

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Spartanburg County

Honorable R. Ferrell Cothran, Circuit Court Judge

RECEIVED

JUN 05 2017

S.C. SUPREME COURT

JASON BRIAN OSBORNE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-002478

APPENDIX

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1 STATE OF SOUTH CAROLINA }
2 COUNTY OF SPARTANBURG } COURT OF GENERAL SESSIONS
3
4 STATE OF SOUTH CAROLINA,)
5 PLAINTIFF,)
6 vs.)
7 JASON BRIAN OSBORNE,)
8 DEFENDANT.)

TRANSCRIPT
OF
RECORD
2013-GS-42-371
2013-GS-42-2366 - 2381
2013-GS-42-2386
2013-GS-42-5562

9
10 January 28th, 2015
11 Spartanburg, South Carolina
12

13 B E F O R E:

14 THE HONORABLE EDWARD W. MILLER, Judge.

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

16 GRADY ANTHONY
17 ASSISTANT SOLICITOR
18 Attorney for the State

19 MATTHEW SHEALY
20 ASSISTANT PUBLIC DEFENDER
21 Attorney for the Defendant

22
23 PAMELA E. GREEN
24 Circuit Court Reporter
25 Seventh Judicial Circuit

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>Court's Exhibits</u>		
C-1	List of Indictments		18

P R O C E E D I N G S

1
2
3 SOLICITOR POULOS: All right. The next group is gonna
4 be Charelle Burton.
5 (Defendant comes forward.)
6 SOLICITOR POULOS: Michael Hamm.
7 (Defendant comes forward.)
8 THE COURT: Michael who?
9 SOLICITOR POULOS: Hamm. H-A-M-M.
10 THE COURT: Okay. I got you.
11 SOLICITOR POULOS: John Wolfenbarger
12 THE DEFENDANT: Here.
13 (Defendant comes forward.)
14 SOLICITOR POULOS: Is that right?
15 THE DEFENDANT: That's right.
16 SOLICITOR POULOS: Okay. Adam McCullough.
17 (Defendant comes forward.)
18 SOLICITOR POULOS: Je'Quavius Gray.
19 (Defendant comes forward.)
20 SOLICITOR POULOS: April Linder.
21 (Defendant comes forward.)
22 SOLICITOR POULOS: Jaquan Duncan.
23 (Defendant comes forward.)
24 SOLICITOR POULOS: Jason Osborne.
25 (Defendant comes forward.)

1 SOLICITOR POULOS: Your Honor, Osborne is that
2 multi-count one.

3 You want that at the end?

4 THE COURT: That's fine.

5 SOLICITOR POULOS: That's fine.

6 THE COURT: while they're working on that, Burton, how
7 many days did you spend in jail?

8 THE DEFENDANT: 150.

9 THE COURT: Hamm.

10 THE DEFENDANT: 342.

11 THE COURT: Wolfenbarger.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: How many days you been in jail?

14 THE DEFENDANT: Five days.

15 MR. CHEEK: Seven days, Your Honor.

16 THE DEFENDANT: Seven days.

17 THE COURT: How many?

18 MR. CHEEK: He's been in seven days, Your Honor.

19 THE COURT: Seven. Time flies when you're having fun.
20 McCullough.

21 THE DEFENDANT: 60.

22 THE COURT: How many?

23 THE DEFENDANT: 60.

24 THE COURT: Gray.

25 THE DEFENDANT: Five.

1 THE COURT: Linder.

2 THE DEFENDANT: One.

3 THE COURT: Duncan.

4 THE DEFENDANT: Five.

5 THE COURT: Osborne.

6 THE DEFENDANT: 913.

7 SOLICITOR FULMER: Judge, we're gonna start with
8 Michael David Hamm. He's here on Indictment
9 2014-GS-42-3232. That's a true billed indictment for
10 assault and battery high and aggravated. He's pleading
11 guilty to the lesser included of assault and battery second
12 degree.

13 He's also here on Indictment 2015-GS-42-562. That's an
14 indictment for assault and battery high and aggravated.
15 He's pleading guilty to the lesser included, assault and
16 battery second degree. He's waiving presentment to the
17 Grand Jury on that charge, Judge. There's a recommendation
18 from the State of time served on these charges.

19 SOLICITOR KOZAK: Standing next before the Court is
20 John Richard Wolfenbarger. He's represented by James Cheek.
21 He's on Indictment 2015-GS-42-564. He is waiving
22 presentment on this charge. It is for driving under the
23 influence second offense. The recommendation, the
24 recommendation from the State is five days and a fine
25 suspended to \$1,100.00.

1 I'm sorry. One year suspended to five days.

2 SOLICITOR BLOUIN: Next, I believe, Your Honor---

3 THE COURT: McCullough.

4 MR. WHELCHEL: McCullough is Megan Moricle's two, Your
5 Honor. So I guess we'll have to move him to the end of the
6 list too.

7 THE COURT: What now?

8 MS. JONES: It's a missing solicitor that was in my
9 case. So he's gonna move to the other end.

10 SOLICITOR BLOUIN: All right. Your Honor, next would
11 be Je'Quavius Laquan Gray. He's here on three indictments.

12 2014-GS-42-1732, which is a true billed indictment for
13 possession with intent to distribute marijuana.

14 2014-GS-42-2623, which is a true billed indictment for
15 possession with intent to distribute marijuana.

16 2014-GS-42-2625, which is a true billed indictment for
17 unlawful possession of a pistol. The recommendation is
18 concurrent sentencing. He is represented by Mr. Joshua
19 Schultz.

20 SOLICITOR ANTHONY: Thank you, Your Honor.

21 Next is April Linder. She's here on Indictment Numbers
22 2014-GS-42-03202, 3203, 3204, 3205, 3026, and 3207. All
23 those indictments are true billed. All of those charges are
24 forgery charges. The State's recommendation in this case is
25 probation with restitution in the amount of \$4,129.00.

1 Represented by Beverly Jones.

2 Next, Your Honor, we have Jaquan Duncan. He's here on
3 true billed Indictment Number 2014-GS-42-03888. It's true
4 billed for malicious injury to personal property. The State
5 has no recommendation in this, in this matter. He's --
6 we're asking for restitution of \$3,000.

7 Lastly, we are here for Mr. Jason Osborne. He's here
8 on true billed Indictments Numbered 2013-GS-42-02375,
9 42-02376. Excuse me, Your Honor.

10 The first charge is -- 2375 is for FTC fraud.

11 2376 is for financial -- FTC fraud.

12 2377, FTC fraud theft.

13 2378, petty larceny.

14 2379, larceny.

15 2380, obtaining property by false pretenses.

16 2381, forgery less than 5,000.

17 2386, obtaining property by false pretenses.

18 23 -- 5562, possession of stolen vehicle.

19 2014-GS-42-00371, possession of stolen vehicle.

20 2013-2366, traffic, failure to stop for a blue light.

21 2013-2367, receiving stolen goods.

22 2013 -- 2013-2368, possession of a stolen vehicle.

23 2013-2369, possession of a stolen vehicle.

24 2013-2370, grand larceny.

25 2013-2371, petty larceny.

1 2013-2372, breaking into motor vehicles.

2 2013-2733, FTC fraud.

3 Lastly, 2013-2374, possession of a stolen vehicle.

4 SOLICITOR MORICLE: Your Honor, next after that is
5 Mr. Charelle Burton being represented by his attorney,
6 Beverly Jones. He's here on Indictment Number
7 2014-GS-42-5418 for grand larceny. That has been true
8 billed.

9 2014-GS-42-5378 for resisting arrest. That is also
10 been true billed.

11 2014-GS-42-5380 for grand larceny. That has been true
12 billed.

13 2014-GS-42-2592 for grand larceny which has been true
14 billed.

15 I'll be handing up two signed restitution orders, Your
16 Honor. There is no recommendation or negotiation in this
17 plea, but regardless to this plea, the State's dismissing
18 two petty larcenies and possession of criminal tools.

19 THE COURT: Burton. McCullough.

20 SOLICITOR MORICLE: Your Honor, next is Mr. Adam
21 McCullough. He's being represented by his attorney, Dick
22 Wheelchel. He's here on Indictment Number 2015-GS-42-539.
23 That is a waiver for financial transaction card theft.

24 2015-GS-42-538 for financial transaction card fraud,
25 which is also a waiver. I'll also be handing up a signed

1 restitution order.

2 THE COURT: Okay. McCullough, get over there next to
3 Wolfenbarger.

4 (Defendant complies.)

5 THE COURT: All right. Raise your right-hand.

6 (WHEREUPON, all defendants were placed under oath at
7 this time.)

8 THE COURT: In the last 24-hours have you had any
9 drugs, alcohol, or medication?

10 Burton?

11 THE DEFENDANT: No, sir.

12 THE COURT: Hamm.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: What?

15 THE DEFENDANT: Ability and Vistaril.

16 THE COURT: Prescribed?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have you had the right amount in the last
19 three days?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Does it limit your ability to understand
22 what you're doing?

23 THE DEFENDANT: No, sir.

24 THE COURT: Any competency issues?

25 MR. CHEEK: None, Your Honor.

1 THE DEFENDANT: No, sir.
2 THE COURT: Okay. wolfenbarger.
3 THE DEFENDANT: No, sir.
4 THE COURT: McCullough.
5 THE DEFENDANT: No.
6 THE COURT: Gray.
7 THE DEFENDANT: No, sir.
8 THE COURT: Linder.
9 THE DEFENDANT: No, sir.
10 THE COURT: Duncan.
11 THE DEFENDANT: No, sir.
12 THE COURT: Osborne.
13 THE DEFENDANT: No, sir.
14 THE COURT: Have you ever been treated for substance
15 abuse or mental illness?
16 Burton.
17 THE DEFENDANT: No, sir.
18 THE COURT: Hamm.
19 THE DEFENDANT: Yes, sir.
20 THE COURT: who treats you?
21 what for?
22 THE DEFENDANT: Greenville Behavioral Center for
23 Abilify.
24 THE COURT: For what?
25 THE DEFENDANT: I mean for depression.

1 THE COURT: Okay. You good to go?

2 THE DEFENDANT: Yeah.

3 THE COURT: You got a good smile for somebody that's
4 depressed.

5 THE DEFENDANT: I ain't depressed no more. I'm on meds
6 for now.

7 THE COURT: Oh, okay. Well good.
8 Wolfenbarger, any treatment?

9 THE DEFENDANT: No, sir.

10 THE COURT: McCullough.

11 THE DEFENDANT: No, sir.

12 THE COURT: Gray.

13 THE DEFENDANT: No, sir.

14 THE COURT: Ms. Linder.

15 THE DEFENDANT: No, sir.

16 THE COURT: Duncan.

17 THE DEFENDANT: No, sir.

18 THE COURT: Osborne.

19 THE DEFENDANT: No, sir.

20 THE COURT: All right. Let's see. Hamm, Wolfenbarger,
21 McCullough, you each have an indictment that has not been
22 presented to the Grand Jury. You have an absolute right to
23 require the State to present those cases to the Grand Jury
24 where they would have to prove, more probably than not, that
25 a crime was committed and you did it.

1 Do you want to give that right up, which will let you
2 go forward today?

3 Hamm.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: wolfenbarger.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: McCullough.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Burton, your first indictment alleges you
10 did, in Spartanburg County, June 20, 2014, steal a trailer.
11 That carries five years.

12 You understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Next one alleges you did, in Spartanburg
15 County, June 24, 2014, resist arrest by Officer Matthew
16 Davis. One year.

17 You understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Next one, Spartanburg County, May 21, 2014,
20 you stole a trailer from Shane Staton. That's another five.

21 You understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Next one alleges you did, Spartanburg
24 County, October 5, 2013, steal U.S. Currency from RBF
25 Enterprises. Another five years.

1 You understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Hamm, your indictment alleges you did --
4 Hamm, you been in jail 342 days?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: What do you, what do you want to do with
7 these cases?

8 THE DEFENDANT: Plead guilty.

9 THE COURT: You are guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You know all your rights?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: They're recommending time served.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Is that right?

16 SOLICITOR FULMER: Yes, sir.

17 THE COURT: Well, guess what?

18 I'm gonna take your plea and I'm gonna sentence you to
19 time served. You stay on your medicine.

20 You understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Good luck. See you.

23 SOLICITOR FULMER: Thank you, judge.

24 THE COURT: Okay. Wolfenbarger.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Your indictment alleges you did,
2 Spartanburg County, on or about December 21, 2014, drive a
3 motor vehicle under the influence of alcohol, drugs, or any
4 combination thereof which materially and appreciably
5 impaired your ability to drive. You got at least one prior
6 DUI in the last ten years. This carries five days to one
7 year, 2,100 to \$5,100 fine.

8 You understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: McCullough, your indictment alleges you
11 did, Spartanburg County, between May 8 and July 1, 2014,
12 obtain goods and services by the use of a Rite Express
13 Universal Fleet gas card. You did that fraudulently.
14 That's a six month case.

15 You understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Next one alleges you did, Spartanburg
18 County, May 8, 2014, steal a financial transaction card
19 belonging to Taylor's Electric and that's five years.

20 You understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Mr. Gray, your indictment alleges you did,
23 in Spartanburg County, February 19th, 2014, unlawfully
24 possess a .40 caliber handgun. It carries a year.

25 Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: The next one alleges you did, in
3 Spartanburg County, May -- February 19th, 2014, possess
4 with intent to distribute a quantity of marijuana, five
5 years, \$5,000.

6 You understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: The next one alleges you did, in
9 Spartanburg County, December 19th, 2013, possess with intent
10 to distribute a quantity of marijuana, five years, \$5,000.

11 You understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Linder, your indictment alleges you did, in
14 Spartanburg County, October 11, 2013, forge Check Number
15 1399 in the amount of \$800 drawn on the account of Premier
16 Hardscates, five years.

17 You understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Next one alleges you did, in Spartanburg
20 County, forge Check Cumber 1480, \$800, same account, five
21 years.

22 You understand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Next one, Spartanburg County,
25 November 19th, 2013, forge a Check Number 1513, \$743.00,

1 same account, five years.

2 You understand?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Next one, Spartanburg County,
5 November 19th, 2013, forge Check Number 1515 in the amount
6 of \$383.00, same account, five years.

7 You understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Next one, Spartanburg County, November 22,
10 2013, forge Check Number 1526, \$540.00, same account, five
11 years.

12 You understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Next one, Spartanburg County, November 12,
15 2013, forge Check 1551, six -- \$863.00, same account,
16 another five years.

17 You understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Duncan, your indictment alleges you did,
20 Spartanburg County, February 3, 2014, willfully and
21 maliciously cut, mutilate, deface, or otherwise injure real
22 property. You damaged an air conditioning unit belonging to
23 Justin Miles and this is a five year offense.

24 You understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Osborne, you got---

2 THE DEFENDANT: Yes.

3 THE COURT: --four FTC frauds, right?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: They're all enhanced. They each carry ten
6 years.

7 You got a grand larceny and three petty larcenies, is
8 that right?

9 MR. SHEALY: Your Honor, I believe two of those that,
10 that have been announced as frauds are actually thefts, but
11 the transaction---

12 THE COURT: Either way, it's ten years.

13 You understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Then the larcenies are all ten years caused
16 it's enhanced.

17 You got obtaining goods by -- are they all enhanced?

18 SOLICITOR ANTHONY: Yes, sir.

19 THE COURT: All right. Obtaining goods by false
20 pretense, a couple of those, that's ten on each of those.
21 You got a forgery.

22 Is that bumped to ten or is that a five?

23 MR. SHEALY: That's ten.

24 SOLICITOR ANTHONY: Your Honor, I believe it's ten.
25 Everything, everything that's ten except for a failure to

1 stop and a -- that's, that's the only charges I have that's
2 not ten.

3 THE COURT: All right. You got an auto breaking, ten.
4 Failure to stop is three.

5 You understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now, I've been handed this list which lists
8 all of your indictments and gives a factual summary, and
9 I've been led to believe that you will stipulate that this
10 is true and correct and suffice for the reading of the
11 indictment and the reading of the facts.

12 Is that correct?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Okay. All right. We're gonna make that a
15 part of the record.

16 (WHEREUPON, the list of indictments was marked as
17 Court's Exhibit No. 1 and received into evidence at this
18 time.)

19 THE COURT: All right. Each of you, understanding the
20 nature of the charges against you and the maximum possible
21 punishment, how do you want to plead?

22 Burton.

23 THE DEFENDANT: Guilty.

24 THE COURT: Hamm.

25 THE DEFENDANT: Guilty.

1 THE COURT: Oh, you're done. You're done.
2 THE DEFENDANT: Okay.
3 THE COURT: You want to plead again?
4 THE DEFENDANT: No, sir.
5 THE COURT: All right. Wolfenbarger.
6 THE DEFENDANT: Guilty.
7 THE COURT: McCullough.
8 THE DEFENDANT: Guilty.
9 THE COURT: Gray.
10 THE DEFENDANT: Guilty.
11 THE COURT: Linder.
12 THE DEFENDANT: No contest.
13 THE COURT: No, we don't do that in South Carolina.
14 MS. JONES: She meant under Alford, Your Honor.
15 THE COURT: Well --.
16 MS. JONES: She understands the question Your Honor
17 will ask as you asked the other individual---
18 THE COURT: How can you write a check -- I mean --.
19 MS. JONES: Present---
20 THE COURT: I'm not sure I'm gonna take that. You
21 write checks.
22 You didn't do it?
23 THE DEFENDANT: I didn't write the checks, sir.
24 THE COURT: Well, what did you do?
25 THE DEFENDANT: I signed the back of it and cashed it.

