

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal from Aiken County

Tanya A. Gee, The Honorable Tanya A. Gee

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**RECEIVED**  
MAR 29 2016  
SC SUPREME COURT

RYAN DOOLITTLE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-001655

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APPENDIX

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State of South Carolina )  
 ) Court of General Sessions  
County of Aiken ) 2012-GS-02-00912

State of South Carolina )  
Plaintiff )  
vs. ) Transcript of Record  
Ryan Keith Doolittle )  
Defendant )

September 10 & 11, 2012  
Aiken, South Carolina

**B E F O R E:**

The Honorable Doyet A. Early, III, Judge.

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

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P. Andrew Anderson, Esq.  
Attorney for the Defendant

Lisa H. Davenport, RPR  
Official Court Reporter

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## EXHIBITS

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID</u> | <u>EV</u> |
|------------|--------------------|-----------|-----------|
|------------|--------------------|-----------|-----------|

(None offered)

1 (Whereupon, on September 10, 2012 the following  
2 proceedings were held.)

3 RYAN KEITH DOOLITTLE, after being duly sworn,  
4 testified as follows:

5 MR. MILLER: Your Honor, before the Court is Ryan  
6 Keith Doolittle. He is charged in the Indictment  
7 2012-GS-02-912.

8 THE COURT: How do you spell his name?

9 MR. MILLER: D-O-O-L-I-T-T-L-E.

10 THE COURT: R-Y-A-N?

11 MR. MILLER: Yes, Your Honor.

12 THE COURT: What is he charged with?

13 MR. MILLER: He is charged with murder, Your Honor.

14 He is here today represented by Mr. Anderson.

15 Mr. Anderson -- Mr. Doolittle is number one on the trial  
16 list. We're prepared to pick a jury in his case tomorrow.

17 Mr. Anderson and I have been in contact pretty

18 consistently over the past week and yesterday evening

19 Mr. Anderson informed me that he believed that this case  
20 was ripe for a motion under the Castle Doctrine and he is  
21 here today to make that motion.

22 At the conclusion of that motion Mr. Anderson and I,  
23 depending on what the outcome is, intend to get together  
24 and see if we can't agree to a pretty lengthy list of  
25 stipulations that we both already discussed that we could

1 put on the record today.

2 THE COURT: Well, let's cross that bridge if we have  
3 to.

4 MR. MILLER: Yes, sir.

5 THE COURT: All right. As I understand under the  
6 Castle Doctrine which is 16-11-420 we do this on a  
7 pretrial basis and I have to -- you have -- the defendant  
8 has the burden of proof by the preponderance of the  
9 evidence as to whether or not he had the right to defend  
10 his castle.

11 MR. ANDERSON: I think so, Judge.

12 THE COURT: All right. I'll be glad -- proceed.

13 MR. ANDERSON: Judge, I don't know if we can do it  
14 without -- one thing that concerns me is at the end of the  
15 opinion there is a footnote that says---

16 THE COURT: Which opinion?

17 MR. ANDERSON: I'm sorry. It is the *Duncan* opinion.

18 THE COURT: *Duncan*?

19 MR. ANDERSON: Yes, sir.

20 THE COURT: There is a footnote that says what?

21 MR. ANDERSON: That it is directly appealable,  
22 immediately appealable. Footnote Two, Judge.

23 THE COURT: That's my understanding.

24 MR. ANDERSON: So I called a friend of mine up at  
25 Appellate Defense just to ask her if that means we have to

(Robert J. Conn-Direct by Anderson)

5

1 appeal if we lose the motion and she informed me that that  
2 would be her recommendation.

3 THE COURT: Well, she's not trying the case. You're  
4 trying it.

5 MR. ANDERSON: Well, she's not, but she would be the  
6 one to do the appeal if we lose or her office would be the  
7 one to do the appeal if we lose. So it does concern me  
8 that, you know, the result of this motion could be -- when  
9 I brought --

10 THE COURT: It could be what?

11 MR. ANDERSON: The result of this motion could lead  
12 to an appeal and I don't mean that in a threatening way.  
13 I mean it in a procedural way because Mr. Miller and I  
14 were both kind of planning on trying this thing this week.

15 THE COURT: That's up to y'all, gentlemen. I am here  
16 to hear the motion. If you want to make it, make it. If  
17 you don't want to, don't.

18 MR. ANDERSON: I need to make it, Judge. I just  
19 don't know if it can be made without testimony. There is  
20 an eyewitness. There were three parties involved in this  
21 case.

22 THE COURT: Mr. Anderson, it is your motion. You  
23 knew it was going to be held today. We either do it or  
24 not do it.

25 MR. ANDERSON: Well, I think we need to do it, Judge,

(Robert J. Conn-Direct by Anderson)

6

1 but I don't believe the eyewitnesses are going to come on  
2 my behest.

3 THE COURT: You have the right to subpoena them.

4 MR. MILLER: Your Honor, the eyewitness is present in  
5 the courtroom.

6 MR. ANDERSON: Then I guess I would call Bobby Conn,  
7 Judge.

8 THE COURT: All right. Mr. Doolittle, have a seat  
9 back there at counsel table.

10 ROBERT J. CONN, after being duly sworn,  
11 testified as follows:

12 (Whereupon, a bench conference was held.)

13 DIRECT EXAMINATION

14 BY MR. ANDERSON:

15 Q Could you state your full name, please?

16 A Robert Joseph Conn.

17 THE COURT: Spell your last name.

18 THE WITNESS: C-O-N-N.

19 THE COURT: C-O-N?

20 THE WITNESS: Two.

21 Q All right. Mr. Conn, I guess you figured out who I  
22 am?

23 A Uh-huh.

24 Q And you need to answer yes or no because this lady is  
25 taking everything down.

(Robert J. Conn-Direct by Anderson)

7

- 1 A Okay.
- 2 Q Okay?
- 3 A All right.
- 4 Q You were an eyewitness to the shooting that leads us
- 5 here today; correct?
- 6 A Yes.
- 7 Q You gave a videotaped interview with Detective Kirk
- 8 Owen on the early morning hours shortly after the
- 9 incident?
- 10 A Yes.
- 11 Q During your interview you state that at the time of
- 12 the shooting -- well, strike that. Leading up to the
- 13 shooting the defendant and the victim -- and all three of
- 14 you were friends; correct?
- 15 A Yes.
- 16 Q The defendant and the victim were involved in maybe a
- 17 scuffle, a physical scuffle?
- 18 A Yes.
- 19 Q You broke them up?
- 20 A Yes, sir.
- 21 Q The defendant got in his car?
- 22 A Yes, sir.
- 23 Q Backed up --
- 24 A Yes.
- 25 Q -- out of a---

1 THE COURT: Speak up, Mr. Conn. We can't hear you.

2 THE WITNESS: Yes, sir.

3 Q -- out of a parking place. He was pulled front end  
4 in to a stereotypical parking place; correct?

5 A Yes.

6 Q And there was a car to his left?

7 A Yes.

8 Q He backed out of that parking place from right to  
9 left?

10 A Yes.

11 Q And at that time the victim your words were ran up to  
12 the car?

13 A Yes, sir.

14 THE COURT: Speak up. I can't hear you.

15 THE WITNESS: Oh, yes.

16 THE COURT: I am sitting right here.

17 THE WITNESS: Yes.

18 Q Ran up to the car.

19 A Yes.

20 Q Kicked the car?

21 A Yes.

22 Q Was yelling at Mr. Doolittle?

23 A Yes.

24 Q And at that time Mr. Doolittle produced a pistol?

25 A Yes.

(Robert J. Conn-Direct by Anderson)

9

1 Q Did you see where the pistol came -- when I say  
2 produced, where did the pistol come out?

3 A I don't know.

4 Q Okay. Do you know whether it came out of a window,  
5 out of the door, or out of a sunroof?

6 A I don't know.

7 Q Okay. And fired, you say, one to five times?

8 A Yes.

9 THE COURT: Fired how many times?

10 MR. ANDERSON: One to five.

11 Q And at least one of those rounds hit y'all's friend?

12 A Yes.

13 Q There is no question that at the time Mr. Doolittle  
14 fired the weapon the victim was aggressively, for lack of  
15 a better word, attacking the vehicle and yelling at the  
16 defendant?

17 A Yes.

18 THE COURT: How about tell me in your own words what  
19 happened, please.

20 THE WITNESS: They were both arguing back and forth  
21 pretty hard in the parking lot.

22 THE COURT: In a parking lot.

23 THE WITNESS: Yes and it turned into a scuffle.

24 That's where---

25 THE COURT: Any weapons?

(Robert J. Conn-Direct by Anderson)

10

1 THE WITNESS: Not at the time.

2 THE COURT: And then go ahead and tell us what  
3 happened.

4 THE WITNESS: And they started physically fighting  
5 back and forth. I tried to get in between them breaking  
6 it up. Mr. Doolittle got into his car and he backed up  
7 and I just saw a muzzle flash. That's all I saw. I  
8 couldn't tell you.

9 THE COURT: Well, you just said somebody -- the  
10 victim kicked the car and yelling at the defendant.  
11 Describe that to me.

12 THE WITNESS: Well, when he was backing out they were  
13 yelling. I kind of remember him kicking, but everything  
14 happened so fast that, you know...

15 THE COURT: Well, what was he kicking?

16 THE WITNESS: I guess he was kicking the side of the  
17 car.

18 THE COURT: No, sir, don't guess. Tell me what you  
19 saw.

20 THE WITNESS: I just saw him kicking. I didn't see  
21 where he was kicking.

22 THE COURT: I'm sorry. Go ahead.

23 Q Now the victim wanted either -- what did the victim  
24 want from the defendant?

25 A Marijuana.

1 Q Or?

2 A Huh?

3 Q Or something else?

4 A No, just marijuana.

5 Q Or money?

6 A No, not money.

7 Q Well, in your interview with Detective Owen---

8 A That was from prior that night, though. That was  
9 because we were downtown Aiken.

10 Q The weird thing is that the victim was trying to get  
11 marijuana from the defendant --

12 A Uh-huh.

13 Q -- is what your testimony is?

14 A Yes.

15 Q You also mentioned that he said he would -- or give  
16 me my money back?

17 A Yes, but they didn't have anything to do with each  
18 other. The money was from prior before that when we  
19 were --

20 Q Okay.

21 A -- from where I said before when we were in downtown  
22 Aiken.

23 Q What is the evidence that you end up later admitting  
24 to moving yourself?

25 A Marijuana.

(Robert J. Conn-Direct by Anderson)

12

1 Q So if the marijuana is out somewhere, why would the  
2 victim be attacking the defendant and his car to try to  
3 get marijuana?

4 A I'm not sure how it got put down. I just found it.  
5 I don't know.

6 Q And then your statement to Detective Owen was that  
7 you found it and then you moved it?

8 A Yes, sir.

9 Q And you actually lied about it the first time you  
10 were asked about it; is that correct?

11 A Yes.

12 Q But your impression of what was happening was that at  
13 the time the shots were fired the victim was trying to get  
14 at the defendant to get what he thought the defendant had  
15 of his?

16 A I think at that point it didn't have anything to do  
17 with what -- the marijuana or the money. I think it was  
18 that they were fighting and that's why. There was a lot  
19 of words said in between.

20 Q But the victim was trying to get at the defendant,  
21 wasn't he?

22 A Yes.

23 MR. ANDERSON: Okay. And, Judge, that's all I  
24 have.

25 THE COURT: Cross?

(Robert J. Conn-Cross by Miller)

13

1                                    CROSS-EXAMINATION

2    BY MR. MILLER:

3    Q    Mr. Conn, whenever this altercation is going on in  
4    the parking lot -- and you got the two of them separated;  
5    is that correct?

6    A    Yes.

7    Q    And Mr. Doolittle gets into his vehicle and backs his  
8    vehicle out; is that correct?

9    A    Yes.

10   Q    And then you saw the victim Mr. Brown kick at the  
11   vehicle; is that correct?

12   A    Yes.

13   Q    Did you ever see Mr. Brown trying to open up the  
14   door?

15   A    No, I did not.

16   Q    Did you ever see Mr. Brown -- was the window up?

17   A    Yes.

18   Q    How do you know the window was up?

19   A    Because he had two window regulators on that vehicle.  
20   Both front windows didn't open.

21   Q    Okay. So you knew the windows in that vehicle to be  
22   broken?

23   A    Yes.

24   Q    And whose vehicle was it?

25   A    That was Mr. Doolittle's.

(Robert J. Conn-Cross by Miller)

14

1 Q Okay. Is that the vehicle that he was operating that  
2 night?

3 A Yes.

4 Q Did it have a sunroof?

5 A Yes.

6 Q Was the sunroof open?

7 A Yes.

8 Q Did Mr. Brown at any time attempt to reach into the  
9 sunroof and grab Mr. Doolittle?

10 A No, sir.

11 Q Okay. So, when you talked to Detective Owen you told  
12 Detective Owen that when your friend was laying on the  
13 ground shot, bleeding, that you saw the bag of marijuana  
14 on the ground, didn't you?

15 A Yes.

16 Q And what did you tell Detective Owen you did with  
17 that marijuana at that time?

18 A I threw it.

19 Q And why did you tell Detective Owen you threw it?

20 A Because I didn't want that to be by Vinnie's body. I  
21 didn't want him to be remembered by that.

22 Q Did you ultimately tell the police here's the  
23 marijuana and give it to them?

24 A No.

25 Q How did the police get the marijuana?

(Robert J. Conn-Cross by Miller)

15

- 1 A They found it and then they asked about it.
- 2 Q Okay. You had put it on top of the car?
- 3 A Yes.
- 4 Q Okay. Now, so Mr. Brown never went for the door
- 5 handle?
- 6 A No.
- 7 Q He never tried to reach in through the top?
- 8 A No.
- 9 Q He kicked at the vehicle. Now, when the vehicle
- 10 backs out, did it go backing out and driving backwards out
- 11 the driveway?
- 12 A No, sir.
- 13 Q It backed out and it stopped at some point?
- 14 A Yes.
- 15 Q And then it got put into drive?
- 16 A Yes.
- 17 Q And then it started driving forward; correct?
- 18 A Yes.
- 19 Q And at some point while the vehicle was in that stop
- 20 position was it your testimony that you saw the victim
- 21 kick at the vehicle?
- 22 A I---
- 23 Q Or do you not know?
- 24 A I don't know.
- 25 Q Okay. But you're sure that you never saw Mr. Brown

(Robert J. Conn-Redirect by Mr. Anderson)

16

1 trying to open up that door to take Mr. Doolittle out of  
2 that vehicle?

3 A In no way, shape, or form did he try to get in the  
4 vehicle.

5 Q And he didn't go in through the open window because  
6 the window didn't open; correct?

7 A No, it didn't open up.

8 Q And he didn't go through the sunroof that was open,  
9 did he?

10 A No.

11 MR. MILLER: No further questions.

12 THE COURT: Anything on redirect?

13 MR. ANDERSON: Just a couple, Judge.

14 THE COURT: Yes, sir.

15 REDIRECT EXAMINATION

16 BY MR. ANDERSON:

17 Q You testified first that the victim was trying to get  
18 at him; right?

19 A But not trying to get into the vehicle.

20 Q Well, how is he going to get at him if he wasn't  
21 going to get in the vehicle?

22 A He wasn't trying to get in the vehicle. He wasn't  
23 trying to open the door. He wasn't trying to get anywhere  
24 else.

25 Q Well, when y'all had been out together isn't it true

(Robert J. Conn-Redirect by Mr. Anderson)

17

1 that the victim was in the back driver's side seat?

2 A That's correct.

3 Q And isn't it true that that window was down?

4 A Yes.

5 Q So he could have got in through the window?

6 A But he wasn't trying to. That window was down, but

7 he -- the front windows where Ryan Doolittle was sitting

8 at, there is no way to get to him.

9 Q Well, it's not a big car, is it?

10 A It's an Oldsmobile Alero; four-door sedan.

11 Q And Vinnie was a big young man?

12 A Yes, sir.

13 Q And if Vinnie had gotten his hand in the back window

14 which was down he could have got a hold of Ryan

15 Doolittle's head, couldn't he?

16 A Yes, sir.

17 THE COURT: But did he ever try to do that?

18 THE WITNESS: But he didn't try to do that.

19 Q Well, that's -- isn't that when the shots were fired?

20 A Vinnie wasn't right in front of the car when the

21 shots were fired. He wasn't within two or three feet of

22 the car. He stopped and put the car in drive and that's

23 when I saw the muzzle flash.

24 Q How did he kick the car?

25 A I'm not exactly sure. I don't know.

(Robert J. Conn-Redirect by Mr. Anderson)

18

1 Q And you testified earlier that the victim was trying  
2 to get at Mr. Doolittle?

3 A Yes.

4 Q So if he wasn't trying to get at him---

5 A He wasn't trying to get him out of the vehicle. I  
6 think what Mr. Brown was trying to do is show him that he  
7 was frustrated. He wasn't trying to get at him. He  
8 thought he was getting ready to pull off.

9 Q No question that the back window was down. No  
10 question that at some point during this in close proximity  
11 to the shoots being fired the victim kicked the car. The  
12 victim was yelling and they had been involved in a heated  
13 altercation?

14 A Yes, sir.

15 MR. ANDERSON: That's all I have, Judge.

16 THE COURT: All right. You may step down. Next  
17 witness. Any additional witnesses?

18 MR. ANDERSON: Could I have a second to confer with  
19 my client?

20 THE COURT: Sure.

21 MR. ANDERSON: Could we do it there so we could talk?

22 THE COURT: Sure.

23 (Whereupon, the attorney conferred with the client.)

