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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

BOBBY LEE PARNELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-000224

APPENDIX

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STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE } GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)

STATE,)

TRANSCRIPT OF RECORD
13-GS-21-1525
13-GS-21-1526

v.)

BOBBY LEE PARNELL,)

DEFENDANT.)

April 17, 2014
Florence, South Carolina

BEFORE :

THE HONORABLE MICHAEL G. NETTLES, JUDGE

APPEARANCES:

MATTHEW R. OZMENT, ESQ.
Assistant Solicitor

EMILY CRAYTON, ESQ.
Attorney for Defendant

FRANCES BAKIS-RAY, RPR
Circuit Court Reporter

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(There were no exhibits submitted.)

1 MR. OZMENT: The State calls two
2 indictments, the first one being 2013-GS-21-525, the
3 State versus Bobby Parnell, assault and battery in
4 the first degree; the other being 2013-GS-21-1526,
5 assault and battery of a high and aggravated nature.
6 The recommendation this is that only they be run
7 concurrent. This is two different instances. The
8 victim's aunt —

9 VICTIM'S AUNT: What about the kidnapping
10 charges?

11 THE COURT: All right, you're gonna have
12 an opportunity to speak. This is his turn and he'll
13 recognize you at the appropriate time.

14 VICTIM'S AUNT: Sorry.

15 THE COURT: Ms. Crayton, you represent Mr.
16 Parnell?

17 MS. CRAYTON: Yes, Your Honor, I do.

18 THE COURT: Have you explained to him the
19 offense of assault and battery first degree, the
20 fact that he could be incarcerated for a period of
21 up to ten years, assault and battery high and
22 aggravated nature up to 20 years, the elements of
23 each of these offenses, potential defenses, and his
24 constitutional rights?

25 MS. CRAYTON: Yes, Your Honor.

1 THE COURT: How does he wish to plead?
2 MS. CRAYTON: Guilty, Your Honor.
3 THE COURT: You agree with his decision to
4 do so?
5 MS. CRAYTON: Yes, Your Honor.
6 THE COURT: You feel if called upon to do
7 so the State could prove him guilty beyond a
8 reasonable doubt?
9 MS. CRAYTON: Yes, Your Honor.
10 THE COURT: All right, let's place Mr.
11 Parnell under oath if we could.
12 THE CLERK OF COURT: Raise your right
13 hand.
14 WHEREUPON,
15 **BOBBY PARNELL,**
16 having been duly sworn by the Clerk, testified as
17 follows:
18 THE COURT: Mr. Parnell, are you under the
19 influence of any drugs or alcohol here today?
20 THE DEFENDANT: No, sir, Your Honor.
21 THE COURT: Are you experiencing any kind
22 of physical or mental problem that could prevent you
23 from understanding what's going on here today?
24 THE DEFENDANT: No, sir, Your Honor.
25 THE COURT: Pay very close attention as

1 the State summarize the facts that bring us here
2 today.

3 MR. OZMENT: Your Honor, we'll start with
4 the assault and battery first case. On June 29th,
5 2013, Mr. Parnell was outside of Mary's Place near
6 Benton Street which is in Lake City which is in
7 Florence County. At that location he attacked a
8 victim Mr. Tyrone Cooper. At the time it's alleged
9 that during the commission of the robbery
10 Mr. Parnell did not take anything I know, but does
11 admit he injured the man. Mr. Cooper had to go to
12 the hospital as a result of his injuries. There
13 were multiple eyewitnesses to this incident, and
14 Mr. Parnell was identified by the victim as well.

15 Your Honor, moving on to assault and
16 battery of a high and aggravated nature, on
17 July 2nd, 2013, the Lake City Police Department got
18 a random call that at Franklin Street, which was
19 an abandoned residence, there was an assault taking
20 place. They arrived at that scene and did find
21 Mr. Parnell at the location. At first Mr. Parnell
22 as well as the victim, as well as several other
23 witnesses. It appeared that Mr. Parnell was
24 assaulting a female, Ms. Shannon Morris, at another
25 location. She had multiple injuries. I can tell

1 you from looking at her medical records, she had a
2 lot of broken facial bones. She had teeth knocked
3 out. She had a broken nose. But the assault had
4 started place and then Mr. Parnell had taken her to
5 the second location of an abandoned house where the
6 assault continued. Certainly her medical, as I
7 stated, her injuries were fairly extensive and I
8 would imagine required more than one surgery based
9 on the medical records I have.

10 After this happened he was taken into
11 custody. She actually was checked into Lake City
12 Hospital under an alias because they were so scared
13 based on how volatile the situation was and how bad
14 the situation was that they didn't want her
15 registered at the Lake City Hospital under her own
16 name. I've spoken to her on a couple of occasions
17 now. She said she did not even want to be in the
18 same room with him so she did not even come to court
19 today. This is her aunt. My understanding is she
20 did write a letter.

21 She was, I just, — there's also a
22 kidnapping charge based on the changing locations
23 and not allowing her to leave the second location.

24 THE COURT: What was the relationship
25 between the victim and Mr. Parnell? Was there a

1 relationship? Was this just a random act of
2 violence?

3 MR. OZMENT: I think there was some sort
4 of relationship. I might have to allow the aunt —

5 VICTIM'S AUNT: May I speak?

6 THE COURT: Yes.

7 VICTIM'S AUNT: They were living together
8 when he was abusing her and I did try to get her
9 out.

10 THE COURT: That's — I'm gonna hear
11 anything that you —

12 VICTIM'S AUNT: But —

13 THE COURT: I'm gonna hear anything —
14 yes, ma'am.

15 VICTIM'S AUNT: She had left the home they
16 shared.

17 THE COURT: Right.

18 VICTIM'S AUNT: Was staying in a safer
19 place. He kidnapped her.

20 THE COURT: Right. I understand that.
21 We're gonna hear everything you got to say here in a
22 moment. I just want to know whether there's a
23 relationship or whether he abducted her on the
24 street and did all this.

25 VICTIM'S AUNT: There was a prior

1 relationship.

2 THE COURT: Very good.

3 MR. OZMENT: Anyway, in closing, Your
4 Honor, I will also go over his record. It's fairly
5 extensive. Your Honor, in '86 he had a shoplifting.
6 '89, unlawful pistol; '90, conspiracy to distribute
7 cocaine base; '92, strong arm robbery, unlawful
8 carry and resisting; '93 resisting and distribution
9 of crack; '95, resisting and purse snatching; '98,
10 forgery; 2000, strong arm robbery, 2002, CDV; 2002,
11 strong arm robbery; 2005, ABHAN; 2006, resisting
12 arrest; '08, assault on law enforcement, burglary
13 third; and 2012, a shoplifting.

14 THE COURT: Those facts true and accurate,
15 Mr. Parnell?

16 THE DEFENDANT: Yes, sir, Your Honor.

17 THE COURT: All right. Mr. Parnell, your
18 lawyer's been over the fact that this assault and
19 battery of a high and aggravated nature, it's a very
20 special category of a crime in that it's a violent
21 offense and it adversely affects your custody
22 status. And it's a serious offense subject to two
23 of the three strike rule. And it is nonparoleable,
24 which means that you'll serve it day for day subject
25 to the 85 percent rule. You understand all these

1 things?

2 THE DEFENDANT: Yes, sir, Your Honor.

3 THE COURT: All right. Are the facts that
4 have been related to the Court true?

5 THE DEFENDANT: Yes, sir, Your Honor.

6 THE COURT: Are you indeed guilty of
7 assault and battery first degree?

8 THE DEFENDANT: Yes, sir, Your Honor.

9 THE COURT: Are you guilty of assault and
10 battery of a high and aggravated nature?

11 THE DEFENDANT: Yes, sir, Your Honor.

12 THE COURT: You stand before me pleading
13 guilty but you don't have to plead guilty to
14 anything. You could exercise your right to a jury
15 trial. In that process the jury would determine
16 whether or not the State could actually prove you
17 guilty beyond a reasonable doubt. I would charge
18 the jury as a matter of law that you're presumed to
19 be innocent. No one could require that you take the
20 witness stand; however, if you wanted to you could.
21 You could subpoena witnesses on your own behalf. In
22 addition to that, you and your lawyer could
23 cross-examine the State's witnesses, have an
24 opportunity to eyeball them and confront them as
25 they testified against you. You realize by pleading

1 guilty you're giving up all of these rights?

2 THE DEFENDANT: Yes, sir, Your Honor.

3 THE COURT: Do you still wish to plead
4 guilty?

5 THE DEFENDANT: Yes, sir, Your Honor.

6 THE COURT: Are you indeed guilty?

7 THE DEFENDANT: Yes, sir, Your Honor.

8 THE COURT: Plea negotiations none other
9 than concurrent, Mr. Ozment?

10 MR. OZMENT: Correct, Your Honor.

11 THE COURT: Is that right, Ms. Crayton?

12 MS. CRAYTON: Yes, Your Honor.

13 THE COURT: Is that your understanding,
14 Mr. Parnell?

15 THE DEFENDANT: Yes, sir, Your Honor.

16 THE COURT: Mr. Parnell, are you satisfied
17 with your lawyer?

18 THE DEFENDANT: I'm well pleased with her,
19 sir.

20 THE COURT: You understood all your
21 conversations with her?

22 THE DEFENDANT: Yes, sir, Your Honor.

23 THE COURT: You need any additional time
24 to confer with her?

25 THE DEFENDANT: No, sir Your Honor.

1 THE COURT: Any complaints against her,
2 law enforcement, or this Court?

3 THE DEFENDANT: No, sir, Your Honor.

4 THE COURT: All right. Has anybody
5 promised you anything, threatened you, pressured
6 you, mistreated you in any way, shape, or form in an
7 effort to get you to plead guilty here today?

8 THE DEFENDANT: No, sir, Your Honor.

9 THE COURT: It's been your decision to
10 plead guilty?

11 THE DEFENDANT: Yes, sir, Your Honor.

12 THE COURT: Are you indeed guilty?

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: All right. You understand
15 that you have ten days to appeal any decision I
16 might render here today?

17 THE DEFENDANT: Yes, sir, Your Honor.

18 THE COURT: Based on your testimony I find
19 there's a substantial factual basis for your plea;
20 that your decision was freely and voluntarily
21 entered into, knowingly and intelligently with
22 consent of competent counsel with whom you say
23 you're satisfied. I'll be happy to hear from the
24 victim.

25 Ma'am, it's your time to say anything you

1 want to say.

