

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Orangeburg County

Honorable Benjamin H. Culbertson, Circuit Court Judge

QUINTIN SHAVJONTE' LUMPKINS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-002404

APPENDIX

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) FIRST JUDICIAL CIRCUIT
 COUNTY OF ORANGEBURG) CASE NO.: 2013-GS-38-0369
 2013-GS-38-1491
 2013-GS-38-1492

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 QUINTIN S. LUMPKINS,)
)
 DEFENDANT.)
 _____)

PLEA

held before the Honorable Edgar W. Dickson
 Hilda Jordan, Circuit Court Reporter, 1st Judicial Circuit
 in the Orangeburg County Courthouse
 Orangeburg, South Carolina
 on March 3, 2014

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
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APPEARANCES OF COUNSEL

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EXHIBITS

[None]

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PROCEEDINGS

1
2 MR. SCOTT: The State calls Quintin Lumpkins.
3 May it please the Court, Your Honor?

4 THE COURT: Yes, sir.

5 MR. SCOTT: Your Honor, standing before you is
6 Quintin Lumpkins. He is represented by both Mr. Breen
7 Stevens, as well as Mr. Chris Murphy. Mr. Murphy
8 could not be here today. It's my understanding that
9 the defendant, Mr. Lumpkins, is prepared to proceed
10 with only Mr. Stevens without Mr. Murphy.

11 He's pleading guilty, Your Honor, to one count
12 of strong arm robbery. That's 2013-GS-38-369. He
13 is waiving presentment. That is the charge that
14 Mr. Murphy represents Mr. Lumpkins on. He's also
15 pleading guilty, Your Honor, to one count of armed
16 robbery, 2013-GS-38-1491 -- this is a true billed
17 indictment -- as well as one count of assault and
18 battery of a high and aggravated nature, 2013-GS-38-
19 1492. This is also a true billed indictment.

20 There are no recommendations in this case, Your
21 Honor. And I believe that's it.

22 THE CLERK OF COURT: Please raise your right
23 hand.

24 [Whereupon, Mr. Lumpkins is duly sworn by the
25 clerk of court as follows: do you hereby swear or

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1 affirm that the testimony you're about to give is the
2 truth, the whole truth, and nothing but the truth, so
3 help you God]

4 MR. LUMPKINS: Yes, ma'am.

5 THE CLERK OF COURT: Thank you.

6 THE COURT: Mr. Stevens, you represent Mr.
7 Lumpkins?

8 MR. STEVENS: Yes, sir, I do, Judge.

9 THE COURT: And you represent him on the armed
10 robbery charge, and what was an attempted murder
11 charge but now is an assault and battery of a high and
12 aggravated nature; is that correct?

13 MR. STEVENS: That's correct, Your Honor.

14 THE COURT: And Mr. Murphy represents him on the
15 armed robbery but I'm taking a plea as a common law
16 robbery; is that correct?

17 MR. STEVENS: That's correct, Your Honor.

18 THE COURT: But you have talked with Mr. Murphy
19 about this, even though he's not here, and we're
20 taking care of all three of them today; right?

21 MR. STEVENS: That's correct, Your Honor. Spoke
22 with him personally.

23 THE COURT: Now, you have met with Mr. Lumpkins
24 and gone over the evidence the State has against him
25 regarding the two charges that you represent him on;

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1 is that correct?

2 MR. STEVENS: That's correct, sir.

3 THE COURT: And you have also explained to him
4 the law and the maximum sentence he's facing regarding
5 the charges you represent him on?

6 MR. STEVENS: Yes, sir. And just to make sure,
7 I also went over the law and maximum sentences for the
8 charge that Mr. Murphy represents him on, as well,
9 just to make sure.

10 THE COURT: Okay. Well, good.

11 Now, you explained his constitutional rights to
12 him, as well; right?

13 MR. STEVENS: Yes, sir, Judge.

14 THE COURT: Did you answer all of his questions?

15 MR. STEVENS: Yes, sir.

16 THE COURT: Now, after your discussions, did he
17 indicate to you that he wishes to plead guilty to
18 these three charges?

19 MR. STEVENS: Yes, sir, he does.

20 THE COURT: Do you think that's in his best
21 interest?

22 MR. STEVENS: I do, Your Honor.

23 THE COURT: Anybody forcing him to do this?

24 MR. STEVENS: No, sir.

25 THE COURT: Mr. Lumpkins, my sentencing sheet

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1 indicates that you're seventeen; is that correct?

2 MR. LUMPKINS: Yes, sir.

3 THE COURT: Mr. Lumpkins, before you were
4 arrested, were you going to school somewhere?

5 MR. LUMPKINS: I was starting school at [REDACTED]
6 [REDACTED], sir.

7 THE COURT: Where were you going to high school?

8 MR. LUMPKINS: [REDACTED]

9 THE COURT: Did you stop?

10 MR. LUMPKINS: Yes, sir.

11 THE COURT: What grade?

12 MR. LUMPKINS: Eleventh.

13 THE COURT: Why did you stop in the eleventh
14 grade?

15 MR. LUMPKINS: It wasn't the right environment
16 for me.

17 THE COURT: What was wrong with the environment?

18 MR. LUMPKINS: A lot of drama.

19 THE COURT: A lot of drama?

20 MR. LUMPKINS: Yes, sir.

21 THE COURT: Mr. Lumpkins, have you ever been
22 treated for any mental health issues?

23 MR. LUMPKINS: Yes, sir.

24 THE COURT: Are you being treated for those --
25 for that now?

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1 MR. LUMPKINS: No, sir.

2 THE COURT: Were you taking any kind of
3 medication for it?

4 MR. LUMPKINS: Yes, sir.

5 THE COURT: What were you taking?

6 MR. LUMPKINS: Concerta, Respidol, Luvox. Those
7 are the current ones.

8 THE COURT: Are you taking -- but you're not
9 taking these medications now?

10 MR. LUMPKINS: Only taking Luvox and Respidol.

11 THE COURT: Now, Mr. Stevens, you've met with
12 him. Does his medication affect -- in your opinion,
13 does the medication affect his ability to understand
14 what he's doing here?

15 MR. STEVENS: No. I believe that he understands
16 everything clearly. Every conversation I've had with
17 him, he's been focused, able to understand and have a
18 very intelligent conversation aiding our discussions
19 of the case and the possibilities on where to take it.

20 THE COURT: Mr. Lumpkins, does the medication
21 affect your ability to understand what you're doing
22 here today?

23 MR. LUMPKINS: No, sir.

24 THE COURT: Today are you under the influence of
25 any illegal drugs or alcohol?

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MR. LUMPKINS: No, sir.

THE COURT: So you are thinking clearly today?

MR. LUMPKINS: Yes, sir.

THE COURT: You understand that you're pleading guilty to three different charges; is that correct?

MR. LUMPKINS: Yes, sir.

THE COURT: Your attorney --

Mr. Stevens, you went over with him the fact that the assault and battery of a high and aggravated is a violent and a serious offense and the armed robbery is a violent and a most serious offense?

MR. STEVENS: Yes, sir, Judge, we have.

THE COURT: Mr. Lumpkins, Mr. Stevens explained to you the effect of violent, serious offenses and most serious offenses?

MR. LUMPKINS: Yes, sir.

THE COURT: You understand that if you get in trouble again with a similar type crime, you face the possibility of life without the possibility of parole? You understand that?

MR. LUMPKINS: Yes, sir.

THE COURT: And you understand what that means?

MR. LUMPKINS: Yes, sir.

THE COURT: What does that mean?

MR. LUMPKINS: That means if I get in trouble

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1 again, I can go away for life.

2 THE COURT: For life.

3 MR. LUMPKINS: Yes, sir.

4 THE COURT: Exactly.

5 Now, have you understood everything Mr. Stevens
6 has told you?

7 MR. LUMPKINS: Yes, sir.

8 THE COURT: Has he answered all of your
9 questions?

10 MR. LUMPKINS: Yes, sir.

11 THE COURT: Are you satisfied with his services
12 as your attorney?

13 MR. LUMPKINS: Yes, sir.

14 THE COURT: Do you need anymore time to talk
15 with him?

16 MR. LUMPKINS: No, sir.

17 THE COURT: Mr. Lumpkins, you understand you
18 have the right to remain silent?

19 MR. LUMPKINS: Yes, sir.

20 THE COURT: You have the right to put the State
21 to the proof to bring this case to trial?

22 MR. LUMPKINS: Yes, sir.

23 THE COURT: Do you want a jury trial on this
24 case?

25 MR. LUMPKINS: No, sir.

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1 THE COURT: You understand if you're pleading
2 guilty, you give up the right to remain silent because
3 you have to admit that you're guilty of these crimes
4 that you're charged with?

5 MR. LUMPKINS: Yes, sir.

6 THE COURT: Are you, in fact, guilty of these
7 crimes?

8 MR. LUMPKINS: Yes, sir.

9 THE COURT: Has anybody promised you anything to
10 get you to plead guilty here today?

11 MR. LUMPKINS: No, sir.

12 THE COURT: Has anyone threatened you or forced
13 you to get you to plead guilty?

14 MR. LUMPKINS: No, sir.

15 THE COURT: You're doing this freely and
16 voluntarily?

17 MR. LUMPKINS: Yes, sir.

18 THE COURT: Mr. Scott?

19 MR. SCOTT: Your Honor, the first incident took
20 place on January 2nd of 2013. It happened about 4:20
21 in the afternoon. It took place at Security Finance,
22 which is located at 8627 Old State Road in Holly Hill,
23 South Carolina.

24 Your Honor, on that incident date there were
25 three employees working at Security Finance. Their

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1 names were Heavenly Williams, Marvella Mendez and
2 Waunita Palmer. Your Honor, those three ladies were
3 working that day when an individual came in wearing
4 like a -- you know, baggy clothing like some sort of
5 hoodie.

6 When the subject came in, Your Honor, the
7 subject had one of his hands inside of his pocket,
8 acting as if he had some sort of gun or weapon. He
9 made the ladies get down on the floor and then
10 demanded one of the ladies to stand up and get the
11 cash out of the various cash drawers. The lady
12 complied. The defendant took the money and then he
13 left.

14 None of the witnesses actually saw a weapon but
15 they believe that he may have been armed. That's the
16 basis for allowing him to plead to common law robbery.

17 He was developed as a suspect when a school
18 resource officer from [REDACTED] High School said
19 that the rumor around the school was that Quintin
20 Lumpkins had committed this offense. Mr. Lumpkins was
21 also consistent with a person of interest that was in
22 the town of Holly Hill that day that had been picked
23 up on various businesses' surveillance systems sort of
24 loitering around town near Security Finance.

25 They placed Mr. Lumpkins in a photo line-up and

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1 all three ladies identified Mr. Lumpkins in those
2 photo line-ups. Those three photo line-ups, they were
3 all slightly different. The defendant was in a
4 different position in each of those photo line-ups and
5 all three ladies picked Mr. Lumpkins out of the photo
6 line-up.

7 A second incident, Your Honor, took place on
8 August 30th of 2013. It happened about 2:00 a.m. It
9 took place at the Holiday Inn in Santee, which is in
10 Orangeburg County. It's located at 139 Bradford
11 Boulevard.

12 As I said, it was about 2:00 a.m. The lady
13 working at Holiday Inn that morning, Your Honor, was
14 Ms. Jessica Land. She was working by herself at the
15 front desk. There were no customers in the lobby or
16 anything like that. This defendant, Your Honor, he
17 came up to the doors. Ms. Land actually buzzed him in
18 to let him in.

19 The defendant, Your Honor, he came in. He
20 approached Ms. Land, who was standing behind the
21 counter. Mr. Lumpkins asked about a hotel room.
22 Ms. Land told him that there were rooms available,
23 that they were about \$200 a night. Mr. Lumpkins
24 continued to make small talk until he pulled out a
25 firearm.

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1 He pulled out a firearm. He grabbed Ms. Land by
2 her clothing. He kind of reached over the counter to
3 grab her clothing. She fell backwards against the
4 wall. He came around the corner, still holding onto
5 her clothing. His gun, Your Honor, fired at that
6 point, struck the wall behind Ms. Land right close to
7 her head. He kept demanding money.

8 Because it was 2:00 a.m. and because the Holiday
9 Inn doesn't really have a cash register, they just
10 have like a money drawer, I think at night they lock
11 it up in a closet that's nearby right off the lobby.
12 She told him where the money was. He forced her over
13 by the closet, made her open the closet. Made her go
14 inside the closet. He went inside the closet with
15 her. He took the money from the closet and then he
16 came out of the lobby and left the store.

17 You can see on video, a few minutes later
18 Ms. Land comes out. She's so shaken and everything
19 that she can't even dial 911. It takes her a few
20 minutes. I think eventually she uses her cell phone
21 to dial 911 because she just can't think straight.

22 Your Honor, I've had the opportunity to meet
23 with Ms. Land on several occasions. I actually went
24 to the bond hearing when Mr. Lumpkins was rearrested.
25 I also met with Ms. Land earlier this week in my

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1 office, and we have also spoken today.

2 As the defendant said, Your Honor, he is only
3 seventeen years old. He does not have any prior
4 adult record and I don't think he has much prior
5 adjudications in family court.

6 We did notify all victims and are in compliance
7 with the victim's rights bill, Your Honor.

8 THE COURT: Mr. Lumpkins, the State indicates
9 that you have no prior adult record; is that correct?

10 MR. LUMPKINS: Yes, sir.

11 This is your first time in big court, and you
12 really messed up --

13 MR. LUMPKINS: Yes, sir. I really did, sir.

14 THE COURT: You heard what the solicitor told me
15 about the facts and the evidence that they have
16 concerning all three of these charges?

17 MR. LUMPKINS: Yes, sir.

18 THE COURT: Do you agree with what I was told?

19 MR. LUMPKINS: Yes, sir.

20 THE COURT: All right. Mr. Lumpkins, I'll go
21 through each one of these with you, the indictments.
22 The first indictment, the 2013-GS-38-369, is the armed
23 robbery indictment that they prepared as a result of
24 the events that occurred in Orangeburg County on
25 January 2nd, 2013, where you robbed Security Finance.