24 MR. ANDERSON: I would call the defendant.

25 THE CLERK: I have already sworn him in.

(Ryan Keith Doolittle-Direct by Mr. Anderson)

19

1           RYAN KEITH DOOLITTLE, after being previously  
2 duly sworn, testified as follows:

3                           DIRECT EXAMINATION

4 BY MR. ANDERSON:

5 Q     Could you state your name?

6 A     Ryan Keith Doolittle.

7 Q     And you don't look very good today. What's up?

8 A     Nerves.

9 Q     Okay. Are you all right?

10 A    I will be.

11 Q    Okay. You've heard the discussion we've just had?

12 A    Yes, sir.

13 Q    Did you -- you don't deny firing the gun?

14 A    No, sir.

15 Q    And was this young man your friend?

16 A    Yes, sir.

17 Q    And was the man that just testified your friend?

18 A    Yes, sir.

19 Q    Okay. At the time you fired that weapon were you in  
20 your vehicle?

21 A    Yes, sir.

22 Q    And were you -- what were you in the process of  
23 doing?

24 A    Trying to leave the scene.

25       THE COURT: Speak up.

(Ryan Keith Doolittle-Direct by Mr. Anderson)

20

1 THE WITNESS: Trying to leave the scene where the  
2 fight was happening.

3 Q Okay.

4 THE COURT: Where the what was happening?

5 THE WITNESS: Where the fight was happening.

6 Q Now, you're a big fellow, but are you athletic?

7 A No, sir.

8 Q Was Vinnie a good athlete?

9 A Yes, sir.

10 Q Had you ever seen him act like that?

11 A No, sir.

12 Q Had y'all been friends for many years?

13 A Yes, sir.

14 Q Do you have any explanation for why he was acting  
15 that way?

16 A The alcohol.

17 Q Okay. In the evidence did we see that he had a very  
18 high blood alcohol level?

19 A Yes, sir.

20 Q And did you see him---

21 THE COURT: What was it?

22 MR. ANDERSON: .209, Judge. So, almost twenty-one.

23 Q Did you see him consume a lot of alcohol?

24 A Yes, sir.

25 Q Okay. And he was convinced that you had stolen his

(Ryan Keith Doolittle-Direct by Mr. Anderson)

21

1 marijuana?

2 A Yes, sir.

3 Q Number one, had you stolen his marijuana?

4 A No, sir.

5 Q Number two, did you sell him any marijuana?

6 A No, sir.

7 Q Were you two friends?

8 A Yes, sir.

9 Q If marijuana was at issue, would you have shared the  
10 marijuana with him if you had any?

11 A Yes, sir.

12 Q Do you know why -- and if you don't know, you're not  
13 allowed to answer, but do you know why he thought you had  
14 his marijuana?

15 A Yes, sir.

16 Q Why?

17 A Because he left it on the back seat of my car at the  
18 gas station and Robert Conn took it off the back seat.

19 Q Okay. So you did not have his marijuana?

20 A No, sir.

21 Q Do you know how the marijuana ended up next to Vinnie  
22 after all of this happened?

23 A No, sir.

24 Q Okay. When you fired the gun what was going through  
25 your mind?

(Ryan Keith Doolittle-Direct by Mr. Anderson)

22

1 A I was scared. I was panicking.

2 Q And you gotta speak -- you really need to maybe talk  
3 to the Judge because you are soft spoken.

4 THE COURT: You were scared, panicking, and what  
5 else, if anything?

6 THE WITNESS: I didn't -- I was just scared and  
7 panicking and it just kind of happened.

8 THE COURT: Scared, panicking, and it just sort of  
9 happened.

10 THE WITNESS: I didn't see what else to do right  
11 then. It was just like a reflex.

12 Q Were you---

13 THE COURT: What were you scared about?

14 THE WITNESS: Mr. Brown getting me.

15 Q Was the back window down in your car?

16 A Yes, sir.

17 Q Could he have gotten a hold of you if he got his hand  
18 in the window?

19 A Yes, sir.

20 Q At the time you fired did -- were you protecting  
21 yourself?

22 A Yes, sir.

23 THE COURT: Protecting yourself from what?

24 THE WITNESS: From him getting me.

25 THE COURT: How was he going to get you? You're in a

(Ryan Keith Doolittle-Direct by Mr. Anderson)

23

1 car driving off.

2 THE WITNESS: I wasn't driving off. I was stopped.

3 THE COURT: How is he going to get you?

4 THE WITNESS: Coming through the back window.

5 THE COURT: Did he try to come through the back  
6 window?

7 THE WITNESS: He was rushing the car. He had already  
8 kicked the car and he was rushing the car towards the back  
9 window. He wasn't in the back window, if that's what  
10 you're asking.

11 THE COURT: How long before had he kicked the car?

12 THE WITNESS: As soon as I was pulling out; maybe two  
13 seconds.

14 THE COURT: How far was he from the window when you  
15 shot him?

16 THE WITNESS: Maybe two steps.

17 Q Could you describe his demeanor to the Judge, please?

18 A He just wouldn't listen to any reason. He wouldn't  
19 listen to Bobby trying -- or Mr. Conn trying to break up  
20 the fight and he just wouldn't stop.

21 Q And was he saying anything?

22 A He threatened to kill me and he threatened to kill my  
23 kids.

24 THE COURT: Kill who?

25 THE WITNESS: My kids and me.

(Ryan Keith Doolittle-Direct by Mr. Anderson)

24

1 Q And like Mr. Conn said, all this over maybe 20 or \$30  
2 of marijuana?

3 A Yes, sir.

4 Q Which you didn't even have?

5 A Yes, sir.

6 Q And was that normal -- a normal way for Vinnie to be  
7 acting?

8 A No, sir. I had never heard him raise his voice in  
9 anger.

10 Q So at the time you fired did you feel like you were  
11 in danger?

12 A Yes, sir.

13 Q And you were defending yourself from your vehicle?

14 A Yes, sir.

15 Q All right. Please answer any questions that  
16 Mr. Miller or the Judge might ask you.

17 CROSS-EXAMINATION

18 BY MR. MILLER:

19 Q Mr. Doolittle, how tall are you?

20 A 6'3.

21 Q 6'3. How much do you weigh?

22 A 260 pounds.

23 Q You weigh 260?

24 A Yes, sir.

25 Q Is that what you weighed the night that you were

(Ryan Keith Doolittle-Cross by Mr. Miller)

25

1 arrested?

2 A I am pretty sure I weighed more than that then.

3 Q How does 300 sound?

4 A Maybe a little bit less; probably close.

5 Q How tall is Mr. Brown?

6 A Maybe a couple of inches shorter than me. I am not  
7 exactly sure.

8 Q How about 7 inches shorter than you? 5'8.

9 A I do not know. I don't believe so.

10 Q Okay. You recall speaking with Detective Savage on  
11 April 28 about 8, 8:30 in the morning about this incident?

12 A Yes, sir.

13 Q And when you talked to Detective Savage isn't it true  
14 that he asked you were you scared when you shot and you  
15 said no?

16 A I don't remember.

17 Q Okay. Isn't it true that whenever Detective Savage  
18 asked you why you shot you said I was afraid he was going  
19 to come after my family?

20 A I don't remember.

21 Q Okay. In your whole statement to Detective Savage  
22 did you ever once mention that he was trying to get into  
23 your vehicle -- that Mr. Brown was trying to get into your  
24 vehicle?

25 A No, sir.

(Ryan Keith Doolittle-Cross by Mr. Miller)

26

1 Q You didn't. In fact, you told Detective Savage that  
2 you backed up and you stopped and he kicked the vehicle  
3 and then you started shooting and you drove away. Isn't  
4 that true?

5 A That's not how I remember it.

6 Q That's not how you remember it or that's not what you  
7 told Detective Savage that morning?

8 A I don't know. I know that's what I told him, but  
9 that's not how it happened.

10 Q Okay. So your memory of the events has gotten better  
11 now that it's four or five months later than it was the  
12 same morning that it happened; correct? Is that what your  
13 testimony is?

14 A I was skewed giving my statement.

15 THE COURT: You were what?

16 THE WITNESS: I was skewed.

17 THE COURT: Confused?

18 THE WITNESS: Confused, yes.

19 Q How did you shoot Mr. Brown? Where did you point the  
20 gun?

21 A At the ground beside where I was sitting on the  
22 driver's side of the car.

23 Q Out the back window?

24 A Out the sunroof.

25 Q Right hand or left hand?

(Ryan Keith Doolittle-Cross by Mr. Miller)

27

1 A Right hand.

2 Q So you're in the passenger seat. Is the car in  
3 reverse or is the car in drive?

4 THE COURT: He is in the passenger seat?

5 Q You're in the driver's seat.

6 A Yes, sir.

7 Q I'm sorry. You're in the driver's seat. Is the car  
8 in reverse or is the car in drive?

9 A It believe it was in drive.

10 Q Okay. And you reach out the sunroof with your right  
11 hand and you start firing. How far away did you say  
12 Mr. Brown was at that time?

13 A Two steps maybe.

14 Q This far away from the car, if that's the door?

15 (Indicating) If this is the door here, two steps away --  
16 one, two, and you shot him out the sunroof of the car and  
17 you know because you've seen the pathology report from  
18 your attorney he gets shot here approximately and the  
19 bullet is traveling downward which would be consistent  
20 with somebody being shot from a weapon that's up here like  
21 the roof of a car?

22 A Yes, sir.

23 Q And you kept on shooting, didn't you?

24 A Yes, sir.

25 Q And you kept on shooting as you drove away, didn't

(Ryan Keith Doolittle-Cross by Mr. Miller)

28

1 you?

2 A No, sir.

3 Q You didn't?

4 A The car was sitting still the entire time.

5 Q The entire time you were shooting the car was sitting  
6 still?

7 A Yes, sir.

8 Q Okay. Where were the shell casings going? Were they  
9 falling into the car through the sunroof?

10 A No. From the reports one ended up inside the car.

11 Q Okay. So how many times did you shoot?

12 A I don't recall, but I was told there were eight shell  
13 casings.

14 Q And the whole time you're standing there with your  
15 hand over your head, gun out the sunroof shooting at  
16 Mr. Brown from a distance of two steps away?

17 A I wasn't shooting at him.

18 Q You told Detective Savage, isn't it true, that  
19 whenever you started shooting, he said, Were you aiming at  
20 Mr. Brown, and you said, Kind of?

21 A It was in his general direction I believe were my  
22 words.

23 Q Okay. So from 6 feet away you were shooting in his  
24 general direction eight times? Eight shell casings. You  
25 said that the car wasn't moving?

(Ryan Keith Doolittle-Cross by Mr. Miller)

29

1 A Yes, sir.

2 Q Okay. And for the first time today you're saying you  
3 were in fear for your life -- not you were in fear for  
4 your family's safety later on. What did you do when you  
5 left that parking lot?

6 A I went home.

7 Q What did you do when you got home?

8 A I told my wife-fiancee to take my kid and leave.

9 Q Then what did you do?

10 A I took a shower and went to sleep.

11 Q What did you do with the gun before you took a shower  
12 and went to sleep?

13 A Put it in the holster beside my bed.

14 Q What'd you do -- was it missing eight bullets where  
15 you had fired eight bullets at Mr. Brown at Fairway Ridge?

16 A I don't remember.

17 MR. ANDERSON: I would object to the form of that  
18 question. Just in his general direction was what the  
19 testimony was.

20 THE COURT: I'll allow it.

21 Q What did you do with the gun when you got home  
22 besides put it in the holster and put it beside your bed?  
23 Did you reload the gun?

24 A Yes, sir.

25 MR. MILLER: One second, please, Your Honor.

(Ryan Keith Doolittle-Redirect by Mr. Anderson)

30

1 Is it your testimony that you had absolutely no  
2 knowledge, nothing to do with anything having to do with  
3 marijuana that night?

4 THE WITNESS: I don't believe so.

5 Q You don't believe you had anything to do with  
6 marijuana that night or you don't believe that's your  
7 testimony?

8 A I don't believe that's my testimony.

9 Q Okay. What did you have to do with the marijuana  
10 that was the subject of this whole thing?

11 A I knew Mr. Conn had taken it.

12 Q And did you tell Mr. Brown that? You knew Mr. Conn  
13 had it?

14 A I am not 100 percent, but I believe so.

15 Q Okay. Is that before or after you shot him?

16 A Before.

17 MR. MILLER: No further questions, Your Honor.

18 MR. ANDERSON: Just a couple, please.

19 REDIRECT EXAMINATION

20 BY MR. ANDERSON:

21 Q Isn't it true in that interview with Detective Savage  
22 you were talking about how you had fussed at them to begin  
23 with about having marijuana in your car?

24 A Yes, sir.

25 Q Because it's your wife's car. She was pregnant and

(Ryan Keith Doolittle-Redirect by Mr. Anderson)

31

1 she didn't approve of that?

2 A Yes, sir.

3 Q And Mr. Miller was showing you his two steps, but  
4 what direction was Vinnie moving in when you started  
5 firing?

6 Q Was he coming towards your car?

7 A Yes, sir.

8 Q Okay. At what point in time that evening when you  
9 were talking to Investigator Savage did you learn that  
10 Vinnie had passed away?

11 A After I had given my statement.

12 Q When you gave your statement you knew -- Strike that,  
13 please. When Investigator Savage asks you if you know why  
14 you're there you say something along the lines of for  
15 shooting at somebody earlier tonight, essentially?

16 A Yes, sir.

17 Q They never told you you were there for murder?

18 A Not until the very end.

19 Q After the video was turned off; correct?

20 A Yes, sir.

21 Q Okay. And I had asked you this before, but what  
22 sport did Vinnie play semipro?

23 A He was a football player.

24 Q All right. And are you athletic?

25 A No, sir.

(Ryan Keith Doolittle-Redirect by Mr. Anderson)

32

1 Q Okay. And just for the record, are you terribly  
2 sorry about all this?

3 A I can't express it.

4 Q Okay. You loved the guy?

5 A I'm sorry.

6 MR. ANDERSON: Okay. Judge, that's all I have.

7 THE COURT: Thank you. You may step down.

8 Anything else?

9 MR. ANDERSON: No, sir.

10 THE COURT: Anything you want to tell me?

11 MR. ANDERSON: Me, Judge?

12 THE COURT: Argue?

13 MR. ANDERSON: Yes, sir. I mean, if you -- in  
14 getting ready for this trial, Judge, you know, I'm -- I  
15 always thought it was going to be a manslaughter plea, but  
16 that never really materialized; so I am doing kind of last  
17 minute research and I am looking at the Castle Doctrine  
18 and, you know, I find the case that I handed up to Your  
19 Honor -- the *Duncan* case and that -- the law and that case  
20 say that you're immune if somebody is trying to get in  
21 your car.

22 Now, the testimony at this hearing was that Vinnie  
23 was misguidedly according to one witness, but according to  
24 the other witness justifiably, trying to get at the  
25 defendant to get his marijuana back. So for the state to

1 propose that the victim was trying to get at the car but  
2 not do anything when he got in the car or when he got to  
3 the car doesn't make any sense. The Castle Doctrine says  
4 you're allowed to protect yourself from somebody getting  
5 in your car. It doesn't say that if the car can move  
6 forward you have to drive forward.

7 The statute is what it is and the *Duncan* case talks  
8 about the plain reading of the statute and the plain  
9 reading of the statute---

10 THE COURT: Well, the statute says in the process of  
11 unlawfully and forcefully entering.

12 MR. ANDERSON: Well, Judge, Mr. Conn said that Vinnie  
13 was trying to get the defendant. The back window was  
14 open. They had been in a skirmish. They had been  
15 fighting. The victim kicked my client's car, is yelling  
16 at him, and is already enraged and he had a blood alcohol  
17 level of almost .21. So, I mean, what else would the  
18 person be trying to do, Judge? I mean, he's running up to  
19 the car. He's already kicked it. He's enraged. He  
20 believes that my client has something that belongs to  
21 him.

22 I mean, the crazy thing about all this, Judge, is  
23 that all three of these guys are friends. So, if your  
24 friend is acting like this and you've never seen him act  
25 like this before, I mean, what do you do? I think it's

1 impossible for us to put ourselves in that situation. My  
2 client said to Detective Savage and said today that he was  
3 panicked, and, you know, he knows he didn't steal anything  
4 from this young man. He's friends with the young man.  
5 The guy is acting in a way he's never seen him act before,  
6 and, I mean, the statute clearly says you can shoot  
7 somebody that is trying to do what this young man was  
8 trying to do.

9 THE COURT: Where does it say that?

10 MR. ANDERSON: You can use deadly force if somebody  
11 is trying to get in your car and it's presumed if they're  
12 trying to get in your car they're doing so to hurt you. I  
13 mean, I didn't write the statute, but it's there and the  
14 Castle Doctrine case that I handed up -- the *Duncan*  
15 case -- those facts seem pretty outrageous and the Supreme  
16 Court said that he had immunity from prosecution. So,  
17 this is a most unfortunate thing, but I believe the Castle  
18 Doctrine does provide immunity for Mr. Doolittle in this  
19 matter. Thank you, Your Honor.

20 THE COURT: Mr. Miller?

21 MR. MILLER: Thank you, Your Honor. Understanding  
22 that it's Mr. Anderson's motion and he has the burden of  
23 proof in this, the state still would like to offer some  
24 evidence for the Court to consider, and as a preliminary  
25 matter I think that the rules as regards hearsay would not

1 be applicable in a hearing of this type. I would like to  
2 summarize, but if Mr. Anderson opposes that we could play  
3 the defendant's statement for the Court. It is  
4 significant, Your Honor, that the defendant in his  
5 statement that he gave to Detective Savage, in fact, says  
6 that there was an altercation that was outside of the  
7 vehicle wherein Mr. Brown punched him several times. All  
8 of the rules of self-defense and not the Castle Doctrine  
9 apply in that situation.

10 He's not in his place of business. He's not in his  
11 home. He's not in his vehicle. The defendant says he  
12 went into the car and retrieved the pistol from the car  
13 and then got out of the car with the pistol. That's what  
14 the defendant says to Detective Savage.

15 MR. ANDERSON: I'm not sure that that is what's in  
16 there.

17 MR. MILLER: Well, we can play -- we'll play the  
18 thing. Your Honor, the state also has got three  
19 photographs that have been provided to Mr. Anderson.  
20 These photographs -- this photograph is from the front  
21 driver's side window of the vehicle and it has three  
22 pieces of tape -- wide pieces of tape -- on the  
23 window. This photograph is from the driver's side rear  
24 quarter panel of the vehicle and it shows two pieces of  
25 tape.