2 VICTIM'S AUNT: Thank you. I want to read
3 the letter from my niece —

4 MR. OZMENT: You may.

5 VICTIM'S AUNT: —first, and then I would
6 like to speak.

7 THE COURT: Certainly.

8 VICTIM'S AUNT: "I really don't know how
9 to explain to the Court how afraid of Bobby Lee I
10 am. The night he beat me, it was the most horrific
11 thing I had ever been through. He beat me and
12 dragged me all around Lake City. He kept saying, I
13 should just finish you and go lay down for a few
14 years. Well, he didn't finish me, but I know I want
15 him to answer for what he did to me. I wish there
16 was a punishment that he could go through what he
17 took me through. I will never be right again. I
18 have nightmares. My eyesight gets worse every day.
19 And I still have no feeling in my face, only my
20 chin, and it's been almost a year since my surgery.
21 I just wanted to let the Court know that I struggle
22 every day with what he did to me and something
23 should be done. Thank you, Shannon Morris."

24 THE COURT: Very good.

25 VICTIM'S AUNT: The reason she didn't come

1 to court today, she's terrified to be in the same
2 room with him which I told her she would be
3 protected but I told her to write this, I would
4 come. The night before he kidnapped her, the early
5 morning, he had his cousin come to my house under
6 false pretenses that Shannon had called her to come
7 pick her up at my house. And at that time Shannon

8 —

9 THE COURT: All right, I'm gonna ask you,
10 if you could, to direct your comments directly to
11 me.

12 VICTIM'S AUNT: Okay.

13 THE COURT: I don't — I'm not gonna let
14 him talk to you and you don't talk to him.

15 VICTIM'S AUNT: Okay.

16 THE COURT: You talk to me.

17 VICTIM'S AUNT: I said I don't understand
18 that because she is not allowed at my house, nor
19 Bobby Lee, because they had stole from me. I filed
20 a police report.

21 THE COURT: You say they meaning?

22 VICTIM'S AUNT: Well, they were together
23 when it got gone, okay, Christmas. Well, I have her

24 —

25 THE COURT: You say they. Who? Who is

1 they?

2 VICTIM'S AUNT: My niece Shannon Morris
3 and —

4 THE COURT: She stole from you and Bobby
5 Lee Parnell?

6 VICTIM'S AUNT: And Bobby Lee.

7 THE COURT: Very good.

8 VICTIM'S AUNT: And her children live with
9 me, or had been. Well, when I got the call stating
10 that the police was looking for Shannon, that Bobby
11 Lee had taken her and had been seen beating her,
12 grown men not even stopping 'cause they're
13 supposedly scared of Bobby Lee, the first place they
14 went to they found so much blood the police said we
15 don't know if we'll find her alive. Well, he took
16 her back to the residence they had shared together
17 and barricaded her in the room. And luckily, the
18 police found her; they got her safe. She had to
19 have over fifty screws put in her face, ten plates.
20 She still has to have surgery on her, one of her
21 eyes because he had knocked it so far back out of
22 the socket that's why her vision is bad. She does
23 have the nightmares. She doesn't even comprehend
24 some simple decisions because it had messed up her
25 mind. She was in intensive care the first three

1 days. They put her in a regular room, and this was
2 at, not Lake City but McLeod, under assumed name.
3 Only myself, the hospital, and the police officers
4 only knew the name she was under. I didn't tell a
5 soul. They put her in a regular room. An hour I
6 get a call saying that they are taking her to
7 intensive care because she could not breathe due to
8 the swelling that was caused by his hand. The
9 surgeon even stated he had never seen someone beaten
10 so bad with a fist. It was like a high impact
11 crash.

12 He drug her also to other peoples' houses
13 where they saw this go on, but they were so scared
14 they would not call the police after he left. But
15 I — now this is just me speaking. When he had his
16 cousin to come to my house and him in the car, me
17 not knowing, looking for Shannon he was meant to
18 find her, kidnap her, and beat her and kill her.

19 THE COURT: All right.

20 VICTIM'S AUNT: And I brought her home
21 with me from the hospital. That's where she's been
22 because she can't be by herself. She's terrified.
23 She won't go anywhere by herself because she's
24 terrified.

25 THE COURT: All right. Thank you.

1 VICTIM'S AUNT: And something definitely
2 needs to be done because the day that we went to the
3 bond hearing — or I did — he stood up in court.
4 The reason he got the first assault charge was
5 because of Shannon he told the judge, and the second
6 one on her was because he had been drinking and that
7 was the reason he did all this stuff. He needs to
8 be held accountable.

9 THE COURT: Very good. Thank you. All
10 right, I'll be glad to hear from you, Ms. Crayton
11 and I'll be glad to hear from Mr. Parnell if he'd
12 like to speak.

13 MS. CRAYTON: Thank you, Your Honor
14 Mr. Parnell is 45 years old, graduated from Lake
15 City High School. He normally does construction
16 work. He has an electrician certificate from job
17 corp. Mr. Parnell has three boys. He's got a child
18 22, 18, and 15. He's very proud of his kids. He
19 actually pulled out photos showing me. His oldest
20 is actually in college at NC State, and his 18 year
21 old is graduating high school this year I believe.
22 He has an aunt who is here today, who was here
23 today. And unfortunately, she was here this morning
24 but had to leave; she had a therapy appointment for
25 her knee. And she lives in Florence here and is

1 very supportive. He's lost both of his parents and
2 she's kind of been his support in his life. He
3 attends Mount Beulah Baptist Church in Lake City.

4 And since he's been in jail — and he has
5 been in jail 289 days, Your Honor. Since he has
6 been in jail he has been selected for Reformers
7 Unanimous which is a recovery program. He has
8 completed that program. And he has, tells me he has
9 accepted Christ, and he believes that he's a more
10 humble person because of these things.

11 During this time period obviously you can
12 see this is not — these are not really the actions
13 of the same man. He was on drugs at the time and I
14 think going down obviously the wrong path during
15 this time period. But he believes now that he's
16 gone through this Reformers program, that he is a
17 more humble person. And he's been very honest with
18 me about the charges and what happened and what
19 didn't happen and about taking responsibility and
20 being here and not having excuses for his actions
21 but taking responsibility. We would ask, Your
22 Honor, I would ask for you to hear from him, but
23 first I would ask that you fashion a sentence that
24 would be, allow him to serve nonviolent time. What
25 I would ask is that you allow him to do a time

1 served on the 289 days for the assault and battery
2 high and aggravated nature and fashion a sentence, a
3 jail sentence, that would be under the assault and
4 battery first degree, Your Honor, so that he could
5 serve nonviolent time. And I would ask that you
6 hear from Mr. Parnell.

7 THE COURT: Mr. Parnell, I'll be glad to
8 hear from you.

9 THE DEFENDANT: First of all, Your Honor,
10 I want to ask the Court for forgiveness, and I also
11 want to ask Ms. Morris for forgiveness and her
12 family. I'm standing here, Your Honor, I'm gonna
13 accept my responsibility because I did put my hands
14 on her which I should have never did. And I'm not
15 gonna use excuses because I did what I did, but
16 alcohol and drugs had a part to play in it. We both
17 was under the influence doing things that we both
18 know better of doing and one thing led to another.
19 But Your Honor, I've been going through this for
20 over, over, and over, as you can see from my record.
21 I mean, I have a very extensive record. Like I said
22 before, it's not a record, it's an album. And I'm
23 sick of tired of being sick and tired. Since I was
24 in the Florence County Detention Center this trip,
25 this time around I received Christ, been baptized,

1 and I know God now. I've never been where I am now,
2 never been. And Your Honor, I just hope that you
3 will see that you can still see some good in me,
4 give me another chance to make things right. I
5 messed up a lot. All my life I been messing up but
6 I never —

7 THE COURT: How much time did you spend in
8 the Department of Corrections in your entire life?
9 You're 45 years old. How much time did you spend in
10 the Department of Corrections?

11 THE DEFENDANT: Through the whole, for...

12 MS. CRAYTON: Your Honor, I see stints
13 where he served three or four years here, but
14 there's not any excessive time anywhere. I see it
15 looks like in 2008 maybe he served it looks like
16 three years. I see in 1993 it looks like the same
17 so I don't know that he served any extensive time,
18 Your Honor.

19 THE COURT: But adding them all up you
20 think it's somewhere in the range of like 12 years
21 maybe?

22 MS. CRAYTON: Yes, sir.

23 THE DEFENDANT: I never been then — I
24 wasn't where I am now. Your Honor, I can't — it's
25 nothing that I can say that can justify me doing

1 what I did. The only thing I'm doing is just
2 accepting my responsibilities. I was wrong. And
3 anything I can do to take it back I would, but
4 unfortunately, I can't because it happened already.
5 I just apologize and ask the Court to be lenient on
6 me.

7 THE COURT: Anything further, Ms. Crayton?

8 MS. CRAYTON: No, Your Honor. Thank you
9 for listening.

10 THE COURT: All right. Mr. Parnell, on
11 indictment 2013-GS-21-01525, assault and battery
12 first degree, the sentence of the Court is you be
13 committed to the State Department of Corrections for
14 a period of 289 days, give him credit for 289 days.
15 With regard to indictment 2013-GS-21-01526, assault
16 and battery of a high and aggravated nature, the
17 sentence of the Court is you be committed to the
18 State Department of Corrections for a period of 12
19 years, give him credit for 289 days. Good luck to
20 you.

21

22

23 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

24

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE }

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 16th day of December, 2014.

Handwritten signature of Frances Bakis-Ray

FRANCES BAKIS-RAY, RPR

FORM 5

STATE OF SOUTH CAROLINA)

County of florence)

Bobby Lee PARNELL #287367)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

Attorney General)

IN THE COURT OF COMMON PLEAS

2014 CP 21-1589
2014 JUN 12 PM 4:22
JENNIE REE-SHEARIN
CLERK
FLORENCE COUNTY, SC

FILED

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention McCORMICK CORR INST-386
Redemption Way, McCormick, SC 29899
2. Name and location of Court which imposed sentence Florence County
Court of General Sessions
3. Name(s) of co-defendant(s) (if any) NA
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013-GS-21-01525
 - (b) 2013-GS-21-01526

Mailed 6/19/14
cc: Thomas (with GS packet)
PARNELL

(c) _____
5. The date upon which sentence was imposed and the terms of the sentence:

(a) 4/17/14

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty YES

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

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

NA

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

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

i. NA

ii. _____

iii. _____

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

i. NA

ii. _____

iii. _____

(c) the date of each such result:

i. NA

ii. _____

iii. _____

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

i. NA

ii. _____

iii. _____

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

(a) counsel advise defendant filed PCR.

