOKS: Yes, ma'am.

3 THE CLERK: Please state your full name. Spell your last
4 name for the record.

5 THE APPLICANT: Antwine Lamar Matthews, M-a-t-t-h-e-w-s.

6 DIRECT EXAMINATION BY THE COURT

7 THE COURT: Good afternoon, Mr. Matthews. Before we
8 start your hearing for your post-conviction relief action, I
9 want to make sure you understand what I can do today. If I
10 were to deny your motion for post-conviction relief, you would
11 simply go back to the Department of Corrections and serve out
12 the remainder of your 20-year sentence that you received.

13 If I were to grant your post-conviction relief action, I
14 can't change the sentence you received and just impose a
15 different sentence. All I can do is allow you to start off
16 where you began prior to the guilty plea hearing.

17 So in this case, I understand that you were at some point
18 facing a life without parole sentence, but the State had
19 noticed you for life without parole and, prior to the guilty
20 plea, they had withdrawn that notification.

21 So when -- when you start back from the beginning, any
22 sort of deal that you received in exchange for your guilty
23 plea would also go away. Do you understand that?

24 THE APPLICANT: Yes, ma'am.

25 THE COURT: Okay. And understanding that, do you still

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 wish to go forward with your post-conviction relief action?

2 THE APPLICANT: Yes, ma'am.

3 THE COURT: Okay. Thank you very much. Mr. Brooks, you
4 can take it from here.

5 MR. BROOKS: Thank you, Judge.

6 ANTWINE MATTHEWS, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 Q: Mr. Matthews --

10 A: Yes, sir.

11 Q: How are you doing today?

12 A: I'm all right.

13 Q: How old are you, man?

14 A: Twenty-five.

15 Q: Okay. Now, I want to give the judge a little background
16 about the situation. You actually had another case that you
17 had been tried on, convicted, and had been given a sentence;
18 is that correct?

19 A: Yes, sir. I went to trial.

20 Q: Okay. So you were already serving some time when this
21 case developed. When I say developed, you came to court with
22 your lawyer, the solicitor, and went in front of Judge James;
23 is that right?

24 A: Yes, sir. How it happened was this case that I'm going
25 up for now -- this has been developed since 2008 and one of my

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 codefendants on the case that I got convicted on in trial, if
2 you read the motion of discovery, he had already told them
3 about this case, but they already knew about it. But they
4 postponed it to find me guilty in trial, to come back later on
5 and indict me on this case to come with the two-strike law
6 instead of bringing it all at one time. But they been -- they
7 already knew about the case since way back before I even went
8 to trial.

9 Q: I understand. So you were already serving some time as a
10 result of being found guilty in the case?

11 A: I was, yes, sir.

12 Q: How much time were you serving on that?

13 A: Twenty years.

14 Q: Okay. So you were in the process of serving a 20-year
15 sentence on the trial that you were being convicted of and
16 then you came to court for this guilty plea; is that correct?

17 A: Yes, that's correct.

18 Q: All right. I just wanted to paint a picture for the
19 judge as to, you know, how this came about because that's some
20 things that if nobody knew about that would not know; is that
21 right? Do you understand that?

22 A: Meaning?

23 Q: Nobody would know that you actually were serving the 20
24 years on another case and that's something that is important;
25 right?

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 A: Right.

2 Q: Okay. Now, you ended up pleading guilty to this case.

3 Is that your understanding?

4 A: Yes, I pled guilty.

5 Q: Okay. Why did you end up pleading guilty?

6 A: I pled guilty because when me and my lawyer spoke -- when
7 me and Ms. Amanda Shuler spoke, she made it clear to me that
8 the deal we're going to do is I'm going to talk to the
9 solicitor and I'm not going to let the State make a
10 recommendation.

11 They are not going to make a recommendation at all. I'm
12 going to make the only recommendation. And being that I'm
13 making the only recommendation, the judge is going to side
14 with you and run the 20 years concurrent. That was the only
15 reason why I took the plea deal.

16 Q: Okay. And that's what I'm talking about, Antwine. The
17 judge wouldn't know that --

18 A: Okay.

19 Q: -- unless we told her and explained to her the background
20 of it. Do you understand that?

21 A: Correct.

22 Q: Okay. Now, that's what prompted you to take --

23 A: The 20 years, yeah.

24 Q: --- the deal in this case?

25 A: To even sign the plea deal at all, yes.

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 Q: Okay. Now, was it your understanding you were getting a
2 concurrent sentence?

3 A: Yes, sir. I had already spoke with my lawyer and the
4 solicitor in privacy and my mom was standing right there. We
5 all spoke together and everyone already talked and it was -- I
6 mean it had to be absurd for me to sign a plea deal for a
7 consecutive sentence of 20 years when I'm already serving. I
8 might as well go to trial if I'm going to take a consecutive
9 sentence of 20 years.

10 Q: Okay. Now, is it your understanding once you got to the
11 Department of Corrections that they're now treating this as a
12 consecutive sentence?

13 A: I understood that when they -- like, when the judge --
14 when the judge said it.

15 Q: Wait. Hold on. Hold on. Okay. I think it's my
16 understanding and I think the Attorney General's understanding
17 that Judge James gave you a concurrent sentence.

18 MR. BROOKS: Is that right, Daniel?

19 MR. GOURLEY: From reading the transcript, Charles, it
20 looks like some of these charges were consecutive.

21 MR. BROOKS: Okay.

22 MR. GOURLEY: Some were concurrent. But page 48 of the
23 transcript says he got 20 years on the assault and battery
24 with intent to kill. They'll be concurrent with one another.
25 Consecutive to that is 15 years for attempted armed robbery.

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 MR. BROOKS: Okay.

2 MR. GOURLEY: And five years for criminal conspiracy
3 concurrent.

4 BY MR. BROOKS:

5 Q: So that's the one you've got the problem with is the one
6 that's now running consecutive. Am I right, Mr. Matthews?