1 SOLICITOR ANTHONY: Your Honor, her name's on all six
2 checks.

3 THE COURT: I -- now, if you don't want to plead
4 guilty---

5 THE DEFENDANT: I'll plead guilty.

6 THE COURT: All right. Okay.

7 How about you, Duncan?

8 THE DEFENDANT: Guilty.

9 THE COURT: Osborne.

10 THE DEFENDANT: Guilty.

11 THE COURT: Is that your free and voluntary choice?
12 Burton?

13 THE DEFENDANT: Guilty.

14 MS. JONES: Yes, sir.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Is that your free and voluntary choice --

17 THE DEFENDANT: Yes, sir.

18 THE COURT: -- to plead guilty.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Wolfenbarger.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: McCullough.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Gray.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Linder.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Duncan.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Osborne.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you each understand you have an absolute
8 right to a trial by a jury where you would be presumed
9 innocent unless and until the State could prove you guilty
10 beyond any reasonable doubt of each and every element of
11 each offense that you're charged with. You have a right to
12 confront and cross-examine the witnesses and the evidence
13 put up against you by the State. You have a right to compel
14 in Court all relevant and competent evidence in your own
15 defense or you can remain silent. Your silence can not be
16 held against you and you can never be compelled to
17 incriminate yourself.

18 Do you understand all those rights?

19 Burton?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Wolfenbarger.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: McCullough.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Gray.

1 THE DEFENDANT: Yes, sir.
2 THE COURT: Linder.
3 THE DEFENDANT: Yes, sir.
4 THE COURT: Duncan.
5 THE DEFENDANT: Yes, sir.
6 THE COURT: Osborne.
7 THE DEFENDANT: Yes, sir.
8 THE COURT: Are you guilty?
9 Burton.
10 THE DEFENDANT: Yes, sir.
11 THE COURT: Wolfenbarger.
12 THE DEFENDANT: Yes, sir.
13 THE COURT: McCullough.
14 THE DEFENDANT: Yes, sir.
15 THE COURT: Gray.
16 THE DEFENDANT: Yes, sir.
17 THE COURT: Linder.
18 THE DEFENDANT: Yes, sir.
19 THE COURT: Duncan.
20 THE DEFENDANT: Yes, sir.
21 THE COURT: Osborne.
22 THE DEFENDANT: Yes, sir.
23 THE COURT: Are you totally satisfied with your lawyer?
24 Burton.
25 THE DEFENDANT: Yes, sir.

1 THE COURT: wolfenbarger.
2 THE DEFENDANT: Yes, sir.
3 THE COURT: McCullough.
4 THE DEFENDANT: Yes, sir.
5 THE COURT: Gray.
6 THE DEFENDANT: Yes, sir.
7 THE COURT: Linder.
8 THE DEFENDANT: Yes, sir.
9 THE COURT: Duncan.
10 THE DEFENDANT: Yes, sir.
11 THE COURT: Osborne.
12 THE DEFENDANT: Yes, sir.
13 THE COURT: Do you know what the evidence is the State
14 has against you?
15 Burton.
16 THE DEFENDANT: Yes, sir.
17 THE COURT: wolfenbarger.
18 THE DEFENDANT: Yes, sir.
19 THE COURT: McCullough.
20 THE DEFENDANT: Yes, sir.
21 THE COURT: Gray.
22 THE DEFENDANT: Yes, sir.
23 THE COURT: Linder.
24 THE DEFENDANT: Yes, sir.
25 THE COURT: Duncan.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Osborne.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Brief factual summaries coming from
5 the State.

6 SOLICITOR MORICLE: Your Honor, in regards to Mr.
7 Burton, on Indictment Number, on Indictment Numbers
8 2014-2592 and 2593, Mr. Burton was working at McDonald's at
9 199 Cedar Springs Road here in the City of Spartanburg. The
10 other McDonald's stated two deposits were missing. A review
11 of the video footage showed Mr. Burton taking the deposit
12 bags from the purse of the manager who closed out the
13 registers. One incident was caught on video and another Mr.
14 Burton admitted to while speaking with police. The total
15 amount taken was \$4,685.00.

16 In reference to Indictment Numbers 2014-5378 and 5379,
17 on June 24th of 2014 Spartanburg County Sheriff's Office
18 were doing surveillance on a white Chevy 1500 regarding a
19 series of stolen utility trailers in the area. They saw
20 this truck go down Cane Pole Walk in Spartanburg County
21 without a trailer and then come out of the street with a
22 trailer. They followed the truck. The truck did stop at
23 the Hampton Inn in Duncan where officers went to talk to the
24 driver and the passenger.

25 The driver of the truck, later identified as Mr.

1 Burton, took off into the woods and wouldn't cooperate. He
2 was asked multiple times to stop and put his hands behind
3 his back. When officers eventually caught up to him he
4 continued to struggle and would not cooperate. The trailer
5 did come back stolen from [REDACTED] [REDACTED] in
6 Inman, South Carolina.

7 In regards to Indictment Numbers 2015-380 and 5418,
8 between May 21st of 2014 and June 20th of 2014 multiple
9 utility trailers were reported stolen throughout Spartanburg
10 County. Mr. Burton was arrested with the stolen trailer.
11 He did agree to speak with officers regarding other missing
12 trailers and gave a statement stating he had taken other
13 trailers. He then did take officers to locations where he
14 had stolen trailers from.

15 Your Honor, his prior record is a 2006 unlawful
16 carrying.

17 2007, CDV.

18 2008, malicious injury to personal property and CDV.

19 2010, reckless driving.

20 THE COURT: All that true?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: What's the recommendation on this guy?

23 SOLICITOR MORICLE: There is no recommendation, Your
24 Honor.

25 THE COURT: Okay. What do you want to tell me?

1 MS. JONES: Your Honor, let me correct a couple of
2 things Mr. Burton told you. He's actually been in 158 days
3 on this. His bond was revoked at the 60-day period he
4 referred to, but he had been in a while before that.

5 He is taking medication, Risperdal, Clonopin, and
6 Seroquel, because he's bipolar and schizophrenic. Before
7 and during the time all these events happened he was not
8 medicated. He is, since he's been in jail, they've gotten
9 him regulated again through mental health. He is compliant.

10 Our position is because he was not medicated and the
11 time this happened, he -- his thoughts tend to get
12 scattered. He wasn't using the proper thought pattern in
13 how to provide for his family.

14 And so, Your Honor, I would ask -- now he is on it.
15 His mother is here in the front row. She tends to let him
16 live with her again and monitor the medicine and, Your
17 Honor, so we'd ask you to consider time served and
18 probation. He is not like the individual you heard before
19 when he doesn't take his medication he becomes violent. He
20 has no violence in his record. He just didn't think clearly
21 and he's told me---

22 THE COURT: Well, I know, but come on. Stealing cause
23 he wasn't taking his medication. Come on.

24 That is a stretch, isn't it?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Go ahead.

2 MS. JONES: Your Honor, I would ask you just to
3 consider that he doesn't have an extensive record, and, like
4 I said, he's---

5 THE COURT: That's the best thing going for him here.

6 MS. JONES: 160 days and they want restitution. They
7 clearly put some effort into gathering that information and
8 presenting it to the court and he can do that if you put him
9 on probation and he has worked in food service, has a job,
10 he believes, at the Beacon waiting on him. He's been in
11 touch with the manager.

12 THE COURT: Five years provided upon the service of 12
13 months, the balance is suspended, three years of probation,
14 restitution pursuant to the order, random drug and alcohol
15 testing, mental health counseling, \$500 Public Defender
16 Fund.

17 One suspended during probation. Five on each of the
18 other two suspended during probation.

19 SOLICITOR MORICLE: Thank you, Your Honor.

20 SOLICITOR KOZAK: Thank you, Your Honor.

21 Next before the court is John Wolfenbarger.

22 On December 21st, 2014, Trooper Bryson of the South
23 Carolina Highway Patrol was on patrol in Spartanburg County
24 when he observed the defendant driving erratically. He did
25 initiate a traffic stop pulling over the defendant.

1 Administered field sobriety testing which indicated
2 impairment and then the defendant was arrested for DUI.

3 Prior record is 2001, possession of crack.

4 2004, drinking alcohol in public.

5 2006, shoplifting and petty larceny.

6 2010, DUI.

7 2013, fraudulent check.

8 The recommendation from the State is one year suspended
9 to five days and a fine of \$1,100.

10 THE COURT: All that true?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: One year, \$5,100, provided upon the time
13 he's done, and \$1,100, the balance is suspended, two years
14 of probation, substance abuse counseling, random drug and
15 alcohol testing, and attend a MADD Mothers meeting.

16 MR. CHEEK: Thank you, Your Honor.

17 THE DEFENDANT: Thank you, Your Honor.

18 SOLICITOR KOZAK: Thank you, Your Honor.

19 SOLICITOR MORICLE: Your Honor, before you is Mr. Adam
20 McCullough. He's being represented by his attorney, Richard
21 Welchel.

22 On July 14th of 2014 Ms. Amy Browning went to the
23 Spartanburg County Sheriff's Office in reference to a stolen
24 gas card from their company, Taylor's Electric of the
25 Upstate. She said multiple charges had been used from May

1 8th of 2014 to July of 2014.

2 The total amount on the charges, Your Honor, was
3 \$3,323.48. Most of those charges were used in the Upstate.
4 She believed Mr. McCullough was the one who stole the card
5 because he had stolen a check from the same place as the
6 card and he had been fired from their business. He was
7 picked up and talked to by an investigator at the
8 Spartanburg County Detention Center where he did admit to
9 stealing the card and using it. He did tell law enforcement
10 that someone else had stolen it from him.

11 Your Honor, the amount of restitution we're asking for
12 is \$500 which is the deductible paid for the insurance
13 company to reimburse them.

14 THE COURT: All that true?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: What's his record like?

17 SOLICITOR MORICLE: He has no record, Your Honor.

18 THE COURT: No prior record.

19 Okay.

20 MR. WHELCHER: We would ask for time served and
21 probation, Your Honor. He's 27 and single, has a ten year
22 old daughter. He quit Byrnes High School in the eleventh
23 grade. He's taking all the classes to get his GED, but has
24 not taken the test.

25 He worked at Taylor's where he was fired as an

1 electrician for seven months. He has a job waiting on him
2 when he gets out of jail, Your Honor, on these charges with
3 All Trade Electric, which is his uncle. His uncle owns it.
4 He worked for his uncle then as an electrician for two years
5 before this happened.

6 THE COURT: Okay. Two years, provided upon the time
7 he's done, two years of probation, and restitution pursuant
8 to the order, get your GED, and random drug and alcohol
9 testing, and \$500 Public Defender Fund, no victim contact.

10 Six months suspended during probation.

11 MR. WHELCHEL: Thank you, Your Honor.

12 SOLICITOR MORICLE: Thank you, Your Honor.

13 SOLICITOR BLOUIN: Next, Your Honor, is Mr. Je'Quavius
14 Gray.

15 December 19th, 2013, Spartanburg County executed a
16 search warrant at 2479 Country Club Road in Spartanburg
17 County. Mr. Gray, the defendant, was there. He cooperated.
18 There was 101.57 grams of marijuana found, two handguns,
19 multiple rounds of ammunition.

20 Then, on February 19th, 2014, Spartanburg City police
21 officers got a report that someone was using a -- drugs
22 behind a dumpster in Spartanburg City, in the county. The
23 only person at that location was the defendant in his
24 vehicle. They detained the defendant. Located on the
25 defendant were three bags of marijuana totaling 23.71 grams,

1 a set of digital scales, and a large sum of U.S. Currency.

2 There is no recommendation other than concurrent
3 sentencing and he has no prior record.

4 THE COURT: All that true?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. What?

7 MR. SCHULTZ: Your Honor, may it please the Court.

8 Mr. Gray is only 19 years old. He's actually quite --
9 I'm quite proud of him actually. He actually spent the
10 last, to my count, 337 days on the Spartanburg County Home
11 Detention Program I believe on the highest level of
12 monitoring. That's a long time. He was -- he's been on
13 that since February 26, 2014, to my count.

14 Like I said, he's 19 years old. All those folks there
15 in that pew there, if they could stand up.

16 (Parties comply.)

17 MR. SCHULTZ: They're in support of Mr. Gray here
18 today. I think he's an excellent candidate for probation.
19 They drug test him for home detention. I know he can pass
20 because home detention would violate him if he couldn't. So
21 I, I think---

22 THE COURT: Well, how many days has he been on?

23 MR. SCHULTZ: He's been on it 337 days. Not in jail,
24 but on the home detention program. He spent five days in.

25 THE COURT: I find he gets credit for that.

1 MR. SCHULTZ: Thank you.

2 THE COURT: Anything you want to tell me?

3 THE DEFENDANT: Yes, sir, Your Honor.

4 I have a little daughter I just had born. I have a job
5 and I been on this home detention for a while.

6 THE COURT: Did I cut you off or something?

7 THE DEFENDANT: Oh, no, sir. I mean that's all I just
8 wanted to let you know.

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

10 THE DEFENDANT: Eleventh grade.

11 THE COURT: Why did you quit?

12 THE DEFENDANT: Hanging around the wrong people.

13 THE COURT: Smoking dope.

14 What do you think they say about you?

15 You're the wrong person -- people.

16 How many of them been convicted?

17 How many?

18 THE DEFENDANT: I really couldn't tell you. I don't---

19 THE COURT: Some of them have, some of them haven't?

20 THE DEFENDANT: Yeah, some of them have.

21 THE COURT: Okay. What do you want to do with your
22 life?

23 THE DEFENDANT: I have a daughter now. So I'm willing
24 to take care of her and make sure my family---

25 THE COURT: Want her to grow up and be a -- in trouble?

1 THE DEFENDANT: No, sir.

2 THE COURT: Where do you think they learn from?

3 THE DEFENDANT: The parents.

4 THE COURT: You gonna be there?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You married?

7 THE DEFENDANT: No, sir.

8 THE COURT: Something to think about.

9 All right. Five years, provided upon the time you've
10 done, three years of probation, get your GED, substance
11 abuse counseling, and random drug and alcohol testing.

12 Five and one suspended during probation.

13 Make something out of your life, positive, okay?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Everybody wants you to.

16 MR. SCHULTZ: Thank you, Your Honor.

17 THE COURT: All right.

18 SOLICITOR ANTHONY: Your Honor, with regards to April
19 Linder, on December 24th, 2013, Harry Chilaz reported to
20 the Sheriff's Office that several checks had been forged on
21 his company, Premier Hardscapes checks. A total of six
22 checks. The amounts that Your Honor read, read earlier
23 totaling \$4,129 between the dates of October 11th, 2013,
24 and November 22nd, 2013.

25 All six of the checks were made out to April Linder.

1 After investigation by the police and Chilaz determined the
2 checks were obtained by a codefendant, Boxislav Chevchuk.
3 They were filled out and cashed by the defendant. Video
4 recording was also provided by Botchaslav Cholek to
5 corroborate this evidence.

6 Your Honor, she has no prior record. The State's
7 recommendation is probation and restitution.

8 THE COURT: All that true?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: How you gonna pay all that back?
11 Where's your boyfriend?

12 THE DEFENDANT: He's in jail. I have a job.

13 THE COURT: He still your boyfriend?

14 THE DEFENDANT: I don't have contact with him right
15 now.

16 THE COURT: Well, he's in jail.

17 THE DEFENDANT: No, sir.

18 MS. JONES: Your Honor, it's my understanding they are
19 negotiating that case. They may actually get it in before
20 Your Honor before the week's out and I---

21 THE COURT: I'm excited about that. Another
22 multi-count.

23 MS. JONES: Yes, sir, unfortunately, even bigger than
24 this one and it would be a -- joint and several. He, I
25 think, not to get involved in the facts, but I think they're

1 recommending some kind of treatment and probation to follow.
2 So hopefully, between the two of them, they can get the
3 money paid back to the victim who was an employer of the
4 boyfriend.

5 THE COURT: Why would you do this?

6 THE DEFENDANT: Sir, I didn't know that the checks were
7 stolen until after the fact, but I take full responsibility
8 for doing it.

9 MS. JONES: Your Honor, she has maintained that he told
10 her that they were checks for employment for services
11 rendered, but she was confronted with the Sheriff's
12 Department and had to admit that he was not working during
13 some of the time she was presenting checks so that her story
14 is not really -- is not really consistent, and those are the
15 facts that, if the case went before a jury, I think would
16 cause a conviction of her.

17 THE COURT: Five years, provided upon the time she did,
18 five years of probation. Restitution pursuant to the order,
19 random drug and alcohol testing, \$500 to the Public Defender
20 Fund, PTUP after three years.

21 Okay.

22 THE DEFENDANT: Thank you, sir.

23 THE COURT: All right.

24 SOLICITOR ANTHONY: Thank you, Your Honor.

25 With regards to Mr. Jaquan Duncan, Officer Chris Banks

1 responded to a call at [REDACTED] in the City of
2 Spartanburg. Two males were taking an AC unit from the
3 backyard of a house on [REDACTED] to another house across
4 the street. Office Banks observed the two males taking
5 apart an AC unit. One of whom was later identified as the
6 defendant.

7 Both of the two males stated, after being Mirandized,
8 they had taken the AC unit from the backyard of the house at
9 [REDACTED] without permission.

10 His prior record is one purse snatching charge in 2012.

11 THE COURT: All that true?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: What's the recommendation?

14 SOLICITOR ANTHONY: There is no recommendation by the
15 State in this case.

16 THE COURT: All right. What do y'all want to tell me?

17 MS. DASSEL: Your Honor, we would request a
18 probationary sentence in this case. Mr. Duncan is 24 years
19 old. He has a high school diploma. He works at Knights
20 Apparel, Your Honor. He understands he's obligated to pay
21 the restitution and he's committed to paying that back, Your
22 Honor.

23 He lives with his mother. She was present in the
24 courtroom previously, but she had to leave. He plans to
25 enroll in school in the fall at Spartanburg Community

1 College for computer technology.

2 Your Honor, I asked him why he did this and he said he
3 has no excuse, and he's here today to take responsibility
4 for that.

5 THE COURT: That's a lot of money.

6 what do you want to tell me?