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1 The indictment was prepared for an armed robbery but
2 the State is allowing you to plead to common law
3 robbery; is that correct?

4 MR. LUMPKINS: Yes, sir.

5 THE COURT: And you waive presentment of this
6 indictment to the grand jury; is that correct?

7 MR. LUMPKINS: Yes, sir.

8 THE COURT: All right, sir. How do you plead to
9 the charge of common law robbery regarding the
10 Security Federal robbery?

11 MR. LUMPKINS: I plead guilty, sir.

12 THE COURT: Thank you, sir.

13 Mr. Lumpkins, the next indictment I have is
14 2013-GS-38-1491. It is an armed robbery indictment
15 that was true billed by the grand jury on March 5th,
16 2014, and this is the armed robbery that occurred in
17 Orangeburg County on August 30th, 2013, at the Holiday
18 Inn.

19 How do you plead to this charge?

20 MR. LUMPKINS: I plead guilty, sir.

21 THE COURT: Thank you, sir.

22 And the final indictment I have, 2013-GS-28-
23 1492, is an indictment for attempted murder that was
24 true billed on March 5th, 2014, regarding the same
25 event and involving Ms. Land, because you fired the

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1 gun during the robbery.

2 MR. LUMPKINS: Yes, sir.

3 THE COURT: But the State is allowing you to
4 plead to not attempted murder and allow you to plea to
5 assault and battery of a high and aggravated nature as
6 a result of this offense. Is that correct?

7 MR. LUMPKINS: Yes, sir.

8 THE COURT: How do you plead to this charge of
9 assault and battery of a high and aggravated nature?

10 MR. LUMPKINS: I plead guilty, sir.

11 THE COURT: Thank you, sir.

12 Mr. Lumpkins, you understand if I accept your
13 guilty plea to these three charges, there will be
14 three convictions on your record?

15 MR. LUMPKINS: Yes, sir.

16 THE COURT: Do you understand two of them are
17 strikes?

18 MR. LUMPKINS: Yes, sir.

19 THE COURT: Do you understand that if you get in
20 similar trouble again, you're facing life without
21 parole?

22 MR. LUMPKINS: Yes, sir.

23 THE COURT: You know you've got ten days to
24 appeal my decision?

25 MR. LUMPKINS: Yes, sir.

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1 THE COURT: Do you want me to accept your guilty
2 plea to all three of these charges?

3 MR. LUMPKINS: Yes, sir.

4 THE COURT: Mr. Lumpkins, I find that your
5 decision to plead guilty to these three charges is
6 freely, voluntarily, intelligently made. I find
7 you've had the advice and counsel of two competent
8 attorneys. I find that you're satisfied with the
9 services of your attorneys. I find that there's a
10 factual basis for you to plead guilty to all three of
11 these charges, so I will accept your guilty plea to
12 all three of them.

13 Mr. Stevens?

14 MR. STEVENS: Thank you, Judge. May it please
15 the Court.

16 THE COURT: Yes, sir.

17 MR. STEVENS: I've had the opportunity to get to
18 know Quintin over several months, meeting regularly
19 regarding this case.

20 He is seventeen years of age which, as we know,
21 does expose him to sentencing as an adult. But as we
22 also know, in the eyes of the Supreme Court he has the
23 Supreme Court due process, still be more of a
24 mitigating factor to be acknowledged. And my
25 experiences with him, discussions, have proven out

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1 exactly that, as well.

2 He really is good-natured and does exhibit all
3 of the traits of a juvenile of seventeen years of age,
4 as well, Judge. He does have a long-term relationship
5 and he was hoping to be married to his girlfriend.
6 They do not have any children together yet. But
7 that's likely to be put on hold because of the
8 circumstances Judge.

9 He has lived in Holly Hill with his mother and
10 his grandmother. His mother, Ms. Wanda Brown, is here
11 in the courtroom in support today, as well as two of
12 his brothers, Emit L. , Jr., on the far left and
13 in the middle is Shavawn B. , are his brothers. He
14 does have several siblings, in addition to the two
15 that were able to make it here to Court today, Judge.
16 His mother does work, as well. She works in a nursing
17 home. She was able to make it up today so she could
18 show her support. His father is also retired military
19 but unfortunately could not make it with us here
20 today, Judge. He does have lots of family in the
21 Orangeburg County area, including his grandmother, who
22 still actually works at St. James Elementary School.

23 As the Court has heard, Quintin achieved the
24 eleventh grade at [REDACTED] before he left school.
25 And, as a matter of fact, when he was arrested on the

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1 present series of charges, he was just starting. [REDACTED]
2 [REDACTED] to try and achieve his GED. At the age of
3 seventeen, also trying to enroll in this. He was
4 unemployed. Your Honor, and he does also have some
5 issues with ADHD and OCD, et cetera.

6 As I've said before, he's always been very lucid
7 and very clear and able to regularly assist in
8 preparing this case, Your Honor.

9 Judge, he's here not by way of excuse but the
10 way of explanation. If I may, I would like to call
11 the Court's attention to Miller vs. Alabama and the
12 language that the Supreme Court utilized to help us at
13 least understand what we're looking at when we do
14 sentence juveniles. That's where Justice Cain said
15 that children are constitutionally different from
16 adults for purposes of sentences. Because juveniles
17 have diminished culpability and greater prospects for
18 reform, they are less deserving of the most severe
19 punishments.

20 There are three significant gaps between
21 juveniles and adults. First, children have a lack of
22 maturity and an underdeveloped sense of responsibility
23 leading to recklessness, impulsivity, and needless
24 risks of risk-taking.

25 I believe, Judge, that's definitely one of the

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1 gaps we see with Mr. Quintin Lumpkins that has led us
2 to this point here today.

3 It also says that, second, children are more
4 vulnerable to negative influences and outside
5 pressures, including from the family and peers.

6 Judge, I don't believe it's from his family in
7 this instance. I would like to believe it's from his
8 peers.

9 [Reading] They have limited control over their
10 own environment and lack the ability to extricate
11 themselves from a crime-producing settings. And,
12 third, a child's character is not as well-formed as an
13 adult's. His traits are less fixed, his actions less
14 likely to be evidence of irretrievable depravity.

15 Judge, we understand that he is going to face
16 serious time. We also understand that with the
17 present charges, there are no probable on at least two
18 of them. He understands that he's going to go away
19 for a minimum of ten years. We also understand that
20 the Court does have significant leeway in regards to
21 sentencing.

22 He has expressed remorse and also a desire and
23 attempt to go ahead and truly do as Justice Cain
24 [phonetic] has expressed and reform his ways. We
25 would employ the Court to heed those words and be

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1 merciful in sentencing. If not the minimum, perhaps
2 something in the range of fifteen years even if there
3 must be a period of supervision to follow that, as
4 well, Judge, just to ensure the State's concerns that
5 he does not slip.

6 But I do believe after speaking with Mr. Quintin
7 -- Lumpkins, that he is salvageable and that the Court
8 please do exercise mercy in its discretion in imposing
9 a sentence.

10 If the Court may permit, he's also written a
11 letter that he wanted me to present to the Judge.

12 May I approach?

13 THE COURT: Yes, sir.

14 [Whereupon, Mr. Stevens proffers documents to
15 the Court]

16 [Whereupon, the Court reviews documents]

17 THE COURT: Thank you, sir.

18 MR. STEVENS: Yes, sir.

19 And if the Court may permit, Mr. Lumpkins would
20 like to address the Court, if he may.

21 THE COURT: Mr. Lumpkins, I'll be glad to hear
22 from you.

23 MR. LUMPKINS: Your Honor, I would like to
24 apologize for my previous actions. I would like to
25 tell the Court and the victim that I'm sorry for what

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1 I did. And I made mistakes, but everyone makes
2 mistakes at a young age.

3 I would ask that y'all -- that you-all will
4 forgive me for my actions. I would like to apologize
5 to my family for putting them through what I'm putting
6 them through.

7 Your Honor, I would like to say that once I get
8 out of this trouble, you will never catch me in your
9 courtroom again in front of you, Your Honor. Thank
10 you.

11 MR. STEVENS: Thank you, Judge.

12 THE COURT: Mr. Lumpkins, I certainly hope that
13 won't ever happen again. I really do hope that.

14 MR. STEVENS: For the record, Judge, I believe
15 he was arrested at least on the armed robbery and the
16 murder charge it was on September 3rd, 2013, is what
17 the arrest warrant indicates, which would be
18 approximately 190 days from today.

19 THE COURT: You said he's been in jail 190 days?

20 MR. STEVENS: Yes, sir, Judge.

21 THE COURT: Mr. Lumpkins, with the armed robbery
22 charge and assault and battery of a high and
23 aggravated charge, the sentence of this Court is
24 you're committed to the State Department of
25 Corrections for a period of twenty years. I'm going

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to suspend that upon the service of fifteen years with
five years probation. On the common law robbery
charge, the sentence of this Court is you're committed
to the State Department of Corrections for a period of
fifteen years. These sentences are concurrent and I
will give you credit for 190 days that you've already
served.

Good luck to you.

MR. LUMPKINS: Yes, sir.

[PLEA CONCLUDES AT 10:40 A.M.]

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the plea held before the Honorable Edgar W. Dixon, on March 13, 2014.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 14th day of February, 2015.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

2014-CP-38-1493

FORM 5

STATE OF SOUTH CAROLINA)
County of Orangeburg)
Quintin Shavonte Lumpkin #381238)
Full name and prison number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS

v.

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

FILED FOR THE COURT
CLERK OF COURT
ORANGEBURG COUNTY
2014 DEC -2 PM 3:06

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/4901 Disacke Hwy/Bishopville, South Carolina, 29010
2. Name and location of Court which imposed sentence Orangeburg County Court/Orangeburg, South Carolina, 29116
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Attempted Murder / Poss. Weapon During Violent Crime /
 - (b) Poss. Of Cocaine / Disorderly Conduct (e.g. Not limited to)

ATTEST: TRUE COPY

Winnif B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

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American LegalNet, Inc.
www.USCourtForms.com

(c) Robbery/Armed Robbery (Each Indictment is unknown)

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

(a) Imposing Term (20) years / (5) years suspended to Probation

(b) Sentence Date: "March - 10th 2014"

(c) N/A

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓

(b) after a plea of not guilty N/A

(c) after a plea of nolo contendere N/A

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

- NO -

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

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

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

(c) the date of each such result:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

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

(a) Counsel Failure To Perfect an appeal

(b) N/A

(c) _____ N/A _____

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

(a) _____ N/A _____

(b) _____ } SEE ATTACHED } _____

(c) _____ N/A _____

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

(a) _____ N/A _____

(b) _____ } SEE ATTACHED } _____

(c) _____ N/A _____

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

(a) any petition in a State Court under South Carolina Law? _____ N/A _____

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____ N/A _____

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____ N/A _____

(d) any other petitions, motions or applications in this or any other Court? _____ N/A _____

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

(a) the specific nature thereof:

i. _____ N/A _____

ii. _____ N/A _____

iii. _____ N/A _____

iv. _____ N/A _____

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

i. _____ N/A _____

ii. _____ N/A _____

iii. _____ N/A _____

iv. _____ N/A _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

- _____ N/A
- _____ N/A

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

(a) which grounds have been presented:

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

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

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

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

- (a) Counsel Failure To Advertise
- (b) N/A
- (c) N/A

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

- (a) your arraignment and plea? ✓
- (b) your trial, if any? N/A
- (c) your sentencing? ✓
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (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. Breen B. Stevens / 190 Gibson St. / Orangeburg, SC, 29116
N/A
 - ii. Chris Murphy / 136 St. Richardson Ave. / Summerville, SC, 29483
N/A
 - iii. N/A
N/A
- (b) the proceedings at which each such attorney represented you:
 - i. Loyalty Plea
N/A
 - ii. N/A
N/A
 - iii. N/A
N/A

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

Vacation of Sentence and Conviction, to be reversed
and Remanded for a New Trial.

N/A

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

N/A

N/A

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Orangeburg)

I, Quintin Shalonte Lumpkins # 359238, 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.

Quintin Lumpkins

SWORN to and subscribed before me this 20
day of Nov. 2014.

Debra Swain (L.S.)
Notary Public

My Commission Expires: 11-4-2015

FILED FOR PROCEED
WRIT OF HABEAS CORPUS
CLERK OF COURT
ORANGEBURG
2014 DEC - 2 PM 2:07

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

I, Quintin Sharvont'e Lumpkins, 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.

Quintin Lumpkins
Applicant

SWORN or affirmed to and subscribed before me this

26 day of Nov, 2014.
Diana S. Smith
Notary Public

My Commission Expires: 11-4-2015

2014 DEC -2 PM 2:07
FILED FOR RECORD
WILLIAMSON COUNTY
CLERK OF COURT
GRAND JURY

State of South Carolina
County of Orangeburg

Quintin shavonte Lumpkins

Applicant

vs.

State of South Carolina
Respondent.

In The Court of Common
Pleas

Memorandum in Support
of Application For
Post Conviction Relief

Applicant Proceeding Pro Se responds to
The Questions of the Application as follows:

Questions

10.) State Concisely the grounds on which you base your allegation that you are being held in custody unlawfully;

A) Ineffective Assistance of trial Counsel, S.C. Const. Art I § 14, U.S.C Sixth Amend., Denial of Right to a jury trial, S.C. Const., Art I § 14, U.S.C Sixth Amend.
Due process violation, S.C. Const Art I § 3, U.S.C 5 and 14 Amend.

FILED
CLERK OF COURT
ORANGEBURG

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

- A.) Counsel was ineffective for falling below professional norms by telling Defendant there was a witness statement but however during Defendant's receiving and reviewing of the Rule 6(e) discovery motion there was no witness statement which was not applicable thereby constituting erroneous advice rendering the plea unknowingly, unintelligently and unvoluntarily made.
- B.) Counsel was ineffective for failing to motion for a mental evaluation/competency hearing rendering the plea unknowingly and unvoluntarily made due to Applicant's mental incapacities.
- C.) Counsel also fell below professional norms by eliciting a plea from the Applicant through the fear of a 100 years without parole sentence which was not applicable thereby constituting erroneous advice rendering the plea unknowingly, unintelligently and unvoluntarily made.
- (D) For the aforementioned grounds (A) (B) and (C) Applicant was denied his rights to a trial by jury and deprived of due process of law rendering the proceedings fundamentally unfair.

