



COPY

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Spartanburg County
Honorable R. Keith Kelly, Circuit Court Judge

CHAD HOLLINGSWORTH,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001053

APPENDIX

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STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
)
)
-VS-)
)
CHAD HOLLINGSWORTH,)
)
DEFENDANT.)

2013-GS-42-05283 - 05288
2013-GS-42-05338
2013-GS-42-05590

TRANSCRIPT OF RECORD

JULY 7, 2014
SPARTANBURG, SOUTH CAROLINA

BEFORE:

THE HONORABLE ROGER L. COUCH

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

BARRY BARNETTE
SEVENTH CIRCUIT SOLICITOR

ATTORNEY FOR DEFENDANT:

CLAIRE HALL, ESQUIRE

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

INDEXWITNESSPAGE NO.

CERTIFICATE OF REPORTER -----

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
S-1	INVESTIGATIVE REPORT	4	21
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1 (Whereupon State's exhibits 1 - 5 were marked for
2 identification)

3 **THE COURT:** You ready, Mr. Barnette?

4 **MR. BARNETTE:** Yes, sir. May it please the Court, Your
5 Honor.

6 **THE COURT:** Yes, sir.

7 **MR. BARNETTE:** Your Honor, this is the case of the
8 State versus Chad Edward Hollingsworth. Your Honor, he's
9 pleading guilty to the following indictments. The first one
10 is 13-GS-42-5286, Your Honor, which is burglary in the first
11 degree as for count one.

12 Count two is for grand larceny, Your Honor, in that
13 case. And the grand larceny is between two thousand to ten
14 thousand dollars, Your Honor.

15 The next indictment is 13-GS-42-5338, Your Honor, which
16 is attempted murder, Your Honor.

17 13-GS-42-5285, which is car-jacking, Your Honor.

18 13-GS-42-5287, assault and battery of a high and
19 aggravated nature, Your Honor.

20 13-GS-42-5283, Your Honor, which is another grand
21 larceny, Your Honor, non-related to the burglary, Your
22 Honor. Its value, between two thousand and ten thousand
23 dollars in this case, Your Honor.

24 The next one is 13-GS-42-5288, Your Honor, resisting
25 arrest with a deadly weapon, Your Honor, in this case.

1 13-GS-42-5590, Your Honor, and 13-GS-42-5284, Your
2 Honor, is failure to stop for a blue light, Your Honor,
3 second or subsequent offense. There's two counts. The
4 reason why, Your Honor, he left the county, and then came
5 back to the county and then continued on after he went
6 through Cherokee and North Carolina, Your Honor.

7 **THE COURT:** All right.

8 **MR. BARNETTE:** So there's two counts for that.

9 Your Honor, this is a straight-up plea. There was a
10 recommendation earlier, Your Honor. The Defendant decided
11 he was going to fire his attorney. We rejected -- we
12 revoked that offer, Your Honor. So he is pleading straight-
13 up on these charges, Your Honor.

14 **THE COURT:** Thank you.

15 **MR. BARNETTE:** May I pass them up to the Court, Your
16 Honor?

17 **THE COURT:** Thank you. Please swear the Defendant.

18 **MADAME CLERK:** Raise your right hand, please. Do you
19 solemnly swear that the testimony you're about to give will
20 be the truth, the whole truth and nothing but the truth so
21 help you God?

22 **MR. HOLLINGSWORTH:** Yes, ma'am.

23 **MADAME CLERK:** Thank you.

24 **THE COURT:** Mr. Hollingsworth, give me just a moment so
25 I can go through some of these matters, and then we'll talk

1 about them.

2 MR. HOLLINGSWORTH: Yes, sir.

3 (Pause)

4 THE COURT: The assault and battery, high and
5 aggravated, is that the common law assault and battery?

6 MR. BARNETTE: No, sir. It's the new ---

7 THE COURT: That's the new one?

8 MR. BARNETTE: Zero to twenty, yes, sir.

9 THE COURT: All right.

10 (Pause)

11 THE COURT: All right, sir. Your name is Chad Edward
12 Hollingsworth?

13 MR. HOLLINGSWORTH: Yes, sir.

14 THE COURT: You don't have to bend over. If you'll
15 just talk straight to me, ---

16 MR. HOLLINGSWORTH: Yes, sir.

17 THE COURT: --- that microphone will pick it up.

18 MR. HOLLINGSWORTH: Yes, sir.

19 THE COURT: Thank you, sir. Mr. Hollingsworth, you're
20 in front of me today on several charges. I'm going to go
21 over the charges with you so that I'm sure you'll understand
22 what charges are before the Court today. Also, while I do
23 that I'll be going over with you the possible sentences in
24 this case.

25 It's my understanding the plea is being offered, what

1 is referred to as straight-up, in other words, without
2 negotiations or recommendations. I will advise you that I
3 have the authority, therefore, to sentence you up to the
4 maximum allowed for each of the offenses, run consecutively
5 if I found that to be necessary.

6 So you could take the maximum sentences that I announce
7 to you, add them together, and that would be the total
8 length of time that I could sentence you to on these
9 charges. Do you understand that?

10 **MR. HOLLINGSWORTH:** Yes, sir.

11 **THE COURT:** All right. The first charge I'll discuss
12 with you is case number 2013-5286. That charge is for
13 burglary in the first degree. That particular charge
14 carries a possible sentence of fifteen years to life.

15 I will tell you that is a no parole offense. I will
16 also advise you that it is classified as a violent and most
17 serious offense.

18 That classification means that it qualifies for what is
19 commonly known as a strike under the law. That means that
20 in the future if you were convicted of or pled guilty to
21 other similarly classified crimes, such as serious, most
22 serious or violent offenses, your plea in this case could be
23 used in conjunction with those future offenses to increase
24 the possible sentences in the future. It could result in a
25 sentence of life imprisonment without ever receiving a

1 parole. And that could possibly be a mandatory sentence.

2 Do you understand that, sir?

3 **MR. HOLLINGSWORTH:** Yes, sir.

4 **THE COURT:** All right. Now that case has been indicted
5 by the Grand Jury. It is being presented to me, again,
6 without any kinds of recommendations or negotiation.

7 The second charge is 2013-5338. That charge is for
8 attempted murder. The possible sentence in that case is not
9 more than thirty years. So anywhere from zero up to thirty
10 years.

11 It is a no parole, no probation and no suspended
12 sentence offense. It also is classified as a violent and
13 most serious offense. It has been indicted by the Grand
14 Jury. It is properly before the Court. And, again, as the
15 previous case, it would qualify for what is known as a
16 strike under the law.

17 The next charge is case number 2013-GS-42-5285. That
18 is car-jacking or the attempt to take a vehicle from a
19 person by force without bodily harm. That carries not more
20 than twenty years in prison. It's a no parole offense.

21 That carries a designation as a violent and most
22 serious offense. I've explained to you that designation.
23 And it has been indicted by the Grand Jury. And it's being
24 presented without any negotiations or recommendations.

25 The next charge before the Court is case number 2013-

1 5287. This is assault and battery of a high and aggravated
2 nature. That carries a sentence of not more than twenty
3 years in prison. It's a no parole offense.

4 Now that designation, I've been mentioning that, that
5 means that these carry a limited availability for parole.
6 You would have to serve the majority of the sentence you
7 were given before you would ever be eligible for parole. I
8 never make predictions as to when people would be available
9 or eligible for parole. That could possibly change and
10 could possibly be an error. But I will advise you it's
11 considered a no parole offense.

12 Now, as I said, this one also is classified as violent
13 and serious. It has been indicted by the Grand Jury. It's
14 properly before the Court.

15 The next one is grand larceny, value between two
16 thousand and five thousand dollars. Excuse me, two thousand
17 and ten thousand dollars. That is a property offense and,
18 again, carries an enhancement feature. In the future if you
19 were convicted of three or more, on a third or subsequent
20 property offense conviction, excuse me, that could result in
21 a sentence of up to ten years for future property offenses.

22 This charge, however, carries not more than five years
23 and/or a fine in the discretion of the Court. It has been
24 indicted by the Grand Jury. It's properly before the Court.

25 Next there are -- there is a charge of resisting arrest

1 with a deadly weapon, first offense. That's 2013-5288.
2 That carries a possible sentence of two years up to ten
3 years.

4 If the Court were to suspend the sentence, it can be
5 suspended to no less than six months. And it can be --
6 there can be no parole granted until six months has been
7 served. That has been indicted by the Grand Jury. And it's
8 being presented without any further recommendations or
9 negotiations.

10 The next two charges are failure to stop for a blue
11 light, did not result in injury or death, second or
12 subsequent offenses. Both of those charges, since they're
13 the same charge, those are cases 2013-5284 and 2013-5590.
14 Those carry not more than five years each, and have been
15 indicted by the Grand Jury and are being presented without
16 negotiations or recommendations.

17 Now, Mr. Hollingsworth, did you understand those
18 charges?

19 **MR. HOLLINGSWORTH:** Yes, sir.

20 **THE COURT:** Did you understand the possible sentences
21 that could be given in those charges?

22 **MR. HOLLINGSWORTH:** Yes, sir.

23 **THE COURT:** Now, again, I will point out to you that I
24 have the authority and the right to sentence you up to the
25 maximum on these charges, run consecutively if I found it

1 necessary. Do you understand that?

2 MR. HOLLINGSWORTH: Yes, sir.

3 THE COURT: Now, you're here today with your attorney,
4 Ms. Hall. Have you discussed this case thoroughly with her?

5 MR. HOLLINGSWORTH: Yes, sir.

6 THE COURT: Are you satisfied with the services she has
7 rendered so far?

8 MR. HOLLINGSWORTH: Yes, sir.

9 THE COURT: Is there anything else you need to consult
10 with her about?

11 MR. HOLLINGSWORTH: No, sir.

12 THE COURT: Is there anything else you feel that she
13 ought to do for you before we proceed in your case?

14 MR. HOLLINGSWORTH: No, sir.

15 THE COURT: All right. Now, Mr. Hollingsworth, do you
16 suffer from any conditions; mental, physical, nervous
17 problems, drug problems that would affect your ability to be
18 able to reason or to make good decisions today?

19 MR. HOLLINGSWORTH: No, sir.

20 THE COURT: Have you taken or used any drugs,
21 medications or other substances that would adversely affect
22 your reasoning abilities today?

23 MR. HOLLINGSWORTH: No, sir.

24 THE COURT: So do you understand what this hearing is
25 about?

1 **MR. HOLLINGSWORTH:** Yes, sir.

2 **THE COURT:** Do you understand and are you able to
3 handle your plea today?

4 **MR. HOLLINGSWORTH:** Yes, sir.

5 **THE COURT:** All right, sir. Now, as to the charges
6 that are before this Court, you have the right to plead
7 either guilty or not guilty to those charges. How do you
8 choose to plead?

9 **MR. HOLLINGSWORTH:** Guilty, sir.

10 **THE COURT:** To all of them?

11 **MR. HOLLINGSWORTH:** Yes, sir.

12 **THE COURT:** Now, Ms. Hall, have you had an opportunity
13 to fully discuss this matter with Mr. Hollingsworth?

14 **MS. HALL:** I have.

15 **THE COURT:** And are you satisfied that he has
16 understood the advice that you've given him thus far?

17 **MS. HALL:** I am.

18 **THE COURT:** I would assume that you would have
19 discussed with him, among many things, the charges that
20 we've gone over, the possible penalties that are involved,
21 the eligibility for parole that is affected, the collateral
22 consequences that might result from any of these pleas, any
23 alternatives or alternatives to charges that might have been
24 available, the defenses he might have had to the charges,
25 his rights under the Constitution as they relate to these

1 charges, would you have discussed all of those matters ---

2 MS. HALL: Yes, sir.

3 THE COURT: --- with him? Did you also discuss with
4 him trial preparation in this matter?

5 MS. HALL: Yes, sir.

6 THE COURT: And, again, you're satisfied he understood
7 those discussions?

8 MS. HALL: I am.

9 THE COURT: Now, based on your knowledge of the case do
10 you agree with his decision to offer the plea that he's
11 offered?

12 MS. HALL: I do.

13 THE COURT: And has he been able to assist you in his
14 defense thus far?

15 MS. HALL: Yes, sir.

16 THE COURT: Mr. Hollingsworth, you heard me go over
17 with your attorney the things that were discussed with you.
18 Do you agree that those things were discussed with you?

19 MR. HOLLINGSWORTH: Yes, sir.

20 THE COURT: And is that the advice that you're
21 satisfied with at this time?

22 MR. HOLLINGSWORTH: Yes, sir.

23 THE COURT: Now, Mr. Hollingsworth, my information is
24 that you are thirty-five years of age.

25 MR. HOLLINGSWORTH: Yes, sir.

1 THE COURT: Is that true?

2 MR. HOLLINGSWORTH: Yes, sir.

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

4 MR. HOLLINGSWORTH: Eighth grade. Finished ---

5 THE COURT: All right.

6 MR. HOLLINGSWORTH: Finished the eighth grade.

7 THE COURT: Did you ever go back and get a GED?

8 MR. HOLLINGSWORTH: Yes, sir.

9 THE COURT: Are you married?

10 MR. HOLLINGSWORTH: No, sir.

11 THE COURT: Any children?

12 MR. HOLLINGSWORTH: Yes, sir.

13 THE COURT: How many?

14 MR. HOLLINGSWORTH: I got three children.

15 THE COURT: And what ages are they?

16 MR. HOLLINGSWORTH: Sixteen, eight and three.

17 THE COURT: Do those children live in your home if
18 you're not incarcerated?

19 MR. HOLLINGSWORTH: My one little boy did.

20 THE COURT: Which child was that?

21 MR. HOLLINGSWORTH: My eight year old.

22 THE COURT: All right. Now were you working at a job
23 when you got arrested?

24 MR. HOLLINGSWORTH: Off and on.

25 THE COURT: Okay. What kind of work were you doing?

1 **MR. HOLLINGSWORTH:** Roofing.

2 **THE COURT:** You were doing roofing. All right. Now,
3 Mr. Hollingsworth, has anyone in any way done anything to
4 you to try to force you or make you offer this plea?

5 **MR. HOLLINGSWORTH:** No, sir.

6 **THE COURT:** So are you doing this of your own free
7 will?

8 **MR. HOLLINGSWORTH:** Yes, sir.

9 **THE COURT:** Have you had sufficient time to think about
10 this matter?

11 **MR. HOLLINGSWORTH:** Yes, sir.

12 **THE COURT:** And have you had sufficient time to
13 consider the plea?

14 **MR. HOLLINGSWORTH:** Yes, sir.

15 **THE COURT:** Have you had sufficient time in which to
16 prepare your case if you wanted to do that?

17 **MR. HOLLINGSWORTH:** Yes, sir.

18 **THE COURT:** Now has anyone made any promises,
19 guarantees or assurances to you about any matters,
20 including, but not limited to such things as pardon, parole,
21 probation, early release, length of sentence? Sir, has
22 there been any promises or guarantees about anything
23 including those things I specifically mentioned?

24 **MR. HOLLINGSWORTH:** No, sir.

25 **THE COURT:** So you're not relying on any promises or

1 guarantees from anyone in making your plea?

2 MR. HOLLINGSWORTH: No, sir.

3 THE COURT: When you offer this plea, Mr.

4 Hollingsworth, you offer it in such a fashion that you will
5 be waiving or giving up your Constitutional rights. It's my
6 responsibility to be sure that you understand the rights
7 that you're giving up.

8 For that reason I will explain those rights to you.
9 Then if you have a question or you don't understand, let me
10 know, I'll be glad to go back over these rights with you.

11 First of all, you have a Constitutional right to have
12 your cases considered by a Grand Jury. Now the Grand Jury
13 doesn't determine your guilt or innocence. They decide
14 whether the State has enough evidence to justify the cases
15 moving forward to this Court for either a trial or a plea.

16 And your lawyer is not allowed or you're not allowed to
17 be present at those proceedings. I will tell you that all
18 of your cases have been indicted by the Grand Jury. They
19 are properly now before this Court. Do you understand that?

20 MR. HOLLINGSWORTH: Yes, sir.

21 THE COURT: Now, you also have a Constitutional right
22 to an attorney. Your attorney is present. She's available
23 if you need to consult with her during this plea. So if you
24 have a need to talk to your attorney, let me know, I'll be
25 glad to let you do that as well.

1 In addition to those two rights you have the right to
2 have your case tried in front of a jury. Now at a jury
3 trial and under the law you would be presumed to be
4 innocent. That presumption would continue until such time
5 as the State were able to prove your guilt. And they would
6 be required to prove guilt to the jury by proof beyond a
7 reasonable doubt. Do you understand that the State would
8 have that obligation of proof?

9 **MR. HOLLINGSWORTH:** Yes, sir.

10 **THE COURT:** Now, you would not be required to prove
11 anything during your criminal trial since you're presumed to
12 be innocent. You'd have the right to present proof, but
13 you're not required to do that. Do you understand that?

14 **MR. HOLLINGSWORTH:** Yes, sir.

15 **THE COURT:** Now, in addition to that, you would have
16 the right to have the Clerk issue subpoenas to witnesses to
17 require that they attend the trial. Possibly they could be
18 required to testify.

