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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington County

Honorable Perry H. Gravely, Circuit Court Judge

LAQUARIUS J. BRANNON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001722

APPENDIX

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA) GENERAL SESSIONS
)
 County of Lexington) 2013-GS-32-565
) 2013-GS-32-566
) 2013-GS-32-567

County of Saluda) 2013-GS-41-416
)

STATE OF SOUTH CAROLINA,)
)
)
 vs.) TRANSCRIPT OF RECORD
)
 DESHAUN DRAFTS,)
)
 DEFENDANT,)

County of Lexington)
)
 STATE OF SOUTH CAROLINA,) 2013-GS-32-589
) 2013-GS-32-590
) 2013-GS-32-591
 vs.)
)
 DEONDRE LEAPHART,)
)
 DEFENDANT,)

County of Lexington)
)
 STATE OF SOUTH CAROLINA,) 2013-GS-32-537
) 2013-GS-32-538
) 2013-GS-32-539
 vs.)
)
 LAQUARIUS BRANNON,)
)
 DEFENDANT,)

December 17, 2013
 Lexington, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

SHAWN GRAHAM, ASSISTANT SOLICITOR
Attorney for the State

DAVID FARRELL, ESQ.
Attorney for Defendant Leaphart

SARAH HAHN, ESQ.
Attorney for Defendant Drafts

DAYNE PHILLIPS, ESQ.
Attorney for Defendant Brannon

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE CLERK: 2013-GS-32-537, State vs. Laquarius
2 Brannon, indicted for burglary first degree. He is
3 pleading as charged.

4 2012-GS-32-538, State vs. Laquarius Brannon, indicted
5 for kidnapping. He is pleading as charged.

6 2012-GS-32-539, State vs. Laquarius Brannon, indicted
7 for armed robbery. He is pleading as charged. All
8 indictments are true billed. He is represent by
9 Mr. Phillips.

10 2012-GS-32-589, State vs. Deondre Leaphart, indicted
11 for burglary first degree. He is pleading as charged.

12 2012-GS-32-590, State vs. Deondre Leaphart, indicted
13 for kidnapping. He is pleading as charged.

14 2012-GS-32-591, State vs. Deondre Leaphart, indicted
15 for armed robbery. He is pleading as charged. All
16 indictments are true billed. He is represented by
17 Mr. Farrell.

18 2013-GS-41-416, State vs. Deshaun Drafts, indicted
19 for burglary second degree violent. He is pleading as
20 charged. He is waiving presentment to the grand jury on
21 this charge.

22 2012-GS-32-565, State vs. Deshaun Drafts, indicted
23 for burglary first degree. He is pleading as charged.

24 2012-GS-32-566, State vs. Deshaun Drafts, indicted
25 for kidnapping. He is pleading as charged.

1 2012-GS-32-567, State vs. Deshaun Drafts, indicted
2 for armed robbery. He is pleading as charged. The
3 indictments are true billed. He is represented by
4 Ms. Hahn.

5 Raise your right hands, please.

6 LAQUARIUS BRANNON, after being duly
7 sworn, testified as follows:

8 DEONDRE LEAPHART, after being duly
9 sworn, testified as follows:

10 DESHAUN DRAFTS, after being duly
11 sworn, testified as follows:

12 PROBATION AGENT: Judge.

13 (Indicating).

14 (Pause).

15 Okay.

16 THE COURT: Okay. Russell?

17 PROBATION AGENT: Judge, Mr. Brannon is being
18 supervised in Aiken County. The plea will violate that
19 probation, and Aiken County will handle that violation.

20 THE COURT: Okay.

21 PROBATION AGENT: Mr. Drafts is on probation in
22 Lexington County. We served a warrant on him November of
23 this year, and the plea will also violate that.

24 THE COURT: Do you want to do that today?

25 MS. HAHN: Yes, sir.

1 THE COURT: All right. Now, Mr. Brannon, you want to
2 tell me what's going on?

3 MR. GRAHAM: Yes, Your Honor, they are pleading to
4 those charges. The State is dismissing several other
5 charges. They're pleading to a negotiated 30-year
6 sentence.

7 THE COURT: Okay. Everybody?

8 MR. GRAHAM: Yes, sir.

9 THE COURT: All right. Okay. This is what we call a
10 group plea.

11 Mr. Brannon, you're going to be first. Mr. Leaphart,
12 you're going to be second. Mr. Drafts, you're going to be
13 third.

14 I ask the same questions over and over again, so I'm
15 just going to ask the questions one time. If you'll
16 answer one, two, three, just like that, okay.

17 Are you under the influence of any alcohol or drugs
18 today?

19 THE DEFENDANT: No, sir.

20 THE DEFENDANT: No, sir.

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you ever been treated for any mental
23 health issues?

24 THE DEFENDANT: No, sir.

25 THE DEFENDANT: No, sir.

1 THE DEFENDANT: No, sir.

2 THE COURT: Okay.

3 MR. FARRELL: Your Honor, if I may interject here.

4 THE COURT: Sure.

5 MR. FARRELL: He has been serviced by the Aiken
6 County Mental Health Center. He had a diagnosis for ADHD
7 and a learning disability.

8 THE COURT: Okay. Is that right, Mr. Leaphart?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand what's going on today?

11 THE DEFENDANT: No, sir.

12 THE COURT: Are you on any medicine for any mental
13 health conditions?

14 THE DEFENDANT: No, sir. No, sir.

15 MR. FARRELL: No, sir.

16 THE COURT: Have you understood your conversations
17 with Mr. Farrell?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Have you been able to go over your case,
20 talk about it and understand what's going on here today
21 with him okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Do you have a fourth charge?

24 MS. HAHN: He has a Saluda County burglary second
25 violent.

1 THE COURT: What's that? Does that carry 15?

2 MS. HAHN: Yes, sir.

3 MR. GRAHAM: It's ten, I believe, isn't it?

4 MS. HAHN: Violent.

5 THE COURT: So everybody has got a burg. first, armed
6 robbery, and a kidnapping.

7 Drafts has a burg. second violent out of Saluda,
8 correct?

9 MR. GRAHAM: Correct.

10 THE COURT: Okay. All right. Let's start with this
11 Saluda thing first, Mr. Drafts. Do you understand that
12 you have the right to have that case heard in Saluda
13 County?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Do you want to give up that right
16 and go forward with your plea here today?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you believe that's in your best
19 interest?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you understand that if you looked
22 at me and said, "I want to have that case heard in
23 Saluda," that I couldn't hear that case today if I wanted
24 to. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Do you agree with the decision to
2 have that case heard here today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Ms. Hahn, do you agree with that decision
5 as his lawyer?

6 MS. HAHN: Yes, sir.

7 THE COURT: All right. Very well.

8 Mr. Brannon, you're on probation; is that right?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Drafts, you're on probation; is that
11 right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Mr. Leaphart, you're in SCDC?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. All right. Are you on parole or
16 probation or anything like that, or are you just doing
17 straight time?

18 THE DEFENDANT: Straight time.

19 THE COURT: Okay. Very good. All right. Gentlemen,
20 they tell me you all want to plead guilty to burglary in
21 first degree which carries a mandatory 15 up to life;
22 armed robbery which carries a mandatory ten years in
23 prison up to 30 years in prison; and kidnapping which
24 carries up to 30 years in prison.

25 Mr. Drafts, you want to plead guilty to burglary

1 second degree violent which carries up to 15 years in
2 prison. Do you understand all of that?

3 THE DEFENDANT: Yes, sir.

4 THE DEFENDANT: Yes, sir.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Do you understand that these are
7 violent offenses and they are most serious offenses. That
8 changes what kind of facility you will be in in the
9 Department of Corrections.

10 It's considered a strike out of -- this is not a
11 three strike, you're out. That is a two strike, you're
12 out. Were you to receive one more most serious offense
13 for the rest of your life, you would be facing mandatory
14 life without parole. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE DEFENDANT: Yes, sir.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you also understand that you will
19 serve at least 85 percent of whatever sentence is imposed
20 in this case before you will be eligible to be released?

21 THE DEFENDANT: Yes, sir.

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Are we doing registry?

25 MR. GRAHAM: They are. Yes, they're doing the sex

1 offense registry on the kidnapping charge.

2 THE COURT: Okay. Do you further understand that as
3 a result of the kidnapping charge, you will be placed on
4 the South Carolina Sex Offender Registry?

5 THE DEFENDANT: Yes, sir.

6 THE DEFENDANT: Yes, sir.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. Is this a sexual in nature case?

9 MR. GRAHAM: It is, Your Honor. There was originally
10 charges for criminal sexual conduct. They are not
11 pleading to those charges, though.

12 THE COURT: Okay. Do you also understand that before
13 you are released from the Department of Corrections, you
14 will be evaluated by the Sexually Violent Predator program
15 to determine even at the end of this lengthy prison
16 sentence whether you should be put back into society based
17 upon any sexual deviances or mental deficiencies that you
18 may have. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 (Pause.)

22 THE DEFENDANT: You didn't tell me that, man.

23 (Pause).

24 Yes, sir.

25 THE COURT: Okay. When you plead guilty, you give up

1 certain important constitutional rights. The first is
2 your right to remain silent. Do you understand that
3 right, and do you want to give it up?

4 THE DEFENDANT: Yes, sir.

5 THE DEFENDANT: Yes, sir.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Second is your constitutional right to a
8 jury trial. You have a right to have a jury in this
9 county hear your case which you would get to select that
10 jury along with your attorney.

11 During the trial, you would be presumed innocent.
12 You would have the right to remain silent. You would have
13 the right to confront and cross-examine the witnesses
14 called against you.

15 You would have the right to the subpoena power of the
16 court. However, if you plead guilty, none of that is
17 going to happen, and we're going to make a decision about
18 your case here today. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Knowing all of that, do you still want to
23 go forward with your case?

24 THE DEFENDANT: Yes, sir.

25 THE DEFENDANT: Yes, sir.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are all these indictments the same?

3 MR. GRAHAM: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. GRAHAM: One of them does have an amendment, Your
6 Honor. There was a -- I don't remember. It would be on
7 Mr. Drafts.

8 The 566 indictment, I have the correct names of the
9 victims. That would have been for the kidnapping charge.

10 THE COURT: All right. Mr. Brannon, your indictment
11 says that you along with these two codefendants in
12 Lexington County on or about September 13th, 2011 did
13 enter without consent with the intent to commit a crime
14 therein, a dwelling of Ms. Morales, and that you were
15 armed with a deadly weapon or used something else as a
16 level of aggravation to cause -- or this being in the
17 nighttime. How do you plead to that charge?

