

VOLUME TWO OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Beaufort County

Honorable Brooks P. Goldsmith, Circuit Court Judge

MATTHEW FRAZIER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001665

APPENDIX

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1 or whether he pled guilty. That is not pled, and that's
2 a surprise to the State.

3 MR. SHAFFER: And I understand that he -- he --
4 your Honor, I understand the fact that a lot of times
5 people try to sneak that in or make that claim based on
6 my conversations with my client. I just want to ask him
7 the question about it sort of for background.

8 THE COURT: Go ahead.

9 BY MR. SHAFFER:

10 A Was he willing to plead guilty was the question?

11 Q Did it appear that he was willing to plead guilty
12 or not? Did he have a plea offer?

13 A He had a plea offer that he turned down.

14 Q Okay. What was the plea offer?

15 A I don't remember exactly, but it did include a
16 reduction or -- no, I'm not sure if it included a
17 reduction, but it was somewhere in the neighborhood -- I
18 don't have a note of it, and I'm going from memory, and
19 it's a long time ago, but I think it was like three to
20 -- three or five years or something like that on
21 trafficking.

22 Q Okay.

23 A A lot less, obviously, than what he ended up
24 getting at trial.

25 Q But he made the choice to go to trial, correct?

1 A He did.

2 Q Do you recall the testimony of -- of the officer
3 when you were challenging the search warrant on those
4 grounds?

5 A I don't recall his testimony.

6 Q Do you have a copy of the transcript?

7 A I do.

8 Q Do you recall that officer mentioning --
9 specifically mentioning that he had previously been an
10 officer with Bluffton P.D.?

11 A I don't have a specific recollection of that. I'd
12 have to look. I mean, --

13 Q I'm going to direct you to Page 27, Mr. Deysach.

14 A 27? Where he says, *well, this actually goes back*
15 *-- I've worked for -- I've actually worked for the Town*
16 *of Bluffton for five years?*

17 Q Yeah.

18 A Yes, that's what he said.

19 Q And -- okay. I'm going to direct you to Page 34 of
20 the transcript. Okay. And if you could, would you read
21 Line 17 through 25.

22 A 17 through 25. I've read it.

23 Q Okay. And the officer testified that he had
24 previously heard reports about the car or that person
25 dealing drugs out of that car, correct?

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PCR

1 A Correct.

2 Q He said he heard it for the past five years on a
3 monthly basis, correct?

4 A Correct.

5 Q Did you do any investigation into the car?

6 A I mean, I knew that the car wasn't registered to
7 Mr. Frazier. But I don't -- I don't -- I didn't do any
8 investigation into the car.

9 Q Okay. Did you have any conversations with my
10 client about that matter?

11 A I don't remember if I did or I didn't.

12 MR. SHAFFER: Okay. No further questions.

13 THE COURT: Cross-examination.

14 MR. JOHNSON: I don't have any questions at this
15 time, but would reserve him to call in rebuttal, if
16 needed.

17 THE COURT: Thank you, sir.

18 A Thank you, your Honor.

19 THE COURT: You may step down.

20 MR. SHAFFER: Applicant calls Matthew Frazier.

21 MADAM CLERK: Place your left hand on the *Bible* and
22 raise your right hand, please.

23 DEFENDANT FRAZIER: Yes, ma'am.

24 MADAM CLERK: You may be seated.

25 MATTHEW FRAZIER, DIRECT EXAMINATION

1 BY MR. SHAFFER:

2 Q Mr. Frazier.

3 A Yes, sir.

4 Q You remember you were represented by Mr. Deysach,
5 correct?

6 A True.

7 Q Okay. Do you remember him coming to discuss the
8 case with you?

9 A Yes, I have.

10 Q Okay. At that discussion, he went over evidence
11 that they had against you, correct?

12 A Yes, he did.

13 Q Okay. Did he go over anything related with the
14 search with you? Whether or not the search was a good
15 search?

16 A He -- he was so stiff relations within the case far
17 as the search they say that they did, it was, you know
18 what I'm saying, not at -- not at -- not like they said
19 it was, you know. It's a lot of stipulations to where
20 they say they had, you know, they was in the woods
21 watching, this, that, and the other, during certain
22 times, and wouldn't, you know, they had audio and video,
23 but with the audio and video that they say that they had
24 wasn't consistent on -- on the search.

25 Q Now, you've made several allegations of ineffective

1 assistance of counsel in this, right?

