

William Leon Burnett, SCDC# 358645  
Allendale Correctional Institution  
Barnwell A54  
1057 Revolutionary Trail  
Post Office Box 1251  
Fairfax, South Carolina 29827-7127

June 9, 2017

**RECEIVED**

JUN 15 2017

S.C. SUPREME COURT

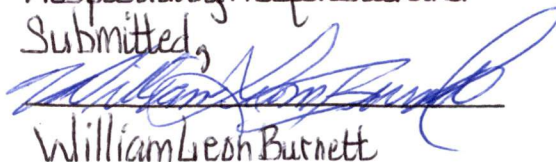
Mr. Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
123 Grenais Street  
Post Office Box 11330  
Columbia, South Carolina 29211-1330

Re: William Leon Burnett v. State of South Carolina  
C.A. No: 2016-CP-42-D3626

Mr. Daniel E. Shearouse

Please "Take Judicial Notice" of my  
Notice of Appeal in the captioned case. I'd ask that I receive a  
clocked and dated copy in transmitted response. I've filled out the  
proof of service as outlined in Form 7 of the South Carolina Appellate  
Court Rules (SCACR), Rule 267. Please file this with the Court  
on my behalf. Respond in kind.

Respectfully Requested and  
Submitted,

  
William Leon Burnett



State of South Carolina  
The Circuit Court of the Seventh Judicial Circuit

R. Keith Kelly  
Judge

125 E. Floyd Baker Boulevard  
Gaffney, SC 29340  
Phone: (864) 487-2581  
Fax: (864) 487-2772  
kkellyj@sccourts.org

September 26, 2016

William Leon Burnette, SCDC # 352645  
Allendale Correctional Institution  
P.O. Box 1151  
Fairfax, SC 29827-7127

**RE: Petition for Writ of Mandamus**

Dear Mr. Burnette:

Judge Kelly is in receipt of your Motion of Leave and Letter dated August 31, 2016. The motion was made pursuant to the South Carolina Rules of Civil Procedure Rule 60(b). Rule 1 of the South Carolina Rules of Civil Procedure states, in pertinent part, "[t]hese rules govern the procedure in all South Carolina courts in all suits *of a civil nature* whether cognizable as cases at law or in equity..." (emphasis added). Although a request for P.C.R was filed in this matter, it was denied with prejudice on March 8, 2016. Without an active P.C.R., this **action** remains a **criminal** – and not a civil – **action**. Since this action arises from a **criminal matter**, the South Carolina Rules of Criminal Procedure must be used.

Attached, please find a copy of the Order of Dismissal of the P.C.R. with Prejudice.

Please take up any future matters that may arise in this case with your attorney. Thank you and best of luck.

Best,

Law Clerk to the Honorable R. Keith Kelly



ALAN WILSON  
ATTORNEY GENERAL

May 18, 2017

The Honorable J. Derham Cole  
Chief Administrative Judge-CP, 7th Circuit  
Post Office Box 1744  
Spartanburg SC 29306

Re: William Leon Burnett v. State of South Carolina  
2016-CP-42-3626

Dear Judge Cole:

Enclosed please find the original proposed **Conditional Order of Dismissal** in the above-captioned case. If this Order meets your approval, please sign and forward to the Clerk's office and have her serve the order on all parties. If you have any questions, please feel free to contact me.

Sincerely,

Rasheeda Cleveland  
Staff Attorney

RC/ah  
Enclosure(s)

cc: William Leon Burnett, #352645

STATE OF SOUTH CAROLINA

7<sup>th</sup> Judicial Circuit Court

COUNTY OF SPARTANBURG

Administrative Order

IN RE:

Grand Jury Reporting Dates

Whereas the terms of General Sessions Court Spartanburg County for the period of January 1, 2012 through June 30, 2012 have been set by order of the Chief Justice of the South Carolina Supreme Court.

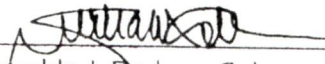
IT IS THEREFORE ORDERED that the Grand Jury for Spartanburg County shall report to the Spartanburg County Courthouse for service at 9:00am on each of the following dates, unless otherwise by order of the Chief Justice for Administrative purposes:

☺ No April 9, 2012 Term

- Monday, January 9, 2012
- Thursday, February 23, 2012
- Thursday, March 29, 2012
- Thursday, May 3, 2012
- Thursday, June 14, 2012

FILED  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 2011 NOV -9 PM 4: 04  
 M. HOPE BLACKLEY

IT IS SO ORDERED.

  
 Honorable J. Derham Cole  
 Chief Judge for Administrative Purposes - GS  
 The Seventh Judicial Circuit Court

Spartanburg, SC

Nov. 9, 2011

STATE OF SOUTH CAROLINA

7<sup>th</sup> Judicial Circuit Court

COUNTY OF SPARTANBURG

Administrative Order

IN RE:

Grand Jury Reporting Dates

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Whereas the terms of General Sessions Court Spartanburg County for the period of July 1, 2012 through December 31, 2012 have been set by order of the Chief Justice of the South Carolina Supreme Court.

IT IS THEREFORE ORDERED that the Grand Jury for Spartanburg County shall report to the Spartanburg County Courthouse for service at 9:00am on each of the following dates, unless otherwise by order of the Chief Justice for Administrative purposes:

Thursday, July 19, 2012

Thursday, August 23, 2012

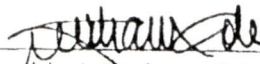
Friday, September 28, 2012

Thursday, October 18, 2012

Thursday, December 6, 2012

IT IS SO ORDERED.

2012 APR 12 PM 1:55  
M. JONES, CLERK

  
\_\_\_\_\_  
Honorable J. Derham Cole  
Chief Judge for Administrative Purposes - GS  
The Seventh Judicial Circuit Court

Spartanburg, SC

4/12, 2012

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	
William Leon Burnett #352645,	)	Case No.: 2016-CP-42-3626
	)	
Applicant,	)	
	)	
v.	)	<b>RETURN AND MOTION TO DISMISS</b>
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	

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In response to the application for post-conviction relief filed by William Leon Burnett (Applicant) on October 3, 2016 and amended on March 15, 2017, Respondent would show this Court:

**I.**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the April 2012 term of the Spartanburg County Grand Jury for criminal sexual conduct with a minor, first degree (2012-GS-42-1465). The State amended the indictment to include a second count of criminal sexual conduct, first degree (2012-GS-42-1465, amended). Applicant was also indicted for unlawful neglect by a legal custodian. Applicant was represented by James Cheek, Esquire. Hillary C. Welborn of the Seventh Circuit Solicitor's Office prosecuted the case. The State dismissed count one -criminal sexual conduct w/ minor first degree in exchange for Applicant's plea. On October 4, 2012, Applicant waived presentment of the amended indictment and pled *nolo contendere* under North Carolina v. Alford<sup>1</sup> to criminal sexual conduct, first degree. Also, Applicant pled guilty as indicted to unlawful neglect. The Honorable J. Mark

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<sup>1</sup> North Carolina v. Alford, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970).

Hayes, II, accepted Applicant's plea, and in accordance with the recommendation of the State sentenced Applicant to confinement for a period of fifteen (15) years. Applicant was to receive 295 days credit for time served. Applicant was sentenced to ten (10) years' confinement for unlawful neglect. At the time, Applicant was also on probation for financial transaction fraud (2010-GS-42-0157). Judge Hayes, found Applicant in violation of the conditions of his probation and reinstated a two (2) year sentence for the probation violation. Applicant was also required to register with the sexual offender registry and to have no contact with the victim. The sentences were to run concurrent with each other.

Subsequently, Applicant filed a motion to reconsider his sentence. On March 7, 2013, following a hearing on the motion, the motion to reconsider was granted. Applicant's sentence was altered to reflect that Applicant's original fifteen (15) year sentence for criminal sexual conduct, first degree and the ten (10) year sentence on child neglect were to remain, but both were suspended upon service of seven and one half (7½) years followed by five (5) years of supervised probation. Applicant did not appeal his convictions or sentences.

**2013-CP-42-2653**

Applicant filed his first post-conviction relief application on June 25, 2013. He alleged the following grounds for relief:

1. Ineffective assistance of counsel, in that;
  - a. Counsel (James Cheek & Richard Whelchel) only met with Applicant two times prior to guilty plea,
  - b. Counsel failed to review discovery materials with the Applicant,
  - c. Counsel failed to discuss possible defenses or challenges to Applicant's statement,
  - d. Counsel failed to present accurate and complete information during mitigation portion of sentencing,
  - e. Counsel failed to notify Applicant's family of plea or allow him time to discuss plea offer,

- f. Counsel brought in the Assistant Solicitor to meet with Applicant the morning of the plea against Applicant's will.
2. Civil rights violation, in that;
  - a. Interview with Detective Bohon was improper.

Respondent made its Return and on January 12, 2016, an evidentiary hearing into the matter was convened at the Spartanburg County Courthouse before the Honorable R. Ferrell Cothran, Jr. Applicant was present and represented by Rodney W. Richey, Esquire. Respondent was represented by Alicia A. Olive of the South Carolina Attorney General's Office. Applicant informed the Court of his desire to withdraw his application. After finding that Applicant's decision to withdraw his application was knowingly, voluntarily, and intelligently made, Judge Cothran by written order dated March 2, 2016, dismissed the application with prejudice.

## II.

In his second and current application for post-conviction relief, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. Ineffective Assistance of Counsel in that;
  - a. Counsel failed to object to the prosecutions failure to present aggravating factors such as; the rape kit and medical examinations.
  - b. Counsel "failed to honor defendant's communication in correcting his own statements of nerve and heart problems."
  - c. Counsel failed to question potential witnesses Christie Brall.
  - d. Counsel failed to have Applicant sign his plea agreement and indictment in compliance with S.C. Code § 17-23-130.
  - e. Counsel failed to inform Applicant on the record of his constitutional right to appeal his convictions and sentences.
  - f. Applicant did not knowingly, willingly, or voluntarily waive his constitutional right to appeal his convictions and sentences.
  - g. Counsel failed to file notice of appeal.
  - h. "But for counsel's errors the outcome of the case would have been different on appeal.
2. After-discovered Evidence;
  - a. "The medical examinations reports were sequestered by the prosecuting attorney, Ms. Hilliary C. Welburn. Only through contact with the 7<sup>th</sup> Judicial Circuit Solicitor's Office was I able to compel the release of these documents... Finally, after ethical order of Mr.

Richard H. Whelchel through Mr. Clay T. Allen did I receive them on October 1, 2015. I filed a Motion for New Trial based on Newly Discovered Evidence... Judge R. Keith Kelly denied the motion on May 13, 2016... There is substantive documentation to back it up positive."

3. State and Federal Constitutional violations.
  - a. "Waiver of Presentment of Indictment"
  - b. "Self-Incrimination" – Applicant "was refused the opportunity to put his statement in his own handwriting" and was interrogated under duress after having suffered several seizures.
  - c. "Double Jeopardy" – "General Sessions remanded the case back to family court. It was heard and ruled upon [on] May 24, 2012 before the Honorable William Wyle, Jr. with Kenneth E. Lee representing [Applicant]. The ruling was in favor of [Applicant]."
  - d. "Cruel and unusual punishment."

Attached and incorporated herein are the: Spartanburg County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, the final orders from Applicant's prior PCR records, and the records for this post-conviction relief action. Respondent reserves the right to amend this Return.