(b) _____

(c) _____

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

(a) 6th Amendment

(b) 14th Amendment

(c) _____

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

(a) see Memorandum of Law Support PCR

(b) Application

(c) _____

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

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

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NA

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

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

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

(a) the specific nature thereof:

i. NA

ii. _____

iii. _____

iv. _____

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

i. NA

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

NA

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

(a) which grounds have been presented:

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

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

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

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

- (a) NA
- (b) _____
- (c) _____

17. 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? NA
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NA

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

- (a) the name and address of each attorney who represented you:
 - i. EMILY S.C Bar # 78236 Public Defender
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Guilty Plea
 - ii. _____
 - iii. _____

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

Resentencing 0-10 Years

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

NA

STATE OF SOUTH CAROLINA)
County of McCormick)

VERIFICATION

I, Bobby Lee Parnell #287367, 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.

Bobby L. Parnell

SWORN to and subscribed before me this 9th day of August, 2014.

Jessie G. Minton (L.S.)
Notary Public

My Commission Expires Feb 28, 2018

2014 JUN 12 PM 4:22
DOMINICK BEL-SHEARIN
ESQ. CCRP & GS
FLORENCE COUNTY, SC

FILED

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

I, Bobby Lee Parnell #287367, hereby apply for leave to
proceed in this action without prepayment of fees or costs or security therefor. In support of my
application I declare under penalty of perjury that the following facts are true:

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

Bobby L. Parnell
Applicant

SWORN or affirmed to and subscribed before me this
9th day of June, 2014.

Termy G. Minton
Notary Public

My Commission Expires: Feb 28, 2018

FILED
2014 JUN 12 PM 4:22
CONNIE REEL-SHEARER
COCOP & GS
FLORENCE COUNTY, SC

State of South Carolina
County of Florence

Bobby Lee Parnell #287367
Applicant

VS

State of South Carolina
Respondent

IN The Court of Common Pleas
Bobby Lee Parnell
~~aka Bobby L. Parnell~~

MEMORANDUM OF LAW
SUPPORT Post-Conviction
RELIEF APPLICATION

To Respondent:

Applicant comes by way Pursuant to S.C. Code of Law Ann 17-27-10, And, 17-27-90 Pursuant to Post-Conviction Relief Application.

FILED
2014 JUN 12 PM 4:22
CONNIE REEL-SHEARIN
CCJP & GS
FLORENCE COUNTY, SC

Statement of The Case

Applicant Bobby Lee Parnell, 287367, is housed at McCormick Corr, Inst 286 Redemption way McCormick, SC, 29899. Applicant plead guilty to assault & Battery of a high & aggravated Nature S.C. Code of Law Ann 16-03-0600(B)(1) assault battery 1st degree concurrent sentencing (12) years as indicted.

ARGUMENT

Counsel prejudiced Applicant by failing to investigate applicants mental Health back ground and the applicants competency to enter A guilty Plea.

Applicant was mentally incompetent at the time of the assault & Battery of A High & Aggravated Nature in 2013, and at the time of the guilty Plea in 2014, and was allowed to Plead guilty in Violation of the south Carolina constitution, united States Constitution, and the Federal Constitutions Fourteenth Amendment due process clause. Incorporated into allegations is that applicant was denied effective Assistance of counsel and due Process of Law at his 2014 Plea hearing for assault & Battery of A High & Aggravated Nature, because he was mentally incompetent at the time of this crime in 2013, and At 2014 guilty Plea hearing.

Also applicant informed counsel before hand about this medical records counsel prejudiced

Applicant failing to investigate and retrieve medical records, from Mental Health Florence County.

Due process footnote (4) Prohibits the conviction of a person who is mentally incompetent. Bishop v United States, 350 U.S. 961, 76 S.Ct. 440 by the incompetent by guilty plea or otherwise" Carroll v. Beto 421 F.2d. 1065, 1067, (5th Cir 1970)

While a guilty plea may only be attacked on the basis that it was not knowing and voluntary. It is contradictory to argue that a defendant may be incompetent, and yet knowingly or intelligently waive his right [3] "Pate v Robinson 383 U.S. 374, 86 S.Ct 386, 841 LEd 2 (1996).

[3] Pate v Robinson, 383 U.S. 375, 86 S.Ct. 836, 15 L. Ed 2d 815 (1966) makes it clear that the conviction of an accused person who is not mentally competent to stand trial violates due process. This constitutional right cannot be waived by the incompetent - by guilty plea or otherwise and thus it must be protected by adequate state procedures.

When a prisoner, either state or federal, seeking post-conviction relief, asserts with substantial fact to back up his allegation, that at the time of the trial he was not mentally competent to stand trial, and that there was no resolution of that precise issue before he was tried, convicted and sentenced, the protection of the fourteenth Amendment to the Constitution requires that such conviction and sentence be set aside unless upon adequate hearing it is shown that he was mentally competent to stand trial. (386 F.2d at 105)

3. Constitution Law 268. 2(e)

As a matter of procedural due process procedures, a criminal defendant is entitled to an evidentiary hearing on claim of mental incompetency. If he present clear and convincing evidence to create a real, substantial and legitimate doubt as to his mental capacity to meaningfully participate and cooperate with counsel,

Petitioner's claims of incompetency to stand trial, insanity at time of act, and an

unknowing and involuntary guilty Plea were
 Not barred by the procedural default rule
 of Wainwright v Sykes, At Horace v. Wainwright
 781 F2d 1558 (11th Cir 1986).

The petitioner argues his counsel was in-
 effective for failing to request a mental
 Examination which may have formed the
 basis of an insanity defense or a deter-
 mination that he was Not Competent to
 stand trial, cite at Jeter v State, 417 S.E2d
 594 (S.C. 1992).

under Strickland v Washington 466 U.S. 668, 104
 S.Ct. 2052, 80 LEd2d 674 (1984) Applicable to
 guilty Pleas under Hill v. Lockart, 474 U.S.
 52, 106 S.Ct 366, both deficient Performance
 and prejudiced to prevail on an ineffective
 assistance of counsel claim.

ARGUMENT 2

Counsel prejudice Applicant by advise Plea guilty and failing to communicate Plea offer agreement of Nonviolent sentence 0-10 years First degree assault Battery (2) count's offer by the solicitor before the court.

Counsel prejudice Applicant by failing inform the court that the solicitor office does agree offer Applicant to Plea guilty to a less offense Nonviolent sentence 0-10 years First degree assault battery (2) count's that the applicant had sign guilty Plea sentence sheet to Plea guilty to (10) years offer Nonviolent by the consent of solicitor;

A post-conviction relief (PCR) applicant who has Pled guilty on advice of Counsel, and who alleges that counsel was thereby ineffective, can not satisfy the prejudice prong on collateral attack if the states he would have Pled guilty in event, cite at Johnson v. Catoe S.C. 1999. (S.C. 1999) 336, S.C. 354, 520 SE2d 617.

under Strickland v Washington 466 U.S. 668,
 104 S.Ct. 2052, 80 LEd 2d 674 (1984) applicable
 to guilty Pleas under Hill v Lockart, 474 U.S.
 52, 106 S.Ct. 366, both deficient performance
 and prejudiced to prevail on an ineffective
 assistance of counsel claim.

Conclusion

Therefore PCR Court should granted
 Relief Resentencing Applicant And
 Reopen Conviction and sentence.

Date 06,09 2014

s/ Bobby L. Pamell
 Bobby Lee Pamell
 386 Redemption Way
 McCormick, SC, 29899

State of South Carolina
County of Florence

Bobby Lee Parnell #287367
Applicant

VS

State of South Carolina
Respondent

IN THE COURT OF COMMON
PLEAS

Bobby Lee Parnell
~~Bobby Lee Parnell~~
C/A NOT

Proof of Services

2014 JUN 12 PM 4:22
ONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

FILED

To Respondent:

I, Bobby Lee Parnell, #287367, hereby served
A true copies of Post-conviction Relief
Application; Along with MEMORANDUM OF LAW
support Post-conviction Relief Application
by placing a true copy in the United States
mail.

s/ ~~Bobby L. Parnell~~
386 Redemption Way
McCormick, S.C. 29829

(1) Clerk of Court
Florence County
180 N. Irby St
MSC-E, Rm B11,
Florence, S.C. 29501-3456

sworn before me
This day 9th of June
2014
Notary Penny G. Miller
Expires July 24, 2014

State of South Carolina
County of Florence

In the Court of Common
Pleas

Bobby Lee Parnell, 287367
Applicant

Bobby Lee Parnell
c/a Bobby L. Parnell

vs

Summons

State of South Carolina
Respondent

2014 JUN 12 PM 4:22
CONNIE REEL-SHEARIN
CCJP & GS
FLORENCE COUNTY, SC

FILED

To Respondent:

You ARE HEREBY summoned and required to answer the Post-conviction Relief Application herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Post-conviction Relief Application upon the subscriber, at the address shown below, within (60) days after service hereof, exclusive of the day of such service, and if you fail to answer the Post-conviction Relief Application, judgment by default will be rendered against you for the relief demanded in the Post-conviction Relief Application.

McCormick S.C

Date 6, 09, 14 29899

Bobby Lee Parnell
s/ Bobby L. Parnell
506 Redemption Way
McCORMICK, S.C 29889

Bobby Lee Parnell #287367
386 Redemption way
McCormick, S.C. 29899

Date 6/6/9 2014

Re/c/a Bobby L. Parnell

2014 JUN 12 PM 4:22
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

FILED

Dear Honorable clerk of court Florence
County:

Enclosed Please find a original copy
of Post-conviction Relief Application &
Proof of services & summons.
Please find my Request the docket
Number; And a clocked-dated stamped
copy:

c:c: B. L. P.
c:c: H. C. C. F.

Respectfully Submitted
Bobby L. Parnell
Bobby Lee Parnell

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

Bobby Lee Parnell, #287367,

2014-CP-21-1589

Applicant,

v.

RETURN

State of South Carolina,

Respondent.

In response to the post-conviction relief application filed on June 12, 2014, the Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's orders of commitment. Applicant was indicted at the December 2013 term of the Florence County Grand Jury for strong arm robbery and assault and battery first degree (2012-GS-21-1525), as well as kidnapping and assault and battery of a high and aggravated nature (ABHAN) (2013-CP-21-1526). Applicant was represented by Emily Crayton, Esquire.

On April 17, 2014, Applicant pled guilty. The Honorable Michael G. Nettles sentenced Applicant to twelve (12) years imprisonment for ABHAN and 289 days imprisonment for assault and battery first degree. The other charges were nolle prossed. Applicant did not appeal his guilty pleas or sentences.

II.

In his application for post conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
 - a. Counsel failed to investigate Applicant's mental health and competency to enter a plea.
 - b. Counsel failed to convey a plea offer of 0-10 years for assault and battery first degree.