18 THE DEFENDANT: I plead guilty, sir.

19 THE COURT: Your second indictment says that on or
20 about September 13th, 2011 along with these two
21 defendants, you did kidnap, abduct or carry away
22 Ms. Dreher or Ms. Morales or some children without
23 authority of law. How do you plead to that charge?

24 THE DEFENDANT: I plead guilty, sir.

25 THE COURT: Your last indictment says that on or

1 about September 13th of this year while knowingly and
2 willfully armed with a deadly weapon in Lexington County,
3 that being a handgun, you did steal something from the
4 person or presence of a Ms. Morales or a Ms. Dreher by
5 means of force, threat or intimidation. How do you plead
6 to that charge?

7 THE DEFENDANT: I'm pleading guilty, sir.

8 THE COURT: All right. Mr. Brannon -- Mr. Leaphart,
9 I'm sorry, too much paperwork.

10 Your first indictment says that on or about
11 September 13th, 2011 in Lexington County, you along with
12 these two codefendants did kidnap, abduct or carry away
13 Ms. Morales or a Ms. Dreher or some children. How do you
14 plead to that charge?

15 THE DEFENDANT: Guilty, sir.

16 THE COURT: Your second indictment says that on or
17 about September 13th, 2011 in Lexington County while you
18 were armed with a deadly weapon, that being a handgun, you
19 did steal something from a Ms. Morales or Ms. Dreher by
20 force, threats or intimidation. How do you plead to that
21 charge?

22 THE DEFENDANT: Guilty, sir.

23 THE COURT: Your last indictment says that on or
24 about September 13th, 2011 in Lexington County you did
25 knowingly and willfully enter a dwelling without consent

1 with the intent to commit a crime therein while armed with
2 a deadly weapon or during the hours of nighttime. How do
3 you plead to that charge?

4 THE DEFENDANT: Guilty.

5 THE COURT: Mr. Drafts, your first indictment says
6 that on or about September 13th, 2011 along with these two
7 codefendants, you did knowingly and willfully while armed
8 with a deadly weapon, that being a handgun, you did steal
9 something from Ms. Morales or Ms. Dreher by force, threats
10 or intimidation. How do you plead to that charge?

11 THE DEFENDANT: Guilty.

12 THE COURT: Your second indictment says that on or
13 about September 13, 2011 you did kidnap, abduct or carry
14 away a one, Ms. Morales or Ms. Dreher or some children
15 without authority of law. How do you plead to that
16 charge?

17 THE DEFENDANT: Guilty, sir.

18 THE COURT: The last indictment for Lexington County
19 says that you did on or about September 13, 2011 knowingly
20 and willfully enter a dwelling without consent and with
21 the intent to commit a crime therein while armed with a
22 deadly weapon or during the hours of nighttime. How do
23 you plead that charge?

24 THE DEFENDANT: Guilty.

25 THE COURT: Your indictment from Saluda County which

1 you have signed a waiver on and which I questioned you
2 about says that you did in Saluda County on or about
3 August 31st, 2011 enter without consent and with the
4 intent to commit a crime therein Hendrix Used Cars, and
5 that it did occur during the nighttime. How do you plead
6 to that charge?

7 THE DEFENDANT: Guilty.

8 THE COURT: Okay. This is what we call a negotiated
9 plea. What that means is that the negotiation -- I want
10 make sure I state this right is that this is a 30-year
11 sentence, and that you will be on the sex offender
12 registry.

13 What that means is this: If I wanted to give you
14 more time, I couldn't. If I wanted to give you less time,
15 I couldn't. Essentially, if I decide to go along with
16 this, the way I look at it is my hands are tied. I have
17 to give you the 30 years.

18 If I thought that you deserved less or if I thought
19 that you deserved more, I couldn't do it because the -- by
20 virtue of it being a negotiated sentence, my discretion is
21 essentially gone. Does everybody understand that?

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: So the good thing for you is that there's

1 no chance that it gets any worse. The bad thing for you
2 is that there's no chance that it gets any better, but you
3 know exactly what you're going to get if I decide go along
4 with it. Do you understand that, Mr. Brannon?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Leaphart?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Drafts?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Outside the negotiation, has anybody
11 promised you anything?

12 THE DEFENDANT: No, sir.

13 THE DEFENDANT: No, sir.

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody forced you or threatened you
16 to get you to do this?

17 THE DEFENDANT: No, sir.

18 THE DEFENDANT: No, sir.

19 THE DEFENDANT: No, sir.

20 THE COURT: Are you doing it freely and voluntarily?

21 THE DEFENDANT: Yes, sir.

22 THE DEFENDANT: Yes, sir.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Are you satisfied with the services of
25 your lawyer?

1 THE DEFENDANT: Yes, sir.

2 THE DEFENDANT: Yes, sir.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you need any more time to meet with
5 him or her or talk about your case in any way, shape or
6 form?

7 THE DEFENDANT: No, sir.

8 THE DEFENDANT: No, sir.

9 THE DEFENDANT: No, sir.

10 THE COURT: Are you pleading guilty because you are
11 guilty?

12 THE DEFENDANT: Yes, sir.

13 THE DEFENDANT: Yes, sir.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You have ten days from today's date to
16 appeal this plea. If you choose to do so, you must do so
17 in writing to this court. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE DEFENDANT: Yes, sir.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. Mr. Brannon.

22 MR. GRAHAM: Briefly, Your Honor, there are some
23 charges that are being dismissed.

24 THE COURT: Okay.

25 MR. GRAHAM: In relation to these specific charges

1 they're pleading to, there's a host of other charges from
2 that same incident.

3 There are charges for criminal sexual conduct that
4 are being dismissed. There are charges for possession of
5 a weapon during a violent crime. There is grand larceny
6 charges.

7 All of the associated charges with the event dealing
8 in these indictments are being dismissed. In addition,
9 there is another set of a home invasion on the same date
10 with a victim named Lonnie Hill. Those are being
11 dismissed. That's going to be a burglary first, armed
12 robbery, a kidnapping, and a possession of a weapon during
13 a violent crime.

14 THE COURT: All right. Is that right, Mr. Phillips?

15 MR. PHILLIPS: Right, Your Honor.

16 THE COURT: Is that right, Mr. Farrell?

17 MR. FARRELL: Correct, but he has other charges being
18 dismissed, as well.

19 THE COURT: Is that right?

20 MR. GRAHAM: Mr. Leaphart has another incident in
21 Lexington County involving a strong arm robbery and a
22 burglary first, and those charges are being dismissed, as
23 well.

24 THE COURT: Okay. Is all that on the record now,
25 Mr. Farrell?

1 MR. FARRELL: Yes, sir.

2 THE COURT: Okay. Ms. Hahn?

3 MS. HAHN: Yes, sir.

4 THE COURT: Okay. Everything is violent and most
5 serious, correct?

6 MR. GRAHAM: Correct, Your Honor.

7 THE COURT: Okay. Go ahead, Mr. Graham.

8 MR. GRAHAM: Thank you, Your Honor. The incident
9 occurred on September 13, 2011 in the Batesburg-Leesville
10 area of Lexington County at approximately 9:45 to 11:00.

11 The three defendants kicked in the front door of
12 Ms. Morales' residence in Batesburg-Leesville. All three
13 were -- they were armed. They came in with a handgun, a
14 baseball bat, and a shotgun. The shotgun had actually
15 come from Mr. Hill's residence, the home invasion, earlier
16 that night.

17 The two women -- there was Ms. Morales, and there was
18 Ms. Dreher. They were there with their -- between them,
19 there were five minor children. I believe the oldest at
20 the time was around eight.

21 They were ordered -- they were at gunpoint. They
22 were -- money, cell phone, jewelry and keys were taken out
23 of their purse. The defendants came in asking for money
24 and drugs. Ms. Morales was ordered to her room in the
25 residence. She was raped by all three of the suspects,

1 one after the other.

2 Ms. Dreher was taken into another room where she was
3 raped by all three of the suspects, one after the other.
4 There were five children in the house. They were held by
5 one the suspects in the living room at all times.

6 A shotgun was placed in the face of each of the
7 children and all of the victims. They were all threatened
8 that if they cooperated, they wouldn't be killed.

9 Immediately after the suspects left the residence,
10 Ms. Morales observed a gray Crown Victoria being driven
11 from the scene. That ultimately turned out to be a stolen
12 vehicle. That was her vehicle. There was also a gold
13 Expedition that turned out to be a stolen vehicle taken
14 away.

15 They knew Mr. Deshaun Drafts, and identified him to
16 the police at the time. Subsequently, photo lineups were
17 shown of all three suspects, and all three suspects were
18 identified by both victims at approximately 11:49 on that
19 same night, Your Honor.

20 The women -- after it happened, around 11:30, they
21 left the -- the defendants left the house around 11. At
22 11:30, the victims had made it to it Batesburg-Leesville
23 Police Department reporting what had happened.

24 At approximately 11:49, Batesburg-Leesville police
25 officer, Officer Crow, who is present in the courtroom and

1 the charges related to this are actually being dismissed,
2 but he attempted to initiate a traffic stop on the -- a
3 Ford Expedition that was taken from the scene.

4 As he was in pursuit, one of the three suspects
5 leaned out the window and fired two rounds at his vehicle.
6 Speeds reached in excess of 100 miles an hour.
7 Eventually, Officer Chow lost contact with the vehicle,
8 and a nine millimeter spent shell casing believed to be
9 related to the incident was found near the roadway.

10 On September 14th, which is three days later, Your
11 Honor -- or excuse me, the next day at 2:25 a.m., the
12 defendant along with two codefendants were observed by
13 officers walking back into the town limits.

14 Officers ordered all three of them to stop.
15 Mr. Drafts complied, did a stop and was captured by law
16 enforcement at that time. He led officers to the gold
17 Expedition that was identified as being the one involved
18 in the car chase and the shooting with Officer Chow.

19 The other two suspects fled into the woods and were
20 captured at a later time. The officers located a nine
21 millimeter handgun in the woods near where the two
22 codefendants fled, and they also found Ms. Morales' Crown
23 Victoria.

24 Stolen property was found on Mr. Drafts at the time.
25 All of them were interviewed, Your Honor. All of them

1 gave different stories but in one way or another
2 implicated themselves or the other codefendants as being
3 involved. DNA linking some of the codefendants were
4 linked to the sexual assault, and I believe fingerprints
5 of one of the defendants was found on the stolen vehicle.

6 The victims are present in the courtroom, Your Honor.
7 There's several family, five of them, here on this front
8 row. They understand it's a negotiated plea. They do not
9 wish to speak. I also have representatives from the
10 Batesburg-Leesville Police Department.

11 Chief Oswald is standing behind me. He has the case
12 officer, Officer Crow is present in the courtroom, Deputy
13 Chow who was shot at, and Lieutenant Clare is against the
14 wall who spent a ton of time on the crime scene.

