

THE LAW OFFICES OF LAURA M. SAUNDERS, LLC

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September 11, 2017

RECEIVED

SEP 15 2017

S.C. SUPREME COURT

Via U.S. Mail

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

**Re: Harold R. Ayton #353371 vs. State of South Carolina
C/A No. 2015-CP-36-00021
Notice of Appeal**

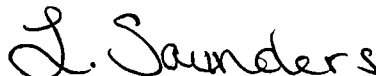
Dear Mr. Shearouse:

Enclosed for filing please find a Notice of Appeal which is being filed on behalf of the Appellant, Harold R. Ayton #353371. Also enclosed are the following documents: (1) Proof of Service of Notice of Appeal; (2) a copy of the order denying Mr. Ayton's application for Post-Conviction Relief; and (3) a copy of the sentencing sheets from Mr. Ayton's trial. It is my understanding that a filing fee is not included because this appeal arises out of a post-conviction relief matter pursuant to Rule 203(d) SCACR.

Please file the original and return a clocked-in copy to me in the enclosed self-addressed stamped envelope. By copy of this letter, I am hereby serving the Attorney General with a copy of the same. I have also filed an original with the Clerk of Court in Newberry County. Should you have any questions, please do not hesitate to contact me. Thank you for your assistance.

With Kind Regards, I am

Yours truly,



Laura M. Saunders

Enclosures

LMS/ File 4.402

cc: *Justin Hunter, Assistant Attorney General
Harold R. Ayton #353371*

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

SEP 15 2017

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

G. Thomas Cooper, Presiding Circuit Judge – Laurens County
(8th Circuit PCR Term)

Post-Conviction Relief C/A Number:
2015-CP-36-00021

State of South Carolina,

Respondent,

v.

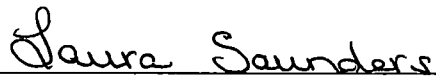
Harold R. Ayton #353371,

Appellant.

NOTICE OF APPEAL

Harold R. Ayton #353371 appeals the decision and Order dated August 16, 2017. Counsel for Appellant received written entry of this Order on August 29, 2017.

Date: September 11, 2017



Laura M. Saunders, Esquire
The Law Offices of Laura M. Saunders, LLC
Post Office Box 731
Laurens, South Carolina 29360
Phone: 864-681-4444/ Fax: 866-654-0282
PCR Counsel for Harold Ayton

Other Counsel of Record:
Justin Hunter, Esquire
SC Attorney General's Office
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3963

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

G. Thomas Cooper, Presiding Circuit Judge – Laurens County
(8th Circuit PCR Term)

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S.C. SUPREME COURT

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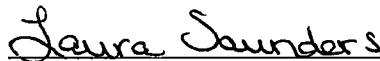
Harold R. Ayton #353371,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Respondent, State of South Carolina, by depositing a copy of it in the United States Mail, postage prepaid, on September 11, 2017 addressed to its attorney of record, Justin Hunter, Esquire, Assistant Attorney General, PO Box 11549, Columbia, South Carolina 29211.

Date: September 12, 2017



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PCR Counsel for Harold Ayton

Other Counsel of Record:
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FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF NEWBERRY
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2015CP3600021

Harold Ayton

South Carolina State Of

RECEIVED

SEP 15 2017

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order: (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk:

Order of Dismissal

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/ *A. Thomas Cooper, Jr.*
Circuit Court Judge

8/24/2017
Date

Judge Code

For Clerk of Court Office Use Only

This judgment was entered on **August 21, 2017**, and a copy mailed first class or placed in the appropriate attorney's box on **August 24, 2017**, to attorneys of record or to parties (when appearing pro se) as follows:

Laura McCall Saunders PO Box 731 102 Church Street
Laurens, SC 29360

Justin James Hunter PO Box 11549 Columbia, SC
29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Elizabeth P. Folk (jt)

Court Reporter

Elizabeth P. Folk - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF NEWBERRY)
)
 Harold R. Ayton,)
 S.C.D.C. No. 353371,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 OF THE EIGHTH JUDICIAL CIRCUIT
 2015-CP-36-00021