- (a). That the Conviction or the Sentence Was in Violation of the Constitution of the United States or the Constitution or laws of this State.
- (b). That the Court Was With-out jurisdiction to impose Sentence.
- (c). That there exists evidence of material facts, not presented and heard, that requires vacation of the Conviction or Sentence in the interest of justice.
- (d). That his Sentence has expired, his Probation, Parole or Conditional release Unlawfully revoked, or he is other wise unlawfully held in Custody or other restraint.
- (e). That the Conviction or Sentence is other-wise Subject to Collateral attack Upon any Common law, Statutory or other writ, motion, petition, proceeding or remedy; may institute... a proceeding under this Chapter to Secure relief. ("Excluding Claims of Insufficiency of evidence").
- (f). Ineffective Assistance of Plea Counsel / Ineffective Assistance of Appellate Counsel.
- (a). Pursuant to: §17-27-20(a)(4); Applicant Was Denied an Guaranteed Sixth Amendment Right, to the effectiveness assistance of Counsel, U.S.C.A. 6th and 14th.
- (b). Pursuant to: §17-27-20(a)(2); Applicant asserts, the lower Courts lack Subject matter jurisdiction, in Applicants Sentence and Conviction when denying the applicant effective assistance of Counsel of Failure to attest on guilty plea.
- (c). Pursuant to: §17-27-20(a)(4); Applicant attest, evidence exist as Newly from Counsel erroneous advice of an witness statement prohibiting applicant to stand trial.
- (d). Pursuant to: §17-27-20(a)(5); Applicant is held in Custody Unlawfully as guilty Plea being entered invalid to an knowing, intelligent and Voluntary of its substance.
- (e). Pursuant to: §17-27-20(a)(6); Applicant is entitled to relief warranted by this Chapter for Collateral attack as relevant evidence exist of material facts.
- (f). Pursuant to: §17-27-20(a)(b); Applicant extends his merits of this Section as each Counsel (Plea & Appellate) Counsel Ineffectiveness to establish each claims.
- (aa). Pursuant to: §C. Code, Ann §§ 44-23-410; Counsel fail to provide Mental Health Evaluation.

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Quintin Shavont'e Lumpkins, #359238,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

2014-CP-38-01493

RETURN

Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed December 2, 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 Clerk of Court for Orangeburg County. Applicant was indicted at the March 2013 term of the Court of General Sessions for Orangeburg County for armed robbery (2013-GS-38-0369)¹; and at the March 2014 term of the Court of General Sessions for Orangeburg County for possession of cocaine, first offense (2013-GS-38-1490), armed robbery (2013-GS-38-1491), attempted murder (2013-GS-38-1492)², and possession of a weapon during the commission of a violent crime (2013-GS-38-1493). Applicant also received a uniform traffic ticket on September 1, 2013, for disorderly conduct (28149GM).³ Applicant was represented by Breen R. Stevens, Esq. On March 13, 2014, Applicant appeared before the Honorable Edgar W. Dickson and pled guilty. Judge Dickson sentenced Applicant to fifteen (15) years for common law robbery; twenty (20) years for ABHAN provided upon the service of fifteen (15) years the

¹ Defendant waived presentment of this indictment to the grand jury and pled guilty to common law robbery.

² The indictment for 2013-GS-38-1492 states that Applicant was indicted for attempted murder, but he pled guilty as to assault and battery of a high and aggravated nature.

³ Although Applicant lists Indictments 2013-GS-38-1490, 2013-GS-38-1493, and ticket number 28149GM in his application, these were nolle prossed. Thus, only the remaining three indictments may be challenged.

balance would be suspended with five (5) years' probation; and to twenty (20) years for armed robbery provided upon the service of fifteen (15) years the balance would be suspended with five (5) years' probation. Applicant did not appeal his plea or sentences.

Attached herewith and incorporated herein by reference are the records of the Orangeburg County Clerk of Court regarding the subject conviction(s), the transcript from Applicant's guilty plea and Applicant's records for the South Carolina Department of Corrections. Respondent reserves the right to amend its return upon the receipt of other relevant records.

II.

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

1. Ineffective Assistance Counsel⁴, in that;
 - a. Counsel "[told] defendant there was a witness statement but . . . there was no witness statement",
 - b. Counsel "fail[ed] to motion for a mental evaluation/ competency hearing rendering the plea unintelligently and unvoluntarily [sic] made"
 - c. Counsel "[elicited] a plea from the Applicant though the fear of a 100 years without parole sentence"
2. Due Process Violation, in that;
 - a. "denial of a right to a jury trial",
 - b. "The conviction or the sentence was in violation of the sixth amendment of the Constitution of the United State, [and] of the Constitution or laws of this state."
 - c. "the court was without jurisdiction to impose this sentence"
 - d. "there exists evidence of material facts not presented and heard that requires vacation of the conviction or sentence in the interest of justice"

⁴ Applicant also claims that he is entitled to relief on each and every ground enumerated within § 17-27-20(a) S.C. Code Ann. (2014).

- e. "this [applicant's] sentence has expired, his probation, parole, or conditional release unlawfully revoked, or his is otherwise unlawfully held in custody or other restraint"
- f. "That's the conviction or sentence is otherwise subject to collateral attack upon any common law, statutory or other writ, motion, petition, proceeding or remedy; may institute . . . a proceeding under this chapter to secure relief (excluding claims of insufficiency of evidence)"
- g. "Ineffective assistance of Plea Counsel/
Ineffective Assistance of Appellate Counsel"

III.

Applicant's first claim is an allegation of ineffective assistance of plea counsel. Respondent contends that Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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

IV.

Applicant also alleges that he was denied due process of law. The Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must specifically set forth the grounds upon which the application is based. Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief, it is incumbent upon the Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140

S.E.2d 784 (1965). Since Applicant has failed to make even a prima facie showing, Respondent would submit that this allegation should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act. This allegation is so vague that it is impossible for the State to respond.

V.

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

VI.

Applicant must specify any claims he intends to raise at the PCR hearing. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code § 17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

VII.

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

VIII.

WHEREFORE, having made its Return, Respondent requests that a hearing be held solely on the claims of ineffective assistance of counsel.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Assistant Deputy Attorney General

J. CLAYTON MITCHELL
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

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

8/11, 2015

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
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)
)
 QUINTIN LUMPKINS, #359238)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

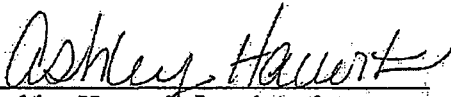
2014-CP-38-01493

AFFIDAVIT OF SERVICE BY MAIL

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

Jonathan D. Waller, Esquire
Giese Law Firm
1315 Blanding Street
Columbia SC 29201

DATED this 10th day of August, 2015.



 Ashley Haworth, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
 COUNTY OF ORANGEBURG)
)
)
 Quintin Shavont'e Lumpkins,359238)
 Applicant,)
)
 VS.)
)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FIRST JUDICIAL CIRCUIT
 Case No. 2014-CP-38-01493
 ORDER FOR COMPENTENCY TO STAND
 TRIAL EVALUATION PURSUANT TO
STATE V. BLAIR
 Department of Mental Health

FILED FOR RECORDED
 VICTIMIZATION CENTER
 MAR 25 PM 1:10
 CLERK OF COURT
 COUNTY OF ORANGEBURG

This matter comes before the Court for an order requiring Applicant, Quintin Shavont'e Lumpkins, formerly convicted of Armed Robbery (x2), Possession of Cocaine - first offense, Attempted Murder, and Possession of a Weapon During a Violent Crime, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann §44-23-410 (1976).

BASIS FOR ORDER. I have considered the showing made in support of this evaluation and have reason to believe Applicant may have lacked the competency to understand the criminal proceeding or to have assisted with the defense as a result of a lack of mental competence.

This Order is issued for the following reasons: Applicant has been treated for mental health issues since at least 2006. At various times he has been diagnosed with Bi-Polar, Conduct Disorder - Adolescent Onset Type, Depression, Obsessive Compulsive Disorder, and Attention Deficit Hyperactivity Disorder. Applicant's conditions have been treated with medication although there have been times where he was not on medication. PCR counsel states that during his meetings with applicant, applicant has provided to him documentation of such diagnoses and that Applicant has explained to him that during period of stress he has difficulty in retaining information and also that while in the County Detention Center prior to his plea, some medication had run out approximately three (3) weeks prior to his plea that had an effect on his ability to understand the proceedings. Counsel for applicant states that he has concerns that based upon these observations, he believes that Applicant may not have entered into his guilty plea knowingly and voluntarily due to a possible disability.

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ATTEST: TRUE COPY
 Winnie B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

THEREFORE, IT IS ORDERED: Applicant shall be examined and observed at an appropriate facility by two examiners designated by the Department of Mental Health if suspected of having a mental illness, to render an opinion whether Applicant was competent to stand trial.

COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION. The examining facility shall schedule the ordered examination no later than thirty (30) days from the examining agency's receipt of this order. If Applicant is in custody at the time of the scheduled examination, the South Carolina Department of Corrections is hereby authorized and required to transport defendant to and from the examination, arriving at the time established by confirmed appointment with the staff of the examining facility. In the event Applicant is in custody of a law enforcement agency other than the South Carolina Department of Corrections, nothing herein prevents such agency from carrying out the provisions of this order.

TRANSFER TO ALTERNATE AGENCY. If the initial examination is performed by the Department of Disabilities and Special Needs, and examiners find indications of a mental illness, but not of an intellectual disability or a related disability, the Department of Disabilities and Special Needs shall not render an opinion on mental competency, but shall inform the Court, Assistant Attorney General, and Applicant's counsel that Applicant does "not have an intellectual disability or a related disability" and shall provide a copy of such notification and a copy of this order to the Department of Mental Health. Likewise, if the initial examination is performed by the Department of Mental Health, and examiners find indications of an intellectual disability or a related disability but not mental illness, the Department of Mental Health shall not render an opinion on mental competency, but shall inform the Court, Assistant Attorney General, and Applicant's counsel that Applicant is "not mentally ill" and shall provide a copy of such notification and this order to the Department of Disabilities and Special Needs.

In either case, the examining agency shall make copies of any records gathered or created in connection with its examination available to examiners designated by the alternate agency, and the alternate agency shall thereafter designate examiners to evaluate defendant as to



competency to stand trial within thirty (30) days of receipt of the notification from the initial examining agency.

FINDING OF DUAL DIAGNOSIS. If examiners of either the Department of Mental Health or the Department of Disabilities and Special Needs find an indication of a dual diagnosis of mental illness and an intellectual disability or a related disability, no opinion on Applicant's mental competency shall be rendered, and the dual diagnosis must be reported to the Court, Assistant Attorney General, and Applicant's counsel. The examining agency shall also provide notification of the finding and a copy of this order to the other agency. Thereafter, the Department of Mental Health and the Department of Disabilities and Special Needs shall arrange for an examiner from each agency to further evaluate Applicant to render a final report on Applicant's mental competency. Both agencies are authorized and required to make copies of all relevant records within their possession or control available to examiners for purposes of completing the dual evaluation.

AUTHORIZATION FOR INPATIENT EVALUATION. In the event examiners from either agency determine Applicant requires an inpatient examination, upon written notice to this Court from the director of the examining agency or his designee, the Applicant shall be committed to an appropriate facility of the requesting agency for no more than fifteen (15) days for examination and observation related to applicant's mental competency to stand trial.

REQUEST FOR EXTENSION. Before the expiration of the examination period or the examination and observation period, the Department of Mental Health or the Department of Disabilities and Special Needs, as appropriate, may apply to a judge designated by the Chief Justice of the South Carolina Supreme Court for an extension of time up to fifteen (15) days to complete the examination and observation.

DETENTION BEYOND EVALUATION PERIOD. If, in the judgment of the designated examiners, Applicant is in need of immediate hospitalization or inpatient treatment, upon written request to this Court from the director or the examining facility or his designee, Applicant may be detained by the requesting agency in a suitable facility for so long as deemed clinically necessary or until a hearing required and provided by S.C. Code Ann §44-23-420 (1976). A copy of the report shall also be forwarded to the Assistant Attorney General and



Applicant's counsel. This evaluation report shall be admissible as evidence in subsequent hearing pursuant to S.C. Code Ann. §44-23-420(c) (1976); thus, the report is a statutory exception to the rule against hearsay and shall be admissible without the need for foundational testimony. However, the report shall be inadmissible in any other proceedings except as expressly permitted by South Carolina law.

OWNERSHIP AND DISCOVERABILITY OF EXAMINING AGENCY FILES.

The examining agency is an independent entity, conducting this evaluation pursuant to Court order, and is not aligned with any party before the Court. To promote full disclosure and to assure the cooperation of Applicant during the evaluation process, ownership of the examining agency's files shall be vested with the examining agency, including clinician's notes, staff reports, evaluation documents, memoranda, test results, etc. Neither these files nor any of their contents shall be provided to any party except upon presentation of a Court order authorizing such or a release authorization signed by Applicant. In the event the examining agency's evaluation opinion is contested, an examiner may be appropriately and fully questioned as the basis for the examiner's opinion at any hearings pursuant to S.C. Code Ann §44-23-43- (1976). However, examiners and agency staff may not be compelled to testify regarding statements made during the competency examination for any purpose other than to establish competency. Also, statements made during the examination may not be used to impeach Applicant at trial. Hudgins v. Moore, 337 S.C. 333, 524 S.E.2d 105 (1999).

MEDICAL PROVIDERS/SCHOOLS MUST RELEASE NECESSARY RECORDS.

State agency conducting the evaluation may need clinical and school records concerning the Applicant to assist in forming an opinion. It is therefore ordered, upon presentation by the examining agency of this order with a written request for specific records attached thereto, that any physician or clinician, licensed health care facility, licensed health care provider, or any school district is hereby authorized and required to furnish copies of all records concerning Applicant to the Department of Mental Health or the Department of Disabilities and Special Needs, or both.