15 I don't know whether the Chief wants to address the
16 Court, Your Honor.

17 THE COURT: I'll come back.

18 MR. GRAHAM: Okay.

19 THE COURT: Go ahead and give me --

20 MR. GRAHAM: They -- those are the facts of the case,
21 Your Honor. The only other thing that I -- if I'm trying
22 to remember to put on the record is that Mr. Drafts has
23 two pending burglaries in Aiken County, and I've been in
24 contact with Deputy Solicitor Bill Weeks there who has
25 agreed that those charges will run concurrent with these

1 charges, as well.

2 THE COURT: Okay.

3 MR. GRAHAM: The victim in the Saluda case was
4 notified, but he is not present.

5 THE COURT: Okay. I don't have any facts on the
6 Saluda case.

7 MR. GRAHAM: The Saluda case, Your Honor, thank you.
8 That occurred on September 1st, 2011 in Monetta, South
9 Carolina.

10 The victim was the Hendrix's Store. It was broken
11 into during the nighttime hour, and items were stolen.
12 There was alcohol and other merchandise. Latent prints
13 were found at the scene that were linked to the defendant,
14 Mr. Drafts.

15 I believe that he ended up ultimately giving a
16 statement to the police on the case, as well.

17 MS. HAHN: His codefendant implicated him.

18 MR. GRAHAM: I'm sorry?

19 MS. HAHN: His codefendant implicated him, Your
20 Honor.

21 THE COURT: All right.

22 MR. GRAHAM: They all have prior records whenever you
23 want to hear that.

24 THE COURT: I don't think I need to.

25 MR. GRAHAM: Okay.

1 THE COURT: Mr. Brannon, is all of that materially
2 true?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Leaphart?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Drafts?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. I'll accept their pleas. I find
9 there is a substantial factual basis for the plea. I
10 further find their decision to plead guilty to be freely,
11 voluntarily, knowingly and intelligently made; that they
12 all had the advice of a very competent attorney with whom
13 they tell me they are satisfied. All right. Anybody from
14 the police department or any victim want to speak?

15 CHIEF OSWALD: Your Honor, I just want to -- would
16 like to -- if it please the Court, I would just like to --

17 THE COURT: You're Chief Oswald?

18 CHIEF OSWALD: Yes. I'm Chief Oswald. I would just
19 like to reiterate beyond, of course, property crime here,
20 the violence of this crime considering the -- while these
21 women were being sexually assaulted, the children were
22 held at gunpoint while their mothers were being assaulted.
23 I think that makes this a particularly heinous crime.
24 Thank you, sir.

25 THE COURT: Thank you, Chief.

1 MR. GRAHAM: I do not believe that the victims have
2 anything they want to say, Your Honor. Thank you.

3 THE COURT: Okay. For whoever is here on this case,
4 let me say this: You waited a long time this morning, but
5 you've waited over two years for some kind of resolution
6 in this matter.

7 I'm going to -- it doesn't matter which side of the
8 case you're on, the length of time never seems fair to
9 anybody, and I know it's not easy. It causes you to have
10 a constant remembrance of it because of the lack of
11 resolution to the situation, so let me say that they way
12 the court system works and the speed with which it works
13 doesn't always make sense but cooperating something like
14 this and putting it all together and coming up with a
15 resolution is a very complicated process.

16 I'm not saying that to make any excuse for anybody
17 but just kind of explain it to you. I want to thank you
18 for being here, staying actively involved in the case.
19 More than two years later, Mr. Graham can tell you, the
20 victim advocate can tell you, they have plenty of victims
21 who fall all off the face of the earth. No one knows
22 what's happened to them. It makes it so difficult to
23 handle cases when that happens. Thank you for staying
24 actively involved in your case.

25 All right. Mr. Phillips?

1 MR. PHILLIPS: Thank you, Your Honor. This is
2 clearly a tragic case, especially for the victims, for the
3 families for all of these young boys and for the lost
4 years.

5 My client was 19 years old when this crime occurred.
6 Obviously, he is going to pay severely for his actions.
7 He has a ninth grade education, and to his credit,
8 whenever the solicitor gave the plea offer, he accepted
9 responsibility.

10 He didn't waffle. He didn't put the victim through a
11 trial. He's been incredibly remorseful the entire time.
12 He has a very supportive family. His mother and sister
13 are here, and I believe they do wish to address the Court.
14 He also has other family members in the audience. At this
15 time, I believe -- I'll pass it on to his mother.

16 THE COURT: Okay. What's your name, ma'am?

17 THE MOTHER: My name is Lakeisha Brannon.

18 THE COURT: Okay. What could you like to tell me,
19 Ms. Brannon?

20 THE MOTHER: I'd like to apologize to the family, the
21 children, for everything that's happened. I do -- I don't
22 condone what my son did, and it's just so hard right now
23 to see my baby go down the road for 30 years.

24 He is guilty. He knows he has done wrong, but he's
25 sorry, too. I don't -- I can't speak why he did it or

1 anything, but I know they done hurt these people out here,
2 and these people we know. We know them like we are
3 family. So that is really hard, you know, to look at
4 these people knowing what our sons have done and
5 corrupting and broken up the family.

6 I'm just really wanting to say we are very sorry, and
7 if we could do anything to help, we're here. We have no
8 grudges. You know, because the boys did it, and whatever
9 we could do, we'll help. We're sorry.

10 THE COURT: Thank you, Ms. Brannon. I appreciate
11 that.

12 THE SISTER: I just co-sign to what she said.

13 THE COURT: Anything you want to tell me, sir?

14 THE DEFENDANT: Yes, sir. I would like to, you know,
15 say I'm sorry. I would like to apologize to the victims.
16 I was wrong, you know.

17 I would just like to say I hope that they find in
18 their hearts to forgive me, you know, because I wish a lot
19 that they would forgive me. I mean, if they would forgive
20 me, I can forgive myself. Thank you.

21 THE COURT: Thank you, sir. I appreciate that.

22 All right. Mr. Farrell?

23 MR. FARRELL: May it please the Court, Your Honor.

24 THE COURT: Yes, sir.

25 MR. FARRELL: Deondre is 20 years old, a tenth grade

1 education from South Aiken High School, presently serving
2 a youthful offender sentence for a burglary out of Aiken
3 County. Those warrants were served on him shortly after
4 his arrest on these charges.

5 He has a very good amount of family support, Your
6 Honor. His mother has been in contact with me, basically
7 since I was appointed on this case. He is also joined
8 here today by his grandmother, two uncles, an aunt, and
9 two cousins.

10 From my initial meeting with Deondre, he has told me,
11 "I did it. I know they got me. Do the best you can for
12 me," never once really seriously entertained the notion of
13 contesting these charges. He has never complained. He
14 has never tried to throw off on his codefendants. He has
15 accepted responsibility from his actions from day one.

16 THE COURT: Thank you. Anything you want to tell me,
17 sir?

18 THE DEFENDANT: I would like to say I apologize for
19 what happened, and I hope -- I hope they forgive me.

20 THE COURT: Thank you.

21 All right.

22 Ms. Hahn?

23 MS. HAHN: Thank you, Your Honor. Mr. Drafts is 20
24 years old now. He was 18 when this happened. Your Honor,
25 his family is not here today. I couldn't reach them, but

1 they have come to court for him before in the past. I
2 know they all have a very caring relationship. He loves
3 his family. His mother cares a lot about him and is just
4 torn up about this whole thing.

5 Your Honor, he is a young man, but he was working.
6 He had a job at the chicken plant. He worked in some fast
7 food restaurants. I represented him on a minor matter
8 several years ago, and I got to know him pretty well.

9 He is a friendly person. He just seemed to be a
10 generally nice guy, and it's shocking that he put himself
11 in this situation and made these decisions. He knows that
12 was a terrible mistake and something he can't take back.

13 Once he was eventually caught, he surrendered to law
14 enforcement. He helped them find the vehicle in the case,
15 and he confessed to most of the allegations, Your Honor.
16 I think he is doing everything he can to make it right
17 now.

18 THE COURT: Thank you. Anything you want to tell me,
19 sir?

20 THE DEFENDANT: Yes, sir. I'd like to say I'm sorry
21 for everything. I miss my baby.

22 THE COURT: Do you understand that your burglary
23 second degree violent charge is a serious offense?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. I wasn't sure I told you that

1 earlier.

2 All right. Who is on probation that I'm doing?

3 PROBATION AGENT: Mr. Drafts is on probation, and
4 we're going to handle that here.

5 THE COURT: Okay. How much time does he have hanging
6 over him?

7 PROBATION AGENT: He has four years, 306 days
8 remaining on the sentence, and there was restitution that
9 we would need to convert, probably, to a civil judgment.

10 THE COURT: Do you admit that you violated your
11 probation?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Very well. Anything further,
14 Mr. Graham?

15 MR. GRAHAM: No, Your Honor.

16 THE COURT: Chief?

17 CHIEF OSWALD: No, sir.

18 THE COURT: All right. Any defense attorneys,
19 Mr. Phillips? Do you have anything else you want to tell
20 me?

21 MR. PHILLIPS: No, Your Honor.

22 THE COURT: This is a horrific case. It is just sad
23 beyond all comprehension.

24 Nothing that I can do here today can take away that
25 night for the victims, for the officers who were attacked

1 or anybody else.

2 I know that you three wished you could. You wish you
3 never would have done it. You now, I'm going to tell you
4 the one thing that you do need to be thankful for, you
5 need to be thankful for your attorneys because, you know,
6 short of this being a negotiated sentence, I'm not sure
7 that 30 years is enough for the violent, awful, horrific
8 things that you did.

9 So the hard work of your attorneys sticking by you
10 and doing everything they can for you and having victims
11 that are willing to -- I understand the pain of a trial
12 and everything else to come to a resolution like this is
13 really a gift to you.

14 The sentence of this court on this, all defendants is
15 the same: It's 30 years concurrent, credit for time
16 served, not to have any contact with the victims in any
17 way, shape or form.

18 On all the kidnapping charges, sex offender registry,
19 of course, the defendants have all been sentenced to. On
20 the additional burglary second violent, 15 years to run
21 concurrent, credit for time served, and revoke probation,
22 whatever you can revoke. Terminate, convert and run
23 concurrent. Good luck to you. Thank you.

24 MR. PHILLIPS: Thank you, Your Honor.

25 MR. GRAHAM: Thank you, Your Honor.

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(Whereupon, the proceedings were concluded.)