ORDER OF DISMISSAL

ELIZABETH P. FOLK
 CLERK OF COURT

2017 AUG 21 AM 9:43

FILED
 NEWBERRY COUNTY

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed January 13, 2015. An evidentiary hearing into the matter was convened on June 5, 2017, at the Laurens County Courthouse in Laurens, South Carolina. Applicant was present at the hearing and represented by Laura Saunders, Esquire. Judah N. VanSyckel, Esquire, of the South Carolina Attorney General's Office represented Respondent. At the hearing, Applicant testified on his own behalf. Applicant's trial counsel, Charles Verner, Esquire, also testified. This Court had before it a copy of Applicant's records from the Newberry County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's PCR Application, and Respondent's Return.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Newberry County Clerk of Court. Applicant was indicted by the Newberry County Grand Jury for three counts of criminal sexual conduct with a minor (first degree) (2011-GS-36-631, -633, -635) and two counts of sexual exploitation of a minor (first

degree) (2011-GS-36-632, -634).¹ Applicant appeared before the Honorable Eugene C. Griffith, Jr., and pled guilty as indicted. Applicant was sentenced to concurrent terms of thirty-five years imprisonment for each charge of criminal sexual conduct (2011-GS-36-631, -633), to run consecutively to the two charges of sexual exploitation. Applicant was sentenced to concurrent terms of five years imprisonment for each charge of sexual exploitation of a minor (2011-GS-36-632, -634), to run consecutively to the two charges of criminal sexual conduct.

On July 19, 2013, the Office of the Attorney General received a notice of appeal and proof of service from Applicant appealing the convictions and sentences in question. The proof of service was dated July 17, 2013. By Order filed September 18, 2013, the South Carolina Court of Appeals dismissed the appeal based upon Applicant's failure to provide a proof of service showing timely service of the notice of appeal. The remittitur was issued on October 8, 2013.

Applicant subsequently filed a Motion for Rehearing and to Reinstate the Appeal. The Court of Appeals subsequently issued an Order recalling the remittitur. By document dated November 12, 2013, Applicant again forwarded a proof of service for the notice of appeal dated July 17, 2013. Respondent filed a Return. By Order filed February 26, 2014, the Court of Appeals denied Applicant's Motion for Rehearing. The Remittitur was sent April 9, 2014.

PCR Application

In his current application, Applicant alleges he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a) Failure to disclose and explain discovery material
 - b) Failure to prepare and investigate
 - c) Failure to subject case to meaningful adversarial testing
 - d) Failure to visit and inform Applicant of any developments in his case
 - e) Failure to go over or even consider possible defense
 - f) Failure to get Applicant an independent medical and mental evaluation

¹ Indictment 2011-GS-36-635 was nolle prossed.

- g) Coercing and threatening Applicant into plea instead of trial
- h) Failure to inform Applicant of his right to appeal his plea decision and file a Notice of Appeal
- i) Improperly advising Applicant to accept the plea which was not in his best interest
- j) Failure to advocate
- k) Failure to contact, interview, and subpoena potential witnesses
- l) Failure to motion for a new trial on the grounds that the evidence was insufficient to support a conviction
- m) Failure to get Applicant mental health testing for criminal responsibility relating to the time of the alleged offense
- n) Failure to get Applicant mental health test for competency to stand trial or plead
- o) Failure to present, submit into evidence and argue favorable evidence during plea and closing arguments
- p) Failure to object to hearsay testimony
- q) Failure to obtain defense expert witness
- r) Failure to prepare and present mitigating evidence at plea
- s) Failure to impeach witness and victim
- t) Failure to file a pre-trial motion for the Protection of Persons and Property Act
- u) Failure to file a notice of appeal after plea
- v) Failure to file an appeal when Applicant told counsel that he wanted to appeal his conviction and sentence
- w) Failure to present mitigating social history evidence good character evidence and good character witnesses.
- x) Failure to ask for a continuance when he knew he was not ready for court
- y) Failure to call expert witness that were subpoena to testify
- z) Failure to present favorable evidence in support of defense
- aa) Failure to investigate background of the victim
- bb) Failure to investigate and test evidence
- cc) Failure to file for a DNA test for Applicant
- dd) Failure to give Applicant discovery

II. SUMMARY OF THE TESTIMONY

Applicant's Testimony

Applicant testified that the first time he met with Counsel, Charles Verner, was shortly before trial. Applicant testified he only pled guilty because Counsel said the Applicant didn't have a defense. Applicant testified that he lied under oath at his guilty plea in response to the Judge's questions. Applicant testified that he was already a felon at the time of the plea.



Applicant testified he wasn't ready for trial and never received discovery. Applicant testified that the grand jury did not meet the week that his indictments appear to be signed.