Attached herewith and incorporated herein by reference are the records of the Florence County Clerk of Court regarding the subject convictions and Applicant's records from the Department of Corrections. The transcript will be forwarded upon receipt. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

Respondent asserts that Applicant's allegation of ineffective assistance of trial counsel is without merit. Respondent also asserts that Applicant's attorney rendered effective assistance well within the standard of reasonableness within professional norms for a criminal defense attorney.

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland v. Washington). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland v. Washington. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Second, counsel's deficient performance must have prejudiced the Applicant such that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding

would have been different. Id. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). In other words, where ineffective assistance of counsel is alleged as a ground for relief, the Petitioner must prove that counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

IV.

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

[Signature on following page]

V.

WHEREFORE, Respondent requests an evidentiary hearing solely for the purpose of determining whether Applicant's trial counsel was ineffective.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

J. CROOM HUNTER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

Nov. 10, 2014

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

BOBBY LEE PARNELL, #287367)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS

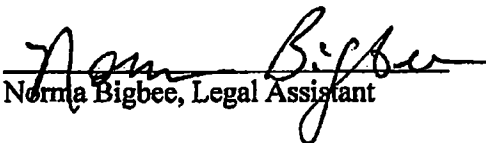
2014-CP-21-1589

AFFIDAVIT OF SERVICE BY MAIL

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

Tristan Michael Shaffer, Esquire
4701 Oleander Drive
Myrtle Beach, SC 29577

DATED this 10th day of November, 2014.


 Norma Bigbee, Legal Assistant

State of South Carolina)	Court of Common Pleas
)	Twelfth Judicial Circuit
County of Florence)	Case No. 2014-CP-21-01589
)	
Bobby Lee Parnell,)	
)	
Plaintiff,)	
)	
-vs-)	Transcript of Record
)	
State of South Carolina,)	
)	
Defendant.)	
)	

November 7, 2016
Florence, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge

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

Tristan Shaffer, Esquire
Attorney for the Plaintiff

Lindsey McAllister, Esquire
Attorney for the Defendant

Krystal J. Smith
Court Reporter

I N D E X

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WITNESS/DESCRIPTION

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

1 NOVEMBER 7, 2016

2 (WHEREUPON, the proceedings began at 12:25 p.m.)

3 MS. MCALLISTER: Your Honor, this will be Bobby Lee
4 Parnell.

5 THE COURT: Sir, if you'd come around, please? Yes?

6 MS. MCALLISTER: If it pleases the Court, Your Honor,
7 this is the matter of Bobby Lee Parnell versus the State of
8 South Carolina. Mr. Parnell filed his application for post-
9 conviction relief on June 12th, 2014.

10 He is currently incarcerated in the South Carolina
11 Department of Corrections pursuant to commitment orders from
12 the Florence County Clerk of Court. He was indicted at the
13 December 2013 term of the Florence County Grand Jury for
14 strong-arm robbery, assault and battery first degree,
15 kidnapping, assault and battery of a high and aggravated
16 nature. He was represented on these charges by Emily Crayton.

17 On April 17th, 2014, the applicant pled guilty before the
18 Honorable Michael G. Nettles to ABHAN, assault and battery
19 high and aggravated nature, and assault and battery first
20 degree. He was sentenced to 12 years and 289 days
21 consecutively. I'm sorry. I'm sorry. Concurrently. He got
22 -- he actually got time served on the 289 days for the assault
23 and battery first degree, and the other charges were
24 dismissed.

25 He did not appeal his guilty pleas or sentences, and he

EMILY CRAYTON - DIRECT BY MR. SHAFFER

1 is alleging ineffective assistance of counsel. He is here in
2 the courtroom today and is represented by Tristan Shaffer.

3 THE COURT: Mr. Shaffer?

4 MR. SHAFFER: Thank you, Your Honor. The applicant would
5 call Emily Crayton.

6 THE CLERK: Do you swear to tell the truth, the whole
7 truth, and nothing but the truth, so help you God?

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: Have a seat and state your name for the
10 record.

11 THE WITNESS: It's Emily Crayton, C-r-a-y-t-o-n.

12 EMILY CRAYTON, being first duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SHAFFER:

16 Q: Ms. Crayton, could you briefly describe the charges
17 against Mr. Parnell?

18 A: Sure. Mr. Parnell had two sets of charges. He had an
19 assault and battery high and aggravated nature, along with a
20 kidnapping, and a second set of charges of assault and battery
21 first degree with a strong-arm robbery. The ABHAN and
22 kidnapping charge were with his -- I want to say girlfriend,
23 but I don't know if they were actually together at that time
24 or separated. It was his either girlfriend or former
25 girlfriend.

EMILY CRAYTON - DIRECT BY MR. SHAFFER

1 He -- he came in contact with her on the street, began to
2 beat her, and there was a witness that followed them a little
3 bit that knew him and called law enforcement and told -- told
4 them that someone needed to go find these two individuals,
5 that they thought that Mr. Parnell might kill her. When law
6 enforcement finally did track them down, she was I think
7 locked in a bedroom. She was severely injured. She was
8 transferred. I think she was actually in the ICU from the
9 injuries.

10 The second incident is a strong-arm robbery with assault
11 and battery first. That incident was with Mr. Parnell and a
12 -- and a male, and I'm not sure if they knew each other very
13 well or not, but they got into some sort of fight --
14 altercation. Mr. Parnell beat him and took his -- I think
15 wallet and his cell phone. After hitting him and that
16 individual falling to the ground, he took his cell phone and
17 his wallet were the -- were the two sets of charges that he
18 had.

19 Q: Okay. Now, whenever he -- obviously, there's two sets of
20 charges. So were you representing him on one before the
21 other? Is that correct?

22 A: Actually, his original attorney in our office was Daniel
23 Jordan. I came on after Daniel did. I came on in -- I want
24 to say 2013. I feel like it was the beginning of 2013. And
25 so I took files from everybody in the office and this is one

EMILY CRAYTON - DIRECT BY MR. SHAFFER

1 of the files that I took from Daniel. And so I represented
2 him on both charges at the same time because they had -- the
3 file had already been in our office at that time.

4 Q: So did you -- how many times did you actually get to see
5 him?

6 A: You know, Tristan, I can't tell you how often I saw Mr.
7 Parnell and I'm not even sure when I was assigned the case.

8 Q: Okay.

9 A: I can tell you the day -- the week he pled and maybe even
10 the week before, we met numerous times about it.

11 Q: In the week he pled, he would have -- you met with him in
12 the courthouse; right?

13 A: I would've met with him in the courthouse, yes.

14 Q: All right. Originally, he came over to plea the day
15 before his plea actually happened; right?

16 A: Tristan, I can't tell you. I'm sure he did come over
17 more than once. I have a note that I spoke with him several
18 times the week before his plea. So I can't tell you exactly,
19 but yes, I think he did come over prior to us pleading.

20 Q: Okay. Do you recall whether or not he -- whenever he
21 came over previously whether or not he was given any sort of
22 sentencing sheet or anything to fill out?

23 A: I cannot.

24 Q: Okay.

25 A: I'm sorry.

EMILY CRAYTON - DIRECT BY MR. SHAFFER

1 Q: Now, he ended up pleading guilty to what charges?

2 A: He pled guilty to the assault and battery first degree
3 from the incident with the male victim, and then he pled to
4 the assault and battery high and aggravated degree or nature
5 in regards to the girlfriend incident. The kidnapping and the
6 strong-arm robbery were dismissed.

7 This was not his original plea offer. His original plea
8 offer that we received in our office from Matt Ozment was
9 straight up.

10 Q: Okay.

11 A: I then wrote on top of that, which I normally do. When a
12 plea offer changes, I'll write on that plea offer sheet. I
13 wrote strong-arm robbery with a check mark indicating that --
14 that Matt wanted him to plead to that charge and the assault
15 and battery high and aggravated nature. That obviously
16 changed closer to us pleading and Mr. Ozment allowed him to
17 plead to assault and battery first instead of the strong-arm
18 robbery, which reduced his -- the amount of time he could get
19 by five years.

20 Q: Okay. Do you recall whether there was ever a zero to 10
21 offer on everything?

22 A: No.

23 Q: Do you recall whether there was ever a --

24 A: I'm sorry. I was never given a -- that was not clear. I
25 was never given a zero to 10-year offer. In terms of if it

EMILY CRAYTON - DIRECT BY MR. SHAFFER

1 was done before me, I think it's very highly unlikely.

2 There's no note in the file, but I was never given that offer.

3 Now, assault and battery first degree does carry zero to 10.

4 So I guess if you want to look at it like that way on that

5 charge, he was given a zero to 10 offer.

6 Q: Okay. And do you recall whether there was any discussion

7 about violent or 85 percent time or such, you know, parolable

8 65 percent?

9 A: So I actually have a note in my file that when I spoke to

10 him and he decided to plea, I went over his record that he was

11 pleading to an assault and battery first on one set of charges

12 and the strong-arm robbery would be dismissed. The second set

13 of charges -- he would be pleading to the ABHAN and the

14 kidnapping would be dismissed.

15 I advised him that ABHAN was violent, no parole, and

16 serious. I explained that he would have to serve 85 percent

17 on the ABHAN. I also explained the two to three strike rules.

18 He understood that and I went over his record to make sure

19 that he didn't have any other strikes on his record as well

20 with him.

21 And even during my plea I asked the judge to consider

22 having him an active sentence on the assault and battery first

23 instead of the ABHAN so that he would serve nonviolent time.

24 Even during the plea, I specifically asked Judge Nettles to do

25 that, which he did not.

EMILY CRAYTON - CROSS BY MS. MCALLISTER

1 MR. SHAFFER: No further questions.

2 THE COURT: Cross -- excuse me. Cross-examination?

3 MS. MCALLISTER: May I beg the Court's indulgence one
4 moment?

5 THE COURT: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MS. MCALLISTER:

8 Q: I just want to clarify your testimony to Mr. Shaffer. As
9 far as you know, you were never given an offer from the
10 solicitor of a maximum of ten years?

11 A: Yes. I'm sorry. And I didn't make that clear. That was
12 a little confusing how I answered that, but yes, I was never
13 given a only zero to 10-year offer. I was given the offer for
14 him to plead to an A&B first on one set of charges, which does
15 carry zero to 10 years, but it never -- I mean it was never
16 given an offer to him to plead to anything like that on the
17 assault and battery high and aggravated nature and kidnapping
18 case.

19 Q: Okay.

20 A: So I was a little confused as to what he was alleging
21 because technically on one case that would be what he pled to,
22 but the other case I was never given anything that carried
23 that low amount of time, no.