7 A: Yes, sir.

8 Q: Okay. And that's what got you prompted to file a PCR as
9 related to this case?

10 A: Yes, sir.

11 Q: Okay. It's that you now got consecutive time. Was it
12 your understanding that all of this was supposed to be a
13 concurrent sentence?

14 A: It was, yes, sir.

15 Q: Okay. And if you would have known that you were going to
16 get consecutive time, would you have pled guilty?

17 A: No, not at all.

18 Q: Okay. All right. Now, did you want to appeal your
19 guilty plea?

20 A: I wanted to appeal my guilty plea and right after --
21 right after I got found guilty, Ms. Shuler was standing right
22 beside me, turned around and looked me in the eyes, and said
23 do you wish for me to file your appeal? I said, of course.

24 She met with my mom immediately after the hearing. They
25 had a talk about the appeal and the procedures, and about six

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 months in, I never got a letter for my appeal. So I mean, you
2 know, you only have one year limited to file your PCR; so I
3 began to get worried and I wrote Ms. Shuler a letter and she
4 told me I didn't file your direct appeal because you never
5 instructed me to do so.

6 Q: Okay. All right. Now -- all right. Now, Antwine, as
7 the judge indicated, you understand that if she grants your
8 post-conviction relief that you could go back and basically
9 look at life without parole? You understand that?

10 A: Yes, sir.

11 Q: Okay. And you understand the risks that accompany that,
12 yet it's still your desire to go forward? Is that your
13 understanding?

14 A: Yes, sir.

15 Q: Okay. Now, you thought you were getting concurrent time
16 as it relates to this plea, concurrent to the sentence you're
17 already serving?

18 A: Correct.

19 Q: If you had gotten concurrent time or everything would
20 have been concurrent, you'd be okay; is that correct?

21 A: Yes, sir. That was the original agreement. I would have
22 been fine.

23 Q: Okay. All right. Is there anything else in regards to
24 this guilty plea that you want to tell the judge that we
25 haven't told her here this afternoon?

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 A: Just basically I just -- I just got tricked. I got
2 tricked to sign a plea deal. I mean, like, I was coming out
3 and everything happened so fast. They brought me from prison,
4 took me straight to the county jail.

5 I never spoke with Ms. Shuler. Ms. Shuler came to see me
6 probably two weeks prior to the hearing and gave me a 300-
7 something page motion of discovery to review in that little
8 bit of time, to go over that, which it was a very strong case,
9 but she never seemed optimistic about anything. It was just
10 always, like, don't go. No, don't do it. Don't go forward
11 with it. Just you're going to get life, you know, and I spoke
12 with her and the prosecutor myself and they told me, like, you
13 should just go ahead and tell us everything that happened and
14 we'll get you a good deal worked out.

15 We'll get you a good deal worked out or whatever and when
16 we got to the courtroom, I wouldn't have signed the plea deal.
17 I wouldn't have signed the plea deal because if I'm already
18 serving a 20-year sentence, why would I want to get a stack of
19 more time right on top of that? And I knew that it was a very
20 strong case, but being that she came and told me, okay, she's
21 -- she's not going to make a recommendation. The State is
22 going to stay out of it. They are not going to make a
23 recommendation. I'm going to make a recommendation.

24 If you read the transcript, you'll see that the State --
25 I'm the only one the State didn't make a recommendation for

ANTWINE MATTHEWS - DIRECT BY MR. BROOKS

1 and that's the reason why they didn't make the recommendation
2 because it was my understanding from the both of them that I
3 was going to get the 20 years ran concurrent being where Ms.
4 Shuler recommended to the judge to run the time concurrent.

5 Q: Okay.

6 A: So that's -- that's the only reason why and I felt like
7 it wasn't fair at all. I felt like I was misled and deceived
8 to sign a plea deal and once he -- once he slammed the -- once
9 he slammed the thing down and gave me the time, there was
10 nothing else I could do about it.

11 Q: Except come here today and file your PCR?

12 A: And file my PCR because the appeal never got filed.

13 Q: Okay. Anything else?

14 A: No, sir. That's it.

15 Q: All right.

16 MR. BROOKS: Answer any questions of the attorney
17 general.

18 THE COURT: Mr. Gourley?

19 MR. GOURLEY: Thank you, Judge.

20 CROSS-EXAMINATION

21 BY MR. GOURLEY:

22 Q: Mr. Matthews, do you recall the judge explained to you
23 the sentences and whether they were going to be -- and that he
24 had the discretion to run them consecutive or concurrent?

25 A: He -- the judge just -- the judge just was making the

ANTWINE MATTHEWS - CROSS BY MR. GOURLEY

1 understanding that -- basically, the judge was just saying --
2 like, telling me what all the charges I was facing and
3 everything --

4 Q: Right.

5 A: -- and how much time they could carry up to.

6 Q: Okay.

7 A: But I don't think he said anything about it being
8 consecutive though until the end.

9 Q: All right. And during the guilty plea, there was a --
10 there was a little bit of confusion about what the solicitor
11 was offering and so on and so forth; right?

12 A: Yeah.

13 Q: Do you recall stepping aside and talking to your attorney
14 a couple different times?

15 A: Yeah, I recall that. Yes, sir. Yes, sir.

16 Q: And do you recall what those discussions were?

17 A: Oh, when we were stepping aside, she was basically
18 explaining to me, like, do you understand everything that
19 we're saying?

20 Q: Yeah.

21 A: Because Ms. Barr was saying that we're not putting -- I
22 think she was saying this is a 25-year cap. That's all she
23 was saying. It's a 25-year cap, but she was, like, I'm not
24 making a recommendation and we all spoke in privacy already.

25 Me, Ms. Shuler, and Ms. Barr -- we all spoke in privacy

ANTWINE MATTHEWS - CROSS BY MR. GOURLEY

1 off of the record; so we already have an understanding. So I
2 know where this is coming from about not being a
3 recommendation. So you have to understand I'm already going
4 into this knowing that, okay, this is what I'm fixing to come
5 out of this with. I'm going to get this concurrent sentence
6 and it's --

7 Q: Okay.

8 A: I'm -- we already had an understanding.

9 Q: Okay. So you had an understanding that the charges were
10 going to be -- or that the sentence was going to be 20 years
11 concurrent to your other charges that you were convicted on;
12 right?