COUNSEL REQUIRED TO FURNISH NECESSARY RECORDS. Upon written request from the examining agency, Assistant Attorney General and counsel for Applicant shall



furnish to the agency such records and information in counsel's possession as the agency requests, including but not limited to copies of law enforcement reports, investigations, witness statements, statements by Applicant (both written and electronic), Applicant's medical records, and prior psychiatric or psychological evaluations of defendant. Nothing herein shall be construed to require counsel to divulge any information, documents, notes, or memoranda that are protected by attorney-client privilege or work-product doctrine.

DUTIES OF APPLICANT'S COUNSEL. Unless the prosecution is the party moving for this evaluation, defense counsel has the responsibility to file, serve, and transmit this order as outlined in the final paragraph below. Applicant's counsel does not have the right to attend any clinical interview scheduled pursuant to this Order, nor does Applicant have a constitutional right to compel counsel's attendance. State v. Hardy, 283 S.C. 590, 325 S.E.2d 320 (1985). The Court recognizes, however, that circumstances may arise through which the examining agency may request counsel's attendance to facilitate the examination. In the event that such a determination is made, the examining agency may request counsel's attendance in writing, and counsel's level of participation shall be prescribed by the examining agency's written evaluation protocol. In this event, because of the substantial number of individuals awaiting examination, such interviews cannot be rescheduled, postponed, or canceled to accommodate counsel except upon presentation to the examining agency of a written statement from a circuit court judge that counsel's attendance is required in Court at the time the examination is scheduled. Whether or not defense counsel is requested to attend the clinical interview, Applicant's counsel must meet with Applicant prior to the interview to discuss this Court order, the evaluation process, the clinical interview, Applicant's rights with regard to the clinical interview, and penalties associated with non-appearance and non-cooperation. Failure to comply with these requirements may result in sanctions for Applicant's counsel. Applicant's refusal to participate at the interview because of the absence of counsel will be deemed non-cooperation. Failure of Applicant to cooperate or participate in the interview may result in cancellation of the interview, examiners being unable to offer an opinion on competency to stand trial, and the case being called for trial without completion of the evaluation.



FILING, SERVICE, AND TRANSMITTAL OR ORDER. It is the responsibility of counsel for the party requesting the evaluation to file and serve this order as outlined herein. In the event the evaluation has been requested by consent, or the moving party cannot be determined, Applicant's counsel shall be responsible. After being signed by the Court, the original order without attachments shall be immediately filed with the clerk of court and a certified copy served upon the opposing party. Further, within five (5) business days, a certified copy of this order, together with the attachments listed at the end of this order, must be served upon the examining agency at the address listed below. To expedite commencement of the evaluation process and scheduling of the clinical interview, counsel is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency.

Evaluation Order Service Information

Department of Mental Health

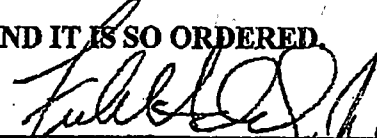
Forensic Evaluation Service Paralegal
S.C. Department of Mental Health
CBHS Forensic Center
7901 Farrow Road
Columbia, SC 29203-3220
(803) 935-5540 (Phone)
(803) 935-5544 (Fax)
Email: fes-paralegal@scdmh.org

Department of Disabilities and Special Needs


Office of Clinical Services
Department of Disabilities and Special Needs
Post Office Box 4706
Columbia, SC 29240
(803) 898-9694 (Phone)
(803) 898-9960 (Fax)
Email: obsforensic@ddsn.gov

FILED
NOV 10 10 00 AM
CLERK OF COURT
ORANGEBURG COUNTY
SOUTH CAROLINA

AND IT IS SO ORDERED.

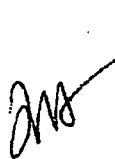


The Honorable Frank R. Addy, Jr.

, South Carolina

November 9, 2015

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ATTEST: TRUE COPY
Winnie B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

The following documents must be attached to this order upon submission to the Department of Mental Health or Department of Disabilities and Special Needs whichever is applicable:

1. Completed DMH/DDSN Outpatient Information Appointment Sheet
2. Copy of the indictment(s) (if issued)
3. Copy of the arresting agency's incident report
4. Copy of the warrant(s)
5. Law enforcement investigative reports
6. Applicant's statements to law enforcement, written or electronically recorded
7. Witness statements to law enforcement
8. Defendant's school psychological records (if available)
9. Autopsy reports (if applicable)

CLERK OF COURT
 ORANGEBURG, SC
 2011 NOV 25 12 12:10

ATTEST: TRUE COPY
Wingja B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

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STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG
2014-CP-38-1493

Quintin S. Lumpkins

vs.

State of South Carolina

Orangeburg, South Carolina

May 18, 2016

Before the Honorable Benjamin H. Culbertson

APPEARANCES

For the Applicant: Jonathan D. Waller

For the Defendant: J. Clayton Mitchell, III

Reported by: Elizabeth Harris

Official Court Reporter

(Edited by Michael C. Watkins)

1	Quintin Lumpkins:	10
2	Breen Stevens:	33
3	Certificate:	53

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NO EXHIBITS

1 THE COURT: Case number 2014-CP-38-1493, Quintin
2 Shavjonte -- is that correct?

3 THE APPLICANT: Correct.

4 THE COURT: -- Shavjonte Lumpkins versus State of
5 South Carolina. The matter is before the Court on an
6 application seeking post conviction relief. Please give
7 the court reporter your names and who you represent.

8 MR. MITCHELL: Clay Mitchell for the State.

9 MR. WALLER: Jonathan Waller for Mr. Lumpkins.

10 THE COURT: Hold for a second and let me take a look
11 at this application.

12 (Break in proceedings.)

13 THE COURT: All right. I see in review of the packet
14 it appears as though the applicant was charged with armed
15 robbery, possession of cocaine, armed robbery, attempted
16 murder, possession of a weapon during the commission of a
17 violent crime and disorderly conduct. He pled guilty to
18 common law robbery for one of the armed robbery charges, he
19 pled guilty to armed robbery on the other armed robbery
20 charge, and he pled guilty to assault and battery of a high
21 and aggravated nature for the attempted murder charge.
22 Common law robbery he received 15 years, for armed robbery
23 and ABHAN he received a sentence of 20 years suspended upon
24 the service of 15 years and five years of probation, and
25 all sentences ran concurrent; is that correct?

1 MR. WALLER: That is correct, Your Honor.

2 THE COURT: All right. So I'm assuming the possession
3 of cocaine, possession of a weapon during the commission of
4 a violent crime and disorderly conduct were all dismissed;
5 is that correct?

6 MR. WALLER: That's correct, Your Honor, and the
7 reduction of the attempted murder and one of the armed
8 robberies.

9 THE COURT: Okay. All right. Possession of cocaine
10 carries --

11 MR. WALLER: Up to three, I believe, Your Honor.

12 THE COURT: Three years and 5,000?

13 MR. WALLER: Yes, sir.

14 THE COURT: Or was it two years and 5,000?

15 MR. WALLER: I believe it's three.

16 THE COURT: Let me see, I've got it right here. Yep,
17 three years and 5,000. And possession of a weapon carries?

18 MR. WALLER: It's up to five, I believe.

19 MR. MITCHELL: Your Honor, it's my understanding that
20 there was a -- a motion to clarify the sentence where there
21 is no probation because I think the armed robbery was not
22 suspendible, so I think it's a straight 15 on the armed
23 robbery charge.

24 THE COURT: All right. Let me take a look at that.

25 (Break in proceedings.)

1 THE COURT: All right. There's nothing in my pack to
2 indicate that, but you're saying he received a straight 15
3 year sentence for that?

4 MR. WALLER: Yes, Your Honor, and that came after the
5 sentence. The problem is I don't have a hard copy of that
6 either.

7 THE COURT: Okay.

8 MR. WALLER: His previous attorney is the one that
9 sent it to me so I feel comfortable he can testify to it
10 and can clear it up.

11 THE COURT: All right. Mr. Lumpkins, if you would
12 please stand and raise your right hand.

13 (The applicant was sworn.)

14 THE COURT: All right, sir. Your name is Quinton
15 Shavjonte Lumpkins?

16 THE APPLICANT: Yes, sir.

17 THE COURT: Mr. Lumpkins, you have filed this
18 application seeking post conviction relief from your guilty
19 plea to armed robbery, common law robbery and assault and
20 battery of a high and aggravated nature, and so I have got
21 to go over with you the consequences and what may happen at
22 this post conviction relief hearing. Now, during the past
23 72 hours have you taken my medication, consumed any alcohol
24 or drugs or been under any influence that would affect your
25 ability to know why you are here?

1 THE APPLICANT: No, sir.

2 THE COURT: Do you understand why you're here today?

3 THE APPLICANT: Yes, sir.

4 THE COURT: Is there anything about this hearing that
5 you want to ask your attorney or ask me before we proceed?

6 THE APPLICANT: No, sir.

7 THE COURT: All right. Now, if you proceed with your
8 application seeking post conviction relief, one of two
9 things can happen. Number one, if I deny any relief in
10 this case, in other words if I rule that you are not
11 entitled to any post conviction relief then you'll simply
12 be returned to the department of corrections or wherever
13 you are now serving your sentence to complete the service
14 of your sentence or what is remaining on your sentence, do
15 you understand that?

16 THE APPLICANT: Yes, sir.

17 THE COURT: All right. Now, if I grant your
18 application for post conviction relief and I grant you the
19 relief that you're seeking, I can vacate your conviction, I
20 can vacate your sentence or I can vacate both the
21 convictions and the sentence. If I set aside your
22 conviction then your case will be sent back for further
23 proceedings and the case will start all over, I'll begin
24 from the very beginning of the proceedings against you, and
25 if any charges were reduced, dropped, dismissed or nolle

1 crossed they could be brought back against you and you
2 could be facing the original charges again, do you
3 understand that?

4 THE APPLICANT: Yes, sir.

5 THE COURT: All right. So if I grant your request for
6 post conviction relief and I set aside the conviction and
7 the sentence, then if the State chooses they could
8 prosecute you on two counts of armed robbery, one count of
9 attempted murder, possession of cocaine, possession of a
10 weapon during the commission of a violent crime and
11 disorderly conduct, do you understand that?

12 THE APPLICANT: Yes, sir.

13 THE COURT: So for each armed robbery you could
14 receive up to 30 years in prison, and each armed robbery
15 carries a mandatory minimum sentence of ten years in
16 prison, do you understand that?

17 THE APPLICANT: Yes, sir.

18 THE COURT: Do you understand that for the possession
19 of cocaine you could receive a sentence of three years in
20 prison and a fine of \$5,000, do you understand that?

21 THE APPLICANT: Yes, sir.

22 THE COURT: You also understand that the attempted
23 murder carries up to 30 years in prison.

24 THE APPLICANT: Yes, sir.

25 THE COURT: Do you understand that possession of a

1 weapon during the commission of a violent crime carries up
2 to five years in prison?

3 THE APPLICANT: Yes, sir.

4 THE COURT: And the disorderly conduct carries up to
5 30 days in jail, do you understand that?

6 THE APPLICANT: Yes, sir.

7 THE COURT: So if I grant the relief you're seeking
8 and the State chooses to prosecute you on all of these
9 charges if you were convicted on all of these charges and
10 received the maximum sentence and the sentences were
11 ordered to run consecutively, then you could go to jail for
12 98 years, 30 days and be fined \$5,000, do you understand
13 that?

14 THE APPLICANT: Yes, sir.

15 THE COURT: All right. Knowing all of that, do you
16 still wish to go forward with your application for post
17 convict relief?

18 THE APPLICANT: Yes, sir.

19 THE COURT: All right. Mr. Waller, anything further
20 you want to place on the record in that regard?

21 MR. WALLER: Your Honor, Mr. Lumpkins has been treated
22 for some mental health issues for his entire life. He was
23 evaluated -- I moved before the Court at a PCR hearing some
24 time ago, he was evaluated, he did come back competent but
25 he does take some medication for -- or is prescribed some

1 medication for some of the mental illnesses in the past.
2 It's my understanding that those do not affect his ability
3 to understand what he is doing, but actually help him. But
4 I did want to put that on the record, that he is diagnosed
5 with some mental health issues and I believe is prescribed
6 medication for that.

7 THE COURT: All right. What is the diagnosis for his
8 mental health issues?

9 MR. WALLER: He has antisocial personality disorder
10 and major depression -- excuse me, major depressive
11 disorder.

12 THE COURT: All right. Now, notwithstanding those
13 conditions, has he been able to communicate affectively
14 with you?

15 MR. WALLER: He has, Your Honor.

16 THE COURT: And has he been able to assist you in the
17 preparation of his case for post conviction relief?

18 MR. WALLER: He has, Your Honor.

19 THE COURT: All right. All right. Mr. Lumpkins, have
20 you been able to understand everything you've discussed
21 with your attorney regarding this case?

22 THE APPLICANT: Yes, sir.

23 THE COURT: All right. And do you have any questions
24 about why we're here or what we're doing here?

25 MR. WALLER: No, sir.

QUINTIN LUMPKINS - DIRECT

1 THE COURT: Okay. Anything further you want to place
2 on the record in that regard, Mr. Waller?

3 MR. WALLER: Nothing further, Your Honor.

4 THE COURT: All right. Anything that the State wants
5 to place on the record in that regard?

6 MR. MITCHELL: No, Your Honor.

7 THE COURT: All right. You can call your first
8 witness.

9 MR. WALLER: Call Quinton Lumpkins.

10 THE COURT: All right.

11 The witness, QUINTIN LUMPKINS, was first duly sworn
12 and testified as follows:

13 MR. WALLER: Thank you, Your Honor. May it please the
14 Court?

15 THE COURT: Yes.

16 DIRECT EXAMINATION

17 BY MR. WALLER:

18 Q Good morning, Mr. Lumpkins, how are you today?

19 A I'm doing good, how about you?

20 Q I'm doing well, thank you. Mr. Lumpkins, you were
21 arrested on several different charges but from some
22 different incidents; is that right?

23 A Correct.

24 Q Who was your attorney for I guess all -- for the
25 different charges, who represented you?

QUINTIN LUMPKINS - DIRECT

1 A I had Christopher Murphy to represent me on a single
2 armed robbery, and Mr. Breen Stevens to represent me on
3 the other charges; the cocaine and the disorderly conduct.