2 A Yes.

3 Q Okay. Explain in your own words what the
4 allegations are.

5 A Well, I mean, he didn't attack the officers
6 statements of the contradicting, you know what I'm
7 saying, statements that they was making out through the
8 trial, you know. And that his supplementary reports,
9 you know what I'm saying, that he said that when he was
10 in the woods, he saw my face, other situations that that
11 they had, you know. I mean, it didn't consistent, you
12 know what I'm saying, with what he gave on trial. You
13 know what I'm saying. It contradict just -- just the
14 other.

15 MR. JOHNSON: Your Honor, I would object to that
16 line of testimony about the supplemental report. That's
17 all hearsay.

18 A I mean, it's -- but it's right here in black and
19 white.

20 THE COURT: I'll sustain the objection.

21 MR. JOHNSON: I guess I need to move to strike that
22 testimony, your Honor.

23 THE COURT: Granted. It'll be stricken.

24 BY MR. SHAFFER:

25 Q You also allege a constitutional violation,

1 correct?

2 A Yes, I do.

3 Q What is the constitutional violation you are
4 alleging?

5 A Well, it's my *Fourteenth* and *Fourth* constitutional
6 rights.

7 Q Okay. Is that related to the search?

8 A Yes, it is.

9 Q Okay. Now, there has been some designation earlier
10 about the car that you were found in with the drugs.

11 A Well, during -- during the -- they say that they
12 was doing investigation upon the car, and said that they
13 made controlled purchases, this, that, and the other.
14 And didn't -- I mean, to a certain extent, didn't show
15 to where they had party on video of these controlled
16 purchases. And -- and by that being, you know, I mean,
17 it let up to the search warrant. And the search
18 warrant, you know what I'm saying, was -- was
19 fabricated, you know. I mean, to --

20 Q Well, specific --

21 MR. JOHNSON: Your Honor, I guess it's the
22 appropriate time to object, because all this was covered
23 in the direct appeal. I'm looking at the opinion, which
24 is 2013-UP-280, filed June 26, 2013, in which the Court
25 of Appeals affirms, pursuant to *Rule 220(b)*: an

1 informant's control buy of drugs can constitute probable
2 cause sufficient for a magistrate to issue a warrant.
3 That's *State versus Jones* -- excuse me -- that's *State*
4 *versus Dupree*. *State versus Jones* concluding a
5 defendant in South Carolina may challenge a statement in
6 a search warrant affidavit. The *State versus Davis*
7 described a two-part test to determine if alleged
8 misstatements in an affidavit render a search warrant
9 invalid. This is exactly what he's testifying to now.
10 And therefore, under *Simmons versus State* and *Ashley*
11 *versus State*, it's not proper for a PCR forum.

12 THE COURT: Mr. Shaffer.

13 ARGUMENT:

14 MR. SHAFFER: Your Honor, I understand that there
15 are previous cases that say that once -- an issue could
16 have been raised on appeal or did get raised on appeal,
17 that is a constitutional violation, it's not proper. I
18 would argue that the statute's clear language is opposed
19 to that. Therefore, I would like to at least make it a
20 part of the record, my argument related to it. The
21 clear language of the statute doesn't limit in any way
22 you raising constitutional violations. I'm talking
23 about PCR statute.

24 MR. JOHNSON: But the case law's clear on that,
25 your Honor. Once it's been dealt with before -- it's

1 almost a res judicata argument. It has been decided,
2 and therefore, it can't be decided again.

3 MR. SHAFFER: I guess I'm arguing against
4 precedent, to be quite honest with you, your Honor. I
5 understand the precedent.

6 THE COURT: I agree with the Attorney General.
7 Sustain the objection, and order the responses stricken
8 from the record.

9 MR. JOHNSON: Thank you, your Honor.

10 BY MR. SHAFFER:

11 Q The vehicle you were driving, it was not your own,
12 right?

13 A No, it wasn't.

14 Q Okay. And did you ever tell Mr. Deysach about the
15 vehicle and how you came to be driving it?

16 A Yes, I did.

17 Q How did you come to be driving it? What did you
18 tell him.

19 A Well, I'm -- far as it being, I mean, it wasn't my
20 vehicle. It was my cousin's vehicle. And at the time,
21 you know what I'm saying, I mean, he was present, right
22 there, you know what I'm saying, during that, you know
23 what I'm saying, search warrant, this, that, and the
24 other. And it was a couple people who fled the scene,
25 and he was one of them.

1 Q When did your cousin obtain the vehicle?

2 A Previous -- I can't be exact on it. That's why I
3 was trying to get you to get the Carfax, but it was a
4 couple months prior to that.