1        Those pieces of tape were placed there by Lieutenant  
2 Adams by the Aiken County Sheriff's Office who was  
3 executing a search warrant on the vehicle. Lieutenant  
4 Adams put those pieces of tape there because those were  
5 places that he believed that there were latent  
6 fingerprints that could be identified. Those are the only  
7 places where the victim's fingerprints were identified on  
8 this car. The three prints that are on the driver's side  
9 front window are from the palm -- the left palm of the  
10 victim. The fingerprints on the rear driver side quarter  
11 panel are from the victim as well, but there were no  
12 fingerprints anywhere around the door handle of the car.

13        There is no evidence that the defendant tried to get  
14 into that car, and, in fact, from Mr. Anderson's client's  
15 testimony up here today even if there were on the back  
16 door, the fact of the matter is he had been riding there  
17 earlier in the evening, but those are the fingerprints  
18 that are on the car.

19        What Mr. Doolittle says, Your Honor -- and, finally,  
20 this last picture -- I'm sorry -- shows three smudges and  
21 then a place where some paint is removed. That's adjacent  
22 to the sunroof in the vehicle and in the top left corner  
23 you can see the opening for the sunroof. Lieutenant Adams  
24 is prepared to testify that each one of those three  
25 smudges is from a muzzle blast from the gun and that the

1 bullet itself was actually what creased that top of the  
2 car as he was firing -- as the defendant was firing.

3 Your Honor, we will be more than happy for the Court  
4 to review the statement of the defendant, but the  
5 defendant makes it clear in the statement that he was in  
6 the vehicle, he was able to drive away, and that the  
7 precipitating event that got Mr. Brown shot was when he  
8 kicked this car. He got mad when Mr. Brown kicked the car  
9 and so he stuck the gun out the sunroof and he shot him  
10 and he fired at him eight times and he says he never moved  
11 while he was shooting at him from a distance of about  
12 6 feet. He hit him twice and then he drove away and he  
13 went home and reloaded his gun and he took a shower and he  
14 went to sleep.

15 He was not afraid of Mr. Brown. He didn't say he was  
16 afraid of Mr. Brown doing anything to him that night, and,  
17 in fact, he specifically said when he was asked that he  
18 was not afraid when he started shooting. He wasn't afraid  
19 for his safety. At that time he was afraid because  
20 Mr. Brown had threatened to come after his family  
21 according to him. Now, some five months later as he sits  
22 on the stand, he doesn't remember it happening that way.  
23 He doesn't remember not being scared, but he's also pretty  
24 well figured out what the Castle Doctrine says about how  
25 he has to have Mr. Brown trying to get to him inside that

1 car. He neglected to mention any of that the morning that  
2 it happened.

3 Your Honor, the state's position is there is no  
4 factual basis upon which the Court should grant the motion  
5 to dismiss under the Castle Doctrine. There is no  
6 evidence other than the statement from the defendant that  
7 is new testimony that's never been heard before in his  
8 prior statements about the fact that Mr. Brown was trying  
9 to get into the car supplemented by Mr. Anderson's  
10 testimony that Mr. Conn was up here saying yes to over and  
11 over again whenever he said was he trying to get at him  
12 and then tried to determine what getting at him meant  
13 whenever those were Mr. Anderson's words and not Mr.  
14 Conn's words in the first place.

15 Your Honor, Mr. Conn made it clear. He never saw  
16 Vinnie Brown trying to get at Mr. Doolittle. He never saw  
17 him trying to get into the car and the only time that the  
18 Castle Doctrine is applicable in this or any other case is  
19 if there is an actual attempt to enter unlawfully and  
20 forcefully and the state would submit that the defense has  
21 not even shown by the preponderance of the evidence that  
22 there was an actual attempt to enter at all, much less by  
23 force and unlawfully. Thank you.

24 THE COURT: Thank you.

25 MR. ANDERSON: Your Honor, just briefly, I don't want

1 to misspeak and I don't have a problem if Your Honor wants  
2 to review this part of the video, but, honestly, the way  
3 -- maybe I'm taking it wrong, but the way that I took  
4 Savage's questioning was, Are you afraid of Mr. Brown, and  
5 my client does say that he's not afraid of him, and,  
6 generally, he's not. All three of these boys were  
7 friends. That's why the fact that he is so enraged that  
8 night -- my client has never seen him act that way. It  
9 really got to him. I don't want to misspeak, but  
10 that's -- my notes reflect that---

11 THE COURT: What other evidence is it other than take  
12 the evidence in the light most favorable to your client?  
13 I am not sure I have to do that, but other than kicking at  
14 a car, how can I extend that to be a forcible attempt to  
15 enter into the car?

16 MR. ANDERSON: Judge, he did kick the car.

17 THE COURT: Okay.

18 MR. ANDERSON: The young man was enraged. What other  
19 reason would he have to be going after the defendant who  
20 is behind the wheel -- that he is going to run up to the  
21 car and---

22 THE COURT: Well, does the Castle Doctrine make your  
23 client immune from prosecution simply because he kicked  
24 the car and he was drunk?

25 MR. ANDERSON: And he was charging the car and he was

1   enraged and he was angry and my client said he threatened  
2   to kill him and his family.

3       THE COURT:   Okay.   All right.   I am going to take it  
4   under advisement for a few minutes.

5       MR. ANDERSON:   Thank you, Judge, and would you---

6       THE COURT:   I'll go back in chambers with my clerk  
7   and we'll come back out.

8       MR. ANDERSON:   Would you like me to pull up that part  
9   of my client's interview?

10      THE COURT:   It's your burden of proof.

11      MR. ANDERSON:   I don't want to mischaracterize what I  
12   believe he said, but I believe he said he didn't have a  
13   general fear, but---

14      THE COURT:   Mr. Anderson, you are in charge --

15      MR. ANDERSON:   Okay.

16      THE COURT:   -- of presenting whatever you want to  
17   present.

18      MR. ANDERSON:   Thank you, Judge.   The other thing  
19   that I find interesting is they never did tell him what he  
20   was under arrest for.

21      THE COURT:   That hadn't got anything to do with the  
22   Castle Doctrine.

23      MR. ANDERSON:   Thank you, Your Honor.

24      THE COURT:   All right.   Let's take about a 10-minute  
25   break.   Let me see Mr. Miller, Mr. Anderson, and the

1 Solicitor, please, and second chair.

2 (Whereupon, a break was taken and the following  
3 proceedings were held on September 11, 2012.)

4 RYAN KEITH DOOLITTLE, after being duly sworn,  
5 testified as follows:

6 THE COURT: All right. We have before me State  
7 versus Ryan Keith Doolittle, Indictment 12-GS-02-912, an  
8 indictment for murder. Yesterday we had a hearing under  
9 the Castle Doctrine. I have reviewed the appropriate  
10 cases and the statute and I find that by the preponderance  
11 or greater weight of the evidence that the defendant has  
12 failed to prove that the vehicle was in the process of  
13 being forcibly entered and I respectfully deny your  
14 motion, Mr. Anderson.

15 So where does that leave us?

16 MR. ANDERSON: Judge, we waive our our right to  
17 appeal and we'd like to proceed with this plea.

18 THE COURT: All right. As I understand from a  
19 discussion in chambers with the lawyers is that the state  
20 will allow him to plead to voluntary manslaughter. Is  
21 that correct, Mr. Miller?

22 MR. MILLER: That is correct, Your Honor.

23 THE COURT: And I assume that you have had an  
24 opportunity to discuss this with the victim's family and  
25 from an overall standpoint this is probably in my opinion

1 the appropriate disposition of the case.

2 MR. MILLER: Your Honor, we were able to speak with  
3 them yesterday following the hearing and again this  
4 morning. The family collectively has supported the  
5 offering of this plea. It is a plea without  
6 recommendation as far as sentence goes, but it is to the  
7 lesser included of voluntary manslaughter.

8 THE COURT: Thank you. All right.

9 Mr. Anderson, you are retained to represent  
10 Mr. Doolittle; is that correct?

11 MR. ANDERSON: Yes, sir, Your Honor.

12 THE COURT: And, obviously, yesterday -- he was  
13 indicted by the grand jury of the offense of murder and  
14 through your efforts and the state as I understand  
15 allowing him to plead to the lesser included offense of  
16 voluntary manslaughter; is that correct?

17 MR. ANDERSON: Yes, sir, Your Honor.

18 THE COURT: Have you explained the offense of  
19 voluntary manslaughter to your client?

20 MR. ANDERSON: Yes, sir, Your Honor.

21 THE COURT: And in your opinion does he understand  
22 that?

23 MR. ANDERSON: He does, Your Honor.

24 THE COURT: Have you further advised him that this  
25 carries a minimum of two years and a maximum of 30 years;

1 so there is a wide range in there that I have the  
2 discretion to sentence him?

3 MR. ANDERSON: Yes, sir, Your Honor.

4 THE COURT: Does he understand that?

5 MR. ANDERSON: Yes, sir, Your Honor.

6 THE COURT: Have you further advised him that it is  
7 classified as violent and that may have some effect on  
8 where and how he's housed in the Department of  
9 Corrections?

10 MR. ANDERSON: Yes, sir.

11 THE COURT: Have you further advised him that it is  
12 also classified as most serious and -- does he have a  
13 record?

14 MR. ANDERSON: No, sir.

15 MR. MILLER: Judge, his only record is a CDV that was  
16 from 2009.

17 THE COURT: This will, obviously, be his first strike  
18 and under our enhancement laws if he becomes involved in  
19 criminal activity classified as most serious another time  
20 or a second time or a serious-classified offenses two more  
21 times, then, obviously, he is subjecting himself to the  
22 possibility of life in prison without parole. Have you  
23 explained that to him?

24 MR. ANDERSON: Yes, sir, your Honor.

25 THE COURT: Have you further advised him that

1 voluntary manslaughter is a no-parole sentence which means  
2 he'll have to do 85 percent of whatever he is sentenced to  
3 before he is eligible for release?

4 MR. ANDERSON: Yes, sir, Your Honor.

5 THE COURT: In your opinion does he understand all of  
6 that?

7 MR. ANDERSON: He does, yes, sir.

8 THE COURT: Have you advised him of his right to  
9 trial by jury?

10 MR. ANDERSON: Yes, sir.

11 THE COURT: How does he indicate to you he wishes to  
12 plead -- not guilty or guilty?

13 MR. ANDERSON: Guilty, Your Honor.

14 THE COURT: Mr. Anderson, having reviewed all the  
15 evidence in the case and speaking with various people, are  
16 you in agreement with his decision?

17 MR. ANDERSON: I am. I believe this is the right  
18 charge anyway. I mean, I think this is what it's supposed  
19 to be. So, yes, sir.

20 THE COURT: I know that we've had some in-chambers  
21 discussions with the solicitor and you just all along have  
22 said this was not a murder case and I think after everyone  
23 listened to your explanation of things I think the  
24 Solicitor agreed with it and that's why they're allowing  
25 you the plead to the lesser included offense which from my

1 standpoint having looked at -- listened yesterday to the  
2 testimony taken at the hearing and it seems to me it is  
3 also the appropriate disposition of this case.

4 All right. Mr. Doolittle, are you okay?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. You were charged with murder.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: The state is allowing you to plead to the  
9 lesser included offense which is voluntary manslaughter.  
10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Under that particular offense the law  
13 allows me to sentence you anywhere from a minimum of two  
14 years to a maximum of 30 years in the Department of  
15 Corrections. Do you understand that?

16 THE DEFENDANT: Yes, sir, Your Honor.

17 THE COURT: This is an offense that is classified as  
18 violent which means that may have some effect on how and  
19 where you're housed in the Department of Corrections. Do  
20 you understand that?

21 THE DEFENDANT: Yes, sir, Your Honor.

22 THE COURT: It is also classified as most serious and  
23 under our enhancement laws that means that you now have  
24 one strike. When you are released from incarceration if  
25 you become involved in criminal activity that's classified

1 as most serious again that would be two strikes under the  
2 most serious or if you became involved in criminal  
3 activity that was classified as serious two more times  
4 that would be three strikes. Once you achieved the two  
5 strikes under the most serious or three strikes or the  
6 combination of most serious and serious you would be  
7 subjecting yourself to the possibility of life in prison  
8 without parole. Do you understand that?

9 THE DEFENDANT: Yes, sir, Your Honor.

10 THE COURT: And, likewise, voluntary manslaughter is  
11 what the legislature has classified as a no-parole  
12 sentence which means you will do at least 85 percent of  
13 the sentence before you're eligible for release. Do you  
14 understand that?

15 THE DEFENDANT: Yes, sir, Your Honor.

16 THE COURT: Do you have any questions about any of  
17 that?

18 THE DEFENDANT: No, sir.

19 THE COURT: Understanding what you're charged with,  
20 the potential sentence, the classification of violent, and  
21 the classification of most serious and its ramifications,  
22 how do you wish to plead to these charges,  
23 Mr. Doolittle -- not guilty or guilty?

24 THE DEFENDANT: Guilty.

25 THE COURT: Sir, when you plead guilty you'll give up

1 certain of your constitutional rights. One is your  
2 right to remain silent. You'll have to admit to me your  
3 involvement in this death. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: The second is that you'll give up your  
6 right to a trial by jury. Obviously, if you plead not  
7 guilty and demanded a jury trial the state would provide  
8 one to you at which time you would have the right to  
9 confront and cross examine everyone who testified against  
10 you. You would have the right to present your own case,  
11 your own defense by calling your own witnesses,  
12 introducing relevant exhibits and testifying in your own  
13 defense. If you exercised your constitutional right to  
14 remain silent, then I would inform the jury that they  
15 could not consider the fact that you did not testify and,  
16 in fact, I would instruct them that they could not even  
17 consider the fact that you didn't testify when they  
18 deliberated your guilt or innocence.

19 You would be presumed innocent throughout the trial  
20 and the State of South Carolina would have the burden of  
21 proving you guilty beyond a reasonable doubt to a jury of  
22 12 people and in order for that jury to convict you all 12  
23 people would have to unanimously agree that you were, in  
24 fact, guilty, and even if you were found guilty you would  
25 still have the right to an appeal.

1       Now, sir, do you understand your rights to trial by  
2 jury?

3       THE DEFENDANT: Yes, sir.

4       THE COURT: Understanding your rights to trial by  
5 jury, do you still wish to plead guilty or do you want me  
6 to set this case for trial?

7       THE DEFENDANT: Guilty, Your Honor.

8       THE COURT: Has anyone promised you anything, held  
9 out any hope of reward, or threatened you in any manner in  
10 order to make you plead guilty?

11       THE DEFENDANT: No, sir.

12       THE COURT: You are represented by Mr. Andy Anderson.  
13 Are you satisfied with his legal representation?

14       THE DEFENDANT: Yes, sir.

15       THE COURT: In your opinion has he had enough time to  
16 spend with you, enough time to research the law, and  
17 investigate the facts so that he can properly defend you  
18 here today?

19       THE DEFENDANT: Yes, sir.

20       THE COURT: Is there anything else you want him to do  
21 for you today before we move forward other than speak up  
22 on your behalf?

23       THE DEFENDANT: No, sir.

24       THE COURT: And I ask you again, sir, are you totally  
25 and completely satisfied with his representation?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Mr. Doolittle, are you today under the  
3 influence of any alcoholic beverages?

4 THE DEFENDANT: No, sir.

5 THE COURT: Drugs?

6 THE DEFENDANT: No, sir.

7 THE COURT: Prescription medication?

8 THE DEFENDANT: No, sir.

9 THE COURT: Sir, are you today aware of any mental,  
10 nervous, or emotional conditions which would keep you from  
11 understanding these proceedings?

12 THE DEFENDANT: No, sir.

13 THE COURT: Mr. Doolittle, are you pleading guilty to  
14 voluntary manslaughter of your own free will?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And did you, sir, here in Aiken County on  
17 or about April 28, 2012 kill one Vincent Brown by shooting  
18 him with a handgun which resulted in his death in Aiken  
19 County?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Pleading guilty to that because you are,  
22 in fact, guilty?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. I find your decision to plead  
25 guilty to be freely, voluntarily, and intelligently made.

1 You've had the representation of a very fine, excellent  
2 lawyer Mr. Anderson with whom you tell me you're satisfied  
3 and I will accept your plea. If you disagree with my  
4 sentence today or these proceedings you have 10 days from  
5 today's date to file a notice of intent to appeal. Do you  
6 understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Solicitor?

9 MR. MILLER: Thank you, Your Honor. May it please  
10 the Court. On April 28, 2012 officers with the Aiken  
11 Department of Public Safety responded to the parking lot  
12 of Verandas on the Green Apartments which was formerly  
13 known as Fairway Ridge Apartments located in Aiken County  
14 in the City of Aiken. There they encountered Mr. Conn who  
15 is one of our witnesses -- Mr. Robert Conn who is in the  
16 courtroom -- and they found the victim Mr. Vinnie Brown  
17 unresponsive on the ground. EMS responded to the scene  
18 while investigators secured the area or officers secured  
19 the area and the detectives were called out. Mr. Brown  
20 was later pronounced dead as a result of some gunshot  
21 wounds that he had sustained in the parking lot there.

22 Your Honor, the detectives for Aiken Public Safety  
23 got out there quickly and almost immediately began talking  
24 to Mr. Conn. They were able to interview him. Detective  
25 Kirk Owen with the Aiken Public Safety interviewed.

1 Mr. Conn and determined from his statement that the  
2 victim, the defendant, and Mr. Conn had all been together  
3 earlier in the evening. At some point during the evening  
4 the defendant and the victim started arguing with each  
5 other. That argument became physical and the defendant  
6 shot the victim multiple times. He was actually struck  
7 twice. There were eight shell casings found at the scene.