### III.

Respondent submits that this application for Post-Conviction Relief should be summarily dismissed for failing to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann §§ 17-27-10, et. seq. (2003). South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996).

Applicant was sentenced on October 4, 2012. The sentence was altered on March 7, 2013. This application was filed on October 3, 2016, well beyond the statutory filing period expiration date.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, Respondent requests that this Court summarily dismiss the application for post-conviction relief for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

#### IV.

Respondent submits that the application should be summarily dismissed because it is successive to Applicant’s previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Arnold v. State, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can indicate a “sufficient reason” why new grounds for relief were not raised or were

not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that “could not have been raised ... in the previous application.” Id. at 450. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. Id. Applicant bears the burden of showing the allegations could not have been previously raised. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant’s current allegations were or could have been raised in the proceedings based on Applicant’s prior applications for post-conviction relief; thus, the current application is successive and barred under S.C. Code Ann. § 17-27-90. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief. Therefore, he has failed to meet the burden imposed upon him.

Thus, the Court should summarily dismiss the Application as successive to Applicant’s previous PCR application.

#### V.

Applicant’s assertion that he is being held in custody unlawfully as a result of “after discovered evidence”, such that he should be entitled to an evidentiary hearing, is without merit. The Uniform Post-Conviction Relief Act states that a person may institute a post-conviction relief action if “there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.” S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of material fact not previously presented, the post-conviction relief application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(C).

In South Carolina, a guilty plea is regarded as a waiver of non-jurisdictional defects and claims of violations of constitutional rights. State v. Rice, 401 S.C. 330, 331–32, 737 S.E.2d 485, 485–86 (2013) (citing Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Therefore, an applicant requesting a new trial based on after-discovered evidence following a guilty plea must show that;

“(1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the “interest of justice” requires the applicant's guilty plea to be vacated. In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions.”

Jamison v. State, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014).

In support of his claim of “after” or newly discovered evidence, Applicant alleges that medical examinations reports were sequestered by prosecution and he did not receive them until October 1, 2015. Applicant has failed to allege facts sufficient to support his claim of newly discovered evidence. The medical examination records were or could have been discovered before the entry of Applicant’s plea. Respondent submits that Applicant cannot meet either of the elemental requirements of the Jamison test to show that he is entitled to a new trial based on newly discovered evidence. Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make a *prima facie* showing. Therefore, this matter should be summarily dismissed with prejudice.

**VI.**

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

**VII.**

**WHEREFORE**, Respondent moves to summarily dismiss the application because the application is untimely and successive and Applicant has failed to make a *prima facie* case of newly-discovered evidence.

Respectfully submitted,

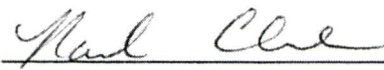
ALAN WILSON  
Attorney General

ROBERT BOLCHOZ  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

VALERIE GIOVANOLI  
Assistant Attorney General

RASHEEDA CLEVELAND  
Staff Attorney

By:   
ATTORNEYS FOR RESPONDENT  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

May 18, 2017

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )  
 )  
 )  
WILLIAM LEON BURNETT, #352645, )  
 )  
 )  
Applicant, )  
 )  
vs )  
 )  
STATE OF SOUTH CAROLINA, )  
 )  
 )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

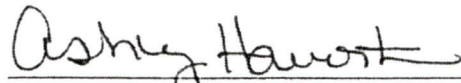
2016-CP-42-3626

AFFIDAVIT OF SERVICE BY MAIL

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

**William Leon Burnett, #352645**  
**Allendale Correctional Institution**  
**P. O. Box 1151**  
**Fairfax, SC 29827**

DATED this 18<sup>TH</sup> day of May, 2017.



Ashley Hawthorn, Paralegal  
For Respondent



ENV 1

State of South Carolina  
The Circuit Court of the Seventh Judicial Circuit

R. Keith Kelly  
Judge

125 E. Floyd Baker Boulevard  
Gaffney, SC 29340  
Phone: (864) 487-2581  
Fax: (864) 487-2772  
kkellyj@sccourts.org

July 7, 2016

William Leon Burnett, SCDC #352645  
Allendale Correctional Institution – Colleton A13  
1057 Revolutionary Trail  
Post Office Box 1151  
Fairfax, South Carolina 29827-7127

RE: Motion for New Trial

Dear Mr. Burnett:

Judge Kelly has received a copy of your Motion filed with the Clerk's Office on May 13, 2016 requesting a new trial based on newly discovered evidence. Pursuant to South Carolina Rules of Criminal Procedure, Rule 29(b), "A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence." Therefore, because the motion was not made within the one (1) year period required, the court is without jurisdiction to consider this request.

However, even if the motion had been made in a timely manner, the evidence cited does not qualify as "after-discovered evidence" under the rules. Therefore, the motion is hereby denied.

Thank you,

A handwritten signature in black ink, appearing to read "Toria D. Davis".

Toria D. Davis  
Law Clerk to the Honorable R. Keith Kelly

STATE OF SOUTH CAROLINA

*DOC*

COUNTY OF SPARTANBURG

STATE VS.

William Leon Burnett

AKA:

Race: WHITE Sex: M Age: 32

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DR#: [REDACTED] SID#: [REDACTED]

CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In consideration of the said indictment comes now the Defendant who was

found guilty of Criminal sexual conduct - First degree (0-30 years) sex offender registration

in violation of S.C. Code § 16-7-692

of the S.C. Code of Laws, bearing CDR Code # 0160

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

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

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

ATTEST: *Hillary C. Welborn* 28366 SC Bar# *William L. Burnett* Defendant *John L. [REDACTED]* Attorney for Defendant *cap of 15 years* SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 15 days/months/years  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

CONCURRENT or  CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. *295 days*

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS4201465

A/W#: M757149

Date of Offense: 1/1/2007

S.C. Code § : 16-3-655(A)

CDR Code #: 0385

SENTENCE SHEET

*ALL FINE IS IN CASH - IN COURT*

CONVICTED OF or  PLEADS Count 2

Mandatory GPS(CSC w/minor 1st or Legal Act)  §17-25-45

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

ATTEST: *Hillary C. Welborn* 28366 SC Bar# *William L. Burnett* Defendant *John L. [REDACTED]* Attorney for Defendant *cap of 15 years* SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 15 days/months/years  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

CONCURRENT or  CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. *295 days*

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Presiding Judge \_\_\_\_\_ Judge Code: 2132

A CERTIFIED COPY  
*M. Hope Blackley*  
SPARTANBURG COUNTY  
BY: *[Signature]*  
DATED: *10-4-12*

Other: *Sex offender Registration*  
*no contact with victim*

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

Clerk of Court/ Deputy Clerk *A. Roemheld*  
Court Reporter *P. Green*

CASE # 11120720

VOLUNTARY STATEMENT

PAGE 1 of 2

STATEMENT OF : Lisa Michelle Burnett

AGE: 37

DATE: 122011

ADDRESS: [REDACTED]

PHONE: [REDACTED]

DOB: [REDACTED]

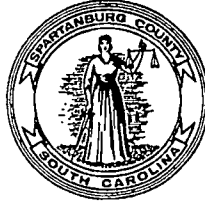
SSN: [REDACTED]

My daughter, [REDACTED] takes 2 different types of medication for ADHD and has since she was 7 years old. She also has a third medication as needed to help her sleep. My older son, J. [REDACTED] is also ADHD, and he is on 3 different types of medication for his ADHD and mood swings. Last Tuesday evening after 5:00 PM, I got arrested for Driving Under Suspension and taken to jail. Once I saw the judge and got a PR bond, I called my dad to come get me, and that's when I found out that Leon got arrested for spanking [REDACTED] too hard. This was after 3:00 AM last Wednesday morning. I didn't wake [REDACTED] up to talk about it when I got home, but we talked later that morning after she woke up. She told me Leon whipped her with the back belt, and where he got the black belt from, but then she told me the sexual part about her and Leon wasn't true. She told me the only reason she said that was because she thought she would get to go live with a friend of hers if she got taken from me. I told her it doesn't work that way. Because of her ADHD, [REDACTED] acts out a lot. She lashes out at me, her brother, and other family members. I know that Leon has spanked her before with either a belt or his hand, but I have never seen him out of control when he spanks her. I have never known him to make her pull down her pants and underwear when he spanks her. When I spank her, I usually use my hand, but I never spank her when I am too mad. I have spanked her with a switch before a couple of months ago, but it was a real thin switch, and I only spanked with a switch a couple of times, and to the best of my knowledge, it didn't leave any marks on her. I did slap her in her mouth 3-4 weeks ago because she called me a real ugly name, and that may have looked to Leon like I hit her in the back of the head because she turned away from me. I have never suspected Leon of doing anything sexually with [REDACTED]. When she said something like that to my sister several years ago when my sister lived in Summerville, it didn't seem possible to me because [REDACTED] and Leon seemed close, and at that time, they were getting along really well. Leon and I have a normal sex life, and he hasn't done anything to cause me to suspect anything. When [REDACTED] got home from Summerville, I talked to her about it, and [REDACTED] said I don't why I said, and I let it go because it seemed she didn't want to talk about it. 1-2 years ago, [REDACTED] got a bruise on her shoulder when she fell at bible camp at Peace Freewill Baptist Church. One of her friends convinced her to say Leon hit her so [REDACTED] could come live with her, which meant DSS got involved, and they interviewed me, her, and church officials. DSS closed their case and told me there wasn't enough evidence to go forward. [REDACTED] has a habit of lying or changing the subject and talking real fast when I am trying to get the truth out of her. Leon takes seizure medication for a head injury from when he was an infant, but I have been with him for 9 years, and I have never seen him have mood swings or lose control. He and I argue like normal couples, but he has never been physically aggressive with me. I have asked Sgt. Kevin Bobo to prepare this statement for me, and I swear it is true to the best of my knowledge.

# Spartanburg County

Spartanburg County Court House  
180 Magnolia Street  
P. O Box 3483  
Spartanburg, SC 29304-3483

Phone (864) 596-2591  
Fax (864) 596-2259



**M. Hope Blackley**  
Clerk of Court

**Gail Moffitt**  
Assistant Clerk of Court

August 5, 2016

William Leon Burnett #352645  
Colleton A13  
1057 Revolutionary Trail  
PO Box 1151  
Fairfax, SC 29827-7127

RE: Motion for New Trial (2012GS4201465)

Dear Mr. Burnett,

We are in receipt of your Motion for a new trial. Please be advised that case 2012GS4201465 was dismissed on October 4, 2012. Enclosed you will find the case history report to support this information. If we can be of further assistance to you please let us know.

Sincerely,  
*Tanya Camp*  
Court Supervisor

STATEMENT OF: William Leon Burnett

AGE: 31

DATE: 12-15-11

ADDRESS:

PHONE #

DOB:

SSN:

- I did not spank [redacted] Friday or Saturday, I did spank [redacted] with a belt on Monday and Tuesday night because she would not mind and study, [redacted]'s mother Lisa Burnett does spank her with a switch. I did tell [redacted] if she told anyone about her Mom spanking her with the switch she would be taken away from us. A couple of nights ago Lisa did spank [redacted] with a switch, she also slapped at her with an open hand at the back of her head at the side of her face. I never told [redacted] I would take Christmas away if she told. I have spanked [redacted] with a switch before but it was years ago, it left a red mark so I didn't do it again. Aunt Jennifer has also spanked her with a switch before. [redacted] has a habit of lying about things. I knew [redacted] had marks on her from the switch but I didn't do that. This statement is written By Det Bohan as told by William Leon Burnett and 12-15-11.