FORM 5

2014CP3203717

STATE OF SOUTH CAROLINA)

COUNTY OF Lexington)

Lequarius Jamon Brandon #338615)
Full name and prison number (if any) of Applicant.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

ORIGINAL

JM

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee Correctional Institution
2. Name and location of Court which imposed sentence Lexington County Court of general sessions
3. Name(s) of co-defendant(s) (if any) Deandre Leaphart, Deshuan Drafts
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012-95-32-00565
 - (b) 2012-95-32-00566
 - (c) 2012-95-32-00567
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) December 17, 2013; Thirty (30) years
 - (b) December 17, 2013; Thirty (30) years

FILED
OCT 13 P 1 2014
CLERK OF COURT
LEXINGTON COUNTY
SOUTH CAROLINA
Revised 3/2003

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[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

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(c) December 17, 2013; Thirty (30) years

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

JM

7. Did you appeal from the judgment of conviction or the imposition of sentence?

NO

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

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

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

(b) the result in each such Court to which you appealed:

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

(c) the date of each such result:

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

(d) if known, citations of any written opinion or orders entered pursuant to such results:

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

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) N/A
- (b) _____
- (c) _____

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

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2 2014 CP 3203717

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- (a) Denial of effective assistance of counsel
- (b) Involuntary guilty plea
- (c) _____

JM

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

- (a) Fail to conduct Investigating of facts in case
- (b) Resulting from Ineffectiveness of counsel
- (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____

2014CP3203717

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JM

v. _____

(d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

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

i. N/A

ii. _____

iii. _____

iv. _____

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

NO, they have not

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

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

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

(a) (10)(a) First collateral attack

(b) (10)(b) First collateral attack

(c) _____

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

A TRUE COPY

JLJ

- (a) your arraignment and plea? Yes, I was.
- (b) your trial, if any? N/A
- (c) your sentencing? Yes, I was
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes, I was
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

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

- (a) the name and address of each attorney who represented you:
 - i. Dayne Phillips 407 1/2 West Main Street
 - ii. Lexington, South Carolina 29072
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Plea sentencing
 - ii. _____
 - iii. _____

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

Convictions and sentences Reversed/Remanded For new trial

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

No, I am not

2014CP3203717

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Lex. Co. C.C.C.P., G.S. & E.O.

ORIGINAL

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

JW

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

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

Laquarius Brannon
Applicant

SWORN or affirmed to and subscribed before me this 8th day of October, 2014.

Susan H. Frye
Notary Public

My Commission Expires March 5, 2018

My Commission Expires:

ETHA A. CARRISCO
CLERK OF COURT
LEXINGTON, VA

OCT 13 P 1:22

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2014CP3203717

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Revised 3/2003

JM

STATE OF SOUTH CAROLINA)
)
County of)

VERIFICATION

I, _____, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Laquarius Brannon

SWORN to and subscribed before me this 8th
day of October, 2014.

Susan H. Dye (L.S.)
Notary Public

My Commission Expires
March 5, 2018

My Commission Expires: _____

2014CP3203717

ETH A. GARRIS
CLERK OF COURT
LEXINGTON

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[Signature]
Lex. Co. C.C.C.P., G.S. & E.G.

ORIGINAL

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

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

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

Laquarius Brannon
Applicant

SWORN or affirmed to and subscribed before me this
8th day of October, 2014.

Susan H. Frye
Notary Public

My Commission Expires
March 5, 2018

My Commission Expires: _____

2014CP3203717

STH A. CARRISON
CLERK OF COURT
LEXINGTON, VA

OCT 13 P 1:23

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[Signature]
Lex. Co. C.C.C.P., G.S. & E.C.

ORIGINAL⁴³

STATE OF SOUTH CAROLINA)
)
County of)

VERIFICATION

I, _____, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Laquarius Brannen

SWORN to and subscribed before me this 8th
day of October, 2014.

Susan N. Frye (L.S.)
Notary Public My Commission Expires
March 5, 2018

My Commission Expires: _____

2014CP3203717

ETHA GARRIGUE
CLERK OF COURT
LEXINGTON, SC

OCT 13 P 1:23

FILED



A TRUE COPY

Lex. Co. C.C.C.P., G.S. & E.C.

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF LEXINGTON)	FOR THE ELEVENTH JUDICIAL CIRCUIT
)	
)	
Laquarius J. Brannon)	C.A. No. 2014-CP-32-3717
S.C.D.C. No. 338615)	
)	
Applicant,)	
)	
v.)	RETURN¹
)	
State of South Carolina,)	
)	
Respondent.)	
)	

Respondent, making its Return to the Application for Post-Conviction Relief filed October 13, 2014, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. Applicant was indicted at the March 2012 term of the Lexington County Grand Jury for burglary first degree (2012-GS-32-0537), kidnapping (2012-GS-32-0538) and armed robbery (2012-GS-32-0539). Dayne Phillips, Esq., represented Applicant. On December 17, 2013, Applicant pled guilty as indicted. The Honorable Robert Hood sentenced Applicant, pursuant to negotiations, to a term of thirty (30) years imprisonment for burglary, first degree; and to a term of thirty (30) years imprisonment for kidnapping; and to a term of thirty (30) years for armed robbery. These sentences were to be served concurrently. Applicant did not appeal his plea or consecutive sentences.

¹ By order dated December 30th, 2014, Aimee Zmroczek has been appointed as counsel.

II.

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

1. Ineffective Assistance of Counsel
 - a. "Fail to conduct Investigation of facts in case"
2. Involuntary Guilty Plea
 - a. "Resulting from ineffectiveness of counsel"

Respondent denies Applicant is entitled to relief on any of these claims, and demands strict proof thereof. Any claims not specifically enumerated in the application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRPC.

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

III.

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

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

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

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

IV.

Respondent submits Applicant's allegation his guilty plea was involuntary is also without

merit. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citing Hill v. Lockhart, 474 U.S. 52; Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. at 56. Furthermore, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. However, allegations regarding the voluntariness of the plea may raise questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper, 279 S.C. 264, 305 S.E.2d 247.

V.

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

VI.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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


Sept. 23rd, 2015

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON)	
)	
)	2014-CP-32-3717
LAQUARIUS J. BRANNON, #338615,)	
)	
Applicant,)	
)	
vs)	AFFIDAVIT OF SERVICE BY MAIL
)	
STATE OF SOUTH CAROLINA,)	
)	
Respondent.)	

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

Ms. Aimee Zmroczek, Esquire
A.J.Z. Law Firm, LLC.
PO Box 11961
Columbia, SC 29211

DATED this 2nd day of September, 2015.


Ashley Haworth, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS
COUNTY OF LEXINGTON)	

Laquarius J. Brannon,)	
)	
Plaintiff,)	
v.)	Case No. 14-CP-32-3717
)	
State of South Carolina,)	
)	
Defendant.)	

TRANSCRIPT OF PCR HEARING

The within Post-Conviction Relief Hearing in the above-captioned matter was held April 18, 2016, before The Honorable Perry H. Gravely in the Court of Common Pleas for Lexington County, South Carolina;; attended by counsel as follows:

APPEARANCES:

Aimee J. Zmroczek, Esq.
A. J. Z. LAW FIRM
P O Box 11961
Columbia, South Carolina 29211
Appearing for Applicant

Johanna C. Valenzuela, Senior Assistant AG
OFFICE OF ATTORNEY GENERAL
P O Box 11549
Columbia, South Carolina 29211
....Appearing for State of South Carolina

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

Laquarius J. Brannon v State of South Carolina

2

Case No. 14-CP-32-3717

Hearing of April 18, 2016

Before The Honorable Perry H. Gravely

INDEX

Testimony of Laquarius Brannon

Direct Examination 5

Testimony of Dayne Phillips

Direct Examination 18

Cross Examination 31

INDEX OF EXHIBITS

(None Entered)

Laquarius J. Brannon v State of South Carolina

3

Case No. 14-CP-32-3717

Hearing of April 18, 2016

Before The Honorable Perry H. Gravely

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(APPLICANT PRESENT)

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THE COURT: Good morning, Mr.

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Brannon. All right. I'll be glad to hear

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from you.

6

MS. VALENZUELA: Thank you, Your

7

Honor. May it please the Court? Before the

8

Court is the case of Laquarius Brannon versus

9

the State of South Carolina, case number

10

2014-CP-32-3717.

11

The Applicant in this case filed his

12

post-conviction relief application October

13

13, 2014.

14

Mr. Brannon is presently confined

15

with the SCDC. And he was indicted in March

16

of 2012 by the Lexington County Grand Jury

17

for burglary first degree, indictment number

18

2012-GS-32-0537. He was also indicted for

19

kidnapping, indictment number 2012-GS-32-

20

0538, and armed robbery, 2012-GS-32-0539.

21

The Applicant was represented by

22

Dayne Phillips at the trial level -- excuse

23

me -- at the court level. He pled guilty on

24

December 17th, 2013 as indicted before the

25

Honorable Robert Hood. And Judge Hood

Laquarius J. Brannon v State of South Carolina

4

Case No. 14-CP-32-3717

Hearing of April 18, 2016

Before The Honorable Perry H. Gravelly

1 sentenced him to a term of thirty (30) years
2 imprisonment for burglary first degree;
3 thirty (30) years for kidnapping; and, thirty
4 (30) years for armed robbery; with all of
5 those sentences to run concurrently.

6 The Applicant did not appeal his
7 plea or his consecutive sentences.

8 In the current application, the
9 Applicant alleges that there was ineffective
10 assistance of counsel for failure to conduct
11 an investigation of facts in this case and an
12 involuntary guilty plea resulting from the
13 ineffectiveness of counsel.

14 And we filed our return on September
15 23rd, 2015.

16 Mr. Brannon is represented in this
17 matter by Aimee Zmrockzek and both are
18 present in court today.

19 THE COURT: All right. Ms.
20 Zmrockzek, I'll be glad to hear from you.

21 MS. ZMROCKZEK: Thank you, Your
22 Honor. We would call Mr. Brannon to the
23 stand.

24 THE COURT: Mr. Brannon, if you'll
25 step forward, please?

Laquarius J. Brannon v State of South Carolina

5

Case No. 14-CP-32-3717

Hearing of April 18, 2016

Testimony of Laquarius Brannon - Direct Examination

1

(WITNESS TAKES STAND)

2

LAQUARIUS BRANNON, having been duly sworn
to tell the truth, and nothing but the truth,
testified as follows:

4

5

DIRECT EXAMINATION

6

BY MS. ZMROCKZEK:

7

Q. And Mr. Brannon, how old are you?

8

A. I'm twenty-three.

9

Q. You're twenty-three now?

10

A. Yes, ma'am.

11

Q. How old were you when you pled?

12

A. Twenty-one.

13

Q. Okay. And ---

14

THE COURT: You need to speak up
so I can hear you.

15

16

WITNESS: Twenty-one.