13 A: Exactly.

14 Q: Okay. And at any point in time did you bring this to the
15 attention of the judge?

16 A: I got -- when I got inside the hearing, we basically --
17 you don't -- you really don't get too much a chance to talk at
18 a guilty plea. The judge does all the talking and your lawyer
19 does all the talking. They don't really give you a chance to
20 talk because you're already -- you're already thinking that
21 you're going to get this amount of time. So you really --
22 like, I really didn't see the need to be explaining too much.

23 Q: Okay. He did give you -- he did ask you a question
24 though of whether or not anybody was promising you or
25 threatening you anything in order to get you to plead; right?

ANTWINE MATTHEWS - CROSS BY MR. GOURLEY

1 Do you remember that?

2 A: He asked me that.

3 Q: Okay. And that would have been an opportunity to say,
4 hey, Judge, we had this conversation, me and Ms. Barr and Ms.
5 Shuler, about this 20-year sentence; right?

6 A: But if I said it right then, it would get throwed out.

7 Q: Okay. So you just wanted to plead guilty to get the
8 benefit of the bargain?

9 A: No. I wanted -- I pleaded -- I pleaded guilty because,
10 like, my lawyer -- my lawyer didn't have any confidence at
11 all. I mean if I'm going in with a lawyer beside me who is
12 just telling me, like, don't do it, like, you're working for
13 me.

14 Q: Yeah.

15 A: So why would I go into a trial and you're telling me off
16 the top that you -- the only thing you keep saying is you're
17 going to catch life. You're not looking at the fact that
18 there's no evidence in this at all. You know, you just keep
19 telling me you're going to catch life, you're going to catch
20 life; so what can I do? My hands are tied behind my back.

21 Q: You didn't want to catch life?

22 A: Nobody wants to catch life.

23 Q: Absolutely not.

24 Q: Okay. Do you recall the judge asking you if you were
25 satisfied with Ms. Shuler's representation?

ANTWINE MATTHEWS - CROSS BY MR. GOURLEY

1 A: He asked me that, yes, sir, and I was. I was satisfied
2 with her representation because up to that point I'm expecting
3 to get 20 years concurrent. I could have took the 20 years
4 concurrent to my current sentence that I'm serving.

5 Q: Okay. But again, you never brought that up to the
6 attention of the judge?

7 A: I didn't bring it up to the judge, no, sir.

8 Q: Okay. And then you also wanted an appeal?

9 A: I did want an appeal, yes, sir.

10 Q: Okay. When did you ask Ms. Shuler to file an appeal?

11 A: Not only did I ask her, Ms. Shuler asked me did I want an
12 appeal filed. As soon as I got found guilty, Ms. Shuler
13 actually grabbed my arm and said, Mr. Matthews, do you want me
14 to file an appeal? Because I mean after I got the consecutive
15 sentence, I dropped my head down. I mean I'm hurt because I
16 feel betrayed. So she's -- do you want me to file your
17 appeal? I didn't even know you could file an appeal after a
18 guilty plea hearing. I learned that from her.

19 Q: Right.

20 A: Being that she said that and my mom sat with her
21 personally and some more of my family members, and she
22 discussed with them how she was going to file the appeal and
23 proceed. Like, she was explaining the procedure to them and,
24 like I said, I'm six months in and I'm like -- I'm not -- I
25 know I only have a year; so I had to start getting on top of

ANTWINE MATTHEWS - CROSS BY MR. GOURLEY

1 it. I wrote her a letter and she wrote me this letter back
2 saying that you never asked that I file an appeal. And right
3 then and there, I knew it was just all a plan from the
4 beginning.

5 Q: Okay. What do you mean all a plan?

6 A: Just basically to trick me to sign this -- to sign the
7 guilty plea hearing to get it all the way over with and
8 promise me this 20 years concurrent to my current sentence and
9 my appeal never got filed. And when I seen that my appeal
10 never got filed and she put on the letter that I never
11 recommended it, then I knew right then and there that no one
12 was for me in the beginning.

13 Q: Okay. And the State did make a recommendation of a 30-
14 year cap; right? I think you said 25. I think that Ms. Barr
15 said 30.

16 A: No. They never made a recommendation. I think on the --
17 I think on the -- like, on the plea hearing, like, it was
18 either you can -- I could have -- I could have taken 30 years
19 with a cap --

20 Q: Uh-huh.

21 A: -- as a concurrent sentence or I either could have taken
22 the 20 years with no recommendation.

23 Q: No recommendation by the State?

24 A: With no recommendation by the State, right.

25 Q: Okay. And which one did you opt for?

ANTWINE MATTHEWS - CROSS BY MR. GOURLEY

- 1 A: The 20 years with the no recommendation.
- 2 Q: So you pled guilty with the 20 years knowing that the
3 State wasn't going to make a recommendation?
- 4 A: Right. My lawyer instructed me to do just that.
- 5 Q: Okay.
- 6 A: They told me that was how everything would play out.
- 7 Q: And you understand what no recommendation means?
- 8 A: Every time I ever been to court, I always understood that
9 when the State makes a recommendation, almost 90 percent of
10 the time the judge goes with it. So -- and like she explained
11 it to me, like, they're not going to make a recommendation.
12 I'm going to make a recommendation.
- 13 And she said in my experience with this, the judge is
14 going to go with my recommendation. We pulled out -- you can
15 see inside the transcript where the judge -- we had a brief
16 recess for her to pull me outside to explain this to me and my
17 mom that, okay, you don't have to worry about him getting a
18 consecutive sentence.
- 19 Q: Okay. So it was Ms. Shuler's opinion that you weren't
20 going to receive a consecutive sentence?
- 21 A: Right.
- 22 Q: And that was the State's recommendation that you receive
23 concurrent sentences, which is based off of Ms. Shuler's
24 recommendation?
- 25 A: Me and her -- me and her -- like I told you, me and her

ANTWINE MATTHEWS - CROSS BY MR. GOURLEY

1 and Ms. Barr talked in private. Ms. Shuler know what all we
2 talked about.