5 Q Okay. A couple months.

6 A Prior to the search.

7 Q It was not prior to this?

8 A No, no, no. I mean, it wasn't even five months,
9 let alone five years.

10 Q Did you discuss that with your attorney?

11 A Well, no, I didn't, cause I mean, -- far -- well, I
12 mean, far as it being, I mean, I did tell them that the
13 car was -- was -- was previously bought by my cousin,
14 but at the same time, we didn't have the, you know what
15 I'm saying, the -- he didn't investigate it to the
16 fullest extent.

17 MR. SHAFFER: Okay. No further questions, your
18 Honor.

19 MR. JOHNSON: Nothing from the State, your Honor.

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

22 MR. SHAFFER: Applicant rests.

23 APPLICANT RESTS:

24 MR. JOHNSON: The State has no witnesses. We ask
25 that Mr. Deysach be released from the subpoena.

1 THE COURT: Motions's granted.

2 MR. JOHNSON: Thank you.

3 THE COURT: Be glad to hear argument on it. Mr.
4 Shaffer.

5 MR. SHAFFER: Your Honor, I believe that certain
6 parts of the record will speak for themselves related to
7 the underlying constitutional violation. And I do
8 recognize I'm arguing against precedent. I would just
9 ask the Court to reconsider its ruling in that matter.

10 THE COURT: All right.

11 MR. JOHNSON: Your Honor, may it please the Court,
12 first of all. I would point you to *Strickland versus*
13 *Washington*, 466 U.S. 668 at 691, where it says counsel's
14 actions are usually based quite properly informed,
15 strategic choices made by the defendant and on
16 information supplied by the defendant.

17 Mr. Frazier just testified that he did not discuss
18 the fact that his cousin -- I forget the cousin's name
19 -- bought the thing five motions prior to this, not five
20 years. So, counsel cannot be held ineffective for not
21 being clairvoyant. You know, how was he supposed to
22 know this information if Mr. Frazier doesn't relay that.

23 Second of all, we've already discussed and you've
24 ruled upon the direct appeal issues. I would ask you to
25 affirm that ruling. Simply put, he has not met his

1 burden of proof in this case that counsel was
2 ineffective.

3 As far as the search, counsel raised three
4 arguments. The judge went against them, and they went
5 through it. Counsel obviously did a great job pointing
6 out the State didn't prove its case on a few of the
7 allegations.

8 Your Honor, the State's position, that's per se
9 effective assistance of counsel. He was able to get
10 four of the allegations dropped against him. So, your
11 Honor, I just ask this Court find in this case that the
12 applicant has not met his burden of proving (a) that
13 counsel was ineffective, or (b) there's any prejudice
14 resulting therefrom.

15 THE COURT: Thank you, Mr. Johnson. Mr. Shaffer,
16 anything?

17 MR. SHAFFER: Your Honor, nothing further. I think
18 the record will speak for itself. My client did point
19 out he disagrees with the State's interpretation of his
20 testimony, your Honor.

21 RULING:

22 THE COURT: Right. I understand that, Mr. Shaffer.
23 But the Court, nevertheless, agrees with the position of
24 the State as stated a moment ago by the Attorney
25 General. And therefore, I find that the application

5-19-16 FRAZIER V STATE

PCR

CERTIFICATE OF REPORTER

MAY 19, 2016 TRANSCRIPT OF PCR HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing May 19, 2016 Transcript of Post-conviction Relief Hearing is a true, accurate, and complete record of the proceedings had on said date, in the case of Matthew Frazier versus State of South Carolina, Beaufort County, Court of Common Pleas, Case Number 2015-GS-07-00592; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

THIS CERTIFICATE OF REPORTER CONTAINS MY ORIGINAL SIGNATURE AND IS ATTACHED TO THE ORIGINAL OF THIS TRANSCRIPT REQUESTED BY SCCID. PURSUANT TO SCACR 607, REQUESTS FOR COPIES OF THIS TRANSCRIPT MUST BE MADE TO THE COURT REPORTER. UNAUTHORIZED COPYING/EMAILING IS PROHIBITED.

Witness my signature October 16, 2016.


Wanda H. Rowe, CVR-M
Official Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

2016 JUL 12 PM 1:29
JERRI AND ROSE
BEAUFORT COUNTY, S.C.
CLERK OF COURT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Matthew Frazier, #346254,

2014-CP-07-0592

Applicant,

ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.