End of Statement

I have read this statement consisting of 1 pages(s), and I swear that the statement that I have just given is the truth, the whole truth, and nothing but the truth, so help me God. I also swear this statement was given freely and voluntarily and I have received a copy of my statement. This statement was completed at 0400 A M. on the 15<sup>th</sup> day of December 2011.

WITNESS:

*Kenneth*

*William Burnett*  
Signature of person giving voluntary statement

SWORN to before me this

15<sup>th</sup>

day of

December, 2011.

*[Signature]*

(Seal)

Notary Public of South Carolina

CASE# <u>2011-12-0720</u> VOLUNTARY STATEMENT		PAGE   of   <u>1</u>
STATEMENT OF: <u>William Leon Burnett</u>	AGE: <u>31</u>	DATE: <u>12-21-11</u>
ADDRESS: <u>110</u>	DOB: <u>1-1-80</u>	SSN: <u>1-1-3</u>
PHONE #		

- I have touched Brianna inappropriately in the past during random incidents over the years. Brianna always approached me, like she would just come up to me and start kissing me on the mouth, Brianna would then put her hands down my pants, I would tell her to stop and Brianna would say she wouldn't tell anyone. Brianna has also grabbed my arm and made me touch her breast and between her legs, it has never went any further than that. This hasn't went on every month of every year, if it had it would caught up with me by now. It has happened about five times over the past three or four years. I knew what happened was wrong, but I felt sorry for her and tried to show affection to her. I feel I need help for what I have done, I need extensive help. I am very sorry for what happened.

I have read this statement consisting of 1 page(s), and I swear that the statement that I have just given is the truth, the whole truth, and nothing but the truth, so help me God. I also swear this statement was given freely and voluntarily and I have received a copy of my statement. EOS,

This statement was completed at 7:50 P M. on the 21<sup>st</sup> day of December 2011.

WITNESS: Philip Martin

William Burnett  
Signature of person giving voluntary statement

SWORN to before me this 21<sup>st</sup>

day of December, 2011.

John P. [Signature] (Seal)  
Notary Public (South Carolina)

My Commission expires: 3-15-12

This statement is written by Det Boken as told by William Leon Burnett. William Burnett  
SHIM

16-3626 cs

**M. HOPE BLACKLEY**

Clerk of Court, Spartanburg County

Post Office Box 3483

Spartanburg, South Carolina 29304-3483

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352645

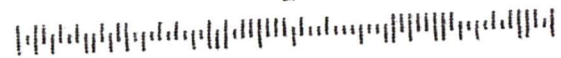
WILLIAM L BURNETT #358645  
ALLENDALE CI, JASPER A223  
1057 REVOLUTIONARY TRAIL, POB 1151  
FAIRFAX, SC 29827-2187

**RECEIVED**

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SC Attorney General's Office  
Post Office Box 11549  
Columbia, SC 29211

William Leon Burnett, #352645  
Allendale Correctional Institution  
P. O. Box 1151  
Fairfax, SC 29827

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL CIRCUIT
	)	
William Leon Burnett #352645,	)	
	)	Case No.: 2016-CP-42-3626
Applicant,	)	
	)	
v.	)	
	)	<b>CONDITIONAL ORDER OF DISMISSAL</b>
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	
	)	

This matter comes before the Court by way of an application for post-conviction relief filed by William Leon Burnett (Applicant) on October 3, 2016 and amended on March 15, 2017, Respondent made its Return, requesting the application be summarily dismissed.

**PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the April 2012 term of the Spartanburg County Grand Jury for criminal sexual conduct with a minor, first degree (2012-GS-42-1465). The State amended the indictment to include a second count of criminal sexual conduct, first degree (2012-GS-42-1465, amended). Applicant was also indicted for unlawful neglect by a legal custodian. Applicant was represented by James Cheek, Esquire. Hillary C. Welborn of the Seventh Circuit Solicitor’s Office prosecuted the case. The State dismissed count one -criminal sexual conduct w/ minor first degree in exchange for Applicant’s plea. On October 4, 2012, Applicant waived presentment of the amended indictment and pled *nolo contendere* under North Carolina v. Alford<sup>1</sup> to criminal sexual conduct, first

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<sup>1</sup> North Carolina v. Alford, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970).

degree. Also, Applicant pled guilty as indicted to unlawful neglect. The Honorable J. Mark Hayes, II, accepted Applicant's plea, and in accordance with the recommendation of the State sentenced Applicant to confinement for a period of fifteen (15) years. Applicant was to receive 295 days credit for time served. Applicant was sentenced to ten (10) years' confinement for unlawful neglect. At the time; Applicant was also on probation for financial transaction fraud (2010-GS-42-0157). Judge Hayes, found Applicant in violation of the conditions of his probation and reinstated a two (2) year sentence for the probation violation. Applicant was also required to register with the sexual offender registry and to have no contact with the victim. The sentences were to run concurrent with each other.

Subsequently, Applicant filed a motion to reconsider his sentence. On March 7, 2013, following a hearing on the motion, the motion to reconsider was granted. Applicant's sentence was altered to reflect that Applicant's original fifteen (15) year sentence for criminal sexual conduct, first degree and the ten (10) year sentence on child neglect were to remain, but both were suspended upon service of seven and one half (7½) years followed by five (5) years of supervised probation. Applicant did not appeal his convictions or sentences.

**2013-CP-42-2653**

Applicant filed his first post-conviction relief application on June 25, 2013. He alleged the following grounds for relief:

1. Ineffective assistance of counsel, in that;
  - a. Counsel (James Cheek & Richard Whelchel) only met with Applicant two times prior to guilty plea,
  - b. Counsel failed to review discovery materials with the Applicant,
  - c. Counsel failed to discuss possible defenses or challenges to Applicant's statement,
  - d. Counsel failed to present accurate and complete information during mitigation portion of sentencing,

- e. Counsel failed to notify Applicant's family of plea or allow him time to discuss plea offer,
  - f. Counsel brought in the Assistant Solicitor to meet with Applicant the morning of the plea against Applicant's will.
2. Civil rights violation, in that;
- a. Interview with Detective Bohon was improper.

Respondent made its Return and on January 12, 2016, an evidentiary hearing into the matter was convened at the Spartanburg County Courthouse before the Honorable R. Ferrell Cothran, Jr. Applicant was present and represented by Rodney W. Richey, Esquire. Respondent was represented by Alicia A. Olive of the South Carolina Attorney General's Office. Applicant informed the Court of his desire to withdraw his application. After finding that Applicant's decision to withdraw his application was knowingly, voluntarily, and intelligently made, Judge Cothran by written order dated March 2, 2016, dismissed the application with prejudice.

#### **CURRENT APPLICATION**

In his second and current application for post-conviction relief, Applicant alleges he is being held in custody unlawfully on the following grounds:

- 1. Ineffective Assistance of Counsel in that;
  - a. Counsel failed to object to the prosecutions failure to present aggravating factors such as; the rape kit and medical examinations.
  - b. Counsel "failed to honor defendant's communication in correcting his own statements of nerve and heart problems."
  - c. Counsel failed to question potential witnesses Christie Brall.
  - d. Counsel failed to have Applicant sign his plea agreement and indictment in compliance with S.C. Code § 17-23-130.
  - e. Counsel failed to inform Applicant on the record of his constitutional right to appeal his convictions and sentences.
  - f. Applicant did not knowingly, willingly, or voluntarily waive his constitutional right to appeal his convictions and sentences.
  - g. Counsel failed to file notice of appeal.
  - h. "But for counsel's errors the outcome of the case would have been different on appeal.
- 2. After-discovered Evidence;

- a. "The medical examinations reports were sequestered by the prosecuting attorney, Ms. Hilliary C. Welburn. Only through contact with the 7<sup>th</sup> Judicial Circuit Solicitor's Office was I able to compel the release of these documents... Finally, after ethical order of Mr. Richard H. Whelchel through Mr. Clay T. Allen did I receive them on October 1, 2015. I filed a Motion for New Trial based on Newly Discovered Evidence... Judge R. Keith Kelly denied the motion on May 13, 2016... There is substantive documentation to back it up positive."
3. State and Federal Constitutional violations.
- a. "Waiver of Presentment of Indictment"
  - b. "Self-Incrimination" – Applicant "was refused the opportunity to put his statement in his own handwriting" and was interrogated under duress after having suffered several seizures.
  - c. "Double Jeopardy" – "General Sessions remanded the case back to family court. It was heard and ruled upon [on] May 24, 2012 before the Honorable William Wyle, Jr. with Kenneth E. Lee representing [Applicant]. The ruling was in favor of [Applicant]."
  - d. "Cruel and unusual punishment."

Before this court are the: Spartanburg County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, Applicant's prior PCR records , and the records for this post-conviction relief action.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

### Statute of Limitations

The Court finds the application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann §§ 17-27-10, et. seq. (2003). South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996).

Applicant was sentenced on October 4, 2012. The sentence was altered on March 7, 2013. This application was filed on October 3, 2016, well beyond the statutory filing period expiration date.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, Applicant’s current application must be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

#### **Successive**

The Court also finds that the Application must be summarily dismissed because it is successive to Applicant’s previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Arnold v. State, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can indicate a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991).

Any new ground raised in a subsequent application is limited to those grounds that “could not have been raised ... in the previous application.” Id. at 450. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. Id. Applicant bears the burden of showing the allegations could not have been previously raised. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant’s current allegations were or could have been raised in the proceedings based on Applicant’s prior applications for post-conviction relief; thus, the current application is successive and barred under S.C. Code Ann. § 17-27-90. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief. Therefore, he has failed to meet the burden imposed upon him.

Thus, the Court shall summarily dismiss the application as successive to Applicant’s previous PCR application.

#### **Newly discovered evidence**

Applicant’s assertion that he is being held in custody unlawfully as a result of “after discovered evidence”, such that he should be entitled to an evidentiary hearing, is without merit. The Uniform Post-Conviction Relief Act states that a person may institute a post-conviction relief action if “there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.” S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of material fact not previously presented, the post-conviction relief application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(C).

In South Carolina, a guilty plea is regarded as a waiver of non-jurisdictional defects and claims of violations of constitutional rights. State v. Rice, 401 S.C. 330, 331–32, 737 S.E.2d 485, 485–86 (2013) (citing Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Therefore, an applicant requesting a new trial based on after-discovered evidence following a guilty plea must show that;

“(1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the “interest of justice” requires the applicant's guilty plea to be vacated. In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions.”

Jamison v. State, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014).

In support of his claim of “after” or newly discovered evidence, Applicant alleges that medical examinations reports were sequestered by prosecution and he did not receive them until October 1, 2015. Applicant has failed to allege facts sufficient to support his claim of newly discovered evidence. The medical examination records were or could have been discovered before the entry of Applicant’s plea. Respondent submits that Applicant cannot meet either of the elemental requirements of the Jamison test to show that he is entitled to a new trial based on newly discovered evidence. Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make a *prima facie* showing. Therefore, this matter shall be summarily dismissed with prejudice.

{Conclusion and signature on the following page}

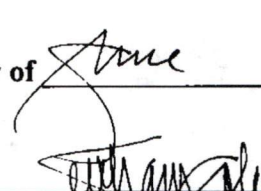
**CONCLUSION**

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Spartanburg County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General  
Attn: Valerie Giovanoli, Esquire  
Rasheeda Cleveland, Esquire  
PCR Division – 7<sup>th</sup> Circuit  
P.O. Box 11549  
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Spartanburg County Clerk of Court and opposing counsel within twenty (20) days, and that the Court will not consider any issues raised in his response if not so timely filed and served.