17

THE COURT: That's fine.

18

DIRECT EXAMINATION CONTINUED

19

BY MS. ZMROCKZEK:

20

Q. Okay. Yeah. The Judge has to make
his decision based on what he hears today.

21

22

So make sure he hears you, okay?

23

A. (Affirmative nod).

24

Q. You told me before we met here today
and before I've told you that you could face

25

Laquarius J. Brannon v State of South Carolina

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1 -- if the Judge grants your PCR you could
2 face life in prison with all your charges.
3 You understand that, right?

4 A. (Affirmative nod).

5 Q. You have to say "yes" or "no."

6 I'm sorry.

7 A. "Yes." Yes, ma'am.

8 Q. And you understand today that you
9 told me -- and just, you know, so we have
10 full disclosure, you told me you didn't feel
11 like you were ready to go forward because you
12 felt like that there were school records that
13 would make a difference in your case?

14 A. Yes, ma'am.

15 Q. Tell the Judge why you think that
16 there are school records that would make a
17 difference in your case.

18 A. I feel like my school records and
19 other records will show that I really have a
20 learning disability. I'm, you know, I got --
21 I'm really slow at learning, really. Like if
22 you seen my school records you will see that
23 it's hard for me to, you know, catch on. And
24 like I just told my lawyer, I feel like I'm
25 not ready to go forward with this right now.

1 If we had -- with a little bit more time that
2 I might, you know.

3 Q. Okay. And have you and I ever had
4 problem communicating?

5 A. I mean, this is like really my first
6 time actually talking, talking to you. You
7 know what I'm saying?

8 Q. Right.

9 A. Other than on the phone.

10 Q. But we've spoken before. Right.

11 A. Other than on the phone. And I feel
12 like our bond could be a little bit better if
13 I had had a little bit more facetime with
14 you.

15 Q. Okay. But you did have facetime
16 with your plea attorney, Mr. Phillips;
17 correct?

18 A. I only had him like five or six
19 months before I went to court.

20 Q. Okay. And then you had -- before
21 that you had Matt Buchanan?

22 A. Yes, ma'am.

23 Q. And you know that they met with you
24 -- every time that they met with you, they
25 would write it down ---

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Testimony of Laquarius Brannon - Direct Examination

1 A. I understand.

2 Q. --- and talk about what y'all talked
3 about; right?

4 A. (Affirmative nod).

5 Q. Yes?

6 A. I understand.

7 Q. And did you ever once tell -- in the
8 five months that Mr. Phillips represented
9 you, did you ever once tell him you didn't
10 understand?

11 A. I told him that I had learning
12 disability.

13 Q. Okay. I understand you told him you
14 had a learning disability, but did you tell
15 him you didn't understand what he was saying?

16 A. Pretty much.

17 Q. Pretty much?

18 A. (Affirmative nod).

19 Q. The learning disability, how does
20 that affect you?

21 A. I'm very slow in learning. That's
22 why I'm asking to get my school records so
23 you could prove my problem.

24 Q. Okay.

25 MS. ZMROCKZEK: Judge, and you can

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1 rule on this later but maybe we'll -- we
2 leave (sic) to leave the record open to get
3 his school records. I know that I have a
4 full file from the public defender's office
5 and there was never an indication of that
6 need. But I just didn't want to forget to
7 ask the Court to allow leave for that. But
8 we'll come back to that again.

9 THE COURT: Okay. Yeah. Let's
10 come back.

11 MS. ZMROCKZEK: Thank you.

12 DIRECT EXAMINATION CONTINUED

13 BY MS. ZMROCKZEK:

14 Q. Do you remember that day that you
15 pled?

16 A. I remember the court.

17 Q. Do you remember before you pled you
18 were given several -- you had several
19 meetings with Mr. Phillips; right?

20 A. Yeah. I had met with Mr. Phillips.

21 Q. About your options?

22 A. Yeah. It was one option.

23 Q. Well, no. There was an option to go
24 to trial. That's an option; right?

25 A. Right.

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Testimony of Laquarius Brannon - Direct Examination

1 Q. There is an option to do a
2 negotiated plea?

3 A. Uh-huh.

4 Q. Yes?

5 A. Yes, ma'am.

6 Q. So that's two options. And then
7 there was an option, I think the third option
8 was if one of your codefendants was going to
9 go to trial, that you could testify against
10 one of them; correct?

11 A. Correct.

12 Q. So those were three options?

13 A. Correct.

14 Q. And all three of -- of you and your
15 two codefendants all pled on the same day;
16 right?

17 A. Right.

18 Q. And you all received the very same
19 sentence. Right?

20 A. Right.

21 Q. And that was a negotiated sentence
22 of thirty years?

23 A. Right.

24 Q. And you understood what that meant?

25 A. I mean, at the time, thirty years?

1 But, naw, I don't understand thirty years.

2 I don't understand life. Who can understand
3 that?

4 Q. Right. But you understood -- maybe
5 "understand" is not the right word. You knew
6 that you could get more than thirty years?

7 A. That's what he said.

8 Q. Right. And you knew you couldn't
9 get less than thirty years?

10 A. That's another thing he said.

11 Q. Okay. And you knew that if you went
12 to trial and the judge found you guilty, that
13 you could get life. You understood that;
14 right?

15 A. That's what I'm telling you now.
16 If I understood all this, I wouldn't be going
17 -- I wouldn't be here in front of y'all now.
18 That's what I'm telling y'all. If I had a
19 better understanding, I wouldn't be here. I
20 would have went around this a whole 'nother
21 way.

22 Q. Okay. What way would you have gone
23 -- that's what I'm asking you. What way
24 would you have gone about it?

25 A. That's what I'm trying to tell

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Testimony of Laquarius Brannon - Direct Examination

1 y'all. If knew a whole other way and got a
2 better understanding, I'd have presented it
3 to the court.

4 Q. Okay. What would you have presented
5 to the court? Now is your opportunity.
6 That's what I'm telling you.

7 A. I feel like I'm just sitting here
8 repeating myself because every time I keep
9 telling you -- if I'd have had a good
10 understanding. You keep asking me the same
11 thing. I'm telling you right now, I do not
12 have a good understanding of this court
13 stuff. I don't.

14 Q. Okay. Do you have -- let's start
15 from the beginning. Do you know what you
16 were charged with?

17 WITNESS: Excuse me. Can I
18 direct this question to you?

19 MS. ZMROCKZEK: Please.

20 THE COURT: I can't answer any
21 questions. I am listening to your responses.

22 DIRECT EXAMINATION CONTINUED

23 BY MS. ZMROCKZEK:

24 Q. What is it you that you think you
25 need to say?

1 A. Instead of going back and forth. I
2 feel like I need another counsel to explain
3 myself better.

4 MS. VALENZUELA: Your Honor, we
5 would object to that. We've been on notice
6 with this and Ms. Zmrockzek has been
7 representing him for quite some time.

8 THE COURT: All right. Yeah, I'll
9 be glad to hear from you.

10 WITNESS: But like I said, I
11 only spoke to her over the phone once
12 previously to this day. How can we have a
13 understanding? This is the first time I ever
14 seen her, face-to-face. I only spoke to her
15 once. And I don't even know if it was really
16 her. How can I understand? How can a person
17 understand me and this case. This is a
18 serious case. I got thirty years, facing
19 life.

20 THE COURT: All right. And I'm
21 going to -- it's my understanding that, that
22 the application was filed by you, Mr.
23 Brannon.

24 And then you were appointed. Is
25 that right, Ms. Zmrockzek?

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Testimony of Laquarius Brannon - Direct Examination

1 MS. ZMROCKZEK: That's correct.

2 THE COURT: All right. You know,
3 we're just here to determine whether you, you
4 know, based on you had a plea at that time.
5 And I'm here to hear, you know, if you have
6 any reasons to say why your plea should not
7 be valid, okay? That's what we're here
8 about. And you filed the application. And,
9 you know, I've got to hear it today. And I
10 will be glad to hear whatever you need to
11 tell me.

12 WITNESS: I, at this point, I
13 feel like I don't want to go forward until I
14 get other counsel.

15 THE COURT: Well, I mean -- I
16 mean, I understand what you're saying. And
17 I'm saying we're going to have to -- and if
18 it's a request for a continuance, and we've
19 already gotten started, I'm going to deny
20 that. So we need to go forward today and you
21 need to present everything you need to
22 present today.

23 WITNESS: Naw, naw.

24 DIRECT EXAMINATION CONTINUED

25 BY MS. ZMROCKZEK:

1 Q. Okay. Mr. Brannon, I'm reading your
2 application. You said failed ---

3 A. No. If that's the case man, it's
4 over with now. There's nothing else to talk
5 about. I promise.

6 Q. Okay. Can I ---

7 MS. VALENZUELA: That's all we
8 have, Your Honor.

9 THE COURT: All right. Mr.
10 Brannon, is there anything else? Before you
11 leave I want to ask you is there anything
12 else you want to tell me?

13 WITNESS: Naw, -- well, y'all
14 ain't listening.

15 THE COURT: Well, I'm all ears.

16 WITNESS: You're not "all ears."
17 Y'all keep going over the same thing. Going
18 over the same thing, man.

19 (WITNESS STEPS DOWN)

20 THE COURT: All right.

21 MS. ZMROCKZEK: And just for the
22 record, Your Honor, this has been the extent
23 of my ability to communicate with my client.

24 THE COURT: I mean, I'll be glad
25 to hear. Any cross-examination? No. I'll

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Testimony of Laquarius Brannon - Direct Examination

1 be glad to hear from -- you know, I think we
2 need to go forward.

3 MS. VALENZUELA: You'd be glad to
4 hear from our --

5 THE COURT: Yeah. I mean, I think
6 because, you know, I mean, I'm not going to
7 continue the case.

8 MS. ZMROCKZEK: Yeah. I mean, we
9 have nothing more to present, Your Honor.

10 MS. VALENZUELA: So, I mean, you
11 know, under Rule 41, Your Honor, we would --
12 under the Civil Rules of Procedure, we would
13 move that at this point the -- there hasn't
14 been a case made by the petitioner for us to
15 move forward. And we would ask the Judge to
16 rule now that this application should be
17 dismissed with prejudice.

18 THE COURT: All right.

19 MS. ZMROCKZEK: Your Honor, since
20 the witness is here, though, I think he could
21 put into more context the plea and maybe give
22 it some -- if the State presents their
23 witness, I think that they can see.

24 THE COURT: Yes, I ---

25 MS. VALENZUELA: I'm happy to do

1 that. And I'm sorry because I was not very
2 well spoken a moment ago.