Counsel Charles Verner's Testimony

Charles Verner, Esquire testified that he represented Mr. Ayton. Mr. Verner testified that Mr. Ayton was already detained at Alvin S. Glenn detention center on similar charges in Richland County when Mr. Verner started meeting with Mr. Ayton, and that Mr. Verner was originally working with Mr. Charles Grose in the representation of Mr. Verner before Mr. Grose left his position as the Circuit Public Defender for the 8th South Carolina Judicial Circuit.

Mr. Verner explained that while Mr. Ayton was incarcerated on his Richland County charges, Mr. Ayton's possessions were removed from the house in which he had been staying and had been placed on the street. Mr. Verner then explained that Mr. Ayton's phone was found by neighborhood residents and they reviewed its contents. Mr. Verner then explained that Mr. Ayton's phone and its contents were shown to law enforcement who happened to be in the area on an unrelated matter and that it appeared to show several sex acts between a child under ten and a grown man. Mr. Verner explained that law enforcement got a warrant for further investigation into the phone and that the further investigation resulted in the child being identified as a child in Newberry County, South Carolina and that law enforcement was able to then contact that child and its mother and build the case against Mr. Ayton.

Mr. Verner testified that he met at least twice with Mr. Ayton in the Richland County Detention Center. Mr. Verner also testified that he met with Mr. Ayton numerous times once Mr. Ayton was transferred to the Newberry County Detention Center and detained on the relevant warrants. Mr. Verner testified that he kept Mr. Ayton abreast of the case developments and provided him with the discovery in the matter and went over it with him in preparation for trial.



Mr. Verner testified that he was unable to show Mr. Ayton all of the discovery in the matter until the day before the plea, as until that point it had been physically impossible for him to do so. Mr. Verner testified that The Attorney General's office had allowed Mr. Verner to review the video of the sexual encounters between Mr. Ayton and his victim, and had allowed Mr. Verner the opportunity to take still photographs of the video images with the graphic items censored so that he could show them to Mr. Ayton, but had not allowed a full copy of the video images to be made available to Mr. Ayton. Mr. Verner testified that he was only able to show the video to Mr. Ayton after the suppression hearing, the day before the plea, when the Attorney General's office brought a copy of the video to court and was able to show it to Mr. Ayton and Mr. Verner while still maintaining possession.

Mr. Verner testified that Mr. Ayton's face was not visible on the video, but that there were identifying marks on the man in the video that matched Mr. Ayton. Mr. Verner also testified that the victim in this case was the child of one of Mr. Ayton's former romantic partners whom Mr. Ayton had lived with previously.

Mr. Verner testified that he had Dr. Schwarz-Watts examine Mr. Ayton and that there was no formal report written as the examination did not create a question about competency.

Mr. Verner testified that the case against Mr. Ayton was strong and that the only defense was a suppression motion. Mr. Verner testified that after losing the suppression motion he probably did advise Mr. Ayton to plead as he would likely be found guilty at trial, and that he certainly agreed with that decision.

Mr. Verner testified that he did not force Mr. Ayton to plead, nor did he write up a script for Mr. Ayton to follow. Mr. Verner testified that to the best of his knowledge, the only thing

that he is aware of that Mr. Ayton could be referring to is the Advisement of Rights Form that the Honorable Eugene Griffith requires as part of the plea process.

III. APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Ineffective Assistance of Counsel

This Court finds that Counsel demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C. 441, 334 S.E.2d 813. An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). To find a guilty plea is voluntarily and knowingly entered into, the record

must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969).

This Court finds that Applicant has failed to prove that Counsel was ineffective.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to disclose and explain discovery material, as the testimony indicates that discovery was provided to the defendant and Counsel advised Applicant as to the case against him.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to prepare for and investigate this case as Counsel's testimony establishes that he spent a substantial amount of time reviewing the relevant materials in the case and meeting with Applicant about them. Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments." Wiggins v. Smith, 539 U.S. 510, 521-22 (2003).

This Court finds that Applicant has failed to prove that Counsel was ineffective for not subjecting the case to meaningful adversarial testing as Mr. Verner's testimony indicated he analyzed the case and did attempt to have the case dismissed by attacking the search of Applicant's phone.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to visit and inform Applicant of any developments in the case as Counsel's testimony indicates that he visited and informed Applicant of case developments regularly.



This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to go over or even consider possible defenses as no evidence was presented by Applicant of any other possible defenses and additionally, Counsel testified that he did consider the best defense to the charge to be the attack on the search of the phone.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to get Applicant an independent medical and mental evaluation as Counsel had Dr. Shwartz-Watts evaluate Applicant.