24 Q: So you never received any offers that were essentially
25 lower than what he ended up receiving or pleading to?

EMILY CRAYTON - CROSS BY MS. MCALLISTER

1 A: What he pled to was the lower offer -- lowest offer that
2 I was ever made aware of.

3 Q: Okay. And you discussed all offers with him?

4 A: All offers that I received, I discussed with him, yes.

5 Q: Okay. And this was his decision to plead guilty?

6 A: Absolutely.

7 Q: And you were prepared to go to trial had he not decided
8 to plead?

9 A: We would have been. This case was not on the trial list
10 and was never called for trial, but had it been placed on the
11 trial list, we would have been prepared to go to trial, yes.

12 Q: Okay. In terms of discovery and what you received from
13 the Solicitor's Office, did you make the usual motions for
14 Rule 5?

15 A: Yes. Our office does that. I don't personally do it.
16 Our office sends those to the Solicitor's Office, and I have
17 two separate packets for each -- I have one for each charge.
18 For each -- I guess for each --

19 Q: Occurrence?

20 A: -- occurrence. Yes. Thank you.

21 Q: Okay. And did you talk that over with -- with the
22 defendant, Mr. Parnell?

23 A: Yes. Mr. Parnell was aware. And there were independent
24 witnesses of each event; so there were two independent
25 witnesses of the assault and battery first degree and strong-

EMILY CRAYTON - CROSS BY MS. MCALLISTER

1 arm robbery, and then there was one independent witness from
2 the victim that saw him dragging her up the street and saw him
3 beating her and saw him -- he said -- the individual said he
4 put her in a ditch and was trying to -- you know, in water
5 essentially trying to drown her. So there was two independent
6 -- or independent witnesses on each incident.

7 Q: By independent witness, you mean not the victim?

8 A: Not the victim, yes.

9 Q: Did you -- did you discuss anything in terms of defenses
10 with him? Did he give you anything to investigate or anybody
11 to --

12 A: No.

13 Q: -- call as a witness?

14 A: No.

15 Q: Okay. And did you feel like the State was going to be
16 able to prove him guilty beyond a reasonable doubt if it had
17 gone to a trial?

18 A: Yes.

19 Q: And did you share that opinion with him?

20 A: I'm not sure if I did. We never got to the point of
21 discussing a trial. I mean the evidence was pretty
22 overwhelming against Mr. Parnell; so I don't think we ever got
23 to the point of discussing a trial. His record is pretty
24 lengthy. I think he kind of understood his situation that he
25 was in and wanted to plea.

EMILY CRAYTON - CROSS BY MS. MCALLISTER

1 Q: So he -- it was his decision to plea and that was what he
2 wanted?

3 A: Yes.

4 Q: Essentially the entire time you represented him?

5 A: Yes.

6 Q: Okay. Did you discuss with him what that means in terms
7 of giving up his constitutional rights, what he would be
8 giving up instead of going to trial and being able to confront
9 witnesses, his right to testify? Did you discuss all of that
10 with him?

11 A: I discuss that with anyone that I plea in front of a
12 judge. I always discuss that they're giving up the right to a
13 jury trial. You're giving up your right to confront your
14 witness. You're giving up your right to remain silent. I
15 discuss all that with them prior to them pleading, and he
16 understood.

17 Q: And you discussed all of the charges and all the elements
18 of those charges?

19 A: Yes.

20 Q: Okay.

21 MS. MCALLISTER: That's all from the State, Your Honor.

22 MR. SHAFFER: Nothing further, Your Honor.

23 THE COURT: Ma'am, you may step down. Thank you.

24 THE WITNESS: Thank you, Your Honor.

25 MR. SHAFFER: The applicant would call Bobby Lee Parnell.

BOBBY LEE PARNELL - DIRECT BY MR. SHAFFER

1 THE COURT: Sir, if you would, come around to be sworn,
2 please.

3 MS. MCALLISTER: Your Honor, may Ms. Crayton be excused?

4 THE COURT: Any objection?

5 MR. SHAFFER: No, Your Honor.

6 THE COURT: Ma'am, you may be excused. Thank you for
7 being here.

8 MS. MCALLISTER: Thank you.

9 THE COURT: Have a nice day.

10 THE WITNESS: You too.

11 THE CLERK: Raise your right hand as much as you can. Do
12 you swear to tell the truth, the whole truth, and nothing but
13 the truth, so help you God?

14 THE APPLICANT: Yes, I do.

15 THE CLERK: Have a seat and state your name for the
16 record.

17 THE APPLICANT: Bobby Lee Parnell.

18 BOBBY LEE PARNELL, being first
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SHAFFER:

22 Q: Mr. Parnell, you pled guilty to the charges you're
23 currently incarcerated on; right?

24 A: Yes, sir.

25 Q: Okay. Tell us a little bit about the week of your guilty

BOBBY LEE PARNELL - DIRECT BY MR. SHAFFER

1 plea. Did you -- did you get a chance to speak to Ms. Crayton
2 that week?

3 A: Well, actually, like she said, Daniel Jordan was
4 appointed to me. When I met Ms. Emily, it was on the 16th. It
5 was April the 16th, 2014.

6 Q: Okay. Was that the day before your guilty plea?

7 A: That was the day before the guilty plea.

8 Q: Okay. And so when you met her that day, what did y'all
9 discuss?

10 A: We just talked about -- she just came and told me that
11 she was going to be taking over for Daniel Jordan because he
12 was actually running for Congress or something like that and
13 she didn't actually have my file at the time. So when she
14 didn't have my file, she -- we discussed what I was going to
15 do.

16 Q: Okay. And what sort of a -- what was your understanding
17 of what you were going to do? Were you going to plead guilty
18 or go to trial at that time?

19 A: Yeah. I was pleading. They came to me with a plea offer
20 for zero to 10, the two counts. Actually, let me start over.
21 Thomas -- Mr. McKenzie can verify that me, him, and Miss Emily
22 went into the jury room and at that time told me that the
23 Solicitor's Office was willing to let me plead to two counts
24 --

25 MS. MCALLISTER: Your Honor, I object to the hearsay

BOBBY LEE PARNELL - DIRECT BY MR. SHAFFER

1 testimony what Mr. McKenzie told him.

2 THE COURT: Objection sustained.

3 MR. SHAFFER: All right.

4 BY MR. SHAFFER:

5 Q: Mr. Parnell, without telling us about Mr. McKenzie --

6 A: Okay.

7 Q: -- and what he would say or anything like that --

8 A: Well --

9 Q: -- just tell us what happened?

10 A: Well, my understanding was me and Ms. Emily was speaking
11 and she said that they was willing to drop the two charges,
12 drop the kidnapping and the strong-arm robbery, and allow me
13 to plead to first degree and an ABHAN, and at first she was
14 telling me that they wanted to give me 10 years, 85, and I
15 was, like, no. Then she said that she would go talk to them
16 again.

17 So she went and spoke with them and she came back and she
18 said, well, they're willing to give you a zero to 10. Are you
19 willing to plead to that? And I said, no, because actually at
20 the time I wanted to go home. I didn't want to stay in jail.
21 I wanted to go home. So she was -- like, we set there and we
22 talked some more about it and she told me about my -- which I
23 know I have a long history and, for one, I'm not denying that
24 I'm not guilty because I am guilty, but the plea offer was
25 actually a zero to 10, first degree, for two counts of assault

BOBBY LEE PARNELL - DIRECT BY MR. SHAFFER

1 and battery, first and ABHAN.

2 Q: So did you think that you were going to get -- off of
3 that zero to 10 plea offer that you're about -- and this is
4 the day before, the 16th; right?

5 A: Yes, sir.

6 Q: Okay. Did you think you were going to get 65 percent
7 time? 85 percent time? Did you think it was parolable? What
8 did you think?

9 A: I was thinking that it was going to be a nonviolent
10 sentence because on the 16th -- I didn't go to court on the
11 16th. Something happened and they had to take us back to the
12 county jail. So on the 17th they brought me back to court and
13 I went in front of a judge expecting the same thing. When the
14 judge was talking about I could be served 85 percent -- I mean
15 I could serve 85 percent of the sentence, it really didn't
16 register because the day before, which was on April the 16th, I
17 had signed a plea agreement for the zero to 10 nonviolent. So
18 I was thinking that it was just a formality that the judge had
19 to go through before sentencing me.

20 Q: And the plea agreement that you're discussing, that's not
21 like a written agreement, was it? Or was it -- was it a
22 written agreement or was it a sentencing sheet?

23 A: The sentencing sheet.

24 Q: Okay. So the day before you signed a sentencing sheet
25 that -- what did that sentencing sheet say?

BOBBY LEE PARNELL - DIRECT BY MR. SHAFFER

1 A: It had two counts of -- it had two counts of assault and
2 battery, one first degree and an ABHAN, it was allowing me to
3 plead guilty to.

4 Q: Okay. Now, when you went on the 17th, when you ultimately
5 pled in front of Judge Nettles, did you think you were getting
6 violent or nonviolent time?

7 A: I was thinking that I was getting a nonviolent sentence
8 because, like I said, the day before where I spoke about it,
9 she was telling me that, you know, she did the best offer that
10 Daniel could have. She was, like -- Ms. Emily was, like, the
11 plea offer -- the plea offer that she gave -- that they gave
12 her was better than Daniel could have got -- gotten.

13 Q: Okay. And now, would you have pled guilty if you would
14 have known it was a violent crime?

15 A: No, sir.

16 Q: Okay. Now, the judge told you that you would have to
17 serve 85 percent of the time and that it was a most serious.
18 Do you recall that happening?

19 A: Yes, sir. But like I said, I was thinking that that was
20 just a formality because the day before I signed the plea
21 agreement for the zero to 10 nonviolent sentence. So I
22 thought it was just a formality that he had to go through. He
23 said that -- he spoke about something about the 85, serving 85
24 percent, but it didn't register because, like I said, I signed
25 a plea -- the plea agreement for the nonviolent zero to 10.

BOBBY LEE PARNELL - DIRECT BY MR. SHAFFER

1 Q: Okay. Now, we had a discussion last week about one of
2 your allegations about the -- the one about whether or not you
3 were competent at the time and whether or not they should have
4 investigated your mental state. Do you recall that discussion
5 we had last week?

6 A: Yes, sir.

7 Q: Okay. And we discussed not going forward on that issue;
8 right?

9 A: Yes, sir.

10 Q: Okay. And you're okay with that; right?

11 A: Yes, sir.

12 Q: Okay. When did you first learn that it was going to be
13 violent time?

14 A: After I was sentenced.

15 Q: Okay.

16 MR. SHAFFER: No further questions.

17 THE COURT: Cross-examination.

18 MS. MCALLISTER: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. MCALLISTER:

21 Q: Do you remember when you went in front of Judge Nettles
22 to do this plea? Do you remember that day?

23 A: Yes, ma'am.

24 Q: Okay. And you remember talking back and forth with the
25 judge when he asked you some questions? Do you remember that?