19 You would have the right at your trial to present any
20 defense you might have to the charges. Also at a trial
21 you'd be given the opportunity to try to suppress any
22 evidence that the State may have against you, including
23 statements you might have previously made.

24 Now I will tell you that at all stages of a criminal
25 proceeding you have the absolute right to remain silent.

1 Now if you, at a trial, chose to remain silent, the judge
2 conducting that trial would be required to instruct the jury
3 that your silence could not be used against you in any
4 manner whatsoever. Now, Mr. Hollingsworth, do you
5 understand the rights that I just went over with you?

6 MR. HOLLINGSWORTH: Yes, sir.

7 THE COURT: Do you understand that if you plead guilty
8 and then I accept the plea, you'll be giving up or waiving
9 those rights as they relate to the charges I've gone over
10 with you?

11 MR. HOLLINGSWORTH: Yes, sir.

12 THE COURT: Now, given the fact that you'll be giving
13 up those rights, does that fact in any way cause you to want
14 to change or withdraw the pleas that you've offered to the
15 Court?

16 MR. HOLLINGSWORTH: No, sir.

17 THE COURT: So you're still pleading guilty to those
18 charges?

19 MR. HOLLINGSWORTH: Yes, sir.

20 THE COURT: Are you doing that because you are guilty
21 of those charges?

22 MR. HOLLINGSWORTH: Yes, sir.

23 THE COURT: Now I'm going to ask Mr. Barnette to go
24 over the facts that they're alleging. There's several
25 charges. It may take a while. I want you to listen

1 carefully, though, to what he has to say. When he finishes
2 his explanation, I'll be asking you about the information
3 that he's gone over with me. So please listen to Mr.
4 Barnette. Mr. Barnette.

5 **MR. BARNETTE:** Thank you, Your Honor. Before I go into
6 the facts I'd like to make a part of the facts these
7 exhibits that I'll be introducing.

8 State exhibit 1, Your Honor, is the investigative
9 report done by SLED. Since this was an officer involved
10 shooting they were called in. So it gives a general
11 overview of the situation.

12 State exhibit 2 and 3 are the CDs that was collected by
13 SLED in this case, Your Honor. One of them is the
14 investigator report as well as the notes consisting of over
15 three hundred pages, again, the statements and everything
16 that was involved.

17 You had Chesnee Police Department, Spartanburg County
18 Sheriff's Department as well as SLED involved with this.
19 They put all the reports, the pictures that was taken by the
20 Sheriff's Department, everything on that. And that may be
21 on State exhibit 3's disk, Your Honor.

22 There's also a videotape. There was a video from the
23 Hot Spot that's this location. I'll get into the facts of
24 it.

25 **THE COURT:** All right.

1 **MR. BARNETTE:** There was also a mobile phone where one
2 of the witnesses actually took a mobile phone of the -- part
3 of the incident that occurred. And there's also a videotape
4 where the officers eventually stopped him on Casey Creek
5 Road, Your Honor. Detective Notebook -- was that video.
6 They accidentally put Welch. Welch did not have a video
7 camera. So that's the incorrect part on the report, Your
8 Honor, but everything else should be correct.

9 And there's also a taser video where they actually --
10 they actually tased him twice. The second time they got him
11 once he escaped from the car at Casey Creek Road. That is
12 also on this also, Your Honor.

13 I'd like to make all of those a part of the facts in
14 this case, Your Honor. All these events occurred in
15 Spartanburg County.

16 **THE COURT:** Well, let me see if the Defense has any
17 objection to those exhibits. Any objection to those
18 exhibits being made a part of the record of the plea?

19 **MS. HALL:** No, sir, Your Honor. I believe they are all
20 things that have been provided to me ---

21 **THE COURT:** Okay.

22 **MS. HALL:** --- in discovery. And I've reviewed them.

23 **THE COURT:** That's exhibits 1 through 4, did you say?

24 **MR. BARNETTE:** 1 through 3, Your Honor.

25 **THE COURT:** 3.

1 **MR. BARNETTE:** I do have two other exhibits, Your
2 Honor. State's exhibit 4 is the rap sheet of the Defendant,
3 Your Honor.

4 **THE COURT:** All right.

5 **MR. BARNETTE:** And State exhibit 5, Your Honor,
6 consists of certified convictions of indictments that I'll
7 go through as well as two from Magistrate Court, Your Honor.

8 **THE COURT:** All right.

9 **MR. BARNETTE:** And I'll go through those at the
10 appropriate time ---

11 **THE COURT:** Any objection ---

12 **MR. BARNETTE:** --- also, Your Honor.

13 **THE COURT:** --- to those two exhibits, Ms. Hall?

14 **MS. HALL:** No, sir.

15 **THE COURT:** All right. Without objection they'll be
16 made a part of the record of the plea.

17 (Whereupon State's exhibits 1 - 5 were admitted into
18 evidence)

19 **MR. BARNETTE:** Your Honor, this occurred on August
20 25th, 2013, Your Honor. At that time at
21 , Your Honor, Pauline Gossett came to her residence
22 there. It's in Cherokee, I mean, Spartanburg County at
23 Chesnee, Your Honor.

24 When she arrived there she found the Defendant in her
25 house, Your Honor. He ran out of the house or actually ran

1 to the next door house, which is
2 Your Honor. The Chesnee Police Department was called, Your
3 Honor, in that case.

4 Initially Sergeant Gary Neal was called to the burglary
5 in process, Your Honor. He arrived there. He encountered
6 Hollingsworth as he went out of the house, Your Honor. A
7 foot chase began, Your Honor. Basically he tried to subdue
8 him.

9 He basically -- at that time the Defendant took a knife
10 out, which is the black handled knife, Your Honor. We do
11 have that in evidence, Your Honor. Not introducing it, but
12 there's -- part of the pictures that's on the CDs, Your
13 Honor.

14 **THE COURT:** Describe the knife to me that was pulled
15 out. It was ---

16 **MR. BARNETTE:** I can actually show -- well, we can
17 actually give you the knife, Your Honor, if you want to.

18 **THE COURT:** All right. Well, go ahead and I'll let him
19 show me that later on.

20 **MR. BARNETTE:** Yes, sir. And at that time, Your Honor,
21 he fired a shot at that time. At that time ---

22 **THE COURT:** When you say he, that was the police
23 officer ---

24 **MR. BARNETTE:** Yes, sir.

25 **THE COURT:** --- or the Defendant?

1 **MR. BARNETTE:** Sergeant Neal at that time, Your Honor.

2 **THE COURT:** Thank you.

3 **MR. BARNETTE:** The foot pursuit continued, Your Honor,
4 at that time. Sergeant Kip Teal, Your Honor, with the
5 Chesnee Police Department also joined into it, Your Honor.
6 They were trying to get him to stop during that time, Your
7 Honor. And they were requiring backup. Make sure I get the
8 order right. That's what I'm trying to make sure ---

9 **THE COURT:** That's okay.

10 (Pause)

11 **MR. BARNETTE:** Okay. Then Deputy Joseph Flank, he was
12 near the town of Chesnee, Your Honor, heard the call on the
13 radio, Your Honor. He arrived there, Your Honor. Officer
14 Teal was requesting the priority backup, Your Honor.

15 He proceeded to the West Cherokee Street and North
16 Alabama, intersection there in the City of Chesnee. When he
17 got near the intersection he heard somebody yelling. He
18 turned on North Avenue and observed Officer Teal standing in
19 the middle of the street with his gun pointed at the
20 Defendant, Your Honor. The Defendant was holding that knife
21 at that time, Your Honor.

22 Suspect seemed to try to break out the window of a
23 green pick-up truck that was stopped in the road, Your
24 Honor. That's the car-jacking incident in this situation,
25 Your Honor. That wound up being Lloyd Mason, Jr., Your

1 Honor. It was his green pick-up truck, Your Honor. It was
2 occupied.

3 He actually -- I talked to him about this case. He
4 said he actually knew the Defendant. He had went to school
5 with his son. So he could ID him and everything. He did
6 try to get in the car, Your Honor, but continued on after
7 that.

8 During this time Officer Teal was giving loud commands
9 to get the subject to drop the knife. He still had the
10 knife in his hands and was trying to get into the pick-up
11 truck, Your Honor.

12 He exited his patrol car. This is Officer Linke, Your
13 Honor, from the Sheriff's Department. He went to the
14 direction of Officer Teal and the suspect. The suspect
15 seemed to be very aggressive, wasn't making coherent
16 sentences when he was speaking. The subject appeared to be
17 under the influence of some kind of narcotic, Your Honor.

18 The subject was still holding the knife and not
19 dropping it when they were basically telling him to -- he
20 drew his Glock .22 and pointed it at the subject, Your
21 Honor. Started giving loud commands for him to drop the
22 knife, but continued to ignore their commands.

23 The suspect discharged -- disengaged the green pick-up,
24 Your Honor, started walking towards the residence of
25 still holding the knife, Your Honor. They

1 kept telling him to drop the knife, Your Honor.

2 When he went to the front door of the residence, Your
3 Honor, they decided to tase him at that time, Your Honor.
4 They tased him, did not stop him. He proceeded to jump off
5 the porch, Your Honor. He was still holding the knife with
6 the right side of the residence towards the backyard.

7 Both me and the officer Teal still had our guns pointed
8 and gave loud commands to drop the knife. And he walked
9 back on 221, Your Honor, went towards the Hot Spot gas
10 station at 107 Hampton Street, Your Honor. Both him and Kip
11 Teal was still following the subject at gunpoint, was giving
12 loud commands to drop the knife.

13 At that time the subject was walking towards the gas
14 station still incoherent. He was still yelling stuff with
15 the knife in his hand. He stopped near a black Chevy Monte
16 Carlo, Your Honor, was 2005, Your Honor, parked near a gas,
17 Your Honor, gas pump. He walked in between the vehicle and
18 the gas pump.

19 There was a lot of people in the area. So he told him
20 to get away from the car, even told the owner, which she was
21 upset about later about telling to move away from the car,
22 Your Honor, in this case.

23 He eventually jumped in the car and took control of the
24 car because it still had the keys in the car. Both officers
25 jumped in trying to get him to stop, Your Honor. He drove

1 off. Officer Teal actually fired two more shots at that
2 time, Your Honor.

3 They proceed in a high speed chase, the Sheriff's
4 Department did, Your Honor. He actually went into Cherokee
5 County, went into Rutherford County and actually came back.
6 They had lost him. Later on Officer Notebook was in the
7 area, tried to patrol finding him. Did find him again, Your
8 Honor.

9 Him and Officer Welch attempted to stop him. He was
10 going a very high rate of speed, Your Honor. They go on
11 Casey Bridge Road. Sheriff Wright gave an order to stop
12 him. And Officer Welch went in front and he runs into
13 Officer Welch's vehicle near the bridge. And they finally
14 sandwich his car in between. They actually did severe
15 damage to both ends of the Monte Carlo.

16 He jumps out of the window or out the door. They go
17 chasing him. He actually jumps in Blalock Lake. They catch
18 him later at an abandoned house near there near the deck
19 where they tase him again.

20 At that time the tase did take. They apprehended him
21 at that time. They kicked away the knife. The knife was
22 later recovered. Let me go ahead and show that to Your
23 Honor. He was charged with that.

24 Like I say, I may have missed some details, Your Honor,
25 but that's basically the gist of it. And like I say, the

1 record will be supported by the items and the exhibits I
2 entered into the record, Your Honor.

3 **THE COURT:** Check and see if they obtained the knife.

4 **MR. BARNETTE:** Yes, Your Honor.

5 (Whereupon the knife was presented to the Court)

6 **THE COURT:** All right. It's an opening blade knife?
7 Okay.

8 **MR. BARNETTE:** Yes, sir.

9 **THE COURT:** Got you. All right. You can return that
10 to the officer.

11 **MR. BARNETTE:** Thank you, Your Honor.

12 **THE COURT:** All right. Does that complete the
13 recitation of the facts at this time, Mr. Barnette?

14 **MR. BARNETTE:** Yes, sir. Can I hand these exhibits up
15 to Your Honor, ---

16 **THE COURT:** Please do.

17 **MR. BARNETTE:** --- 1 through 3?

18 **THE COURT:** Um-hum (affirmative).

19 **MR. BARNETTE:** And I'll read 4 and 5 at the appropriate
20 time.

21 (Whereupon State's exhibits 1 - 3 were handed up to the
22 Court)

23 **THE COURT:** Thank you.

24 **MR. BARNETTE:** Thank you.

25 (Pause)

1 **MR. BARNETTE:** And, Your Honor, if I could just add
2 just one or two more things just to make sure from there. I
3 forgot ---

4 THE COURT: Yes, sir.

5 **MR. BARNETTE:** Your Honor, in the burglary case, they
6 later went to _____, Your Honor. They
7 found a purse with the items from Pauline Gossett's house
8 inside the purse, Your Honor. The chase route, the
9 Sheriff's Department went back and collected evidence, Your
10 Honor. They found a pill bottle and items from Pauline
11 Gossett. They took pictures of the areas, right there --
12 the areas that he went by going through there, Your Honor.

13 And in the Monte Carlo, which was owned by Mark Bailes,
14 Your Honor, it's a 2005 black Monte Carlo Chevy, tag number

15 Your Honor. They found Pauline's driver's --
16 Pauline Gossett's driver's license, a voter registration,
17 and charge card, and different photos and letters that she
18 had written ---

19 THE COURT: All right.

20 MR. BARNETTE: --- was found in the car that he was in
21 that he jumped out of.

22 **THE COURT:** All right. Thank you, Mr. Barnette.

23 **MR. BARNETTE:** Yes, sir. I forgot to add that to the

24 ---

25 **THE COURT:** Um-hum (affirmative). Now, Mr.

1 Hollingsworth, you were present in the courtroom. Did you
2 hear the Solicitor go over the facts in this matter with me?

3 MR. HOLLINGSWORTH: Yes, sir.

4 THE COURT: Did you understand what he said?

5 MR. HOLLINGSWORTH: Yes, sir.

6 THE COURT: Is that information true?

7 MR. HOLLINGSWORTH: Yes, sir.

8 THE COURT: Have you told me the truth today?

9 MR. HOLLINGSWORTH: Yes, sir.

10 THE COURT: Did anyone tell you how to respond to my
11 questions?

12 MR. HOLLINGSWORTH: No -- yes, sir.

13 THE COURT: Well, did anybody tell you what answers to
14 give me?

15 MR. HOLLINGSWORTH: Oh, no, sir.

16 THE COURT: So the answers you've given me were your
17 own?

18 MR. HOLLINGSWORTH: Yes, sir.

19 THE COURT: In other words, you're not just repeating
20 what somebody told you to tell me?

21 MR. HOLLINGSWORTH: No, sir.

22 THE COURT: All right. Now, is there any part of what
23 you and I have discussed today that you'd like to
24 reconsider, anything you've said or anything -- would you
25 like to change anything that you've said to me?

1 **MR. HOLLINGSWORTH:** No, sir.

2 **THE COURT:** All right. Mr. Hollingsworth, I'm going to
3 accept your plea. It's my finding that you're aware of the
4 charges, you're aware of the possible penalties, you've had
5 the advice of an attorney on the cases, you're satisfied
6 with the legal advice you've had. It's my finding that
7 there is a factual basis upon which to base the plea and
8 that the plea has been freely and voluntarily entered.

9 So at this point in time I'm going to allow your
10 attorney to discuss the matter with me. When she has
11 finished, I'll give you a chance to speak. If there's
12 anyone who's speaking on your behalf, I'm sure your attorney
13 will let me know about that. Ms. Hall.

14 **MS. HALL:** Thank you, Your Honor. I do have a letter
15 from one of Mr. Hollingsworth's sisters who was unable to be
16 present today, that she wished to ---

17 **THE COURT:** Any objection ---

18 **MS. HALL:** --- share with the Court.

19 **THE COURT:** --- to the Court viewing the letter?

20 **MR. BARNETTE:** No, sir.

21 **THE COURT:** You may pass it up, please.

22 **MS. HALL:** And we have several family members in the
23 courtroom who may wish to speak to Your Honor at the
24 appropriate time.

25 **THE COURT:** All right. Well, I'll let you speak first

1 and then we'll allow them to come forward before I hear from
2 Mr. Hollingsworth.

3 **MS. HALL:** As you heard, Mr. Hollingsworth is thirty-
4 five years old. He does have a record. The burglary, first
5 degree, my understanding the basis for that being a first
6 degree is two prior convictions. He has one from 1997,
7 second degree, and a third degree burglary from 2010.

8 We -- this is the first time this case has been on a
9 trial docket. And Mr. Hollingsworth was doing some time for
10 a revocation, a probation matter, and came back here in late
11 May when we started meeting again.

12 This is absolutely a case of somebody being under the
13 influence of illegal drugs and unable to make rational
14 decisions. I think when he came out that house, when
15 Officer Teal showed up, he maybe thought he was going to go
16 and talk to the officer, but not being in his right mind he
17 took off instead and just -- this is something that spun out
18 of control very quickly.

19 I think as it spun out of control Mr. Hollingsworth
20 lost hope that he could fix the situation or right it and
21 just kept making it worse for himself. One bad decision
22 after another until he physically could not go anymore.

23 I had trouble talking with him when he was first
24 arrested because I think the effects of the drugs were so
25 strong, it took a while for him to come back down. I've

1 noticed a marked change in him now, this time of year, from
2 last Fall from when we've been able to have good discussions
3 about his case.