This Court finds that Applicant has failed to prove that Counsel was ineffective for coercing and threatening Applicant into a trial as this Court finds that there is no evidence to show that Counsel coerced or threatened Applicant into a plea.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to advise the Applicant of his right to appeal his plea and file a Notice of Appeal as no testimony was given by the Applicant as to that issue.

This Court finds that Applicant has failed to prove that Counsel was ineffective for advising the Applicant to accept the plea, as the Court finds that there was overwhelming evidence in this case of Applicant's case and that Applicant would have likely been convicted at trial and not have received the benefit of a plea bargain.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to advocate, as the Court finds that Counsel advocated well on Applicant's behalf based on Counsel's attempt to suppress the search of the phone and the presentation of the mitigation.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to contact, interview, and subpoena potential witnesses as Applicant has failed to identify any potential witnesses who could have provided any evidence of Applicant's innocence and that



there is overwhelming evidence of Applicant's guilt. This Court has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial. Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998). The applicant's mere speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice." Id., citing Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995).

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to file a motion for a new trial on the grounds that the evidence was insufficient to support a conviction as the court finds that there was overwhelming evidence of the victim's guilt.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to get Applicant mental health testing for criminal responsibility relating to the time of the alleged offense, as Applicant failed to elicit any testimony or evidence that Applicant was not criminally responsible or should have been tested for criminal responsibility.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to get the Applicant mental health testing for competency to stand trial or plead as Counsel's testimony indicates that Applicant was indeed tested and there was nothing arising out of that testing that indicated that Applicant's competency was in question.

This Court finds that Applicant has failed to prove that Counsel was ineffective for "failure to present, submit into evidence and argue favorable evidence during plea and closing arguments" as Applicant failed to identify any evidence that should have been entered at the plea that was not, and further, there was no closing argument as this was a plea.



This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to object to hearsay testimony as “[i]n a sentencing proceeding, evidentiary rules are inapplicable.” State v. Gullede, 326 S.C. 220, 487 S.E.2d 590, 594 (1997).

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to obtain defense expert witness as Counsel testified that a defense expert witness was retained regarding mental health matters and Applicant has failed to identify any other areas in which an expert witness would have provided any assistance.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to prepare and present mitigating evidence at the plea, as Applicant failed to identify any mitigating evidence that was not presented which should have been presented, and additionally, the transcript makes clear that Counsel did make the court aware that Applicant was a victim of the Hurricane Katrina disaster, that Applicant had two children, and that Applicant suffered from effects of a head injury that made his life harder, but which did not affect his competency, and that Applicant had been molested by his Father. (Trial Tr. Pg. 188-192).

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to impeach the witness and the victim as Counsel would not have had the opportunity to do so as they were not cross-examined.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing “to file a pre-trial motion for the Protection of Persons and Property Act” as that Act is inapplicable to Applicant’s conviction.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to file a Notice of Appeal after Plea as the testimony did not substantiate that the

Applicant asked to file an appeal and there was no evidence that the Applicant asked Counsel to file an appeal.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing “to present mitigating social history evidence, good character evidence, and good character witnesses” as Counsel did present mitigating evidence and the Applicant failed to identify any further witnesses which should have been called.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to ask for a continuance when Counsel knew he was ready for court, as Counsel’s testimony regarding his preparation indicates that he was indeed ready for court and Applicant has failed to establish how Counsel was unprepared. See Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (no prejudice results when the applicant did not offer any evidence or argument as to how counsel's alleged lack of preparation prejudiced him, and the court declined to speculate that counsel's alleged deficient performance was prejudicial).

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to “call expert witness that were subpoena to testify” as Applicant failed to identify any witnesses who were under subpoena for trial who should have been called to testify at the plea.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to present favorable evidence in support of defense as the Applicant pled guilty and admitted to the crime.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to investigate the background of the victim as the background of a child who is the victim of a brutal sex crime by an adult is immaterial as to the guilt or innocence of the perpetrator of such an act and the evidence that Applicant committed the crime was overwhelming.

GS 12

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to investigate and test evidence as Applicant failed to identify any evidence that was not tested that should have been and further, Counsel testified that he did investigate the case and reviewed the evidence.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to file for a DNA test for applicant as Applicant has failed to establish how a DNA test is relevant to this matter.

This Court finds that Applicant has failed to prove that Counsel was ineffective for failing to give the Applicant the Discovery in the case as Counsel testified that he gave the Applicant the Discovery.

IV. CONCLUSION

Based on the foregoing facts, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Applicant failed to demonstrate that Counsel's performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.