**AND IT IS SO ORDERED** this 2nd day of June, 2017.

  
\_\_\_\_\_  
J. DERHAM COLE  
Chief Administrative Judge  
Seventh Judicial Circuit

\_\_\_\_\_, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
County of Spartanburg )  
William Leon Burnett <sup>SODC</sup> #35248 )  
Full name and prison number (if any) of Applicant )

IN THE COURT OF COMMON PLEAS

**2016-CP-42-3626**

v. )  
 )  
State of South Carolina )

APPLICATION FOR  
POST-CONVICTION RELIEF

2016 OCT -3 AM 11:29  
M. HOPE BLACKLEY

**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 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 Allendale Correctional Institution  
1057 Revolutionary Trails, Post Office Box 1151, Fairfax, South Carolina 29827
  2. Name and location of Court which imposed sentence Spartanburg Court of  
General Sessions - 180 Magnolia Street, Spartanburg, S.C. 29306
  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) C/A No: 2012-GS-42-01465 - CSC 1<sup>ST</sup> Degree
    - (b) C/A No: 2012-GS-42-01465 - Child Neglect

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) October 4, 2012 - 15 years
- (b) March 1, 2013 - 7.5 years from suspended 15 years & 5 yrs prob.
- (c) \_\_\_\_\_

6. Check whether a finding of guilty was made:
- (a) after a plea of guilty N.C.V. Alford
- (b) after a plea of not guilty N/A
- (c) after a plea of nolo contendere N/A

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

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

- (a) the name of each Court to which you appealed:
- i. Spartanburg County Court of General Sessions
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

- (b) the result in each such Court to which you appealed:
- i. 15 yrs suspended of service 7.5 yrs in D.C. for 5 yrs prob.
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

- (c) the date of each such result:
- i. March 1, 2013
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Reconsideration final judgement in favor of applicant
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

2016 OCT -3 AM 11:20  
 M. HOFFER  
 D. LOCKLEY

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

- (a) Ineffective Assistance of Counsel
- (b) After-Discovered Evidence pursuant to SCRCrimPRule 29(b)
- (c) and S.C. RCP, Rule 60(b) / Constitution Rights Violation

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

- (a) see attachments
- (b) See attachments
- (c) South Carolina Const, Art. ~~17~~<sup>1</sup>, ~~32~~<sup>52</sup>, ~~14~~<sup>15</sup>, U.S.C. AV, VI, VII, ~~XIV~~

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

- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petition in the United States Supreme Court for certiorari other than petitions if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? Y

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. Motion For Newly Discovered Evidence Under Rule 60(b)(SCRCP)
  - ii. Post-Conviction
  - iii. N/A
  - iv. 42 U.S.C. Sec. 1983 Civil Rights
- (b) the name and location of the Court in which each was filed:
  - i. Spartanburg County - 180 Magnolia Street, Spartanburg, S.C. 29306
  - ii. Spartanburg County Court of Common Pleas - same address
  - iii. N/A
  - iv. United States District Court for the District of South Carolina  
P.O. Box 835; Charleston, South Carolina 29402

2016 OCT -3 4 01/120  
M. HOFF BLASKIN



how many years elapses from date of last conviction. General Sessions Circuit Court Judge R. Keith Kelly denied the motion on May 13, 2016 and received confirmation on July 6, 2016; quoting rule 29(b) of South Carolina Rules for Criminal Procedures (S.C. Crim P) Rule 29(b) of the South Carolina Rules for Civil Procedures (S.C. C.P.) was asserted in Mr. Burnett's motion. There is substantive documentation to back it up - positive proof. State v. Ellison, 356 S.C. 33, 586 S.E. 2d 596 (S.C. App. 2003)  
State v. Green, 343 S.C. 207, 539 S.E. 2d 419 (S.C. App. 2000)

11C. His state and federal constitution rights were violated respectively. South Carolina Constitution Art. I Sec. 11-  
W/river of Presentment of Indictment, U.S.C.A. V-

Self-Incrimination / Double Jeopardy. Only by signing a Plea Agreement / Indictment is it then and only then ~~violated~~ <sup>violated</sup> Plea Bargain. See South Carolina Code Ann. 17-23-135. A sentencing sheet never serves as a compliment substitute. Only South Carolina State Courts' ~~opinion~~ <sup>opinion</sup> biased and prejudicial opinion is rightly illusioned to the defendant.

2 His constitutional rights of self-incrimination was certainly violated when he was refused the opportunity to put his statement in his words in his own handwriting and that Mr. Burnett was DURESSSED to go through with interrogation one-on-one after informing Mr. Joseph Bohon, Badge # 0667 of several seizures he had in Pod 4 prior to it taking place from 9:05 P.M. - 9:51 P.M., Tuesday, December 21, 2011. There must be either one (1) or more witnesses, audio, or lastly video. There wasn't near one of these options per procedural authority utilized.

There is substantive documentation to show for.

③ Counsel's performance fell below an objective standard when he failed to proficiently present evidence on his client's behalf. He, James Cheeks never had the case file in hand; Stated Mr. Burnett had nerve and heart problems, Mr. Burnett attested to the court against these insufficient statements, and never asked Mr. Burnett if he wished to speak with Hillary C. Welburn's assistant, Ms. Christie Bralle confidentially. Instead, he proceeded to openly converse about his alleged involuntary Alford plea in the middle of a congregation of approximately 25 others. Mr. Burnett adamantly stated "I want to go back to Spartanburg County Detention Facility." In rapid response, prosecuting attorney stated, "No! Mr. Burnett, you are going through these court doors, and you are not going back to the county jail." Mr. Cheeks never stepped in to make a objectional stanza against it. He just reiterated and recanted the prosecuting attorney's remarks, and said "You heard what she said." Subconsciously, this is a violation of South Carolina Constitution Art. I Sec. 14 and U.S.C. A XVIII - Due Process, and VII - Ineffective Assistance of COUNSEL.

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④ Prosecuting Attorney Hillary C. Welburn had Mr. Burnett indictment for C.S.C. 1<sup>st</sup> with a minor > 11 years old and C.S.C. 1<sup>st</sup> Degree under one indictment. Furthermore, it was same victim 12 yr. old stepdaughter, same time and day as inconsistently alleged. All under one indictment. Notwithstanding, neither charge is a lesser included offense of the other, which was prosecution with malice as the motive. Also, Child Neglect was a

Double Jeopardy violation, because General Sessions REMANDED the case back to family court. It was heard and ruled upon May 24, 2012 before the Honorable William Wyle, Jr. with Kenneth E. Lee representing Mr. Burnett. The ruling was in favor of Mr. Burnett; as there was no preponderance of evidence to find him guilty of Child Neglect / Abuse. Suss the fact that the content attained in whole violates South Carolina Code of laws and Constitutional Art. I Sec. 15, as well as, U.S.C. A. VIII - Cruel and Unusual Punishment with emphasis placed on deliberate indifference. Also, there is proof of documentation to support claim.

2016 OCT -3 AM 11:28  
 M. HOPE BLACKLEY

(c) the disposition thereof:

- i. Dismissed by Honorable R. Keith Kelly quoting Rule 29(b)
- ii. Voluntary Withdraw on time constraints see Attachments
- iii. N/A
- iv. Pending - C.A. No: 9:16-2742-MG6-BM

(d) the date of each such disposition:

- i. May 13, 2016
- ii. January 16, 2016
- iii. N/A
- iv. Pending

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

- i. Ruled against based on Rule 29(b)
- ii. N/A
- iii. N/A
- iv. Pending

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?

Yes

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

(a) which grounds have been presented:

- i. Failure to investigate allegations/comply with S.C. ACR-Rule 107-
- ii. Professional Conduct - Subsection 1.4 Communication (A)(5)
- iii. Presented adequate information that wasn't presented Oct 4, 2013

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

- i. Common Pleas - January 16, 2016
- ii. Court of General Sessions - March 1, 2015
- 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) Wasn't brought up on March 1, 2013
- (b) Exculpate evidence requested by State prosecution
- (c) ⓐ Just filed in District Court ⓑ see attachment

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

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. James Cheeks - 950 California Avenue  
Spartanburg, South Carolina 29303
  - ii. Mr William Arthur Hodge: Attorney at Law  
Post Office Box 8753, Columbia, South Carolina 29202
  - iii. Mr. Rodney Richey: Attorney at Law; Post Office  
Box 10916, Greenville, South Carolina 29603
- (b) the proceedings at which each such attorney represented you:
  - i. N.C.V. Alford plea
  - ii. Post-Trial (Reconsideration)
  - iii. Post-Conviction Relief

2016 OCT -3 AM 11:21  
M. HOPE DL ACKLEY

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

To have the conviction annulled and nullified based on the grounds and documents attained therein.

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

No

STATE OF SOUTH CAROLINA )

County of Spartanburg )

VERIFICATION

I, William Leon Burnett, SCD# 352645, 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.

William Leon Burnett

SWORN to and subscribed before me this 28 day of September, 2016.

Virginia Smith (L.S.)  
Notary Public

My Commission Expires: 12-12-22

SPARTANBURG  
2016 OCT -3 AM 11:21  
M. HOPE BLACKLEY

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

I, William Leon Burnett, SUDC # 359615, 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.

William Leon Burnett  
Applicant

SWORN or affirmed to and subscribed before me this  
28 day of September, 2016.

Virginia Drubbs  
Notary Public

My Commission Expires: 12-12-20

2016 OCT -3 AM 11:21  
M. HOPE BLACKLEY



SPARTANBURG Regional Healthcare System

SRMC SHRC BJV

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

Patient Name: Brannon Date of Birth:
Patient Address: [Redacted] SS#: [Redacted] Phone: [Redacted]

The undersigned hereby authorizes Spartanburg Regional Healthcare System to release information contained in my medical records to: Spartanburg County Sheriff's Office (address) 8045 Howard Street Spartanburg, SC 29303

Covering records for the period from 12-14-2011 to 12-15-2011

Specific information to be disclosed: Medical Records for 12-14-11 and 12-15-11

Purpose of Release: Police Investigation Child Abuse / Sexual Assault

This authorization places no restrictions on any information to be released, including any treatment for alcohol, drug abuse, HIV testing, or psychiatric. If any restrictions are to be placed on information released, please state: NONE

- a. The patient is voluntarily signing this authorization.
b. The patient reserves the right to refuse to sign this authorization.
c. The patient is entitled to review or receive a copy of the information for which the authorization is being sought.
d. The patient will receive a copy of the signed authorization.
e. The patient reserves the right to revoke this authorization at any time. This revocation must be in writing.
f. Information may be subject to re-disclosure by the recipient and no longer protected.

Signature of Patient Date Signature of Parent/Guardian Date 12-21-11
Signature of Personal Representative Date
Witness Joseph Bohon 12-21-11
Description of Right to Act for the Individual Mother

Expiration of this authorization is one (1) year from date of signature, unless otherwise specified. ANY DISCLOSURE OF MEDICAL RECORD INFORMATION BY THE RECIPIENT(S) IS PROHIBITED EXCEPT WHEN IMPLICIT IN THE PURPOSES DISCLOSURE.