4 We met last week when, the Solicitor and I, after we
5 talked and he made an offer. There wasn't a whole lot of
6 back and forth on this case. And so I know this morning I
7 had to come up and unfortunately tell Your Honor that Mr.
8 Hollingsworth had told me he wanted to relieve me. And I
9 think that is -- it's just a matter of getting scared and
10 panicking as this day got closer. He knew it was coming.

11 And I don't -- I know the Court -- the State revoked
12 their offer at that point as Solicitor Barnette had the
13 right to do, but I hope the Court will understand that this
14 is not a case that's been up here multiple times. This is
15 not somebody who's just totally trying to, you know, abuse
16 the process.

17 This is, you know, had a -- had a panic and he changed
18 his mind and came back to his senses before, I think, roll
19 call was over this morning. I was -- they were waiting on
20 me in the jail room, he wanted to talk to me again.

21 I know the facts sound, and they are, pretty bad, but I
22 don't think that Mr. Hollingsworth is somebody who's an all
23 bad person. I've seen glimmers of somebody with some hope
24 and humor and happiness every now and then. This has
25 unfortunately got him beat down.

1 Ultimately he's decided to take responsibility and come
2 before the Court and humble himself and beg for Your Honor's
3 mercy rather than put everybody through a trial. I
4 understand that several of the victims, they didn't want to
5 put anymore time into this than they had to. And that's why
6 we don't have anybody here.

7 We may have been able to argue about some of the
8 charges at a trial, but ultimately we knew what was going to
9 happen at the end. And we're here begging for Your Honor's
10 mercy.

11 He's thirty-five years old. And he knows he's going to
12 do a substantial sentence for this. And really what we're
13 asking for is the Court to give a sentence that would allow
14 him a chance to complete the sentence and maybe have a
15 little bit of time with his family rather than a sentence
16 that's going to foreclose that opportunity completely. I
17 hope that's not asking for too much in light of the facts.

18 He's still a young man. And even with twenty years or
19 thirty years, I think he could finish the sentence and he
20 could come back and have a little time with his family.

21 Since he's been in jail I think he's been doing some
22 study with a correspondence course for religious studies.
23 He did speak with Chief Swofford out of Chesnee after his
24 arrest and actually -- I spoke to Chief Swofford and he told
25 me he was very helpful and gave him some information that

1 led to the arrest of some burglaries and where they were
2 able to recover some property.

3 And I asked Chief Swofford and Officer Teal what they
4 knew about Chad before this, and they really didn't have a
5 whole lot to say other than when he hasn't -- when he wasn't
6 on drugs, he didn't cause them problems, he's a nice guy.

7 He made the choice to take the drugs, absolutely. And
8 he has to pay the price for that. But I hope we can show
9 the Court that there's, you know, what you've heard today,
10 the facts, is not the whole picture of this person.

11 We're asking the Court to temper justice with mercy.

12 And I think the best we can hope for and ask for is a chance
13 that he can complete his sentence and he can go back home to
14 these people and have a little bit of time with them and
15 have some hope while he serves his sentence so he can get
16 back to them one day.

17 His sister, Angie Robinson, is here as well as her
18 husband and his uncle, Steve.

19 **THE COURT:** All right. Who wants to speak? All right.
20 One at a time, sir. I'll start with you on the end. If
21 you'll come up right up here to this corner of the bar,
22 please. State your name for me, sir.

23 **MR. HOLLINGSWORTH:** James D. Hollingsworth, Sr.

24 **THE COURT:** Yes, sir. I'll be happy to hear from you.

25 **MR. HOLLINGSWORTH:** Well, Chad's had some traumatic

1 things happen to him in his life. His grandma died when he
2 was seventeen. Two months later his father died. And then
3 a year and a half later his mother died.

4 When his father died he kind of started going downhill
5 then. Got with the wrong people, talking -- doing the wrong
6 kind of stuff, getting in a little bit of trouble when he
7 was a teenager. But as he got older it got a little worse,
8 like I say, when his mama died he just kind of went downhill
9 and out of control.

10 Chad is a good -- good person. He would give family,
11 friend or even a stranger the shirt off of his back. And
12 like his attorney said, just show him mercy and compassion
13 and hopefully one day he'll be -- contribute to the
14 community.

15 **THE COURT:** Thank you, sir. You can be seated. Next.
16 Sir, if you'll come forward. Yes, sir, your name?

17 **MR. ROBINSON:** Roger Dale Robinson, Jr.

18 **THE COURT:** Yes, sir.

19 **MR. ROBINSON:** I met Chad before I met my wife. Chad
20 -- me and Chad were real good friends. And when his mother
21 died, of course, I was already married to his sister then.
22 Didn't really know his dad very well.

23 Me and Chad kind of grew up together. And I was a
24 little older than him. Good guy. Done -- we used to hang
25 out a good bit, and fish, and hunt and all the things guys

1 do and buddies do.

2 The drugs got the best of Chad. I kind of pushed
3 myself away from him trying to get him to do better. When
4 he's not on drugs, you'll not find a better person. And the
5 drugs take hold and he's downhill from there.

6 **THE COURT:** I understand.

7 **MR. ROBINSON:** I distanced myself then at that moment.
8 But my kids, they're over there, and I have another son,
9 they love Chad. And he talks to them when he's around me
10 and tells them, you know, don't do the things that I did.
11 He does mentor to the kids.

12 **THE COURT:** Hope they're listening.

13 **MR. ROBINSON:** I'm pretty sure they do. I just hate it
14 come to something of this nature. I just -- please give him
15 some leniency.

16 **THE COURT:** Thank you, sir.

17 **MR. ROBINSON:** Thank you, sir.

18 **THE COURT:** Yes, ma'am. Yes, ma'am, your name?

19 **MS. ROBINSON:** Angela Michelle Robinson.

20 **THE COURT:** Yes, ma'am.

21 **MS. ROBINSON:** I'm his sister. And Chad has gotten on
22 meth. It ain't like these drugs like smoking pot and stuff.
23 Meth is a bad, bad drug. And when it gets you, it really,
24 really gets you and makes you do stuff you wouldn't never
25 do.

1 And I know he's so sorry. He wouldn't have did that.
2 But he was running hard, wouldn't sleep for months and just
3 fall over in the floor. When he'd get back up he said he
4 would just do some more and go.

5 I called 911 three times. And Chesnee Police went and
6 found him in the woods one time where he said he was shot.
7 And when they found him they said he wasn't shot, but they
8 wouldn't do nothing because they said he looked like he was
9 under the influence, but if he wasn't going to say he'd hurt
10 himself or something like that, they wasn't going to take
11 him to jail or nothing.

12 One time he -- him and my sister got stopped and he
13 took the charge for the pot. And it wasn't even his. He
14 didn't smoke pot. He did the harder stuff.

15 He swallowed three bags of dope. I called 911. The
16 police come out there and kicked it in the ground and said
17 it'd be all right in twenty-four hours. If they would have
18 helped him when I -- when I turned my back on my brother
19 trying to get him help, this wouldn't have escalated like
20 this.

21 I was in a bad car wreck. And he would come to my
22 house and clean up for me 'cause I wasn't able. I mean, it
23 broke every rib in my back and all, my pelvis three places.
24 My arm was all scarred up.

25 **THE COURT:** Um-hum (affirmative).

1 **MS. ROBINSON:** I had to have a trachea. Just all kinds
2 of stuff. All my -- I died two times. And he would come to
3 the house. He cleaned up. He did yard work. He'd babysit.
4 He did everything. He's such a good person off of drugs.
5 But that meth will get you. And it -- I'm telling you.

6 **THE COURT:** You don't have to tell me, ma'am. I see it
7 all the time.

8 **MS. ROBINSON:** Just please show him mercy. He needs
9 drug help. All these times that he's did wrong and went to
10 jail, they can get drugs in jail too. He needs help from
11 drugs. One of these times y'all have got to wisen up and
12 get him help for drugs 'cause it ain't working.

13 **THE COURT:** Thank you, ma'am.

14 **MS. ROBINSON:** I want my brother back home, but I need
15 him to get help.

16 **THE COURT:** Thank you, ma'am. Anyone else from the
17 family wish to speak?

18 (No response)

19 **THE COURT:** Mr. Hollingsworth, this is your opportunity
20 to address the Court. Is there anything you'd like to say
21 at this time?

22 **MR. HOLLINGSWORTH:** Yes, sir.

23 **THE COURT:** All right. I'd be happy to hear from you.

24 **MR. HOLLINGSWORTH:** When I was -- yeah, this is it.

25 Sorry.

2 **MR. HOLLINGSWORTH:** When I was arrested I didn't know
3 who I was, where I was for over a week. You can ask Officer
4 Thomas at the jail and he'll tell you. I was out of my mind
5 and messed up so bad I needed someone to sit down with me --
6 that's not it.

8 **THE COURT:** Okay. Well, just take a moment and get the
9 right one.

11 THE COURT: That's ---

13 (Pause)

15 THE COURT: All right.

22 I am thirty-five years old. I have a son, C.J. I
23 love more than the world. Excuse me. I have a -- also have
24 a son, A.T. , that's sixteen and a little girl
25 that's four. They're living with their grandmother right

1 now.

2 While I was in prison I enrolled in college courses, a
3 church program and welding. I have a certificate for all of
4 those. My life to the -- I gave my life to the Lord and
5 accept full responsibility for everything I have done.

6 I enrolled in Colorado Tech while I was at home. And I
7 couldn't stop doing drugs long enough to do it. I was
8 accepted. My parents died, and I had no one to accept my
9 sisters.

10 But I kept backsliding. I had stopped hanging out with
11 friends. Dennis Harris of Chesnee that owns Chesnee Classic
12 Cycles always helped me out. And sometimes it wasn't
13 actually as good as it should have been because of the
14 people that comes in and out of there. Always makes me do
15 wrong.

16 I don't have strong willpower. And I always end up
17 doing meth and ice. On that one morning after being up for
18 two weeks I was given some bath salt and I had to eat three
19 bags of dope, ice, and all of this happened. I never knew I
20 done these things til I was told. Even the police said I
21 was incoherent and high, incoherent, some sort of drugs, on
22 some sort of drugs.

23 I've done a lot of wrong things in my life, but nothing
24 like this. I'm a real good person, kind hearted and would
25 help the world even if it's my last. Half the things I've

1 done to get in trouble in the past, I just would take the
2 charge even if I didn't do it.

3 It's dumb now. I was young and dumb. Now I know -- I
4 want the world to know drugs are bad. Take this that I am
5 in and use it as an example.

6 I'm actually a good person. My kids love me. My
7 sisters love me. And my kids, I want to apologize for
8 putting you through this. Please forgive me and please be
9 alive when I come home, please. Thank you for loving me.

10 And, uncle Steve, I know you're amazing and you're a
11 respected man. I'm sorry for ruining your name, our last
12 name. Please don't hate me. I'm sorry for not listening to
13 you.

14 I want to apologize to all of the police and people
15 that this has affected in Chesnee and Spartanburg. I hope
16 that you can have leniency on me. And the ones this has
17 affected, I'm sorry.

18 And if you ever think of doing drugs, don't -- don't.
19 They're no good for nobody. Nothing good comes out of this.
20 Look at me. I'm going to be an old man when I get out.

21 Thank you, Your Honor, for letting me speak this in
22 your courtroom. God bless. Please know I'm sorry for doing
23 what I done. Nobody was hurt during these crimes, but by
24 the grace of God they wasn't, and I'm still alive. I'm not
25 going to forget this. Thank you.

1 **THE COURT:** Thank you. Anything further, Ms. Hall?

2 **MS. HALL:** Your Honor, I think one thing I didn't say,
3 I did -- in one of the videos from Hot Spot you can hear,
4 there's some audio, and, you know, as bad as these charges
5 are in this situation I don't think Mr. Hollingsworth left
6 the house that day intending to do all of this. He told you
7 he'd worked in roofing, he, you know, lived in Chesnee,
8 probably had a knife on him all the time anyway.

9 And I know at one point Officer Teal said he was
10 shouting at him, shoot me. I think this has just got out of
11 control. And maybe that was why we had this issue last
12 night and this morning, you know, feeling completely out of
13 control of the situation. He did bad things and made bad
14 decisions, but I think he's been there -- there is some
15 good.

16 And I hope that Your Honor can see a little bit of that
17 and see that he's worth, you know, giving a sentence that'll
18 allow him to come back to his family. Like he said, he's
19 going to be an old man and would just be grateful for the
20 chance to have a little bit of time with his family to be
21 able to serve a sentence.

22 **THE COURT:** All right. Mr. Barnette.

23 **MR. BARNETTE:** Okay. Thank you, Your Honor. Your
24 Honor, I've spoke to both of the officers here, both here
25 working for the Sheriff's Department as well as Officer Kip

1 Teal, Your Honor, they did not want to address the Court.

2 THE COURT: Okay.

3 MR. BARNETTE: They just wanted to be here. But I did
4 talk with the victim in this case. Pauline Gossett, Your
5 Honor, one other thing to mention, her back door had been
6 broken into through the -- there. And she had several items
7 taken.

8 I guess she had just gotten back from -- like this
9 morning, she had told me, said I don't want to come to the
10 plea because I've wasted enough time with this. But she
11 goes to like her -- not a retirement home, but recreation
12 center in the mornings. I think she was coming back from
13 that. But she said, I'll come for the trial, but I don't
14 want to come for the plea.

15 I spoke to the fellow who had the car stolen, 2005
16 black Monte Carlo, Your Honor, Mark Bailes. He said, I've
17 lost money. I had to pay deductibles. I've lost time from
18 work. He said, I'm not coming unless it's a trial. I know
19 you don't want to waste anymore time. So I did talk to him.

20 I talked to the fellow in the car-jacking. He said he
21 didn't want to miss work to be here. But, obviously, they
22 understand the Court would understand from the facts of the
23 case, Your Honor.

24 Your Honor, his prior record, Your Honor, State exhibit
25 4 is a rap sheet, Your Honor, in this case. If I could hand

1 that up to the Court. And State exhibit 5, Your Honor, is
2 actually the indictments and convictions on numerous things.
3 I'm going to read some of these to you, but not all these to
4 Your Honor.

5 **THE COURT:** Just go over the convictions with me.

6 **MR. BARNETTE:** Yes, sir.

7 **THE COURT:** And then we'll talk about the other.

8 **MR. BARNETTE:** Yes, sir. He had a burglary, second,
9 conviction, Your Honor, in 1997. He served fifteen years
10 suspended to time served with probation for three years on
11 that, Your Honor.

12 And I'm going to go -- he had some Magistrate Court.
13 I'm not going to go through those, Your Honor.

14 **THE COURT:** That'll be fine.

15 **MR. BARNETTE:** Receiving stolen goods, Your Honor. He
16 was convicted of that and given a five year sentence, Your
17 Honor, I believe in 2000, it appears to be.

18 Convicted of resisting arrest, 2004, Your Honor.
19 Received six months, concurrent to that. He served a YOA on
20 -- I believe he had forgery convictions, Your Honor, in this
21 case, received on those, Your Honor.

22 Receiving stolen goods in 2003. He received a three
23 year sentence on that, Your Honor. 2004, two years
24 suspended to five years probation. Shoplifting, 2009, Your
25 Honor. Petty larceny, 2008.

1 Burglary, third, Your Honor. He was convicted in 2010
2 as well as a property offense, third or subsequent offense,
3 Your Honor. He received an eight year sentence suspended to
4 five years and three years probation. I think that may have
5 been the revocation that came from there, Your Honor, in
6 that case.

7 And, Your Honor, those are the highlights. I do have
8 the rap sheet up for your review, Your Honor, as well as the
9 convictions, several convictions off that rap sheet ---

10 **THE COURT:** Okay.

11 **MR. BARNETTE:** --- that's State's exhibit number 5.

12 **THE COURT:** Okay. And you wanted to go over anything
13 else with me?

14 **MR. BARNETTE:** No, sir. I think -- like I said, I've
15 went through all the facts that I could. There was a lot of
16 things involved with this case. I believe the Court got the
17 gist of it.

18 **THE COURT:** All right. Thank you. Is he claiming
19 credit for time served?

20 **MS. HALL:** He's been incarcerated since August the 25th
21 of 2013.

22 **THE COURT:** August 23rd?

23 **MS. HALL:** 25th, 2013. 25th.

24 **THE COURT:** 25th. Thank you.

25 (Pause)

1 **THE COURT:** All right. I'm going to have the letter
2 from his family member made a Defense exhibit for the plea.

3 (Whereupon Defendant's exhibit 1 was marked and
4 admitted into evidence)

5 **THE COURT:** Mr. Hollingsworth, you and I have only met
6 just today.

7 **MR. HOLLINGSWORTH:** Yes, sir.

8 **THE COURT:** Your lawyer can tell you my feelings about
9 the drug methamphetamine. I have seen what it does to
10 people's lives. I have seen how it affects people's lives.
11 I've seen what it puts them in a position to do. It's
12 probably something that I -- if I could change in the world,
13 I would change it today, but unfortunately I can only send
14 messages.

15 Something that you said in what you told me today,
16 though, indicates that maybe at some point in time somebody
17 might see what happens to people like you and decide that
18 they're not going to use it. Your friend over there said he
19 tried to push away from it 'cause he saw what it did to you.
20 Maybe that'll happen with other people. It's a bad problem
21 in Chesnee.