This matter comes before the Court by way of an Application for Post-Conviction Relief filed March 12, 2014. The Respondent made its Return on February 6, 2015. An evidentiary hearing into the matter was convened on May 19, 2016, at the Beaufort County Courthouse in Beaufort, SC. Tristan Shaffer, Esquire, represented the Applicant. J. Rutledge Johnson, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

At the hearing, the Applicant testified on his own behalf. Ian Deysach, Esquire, also testified. This Court had before it a copy of the records of the Beaufort County Clerk of Court, records from the South Carolina Department of Corrections, the trial transcript, and the appellate records.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Beaufort County Clerk of Court. The Applicant was indicted at the May 2011 and December 2011 terms of the Beaufort County Grand Jury for trafficking cocaine 10-28 grams- first offense (2010-GS-07-2189) and possession with intent to

distribute crack (PWID)(2010-GS-07-2191)¹. The Applicant was represented by Ian Deysach, Esquire.

On May 26, 2011 the Applicant proceeded to trial and was found guilty. The Applicant was sentenced by the Honorable Thomas A. Russo, to confinement for a period of fifteen (15) years for PWID and ten (10) years with a \$25,000 fine for trafficking cocaine. The Applicant's convictions are to be served consecutively.

The Applicant filed a timely Notice of Appeal. His appeal was perfected by Dayne Phillips, Esquire, of the Office of Appellate Defense. The Applicant's convictions and sentences were affirmed by the Court of Appeals. State v. Frazier, No. 2013-UP-280 (S.C. Ct. App. June 26, 2013). The Remittitur was issued on July 15, 2013.

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

1. Ineffective assistance of counsel.
 - a. Counsel failed to show that CI was not shown to be reliable or credible by making them come to court and take the stand at trial.
 - b. Counsel failed to present all evidence at trial.
2. 4th, 5th, and 14th amendment violations.
 - a. Due process violated.
 - b. Search warrant was invalid on false and unreliable information and out of time frame.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

¹ The Applicant was also convicted of possession of marijuana (2010-GS-07-2190) and sentenced to
Page 2 of 8

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 witness presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2003).

SUMMARY OF TESTIMONY

At the evidentiary hearing, Counsel testified that he was appointed as a public defender. Counsel testified this case was based upon a search warrant of a car premised upon prior drug buys with a confidential informant. Counsel articulated that his trial strategy was to show that Applicant was merely present. Counsel also articulated that he attacked the search warrant based on the time frame in the search warrant. Counsel discussed this with Applicant prior to trial. Counsel stated there was a plea offer, which Applicant rejected, of three years for a single trafficking charge. Counsel further stated it was Applicant's choice to pursue a trial. Counsel lastly testified that while he could not remember the specifics of the officer's testimony, he knew the car was not registered to Applicant.

Applicant testified that he and Counsel discussed the case including the evidence against him. Applicant claimed the search warrant was not like the officer said it was, but the officers were in the

confinement for 30 days. It does not appear the Applicant's is challenging this conviction in his application.

woods watching; the audio/video recordings were not consistent with the search of the vehicle. Applicant claimed Counsel did not attack the officer's statements. Applicant then claimed his 4th and 14th U.S. Constitutional amendment rights were violated. While Applicant then attempted to testify concerning deficiencies in the search warrant procedure, Respondent objected as this subject was the basis of the direct appeal, and thus was not proper for the PCR forum.² Applicant then claimed the car did not belong to him and told Counsel how he came to be in possession of the vehicle. Applicant lastly testified that he did not know when his cousin bought vehicle, but knew it was a couple months before; however, he did not discuss this with Counsel.

Ineffective Assistance of Counsel

The Applicant alleges he is entitled to post-conviction relief on the basis that he received ineffective assistance of trial counsel. In a PCR action, "[t]he burden of proof is on the Applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002). To be entitled to post conviction relief, the Applicant must prove both of the following: (1) his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) the Applicant suffered prejudice by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). Under this standard, counsel's deficient performance must have prejudiced the Applicant to the extent that "there is a reasonable probability that, but for

² This Court sustained the objection.

counsel's unprofessional errors, the result of the proceeding would have been different." Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989).

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 v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

First, this Court finds Applicant's testimony concerning Counsel's alleged ineffectiveness not credible while finding Counsel's testimony credible.

A. Trial counsel's failure to research the issue of the ownership of the vehicle

Applicant contends that Counsel was ineffective for failing to research the ownership of the vehicle in which law enforcement found drugs. This argument is without merit.

Prejudice from trial counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at post-conviction relief. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4th Cir. 1990), cert. denied, 499 U.S. 982 (1991). The Applicant's mere speculation as to what a witnesses' testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993); Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). An Applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the

PCR hearing in order to establish prejudice from the witness' failure to testify at trial. Bannister v. State, 333 S.C. 298, 509 S.E.2d 807 (1998).

Further, "a fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct **from counsel's perspective at the time.**" State v. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985) (emphasis added), citing Strickland v. Washington, 104 S.Ct. 2052, 890 L.E.2d 674(1984). Because of the difficulties inherent in making the evaluation, a court must indulge a strong presumption that counsel's conduct falls within the range of reasonable professional assistance. Id. "The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions. Counsel's actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant. In particular, what investigation decisions are reasonable depends critically on such information." Strickland, 466 at 691, 104 at 2066.

In this case, Applicant failed to produce any witnesses to show how Counsel's alleged failure to research the ownership of the vehicle prejudiced his case. Further, Applicant testified that he did not discuss the issue that his cousin bought the car a few months again with Counsel. Counsel cannot be held clairvoyant of information only known to Applicant.

Under Strickland and Bannister, Counsel's representation of Applicant in this regard was not ineffective based Applicant's failure to alert Counsel to his cousin's existence. Thus, this allegation is denied.



B. Search Warrant invalid

Applicant claims Counsel ineffectively try to show the search warrant was invalid.

This allegation raises a direct appeal issue that is procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). This was the exact issue raised on Applicant's direct appeal. Therefore, the Court dismisses this allegation.

CONCLUSION

Based on all the foregoing, this Court finds and concludes 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.

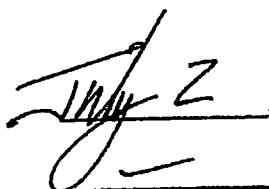
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

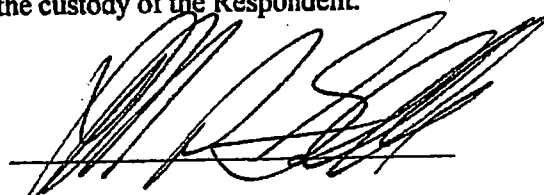


IT IS THEREFORE ORDERED:

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!

 _____, 2016
_____, South Carolina



Brooks P. Goldsmith
Presiding Circuit Court Judge
Fourteenth Judicial Circuit

2014-CP-07-0592

WITNESSES

J. Rodriguez (BCSO)

ARREST WARRANT NUMBER

J348897

ACTION OF GRAND JURY

True Bill

B. M. ...
Foreperson of Grand Jury
Date:

DEC 16 2010

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2010GS0702191

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2010

THE STATE

vs.

Matthew Frazier

Indictment for

Drugs / Possession with Intent to Distribute
Cocaine Base

SC Code: 44-53-0375(B)(1)
CDR Code:3014

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

Defendant

Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

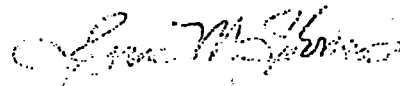
INDICTMENT
2010GS0702191

At a Court of General Sessions, convened on December 16, 2010, the Grand Jurors of Beaufort County present upon their oath:

Drugs / Possession with Intent to Distribute Cocaine Base

That in Beaufort County, South Carolina, on or about October 11, 2010, the Defendant, Matthew Frazier, did manufacture, distribute, dispense, deliver, purchase; or did aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase; or did possess with the intent to distribute, dispense, deliver a controlled substance or a controlled substance analogue, to wit: cocaine base or "crack"; in violation of 44-53-375 of the South Carolina Code of Laws (1976) as amended.

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



Solicitor

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

DOCKET NO. 2010GS0702189

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

May Term 2011

THE STATE

vs.

Matthew Frazier

Amended Indictment for

Drugs / Trafficking in cocaine, 10g or more, but less than 28g - 1st Offense

SC Code: 44-53-0370(e)(2)
CDR Code:0278

WITNESSES

J. Rodriguez (BCSO)

ARREST WARRANT NUMBER

J348895

ACTION OF GRAND JURY

Brett Wolf
Foreperson of Grand Jury
Date: MAY 19 2011

VERDICT

Foreperson of Petit Jury
Date:

INDICT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)

INDICTMENT
 2010GS0702189

At a Court of General Sessions, convened on May 19, 2011, the Grand Jurors of Beaufort County present upon their oath:

Drugs / Trafficking in cocaine, 10g or more, but less than 28g – 1st offense

That in Beaufort County, South Carolina, on or about October 11, 2010, the Defendant, Matthew Frazier, unlawfully and knowingly did sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did possess or attempt to possess a controlled substance or a controlled substance analogue, to wit: cocaine, in excess of 10 grams; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended.

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



Solicitor