BOBBY LEE PARNELL - CROSS BY MS. MCALLISTER

1 A: Yes, ma'am.

2 Q: Okay.

3 A: But the questions I can't -- I remember. Yes, ma'am.

4 Q: But you do remember that you engaged in some discussion
5 with the judge?

6 A: Yes, ma'am.

7 Q: Okay. Would it refresh your memory if I were to give you
8 the transcript of the proceeding as to what exactly those
9 questions were?

10 A: Yes, ma'am.

11 Q: Okay.

12 MS. MCALLISTER: May I approach, Your Honor.

13 THE COURT: Yes, ma'am.

14 BY MS. MCALLISTER:

15 Q: Okay. Do you see here on page 10 where the judge asked
16 you and you tell the judge you understand that there is no
17 plea negotiation other than a concurrent sentence?

18 A: Yes, ma'am.

19 Q: Okay. So you were aware at the time of your plea that
20 you were not pleading to zero to 10 years? You were aware
21 that there were no plea negotiations other than concurrent
22 sentences?

23 A: No, ma'am.

24 Q: Well, you told the judge that you were?

25 A: Yes, ma'am. I told him that I was aware of the -- but we

BOBBY LEE PARNELL - CROSS BY MS. MCALLISTER

1 signed the -- see, the day before -- I went on the 17th, but
2 the 16th I signed the plea agreement as far as the zero to 10.
3 So I was actually assuming that that's what I was still in
4 front of -- that I was going to go in front of the judge for,
5 and that the formality that he had to -- he was going through
6 was just something -- a procedure that he had to do in order
7 for him to sentence me to the 10 years.

8 Q: But you didn't tell that to the judge at all?

9 A: No, ma'am.

10 Q: Okay. And you didn't tell the judge that you had any
11 problems with your attorney at the time, did you?

12 A: No, ma'am.

13 Q: In fact, you told him that you were very pleased with
14 your attorney?

15 A: Yes, ma'am.

16 Q: Okay.

17 MS. MCALLISTER: I beg the Court's indulgence, Your
18 Honor.

19 THE COURT: Yes, ma'am.

20 BY MS. MCALLISTER:

21 Q: Okay. Do you remember ever talking to your attorney
22 about the 85 percent -- doing 85 percent of your time?

23 A: No, ma'am. Me and -- me and Ms. Emily spoke twice and
24 that was the two times that I met her in the county jail and
25 it was no more than 30 minutes the whole time that I've spoken

BOBBY LEE PARNELL - CROSS BY MS. MCALLISTER

1 with Ms. -- Ms. Emily.

2 Q: Okay. So you heard her testify that she did go over that
3 with you though?

4 A: Yes, I did.

5 Q: Okay. And you heard her testify that she went over the
6 elements of the defenses -- I mean of the offenses with you,
7 the elements of the crimes that you were charged with?

8 A: Yes.

9 Q: Do you agree with she went over that with you?

10 A: Yes.

11 Q: Okay. And that she went over the strike rule, talking
12 about two to three strikes? Do you remember talking about
13 that in terms of what your record -- your previous record is?

14 A: Yes. I can't -- yes. Yes.

15 Q: Okay. And she went over the violent versus nonviolent
16 offenses with you? Do you recall her saying that?

17 A: Yes.

18 Q: Okay. And so -- and I believe you said you were -- you
19 were aware that you were pleading to the assault and battery
20 first and assault and battery high and aggravated nature and
21 that two other charges were being dropped?

22 A: Yes, ma'am.

23 Q: And that was your understanding when you went in front of
24 the judge?

25 A: Yes, ma'am.

BOBBY LEE PARNELL - CROSS BY MS. MCALLISTER

1 Q: And you told the judge that you wanted to take the plea?

2 A: Yes, ma'am.

3 Q: Okay.

4 MS. MCALLISTER: That's all from the State, Your Honor.

5 THE COURT: Anything further, Mr. Shaffer?

6 MR. SHAFFER: Nothing further, Your Honor.

7 THE COURT: Sir, you may step down. Thank you.

8 THE APPLICANT: Thank you.

9 THE COURT: All right. Anything by way of argument?

10 MR. SHAFFER: Yes, Your Honor. I think that he
11 critically testified that he's confused about exactly what --
12 what was going on. Obviously, he told the judge that he
13 understood it, but I don't necessarily think that necessarily
14 is true at this point. Maybe he thought he understood it at
15 the time, but he apparently doesn't understand it now.

16 You know, even Miss Crayton admitted that there was a
17 zero to 10 nonviolent in there, but it was only for one of the
18 charges. So it's -- it's possible that this is just some
19 confusion, but I think it might have rendered his plea not
20 knowing and intelligently entered, Your Honor.

21 THE COURT: All right. Counsel?

22 MS. MCALLISTER: Thank you, Your Honor. I don't believe
23 Ms. Crayton testified there was ever an offer for zero to 10.
24 I believe she testified that that's just the range of
25 sentences for the A&B first, and I think from the transcript

1 it's clear that Mr. Parnell was aware that he was pleading to
2 just a straight-up plea with no negotiation.

3 I would call the Court's attention to page 10 of the
4 transcript, as well as page 3. I think it's clear from Ms.
5 Crayton's testimony that he was always interested in a plea.
6 She engaged in the plea negotiations on his behalf and he
7 indicated to the Court that he was very happy with the plea
8 that he was given and that he decided to take.

9 RULING

10 THE COURT: All right. Thank you.

11 All right. Based upon what I've heard here today, I'm
12 going to respectfully deny Mr. Parnell's application for post-
13 conviction relief. I find that he has failed to meet either
14 prong pursuant to *Strickland*. He has failed to show that
15 counsel's performance was deficient or that he was prejudiced
16 in any way.

17 I certainly understand his argument of being maybe
18 confused about what was being offered. However, at the time
19 of his guilty plea, he clearly stated that he -- it was
20 clearly illustrated in his guilty plea that he understood and
21 that his plea was being entered into freely, voluntarily,
22 knowingly, and intelligently, and I've heard nothing here
23 today that would warrant this Court granting such relief.
24 Thank you.

25 MS. MCALLISTER: Thank you, Your Honor.

1 MR. SHAFFER: Thank you, Your Honor.

2 THE COURT: Thank you, Mr. Shaffer.

3 (WHEREUPON, the proceedings ended at 12:54 p.m.)

4

5 --- END REQUESTED TRANSCRIPT ---

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

5 I, the undersigned, Krystal J. Smith, Notary Public and
 6 Official Court Reporter for the Twelfth Judicial Circuit of
 7 the State of South Carolina, do hereby certify that the
 8 foregoing pages, numbered 1 through 25 constitute a true,
 9 accurate, and complete Transcript of Record of all the
 10 proceedings had and evidence introduced in the hearing of the
 11 above captioned case, relative to appeal, in the Court of
 12 Common Pleas for Florence County, South Carolina, on the 7th
 13 day of November, 2016.

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

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s/Krystal J. Smith

Court Reporter

Florence, South Carolina

April 7, 2017

CERTIFIED: A TRUE COPY

Cristina R. Shaffer

CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)
 COUNTY OF FLORENCE)
)
)
 Bobby Lee Parnell, #287367,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

2014-CP-21-1589

ORDER OF DISMISSAL

FILED
 2016 DEC 30 PM 3:15
 COMPTROLLER-CLERK
 C.C.P. & G.S.
 FLORENCE COUNTY S.C.

This matter comes before the Court by way of an Application for Post-Conviction Relief filed June 12, 2014. Respondent made its Return on November 10, 2014. An evidentiary hearing into the matter was convened on November 7, 2016 at the Florence County Courthouse. Tristan Shaffer, Esquire, represented Applicant. Lindsey A. McCallister, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

At the hearing, Applicant testified on his own behalf. Emily M. Crayton, Esquire, also testified. This Court had before it a copy of the records of the Florence County Clerk of Court, records from the South Carolina Department of Corrections, the application, the State's Return, and the guilty plea transcript.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to the orders of commitment from the Florence County Clerk of Court. Applicant was indicted at the December 2013 term of the Florence County Grand Jury for strong arm robbery and assault and

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battery first degree (2012-GS-21-1525), as well as kidnapping and assault and battery of a high and aggravated nature (ABHAN) (2013-CP-21-1526). Applicant was represented by Emily Crayton, Esquire, on both sets of charges.

On April 17, 2014, Applicant pled guilty. The Honorable Michael G. Nettles sentenced Applicant to twelve years imprisonment for ABHAN and 289 days imprisonment for assault and battery first degree. The other charges were dismissed. Applicant did not appeal his guilty pleas or sentences.

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

1. Ineffective assistance of counsel.
 - a. Counsel failed to investigate Applicant's mental health and competency to enter a plea.
 - b. Counsel failed to convey a plea offer of 0-10 years for assault and battery first degree.

During the presentation of his case, Applicant stated that he was not proceeding with any claims regarding his mental health or competency. Thus, the only ground for relief prosecuted by Applicant at the evidentiary hearing was ineffective assistance of counsel for failing to convey a plea offer of zero to ten years on the assault and battery first degree charge.

II. SUMMARY OF TESTIMONY

Counsel's Testimony

Counsel testified that she represented Applicant on two different sets of charges, one set was for ABHAN and kidnapping, and the other was for assault and battery first degree and strong arm robbery. Counsel stated that she was not the original attorney, but she took over representation in

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2013. Counsel stated that she met with Applicant multiple times the week of his guilty plea. Counsel stated that she did not remember if Applicant was ever given the sentencing sheet, but she did recall meeting with him in the courthouse immediately prior to the plea. Counsel stated that the State's original offer was for Applicant to plead straight up to strong arm robbery and ABHAN. She testified that the State's offer was later changed to a plea to ABHAN and assault and battery first degree, which would have reduced the maximum sentence by five years. Counsel stated that no offer of zero to ten years was ever given to her and that there was nothing in the file to reflect such an offer. Counsel stated there was a note in the file indicating that all charges except the assault and battery first degree and ABHAN would be dismissed. Counsel further testified that during the time she represented Applicant, there were no plea offers for a shorter sentence than the one he received. Counsel testified that she went over the 85% rule and the strikes rule with Applicant, and they discussed his previous record, and the fact that these were violent, no parole offenses. Counsel testified that Applicant always indicated to her that he wanted to plead guilty and that the State had solid evidence against Applicant, including independent eyewitnesses to each event.