The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf

Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 16 day of August, 2017.



G. THOMAS COOPER, JR.
Presiding Judge
Eighth Judicial Circuit

Chason, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF Newberry VS. STATE

Harold Ruben Ayton

AKA:

Race: B Sex: M Age: 32

DOB:

Address:

City, State:

DL# SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Sex / Criminal sexual conduct with minor - victim under 11 yrs of age - First de

in violation of § 16-03-0655(A)

of the S.C. Code of Laws, bearing CDR Code # 0385

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

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

ATTEST: Prosecutor, Special SC Bar# Defendant Attorney for Defendant SC Bar#

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

for a determinate term of 35 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference (2011 GS 36-631)

CONCURRENT or CONSECUTIVE to sentence on: 2011 GS 36-632 + 634

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. Since June 28, 2010

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 PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(F) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL \$133.90

days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other: Appointed PD. or appointed other counsel § 47:12 requires \$500 be paid to Clerk during probation.

Jackie S. Bowers, Clerk of Court, Newberry, South Carolina, hereby certify that this is a true copy of the original on file in this office. DEC - 4 2012 Clerk of Court

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 11GS36-0633

A/W#: I009311

Date of Offense: 3/31/2010

S.C. Code § : 16-03-0655(A)

CDR Code #: 0385

SENTENCE SHEET

Clerk of Court/ Deputy Clerk: Elizabeth P. Hall Court Reporter: Wanda Nelson SCCA/217 (03/2011)

Presiding Judge: Judge Code: Sentence Date: 12-4-12

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Newberry
STATE VS. Harold Ruben Ayton
AKA:
Race: B Sex: M Age: 32
DOB: SS#:
Address:
City, State:
DL#: SID#:

INDICTMENT/CASE#: 11GS36-0631
A/W#: 1009309
Date of Offense: 5/23/2010
S.C. Code §: 16-03-0655(A)
CDR Code #: 0385

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Sex / Criminal sexual conduct with minor - victim under 11 yrs of age - First de

in violation of § 16-03-0655(A) of the S.C. Code of Laws, bearing CDR Code # 0385
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Mega Bouchard, Prosecutor, Special; 71716 SC Bar#; Clayton Harwood, Defendant; Charles J. Ferver, Attorney for Defendant, 10033 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 35 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*, the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on: 2011 GS 36-632 + 634
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. Since June 28, 2010
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:
Appointed PD or appointed other counsel, § 47-12 requires \$500 be paid to Clerk of Court during probation.

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

Vertical stamp: Clerk of Court, Newberry, South Carolina, dated DEC 4 2012.

Clerk of Court/Deputy Clerk: Elizabeth P. Foch; Court Reporter: Wanda T. Nelson; Presiding Judge: [Signature]; Judge Code: 2-154; Sentence Date: 12-4-12

STATE OF SOUTH CAROLINA

COUNTY OF Newberry VS. STATE

Harold Ruben Ayton

AKA:

Race: B Sex: M Age: 32

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

In disposition of the said indictment comes now the Defendant who was TO: Sex / Sexual exploitation of a minor, First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 11GS36-0634

A/W#: I009312

Date of Offense: 3/31/2010

S.C. Code § : 16-15-0395(D)

CDR Code #: 0379

SENTENCE SHEET

[] CONVICTED OF or [X] PLEADS

in violation of § 16-15-0395(D) of the S.C. Code of Laws, bearing CDR Code # 0379

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

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

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

ATTEST: [Signature] Prosecutor, Special SC Bar# [Signature] Defendant SC Bar# [Signature] Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center, for a determinate term of 5 days/months/years or [] under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference (2011 GS 36-632)

[X] CONCURRENT (or [X] CONSECUTIVE to sentence on: 2011 GS 36-631-633 [X] 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. Since June 28, 2010 [] 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:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL \$133.10

PTUP days/hours Public Service Employment Obtain GED [] Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling [] Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Other: [] Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Vertical stamp: L. Jackie S. Boyce, Clerk of Court, Newberry, South Carolina, hereby certify that this is a true and correct copy of the original on file in this office. DEC 4 2012

Clerk of Court Deputy Clerk Elyahut O'Neal Court Reporter: Wanda Wilson SCCA/217 (03/2011)

Presiding Judge Judge Code: 2154 Sentence Date: 12-4-12

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

4

COUNTY OF Newberry
STATE VS.