7 THE DEFENDANT: I'm willing to pay it. I'm willing to
8 pay it back.

9 THE COURT: You're willing to?

10 THE DEFENDANT: Well, I can pay it back.

11 THE COURT: Well, that's good cause if you don't you're
12 going to prison.

13 THE DEFENDANT: Yeah, I don't want to go to prison.

14 So---

15 THE COURT: No, you don't.

16 Okay. You did graduate from high school?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Five years, provided upon the
19 time he's done, probation for five, restitution pursuant to
20 the order, random drug and alcohol testing, \$500 Public
21 Defender Fund, PTUP after three years.

22 Good luck.

23 MS. DASSEL: Thank you, Your Honor.

24 THE DEFENDANT: Thank you, sir.

25 THE COURT: All right.

1 SOLICITOR ANTHONY: Finally, Your Honor, we've got Mr.
2 Osborne, Jason Osborne. As we mentioned earlier, we've
3 already stipulated on the facts of this incident, the 19
4 counts, into the record. I provided a copy of those sheets
5 to the court reporter.

6 THE COURT: What's the recommendation on this?

7 SOLICITOR ANTHONY: The recommendation is 15 years.

8 THE COURT: You got any problem with that?

9 MR. SHEALY: Your honor, we are gonna advocate for
10 slightly for somewhat less than that.

11 THE COURT: Well, tell me what his record is.

12 SOLICITOR ANTHONY: Your Honor, if I may look at the
13 sheet---

14 THE COURT: Yeah.

15 SOLICITOR ANTHONY: ---that I handed to the court
16 reporter.

17 THE COURT: Yeah.

18 SOLICITOR ANTHONY: 1998, use of vehicle without
19 permission, two counts, grand larceny, burglary second
20 degree.

21 1999, grand larceny greater than \$5,000.00, possession
22 of a stolen vehicle greater than 1,000, breaking into motor
23 vehicle, two counts, grand larceny greater than 5,000.

24 2001, 23 counts of fraudulent checks.

25 2004, petty larceny, burglary third, third or

1 subsequent property offense, FTC fraud.

2 2008, CDV first offense, failure to stop for a blue
3 light, third and subsequent property offense.

4 2014, grand larceny. He was sentenced to grand
5 larceny, eight years. The -- sentenced to eight years by
6 Judge Hayes for a grand larceny and ten years for an FTC
7 fraud and theft also by Judge Hayes.

8 He has some West Virginia charges for receiving,
9 possession, or concealing stolen property.

10 In Ohio, in 2012, he has a resisting arrest.

11 In Virginia, he has a 2010 intentional damage less than
12 \$1,000, alluding police, and a felony offense of escape
13 without force.

14 THE COURT: All that true?

15 MR. SHEALY: Your Honor, there's an issue---

16 THE COURT: Wait a minute. Wait a minute.

17 MR. SHEALY: Yes, sir.

18 THE COURT: Is all that true?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. What's the issue?

21 MR. SHEALY: Well, Judge, he tells me that the, and his
22 rap sheet bears out that, in 2008, it's not a -- it wasn't a
23 third or subsequent property offense. It was just a -- it
24 was a five years malicious injury, Judge.

25 THE COURT: Okay. I'll accept your version.

1 Now, you just heard your record.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay. You're looking at this list.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: I don't have to go along with the
6 recommendation.

7 What do you want to tell me?

8 THE DEFENDANT: I just want to say that I been locked
9 up for over five years now, and on my time credit there's
10 three years that I'm not gonna get. I live everyday trying
11 to change myself. I regret all the things I've done. I
12 just ask you take my daughters into consideration.

13 THE COURT: Your daughters?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I'm not dealing with your daughters.

16 Did you take them into consideration when you're out
17 doing all this?

18 THE DEFENDANT: No, sir.

19 THE COURT: Then why would I take them into
20 consideration?

21 THE DEFENDANT: Right.

22 THE COURT: Okay. Go ahead.

23 MR. SHEALY: If I may, Judge.

24 Your Honor, he's 35 years old. He has been in jail, as
25 he said, actually since January the 6th of 2010. So we've

1 just been -- and he's arrested in Virginia. So we've been
2 dealing with these charges or he's been dealing with these
3 charges since 2010, Your Honor.

4 As you'll note from the dates of these offenses, he's
5 basically been paying for the, over about a year period of
6 his life, when he got hooked up on crack cocaine, he's
7 been -- he hasn't breathed free for five years 23 days
8 because of that.

9 He's gotten his GED while he's been in prison. He's in
10 an undergraduate course now at McCormick for Christian
11 theology. He does have those two children he mentioned, a
12 ten year old and a six year old. He's still with the mother
13 of those children and he's employable. He's worked HVAC for
14 the vast majority of his life, Judge. So we'd ask that you
15 consider suspending some of that 15 year.

16 He understands that he's going to prison or that he's
17 gonna be in prison for a good long while. Judge, the reason
18 we're not asking for all five years 23 days is because that
19 issue's been litigated as to when detainers were lodged and
20 things, and he's only actually entitled to 913 days. But I
21 think it's -- I think Your Honor's entitled to know that
22 he's actually been incarcerated for these offenses, more or
23 less, the offenses as they happened throughout the states,
24 since January the 6th of 2010, and we'd ask that you
25 consider that.

1 THE COURT: All right. On the lead indictment 13 --
2 2013-2375, ten years.

3 Next indictment, 2013-2376, five years consecutive.

4 On all the remaining indictments, ten years concurrent
5 except for the failure to stop, which is three years
6 concurrent.

7 Credit for 913 days.

8 Good luck.

9 SOLICITOR ANTHONY: Thank you, Your Honor.

10

11

12 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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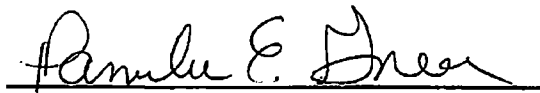
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 28th day of January, 2015.

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

April 29th, 2015



PAMELA E. GREEN, Court Reporter

STATE OF SOUTH CAROLINA)

In the Court of Common Pleas

County of Spartanburg)Jason Brian Osborne 246524)
Full name and prison number, if any, of applicant.**2015-CP-42-**

101010

v.)

APPLICATION FOR

POST-CONVICTION RELIEF

STATE OF SOUTH CAROLINA)
Name of Respondent2015 FEB 12 PM 2:53
CLERK OF COURTINSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention McCormick Correctional Facility, 386 Redemption way, McCormick SC 29899
2. Name and location of Court which imposed sentence 7th Judicial Circuit - Spartanburg
180 Magnolia Street Spartanburg SC 29306
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) 2013 G54202376 FTC/Financial Transaction Card Theft
 - (b) _____
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) January 28 2015 5 years consecutive with 913 credit
 - (b) _____
 - (c) _____

5. Check whether a finding of guilty was made

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

6. Did you appeal from the judgment of conviction or the imposition of sentence? NO

7. If you answered "yes" to (6), list

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

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) ~~was unable to find my attorney~~

(b) I asked my Lawyer to File, but he did not.

(c) _____

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

(a) I pled to this charge when I was unaware that I was pleading to this charge.

(b) Ineffective Assistance of Counsel / Lawyer did not appeal and allowed proceedings to take place

(c) Error by Judge / Judge accepted a plea without a factual basis.

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

- (a) I spoke to my Attorney and specifically told him that I would not be
having a guilty plea on this charge 2012 654202376. I involuntarily took a plea
 (b) my lawyer did not appeal. My lawyer allowed the court to except a plea
with out any details or with out explaining the nature of what happened. →
 (c) Judge violated Rule 11. He did not make inquiry as to satisfy
that there is Factual basis to ~~except~~ except the plea. He also misinformed;

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law ?

NO

- (b) any petitions in State or Federal Courts for habeas corpus or post-conviction relief?

NO

- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any,
 already specified in (7) NO

- (d) any other petitions, motions or applications in this or any other Court?

NO

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

- (a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

- (c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- ii. _____
- iii. _____
- iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? NO

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

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

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

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

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) This is the first opportunity that I've had to dispute this case.
- (b) _____
- (c) _____

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

- (a) your arraignment and plea? Yes
- (b) your trial, if any? _____
- (c) your sentencing? _____
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____

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

17. If you answered "yes" to one or more parts of (16), list:

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

- i. Mathew Sheilly SC Bar # 77724
- ii. _____
- iii. _____

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

- i. Plea proceedings
- ii. _____
- iii. _____

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

To vacate sentence or any relief that is Available

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

Yes

CLERK
2015 FEB 12 PM 2:53
M. J. O'NEILL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Spartanburg)

VERIFICATION

I, Jason Brian Osborne, 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.

[Signature]

Sworn to and subscribed before me

This 02 day of Feb, 2015

J. C. Frankler L.S.

Notary Public for South Carolina

My Commission Expires 12-16-2019

My Commission Expires December 16, 2019

2015 FEB 12 PM 2:58
 M. HOPE B. MOORE

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

I, Jason B. Osborne, 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 proceeding or give security therefor.

[Signature]
 Applicant

Sworn to and subscribed before me

This 02 day of Feb, 2015

J. C. Frankler L.S.

Notary Public for South Carolina

My Commission Expires: 12-16-2019

My Commission Expires December 16, 2019

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
Jason Brian Osborne, #246524,	)	C/A No.: 2015-CP-42-0666
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Respondent, making its Return to the application for post-conviction relief (PCR) filed January 12, 2015, would respectfully show this Court:

Jason Brian Osborne ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the May 2013 term of the Spartanburg County Grand Jury for two counts of financial transaction card theft (2013-GS-42-2376, and -2377); two counts of financial transaction card fraud (2013-GS-42-2373, and -2375); forgery (2013-GS-2381); receiving stolen goods (2013-GS-42-2367); three counts of possession of a stolen vehicle (2013-GS-42-2368, -2369, and -2374); two counts of breaking into a motor vehicle (2013-GS-42-2372, and -2379); failure to stop (2013-GS-42-2366); grand larceny (2013-GS-42-2370); two counts of petit larceny (2013-GS-42-2371, and -2378); and two counts of obtaining property by false pretenses (2013-GS-42-2380, and -2386). Applicant was subsequently indicted at the December 2013 term of the Spartanburg County Grand Jury for possession of a stolen vehicle (2013-GS-42-5562), and at the January 2014 term for possession of a stolen vehicle (2014-GS-42-0371). Matthew Shealy represented the Applicant.

On January 28, 2015, the Applicant pleaded guilty before the Honorable Edward W. Miller to all charges as indicted. Judge Miller sentenced Applicant to imprisonment for a term of 10 years for one count of financial transaction credit fraud, a consecutive term of five years for one count of financial transaction card theft, and concurrent terms of three years for failure to stop and 10 years for all remaining charges. Applicant did not appeal his conviction or sentence.

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

II.

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

1. Ineffective assistance of counsel, specifically:
 - i. Counsel failed to appeal and "allowed court proceedings to take place"
 - ii. Counsel "allowed the court to accept a plea without any details or without explaining the nature of what happened."
2. Involuntary Guilty Plea, in that:
 - i. "I pled to this charge when I was unaware that I was pleading to the charge."
 - ii. "I spoke to my attorney and specifically told him that I would not [plead guilty] on this charge (2013-GS-42-2376). I involuntar[ily] took a plea."
 - iii. The judge "violated Rule 11 by failing to make inquiry as to satisfy there was a factual basis to accept the plea."

III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his

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 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The applicant “must first demonstrate that counsel was deficient and then must also show the deficiency resulted in prejudice.” Walker v. State, 407 S.C. 400, 404-05, 756 S.E.2d 144, 146 (2014). “The two-part test adopted in Strickland also applies to challenges to guilty pleas based on ineffective assistance of counsel.” Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011).

First, the applicant must show that counsel’s performance “fell below an objective standard of reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, he would not have [pleaded] guilty, but

would have insisted on going to trial.” Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

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 the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Respondent interprets Applicant’s remaining claims as an allegation that his guilty plea was involuntary. Such an assertion is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An Applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel’s errors, the Applicant would not have pleaded guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel’s advice was not “within the range of competence demanded of attorneys in criminal cases.” Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985); Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). In Boykin, the United States Supreme Court held that before a court can accept a guilty plea, a criminal

defendant must be advised of the constitutional rights he is waiving. Id. at 243, 89 S. Ct. at 1712. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). A criminal defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "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).

When determining issues relating to guilty pleas, the Court will consider the entire record, including the transcript of the guilty plea and the evidence presented at the PCR hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000).

The Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248.

V.

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

VI.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

ALICIA A. OLIVE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT
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Columbia, SC 29211
Telephone: (803) 734-3737

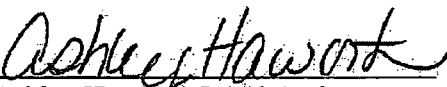
September 14th, 2015.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
	)	
JASON BRIAN OSBORNE, #246524,	)	2015-CP-42-0666.
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL.
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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

Ms. Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
PO Box 1015
Rock Hill, SC 29730

DATED this 14th day of September, 2015.


 Ashley Haworth, Legal Assistant
 For Respondent

1 STATE OF SOUTH CAROLINA }
2 COUNTY OF SPARTANBURG } IN THE COMMON PLEAS COURT
3
4 Jason Brian Osborne, }
5 Applicant, } TRANSCRIPT OF RECORD
6 } 2015-CP-42-0666
7 }
8 } June 16, 2016
9 } Spartanburg, South Carolina
10
11
12
13
14
15

11 B E F O R E:

12 HONORABLE R. FERRELL COTHRAN, JR., JUDGE
13
14
15

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

17 LEAH B. MOODY, ESQUIRE
18 Attorney for the Applicant

19 ALICIA OLIVE, ESQUIRE
20 Attorney for the State
21
22

23 Linda D. Moffitt
24 Circuit Court Reporter
25

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1 MS. OLIVE: May it please the Court, Your Honor.

2 THE COURT: Yes, ma'am.

3 MS. OLIVE: This is Jason Brian Osborne, Case
4 No. 2015-CP-42-666.

5 Mr. Osborne was indicted in May of 2013 for the total
6 of 19 indictments, Your Honor. He was indicted for two
7 counts of financial transaction card theft.

8 Your Honor, I apologize. I have them all written
9 down, but I knew I was going to get confused.

10 He was indicted for two counts of financial card --
11 transaction card theft, two additional charges of -- excuse
12 me -- an additional charge of financial transaction card
13 theft, three thousand to five thousand dollars; financial
14 transaction card theft five hundred -- five hundred dollars
15 or less, six months; two additional counts of financial
16 transaction card fraud, third or subsequent; forgery third
17 or subsequent; receiving stolen goods, third or subsequent.

18 He was charged with three counts of possession of a
19 stolen vehicle; two counts of breaking into a motor
20 vehicle; failure to stop; a grand larceny third or
21 subsequent; two counts of petty larceny; and two counts of
22 obtaining property by false pretenses.

23 He was subsequently indicted in December of 2013 for
24 possession of vehicle, third or subsequent -- excuse me --
25 possession of a stolen vehicle, third or subsequent. And

1 in January of 2014 for possession of a stolen vehicle,
2 third or subsequent.

3 Matt Shealy represented him on these charges. On
4 January 28th of 2015 he pleaded guilty before Judge Edward
5 Miller to all charges as indicted.

6 Judge Miller sentenced him to imprisonment for a term
7 of ten years for one count of financial transaction card --
8 credit -- fraud; a consecutive term of five years for one
9 count of financial transaction card theft; and concurrent
10 terms of three years for failure to stop; and ten years for
11 all remaining charges.

12 He did not appeal his conviction or sentence.

13 He filed this application for post conviction relief
14 on February 12th of 2015 in which he alleged ineffective
15 assistance of counsel, as well as involuntary guilty plea.

16 Your Honor, he is present and represented by Leah
17 Moody today. I will turn it over to her at this time.

18 MS. MOODY: Thank you, Your Honor. May it please the
19 Court.

20 THE COURT: Yes.

21 MS. MOODY: This is Mr. Osborne. He is now telling me
22 he wishes to ask for a continuous because he feels that I'm
23 not prepared from his plea.

24 He wrote me. He says he has five other things that he
25 needs to talk to me about. I would ask the Court to give

Jason Brian Osborne
Direct examination by Ms. Moody

1 us a moment or some time to talk about it because I'm not
2 sure what those other things are.

3 The last letter that I received from him was in
4 November of 2015.

5 And there is no amendments that I have that are to go
6 forward. I have his application, but I do wish to, like,
7 ask him what are the five things that he wants to discuss.

8 THE COURT: Okay. I'll give you a few minutes.

9 (Whereupon, a recess was taken.)

10 MS. MOODY: Your Honor, we're ready to proceed.

11 THE COURT: Okay.

12 MS. MOODY: Your Honor, at this time, Your Honor, I
13 would call Jason Osborne to the stand.

14 JASON BRIAN OSBORNE, having
15 been first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MS. MOODY

17 Q Mr. Osborne, please state your full name for the
18 record.

19 A Jason Brian Osborne.

20 Q And where are you currently incarcerated?

21 A McCormick.

22 Q And how long have you been at McCormick?

23 A Like three years.

24 Q Were you at McCormick prior to your convictions --

25 A Yes, ma'am.

Jason Brian Osborne
Direct examination by Ms. Moody

- 1 Q -- or your charges?
- 2 A Yes, ma'am.
- 3 Q And how long had you been there at that time?
- 4 A Like a year.
- 5 Q And on the charges that you were -- for brevity sake,
- 6 you're incarcerated now on 19 charges.
- 7 A Twenty-four.
- 8 Q Well, 19 as it relates to your attorney, Mr. Shealy?
- 9 A Right.
- 10 Q Okay. So you pled before Judge Miller.
- 11 A Yeah, yeah.
- 12 Q Okay. And what was the sentence you received?
- 13 A Fifteen years.
- 14 Q Okay. When you pled before Judge Miller, do you
- 15 recall the date?
- 16 A I think -- I think it was in February, or
- 17 January 28th, or something like that.
- 18 Q January 28th of 2015?
- 19 A I think so.
- 20 Q At the time of that plea who was your attorney?
- 21 A Matthew Shealy.
- 22 Q And did you have an attorney prior to Mr. Shealy?
- 23 A Roger Poole.
- 24 Q How long did he represent you?
- 25 A I'm not really sure. Probably -- probably like eight

Jason Brian Osborne
Direct examination by Ms. Moody

1 months. Somewhere around there.