3 Q: Okay.

4 A: Why would -- 40 years is life.

5 Q: Absolutely.

6 A: It is life. I mean it's just a number for it.

7 Q: Okay.

8 A: It just makes it look better so I mean life -- like, life
9 can't scare a person who has 40 years.

10 Q: Right. Okay. Thank you, Mr. Matthews.

11 THE COURT: Any redirect, Mr. Brooks?

12 MR. BROOKS: No, ma'am.

13 THE COURT: All right. You may step down. Thank you.

14 THE APPLICANT: Yes, ma'am.

15 MR. BROOKS: We'd call Amanda Shuler.

16 THE CLERK: Place your left hand on the Bible and raise
17 your right hand, please. State your name.

18 THE WITNESS: Amanda Shuler.

19 THE CLERK: Do you solemnly swear or affirm your
20 testimony to the Court shall be the truth, the whole truth,
21 and nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 THE CLERK: Thank you, ma'am. Have a seat up there,
24 please. Please state your full name and spell your last name
25 for the record.

AMANDA SHULER - DIRECT BY MR. BROOKS

1 THE WITNESS: Mary Amanda Harrelson Shuler, S-h-u-l-e-r.

2 MR. BROOKS: Thank you, Judge.

3 THE COURT: Go ahead.

4 AMANDA SHULER, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BROOKS:

8 Q: Ms. Shuler, how are you today?

9 A: I'm doing good. How are you?

10 Q: I'm doing wonderful. You represented Mr. Matthews in
11 this matter?

12 A: I did.

13 Q: And is that through your capacity as a public defender?

14 A: That is correct. Yes. I would have been with the public
15 defender's office at that point.

16 Q: You're no longer with them now?

17 A: No.

18 Q: Okay. I was curious if you were.

19 A: I'm not.

20 Q: Okay.

21 A: No. I -- I resigned as the public defender for
22 Williamsburg County as of -- I believe it was September 30th of
23 this year. So it's rather fresh.

24 Q: Oh, okay. All right. Well, do you remember Mr.
25 Matthews?

AMANDA SHULER - DIRECT BY MR. BROOKS

1 A: I do. I remember him well.

2 Q: Okay. Now, he was already serving time when he was
3 brought to court. Is that your understanding?

4 A: He was.

5 Q: Okay. What kind of -- what was going on? What was the
6 kind of deal that was talked about?

7 A: Mr. Matthews was charged with armed robbery, I think
8 assault and battery with intent to kill, and criminal
9 conspiracy. He had -- was serving time on an armed robbery
10 from another establishment in Williamsburg County and, if I'm
11 not mistaken, there was a gun used in that case where somebody
12 was injured. I believe I have that case still in my mind.

13 And that -- that charge was very close in time to the
14 charge that I was appointed to represent him on in terms of
15 when they occurred. The charge that I had that I represented
16 him on, the armed robbery, the assault and battery with intent
17 to kill and criminal conspiracy, for some time went without
18 any leads. And once they found -- once they got leads on it
19 and some statements were taken from codefendants, things like
20 that, arrest warrants were issued for Mr. Matthews and he was
21 served with his arrest warrant.

22 Q: Okay.

23 A: Through -- I don't know if Mr. Matthews had been served
24 with his notice of life -- notice to seek life without parole
25 before I represented him or during my representation, but at

AMANDA SHULER - DIRECT BY MR. BROOKS

1 some point in time he was served with a notice of intent to
2 seek life.

3 Q: This is after he had been convicted on the first set of
4 charges that you just mentioned?

5 A: That's correct.

6 Q: Okay.

7 A: Because that would have been the prior that had given
8 rise to the notice. At some point in time, that was given to
9 him. I was appointed to represent him. We got discovery. We
10 went over the discovery and for quite some time the
11 codefendants were not going to plead guilty. It was going to
12 be they were going to go to trial.

13 So then with the codefendants' statements, everybody was
14 going to have to be tried separately. Then we got notified
15 that Mr. Charles Bishop was going to plead. Mr. Bishop pled
16 and Mr. Dawkins pled as well. And so two of the codefendants
17 pled to the crime itself, which left Mr. Matthews.

18 At that point in time, before they were pleading guilty,
19 we had discussed trial strategies, how to handle it, what we
20 were going to do, because I believe that they were -- I don't
21 remember who they were going to try first, but nonetheless,
22 once the two codefendants pled guilty and were going to
23 testify against Mr. Matthews, he and I discussed it.

24 We discussed the possibility and the likelihood of him
25 being convicted and that his codefendants would be rewarded

AMANDA SHULER - DIRECT BY MR. BROOKS

1 for their testimony most likely. And based upon that, he made
2 the decision that it would be best to go ahead and plead
3 guilty.

4 Initially, there was a recommendation of a 30-year cap,
5 which should have been the 25 on the attempted armed robbery
6 and then five years on the criminal conspiracy. In order to
7 get the 30 years, they would have had to run those
8 consecutively to get to the cap of 30. At some point in time,
9 Ms. Barr said there's not -- it's not necessary to have a cap
10 of 30 years and the recommendation at that point was that it
11 was going to be a concurrent sentence of 30 years.

12 I don't exactly know what happened in Ms. Barr's mind,
13 but at that point I think she realized that there would -- he
14 was not receiving any additional punishment because of him
15 serving the 20 years on the other charge and so she said we're
16 not going to make any recommendation, which is what we had
17 talked about initially. So we went --

18 Q: Is that kind of where the confusion came in?

19 A: It did. The confusion came in then and I had a side
20 conversation with Mr. Matthews and then we went outside and
21 had a discussion again. At that point in time, there was no
22 recommendation. We were just pleading straight up and
23 whatever the judge gave him we were going to have to live
24 with.