4 Q Okay. And the cocaine was actually located on you at
5 the jail; is that right?

6 A Correct.

7 Q So it wasn't something that was involved at the scene
8 of the incident.

9 A No, it wasn't.

10 Q Okay. Mr. Lumpkins, have you been treated for mental
11 health issues at some point in your life?

12 A My whole life.

13 Q Okay. Do you recall -- and I know you were evaluated
14 recently -- do you recall at the time you were arrested, do
15 you recall if you had been diagnosed, and if you were, what
16 you had been diagnosed with?

17 A Yes, I do you recall. I have a medical file stating
18 everything that I was diagnosed with before I was
19 incarcerated, and from my knowledge I would have ADHD,
20 bipolar, OCD, anxiety, depression, that's all that I
21 recall right now.

22 Q And how did those -- were you taking any medication
23 for those?

24 A Yes.

25 Q Okay. Do you remember what you were taking at the

QUINTIN LUMPKINS - DIRECT

1 time?

2 A Yes. I was taking -- before I got incarcerated and
3 while I was in the county jail I was taking Adderall,
4 Luvox, Strattera, Saraapril, and a pill called Clonidine.

5 Q How about Abilify?

6 A And Abilify, I apologize, excuse me, and Abilify.

7 Q Now, when you were arrested and while you were at the
8 detention center, were you taking those medications
9 consistently?

10 A Yes. I took medications everyday, except I ran out
11 of medication like three weeks before I actually went to
12 court and they couldn't put me on anymore medication
13 without a doctor at the county, so I wasn't getting none
14 of my medication.

15 Q Okay. When you and Mr. Murphy were discussing one
16 armed robbery charge that he represented you on, were you
17 taking your medication then?

18 A Correct.

19 Q Were you able to understand everything that you and
20 Mr. Murphy discussed?

21 A Yes, because he fully explained it to me. He sat me
22 down and fully explained it.

23 Q Okay. Now, Mr. Murphy wasn't present when you
24 actually pled guilty; is that right?

25 A Correct.

QUINTIN LUMPKINS - DIRECT

1 Q What is your understanding of why he wasn't there?

2 A I have no idea why he wasn't there. Matter of fact,
3 I didn't even speak to Christopher Murphy leading to my
4 plea. I never seen a motion of discovery for my first
5 charge, I never known anything besides he explained --
6 when I went to see him he explained to me what I was being
7 charged with and why. But to far as seeing -- I seen a
8 motion of discovery or to know anything about that charge
9 I never did, I didn't get a chance to fully speak with him
10 about that, and then I got arrested and ended up back in
11 the county jail and I never spoke to him again.

12 Q Okay. So y'all talked about some stuff but you
13 didn't --

14 A Yeah. He just explained to me what I was being
15 charged with and why and let me know that. He was a hired
16 attorney for my family, so that was basically everything
17 that I got out of him for the whole case. I never -- he
18 never showed me and he didn't have time to give me a
19 motion of discovery or anything like that before I took a
20 plea.

21 Q Okay. Was he involved in the negotiations and
22 discussions in working out this plea?

23 A No, sir.

24 Q Okay. Have you -- since you've been incarcerated have
25 you gotten a copy of discovery from that case?

QUINTIN LUMPKINS - DIRECT

1 A No, sir.

2 Q Do you at this time or at any time know or have a full
3 understanding of what the State was going to use against
4 you?

5 A No, sir.

6 Q Okay. I want to turn to the other charges that you
7 had. How long after you were arrested -- which charge came
8 first, do you know?

9 A The first armed robbery with Christopher Murphy that
10 came in January and I got arrested for the following
11 charges, if I recall, right in September of 2013, both of
12 them occurred in the year 2013.

13 Q How long after you were arrested did you meet with Mr.
14 Stevens?

15 A A month and a half, two months after I was arrested.

16 Q What did y'all talk about when y'all met?

17 A He explained to me that he was my attorney and that
18 they was charging me with some other charges, and --
19 basically it. He told me what I was being charged with,
20 and he would get in contact with me, that's what we spoke
21 on the first time. I talked to him, he told me the
22 charges they was trying to charge me with and letting me
23 know that he was my attorney.

24 Q Okay. Did you tell Mr. Stevens about your mental
25 health status?

QUINTIN LUMPKINS - DIRECT

1 A Yes. I told him and my mother spoke with him several
2 times, told him. And also she sent him, I guess -- from
3 my understanding she let him know what type of medication
4 that I was on and that I had mental problems.

5 Q Okay. Were you able to understand all of your
6 communications and conversations with Mr. Stevens?

7 A I wasn't because I was -- I didn't understand
8 everything that was going on and kind of really went with
9 it because I thought I was doing the right thing, so I
10 kind of -- to a degree I didn't.

11 Q Okay. Did y'all talk about the armed robbery charge
12 that he represents you on?

13 A That he represent me on?

14 Q Yes, sir.

15 A Yes.

16 Q Did y'all talk about the attempted murder charge?

17 A Yes.

18 Q Did y'all talk about the possession of cocaine?

19 A Yes.

20 Q Did you talk about the disorderly conduct?

21 A Yeah.

22 Q Did you understand the penalties that each of those
23 carried?

24 A I didn't.

25 Q Okay. Did you understand the evidence that the State

QUINTIN LUMPKINS - DIRECT

1 would have to present if the case had gone to trial in

2 order for a jury to find you guilty?

3 A Did I understand it?

4 Q Yes, sir.

5 A No, sir.

6 Q Did y'all talk about it?

7 A He told me that they would have to have certain

8 things on me for them to convict me but that was it.

9 Q Were there some statements that were taken from
10 witnesses in your case that you --

11 A Mr. Stevens told me the whole time -- from the first
12 time that I spoke with Mr. Stevens he was telling me that
13 the only things that they had on me was a photo lineup,
14 which I received a video which he showed me, and a witness
15 statement. He told me the only way they could convict me
16 was off the witness statement and he was waiting for the
17 solicitor to send it, I never received a witness
18 statement. I wrote the public defender's office five
19 times, got five different motion of discoveries, I wrote
20 the clerk of court, I asked him several times, it was
21 never no witness statement. And my whole time still until
22 now I'm still believing that there is a witness statement
23 that I never seen because that is the only -- that is what
24 he was telling me as my attorney so that's what I believe,
25 but it was never nothing, never seen it. Never seen it.

QUINTIN LUMPKINS - DIRECT

- 1 Q Okay.
- 2 A And from my understanding that was the only thing
3 that they really had that could convict me and I never
4 seen it.
- 5 Q Do you know if Mr. Stevens saw it?
- 6 A From my understanding he didn't because -- he told me
7 that the solicitor had it and the solicitor was going to
8 get it to him and he was going to do everything in his
9 power to get it, but he never showed me, he never said
10 that he read it, he never told me what it stated, never
11 told me none of that.
- 12 Q So you pled guilty and you still had not seen that
13 statement.
- 14 A I pled guilty and I still didn't see the statement.
15 And I wrote him after I pled guilty and the clerk of court
16 asking for a motion of discovery with specifically the
17 witness statement in it so I could see it myself and I
18 still -- it was never no witness statement.
- 19 Q Okay. At your plea Mr. Stevens represented you on all
20 of the charges; is that right?
- 21 A Correct.
- 22 Q Mr. Murphy was not there.
- 23 A Correct.
- 24 Q So at the plea Mr. Stevens represented you on the
25 charge that Mr. Murphy had been representing you on.

QUINTIN LUMPKINS - DIRECT

1 A Correct.

2 Q You waived presentment to the grand jury on that
3 charge, do you recall that?

4 A I didn't even know what I was doing, I didn't know
5 what it meant.

6 Q Did you and Mr. Stevens discuss what a grand jury is?

7 A No, sir.

8 Q Did you and Mr. Stevens discuss what it meant for you
9 to waive presentment to the grand jury?

10 A No, sir.

11 Q Did you and Mr. Stevens -- particularly about the
12 common law robbery charge, did y'all go over the elements
13 of that crime?

14 A No, sir.

15 Q Did y'all talk about your constitutional rights to
16 having your case presented to a grand jury?

17 A No, sir. The only thing that he told me about my --
18 the common law robbery charge that Christopher Murphy was
19 over before I took a plea, he just told me that -- he just
20 told me that he think it was the right thing to do, and
21 that I could get this amount of time for that if I pled to
22 this with his charge, if I pled to the common law robbery
23 with his charges that I would get less time.

24 Q Okay. So you pled guilty and never saw discovery on
25 that charge.

QUINTIN LUMPKINS - DIRECT

1 A Correct. Never even seen -- I never even held a
2 conversation with my paid attorney on that charge for him
3 to explain to me anything about it. I didn't know nothing
4 about that charge, nothing.

5 Q You pled guilty with a different attorney than the one
6 that had been talking to you about that.

7 A Correct.

8 Q And you waived presentment to the grand jury, which
9 now your testimony is that you did not understand what that
10 meant.

11 A Correct.

12 Q Okay. If you had an opportunity to review those
13 things with Chris Murphy, would you have still pled guilty?

14 A No, sir.

15 Q What would you have done?

16 A If I could spoke with Chris Murphy I would have tried
17 to get a full understanding of my case being that I don't
18 really honestly think that they don't have any evidence on
19 me so I would have took it to trial.

20 Q Okay. Mr. Lumpkins, I've asked you all of the
21 questions -- I take that back. The medication that we were
22 talking about earlier, did you run out of that medication
23 at some point?

24 A Yes, sir. I ran out of that medication within like
25 three to four weeks of me actually taking a plea, going to

QUINTIN LUMPKINS - DIRECT

1 court. And the doctors had -- my mother known, my mother
2 was trying to call back and forth to the county trying to
3 help me get back on it. I ran out three or four weeks and
4 I couldn't get back on it because they told me I needed a
5 doctor to prescribe me -- my psychiatrist had to do a
6 refill and I couldn't do it because I was incarcerated.

7 Q Does that medicine help you understand what's going
8 on?

9 A Yes, sir. Because like now, different times when I'm
10 not on the medication sometimes my attention span is short
11 so I'll be thinking about one thing and then my mind kind
12 of slides. So it does -- the medication that I was on
13 just like when I was in school when I was on it, it helped
14 me sit down and focus and stay attention so I could know
15 what I'm doing and be aware of what I'm doing.

16 Q Okay. Do you get upset more easily when you're not on
17 the medication?

18 A I do, and very fast and often.

19 Q What are some of the other things that happen to you
20 when you're not on your medication?

21 A Some of the other things when I'm not on medication,
22 sometimes I forget, I'm very forgetful. I get angry, I
23 act out for no reason. I'm depressed a lot so I have a
24 problem with depression. I'm stressed out. Sometimes --
25 I don't want to say it but there's things I be wanting to

QUINTIN LUMPKINS - DIRECT

1 do to myself because I'm not on the medication. And I'm
2 always anxiousness, so anxiousness that I can't focus on
3 one thing for long. Like I might be -- I might want to
4 play a game for a minute, then the next minute I want to
5 go outside and ride a bicycle, and the next minute I want
6 to play basketball, I'm just always anxiousness. The
7 medication helps me sit down and focus on what I'm doing
8 and help me stay alert to one thing, to keep my attention
9 on one thing.

10 Q Okay. Was that un-focus and anxiousness state that
11 you were just talking about, is that how you were the day
12 you pled guilty?

13 A It was. Because being that I was on my medication
14 for so long and it was in my system to when I ran out and
15 I wasn't on it, I was so used to taking it I couldn't
16 function right, I just couldn't function right. I went to
17 the doctor everyday and -- I went to the doctor everyday
18 and asked to try to get back on the medication but they
19 kept telling me I had to get some type of doctor -- my
20 doctor or my psychiatrists from the streets to do another
21 refill for me.

22 Q Had you met with Mr. Stevens in that three week time
23 period, were you off your medicine?

24 A I met with him -- I met with him -- I spoke with him
25 once, then the second time is when I took the plea.

QUINTIN LUMPKINS - DIRECT

1 Q Okay. Do you recall if the first time you met with
2 him you were on the medication or off?

3 A I don't recall.

4 Q Okay. Did he meet with you at any point when you were
5 on your medication?

6 A When he first met with me I was on my medication.

7 Q Okay. So your mood and your ability to understand
8 would have been different?

9 A Different.

10 Q Okay. And I believe you testified -- and sorry if I'm
11 repeating myself -- that you did not discuss with him about
12 waiving presentment to a grand jury?

13 A What does that mean?

14 Q The common law robbery charge that you pled to that
15 Chris Murphy originally represented you on, you waived
16 presentment of that charge to the grand jury, did Breen
17 Stevens discuss that with you?

18 A No. If he would have explained to me what I was
19 fully doing I would have never did it, I wouldn't have,
20 because he was not my attorney over that charge and he
21 didn't have no knowledge over that charge to even try to
22 get me to do something like that. I wouldn't have did it.

23 Q Do you know if he had a copy of the discovery of that
24 charge?

25 A He didn't, because if he would have he would have

QUINTIN LUMPKINS - DIRECT

1 gave it to me.

2 Q Okay.

3 A He told -- and specifically he told me he didn't
4 because he wasn't the attorney over that charge.

5 Q Okay. Mr. Lumpkins, I've asked all of the questions
6 that I have for you. Is there anything you can think that
7 I've left out that the Judge needs to be aware of about Mr.
8 Stevens in particular, his representation of you on all of
9 these charges?

10 A I would just like to say what's right is right and
11 what's wrong is wrong, and the whole process for that
12 whole situation was wrong. And if -- I was young and on
13 medication, I still am, if I was really aware of what was
14 going on I would have never took no plea for 15 years, I
15 would have went to court and left it in God's hands.
16 That's it.