22 **MR. HOLLINGSWORTH:** Yes, sir.

23 **THE COURT:** I'm aware of that. I'm up here. I see
24 what happens. I'm not blind. Unfortunately it puts you in
25 a position where thank goodness nobody else got hurt, 'cause

1 it could have been a lot worse. In fact, probably should
2 have been a lot worse. How they avoided it, I don't know.

3 But it's the kind of behavior that just can't be
4 tolerated in our society. We can't have people car-jacking
5 people, running wild through the streets, driving cars at
6 over a hundred miles an hour, risking families, children,
7 all because they felt that drugs were so important that they
8 had to use them. That just can't happen.

9 And I, you know, I don't know that there's anything we
10 can do in your situation. I only pray that some people will
11 look at what happened in this case and decide that
12 methamphetamine's not worth it. I hope somebody does that.
13 That would be a good thing to come out of this.

14 Now as to the charges that are before the Court, as to
15 the two failures to stop for a blue light, the sentence in
16 both cases are five years run concurrently. I'm giving
17 credit in all of these from the day that you were
18 incarcerated, August 25th of 2013.

19 In the grand larceny valued between two thousand and
20 ten thousand dollars the sentence is five years run
21 concurrently.

22 As to the resisting arrest with a deadly weapon, first
23 offense, the sentence is ten years run concurrently. Again,
24 credit for the time that you've served.

25 As to the assault and battery of a high and aggravated

1 nature, the sentence is twenty years run concurrently with
2 credit for time served.

3 As to the car-jacking the sentence is twenty years run
4 concurrently with credit for time served.

5 As to the burglary, first degree, and the attempted
6 murder, the sentence in both cases is twenty-five years run
7 concurrently with credit for time served. I have
8 recommended that you be referred to the Addiction Treatment
9 Unit, perhaps, to assist you with the problem that you have.
10 Good luck, sir.

11 **MS. HALL:** Thank you, Your Honor.

12 **MR. BARNETTE:** Thank you, Your Honor.

13 **THE COURT:** That concludes the hearing.

14 (Hearing Ended at 1:42 pm)

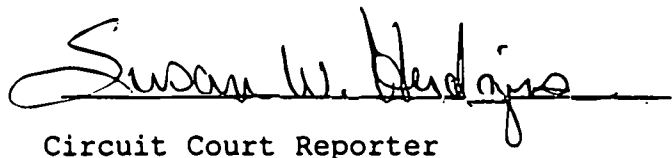
15 (End of Requested Transcript of Record)

Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Spartanburg County, South Carolina, on the 7th day of July 2014.

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

February 12, 2015

A handwritten signature in cursive script, reading "Susan W. Hudgins", written over a horizontal line.

Circuit Court Reporter

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case No(s): 2013-GS-42-05283, 2013-GS-42-05284, 2013-GS-42-05285, 2013-GS-42-05286,
2013-GS-42-05286A, 2013-GS-42-05287, 2013-GS-42-05288, 2013-GS-42-05338, 2013-GS-42-05590

The State	Respondent,
v.	
Chad Edward Hollingsworth	Appellant.
.....	

NOTICE OF APPEAL

Chad Edward Hollingsworth appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Roger L. Couch on July 7, 2014. This appeal is taken from this conviction and sentence.

July 14, 2014

M. Claire Hall

M. Claire Hall
Bar No.: 78229
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:

Barry J. Barnette, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent

RECEIVED

JUL 16 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case No(s): 2013-GS-42-05283, 2013-GS-42-05284, 2013-GS-42-05285, 2013-GS-42-05286,
2013-GS-42-05286A, 2013-GS-42-05287, 2013-GS-42-05288, 2013-GS-42-05338, 2013-GS-42-05590

The State Respondent,
v.
Chad Edward Hollingsworth Appellant,
.....

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on July 14, 2014, addressed to its attorney of record, Barry J. Barnette, Esq., Assistant Solicitor, 180 Magnolia Street, Spartanburg, South Carolina 29306.

July 14, 2014

M. Claire Hall

M. Claire Hall
Bar No.: 78229
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

RECEIVED

JUL 16 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case No(s): 2013-GS-42-05283, 2013-GS-42-05284, 2013-GS-42-05285, 2013-GS-42-05286,
2013-GS-42-05286A, 2013-GS-42-05287, 2013-GS-42-05288, 2013-GS-42-05338, 2013-GS-42-05590

The State Respondent,
v.
Chad Edward Hollingsworth Appellant.

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Chad Edward Hollingsworth files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable Roger L. Couch on July 7, 2014. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

July 14, 2014

mcgall
M. Claire Hall
Bar No.: 78229
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:

Barry J. Barnette, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent

RECEIVED

JUL 16 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SPARTANBURG COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case No(s): 2013-GS-42-05283, 2013-GS-42-05284, 2013-GS-42-05285, 2013-GS-42-05286,
2013-GS-42-05286A, 2013-GS-42-05287, 2013-GS-42-05288, 2013-GS-42-05338, 2013-GS-42-05590

The State Respondent,
v.
Chad Edward Hollingsworth Appellant.

PROOF OF SERVICE

I certify that I served the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on July 14, 2014 addressed to its attorney of record, Barry J. Barnette, Esq., Assistant Circuit Solicitor, 180 Magnolia Street, Spartanburg, S.C. 29306.

July 14, 2014



M. Claire Hall
Bar No.: 78229
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

RECEIVED

JUL 16 2014

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 24, 2014

Ms. M. Claire Hall, Esquire
366 N. Church Street
Suite 3000
Spartanburg SC 29303

Re: The State v. Chad E. Hollingsworth
Appellate Case No. 2014-001527

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court.

Very truly yours,

Jonny ~~Abbott~~ Kitchings 

CLERK

cc: Barry Joe Barnette, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire

SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN
CIRCUIT PUBLIC DEFENDER366 NORTH CHURCH STREET
SUITE 3000
SPARTANBURG, SC 29303TELEPHONE (864) 596-2561
FAX (864) 596-2284
FAX (864) 562-4412

July 28, 2014

Chad Edward Hollingsworth 00258392
Dorm F10217B
K R & E
4344 Broad River Rd.
Columbia, SC 29210

Re: Chad Edward Hollingsworth Appeal of Guilty Plea
 Warrant/Ticket No(s): 2013A4210203088; 2013A4210203089; 2013A4210203090;
 2013A4210203091; 2013A4210203092; 2013A4210203093;
 2013A4210203094; 2013A4210203087; 48768DL

Dear Mr. Hollingsworth:

As you recall you instructed me to file a notice of intent to appeal your plea, which was entered on July 7, 2014. I complied with your request and have filed the necessary paperwork. Not knowing the basis for your appeal I could only tell the court that I was filing a notice of appeal because my client requested I do so. The Court of Appeals has instructed me to inform you that you must, **within 20 days from today's date**, inform the Court of any arguable basis that there are issues preserved for appeal. You must submit this information in writing to:

South Carolina Court of Appeals
 P.O. Box 11629
 Columbia, SC 29211

Sincerely,

M. Claire Hall
 Assistant Public Defender

RECEIVED

AUG 01 2014

SC Court of Appeals

Enclosure

cc: Ms. Jenny Kitchings, Clerk, South Carolina Court of Appeals

RE: The state v Chad C. Hollingsworth
Appellate case NO. 2014-001527

RECEIVED

AUG 06 2014

SC Court of Appeals

you can also contact my sister
Angie Robinson at 864-492-7811
110 forestdale drive
Gaffney SC, 29341

8-4-2014

Chad Edward Hollingsworth
Appeal of Guilty Plea

warrant/ticket No(s):

2013 A4210203088, 89, 90, 91, 92, 93,

94, 87, 48768DL.

on these charges.

2 11/10/14

11/10/14

Chad Hollingsworth 258392

Kirkland R+E-F-F-1-217-A

4344 Broad River Rd.

Columbia SC, 29210

8/4/14 Chad Hollingsworth — I got this letter August 4th 2014 9:00 am
 at all. I wanted to appeal this because me and my lawyer wasn't getting along
 at all. We only spoke 3 times 2 times on my case by leave was sent out = decided more the
 9:00 am I was told I could get a deal of 1585% in 1000 2013 and I emailed
 her on the kiosk at county jail about it when I spoke to her June 2014 she
 denied knowing anything of it that shows she new nothing of my case also I was
 offered to get the burglary and grand larceny dropped if I took open
 plea 0 to 30 I got this all on paper but she came the next day with
 papers with a 20 year plea deal I insisted I rather get
 charges dropped and go with 0 to 30 but she took upon herself to not
 let me get that deal I have in writing I submitted several
 times to clay allen on kiosk about problems with mrs hall,
 also I've written to clerk of court trying to find out how to
 dismiss her witch I have documents, and all emails are
 kept on file as well I didn't do the burglary I stated that from the
 get go I never tried killing kip teal and video even shows
 that the cop lied about the assault and batt High aggravated
 nature abhan, I was high on drugs and slipped bath
 salt I didn't even know where I was for several weeks
 I was supposed to have seen mental health but clerk
 hall lied about that I've never saw knowbody I sent a
 letter a motion to dismiss council on July 3rd 2014
 I also gave mrs hall a motion to dismiss council she was ferious
 and said that I could not fire her then stated that judge
 wasn't going to accept it she came back with a
 big black dude and he measured me he left
 came back with a suit and shoes she told me that
 by me trying to fire her I'd have to go to trial
 today with or without her and I'd probably get
 life I got scared she told me have you.

ever heard the saying you may win the battle
 but you will lose the war. I stated I'd prefer
 not having charges on my record I didn't do
 she told me I'd be grown out of everything by
 time I got out anyway I do believe that if I
 would have had a lawyer to take my case
 serious I'd not have got 25 years I didn't
 harm nobody I got big charges but some I didn't do
 she scared me with the trial thing I didn't want
 life but now after going to law library I
 see that she lied to me and I could have
 gotten new counsel I got proof of
 everything about trying to fire her and
 also my plea deals if I wasn't scared and
 confused why didn't I mention that I
 was to get burglary dropped as well
 as grand larceny it's all on paper
 I was represented improperly
 inadequate counsel can you please accept my
 appeal and appoint me a new lawyer Judge Couch was
 even given a motion to dismiss counsel I plead guilty
 but only cause I froze up and Mrs. Hall scared me with the
 trial please help me with this thanks God bless.

8-4-14
 Chad Hollinsworth

The South Carolina Court of Appeals

The State, Respondent,

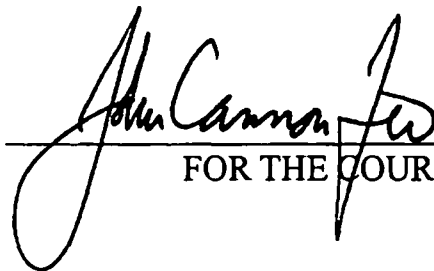
v.

Chad Edward Hollingsworth, Appellant.

Appellate Case No. 2014-001527

ORDER

Appellant has failed to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR). Accordingly, this matter is dismissed, and the remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Barry Joe Barnette, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
M. Claire Hall, Esquire
Robert Michael Dudek, Esquire

FILED

12/3/14



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 19, 2014

The Honorable M. Hope Blackley
PO Box 3483
Spartanburg SC 29304-3483

REMITTITUR

Re: The State v. Chad E. Hollingsworth
Lower Court Case No. 2013GS4205283, 2013GS4205284,
2013GS4205285, 2013GS4205286, 2013GS4205287, 2013GS4205288,
2013GS4205338, 2013GS4205590
Appellate Case No. 2014-001527

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Chad Edward Hollingsworth, 258392
Barry Joe Barnette, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
M. Claire Hall, Esquire
Robert Michael Dudek, Esquire

2014-CP-42-5026

STATE OF SOUTH CAROLINA

County of SpartanburgIn the Court of Common Pleas
Seventh Judicial CircuitChad Edward Hollingsworth 258392
Full name and prison number (if any) of Applicant.

vs.

State of South Carolina
Name of Respondent.APPLICATION FOR
POST-CONVICTION RELIEF

S.C. Code Ann. § 17-27-45(A)

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 it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. 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 applicant was convicted.

- Place of detention McCormick Corr. Inst. 386 Redemption Way, McCormick, S.C.
29899
- Name and location of Court which imposed sentence Spartanburg Court of General
Session
- The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - Grand Larceny: 2013-CR-420-5283, 2013-CR-420-5286 A /
 - Burglary 1st 2013-CR-420-5286
 - [2013-CR-420-5284] (d) [2013-CR-420-5286] / 2013-CR-420-5287 / 2013-CR-420-5288 / 2013-CR-42-5338
- The date upon which sentence was imposed and the terms of the sentence:
 - July 2, 2014 5 yrs / 5 yrs
 - July 2, 2014 25 yrs.
 - [7/7/14 - 5 yrs / (d) 7/7/14 - 20 yrs (e) 7/7/14 - 20 yrs (f) 7/7/14 - 20 yrs
(g) 7/7/14 - 25 yrs.]

5. Check whether a finding of guilty was made

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

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

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

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

i. _____

ii. N/A

iii. _____

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

i. _____

ii. N/A

iii. _____

(c) the date of each such result:

i. _____

ii. N/A

iii. _____

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

i. _____

ii. N/A

iii. _____

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

(a) Public defender did not submit any notice to be relieved
of counsel, therefore, Applicant cannot hybrid representation.
(c)

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

(a) Counsel was ineffective of assistance in refusing to ... see attached
 (b) Counsel allowed a due process violation to occur when one ... see attached
 (c) Counsel was ineffective for not challenging ABHAN ... see attached

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

(a) see next page

(b) " " "

(c) " " "

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

a. That plea counsel was ineffective in refusing to give a dispositive motion in support a direct appeal pursuant to *White v. State*. when Applicant did not knowingly and intelligently waive the right to withdraw his guilty plea.

b. That plea counsel was ineffective for not challenging the Respondent abuse of power by placing two(2) charges, i.e., Burglary 1st and Grand Larceny upon one indictment making it impossible to plea or seek acquittal thereof.

c. That plea counsel was ineffective for not challenging the evidence pertaining to ABHAM when such conviction - if pled to would result a miscarriage of Justice.



2(a)

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

a.

Prior to Applicant's plea, Applicant stress that he wanted to except the state plea agreement offer. See attached Exhibit (pursuant to S.C. Code §§ 17-27-40; 50) i.e., to dismiss the grand larceny and Burglary 1st. However, plea counsel refused to allow Applicant's freedom of choice or exercise his right to personally except or deny any offer. This conversation was witness by two officers of the Court: James Cheeks, Esquire and Robert Hall, Esquire

Prior to Applicant's plea, Applicant made attempt to have plea counsel relieve. A copy of that Motion was given to the Court. As a result after the plea conviction Applicant requested the Appeal and his desire to withdraw his plea sentence and conviction because of this conflict of interests

After plea counsel file the appeal on July 14, 2014, plea counsel withheld the true explanation why Applicant requested appeal, therefore, Applicant failed to meet the 10 day statute of limitation for such withdrawal of a guilty plea pursuant to South Carolina Supreme Court Rule 152(b).

As prejudice, plea counsel threaten Applicant to except the 20 year deal on all charge was unreasonable in light of remaining charges minus Burglary 1st. and Grand larceny, in which he wanted to plea no contest

~~As.~~
2(b)

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

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? NO
- (d) any other petitions, motions or applications in this or any other Court?
NO

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

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

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

(a) which grounds have been presented:

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

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

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

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

(a) w/n = A direct appeal from a guilty plea would have been pointless. Collateral review through Post Conviction Relief presents the first appropriate forum to raise the issues herein

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

- (a) your arraignment and plea? yes
- (b) your trial, if any? _____
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? no

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

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

- i. M. Claire Hall, Assistance Public Defender
366 W. Church Street, Suite 3000
Spartanburg, South Carolina 29303
- ii. _____
- iii. _____

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

- i. Plea / Sentencing
- ii. _____
- iii. _____

18. State clearly the relief you seek in filing this application. The solicitor offered a plea agreement that will dismiss the Burglary 1st and Gr. To vacate the plea and grant a new hearing as I requested counsel.

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

No

STATE OF SOUTH CAROLINA

County of Spartanburg

VERIFICATION

I, Chad Edward Hallingsworth, 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.

Chad Hallingsworth

SWORN to and subscribed before me this 4th

day of December, 19 2014

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

My Commission Expires: Feb 28, 2015

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

I, Chad Edward Hallingsworth, 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 therefor.