2 Q Okay. Did he represent you on the charges that you
3 pled to on January 28th?

4 A Yeah, yeah, yes, ma'am.

5 Q Okay. And the charges that you ended up pleading to,
6 they included...

7 MS. MOODY: I beg the Court's indulgence.

8 (Pause.)

9 Q They included financial transaction card theft, fraud,
10 correct?

11 A Could you ask that question again?

12 Q The charges that you pled to included financial
13 transaction card --

14 A Fraud.

15 Q -- fraud.

16 A Yeah.

17 Q Theft.

18 A Right.

19 Q Forgery.

20 A Right.

21 Q Receiving stolen goods.

22 A Right.

23 Q Possession of a stolen vehicle.

24 A Yeah.

25 Q Breaking into a motor vehicle.

Jason Brian Osborne
Direct examination by Ms. Moody

- 1 A Right.
- 2 Q Financial -- excuse me -- failure to stop for blue
3 light.
- 4 A Yes.
- 5 Q Grand larceny.
- 6 A Yes.
- 7 Q Petty larceny.
- 8 A Yes.
- 9 Q Obtaining property under false pretenses.
- 10 A I think so.
- 11 Q Possession of a stolen vehicle.
- 12 A I think so.
- 13 Q And so when you speak of 19 charges, it was a
14 combination of all of those charges that equated to 19
15 charges.
- 16 A Right.
- 17 Q Okay. And you filed your P.C.R. application stating
18 that you pled to a charge that you did not intend to plead
19 to.
- 20 A I -- I intended not to plead to six charges that was
21 one incident.
- 22 Q Okay. And what were those charges?
- 23 A Two -- two F.T.C. frauds, two F.T.C. thefts, a petty
24 larceny and a breaking into motor vehicle.
- 25 Q Okay. And can you tell the court why you did not

Jason Brian Osborne
Direct examination by Ms. Moody

1 intend to plead to those charges?

2 A Because I was just trying to -- like, I went to court
3 three times on separate incidents and charges. And that's
4 just the way I wanted to handle it.

5 Q Now, when you say you went to court on three
6 instances, you went to court on three instances with
7 Mr. Shealy?

8 A One with Poole, Roger Poole. And I think the second
9 one and third one with you?

10 Q You can't ask him a question.

11 A Oh, I -- I can't really remember but Roger Poole was
12 on the first one. Like that's what got me sent to
13 McCormick. I got nine years. And then on the second one I
14 caught the ten. I'm -- I'm pretty sure it was with him, he
15 was my attorney. And then the third one is this happened.

16 Q Okay. So, now, when you say the third one and the
17 second one, the plea on January 28th was what time at
18 court -- the first, second or third?

19 A The third.

20 Q The third time.

21 A Right.

22 Q So you know specifically on the third time it was with
23 Mr. Shealy that you went to court.

24 A Yeah, for certain, yeah.

25 Q Okay. And on that date you pled to 19 charges.

Jason Brian Osborne
Direct examination by Ms. Moody

1 A Yeah, I pled to 19.

2 Q Of which I've already recited.

3 A Right.

4 Q Okay. And so the six that you did not intend to plea
5 to, why did you not intend to plead to those?

6 A Because they happened at a church, and I thought I was
7 going to get more time if I'd have pled to them.

8 Q Okay. And so when you pled to them -- well, you filed
9 this P.C.R. application, and are you alleging that you got
10 more time because they happened at a church?

11 A No. I'm alleging that I got more time because I
12 didn't mean to plead to them.

13 Q Well, explain that to the Court, what you mean by
14 that.

15 A I mean that if I -- if I would have went on two-thirds
16 of the charges instead of the hundred percent of the
17 charges, I feel like I would have got less time.

18 Q Okay. And so you're saying that your attorney was
19 ineffective because you pled to those charges?

20 A Right.

21 Q Okay. Howso?

22 A Because they didn't -- they didn't read out in court
23 the specifics of anything that happened while I even know
24 that I'm pleading to those charges. Even when they read
25 out from the beginning the indictment number, it didn't say

Jason Brian Osborne
Direct examination by Ms. Moody

1 to a theft. It said to a fraud.

2 Q When you say they, who are you referring to?

3 A The prosecutor.

4 Q Okay. And when they said fraud as opposed to theft,
5 that error --

6 A No. That's not -- that's not the error I'm -- I'm
7 accusing him of. But he could have prevented it.

8 Q And so when you entered into your plea, what, if
9 anything, did you sign?

10 A I signed my sentencing sheets.

11 Q Okay. And are you saying those sentencing sheets are
12 wrong?

13 A No. I'm just saying I didn't read them.

14 Q But at the time of the plea, that you were entering
15 the plea, what are you saying should have happened?

16 A At the time I was entering the plea I shouldn't have
17 pled but to 12 charges.

18 Q Did you tell your attorney that you shouldn't have
19 been pleading to but 12 charges?

20 A I didn't get -- I tried to talk to him when court was
21 over, but he just kept on going. He wouldn't talk to me.

22 Q So are you stating that before you went into your plea
23 you understood you were only pleading to 12 charges?

24 A No. I didn't have a specific number. I was in a
25 shotgun plea, and it was confusing. It wasn't like, look,

Jason Brian Osborne
Direct examination by Ms. Moody

1 we're going to go in here and plea on this. He come and
2 spoke to me that morning, and he showed me some videos of
3 the incidents that I didn't want to plead to.

4 Q Did you tell him at that time that you didn't want to
5 plead to those?

6 A At that time I told him I did, but when he come up to
7 bring me the sentence sheet I told him I didn't.

8 Q Okay. So going into the plea, what was your
9 understanding -- what -- what did y'all -- what had y'all
10 decided you were going to do on January 28th?

11 A I was going to go and -- I was going to go and plea.
12 I asked him how much the state's trying to get, and he said
13 they're going to recommend 15. And I said, well, is that
14 what the judge is going to give me, can we ask for lesser.
15 He said, yeah, we're open to ask for a lesser than that,
16 but we can ask for a suspended sentence.

17 Q Okay. And did he do that?

18 A He asked. He asked for lesser, yes.

19 Q Okay. And so what -- the only thing that you're
20 saying that he did wrong was he allowed you to plead to the
21 charge, charges, that you didn't want to plead to, the six
22 charges?

23 A He allowed me to plea, and he also let them not bring
24 up the incidents in the -- the courtroom as of what took
25 place.

Jason Brian Osborne
Direct examination by Ms. Moody

1 Q Do you recall that they put in stipulation -- a
2 stipulation as to the facts of the charges?

3 A I don't understand what you mean.

4 Q They agreed to the charges and they submitted
5 something in writing to the Court.

6 A I don't -- I don't know.

7 Q Were you in the courtroom when your -- when the
8 prosecutor was speaking?

9 A Yeah.

10 Q Okay. And do you recall the prosecutor handing up a
11 sheet of paper with your charges on it?

12 A No.

13 Q Okay. So you're saying --

14 A The judge said that --

15 Q Go ahead.

16 A I -- I can't really. He just said do I agree that
17 what's on the indictments. And I did agree because I
18 didn't know as I was pleading to certain things. I -- I'd
19 never read the indictments, but I pretty much knew the gist
20 of them. And when I answered him I said yes because I knew
21 the gist of them. I never sat and read any indictments.

22 Q Well, did you have an opportunity to go over your
23 charges with your attorney, Mr. Shealy?

24 A Some of -- some of my charges, not all of my charges.

25 Q And why not all of them?

Jason Brian Osborne
Direct examination by Ms. Moody

- 1 A I don't know. Maybe because we was taking a plea, and
2 maybe he didn't think it was necessary. I don't know.
- 3 Q Did you ask him could you go over your charges?
- 4 A Not -- not like -- I have asked him. Yes, I did ask
5 him can I go over them and stuff. And I don't really
6 remember. I don't really remember what took place.
- 7 Q Okay. So you're -- you're alleging that your attorney
8 was ineffective assistance because he did not correct the
9 prosecutor on the record for stating fraud versus theft,
10 correct?
- 11 A No. I -- because he didn't allow them to read. He
12 did correct them on a theft. That's what it says on my
13 transcripts. But he didn't correct them, because they
14 didn't read out what was going on on the charges where I
15 know what I'm pleading to.
- 16 Q Okay. So what your lawyer did not do correctly was
17 require them to read all of the charges into the record.
- 18 A Right.
- 19 Q Okay. And you're saying that because he didn't, you
20 didn't know what you were pleading to.
- 21 A Right.
- 22 Q And this was Mr. Shealy that you're speaking of --
- 23 A Yes, ma'am.
- 24 Q -- on the third time --
- 25 A Yes, ma'am.

Jason Brian Osborne
Direct examination by Ms. Moody

1 Q -- on January 28th of 2015.

2 A Right.

3 Q Okay. And so there is anything else that you feel
4 that your attorney did not do that he should have done as
5 it relates to this January 28th?

6 A No.

7 Q So as to the factual circumstances, he should have
8 read that into the record. And then you mentioned earlier
9 something about an appeal, an appeal of the plea.

10 A Right. I -- I -- I couldn't get it done within ten
11 days. I couldn't get in contact with his office, because
12 when they sentenced me I went straight down the road. I
13 didn't have no ability to do that. So that's what that is.

14 Q So did you ever communicate to him that you wanted an
15 appeal?

16 A No, ma'am.

17 Q Okay. So you heard the Court say that you had ten
18 days to appeal. And are you saying that your attorney was
19 ineffective because he didn't appeal?

20 A No. On that issue, somebody that's in prison with me,
21 he wrote that issue down, but that's not the issue that I
22 have.

23 Q So you're abandoning that issue.

24 A Yes, ma'am.

25 Q Okay. Is there anything else that you want to tell

Jason Brian Osborne
Direct examination by Ms. Moody

1 the Court about what your lawyer did not do?

2 A Not -- not right off the top of my head. I can't
3 really think. I can't really think right now. I mean, I
4 just -- I don't know. I just can't think right now.

5 Q So you don't know what else your lawyer didn't do.

6 A No, not right now.

7 Q And so it's safe to say the allegations that you
8 listed in your P.C.R. application on February 12th of 2015
9 are your allegations?

10 A Yes, ma'am.

11 Q Okay. And so you indicated that the judge had erred
12 when he accepted your plea without a factual basis?

13 A Right.

14 Q You indicated that you spoke with your attorney,
15 specifically told him that you were not -- you would not
16 have pled guilty on the charges, 2013-GS-42-02376. And
17 here today you're saying there are other charges that you
18 would not have pled that arise out of that same incident.

19 A Yes, ma'am.

20 Q And you also stated that you entered into an
21 involuntary plea.

22 A Right.

23 Q And that your lawyer did not appeal. You are
24 abandoning that issue.

25 A Right, yes, ma'am.

Jason Brian Osborne
Direct examination by Ms. Moody

1 Q As well as your last issue that you state was the
2 judge violated Rule 11. He did not make an inquiry as to
3 satisfy the factual basis, accept the plea -- and accept
4 the plea and he was also misinformed. Is there anything
5 else you want to tell the Court about that allegation?

6 A He didn't -- he didn't tell me the maximum penalty.
7 And I think that's all. I think that's --

8 Q Anything else?

9 A No. That's all.

10 Q And so you didn't understand what the maximum penalty
11 was for each of the charges.

12 A It's so confusing because my sentencing sheet is
13 saying one thing and the -- and the judge was saying
14 another. But he never told me the maximum penalty, like,
15 on the five years I got my sentencing sheet says zero to
16 five. That's -- and on -- in court they was saying zero to
17 ten.

18 Q And so you're saying the Court didn't explain to you
19 anything about the zero to ten.

20 A Right.

21 Q Now, your plea took place with other individuals too,
22 correct?

23 A Hold on. The Court did say -- the Court did tell me
24 about the zero to ten, but my sentencing sheet has zero to
25 five. He just didn't tell me the maximum penalty I'm

Jason Brian Osborne
Direct examination by Ms. Moody

- 1 facing.
- 2 Q The judge told you about zero to ten.
- 3 A Right.
- 4 Q And then the maximum penalty, he didn't tell you
- 5 about.
- 6 A Are you asking me is that the maximum penalty? I'm
- 7 talking about in combined. I don't know if it's -- what
- 8 I'm supposed to be saying. I don't know.
- 9 Q The judge didn't tell you about the maximum penalty,
- 10 is what you said.
- 11 A Combined.
- 12 Q Combined. So of all of the 19 charges, you wanted the
- 13 judge to add that up and tell you what the maximum penalty
- 14 was?
- 15 A I mean, I just didn't know if that's what they're
- 16 supposed to do. No. I didn't -- I didn't think about it.
- 17 Q Did you ask your lawyer?
- 18 A Not to give me the combined sentence. He just told me
- 19 zero to ten pretty much.
- 20 Q Okay. So you understood that it was zero to ten for
- 21 one charge maybe.
- 22 A Yeah.
- 23 Q Okay. So on each charge the judge told you what the
- 24 maximum could be, zero to ten as to one charge, right?
- 25 A Right.

Jason Brian Osborne
Direct examination by Ms. Moody

1 Q And he went through each 19 charges?

2 A Right.

3 Q Okay. And so at some times he said zero to ten, zero
4 to five.

5 A He said zero -- he just said zero to ten. And on
6 the -- on the failure to stop was zero to three. But my
7 sentencing sheet says zero to five.

8 Q Okay. So when did you get your sentencing sheets?

9 A Like 30 minutes later.

10 Q After you entered the plea.

11 A Right.

12 Q Okay. And so did you ask your lawyer to explain that?
13 Well, first, who gave you your sentencing sheets?

14 A A bailiff.

15 Q Okay. And were you with your attorney when you
16 received the sentencing sheets?

17 A No. As soon as the judge sentenced me, I tried to
18 speak to Mr. Shealy, and he just pretty much blowed me off.

19 Q What do you mean?

20 A I mean, I can't remember exactly what I said to him,
21 but I was trying to speak to him about what just took
22 place, and he just, pretty much just, blowed me off.

23 Q That's what I'm asking you. What do you mean by
24 blowing you off?

25 A I mean, he heard me. He knew I was trying to

Jason Brian Osborne
Direct examination by Ms. Moody

- 1 communicate with him, and he just kept going.
- 2 Q Kept walking on.
- 3 A Right.
- 4 Q Okay. And so you didn't talk to him again.
- 5 A Never.
- 6 Q Okay. So how do you feel that with all of the things
- 7 you've said your lawyer did not do, how did that harm you?
- 8 A I mean, I got a consecutive sentence off of -- off of
- 9 a charge -- off of a charge from the incidents that I had
- 10 no intention of pleading on that day.
- 11 Q What, if anything, did you tell the judge about your
- 12 not intending to plead to certain charges?
- 13 A Ma'am?
- 14 Q What, if anything, did you tell the judge about your
- 15 intentions not to plead to certain charges?
- 16 A Are you asking me did I tell the judge that?
- 17 Q Yes.
- 18 A No. I didn't tell him that. I didn't him that.
- 19 Q Did you remind your lawyer?
- 20 A No. I didn't think -- I didn't think I had to.
- 21 Q So, now, I just want to be clear. On your application
- 22 you specifically talk about one charge, and that is the
- 23 indictment that ends in 2376.
- 24 A Right.
- 25 Q Okay. You're telling the Court today that it was six

Jason Brian Osborne
Direct examination by Ms. Moody

1 charges that you did not intend to plead to.

2 A Five and that one, yes, ma'am.

3 Q Okay. And do you recall the indictment numbers for
4 those other five?

5 A Not off the top of my head. I know what the charges
6 are though.

7 Q Okay. And you just for one more -- just, once again,
8 tell the Court. What are those charges?

9 A Okay. Another F.T.C. theft, two F.T.C. frauds, a
10 petty larceny and a breaking into a motor vehicle.

11 Q What relief are you seeking from the Court today?

12 A I -- I would like a trial on these charges.

13 Q On the six charges?

14 A I mean, I don't know how -- if I can. I mean, I
15 didn't do these charges.

16 Q Well, let's be clear then. As -- you pled to 19.

17 A Right.

18 Q Of the 19 you're saying six you did not intend to
19 plead to.

20 A Right. That day.

21 Q So the relief you're seeking from the Court is to do a
22 trial or have a trial on the six charges that you did not
23 intend to plead to.

24 A Right.

25 Q That's what you're asking the relief, is.

Jason Brian Osborne
Direct examination by Ms. Moody

- 1 A I'm -- I'm asking for the relief on the five-years
2 consecutive sentence.
- 3 Q And what does that go to?
- 4 A F.T.C. theft.
- 5 Q Okay. So you want -- you realize you're asking for
6 two different things, right?
- 7 A No.
- 8 Q So you want on a trial only on the F.T.C. theft.
- 9 A Right.
- 10 Q The other charges, you'll let them stay.
- 11 A Right. I will. I mean, I don't understand. You're
12 tripping me up.
- 13 Q What relief do you want from the Court? Do you want a
14 trial on one charge?
- 15 A My original intention was -- was not to plead on those
16 charges. So, yes, I'll take my relief as to retry six, all
17 six.
- 18 Q Okay. That's what I asked you.
- 19 A Okay.
- 20 Q Because if you're saying that you did not -- do you
21 understand?
- 22 A Yes.
- 23 Q If you say that you didn't intend to plead to them --
- 24 A Right.
- 25 Q -- and you're only asking for a trial on one charge,

Jason Brian Osborne
Cross-examination by Ms. Olive

1 do you understand those five charges that you did not
2 intend to plead to stay in place?

3 A Right, okay.

4 Q Okay. So you're asking the Court today for the relief
5 of those six charges and allowing you to have a trial on
6 those six charges.