3 THE COURT: No, that's fine.

4 MS. VALENZUELA: Under Rule 41(b)
5 we can move for dismissal on the grounds upon
6 the facts and the law that the plaintiff has
7 not shown a right to relief. And, you know,
8 the petitioner in this case has elected not
9 to proceed forward to state his reasons on
10 the record. He did file a PCR application
11 that is before you, so you do have his
12 application and what his allegations are.
13 And we would argue that there is nothing
14 there to grant relief in this case. However,
15 we are prepared to move forward with our
16 witness and can do that.

17 THE COURT: And let me reserve my
18 ruling on that and let you proceed.

19 MS. VALENZUELA: Absolutely. And
20 so, Your Honor, we'd call Mr. Dayne Phillips
21 to the stand.

22 (WITNESS TAKES STAND)

23 (WITNESSES WAS DULY SWORN)

24 MS. ZMROCKZEK: May it please the
25 Court.

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Testimony of Dayne Phillips - Direct Examination

1 DAYNE PHILLIPS, having been duly sworn to
2 tell the truth, and nothing but the truth,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS`VALENZUELA:

6 Q. Thank you, Mr. Phillips. Now, Mr.
7 Phillips, how long have you been practicing
8 law?

9 A. Almost five years.

10 Q. And in those five years what has
11 been your area of practice?

12 A. Exclusively criminal and appellate
13 work.

14 Q. On the defense side?

15 A. Yes, on the defense side. After law
16 school, I worked for Appellate Defense for
17 approximately twenty months or so.

18 And then after that went to the Lexington
19 County Public Defender's Office, was there
20 for approximately two and a half years before
21 going into private practice about seven
22 months ago.

23 Q. Okay. And then -- you were in the
24 public defender's office when you represented
25 Mr. Brannon in this matter?

1 A. I was.

2 Q. Okay. And how many times did you
3 meet with Mr. Brannon prior to him entering
4 his plea?

5 A. In reviewing my file it was six
6 times. And the previous attorney, Matthew
7 Buchanan had met with Mr. Brannon four other
8 times plus the prelim. So five additional
9 meetings with the previous attorney.

10 Q. Okay. And were those all in person?

11 A. Yes. Jail visits at the Lexington
12 County Detention Center.

13 Q. And did you file Rule 5 and Brady
14 motions on behalf of Mr. Brannon?

15 A. The previous attorney, Matthew
16 Buchanan, did. I can give you the date.

17 Q. Okay.

18 A. It was served and filed on October
19 4th of 2011 by Tricia A. Reese, which was the
20 paralegal of Matthew Buchanan and was my
21 paralegal when I inherited the case as well.

22 Q. Thank you. And then when you met
23 with the Applicant and when Mr. Buchanan --
24 and I know you can only speak to what you
25 did. When you met with the Applicant, did

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Testimony of Dayne Phillips - Direct Examination

1 you review discovery with him?

2 A. I did. Not only did I review it
3 with him, we continually sent him -- because
4 I inherited the case, I resent all discovery
5 that had previously been sent and provided to
6 him by Matthew Buchanan. So I resent it,
7 plus continually, as we received discovery
8 throughout the representation, made sure to
9 send it to him.

10 And, of course, every meeting that I
11 had with him, we sat down and reviewed the
12 discovery.

13 You know, one of the things I do during
14 my initial meetings is explain, you know,
15 essentially the elements of the offenses, the
16 sentencing ranges and the collateral
17 consequences. It's just to make sure during
18 that initial meeting that the client
19 understands, you know, the minimum and
20 maximum sentences; and, of course, the
21 offenses against them.

22 Q. And with Mr. Brannon you did as you
23 usually did and covered the elements,
24 collateral consequences and sentencing
25 ranges?

1 A. I did. And because this was a more
2 serious case, I even sent him a letter with
3 the enclosed statutes and sentencing ranges
4 on June 13th, 2013. I even sent up a follow-
5 up letter with those enclosed as a way to,
6 you know, kind of memorialize that I had done
7 that.

8 Q. Okay. Thank you. Did you discuss
9 possible defenses with Mr. Brannon?

10 A. I did. You know, to be fair he --
11 you know, we discussed his entire case. He
12 wasn't one to open up and talk a lot, you
13 know, that's one of the things I'll say, you
14 know. But he certainly, through that --
15 whatever I explained to him, he was able to
16 answer my questions appropriately, you know,
17 and with certain knowledge. I never had any
18 fear that he didn't understand the charges
19 against him or the elements or his defenses.
20 You know, in all our discussions I never had
21 any concern or any hesitation regarding his
22 ability to understand the nature of the
23 proceedings against him or to assist in his
24 defense. But, you know, again, to be fair to
25 him, he wasn't offering a whole lot when I

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Testimony of Dayne Phillips - Direct Examination

1 met with him. I would have to try to pull it
2 out of him.

3 Q. So is it fair to say that he was
4 quiet and not providing you a lot but when
5 you did speak with him he showed an under-
6 standing of what was going on?

7 A. Exactly. Yes, ma'am.

8 Q. Okay. Did he ever indicate anything
9 to do with a learning disability?

10 A. And through my -- I didn't remember
11 that, you know, when he testified to that a
12 minute ago. I went back and looked at my
13 notes. I didn't notice any notations. If he
14 would have said learning disability, I
15 believe that without a doubt it would have
16 been in my notes. You know, while working at
17 the public defender's office, I had many
18 people evaluated. You know, some people
19 would argue that I had too many evaluated.
20 But if I had any concern, I would send them
21 to have an evaluation as a way to make sure
22 their rights were taken care of. Even ones
23 when they were asking, and normally when they
24 ask, that's not necessarily the ones you need
25 to send to be evaluated.

1 Q. Can you briefly -- actually, still
2 focusing on the defenses, did he ever ask you
3 to speak with a witness that you did not have
4 an opportunity to speak with prior to his
5 plea?

6 A. He never provided any alibi
7 witnesses to me. We did do an *ex parte* order
8 for an investigator. It was four thousand
9 dollars. We had that. We hired David
10 McDougal, who has unfortunately since passed.
11 But he did -- David McDougal did go and meet
12 with Mr. Brannon and do some investigation on
13 the case. But ultimately, Mr. Brannon
14 accepted the offer so the investigation was
15 moot as far as pursuing it further for trial.

16 Q. Thank you.

17 A. So that was unnecessary.

18 Q. Could you briefly summarize the
19 evidence that the State had against Mr.
20 Brannon prior to his plea?

21 A. If I remember correctly, it was
22 essentially that both -- there was the two
23 women that were in the home. They ID'ed him
24 in a photo lineup. They even were able, at
25 least one of them, if I can remember

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Testimony of Dayne Phillips - Direct Examination

1 correctly, knew the nickname that he was
2 referred to. I believe it was Peanut. And
3 then, of course, at -- once all three
4 defendants were arrested, all three made
5 statements. All three admitted to being
6 there. They all had different stories and
7 levels of culpability as far as themselves,
8 generally with each defendant minimizing
9 their role in the crime. If I remember
10 correctly, Mr. Brannon said he had the
11 baseball bat but in the victim's statement
12 and based on her identification, I believe
13 she's the one that indicated he had the
14 shotgun. But his statement, he said that he
15 had the baseball bat. But he admitted to
16 being there. So we certainly had that to
17 work with as in the sense that with a
18 confession case, I explained to him that 'we
19 could always challenge your confession at
20 trial.'

21 The DNA, I believe Deshone Drafts'
22 DNA was found to be identified and confirmed.
23 There was no DNA that matched Mr. Brannon, if
24 I remember correctly. However, there was a
25 palm print and maybe another fingerprint that

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Testimony of Dayne Phillips - Direct Examination

1 matched Mr. Brannon.

2 You know, as far as the scientific
3 stuff, you know, I explained how we could
4 challenge that at trial to Mr. Brannon.

5 He never gave me any indication that
6 he was interested in a trial. He was always
7 interested in trying to pursue a plea offer,
8 which once I received the plea offer from
9 Shawn Graham, I did counter with a lesser
10 amount of years, which Shawn rejected.

11 And to go further, if I remember
12 correctly, one of the things right before the
13 plea they had all three codefendants in this
14 courtroom. It wasn't something in writing or
15 guaranteed but Shawn kind of threw out there
16 'well, if somebody wants to finally kind of
17 tell us exactly what happened', you know, he
18 would consider reducing it a term of years,
19 maybe up to ten. He said he wouldn't make a
20 guarantee on whether it would be one to ten
21 or whether he would even reduce it. He just
22 wanted somebody to tell what he believed was
23 the true story. And all three decided at
24 that time that they were not going to make a
25 statement to the Solicitor.

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Testimony of Dayne Phillips - Direct Examination

1 And, you know, one of the things I
2 made sure to tell him, and which he testified
3 to a minute ago was the negotiated sentence,
4 the judge would either accept it or deny it.
5 It was not one where there was a recommenda-
6 tion where the judge could, at his
7 discretion, make a different sentence. That
8 it was either he accepted the thirty years or
9 we were going to trial. And that's exactly
10 the way it was presented by Shawn Graham.

11 Q. Okay. I'm going to back it up just
12 a couple of steps. When Shawn Graham -- who
13 was the prosecutor in this case, correct?

14 A. Yes.

15 Q. So when he indicated to you that he
16 might be willing to reduce the negotiated
17 plea by somewhere up to ten years if one of
18 them cooperated, did you communicate that to
19 your client?

20 A. Yes. Mr. Brannon knew that.

21 Q. And so it was after communicating to
22 your client, he indicated he did not want to
23 cooperate. He wanted to go forward?

24 A. He was adamant he did not want to
25 cooperate.

1 Q. Okay.

2 A. You know, essentially with the
3 jailhouse culture he said that it would get
4 back to the prison. Knowing that he was
5 about to go there, even if they reduced the
6 term of years, he didn't want anyone in
7 prison to know he was a snitch.

8 Q. Did you review Mr. Brannon's
9 constitutional rights with him prior to the
10 plea?

11 A. Absolutely. You know, I certainly
12 ran through, you know, what you have in a
13 plea colloquy with a judge, where he's
14 waiving his right to remain silent, his right
15 to cross-examination and confront the
16 witnesses who are accusing him, to cross-
17 examine the law enforcement officers and to
18 any DNA expert or with the fingerprint
19 analysis or any of that.

20 I went through all of those rights
21 with him, that he'd be waiving those rights
22 if he pled guilty and that, you know, he
23 would -- if he somehow changed his mind, he
24 would have the opportunity to appeal that
25 within ten days. You know, working at

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Testimony of Dayne Phillips - Direct Examination

1 Appellate Defense, I always make sure to
2 explain that to my clients that they do have
3 the right to appeal.

4 Q. Did you explain to him that -- let
5 me see -- did you explain to him the benefit
6 of having his criminal sexual conduct charge
7 dismissed as part of his plea?