Chad Hallingsworth
Applicant

SWORN or affirmed to and subscribed before me this

4th day of December, 19 2014

Penny G. Minton
Notary Public

My Commission Expires Feb 28, 2015

2014 DEC -8 PM 1:45
CLERK OF COURT
SOUTH CAROLINA

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	2014-CP-42-5026
Chad Edward Hollingsworth, #258392,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the application for post-conviction relief (PCR) filed December 8, 2014, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the December 2013 term of the Spartanburg County Grand Jury for attempted murder (2013-GS-42-5338); carjacking (2013-GS-42-5285); resisting arrest with a deadly weapon (2013-GS-42-5288); assault and battery of a high and aggravated nature (2013-GS-42-5287); two counts of failure to stop motor vehicle when signaled by officer (2013-GS-42-5284, -5590); burglary, first degree (2013-GS-42-5286); and two counts of grand larceny, between two and ten thousand dollars (2013-GS-42-5286(B), -5283). The Applicant was represented by M. Claire Hall, Esquire. On July 7, 2014, the Applicant pled guilty to all charges as indicted. The Honorable Roger L. Couch sentenced the Applicant to five years on each failure to stop when signaled by an officer charge; five (5) years on each grand larceny charge; twenty years (20) for assault and battery of a high and aggravated nature; twenty (20) years for carjacking; twenty five

(25) years for burglary, and twenty five (25) years for attempted murder. Judge Couch ordered the sentences to be run concurrently.

A notice of appeal was filed on Applicant's behalf and perfected by M. Claire Hall, Esq. In an Order filed December 4, 2014, the Court of Appeals dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR. The Remittitur was returned on December 19, 2014.

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

II.

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

1. Ineffective assistance of counsel; specifically:
 - a. Counsel was ineffective in refusing to give a dispositive motion in support of a direct appeal pursuant to White v. State, when Applicant did not knowingly and intelligently waive the right to withdraw his guilty plea;
 - b. Counsel allowed due process violations to occur by not challenging the Respondent abuse of power by placing two (2) charges, i.e., burglary 1st and grand larceny, upon one indictment making it impossible to plea or seek acquittal thereof;
 - c. Counsel failed to challenge the evidence pertaining to ABHAN when such conviction if pled would result in a miscarriage of justice.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must

prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 334 S.E.2d 813.

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

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

IV.

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

V.

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

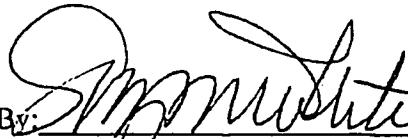
Respectfully submitted,

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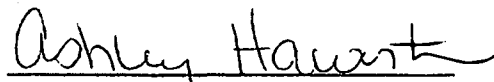
May 19, 2015.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
	)	
CHAD HOLLINGSWORTH, #258392	)	2014-CP-42-5026
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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

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

DATED this 19TH day of May, 2015.


 Ashley Haworth, Legal Assistant
 For Respondent

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF COMMON PLEAS

3
4 CHAD EDWARD)
HOLLINGSWORTH)
5) TRANSCRIPT OF RECORD
APPLICANT,) 2014-CP-42-05026
6)
-vs-) MARCH 23, 2016
7) SPARTANBURG, SOUTH CAROLINA
8 STATE OF SOUTH)
CAROLINA,)
9 RESPONDENT.

10
11 (POST CONVICTION RELIEF HEARING)

12
13 B E F O R E:

14 THE HONORABLE R. KEITH KELLY, JUDGE.
15
16

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

18 LEAH B. MOODY, ESQUIRE
ATTORNEY FOR THE APPLICANT

19 ALICIA A. OLIVE, ASSISTANT ATTORNEY GENERAL
20 ATTORNEY FOR THE RESPONDENT
21
22

23 MICHAEL R. WATTS
24 CIRCUIT COURT REPORTER
25

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EXHIBITS

NO.	DESCRIPTION	ID.	EV.
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1 (PROCEEDINGS, MARCH 23, 2016)

2 THE COURT: We are here on the record in the
3 matter of Chad Edward Hollingsworth versus the State of
4 South Carolina.

5 Madam Attorney General.

6 MS. OLIVE: Thank you, Your Honor.

7 May it please the court -- I beg the court's
8 indulgence for just one moment while I --

9 This is Chad Hollingsworth, docket number
10 2014-CP-42-5026.

11 Mr. Hollingsworth was indicted in December of 2013
12 for attempted murder, carjacking, resisting arrest with a
13 deadly weapon, assault and battery of a high and aggravated
14 nature, two counts of failure to stop for a motor vehicle
15 when signaled by an officer, burglary first degree, and two
16 counts of grand larceny between two and \$10,000.

17 He was represented by Claire Hall.

18 On July 7th, 2014, he pleaded guilty to all
19 charges as indicted before Judge Couch. Judge Couch
20 sentenced him to five years on each failure to stop charge,
21 five years on each grand larceny charge, twenty years for
22 assault and battery of a high and aggravated nature, twenty
23 years for carjacking, and twenty-five years for burglary and
24 for attempted murder, and those sentences were ordered to
25 run concurrently.

1 He did appeal and the Court of Appeals dismissed
2 that pursuant to Rule 203, and the remittitur was returned
3 on December 19th, 2014.

4 He filed this application for post-conviction
5 relief on December 8th, 2014. I'm sorry, I think that date
6 may be wrong.

7 He timely filed an application for post-conviction
8 relief in which he alleges ineffective assistance of
9 counsel, and he is present in the courtroom today
10 represented by his attorney Leah Moody. I will turn it over
11 to her at this time.

12 THE COURT: Good morning, Ms. Moody.

13 MS. MOODY: Good morning, Your Honor.

14 THE COURT: Yes, ma'am.

15 MS. MOODY: Just for the court's record, he did
16 file this application on December 8th, 2014, with the Clerk
17 of Court, and, Your Honor, he wishes to proceed.

18 THE COURT: Okay. I'm ready.

19 CHAD HOLLINGSWORTH, having been first duly sworn,
20 testified as follows:

21 THE COURT: Okay, sir.

22 Sir, have a seat and tell us your name, please.

23 THE WITNESS: Chad Hollingsworth.

24 THE COURT: All right! Mr. Hollingsworth, direct
25 your attention to your lawyer.

1 Ms. Moody.

2 DIRECT EXAMINATION BY MS. MOODY:

3 Q. Mr. Hollingsworth, you filed your PCR application,
4 correct?

5 A. Yes, ma'am.

6 Q. And who was your attorney on those charges under this
7 PCR application?

8 A. Claire Hall.

9 Q. And how long was she your attorney?

10 A. She was my attorney for the whole time.

11 Q. So you didn't have another lawyer?

12 A. No.

13 Q. Okay.

14 A. I tried to get one. I tried to fire her from the
15 get-go and nobody would ever let me do it the whole time. I
16 got documents showing that I tried to get rid of her and
17 nobody wouldn't let me get rid of her. The State --

18 For some reason in this system they say you can't just
19 get rid of someone, but I think if they are not wanting to
20 help you -- and I know two plus two is two. I don't care
21 how you look at it in life, two plus two is two. If you see
22 one thing one way and if the other person is not retarded or
23 illiterate, they should see it the same way you do, and
24 that's just how it's supposed to be. I mean, I'm not crazy.

25 Q. Okay.

1 A. There is a lot of discrepancies in my case, all through
2 my case.

3 THE COURT: Sir, hang on. If you would, just
4 answer her questions she's going to ask you.

5 THE WITNESS: Yes, ma'am.

6 THE COURT: We're going to let you tell everything
7 you want to tell us.

8 THE WITNESS: I mean yes, sir.

9 THE COURT: Go ahead, Ms. Moody.

10 MS. MOODY: Thank you, Your Honor.

11 BY MS. MOODY:

12 Q. You filed your PCR application and you're saying that
13 your attorney, Ms. Hall, was ineffective assistance of
14 counsel?

15 A. Yes, ma'am.

16 Q. Okay. Can you please state for the court the grounds
17 that you allege that she was ineffective assistance?

18 A. Ineffective of counsel? The grounds?

19 You see, she came to see me the first time out of all
20 the times right before I had to go to court and she -- she
21 had this deal sent -- I got a letter from Barry Barnette
22 offering me a plea deal, zero to thirty, if they dropped the
23 grand larceny. They will drop the first degree burglary.
24 They will drop that if I will take it and it would be zero
25 to thirty. That takes the life sentence off the table,

1 period. That's --

2 Q. They will agree to dismiss the burglary first?

3 A. Yeah, Barry Barnette. That's two major charges just
4 took off the table right there. That takes a life sentence
5 off your -- that's -- that's --, that makes a lot of
6 difference right there.

7 Q. Okay. So let me help you boil this down.

8 You're alleging that Ms. Hall was ineffective
9 assistance of counsel because she did not help you get the
10 deal that --

11 A. No, I got the deal already worked out right here,
12 ma'am. She did not want me to take this deal. That's why I
13 started trying to fire her and everything, because she would
14 not listen. If -- I got it wrote down she wouldn't listen.

15 Q. Slow down. Slow down.

16 She would not listen to -- what was it that you wanted
17 her to listen to?

18 A. Because I wanted to take this deal and not the zero to
19 twenty that she come over there the next day with. I wanted
20 to take the zero to thirty. I didn't want to take a twenty
21 deal straight up.

22 Q. So the offer that she came back with was that you were
23 supposed to get twenty years, period?

24 A. Yeah. I didn't want to sign on twenty years. I wanted
25 the zero to thirty.

1 Q. So you wanted the court --

2 A. There's the zero there.

3 Q. Hold on. You wanted the court to have the option to
4 sentence you in this sentence range of zero to thirty years?

5 A. Yeah, that would have been better. If not, I would
6 have just took a jury trial.

7 Q. Okay.

8 A. I mean, that's common sense.

9 Q. Okay. But you ended up pleading anyway?

10 A. Yeah, because they come in there with a suit and tie
11 that month and they say "one way or the other you are going
12 to trial with or without this," and I was like -- I was
13 scared to death. I have never been in no trouble like that
14 before. And then the head solicitor -- not the solicitor,
15 but the head public defender come in there and talking to me
16 and stuff and they all got me in there talking to me and
17 stuff and I thought I was going to go to trial that day and
18 they ain't even got no evidence to help me or nothing on
19 none of this stuff. And they told me "if you just go ahead
20 and go on in there today and take the open plea. This is
21 what we will do. We will put you in an appeal and you can
22 go right back to court like it's nothing and you will have
23 you a new lawyer and everything like you want, if you just
24 go ahead and do that today."

25 Q. Okay.

1 A. So I did it.

2 Q. Back up. Hold up.

3 You indicated that they came over with a suit and tie.

4 Are you --

5 A. Yeah.

6 Q. -- referring to Ms. Hall?

7 A. Ms. Hall had some black guy that came and brought it in
8 there to me and sit it in there and they said I'm going to
9 trial one way or another that day.

10 We had -- I wasn't set up for trial. I was
11 automatically going to get a life sentence then.

12 Q. So you were going to trial on all of the charges?

13 A. Yeah, that's what she said.

14 Q. Okay. And so what -- ultimately you didn't go to
15 trial?

16 A. Yeah, I couldn't go to trial that day. I mean, we
17 wasn't prepared to go to trial that day. We haven't
18 discussed, got anything together to go to trial.

19 Q. Well, did you have an opportunity to go over your
20 discovery with Ms. Hall?

21 A. One day.

22 Q. And do you recall that day?

23 A. It should be in my paperwork, I guess, if I can find
24 it. I probably ain't got it because she just showed up at
25 the county jail and my -- this paperwork right here she got,

1 somebody just dropped it off. I had to sign for it.

2 Q. Okay. Well, let me ask you this. Before -- on the
3 date that they came up with this suit and the tie, was that
4 the day that you went over your discovery?

5 A. No, that was the day of the trial.

6 Q. I understand that, sir. I'm just trying to put it in a
7 frame of reference.

8 Was it a month before that day that you went over your
9 discovery?

10 A. No, like a week.

11 Q. A week before --

12 A. Yeah.

13 Q. -- you go to trial?

14 A. Yeah, all this happened in like a week, man. It's my
15 life.

16 Q. Did you go --

17 A. You are supposed to go over the stuff more than that.

18 Q. Now, let me ask you --

19 A. Just because I ain't got money and can't afford to hire
20 a power attorney don't mean I should be railroaded though.

21 Q. Mr. Hollingsworth, remember that we talked about --

22 A. Yeah.

23 Q. -- only one person can talk at a time?

24 A. Yes, ma'am.

25 Q. Okay. So let me ask you the question and then you can

1 respond.

2 A. Yes, ma'am.

3 Q. Okay. Then I'll ask you another question.

4 A. Yes, ma'am.

5 Q. Okay. All right.

6 So you only met with her one time to discuss your
7 discovery?

8 A. Yes, ma'am.

9 Q. Okay. And that was a week before the trial or plea?

10 A. Yeah, she came in and talked to me again that day
11 before the court and I gave her the motion to dismiss her as
12 counsel and that I walked out and never spoke to her.

13 Q. I mean, was that the first time that you --

14 A. No, that was second time. I mean, she was trying to
15 get me sign the deal and I just walked right out. I walked
16 right out, so you might as well say I didn't talk to her.

17 Q. Okay. So how many times did she ask you to sign a plea
18 deal?

19 A. Twice.

20 Q. Twice.

21 And on both of those occasions you walked out on her?

22 A. Yeah, I didn't want to talk to her. I wanted that
23 deal.

24 Can I talk?

25 Q. Sure.

1 A. He -- the solicitor offered me that deal. I should
2 have been able to take that deal. It was me. It shouldn't
3 have mattered what she wanted me to take.

4 Q. So when you went forward on July 7th and took the plea,
5 did you understand what you were doing on that day?

6 A. Yes, she -- she let me understand. They finally calmed
7 me down, because I was hot, upset, really upset and
8 everything, and I was scared and thought I was going to have
9 to really go to trial and everything and they finally calmed
10 me down and they explained to me that she would do most
11 things and I would go right back to court on an appeal, like
12 it wasn't nothing.

13 Also she told me that I would get to go up for parole
14 when I -- I don't get no parole or anything. I just -- I
15 don't -- it's not right.

16 Q. And so on July 7th you pled to both burglaries.

17 A. I didn't have no both burglaries.

18 Q. You had a burglary?

19 A. First, that's it.

20 Q. An unrelated burglary and then a burglary --

21 A. No, ma'am, I don't know what you are reading.

22 Q. You have a copy of the transcript?

23 A. I only got one first degree burglary, and I didn't
24 commit it. My home boy did. It's in his statement.

25 Q. So whatever was said in the transcript, would you agree

1 that's what was -- those were the charges that you pled to?

2 A. Everything that's in my transcript is in there.

3 Q. Okay. So your contention is not with the other
4 unrelated burglary, grand larceny? Your contention is with
5 the burglary first?

6 A. Yeah, it's the only one I have. That's the only one I
7 was charged with. That's the only one that I went to prison
8 for, just one burglary.

9 Q. Okay. All right.

10 Is there any other grounds that you say that Ms. Hall
11 was ineffective of counsel?

12 A. Other than just discussing my case more with me about
13 everything and -- explaining everything more better.

14 I don't think that I should have been having to go to
15 trial that day if I didn't take that twenty year deal or
16 just because -- I don't think so. That's it. That's the
17 only thing.

18 Q. Okay.

19 A. And she didn't come and see me but two times and
20 demanded me to do that. I don't think that's right.

21 Q. Do you recall filing your application that your counsel
22 was ineffective in refusing to give you a dispositive motion
23 in support of your direct appeal pursuant to White v. State?

24 A. Yes.

25 Q. And can you -- do you understand what that is?

1 A. She knew why I wanted my appeal.

2 Q. So when the court asked for a statement on the appeal,
3 is that your issue with her?

4 A. Yeah, I didn't even have to ask her whenever the court
5 was over. She went ahead and told me. She knew, because we
6 discussed it then and she said she would get me back in
7 court like it was no problem. If I just calm down and go to
8 court, that she would -- I would get a new lawyer like I
9 wanted and everything and she would do the appeal and I
10 would have a new lawyer, if I would just go ahead and get
11 this over with.

12 Q. So she -- are you saying that she promised you that you
13 would come back to court?

14 A. Yeah, told me I could come right back to court like it
15 was nothing. I would go into court. She would put the
16 paperwork in and I would come right back to court.

17 Q. Uh-huh.

18 And so in your case then you said you did not knowingly
19 and intelligently waive your right to withdraw your guilty
20 plea?

21 A. Ma'am?

22 Q. In your paperwork you indicated, in your application,
23 that you did not knowingly and intelligently waive the right
24 to withdraw your guilty plea.

25 A. I knew that --

1 Q. At some point did you want to withdraw your guilty
2 plea?

3 A. Yeah, I didn't want to take the guilty plea at first,
4 not no -- not -- not -- not -- not -- not -- not like that.

5 Q. So did you tell the court that you didn't want to
6 plead?

7 A. Well, at first, yes, I said yes, sir, to things; no,
8 sir; and then I said yes, sir. Hereafter he kept on for a
9 second. I changed my mind.

10 Q. So you changed your mind to go forward with the plea?

11 A. Yeah, I -- I -- I didn't want to take that -- all them
12 in there coerced me and talked me into anything just to go
13 ahead and do it so I could go back to court.

14 Q. Okay.

15 A. And on the other insufficiency of counsel, you asked me
16 was there anything things there. Yeah, when she did come
17 over there and showed me the videos and stuff and I argued
18 when I got my transcript -- not transcript, but my motion of
19 discovery, we went over -- was going over my case and we was
20 talking about my case and she let me see all the videos and
21 I listened to everything, the dispatches, and we watched it
22 several times, everything. And then we was reading over my
23 transcript and I would point out to her, like on the ABHAN
24 where he says I was going over a hundred miles an hour and
25 swerved over on the dash cam. She showed it to me on the

1 video and on this it said I swerved over and tried to ram
2 him head on. Well, the dash cam, which we watched the
3 video, clearly showed that I never crossed the line. It
4 showed that I went right by him. It was right there. You
5 see it. I mean, she showed it to me and it's wrote down and
6 she wouldn't argue that. She didn't even want to argue
7 that.