17 MR. WALLER: Thank you, Mr. Lumpkins, please answer
18 any questions Mr. Mitchell has.

19 THE COURT: Cross examination.

20 CROSS EXAMINATION

21 BY MR. MITCHELL:

22 Q Good morning, Mr. Lumpkins.

23 A Good morning.

24 Q Now, when you pled guilty you pled in front of Judge
25 Dickson; is that right?

QUINTIN LUMPKINS - CROSS

1 A I don't recall the Judge's name, sir.

2 Q It was a male; is that correct?

3 A Yes, sir.

4 Q All right. And he asked you a bunch of questions and
5 you answered them back and forth; is that right?

6 A Yes, sir.

7 Q Okay. Now, you pled guilty to strong armed robbery,
8 armed robbery and ABHAN; is that correct?

9 A Correct.

10 Q And you took care of all three of those charges in one
11 plea, right? There's two instances, two separate incidents
12 you pled guilty on at one time, right?

13 A Yes, sir.

14 Q Okay. And when Judge Dickson was asking you about
15 your mental health, you told him that you were on different
16 meds; is that right?

17 A Correct.

18 Q And he asked if that affected your understanding that
19 day and you said no, right? You've got to answer. I'm
20 sorry.

21 A Yes, sir.

22 Q Okay. So you told Judge Dickson that it did not
23 affect your understanding of what was going on.

24 A Yeah. I told Judge Dickson that it did not, being
25 that it didn't affect my understanding -- it did but I was

QUINTIN LUMPKINS - CROSS

1 just kind of like going along with everything. My
2 attorney told me that he was going to ask me a bunch of
3 questions and so just --

4 Q Well, then he asked you if you were thinking clearly
5 that day and you said yes.

6 A Yes.

7 Q Okay. So now you're testifying that you were not
8 thinking clearly --

9 A Correct.

10 Q -- and that you did not understand what is going on.

11 A Correct, and that I was just kind of going along with
12 it. Because I was -- from speaking to my attorney before
13 going in the courtroom I really thought that I was doing
14 the right thing so I just kind of went in there and just
15 went along with everything that was going on.

16 Q So you went in there, lied to the Judge, got it over
17 with and then went to prison?

18 A I took my attorney's advice and followed my attorney,
19 sir.

20 Q Okay. He told you to lie to Judge Dickson?

21 A He didn't tell me to lie to the Judge, he told me to
22 answer the Judge, Your Honor -- I mean, sir.

23 Q So you went over the facts of what happened, the
24 solicitor went through and talked about both incidents,
25 right?

QUINTIN LUMPKINS - CROSS

1 A Yes, sir.

2 Q They put their position out there, "If the case was
3 going to go to trial this is what we would say happen,"
4 right?

5 A Yes, sir.

6 Q And then Judge Dickson asked you if you agreed with
7 the facts as stated and you said yes; is that right?

8 A Yes, sir.

9 Q Okay. And that includes the incident that Mr. Murphy
10 represented you on; is that right?

11 A Yes, sir.

12 Q And that was Security Finance?

13 A Yes, sir.

14 Q Okay. We talked about discovery a little bit. You
15 understood at the Security Finance that there was
16 surveillance systems in there?

17 A I didn't. I didn't know anything about Security
18 Finance because I did not see no motion on it. So the
19 only thing I known is that they was charging me for
20 robbing the Security Finance and that was it, I never
21 received no information on that whole charge.

22 Q So you didn't know about the surveillance.

23 A I didn't know nothing about it.

24 Q You didn't know about the identifications made by the
25 victims?

QUINTIN LUMPKINS - CROSS

- 1 A The photo lineups?
- 2 Q Right.
- 3 A No, sir, I never seen it.
- 4 Q Now, the Holiday Inn, that was the one that Mr.
5 Stevens represented you on.
- 6 A Correct.
- 7 Q Okay. And in that one you fired -- the gun went off
8 and went above the victim's head kind of, right?
- 9 A Correct.
- 10 Q And that's why you were charged with attempted murder?
- 11 A Correct.
- 12 Q And that's kind of the same deal, there was
13 surveillance video of that too, right? Is that a yes?
- 14 A What you said? Could you repeat that?
- 15 Q There was a surveillance video there too, right?
- 16 A Correct.
- 17 Q And you reviewed that with Mr. Stevens.
- 18 A Correct.
- 19 Q Okay.
- 20 A There also -- Mr. Stevens also told me there was a
21 witness statement that he never reviewed with me, and the
22 only thing -- he reviewed the whole motion with me, he
23 told me there was a witness statement that the solicitor
24 had to submit along with the video. It took me a total of
25 five months for him to fully submit the video and never

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1 got the statement.

2 Q Okay. So you're still waiting on the statement,
3 that's one of your main issues, right?

4 A Never seen it.

5 Q Okay. So you pled guilty to these charges to get this
6 all wrapped up in one setting; is that right?

7 A Yeah, I pled -- yes, sir.

8 Q You wanted to get this all taken care of, right?

9 A Yes, sir.

10 Q You know, you got some charges not looking great if
11 you go to trial, you may be convicted, right?

12 A I was scared, young, first time being in this, yes, I
13 did kind of want to kind of get it out of the way.

14 Q You wanted to just take care of it all at once and --

15 A No. I just wanted to get it out of the way, whether
16 it was just dealing with the separate or -- I just wanted
17 to get it out the way just as fast as I could, and he
18 brought a plea to me. And another thing, he didn't even
19 let me know that there wasn't a recommendation -- a
20 recommendation from the State, he didn't even tell me
21 that. He didn't tell me that he took -- he was the one
22 who took a plea for 15 years to the State and asked that
23 for me, he did not tell me that the State never
24 recommended nothing for me, the State didn't, and they
25 said so in my plea transcript.

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1 Q So he went to the State with a 15 year offer and they
2 said, "No, we'll just go open," right?

3 A Yes.

4 Q And then you got the 15 years though, right?

5 A He went to the State with the 15 year plea and they
6 accepted the plea and that's how I pled out, but he never
7 told me that he took -- he offered the plea to 15 years.
8 He stated that from my understanding the State -- that was
9 the first plea from the State, but when I read my plea
10 transcript and I -- see, I didn't understand it the day of
11 the actual plea then, I didn't understand it, that the
12 State said that there was no recommendation from them.
13 But after I went back and read my plea transcript and I
14 see that the State didn't even recommend nothing, there's
15 another reason I wouldn't have told him to do that.

16 Q So you thought that the State offered this and that
17 you had then accepted it.

18 A Yes, I would. Because he told me that that was the
19 right thing to do. So, yes, I -- but he told me the
20 State -- from my understanding that was what came from the
21 State and that was the best thing he -- he told me that
22 was the best thing for me to do, so I took it. If I would
23 have known that it didn't come from the State, it was for
24 him, if I would have known the rest of the evidence
25 leading to it I would have never took it, wouldn't have.

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1 Q So you would have taken this case to trial is what
2 you're saying?

3 A Both of them.

4 Q Even with the video, even with the identifications,
5 even with the other video and even with the other
6 identification.

7 A I would have took all of them to trial, because --

8 Q And you would have risked a lot of years in prison by
9 doing that, right?

10 A He stated specifically to me -- the only reason why I
11 took this plea, he stated specifically to me the video, it
12 doesn't show my face, it doesn't show my face, the photo
13 lineup, it doesn't do anything. He told me the only thing
14 that they could convict me of for the second armed robbery
15 was her statement with that motion of discovery with --
16 her statement with the video and the photo lineup.

17 Because the video states that she seen -- that she could
18 have -- she had enough time to identify the suspect and
19 the statement was going to back all of that up, so that's
20 how I could get convicted, that is my understanding of the
21 whole thing. So he showed me the photo lineup --

22 Q Back up a little bit from the microphone.

23 A He showed me the photo lineup, he showed me the video
24 but I never seen the statement.

25 Q Okay. So if you would have seen the statement you

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1 would have taken the case to trial you think?

2 A If I would have seen the statement? Yes. I'm not
3 going to say that, I'm going to say it depends on what the
4 statement stated.

5 Q Okay. So you never had any discussion with Mr.
6 Stevens about this statement, about the substance of it.

7 A Never.

8 Q Now, it was from the victim though, right?

9 A From my understanding it was a statement from the
10 victim and he was going to give it to me.

11 Q All right. And you knew this, you pled guilty without
12 that statement that day though, right? You knew you didn't
13 have that statement the day you pled, right?

14 A Correct.

15 Q Okay.

16 MR. MITCHELL: No further questions.

17 THE COURT: All right. Redirect?

18 MR. WALLER: Just briefly.

19 REDIRECT EXAMINATION

20 BY MR. WALLER:

21 Q Mr. Lumpkins, you didn't have any idea what was in
22 that statement, did you?

23 A I have no idea what was in the statement. The only
24 thing that he told me, he said that the statement -- just
25 like I told him a minute ago, he told me that with the

QUINTIN LUMPKINS - REDIRECT

1 statement, the only thing that it could do was -- the
2 statement was going to back up the victim's word -- back
3 up the victim's word and that was it. He never told me
4 what it stated, he never said that. He said the victim
5 said I did it, he never told me nothing. He just said
6 that the statement was going to back up the victim's word.

7 Q To the best of your knowledge he didn't have a copy
8 either.

9 A He didn't have a copy. He told me he was waiting for
10 it, he told me he was waiting for that and the video. But
11 he showed me the video but never produced a statement, and
12 I kept asking him for it and he kept telling me that he's
13 waiting, he's waiting, he's waiting. And then he came to
14 me with a plea and told me, "Quintin, I think this would
15 be the best thing for you to take," and just explained to
16 me why he thought that would have been the best thing and
17 reason for me to take it and kind of just went along with
18 it. I never seen a statement, never talked to my other
19 attorney about my other charges before I pled guilty, I
20 just went with it because I thought it was the best thing
21 to do.

22 Q Mr. Lumpkins, would that statement have been useful to
23 you in deciding what to do?

24 MR. MITCHELL: Judge, he's got no knowledge of what
25 the statement is, he can't speculate as to that.

QUINTIN LUMPKINS - REDIRECT

1 A I'm going to --

2 THE COURT: Hold for a second. What was your question
3 again?

4 MR. WALLER: If the statement would have been useful
5 to him in making his decision whether to plead guilty or
6 not.

7 THE COURT: Overruled, I'll allow that question. Go
8 ahead.

9 A Okay. Yes, the statement would have been useful.
10 Because like he said, he kept stating to me that the
11 statement was going to back up what she said and that was
12 what's going to convict me. So yes, it would have been
13 useful, because if that's what -- if it wasn't I would
14 have went to trial. I had to see the statement, it was
15 really the key to our case. And the only reason why I
16 took the plea was based off of his advice that the
17 statement had me convicted and it was never a statement.

18 Q Okay. How did you learn that Mr. Murphy wasn't going
19 to be present at the actual plea?

20 A I didn't. When I got there -- when I got to court
21 that morning he told me that Mr. Murphy couldn't be
22 present. I mean, I could never talk to him, I never
23 talked to him since I was arrested, I couldn't.

24 MR. WALLER: Okay. No further questions, thank you.

25 THE COURT: All right, you may step down. The

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1 applicant can call your next witness.

2 MR. WALLER: No further witnesses, Your Honor.

3 THE COURT: All right. Does the State have any
4 witnesses?

5 MR. MITCHELL: Your Honor, the State calls Mr. Breen
6 Stevens.

7 The witness, BREEN STEVENS, was first duly sworn and
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. MITCHELL:

11 Q Good morning, Mr. Stevens.

12 A Morning.

13 Q Let's see, so you work for the Orangeburg County
14 Public Defenders Office; is that right?

15 A Yes, sir, I do.

16 Q Before that you were with the South Carolina
17 Commission on Indigent Defense?

18 A Yes, sir, in the appellate division.

19 Q All right. How did you become involved in Mr.
20 Lumpkins case here?

21 A I was appointed to represent him on the charges of --
22 several charges from two different incidents. One was
23 possession of cocaine, and ultimately when they went and
24 tested that believe it was nine grams, so technically
25 speaking it was a higher exposure if push came to shove.

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1 But the charge for which I was appointed at the time was
2 possession of cocaine and armed robbery, and a gun charge
3 as well, possession of a firearm during the commission of
4 a violent offense and attempted murder. Oh, and I believe
5 a disorderly conduct.

6 Q So when you met with him at the beginning of your
7 representation, did you review these charges set forth in
8 the indictments?

9 A Yes. Let's see here, I met with him October 25,
10 2013. We discussed the law, we discussed our exposure, we
11 discussed the discovery we had at the time. We met again
12 on several other occasions after that, we met again in
13 November, we met again in December, a few times -- I'm
14 sorry, at least two times, and then on and on. So
15 multiple occasions we most certainly did meet and go over
16 not only what we had but also what we were looking at.
17 Additionally he also spoke with my private investigator
18 that I got involved in the case too.

19 Q Okay. Now, you mentioned you went over discovery with
20 him. What was contained in that discovery response?

21 A I believe the initial discovery package included
22 incident reports, a supplemental incident report, a
23 photographic lineup where the victim of the armed robbery
24 of the hotel positively identified Mr. Lumpkins, as well
25 as his rap sheet. We did not have the video at the time.

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1 Q Okay.

2 A Oh, it also indicated they attempted to lift latent
3 fingerprints and we didn't have obviously any results from
4 that especially since I'm guessing you're probably going
5 to get a lot of latent fingerprints from the hotel lobby.

6 Q So what about the victim's statement that Mr. Lumpkins
7 was testifying about?

8 A Oh, Mr. Lumpkins, he was adamant there should be a
9 victim's statement, especially because when we look at the
10 incident report it indicates that the victim was talking
11 with law enforcement in the narrative of the incident
12 report. It has been my experience that sometimes a victim
13 will fill out a written statement to law enforcement,
14 other times they don't and law enforcement just takes
15 basically whatever they verbally said to them and writes
16 it on down. I was never provided a copy of a written
17 statement. Especially because Mr. Lumpkins wanted to see
18 one I repeatedly made requests to the -- and demands to
19 the prosecutor in the case, Tommy Scott, that they do
20 provide one if indeed there is one. To my knowledge even
21 to date I've never received one, I'm not even certain
22 there would be one. There's nothing indicating from my
23 review of the incident reports that an actual written
24 statement was done. However, that's not to say a witness
25 did not give a verbal statement to law enforcement,

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1 clearly that's what the incident report readily indicates.