25 Q: Okay. And then that's when you went through with a

AMANDA SHULER - DIRECT BY MR. BROOKS

1 guilty plea?

2 A: Yes.

3 Q: Okay. Do you acknowledge not filing any appeal of the
4 guilty plea?

5 A: We discussed filing of an appeal. I did not file an
6 appeal, but we had discussed that. I discussed that, you
7 know, a guilty plea -- an appeal on a guilty plea would be
8 whether the judge abused his discretion in sentencing, and
9 typically nothing happens from there. So I was not asked to
10 file a guilt -- or file an appeal by him or by his mother. So
11 if I'm not asked to file an appeal, especially on a guilty
12 plea, then I don't file an appeal.

13 Q: Okay. Were you his other lawyer on the previous case?

14 A: I was not.

15 Q: You were not? Okay.

16 A: I believe he was represented by Charles David Barr.

17 Q: Okay. Do you recall how long you had been on the case
18 before you ended up entering a guilty plea?

19 A: I don't.

20 Q: Okay.

21 A: I could probably look.

22 Q: Even if you could give me a ballpark. Was it a month
23 before? Had you been on it for six months before? I'm really
24 looking to see how long a time you had really been on the case
25 in order to adequately communicate with him.

AMANDA SHULER - DIRECT BY MR. BROOKS

1 A: I started with the Public Defender's Office in September
2 of 2012 and I believe that I got his file whenever I started
3 with the Public Defender's Office in September of 2012.

4 Q: Okay. So that would have been about maybe eight months
5 from September of 2012 all the way to May of 2013 when his --
6 when his guilty plea was done?

7 A: About nine months.

8 Q: About nine months? Okay.

9 MR. BROOKS: I beg the Court's indulgence, Your Honor.

10 THE COURT: Uh-huh.

11 BY MR. BROOKS:

12 Q: Ms. Shuler, do you -- would it be fair to say you first
13 sent a letter in January of 2013 to him making him aware of
14 your representation?

15 A: If -- I don't have a complete copy of my file. It's on
16 my computer, but if that's whenever he received a letter from
17 me, then it's probable then that it was January.

18 Q: Okay.

19 MR. BROOKS: No other questions, Judge.

20 THE COURT: All right. Mr. Gourley?

21 MR. GOURLEY: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. GOURLEY:

24 Q: Ms. Shuler, do you recall approximately how many times
25 you met with Mr. Matthews prior to his plea? Just roughly.

AMANDA SHULER - CROSS BY MR. GOURLEY

- 1 A: Four to five times probably.
- 2 Q: Okay. And you said y'all had previously discussed trial
3 strategy and defenses prior to the codefendants pleading
4 guilty?
- 5 A: That's correct.
- 6 Q: Okay. And at that point in time when the codefendants
7 pled guilty, y'all had a discussion and Mr. Matthews
8 determined it was in his best interest to plead guilty at that
9 point?
- 10 A: That's right.
- 11 Q: Okay. And you said that the State initially offered a
12 30-year cap?
- 13 A: That's --
- 14 Q: Or recommended a 30-year cap?
- 15 A: That's right.
- 16 Q: And then when did that recommendation change?
- 17 A: Whenever that was the maximum sentence that -- I don't
18 think that the solicitor realized that that was the maximum
19 amount of time that he could get.
- 20 Q: Yeah.
- 21 A: And so whenever she realized it was the maximum amount of
22 time that he could get, I think that's when she said in light
23 of that -- the transcript says in light of that I don't think
24 it's necessary to impose a cap.
- 25 Q: Okay. And at that point, it evolved into Ms. Barr not

AMANDA SHULER - CROSS BY MR. GOURLEY

1 offering any kind of recommendation on the sentence at all?

2 A: I believe so, yes.

3 Q: Okay. And you said you took Mr. Matthews outside and had
4 a discussion about that?

5 A: Yes.

6 Q: And did you explain to Mr. Matthews what it meant when
7 the State is saying no recommendation at all?

8 A: Yes. And we, of course, went over that and that if there
9 was a recommendation, the judge could go with that
10 recommendation or not go with that recommendation and that he
11 could impose a sentence that was consecutive to the sentence
12 that he was serving. So we went over all of that.

13 Q: Okay. And you never promised Mr. Matthews or led him to
14 believe that he was going to be receiving a 20-year concurrent
15 sentence to his previous charges?

16 A: No. And in fact, Mr. Matthews stated that I made -- or I
17 would make the recommendation and that the judge would --
18 usually always went with my recommendation and I -- there's --
19 I did not say that. I never would've said that. As a defense
20 lawyer, I would not say that the judge always goes with my
21 recommendation or nearly always goes with my recommendation.

22 Q: Is it typical that you make recommendations?

23 A: No.

24 Q: Okay.

25 A: In very few cases does that happen, with guilty pleas

AMANDA SHULER - CROSS BY MR. GOURLEY

1 anyway.

2 Q: All right.

3 MR. GOURLEY: That's all the questions I have. Thank
4 you, Ms. Shuler.

5 THE COURT: Any redirect?

6 REDIRECT EXAMINATION

7 BY MR. BROOKS:

8 Q: Ms. Shuler, you're saying you never told him that the
9 judge would go along with your recommendation?

10 A: I would not have said that.

11 Q: Okay.

12 MR. BROOKS: No other questions, judge.

13 THE COURT: All right. Thank you. You may step down.

14 MR. BROOKS: Judge, that's the applicant's case.

15 THE COURT: All right. Anything from the State?

16 MR. GOURLEY: No, Your Honor.

17 THE COURT: I have one question for the attorneys, just
18 for a point of clarification, and you can each answer this.

19 He was -- at some point, he was facing on these particular
20 charges for which he was pleading guilty a maximum of 25
21 years, not 30 years. Twenty years for the attempted armed
22 robbery and five years for the conspiracy; correct?