8 There's a lot of my stuff she wouldn't even want to
9 argue. She said "look, Mr. Hollingsworth, you are not my
10 co-counsel. Let me do my job." So that's why -- I mean, I
11 should have been able to fire her. You know, I should have.

12 Q. Okay.

13 A. I really should have.

14 Q. So this was in the plea or just when you were meeting
15 with her?

16 A. When I was meeting with her.

17 Q. Okay.

18 A. I started -- I tried -- I got several papers where I
19 filed -- tried to get people to help me fire her. I got all
20 the documents, stamped, clocked in and everything.

21 We had problems from the get-go about everything, so
22 much.

23 Q. Okay.

24 A. Just everything we had problems.

25 Q. So also you indicated in your application that your

1 counsel failed -- allowed due process violations to occur by
2 not challenging the State's abuse of power by placing two
3 charges, the burglary first and the grand larceny, on one
4 indictment, making it impossible to plead or seek acquittal
5 of the burglary first or the grand larceny.

6 A. Yes.

7 Q. What do you mean by that?

8 A. One of the warrants had both of them on it, on the same
9 warrant, but then I wrote back to the warrants division and
10 they sent me one that had separate ones on it later on.

11 Q. Okay. We are talking about --

12 A. So I want to withdraw that.

13 Q. Okay. So basically you are saying your attorney did
14 not listen to you when you were trying to tell her what
15 happened in your case?

16 A. Yes, ma'am.

17 Q. Okay. And then you are saying that your attorney
18 coerced you or forced you to plead when you wanted to plead
19 to an offer that was less -- well, will give the court a
20 range to sentence you in?

21 A. Yes, ma'am.

22 Q. Okay. And that also your attorney promised you that
23 she would get you back in court -- file your appeal and get
24 you back in court?

25 A. Yeah, said I would get right back in court and then I

1 would get a new lawyer and everything, like I had been
2 wanting, if I had just gone through.

3 Clay Allen, the head public defender, he was in there
4 talking with me. James Cheeks was in there.

5 There was a couple officers that day, if they look at
6 the records, they know who was in there.

7 Everybody was in there when everything was being said.
8 Everybody.

9 Q. Okay. And so how does this prejudice you? How did
10 this -- how is this unfair to you?

11 A. I -- I feel that I was supposed to went back to court
12 on my appeal thing, like I was told, and get a new trial and
13 have a lawyer, like I wanted, that would actually read my
14 case.

15 And whenever I say hey, you know, the Hot Spot video
16 cam and the other don't show me swinging no knife at this
17 child's throat. I mean, this is Hot Spot, and a dude got me
18 on U-Tube that they showed me the video. My lawyer showed
19 me the video. She's got it on DVD with him with the camera
20 phone watching everything and it clearly don't show me
21 swinging no knife while I'm cranking this car and taking it.

22 I mean, if I had a lawyer that actually read all this
23 and use -- and wanting to help me, I think I had a decent
24 chance in this. That's all I really wanted from the get-go.

25 Q. Okay. And what relief are you seeking from the court?

1 A. I want to go back to court. I want to get this case
2 overturned, go back to court, or however -- whatever. I
3 want to go back to court like I was promised. That's all I
4 want, and a new lawyer, one that wants to help me. That's
5 all I ever asked.

6 Q. Is there anything else?

7 A. No, that's all I want is just -- just what -- what I
8 was told. "If you take this, you will go back to court."
9 That's all I wanted, to be able to go back to court with a
10 new lawyer, like I asked. That's all I beg for.

11 Q. Okay.

12 A. That's the truth. I mean, that's just the truth.

13 Q. Okay.

14 MS. MOODY: No further questions for this witness.
15 Please answer any questions that State has.

16 THE COURT: Mr. Olive?

17 MS. OLIVE: May it please the court, Your Honor?

18 THE COURT: Yes, ma'am.

19 CROSS EXAMINATION BY MS. OLIVE:

20 Q. Mr. Hollingsworth, is your testimony that you met with
21 Ms. Hall only once?

22 A. I met with her you might as well say twice, but the one
23 time I walked out on her.

24 Q. Okay. But she did go over your discovery with you?

25 A. Yeah, we went over it and watched the videos and

1 everything and I tried explaining everything to her and she
2 wouldn't -- didn't want to listen. She said she didn't need
3 a co-counsel, she was the lawyer.

4 Q. So you went over all of the State's evidence against
5 you?

6 A. Yes, ma'am.

7 Q. And you told her what happened?

8 A. Yes, ma'am.

9 Q. Okay. And she discussed with you the elements of these
10 charges you were facing in terms of what the State would
11 have to prove if you went to trial?

12 A. No, that I didn't know.

13 Q. She discussed the charges with you, correct?

14 A. Not really. I had to get the dude at the county jail
15 that worked pod six, and I was in pod six the whole time, he
16 was somewhat like a lawyer, somewhat. He knew his legal
17 work real good. He went on the computer and told me what
18 all these things carried and everything, the time on all
19 this. I had the jailer do all that for me, because I didn't
20 even know how much time all this stuff carried. I have
21 never -- I have got a bunch of charges in my life over the
22 years, but they have always been simple charges, not like
23 this.

24 Q. Okay. So your testimony is that you didn't know what
25 sentences you were facing --

1 A. Yeah, I --

2 Q. -- on these?

3 A. I had to get the jailer to look up all that, the time
4 and all that, to see how much all that.

5 Q. Before you had an attorney.

6 A. Huh?

7 Q. Was that before you had an attorney.

8 A. No, no, that's while I had an attorney.

9 Q. But now at your guilty plea hearing, though, the judge
10 did go through all the charges with you, correct?

11 A. Yeah. Yes, ma'am.

12 Q. Okay. And he explained to you what each of those
13 charges carried --

14 A. Yes, ma'am.

15 Q. -- in terms of penalties?

16 A. Yeah.

17 Q. Did you at any time indicate that you didn't
18 understand?

19 A. No, ma'am.

20 Q. Okay. And it's your testimony that, as I understand
21 it, you rejected a zero to twenty year plea because you
22 wanted a zero to thirty year plea?

23 A. No, if it would have been a zero to twenty, I would
24 have took it. She wanted me to sign on a twenty year deal
25 straight up.

1 Q. Okay.

2 A. That's automatically twenty, not a zero to twenty.

3 Q. But you understand --

4 A. I would have taken a zero to twenty.

5 Q. Okay. But you understand that if you pled --

6 Now, that was still straight up for the zero to thirty,
7 correct?

8 A. Yes, ma'am.

9 Q. Do you understand that you still could have gotten
10 thirty years?

11 A. Yeah, but there was a zero, the life -- as I say, when
12 there is a zero in front of it and then I could have gotten
13 up there and explained my whole case to the judge and let
14 him see all the -- everything in it and then he would have
15 been a lot lenient, more lenient, if I could have spoke to
16 him like that on everything on my case.

17 Everything that sounds bad, but if you actually read
18 everything and know what all happened, you get a better
19 understanding of everything.

20 Q. Okay. But you did end up pleading guilty straight up,
21 did you not?

22 A. Yeah, as I -- yeah, as I stated, I did.

23 Q. And you talked to the judge, did you not?

24 A. Yeah.

25 Q. Okay. And you were still facing up to life on that

1 burglary first charge?

2 A. Yes.

3 Q. Okay. And you understand that if you had gone to trial
4 on that, you would have been facing life, correct?

5 A. Yeah, but I -- I don't think I would have got life at
6 trial.

7 Q. You don't think?

8 A. If I wouldn't have had her as my lawyer I would have.

9 You know, the first thing I said when I went out the
10 door -- hey, John Green did it. He went out the front door.
11 I mean, that's the first thing I said to the cop. The cops
12 had -- his brother was married to the girl I was living with
13 for over six months.

14 I mean, it's a lot of discrepancies in this case. That
15 should mean something too, but she didn't even want to look
16 into that. We had big problems.

17 Q. Okay. You say there is discrepancies, but when you
18 pled guilty, do you remember when the solicitor told the
19 judge the facts of this case?

20 A. Uh-huh.

21 Q. Okay. Do you remember admitting that those facts were
22 correct?

23 A. Yeah, that's -- that's what you do when you go ahead
24 and plead guilty to something to get it over with.

25 As I said before, she said "go ahead and go to court

1 and plead."

2 When I was in there, Clay Allen said "go ahead and
3 plead guilty. I'll get you into court. I'll get you an
4 appeal," so you got to agree to it, right?

5 Q. Well, she did file an appeal for you, did she not?

6 A. Yeah, and for what grounds? No grounds. I mean, she
7 knew why. I wanted to not have her as a lawyer.

8 I gave the judge that morning another motion to dismiss
9 her, that morning. Why else would I want her to give an
10 appeal? I mean, that's common sense.

11 Q. But did you ever -- you never told the judge you didn't
12 want to go through with the plea that day, did you?

13 A. Because they told me if I go ahead and go to court,
14 that they would go ahead and get me an appeal and I would
15 get me a lawyer and go back. I didn't know the system was
16 like this, like it is right here.

17 Q. You didn't understand that you were pleading guilty
18 that day?

19 A. I understand I was pleading guilty, but what I
20 understood that I was going to get to just go back to court.
21 When I got to Kirkland, within thirty days go back to court
22 and have -- on an appeal and have a new lawyer, like I was
23 wanting the whole time. That's what I understood. That's
24 what I was told.

25 Q. You were told that you would have a new attorney --

1 A. Yeah.

2 Q. -- for your appeal?

3 A. Yeah, when you get you -- when you get your appeal, you
4 go through an appeal and you get a new trial and you get
5 another lawyer. You don't -- you don't never have the same
6 lawyer, ever.

7 Q. Okay. And the judge also asked you at your plea if
8 anybody had made any promises to you or threatened or
9 coerced you to plead guilty?

10 A. Yes, ma'am.

11 Q. And you told him no?

12 A. Yes, ma'am.

13 Q. Okay.

14 A. Everybody in my defense --

15 Q. Mr. Hollis, please let me ask the questions.

16 And the judge also asked you if you had sufficient time
17 to think about the matter?

18 A. Yes, ma'am.

19 Q. And you said yes?

20 A. Yes, ma'am.

21 Q. And he asked you if had sufficient time to prepare your
22 case, if you wanted to?

23 A. Yes, ma'am.

24 Q. And you said yes?

25 A. Yes.

1 Q. Okay. And the judge also went through your
2 Constitutional Rights with you, correct?

3 A. Yes.

4 Q. And you agreed that you were waiving those rights,
5 correct?

6 A. Yes.

7 Q. Okay. And that would include any challenges to any
8 evidence, correct?

9 A. Yes.

10 Q. Okay. Was it your testimony before that you only had a
11 week to consider the guilty plea?

12 A. Yes, it was like a week.

13 Q. Okay. But do you recall when your attorney wrote you a
14 letter on May 29th, 2014, informing you that she wanted to
15 discuss with you a plea offer?

16 A. That's not coming to see me. I mean, I could write you
17 a hundred letters, but if you are not -- that's not
18 discussing the whole case. That's totally different than
19 you coming to see me.

20 If I'm in prison a hundred miles, two hundreds miles
21 away, that's totally different than you coming and
22 discussing the case with me. That's totally different. I
23 mean, you just write a letter saying "hey, I have got
24 something to discuss with me." That's what this letter
25 says, "I have got an offer to discuss." That's not coming

1 to see me and discussing this offer with me. It's really
2 not.

3 Q. Okay. And, again, going back to your appeal, Ms. Hall
4 did file a notice of appeal for you, correct?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. But she didn't know what the grounds was for it, so
8 they denied my appeal.

9 Q. But didn't she send you a letter informing you of the
10 fact that she needed you to provide her with what grounds
11 you wanted to appeal?

12 A. I sent it to wherever it was supposed to have went. I
13 wrote up everything that I sent it to wherever who was
14 supposed to get it. I was at Kirkland.

15 Q. Okay. But you don't have that today, do you?

16 A. What? What I sent them?

17 Q. Right.

18 A. No.

19 Q. Do you remember the judge asking you if you were
20 satisfied with your counsel?

21 A. Yes.

22 Q. Okay. And you said that you were?

23 A. Yes.

24 Q. Thank you.

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

1 THE COURT: Anything further, Ms. Moody?

2 MS. MOODY: No, sir, Your Honor.

3 THE COURT: Okay, sir, you may step down. Please
4 be careful.

5 Ms. Moody, any other witnesses?

6 MS. MOODY: No, sir, Your Honor.

7 THE COURT: Okay, Mr. Olive?

8 MS. OLIVE: Your Honor, the State would call
9 Claire Hall.

10 We have Ms. Hall on the phone, I believe.

11 Claire, can you hear me?

12 MS. HALL: Yes.

13 THE COURT: Okay.

14 (Whereupon, the testimony of Claire Hall, Esquire,
15 was taken telephonically)

16 THE COURT: Claire, raise your right hand.

17 MS. HALL: I'm raising it.

18 M. CLAIRE HALL, having been first duly sworn,
19 testified as follows:

20 THE COURT: Thank you. Claire, tell us your full
21 name for the court reporter.

22 THE WITNESS: My full name is Mary Claire Hall.

23 THE COURT: All right.

24 Ms. Hall, answer Ms. Olive's questions.

25 Yes, ma'am.

1 DIRECT EXAMINATION BY MS. OLIVE:

2 Q. Ms. Hall, you represented Mr. Hollingsworth on his
3 guilty plea?

4 A. I did.

5 Q. Excuse me, let me back up.

6 You represented Mr. Hollingsworth?

7 A. Yes.

8 Q. Okay. Do you recall at what point your representation
9 of him began?

10 A. I want to say maybe a year prior. I think he got
11 charged -- I think the incident occurred about a year before
12 his plea.

13 Q. Okay.

14 A. So I probably was appointed maybe late summer of 2013.

15 Q. Okay. Do you recall how many times that you met with
16 Mr. Hollingsworth?

17 A. I can't give you an exact number.

18 I was looking through my notes and I see I met with him
19 probably a few times before he went -- I think it was maybe
20 December of 2013, to do some time on a probation violation.
21 I think I met with him a couple of times before that. And
22 then after he came back to Spartanburg I would say probably
23 at least six times, counting the dates in my notes.

24 Q. Okay. Did you file a motion for discovery in this
25 case?

1 A. I did.

2 Q. Did you review that with Mr. Hollingsworth?

3 A. Yes.

4 Q. Did you discuss with him the charges against him?

5 A. Yeah, we went over his indictments.

6 Q. Okay. Would you have informed him of the exposure that
7 he had on those charges?

8 A. I can't recall exactly what we discussed, but I know
9 that was the usual practice for me, was to go over the
10 sentencing ranges for every charge any my clients had.

11 Q. And can you briefly characterize the State's evidence
12 against Mr. Hollingsworth in this case?

13 A. They had a lot of evidence. There was several
14 different videos, dash cams on a couple different cars.
15 There was a cell phone video at the gas station. There was
16 surveillance video at the gas station. They had -- I think
17 they are called CAD reports, like the records from 911
18 communications, from -- they were in -- there were so many
19 police cars involved. I know there was Kip Teal, who was
20 the first officer to respond.

21 I mean, basically a lot of the charges, things he was
22 charged with that they alleged he did. You know, there was
23 video or there was, you know, an officer who would testify
24 to it. These things happened in the broad daylight, so -- I
25 mean, they had pretty strong evidence of a lot of the

1 charges.

2 Q. And these charges, were they separate? Did they occur
3 in separate incidences, or was it all part of one event?

4 A. It was one -- I mean, it occurred -- it started with
5 one and then it was just kind of a chain reaction. I can't
6 remember how long the incident, what the time lapse was,
7 but, I mean, it was all within a couple of hours, I think.

8 Q. Okay. And the transcript -- would the transcript
9 reflect what the facts of the case were?

10 A. I'm sorry?

11 Q. Would the transcript of Mr. Hollingsworth's guilty plea
12 that would -- would that reflect what the facts were in this
13 case?

14 A. Uhm --

15 Q. Well, let me ask you.

16 A. I know I read it. I'm sorry, give me a second.

17 I mean, I think -- yeah, generally. It was -- if I
18 remember correctly, it was Mr. Barnette who really, you
19 know, presented the facts, so they were probably slightly
20 skewed toward, you know, the State, and at that point we
21 were just trying to minimize the sentence for Mr.
22 Hollingsworth. I'm sure, you know, he would characterize
23 them differently.

24 Q. Ms. Hall --

25 Excuse me, I -- I'm sorry, I forgot myself for a

1 second.

2 There were -- you said there were officers involved?

3 A. Yes.

4 Q. Okay. And they responded to the initial -- it was a
5 burglary, correct?

6 A. Yes, as I recall, there was a lady who came home from
7 church and when she went in the house, somebody was in her
8 house, and so she called -- I guess she called 911. And
9 so -- I don't know if it was Kip Teal who responded to that,
10 a Chesnee officer, or if he came like right after, but it
11 all started with a call about a burglary in Chesnee.