8 Your Honor, with that information detectives tracked  
9 down Mr. Doolittle's home, went to his residence, and  
10 there they found him, found the vehicle that had been  
11 used, seized the vehicle, had it towed to the sheriff's  
12 office, and got Mr. Doolittle, advised him of his *Miranda*  
13 rights and then elicited a confession from him.  
14 Mr. Doolittle's story was remarkably consistent with  
15 Mr. Conn's story about all of the particulars including  
16 the fact that he had shot the victim Mr. Brown.

17 Your Honor, I would like to recognize Detective  
18 Savage and Detective Moore who are in the courtroom over  
19 in the grand jury box. They were -- Detective Savage was  
20 the lead detective on this case and Detective Moore was  
21 the -- kind of in charge of getting all of the evidence  
22 together and they did a great job with this case of  
23 getting everything locked down in a position where we were  
24 able to bring this case to trial, but for this plea  
25 agreement.

1       Also, Your Honor, we would like to thank the Aiken  
2 County Sheriff's Office. They did some processing and  
3 assisted because Mr. Doolittle's residence was not in the  
4 city. It was in the county; so the sheriff's office and  
5 Public Safety worked very well together in this case not  
6 to let anything fall through the cracks.

7       Your Honor, this has been probably the most involved  
8 family that I have ever encountered in any case even in a  
9 murder case. We have several family members that are  
10 here. They have indicated -- some of them have indicated  
11 they would like to address the Court at the appropriate  
12 time. They are individually and collectively devastated  
13 by this event, as I think anybody would suspect that they  
14 would be, but each time that we have met they have also --  
15 every time that we have met somebody has said something  
16 during the course of the meeting that struck me about what  
17 a good person Vinnie Brown was and throughout the  
18 investigation of this talking to people, speaking with  
19 people from Home Depot -- he was a worker at Home Depot as  
20 you can see from the photograph up here -- anytime I ran  
21 into somebody and asked them about Vinnie Brown I have  
22 never had anybody that had anything bad to say about him  
23 and but for the incidences this night I think Mr. Anderson  
24 agrees even his client would not say anything bad about  
25 Vinnie Brown. He was loved and he is missed and we have

1 some people that would like to address the Court at the  
2 appropriate time.

3 THE COURT: Mr. Anderson?

4 MR. ANDERSON: What Mr. Miller just said is true. My  
5 client and his family miss Mr. Brown as well. This is---

6 THE COURT: From what I heard yesterday they were --  
7 I am not going to say best friends, but they were  
8 certainly friends.

9 MR. ANDERSON: They were very good friends. Vinnie  
10 had dinner at my client's house many times. My client's  
11 fiancée tells me that their kids still ask for him. I  
12 mean, it is just -- this is one of the craziest cases I  
13 have ever been involved in and it's probably the most  
14 crying people in this courtroom I have ever seen here. It  
15 is just a horrible tragedy and my client is responsible  
16 and from the day I met him he accepted his responsibility  
17 and the only issue the whole time really has been this  
18 wasn't a black-hearted killing. This was -- my client --  
19 I mean, this is just a lesson in drinking and guns and my  
20 client panicked. He loved this guy. He had never seen  
21 him act this way and he panicked and used terrible  
22 judgment and it was absolutely terrible judgment and he  
23 never has said anything otherwise.

24 We've got -- as Mr. Miller mentioned, we've got one  
25 of the most involved families on a case I've had. We've

1 got 19 people here, Judge: Mom, dad, stepmom, three  
2 grandparents, three sisters, an aunt, her fiance,  
3 mother-in-law, father-in-law, grandmother-in-law, aunt,  
4 and four friends and the godmother of their kids and these  
5 people are riding me hard just like I know the victim's  
6 family have been with Mr. Miller and I think both of us  
7 had a lot of facts kind of that we were going to pull out  
8 if this trial came to be, but it was always a manslaughter  
9 case and I don't want to debate the facts and I don't want  
10 to try the case up here because this is the right result,  
11 Judge, but just by way of explanation on a couple of  
12 little things, I did go back last night and look at the  
13 point -- it was Investigator Savage who got the confession  
14 out of my client which he really didn't have to pull out  
15 of him too hard, but Investigator Savage asks if he was  
16 afraid of him and he did say and I took it and I believe  
17 my client took it as a general, Are you afraid of him?  
18 No, I'm not afraid of him, but he had never seen him act  
19 in this case and I know it was the alcohol. I mean, it  
20 had to be the alcohol.

21 I did have -- there was an issue of whether or not my  
22 client had been struck by him and the booking photo you  
23 don't see any great injury. I did track down one of his  
24 cell mates in C-Pod and I went and met with him and his  
25 attorney and the gentleman did inform me that my client

1 did end up with a black eye and he did see that. Now,  
2 that's not a defense.

3 THE COURT: That was the black eye in the fight?

4 MR. ANDERSON: Yes, sir.

5 THE COURT: Earlier.

6 MR. ANDERSON: Before. And what happened, you know,  
7 my client breaks away from this and this young man was a  
8 very excellent athlete. He played semipro football. My  
9 client, while he is a big boy, his family informs me that  
10 he's not very athletic, but he wishes, obviously, that he  
11 hadn't pulled out the gun, but, you know, he backs up and  
12 this is going on and he just started firing. He didn't  
13 even know how many times he shot.

14 THE COURT: All he had to do was step on the gas  
15 pedal and that was it.

16 MR. ANDERSON: All he had to do was drive away, yes,  
17 sir, and there was some weird issues---

18 THE COURT: Well, we got two families that are  
19 shattered as a result of guns, alcohol, inexcusable  
20 behavior, and, Mr. Anderson, day-in and day-out we're  
21 seeing people -- how old is your client?

22 MR. ANDERSON: Twenty-four.

23 THE COURT: We're seeing people in their late teens,  
24 early 20's that are just indiscriminately using guns like  
25 maybe you were throwing a stick or something at somebody

1 without thinking of the consequences and in this case  
2 there's family with a dead loved one. You got his whole  
3 family over here with this young man going to jail. And I  
4 don't know what is going on with the young people and  
5 guns, but it certainly is creating a lot of deaths, a lot  
6 of heartache, and I don't know where we're going to end  
7 up.

8 MR. ANDERSON: Well, and especially --

9 THE COURT: Other than right here.

10 MR. ANDERSON: -- unnecessary deaths.

11 THE COURT: Unnecessary.

12 MR. ANDERSON: This is just stupid.

13 THE COURT: Unnecessary incarcerations.

14 MR. ANDERSON: One of the apartments they went in  
15 during this investigation, there is a gun. There is 22  
16 bullets on the table and there was, we counted, I want to  
17 say 16 empty beer bottles and two empty liquor bottles and  
18 five empty rolling-paper packages and---

19 THE COURT: Well, there's the ingredients.

20 MR. ANDERSON: Yes, sir.

21 THE COURT: You know, we were here yesterday. We had  
22 a young man that two occasions using guns, shot into a  
23 group of innocent people in a car and then robbed a  
24 jewelry store and shot at the man there just  
25 indiscriminately. Today we have this situation. Tomorrow

1 we'll have another situation. It is just a sad, sad state  
2 of affairs -- the use of these guns today coupled with  
3 alcohol and marijuana, whatever, and here we are one  
4 friend dead, one friend going to the Department of  
5 Corrections. Two broken families.

6 But, you know, if you're going to exercise this type  
7 of behavior and use the guns like the gangsters on TV,  
8 then this is what we end up with facing. It is sad. Two  
9 destroyed lives and all the collateral damage with the  
10 families.

11 MR. ANDERSON: Judge, my client's family has wanted  
12 to reach out to Vinnie's family from the start and I told  
13 them there would be an appropriate time for that and I  
14 have been informed that this still isn't that time; that  
15 the family has expressed to the solicitor that they really  
16 don't want to hear that today; so we weren't going to make  
17 Your Honor hear from all 19 people, but two people wanted  
18 to speak about some of that stuff and we're going to  
19 respect their wishes and not do that, but I just want the  
20 Court to know that from the start everybody including my  
21 client -- they've wanted to express that because they did  
22 like this young man.

23 THE COURT: Well, there will be an appropriate time  
24 and place for perhaps letters when some healing has done  
25 and some time has gone by and perhaps with the closure of

1 this that will be appropriate, but I'm certainly going to  
2 respect the victims' desires for that today and if you  
3 have anyone that they want to talk to me about your  
4 client, I'll be more than happy to hear that, but I am  
5 going to respect their wishes if they don't want to hear  
6 apologies.

7 MR. ANDERSON: Yes, sir, and I am just not sure if in  
8 light of that if they want to speak or not, but they do  
9 love---

10 THE COURT: Well, you know, I've been sitting up here  
11 now going on over eight years. You know how long I  
12 practiced law and you very seldom see that many people  
13 here on behalf of the defendant. He has a very strong  
14 following. Every one of them back there is crying. Bless  
15 their hearts. I just wish we could undo what happened.  
16 Of course, then I look over here at the family of the  
17 young man that is dead and, likewise, they're  
18 brokenhearted.

19 At least your family can continue to see and talk to  
20 this young man. Perhaps -- he is just 24 years old.  
21 Perhaps one day he'll get out and be able to lead a  
22 responsible life. This young man over on the other side  
23 of the coin, his life was snuffed out with eight shots  
24 fired at him.

25 MR. ANDERSON: Yes, sir.

1 THE COURT: So it's a tragic, tragic situation.

2 MR. ANDERSON: Can I look back there and see if they  
3 want to talk?

4 THE COURT: Absolutely. Anyone like to say anything?

5 MR. ANDERSON: There were two possibles. Dad would  
6 like to, Judge, please.

7 THE COURT: Come right here, please, sir. If you  
8 would give us your name, please.

9 MR. CHARLES K. DOOLITTLE: Charles Keith Doolittle.

10 THE COURT: Mr. Doolittle.

11 MR. CHARLES K. DOOLITTLE: I am the father of Ryan.

12 THE COURT: I know it must be a difficult situation  
13 for you to stand there. I have two boys and I can't  
14 imagine what you're going through. Likewise, I can't  
15 imagine what this family is going through.

16 MR. CHARLES K. DOOLITTLE: I can only imagine. It is  
17 a bad situation. You know, I remember growing up and  
18 having fights with my best friends, you know.

19 THE COURT: How did you fight them?

20 MR. CHARLES K. DOOLITTLE: We fist fought.

21 THE COURT: That's right.

22 MR. CHARLES K. DOOLITTLE: And, you know, a few hours  
23 later we was---

24 THE COURT: You know, you hit somebody with your fist  
25 like all kids growing up, you may have a black eye, or you

1 may have a bruise or you may have a cut, but you're ready  
2 to go in a couple of days. Today they fight with guns and  
3 that bullet going through you doesn't leave much chance.

4 MR. CHARLES K. DOOLITTLE: I will say I had a  
5 different speech before I come up here because I thought I  
6 was going to be able to say something else, but I raised a  
7 good boy. He was a good boy and he is still a good boy.

8 THE COURT: I don't think anybody denies that.

9 MR. CHARLES K. DOOLITTLE: He had some problems, but  
10 he loved Vinnie and he loved Bobby and I just -- he's got  
11 three babies -- a newborn and everything and they ask  
12 every day, Can I see my daddy, you know. Where is my  
13 daddy?

14 THE COURT: Well, as they get older, obviously, they  
15 can see him.

16 MR. CHARLES K. DOOLITTLE: That's right.

17 THE COURT: Vinnie's children can't.

18 MR. CHARLES K. DOOLITTLE: I will say that I know  
19 we're in a courtroom right now, but I serve an awesome God  
20 and I put all of this in God's hands and all I can do is  
21 just let God -- let his will will done, you know.

22 THE COURT: I understand.

23 MR. CHARLES K. DOOLITTLE: Can I tell my son that I  
24 love him?

25 THE COURT: Sure.

1 MR. CHARLES K. DOOLITTLE: I love you, buddy. You  
2 keep on letting the Lord just move in your life and God is  
3 going to restore and I know you loved Vinnie, too. I know  
4 you hurt over that. Thank you.

5 THE COURT: Your name, please?

6 MS. CHRISTINA FINLEY: Christina Finley.

7 THE COURT: Ms. Finley..

8 MS. CHRISTINA FINLEY: These boys -- these three  
9 boys, when they got together they were great together.  
10 They always hung out. I mean, we've shared meals  
11 together. We've come to each other for guidance. These  
12 three boys have always been very close and I'm devastated  
13 over everything because they were like our family. My  
14 children ask for their Uncle Vinnie and their Uncle Bobby  
15 and their daddy.

16 Every day I go through this and I just have to look  
17 away and I am just -- this is a horrible situation and I  
18 understand this, but we miss all of them immensely. If it  
19 wasn't one of -- I just don't know -- these boys were just  
20 like brothers. I'm just -- they all loved each other. I  
21 just don't understand why. They were always together all  
22 the time.

23 THE COURT: Well, ma'am, that makes it even more  
24 difficult. It makes it even more inexplicable. It is a  
25 bad situation. It is terrible. I wish we could undo it.

1 MS. CHRISTINA FINLEY: I love him --

2 THE COURT: I wish they weren't using guns.

3 MS. CHRISTINA FINLEY: -- and I care about him and I  
4 know -- I miss our friends. I miss everything that we've  
5 always done together.

6 THE COURT: Thank you.

7 MR. ANDERSON: This is a new one, Judge. I don't  
8 know---

9 THE COURT: Yes, ma'am, and your name, please?

10 MRS. DENA FINLEY: I am Dena Finley. I am  
11 Christina's stepmother. I'm sorry all of this has  
12 happened, but I'm just begging you please don't send him  
13 so far away to where he can't see his children.

14 THE COURT: Ma'am, I don't have any control once I  
15 sentence him as to where they put him. He'll be in the  
16 State of South Carolina. I know that.

17 MRS. DENA FINLEY: He hasn't even seen his baby yet.  
18 I know this boy, too. He is not a bad guy. He stayed at  
19 my house while my husband had a business in Columbia.  
20 They stayed with me, helped me out. He did everything he  
21 could to help me out. He is a good guy.

22 THE COURT: I don't doubt that. A good guy that's  
23 done something horribly wrong.

24 MRS. DENA FINLEY: I know that. I'm aware of that,  
25 but I think he felt threatened.

1 THE COURT: Thank you.

2 MRS. DENA FINLEY: Thank you.

3 MR. ANDERSON: Judge, we had talked to the entire  
4 family. Two people were going to speak.

5 THE COURT: That's fine.

6 MR. ANDERSON: I'm sorry. I'm sorry. Judge, my  
7 client has been in jail since April 28. That's 136 days  
8 per the jail sheet. He did cooperate with Investigator  
9 Savage. His wife actually came in and gave a statement  
10 that early morning as well because she knew something bad  
11 had happened. My client, you know, stayed in jail.

12 Early on he was brought over here for a bond hearing  
13 that really we didn't -- I don't know even how it got set,  
14 but when we got over here and the family was here and  
15 everyone was upset we withdrew that bond hearing and he's  
16 just stayed in jail ever since. He knew he was going to  
17 do prison time. There was no reason to get out.

18 You got a hint of what the case was in our hearing  
19 yesterday and it was just senseless. All we ask Your  
20 Honor to consider would be that this wasn't a  
21 black-hearted killing. This was stupid panic and I hope  
22 in light of how it's been handled Your Honor have some  
23 amount of leniency for him, but we know it's going to be a  
24 very, very severe sentence. We understand that, Judge.  
25 Thank you, Your Honor.

1 THE COURT: Mr. Doolittle, anything you want to tell  
2 me?

3 THE DEFENDANT: (No response)

4 THE COURT: I think I understand.

5 MR. MILLER: Your Honor, we have several members of  
6 the family. They're not all going to speak, obviously,  
7 but we have several members of the family that wanted to  
8 address the Court. We've asked them to be as brief as  
9 possible. The first is the victim's sister Ms. Tiffany  
10 Brown.

11 THE COURT: Ms. Brown?

12 MS. TIFFANY BROWN: Good afternoon.

13 THE COURT: Speak up just a little bit for me.

14 MS. TIFFANY BROWN: I just wanted to say that I can't  
15 -- I'm 25. Me and Vinnie are two years --

16 THE COURT: How old was Vinnie?

17 MS. TIFFANY BROWN: Twenty-three. We're two years  
18 apart, and except after his birthday in October, then we  
19 were just a year apart for those few weeks, but I can't  
20 explain to you how that Saturday morning knocking at the  
21 door and I thought it was one of my friends playing around  
22 and I go to the door and ask who it is and they tell me  
23 it's public safety and I opened the door and they tell me  
24 we're here about Vincent and my first thought was that  
25 Vinnie was in a car accident because Vinnie had a Mustang

1 and sometimes he liked to, you know -- I thought, well,  
2 maybe he had an accident and I'm thinking I got to run  
3 back to my room and put shoes on and wake mommy up and,  
4 you know, tell her so we can go to the hospital, and and  
5 tell me he was shot and that he died, and I felt like I  
6 had been hit by a bus.

7 That was the worst day of my life. I miss my brother  
8 so much. We -- my family is so close and it just feels  
9 like -- I don't look forward -- I'm not looking forward to  
10 Thanksgiving because Vinnie is what made the holidays fun  
11 because everybody knows he is like such a big eater, you  
12 know. He is what made the holidays.

13 His birthday is in October, and we've never been  
14 separated except when he went to football camp and he went  
15 to a vacation at Myrtle Beach and was at his friend's  
16 wedding, but that's it and since we moved down here, you  
17 know -- when we moved down here from New York mommy called  
18 us the three musketeers because we had to stick together  
19 and I can't explain what this has done to our family.

20 I miss him. He was -- he was such a good person. He  
21 had -- we've never had harsh words with each other. The  
22 worst thing we said to each other -- call each other like  
23 fat head or something. That's the worst thing we said to  
24 each other. He didn't even get upset with me when I  
25 backed into his Mustang and nobody is happy anymore.

1       The day after Vinnie died we were supposed to go to  
2 Golden Corral and celebrate everybody's birthday and we  
3 won't be doing that anymore because it just changed  
4 everybody's life and that was the only brother I had. It  
5 was just the two of us and I just miss him.

6       THE COURT: Thank you.

7       MR. MILLER: Ms. Ajaree Tyler. Ms. Tyler is also a  
8 cousin of Mr. Brown.

9       THE COURT: Ms. Tyler?

10       MS. AJAREE TYLER: Dear Judge, I don't know where to  
11 begin. Our family was a whole and now it's been broken.  
12 Our family will never be the same. Vinnie was caring and  
13 loving person. He would always make people laugh. Vinnie  
14 was like my brother. I can tell him anything and he would  
15 never judge me. I am very blessed that I got to see  
16 Vinnie that Friday before he left us. I would never in a  
17 million years think he would be gone and now I can't even  
18 talk to him. I can only talk to the grave. I am thankful  
19 to say that Vinnie Nicholas Brown was my cousin and I hope  
20 that Ryan thinks about his actions every day just as we  
21 miss Vinnie every day.

22       THE COURT: Thank you.

23       MR. MILLER: Christine Cullum.

24       THE COURT: Ms. Cullum?

25       MS. CULLUM: My name is Christine Cullum. To know

1 Vinnie was to love Vinnie. Anyone who came in contact  
2 with Vinnie can only have a positive attitude about him.  
3 He was a wonderful son who always gave his mother the  
4 utmost respect, never even raised his voice to her. He  
5 was a brother that was always there when Tiffany needed  
6 him. He was an uncle that Nyla looked up to. He was a  
7 friend when you needed to hear a friendly word. He was a  
8 grandson that was always there at the drop of a dime to  
9 help out no matter what. He was a cousin who I could  
10 always count on to make me laugh even when I didn't want  
11 to.

12 I know it may sound strange, but I don't want Ryan  
13 Doolittle to be put to death as punishment. I would like  
14 him to spend the rest of his life day-in and day-out  
15 thinking of what a selfish act it was to take Vinnie's  
16 life into his own hands. Not only has he hurt our  
17 family, he has hurt his as well. May God have mercy on  
18 his soul.

19 THE COURT: Thank you.

20 MR. MILLER: Your Honor, Mr. Robert Conn who is the  
21 witness -- the third party here -- had expressed an  
22 interest in speaking, but I want to hold him off for right  
23 now because I'd like to get the family members up here.  
24 Ms. Mims has actually got a letter from the aunt that we'd  
25 like to get read.

1           THE VICTIM'S ADVOCATE: Dear Judge, as his aunt  
2 Martha Tyler I would like you to know how this event has  
3 devastated our close-knit family. Vinnie was the life of  
4 our family. He always made us laugh. He enjoyed life.  
5 At holidays or other gatherings Vinnie was always the one  
6 who made us smile. He enjoyed and loved his family.  
7 Vinnie was a fine young christian man. He was determined  
8 to make something out of himself. I admire Vinnie for  
9 being level-headed.

10           This family will never be the same again. We rely on  
11 our faith in God to keep us going. There is a void that  
12 only God can fill. I remember that Vinnie used to call me  
13 the food police because at holiday dinners I would make  
14 sure everyone got a share of certain dishes prepared.  
15 That always made me laugh. I will miss those times. His  
16 cousins from New Jersey are not to speak -- are not here  
17 to speak, but I know they miss him. When Brandon came to  
18 visit a few weeks ago he visited Vinnie's grave. He  
19 kneeled down and cried. This has been rough on him. They  
20 were very close. They e-mailed and texted each other  
21 often. This has been the roughest thing this family has  
22 ever gone through.

23           Your Honor, when sentencing the defendant please keep  
24 in mind how this senseless act as changed our lives  
25 forever. The defendant shall receive what he justly

1 deserves. Vinnie is gone forever. We won't hear him  
2 laugh, hear his funny imitations, or see him enjoying our  
3 cooking. We miss him so much. Martha Tyler.

4 MR. MILLER: Next would be Ms. Juanita Tyler. This  
5 would be Mr. Brown's grandmother. We have told them if it  
6 was too difficult for them to speak that Ms. Mims would  
7 read letters for them.

8 MS. JUANITA TYLER: Dear Judge, a precious one from  
9 us is gone. A voice we loved is still. A place is vacant  
10 in our home which never, never can be filled. I have such  
11 a hard time trying to say something about my grandson. I  
12 feel so nervous. I feel so jittery, but on behalf of my  
13 grandson he was such a precious soul. I have to say, Lord  
14 have mercy on his soul. Have mercy on the soul of the man  
15 that gunned him down. We must forgive. The Lord says we  
16 must forgive in order to be forgiven.

17 I think about my grandson. We migrated here from New  
18 York 20 years ago. We brought with us our grandson  
19 because his mother had to wait to get a transfer to come  
20 down to South Carolina and ever since then Vinnie has been  
21 just like our own son. I have such feelings for him in my  
22 heart. Nothing is the same since Vinnie has been gone.

23 On April 28 our world stood still and ever since then  
24 we've had nothing but heartaches, despair, distraught. I  
25 look at my daughter. I didn't lose only a grandson, but I

1 almost lost my daughter because she's so distraught.  
2 She's not the same girl. My granddaughter -- her only  
3 brother is gone. All we see the sadness. The whole  
4 summer -- this is the saddest summer I have ever  
5 experience in my life.

6 I had this paper here to write, but in my heart I  
7 have to say what's in my heart. We will never, never  
8 forget our grandson. Lord have mercy on his soul. Please  
9 Lord, please Lord.

10 THE COURT: Thank you very much.

11 MS. JUANITA TYLER: Thank you.

12 MR. MILLER: And, Judge, finally, Ms. Patricia Brown,  
13 Vinnie's mother.

14 MS. PATRICIA BROWN: I want to thank the Court for  
15 giving me this time to talk about my son. I have a lot of  
16 stuff on paper, but I think it's better if I just say what  
17 I had to say. One thing I want to say is there's been so  
18 much talk about them loving each other, Bobby, this  
19 gentleman, and my son. My son never mentioned  
20 Mr. Doolittle's name. My son would always talk about his  
21 friend, but I come to think of them as acquaintances  
22 because he never mentioned Mr. Doolittle's name or going  
23 out. I used to always ask my son, Vinnie, where are you  
24 going? He'd say to Bobby's house or Kela's house. He  
25 never mentioned the time that they spent. I never heard

1 his name until the day he was killed. That's what I know  
2 of him -- as an acquaintance, not a loving friend.

3 I always taught my son in a christian manner to be in  
4 this world but not of this world. Don't take part in what  
5 the world tries to conform you to be. Be yourself and  
6 what God wants you to be because in the end that's what is  
7 going to matter. My son was a devoted son. He cared  
8 about his family. He lost his father last year in April  
9 and my son never faltered in being the man that I wanted  
10 him to be and the man that he wanted to be. He was just  
11 respectable person. He cared about authority. He never  
12 raised his voice to me or my parents or anyone. He always  
13 had the utmost respect for authority.

14 When Scottie Richardson died and Officer Sandy, he  
15 had such -- that had such an effect on him because my son  
16 was studying so hard to get his bachelor's degree because  
17 he wanted to become a policeman. That's what he talked  
18 about all the time. I didn't want him to become a  
19 policeman because I was afraid he was going to get shot,  
20 but I knew in my heart I couldn't sway him from that  
21 because he had to be happy in what he did and after they  
22 died I asked him, Do you still want to be a policeman? He  
23 said, Yes, mama. I said, Vinnie, why? He said, I want to  
24 be of service to people. I want to help those who can't  
25 help themselves and I want people to look up to me as a

1 person that they can confide in and talk to and look for  
2 safety.

3 My son was an usher in the church. I brought my  
4 children up in the church and he performed in such a  
5 manner that showed people what type of person he was and  
6 he loved people. He always wanted to help and he never  
7 had a bad thing to say. Sometimes my sister and I would  
8 get on the phone and, you know, women, they gossip and say  
9 things, and when I hung the phone up my son always heard  
10 what I said and he said to me, Mommy, why do you and Lois  
11 talk like that? You shouldn't talk about people. And it  
12 affected me. I learned from my son how to be a person of  
13 substance and that's what he was.

14 My son was working so hard towards his degree. That  
15 last week of his life it was a hard week because he was  
16 studying so intensely. I would get up in the middle of  
17 the night sometimes and I'd peek in his room and I would  
18 say, Vinnie, you're still up. I said, You better go to  
19 bed, honey, and get some rest. He said, Mommy, I will. I  
20 will. I am just studying. And that was the hardest week  
21 I have ever seen him devote himself to his studies because  
22 he was studying calculus -- that one subject that was  
23 tough for him and he devoted so much time that week and I  
24 didn't get to chance to talk to him like I usually talk  
25 and that night -- that Friday night -- that Friday night

1 he had completed his studies and I believe he took the  
2 test -- it had to be an online test or it could have been  
3 the test that he took that day when he went to school that  
4 morning and when he came home that evening after work -- I  
5 usually lent him my car that day to save on gas because,  
6 you know, I work at home plenty of times. He said, No,  
7 mommy, I am going to go to school and then go to work  
8 right after. So I didn't give him my car.

9 When he came home that evening I made him a sandwich  
10 because I had remembered -- I said this is a good sandwich  
11 because it is made out of love because I know he liked to  
12 eat and I made him a sandwich and it was getting late and  
13 I laid down for a little bit and he came in my room and I  
14 said, Vinnie, where are you going tonight? He said, I am  
15 going to Bobby's house, Mommy, and I remember he stood at  
16 my door and we talked a little while and then he went and  
17 he got dressed and I kind of dozed off and then he woke me  
18 up and said, Mommy, I am leaving, and I didn't look at his  
19 face. I just looked at the bottom part of him and I saw  
20 what he was wearing -- his striped shirt and his dark  
21 shorts -- and I said, Vinnie, you be careful now. You be  
22 careful and remember to lock the top lock, and he said,  
23 Okay, mommy, I will. That's the last time I saw my son's  
24 face.

25 That next morning at 6 o'clock my daughter came in my

1 room and it was somebody standing behind her. I saw this  
2 figure standing behind her and I said, Tiffany, what's  
3 wrong? She said, Mommy, can you come out for a minute? I  
4 put my robe on. I went into the living room. That's  
5 where I saw the policeman standing there and I got nervous  
6 and my daughter said, Mommy, Vinnie -- she didn't have to  
7 say anything else.

8 I knew what was happening and I looked to the police  
9 officer and I said, What is it? He said, Ma'am, your son  
10 has passed away. That's like the whole world came  
11 crushing in on me and I said, How did he die? When he  
12 said he was shot, Oh, God, I said, Oh, my Lord. How could  
13 this be? Because my son never hung around anybody who had  
14 guns or violence. He never hung around people like that  
15 because he wanted to make something of himself. He didn't  
16 want to be known as another person with violent life and  
17 guns. He wanted to make something of himself.

18 And so I asked the Lord to help me and I said the  
19 23rd Psalm, the Lord is my shepherd. I remember saying  
20 that and that whole week was involved with his funeral  
21 and the wake and when Friday came we went to the wake  
22 and I saw my son lying there in that casket, I walked up  
23 to him. That was my Vinnie. I cupped his face and I  
24 kissed his forehead. I said, Oh, my Vinnie. How could  
25 this be?

1           And I saw people coming in there and I saw his coach.  
2   His coach. His coach came in and he was devastated and I  
3   said, Who is this man? I never met his coach. I just saw  
4   him in the field as he played football. And he was  
5   crushed. This big, strong man crushed and all the  
6   teammates were around him and then the next day the  
7   funeral -- all these people came up and said good things  
8   about my son because he was good and my daughter came up  
9   and spoke and I went up there with her and she spoke of  
10   all the joys that he gave the family and then when she sat  
11   down I looked at my son's casket over there and I sang to  
12   him. I said, because he lives -- I sang that song for my  
13   son and then after the viewing -- the final viewing when  
14   me and my daughter went up there and they had the casket  
15   open and on either side was his Home Depot aprons with all  
16   the signatures and in the middle was his t-shirt -- his  
17   jersey from the Georgia Pirates in the middle and the  
18   Bible just like this Bible he had in his hands and I  
19   touched his face. I touched his face. I said I wanted to  
20   see that sweet face again. And then the funeral director  
21   allowed us to close the casket and we folded everything up  
22   and as the casket went down and I looked at that face and  
23   it was getting darker and I knew I would never see that  
24   face again.

25           So, Your Honor, I'm just telling you how I felt about

1 my son, and I forgive Ryan Doolittle for what he's done to  
2 my son. I forgive him because I know if I don't forgive  
3 him God won't forgive me and I won't get to Heaven to see  
4 my son again because that's all I live for now -- that day  
5 when I can see his face at the foot of my bed on my dying  
6 bed. I want to see his face. So I forgive him, but I  
7 want him to be punished for what he's done to me and my  
8 family because I won't ever be able to see my baby's face  
9 again. Never again. I just want you to know that. Thank  
10 you.

11 MR. MILLER: Your Honor, there is really not anything  
12 meaningful I can add to that.

13 THE COURT: No, there's not.

14 MR. MILLER: Thank you for allowing everyone to  
15 speak.

16 THE COURT: Mr. Doolittle, I've said many times up  
17 here on this bench that no one loves you like your mother.  
18 Quite honestly, I have never heard a testament like the  
19 one this lady gave for her son. The sentence of the Court  
20 is that you be committed to the State Department of  
21 Corrections for a period of 20 years. Good luck to you.

22 (End of Transcript of Record.)  
23  
24  
25

CERTIFICATE OF REPORTER

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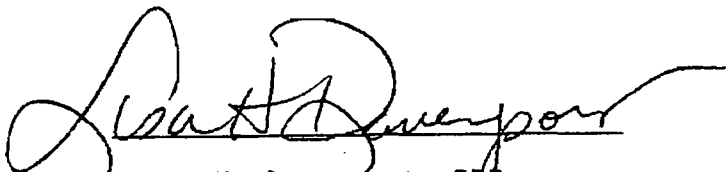
State of South Carolina  
County of Aiken

)  
)  
)

I, Lisa H. Davenport, Official Court Reporter for the  
Second Judicial Circuit of the State of South Carolina, do  
hereby certify that the foregoing is a true, accurate and  
complete Transcript of Record of the proceedings had and  
evidence introduced in the trial of the captioned case,  
relative to appeal, in the Court of General Sessions for  
Aiken County, South Carolina, on the 10th and 11th days of  
September, 2012.

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

October 21, 2013



Lisa H. Davenport, RRR

STATE OF SOUTH CAROLINA

County of Aiken

Ryan Keith Doolittle SDC# 352325  
Full name and prison number (if any) of Applicant

v.

**State of South Carolina**

IN THE COURT OF COM

**APPLICATION FOR  
POST-CONVICTION RELIEF**

**INSTRUCTIONS - READ CAREFULLY**

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

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

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

1. Place of detention JCDC McCormick Correctional Institution  
356 Redemption Way McCormick SC 29899
2. Name and location of Court which imposed sentence In the court of General Sessions, County of Aiken, State of South Carolina
3. Name(s) of co-defendant(s) (if any) n/a
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:  
(a) 2012GS0200912 Manslaughter/Voluntary Manslaughter  
(b)

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) September 11, 2012 20 years
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ☒
- (b) after a plea of not guilty \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (c) the date of each such result:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Did not appeal on advice of plea attorney. Was advised that → (cont.) on back
- (b) \_\_\_\_\_

---

9.9) sentence would be extended to maximum allowed if Applicant was to appeal.

- (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Applicant was denied the effective assistance of counsel in → (cont.) on back
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Counsel failed to call upon expert witness to present → (cont.) on back
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

10. a) → (cont.) violation of the sixth and fourteenth amendments to the United States Constitution and South Carolina law as a result of counselor failing to bring forth evidence and testimony of expert witness during plea hearing or at any other time.

11. a) → (cont.) finding of expert evidence. Including expert findings of mitigating circumstances to be considered by the Court before imposing sentence. Applicant does not have Post-Conviction Counsel at this time. Further, I do not yet have a full copy of counsel's file, access to discovery, access to funds for expert and investigative services, or any ability to conduct an investigation. Given these limitations, I cannot provide further information regarding additional claims available to me.

(c) the disposition thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

NO

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

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

(a) Ineffective assistance of Counsel. - No previous direct or PCR appeal. (cont.)  
 (b) \_\_\_\_\_ on  
 (c) \_\_\_\_\_ back

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

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

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

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

i. Andy Anderson 211 York St, NE Aiken, SC 29301

ii. \_\_\_\_\_

iii. \_\_\_\_\_

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

i. Anderson - arraignment and plea

ii. Anderson - sentencing

iii. \_\_\_\_\_

---

16. a) No previous appeal made on the advice of counsel at plea hearing.

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

Applicant seeks relief from his convictions and sentences.

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

NO

STATE OF SOUTH CAROLINA )

County of Aiken )

VERIFICATION

I, Ryan Keith Doolittle, 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.

Ryan Doolittle

SWORN to and subscribed before me this 15  
day of August, 2013.

QC Frankle (L.S.)  
Notary Public

My Commission Expires: 12-16-2019

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

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

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

Ryan Doolittle  
Applicant

SWORN or affirmed to and subscribed before me this  
15 day of August, 2013.

J. C. Franklin  
Notary Public

My Commission Expires: 12-16-2015

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| STATE OF SOUTH CAROLINA        | ) | IN THE COURT OF COMMON PLEAS    |
| COUNTY OF AIKEN                | ) | FOR THE SECOND JUDICIAL CIRCUIT |
|                                | ) |                                 |
|                                | ) | 2013-CP-02-01868                |
|                                | ) |                                 |
| Ryan Keith Doolittle, #352325, | ) |                                 |
|                                | ) |                                 |
| Applicant,                     | ) |                                 |
|                                | ) |                                 |
| v.                             | ) | <b>RETURN</b>                   |
|                                | ) |                                 |
| State of South Carolina,       | ) |                                 |
|                                | ) |                                 |
| Respondent.                    | ) |                                 |

---

The Respondent, making its Return to the application for post-conviction relief filed August 19, 2013, 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 Aiken County Clerk of Court. The Applicant was true bill indicted at the July 2012 term of the Aiken County Grand Jury for Murder (2012-GS-02-00912). He was represented by Andy Anderson, Esquire. On September 11, 2012, the Applicant pled guilty as indicted without negotiations or recommendation before the Honorable Doyet A. Early, III. He was sentenced to twenty years imprisonment for the voluntary manslaughter. Applicant did not appeal his conviction.

Attached herewith and incorporated herein are the records of the Aiken County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and if available, the guilty plea transcript. 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 reasons:

1. "Ineffective Assistance of Counsel."
  - a. "Violation of the sixth and fourteenth amendments to the United States Constitution and South Carolina law as a result of counselor failing to bring forth evidence and testimony of expert witness during plea hearing or at any other time."

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

## III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, 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, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Strickland, 466 U.S. 668. 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, 106 S.Ct. 366, 88 L.Ed. 2d 203 (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 either expressly admitted, qualified or explained is hereby denied.

#### V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

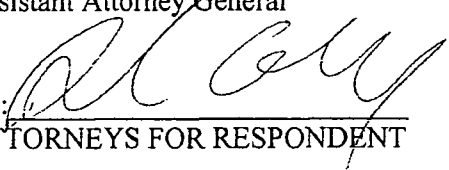
Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

KAREN C. RATIGAN  
Senior Assistant Deputy Attorney General

DANIEL GOURLEY  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

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

October 25, 2013.

|                                |   |                              |
|--------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA        | ) |                              |
|                                | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF AIKEN                | ) |                              |
|                                | ) |                              |
|                                | ) | 2013-CP-02-01868             |
|                                | ) |                              |
| RYAN KEITH DOOLITTLE, #352325, | ) |                              |
|                                | ) |                              |
| 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** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Lance S. Boozer, Esquire**  
**The Boozer Law Firm, LLC**  
**602 Meeting Street, Suite A**  
**West Columbia, SC 29169**

DATED this the 25<sup>th</sup> day of October, 2013.

  
 Caroline Kaiser, Legal Assistant  
 For Respondent

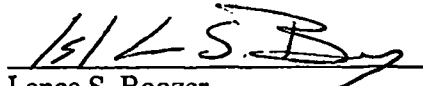
|                                |   |                              |
|--------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA        | ) | IN THE COURT OF COMMON PLEAS |
|                                | ) | SECOND JUDICIAL CIRCUIT      |
| COUNTY OF AIKEN                | ) | C/A NO: 2013-CP-02-1868      |
|                                | ) |                              |
| Ryan Keith Doolittle, #352325, | ) |                              |
|                                | ) |                              |
| Applicant,                     | ) |                              |
|                                | ) | AMENDMENT TO PRIOR           |
| v.                             | ) | APPLICATION FOR PCR          |
|                                | ) |                              |
| State of South Carolina,       | ) |                              |
|                                | ) |                              |
| <u>Respondent.</u>             | ) |                              |

The Applicant, through appointed counsel below, makes the following additional claim and amendment to his prior application for post-conviction relief filed August 19, 2013:

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

(a) Involuntary Guilty Plea.

THE BOOZER LAW FIRM, LLC



Lance S. Boozer  
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Columbia, South Carolina  
July 15, 2014

|                               |   |                                     |
|-------------------------------|---|-------------------------------------|
| STATE OF SOUTH CAROLINA       | ) | IN THE COURT OF COMMON PLEAS        |
|                               | ) | SECOND JUDICIAL CIRCUIT             |
| COUNTY OF AIKEN               | ) | C/A NO: 2013-CP-02-1868             |
|                               | ) |                                     |
| Ryan Keith Doolittle #352325, | ) |                                     |
|                               | ) |                                     |
| Applicant,                    | ) |                                     |
|                               | ) | <b>AFFIDAVIT OF SERVICE BY MAIL</b> |
| v.                            | ) |                                     |
|                               | ) |                                     |
| State of South Carolina,      | ) |                                     |
|                               | ) |                                     |
| <u>Respondent.</u>            | ) |                                     |

I, the undersigned, of the Boozer Law Firm, LLC, Attorney for Applicant, do hereby certify that I served the foregoing Amendment to Prior Application for PCR upon the persons below-listed by placing a copy, postage prepaid, in the United States Mail, addressed as follows:

Daniel Gourley  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211

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Columbia, South Carolina  
July 15, 2014

1 STATE OF SOUTH CAROLINA

2 COUNTY OF AIKEN

CIRCUIT COURT  
2013-CP-02-01868

3  
4 RYAN DOOLITTLE,  
5 Applicant,

6 -vs-

TRANSCRIPT OF RECORD

7 STATE OF SOUTH CAROLINA,  
8 Respondent.

9  
10 Post Conviction Relief Hearing

11 Heard on Monday, May 18, 2015

12 Aiken, South Carolina

13  
14 BEFORE:

15 THE HONORABLE TANYA A. GEE

16  
17  
18 APPEARANCES:

Counsel on Behalf of the Applicant:

19 Lance S. Boozer, Esq.

20 Counsel on Behalf of the Respondent, State of SC:

21 Daniel F. Gourley, II, Esq.

22  
23 Cheri L. Young, RPR  
24 Circuit Court Reporter  
25 P O Box 5232  
Aiken, SC 29803-5232

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## EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

1 ON MONDAY, MAY 18, 2015 AT 1:22 P.M.:

2 THE COURT: Mr. Gourley, would you like to call the  
3 next case, please?

4 MR. GOURLEY: Yes, Your Honor. We're going to do  
5 Ryan Doolittle.

6 This is Ryan Doolittle versus the State of South  
7 Carolina. Docket Number 2013-CP-02-0168.

8 He is presently confined in the South Carolina  
9 Department of Corrections pursuant to orders of commitment  
10 of the Aiken County Clerk of Court. He was true bill  
11 indicted at the July 2012 term of the Aiken County Grand  
12 Jury for murder. He was represented by Mr. Andy  
13 Anderson. On September 11th, 2012, he pled guilty as  
14 indicted without negotiations or recommendations before  
15 the Honorable Doyet A. Early the Third. He was sentenced  
16 to 20 years imprisonment for voluntary manslaughter and he  
17 did not appeal his conviction or sentence.

18 He filed a timely application for post-conviction  
19 relief on August 19th, 2013, and an amended application on  
20 July 15, 2014, alleging an involuntary guilty plea. The  
21 State filed its return on November 11th, 2013. He's  
22 represented in this matter by Mr. Boozer.

23 THE COURT: All right. Mr. Boozer?

24 MR. BOOZER: Thank you, Your Honor. We'll go ahead  
25 and call Mr. Doolittle to the stand.

RYAN KEITH DOOLITTLE - DIRECT BY BOOZER

1 THE COURT: All right.

2 RYAN KEITH DOOLITTLE, having been duly sworn, was  
3 examined and testified as follows:

4 THE CLERK: Please have a seat in the witness box  
5 and state your full name for the Court.

6 THE APPLICANT: My name is Ryan Keith Doolittle.

7 DIRECT EXAMINATION

8 BY MR. BOOZER:

9 Q. How are you doing, Mr. Doolittle?

10 A. Fine.

11 Q. Okay. If you could, just speak up for me a little  
12 bit so Madam Court Reporter can take down everything that  
13 you're saying today and so that we can all hear you.

14 Okay?

15 A. Yes, sir.

16 Q. All right. Now, do you know why you're here today?

17 A. Yes, sir.

18 Q. And why is that?

19 A. A PCR.

20 Q. Okay. You've filed what's called a post-conviction  
21 relief application?

22 A. Yes, sir.

23 Q. Okay. And you understand that what you're asking  
24 for, you're asking this Court to grant you a new trial on  
25 your original charges; is that correct?

RYAN KEITH DOOLITTLE - DIRECT BY BOOZER

1 A. Yes, sir.

2 Q. And now currently you're serving a 20-year sentence  
3 for voluntary manslaughter?

4 A. Yes, sir.

5 Q. Were you -- what were you originally charged with?

6 A. Murder.

7 Q. Okay. Now you understand and I've explained to you  
8 before during our discussions that the only thing this  
9 Court can do is grant you a new trial. It can't reduce  
10 your sentence or cut any time or anything like that.

11 A. Yes, sir.

12 Q. And knowing that if you were successful today and  
13 had a new trial there is a possibility that, let's say  
14 that you got a new trial and for whatever reason  
15 everything didn't work out to how you hoped for it to work  
16 out you could possibly receive much more time on a murder  
17 conviction than what you've got --

18 A. Yes, sir.

19 Q. -- left? And knowing that risk, you still want to  
20 go forward?

21 A. Yes, sir.

22 Q. Okay. Now obviously you filed an application for  
23 post-conviction relief and in that you've alleged -- tell  
24 the Court what you've alleged.

25 A. The first point is Mr. Anderson wasn't thorough in

RYAN KEITH DOOLITTLE - DIRECT BY BOOZER

1 researching and presenting the evidence and the  
2 stipulations around the Castle Doctrine, the motion for a  
3 dismissal that was filed. And during the sentencing phase  
4 he wasn't, he didn't present the evidence that was  
5 gathered by a private investigator as to my guilt -- or my  
6 actions, rather, or the intent behind my actions.

7 Q. Okay. Let's talk a little bit about each of those  
8 issues. You said Mr. Anderson. Who was your lawyer for  
9 your plea?

10 A. Andy Anderson.

11 Q. And was he retained or appointed to represent you?

12 A. Retained.

13 Q. Now you've made reference to him, I think what you  
14 said was not doing the research or being prepared for  
15 something called the Castle Doctrine?

16 A. Yes, sir.

17 Q. Were you originally going to trial on this case?

18 A. Yes, sir.

19 Q. Okay. Tell the Court a little bit -- and the  
20 Court's obviously reviewed the transcript and whatnot, but  
21 just for the record what was it that you -- did you go  
22 before a judge before your trial and argue a motion, or  
23 your lawyer did for you about the Castle Doctrine?

24 A. Yeah. He just actually -- he came out of nowhere  
25 and told me that we were going to argue the Castle

RYAN KEITH DOOLITTLE - DIRECT BY BOOZER

1 Doctrine as a motion of dismissal. And that was really  
2 all he said about it.

3 Q. Okay. And prior to your -- the argument of the  
4 motion, when did you discover that your lawyer was going  
5 to make this motion and argue this at trial?

6 A. Right before he made the motion.

7 Q. Had you had any discussion with Mr. Anderson prior  
8 to that motion being made about this?

9 A. He had mentioned it, but I hadn't heard anything  
10 else about it until he brought it up.

11 Q. Okay. Tell me exactly if you recall what your  
12 discussions were with Mr. Anderson about this motion.

13 A. He told me about the Castle Doctrine saying that it  
14 says you have a right to defend yourself with deadly force  
15 in your home or in your vehicle. And seeing as how I was  
16 in my vehicle at this case, that it pertained to me and  
17 that we were going to argue that.

18 Q. And just for way of background. What was the  
19 nature of the allegations that led to your plea against  
20 you? What was it alleged that you had done?

21 A. Shot and killed a man over an argument while I was  
22 in my vehicle and he was outside my vehicle.

23 Q. Okay. So, when did you first hire -- excuse me.  
24 When did you first hire Mr. Anderson?

25 A. I can't say for certain. On or around July.

RYAN KEITH DOOLITTLE - DIRECT BY BOOZER

1 Q. Around July of what year?

2 A. 2012.

3 Q. And when -- so how long had Andy been, or  
4 Mr. Anderson been your lawyer before you ended up pleading  
5 guilty?

6 A. Three months, about.

7 Q. Okay. During those three months, how many times  
8 did you meet with Mr. Anderson?

9 A. Can't say for certain. It was numerous times.

10 Q. Okay. And were you out on bond or was he coming to  
11 see you in the county jail?

12 A. I was in the county jail. Yes, sir.

13 Q. What did you two discuss during your meetings?

14 A. It ranged from just checking up, seeing how I was  
15 doing to what new information he had for me as far as how  
16 the case was going.

17 Q. All right. Based on your meetings with  
18 Mr. Anderson, did you feel that he was prepared to try  
19 your case?

20 A. Yes, sir.

21 Q. You did feel that he was prepared to try your case?

22 A. Yes, sir.

23 Q. But was this aspect of the Castle Doctrine coming  
24 in, was that just something that happened at the last  
25 minute that you didn't know about?

RYAN KEITH DOOLITTLE - DIRECT BY BOOZER

1 A. Yes, sir.

2 Q. You were testifying earlier to one of your  
3 allegations about a private investigator. Tell the Court  
4 a little bit more about that.

5 A. Andy had, we hired a private investigator to  
6 recreate the crime scene. And to my knowledge the private  
7 investigator's findings were to show that I couldn't have  
8 shot the man on purpose because where he was and where I  
9 was and the position, the way everything was set up, I  
10 couldn't see him where I was firing the gun at.

11 Q. Okay. Was that going to be one of your defenses at  
12 trial?

13 A. Yes, sir.

14 Q. Let me ask you this: In this case why was it that  
15 you ultimately decided to enter a guilty plea?

16 A. Because I knew no matter what I was going to be  
17 found guilty. And I knew if I went to trial I was going  
18 to get the maximum per whatever sentence I was brought  
19 down on.

20 Q. Well, did he discuss with you what that potential  
21 sentence would be?

22 A. Most likely -- we talked about most likely being  
23 voluntary manslaughter which carried a maximum of 30  
24 years.

25 Q. All right. Prior to you entering a guilty plea,

RYAN KEITH DOOLITTLE - DIRECT BY BOOZER

1 did you get to discuss or did you want to discuss with  
2 your family making that decision?

3 A. Yes, I did. They offered me to plead right at the  
4 end of, I believe it was a Tuesday. And I had the night  
5 to think on it when I went back to the county jail because  
6 it was too late for him to see me that same day. So I got  
7 to talk to my family on the phone in the county jail and  
8 they told me to do whatever I thought was right.

9 The next day they got me up early and I wasn't able  
10 to talk to my family again. And I just wanted to ask them  
11 again what they thought of it. I asked if I could be able  
12 to see my dad before I went and signed the plea deal. I  
13 wasn't able to.

14 Q. Why weren't you able to?

15 A. I'm not sure.

16 Q. Do you know if Mr. Anderson ever spoke with your  
17 family or if he ever told you anything that your family  
18 suggested?

19 A. Yes. He told me that they all said that I should  
20 sign the deal, that it was a good deal.

21 Q. And have you had discussions with your father since  
22 you've pled guilty?

23 A. Yes, sir.

24 Q. And what did he say? Did you ask him if that's  
25 what he thought you should have done?

RYAN KEITH DOOLITTLE - CROSS BY GOURLEY

1 A. Yes, sir. He said they all still felt the same,  
2 that I should have went with my decision. And they didn't  
3 tell him to -- tell me to take the deal.

4 MR. BOOZER: Court's indulgence, Your Honor.

5 THE COURT: Sure.

6 (Pause.)

7 BY MR. BOOZER:

8 Q. Is there anything else that you would like to bring  
9 to the Court's attention regarding your PCR allegations  
10 that we haven't already discussed?

11 A. Not that I can think of, no, sir.

12 MR. BOOZER: Thank you, Your Honor. No further  
13 questions.

14 THE COURT: All right.

15 MR. GOURLEY: May it please the Court, Your Honor.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. GOURLEY:

19 Q. Mr. Doolittle, you stated that you met with  
20 Mr. Anderson multiple times prior to your plea?

21 A. Yes, sir.

22 Q. Okay. And during those meetings did y'all have the  
23 opportunity to go over the discovery and the evidence  
24 against you?

25 A. Yes, sir.

RYAN KEITH DOOLITTLE - CROSS BY GOURLEY

1 Q. Did y'all talk about any defenses outside of the  
2 Castle Doctrine, anything like that?

3 A. Yes.

4 Q. What were they?

5 A. The showing that it was an argument that it wasn't  
6 premeditated murder so it would most likely be a lesser-  
7 included offense which would be the voluntary  
8 manslaughter.

9 Q. That you shot the victim in the heat of passion?

10 A. Yes, sir.

11 Q. Okay. Did you ever give your attorney any leads or  
12 witnesses to investigate?

13 A. As to have some someone photograph the crime  
14 scene --

15 Q. Uh-huh.

16 A. -- it would have shown -- if it was done, it would  
17 have shown that the ricochet marks from the bullets that I  
18 shot were aimed directly at the ground. They weren't  
19 aimed at anybody in particularly.

20 Q. Well, let's give Judge Gee a little bit of factual  
21 background about the case. This was basically an argument  
22 between you and one of your friends, right?

23 A. Yes, sir.

24 Q. And there was three people present; you, the victim  
25 and Mr. Coon?

RYAN KEITH DOOLITTLE - CROSS BY GOURLEY

1 A. Conn.

2 Q. Conn?

3 A. Right.

4 Q. And a dispute broke out between you and the victim  
5 regarding some marijuana or something like that?

6 A. Yes, sir.

7 Q. And basically you got in your car, you were  
8 attempting to leave, and the State alleged that you stuck  
9 your hand out of the sun window and shot the victim,  
10 right?

11 A. Yes, sir.

12 Q. And Mr. Anderson alleged during the Castle Doctrine  
13 hearing that the victim was actually trying to get into  
14 your vehicle, right?

15 A. Yes, sir.

16 Q. And that's what essentially you testified to during  
17 the Castle Doctrine hearing?

18 A. Yes, sir.

19 Q. Okay. And then Mr. Conn actually testified as  
20 well, correct?

21 A. Yes.

22 Q. And y'all were the only three people that witnessed  
23 this, right?

24 A. Yes, sir.

25 Q. Is there anything else that you feel the judge

RYAN KEITH DOOLITTLE - CROSS BY GOURLEY

1 needs to know about the factual contents of this?

2 A. No, sir.

3 Q. Okay. Now during your plea, do you recall waiving  
4 your constitutional rights, your right to a jury trial and  
5 present witnesses, so on and so forth?

6 A. Yes.

7 Q. Okay. And during the plea you told Judge Early  
8 that you were satisfied with Mr. Anderson's  
9 representation?

10 A. Yes, sir.

11 Q. And no one was promising you or threatening you in  
12 order to get you to plead guilty, right?

13 A. Yes.

14 Q. And that you told the judge you wanted to plead  
15 guilty, right?

16 A. Yes, sir.

17 Q. And that you were indeed guilty?

18 A. Yes, sir.

19 MR. GOURLEY: Beg the Court's indulgence, Your  
20 Honor.

21 (Pause.)

22 Q. In regards to the Castle Doctrine hearing, what  
23 more do you feel Mr. Anderson should have done on your  
24 behalf?

25 A. The Castle Doctrine was denied because the burden

RYAN KEITH DOOLITTLE - CROSS BY GOURLEY

1 of proof to show that Mr. Brown was trying to enter the  
2 vehicle unlawfully with the intent to commit a crime was  
3 on us. And he didn't argue the fact that Mr. Brown was  
4 approaching the vehicle, and it wasn't like he was just  
5 standing outside when I went to drive off and shot him. He  
6 was charging the vehicle --

7 Q. Right.

8 A. -- whenever the shots were fired.

9 Q. Okay. And you obviously testified during the  
10 hearing, correct?

11 A. Yes, sir.

12 Q. And that's what you told Judge Early, right?

13 A. Yes, sir.

14 Q. So Judge Early kind of, sort of had those factual  
15 contexts when he made the decision to deny the motion,  
16 right?

17 A. Yes, sir.

18 Q. Okay. And then -- is that it in regards to the  
19 Castle Doctrine?

20 A. Yes, sir.

21 Q. And then your other allegation was that  
22 Mr. Anderson did not present enough mitigating evidence  
23 during your sentencing phase?

24 A. Yes.

25 Q. What more do you feel he should have done?

RYAN KEITH DOOLITTLE - CROSS BY GOURLEY

1 A. The private investigator that we hired that found  
2 that when -- the way Mr. Brown was shot and the way the  
3 crime scene was positioned, that I had no knowledge or  
4 could I have been aiming at him with the intent to shoot  
5 him and kill him.

6 Q. Right.

7 A. And none of that evidence was brought up at the  
8 sentencing phase or any time in front of the Court.

9 Q. Okay. But you would agree with me you were  
10 pleading to voluntary manslaughter which doesn't require  
11 an intent to kill, right?

12 A. I pled to voluntary manslaughter.

13 Q. Voluntary. Yes, sir. Not murder?

14 A. Exactly. Voluntary means I had some guilt but the  
15 involuntary means --

16 Q. None whatsoever.

17 A. -- I wasn't, it wasn't intentional.

18 Q. Right.

19 A. It wasn't on me.

20 Q. And you feel Mr. --

21 A. It was an accident.

22 Q. And you feel Mr. Anderson should have presented  
23 through the investigator or made some kind of argument to  
24 Judge Early that you had no intent whatsoever to shoot the  
25 victim in this case?

PAUL ANDREW ANDERSON - DIRECT BY GOURLEY

1 A. Yes.

2 MR. GOURLEY: I have no other questions. Thank you.

3 Thank you, Judge.

4 MR. BOOZER: No follow up, Your Honor.

5 THE COURT: Okay. You may step down.

6 THE WITNESS: Thank you, ma'am.

7 THE COURT: Any other witnesses, Mr. Boozer?

8 MR. BOOZER: No further witnesses on behalf the

9 Petitioner.

10 THE COURT: Okay. Thank you.

11 MR. GOURLEY: Your Honor, we would call

12 Mr. Anderson to the stand, please.

13 PAUL ANDREW ANDERSON, having been duly sworn, was  
14 examined and testified as follows:

15 THE CLERK: Please have a seat in the witness stand  
16 and state your full name for the Court.

17 MR. GOURLEY: Judge, I told Mr. Anderson 1:30 once  
18 we came out of chambers so when we switched it up, that's  
19 why he got here a little bit later.

20 THE COURT: No worries at all.

21 THE WITNESS: Thank you.

22 MR. GOURLEY: I apologize.

23 THE WITNESS: That's all right. My name is Andy  
24 Anderson.

25

PAUL ANDREW ANDERSON - DIRECT BY GOURLEY

DIRECT EXAMINATION

BY MR. GOURLEY:

Q. Mr. Anderson, how long have you been an attorney?

A. Do I have to answer that?

Q. Just roughly.

A. Since 1991.

Q. All right. And were you appointed or retained?

A. Retained.

Q. How many times did you meet with the Applicant prior to his plea?

A. Numerous times. I don't know the exact number.

Q. Okay.

A. Multiple, multiple times.

Q. And did you have the opportunity to file Rule Five and Brady motions in this case?

A. Yes, sir.

Q. Did you have the opportunity to review that material with Mr. Doolittle?

A. Yes, sir.

Q. Did y'all have the opportunity to discuss his version of the facts?

A. Yes, sir.

Q. And do you recall what those were?

A. They'd been out downtown Aiken drinking, the three of them. The victim got the notion that he had taken his

PAUL ANDREW ANDERSON - DIRECT BY GOURLEY

1 marijuana.

2 Q. Uh-huh.

3 A. They got into a fight. The victim was much more  
4 athletic than my client. Mr. Doolittle was getting the  
5 worst end of that. He leaves. As he's leaving the victim  
6 charged his car. I believe the car was in drive and the  
7 victim kicked the car --

8 Q. Uh-huh.

9 A. -- was yelling. And Mr. Doolittle put a pistol out  
10 the sunroof and shot multiple times killing the victim.

11 Q. And did you have an opportunity to file a motion  
12 under the Castle Doctrine?

13 A. We did.

14 Q. And can you kind of briefly describe your thought  
15 process in that and your discussions with the Applicant  
16 regarding that hearing?

17 A. Sure. If -- I read the statute and it never really  
18 entered my mind until late in the game, the statute  
19 applies to an automobile. And I always thought it would  
20 be a manslaughter case but the State would not give us a  
21 manslaughter plea. And, you know, you read the statute  
22 and it fit.

23 Q. Yes, sir.

24 A. It certainly fit with Mr. Doolittle's version of  
25 the facts that really weren't contradicted by the witness,

PAUL ANDREW ANDERSON - DIRECT BY GOURLEY

1 Mr. Conn.

2 So, yeah, we made the motion. After the hearing  
3 Judge Early called me and Mr. Miller into the back and we  
4 talked. And we kind of hammered out the case in the  
5 back --

6 Q. Yes, sir.

7 A. -- with the judge's encouragement. The judge, you  
8 know, kind of was on our side on the manslaughter but not  
9 on our side on granting him immunity. And so we kind of  
10 left it there that evening with the plan to do a  
11 manslaughter plea. I guess not kind of, we did.

12 Q. So, Mr. Miller at that point in time offered a  
13 20-year manslaughter plea?

14 A. Well, it was those -- things in the back, you're  
15 talking. And we were both pitching our sides and the  
16 judge indicated he felt like that might be about a fair  
17 sentence.

18 Q. Okay.

19 A. So we didn't work out 20 --

20 Q. Yes, sir.

21 A. -- but it seemed like we were going to get 20.

22 Q. Okay. And do you feel you adequately was prepared  
23 to present the Castle Doctrine motion?

24 A. I think so. Mr. Miller kind of -- I wouldn't say  
25 he pulled a fast one on me. I didn't know that he had the

PAUL ANDREW ANDERSON - DIRECT BY GOURLEY

1 eyewitness there.

2 Q. Yes, sir.

3 A. So with that being said, I knew the case and I  
4 think I did a good job in the hearing. We got everything  
5 out that we wanted to get out. And, again, I think it was  
6 always a manslaughter case and we ended up getting a  
7 manslaughter plea.

8 Q. Okay.

9 A. So I think it was successful in that regard.

10 Q. And obviously those are immediately appealable,  
11 Judge Early's denial.

12 A. At the time it was. And I do think that gave us  
13 some leverage. And, you know, Judge Early was just -- the  
14 man's in the car, it's in drive, all he had to do was  
15 drive away. And the judge is, like, I'm not going to  
16 grant the motion.

17 Q. Yes, sir.

18 A. So, we took, we took what we could get which was  
19 probably what it should have been from the start, a  
20 manslaughter.

21 Q. Can you discuss just very briefly about the thought  
22 process of not appealing it instead of taking a plea, what  
23 your discussion was with the Applicant regarding that?

24 A. Well, he's in jail. He never got out on bond. The  
25 appeal at that time would take probably at least 18

PAUL ANDREW ANDERSON - DIRECT BY GOURLEY

1 months. But, I mean, my -- me personally, I was excited  
2 to get the manslaughter on the table.

3 Q. Okay.

4 A. So maybe I wasn't thinking long term at that point.  
5 I thought we were successful in what we needed to do.

6 Q. Okay.

7 A. But, I mean, I don't remember if we ever talked  
8 about per se appealing that.

9 Q. Okay.

10 A. Honestly, I was just excited to get the  
11 manslaughter.

12 Q. All right. Regarding the sentencing mitigation,  
13 can you kind of just briefly describe your thought process  
14 and the mitigating evidence in this case with regards to  
15 Mr. Doolittle?

16 A. Well, number one, I already had an indication that  
17 we were probably getting 20.

18 Q. Yes, sir.

19 A. The victim's family was there, very vocal. And I  
20 didn't want to push anything too hard with them and one of  
21 the members on our side actually that was not going to  
22 speak got up and spoke and, honestly, said -- I don't  
23 remember what they said, something that was inappropriate  
24 in the context of what we were doing.

25 But we had 19 people there. He had a lot of

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 support. A lot of people liked him. It was a tragedy.  
2 And the whole thing was. It was a tragedy to two  
3 families. I remember Judge Early saying something along  
4 those lines; it was a tragedy for both families.

5 But, I mean, the mitigation was it was stupid. It  
6 was senseless. It was spontaneous. I don't know what  
7 else we could have done in light of the mitigation. The  
8 investigator did confirm that it was a downward angle of  
9 shot, but I think that's common sense, shooting it of a  
10 sun roof.

11 But, I mean, in my mind we were getting 20 so I  
12 didn't want to say anything to disrupt things too much.

13 Q. Right.

14 Your Honor, at this point I don't have any other  
15 questions. Thank you, Mr. Anderson.

16 THE COURT: All right.

17 MR. BOOZER: Thank you, Your Honor.

18 THE COURT: Mr. Boozer?

19 CROSS-EXAMINATION

20 BY MR. BOOZER:

21 Q. Mr. Anderson, how are you doing?

22 A. All right. How are you?

23 Q. I'm good. Thank you.

24 What was going to be -- it sounds like this was set  
25 up to be a trial and then it turned into a plea rather

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 quickly. What was the strategy for the trial? What was  
2 going to be his defense?

3 A. It was -- I'm not omniscient, but I really thought  
4 it was going to be a trial where he was on the hook  
5 looking at life in prison, looking at murder but it was  
6 really manslaughter. And I felt like we were going to be  
7 fighting for a manslaughter verdict. It seemed like the  
8 only verdict that we could get reasonably, barring some  
9 craziness. And then if you get that in a trial you're  
10 going to get, most judges are going to give you 30 years.  
11 At least that was my thought. So I was, I was worried  
12 about it but we had no option and he wasn't going to plead  
13 guilty to murder.

14 Q. So if I'm hearing what you're saying is that going  
15 to trial there were only two options. That was either he  
16 was going to be found guilty of murder or he was going to  
17 be found guilty of voluntary manslaughter?

18 A. I mean, I think so, barring some -- I mean,  
19 sometimes crazy things happen in court. But I just didn't  
20 think 12 jurors would let him walk when he was, like I  
21 said about Judge Early's thoughts, he's in the car, it's  
22 in drive. He could -- all he had to do was hit the gas  
23 and he's gone. I really didn't think a jury of 12 people  
24 would let him go. Maybe a hung jury, but I really didn't  
25 think we were going to win that.

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 Q. Did you discuss those thoughts with him prior to  
2 trial?

3 A. We did, yes, sir.

4 Q. You may have already testified to this but going to  
5 the Castle Doctrine, how long before the trial did you  
6 discover -- or the motion that you made, how long before  
7 that had you discovered that potential argument?

8 A. I don't know that I discovered it. It was more  
9 like an epiphany. Not long. I mean, it might have been a  
10 couple -- it might have been the weekend before.

11 It was just one of those things where you're  
12 sitting there thinking I've got to do something. We've  
13 got to do something. We've got to figure something out  
14 and it just kind of came to me. I don't know if it was  
15 the weekend before but it was pretty close to the hearing  
16 date.

17 Q. Did you have -- since it was so close, did you have  
18 an opportunity to discuss that with him prior to the  
19 trial?

20 A. We talked about it, sure. And the crazy thing is  
21 when you read the report and you read the statements and  
22 you read that law, it really does look like it fits pretty  
23 well. I mean, it really does.

24 Q. And going back to what -- the decision to appeal it  
25 or not appeal it, do you think that that's something that

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 would have had a valid appellate argument to it?

2 A. Maybe. I mean, it certainly -- I never thought  
3 about appealing it, personally. I wasn't, like, so mad at  
4 Judge Early for denying it that I was going to appeal it  
5 out of principal. I was, like, wow, we got a manslaughter  
6 deal. This is what we wanted the whole time.

7 So I know I didn't push an appeal, for sure. I  
8 honestly don't remember how much discussion we did about  
9 the appeal.

10 I know this. I know that we talked about the fact  
11 that at that time it was a direct appeal and it would have  
12 delayed things a really long time. And I know we talked  
13 about that angle. And that was part of the reason we got  
14 the deal because, I'll say this, if we weren't going to  
15 work out the case then to the manslaughter, we would have  
16 appealed it and we certainly talked about that. And then  
17 he would have sat in jail for 18 months but also the State  
18 would have had to wait that 18 months -- and I just say 18  
19 months, estimated 18 months. The State would have had to  
20 hold that case off for that long, too. So we did have  
21 some leverage in that regard.

22 Q. I've got, I guess -- was the motion made the day  
23 before the plea? Y'all argue the motion and then the plea  
24 occurs the next day?

25 A. I think that's right. I think so.

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 Q. What was really the ultimate driving force? What  
2 led to y'all arguing the motion, being set for trial and  
3 then the plea? Was it the denial of the motion or was it  
4 y'all getting a voluntary manslaughter on the table or?

5 A. I have to credit it, really, to Judge Early. Judge  
6 Early's practicality. You know, everything was done out  
7 in the courtroom in open. And then he gets the lawyers in  
8 the back and says, you know, This looks like something  
9 y'all need to work out, you know. Andy's got some issues  
10 but, Andy, Dave has got some issues. Your guy is looking  
11 at a lot of time in prison, you know. We're just  
12 talking. And I do think it was the judge's wisdom that  
13 got us where we needed to be.

14 Q. Do you recall what the discussion was with  
15 Mr. Doolittle about the offer to plead or your discussions  
16 in chambers with the judge?

17 A. I don't remember specifics. I just remember --  
18 y'all probably think it's weird, but I was excited to get  
19 the manslaughter but, like, from day one that's what I  
20 thought it should be. So, I mean, to me it was like a no  
21 brainer.

22 I don't remember our specifics. I mean, I'd have  
23 to defer to his memory for that. I mean, to me it was  
24 just automatic, oh, we got manslaughter, let's just do the  
25 plea.

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 Q. I'm not sure if you did or didn't hear his  
2 testimony regarding --

3 A. Somebody told me the wrong time to be here, so I  
4 missed some of that.

5 Q. And who would that have been?

6 A. I think it was both of you.

7 Q. -- some testimony from my client regarding he  
8 wanted to speak with his, I guess his family about the  
9 plea and he alleges that he didn't, I guess, have time to  
10 do that maybe that next morning or that night.

11 Do you recall anything about that?

12 A. You know, I know his family is very involved,  
13 especially his dad. And we actually even had a family  
14 meeting leading up to things; mom, dad, step mom,  
15 grandparent, father, wife, sister, father-in-law. They  
16 were very involved and they were all in the courtroom that  
17 morning.

18 And, I mean, I don't know if he got to have quality  
19 conversations with them. Again from my perspective, y'all  
20 see these all the time, this was a really hard case. So I  
21 thought it was a great result, you know. So from the time  
22 we got manslaughter, I really was just into Let's just get  
23 this done. So maybe I was a little brief with him but I  
24 thought it was, I thought I was a done deal.

25 Q. Did you ever have any conversation yourself with --

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 I know you said his father was very involved. Did you  
2 have any conversation with his father prior to the plea or  
3 after the motion prior to the plea about what he should  
4 do?

5 A. Can you tell me, what was the date of the plea?

6 Q. September 11th, 2012.

7 A. Yeah. I mean, I got -- I made a note, court  
8 conference with defendant and family. Then I went down to  
9 the jail later. Conference with the defendant at the  
10 jail. And then a telephone call that evening to the  
11 father-in-law.

12 But, you know, the jail calls are not good. And I  
13 told my clients, Be careful what you say on your jail  
14 calls. You can't have a meaningful conversation with your  
15 family on a jail call. I'll give you that.

16 I think that whole plea thing was weird. I know  
17 that the father didn't seem happy with me afterwards. The  
18 victim's family, they didn't seem happy. It was, I mean,  
19 it was -- I think I even said something about I've never  
20 seen that many people in the courtroom all crying. It was  
21 not good. I think his dad even fell out at the end of it.

22 But him having a quality conversation with his  
23 family, I doubt that he did.

24 Q. Do you know if you ever told Mr. Doolittle that  
25 your parents or your family think that you should take the

PAUL ANDREW ANDERSON - CROSS BY BOOZER

1 plea?

2 A. I don't recall. Honestly -- well, I don't know. I  
3 don't remember. Like I told you, to me it was a no  
4 brainer. There were so many people involved, there might  
5 have been too many people involved in this.