SPARTANBURG COUNTY SHERIFF'S OFFICE
JOSEPH D. BOHON
WHOSE SIGNATURE AND PHOTOGRAPH APPEAR HEREON IS A SPARTANBURG COUNTY SHERIFF'S DEPUTY IS AUTHORIZED TO ENFORCE THE LAWS OF THE STATE OF SOUTH CAROLINA AND SPARTANBURG COUNTY.
Sheriff, Spartanburg County

DATE: 12/14 TIME: 10:15 PM ROOM: 76 EMS Arrival  
 HISTORIAN: patient paramedic translator other  
 AGE: M (P)  
 History limited by

HPI

**chief complaint:** Injury to:

**duration / occurred:**  
 just prior to arrival  
 today: OVER 4-5 yrs  
 yesterday  
 days PTA

**where occurred:**  
 home school  
 neighbor's city park  
 work street

**context:** fists kicked choked  
 pushed / thrown down pushed / thrown against wall  
 struck with object(s):  
 Patient reports her grandfather (Leon) has spanked her with belts and switches on her buttocks since about age 7 or 8. Sometimes he spanks her back. He also has fondled her buttocks and private parts and has kissed her. Rectum or vagina.

location of pain / injuries:		-right-	-left-
head face mouth	shldr hip	shldr hip	shldr hip
neck chest abdomen	arm thigh	arm thigh	arm thigh
breast R / L buttocks	elbow knee	elbow knee	elbow knee
back: upper mid- lower	f-arm leg	f-arm leg	f-arm leg
radiating to R/L thigh / leg	wrist ankle	wrist ankle	wrist ankle
	hand foot	hand foot	hand foot

**severity:** mild moderate severe  
 pain level: current /10 max /10

**associated symptoms:**  
 lost consciousness / dazed  
 duration:  
 remembers:  
 impact coming to hospital  
 seizure

Agree w/ nurse's note for PFSH / ROS

**ROS**  
 ROS below otherwise negative  
 loss feeling / power arms / legs  
 neck pain  
 headache  
 double vision / hearing loss  
 trouble breathing / chest pain  
 nausea / vomiting  
 loss of bladder function  
 skin laceration  
 recent fever / illness

**SOCIAL HISTORY** recent ETOH smoker drug abuse  
 lives alone lives in nursing home lives at home  
 occupation child - student in school

**PAST HISTORY** Tetanus UTD  
 prior records reviewed:  
 other:  
 Meds- none / see list - confirmed  
 Allergies- NKDA / see list - confirmed

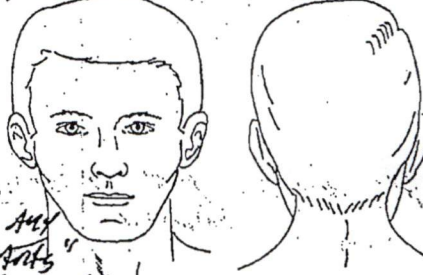
Patient is Alert, cooperative she is worried because

**PHYSICAL EXAM**  
 Agree w/ vital signs Other: Heart  
 Pulse Ox time % RA O<sub>2</sub> L/min  
 Interpretation: normal abnormal Dx  
 Exam limited by  
 CONSTITUTIONAL c-collar (PTA / in ED) / backboard  
 no acute distress mild / moderate / severe distress

**HEAD** see diagram  
 normocephalic Battle's sign / Raccoon Eyes  
 atraumatic

**NECK** see diagram  
 non-tender vertebral point-tenderness  
 painless ROM muscle spasm / decreased ROM  
 trachea midline pain on movement of neck

she has been forced to touch her "private parts"  
 most recent assault was Saturday Dec. 10  
 Buttocks, breasts and "private parts" and has kissed her. Rectum or vagina.



**EYES** unequal pupils R- mm L- mm  
 PERRL Her PAM post-surgical pupillary defect (R/L)  
 EOMI EOM entrapment / palsy  
 no penetration of subconjunctival hemorrhage  
 Her Rectum or Vagina pale conjunctivae

**ENT** hemotympanum  
 nml ENT external inspection TM obscured by cerumen (R/L)  
 no dental injury clotted nasal blood  
 dental injury / malocclusion

**RESP / CVS** see diagram  
 chest non-tender decreased breath sounds  
 breath sounds nml wheezing / rales  
 heart sounds nml splinting / paradoxical movements  
 tachycardia / bradycardia

**GI / ABDOMEN** see diagram (on reverse)  
 non-tender tenderness / guarding / rebound  
 no organomegaly mass / organomegaly

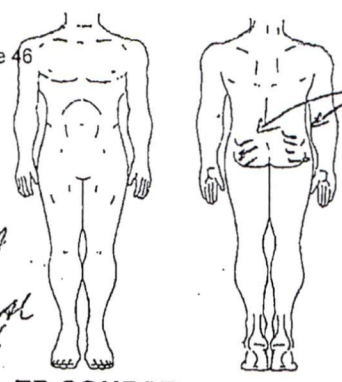
**GENITAL / RECTAL** perineal hematoma  
 nml genital exam blood at urethral meatus  
 nml vaginal exam decreased rectal tone  
 nml rectal exam  
 heme negative stool

**NEURO** lethargic  
 awake and alert disoriented to person / place / time  
 oriented x3 facial asymmetry / anisocoria  
 CN's nml  
 as tested  
 sensation & unsteady / ataxic gait  
 motor nml sensory / motor deficit  
 GCS



PSYCH  
 mood / affect (nm) depressed affect  
 SKIN  
 intact see diagram  
 warm, dry see diagram  
 BACK  
 no CVA see diagram  
 tenderness vertebral point-tenderness  
 no vertebral CVA tenderness  
 tenderness muscle spasm / limited ROM  
 HIPS / PELVIS  
 pelvis stable see diagram  
 hips non-tender bony point-tenderness  
 MUSCULOSKELETAL / EXTREMITIES  
 no evidence of trauma painful / unable to bear weight  
 nml ROM painful / unable to bear weight  
 no pedal edema pulse deficit  
 Joint Exam:  
 limited ROM / ligaments laxity / joint effusion

NUMEROUS BRUISES  
 BOTH BUTTOCKS  
 CYN  
 external genitalia  
 by bruises of  
 TESTES, HYMOANAL  
 Ring intact



T=Tenderness  
 PT=Point Tenderness  
 S=Swelling  
 E=Ecchymosis  
 Lac=Laceration  
 A=Abrasion B=Burn  
 @=without m=mild  
 mod=moderate  
 sv=severe  
 Tsv=Tenderness on  
 palpation (severe)

**PROCEDURES:**

Wound Description / Repair  
 length cm location  
 superficial \*subcut muscle linear stellate irregular  
 clean contaminated moderately / heavily  
 distal NVT: neuro & vascular status intact no tendon injury  
 anesthesia: local digital block mL  
 lidoc 1% 2% epi / bicarb marcaine 0.25% 0.5% LET  
 prep:  
 Shur-Clens / Betadine debrided  
 irrigated / washed w/ saline minimal / \*mod. / \*extensive  
 minimal / mod. / \*extensive  
 foreign material removed minimal / mod. / \*extensive  
 partially completely wound margins revised  
 minimal / mod. / \*extensive wound explored  
 repair: Wound closed with: wound adhesive / steri-strips  
 SKIN- # -0 nylon / prolene / staples  
 \*SUBCUT-# -0 vicryl

**OTHER PROCEDURES**

splint Velcro OCL / Ortho-glass / Plaster Aluminum-foam  
 Volar Thumb spica Ulnar Wrist Sugar-Tong Cock-up Collar  
 applied by ED Physician / Orthopedist / Tech  
 examined post splint application  
 neurovasc intact alignment good

XRAYS  Discussed w radiologist  Interpreted by radiologist  
 Personally reviewed by me  Interp contemporaneously by me

CXR PA/LAT AP port. # of views  
 nml heart size under-penetrated / over-penetrated / rotated  
 nml lung markings decr. lung markings c/w COPD  
 nml great vessels density c/w pleural effusion  
 and mediastinum cardiomegaly  
 NAD incr. lung markings / infiltrate  
 PRIOR XRAY- unchngd unavall. changed:

Xray of: C-spine T-spine LS-spine # of views:  
 no fracture nml disc spaces nml alignment

Xray of: # of views:  
 no fracture no FB soft tissue nml

Xray of: # of views:  
 no fracture no FB soft tissue nml

CT SCAN Head Chest Abdomen  
 nml  
 reviewed by me  interp. by me  discussed with radiologist

**ED COURSE:**

Time re-examined unchanged improved  
 Physicist exam of external genitalia  
 IS NORMAL There is NO bruising,  
 Tenderness or swelling.  
 Intact Hymanal Ring. NO signs  
 of penetration.  
 NO discharge visible at introitus.  
 Crit Care- min (excluding separately billable procedures)

Discussed with Dr. Police Time  
 patient will be seen in: office / ED / hospital  
 Counseled Patient / Family regarding: Rx given  
 lab results diagnosis need for follow-up Prior records ordered  
 EMTALA EMC present  EMTALA EMC absent  
 Stable for discharge / out patient follow up

**CLINICAL IMPRESSION: ALLEGED ASSAULT**

<b>contusion</b> Buttocks	<b>sprain / strain</b>
head wrist R/L	neck thoracic lumbar
face hand R/L	
chest hip R/L	
abdomen thigh R/L	<b>concussion</b>
back knee R/L	with LOC w/o LOC
shoulder R/L leg R/L	
arm R/L ankle R/L	
elbow R/L foot R/L	<b>laceration</b>
forearm R/L Alleged	
other Physical and Sexual Abuse	

Follow up with Dr.  
 DISPOSITION-  discharge  admit  transfer  
 Time placed in obs. (See obs template) Left AMA  
 CONDITION-  unchanged  improved  stable  
 stable unless otherwise marked

ARNP / PA  
 PHYSICIAN- Andy Sambrino MD Time

PHYSICIAN- Time  
 T Complete  T Sheet Add-On  Copy PMD  Dictated



**EmSTAT Report of Home Medications,  
Medications Given and Medications Prescribed**

Spartanburg Regional Medical Center  
101 E. Wood St.  
Spartanburg, SC 29303  
Emergency Department (864)560-5400

Name: **Brannon,** Sex: F  
MR #: 000828036 Account #: 1134801816  
DOB: [REDACTED] Weight:  
Chief Complaint: forensic exam  
Prim Diagnosis: SA exam - victim or perpetrator  
ED Physician: Sansbury, Andy - Emergency Medicine  
PCP:

**Allergies:**  
\*No Known Allergies

This list of medications has been reviewed by your doctor and is complete and accurate to the best of our knowledge. However, as your care was provided in the Emergency Department, we may not have all of your information, or there may be errors that we could not discover during your emergency visit. Please confirm all medications and doses with your primary care physician.