2 Q So you had whatever was in the incident report but no
3 further statement that that victim gave; is that right?

4 A That's correct.

5 Q Okay.

6 A We did later on get a copy of the video footage from
7 the hotel, which I believe had more than one angle from
8 more than one camera, we covered all of that too.

9 Q On the video -- what was the quality of the video?

10 A It was pretty good. I mean, I didn't have like a
11 closeup shot of the face, but it definitely had someone
12 with a similar height, build, race, complexion, things
13 like that which would be consistent with Mr. Lumpkins.
14 That coupled with what the receptionist in the hotel
15 described to police and what she also confirmed through
16 identification in the six pack photographic lineup, it was
17 pretty solid.

18 Q So the video wasn't really dispositive, but it was --
19 it fit the description and it could definitely have been
20 Mr. Lumpkins?

21 A Yeah. Well, it wasn't dispositive in that the entire
22 case rested on that, no. But it most certainly did
23 corroborate just about everything that the clerk said
24 occurred to her. It started out as an individual walking
25 on in -- this is from memory -- speaking with her at the

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1 desk, you know, nothing serious or anything, they were
2 just having a conversation and then, boom, things
3 radically turned violent, and you can see all of that. So
4 from that perspective I believe it would have had some
5 sort of emotional impact on the jury if it was played
6 before them, because you can definitely see all of that
7 going on. And again, it confirms pretty much what the
8 clerk purportedly told police when the police wrote the
9 incident report.

10 Q Okay. Now, you had these charges pending while Mr.
11 Chris Murphy had the other robbery charges, correct?

12 A That's correct.

13 Q Did you communicate with Mr. Murphy about the case?

14 A I did speak with him briefly on at least one, maybe
15 two occasions, and afterward we sent him a copy of the
16 sentencing sheet and whatnot for the case in case Mr.
17 Lumpkins wanted to file a notice of appeal for his charge
18 as well. Additionally, my understanding is Mr. Murphy --
19 I'm not certain if he still is, but at the time he was
20 most certainly a state legislature and I can't say exactly
21 what was going on with the schedule but I wouldn't be
22 surprised if that's why he could not be present at the
23 time for the hearing.

24 Q Okay. So leading up to the plea, how did the
25 negotiations go?

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1 A Well, you know, I spoke with Quintin on several
2 occasions and we went over everything that we were looking
3 at from both incidents. We also covered the fact that
4 even with the cocaine, even though the charged offense was
5 zero to three, if push came to shove and things got nasty
6 the State might seek a higher charge of PWID, which would
7 carry zero to 15 and/or a fine of up to \$25,000. And
8 those would be separate incidents, if it did go to trial
9 there would be separate trials for those. Further when we
10 looked over everything, Quinton's main thing was he
11 understood that yes, he thought that the charge for armed
12 robbery was actually a proper charge, he thought the
13 charge for the gun was a proper charge, the one that he
14 really took issue with, and understandably so, was the
15 attempted murder charge. His position the entire time was
16 that look, you know, he had no intention to shoot
17 somebody, it literally just went off during the incident
18 and so therefore that would be unfair in his mind, and I
19 understand where he's coming from. Looking at the video I
20 don't think there would be an intent whatsoever either and
21 I think that would have been verified, so I engaged in
22 negotiations for him on his behalf. The prosecutor felt
23 they had a decent case, it was a pretty good case and they
24 didn't really want to come down much at all especially
25 given the violence of the offense. So I asked if he would

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1 feel more comfortable talking in the Judge's chambers,
2 it's an amazing thing that a Judge's presence has when you
3 actually speak with a prosecutor. You can speak more
4 freely about the facts, and, you know, people are still on
5 their P's and Q's, not throwing out at much huffery I
6 guess you could say. And so when we had that conversation
7 I felt quite confident putting Quintin in front of the
8 Judge, even though it was an open plea I felt more
9 comfortable after my conversation with that -- or with the
10 prosecutor that we would be likely in the range of 15 to
11 20.

12 Q Now, what was his version of the facts of the
13 incident?

14 A With the prosecutor or Quintin, or who are we talking
15 about?

16 Q Yeah, Mr. Lumpkins' version of the facts.

17 A I mean, I didn't see the -- I don't have the
18 transcript in front of me, but yeah, my understanding is
19 that it occurred as is shown on the video. You know, when
20 it comes to motivations, that's not really part of the
21 offense or part of what they would have to prove. We did
22 digging on that to see if we could get up anything to help
23 out and that's where my private investigator got involved
24 as well. We did not come across anything that would have
25 helped us whatsoever at trial through our investigation

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1 with my private investigator.

2 Q So Mr. Lumpkins was planning to plead guilty to the
3 charges you were handling, right?

4 A That's correct.

5 Q How did the charges that Mr. Murphy represented him on
6 become a part of the same plea deal?

7 A The prosecutor most certainly was aware of all the
8 charges against him, I believe that's how I initially
9 became aware. I apologize, excuse me. I was aware of his
10 charge -- his other charge for awhile, because I think
11 initially he wanted us to represent him on that and then
12 he hired private counsel, and then by the time this plea
13 came around the prosecutor most certainly was aware of
14 everything involved. I don't know of however many
15 conversations Quintin had with his other attorney on the
16 matter, I don't know the sum or substance of those
17 conversations. What I do know is that we covered -- my
18 guilty plea checklist that I go over with just about every
19 one of my clients that wants to chose plea over trial, we
20 most certainly cover that. In the additional comment
21 section that I checked on here -- and by the way, my
22 clients read this over and they sign at the bottom of it
23 as well, which he did right here. It indicated that we
24 spoke with -- I spoke with the defendant and Chris Murphy.
25 Chris Murphy represents the defendant on one armed robbery

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1 charge. The defendant wants to go forward with that
2 charge, in other words to plead that one down to strong
3 armed robbery without Chris Murphy due to Mr. Murphy's
4 inability to attend tomorrow. And then I have, there it
5 is, I have it in parenthesis legislature, so my guess is
6 there might have been something involved with his time
7 having to be up in Columbia instead. And then we went
8 forward with everything. On here I also noted that what
9 we were already aware of, that he did have some aspects of
10 mental health issues going on ADHD, bipolar, OCD and
11 depression. I also had a couple of the medications of
12 which he was on that he indicated to me. And I wrote down
13 what he indicated to me too, and that is he was thinking
14 clearly and understood the proceedings, and this was March
15 of 2014. That was as of March 12th of 2014 when we went
16 over this document, which I believe was the day before.

17 Q The day before the plea?

18 A Yes, sir. Now, like I said, I have read the
19 transcript of the plea hearing, but typically Judge
20 Dickson will ask them if they do have any history of
21 mental health or if they're actually on medication or
22 anything like that. I would expect that he would likely
23 have done the same and if so he would have asked him if
24 that's affecting his ability to think clearly on the 13th
25 as well.

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1 Q You didn't see any issues with his ability to
2 understand what was going on during the plea.

3 A No, not in any of the meetings that I had with him
4 and not at the day of the plea. My understanding is he
5 knew what was going on when it comes to it.

6 Q And he asked good questions, relevant questions to the
7 charges in your discussions?

8 A Yes.

9 Q I notice you mentioned Miller v. Alabama at the plea
10 hearing. Does that kind of show how serious these charges
11 were and the amount of charges he was facing?

12 A That's exactly right, and with the full knowledge
13 that it was still an open plea. Quintin was young and he
14 still is young. Truth be told, in all of my conversations
15 with Quintin, in all of my dealings with Quintin, I liked
16 Quintin as a client, I really did and I still do. You
17 know, kids make mistake but that doesn't always get us out
18 of the price we've got to pay for making some of those
19 mistakes. I think that the case in the United States
20 Supreme Court really shows exactly that, in Miller
21 especially. Because it was a relatively recent case by
22 that time and I really wanted to make sure the Court was
23 fully aware that it's not just me saying this, it's also
24 the highest court in the nation saying the brains of young
25 adults at that time are not fully developed, it's

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1 recognized across science, everybody knows this, and
2 that's everybody whether or not they have ADHD or anything
3 like that, that's literally everybody. And I thought that
4 did at least help our appeal to the Judge and his
5 conscience for imposing a more merciful punishment than
6 something above where I was really hoping we could get it.

7 Q How did the 15 years comes about? I know Mr. Lumpkins
8 testified as to his thoughts on that.

9 A Like I said, after pushing back and forth hard with
10 the prosecutor in this case, yeah, through our discussions
11 outside of chambers, inside of chambers and even a little
12 further outside of chambers, too, I felt comfortable that,
13 you know, we would likely have a shot in midrange of
14 sentencing on this, especially when it starts at 20 and
15 goes up to 30. I thought somewhere in the range of 15 to
16 20 would be likely, especially if they wanted to keep tabs
17 on him afterwards with probation, and I thought we might
18 be able to get something suspended to the midrange with 15
19 especially because of his youth. I don't know Judge
20 Dickson to be especially harsh, he's not especially
21 merciful and weak, he's very fair when he looks at all of
22 the evidence both good and bad and everything in between,
23 and I thought with that Judge we would have a great
24 opportunity to really plead our case and the scenario and
25 the situations which were facing Quintin at the time,

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1 especially his youth, and go forward from that position.

2 Q Seemed to be that his thoughts were that this was a
3 plea offer from the State and that he was just accepting
4 that. Is that -- did you have conversations with him about
5 whether that was the case or not?

6 A Yeah, it didn't generate with me. Basically it's us
7 negotiating back and forth with the State, the State not
8 wanting to do anything and then ultimately it was an open
9 plea and he was aware of that.

10 Q So you advised him that it was an open plea and there
11 were no promises as to an exact sentence?

12 A Yeah. I thought -- like he said, I was comfortable
13 in my view of putting him in front of the Court for a
14 plea, and I thought -- and I could have been wrong about
15 it. Shoot, the Judge could have gone lower, he could have
16 gone higher, and he was fully aware of that exposure as
17 well, it was something we would go over when we go over
18 the guilty plea checklist. Sentence is entirely within
19 the hands that control the Judge and he was most certainly
20 fully aware of that.

21 MR. MITCHELL: No further questions, please answer
22 anything Mr. Waller has.

23 THE COURT: Cross examination?

24 MR. WALLER: Thank you, Your Honor.

25 CROSS EXAMINATION

BREEN STEVENS - DIRECT

1 BY MR. WALLER:

2 Q Mr. Stevens, you filed a Rule Five and Brady Motion;
3 is that correct?

4 A Correct, two separate motions, one under Rule Five
5 and one under Brady versus Maryland and it's progeny.

6 Q In your motions do you request the substance or a
7 summary of any statements that aren't memorialized?

8 A Well, I'll pull this from here, I've got a copy if
9 you would like to see them. My understanding of Rule Five
10 and our motion for the Rule Five motion largely parallels
11 the language in the paragraphs of Rule Five as it pertains
12 to discovery materials due to the defense. My
13 understanding is if the State did have a statement, say a
14 material witness or something like that, and if it sought
15 to use it in its case in chief, they would be obligated to
16 turn that over. On top of that, you know, I've worked
17 against several different prosecutors in a couple of
18 different counties, several different counties, and my
19 experience in Orangeburg is, yes, if they had a written
20 statement either from a witness or from the victim or from
21 whomever they would turn it over.

22 Q What if they had an oral statement and there's nothing
23 in writing, is that something that you feel would be
24 subject to your discovery motions for them to turn over the
25 substance of it, make you aware of what that witness was

BREEN STEVENS - CROSS

1 going to likely testify to?

2 A The only indication of an actual oral statement is
3 what was written down by the officer in his incident
4 report basically saying what the victim in that case told
5 him.

6 Q Okay. There wasn't a victim impact statement or
7 anything like that provided to you?

8 A No.

9 Q The victim was present at the plea; is that correct?

10 A I would have to look at the transcript, I wouldn't be
11 surprised if she was. She was pretty shaken up, if memory
12 serves, over the incident.

13 Q Your testimony here today has been mostly concerning
14 the charges stemming from the hotel lobby; is that right?

15 A Yes. Plus the cocaine and -- yeah, plus the nine
16 grams of cocaine.

17 Q But you also appeared and represented Mr. Lumpkins at
18 the plea and signed the sentencing sheet; is that correct?

19 A Yes, it's because Mr. Murphy was not present. He was
20 fully aware that Mr. Murphy was not going to be present
21 and was not present, and fully advised if he doesn't want
22 to he doesn't have to go forward with it, but he wanted to
23 go forward with it to get everything taken care of. I
24 indicated -- we all spoke about that. I spoke with Mr.
25 Murphy before and I also spoke with Quintin about it and

BREEN STEVENS - CROSS

1 Quintin acknowledged that when he signed my guilty plea
2 sheet as well.

3 Q Do you have any knowledge of what Mr. Murphy had gone
4 over with Mr. Lumpkins regarding those charges?

5 A I cannot speak to that, no. I can only speak to what
6 I would have said which would have been just a brief
7 overview of my knowledge of what's there, which would be
8 strong armed robbery as a lesser included of armed
9 robbery. I would have touched on the elements, which is
10 basically it's larceny or stealing plus force, and that,
11 you know, it's zero to 15 years as far as exposure, too
12 much beyond that I really wouldn't be able to comment on.
13 Because the only thing that I would have been -- I think
14 the only thing I had in my file on the matter was an
15 arrest warrant.

16 Q So you didn't have a copy of the discovery.

17 A Correct.

18 Q You hadn't had any conversations with Mr. Lumpkins
19 regarding the actual facts of that case.

20 A Not to my knowledge.

21 Q Okay. Did you have any conversations with him
22 regarding the grand jury?

23 A I don't specifically recall. But typically if any
24 one of my clients are going to plead guilty where they're
25 waiving presentment I give them a general rundown of the

BREEN STEVENS - CROSS

1 grand jury proceeding, that it's a state constitutional
2 right, it's a group of, I believe, 18 people and they
3 present an officer whose under oath or however many other
4 witnesses, if the grand wants more they can obviously
5 subpoena them and get them in there. If 12 out of the 18
6 people think what they heard is enough to support probable
7 cause for the charge or charges, then boom, it's stamped
8 true billed and it's ready to go either in front of a
9 judge for a plea or a jury -- judge and jury for trial.