8 A. I did. You know, the major benefit,
9 in my opinion, to him it was a sure thing.
10 He knew exactly what he would be getting with
11 this plea offer. There would be no
12 surprises. And that if he went to trial,
13 most likely a deal would be cut with one of
14 his codefendants who would testify against
15 him. And that based on the evidence, the
16 confession, the written statement, the
17 codefendant and all the other. And then the
18 identification in the lineup, that with this
19 overwhelming evidence of guilt, that I
20 believed he'd be convicted at trial, and that
21 he would receive, in my opinion, more than
22 thirty. That I would be shocked if he would
23 have received less than that at trial, given
24 the facts of the case.

25 Q. And then was he additionally facing

1 charges of a separate home invasion for Lonny
2 Hill or was that limited to the other
3 codefendants?

4 A. I'd have to go back. I do not
5 recall on that.

6 Q. Okay. Did Mr. Brannon ever indicate
7 to you that he was not happy with your
8 services?

9 A. No, he did not. As far as what we
10 saw a few minutes ago in the courtroom where
11 he seemed a little agitated, I never had that
12 behavior with him. He was generally soft
13 spoken and pretty mild. You know, he didn't
14 even say much after, you know, he received
15 the thirty years. He was fairly calm about
16 the decision.

17 Q. Did he ever indicate to you that he
18 needed more time before y'all went forward
19 with the guilty plea on the negotiated thirty
20 years?

21 A. He did not.

22 Q. And did you coordinate having
23 witnesses appear on his behalf during the
24 guilty plea?

25 A. Yes. I had his mother and his

Laquarius J. Brannon v State of South Carolina

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Case No. 14-CP-32-3717

Hearing of April 18, 2016

Testimony of Dayne Phillips - Direct Examination

1 sister appear. They stood right behind us
2 in this very courtroom during the negotiated
3 plea. And it was, of course, very, very
4 emotional for his mother and his sister,
5 given the nature of how young all three
6 codefendants were and that they had
7 essentially grown up with each other, I
8 believe. It was very tough on his family,
9 but we did have his family there on his
10 behalf to show support.

11 Q. And they spoke during the guilty
12 plea?

13 A. They did.

14 Q. And whose decision was it for Mr.
15 Brannon to plead guilty? Was it his
16 decision?

17 A. It was certainly his decision. You
18 know, one of the things that when I went to
19 the public defender's office, you know, was
20 that I wanted to try cases. And I've always
21 made that clear to the defendants I had, that
22 it's never my decision whether they want to
23 plead guilty or go to trial. That the one
24 decision they have in this whole thing that
25 nobody could take away from them is their

1 ability to deny a plea offer and go to
2 trial, that that's never my decision. It's
3 theirs. And that, you know, I certainly am
4 not going to be the one to stand in their
5 way.

6 One of the things I've told
7 virtually every client, that I've kind of
8 made a normal systematic thing is, I'll say,
9 you know, 'I want you to be able to look
10 yourself in the mirror one day and know that
11 you've made this decision and it wasn't me.'

12 MS. ZMROCKZEK: May I have the
13 court's indulgence.

14 DIRECT EXAMINATION CONTINUED

15 BY MS. VALENZUELA:

16 Q. Thank you. If you'll answer Ms.
17 Zmrockzek's questions.

18 MS. ZMROCKZEK: Very briefly.

19 CROSS-EXAMINATION

20 BY MS. ZMROCKZEK:

21 Q. Did Mr. Brannon have some questions
22 that he asked you at times?

23 A. He did. For the most part, you
24 know, his questions were 'how low do you
25 think we can get the offer?' That was

Laquarius J. Brannon v State of South Carolina

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Case No. 14-CP-32-3717

Hearing of April 18, 2016

Testimony of Dayne Phillips - Cross Examination

1 essentially, virtually ninety-nine percent of
2 the questions was every time, when do you
3 think we're going to get the offer? And when
4 we get it -- and when we did get it front and
5 both sides, can we get it lowered? Lower,
6 lower, lower, that was his mantle.

7 Q. And did his family ever indicate
8 that he had a learning disability or that he
9 couldn't understand what was going on?

10 A. No, ma'am.

11 Q. Okay. And in fact the day that
12 pled, all three were offered an opportunity
13 to possibly reduce their sentence. And all
14 three, including Mr. Brannon, agreed to go
15 with the negotiated thirty?

16 A. They did. You know, I was actually
17 pretty shocked. Out all of the cases that I
18 saw at Appellate Defense and at the public
19 defender's office, to have a codefendant case
20 where people were facing this much time, and
21 not to have -- especially them being you.
22 Not to have one of them make an additional
23 statement, I thought was rare.

24 Q. To try to help themselves?

25 A. Exactly.

1 Q. And the evidence that they had
2 against him, you said you classified that as
3 overwhelming?

4 A. I did.

5 Q. And he got to see it?

6 A. He did. Absolutely.

7 Q. And did he have any questions about
8 it?

9 A. He never had any specific questions.
10 As far as, you know, we discussed it and he
11 knew what he was facing.

12 Q. Did he ever make corrections -- like
13 I think he told -- you said that he ended up
14 saying that he had the bat. So he would
15 correct things that were in the discovery
16 that he disagreed with?

17 A. Well, the bat is actually in his
18 written statement to police. Or I believe if
19 you -- if I can remember his statement
20 correctly, another officer wrote it for him.
21 But he indicated that he had the bat. And
22 when we discussed everything, you know, I
23 certainly had no hesitation that he wasn't
24 understanding what I was saying based on the
25 statements and questions he made back to me,

Laquarius J. Brannon v State of South Carolina

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Case No. 14-CP-32-3717

Hearing of April 18, 2016

Ruling of The Court

1 based on what we were, you know, our
2 conversation.

3 Q. Okay. Thank you.

4 MS. ZMROCKZEK: I have no further
5 questions.

6 THE COURT: Any redirect?

7 MS. VALENZUELA: None, Your Honor.

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

10 (WITNESS STEPS DOWN)

11 THE COURT: Anything else?

12 MS. ZMROCKZEK: We have nothing
13 further.

14 THE COURT: All right. Based on
15 -- I would indicate for the Order that Mr.
16 Brannon did testify. I guess during his
17 testimony, he kind of raised two issues that
18 I want to rule on. One is he kind of asked
19 for a continuance so he could get another
20 attorney. First, I think that was not the
21 appropriate time to do that. And I also gave
22 him the opportunity to tell me what he wanted
23 to hear on his own regard. He raised the
24 issue about that he had a learning
25 disability. The Court will take notice that

1 even if he did have a learning disability,
2 that does not necessarily relate to his
3 capacity -- I mean, his competency. I do
4 note in the transcript that his mother
5 actually testified. And mothers are the very
6 first to be able to raise such issues if that
7 is an issue as far as competency.

8 Looking at the issues raised, I
9 guess in his petition and giving him the
10 benefit of the doubt on additional testimony,
11 I do not find that there is a showing that he
12 did not understand what was going on. I
13 think the judge clearly covered that.

14 Also, the only issue in my review of
15 his petition or the application is that his
16 attorney failed to investigate. I do find
17 that based on the testimony that there was
18 investigation, appropriately, and that the
19 Applicant has failed to meet his burden.

20 So I'm going to deny his request for PCR.

21 MS. VALENZUELA: Thank you, Your
22 Honor.

23 MS. ZMROCKZEK: Thank you.

24 (TRANSCRIPT CONCLUDED)

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)
)
)
 Laquarius J. Brannon,)
 S.C.D.C. No. 338615)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE ELEVENTH JUDICIAL CIRCUIT

C.A. No. 2014-CP-32-3717

FILED
 JUN -1 P 2:13
 CLERK OF COURT
 LEXINGTON, S.C.

ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed October 13, 2014. Respondent made its return and motion to dismiss on September 23, 2015. An evidentiary hearing was held on April 18, 2016, at the Lexington County Courthouse. Applicant was present and represented by Aimee J. Zmroczek, Esquire. Johanna C. Valenzuela, Esquire, of the South Carolina Office of the Attorney General represented Respondent.

Applicant and his plea counsel, Dayne C. Phillips, Esquire, testified at the hearing. The Court had before it Applicant's guilty plea transcript, the Lexington County Clerk of Court records, the South Carolina Department of Corrections records, the PCR application, and the Return.

PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Lexington County Clerk of Court. Applicant was indicted at the March 2012 term of the Lexington County Grand Jury for burglary first degree (2012-GS-32-0537),

kidnapping (2012-GS-32-0538) and armed robbery (2012-GS-32-0539). Dayne Phillips, Esq., represented Applicant. On December 17, 2013, Applicant pleaded guilty as indicted. The Honorable Robert Hood sentenced Applicant, pursuant to negotiations, to a term of thirty years imprisonment for burglary, first degree; thirty years imprisonment for kidnapping; and thirty years for armed robbery. These sentences were to be served concurrently. Applicant did not appeal his plea or concurrent sentences.

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 and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of 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) (citing SCRCP 71.1(e)).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance. See Strickland v. Washington, 466 U.S. 668, 688, 692, 104 S. Ct. 2052, 2065, 2067 (1984) (“[T]he defendant must show that counsel’s representation fell below an objective

standard of reasonableness [and] . . . any deficiencies in counsel's performance must be prejudicial to the defense in order to constitute ineffective assistance under the Constitution.”); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006) (“PCR applicant must prove: (1) that counsel failed to render reasonably effective assistance under prevailing professional norms; and (2) that the deficient performance prejudiced the applicant’s case.”). When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58–59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted).

And when an applicant claims he was not competent to enter his guilty plea, he “bears the burden of proof and is required to show by a preponderance of the evidence he was incompetent at the time of his plea.” Ramirez v. State, 413 S.C. 351, 367, 776 S.E.2d 101, 110 (Ct. App. 2015) (quoting Jeter v. State, 308 S.C. 230, 232, 417 S.E.2d 594, 596 (1992)). In Jeter, the South Carolina Supreme Court outlined the test of competency to enter a plea as requiring the accused “have sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and have a rational as well as factual understanding of the proceedings against him.” Id., 308 S.C. at 232, 417 S.E.2d at 596. In holding that Jeter had failed to meet his burden, the court noted plea counsel testified he and the applicant had discussed the case and his options “on several occasions” before the applicant’s plea and also noted that the applicant’s family never raised their concerns about the applicant’s competency to the defense attorney. Id., 308 S.C. at 233, 417 S.E.2d at 596.