12 Q. And then basically a chase ensued, is that your
13 recollection?

14 A. Yeah, Mr. Hollingsworth apparently came out of the
15 house next door to the lady. I think she may have said the
16 person in her house went out of her house into the house
17 next door and then Mr. Hollingsworth came out of the house
18 next door to hers, and I think it was the back door he ran
19 out of. And then officer, I'm pretty sure it was Teal,
20 followed him.

21 Q. Okay. Is it your understanding -- or, excuse me, let
22 me rephrase.

23 Do you believe the officers would have testified at
24 trial, had Mr. Hollingsworth gone to trial?

25 A. Yeah, I have no reason to believe that they wouldn't

1 have.

2 Q. Okay. And in addition, as you mentioned, there were
3 various videos of these events as well?

4 A. Yes.

5 Q. Okay. So would you say there was pretty strong
6 evidence against Mr. Hollingsworth?

7 A. Yeah. I mean, there was -- you know, he was kind of in
8 a bad spot, because there was plenty of evidence of, you
9 know, pretty egregious behavior. I mean, they charged him
10 with a lot of things and some of them, you know, in my
11 opinion, may have been a bit of a reach, but there was --
12 there was a lot of evidence of some stuff that would I think
13 definitely shock a jury or a judge with what happened.

14 Q. Okay. And did he discuss with you his version of the
15 events?

16 A. Yes.

17 Q. Okay. Did you discuss with him any possible defenses
18 he might have?

19 A. We did.

20 Q. Okay. Did you do any additional investigation in this
21 case?

22 A. I remember going with an investigator from our office
23 to Chesnee and retracing the chase route, you know, looking
24 at all the places where stuff happened.

25 We -- I know I talked to Officer Teal.

1 I think I talked to the chief of police in Chesnee.

2 I remember going to -- I don't know what you call it.

3 I'm going to call it 911 communications with the CAD reports
4 and sitting down with a gentleman there to get a better
5 understanding of how to read those reports to try to see
6 what they -- what information was in them.

7 I met with a gentleman named Jason Green and his
8 attorney at the jail. This is the guy who Mr. Hollingsworth
9 asked me to look into as possibly having something to do
10 with the burglary.

11 I'm trying to think if there was anything else. I
12 mean, there might be some other things. That's the stuff
13 that I'm recalling right now.

14 Q. Okay. And in terms of --

15 Mr. Hollingsworth mentioned during his testimony that
16 there was a plea offer in place. Do you recall the terms of
17 that offer? This would have been not what he pled to, but
18 an offer prior to that.

19 A. Yeah. There -- I think there was more than one, maybe.

20 Here is what I remember is that Mr. Barnette, the
21 solicitor, mentioned several -- several times -- a couple of
22 times something to me about, because I think this was while
23 Mr. Hollingsworth was serving time on the violation of
24 probation, about him pleading to the burglary, which was
25 kind of a non-starter, because -- I mean, that's fifteen to

1 life.

2 And then the letter Mr. Hollingsworth mentioned to me,
3 or you maybe asked me about sending him kind of jogged my
4 memory, and I can't remember what the offer was at that
5 time, but I remember we had a couple of different options as
6 his trial date came closer. I want to say it was twenty
7 negotiated, and I can't remember what the charges would be,
8 he would have pled to for that, or I think it was a twenty
9 recommendation. So, you know, we could have tried to argue
10 for less. I think those were the things. And I have looked
11 at my notes, I think he ended up deciding he wanted to plead
12 to --

13 Sorry, give me one second.

14 Wanted to plead to the recommended twenty. That was
15 maybe a week before. That's what it came down to, a week
16 before his court date. And I think that would probably -- I
17 can't remember if that was plead to everything, or maybe he
18 was going to drop the burglary, but it was definitely I have
19 a note here recommended twenty, instead of negotiated
20 twenty.

21 Q. Do you happen to have in your file a copy of an e-mail
22 that was dated June 20th, 2014? It would have been from
23 Barry Barnette?

24 A. You said February 20th?

25 Q. June 20th, I'm sorry.

1 A. June 20th.

2 If there is one, I don't have it in front of me, but
3 I -- I think Barry and I did exchange some e-mails, so there
4 could be an e-mail from that date.

5 Q. Did Mr. Hollingsworth reject the twenty year
6 recommendation -- the offer with the twenty year
7 recommendation?

8 A. Ultimately he did. He had decided to take that and I
9 think that was on July 2nd I have a note. And then I went
10 back I think on the next day and confirmed that with him. I
11 gave him the sentencing sheets to look at. I have a note
12 and we talked about eighty-five percent, serious and most
13 serious.

14 And then on July --

15 I'm sorry, did you ask me if he rejected the deal?

16 Q. Yes.

17 A. So he did initially accept it, but then he did I guess
18 you say rejected it on July 6th, which is the day before --
19 the Sunday, the day before he was supposed to go to court he
20 changed his mind.

21 Q. Okay. Did you discuss with Mr. Hollingsworth his
22 Constitutional Rights?

23 A. Yes.

24 Q. Okay. Did you explain that he was -- that he would be
25 waiving those rights by pleading guilty?

1 A. I'm sure I did.

2 Q. Okay. And what is your recollection regarding the
3 appeal? Did you file a notice of appeal on his behalf?

4 A. I did.

5 Q. Okay. Did you feel that there were appealable issues?

6 A. I don't think so, and I can't -- I can't remember. I
7 don't think he, himself, asked me. I don't know. I think
8 maybe a family member told me he wanted me to file the
9 notice, and so I think we just filed one of the ones where
10 you say, basically say, I don't know what the grounds are,
11 but my client asked me to file this.

12 Q. Okay. If you had felt that there were any particular
13 grounds, would you have included those? I mean --

14 A. Yes.

15 Q. Can you repeat that?

16 A. Oh, if I -- if i knew of any grounds, yeah, I would
17 have included them, but I didn't know of any.

18 Q. Okay. Whose decision was it ultimately for Mr.
19 Hollingsworth to plead guilty?

20 A. Whose decision was it?

21 Q. Correct.

22 A. That was his decision.

23 Q. Okay. And what would he -- what was his exposure if he
24 had gone to trial?

25 A. Life.

1 Q. Did Mr. Hollingsworth at any time indicate to you that
2 he was not ready to go forward with that plea that day?

3 A. I mean, once he changed -- he said -- so Sunday night
4 he had said he didn't want to plead any more and he wanted
5 to fire me.

6 And then Monday morning, before I went and told the
7 court and the solicitor, I gave him another chance to be
8 sure and he still said, you know, the same thing, but then
9 he changed his mind back and said he wanted to plead again
10 to the twenty, so there was some back and forth.

11 Q. Was the twenty year offer in place any more at that
12 point?

13 A. No, once I told the court and the solicitor that Mr.
14 Hollingsworth decided the day before he even told me he
15 wanted to fire me and that he didn't want to plead any more,
16 the solicitor exercised his option to revoke the plea offer.

17 Q. And if Mr. Hollingsworth had determined he wanted to go
18 to trial that day, would you have been prepared?

19 A. I mean, I think mostly the -- I mean, I may have had a
20 problem just because we had -- you know, he had decided like
21 a week before finally that he was going to enter a plea, and
22 so there may have been some final preparations I would have
23 wanted to be able to do, but I felt I was very familiar with
24 the case.

25 Q. Okay. And if you had not felt prepared, would you have

1 requested a continuance?

2 A. Yes.

3 Q. Mr. Hollingsworth testified also that you had promised
4 him he would come back to court with a different lawyer
5 after his guilty plea. Do you recall that?

6 A. I don't remember that conversation.

7 Q. You don't remember telling him that?

8 A. No, I -- I don't remember talking to him about appeals.
9 He -- he may have asked me what the deal was with appeals
10 and maybe I told him generally, but I really don't remember
11 discussing anything about appeals with him.

12 Q. Is that something that you would normally promise that
13 they can, after they plead guilty, come back and get a
14 different lawyer?

15 A. No, I would tell them that that is not the case.

16 I maybe would tell them you are free to file an appeal
17 and you will have an appellate attorney for that, for the
18 appeal, but, you know, there is no promise what the outcome
19 is going to be.

20 Q. Okay. Thank you, Ms. Hall.

21 That's all the questions that I have.

22 Please answer any questions of Ms. Moody.

23 THE COURT: Ms. Moody.

24 MS. MOODY: Thank you, Your Honor.

25

1 CROSS EXAMINATION BY MS. MOODY:

2 Q. Ms. Hall --

3 THE COURT: You may have to come up.

4 BY MS. MOODY:

5 Q. Ms. Hall, can you hear me?

6 A. Yes.

7 Q. Good morning.

8 A. Good morning.

9 Q. As far as the appeal is concerned and the actual plea
10 that took place ultimately, what changed Mr. Hollingsworth's
11 decision to go forward on his plea? What changed his mind?

12 A. I can't speak for him. I just know it didn't take much
13 time after I left him to go tell the judge and the solicitor
14 what was going on before I was requested -- or he was
15 requesting me to come back and see him again and at that
16 point he told me that he wanted to go forward with it again.

17 Q. Okay. So on the date that you went forward on the 7th,
18 that's the first time he decided he did not want to plead --
19 or on the 6th?

20 A. I believe it was July 6th, which was a Sunday, is when
21 he told me -- that was the first time he told me that he did
22 not want to plead any more.

23 Q. Okay. So all along, up until July 6th, it was your
24 understanding that he was going to plead, but it was his --
25 what was he going to plead to?

1 A. No, that had been decided I think on July 2nd, maybe
2 sooner, but I think that he made a final decision on the
3 2nd, was supposed to be a final decision, that he was going
4 to -- what he was going to plead to.

5 Q. Okay. Before July 2nd was there any question as to
6 whether he was going to plead?

7 A. As far as I can recall, I think the -- you know, he was
8 leaning toward pleading and was -- it was just, you know,
9 trying to get an offer from the solicitor that he thought
10 was -- you know, that he was going to accept.

11 Q. Okay. And so on July 2nd he finally decided he was
12 going to plea and he had the offer?

13 A. Yeah, I mean, it was on the 2nd, according to my notes
14 it was -- he accepted a specific offer. I think there were
15 discussions before the 2nd about, you know, what -- you
16 know, offers there were, or what he wanted me to try to go
17 back and ask for. I mean, there were definitely -- I think
18 there was definitely an interest in pleading before then,
19 but the 2nd is when he made a decision about the actual deal
20 to plead to.

21 Q. Okay. And then on July 6th he said no, he didn't want
22 to plead, and you told the court on July 7th he wasn't going
23 to plead?

24 A. Right.

25 Q. And then later on -- if I'm understanding you

1 correctly, later on that day he changed his mind back and he
2 pled on the 7th?

3 A. Yeah, he changed his mind in like fifteen or twenty
4 minutes --

5 Q. Okay.

6 A. -- because I went in the courtroom. You know, I spoke
7 to the judge and the solicitor briefly, and when I walked
8 out somebody was telling me that he wanted to see me, and I
9 went and saw him and he -- and he told me that he wanted --
10 I think his words were something like "is the twenty still
11 on the table?"

12 Q. Okay. Now, on that day, on the 7th, did you have any
13 other public defender speaking with you and Mr.
14 Hollingsworth?

15 A. Clay Allen, after he changed his mind back to wanting
16 the twenty again and Barry Barnette was refusing to offer it
17 again.

18 Q. Okay. And so that's how you have the ultimate
19 straight-up plea to everything?

20 A. I believe that's what he ended up doing.

21 Q. Okay. And so in terms of the -- after he entered his
22 plea and you said -- I believe you testified that one of the
23 family members told you he wanted to appeal?

24 A. I think that might be how I knew to file it. I
25 don't -- it was either that, or maybe I just filed it for

1 him automatically, thinking he would -- you know, there was
2 a good chance he would want me to and you only have so many
3 days, but I don't remember him, Mr. Hollingsworth, himself,
4 telling me to file the notice.

5 Q. And so why would you automatically file an appeal if
6 there was no basis for the appeal?

7 A. Well, he got twenty-five years, and he, you know,
8 changed his mind a couple of times at the last minute and I
9 think you have -- I can't recall right now, maybe ten days
10 to file it, and I would rather file it and then it be
11 withdrawn than not file it and be told later, you know, you
12 should have.

13 Q. Okay.

14 MS. MOODY: Beg the court's indulgence.

15 THE COURT: Yes, ma'am.

16 (Off the record)

17 (Back on the record)

18 BY MS. MOODY:

19 Q. Now, you heard Mr. Hollingsworth, his testimony that
20 you were told that he wanted to fire you on the 6th, or had
21 he tried to fire you prior to that?

22 A. The first time I knew he wanted to fire me was on the
23 6th, because I remember him leaving the jail room and coming
24 back with -- I think it was maybe a Hendrick motion, handing
25 it to me and then refusing to come back and talk to me and

1 it had a date on it from like a couple days ago, which
2 was -- I think I remember this, because I think it was the
3 day I had been there to see him and I didn't understand why
4 he didn't give it to me on that day. That's definitely the
5 first time that he told me he wanted to fire me was on the
6 6th.

7 Q. Okay. So had you -- so you never been before the judge
8 to request to be relieved or him requesting for you to be
9 relieved?

10 A. No, because I didn't know about his desire to do that
11 until Sunday before he was supposed to go to court.

12 Q. Thank you.

13 MS. MOODY: No further questions.

14 THE COURT: Anything further, Ms. Olive?

15 MS. OLIVE: No, Your Honor.

16 THE COURT: Okay, Ms. Hall, that concludes the
17 hearing. Thank you.

18 MS. HALL: Thank you.

19 THE COURT: Other witnesses?

20 MS. OLIVE: That's all from the State, Your Honor.

21 THE COURT: Anything from anybody?

22 MS. MOODY: No.

23 THE COURT: All right. It's under advisement.

24 Sir, the way we work this is, you don't know, is I
25 send out instructions through my law clerk, who is seated to

1 my right, through the e-mail. Now, we are going to go read
2 and study this and think about it and look up some cases, as
3 a matter of fact, so you won't know right away, but what
4 will happen is, whatever the ruling of the court is, my law
5 clerk will send that to your lawyer and to the State's
6 lawyer simultaneously and you will get it from there. Okay?

7 MR. HOLLINGSWORTH: Okay.

8 THE COURT: The best of luck to you, sir.

9 MR. HOLLINGSWORTH: Thank you, sir.

10 THE COURT: Thank you.

11 (END OF REQUESTED TRANSCRIPT OF RECORD)

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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Spartanburg County, South Carolina, on the 23rd day of March, 2016.

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

June 29, 2016



Michael R. Watts
Circuit Court Reporter.

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Chad Edward Hollingsworth, #258392,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2014-CP-42-5026

ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) December 8, 2014. Respondent made its Return on May 19, 2015, requesting that an evidentiary hearing be held. An evidentiary hearing into the matter was convened at the Spartanburg County Courthouse before the undersigned on March 23, 2016. Applicant was present at the hearing and was represented by Leah B. Moody, Esquire. Alicia A. Olive, Esquire, represented Respondent.

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony via telephone from M. Claire Hall, Esquire. This Court also had before it the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the pleadings.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the December 2013 term of the Spartanburg County Grand Jury for attempted murder (2013-GS-42-5338); carjacking (2013-GS-42-5285); resisting arrest with a deadly weapon (2013-GS-42-5288); assault and battery of a high and aggravated nature ("ABHAN") (2013-GS-42-5287);

2016 MAR -9 AM 9:10
H. HOE BACKLEY
CLERK OF COURT
SPARTANBURG COUNTY

two counts of failure to stop motor vehicle when signaled by officer (2013-GS-42-5284, -5590); burglary, first degree (2013-GS-42-5286); and two counts of grand larceny (2013-GS-42-5286(B), -5283). Applicant was represented by M. Claire Hall, Esquire ("Counsel"). On July 7, 2014, he pleaded guilty to all charges as indicted. The Honorable Roger L. Couch sentenced the Applicant to concurrent terms of twenty-five years for burglary, twenty-five years for attempted murder, twenty years for assault and battery of a high and aggravated nature, twenty years for carjacking, ten years for resisting arrest with a deadly weapon, five years on each charge of failure to stop charge, and five years on each grand larceny charge.

Counsel filed a timely notice of appeal on Applicant's behalf. In an Order filed December 4, 2014, the Court of Appeals dismissed Applicant's appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR. The Remittitur was returned on December 19, 2014.

Allegations

Applicant alleges that he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel; specifically:
 - a. Counsel was ineffective in refusing to give a dispositive motion in support of a direct appeal pursuant to White v. State, when Applicant did not knowingly and intelligently waive the right to withdraw his guilty plea;
 - b. Counsel allowed due process violations to occur by not challenging the Respondent abuse of power by placing two (2) charges, i.e., burglary 1st and grand larceny, upon one indictment making it impossible to plea or seek acquittal thereof;
 - c. Counsel failed to challenge the evidence pertaining to ABHAN when such conviction if pled would result in a miscarriage of justice.

II. SUMMARY OF TESTIMONY PRESENTED

At the PCR hearing, Applicant testified that the State had previously made a plea offer whereby the State agreed to dismiss the burglary, first degree, and one count of grand larceny

charges if Applicant pleaded guilty to all other charges straight up. Applicant testified he reviewed all videos. Applicant testified that Counsel did not want him to take the deal. Applicant testified that Counsel told him that he was going to trial if he did not plead. Applicant testified that Counsel told him to plead guilty and then he could come back to court and get a new attorney. Applicant testified he wished to withdraw his allegation that his due process rights were violated as a result of two of his charges being placed on a single indictment.

Counsel testified she represented Applicant for approximately a year prior to the plea. Counsel testified that she met or spoke with applicant at least six times. Regarding the strength of the State's case against Applicant, Counsel testified that there were several videos from officers' dash cameras, cellphone videos, and a video from the gas station where the car was stolen. Counsel testified there were also cab reports and 911 calls. Counsel testified there were many police officers involved in the incident and that the officers would have testified at trial. Regarding her investigation, Counsel testified she spoke with the officers involved, spoke with the Chief of Police in Chesnee, and went with her investigator to look at all locations involved. Counsel testified that she reviewed all discovery. Counsel testified that there may have been more than one plea offer, but that she recalled the State had made an offer of a recommended twenty year sentence the week before the plea, but that the State revoked the offer when Applicant indicated that he wished to relieve her as counsel. Counsel testified she never went before a judge on Applicant's request to relieve her.

Counsel testified that it was Applicant's decision to accept the plea offer, considering his exposure was a life sentence. Counsel testified that if Applicant had elected to proceed with a trial that she would have been substantially prepared, but if she was not she would have requested a continuance.

Regarding the Notice of Appeal, Counsel testified that she did not recall whether Applicant or a family member may have asked her to file the appeal, but that in either case, she did not think there were any appealable issues. On cross-examination Counsel was asked why she filed a notice of appeal if she felt there was no basis for appeal, and Counsel stated that Applicant was sentenced to twenty-five years, and that she would rather file and have it be withdrawn than to file late.

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, and closely pass upon their credibility. This Court has weighed 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).

A. Ineffective Assistance of Counsel

In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The applicant "must first demonstrate that counsel was deficient and then must also show the deficiency resulted in prejudice." Walker v. State, 407 S.C. 400, 404-05, 756 S.E.2d 144, 146 (2014). "The two-part test adopted in Strickland also applies to challenges to guilty pleas based on ineffective assistance of counsel." Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011).

The applicant must first show that counsel's performance "fell below an objective standard of reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386



S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, he would not have [pleaded] guilty, but would have insisted on going to trial." Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

This Court finds that Applicant has failed to show Counsel's performance was deficient. The facts as presented at the plea hearing were substantially as follows. A woman arrived at her residence one morning to find Applicant inside. Applicant then ran out, taking some of the woman's possessions with him, and went inside the house next door. The authorities were called. When they arrived, Applicant came out of the house, but then fled and the authorities tried to subdue him. Applicant took out a knife, and one of the officers fired a shot. Applicant fled, and police began chasing him on foot. In the process, Applicant began trying to break out a window of a truck that was stopped in the street. The person in the vehicle knew Applicant and could identify him. Applicant continuously ignored commands by police to drop his knife. The officers tased him and he kept going. Applicant ran to a nearby gas station, took a vehicle and a high-speed chase ensued. The authorities were eventually able to block him off with a sheriff's vehicle. Applicant got out of the vehicle he was in and kept running. They later found him later in an abandoned house nearby.

At the plea, the State had five exhibits introduced: (1) a SLED investigative report; (2) CDs containing notes and statements, (3) reports, photographs, and a video, (4) Applicant's rap sheet, and (5) certified copies of Applicant's convictions.

Applicant spoke at his guilty plea and told the plea judge that his words to the court were his own. The record reflects that Applicant told the plea judge that he was satisfied with the advice of counsel and that he waived his rights to remain silent, to a jury trial, and to confront witnesses against him. Applicant affirmed that he had thoroughly discussed his case with Counsel, that he was satisfied with her services, and that he did not need to consult with her about anything further and did not feel there was anything else she should do before he proceeded with his plea. Furthermore, the plea judge inquired on the record as to the truth of the facts presented and applicant's waiver of his rights. The plea judge accepted the plea as freely, voluntarily, and intelligently entered.

In mitigation, Counsel told the trial judge that at the time he committed the offenses, Applicant was acting under the influence of narcotics and was incapable of making rational decisions. She asked the court to sentence Applicant to a sentence that would allow him time with his family. Multiple individuals also spoke on Applicant's behalf at the plea.

This Court finds that Counsel adequately conferred with Applicant and provided thoroughly competent representation. In her conferences with Applicant, Counsel reviewed all discovery materials and explained the charges against him including the potential sentence that each carried. Counsel also explained his constitutional rights to him and informed him regarding the rights he was waiving by pleading guilty. This Court finds that Counsel, in advising Applicant, considered the overwhelming evidence against him including the videos and the potential testimony from multiple police officers and other eyewitnesses. Counsel retraced the

crime scene with the investigator, spoke with officers, spoke with 911 communications personnel, and spoke with witnesses.

This Court further finds that Applicant failed to provide any evidence that he attempted to relieve Counsel, nor did he advise the plea judge that he was dissatisfied with her or wished to relieve her. This Court finds Counsel relayed the correct statement of law to Applicant regarding advice on entering a plea or proceeding with a jury trial. Therefore, this Court finds Applicant has failed to show any deficiency in Counsel's performance.

Furthermore, this Court finds Applicant has failed to show that he was prejudiced by any alleged deficiency of Counsel. The record reflects that the evidence against Applicant was overwhelming. Applicant was facing serious charges and several of his victims were members of law enforcement who were prepared to testify at trial. Applicant was facing a potential life sentence on the burglary charge as well as substantial sentences on the remaining charges if convicted by a jury. This Court finds that Applicant chose to plead guilty considering he would have been exposed to a life sentence if he went to trial. Therefore, this Court finds Applicant has failed to show that he was prejudiced by any alleged deficiency of Counsel.

Regarding Applicant's allegation that Counsel was ineffective for failing to perfect his direct appeal, this Court finds Applicant has failed to show either deficiency or prejudice. Counsel testified that even though she did not believe there were any appealable issues, she filed a Notice of Appeal. She could not recall whether she did so as a routine practice, or whether she was advised by Applicant or one of Applicant's family members that he wished to appeal. "[C]ounsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that this particular defendant

reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000). On appeal from a guilty plea, the notice must be accompanied by "a written explanation showing that there is an issue which can be reviewed on appeal," and the explanation must also identify the issues and provide a factual basis for the issues. Rule 203(d)(1)(B)(iv), SCACR.

Here, Counsel filed a Notice of Appeal, however, Counsel testified she knew of no appealable issues, and therefore, the appeal was not perfected. Regardless, Applicant failed to identify any specific meritorious claims that could have been raised or argued on appeal. Therefore, this Court finds Applicant has failed to show either deficiency or prejudice with regard to this claim.

Accordingly, this Court finds Applicant has failed to satisfy either prong of Strickland with respect to his claims of ineffective assistance, and it must be denied and dismissed with prejudice.

B. All Other Allegations

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

IV. CONCLUSION

Based on the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, his application must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within thirty days

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 9th day of May, 2016.

R. Keith Kelly
R. KEITH KELLY
Presiding Judge
Seventh Judicial Circuit

Spartanburg, South Carolina

CLERK OF COURT
SPARTANBURG COUNTY
2016 MAY -9 AM 9:18
M. HOPE BLACKLEY

A CERTIFIED COPY

M. Hope Blackley
CLERK OF COURT
SPARTANBURG COUNTY
BY: Martha Liny D.C.
DATED: 5-11-16

WITNESSESS

Spartanburg County Sheriff

1. J. BARNETTE

2. J. BARNETTE

3. J. BARNETTE

4. J. BARNETTE

5. J. BARNETTE

6. J. BARNETTE

ARREST WARRANT NUMBER

2013A4210203092

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

DEC 12 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5283

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE

vs.

CHAD EDWARD HOLLINGSWORTH

Indictment for

GRAND LARCENY

SC Code: 16-13-30 (B)

CDR Code: 3420

Class FEL-E

RECEIVED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

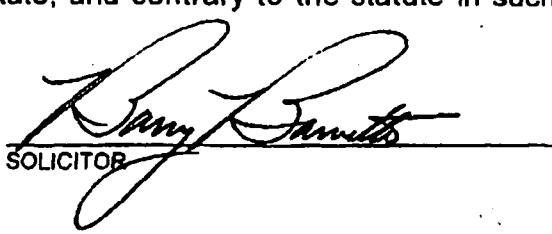
At a Court of General Sessions, convened on DEC 12 2013, the

Grand Jurors of Spartanburg County present upon their oath:

GRAND LARCENY

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or about August 25, 2013, feloniously take and carry away the goods of Mark Bales, valued at more than Two Thousand Dollars but less than Ten Thousand Dollars, described as follows: a 2005 black Monte Carlo vehicle, with the intent to deprive the owner permanently of such property, all in violation of Section 16-13-30 (B), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

2013A4210203087

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

DEC 12 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5284

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE

v.

CHAD EDWARD HOLLINGSWORTH

Indictment for

FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY OFFICER

SC Code: 56-5-750 (B)(2)

CDR Code: 2396

Class FEL/F

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

DEC 12 2013

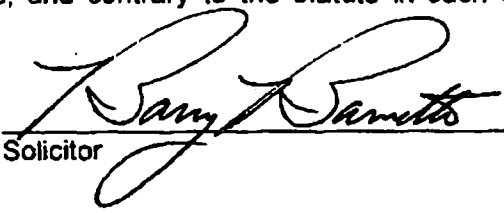
At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

FAILURE TO STOP MOTOR VEHICLE WHEN
SIGNALED BY A LAW ENFORCEMENT VEHICLE

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or about August 25, 2013, willfully fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750 (b)(2), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


Solicitor

FILED

WITNESSES

1. SENTENCE MADE ☒
Spartanburg County Sheriff's Office
2. REPORT FILED ☒
3. CASE FILED ☒
4. INDEXED ☒
5. CHECKED AGAINST ☒
6. CHECKED AGAINST ☒
7. ASSIGNMENT MADE ☒
8. CHECKED AGAINST ☒
9. VIOLATIONS COPY ☒

ARREST WARRANT NUMBER

2013A4210203091

ACTION OF GRAND JURY

True Bill

For person of Grand Jury
Date: DEC 12 2013

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **13-GS-42-5285**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE

v.

CHAD EDWARD HOLLINGSWORTH

Indictment for

CARJACKING

SC Code: 16-03-1075 (B)(1)

CDR Code: 2599

Class: FEL/C

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

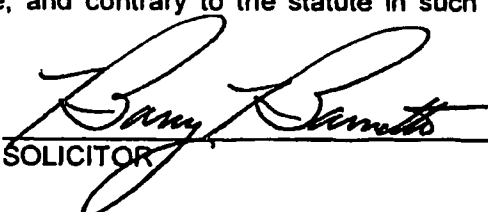
DEC 12 2013

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

CARJACKING

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or
about August 25, 2013, take, or attempt to take, a motor vehicle from Laurence (Larry)
Shaw by force and violence or by intimidation while the victim was in the vehicle or
operating the vehicle, in violation of §16-03-1075 (B)(1), *THE CODE OF LAWS OF*
SOUTH CAROLINA, (1976), as amended.

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


SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

2013A4210203089 & 90

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: DEC 12 2013

2013 DEC 12 1:55
VERDICT
M. B. ADLEY

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5286

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE
v.

CHAD EDWARD HOLLINGSWORTH

Indictment for

BURGLARY FIRST DEGREE (DWELLING)

SC Code: 16-11-0311; CDR Code: 0079

Class: FEL/EXM (V)

GRAND LARCENY

SC Code: 16-13-30 (B) CDR Code: 3420

Class FEL-E

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

DEC 12 2013

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

BURGLARY FIRST DEGREE (DWELLING)

That the Defendant, Chad Edward Hollingsworth., did in Spartanburg County on or about August 25, 2013 willfully and intentionally enter a dwelling belonging to Pauline Walker Gossett located at [REDACTED] without consent and with intent to commit a crime therein, and either in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime:

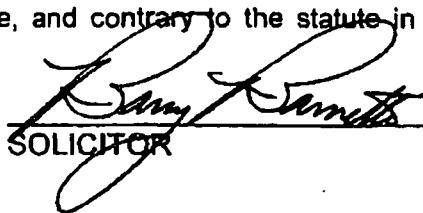
- (1) was armed with a deadly weapon or explosive, and/or
- (2) caused physical injury to any person who was not a participant in the crime, and/or
- (3) used or threatened the use of a dangerous instrument, and/or
- (4) displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm, and/or
- (5) entered the dwelling during the nighttime, and/or
- (6) committed the crime while possessing a prior record of two or more

convictions for burglary or housebreaking or a combination of both,
 all in violation of Section 16-11-0311 of *THE CODE OF LAWS OF SOUTH CAROLINA*,
 (1976) as amended.

GRAND LARCENY

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or about August 25, 2013, feloniously take and carry away the goods of Pauline Walker Gossett, valued at more than Two Thousand Dollars but less than Ten Thousand Dollars, described as follows: purse, jewelry and/or personal items, with the intent to deprive the owner permanently of such property, all in violation of Section 16-13-30 (B), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


 SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

ARREST WARRANT NUMBER

D/I (2013A4210203088)

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

13-GS-42-5287

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE

v.

CHAD EDWARD HOLLINGSWORTH

Indictment for
ASSAULT AND BATTERY OF A
HIGH AND AGGRAVATED NATURE

SC Code: 16-3-600

CDR Code: 3411

Class FEL-C

INDEXED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

DEC 12 2013

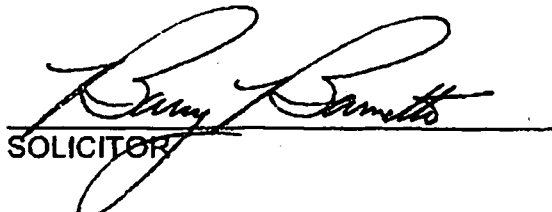
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

ASSAULT AND BATTERY OF HIGH AND AGGRAVATED NATURE

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or about August 25, 2013 commit an act causing an unlawful injury to another person, and the act resulted in great bodily injury to the person, or the act was accomplished by means likely to produce death or great bodily injury to the person, to wit: by attempting to strike the victim, David Welch, head-on with his vehicle while traveling at a speed of over 100 mph, all in violation of § 16-3-600, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


SOLICITOR

WITNESSES

1. ~~Spartanburg~~ County Sheriff's Office

2. REPORT ENTERED

3. CARD FILLED

4. INDEXED

5. CHECKED FOR INDEXING

6. CHECKED FOR INDEXING

7. RECORDED AND INDEXED

TRAFFIC VIOLATIONS COPY
ARREST WARRANT NUMBER

2013A4210203094

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

DEC 12 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5288

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE

v.

CHAD EDWARD HOLLINGSWORTH

Indictment for

RESISTING ARREST—DEADLY
WEAPON

SC Code: 16-03-0625

CDR Code: 2352

Class FEL/E

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

DEC 12 2013

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

RESISTING ARREST--DEADLY WEAPON

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or about August 25, 2013, willfully and knowingly resist the lawful efforts of a law enforcement officer, Sgt. Kip Teal, or another person with the use or threat of use of a deadly weapon, a knife, in violation of §16-3-625, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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


SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE MADE

2. REPORT MADE

3. CASE FILED

4. INDEXED

5. CLERK'S RETURN

6. CHECKED BY CLERK

7. RECORDED

ARREST WARRANT NUMBER

2013A4210203093

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

DEC 12 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

13-GS-42-5338

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE

v.

CHAD EDWARD HOLLINGSWORTH

Indictment for

ATTEMPTED MURDER

SC Code 16-03-0029

CDR Code 3410

Class FEL-A

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 DEC 18 PH 1:32

M. HOPE BLACKLEY

RECORDED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

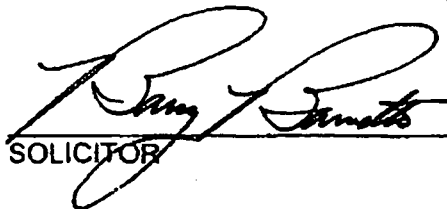
DEC 12 2013

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

ATTEMPTED MURDER

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or about August 25, 2013, with intent to kill, attempted to kill Kip Teal., with malice aforethought, expressed or implied, by attacking Kip Teal with a knife, in violation of Section 16-3-0029, Code of Laws of South Carolina, (1976, as amended).

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


SOLICITOR

WITNESSES

1. SUBPOENA DULDE

2. REPORT ENDED

Spartanburg County Sheriff's Office

3. INDEXED

4. CHECKED FOR ARRESTS

5. CHECKED FOR WARRANTS

6. APPROVED

ARREST WARRANT NUMBER

48768DL

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: DEC 12 2013

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO

13-GS-42-5590

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2013

TERM

THE STATE

v.

CHAD EDWARD HOLLINGSWORTH

Indictment for

FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY OFFICER

SC Code: 56-5-750 (B)(2)

CDR Code: 2396

Class FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2013 DEC 18 PM 1:46

M. HOPE BLACKLEY

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

DEC 12 2013

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

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

That the Defendant, Chad Edward Hollingsworth, did in Spartanburg County on or about August 25, 2013, willfully fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750 (b)(2), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


Solicitor