INDICTMENT/CASE#: 11GS36-0632

AKA: Harold Ruben Ayton

A/W#: I009310

Race: B Sex: M Age: 32

Date of Offense: 5/23/2010

DOB: [REDACTED] SS#: [REDACTED]

S.C. Code §: 16-15-0395(D)

Address: [REDACTED]
City, State, Zip: [REDACTED]

CDR Code #: 0379

DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Sexual exploitation of a minor, First degree

CONVICTED OF or PLEADS

in violation of § 16-15-0395(D) of the S.C. Code of Laws, bearing CDR Code # 0379

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

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

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

ATTEST: M. S. Burchstead 71716 ayton Harold Charles J. Jumper 10033
Prosecutor, Special SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or, under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference. (2011GS36-634)

CONCURRENT CONSECUTIVE to sentence on: 2011GS36-631 + 633
 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. Since June 28, 2010
 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 PTUP

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

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender and _____

Other: _____

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

Clerk of Court/ Deputy Clerk: Elizabeth P. Hall

Court Reporter: Wanda Thomas

SCCA/217 (03/2011)

Presiding Judge: [Signature]

Judge Code: 2159

Sentence Date: 12-4-12

I, Clerk of Court, Newberry, South Carolina, hereby certify that this is a true and correct copy of the original file in this office.
DEC - 4 2012
Clerk of Court

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

RICHLAND

STATE

VS.

INDICTMENT/CASE#: 2011-GS-40-04591

HAROLD DAYTON

A/W#: K-868291

AKA:

Date of Offense: 12/1/2009-12/31/2009

Race:

Sex:

Age:

S.C. Code §: 16-15-655(A)(1)

DOB:

CDR Code #: 0385

Address:

City, State

DL#

SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: COMMITTING OR ATTEMPTING A LEWD ACT UPON A CHILD UNDER SIXTEEN

In violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

The charge is: As indicted, Lesser Included Offense,

Defendant Waives Presentation to Grand Jury. (Def.'s initials)

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence, Recommendation by the State.

ATTEST:

Handwritten signatures and names: Matthew Weisz, Assistant Attorney General, SC Bar # 16700; K. Hanna, Defendant; Attorney for Defendant; 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 or under the Youthful Offender Act not to exceed years, and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. (49 months credit)

The Defendant is to be placed on 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

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve WE beginning Substance Abuse Counseling

*Fine:

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

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

prmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

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

Clerk of Court/Deputy Clerk Court Reporter:

Handwritten signatures: Jeanette McBride, R. Holmes

Presiding Judge

Judge Code:

Sentence Date

Handwritten: P. Weisz, 2127, August 19, 2014

#6

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

RICHLAND

STATE

VS.

INDICTMENT/CASE#: 2011-GS-40 -04590

HAROLD AYTON

AW#: K-668290

AKA:

Date of Offense: 12/1/2009-12/31/2009

Race:

Sec

Age:

S.C. Code §: 16-15-655(A)(1)

DOB:

CDR Code #: 0385

Address:

City, State

DL#

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: COMMITTING OR ATTEMPTING A LEWD ACT UPON A CHILD UNDER SIXTEEN

In violation of § 16-15-0140 of the S.C. Code of Laws, bearing GDR Code # 2488

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45

The charge is: As Indicted, Lesser Included Offense,

Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence, Recommendation by the State

ATTEST:

Heather Weiss 16700
Assistant Attorney General SC Bar #

A. Harold Ayton
Defendant Attorney for Defendant SC Bar # 74800

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 49 months credit

The Defendant is to be placed on 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

PTUP 2014
days/hours Public Service Employment

Total \$ plus 20% fee: \$

Payment Terms:

Obtain GED

Set by SCOPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning
Substance Abuse Counseling

*Fine:

§14-1-208 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2895 (DUI Assessment)	\$12	\$
§56-1-288 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2842(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 80.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ Beginning
\$ Paid to Public Defender Fund

Other:

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

Clark of Court/Deputy Clerk
Court Reporter:

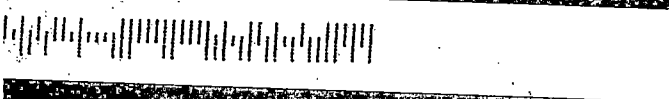
Jeanette McSnickle
C. Holmes

Presiding Judge

Judge Code:

Sentence Date

C. Newman
2227
Aug 14, 2014



1000



29211

U.S. POSTAGE
PAID
LAURENS, SC
29360
SEP 12, 17
AMOUNT

\$2.03

R2305K1 42636-06

1. Saunders

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211