10 Q The charges you represent Mr. Lumpkins on had been
11 through that process, right?

12 A Absolutely correct.

13 Q Okay. Do you recall specifically whether you had a
14 conversation with Mr. Lumpkins regarding the grand jury
15 because your charges had already been true billed?

16 A I don't recall specifically. All I can say is
17 generally speaking if I have any client that is going
18 forward where one or more of the charges are not indicted
19 I would typically have the conversation, but I cannot say
20 one way or the other from my own memory whether I had that
21 conversation with Quintin about the other armed robbery
22 charge, which, you know, he was represented by Mr. Murphy.

23 Q Because you didn't have any of the discovery or
24 anything, any of the actual case file.

25 A Well, I mean, regardless of whether there was

BREEN STEVENS - CROSS

1 discovery or not, I mean, if he's going to go forward on
 2 something and I'm standing next to him and it's going to
 3 be on something where it's something that I do have
 4 information such as the grand jury process, and if he's
 5 going to have to sign something in my presence about it
 6 like his name affixed to waive presentment, then that's
 7 something where I would make sure -- if my client is going
 8 to do that I'm going to make sure they're aware of what
 9 they're signing. And so I don't know about the discovery,
 10 I don't know about his conversations with Mr. Murphy, what
 11 I can say is that if he signed something in my presence I
 12 would have to let him know about that and I would have.

13 Q But you don't have any specific recollection, that's
 14 just your general practice?

15 A Precisely correct.

16 MR. WALLER: Beg the Court's indulgence, please.

17 THE COURT: All right.

18 (Break in proceedings.)

19 MR. WALLER: No further questions, thank you.

20 THE COURT: All right. Redirect?

21 MR. MITCHELL: Very briefly.

22 REDIRECT EXAMINATION

23 BY MR. MITCHELL:

24 Q Did you feel comfortable representing him on the
 25 charges that Mr. Murphy represented him on?

BREEN STEVENS - REDIRECT

1 A If my client said he was comfortable going forward on
2 those other charges where he was represented by another
3 attorney and that he wanted to go forward now to take care
4 of all of them at once, and he indicated to me that he
5 knew what was going on and this is what he wanted to do,
6 then I would say let's do it. I've been personally in the
7 other shoes before where I had a client who was wanting to
8 take care of an out of county charge, I traveled to that
9 county because I was under the impression they wanted to
10 get everything wrapped up and they change their mind, and
11 in order to make sure that I didn't have the Orangeburg
12 County matters clouding his decision regarding the other
13 stuff I would say, "That's fine, we'll take care of this
14 another time." And frankly if Mr. Lumpkins wanted to take
15 care of his other charge which Mr. Murphy represented him,
16 I would have no problem in saying, "That's fine. We'll
17 just not take care of that today, we'll only take care of
18 the charges from the hotel and get the other ones
19 dismissed," such as the cocaine charge and the other stuff
20 too, as well as the five year gun charge, we'll get those
21 dismissed. But I've got no problem making sure that
22 they're fully aware of, "If you don't want to do that
23 we're going to sever those things because if you want
24 these other charges, God love you, that's what we'll do."
25 I don't feel comfortable going forward with something like

BREEN STEVENS - REDIRECT

1 that unless my client let's me know in no uncertain terms
2 that's exactly what they want to do, and that's what we
3 did.

4 MR. MITCHELL: Thank you. No further questions.

5 THE COURT: All right. You may step down. The State
6 can call your next witness.

7 MR. MITCHELL: We have no other witnesses, Your Honor.

8 THE COURT: Anything in reply?

9 MR. WALLER: Nothing in reply, Your Honor.

10 THE COURT: All right. Based upon the testimony and
11 review of the transcript and the guilty plea, Mr. Mitchell,
12 if you will prepare an order that denies any requests for
13 post conviction relief. I don't see any ineffective
14 assistance of counsel. The guilty plea transcript also
15 indicates that there was extensive questioning regarding
16 the applicant's mental health issues and that he gave the
17 responses that he clearly understood what was happening and
18 proceeded voluntarily. All right. Thank you, sir.

19 MR. MITCHELL: Thank you, Your Honor.

20 (End of the hearing.)

21

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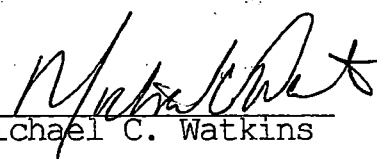
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1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings (as reported
6 by Elizabeth Harris and edited by Michael Watkins)
7 had and evidence introduced in the trial of the
8 captioned case relative to appeal in the Court of
9 Common Pleas for Orangeburg County, South Carolina,
10 on the 18th day of May, 2016.

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

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March 1, 2017


Michael C. Watkins
Court Reporter

STATE OF SOUTH CAROLINA
 COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
 FIRST JUDICIAL CIRCUIT

Quintin Shavjonte' Lumpkins, #264678,

2014-CP-38-1493

Applicant,

ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.

FILED FOR RECORD
 MINNIFA B. CLARK
 2016 NOV - 1 P 12:57
 CLERK OF COURT
 ORANGEBURG, SC

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed December 2, 2014. Respondent filed a Return on August 12, 2015, requesting that a hearing be held. Jonathan D. Waller, Esquire, was appointed by the Orangeburg County Clerk of Court to represent Applicant. Applicant moved for and was granted an order filed November 25, 2015, directing that he be examined and evaluated by the Department of Mental Health to determine competency. The examination found Applicant competent while diagnosing him with anti-social and major depressive disorder. An evidentiary hearing was held on May 18, 2016, at the Dorchester County Courthouse. Applicant was present and represented by Counsel Waller. J. Clayton Mitchell, of the South Carolina Attorney General's Office, represented Respondent.

At the PCR hearing, Applicant testified on his own behalf. Also testifying was Applicant's plea counsel, Breen R. Stevens, Esquire. This Court had before it the Orangeburg County Clerk of Court records, Applicant's South Carolina Department of Corrections records, the appellate records, the PCR application, the Return, and the guilty plea transcript.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Orangeburg County. Applicant was indicted at

Minnifa B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

the March 2013 term of the Court of General Sessions for Orangeburg County for armed robbery (2013-GS-38-0369)¹; and at the March 2014 term for possession of cocaine, first offense (2013-GS-38-1490), armed robbery (2013-GS-38-1491), attempted murder (2013-GS-38-1492)², and possession of a weapon during the commission of a violent crime (2013-GS-38-1493). Applicant also received a uniform traffic ticket on September 1, 2013, for disorderly conduct (28149GM).³ Christopher J. Murphy, Esquire represented Applicant on the first armed robbery charge (2013-GS-38-0369). Applicant was represented by Breen R. Stevens, Esquire on the remaining charges. On March 13, 2014, Applicant appeared before the Honorable Edgar W. Dickson with Counsel Stevens and pled guilty. Judge Dickson sentenced Applicant to fifteen (15) years for common law robbery; twenty (20) years for ABHAN provided upon the service of fifteen (15) years the balance would be suspended with five (5) years' probation; and to twenty (20) years for armed robbery provided upon the service of fifteen (15) years the balance would be suspended with five (5) years' probation. A motion to reconsider the sentence was filed and Judge Dickson amended the armed robbery sentence to a straight fifteen (15) year sentence. Applicant did not appeal his plea or sentences.

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

1. Plea not knowingly and voluntarily entered because Applicant was not properly advised on the nature and consequences of pleading guilty.

¹ Applicant waived presentment of this indictment to the grand jury and pled guilty to common law robbery.

² Applicant was indicted for attempted murder, but he pled guilty as to assault and battery of a high and aggravated nature as a lesser included offense.

³ Although Applicant lists Indictments 2013-GS-38-1490, 2013-GS-38-1493, and ticket number 28149GM in his application, these were nolle prossed. Thus, only the remaining three indictments may be challenged.

II. APPLICABLE LAW

In a post-conviction relief action, Applicant bears the burden of proving the allegations in the application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." 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).

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the guilty plea transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Unintelligent and Involuntary Guilty Plea

Applicant alleges he did not plead guilty knowingly and voluntarily. Specifically, Applicant argues that Counsel Murphy failed to advise and to review the State's evidence with him. He argues Counsel Murphy did not advise him regarding the plea offer he eventually accepted. This Court finds Applicant's guilty plea was entered freely and voluntarily entered. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000)

(citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

Applicant claims he did not plead guilty voluntarily because Counsel did not review with him the evidence the State planned to present if the case were to go to trial. Applicant also alleges Counsel Murphy failed to advise him of whether he should plead guilty or proceed to trial. Applicant testified that Counsel Murphy did not adequately review the discovery materials with him, specifically witness statements. This Court finds these contentions meritless and finds Applicant's testimony not credible. This Court finds the record reflects Applicant was fully advised of the State's evidence. The plea court's thorough colloquy with Applicant demonstrates that he understood the charges, penalties, and the waiver of his rights. While Applicant claims he was not properly advised of the rights he was waiving by pleading guilty, Judge Dickson ensured Applicant understood those rights. See Wolfe v. State, 326 S.C. 158, 164, 485 S.E.2d 367, 370 (1997) (any possible misconceptions about sentence length cured by colloquy at guilty plea hearing). The record further reflects that at the plea hearing Applicant fully admitted his guilt and agreed with the facts as the solicitor stated them. (Plea Tr. p. 11; 15; 16). Applicant presented no credible evidence as to why he should be able to depart from his statements at the plea hearing that Counsel Stevens had answered all of his questions and that he was satisfied with the advice.

(Plea Tr. p. 10). This Court finds very credible Counsel Stevens's testimony regarding his preparation and advice concerning the case, specifically that he reviewed the evidence with Applicant and discussed with him that it would be in his best interests to accept the plea offer. Counsel Stevens went through a guilty plea checklist reviewing each right and charge with Applicant right before the plea. This Court further finds Applicant cannot meet this burden because the record reflects Applicant was fully aware of the nature of the evidence against him. See Hyman v. State, 397 S.C. 35, 49, 723 S.E.2d 375, 382 (2012) (applicant failed to demonstrate possibility of different outcome had he personally received discovery where he "was fully aware of the inculpatory nature of the [evidence] throughout the negotiations and the guilty plea proceedings").

As to whether Applicant pled guilty without receiving proper advice from Counsel Murphy, this allegation is similarly denied. Counsel Stevens undertook the representation on the separate armed robbery charge and reasonably advised Applicant that it would be in his best interests to have all charges against him disposed at once. Counsel Stevens was comfortable handling the additional charge and had spoken to Counsel Murphy prior to the plea. Counsel Stevens's testimony that Applicant was fully aware Counsel Murphy would not be at the plea and that Applicant knew he did not have to go forward without Counsel Murphy is credible and persuasive. Applicant's position that he would have not pled guilty and proceeded to trial had Counsel Murphy been present and involved in the plea is not persuasive. Therefore, this Court finds Applicant's plea was freely, voluntary, and intelligently made.

All Other Allegations

As to any and all allegations that were raised in the application and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such

allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

IV. CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Applicant failed to demonstrate counsels' performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 27 day of October, 2016.



BENJAMIN H. CULBERTSON
Presiding Judge

Conway, South Carolina

WITNESSES

Robert Wunderlinch

Holly Hill Police Department

ARREST WARRANT NUMBER
2013A3820500003

Arrested: January 25, 2013

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: February 27, 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS38-0369

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

March 4, 2013 TERM

THE STATE
vs.

Quintin Lumpkins

Indictment for
ARMED ROBBERY

SC Code: 16-11-330(A)

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

Quintin Lumpkins
Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

ATTEST: TRUE COPY

Winniford B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2013GS38-0369

At a Court of General Sessions, convened on March 4, 2013 the Grand Jurors of Orangeburg County present upon their oath:

ARMED ROBBERY

That on or about January 2, 2013, in Orangeburg County, the defendant, Quintin Lumpkins did by use of force, threats or intimidation and while armed with a deadly weapon or while alleging either by words or action that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away goods and/or monies from the person or presence of the victim, Security Finance, with the intent to permanently deprive the victim of possession of the goods or monies. Such weapon or alleged weapon described as a (). This offense in violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

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

ORANGEBURG COUNTY
CLERK OF COURT
M. Scott, III
ALIESE L. BRINCOBA

Th 3. Scott, III

Thomas B Scott, III, Solicitor

WITNESSES

Curtis Mizell

Santee Police Department

ARREST WARRANT NUMBER
2013A3821000028

Arrested: September 3, 2013

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: March 5, 2014

VERDICT

TRUE BILL

Miranda Shaw

Date MAR 05 2014

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS38-1491

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

March 10, 2014 TERM

THE STATE
vs.

Quintin Shajonte Lumpkins

Indictment for

ARMED ROBBERY

ATTEST: TRUE COPY
Winnifia B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-11-330(A)

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WINNIFIA B. CLARK
CLERK OF COURT
ORANGEBURG COUNTY, SC
2014 MAR -5 AM 10:33

WITNESSES

Curtis Mizell

Santee Police Department

ARREST WARRANT NUMBER

2013A3821000029

Arrested: September 3, 2013

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: March 5, 2014

VERDICT

TRUE BILL

Michelle Shaw

MAR 05 2014

Date

Foreperson of Petit Jury

Date:

DOCKET NO. 2013GS38-1492

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

March 10, 2014 TERM

THE STATE

vs.

Quintin Shajonte Lumpkins

Indictment for

ATTEMPTED MURDER

ATTEST: TRUE COPY

Winnifia B. Clark

CLERK OF COURT

ORANGEBURG COUNTY, SC

SC Code: 16-3-29

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WINNIFIA B. CLARK
CLERK OF COURT
ORANGEBURG, SC

2014 MAR -5 AM 10:33

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2013GS38-1492

At a Court of General Sessions, convened on March 10, 2014 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Quintin Shajonte Lumpkins, did in Orangeburg on or about August 30, 2013 did with the intent to kill, attempt to kill one Jessica Land with malice aforethought by shooting at the victim, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

ORANGEBURG COUNTY
CLERK OF COURT
JESSICA LAND
AUGUST 30, 2013
QUINTIN SHAJONTE LUMPKINS

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

Ths. Scott, III

Thomas B Scott, III, Solicitor