7 A Yes, ma'am.

8 Q Is there anything else you're asking the Court for?

9 A No, ma'am.

10 MS. MOODY: No further questions for this witness.

11 Q Thank you. Please answer questions any questions the
12 state may have.

13 CROSS-EXAMINATION

14 BY MS. OLIVE

15 Q Good morning, Mr. Osborne.

16 A Good morning.

17 Q Was there a recommendation in this count, case, for
18 sentencing? Do you recall?

19 A By the prosecutor?

20 Q Correct.

21 A Yes, ma'am.

22 Q Okay. What was that recommendation?

23 A Fifteen.

24 Q Okay. And is that what you received?

25 A Right.

Jason Brian Osborne
Cross-examination by Ms. Olive

1 Q Okay. And your attorney still asked for less though,
2 correct?

3 A Right.

4 Q Do you remember the solicitor telling the judge that
5 there were 19 counts that had been stipulated to?

6 A I don't remember that, no, ma'am.

7 Q Okay. Would you agree that it's in the transcript and
8 that's what happened?

9 A Yes, ma'am.

10 Q And, specifically, I'm referring to page 38, lines one
11 through five, of the transcript. So you -- is it your
12 testimony that you told your attorney that you wanted a
13 trial on those six charges that day?

14 A I didn't want a trial on those charges that day but I
15 didn't want to plea on those charges that day.

16 Q Was there an opportunity? Are you saying you wanted
17 to plea at a later date, or you wanted to have a trial?

18 A I -- I didn't know what I wanted to do. I just didn't
19 want to go in there with all of those charges at one time,
20 and that one being -- the victims being at a church parking
21 lot. I didn't want that that day.

22 Q So just not that day.

23 A I didn't want to plead on those charges on the day
24 that I caught the 15 years.

25 Q Okay. But you didn't tell your attorney that before

Jason Brian Osborne
Cross-examination by Ms. Olive

1 the plea, did you?

2 A Yeah. At first I told him the night before that I
3 didn't want to plea, and then that morning he came at the
4 annex, and I told him that I did want to plea, and then
5 before he brought my sentence sheet I told him I didn't
6 want to plea.

7 Q So at what point did you tell him you did want to
8 plead?

9 A When he come -- when he come to the -- to the annex
10 and we went over a couple of things.

11 Q That was the day of your plea?

12 A The morning.

13 Q It was before your plea?

14 A Yes.

15 Q So going into your plea your attorney was under the
16 impression that you wanted to -- to plead guilty to
17 everything, correct?

18 A No.

19 Q At what point did you tell him you didn't want to
20 plead to those six charges?

21 A Before he brought the sentence sheet in. I was in the
22 holding cell, and we talked. And then he left and went and
23 got the sentence sheets and came back. And then we went
24 directly into court.

25 Q Okay. But you didn't tell the judge that?

Jason Brian Osborne
Cross-examination by Ms. Olive

1 A No, because nowhere in court was anything read where
2 it said I was pleading to these charges that happened at
3 this church.

4 Q But you understood that you were pleading to 19
5 charges, correct?

6 A No, I didn't understand that.

7 Q Even after the solicitor told the judge that you were
8 pleading to 19 -- there were 19 counts.

9 A If he told me that, I'm not disputing that he didn't
10 tell him that. But I was unaware of it.

11 Q Well, you were in the courtroom, correct?

12 A Right.

13 Q It's your testimony you don't remember the solicitor
14 stating that there were 19 counts?

15 A I don't remember at all. It was a shotgun plea.
16 There was like eight people was doing -- doing it at the
17 same time.

18 Q Do you remember when the judge asked you about the
19 facts being made part of the record?

20 A Ma'am?

21 THE COURT: Where are those facts? I saw that in the
22 transcript. But where are the facts that are being made
23 part of the record?

24 MS. OLIVE: Your Honor, we -- we all have copies of
25 them. I was going to introduce them when -- when

Jason Brian Osborne
Cross-examination by Ms. Olive

1 Mr. Shealy testifies.

2 THE COURT: Okay.

3 MS. OLIVE: Well, Your Honor, may I approach the
4 witness?

5 THE COURT: Yes.

6 Q Mr. Osborne, do you recall seeing this document?

7 A I had that document in my discovery, but when he gave
8 me that we went from the holding cell straight into the
9 courtroom. I had no time to read any of that.

10 Q But he went over all of your charges with you, right?

11 A No. He did not.

12 Q Do you know what this document is?

13 A I got it in my discovery. That's what on the
14 transcript is the factual summary.

15 Q Okay. So this is the factual summary that was
16 referred to as being read into the record.

17 A Right. But at the time I didn't know exactly which
18 one he was talking about because I had my indictments and
19 that.

20 MS. OLIVE: Your Honor, I would ask to introduce this
21 as the state's exhibit. It's the -- as he just testified
22 to, it's the stipulation of facts that was read into the
23 record.

24 THE COURT: Okay. Any objection?

25 MS. MOODY: No, Your Honor.

Jason Brian Osborne
Cross-examination by Ms. Olive

- 1 (List of charges marked State's Exhibit No. 1.)
- 2 Q Mr. Osborne, do you remember if the Court -- do you
- 3 remember the Court stating that he's been handed a list
- 4 which lists all of your indictment -- all of your
- 5 indictments and gives a factual summary?
- 6 A I remember that.
- 7 Q You do remember that?
- 8 A Yes, ma'am.
- 9 Q Okay. And he said he's been led to believe that you
- 10 will stipulate that those are true and correct and suffice
- 11 for the reading of the indictment and the reading of the
- 12 facts. Do you remember that?
- 13 A Yes, ma'am.
- 14 Q Okay. And you said yes.
- 15 A Yes, ma'am.
- 16 Q Okay. So he then made that part of the record,
- 17 correct?
- 18 A Yes, ma'am. I did.
- 19 Q Okay. So it just simply wasn't read into the record.
- 20 A I wasn't trying to be a clog. I was just trying -- in
- 21 the wheel. I was just trying to -- you know what I mean?
- 22 I didn't think it was an issue. I didn't think there was
- 23 any issue. I didn't read it. I didn't have time to read
- 24 it when he, Mr. Shealy, gave it to me. We went from the
- 25 holding cell straight into court and...

Jason Brian Osborne
Cross-examination by Ms. Olive

1 Q I understand. But you never said anything to the
2 judge, that you didn't know what was contained in those
3 facts.

4 A Never.

5 Q You never told the judge that.

6 A Never.

7 Q And you actually spoke to the judge after your guilty
8 plea, correct?

9 A I spoke to the judge after my guilty plea?

10 Q I mean, while you -- not after your guilty plea. In
11 the transcript you spoke to the judge, page 40, lines eight
12 through twelve. The judge asked you what you wanted to
13 tell him.

14 A Right.

15 Q Okay. And you briefly made some comments.

16 A Right.

17 Q But you didn't say anything about wanting to withdraw
18 your guilty plea.

19 A Right. Again, because I was unaware. I was unaware
20 until after court was over.

21 Q Unaware that you were pleading to these six charges?

22 A Right.

23 Q Okay.

24 MS. OLIVE: Beg the Court's indulgence.

25 (Pause.)

Jason Brian Osborne
Cross-examination by Ms. Olive

1 Q The judge did go over all of your charges including
2 the maximum sentences that you were facing on each one,
3 correct?

4 A No. He didn't.

5 Q But, again, the solicitor did state that the
6 recommendation was for 15 years, right?

7 A I mean, I think I read that in the transcript, but I
8 don't remember it on that day's. I'm sure that he probably
9 did, but, I mean, I read it in the transcript, so, yes.

10 Q Okay. And that's what you got.

11 A Right.

12 Q Thank you.

13 MS. OLIVE: That's all the questions I have.

14 THE COURT: Any? I've got a couple.

15 Tell me you -- you didn't want to plead guilty to the
16 church incident and the six charges that came out of that.

17 Can you tell me under what indictment those charges
18 were listed, what indictment numbers?

19 THE WITNESS: I don't have a clue.

20 THE COURT: Well, I understand, ma'am, at the time he
21 pled -- okay.

22 MS. MOODY: Your Honor, if I may.

23 THE COURT: Yeah.

24

25

Jason Brian Osborne
Redirect examination by Ms. Moody

1 REDIRECT EXAMINATION

2 BY MS. MOODY

3 Q Mr. Osborne, you indicated that the indictment number
4 ending in 2376 was the financial transaction card theft
5 that you did not want to plead. That was on August 12th of
6 2009, the Capital One Master Card belonging to Tina
7 Oxendine.

8 A Yes, ma'am.

9 Q Okay. Was that at the church?

10 A Yes, ma'am.

11 Q Okay. So then the transaction card theft fraud on
12 August 12th of 2009 also involving Tina Oxendine, that
13 would also be one of the charges?

14 A The Tina Oxendine is, yes, ma'am.

15 Q Okay. Then the charge, financial transaction card
16 fraud, on August 12th of 2009 using that card at Taco Bell,
17 that Master Card at Taco Bell, that would be one of them?

18 A From Tina Oxendine, yes, ma'am.

19 Q Then the two thousand -- three -- excuse me -- 2377,
20 financial transaction card theft also belonging to Tina
21 Oxendine was -- well, excuse me -- a Wachovia, now Wells
22 Fargo, card. That's part of that.

23 A Right, right.

24 Q And then the petty larceny dealing with Indictment
25 2378, it says that you stole a Garmin unit from Carl

Jason Brian Osborne
Redirect examination by Ms. Moody

1 Oxendine. That would be their car?

2 A The same, yes, ma'am.

3 Q As well as the 2379, Carl Oxendine, again, car was
4 broke into at -- at a church on West -- excuse me --
5 Blackstock Road.

6 A Yes, ma'am.

7 Q That would be the other charge?

8 A Yes, ma'am.

9 Q So that's 2379, 2378, 2377, 2376, 2375 and 2373.
10 Those six charges are the charges that you're speaking of
11 that you want a trial.

12 A The ones you just read out.

13 Q I just read out?

14 A Yes, ma'am, yes, ma'am.

15 Q Okay.

16 MS. MOODY: No further questions.

17 THE COURT: Okay. So the 2375 is what you got ten
18 years for. And that one dealt with Tina Oxendine. And
19 five years consecutive was 76. And all of the rest are
20 concurrent, is that right? So that's what you want. Do
21 you understand if you didn't intend to plead that those
22 charges are still going to be pending?

23 THE WITNESS: Right, yes, sir.

24 MS. MOODY: No further questions.

25 THE COURT: All right. Thank you, sir. I don't have

Matthew William Shealy
Direct examination by Ms. Olive

1 any further questions. Step down.

2 How much -- you got credit? When is your parole date?

3 THE WITNESS: I just went up in March and got denied.

4 THE COURT: So when is your max-out time?

5 THE WITNESS: I max-out in, like, five years.

6 MS. OLIVE: It's 2020, Your Honor. And Your Honor
7 should have that.

8 THE WITNESS: 2021. It's March 2021.

9 MS. OLIVE: You should have that in the C.D.C.
10 records.

11 THE COURT: Okay.

12 MS. OLIVE: It is June 29th of 2020.

13 THE WITNESS: No. It's March.

14 MS. OLIVE: Okay. Well, it may have changed since
15 this was printed out.

16 THE COURT: Okay. Thank you, sir. I'll let y'all
17 know.

18 MS. OLIVE: Your Honor, I will call Matthew Shealy to
19 the stand.

20 THE COURT: Okay.

21 MATTHEW WILLIAM SHEALY, having
22 been first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MS. OLIVE

24 Q I think we just hit afternoon. Good afternoon,
25 Mr. Shealy.

Matthew William Shealy
Direct examination by Ms. Olive

- 1 A Good afternoon.
- 2 Q Did you represent Mr. Osborne on these charges?
- 3 A I did.
- 4 Q Mr. Shealy, how long have you been practicing law?
- 5 A Now it would be about eight years.
- 6 Q Were you appointed or retained?
- 7 A I was appointed.
- 8 Q Do you recall how many times you met with Mr. Osborne?
- 9 A I don't know exactly how many. I would have met with
- 10 him a number of different times. I'd say at least five.
- 11 He also had a prior attorney to me, Roger Poole with my
- 12 office.
- 13 Q That's on different charges?
- 14 A No.
- 15 Q Okay.
- 16 A He was appointed Roger on everything, and there was
- 17 some breakdown there, and so it was asked that I take over.
- 18 Q Did you file a discovery motion in this case?
- 19 A I did, yes, ma'am.
- 20 Q Did you receive that discovery?
- 21 A Yes, ma'am.
- 22 Q Did you review the discovery with Mr. Osborne?
- 23 A Yes, ma'am.
- 24 Q Would that have included the stipulations that we've
- 25 discussed or that he discussed? Excuse me. Did you review

Matthew William Shealy
Direct examination by Ms. Olive

1 all of the facts of the state's case with him?

2 A Yes, ma'am.

3 Q Okay. Did he tell you his version of the facts?

4 A He did. It was kind of like pulling teeth. It was
5 difficult to get him to talk about particular cases. He
6 would say that I could beat some, but he didn't -- he
7 wasn't particularly forthcoming with how there was an
8 alibi, that kind of thing.

9 Q Did he give you any leads or witnesses for
10 investigation purposes?

11 A No.

12 Q Did you discuss with him any potential defenses he may
13 have?

14 A Yes, ma'am. I don't know that we really had very much
15 of one but --

16 Q Did you discuss with him all of the charges against
17 him including the elements that the state would have to
18 prove if he had gone to trial?

19 A Yes, ma'am.

20 Q Did you discuss with him all of the penalties on all
21 of these charges?

22 A Yes, ma'am.

23 Q Did you discuss with him the maximum penalties he
24 could receive?

25 A Yes, ma'am. And I also added them all up together. I

Matthew William Shealy
Direct examination by Ms. Olive

1 think at this point he was looking at something like 185
2 years or something like that. I mean, and we went over
3 that.

4 Q And at some point he received this plea offer?

5 A Yes, ma'am. We had actually had this particular plea
6 offer several different terms of court. Mr. Osborne didn't
7 want to take it for a good while.

8 I think he was on a trial list not that week but maybe
9 in a couple of weeks or something like that. I don't
10 remember exactly, but they brought him over to see if he
11 wanted to take the offer. And then if he didn't want to
12 take the offer, the offer was going to be rescinded.

13 We had Judge Miller who is a pretty good plea judge.
14 That's why I told him I could certainly ask for less time.
15 But the deal was you plead to 19, you get 15. That's --
16 that was the deal.

17 Q Did you communicate that to Mr. Osborne?

18 A Yes, ma'am.

19 Q Did you communicate that that would be -- did you
20 communicate what charges he would be pleading to?

21 A Yes, because it was all of them, I mean, and that was
22 just what the deal was.

23 Q Do you feel he understood those conversations?

24 A Yes, ma'am.

25 Q Did he indicate to you that he wished to withdraw his

Matthew William Shealy
Direct examination by Ms. Olive

1 plea?

2 A Not that he wished to withdraw it, no, ma'am.

3 Q You heard him testify earlier that he did not want to
4 plead guilty to these six charges. Do you recall him
5 telling you that prior to the plea?

6 A At various times he told me that, not directly,
7 immediately prior to the plea.

8 The way that I do things is, I mean, I'm told all of
9 the time I don't want to plead guilty to these things. I
10 have to deliver the offer and I don't -- particularly
11 whenever I am put into the middle of a case when there's
12 been a breakdown between a client and another attorney, I've
13 gotten a number of those. The way that I look at it is I'm
14 the trial attorney at that point, because if it was going to
15 plea, it would have pled already.

16 We talked about that. He continued to vacillate as to
17 whether he wanted to plead to some and plead to not -- or
18 not plead to other cases, that kind of thing.

19 Ultimately, it was you got to decide, and he decided he
20 wanted to take it. I mean, he just did.

21 And I go over each and every one of the sentencing
22 sheets, because, as you see, he signed every sentencing
23 sheet.

24 I go over his address with him. I go over the entirety
25 of the sentencing sheet so they know what they're pleading

Matthew William Shealy
Direct examination by Ms. Olive

1 guilty to. I point to things, explain the grand jury
2 process.

3 I went over this stipulation with him. I mean, we
4 talked about it ad nauseam before he signs the paperwork.

5 Q So you said you went over the stipulations with him?

6 A Yes, ma'am.

7 Q Did you explain that those were going to be entered as
8 part of the record at his plea?

9 A Yes, ma'am. Again, if anything, I thought that that
10 would be better than having a 19-count factual basis that
11 would have taken 20 minutes. And I just thought that it
12 was better to put it in this form so that you don't have a
13 lot of victim impact and things like that.

14 Q Did he ever indicate to you during his plea that he
15 wished to withdraw?

16 A No, ma'am.

17 Q What would you have done if he had indicated he wanted
18 to withdraw?

19 A We would have stepped it down and we would have had a
20 trial the -- whatever term it was set for.

21 Q Did you discuss with him all of the constitutional
22 rights that he would be waiving by pleading guilty?

23 A Yes, ma'am.

24 Q Whose decision was it ultimately for Mr. Osborne to
25 plead guilty?

Matthew William Shealy
Cross-examination by Ms. Moody

1 A It was entirely his.

2 Q Mr. Shealy, Mr. Osborne also indicated that he tried
3 to speak with you after the plea but that you were blowing
4 him off. Do you recall that?

5 A I don't recall that. I -- I can't speak to what
6 happened after the plea.

7 Q In general, if -- if your client wishes to speak with
8 you after a plea would you have spoken with him?

9 A Yes.

10 Q Thank you.

11 MS. OLIVE: That's all the questions I have.

12 CROSS-EXAMINATION

13 BY MS. MOODY

14 Q Good afternoon, Mr. Shealy.

15 A Good afternoon.

16 Q You indicated that you went over the defenses with
17 Mr. Osborne.

18 A Yes, ma'am.

19 Q And you talked about the maximum time that he would
20 receive if he went to trial on each case.

21 A Yes, ma'am.

22 Q And was it the contention of the state to try him each
23 set of charges on different days?

24 A Yes, ma'am. I mean, ultimately, they would have tried
25 each incident separately.

Matthew William Shealy
Cross-examination by Ms. Moody

1 Q So when you say y'all were about to go to trial, which
2 set of charges, do you recall, were y'all getting ready to
3 go to trial on?