**Home Medications**

Recorded by Rachael Gfeller, RN - 12/14/2011 20:31

Medication/Dose/Route/Frequency	Last Dose	Disposition	PCP Contacted
Vyvanse -- PO DAILY Comment: _____	_____	Continue/Stop	No
Trazodone HCL 50mg (x2 tabs) - PO HS Comment: _____	_____	Continue/Stop	No
Methylphenidate HCL - PO DAILY Comment: _____	_____	Continue/Stop	No

**Medications Given in ED**

No Medications Given

**Medications Prescribed by ED Physician**

No Medications Prescribed

**Medications Reconciled by:** Sansbury, Andy - Emergency Medicine

<b>Spartanburg Regional Medical Center</b> 101 E. Wood St.	<b>Emergency Center</b> (864)560-5400 Assessment Sheet	MR # 000828036 Name: <b>Brannon,</b> Sex: Female DOB: 10/01/1999 Phone: [REDACTED] Address: [REDACTED] Unit Code: 10108 Account #: [REDACTED] Age: [REDACTED]
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<p><b>Triage/Initial Assessment</b></p> <p>20:25 12/14/2011 - Initial Triage Info -- Rachael Gfeller, RN          Chief Complaint: forensic exam          Initial Triage Acuity: Class 2</p> <p><b>Administrative</b></p> <p>20:02 12/14/2011 - Referral/Transfer-In -- Cindy Thomas          ETA: 10          Call Taken By: cindy thomas          Note: per Medic 10 with 12yof who has been sexually and physically abused with buttocks pain - bp 120/82 - p 90. Charge nurse contacted.</p> <p><b>Disposition</b></p> <p>22:29 12/14/2011 - Home Medications -- Andy Sansbury, MD          Med: Vyvanse - PO DAILY          Disposition: Continue          Med: 50mg (x2 tabs) Trazodone HCL - PO HS          Disposition: Continue          Med: Methylphenidate HCL - PO DAILY          Disposition: Continue</p> <p><b>Assessment</b></p> <p>20:01 12/14/2011 - Registration Information -- Kim Patton EMT          First Name: 10          Last Name: Medic          Arrival Time: 12/14/2011 19:59          Chief Complaint: Buttock pain - forensic exam          Date of Birth: 12/14/1911          Sex: F</p> <p>20:06 12/14/2011 - Registration Information -- Cindy Thomas          First Name: Emily          Last Name: Brannon          Date of Birth: 10/01/1999</p> <p>20:11 12/14/2011 - Registration Information -- REGS          Date of Birth: 19991001          Medical Record Number: 000828036          Account Number: 1134801816          Corporate ID: 00734036          Social Security Number: 777-77-7777          Financial Class: VIP          Insurance Class: --None          Ethnicity: White          Zip Code: ""</p> <p>20:11 12/14/2011 - Registration Information -- Dyah Posey          Date of Birth: 10/01/1999</p> <p>20:14 12/14/2011 - Change Nurse -- Rachael Gfeller, RN          Primary Nurse: Gfeller, RN, Rachael L          Secondary Nurse:          Responsible Nurse: Gfeller, RN, Rachael L</p> <p>20:14 12/14/2011 - Secondary Survey -- Rachael Gfeller, RN          Exposure: Clothing removed, Hospital gown provided, Warm blankets applied          Head to Toe Assessment: See Focused Survey</p> <p>20:14 12/14/2011 - Primary Survey -- Rachael Gfeller, RN          Airway: INTACT, patent          Breathing: PRESENT, no labored respirations noted, symmetrical chest movement, trachea midline          Circulation: adequate, skin warm and dry          RUE Strength: normal          RLE Strength: normal          LUE Strength: normal          LLE Strength: normal          Disabilities: alert, oriented X3</p> <p>20:14 12/14/2011 - Fall Risk Assessment -- Rachael Gfeller, RN          Low fall risk because: Ambulatory, steady gait independent and continent, No hx of falls, No orthostasis</p>		<p>20:14 12/14/2011 - Receive Patient -- Rachael Gfeller, RN          Last Name: Brannon          First Name: Emily          Date of Birth: 10/01/1999          Location: WC76          Chief Complaint: Buttock pain - forensic exam</p> <p>20:15 12/14/2011 - Pediatric GCS - Triage -- Rachael Gfeller, RN          Eyes Open: 4 Spontaneously          Best Verbal Response: 5 Appropriate words/phrases, smiles, coos          Best Motor Response: 6 Spontaneous movement          Total GCS: 15</p> <p>20:26 12/14/2011 - Initial Triage Info -- Rachael Gfeller, RN          Initial Triage Acuity: Class 2</p> <p>20:26 12/14/2011 - Pain Assessment -- Rachael Gfeller, RN          Severity Score: 2/10          Pain Scale Used: NIPS          Currently in Pain: Yes          Note: from bruises</p> <p>20:30 12/14/2011 - Allergy Information -- Rachael Gfeller, RN          Allergy: "No Known Allergies"</p> <p>20:31 12/14/2011 - Registration Information -- REGS          Date of Birth: 19991001</p> <p>20:31 12/14/2011 - Reassessment -- Rachael Gfeller, RN          Note: Officer at bedside.</p> <p>20:31 12/14/2011 - Home Medications -- Rachael Gfeller, RN          Med: Vyvanse - PO DAILY          Med: 50mg (x2 tabs) Trazodone HCL - PO HS          Med: Methylphenidate HCL - PO DAILY</p> <p>20:33 12/14/2011 - Past Medical History -- Rachael Gfeller, RN          Medical history: Attention Deficit Hyperactivity Disorder          Surgical history: - No Surgical History reported          Immunization History: Ped Immunization current          Date LMP: 11/28/2011          Note: per uncle at bedside</p> <p>20:36 12/14/2011 - Pediatric Assessment -- Rachael Gfeller, RN          Airway/Breathing: NON-LABORED          Activity Level/Behavior: appropriate for age, interacting with caregiver          Tone: Normal          Note: Pt arrives to EC per EMS from home. Pt is accompanied by her uncle James Landrum, who reports that he and his wife have noticed "bruising on her buttocks and thighs" over the past 6 months. Pt reports that her stepfather has been "beating me with a belt or a switch because of my grades, and he said that if I loved my mom I couldn't tell anyone." Pt also reports that her stepfather has been touching her breasts and perineal area, as well as "kissing me all over and making me do the same to him." Pt reports this has been ongoing "since [she] was 6 or 7 years old."</p> <p>20:40 12/14/2011 - Registration Information -- REGS          Financial Class: Self pay          Zip Code: 29316</p> <p>20:40 12/14/2011 - Document call placed -- Whitney Blalock          Person making call: Blalock, Whitney E</p> <p>20:43 12/14/2011 - Vital Signs -- Rachael Gfeller, RN          BP: 126/81          HR: 91          Resp: 16</p> <p>20:43 12/14/2011 - Oximetry -- Rachael Gfeller, RN          Pulse Oximetry %: 98          Oxygen Therapy: Room Air</p> <p>20:48 12/14/2011 - Vital Signs -- Rachael Gfeller, RN          Temp: 97 Oral</p> <p>21:28 12/14/2011 - Reassessment -- Rachael Gfeller, RN          Note: Officers at bedside with this RN to photograph areas of bruising.</p> <p>21:28 12/14/2011 - Reassessment -- Rachael Gfeller, RN          Note: Pt reports she is hungry. Given a packet of graham crackers and some juice.</p> <p>21:52 12/14/2011 - Reassessment -- Rachael Gfeller, RN          Note: Pt now requesting a pillow. Pillow and extra blanket provided.</p> <p>22:17 12/14/2011 - Reassessment -- Rachael Gfeller, RN          Note: Pt examined by Dr Sansbury, accompanied by this RN. No bruising or</p>
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Spartanburg Regional  
Medical Center  
101 E. Wood St.

Emergency Center  
(864)560-5400  
Assessment Sheet

MR # 000828036

Sex: Female

DOB: 10/01/1999

Name: Brannon,

Phone:

Address:

Unit Code: 10108

Account #

Age: 1

swelling of the perineal/anal area noted.  
22:22 12/14/2011 - Skin -- Rachael Gfeller, RN  
Note: Seven 4" long bruises in various stages of healing noted across the pt's buttocks and thighs. Redness also noted to the inner aspect of the pt's buttocks.  
22:24 12/14/2011 - Discharge Diagnosis -- Andy Sansbury, MD  
Primary: SA exam - victim or perpetrator  
Secondary: Contusion buttock  
22:28 12/14/2011 - Discharge Note -- Andy Sansbury, MD  
Note: We will discuss our findings with the police. We will be available at court when needed.  
22:28 12/14/2011 - Meds Rec Report Printed-- Andy Sansbury, MD  
Signed: Yes  
Verified By: Sansbury, Andy  
22:44 12/14/2011 - Reassessment -- Rachael Gfeller, RN  
Note: Officers directed to medical records for records of pt information.  
22:44 12/14/2011 - Discharge Condition -- Rachael Gfeller, RN  
Acuity: Class 2  
Condition: stable  
Mobility at Discharge: Ambulatory  
Patient Teaching: Follow-up plan of care reviewed w/ pt, Pt voiced understanding of plan of care, Person attending voiced understanding-POC, Reviewed written DC Inst w person attend, F/U POC reviewed with person attending  
Mode of Discharge: Private Vehicle  
Note: Pt D/Ced with uncle and with officers.  
22:47 12/14/2011 - Pain Assessment -- Rachael Gfeller, RN  
Severity Score: 1/10 - mild  
Pain Scale Used: Numeric Scale  
Currently in Pain: Yes  
Note: to bruises  
22:47 12/14/2011 - Vital Signs -- Rachael Gfeller, RN  
Resp: 18

Lab Result Summary

Spartanburg Regional  
Medical Center  
101 E. Wood St.

Emergency Center 83/26/12 Page 48  
(864)560-5400  
Assessment Sheet

MR # 000828036  
Name: Brannon, [redacted]  
Sex: Female  
DOB: 10/01/1999  
Phone: [redacted]  
Address: 8 [redacted]  
Unit Code: 10108  
Account # [redacted]

Complaint: forensic exam  
Arrival Time/Date: 20:14 12/14/2011  
Arrived by: Ambulance  
Mobility: Stretcher  
Primary Care: -  
Accompanied By:

Triage Class: Class 2  
Insurance: --None  
Amb/Helicopter: SPARTANBURG EMS  
Referring Facility:  
Emergency Physician: Sansbury, Andy

Vital Signs

Initials	Time	Temp	Blood Pressure	Pulse	Resp
RG	20:43		126/61	91	16
RG	20:48	97.0			
RG	22:47				18

Pain

Time	Scale
20:26	2/10
22:47	1/10

Pulse Ox.