6 I wish I could remember specifically. I feel like  
7 they were in support of the plea when we got it, but I  
8 can't specifically remember that, any details of that.

9 Q. There was some testimony earlier about, I guess --  
10 did y'all hire a private investigator?

11 A. Yes.

12 Q. Okay. What were his findings?

13 A. Just, just that, I think his wife drove the car  
14 there. The guy was in Summerville. I'm pretty sure the  
15 wife drove the car there. And there were some marks on  
16 the top of the -- on the roof of the car, on the outside,  
17 where it's clear that bullets were grazing the roof.

18 And we had this accident reconstruction expert look  
19 at those but, I mean, all it -- all it basically said is  
20 that it was at a downward angle as I recall. It didn't  
21 really establish -- I mean, I think we all knew it was a  
22 downward angle. He was shooting downward from the sun  
23 roof.

24 Q. And, do you think that that would have assisted him  
25 at all in his, maybe some sort of mitigation or anything

PAUL ANDREW ANDERSON - REDIRECT BY GOURLEY

1 like that for the sentencing?

2 A. I mean, like I said earlier, it was so tense in  
3 that courtroom. I didn't want to do anything to mess it  
4 up. And to me that sounds a little contentious. Like the  
5 comments that the person made that weren't -- who was not  
6 going to speak were a little contentious. I forget  
7 exactly what they were, but if you're pleading guilty  
8 you're taking responsibility. And the victim's family  
9 didn't want to hear apologies, but you're taking  
10 responsibility. And if you're in there in the plea and  
11 you start making these excuses, I don't think that's  
12 really productive to the colloquy with the Court and the  
13 interaction with the victim's family. But I didn't bring  
14 that up. I did not talk about that.

15 MR. BOOZER: No further questions. Thank you,  
16 Mr. Anderson.

17 THE WITNESS: Yes, sir.

18 MR. GOURLEY: Judge, if I may, just a couple  
19 questions.

20 THE COURT: Sure.

21 REDIRECT EXAMINATION

22 BY MR. GOURLEY:

23 Q. Mr. Anderson, whose decision was it to plead  
24 guilty?

25 A. I mean, it was his but I strongly encouraged him to

1 do it.

2 Q. Right. But ultimately it was his decision based  
3 upon your advice?

4 A. Yes.

5 Q. Okay. And how many times have you pled people in  
6 front of Judge Early, roughly?

7 A. I honestly don't know. Hundreds.

8 Q. So is it fair to say that you have an adequate  
9 knowledge of how Judge Early likes his courtroom run?

10 A. Yes. Don't move around.

11 Q. Yes, sir. And in regards to mitigation evidence  
12 and everything like that, you have a full understanding of  
13 what Judge Early prefers and does not prefer. Fair to  
14 say?

15 A. Well, to go back. To me it was, look, we've got a  
16 deal. He's going to give us the 20.

17 Q. Right.

18 A. In my mind we were getting the 20. All I can do is  
19 mess it up.

20 Q. Yes, sir.

21 A. So that was my mindset.

22 Q. And that obviously played into what mitigation  
23 evidence you presented?

24 A. I think so, yes.

25 MR. GOURLEY: Thank you, Mr. Anderson.

## RYAN KEITH DOOLITTLE - EXAMINATION BY THE COURT

1 THE COURT: Thank you.

2 THE WITNESS: Thank you.

3 THE COURT: Anything further?

4 MR. GOURLEY: I'm sorry, Judge. No, Your Honor, I  
5 don't have any other witnesses.

6 THE COURT: This may be a little unconventional but  
7 I would like to hear from Mr. Doolittle again. Could he  
8 please take the stand again? I have a question for him  
9 that he may have answered but I don't have any notes on  
10 it.

11 Mr. Doolittle, you were previously sworn in and you  
12 remain under oath.

13 THE APPLICANT: Yes, ma'am.

14 RYAN DOOLITTLE, was recalled and testified further  
15 under oath as follows:

16 EXAMINATION

17 BY THE COURT:

18 Q. Mr. Doolittle, you are here complaining that  
19 Mr. Anderson did not thoroughly research the Castle  
20 Doctrine on your behalf; is that correct?

21 A. Yes.

22 Q. And I want to know if you were made aware that you  
23 would be able to appeal Judge Early's decision on the  
24 Castle Doctrine, would you have gone forward with the plea  
25 or would you have insisted on the appeal?

1           And knowing as Mr., as your attorney just testified  
2 to that if you were to appeal you -- the appeal would last  
3 18 months and there's no guarantee that your plea deal  
4 would remain on the table.

5           So I just want to understand if you would have had  
6 the opportunity to appeal, would you have done that?

7 A.       I wasn't aware that I had the opportunity. Yes,  
8 ma'am.

9 Q.       You didn't know that you had that opportunity?

10 A.       Yes, ma'am. I chose not to at the time.

11 Q.       And you chose not to appeal?

12 A.       Yes, ma'am.

13           THE COURT: Okay. Thank you very much.

14           THE APPLICANT: Thank you ma'am.

15           THE COURT: All right. In light of that additional  
16 testimony, is there anything further from the attorneys?

17           MR. GOURLEY: Nothing from the State, Your Honor.

18           MR. BOOZER: Nothing from the Petitioner, Your  
19 Honor.

20           THE COURT: Okay. All right. The order of the  
21 Court is to deny this application for PCR. I would ask  
22 Mr. Gourley to please prepare the order within 30 days.

23           MR. GOURLEY: Yes, Your Honor.

24           THE COURT: With regard to Mr. Doolittle's argument  
25 that Mr. Anderson was not thoroughly prepared for the

1 Castle Doctrine argument and therefore provided  
2 ineffective assistance of counsel, I have read the  
3 transcript and find that Mr. Anderson was well prepared to  
4 make these arguments. Although he may have been surprised  
5 that the eyewitness was in the courtroom at the time, he  
6 certainly was extremely capable in the arguments that had  
7 made.

8 Mr. Doolittle has testified that he made the  
9 conscious decision not to appeal from the denial of the  
10 motion regarding the Castle Doctrine and chose to plead  
11 guilty at that time. So, the issue surrounding the Castle  
12 Doctrine did not amount to ineffective assistance of  
13 counsel.

14 With regard to the allegation that Mr. Anderson  
15 failed to present the evidence during the sentencing phase  
16 of the guilty plea, I find that Mr. Anderson made the  
17 strategic decision not to present that evidence, that  
18 Judge Early had a full understanding and a full recitation  
19 of what had occurred, that this was a very contentious  
20 courtroom, and that presenting that evidence would not  
21 have helped Mr. Anderson and may very well have hurt him  
22 in the sentencing phase and that because that was a  
23 strategic decision it was not ineffective assistance of  
24 counsel.

25 Is there anything that I failed to address that was

1 raised in this application?

2 MR. BOOZER: I don't believe so, Your Honor.

3 THE COURT: All right. That's the order of the  
4 Court. Thank you very much.

5 MR. GOURLEY: Thank you, Judge.

6 END OF CASE AT 2:04 P.M.

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## 1 CERTIFICATE OF REPORTER

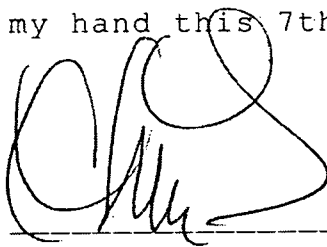
2 STATE OF SOUTH CAROLINA )

3 COUNTY OF AIKEN )

4 I, Cheri L. Young, Registered Professional Reporter  
5 and Official Court Reporter for the State of South  
6 Carolina, Second Circuit-At Large, do hereby certify that  
7 the foregoing proceedings were written stenographically by  
8 me using computer-aided translation; further, that the  
9 foregoing is a true, accurate and complete record, to the  
10 best of my skill and ability, of all the proceedings had  
11 and evidence introduced in the hearing of the captioned  
12 case, relative to appeal, in the Court of Common Pleas for  
13 Aiken County, on the 18th day of May, 2015.

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

16 I have hereunder set my hand this 7th day of October,  
17 2015.

18   
19 \_\_\_\_\_  
20 Cheri L. Young, RPR  
21 Official Court Reporter  
22  
23  
24  
25

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

Ryan Keith Doolittle, #352325,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE SECOND JUDICIAL CIRCUIT

2013-CP-02-01868

### ORDER OF DISMISSAL

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on August 19, 2013, and amended on July 15, 2014. Respondent made its return on November 11, 2013. An evidentiary hearing into the matter was convened on May 18, 2015, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Lance Boozer, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

### PROCEDURAL HISTORY

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was true bill indicted at the July 2012 term of the Aiken County Grand Jury for Murder (2012-GS-02-00912). He was represented by Andy Anderson, Esquire. On September 11, 2012, the Applicant pled guilty to voluntary manslaughter without negotiations or recommendation before the Honorable Doyet A. Early, III. Prior to pleading guilty, defense counsel unsuccessfully moved to have the charge dismissed pursuant to the Castle Doctrine. Upon pleading guilty, Applicant was sentenced to twenty years' imprisonment for the voluntary manslaughter. Applicant did not appeal his sentence or guilty plea.

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN  
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 16 day of July, 2015.  
C.C.P. & O.S., Aiken County, S.C.  
Deputy Clerk

FILED

16 July 2015  
Liz Godard  
C.C.P. & O.S.  
Deputy Clerk  
12:20pm

### ALLEGATIONS

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

1. Ineffective Assistance of Counsel
  - a. "Violation of the sixth and fourteenth amendments to the United States Constitution and South Carolina law as a result of counselor failing to bring forth evidence and testimony of expert witness during plea hearing or at any other time."
2. Involuntary guilty plea

During the evidentiary hearing, Applicant proceeded on only allegations of ineffective assistance of counsel for failing to adequately prepare for the castle doctrine hearing and failing to present evidence in support of mitigation.

### SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Andrew Anderson (hereinafter "Plea Counsel"). This Court also had before it a copy of the plea transcript, the Aiken County Clerk of Court records, Applicant's South Carolina Department of Corrections records, the PCR application, and return.

During the evidentiary hearing, Applicant stated that he understood that the PCR Court could only grant him a new trial on his original charges. Applicant stated that he understood that he would face Murder charges if he were to win his PCR. Applicant stated he hired Plea Counsel approximately three months prior to his guilty plea. Applicant stated he was incarcerated in county jail and met with Plea Counsel numerous times. Applicant stated Plea Counsel would check up on him and present new information as received. Applicant opined that Plea Counsel was prepared to try the case had he proceeded to trial. Applicant stated Plea Counsel hired a private investigator to go photograph and recreate the scene.

Applicant opined that he could not have shot the victim on purpose. Specifically, Applicant stated that he and victim got into an argument. Applicant got into his vehicle, victim charged the vehicle, and Applicant shot and killed victim. Applicant stated he shot at victim through the sunroof of his car. Applicant stated that Plea Counsel filed a motion for immunity under the Castle Doctrine. Applicant stated that Plea Counsel told him about the motion the night before the actual hearing on the motion. Applicant stated that he testified at the motion hearing. Following the motion, the State offered a plea deal reducing the charge from murder to voluntary manslaughter. Applicant stated that he had a night to consider the offer. Applicant stated he discussed the offer with his father, elected to accept the offer, and pled guilty. Applicant testified that he chose not to appeal from the denial of this Castle Doctrine motion

Applicant recalled waiving his constitutional rights during the plea colloquy. Applicant recalled telling the plea court that he was satisfied with Plea Counsel's services. Applicant recalled telling the plea court that no one was promising or threatening him in an effort to get him to plead guilty. Applicant recalled telling the plea judge that he wanted to plead guilty and was guilty.

Following Applicant's testimony, Plea Counsel was called to testify on behalf of the State. Plea Counsel stated he has been practicing law since 1991. Plea Counsel stated he was retained to represent Applicant. Plea Counsel stated he met with Applicant numerous times. Plea Counsel stated he filed for and reviewed with Applicant all Rule 5 and Brady material. Plea Counsel stated he and Applicant discussed Applicant's version of the facts. Specifically, Plea Counsel stated Applicant and victim began to argue over whether Applicant had stolen victim's marijuana. Plea Counsel stated victim was much more athletic than Applicant. Plea Counsel stated Applicant got into his vehicle and began to leave. Plea Counsel stated victim charged Applicant's car. When Applicant's car was in drive. Plea Counsel stated victim kicked Applicant's car and Applicant shot the victim out of the sun roof.

Plea Counsel stated he hired a private investigator out of Summerville who opined that the shots were fired at a downward angle. Plea Counsel stated he could have presented this information to Judge Early during mitigation, but it was a tense courtroom. Plea Counsel stated the victim's family was very vocal.

Plea Counsel opined that the factual context of Applicant's case fit the Castle Doctrine. Plea Counsel stated the factual context was not contradicted by the witnesses presented by the State. Plea Counsel stated he was prepared for the motion, but was not successful in getting the charge dismissed. Plea Counsel stated the State offered voluntary manslaughter after the motion was heard. Plea Counsel opined that this case should have been originally charged as manslaughter and encouraged Applicant to accept the offer. Plea Counsel stated had they went to trial, Applicant faced a potential life without parole sentence if convicted. Plea Counsel stated Applicant ultimately chose to plead guilty.

Plea Counsel stated that Applicant waived his right to appeal the denial of his motion for immunity. Plea Counsel stated he discussed the possibility that an appeal could take years. Plea Counsel stated Applicant firmly wanted to accept the manslaughter plea and wanted to waive his appellate rights. Plea Counsel reiterated that Applicant knew about the opportunity to appeal the denial of his motion hearing and chose not to appeal. Plea Counsel stated this was a tough case, but Applicant ended up with a great result considering he was originally charged with murder.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

### INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of Plea Counsel is alleged as a ground for relief, the Applicant must prove that "Plea Counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that Plea Counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of Plea Counsel. First, the Applicant must prove that Plea Counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, Plea Counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for Plea 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 Plea 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, 106 S.Ct. 366 (1985).

*Ineffective assistance of Plea Counsel for failing to thoroughly prepare for the motion hearing.*

This Court finds Applicant's allegation that he received ineffective assistance of counsel for Plea Counsel's failure to thoroughly prepare for the motion hearing to be meritless. Plea Counsel credibly testified that he was prepared for the motion hearing. A review of the record reveals that Applicant was called to testify on his behalf during the motion hearing. Notably, Applicant's testimony during the PCR evidentiary hearing mirrored his testimony presented during the motion hearing before Judge Early. Applicant has failed to present any credible evidence or testimony to show what more Plea Counsel could have done in support of his motion. See Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (holding applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial). This Court finds Plea Counsel was prepared to argue the motion hearing. This Court further finds Applicant made the decision not to appeal the denial of his motion. Based on the foregoing, this Court finds Plea Counsel's actions and advice was reasonable in the circumstances, and did not fall below professional norms of reasonableness. Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). This Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Plea Counsel committed either errors or omissions to prove the second prong of Strickland – that he was prejudiced by Plea Counsel's performance. This Court notes Applicant knowingly and intelligently pled guilty to voluntary manslaughter. Accordingly, Applicant's allegation is denied and dismissed with prejudice.

*Ineffective assistance of Plea Counsel for failing to present evidence in support of mitigation.*

This Court finds no merit to Applicant's allegation that Plea Counsel rendered ineffective assistance by failing to present evidence during the plea that the shots were fired downward. Plea Counsel stated that he did not relay this information because courtroom was very tense, the victim's family was very vocal, and it would not affect Judge Early's sentence because Judge Early was aware of the facts. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 530 (1992). See also Dempsey v. State, 363 S.C. 365, 610 S.E.2d 812 (2005) and McLaughlin v. State, 352 S.C. 476, 575 S.E.2d 841 (2003). Plea Counsel articulated valid strategic reasons for failing to present mitigation evidence that the shots were fired at a downward angle, and therefore Applicant has not shown that Plea Counsel was deficient.

Furthermore, because Judge Early had a full understanding of the expert witness opinions and Applicant's version of events, Applicant has failed to present specific and compelling evidence that he was prejudiced by Plea Counsel's performance. Accordingly, this Court finds Applicant's allegation is denied and dismissed with prejudice.

**ALL OTHER ALLEGATIONS**

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

**CONCLUSION**

Based on 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, this application for post-conviction relief must be denied and dismissed with prejudice.

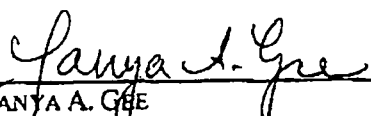
This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by Plea Counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate Plea 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 Plea 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 29<sup>th</sup> day of June, 2015.

Columbia, South Carolina

  
TANYA A. GEE  
Presiding Judge  
Second Judicial Circuit

STATE OF SOUTH CAROLINA     )  
                                          )  
COUNTY OF AIKEN                )  
                                          )

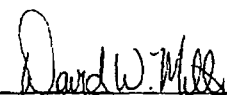
INDICTMENT FOR  
MURDER

§ 16-03-0010

At a Court of General Sessions, convened on July 16, 2012, the Grand Jurors of Aiken County present upon their oath:

That **RYAN KEITH DOOLITTLE** did, in Aiken County, on or about April 28, 2012, feloniously, wilfully and with malice aforethought, kill one Vincent Brown by shooting him with a handgun, and that the victim did die in Aiken County at Fairway Ridge Apartments, Aiken, South Carolina as a result thereof on April 28, 2012. All in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

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

  
\_\_\_\_\_  
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken Department Of Public Safety

David E Savage

Law Enforcement Case #: 12-32547

DWM

ARREST WARRANT NUMBER

1094116

FILED July 12 2012

*Richard*  
CLERK  
*Amey*  
Deputy Clerk

ACTION OF GRAND JURY

True Bill

*Wesley Earhart*

Foreperson of Grand Jury

Date: July 12, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200912

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JULY TERM 2012

THE STATE

vs.

RYAN KEITH DOOLITTLE

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010

J. STROM THURMOND, SOLICITOR