4 A That particular term, I want to say it was the Heather
5 Ridings set of charges.

6 Q Okay. And --

7 A I think. I could be incorrect, but I think that was
8 what they planned on trying.

9 Q Okay. So as it related to the Heather Ridings
10 charges, which were petty larceny and grand larceny -- or
11 was it just the petty larceny?

12 A There's a breaking into motor vehicle, I believe, as
13 well as the petty larceny. There may have been other ones.
14 I'm not sure.

15 Q All right. So as to that set of charges, which were
16 November the 1st of 2009?

17 A I believe so, yes, ma'am.

18 Q And did you all discuss what he was facing with those
19 charges versus the full 19 charges?

20 A Yes, ma'am.

21 Q Okay. And so based on that was that the decision to
22 go forward with the plea?

23 A Well, that, and their recommendation would be gone.

24 Q Okay.

25 A I mean, we -- after -- if he hadn't pled that week my

Matthew William Shealy
Cross-examination by Ms. Moody

1 understanding was they were pulling the offer, in other
2 words.

3 Q So the way that works here is, once they pull the
4 offer do they not revisit the offer ever again?

5 A Well, they certainly can. In Mr. Osborne's case I
6 don't believe that that would have happened because he had
7 been on a number of different dockets. There had been a
8 number of different solicitors on it.

9 I think that that was the moment at which they would
10 have run out of patience. So, I mean, I think it would have
11 just been either plead straight up or have a trial on each
12 and every one of these cases, which was fine if that's what
13 he wanted to do. But that's, ultimately, not what he wanted
14 to do.

15 Q Okay. And so did you explain that to him?

16 A Yes, ma'am.

17 Q Okay. And did he understand that?

18 A Yes, ma'am.

19 Q So when it came down to pleading to all 19, I believe
20 you testified that all -- it was all 19, no dismissal of
21 any charges.

22 A Correct.

23 Q Okay. And that was for the 15 years. Did they
24 explain which charge was going to be the consecutive
25 charge, or based on the charges that he had did he have to

Matthew William Shealy
Cross-examination by Ms. Moody

- 1 get consecutive charges to get the 15?
- 2 A He would have had to have gotten a consecutive charge.
- 3 There was no this one -- or at least I don't believe unless
- 4 it shows on the sentencing sheets. There was never a this
- 5 is going to be the consecutive charge. It was just you
- 6 gotta get an extra five somewhere, so.
- 7 Q To meet the 15 years.
- 8 A Correct.
- 9 Q Okay.
- 10 A And they were adamant on that because I asked them a
- 11 lot to, a number of times to, try to work out a better
- 12 deal, and 15 was the best deal that -- that came down from
- 13 the solicitor, so.
- 14 Q When you say the solicitor, you mean Mr. Barnette?
- 15 A Barry, yeah, Barnette.
- 16 Q All right. So you explained to him all of the
- 17 charges, what he's facing. You -- correct?
- 18 A Correct.
- 19 Q And you explained to him that each set of charges on
- 20 different dates, he would be tried on those different
- 21 dates.
- 22 A Correct.
- 23 Q And you explained to him that if he didn't accept the
- 24 plea offer at that point that day on the 28th, then he
- 25 would be -- the offer would be withdrawn.

Matthew William Shealy
Cross-examination by Ms. Moody

1 A That week, yeah.

2 Q That week.

3 A Yeah.

4 Q Okay. And did he seem to understand that?

5 A Yes, ma'am.

6 Q And based on that, going into the plea Mr. Osborne
7 tried to -- or what, if anything, did Mr. Osborne try to
8 discuss with you while standing before the judge?

9 A I don't -- I don't recall us discussing anything in
10 front of the judge. I could be incorrect about that, but I
11 don't know. I don't know the answer to that question.

12 Q So as far as going through the plea, you understood or
13 you didn't get the impression -- let me rephrase. Did you
14 ever have a point where you felt that Mr. Osborne was
15 uncomfortable with entering into the plea?

16 A Not that I can recall, no, ma'am.

17 Q And you were going to say earlier that you don't
18 recall blowing Mr. Osborne off. Were you dealing with
19 other pleas on that day, or was he your only plea?

20 A I don't know the answer to that. I very well -- I
21 almost certainly was dealing with other pleas that day
22 because usually -- I very rarely only have one plea.

23 Q And so going into the plea did you think that you were
24 going to possibly be able to get less than 15 years?

25 A There was always the opportunity to, yes, ma'am.

Matthew William Shealy
Cross-examination by Ms. Moody

1 Q Okay. And was there any reason for you to file an
2 appeal? Did you --

3 A No, ma'am, not on a guilty plea. There was no --
4 there were no issues preserved there. So, no, I can't
5 imagine that there were any bases for an appeal.

6 Q As far as during the plea, did anything come to your
7 attention that you felt needed to be?

8 A No, ma'am, not that I can recall, again.

9 MS. OLIVE: No further questions for this witness,
10 Your Honor.

11 THE COURT: Okay. Anything from the state?

12 MS. OLIVE: Nothing further from your the state, Your
13 Honor.

14 THE COURT: Thank you. You can step down.

15 Any other witness for the state?

16 MS. OLIVE: No, Your Honor.

17 THE COURT: Okay. Mr. Osborne, do you understand?

18 Now, I've got -- I'll review your file. But if I grant
19 your motion you've got to go back and look at all of these
20 charges.

21 THE APPLICANT: Yes, sir.

22 THE COURT: And looking at -- and the state can charge
23 you, and they can try you individually on each one of them.
24 And you've got a potential of a hundred-something years.

25 THE APPLICANT: You're saying as to the 19, to the 19

1 charges?

2 THE COURT: Yeah.

3 THE APPLICANT: You're going -- you're going to
4 reverse the whole 19 charges? I mean, if that was your --
5 if you did --

6 THE COURT: If I reverse your guilty plea and send you
7 back to start all over again, I mean.

8 THE APPLICANT: I mean, I'm not. I'm not -- I
9 don't -- I mean, I don't want to -- I don't want to take a
10 risk of getting the ones overturned that I pled on that I
11 meant to plea on. I mean, I want --

12 THE COURT: I understand that, but the judge --
13 because of the way the sentence is laid out, I think you've
14 got to start over and get sentenced on the whole thing.

15 I mean, you can't -- you got sentenced on ten on one
16 set, five consecutive on that one indictment, and then all
17 of the rest to run concurrent, ten years concurrent,
18 meaning -- I don't know that I can do it piecemeal. Or
19 you -- you got the ten years. If I -- if I could grant it
20 that way, then you're doing ten years.

21 THE APPLICANT: Yes, sir.

22 THE COURT: Then I'm going to send you back on the
23 other six, and you've got on those other two indictments,
24 but you're looking at substantially more time that could go
25 on top of the ten. Do you understand that?

1 THE APPLICANT: Yes, sir.

2 THE COURT: Okay. That's what you want me to do.

3 THE APPLICANT: As long as I don't -- I don't want to
4 revisit the, like, the other, like 12. I mean, if you have
5 to do that, then I don't want -- I don't want to take that
6 option if I have that option.

7 MS. MOODY: Your Honor, I think if I may, on the
8 charges that he's asking for, that's five, ten on the next
9 charge. And then there's another five, and there's another
10 ten, and there's another ten and another ten. So that
11 comes out by my calculation as 50 years that he is facing.

12 THE COURT: Okay. So if I go back and grant you, then
13 you've got 50 years you're facing on top of this. And the
14 state can charge you, try you on each one of those.

15 I mean, the other option is pleading guilty to them
16 all over again. You've either got -- when you go back
17 you've got to plead guilty or you've got to go to trial.
18 And you're going back looking at 50 years. Do you
19 understand that?

20 THE APPLICANT: Yes, sir, I do.

21 THE COURT: Okay.

22 MS. MOODY: Thank you, Your Honor.

23 THE COURT: All right. I'll let y'all know.

24 END OF REQUESTED TRANSCRIPT OF RECORD

25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 16th day of June 2016.

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

December 28, 2016

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

E384706 13-2386 Inc. Date: 06/24/2009 Arrest: 2/10/2013	OPFP under \$1,000.00	Victim: CRC Scrap Metal	Defendant sold sheet copper to CRC.	10 years max \$500 max
M055160 13-2386 Inc. date: 7/24/2009 Arrest 2/10/2013	OPFP under \$1,000.00, 3 rd or sub. offense	Victim: CRC Scrap Metal	The Defendant sold sheet copper to CRC. The victim Daniel McCallum said that copper at CRC was his property, stolen from Greenville County.	10 years max \$500 max
M055160 13-5562 Inc. date: 7/27/2009 Arrest 2/10/2013	PSV	Victim: James Logan	The defendant was driving James Logan's stolen car at CRC. The car was stolen in Landrum and recovered in Hendersonville.	10 years max (discretion of the court)
M116398 13-GS-42-2381 Inc. date 8/14/2009 Arrest 2/10/2013	Forgery	The defendant is accused of cashing a stolen payroll check for \$199.78 at the Dorman Center Wal-Mart.	The check was from Karnick Inc. and it belonged to Justin Hoffmann of Piedmont, S.C.	10 years max (discretion of court)
M116527 13-GS-42-2380 Inc. date 8/13/2009 Arrest 2/10/2013	OPFP	The defendant sold a GPS at First Cash Pawn. The GPS was stolen from a man named Carl Oxendine.	A detective says the man shown in the surveillance video is Osborne.	10 years max (\$500)
M116528 13-GS-42-2379 Inc. date 8/12/2009 Arrest 2/10/2013	BIMV	The victim Carl Oxendine's car was broken into on 8/12/2009 at a church on West Blackstock Road. His GPS was pawned at First Cash Pawn the next day.		Up to 5 years or \$1,000.00

M116529 13-GS-42-2378 Inc. date 8/12/2009 Arrest 2/10/2013	PL	The Defendant stole a Garmin unit from Carl Oxendine on 8/12/2009.		10 years max
M116530 13-GS-42-2377 Inc. date 8/12/2009 Arrest 2/10/2013	FTC Theft	On 8/12/2009, the Defendant stole a Wachovia (now Wells Fargo) Visa debit card belonging to Tina Oxendine.		Up to 5 years and/or \$3,000 - \$5,000
M116531 13-GS-42-2376 Inc. date 8/12/2009 Arrest 2/10/2013	FTC Theft	On 8/12/2009, the Defendant stole a Capital One Mastercard belonging to Tina Oxendine.		10 years max
M116532 13-GS-42-2375 Inc. date 8/12/2009 Arrest 2/10/2013	FTC Fraud	On 8/12/2009, the Defendant used a Wachovia VISA debit card belonging to Tina Oxendine for a \$43.47 transaction at the Hot Spot.		10 years max
M116533 13-GS-42-2373 Inc. date 8/12/2009 Arrest 2/10/2013	FTC Fraud	On 8/12/2009, the Defendant used a Capital One Mastercard for an \$11.95 transaction at Taco Bell.		10 years max
M117312 13-GS-42-2372 Inc. date 11/1/2009 Arrest 2/10/2013	Breaking into Motor Vehicle	On 11/1/2009, the defendant broke into Heather Ridings' car at a Family Dollar in Spartanburg County and stole the Defendant's handbag.	The victim positively identified the Defendant. The Defendant then got into a pickup truck stolen from Copper River.	10 years max
M117313 13-GS-42-2371 Inc. date 11/1/2009 Arrest 2/10/2013	Petit Larceny	On 11/1/2009, the Defendant stole a handbag from Heather Ridings' car. See above.	The victim positively identified the Defendant.	10 years max
M117485 13-GS-42-2370	Grand Larceny	On 11/1/2009, the Defendant stole	Ms. Nanna's truck was	10 years max

Inc. date 11/1/2009 Arrest 2/10/2013		Mary Nanna's 1994 Ford F-150 from Copper River Grill.	recovered with Heather Ridings' paperwork inside.	
M117497 13-GS-42-2369 Inc. date 11/3/2009 Arrest 2/10/2013	Possession of Stolen Vehicle	On 11/3/2009, the Defendant failed to stop for police. The Defendant abandoned the car he was driving and ran on foot.	The car the defendant was driving was stolen from Mr. Charles Gosnell of Rutherford County. The defendant's print or prints were found in the stolen car.	10 years (discretion of the court)
M117834 13-GS-42-2368 Inc. date 11/3/2009 Arrest 2/10/2013	Possession of Stolen Vehicle	On 11/3/2009, the police recovered a vehicle stolen from Central or Pickens. The truck had been stolen on 10/31/2009 and it belonged to Roger Land of Calhoun Falls.	The stolen truck was linked to other cases in the Central/Pickens area and Forest City, N.C.	10 years (discretion of the court)
M118231 13-GS-42-2367 Inc. date: 12/23/2009 Arrest 2/10/2013	Receiving Stolen Goods	On 12/23/2009, the defendant was in possession of a Georgia license plate belonging to Kachina Felicia Harper.	This plate was on a stolen Chevy Cobalt abandoned by the defendant. A police officer recognized the defendant as the driver.	10 years
M118233 13-GS-42-2374 Inc. date: 12/23/2009 Arrest 2/10/2013	Poss. Stolen Vehicle	On 12/23/2009, the Defendant was in possession of a stolen vehicle. A deputy recognized the defendant as the driver. The defendant's DNA was found in this vehicle.	This vehicle belonged to Alden Davis of Green Mountain, N.C.	10 years max
M118515 14-GS-42-371 Inc. date:	Poss. Stolen Vehicle	On 11/4/2009, the Defendant was in possession of a	The defendant was seen entering and	10 years

11/4/2009 Arrest 2/10/2013		vehicle stolen from Finish Line Ford in Statesville, N.C. The defendant closed a door on the detectives hand.	driving off in the car by a Spartanburg city detective.	
M421016 13-GS-42-2366 Inc. date: 12/23/2009	Failure to Stop	On 12/23/2009, the Defendant was driving a car stolen from Alden Davis of Green Mountain, N.C.	The defendant failed to stop for a Spartanburg County sheriff's deputy.	Up to 5 years D/L must be suspended for 30 days or more.

RAP:

1998

Use of Vehicle without permission (2 counts)

Grand Larceny

Burglary Second

1999

Grand Larceny greater than \$5,000.00

Possession of Stolen Vehicle greater than \$1,000.00

Breaking into a motor vehicle (2 counts)

Grand larceny greater than \$5,000.00

2001

Fraudulent Check (23 counts)

2004

Petty Larceny; Burglary Third; third or subsequent property offense

FTC fraud; Third or subs. Property offense

2008

CDV First Offense

Failure to stop for a blue light

Third or subs. Property offense

2014

Grand Larceny – 8 years sentenced by Judge Hayes – August

FTC Fraud and Theft – 10 year and 5 eyar

West Virginina

Receive/Possessing/Concealing Stolen Property – Year uncertain, Page 31 RAP

Ohio

2012

Resisting Arrest

Virginia

2010 Intentional damage less than \$1,000

Eluding police

Felony offender escape w/o force

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
Jason Brian Osborne, #246524,	)	C/A No.: 2015-CP-42-0666
	)	
Applicant,	)	
	)	
v.	)	ORDER OF DISMISSAL
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

This matter comes before the Court by way of an Application for Post-Conviction Relief ("PCR") filed February 12, 2015. Respondent made its Return on September 14, 2015. The Court convened an evidentiary hearing into the matter on June 15, 2016, at the Spartanburg County Courthouse. Applicant was present at the hearing and represented by Leah B. Moody, Esquire. Alicia A. Olive, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, Matthew Shealy, Esquire, also testified. The Court had before it a copy of the plea transcript, the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the pleadings, the return, and the exhibit introduced at the hearing. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the May 2013 term of the Spartanburg County Grand Jury for the following:

- (1) Failure to stop (2013-GS-42-2366);

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CLERK OF COURT
SPARTANBURG COUNTY

- (2) Receiving stolen goods, third or subsequent (2013-GS-42-2367);
- (3) Three counts of possession of a stolen vehicle, third or subsequent (2013-GS-42-2368, -2369, and -2374);
- (4) Grand larceny, third or subsequent (2013-GS-42-2370)
- (5) Two counts of petit larceny, third or subsequent (2013-GS-42-2371, and -2378)
- (6) Two counts of financial transaction card fraud, third or subsequent (2013-GS-42-2373, and -2375);
- (7) Two counts of breaking into a motor vehicle (2013-GS-42-2372, and -2379);
- (8) Two counts of financial transaction card theft (2013-GS-42-2376, and -2377);
- (9) Forgery, third or subsequent (2013-GS-42-2381);
- (10) Two counts of obtaining property by false pretenses, third or subsequent (2013-GS-42-2380, and -2386);

Applicant was subsequently indicted at the December 2013 term for possession of a stolen vehicle, third or subsequent (2013-GS-42-5562), and at the January 2014 term for possession of a stolen vehicle, third or subsequent (2014-GS-42-0371). Matthew Shealy, Esquire, ("Counsel") represented Applicant on all charges.

On January 28, 2015, Applicant pleaded guilty before the Honorable Edward W. Miller to all charges (a total of nineteen) as indicted. Pursuant to the State's recommendation of fifteen years, Judge Miller sentenced Applicant to imprisonment for a term of ten years for one count of financial transaction credit fraud, a consecutive term of five years for one count of financial transaction card theft, and concurrent terms of three years for failure to stop and ten years for all remaining charges. Applicant did not appeal his conviction or sentence.

II. ALLEGATIONS

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

- 1. Ineffective assistance of counsel, specifically:
 - i. Counsel failed to appeal and "allowed court proceedings to take place"
 - ii. Counsel "allowed the court to accept a plea without any details or without explaining the nature of what happened."
- 2. Involuntary Guilty Plea, in that:
 - i. "I pled to this charge when I was unaware that I was

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- pleading to the charge.”
- ii. “I spoke to my attorney and specifically told him that I would not [plead guilty] on this charge (2013-GS-42-2376). I involuntar[ily] took a plea.”
 - iii. The judge “violated Rule 11 by failing to make inquiry as to satisfy there was a factual basis to accept the plea.”

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

A. Summary of Testimony

Applicant acknowledged that Counsel represented him on nineteen charges, but stated that he did not intend to plead to six of those charges because they happened at a church.¹ He stated that he felt if he pleaded to two-thirds of the charges, he would have gotten less time. He testified that he signed all of his sentencing sheets but that he did not read them. He stated he should have only pleaded to twelve charges and that he could not talk to his attorney at the guilty plea. He stated he was in a “shotgun” plea and that it was confusing. Applicant testified that Counsel showed him some videos, and at that time Applicant told him that he wished to plead guilty. When asked if Counsel went over all the charges with him, he said that Counsel did not go over all of them. He stated that the charges he was pleading to were not read aloud into the record at the plea. He testified that he told Counsel he would not plead guilty to those six charges. He testified the judge did not tell him the maximum penalty for the offenses. He

¹ These charges arose from incidents that occurred on August 12, 2009, and include the following indictment numbers: (2013-GS-2373, -2375, -2376, -2377, -2378, and -2379).

understood that he could be sentenced from zero to ten years on one of the charges. He stated he saw the sentencing sheets thirty minutes after the plea. He testified he tried to speak with Counsel at that time but he "was blowing me off." He said he received consecutive sentences on the charges that he did not intend to plead to. Applicant stated he did not bring this to the plea judge's attention and that he did not remind his lawyer because he did not think he had to. He stated the six charges are as follows: financial transaction card theft, two counts of financial transaction card fraud, petit larceny, and breaking into a motor vehicle. He stated he wanted a trial on these six charges. Applicant acknowledged that he knew at the guilty plea that the State had recommended a sentence of fifteen years and further acknowledged that he was sentenced to fifteen years. Applicant agreed that the parties stipulated to the facts of all nineteen charges and that the chart was made part of the record at the plea as Court's Exhibit 1. Applicant stated the six charges he disputed all arose on the same date: August 12, 2009.

Counsel testified that Applicant did not have any defenses to any of the charges. He testified that he discussed with Applicant the maximum penalty he could receive on all charges in the aggregate, which was 185 years. Counsel testified that when Applicant decided to accept the plea offer, Applicant was about to go to trial on the indictments arising from a November 1, 2009, incident for breaking into a motor vehicle, petit larceny, and grand larceny (2013-GS-42-2370, -2371, and -2372). Counsel discussed with Applicant what he was facing on the six charges along with the rest of the charges. Counsel testified if Applicant had declined the plea offer, the State would have rescinded the offer, and they would have proceeded to trial. Counsel testified Applicant had been on a number of different dockets. Counsel testified the offer was for Applicant to plead to all nineteen charges with a recommendation of fifteen years. Counsel stated the judge had to sentence him consecutively on at least one charge to reach the recommended

fifteen year sentence. Counsel asked the State for a better deal several times before Applicant accepted the offer. He said the fifteen year offer came down from Barry Barnette (the Seventh Circuit Solicitor). Counsel testified he explained to Applicant that if he did not accept the offer, it would be withdrawn. Counsel denied Applicant's allegation that he ignored him after the plea. He stated he was almost certainly dealing with other pleas directly after Applicant pleaded guilty. He further testified that there would be no reason to file an appeal on a guilty plea.

B. Ineffective Assistance of Plea Counsel

Applicant alleges Counsel was ineffective because he allowed the Court to accept Applicant's plea "without any details or without explaining the nature of what happened." At the hearing, Applicant further alleged that Counsel was ineffective for allowing that plea to go forward because he did not wish to plead to the six charges arising out of the August 12, 2009, incident, which occurred at a church.

In this post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove 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." Id. at 442, 334 S.E.2d at 814 (citing Strickland v. Washington, 466 U.S. 668 (1984)).

The proper measure of performance is whether counsel provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The Court presumes counsel rendered adequate assistance and made all significant

decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court uses 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, the Court measures counsel'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, Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty, but would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 59 (1985).

This Court finds Counsel conducted a proper investigation, adequately conferred with Applicant, and was thoroughly competent in his representation. Counsel has been a practicing attorney for eight years. Counsel met with Applicant at least five times prior to the plea, filed motions for discovery, and reviewed all discovery with Applicant. In his consultations with Applicant, Counsel informed Applicant of all the charges against him, explained the elements of those offenses, went over the State's evidence pertaining to each of the charges, and informed Applicant of the maximum penalties for each charge. Counsel also added all the maximum penalties together and informed Applicant that, in the aggregate, he could potentially be sentenced to up to 185 years in prison.

Counsel testified he had difficulty getting Applicant to talk to him and that Applicant did

not provide him with any leads or potential witnesses for the purpose of asserting any defenses. Counsel reviewed with Applicant all of his constitutional rights and explained which rights he would be waiving by pleading guilty. Counsel testified it was entirely Applicant's decision to plead guilty and that Applicant never gave any indication that he wished to withdraw his plea. Counsel stated that if Applicant had indicated a desire to withdraw the plea, Counsel would have stepped down and withdrawn the plea.

At the plea, the parties stipulated to the facts of the nineteen charges by submitting a chart of the offenses, which included the warrant numbers, incident dates, and sentencing exposure on each charge as a Court's exhibit. Tr. p. 18, line 7. Applicant acknowledged this at the PCR hearing and agreed that he stipulated to the facts when he entered his plea. That document was also introduced as an exhibit at Applicant's PCR hearing. In mitigation, Counsel also asked the judge to consider suspending a portion of the recommended fifteen year sentence.

Based on these facts, this Court finds Applicant has failed to demonstrate any deficiency in Counsel's performance.

Applicant likewise has failed to demonstrate that but for any alleged error of Counsel, he would not have pleaded guilty but would have insisted on going to trial. Applicant was facing *nineteen* charges. Applicant contends that if he had not pleaded to the six August 12, 2009 charges, he would have gotten a better sentence. Applicant has made no showing that the State made such an offer. On the contrary, Counsel testified that if Applicant had declined the plea offer, the State would have withdrawn the offer, and they would have proceeded to trial on the indictments for breaking into a motor vehicle, petit larceny, and grand larceny. Each of those charges carried a maximum sentence of ten years. In addition, those charges were charges arising from a November 1, 2009, incident—not the August 12, 2009 incident that Applicant claimed he

wanted to be tried for. Further, Counsel testified Applicant had no defense, and no evidence to the contrary has been presented as part of this PCR proceeding. Counsel testified that he tried multiple times to work out a better plea offer from the State, but that the offer of fifteen years to plead to all nineteen charges came directly from Solicitor Barnette. For these reasons, this Court finds Applicant has also failed to show prejudice resulting from the alleged errors of Counsel.

Therefore, Applicant has failed to prove ineffective assistance of counsel with respect to this allegation. Accordingly, this allegation is denied and dismissed.

Failure to appeal from guilty plea

Applicant also alleged Counsel was ineffective for not appealing his guilty plea. Counsel has a constitutionally-imposed duty to consult with defendant about appeal when there is reason to think either (1) that a rational defendant would want to appeal, or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470 (2000); Jones v. State, 382 S.C. 589, 596, 677 S.E.2d 20, 23-24 (2009).

This Court finds there is no basis to think that a rational defendant would have sought an appeal given the plea judge's sentence did not deviate from the State's recommended sentence of fifteen years given in exchange for Applicant's plea to a total of nineteen charges. Though Applicant alleges he wished to appeal his plea and that Counsel blew him off immediately following the plea, Counsel denied this allegation and stated that he was likely handling more pleas after Applicant's, and that there is no reason to appeal from a guilty plea. Applicant also testified that he could not get in contact with Counsel to ask about an appeal. This Court finds Counsel's testimony to be more credible than Applicant's testimony on this issue. Accordingly, this Court finds Applicant has failed to show that he "reasonably demonstrated to counsel that he was interested in appealing." Flores-Ortega, 528 U.S. 470. Therefore, this allegation is denied

and dismissed.

C. Involuntary Guilty Plea

Applicant also alleges that his guilty plea was involuntary because he "was unaware [he] was pleading to the charge." he told his attorney he "would not [plead guilty] on this charge (-2376)," and the judge did not "make an inquiry as to satisfy there was a factual basis to accept the plea." This Court finds Applicant has failed to present any evidence in support of these allegations and has therefore failed to satisfy his burden of proving that his guilty plea was involuntarily entered.

In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An Applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the Applicant would not have pleaded guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985); Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). Before a court can accept a guilty plea, a criminal defendant must be advised of the constitutional rights

he is waiving. Id. at 243. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). A criminal defendant's knowing and voluntary waiver of statutory or constitutional rights in a guilty plea "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).

When determining issues relating to guilty pleas, the Court will consider the entire record, including the transcript of the guilty plea and the evidence presented at the PCR hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000). Furthermore, "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 (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 343 (4th Cir.1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir.1976).

This Court finds the record fully supports the knowing and voluntary nature of Applicant's plea. Applicant has presented no reason why he should be permitted to depart from the truth of his statements made during his guilty plea. Applicant has presented no evidence that he was unaware that he was pleading to any particular charge of the nineteen, or that he told

Counsel he did not wish to plead. Counsel stated that if Applicant had informed him he did not wish to go forward, he would have withdrawn the plea, and they would have proceeded to trial on several of the charges. Further, Applicant admitted that he stipulated to the facts of the case, which were made part of the record as a Court's exhibit. Therefore, Applicant has made no showing that the plea judge failed to inquire as to whether there was a factual basis on which to accept the plea. For these reasons and for the reasons stated above, this Court finds Applicant has failed satisfy his burden of proving his plea was involuntary. Accordingly, this allegation is denied and dismissed.

D. All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

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. 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

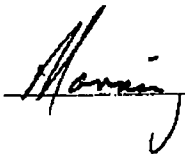
appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is **denied and dismissed with prejudice**; and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 24 day of Oct., 2016.


 THE HONORABLE R. FERRELL CUTHRAN, JR.
 Presiding Judge

 , South Carolina

2016 OCT 31 PM 2:17
 SC COURT
 15 HOPE BLVD

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

DOCKET NO.

13-GS-42-2380

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 14 2013

TERM

ARREST WARRANT NUMBER

M116527

THE STATE
vs.

JASON BRIAN OSBORNE

ACTION OF GRAND JURY

2. ASSESSMENT AND
FINE CANNOT BE
3. JURY VIOLATION COPY**True Bill**

Foreperson of Grand Jury

Date:

MAY 03 2013

VERDICT

Indictment for

**OBTAINING PROPERTY
BY FALSE PRETENSES**

SC Code: 16-13-0240 (3), 18-1-57

CDR Code: 1186, 2387

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:12
M. HOPE BLACKLEY

RL

STATE OF SOUTH CAROLINA }
 }
 COUNTY OF SPARTANBURG)

INDICTMENT

MAY 13 2013

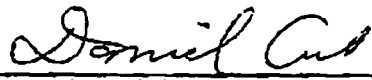
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

OBTAINING PROPERTY BY FALSE PRETENSES

That Jason Brian Osborne did in Spartanburg County, on or about August 13, 2009, by means of false pretenses and representations and with the intent of cheating and defrauding the victim, First Cash Pawn Shop, obtain a signature of a person to a written instrument or did obtain from a person a chattel, money, valuable security, or other property (real or personal) valued at less than \$1,000.00, in that the defendant did obtain US currency, belonging to First Cash Pawn Shop, in violation of §16-13-240 (3), §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended.)

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


 ASSISTANT SOLICITOR

WITNESSES

SPTRG. CO. SHERIFF'S DEPT.

DOCKET NO.
13-GS-42-2379

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 16 2013

TERM

ARREST WARRANT NUMBER
M1165282. REPORT MADE
3. CARD FILLED

4. INDEXED

5. CHECKED WARRANTS
6. CHECKED SIGNATUREACTION OF GRAND JURY
7. ASSESSMENT
8. CARD COPY
& TRANSMIT TO COURT
True Bill

Foreperson of Grand Jury

Date: MAY 03 2013

VERDICT

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-0160 (1) (2), (B)

CDR Code: 258

Class FEL/F

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:12
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

MAY 03 2013

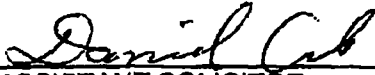
At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

BREAKING INTO MOTOR VEHICLE

That Jason Brian Osborne did in Spartanburg County on or about August 12, 2009, break or attempt to break into a motor vehicle or its compartment with the intent to steal it or anything of value from it, or attached or annexed to it, or used in connection with it or in the perpetration of any criminal offense, being a 2009 Dodge Truck, belonging to Gary Oxendine and/or Tina Oxendine, in violation of §16-13-160 (1) (2), (B), *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*, as amended.

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


ASSISTANT SOLICITOR

WITNESSES

SPTBG. COUNTY SHERIFF'S OFFICE

DOCKET NO.

13-GS-42-2378

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 14 2013

TERM

THE STATE

vs.

JASON BRIAN OSBORNE

Indictment for
PETIT LARCENYSC Code: 16-13-30 (A), 16-1-57
CDR Code: 0480, 2367
Class FEL/E

ARREST WARRANT NUMBER

2. REPORT MADE

3. CARRIED

M116529

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ACTION OF GRAND JURY

7. ASSIGNED TO JURY

FINE CARD NO. JURY

8. TRAFFIC VIOLATION COPY

True Bill

Foreperson of Grand Jury

Date:

MAY 13 2013

VERDICT

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEYFILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

R1

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

MAY 03 2010

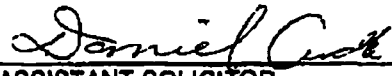
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That Defendant, Jason Brian Osborne, did in Spartanburg County on or about August 12, 2009, feloniously take and carry away goods and or monies, of Gary Oxendine and/or Tina Oxendine, valued at less than Two Thousand Dollars, described as follows: a GPS Unit with the intent to deprive the owner permanently of such property, in violation of §16-13-30 (A) and 16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

DOCKET NO. **13-GS-42-2377**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 14 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

FINANCIAL TRANSACTION
CARD THEFT

SC Code: 16-14-20, 100 (B)

CDR Code: 348

Class FEL/F

ACTION OF GRAND JURY

True BillForeperson of Grand Jury
Date:

MAY 03 2013

VERDICT

Foreperson of Petit Jury
Date:FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEYFILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:11
M. HOPE BLACKLEY
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24

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

MAY 13 2010

At a Court of General Sessions, convened on _____, the
 Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD THEFT

That Jason Brian Osborne, did in Spartanburg County, on or about August 12, 2009, take, obtain, or withhold a financial transaction card or number from the person, possession, custody, or control of another without the cardholder's consent, and with the intent to use it; or did, knowing it had been taken, obtained, or withheld, receive the card or number with the intent to use it, sell it, or transfer it to a person, other than the cardholder or issuer, in that the defendant did: take a financial transaction card being a debit card from the victim, Tina Oxendine, and did use it to obtain money, goods and services, in violation of §16-14-20 (1), 100 (B), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

SPTG CO. SHERIFF'S OFFICE

[Signature]

DOCKET NO.

13-GS-42-2376

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 16 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

FINANCIAL TRANSACTION
CARD THEFT

SC Code: 15-14-20, 100 (B)

CDR Code: 348

Class FEL/F

1. SENTENCE MADE

2. REPORT ENDED

ARREST WARRANT

M116531

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND
FINE CARD MADE

ACTION OF GRAND JURY

8. TRAFFIC VIOLATION CARD

True Bill

Foreperson of Grand Jury

Date:

MAY 13 2013

VERDICT

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:11
M. HOPE BLACKLEY
VOID
CLOCKED

[Handwritten mark]

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

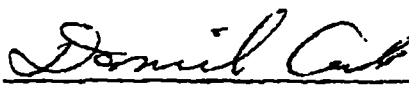
MAY 13 2013

At a Court of General Sessions, convened on _____ the
 Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD THEFT

That Jason Brian Osborne, did in Spartanburg County, on or about August 12, 2009 take, obtain, or withhold a financial transaction card or number from the person, possession, custody, or control of another without the cardholder's consent, and with the intent to use it; or did, knowing it had been taken, obtained, or withheld, receive the card or number with the intent to use it, sell it, or transfer it to a person, other than the cardholder or issuer, in that the defendant did: withhold a financial transaction card being a Capital One Mastercard, belonging to Tina Oxendine, and did use it to obtain money, goods and services, in violation of §16-14-20 (1), 100 (B), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S DEPT.

DORIS NO.

13-GS-42-2375

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 16 2013

TERM

THE STATE
VS.

JASON BRIAN OSBORNE

Indictment for

FINANCIAL TRANSACTION
CARD FRAUD < \$500

SC Code: 16-14-60, 16-1-57

CDR Code: 3821

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEYVOID
CLOCKED
COURT
CLERK
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

1. SERVICE MADE

2. RETURNED

ARREST WARRANT NUMBER

3. CANCELED

4. INDEXED

5. CHECKED WARRANTS

M116532 6. CHECKED SIGNATURE

7. ASSESSMENT AND

FINE CARD MADE

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: MAY 13 2013

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

MAY 11 2013

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD < \$500

That Jason Brian Osborne did in Spartanburg County, on or about August 12, 2009 with intent to defraud the issuer, a person or organization providing something of value, or any other person: (1) use for the purpose of obtaining anything of value a financial transaction card obtained or retained, or which was received with the knowledge that it was obtained or retained in violation of §16-14-20 or 16-14-40, or a financial transaction card which he or she knew to be forged, altered, expired, revoked, or obtained as a result of a fraudulent application; or (2) obtain anything of value by (a) representing without the consent of the specified cardholder that he or she had permission to use the card or (b) presenting the card without the authorization or permission of the cardholder or (c) representing that he or she was the holder of a card when a card had not been issued; or (3) deposit into any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check or other document that was not his or her lawful or legal property, in that the defendant did: present a Wachovia Visa Debit Card, rightfully belonging to the cardholder, Tina Oxendine, and did use it to obtain goods and/or services valued at \$43.47, in violation of §16-14-60, §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


 ASSISTANT SOLICITOR

134

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

DOCKET NO.

13-GS-42-2313

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 F 2013

ARREST WARRANT NUMBER

1. SENTENCE MADE

2. REPORT FILED

M116533

3. CARD PULLED

4. INDEXED

5. CANCELED WARRANTS

ACTION OF GRAND JURY

6. CHECK SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

8. TRAFFIC STOP

COMPUTER

TERM

THE STATE
VS.

JASON BRIAN OSBORNE

Foreperson of Grand Jury
Date:

MAY 03 2013

VERDICT

Indictment for

FINANCIAL TRANSACTION
CARD FRAUD < \$500

SC Code: 16-14-60, 16-1-57
CDR Code: 3621
Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:10
M. HOPE BLACKLEY
VOID
CLOCKED
IN
ERROR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

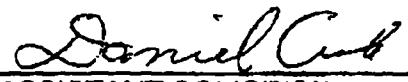
MAY 11 2012

At a Court of General Sessions, convened on _____, the
 Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD < \$500

That Jason Brian Osborne did in Spartanburg County, on or about August 12, 2009 with intent to defraud the issuer, a person or organization providing something of value, or any other person: (1) use for the purpose of obtaining anything of value a financial transaction card obtained or retained, or which was received with the knowledge that it was obtained or retained in violation of §16-14-20 or 16-14-40, or a financial transaction card which he or she knew to be forged, altered, expired, revoked, or obtained as a result of a fraudulent application; or (2) obtain anything of value by (a) representing without the consent of the specified cardholder that he or she had permission to use the card or (b) presenting the card without the authorization or permission of the cardholder or (c) representing that he or she was the holder of a card when a card had not been issued; or (3) deposit into any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check or other document that was not his or her lawful or legal property, in that the defendant did: present a Capital One Mastercard, rightfully belonging to the cardholder, Tina Oxendine, and did use it to obtain goods and/or services valued at \$11.95 , in violation of §16-14-60, §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

DOCKET NO.

14-GS-42-0371

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

SPTBG. PUBLIC SAFETY DEPT.

Linn M. Foster

COURT OF GENERAL SESSIONS

JAN 27 2014

TERM

ARREST WARRANT NUMBER

M118515

2. RETURNED

3. CANCELED

4. INDEXED

5. CHECKED IN WARRANTS

ACTION OF GRAND JURY

True Bill7. ASSESSMENT
FINE CARD MADE

2. TRAFFIC VIOLATION COPY

THE STATE
vs.

JASON BRIAN OSBORNE

Foreperson of Grand Jury

Date:

JAN 22 2014

VERDICT

Indictment for

POSSESSION OF A STOLEN VEHICLE

SC Code: 16-21-80 (3), 16-1-57

CDR Code: 430

Class: FEL/E

Foreperson of Petit Jury

Date:

CLERK OF COURT
SPARTANBURG COUNTY
2014 JAN 24 AM 10:42
M. HGPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JAN 22 2014

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF A STOLEN VEHICLE

That Jason Brian Osborne did in Spartanburg County on or about November 4, 2009, possess, sell, conceal, or dispose of a stolen vehicle, valued at more than Five Thousand Dollars, he not being entitled to the possession of a silver Lincoln four door sedan, belonging to Finish Line Ford, knowing it to be stolen or converted under circumstances constituting a crime, in violation of §16-21-80 (3), §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

WITNESSES

DUNCAN PD

Em. B. B. B.

DOCKET NO.

13-GS-42-5562

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 DEC 18 PM 1:45
M. HOPE BLACKLEY

1. SENTENCE MADE

2. REPORT FILED

3. CARD PULLED

ARRESTED WARRANT NUMBER

M055160

5. CHECKED SIGNATURE

6. CHECKED AND

FINE CARD MADE

ACTION OF GRAND JURY

True BillForeperson of Grand Jury
Date:

DEC 12 2013

VERDICT

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

POSSESSION OF STOLEN VEHICLE

>\$1000 and <\$5000

SC Code: 16-13-180 (2), 16-1-57

CDR Code: 3745

CLASS FEL/E

Foreperson of Petit Jury
Date:

W

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

DEC 12 2013

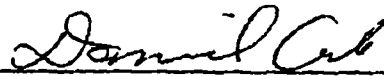
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF STOLEN VEHICLE >\$1000<\$5000

That Jason Brian Osborne did in Spartanburg County on or about July 24, 2009, receive, possess, sell, conceal, or dispose of a stolen vehicle, valued at more than One Thousand Dollars, but less than Five Thousand Dollars, he not being entitled to the possession of a 1994 Saturn, blue in color, belonging to James Oliver Logan, knowing it to be stolen or converted under circumstances constituting a crime, in violation of §16-13-180 (2), §16-1-57. *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended.)

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


 ASSISTANT SOLICITOR

WITNESSES

DUNCAN PD

DOCKET NO. -

13-GS-42-2386

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 16 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

OBTAINING PROPERTY BY
FALSE PRETENSESSC Code: 16-13-240 (3), 16-1-57
CDR Code: 2367
Class FEL/E**True Bill**

VERDICT

Foreperson of Petit Jury
Date:ARREST WARRANT NUMBER
E384706

4. INDEXED

5. CHECKED WARRANTS
6. CHECKED SIGNATUREACTION OF ASSESSMENT AND
FORWARD JURY
TRAFFIC VIOLATION COPYFILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:09
M. HOPE BLACKLEYFILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:11
M. HOPE BLACKLEY
VOID

SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

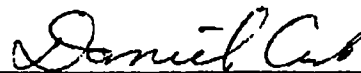
MAY 23 2013

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

OBTAINING PROPERTY BY FALSE PRETENSES

That Jason Brian Osborne, did in Spartanburg County on or about July 24, 2009, obtain money or other property, belonging to CRC Scrap Metal, by false pretense or representation, with the intent to cheat and defraud CRC Scrap Metal, that money or other property valued at less than \$1,000, to-wit by selling metal that he did not own to CRC Scrap Metal, in violation of §16-13-240(3), §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

[Signature]

ARREST WARRANT NUMBER

M-116011

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

MAY 03 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-2385

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 06 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

FTC/FRAUD\$500 LESS IN 6 MONTHS
CARDHOLDER

SC Code: 18-14-60, 16-1-57
CDR Code: 3621
Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY
VOID
CLOCKED IN
FOR

[Handwritten mark]

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

MAY 03 2013

At a Court of General Sessions, convened on _____, the
 Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD < \$500/IN 6 MONTHS

That Jason Brian Osborne did in Spartanburg County, on or about August 1, 2009, with intent to defraud the issuer, a person or organization providing something of value, or any other person: (1) use for the purpose of obtaining anything of value a financial transaction card obtained or retained, or which was received with the knowledge that it was obtained or retained in violation of §16-14-20 or 16-14-40, or a financial transaction card which he or she knew to be forged, altered, expired, revoked, or obtained as a result of a fraudulent application; or (2) obtain anything of value by (a) representing without the consent of the specified cardholder that he or she had permission to use the card or (b) presenting the card without the authorization or permission of the cardholder or (c) representing that he or she was the holder of a card when a card had not been issued; or (3) deposit into any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check or other document that was not his or her lawful or legal property, in that the defendant did: use a financial transaction card belonging to David Lancaster Steele, to obtain a \$50 gift card from Ingles, in violation of §16-14-60, §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

SENTENCE MADE

REPORT MADE

3. CARD PULLED

4. INDEXED

ARREST WARRANT NUMBER

M-116013

CHECKED SIGNATURE

LASTED CERT AND

PRINTED NAME

PRINTED COPY

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

MAY 03 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-2383

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 6 2013

TERM

THE STATE

vs.

JASON BRIAN OSBORNE

Indictment for

FINANCIAL TRANSACTION
CARD THEFT

SC Code: 16-14-20, 100 (B)

CDR Code: 348

Class FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 MAY -9 PM 4:08

M. HOPE BLACKLEY

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 MAY -9 PM 3:11

M. HOPE BLACKLEY

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STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

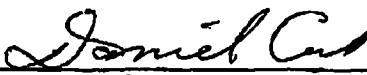
INDICTMENT

At a Court of General Sessions, convened on MAY 03 2013, the
Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD THEFT

That Jason Brian Osborne, did in Spartanburg County, on or about August 1, 2009 take, obtain, or withhold a financial transaction card or number from the person, possession, custody, or control of another without the cardholder's consent, and with the intent to use it; or did, knowing it had been taken, obtained, or withheld, receive the card or number with the intent to use it, sell it, or transfer it to a person, other than the cardholder or issuer, in that the defendant did: steal a financial transaction card, belonging to David Lancaster Steele, in violation of §16-14-20 (1), 100 (B), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S DEPT. *00*

ARREST WARRANT NUMBER

M-116014 (Direct Indictment)

ACTION OF GRAND JURY

True BillForeperson of Grand Jury
Date: *MAY 03 2013*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET #

13-GS-42-2382

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 6 2013

TERM

THE STATE

vs.

JASON BRIAN OSBORNE

Indictment for

POSSESSION OF STOLEN VEHICLE

SC Code: 16-21-80, 16-1-57

CDR Code: 0513, 2367

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEYFILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:12
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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

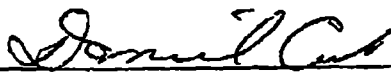
MAY 03 2013

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF STOLEN VEHICLE

That Jason Brian Osborne did in Spartanburg County on or about August 1, 2009, receive, possess, conceal, sell or dispose a 1996 blue Jeep Cherokee, belonging to David Lancaster Steele, knowing it to be stolen or converted under circumstances constituting a crime, being not entitled to the possession of a vehicle, valued at more than one thousand dollars but less than five thousand dollars, in violation of §16-21-80, §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


ASSISTANT SOLICITOR

WITNESSES

SPTBG. PUBLIC SAFETY

AC

ARREST WARRANT NUMBER

M116398

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ACTION DISSEMINATED AND
FINANCIAL JUDICIAL CODE

TRAFFIC JUDICIAL CODE

True BillForeperson of Grand Jury
Date:

MAY 03 2013

VERDICT

Foreperson of Petit Jury
Date:DOCKET # **13-GS-42-2381**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 03 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

FORGERY < \$5,000

SC Code: 16-13-10, 16-1-57

CDR Code: 2427, 2367

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEYFILED
CLERK OF COURT
SPARTANBURG COUNTY
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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

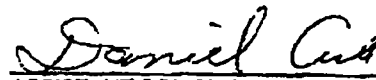
MAY 11 2013

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

FORGERY < \$5,000

That Jason Brian Osborne did in Spartanburg County between August 14, 2009, and August 15, 2009 knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: check #11652, in the amount of \$199.78, belonging to Justin Hoffman, in violation of §16-13-10, §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

[Signature]

COMPUTER

ARREST WARRANT NUMBER
M117312

4. INDEXED
5. CHECKED WARRANT'S
6. CHECKED SIGNATURE

COMPUTER

ACTION OF GRAND JURY
TRAFFIC VIOLATION

True Bill

[Signature]
Foreperson of Grand Jury
Date: MAY 03 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

13-GS-42-2372

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

MAY 11 6 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

BREAKING INTO MOTOR VEHICLE

SC Code: 16-13-0160 (A), (1) (2), (B)
CDR Code: 258
Class FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

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SPARTANBURG COUNTY
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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on MAY 01 2013, the

Grand Jurors of Spartanburg County present upon their oath:

BREAKING INTO MOTOR VEHICLE

That Jason Brian Osborne did in Spartanburg County on or about November 1, 2009, break or attempt to break into a motor vehicle or its compartment with the intent to steal it or anything of value from it, or attached or annexed to it, or used in connection with it or in the perpetration of any criminal offense, being a Chevrolet HHR, belonging to Heather Ridings, in violation of §16-13-160(A), (1) (2), (B), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

DOCKET NO.

13-GS-42-2371

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 16 2013

TERM

2. REPORT INITIALED

3. CARD PULLED

4. INDEXED

ARREST WARRANT NUMBER

5. CHECKED SIGNATURE

M117313

7. ASSESSMENT AND
FINE CARD MADE

8. TRAFFIC VIOLATION COPY

ACTION OF GRAND JURY

True BillForeperson of Grand Jury
Date:

MAY 03 2013

VERDICT

THE STATE

vs.

JASON BRIAN OSBORNE

Indictment for

PETIT LARCENY

SC Code: 16-13-30 (A), 16-1-57

CDR Code: 0480, 2367

CLASS FEL/E

Foreperson of Petit Jury
Date:FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
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SPARTANBURG COUNTY
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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

MAY 03 2013

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That Defendant, Jason Brian Osborne, did in Spartanburg County on or about November 1, 2009, feloniously take and carry away goods and or monies, of Heather Ridings, valued at less than One Thousand Dollars, described as follows: a purse and its contents and/or jackets, with the intent to deprive the owner permanently of such property, in violation of §16-13-30 (A) and 16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

ARREST WARRANT NUMBER

M117485

ACTION OF GRAND JURY

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-2370

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

MAY 16 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

GRAND LARCENY

SC Code: 16-13-30 (B) (1), 16-1-57

CDR Code: 0478, 2367

Class FEL-E

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CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
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STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

MAY 23 2013

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

GRAND LARCENY

That Jason Brian Osborne did in Spartanburg County on or about November 1, 2009, feloniously take and carry away the goods of Mary Kristina Nanna, valued at more than One Thousand Dollars, but less than Five Thousand Dollars, described as follows: a Ford truck with the intent to deprive the owner permanently of such property, all in violation of Section 16-13-30 (B) (1), and Section 16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


 ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S DEPT.

DOCKET NO.

13-GS-42-2369

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 2013

TERM

ARREST WARRANT NUMBER

M117497

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

ACTION OF GRAND JURY

8. TRANSMITTAL ONLY

THE STATE
vs.

JASON BRIAN OSBORNE

True Bill

Foreperson of Grand Jury

Date:

MAY 03 2013

VERDICT

Indictment for

POSSESSION OF A STOLEN VEHICLE

SC Code: 16-21-80 (2), 16-1-57

CDR Code: 0538, 2367

Class: FEL/E

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
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STATE OF SOUTH CAROLINA)
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COUNTY OF SPARTANBURG)

INDICTMENT

MAY 11 2011

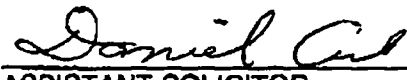
At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF A STOLEN VEHICLE

That Jason Brian Osborne did in Spartanburg County on or about November 3, 2009, receive, possess, sell, conceal, or dispose of a stolen vehicle, valued at more than One Thousand Dollars, but less than Five Thousand Dollars, he not being entitled to the possession of a 1992 Lincoln Towncar, belonging to Charles Scott Gosnell, knowing it to be stolen or converted under circumstances constituting a crime, in violation of §16-21-80, §16-1-57 *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended.)

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


ASSISTANT SOLICITOR

WITNESSES

SPTBG. CO. SHERIFF'S DEPT.

DOCKET NO.

13-GS-42-2368

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 9 6 2013

TERM

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

POSSESSION OF A STOLEN VEHICLE

SC Code: 16-21-80 (3), 16-1-57

CDR Code: 430, 2357

Class: FEL/E

1. SENTENCE MADE

COMPUTER

ARREST WARRANT NUMBER

M117834

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ACTION OF CASES MADE

TRAFFIC VIOLATION COPY

True Bill

Foreperson of Grand Jury

Date:

MAY 9 3 2013

VERDICT

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

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CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

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STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

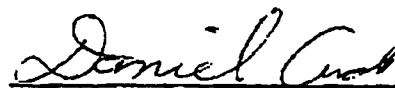
MAY 13 2013

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

POSSESSION OF A STOLEN VEHICLE

That Jason Brian Osborne did in Spartanburg County on or about October 31, 2009, possess, sell, conceal, or dispose of a stolen vehicle, valued at more than Five Thousand Dollars, he not being entitled to the possession of a green Toyota Tacoma, belonging to Michael Land and/or Roger Land, knowing it to be stolen or converted under circumstances constituting a crime, in violation of §16-21-80 (3), §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

160

WITNESSES

SPTBG. CO. SHERIFF'S OFFICE

DOCKET NO.

13-GS-42-2367

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 2013

TERM

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEY

ARREST WARRANT NUMBER

M118231

3. INDEXED

5. CHECKED

6. CHECKED

7. ASSESSMENT AND

FINE CARD MADE

8. SPECIFIC VIOLATION COPY

ACTION OF GRAND JURY

True Bill

For person of Grand Jury

Date:

MAY 13 2013

VERDICT

THE STATE
vs.

JASON BRIAN OSBORNE

Indictment for

RECEIVING STOLEN GOODS

SC Code: 16-13-180(1), 16-1-0057

CDR Code: 2367

Class FEL/E

Foreperson of Petit Jury
Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:17
M. HOPE BLACKLEY
VOID
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STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

MAY 13 2013

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

Receiving Stolen Goods

That Jason Brian Osborne did in Spartanburg County on or about December 23, 2009, buy, receive or possess stolen goods of Kachina Felica Harper and/or the state of Georgia , described as follows: a Georgia license plate, valued at less than One Thousand Dollars, such goods having been feloniously taken and carried away with intent to deprive the owner thereof permanently of such goods, and the said defendant knew or had reason to believe such goods had been stolen, in violation of §16-13-0180 (1), §16-1-57 THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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

Daniel Cist
 ASSISTANT SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

DOCKET NO.

13-GS-42-2364

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 16 2013

TERM

ARREST WARRANT NUMBER

M-421016

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

MAY 13 2013

VERDICT

THE STATE
vs.

Jason B. Osborne

Indictment for

FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY OFFICER

SC Code: 56-5-750 (B)(1)

CDR Code: 0065

Class MIS/A

Foreperson of Petit Jury

Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 4:08
M. HOPE BLACKLEYFILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 MAY -9 PM 3:11
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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

MAY 13 2013

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

**FAILURE TO STOP MOTOR VEHICLE WHEN
SIGNALLED BY A LAW ENFORCEMENT VEHICLE**

That Jason B. Osborne, did in Spartanburg County on or about December 23, 2009 willfully failed to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, and refused and failed to stop in violation of §56-5-750 (b) (1), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


Assistant Solicitor