Applicant's Testimony

Applicant testified that he did not meet Counsel until the day before the guilty plea. Applicant stated that Counsel did explain that the State had offered to drop the kidnapping and strong arm robbery charges. However, Applicant stated that he believed the plea offer was zero to ten years on the two remaining counts. Applicant testified that he rejected two previous offers of ten years because he wanted to go home. Applicant agreed that Counsel did discuss his criminal history with him prior to the plea, and he admitted that the factual basis for the charges was correct.

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However, Applicant testified that he would not have pleaded guilty if he had known that the charges were classified as "violent" and "most serious." On cross examination, Applicant admitted that the judge reviewed the possible sentences he was facing, as well as the fact that he would be required to serve the sentences "day for day" due to the classification of the crimes. However, Applicant stated that he thought the judge's statements regarding the 85% rule were a "formality" and that he thought he was pleading to a nonviolent crime. Applicant also admitted that he told the plea judge that he had discussed these issues with Counsel, that he was satisfied with her, and that he was pleading guilty freely and voluntarily.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2003).

Applicable Law

Applicant alleges that he received ineffective assistance of counsel for failure to convey a favorable plea offer. In a post-conviction relief action, the applicant bears the burden of proving the allegations in his or her application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (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.

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668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. Id. at 117, 625. First, the applicant must prove that counsel's performance was deficient: Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland v. Washington, 466 U.S. 668, 688 (1984)). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44 (1969); Dover v. State,

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304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). 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 post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)). When a defendant pleads guilty on the advice of counsel, the plea may only be attacked through a claim of ineffective assistance of counsel. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2002) (citations omitted).

Findings of Fact

This Court finds the Applicant's testimony regarding Counsel's ineffectiveness is not credible while also finding Counsel's testimony is credible. This Court also finds Counsel provided effective assistance of counsel in this case. Counsel conferred with the Applicant on several occasions, during which Counsel discussed the pending charges, the State's burden of proof and her assessment of the evidence, and the range of sentences that Applicant could receive. Counsel credibly testified that there was never a formal plea offer for any sentence less than that received by Applicant.

The record reflects that Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. The plea judge also explained the charges to Applicant, including the maximum penalties on each. The judge informed him how the classification of the charges would affect his custody status and that he should expect to serve his sentence "day for day." The plea judge also went through each of Applicant's constitutional rights and questioned Applicant as to whether he understood those rights and wished to give them up to plead guilty. Applicant agreed that he did.

Applicant admitted he was guilty of these offenses and agreed with the facts presented by the State at the plea. Applicant told the plea court that he was satisfied with his attorney and that he had no complaints against her. This Court finds that even if there was confusion prior to the plea, Applicant understood the terms of the plea and the possible sentences at the time the plea was entered.

Accordingly, this Court finds the Applicant has failed to prove the either prong of the Strickland test. Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in her representation of the Applicant or any evidence that Applicant was prejudiced by Counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance.

This Court also finds that the record fully supports the knowing and voluntary nature of Applicant's guilty plea. See Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (holding 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."). In addition, Applicant has presented no evidence or valid reasons why he should be allowed to depart from the truth of his statements made at the plea. See Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) ("[Admissions] made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975))).

For these reasons this Court finds Applicant has failed to satisfy his burden of proving ineffective assistance of plea counsel. Accordingly, this allegation is denied and dismissed.

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All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

IV. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Counsel was not deficient in any manner, nor was Applicant prejudiced by counsel's representation. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice. This Court also finds as to all other allegations that Applicant failed to present evidence of such claims, and thus, this Court deems them abandoned.

The Court notes Applicant must file and serve a notice of appeal within thirty 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), SCRCR, 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.

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IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant is remanded to the custody of the Respondent.

AND IT IS SO ORDERED.



THE HONORABLE D. CRAIG BROWN
Presiding Circuit Court Judge
Twelfth Judicial Circuit

12-21-, 2016

Florence, South Carolina

2016 DEC 30 PM 3:05
CORRIVE REEL SHEARIN
ODD & OS
FLORENCE COUNTY, SC

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WITNESSES

Roger Tilton Lake City Police Department

Matthew R Ozment

ARREST WARRANT NUMBER

2013A2120400258 2013A2120400257

ACTION OF GRAND JURY

TRUE BILL

Courtney Murphy
Foreperson of Grand Jury
Date: 11-2-13

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-21-01525

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

DECEMBER TERM 2013

THE STATE

vs.

BOBBY LEE PARNELL

Indictment for

**STRONG ARM ROBBERY,
ASSAULT AND BATTERY FIRST DEGREE**

2013 NOV 21 PM 12:57
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR

STRONG ARM ROBBERY,
ASSAULT AND BATTERY FIRST DEGREE

At a Court of General Sessions, convened on NOVEMBER 21, 2013 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- STRONG ARM ROBBERY

That BOBBY LEE PARNELL did in Florence County on or about June 29, 2013, take personal property from or in the immediate presence of TYRONE COOPER with the intent to deprive him/her of possession through the use of force, threats of force, or intimidation, and did carry away the property taken, to wit: his wallet and cell phone, in violation of Section 16-11-0325 S. C. Code of Laws, 1976, as amended.

COUNT TWO- ASSAULT AND BATTERY FIRST DEGREE

That BOBBY LEE PARNELL did in Florence County on or about June 29, 2013 commit, offer to commit or attempt to commit an unlawful act of injury with the present ability to do so to TYRONE COOPER and the act occurred during the commission of a robbery, burglary, kidnapping or theft, in violation of Section 16-3-600(C), S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

WITNESSES

Roger Tilton Lake City Police Department

DOCKET NO. 2013-GS-21-01526

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

DECEMBER TERM 2013

THE STATE

vs.

BOBBY LEE PARNELL

Matthew R Ozment

ARREST WARRANT NUMBER

2013A2120400260 2013A2120400261

ACTION OF GRAND JURY

TRUE BILL

Courtney Murphy
Foreperson of Grand Jury
Date: 11-21-13

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

**KIDNAPPING,
ASSAULT AND BATTERY HIGH AND
AGGRAVATED NATURE**

FILED

2013 NOV 21 PM 12:57

**CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 KIDNAPPING,
 ASSAULT AND BATTERY HIGH AND
 AGGRAVATED NATURE

At a Court of General Sessions, convened on NOVEMBER 21, 2013 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- KIDNAPPING

That BOBBY LEE PARNELL did in Florence County on or about July 2, 2013, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one SHANNON MORRIS, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

COUNT TWO- ASSAULT AND BATTERY HIGH AND AGGRAVATED NATURE

That BOBBY LEE PARNELL did in Florence County on or about July 2, 2013 commit an unlawful act of injury to SHANNON MORRIS, which resulted in great bodily injury to the victim in violation of Section 16-3-600, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence
STATE VS.

Bobby Lee Parnell.

AKA:

Race: B Sex: M Age: 45

DOB:

Address:

City, State

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Assault / Assault & Battery 1st degree

INDICTMENT/CASE#: 2013-GS-21-01525

A/W#: 2013A2120400257

Date of Offense: 6/29/2013

S.C. Code § : 16-03-0600(C)(1)

CDR Code #: 3412

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ozment, Matthew R SC Bar# 80072 Bobby Parnell Defendant Attorney for Defendant SC Bar# 79236

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 289 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 289 days The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

PTUP days/hours Public Service Employment

Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Recipient:

*Fine:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce, Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL \$105.00

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Court Reporter: SCCA/217 (03/2011)

Presiding Judge: Judge Code: 2140 Sentence Date: 4/17/14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence
STATE VS. Bobby Lee Parnell

INDICTMENT/CASE#: 2013-GS-21-01526
A/W#: 2013A2120400261
Date of Offense: 7/2/2013
S.C. Code § : 16-03-0600(B)(1)
CDR Code #: 3411

AKA:
Race: B Sex: M Age: 45
DOB:
Address:
City:
DL#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Assault / Assault & Battery of a High & Aggravated Nature

CONVICTED OF or PLEADS

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State

ATTEST: Ozment, Matthew R SC Bar# 00012 Defendant Bobby Parnell Attorney for Defendant E. S. M. B. SC Bar# 70236

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 12 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 299 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with columns for description, amount, and total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ca, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$105.00

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2140
Sentence Date: 7/17/14

13:24:54 Monday, October 13, 2014

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 10/13/14
 OMCOMITA RELEASE DATE SCREEN C023981
 SCDC# > 287367 LOC: MCCORMICK
 PANNELL, BOBBY LEE SCDC CLASSIFICATION...: VIOLENT
 OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N
 SEXUAL PREDATOR...: NOT APP
 DNA STATUS...: COMPLETED
 GPS REQUIREMENT...: N
 PREA DECISION...:

CURRENT SENTENCE: 012-00-000 CONSECUTIVE SENTENCE ...: N
 012-00-000 CURRENT SENT START DATE: 07/02/2013
 PROJECTED COMPLETION DATES
 MAXOUT DATE: 09/10/2023 CURRENT EWC ..: 2 F 5
 YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
 INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL GT DAYS EARNED: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
 TOTAL EARNED WORK CREDITS ...: 000164 LABOR CREW DISQ REASON:
 TOTAL EDUCATION CREDITS: 000000 CATEGORY 4 OR 5 OFFENSE
 TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00
 TOTAL SERVICE TIME EARNED ...: 000461 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECORD SUMMARY REPORT DATED 10/13/14

C0239

PANNELL, BOBBY LEE FBI # 994485EA5 SID# SC00537589 SCDC # 287367

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: MCCORMICK CORR INST

SECURITY/CUST.: 3 MINIMUM IN

CURR INCARC SENT...: 12 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES SEPREQ

SOCIAL SECURITY #.. [REDACTED]

DORM.....: F10223B

RACE....:B SEX...:M

PROJ MAXOUT DATE: 09/10/2023

PROJ PAROLE DATE: 00/00/0000

EWC JOB...: GENERAL WORKER

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 2F5 EEC LEVEL:

ASSIGNMENT...: BLDING DETAIL BLDG.