Time	%
20:43	98

Pupils

Time	L(mm)	R(mm)

Glasgow Coma

Time	Score
20:15	15

Presenting Medications

Medication	Dosage	Freq	Medication	Dosage	Freq
Vyvanse		DAILY			
Trazodone HCL	50mg (x)	HS			
Methylphenidate HCL		DAILY			

Allergy

Allergy	Allergic Reaction
*No Known Allergies	

Triage Nurse: Gfeller, RN, Rachael L

Past Medical Hx: Attention Deficit Hyperactivity Disorder  
Tetanus History: Ped Immunization current  
Social History:  
Weights:  
LMP Date: 11/28/2011

Disposition Information  
Primary Diagnosis: SA exam - victim or perpetrator  
Secondary Diagnosis: Contusion buttock  
Disposition: Disch - Home  
Dispositioned By: Andy Sansbury  
Report Called By:  
Prescriptions:  
Discharge Instructions: Free Text Instruction (append note)  
Disability Statement:  
Follow-up Care:  
Discharge Time: 22:47 12/14/2011

Family Notification:  
Report Given To:  
Appt Date/Time:  
Discharged By: Rachael Gfeller, RN

Initials	Name	Initials	Name
_____	_____	_____	_____
_____	_____	_____	_____



**SPARTANBURG**  
Regional Health Care System

SRMC

Case # 2011-12-0720

MD ORDER TIME	#1	#2	#3	Reasons for Plain Films: (1) (2)	
CBC with Auto Diff man <input type="checkbox"/>	<input type="checkbox"/>	ETOH <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SYMPTOM SPECIFIC PATHWAY USED	CXR: pa/lat port <input type="checkbox"/>
BMP <input type="checkbox"/> CMP <input type="checkbox"/>	<input type="checkbox"/>	ASA <input type="checkbox"/>	<input type="checkbox"/>	<b>OTHER ORDERS</b>	Abd: 2 view KUB <input type="checkbox"/>
Total CPK <input type="checkbox"/>	<input type="checkbox"/>	Tylenol <input type="checkbox"/>	<input type="checkbox"/>	1. <input type="checkbox"/>	C-spine x-table lateral <input type="checkbox"/>
Lipase / Amylase <input type="checkbox"/>	<input type="checkbox"/>	Digoxin <input type="checkbox"/>	<input type="checkbox"/>	2. <input type="checkbox"/>	portable 5 view <input type="checkbox"/>
PT / PTT <input type="checkbox"/>	<input type="checkbox"/>	Lithium <input type="checkbox"/>	<input type="checkbox"/>	3. <input type="checkbox"/>	Neck for soft tissue <input type="checkbox"/>
BHCG: quant <input type="checkbox"/>	<input type="checkbox"/>	Rhenobarb. <input type="checkbox"/>	<input type="checkbox"/>	4. <input type="checkbox"/>	T-spine <input type="checkbox"/>
Group RH <input type="checkbox"/>	<input type="checkbox"/>	Dilantin <input type="checkbox"/>	<input type="checkbox"/>	5. <input type="checkbox"/>	L-spine x-table lateral <input type="checkbox"/>
T & S <input type="checkbox"/>	<input type="checkbox"/>	Depakote <input type="checkbox"/>	<input type="checkbox"/>	6. <input type="checkbox"/>	portable 3 view <input type="checkbox"/>
T & C: 1 2 3 4 5 <input type="checkbox"/>	<input type="checkbox"/>	Tegretol <input type="checkbox"/>	<input type="checkbox"/>	7. <input type="checkbox"/>	Shoulder L R <input type="checkbox"/>
Culture: 1 2 <input type="checkbox"/>	<input type="checkbox"/>	GC/Chlamydia <input type="checkbox"/>	<input type="checkbox"/>	EC URINE DIP <input type="checkbox"/>	Humerus L R <input type="checkbox"/>
LFTs <input type="checkbox"/>	<input type="checkbox"/>	Wet Prep <input type="checkbox"/>	<input type="checkbox"/>	U A cc cath <input type="checkbox"/>	Elbow L R <input type="checkbox"/>
D-dimer <input type="checkbox"/>	<input type="checkbox"/>	EKG <input type="checkbox"/>	<input type="checkbox"/>	C & S <input type="checkbox"/>	Forearm L R <input type="checkbox"/>
CK / MB/ Troponin 1 2 3 <input type="checkbox"/>	<input type="checkbox"/>	ABG <input type="checkbox"/>	<input type="checkbox"/>	UCG / EC / LAB <input type="checkbox"/>	Wrist L R <input type="checkbox"/>
CHF- BNP <input type="checkbox"/>	<input type="checkbox"/>	Rapid Strep <input type="checkbox"/>	<input type="checkbox"/>	UDS <input type="checkbox"/>	Hand L R <input type="checkbox"/>
CHEM 8 LYES/CR/BUN <input type="checkbox"/>	<input type="checkbox"/>	HHN <input type="checkbox"/>	<input type="checkbox"/>		Finger # L R <input type="checkbox"/>

DIAGNOSTICS	
CT Head	Doppler vln art L R E
CT Chest for P/E	US Abdomen
CT Abd/Repal for Stones	US Pelvic (Order Quant HCG if pregnant)
CT Abd with/without contrast	US Gallbladder
CT Pelvis with/without contrast	Other:
Reason for above diagnostic exam: NOTE: The above ordered diagnostics cannot be ordered without reason stated.	

<input type="checkbox"/> Template	Assessment	<input checked="" type="checkbox"/> Dictated	Consultant	2
<p><i>Alleged Sexual Molestation</i></p> <p><i>Physical Assault with numerous</i></p> <p><i>contusions to buttocks</i></p>			Police	
			STAFF ALERT	
			MEDS & INTERVENTION	
			Documentation Done	

Dx:	Admit MD	Bed:									
ED Physician <i>Andy Samberg MD</i>	Resident / NP / PA:	Consultant / PMD:									
ACCOUNT NO. S	ADMISSION DATE / TIME 12/14/11 2011	FO VP	DATE OF BIRTH 12Y	SEX F	RACE 1	MS S	SERVICE EME	ARRIVAL	PAT. TYPE ERQ	BY DRP	UNIT NUMBER 000828036
INSURANCE 1	INSURANCE 2	INSURANCE 3	INSURANCE 4								
ADMITTING DOCTOR PHYSICIANS, ED	ATTENDING DOCTOR PHYSICIANS, ED	ACCIDENT/WORK RELATED	ACCIDENT DATE/TIME	ADM. TYPE / SOURCE	CORPORATE ID 00734036						
PATIENT INFORMATION		SOC. SEC. NO. 777-77-777	PATIENT EMPLOYER		TELEPHONE NO. (864)555-5555						
BRANNON											



**SPARTANBURG REGIONAL HEALTHCARE SYSTEM**  
**OUTPATIENT**

PATIENT NAME: **BRANNON, EMILY**

<b>PATIENT</b>		ACCOUNT NO		ADMISSION DATE/TIME	FINANCIAL CLASS	DATE OF BIRTH	AGE	SEX	RACE	MS	SERVICE	PAT. TYPE	MED REC NO:
S [REDACTED]			12/14/11 2011	MP				F	T	S	EME	ERG	000-828036
												CORPORATE ID 00734036	

ADMITTING DOCTOR	ATTENDING DOCTOR	REFERRING DOCTOR	ACCIDENT / WORK RELATED	ACCIDENT DATE / TIME	ADM TYPE / SOURCE
PHYSICIANS, ED	PHYSICIANS, ED		NO		1 7

PATIENT INFORMATION	SOC. SEC. NO	PATIENT EMPLOYER.	TELEPHONE NO.
BRANNON	777-77-7777		
	TELEPHONE NO.		

<b>GUARANTOR</b>	SOC. SEC. NO.	GUARANTOR EMPLOYER	TELEPHONE NO.
GUARANTOR NAME AND ADDRESS	777-77-7777		
BRANNON	TELEPHONE NO.		
	(864)555-5555		
	RELATION		
	SELF		

<b>RELATIVE 1</b>	TELEPHONE NO.	RELATIVE EMPLOYER	TELEPHONE NO.
RELATIVE 1			
	RELATION		

<b>INSURANCE 1</b>	INSURANCE 2
INSURANCE 1	
<b>INSURANCE 3</b>	INSURANCE 4
INSURANCE 3	

<b>MISCELLANEOUS</b>	<b>STAFF ALERT</b>
PRESENTING COMPLAINT	ARRIVAL MODE
	PUB / VAL
	N
	INITIALS
	DRP

PREVIOUS ENCOUNTER NAME / DATE / TYPE	PAT. CLA	DENOM

CRT ID: MJ2	 PATIENT ACCOUNT NO. S 1134801818
-------------	--------------------------------------

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

INDICTMENT

At a Court of General Sessions, convened on September 17, 2009, the Grand Jurors of York County present upon their oath:

**CRIMINAL DOMESTIC VIOLENCE**

The Defendant, William Leon Burnett, did in York County, South Carolina, on or about June 15, 2009, commit the crime of Criminal Domestic Violence, in that he did cause or offer to cause physical harm to the victim, Lisa Brannon, a household member, with apparent present ability under circumstances reasonably creating fear of imminent peril. Said incident having occurred in York County, South Carolina. All in violation of Section 16-25-20, Code of Laws of South Carolina (1976 as amended).

**RECEIVED**  
JUN 15 2017  
S.C. SUPREME COURT

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

  
ASSISTANT SOLICITOR

WITNESSES

YPD\Buchanan

DOCKET NO. 2009-GS-46-03669

The State of South Carolina

County of York

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

Defendant

COURT OF GENERAL SESSIONS

September 17, Term 2009

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

sgb

ARREST WARRANT NUMBER

J786236

THE STATE

vs.

x *William Burnett*  
Defendant

Witness: *Ant. Duk. Asser*  
C.C.C. PLS. AND G.S.  
*Deputy Clerk*

ACTION OF GRAND JURY

WILLIAM LEON BURNETT

TRUE BILL

*[Signature]*  
Foreperson of Grand Jury  
Date: *9/17/09*

VERDICT

Indictment for  
CRIMINAL DOMESTIC VIOLENCE

Foreperson of Petit Jury  
Date:

SC Code: 16-25-20  
CDR Code: 3055

PLEA WAIVER FORM

STATE OF SOUTH CAROLINA  
COUNTY OF YORK COUNTY

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

VS

[REDACTED] = defendant's initials required

Total Time Served (days): **1 Day**

I want to plead guilty, no contest, or enter a plea under N.C. v. Alford to the charges listed below. I understand that the minimum and maximum penalties as well as some of the collateral consequences for the charges to which I am pleading are listed below:

Truebilled  Waiver

Indictment #: [REDACTED] CDR: [REDACTED] Statute #: [REDACTED]

Original Charge: [REDACTED]

Pleading To: [REDACTED]

Misdemeanor  Felony

Penalty: [REDACTED]

Non-Violent  Violent  Serious  Most Serious  No Parole  Sex Offender Registry

Mandatory GPS  Increased Punishment for Future Offenses  Murder Day for Day

List **General Sessions** Charges Being Dismissed: [REDACTED]

List Pending **General Sessions** Charges not being resolved: **None**

YOA:  Eligible  Ineligible due to:  Age  Offense  Other: [Click here to enter text.](#)

List Prior Convictions: [REDACTED]

Currently on Probation?  Yes  No Is this plea a violation of the probation?  Yes  No

[REDACTED] I have agreed to plead guilty, no contest, or enter a plea under N.C. v. Alford as part of a plea arrangement. The Solicitor, my lawyer, and I have informed the court that the following contains all of the terms of conditions of my plea:

Type of Plea  Guilty  N.C. v. Alford  Nolo  
Recommendation  Negotiated  Without Recommendation

[REDACTED] State is recommending or the negotiation is: [REDACTED]

[REDACTED] This plea is not the product of any other promises or any threats whatsoever, except as indicated below:  
\_\_\_\_\_  
\_\_\_\_\_

I give up, for each of the charges listed above, my right to a jury trial, my right to a bench trial (trial by Judge with no jury), my right to confront and cross examine witnesses, my right to remain silent and not incriminate myself, and my right to produce evidence and to present a defense, including my right to testify on my own behalf.

I understand that by my pleading to each charge, I am waiving all defenses, including, but not limited to the right to challenge any evidence the State may have used in its case against me and the voluntariness of any statements made to law enforcement.

I understand that upon my conviction I may be ordered to pay restitution to any persons directly and proximately injured as a result of my commission of these crimes and that a civil judgement in favor of each person may be docketed against me and will be a lien against any real estate I own now or may own in the future.

I understand that if I am not a citizen of the United States, my plea of guilty, no contest, or my plea under N.C. v. Alford may result in my deportation, exclusion from re-entry to the United States, and denial of naturalization and amnesty.

I understand that I have 10 days within which to appeal this guilty plea.

I understand that I am pleading  guilty,  no contest, or under N.C. v. Alford to the charges shown above.