23 MR. GOURLEY: He initially was -- he was initially
24 LWOP'ed.

25 MR. BROOKS: Okay.

1 MR. GOURLEY: Or noticed for LWOP because of his most
2 serious charges.

3 THE COURT: Correct. And he was initially noticed for
4 life without parole. The State withdrew that and then he was
5 pleading to attempted armed robbery, which carries a maximum
6 of 20 years, and then conspiracy, which carries a maximum of
7 five years.

8 So he's facing 25 years and so when the State initially
9 recommended a cap of 30, that would have included some
10 consecutive time to the sentence he was already serving or was
11 that just confusion on the State's part or is that completely
12 up for interpretation? I'd like to hear your thoughts on
13 that.

14 MR. BROOKS: I figured that's where -- like Attorney
15 Shuler said, there was confusion there.

16 THE COURT: Okay.

17 MR. BROOKS: I think that's where the -- I think that's
18 where she alluded that was kind of the source of the
19 confusion.

20 MR. GOURLEY: And to that point, Judge, I think he was
21 also indicted for assault and battery with intent to kill, two
22 counts. So maybe that's where we're getting some additional
23 time outside of the attempted armed robbery and the criminal
24 conspiracy. I know they dropped those charges pursuant to the
25 plea, but maybe that was the confusion on the part of the

1 solicitor in regards to the 30-year sentence.

2 MR. BROOKS: And again, I think that's where the extra
3 time come in order to make up the 30 instead of what they were
4 talking about, but as part of his plea, you know, that was
5 nolle prossed.

6 MR. GOURLEY: And on page 7, Judge, of the transcript --
7 and I'm sure you've read it -- the Court does advise Mr.
8 Matthews that he's facing a maximum of 25 years.

9 THE COURT: Okay. All right. Any closing statements?

10 MR. BROOKS: Judge, from the applicant's perspective, our
11 position is that post-conviction relief should be granted. We
12 feel this was not a truly voluntary plea. My client indicates
13 that, first of all, at the conclusion of it he wanted the
14 appeal. He did not get that request and we feel that he
15 should have been given an appeal.

16 But as to the substance of the matter, since there was a
17 lot of confusion, it would obviously show that is not really
18 understanding and not truly voluntarily entering his guilty
19 plea. And as such, we would respectfully request the Court to
20 grant him his post-conviction relief and grant him a new
21 trial.

22 THE COURT: Okay. Thank you. Mr. Gourley?

23 MR. GOURLEY: Your Honor, in regard to the appeal issue,
24 Ms. Shuler I believe credibly testified that Mr. Matthews did
25 not request her to file an appeal and that, if he had

1 requested her to file an appeal, she would have filed one.

2 As regards to the sentencing, I think the judge properly
3 advised him. Regardless of potential confusion, the judge
4 properly advised him of the sentences that he was facing.
5 Furthermore, Ms. Shuler made it clear that she under no
6 circumstances advised Mr. Matthews that he was going to be
7 receiving a 20-year sentence concurrent to his prior charges.

8 THE COURT: All right.

9 MR. GOURLEY: For those reasons, we would ask that you
10 deny the PCR application.

11 THE COURT: Okay. All right. I have reviewed this trial
12 transcript -- or, well, guilty plea transcript I should call
13 it -- carefully. I've also listened carefully to the
14 testimony before me today and the application and return, and
15 I'm ready to rule.

16 I find that the applicant has failed to carry his burden
17 of proving deficient performance on the part of Ms. Shuler.

18 Ms. Shuler credibly testified that she advised Mr.
19 Matthews that the sentence he would receive could run
20 consecutive to the sentence he was already serving. She also
21 credibly testified that she did not file an appeal because she
22 was never asked to file an appeal on behalf of Mr. Matthews.

23 I would also point out that on page 8 of the guilty plea
24 transcript, Judge James informed the applicant that he was
25 facing 25 years that could run consecutively to what you're

1 facing now. Page 9 of the guilty plea transcript, there was
2 again reinforcement that there was no recommendation as to the
3 sentence running consecutive or concurrently.

4 And there was also an opportunity for the break at which
5 point again I find that Ms. Shuler credibly testified today
6 that she explained to her client that he could be facing a
7 sentence that ran consecutive to the sentence he was already
8 serving.

9 Mr. Gourley, can you prepare an order for my signature?

10 MR. GOURLEY: Yes, Your Honor. I will do so.

11 THE COURT: All right. Thirty days, please.

12 MR. GOURLEY: Yes, ma'am.

13 THE COURT: Thank you.

14 (WHEREUPON, the proceedings ended at 2:44 p.m.)

15

16 --- END REQUESTED TRANSCRIPT ---

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1 State of South Carolina)
 2) Certificate
 3 County of Florence)
 4

5 I, the undersigned, Krystal J. Smith, Notary Public and
 6 Official Court Reporter for the Twelfth Judicial Circuit of
 7 the State of South Carolina, do hereby certify that the
 8 foregoing pages, numbered 1 through 34 constitute a true,
 9 accurate, and complete Transcript of Record of all the
 10 proceedings had and evidence introduced in the hearing of the
 11 above captioned case, relative to appeal, in the Court of
 12 Common Pleas for Williamsburg County, South Carolina, on the
 13 18th day of November, 2015.

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

16

17 s/ Krystal J. Smith

18 Court Reporter

19

20 Florence, South Carolina

21 April 28, 2016

22

23

24

25

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Antwine Matthews, # 340876,

2014-CP-45-136

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

FILED
2016 JAN 25 PM 1:53
CLERK OF COURT
KINGSBREEZE, SOUTH CAROLINA

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on March 11, 2014. An evidentiary hearing into the matter was convened on November 18, 2015, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The records before this Court indicate The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. The Applicant was true bill indicted at the March 2012 term of the Williamsburg County Grand Jury for two counts of assault and battery with intent to kill, criminal conspiracy, attempted armed robbery, and possession of a weapon during the commission of a violent crime (2012-GS-45-0057). Amanda Shuler, Esquire represented Applicant. On May 13, 2013, Applicant pled guilty as indicted before the Honorable George C. James, Jr. Judge James sentenced Applicant pursuant to a recommendation by the State to a twenty-year term of imprisonment for attempted armed robbery and five-year term of

imprisonment for criminal conspiracy, with both sentences running consecutively from his previous guilty plea on January 12, 2012. Applicant did not appeal his guilty plea or sentence.

ALLEGATIONS

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

1. Ineffective Assistance of Counsel
 - a. Failure to prepare and investigate.
 - b. Failure to make contemporaneous objections.
 - c. Failure to file an appeal.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf and presented testimony from Mary Amanda Shuler, Esquire. (hereinafter "Plea Counsel"). This Court also had before it a copy of the Williamsburg County Clerk of Court records, Applicant's South Carolina Department of Correction records, and the PCR application.

Applicant testified that he met with Plea Counsel four or five times prior to his guilty plea. Applicant recalled discussing various defenses with Plea Counsel and giving Plea Counsel various leads and witnesses to investigate on his behalf. Applicant stated that he had recently been convicted of separate charges prior to entering his guilty plea. Applicant explained that this case was pending since 2008, but the solicitor's office pursued the other charges first. Applicant stated that he received twenty years on the other charges and that the solicitor's office was going to "strike him out" due to the other charges.

Applicant stated Plea Counsel advised him that he could plead guilty to twenty years with no recommendation or get a recommendation of a thirty year cap. Applicant stated that when the plea judge ran his sentence consecutively to his prior conviction, Applicant requested Plea Counsel to file an appeal.

Following Applicant's testimony, Plea Counsel was called to testify. Plea Counsel stated that she was appointed to represent Applicant and that she reviewed discovery with Applicant. According to Plea Counsel, Applicant's co-defendants, Charles A. Bishop and Jeffrey Leron Dawkins, Jr., were going to plead guilty and she was concerned that they would testify against Applicant if he proceeded to trial. Plea Counsel stated that there was a strong possibility of Applicant getting convicted at trial and his co-defendants receiving a reduction for their cooperation.

Plea Counsel stated that the plea negotiations were fluid. Specifically, Plea Counsel stated there was initially a recommendation of a thirty-year cap because the solicitor erroneously believed that attempted armed robbery carried thirty years instead of twenty years. Plea Counsel stated that the solicitor realized her mistake and elected to make no recommendation. Plea Counsel stated that she spoke with Applicant about the changes in the plea deal and that Applicant wanted to continue with the plea. Plea Counsel stated that she advised Applicant that the judge had full discretion in sentencing. Plea Counsel testified that she never promised Applicant that he would receive a certain sentence, and after the plea, Applicant never requested that she file an appeal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

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 (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, 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. With respect to guilty Trial Counsel, 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).

ALLEGATIONS

1. Ineffective assistance of counsel regarding plea negotiations.

Applicant first alleges that he received ineffective assistance of counsel in the plea negotiation process. This Court disagrees.

This Court finds Plea Counsel credibly testified that she advised Applicant of the proper plea recommendations and never promised Applicant that the judge would sentence him to a specific sentence. This Court notes the plea transcript refutes Applicant's allegation that he was misadvised of the plea negotiations. Specifically, the plea judge advised Applicant that the only recommendation made was to run his attempted armed robbery charge and criminal conspiracy charge concurrently with each other. (T. 9-10). The plea judge stated that there was no recommendation as to whether these charges should run concurrently or consecutively to Applicant's previous convictions. (T. 9-10). The plea transcript reveals Applicant's complete understanding of the plea recommendations. This Court finds Applicant has failed to present any credible evidence or arguments that Plea Counsel was deficient or that Applicant was prejudiced by Plea Counsel's alleged deficient performance.

2. Ineffective assistance of counsel for failing to file an appeal

Applicant next alleges that Plea Counsel was ineffective for failing to file a notice of appeal. This argument has no merit.

"[C]ounsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega.

528 U.S. 470, 480, 120 S. Ct. 1029, 1036, 145 L. Ed. 2d 985 (2000). This Court finds Plea Counsel credibly testified that Applicant did not request her to file an appeal following his guilty plea.

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, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

CONCLUSION

Based on all 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. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

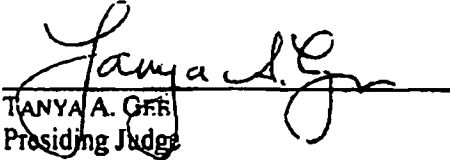
This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and

2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 20 day of January, 2015.


TANYA A. GRESHAM
Presiding Judge
Third Judicial Circuit

Columbia, South Carolina

WITNESSES

Special Agent John Follin
State Law Enforcement Division

DOCKET NO. 2012-GS-45-0057

The State of South Carolina

County of WILLIAMSBURG

FILED

12 FEB 30 AM 11:57

CAROLYN F. WILLIAMS
CLERK OF COURT
KINGS TREE, S.C.

COURT OF GENERAL SESSIONS

MARCH TERM 2012

THE STATE

vs.

JEFFREY LERON DAWKINS, JR.
ANTINE L. MATTHEWS
CHARLES ALLEN BISHOP, JR.

ARREST WARRANT NUMBERS

M-686724, M-686728, M-686729, M-686731, M-686732,

M-686719, M-686730, M-686720, M-686731, M-686721,

M-686722, M-686723, M-686726, and M-686727

ACTING GRAND JURY

Date: 3-1-12

Michael J. ...

Foreperson of Grand Jury
Date: 3-1-12

VERDICT

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

Foreperson of Petit Jury
Date:

A CERTIFIED TRUE COPY

Shaaron W. Staggers

SHAARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
 ASSAULT AND BATTERY WITH INTENT TO KILL (2
 COUNTS), CRIMINAL CONSPIRACY, ATTEMPTED
 ARMED ROBBERY, AND POSSESSION OF A
 WEAPON DURING THE COMMISSION OF A VIOLENT
 CRIME

At a Court of General Sessions convened on March 1, 2012, the Grand Jurors of
 WILLIAMSBURG County present upon their oath:

COUNT ONE - ASSAULT AND BATTERY WITH INTENT TO KILL

That the defendants, Jeffrey Leron Dawkins, Jr., Antwine L. Matthews, and Charles A. Bishop, did with malice aforethought in Williamsburg County on or about December 22, 2008 commit an unlawful act of violent injury upon the victim, Anthony Joe, by shooting the said victim and causing him to sustain serious bodily injuries, in violation of Section 16-03-0620, S. C. Code of Laws, 1976, as amended.

COUNT TWO - ASSAULT AND BATTERY WITH INTENT TO KILL

That the defendants, Jeffrey Leron Dawkins, Jr., Antwine L. Matthews, and Charles A. Bishop, did with malice aforethought in Williamsburg County on or about December 22, 2008 commit an unlawful act of violent injury upon the victim, Allan Rollerson, by shooting the said victim and causing him to sustain serious bodily injuries, in violation of Section 16-03-0620, S. C. Code of Laws, 1976, as amended.

COUNT THREE - CRIMINAL CONSPIRACY

That the defendants, Jeffrey Leron Dawkins, Jr., Antwine L. Matthews, and Charles A. Bishop, did in Williamsburg County on or about December 22, 2008 join together, agree, confederate and conspire among themselves to commit the criminal offense of robbery upon the victims, Anthony Joe and Allan Rollerson, and one or more of the defendants did knowingly commit an overt act in furtherance of the conspiracy, in violation of Section 16-17-0410, S. C. Code of Laws, 1976, as amended.

COUNT FOUR - ATTEMPTED ARMED ROBBERY

That the defendants, Jeffrey Leron Dawkins, Jr., Antwine L. Matthews, and Charles A. Bishop, did in Williamsburg County on or about December 22, 2008 while one or more of them were armed with a pistol or other deadly weapon, attempt to take and carry away cash or other valuables from the persons and in the presence of the victims, Anthony Joe and Allan Rollerson, in violation of Section 16-11-0330, S. C. Code of Laws, 1976, as amended.

A CERTIFIED TRUE COPY

Sharon W. Staggers
 SHARON W. STAGGERS
 CLERK OF COURT
 WILLIAMSBURG COUNTY

12 FEB 30 AM 11:57

FILED

ATTACHED TO AND BECOMING PART OF THE ORIGINAL INDICTMENT FOR 2012-GS-45-0057 WITH THE AFORESAID NAMES OF JEFFREY LERON DAWKINS, JR., ANTINE L. MATTHEWS, AND CHARLES ALLEN BISHOP, JR. SHOWN THEREON:

COUNT FIVE – POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME

That the defendants, Jeffrey Leron Dawkins, Jr. and Antwine L. Matthews, did in Williamsburg County on or about December 22, 2008 possess or visibly display a firearm or what appeared to be a firearm during the commission of a violent crime in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

FILED
12 FEB 30 AM 11:58
CAROLYN F. WILLIAMS
CLERK OF COURT
KINGS TREE, S.C.

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

Solicitor

A CERTIFIED TRUE COPY

Sharon W. Staggers

SHARON W. STAGGERS
CLERK OF COURT
WILLIAMSBURG COUNTY

Ernest A. Finney III

COUNTY OF Williamsburg
STATE VS. Antwine Lamar Matthews

INDICTMENT/CASE#: 2012-GS-45-0057
A/W#: M686723
Date of Offense: 12/22/2008
S.C. Code § : 16-17-0410
CDR Code #: 0049

AKA:
Race: 2 Sex: M Age: 21
DOB: 05-07-1990 SS#:
Address: 3 McDow Drive
City, State, Zip: Rock Hill, SC 29732
DL#: 100846054 SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Criminal Conspiracy

CONVICTED OF or PLEADS

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0049
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.

ATTEST: Kimberly V Barr, Kimberly V Barr, Kimberly V Barr, Kimberly V Barr
Barr, Kimberly V SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 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 with other plea + with current CDC sentence
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. From Jan. 12 2012 to date of plea
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:

Table with 2 columns: Description and Amount. 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), TOTAL.

days/hours Public Service Employment
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:

A CERTIFIED TRUE COPY

SHARON W. STAGGERS
CLERK OF COURT

Appointed PD or appointed other counsel, § 47.12 requires \$300. be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Sharon W. Staggers
Court Reporter: Leshia Reed
SCCA/217 (03/2011)

Presiding Judge:
Judge Code: 2143
Sentence Date: 5/13/13

STATE 106 SOUTH CAROLINA)
 COUNTY OF Williamsburg)
 STATE VS.)
Antwine Lamar Mathews)
 AKA: _____)
 Race: 2 Sex: M Age: 21)
 DOB: 05-07-1990 SS#: _____)
 Address: McDow Drive)
 City, State, Zip: Rock Hill, SC 29732)
 DL#: 100846054 SID#: _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-45-0057
 A/W#: M686727
 Date of Offense: 12/22/2008
 S.C. Code § : 16-11-0330(B)
 CDR Code #: 0026

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Attempted Armed Robbery

CONVICTED OF or PLEADS

in violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
 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 Kimberly V. Parr 81443 Antwine Mathews [Signature] 76277
 Barr, Kimberly V SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of Twenty 20 ~~days~~ months 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: Concurrent w/ conspiracy plea
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied Consecutive to current SDC
 by the State Department of Corrections. From Jan. 12 2012 to date of plea Sentence
 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: \$ _____ days/hours Public Service Employment
 Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____
 Recipient: _____ May serve W/E beginning _____

| | | |
|--|---------|----|
| *Fine: | | \$ |
| § 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) | | \$ |
| TOTAL | | \$ |

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: A CERTIFIED TRUE COPY
[Signature]
 SHARON W. STAGGERS
 CLERK OF COURT
 Appointed PD or appointed other county
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk: Sharon W. Staggers
 Court Reporter: Keshia Reed
 SCCA/217 (03/2011)

Presiding Judge: [Signature]
 Judge Code: 2143
 Sentence Date: [Signature]