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 46 DATE OF BIRTH...: [REDACTED]

PREVIOUS NUMBERS:

00208348
Y00168776
00168776
00264408

CURRENT OFFENSES	SENTENCE				SENTENCE		
	YRS	MOS	DYS	COUNTY	START	V/NV	CATEGORY
ABHAN	12	0	0	FLORENCE	7/ 2/2013	V	4
PREVIOUS SCDC OFFENSES (COMPLETE)	SENTENCE				SENTENCE		
	YRS	MOS	DYS	COUNTY	START	V/NV	CATEGORY
	BURGLARY-3RD DEGREE	3	0	0	FLORENCE	11/28/20	7 N 2
	RESIST ARREST/ASLT OFF.	2	0	218	FLORENCE	11/28/20	7 N 4
ASSL&BATTERY-HIGH&AGG.NA	0	6	0	RICHLAND	11/14/20	5 N 3	
COMMON LAW ROBBERY	4	0	0	FLORENCE	7/17/20	2 N 3	

PRIOR COMMITMENTS OVER 90 DAYS:

11/14/ 6	*RESISTING OFFICER	0 YRS	0 MOS	147 DYS
5/26/99	PETIT LARCENY	0 YRS	0 MOS	240 DYS
4/17/98	*FORGERY	3 YRS	0 MOS	0 DYS
8/10/95	POSSESS STOLEN VEHICLE	4 YRS	0 MOS	0 DYS
5/ 2/95	PURSE SNATCHING	3 YRS	0 MOS	0 DYS
5/ 2/95	RESISTING OFFICER	1 YRS	0 MOS	0 DYS
7/ 7/93	CRACK DISTRIBUTION	3 YRS	0 MOS	0 DYS
7/ 7/93	*RESISTING OFFICER	1 YRS	0 MOS	0 DYS
2/11/92	*POSSESSION OF WEAPON	1 YRS	0 MOS	0 DYS
8/20/91	CRIMINAL CONSPIRACY	1 YRS	0 MOS	0 DYS
7/12/91	CRIMINAL CONSPIRACY	2 YRS	0 MOS	0 DYS
4/25/90	*CRACK COCAINE POS INT/DIS	6 YRS	0 MOS	0 DYS

DETAINERS (HOLD, WANTED, NOTIFY):

KIDNAPPING NOTIFY LAKE CITY PD CATEG: 5
NO DETAINEES

ESCAPES:

5/ 2/95 OTHER ESCAPE RELATED CODE NOT IN TABLE

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

6/17/ 9 FIGHTING WITHOUT A WEAP CONVICTED ADMIN
4/22/ 4 STRIKE I/M W/VO WEAPON CONVICTED MAJOR INMATE

NON-ASSAULTIVE DISCIPLINARIES:

4/18/ 9 GAMBLING AND LOAN SHARKI DROPPED MAJOR
10/25/ 8 OUT OF PLACE OTHER
7/17/ 8 REFUSING OR FAILING OBEY CONVICTED ADMIN
7/ 2/ 8 POSSESSION OF CONTRABAND CONVICTED ADMIN
7/ 2/ 8 OUT OF PLACE CONVICTED ADMIN
6/24/ 8 VIOLATIONS WRITE/POST IN CONVICTED ADMIN
11/ 6/ 3 REFUSING OR FAILING OBEY DROPPED CHARG
7/25/ 3 OUT OF PLACE DROPPED CHARG

7/ 8/ 3 USE, POSS NARC, MARIJ, UNAU CONVICTED MAJOR

PANNELL, BOBBY LEE FBI # 994485EA5 SID# SC00537589 SCDC # 287367 (CONTINUED)

11/18/ 2	DISRESPECT	CONVICTED	MINOR	
6/16/97	I/M UNDER INFLUENCE/POSS	CONVICTED	MAJOR	00208348
1/22/97	POSSESSION OF CONTRABAND	CONVICTED	MAJOR	00208348
12/18/96	REFUSING OR FAILING OBEY	CONVICTED	MAJOR	00208348
8/ 3/95	SUPV FUR 2 VIOL(INQUIRY)	CONVICTED	MINOR	00208348
2/18/94	REFUSING OR FAILING OBEY	CONVICTED	MINOR	00208348
12/18/92	OUT OF PLACE	CONVICTED	MINOR	00168776
9/25/92	REFUSING OR FAILING OBEY	CONVICTED	MINOR	00168776
9/15/92	USE OBSCENE, VULGAR, PROFA	CONVICTED	MINOR	00168776
9/12/92	FALSE STATEMENT TO HARM	CONVICTED	MAJOR	00168776
9/12/92	OUT OF PLACE	CONVICTED	MINOR	00168776
8/16/92	POSSESSION OF CONTRABAND	CONVICTED	MAJOR	00168776
4/26/92	STEALING	CONVICTED	MAJOR	00168776
3/24/92	USE OBSCENE, VULGAR, PROFA	CONVICTED	MINOR	00168776
3/ 5/ 1	OUT OF PLACE		OTHER	00264408
2/27/ 1	OUT OF PLACE	CONVICTED	MAJOR	00264408
2/23/ 1	FALSE STATEMENT TO HARM	DROPPED	MAJOR	00264408
11/28/ 0	REFUSING OR FAILING OBEY	CONVICTED	MINOR	00264408
11/22/ 0	POSSESSION OF CONTRABAND		OTHER	00264408
11/18/ 0	DISRESPECT		OTHER	00264408
11/18/ 0	USE OBSCENE, VULGAR, PROFA		OTHER	00264408
10/ 6/ 0	REFUSING OR FAILING OBEY	DROPPED	CHARG	00264408
9/23/ 0	ABUSE OF PRIVILEGES	CONVICTED	MAJOR	00264408
9/23/ 0	REFUSING OR FAILING OBEY	CONVICTED	MAJOR	00264408
5/21/ 0	FALSE STATEMENT TO HARM	DROPPED	CHARG	00264408
5/21/ 0	OUT OF PLACE	DROPPED	CHARG	00264408
5/13/ 0	REFUSING OR FAILING OBEY		OTHER	00264408

HISTORY OF MOVEMENTS:

8/18/14	MCCORMICK	INCARCERATED	ADMINISTRATIVE
8/18/14	KIRKLAND	INCARCERATED	MEDICAL
6/25/14	MCCORMICK	INCARCERATED	ADMINISTRATIVE
6/25/14	KIRKLAND	INCARCERATED	MEDICAL
5/28/14	MCCORMICK	INCARCERATED	ADMINISTRATIVE
4/21/14	KIRKLAND	INCARCERATED	NEW ADMISSION
7/ 1/ 9	UNK	RELEASE	EXPIRATION OF SENTENCE
1/ 7/ 9	TURBEVILLE	INCARCERATED	ADMINISTRATIVE
12/30/ 8	KERSHAW	INCARCERATED	ADMINISTRATIVE
9/18/ 8	LEE	INCARCERATED	ADMINISTRATIVE
9/ 3/ 8	WATEREE RIVER	INCARCERATED	ADMINISTRATIVE
9/ 3/ 8	LEE	INCARCERATED	COURT/PAROLE HEARING VIA
3/ 5/ 8	WATEREE RIVER	INCARCERATED	ADMINISTRATIVE
1/31/ 8	KIRKLAND	INCARCERATED	NEW ADMISSION
3/ 1/ 6	UNK	RELEASE	EXPIRATION OF SENTENCE
1/19/ 6	KIRKLAND	INCARCERATED	NEW ADMISSION
11/ 1/ 4	UNK	RELEASE	EXPIRATION OF SENTENCE
8/23/ 4	LEE	INCARCERATED	ADMINISTRATIVE
8/23/ 4	KIRKLAND	INCARCERATED	MEDICAL
3/22/ 4	LEE	INCARCERATED	DRUG ADDICTION UNIT
10/28/ 3	ALLENDALE	INCARCERATED	RETURN FROM COURT
10/24/ 3	FLORENCE CO	AUTH ABSENCE (AWL)	TO COURT
3/10/ 3	ALLENDALE	INCARCERATED	ADMINISTRATIVE
10/23/ 2	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
9/23/ 2	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
GENERAL WORKER	05/29/14	0/ 0/ 0		2F5
RECREATION AIDE	06/06/09	7/ 1/ 9	RELEASED/PAROLED	2F5

WARDKEEPER ASSISTANT	06/05/09	6/ 5/ 9	INMATE REQUEST	2F5
WARDKEEPER ASSISTANT	05/08/09	6/ 4/ 9	MI ELIGIBLE FOR LEVEL 2	3F5

PANNELL, BOBBY LEE FBI # 994485EA5 SID# SC00537589 SCDC # 287367 (CONTINUED)

RECREATION AIDE	05/06/09	5/ 7/ 9	LATERAL TRANSFER	3F5
RECREATION AIDE	01/29/09	4/20/ 9	PLACED IN ST/SP CUSTODY	2F5
LAUNDRY ROOM ATTENDA	01/08/09	1/13/ 9	UNSAT JOB PERFORM	2F5
WARDKEEPER	01/06/09	1/ 7/ 9	INSTIT TRANSFER	2F5
GENERAL WORKER	11/07/08	12/30/ 8	INSTIT TRANSFER	2F5
GENERAL WORKER	11/06/08	11/ 6/ 8	MI ELIGIBLE FOR LEVEL 2	3F5
LAUNDRY WORKER	07/23/08	9/18/ 8	INSTIT TRANSFER	2F5
WARDKEEPER ASSISTANT	07/02/08	7/22/ 8	UNSAT JOB PERFORM	2F5
WORKER ACTIVITY APPR	05/08/08	7/ 1/ 8	COMPLETED EDUC PROGRAM	2F5
AGRICULTURE HELPER	04/02/08	5/ 7/ 8	LATERAL TRANSFER	2F5
DAIRY HELPER	03/07/08	4/ 1/ 8	LATERAL TRANSFER	2F7
GENERAL WORKER	06/08/04	11/ 1/ 4	RELEASED/PAROLED	3F5
GENERAL WORKER	03/24/04	4/22/ 4	PLACED IN ST/SP CUSTODY	3F5
RECREATION AIDE	07/11/03	3/23/ 4	INSTIT TRANSFER	3F5
RECREATION AIDE	07/03/03	7/10/ 3	ASLT/DRUG/MAJOR DISC	2F5
WARDKEEPER ASSISTANT	03/14/03	7/ 2/ 3	INMATE REQUEST	2F5
WARDKEEPER ASSISTANT	03/11/03	3/13/ 3	MI ELIGIBLE FOR LEVEL 2	3F5
WARDKEEPER ASSISTANT	11/26/02	3/10/ 3	INSTIT TRANSFER	2F5
WARDKEEPER ASSISTANT	11/01/02	11/18/ 2	PLACED IN ST/SP CUSTODY	2F5
WARDKEEPER ASSISTANT	10/24/02	10/31/ 2	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC	START	END	TERMINATION
DESCRIPTION	DATE	DATE	REASON
BONUS 15 OR MORE	04/09/09	7/ 1/ 9	RELEASED/PAROLED
BONUS 4-7 HRS/WK	09/20/04	11/ 1/ 4	RELEASED/PAROLED
BONUS 12-14 HR/WK	02/26/04	3/22/ 4	INSTIT TRANSFER
BONUS 4-7 HRS/WK	09/22/03	2/25/ 4	INMATE REQUEST

***** END OF REPORT *****