In determining guilty plea issues, the PCR court should consider the guilty plea transcript as well as evidence at the PCR hearing. Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

This Court will now address each allegation of ineffective assistance of counsel:

Applicant alleged his attorney failed to investigate his school records, which would have revealed Applicant had a learning disability. Applicant claimed he did not understand the concept of 30 years or life in prison when his attorney explained the plea offer to him prior to pleading guilty.

At this stage in the PCR hearing, Applicant asked to replace his current PCR counsel and moved for a continuance. The State objected, and the Court found the motion was not being made at an appropriate time and denied the motion to continue. Applicant then elected to stop testifying, and the State did not have an opportunity to cross-examine Applicant. The State moved to dismiss the case pursuant to SCRCF 41(b) for failure to prosecute, and the Court reserved ruling and proceeded with the hearing.

Plea counsel testified he met with Applicant at least six times during his representation of Applicant and the prior public defender met with Applicant at least four times prior to Mr. Phillips taking over the representation. Plea counsel explained that although discovery motions were filed and served prior to him taking over the case, he re-sent Applicant a copy of the discovery and reviewed the discovery with him throughout the representation. Plea counsel also went over the minimum and maximum sentencing ranges and the elements and sent a letter memorializing this conversation. Plea counsel noted he secured a four thousand dollar *ex parte* funding order from the Court for a private investigator. The investigator met with the Applicant, but he was no longer needed once Applicant accepted the plea offer. Plea counsel explained

Applicant never indicated he was interested in a trial and rather focused the majority of his questions on how to reduce his plea offer.¹

Plea counsel noted Applicant did not “open up” to him and did not talk to him very much; however, neither Applicant nor his family ever raised any concern nor discussed any possible learning disabilities with plea counsel. Plea counsel was never concerned Applicant did not understand what he was discussing with him or that Applicant was not able to assist in his own defense. Plea counsel explained that if Applicant or his family had mentioned a learning disability, plea counsel would have noted that reference in his file and would have sent Applicant to be evaluated. At the plea, counsel coordinated having Applicant’s mother and sister present to testify before the plea judge and neither testified or referenced any concern with Applicant’s mental capacity.

Plea counsel summarized the State’s evidence against the Applicant as follows: the rape victims identified Applicant in a photo line-up and knew his nickname of “Peanut.” The statements of Applicant and the co-defendants were all similar and tried to minimize their own role in the events. There was also a palm print or fingerprint that matched Applicant. Plea counsel testified that as part of his advice to Applicant, he explained that his statements could be challenged at trial.

Initially, this Court notes Applicant confirmed to the plea judge he wanted to plead guilty to his charges after the plea judge informed Applicant of his charges, the associated maximum sentences, and the negotiated offer of thirty years (Plea transcript, pp. 6, 9, 16). Applicant

¹ However, when the State informally offered to reduce the offer for the first co-defendant to provide a cooperating statement—to the surprise of plea counsel—none of the co-defendants, to include the Applicant, accepted that offer. Applicant indicated to plea counsel that he had to go

informed the plea judge he was not under the influence of any alcohol or drugs that day and had never been treated for any mental health issues. (Plea transcript p. 6). Applicant also told the plea judge he understood the trial rights he was waiving in pleading guilty, was satisfied with counsel, and was not coerced in any way. (Plea transcript, pp. 12, 17-18). Applicant did not dispute the State's recitation of the facts in his case. (Plea transcript, pp. 20-24, 25).

As to the request for a continuance, this Court finds Applicant's motion for a continuance in the middle of the hearing to be untimely. See Richardson v. State, 377 S.C. 103, 106, 659 S.E.2d 493, 495 (2008) ("A mere disagreement between an applicant and his counsel as to how to proceed with the PCR application, including the allegations to be raised, is not sufficient cause, in itself, to require the PCR judge to replace or to offer to replace court appointed counsel with another attorney. Many times, such as in the case at hand, an applicant does not understand the PCR process, including the fact that the allegations that can be raised are limited by law. Counsel should not be relieved, and the process delayed, because an applicant is dissatisfied with counsel's legitimate refusal to pursue allegations that are meritless and/or not proper in PCR." (internal citations omitted)).

This Court also finds the Applicant failed to meet his burden of proving plea counsel was ineffective or that he suffered any prejudice. While Applicant has raised the issue that he had a learning disability, this claim does not relate to competency. See Jeter, 308 S.C. at 232, 417 S.E.2d at 596 (holding the test of competency to enter a plea is that the accused must "have sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and have a rational as well as factual understanding of the proceedings against

to the Department of Corrections anyway and did not want anyone to know he was a "snitch."

him"). Further, aside from Applicant's own claim of suffering from a learning disability, Applicant presented no evidence of a learning disability. The Court notes plea counsel testified he met with Applicant and discussed his case several times prior to Applicant's plea and notes Applicant's mother, who would have been familiar with Applicant's mental capacity, testified at the plea and never raised this concern. (Plea transcript, pp. 27-28). See Jeter, 308 S.C. at 233, 417 S.E.2d at 596 (holding the applicant had failed to meet his burden where plea counsel testified he and the applicant had discussed the case and his options "on several occasions" before the applicant's plea and also noted the applicant's family never raised their concerns about the applicant's competency to the defense attorney). This Court also finds plea counsel's testimony that a potential learning disability was never raised to him or observed by him to be credible.

As to the claim that plea counsel failed to investigate, plea counsel testified he met with Applicant several times, secured a funding order and hired a private investigator, and also coordinated to have family members present to testify at Applicant's plea hearing. This Court finds plea counsel's testimony credible and finds there was sufficient investigation. This Court also finds Applicant failed to meet his burden of proving he suffered any prejudice because the State had overwhelming evidence of Applicant's guilt. See, e.g., Rosemond v. Catoe, 383 S.C. 320, 325, 680 S.E.2d 5, 8 (2009) (holding no prejudice occurred, even if trial counsel was deficient, where there was otherwise overwhelming evidence of the defendant's guilt).

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

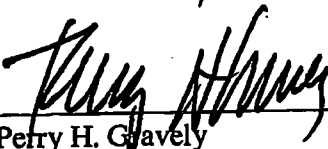
Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

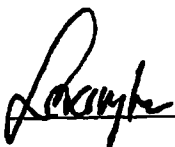
IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 31st day of May, 2016.



 Perry H. Gravelly
 Presiding Judge
 Eleventh Judicial Circuit

 _____, South Carolina.

WITNESSES

Batesburg Leesville Police Department

Cynthia Crow

Law Enforcement Case #: 111659

DSG

ARREST WARRANT NUMBER

1022880

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: 3-12-2012

VERDICT

Foreperson of Petit Jury

TRUE COPY

Lex. Co. C.C.C.P., G.S. & E.C.

DOCKET NO. 2012GS3200537

**The State of South Carolina
County of Lexington**

COURT OF GENERAL SESSIONS

MARCH TERM 2012

**THE STATE
vs.**

Laquarius J Brannon

CDR #: 0079

Indictment for

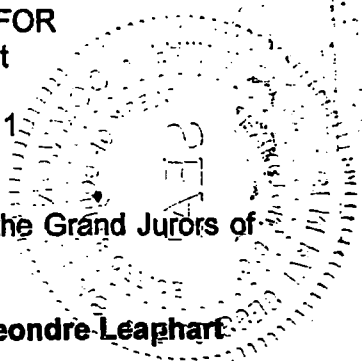
Burglary 1st

§ 16-11-0311

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Burglary 1st
§ 16-11-0311



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

That Laquarius J Brannon along with Deshauan Drafts and/or Deondre Leaphart

did in Lexington County, South Carolina on or about September 13, 2011 did knowingly and willfully enter a dwelling, to wit: _____ being the dwelling of

Shakeshia Morales, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime, was armed with a deadly weapon or explosive, and/or used or threatened the use of a deadly weapon and/or displayed what was or appeared to be a firearm and/or caused physical injury to a person who is not a participant in the crime, and/or the entering or remaining occurred in the nighttime, in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

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


DEPUTY SOLICITOR

WITNESSES

Batesburg Leesville Police Department

Cynthia Crow

Law Enforcement Case #: 111659

DSG

ARREST WARRANT NUMBER

1022881

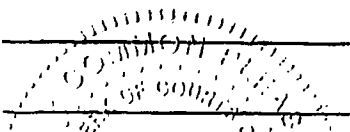
ACTION OF GRAND JURY

TRUE COPY

[Signature]

Foreperson of Grand Jury
Date: 3-12-2012

VERDICT



Foreperson of Petit Jury
Date:

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & E.C.

DOCKET NO. 2012GS3200538

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2012

THE STATE

vs.

Laquarius J Brannon

CDR #: 0095

Indictment for

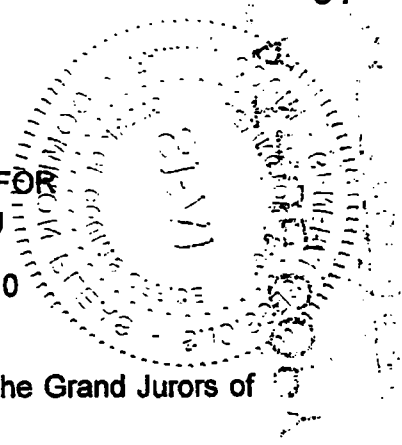
Kidnapping

§ 16-03-0910

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Kidnapping
§ 16-03-0910



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

That **Laquarius J Brannon along with Deshaun Dranfts and/or Deondre Leaphart** did in Lexington County, South Carolina on or about September 13, 2011, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Charmaine Dreher and/or Shakeshia Morales and/or 5 minor children by any means whatsoever without authority of law, and without their consent, in violation of § 16-3-910 of the Code of Laws of South Carolina, 1976, as amended.

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


DEPUTY SOLICITOR

WITNESSES

Batesburg Leesville Police Department

Cynthia Crow

Law Enforcement Case #: 111659


DSG

ARREST WARRANT NUMBER

1022882

ACTION OF GRAND JURY

TRUE BILL



Foreperson of Grand Jury

Date: 3-12-2012

VERDICT

Foreperson of Petit Jury

Date

TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

DOCKET NO. 2012GS3200539

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

MARCH TERM 2012

THE STATE

vs.

Laquarius J Brannon

CDR #: 0139

Indictment for

Armed Robbery

§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Armed Robbery
 § 16-11-0330(A)

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

That **Laquarius J Brannon along with Deshaun Drafts and/or Deondre Leaphart** did in Lexington County, South Carolina on or about September 13, 2011 knowingly and willfully while armed with a deadly weapon, to wit: a handgun did feloniously take from the person or presence of Shakeshia Morales and/or Charmaine Dreher, by means of force, threats or intimidation goods or monies being described as follows: Jewelry, Mobile Telephone, US Currency and other items from from the victims purses with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended

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

 DEPUTY SOLICITOR