I now personally plead (  ) guilty; (  ) under N.C. v. Alford; (  ) no contest to the charges above.

Acknowledgement

I have read or have had read to me this form and have initialed each of the items that applies to my case. If I have an attorney, I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, the effects of any prior convictions and enhancements, have been explained to me. I understand each of the rights outlined above, and I give up each of them to enter my plea.

Defendant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Defense Counsel's Statement

I, the attorney for the defendant in the above entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges, all discovery provided by the State, and possible defenses with the defendant and the consequences of the plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his or her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Print Name: \_\_\_\_\_ Attorney Signature: \_\_\_\_\_ Bar #: \_\_\_\_\_  
Date: \_\_\_\_\_ Circle One: PD Retained Appointed

I understand that, upon entering a plea under N.C. vs. Alford, I will be treated as being guilty whether or not I admit that I am in fact guilty.

I understand that a no contest plea is treated by the Court the same as a plea of guilty.

The Solicitor is making a recommendation to the judge, as listed above. I understand the Judge is not required to accept the recommendation given by the Solicitor and the Judge may accept it, may go below the recommendation, or may go above the recommendation.

This plea is a negotiated plea and the negotiation is listed above. I understand the Judge may refuse to accept the negotiation and that if the Judge refuses, the plea will not go forward.

This plea is without negotiation and I understand I could receive from the minimum to the maximum sentence on each charge to which I am pleading guilty and that those sentences could also be run consecutive to other.

I am not currently under the influence of any intoxicants, drugs, or narcotics.

I currently DO take the following prescribed medications:

[REDACTED]  
[REDACTED]

I am entering my plea today freely, voluntarily, knowingly, and intelligently.

I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer, or the court will appoint a lawyer for me if I cannot afford one. I understand an attorney would be of benefit to me, and since I am not an attorney, there is a danger in my representing myself. Understanding this, I give up this right.

I understand that I have the right to plead not guilty and be tried by a jury, and that I am presumed innocent until such time as the jury is convinced of my guilty beyond a reasonable doubt. Understanding this, I give up that right.

I understand I have the right to have the Court issue subpoenas to bring my witnesses and evidence to a trial at no cost to me. Understanding this, I give up that right.

I understand I have the right to testify or remain silent at trial. Understanding this, I give up this right.

My lawyer has reviewed with me all the factual and legal issues surrounding my case, including any defenses I may have and he or she has done everything I have asked him to do. I am satisfied with his or her services.

I understand that I have the right to remain silent, that is, the right against self-incrimination. Understanding this, I give up this right.

I understand that in a jury trial I have the right to see and hear all witnesses called to testify against me and to confront, cross-examine, and question them.

Solicitor's Review

I have reviewed this form as completed by the Defendant or by the Defendant with his Defense Attorney for completeness and accuracy.

Solicitors Signature: \_\_\_\_\_ Bar # \_\_\_\_\_

Date: \_\_\_\_\_

Judge's Confirmation

Upon consideration of the record, evidence or factual presentation offered, answers of defendant, and statements of the lawyer for the defendant and the prosecutor and the contents of this plea and waiver form, the undersigned finds that:

1. There is a factual basis for the entry of the plea,
2. The defendant is satisfied with his/her lawyer's legal services,
3. The defendant is competent to stand trial, and
4. The plea is the informed choice of the defendant and is made freely, voluntarily, knowingly, and intelligently.

The defendant's plea is hereby accepted by the Court.

\_\_\_\_\_  
Judge's Signature

Judge's Code: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG  
Department of Social Services,

Plaintiff,

v.

Lisa Burnett and William Burnett,  
Defendants.

In the Interest of:

Brannon (Born )  
Brannon (Born )  
Minor children under the age of eighteen.

IN THE FAMILY COURT  
SEVENTH JUDICIAL CIRCUIT  
CASE NUMBER:  
2012-DR-42-429

**ORDER FOR INTERVENTION**  
[Trial on the Merits – § 63-7-1710]

FILED  
2012 JUN 20 AM 11:50  
CLERK OF COURT  
JUDICIAL CIRCUIT SEVENTH

**DATE OF HEARING:**

**PRESIDING JUDGE:**

**COURT REPORTER:**

**PLAINTIFF'S ATTORNEY:**

**DEFENDANT LISA BURNETT'S ATTORNEY:**

**DEFENDANT WILLIAM BURNETT'S ATTORNEY:** KENNETH LEE

**DEFENDANT WILLIAM BURNETT'S GAL:** JOHN STRICKLAND

**GUARDIAN AD LITEM:**

**ATTORNEY / G.A.L.**

THE HON. WILLIAM J. WYLIE, JR.

EDITH KIMBRELL

ROBERT RHODEN

PRO SE

DEFENDANT PRESENT

KATHY POOL

TODD THIGPEN

This matter comes before me as an Intervention Hearing pursuant to a Complaint for Intervention filed by the Plaintiff on February 16, 2012. Including the appearances listed above, Darline Copeland was also present representing the Department of Social Services. All Defendants have been previously served with the Summons, Complaint, Notice of Right to Counsel, and Notice of today's hearing.

At the call of the case, Attorney John Strickland was appointed, with his consent and without objection, as Guardian ad Litem for the Defendant William Burnett.

Based upon an examination of the file and the pleadings, and upon a review of the

evidence and testimony presented at the hearing. I hereby make the following:

### FINDINGS OF FACT

1. I find that this Court has jurisdiction over the parties and the subject matter of this action; venue is proper; and the parties were given sufficient notice of this hearing and the opportunity to be heard.

2. The Court received the testimony of Det. Jason Bohon, who testified that he interviewed the Defendant William Burnett and that Mr. Burnett signed a statement in which he allegedly admitted to improper sexual conduct with the child, \_\_\_\_\_ Brannon. The Plaintiff also admitted into evidence four (4) exhibits: (1) a waiver of rights (Miranda) form; (2) a signed statement; (3) photos of bruising on the child, \_\_\_\_\_ Brannon; and (4) the Plaintiff's court recommendations (as a summary of its relief requested). The Court also received the testimony of Ophelia Burch, the Defendant William Burnett's mother, who testified that he had a seizure disorder, was likely expecting to be released from jail on the day he signed the statement, and might be susceptible to persuasion by others.

3. I find by a preponderance of the evidence that the minor child, \_\_\_\_\_ Brannon is an abused or neglected child as defined by law and that the minor child, \_\_\_\_\_ Brannon was sexually abused by the Defendant William Burnett. The Court makes no finding of physical abuse as to William Burnett.

4. I find that the name of the Defendant William Burnett shall be entered into the Central Registry for Child Abuse and Neglect.

5. I find the children cannot be protected from harm without the intervention of the Plaintiff.

6. I find that the Defendants, Lisa Burnett and William Burnett shall comply with the following treatment plan; however, the Defendant William Burnett shall not be held in contempt if he is unable to complete some portion of the plan due to incarceration:

- a. Legal and physical custody of the minor children, \_\_\_\_\_ Brannon and Joseph Brannon shall remain with their mother, Lisa Burnett.
- b. The Defendant William Burnett shall enroll, attend, participate and successfully complete parenting classes.



- c. That the Defendant William Burnett shall obtain a psychosexual assessment and complete any counseling recommended from that assessment. He shall attend and successfully complete counseling to address sexual tendencies towards children.
- d. The Defendant Lisa Burnett shall ensure that the minor child [redacted] Brannon attends, participates in and completes counseling at the Children's Advocacy Center or another comparable provider to address the issue of sexual abuse and trauma. This will also include any/all further counseling should the child's therapist recommend it. [redacted] Brannon shall remain in counseling until released by her counselor.
- e. The Defendant Lisa Burnett shall ensure that the minor child [redacted] Brannon receives individual counseling.
- f. The Defendant Lisa Burnett shall participate in individual counseling, to progress to family counseling with the minor children.
- g. The Defendant Lisa Burnett shall ensure that the minor children receive any further recommended counseling and medication monitoring, and that she participates in the children's counseling, if recommended by the therapist.
- h. The Defendant Lisa Burnett shall successfully complete non-offending parenting classes at Safe Homes.
- i. The Defendant Lisa Burnett shall obtain and maintain stable, suitable housing.
- j. The Defendant Lisa Burnett shall ensure that the minor child [redacted] Brannon have no contact with the Defendant William Burnett. No contact shall include, but is not limited to face to face visits, telephone, email letters, etc.
- k. The Defendants Lisa Burnett and William Burnett shall cooperate with the Plaintiff in its administration of treatment and services.



including but not limited to attending conferences; responding to correspondence; updating changes in address, telephone number and place of employment at all times; and keeping agency personnel abreast of the current status of household composition.

- l. The Defendants Lisa Burnett and William Burnett shall sign all necessary releases to grant the Plaintiff access to information contained in any criminal, medical, educational, social security, mental health, alcohol and drug or any other treatment providers of both parents, perpetrators and the children.
- m. The Defendants Lisa Burnett and William Burnett shall keep the Department of Social Services notified of their present address, phone number, and place of employment at all times. Failure by any Defendant to provide such ongoing information and notification may result in default judgment rendered against the Defendant where their non-appearance is the result of their failure to comply with this notification requirement.
- n. This matter shall be reviewed within six months from the date of this hearing.

7. I find that the treatment plan is compliant with Section 63-7-1680 of the Code of Laws of South Carolina. I find it to be fair, equitable, reasonable, and in the best interests of the minor children. I find that all parties understand the agreement and the treatment plan, and the consequences if any party fails to comply with the agreement and treatment plan.

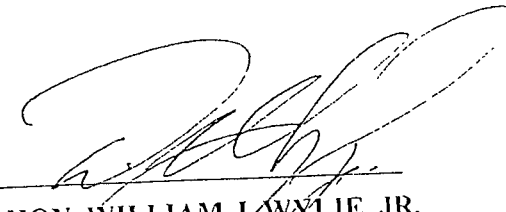
8. I find that the recommendations of the Guardian are consistent with these findings.

#### CONCLUSIONS OF LAW

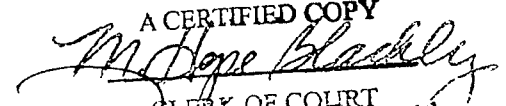
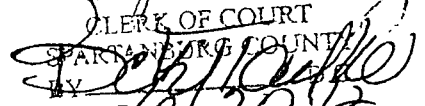
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED: That the above-stated findings become the enforceable Order of the Court, with all parties bound by their terms.



AND IT IS SO ORDERED.

  
THE HON. WILLIAM J. WYLIE, JR.  
PRESIDING JUDGE - FAMILY COURT  
SEVENTH JUDICIAL CIRCUIT

6-13, 2012  
Spartanburg, South Carolina

A CERTIFIED COPY  
  
CLERK OF COURT  
SPARTANBURG COUNTY  
BY   
DATED 6-13-2012

William Leon Burnett, SDC# 358645  
Allendale Correctional Institution  
Barnwell A54  
1057 Revolutionary Trail  
Post Office Box 1151  
Fairfax, South Carolina 29827-7127

Mr. Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervias Street  
Post Office Box 11330  
Columbia, South Carolina 29811-1330

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JUN 12 2017  
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ACI

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS IS  
NOT INSPECTED OR CENSORED THIS ITEM.  
THEREFORE, THE DEPARTMENT DOES NOT  
ASSUME RESPONSIBILITY FOR ITS CONTENTS.  
ALLENDALE CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS