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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Florence County

Honorable William H. Seals, Circuit Court Judge

CLAUDE E. REED,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000563

APPENDIX

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF FLORENCE) 2012-GS-21-1218
)
)
)
)
) State of South Carolina)
)
 vs.) TRANSCRIPT OF RECORD
)
) Claude E. Reed)
 DEFENDANT) March 14, 2013
 Florence, South
 Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE.

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

PATRICIA S. PARR, ASSISTANT SOLICITOR
 Attorney for the State

WILL GROVE, ASSISTANT PUBLIC DEFENDER
 Attorney for the Defendant

KESHIA REED
 Official Court Reporter

I N D E X

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1 MRS. PARR: May it please the Court.

2 THE COURT: Yes, ma'am.

3 MRS. PARR: This is the case against Claude Earl
4 Reed. He has been indicted on a multi-count indictment.
5 He is pleading guilty to failure to stop for a blue light,
6 burglary first, grand larceny more than 2,000, and armed
7 robbery. He can get up to life on the burglary first, up
8 to 30 years on the armed robbery, three years on the blue
9 light, and five years on the grand larceny. The State is
10 nol-prossing the remainder counts of the indictment.

11 THE COURT: Which are what?

12 MRS. PARR: The kidnapping, resisting arrest and
13 unlawful possession of a weapon. And there is no
14 recommendation.

15 THE COURT: Swear the defendant please.

16 THE CLERK: Please raise your right hand. Do
17 you swear to tell the truth, the whole truth and nothing
18 but the truth so help you God?

19 THE DEFENDANT: I do.

20 THE COURT: Mr. Grove, you represent Claude Earl
21 Reed?

22 MR. GROVE: Yes, Your Honor, I do.

23 THE COURT: Have you explained to him the
24 charges contained in the indictment, the possible
25 punishment and his Constitutional Rights as it pertains to

1 each of these cases?

2 MR. GROVE: I have, Your Honor.

3 THE COURT: In your opinion, does he understand
4 the charges against him, the possible punishment and his
5 Constitutional Rights as it pertains to each of these
6 cases?

7 MR. GROVE: I have, Your Honor.

8 THE COURT: In your opinion, does he understand
9 the charges against him, the possible punishment and his
10 Constitutional Rights as it pertains to each of these
11 cases?

12 MR. GROVE: I believe he does.

13 THE COURT: Has he indicated to you a desire to
14 plead guilty or not guilty as to each of these charges?

15 MR. GROVE: Guilty, Your Honor.

16 THE COURT: Do you agree with that decision?

17 MR. GROVE: I do.

18 THE COURT: Have you also explain to him the
19 fact that the armed robbery as well as the burglary first
20 offense are each violent offenses and most serious
21 offenses under South Carolina law?

22 MR. GROVE: Yes, Your Honor.

23 THE COURT: You explain to him that he can
24 pretty much count on doing day for day of whatever
25 sentence is imposed on those particular offenses?

1 MR. GROVE: Yes, Your Honor.

2 THE COURT: And you also explain to him the
3 consequences of pleading guilty or the consequences of a
4 conviction of a most serious offense?

5 MR. GROVE: Yes, Your Honor.

6 THE COURT: And again based upon your
7 discussions with him and based upon your explaining the
8 nature of these charges being a violent offense and a most
9 serious offense is his desire to still plead guilty to
10 these charges?

11 MR. GROVE: It is.

12 THE COURT: And you agree with that?

13 MR. GROVE: I do.

14 THE COURT: Now, from investigation of the facts
15 and circumstances of this case, do you believe the State
16 could produce sufficient evidence to convince a jury of
17 his guilt beyond a reasonable doubt and that if he were to
18 stand trial, his conviction as to each of these charges
19 would be probable?

20 MR. GROVE: Yes, Your Honor.

21 THE COURT: Has he been ordered to submit to a
22 psychological or mental evaluation?

23 MR. GROVE: No, sir.

24 THE COURT: Any question in your mind about his
25 competency?

1 MR. GROVE: None whatsoever.

2 THE COURT: All right, sir, you are Claude Earl
3 Reed.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Certain questions that I must ask
6 you to ensure that you are entering into your pleas
7 freely, voluntarily, knowingly and intelligently. That
8 you have a full understanding of the nature of the
9 offenses that you are pleading guilty to and the
10 consequences of your please. If at any point in time you
11 need to speak to your attorney, Mr. Grove, you let me know
12 and I'll be happy to let you talk to him, okay.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you ever been treated for
15 alcohol abuse, drug abuse or mental illness?

16 THE DEFENDANT: No, sir.

17 THE COURT: Within the last 24 hours have you
18 taken medication, drugs or alcohol?

19 THE DEFENDANT: No, sir.

20 THE COURT: Are you aware of any physical,
21 emotional or nervous problem that would keep you or
22 prevent you from understanding what you're doing here
23 today?

24 THE DEFENDANT: No, sir.

25 THE COURT: The State indicates that you are

1 pleading guilty to four separate charges. One being an
2 armed robbery, which carries a mandatory minimum of ten
3 years up to 30 years; is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Also, a burglary first degree,
6 which carries a mandatory minimum of 15 years up to life;
7 is that correct?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: In other words, you understand on
10 the armed robbery offense I have to give you at least ten
11 years on that. You understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And on the burglary first charge,
14 you understand that I have to give you at least 15 years
15 on that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And on the armed robbery, I could
18 give you up to 30 years on that. You understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And on the burglary first, you
21 understand I could give you up to life on that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Understanding that, is it your
24 desire to still go forward as it pertains to the armed
25 robbery and burglary first and plead guilty as to each of

1 those two charges?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: In addition, the State's indicated
4 that you're pleading guilty to a grand larceny value more
5 than 2,000, which carries a penalty of up to five years;
6 is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Along with a failure to stop for a
9 blue light, which carries up to three years; is that
10 correct?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, while each of these offenses
13 carry respective their own or respective potential
14 punishment, do you understand that just on the burglary
15 first I could give you life imprisonment?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And in this particular case or as it
18 relates to each of these charges, I could give you life
19 plus 38 years. You understand if I ran everything
20 consecutive?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Understanding that, is it your
23 desire to still go forward and plead guilty to each of
24 these charges?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now, you understand that the
2 burglary first offense as well as the armed robbery
3 offense are each violent offenses. Do you understand
4 that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And you understand that each of
7 those two offense are also considered under South Carolina
8 law to be most serious offenses. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Now, under South Carolina law once
11 you are released from department of correction, if you are
12 released from the department of corrections and you are
13 convicted of another most serious offense and the State is
14 properly noticed you of their intent to seek life without
15 parole and you are convicted by trial or plea, the Court
16 would have no alternative but to give you life. You
17 understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Understanding that, you still wish
20 to go forward and plead guilty to all of these charges
21 here today?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: In addition, the burglary first and
24 armed robbery are considered under South Carolina law to
25 be no parole offenses. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: In other words, you can count on
3 doing day for day. You understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Understanding that, is it your
6 desire to still go forward and plead guilty to each of
7 those charges here today?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Now, you heard the State
10 when they called your case that they indicated that this
11 plea was being entered into without recommendation or
12 negotiation. Is that your understanding?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Understanding that, is it still your
15 desire to plead guilty to each of these four charges here
16 today?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Now, do you understand
19 that when you plead guilty, you give up certain important
20 Constitutional Rights. You understand that you have a
21 right to a jury trial. At a jury trial, I would instruct
22 the jury that you are presumed innocent, that you are
23 presumed not guilty. The State would bear the burden of
24 proving you guilty beyond a reasonable doubt. You have
25 the right to question any witnesses against you as well as

1 the right to present witnesses for your defense. You
2 would have the right to remain silent. If you went to
3 trial and did not testify, I would instruct the jury that
4 they could not, could not hold that fact against you. You
5 would have the right to present any defense you might have
6 to the charges against you. If you made any incriminating
7 statements, you would have the right to challenge the
8 admissibility of those statements. Do you understand your
9 Constitutional Rights?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that when you
12 plead guilty you give up those rights?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Understanding your
15 rights and understanding that when you plead guilty, you
16 give them up? How do you plead as to each of these
17 charges here today guilty or not guilty?

18 THE DEFENDANT: Guilty.

19 THE COURT: All right. You're represented by
20 Mr. Grove. You satisfied with how he has advised you and
21 represented you in this case?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Have you talk with him as often and
24 for as long as you felt necessary for him to represent
25 you?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you need any more time to talk to
3 him?

4 THE DEFENDANT: No, sir.

5 THE COURT: Have you understood your talks with
6 him?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Has he done everything that you
9 believe he could have done or should have done for you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has he done anything that you think
12 he shouldn't have done?

13 THE DEFENDANT: No, sir.

14 THE COURT: Are you completely satisfied?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have any complaints whatsoever?

17 THE DEFENDANT: No, sir.

18 THE COURT: Has anybody promised you anything or
19 held out any hope of reward to get you to plead guilty?

20 THE DEFENDANT: No, sir.

21 THE COURT: Has anybody used any threats, force,
22 pressure or intimidation to get you to plead?

23 THE DEFENDANT: No, sir.

24 THE COURT: Has anybody mistreated you in any
25 way whether it be law enforcement or the Solicitor's

1 office?

2 THE DEFENDANT: No, sir.

3 THE COURT: Have you had enough time, Mr. Reed,
4 to make up your mind as to whether or not you want to go
5 to trial or plead guilty as to each of these charges?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: What is your desire?

8 THE DEFENDANT: Plead guilty.

9 THE COURT: As to each of these charges?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you pleading guilty as to each
12 of these charges of your own free will?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you understood my questions?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right, Mrs. Parr.

17 MRS. PARR: May it please the Court. Your
18 Honor, this unfortunate event occurred on April 24th 2010.
19 On that particular day, Ms. English, who works at McLeod,
20 came home for lunch. She lived at
21 here in the City of Florence. And when she arrived home
22 about 12:30, she as I said went home for lunch. And when
23 she drove in her front yard, she indicated her house
24 looked fine. She opened her front door using her key and
25 -- she did not have to disable the alarm because it had

1 not been working properly. But in any event when she
2 opened the door, she saw her television wrapped up on a
3 bench kind of like in the foyer. And so she indicated she
4 thought, you know, hey, my boyfriend is getting me a new
5 TV. So she didn't think anything of it until she walked
6 in. And then when she walked in, she said she called for
7 her boyfriend and he didn't answer. And the defendant
8 appeared and screamed her. He told her to -- he said some
9 F words and then he told her not to look at him and to get
10 on the ground. He took her purse and dumped the contents
11 on the floor right in front of the stairwell. He told her
12 that if she looked at him, she was going to blow her F'ing
13 head off. And he said that, you know, he kept repeating
14 that, threatening that he was going to shoot her and said
15 that he did not know her. He wasn't around here and that
16 he needed money.

17 And in any event, he told her that he had gone
18 through her house. He had found her safe and he wanted
19 the combination to the safe. He had her crawl from one
20 room -- from her bedroom on the floor to her guest
21 bedroom, her master bedroom and the room that the safe was
22 in, which she refers to it as the blue room both are
23 downstairs. Her son's bedroom was upstairs, he occupies.
24 It looks like a little suite upstairs and upstairs is
25 where her laundry room is. It was determined that the

1 defendant went up the stairs. There's a stairwell that
2 leaves from outside of the house to the upstairs. And
3 when you come through that door is where the laundry room
4 is and that's how he entered. He broke the glass pane and
5 stuck his hand in, open the door and went on through and
6 literally went through her whole house. And I will get to
7 that.

8 Now, in any event, he started -- he had loaded
9 up a number of items from her home. Now, what he ask her
10 -- you know, what did she have and she indicated that, you
11 know, she did have some money in the safe. And the way
12 the safe was, she crawled to the safe. She was on her
13 hands and knees the whole time crawling. And so she only
14 saw the outskirts of his clothing and she admits she
15 didn't get a good look at his face. And he pulled the red
16 hoodie over his head, so she couldn't see him. Well,
17 where she was situated, he was kind of behind the safe.
18 She did open the safe and she gave an envelope that was
19 marked mortgage money, which contained like 1400 some odd
20 dollars. He got that. He had also taken some cash I
21 believe that she had in her purse. He literally went
22 through all the drawers. He went through her closets and
23 got items.to.

24 Well, in her son's closet, he had a riffle. The
25 defendant took that riffle and left with it and put that

1 in the car. She indicated that he did call somebody while
2 he was at her house and she heard him talking to the
3 person and telling them that, you know, where he was
4 located, that he had all of this stuff. And that he would
5 not be able to carry it walking because it was so much.
6 But the person said they were located on Second Loop Road.
7 And so the defendant told them said, well, her car is out
8 here. I'll take her car. And so he took her Honda CSR
9 vehicle a 2004 Honda and he took her currency that I
10 indicated to the Court, the shotgun.

11 In addition, the defendant took her television,
12 her iPad, her cell phone, the Vizio TV remote, Zena DVD
13 remote. He stole white socks from her son, her
14 blackberry, some headphones, her iPod charger and some
15 body bath, items that belong to her son. He also took the
16 car as I indicated already. And he took a number of her
17 son's -- took some of her games I believe as well.

18 While this was occurring, Ms. Shealy
19 Ms. English's neighbor came home for lunch as well.
20 Ms. English stated when she -- and her house is right next
21 door to Ms. English's home. Their driveways are parallel.
22 When Ms. Shealy came home, she saw Ms. English's car
23 backed up to her front door but kind of diagonally parked
24 on the grass. Ms. Shealy said she thought that was
25 strange because she knew that Ms. English was very

1 particular about her yard. She observed the defendant who
2 was dressed in a red hoodie and olive green cargo pants
3 and black shoes walking around her car. She also said
4 that she observed walking around Ms. English's car. She
5 also said that the back door of the vehicle or the -- was
6 open as well and she saw the defendant taking a long item
7 putting it in the car and then he walked around and got in
8 the driver seat.

9 While Ms. English was still on the floor, the
10 defendant told her to count to 100, don't come out until
11 you finish counting to 100. But she said that as soon he
12 got -- left out she immediately called 9-1-1 and Florence
13 Police Department responded. They put out a BOLO and so
14 there were Florence County units in the area as well.
15 They -- she described her vehicle and so they were on the
16 lookout for that vehicle.to.

17 Well, the defendant was actually spotted within
18 seven minutes of the incident. But on his way to the Five
19 Points area, the defendant took a number of the items
20 belonging to Ms. English from this robbery to Warley
21 Street, which was at the corner of Edisto and Warley. And
22 one of those items recovered from there under the house
23 was her son's shotgun. But in any event when the
24 defendant was spotted by Jolly Hicks with Florence County,
25 there was other deputies on the lookout as well and

1 numerous Florence Police Officer vehicles. The defendant
2 went on a chase from them. And it all occurred over by
3 South Cashua Street. I guess, that would be South Cashua
4 or over by the -- right in front of Havertys on Cashua.
5 The defendant and the K-Mart side parking driveway. The
6 defendant turned around and actually wrecked Ms. English's
7 vehicle. The car ended up being totaled. He hit the
8 light pole there and it damaged the axle and some other
9 things in the car. The defendant was subsequently
10 arrested, you know, right after he wrecked the vehicle.
11 And all of this was like within a matter of like seven to
12 nine minutes. When the defendant was stopped, he was
13 still wearing the same clothes. He had Ms. English's bank
14 envelope containing the 1400 some odd dollars on him. He
15 had the TV remote still, the DVD remote, the white socks
16 that were -- belong to her son. He also had gloves, Your
17 Honor, that we believe that he wore during the robbery.
18 He had the victim, Ms. English's, cell phone as well.

19 At that time, he was given his Miranda warnings
20 and he indicated that someone else had broken into the
21 house and that they had asked him to change clothes with
22 them and to take some of these things because they would
23 be looking for them and that was his story to the police
24 at first. The defendant was arrested and as I said before
25 were able to find the gun in the case at Waverly Avenue

1 not Warley, but it was Waverly Avenue. Based upon the
2 defendant said the person who did it lived at Waverly and
3 Edisto.

4 Your Honor, I'm going to ask Lieutenant Compton
5 if he had something else to add.

6 THE COURT: Yes, sir. Please state your full
7 name for the record.

8 LIEUTENANT COMPTON: Timothy Wade Compton of the
9 Florence Police Department. Your Honor, basically really
10 short, Mr. Reed broke into the house and Ms. English came
11 home surprised him. He forced her on the ground made her
12 open up the safe. And a witness next door saw olive drab
13 type cargo pants, red hoodie. I was there four minutes
14 after the call came out. I asked her what kind of car was
15 it. We put it out on the radio.

16 Within seven minutes, Lieutenant Jolly Hicks
17 spotted the car, got in a car chase. He hit a telephone,
18 jump from the car or ran behind Dun-Rite Motors across the
19 street, had to be tackled and arrested. He was
20 Mirandized. All the items were found on him, all the
21 small items. Then he was brought back to the complex
22 where I interviewed him again after Mirandizing a second
23 time. And he confessed that he was the lookout for
24 another gentleman A/K/A Pop Eye or Twan, which we do not
25 believe he existed. That's all he could tell us. But he

1 did state he knew that this guy was going to break into
2 the house. He went with him as a look out. He said he
3 never went in the house. Of course, I do believe him on
4 that part. Because he said when he saw the victim pull up
5 to the driveway, he realized his buddy's been caught. He
6 walked away supposedly his buddy A/K/A Pop Eye or Twan
7 pulls up at Calhoun and Franklin said get said the car.
8 And he said, well, before you get in the car, they've
9 already seen me with these clothes on. You put these
10 clothes on and I want you to drive the car. I know his
11 reputation and his criminal history, him being a career
12 criminal, I don't think that he would have done that.
13 He's not an idiot. So I believe he was a liar on that.
14 He was the one that actually went into the house.

15 Within a 11 minutes, Your Honor, he was
16 arrested. From the time we got the call to the time he
17 was arrested, was 11 minutes. So I knew he had stash the
18 big flat screen TV, the shotgun and the iPod and I think a
19 DVD, but we don't know where. He finally confessed that
20 he had stashed it. It was his idea to stash it at 1301
21 Waverly and Edisto Drive at the corner of Waverly and
22 Edisto. Somebody had already picked up the TV and the
23 iPod. The only reason they didn't find a shotgun is
24 because it was hidden and nobody could see it. We went
25 there and got a consent to search. We found a shotgun, so

1 based on his confession. We was able to recover the
2 shotgun. So he says he didn't go in the house, but he
3 said he was apart of the burglary and everything that
4 occurred thereafter.

5 MRS. PARR: And, Your Honor, in terms of his
6 record -- and she said it was her iPad. In terms of a
7 prior record, in 2003, he had a CDV first. Also, a couple
8 months later in 2003 loafing or loitering for drug
9 purposes. And then a month later B and E of a motor
10 vehicle, in 2004 receiving stolen goods greater than a
11 thousand dollars. Also, in 2004 a burglary second.
12 September of 2008 accessory after the fact of ABC felony,
13 he was apart of that murder in which his brother was
14 convicted of killing the lady in -- an older lady in Maple
15 Park area. And he also was convicted of possession of a
16 stolen vehicle. It's believed that he and a juvenile went
17 in Judge Harwell's home and that was in 2010. I believe
18 that was in 2010.

19 THE COURT: And that's it?

20 MRS. PARR: Yes, Your Honor, for criminal
21 record. He's had some stuff as a juvenile.

22 THE COURT: I want to know what that is too.

23 MRS. PARR: And I actually prosecuted him in
24 juvenile back in the '90's. They were like grand larceny,
25 receiving stolen goods.

1 THE COURT: I'll come back to you in a minute,
2 Mrs. Parr.

3 Mr. Reed, you've heard the facts as stated by
4 the Solicitor and Investigator Compton as it relates to
5 each of these charges. You agree with those facts?

6 THE DEFENDANT: Some of them I do, Your Honor.

7 THE COURT: You agree that you are guilty or
8 agree with the facts as they allege are failure to stop
9 for a blue light?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And how do you plead to that charge
12 guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: Do you in fact agree with the facts
15 as they pertain to the grand larceny value more than two
16 thousand but less than ten thousand?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And how do you plead to that charge
19 guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: And do you agree with the facts as
22 they pertain to the burglary first degree?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And how do you plead to that charge
25 guilty or not guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: And do you agree with the facts as
3 they pertain to the armed robbery?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And how do you plead to this charge
6 guilty or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: All right. I find that there is a
9 substantial factual basis to this defendant's plea as to
10 each of these charges. That his decision to plead guilty
11 as to each of these charges were entered into freely,
12 voluntarily, knowingly and intelligently. That he has had
13 the advice and counsel of an attorney with whom he's
14 indicated he is completely satisfied with and I will
15 accept his plea as to each of these charges. Before I
16 hear from you, Mr. Grove, let me turn back to the
17 Solicitor for just a minute.

18 Anything further from you with regards to
19 juvenile stuff, Mrs. Parr?

20 MRS. PARR: I don't have it, Your Honor. I have
21 to call. I'm just going from memory and it's been a long
22 time.

23 THE COURT: Okay. But before I again hear from
24 you, Mr. Grove, I am going to give Ms. English an
25 opportunity to talk.

1 Ms. English, I will be happy to hear from you if
2 there's anything that you wish to tell me. I had reviewed
3 the victim impact statement that was sent back in -- to
4 the Solicitor's office by you.

5 Mr. Grove, you reviewed this as well; is that
6 correct?

7 MR. GROVE: I have, Your Honor. Thank you.

8 THE COURT: But if there's anything you wish to
9 tell me on the record, Ms. English, please state your full
10 name for the record. I will be happy to hear from you.

11 MS. ENGLISH: My name is Wen English.

12 THE COURT: Anything you want to say direct it
13 to me, okay.

14 MS. ENGLISH: Only that there was no Blackberry
15 stolen. I notice by the defendant's look on his face he
16 knew that was not one of the items, but I have nothing
17 else to add.

18 THE COURT: Okay. I will now hear from you,
19 Mr. Grove, with regards to any mitigation.

20 MR. GROVE: Thank you, Judge. May it please the
21 Court.

22 THE COURT: Yes, sir.

23 MR. GROVE: Claude is 29 years old. Your Honor,
24 he'll turn 30 in August. He is a life-long resident of
25 this community. In my talks with him, and it might not be

1 any consolation to Your Honor or Ms. English or the
2 prosecutor, but from the first time I met with Claude,
3 which would have been maybe back in May, this case has
4 been a plea. He doesn't make any excuses for his conduct.
5 He certainly doesn't make any apologies or rather he does
6 make plenty of apologies, but no excuses and no shirking
7 of his responsibility. I think that this is obviously a
8 very unfortunate situation that everyone finds themselves
9 in. I think that it is a classic case of a lack of
10 appreciation of one's -- the impact of one's actions.

11 I can tell you that while it's not excusable and
12 while it's certainly reprehensible, there was never any
13 intention of violence on Claude's part. He never wanted
14 any sort of a confrontation. I think would have just as
15 soon not been there himself. He tells me that he for a
16 long time has battled a drug addiction, that has been the
17 root of a lot of his very poor choices that have brought
18 him here today, Your Honor. And again that's not an
19 excuse and that's certainly not a defense.

20 As you, yourself, have addressed and made clear
21 with him and I have in the past in my conversations with
22 him up to and including today whatever sentence, Your
23 Honor, imposes he will virtually serve all of it. He may
24 in fact serve every single day of it, but he will
25 certainly serve a large majority of it regardless. And I

1 certainly hope that, Your Honor, will take that into
2 consideration. Claude never had any attentions of putting
3 anyone through a trial even though here we are in the 11th
4 hour. I think that he was optimistic. However, overly
5 optimistic he may have been optimistic that some
6 adjustment may have been made in the charges to avoid
7 mandatory minimums obviously that was not done and here we
8 are. Your Honor, I think that his biggest hope for today
9 is mercy from Your Honor. An opportunity whether it's
10 available today or some time in the future of forgiveness
11 from Ms. English. But most of all, he is hopeful that
12 Your Honor will fashion a sentence that will allow him a
13 second chance at some time. Obviously, that want be any
14 time soon. And he and I have discussed that at length,
15 but he is a relatively young man. I do not think that he
16 is too far gone, that I do think that he can make amends
17 in the future and can correct his conduct in the future if
18 he has an opportunity for release somewhere down the line.

19 I think like I said, Judge, the biggest concern
20 of his is some sort of a chance at a release down the
21 line. I hope that Your Honor will consider some sentence
22 close to the minimums. He is not gone walk out of here
23 today with anything less than 15 and he knows that. And
24 15 years doesn't sound like a big number on paper, but I
25 am confident that it is a long number in life. I hope

1 Your Honor will be mindful of that.

2 Claude may like to address, Your Honor, at the
3 appropriate time. He has family that I been in touch
4 with. They were not able to be here today. They also
5 wanted to express their sympathies and their regret for
6 the actions that bring us here. He's got a seven-year-old
7 daughter, Your Honor. As I understand is straight A
8 student and is doing very well. And he is certainly proud
9 of that and hopes that his shortcomings will not be
10 repeated by the generation that follows him. Your Honor,
11 we are simply asking for mercy and asking for leniency in
12 sentencing and consideration for the possibility of a
13 release while there is still time to make something of a
14 life. Thank you, Your Honor.

15 THE COURT: Thank you, Mr. Grove.

16 Mr. Reed, anything you wish to tell me, if so
17 please make any comments direct them to me please.

18 THE DEFENDANT: Yes, Your Honor. First and
19 foremost, Your Honor, I want to apologize to the victim
20 for what I did. My intentions were not to hurt her or
21 cause any harm to anybody. Like I said, Your Honor, I had
22 a bad drug addiction and she just caught me in the act. I
23 got scared. My intentions were not to hurt or harm her.
24 I apologize to the courtroom for my actions as well, Your
25 Honor. And I just ask, Your Honor, show me mercy and

1 leniency. You know, this is a situation that really hit
2 home, hurt my family and I hurt my daughter. But it is my
3 fault, Your Honor, and I'm willing to accept my
4 responsibilities. I just come before you asking for your
5 mercy and leniency.

6 THE COURT: How long has he been in jail, Mr.
7 Grove?

8 MR. GROVE: He has been in jail since
9 April 24th, Your Honor. I was actually trying to do the
10 math before I began mitigation. I have not gotten an
11 exact day count, but he has obviously he has not been
12 released since he was arrested April 24th of 2012. That
13 will be a ball park of 320 days.

14 MRS. PARR: He was arrested April 24th.

15 MR. GROVE: Forty days from now will be a year.

16 THE COURT: 325 days.

17 MR. GROVE: Thank you, Judge.

18 THE COURT: Anything else from the State?

19 MRS. PARR: Nothing else from the State. Your
20 Honor, she would like to add one thing.

21 THE COURT: Yes, ma'am.

22 MS. ENGLISH: Apologize, I didn't say it later
23 or earlier. I want the, Judge, to know that this has been
24 something that has changed my life. It continues to be an
25 extremely emotional impact to me and to my son. We are

1 fearful and I want the defendant to understand that he has
2 changed my life for the negative and although I accept his
3 apology, it is something that will never go away for me.
4 And I will never be totally comfortable in my own home.
5 That's all I wanted to add. Thank you.

6 THE COURT: Thank you, Ms. English.

7 You know, as I sit in this courtroom day in and
8 day out here incidences, tragic incidences such as this
9 day in and day out, you can narrow down real quickly
10 problems of crime that we have in this country. And it's
11 related to quitting school, not finishing school, drugs or
12 alcohol. If people would complete, stay in school, work
13 hard and get an education and stay away from drugs and
14 alcohol, that would get rid of probably 95 percent of the
15 crime that we have in this country.

16 I've read the victim impact statement that you
17 prepared or returned, Ms. English. I have heard what you
18 said today accepting his apology, certainly understand
19 that it has changed your life and the life of your son.
20 Nothing such as what you gone through is ever happened to
21 me or any of my family, but I have children of my own. I
22 think from television and video games and everything else
23 that's a fear that all children have of something like
24 that happening, but no adult or child for that fact should
25 have to be the reality of it happening.

1 How far did you go in school, Mr. Reed?

2 THE DEFENDANT: Eleventh grade, Your Honor.

3 THE COURT: Who were you living with when all
4 this happened?

5 THE DEFENDANT: Stay at my aunt house.

6 THE COURT: Where is your mom?

7 THE DEFENDANT: She stays in North Carolina.

8 THE COURT: Where is your dad?

9 THE DEFENDANT: He's dead.

10 THE COURT: How many children you have? Mr.
11 Grove said you have a seven-year-old daughter. Is that
12 the only child you have?

13 THE DEFENDANT: No, sir, I have two others.

14 THE COURT: How old are they?

15 THE DEFENDANT: One is eight and one is five.

16 THE COURT: Boys or girls?

17 THE DEFENDANT: Two girls and one boy.

18 THE COURT: By the same mother or different
19 mothers?

20 THE DEFENDANT: Same.

21 THE COURT: It's tragic to see and I use to do
22 the very type of work that Mr. Grove does represented a
23 number of individuals in this court and in federal court.
24 It was tragic to see as a lawyer and tragic to see as a
25 judge the terrible decisions that young people make that

1 not only destroy their lives but have a tremendous
2 negative impact upon potential victims in your own family.
3 You have placed yourself in a situation or in a position
4 of never being a father to your three children. And
5 statistics show, and hopefully there's an exception. That
6 children follow in their parent's footsteps. I don't
7 doubt that you had no intention of Ms. English coming home
8 that day. I don't doubt that a bit. But that is a
9 potential -- potential is there and that's what happened
10 in this situation. Thankfully, you didn't do anything any
11 worse than what you had already done.

12 As I try to teach my children day in and day
13 out, that there are consequences to every decision we make
14 no matter how small of a decision it is. This drug
15 addiction that your lawyer's talked about, you made the
16 decision at some point in your life to smoke that first
17 joint or smoke whatever crack or whatever it was. You
18 made that decision. You have been in the criminal justice
19 system since the 90's and going back to the late 90's,
20 that's about 15 years. You have had the opportunity after
21 opportunity to get that on the right track.

22 On indictment 2012-GS-21-1218, defendant's
23 committed -- that's on the failure to stop for a blue
24 light. Defendant's committed to the state department of
25 corrections for a period of three years. On indictment --

1 they're all under the same indictment number. On the
2 grand larceny value more than \$2,000 but less than
3 \$10,000, defendant's committed to the state department of
4 corrections for a period of five years.

5 On the armed robbery, defendant's committed to
6 the state department of corrections for a period of 30
7 years. On the burglary first degree, the defendant's
8 committed to the state department of corrections for a
9 period of 35 years, given credit for 325 days, get
10 treatment while he is in the department of correction.

11 A minimal sentence, Mr. Reed, in this situation
12 based upon your criminal history and the 15 years or
13 thereabout 15 years you been in the criminal justice
14 system would not be justified here. I think that this is
15 the appropriate sentence based upon the facts and
16 circumstances and the conduct that I've heard in this
17 courtroom here today. Good luck to you.

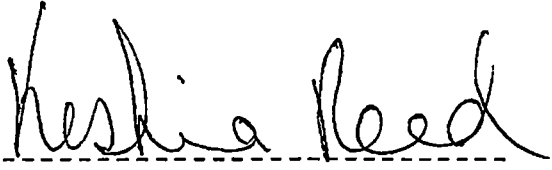
18 END OF REQUESTED TRANSCRIPT
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter and Notary Public
in and for the State of South Carolina At Large, do hereby
certify that the above-entitled cause was heard as
hereinafter set out; that I was authorized to and did
transcribe the said proceedings; and that the foregoing
and annexed paged, numbered 1 through 33, inclusive,
constitute a true and accurate transcription of my
stenographic report of the said cause taken during the
said hearing. In the Court of General Sessions for
Florence County, South Carolina, on the 14th day of March,
2013.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto. In witness
whereof, I have hereunto affixed my signature this 10th
day of July 2014.



Keshia Reed, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA

County of FlorenceClaude E. Reed #305676

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

20 14 CP 21 626

APPLICATION FOR

POST-CONVICTION RELIEF

2014 MAR 13 PM 2:03
RONNIE REEL-SHEARER
CCCP & GS
FLORENCE COUNTY, SC

FILED

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Florence County Detention Center
2. Name and location of Court which imposed sentence City-Complex 11th Floor
180 North Irby Street Florence, South Carolina
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) M-379758 / 2012-GS-21-01218
 - (b) M-379759 / 2012-GS-21-01218

CERTIFIED: A TRUE COPY
C. Anne R. Spence
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

- (c) M-379760/2012-GS-21-01218
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) M-379760 3/14/13
- (b) M-379759 3/14/13
- (c) M-37958 3/14/13
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. The matter was dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. 11/14/13
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. According to the State; I failed to provide sufficient explanation
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Violation of My 6th Amendment Ineffective Assist of Counsel
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Not objecting to State bringing forth Juvenile record
- (b) Failure to objecting to an Arm Robbery in which a Weapon was not involved
- (c) Not Supplying a briefing to me he set forth for my appeal
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

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

(a) which grounds have been presented:

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

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

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

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

(a) _____
 (b) _____
 (c) _____

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

(a) your arraignment and plea? Yes
 (b) your trial, if any? _____
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

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. Will E. Grove
City-County Complex, Rm. 703 180 N. Tryon St., MSC-N Florence, S.C. 29501

ii. _____

 iii. _____

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

i. General Sessions Guilty Plea

 ii. _____

 iii. _____

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

Reconsideration of Sentence

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

No

STATE OF SOUTH CAROLINA)

County of Florence)

VERIFICATION

I, Claude E. Reed, 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.

Claude Reed

SWORN to and subscribed before me this 11th day of March, 2014.

Ludheen Bryant (L.S.)
Notary Public

My Commission Expires: May 26, 2020

FILED
2014 MAR 13 PM 2:03
CONNIE REEL-SHEARIN
CCJP & GS
FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY
Connie Reel-Shearin
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

Revised 3/2003

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

I, Claude E. Reed, 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.

Claude Reed

Applicant

SWORN or affirmed to and subscribed before me this
11th day of March, 2014.

Luduan Bryant
Notary Public

My Commission Expires: May 26, 2020

2014 MAR 13 PM 2:03
CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

FILED

CERTIFIED: A TRUE COPY
Connie Reel-Shearin
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

Claude E. Reed, #305676,

2014-CP-21-0626

Applicant,

v.

RETURN

State of South Carolina,

Respondent.

FILED
2014 NOV 10 PM 1:34
CORRIE REE-CHEN
CCCP & GS
FLORENCE COUNTY, SC

In response to the post-conviction relief application filed on March 13, 2014, the Respondent would show this Court:

I.

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's orders of commitment. Applicant was indicted at the September 2012 term of the Florence County Grand Jury for Failure to Stop for a Blue Light, Kidnapping, Burglary First Degree, Armed Robbery, Grand Larceny, and Resisting Arrest (2012-GS-21-1218). Applicant was represented by Will Grove, Esquire.

On March 14, 2013, Applicant pled guilty as indicted. The Honorable D. Craig Brown sentenced Applicant to concurrent terms of three (3) years imprisonment for failure to stop, thirty-five (35) years imprisonment for burglary first degree, thirty (30) years imprisonment for armed robbery, and five (5) years imprisonment for grand larceny.

Applicant filed a timely Notice of Appeal; however, it was dismissed by the South Carolina Court of Appeals for failing to provide a sufficient explanation under Rule 203(d)(1)(B)(iv). The Remittitur was sent on December 6, 2013.

II.

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

1. Ineffective assistance of counsel.
 - a. Counsel did not object to State's use of juvenile record.
 - b. Counsel failed to object to armed robbery charge where no weapon was involved.
 - c. Failure to appeal Applicant's plea.

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

III.

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

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

386 S.E.2d 624 (1989).

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

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

IV.

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

V.

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

Respectfully submitted,

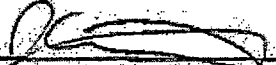
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN

Senior Assistant Deputy Attorney General

J. CROOM HUNTER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

Nov. 7, 2014

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

IN THE COURT OF COMMON PLEAS

2014-CP-21-0626

CLAUDE E. REED, #305676)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

AFFIDAVIT OF SERVICE BY MAIL

FILED
2014 NOV 10 PM 1:34
CORINE REEL-SHEPARD
CCCP & GS
FLORENCE COUNTY, SC

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

Jonathan D. Waller, Esquire
1720 Main St., Suite 104
Columbia, SC 29201

DATED this 6th day of November, 2014.


 Norma Bigbee, Legal Assistant

1 State of South Carolina) Court of Common Pleas
2 County of Florence) 2014-CP-21-0626

3

4

Claude E. Reed)

5)

vs.)

6)

State of South Carolina)

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11 BEFORE:

12 Honorable William H. Seals, Judge.

13

14 APPEARANCES:

15

Jonathan D. Waller, Esq.
Attorney for the Applicant

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Johanna C. Valenzuela, Esq.

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Teresa J. F. Bautz, RPR
Official Court Reporter

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Claude E. Reed				
Mr. Waller	5	--	--	--
Ms. Valenzuela	--	17	--	--
William E. Grove, Esq.				
Ms. Valenzuela	23	--	34	--
Mr. Waller	--	30	--	--

E X H I B I T S

NO.	DESCRIPTION	ID	EV
No exhibits submitted.			

Exhibit retained by Clerk of Court.

1 (The hearing commenced at approximately
2 11:34 a.m.)

3 MS. VALENZUELA: This is the case of Claude Reed
4 versus the State of South Carolina, Case No.
5 2014-CP-21-0626. The Applicant filed this application
6 in March 13 of 2014, he is presently incarcerated.
7 This is after he was indicted by the September 2012
8 term for failure to stop for a blue light, kidnapping,
9 burglary first degree, armed robbery, grand larceny and
10 resisting arrest.

11 He was represented by Will Grove when he elected
12 to plead guilty, as indicted on March 14th, 2013 before
13 Judge Craig Brown. Judge Brown ended up sentencing the
14 Applicant to concurrent terms of three years for the
15 failure to stop, 35 years for the burg first, 30 years
16 for the armed robbery, and five years for the grand
17 larceny.

18 The Applicant did end up filing a timely notice of
19 appeal; however, it was dismissed after he failed to
20 provide a sufficient explanation under Rule 203, and
21 that remittitur was signed on December 6th, 2013.

22 In his present application he makes the argument
23 that -- I'm sorry, he makes the allegations that
24 counsel did not object to the State's use of his
- 25 juvenile record during his guilty plea, that counsel

1 failed to object to the armed robbery charge where no
2 weapon was involved and that the counsel failed to
3 appeal applicant's plea.

4 We did file a return in this case on or about
5 November 7th, 2014, and Mr. Reed is represented by
6 Jonathan Waller in this case.

7 And, Your Honor, the only thing I would ask is if
8 there is any clarification to the allegations other
9 than what I just read out, that that be done before we
10 get started.

11 THE COURT: Mr. Waller?

12 MR. WALLER: Your Honor, there is not any
13 clarification. I guess, in regards to the juvenile
14 record, there was -- it wasn't really reading his
15 juvenile record, obviously we'll get into this. It was
16 Ms. Paar, who I believe had prosecuted him while he was
17 a juvenile, trying to remember something, remember what
18 the charges were. She also went into some things, some
19 other things that he may or may not have been involved
20 in that he had not been convicted of, that we thought
21 that was improper.

22 Your Honor, so that's the only other -- the only
23 change, and it's not really a change. We are -- I
24 spoke with Ms. Valenzuela. We are asking that, A, that
25 his convictions be vacated, but in the alternative

1 based on those improper comments and counsel's failure
2 to object to them, that if you don't find that his
3 entire conviction should be vacated, that he should
4 be -- his sentence should be vacated and he should be
5 remanded for resentencing.

6 THE COURT: All right. Call your first witness.

7 MR. WALLER: Thank you, Your Honor. I would call
8 Claude Reed.

9 CLAUDE E. REED, after being duly sworn, testified
10 as follows:

11 THE CLERK: Please have a seat.

12 MR. WALLER: Thank you, Your Honor, may it please
13 the Court.

14 THE COURT: Sure.

15 DIRECT EXAMINATION

16 BY MR. WALLER:

17 Q Good morning, Mr. Reed, how are you today?

18 A All right.

19 Q Mr. Reed, I want to -- where are you from?

20 A Florence.

21 Q Okay. How old are you?

22 A 33.

23 Q Okay. When you pled guilty, how old were you
24 then?

25 A 29, going on 30.

CLAUDE E. REED-DIRECT BY MR. WALLER

1 Q Okay. You turned 30 right after this; is that
2 right?

3 A Yes, sir.

4 Q All right. When you first got arrested, who was
5 your lawyer, right after you first got arrested?

6 A Mr. Grove.

7 Q Okay. About how long after you got arrested was
8 Mr. Grove appointed to represent you -- he was
9 appointed; right?

10 A Right.

11 Q Okay. About how long after you got arrested?

12 A Probably like a month or two maybe.

13 Q Okay. How long were these charges pending before
14 you ended up pleading guilty?

15 A Almost a year.

16 Q Okay. In that almost a year timeframe, how many
17 times do you think you met with Mr. Grove?

18 A I think I seen him like two or three times.

19 Q Okay. Do you recall what y'all talked about in
20 the first time you ever met him?

21 A Yes. The first time we talked was mainly I was
22 trying to get him to understand the nature of the
23 crime, the nature of it as it was and trying to discuss
24 it. And he discussed with me about the time, how much
25 each charge carry.

1 Q Okay. So y'all did talk about how much each
2 charge carried?

3 A Right.

4 Q Okay. And that's for all four of them, five of
5 them?

6 A Right.

7 Q Okay. Did y'all discuss the elements of each one
8 and what the State would have to prove to convict you
9 of those?

10 A Not that I recall, the elements of it.

11 Q Okay. Let me ask you this. In particular, with
12 the burglary and the armed robbery, did y'all
13 discuss -- did y'all discuss the gun?

14 A Yes.

15 Q Okay. And what did Mr. Grove tell you about how a
16 gun would be used as far as a burglary charge?

17 A If it's stolen out of the residence, that they --
18 it upgrades to a first-degree burglary. And as far as
19 the armed robbery, a gun was never present as far as at
20 the crime was going on. So we didn't really get into
21 that at all. It was mainly about with the gun being
22 taken out the house.

23 Q Okay. So what did you tell Mr. Grove as far as
24 when the incident took place, did you have a gun with
25 you at the beginning?

CLAUDE E. REED-DIRECT BY MR. WALLER

1 A No, sir.

2 Q Okay. Did you tell Mr. Grove that?

3 A Yes, sir.

4 Q Okay. And so did he explain to you that for the
5 burglary it didn't matter because you had taken a gun
6 from the house; is that right?

7 A Right.

8 Q Okay. Did y'all discuss the gun before the armed
9 robbery?

10 A No, sir.

11 Q Okay. When you and Mr. Grove met after that, what
12 did y'all talk about?

13 A It was just mainly trying to get Pat Paar to try
14 to drop some of the charges and look at the nature of
15 it, you know, as when she presented it. That was
16 really the main thing.

17 Q Okay. And you pled guilty right before your case
18 was about to get called to trial; is that right?

19 A Yes, sir.

20 Q Okay. Had you and Mr. Grove talked about going to
21 trial?

22 A No, sir.

23 Q Okay. Had y'all met to discuss any defenses that
24 you might have?

25 A Not really, no, sir.

1 Q Okay. Had y'all discussed what the procedure, how
2 a trial would take place?

3 A He discussed as much as he can cram in at the
4 time, because it was last minute.

5 Q Okay. You mean right before?

6 A Right.

7 Q Okay. Now, you had a prior criminal record; is
8 that right?

9 A Yes, sir.

10 Q Had any of those cases ever gone to trial?

11 A No, sir.

12 Q Okay. So you've never been a part of a trial?

13 A No, sir.

14 Q You still have never been part of a trial?

15 A No, sir.

16 Q So you didn't know how things would go; is that
17 right?

18 A No, sir.

19 Q Okay. Did Mr. Grove prior to you coming to court
20 that day, did he ever explain to you what would take
21 place?

22 A As far as in the trial, sir?

23 Q Yes, sir.

24 A Oh, you talking about the day that it was
25 presented to me that I was going to trial?

CLAUDE E. REED-DIRECT BY MR. WALLER

1 Q Before that day.

2 A Oh, before that, no, sir, we didn't discuss
3 anything about a trial.

4 Q Okay. How did you know you were going to trial?

5 A That morning -- I didn't get a warning at night or
6 nothing -- that morning officers came and got me and
7 they dressed me out. And I asked them why they were
8 dressing me out, and they told me I was going to trial.

9 Q Okay. When you say dressed you out, what do you
10 mean by dressing you out?

11 A When you go to trial you have to either have your
12 family bring clothes up here, or if you're not
13 fortunate enough, you have to wear what you came in,
14 you were locked up with.

15 Q Okay. So the morning that you came to the
16 courthouse, they took you out of what you were wearing
17 now?

18 A Yes, sir.

19 Q And put you in street clothes?

20 A Yes, sir.

21 Q Okay. And that was the first indication that you
22 had that you were going to trial?

23 A Yes, sir.

24 Q Okay. What did you and Mr. Grove talk about when
25 you discussed the armed robbery?

1 A My main thing was with the armed robbery, like I
2 tried to explain, like I said, the victim -- I'm not
3 justifying nothing, the victim wasn't touched or I
4 didn't have no gun. It was just mainly a verbal
5 threat. And I explain -- he explained to me about
6 certain situations that, you know, if you even put your
7 hand in the pocket it could be considered that.

8 So I mainly tried to get him to argue the fact or
9 the nature of it basically of the armed robbery, to try
10 to get it to strong arm robbery.

11 Q Okay. Now, I just want to back up so we can all
12 be clear. Did you tell -- were you truthful when you
13 talked to Mr. Grove?

14 A Yes, sir.

15 Q Okay. Did you tell him that you didn't have a
16 gun?

17 A Yes, sir.

18 Q Okay. Did you tell him that you obtained the gun
19 as you were leaving the house?

20 A Yes, sir.

21 Q Okay. And was that gun in the house already?

22 A It was already in the house, sir.

23 Q It wasn't yours?

24 A No, sir.

25 Q It was whoever lived in the house?

CLAUDE E. REED-DIRECT BY MR. WALLER

1 A Yes, sir.

2 Q So you obtained a gun as you were in this house?

3 A Yes, sir.

4 Q Okay. Did you and Mr. Grove talk about that in
5 regards to the burglary charge?

6 A Yeah. He just mainly told me about how you would
7 get a first-degree burglary, one of the ways by getting
8 the gun out of the residence.

9 Q Okay.

10 A And I explained also that the victim never even
11 mentioned that she seen the gun. Not justifying
12 anything but, like I said, it was a threat. And no gun
13 was ever involved, the victim never said they saw a
14 gun.

15 Q Okay. Did y'all talk about that with regards to
16 the armed robbery, that you did not have a gun with
17 you?

18 A Yes, sir.

19 Q What did he tell you?

20 A Just main thing like if you put your hand inside
21 your pocket or something and make a threat like you
22 have one, it's considered that. And sometimes
23 depending on the nature if it's found proven that you
24 didn't have one, you could get the strong. That's
25 mainly what we talked about.

1 Q Okay. Well, let me ask you this. Ultimately you
2 decided to plead guilty in front of the judge and pled
3 guilty March 14th, 2013; is that right?

4 A Yes, sir.

5 Q What did you and Mr. Grove talk about that caused
6 you to plead guilty?

7 A I was scared, honestly I was scared. I didn't
8 know I was going to trial, I didn't know what was going
9 on. I seen all these charges I was facing, and I was
10 scared. I never been in a trial situation before. I
11 have been in trouble all through -- like not all
12 through my life. But I been in trouble and I done a
13 little couple months here and there. I never dealt
14 with anything serious like this ever.

15 So I really was -- mentally I was out of it. I
16 wanted to plead because I felt like that would have
17 been the best way to get a lenient sentence. And I was
18 scared at what was going to happen in trial. Because
19 he also explained to me that if we did go to trial, Pat
20 Parr was going to fry me.

21 Q Okay. So you were scared of going to trial; is
22 that --

23 A Yes, sir.

24 Q Okay, all right. You testified earlier that you
25 do have a prior criminal history; is that right?

CLAUDE E. REED-DIRECT BY MR. WALLER

1 A Yes, sir.

2 Q Okay. And I don't want to get into the details,
3 but did you also have a juvenile record?

4 A Yes, sir.

5 Q Okay. Now, that was talked about at your plea?

6 A Yes, sir.

7 Q Is that right?

8 A Yes, sir.

9 Q Did you have a chance to tell anything to
10 Mr. Grove during the plea about anything that was
11 inaccurate?

12 A Yes, sir. I kind of leaned and whispered when I
13 seen what she was doing, and I kind of told him and
14 like, is this right. I don't feel like it's right.
15 And at the time, he said he didn't know.

16 MR. WALLER: And, judge, we're at page 21 starting
17 pretty much at the top and going all the way through
18 the bottom of the page.

19 Q Okay. Were you able to speak with him in more
20 detail after the plea was over?

21 A Yes.

22 Q Okay. Did you ask him to do anything on your
23 behalf?

24 A Oh, you talking about -- oh. I only talked to him
25 after when they sentenced me when he came to the

1 holding cell and talked to me.

2 Q Okay. What did y'all talk about then?

3 A It was mainly like telling him how I felt like it
4 wasn't right how she put my juvenile record in --
5 basically in all opinion, she lied about my juvenile
6 record and how she brought up a charge that I was never
7 convicted of which was very serious in the community at
8 the time with my little brother, how she brought that
9 up. That was mainly my main thing. I was really kind
10 of out of it mentally after the sentencing.

11 Q Okay. Just to clarify, Ms. Parr mentioned that it
12 was believed that you were a part of a murder that your
13 brother was involved in?

14 A Yes, sir.

15 Q Is that right?

16 A Yes, sir.

17 Q Okay. She also mentioned that it is believed that
18 you were part of a home invasion from 2010?

19 A Yes, sir.

20 Q Okay. Is that what you're talking about?

21 A She brought that up also.

22 Q Okay. She also went on to say that she had
23 prosecuted you as a juvenile and mentioned in open
24 court some of the things she thought she remembered?

25 A Yes, sir.

CLAUDE E. REED-DIRECT BY MR. WALLER

16

1 Q Okay. Is that what you're talking about, you told
2 Mr. Grove?

3 A Yes, sir.

4 Q After it was over?

5 A Yes, sir.

6 Q Okay. Did you ask him to file any motions or
7 anything based on that?

8 A Yes, sir.

9 Q What did you ask him to file?

10 A To find out, in my term, I was like, is that legal
11 for her to do with the juvenile situation. And also
12 about bringing up the case about my little brother.
13 But the main thing was the juvenile record.

14 Q Okay. Did you ask Mr. Grove to file an appeal on
15 your behalf?

16 A Yes, sir.

17 Q Okay. And he did that; is that correct?

18 A Yes, sir.

19 Q Okay. Mr. Reed, I've asked you all the questions
20 that I have. Is there anything that you think I have
21 left out or forgotten that the Court needs to be aware
22 of in Mr. Grove's representation of you?

23 A My only thing, he did an all right job, but I just
24 felt like by him not objecting to that situation with
25 Ms. Parr caused the judge to make his decision as he

1 did, as what he mentioned, you know. By saying, you
2 don't deserve 15 years because you been getting in
3 trouble for 15 straight years. Because I understand
4 her job is to paint a picture to prosecute me, I
5 understand that. But at the same time, some of it was
6 fabricated.

7 MR. WALLER: Okay. I have no further questions.
8 Please answer any questions Ms. Valenzuela has.

9 THE COURT: Cross-examination.

10 CROSS-EXAMINATION

11 BY MS. VALENZUELA:

12 Q Okay, Mr. Reed. Let's go back to the actual
13 guilty plea that you had before the judge. Now, you
14 remember swearing to tell the truth before the judge
15 before your guilty plea?

16 A Yes, ma'am.

17 Q Okay. And do you remember that the Court asked if
18 everything had been explained to you and if you still
19 wished to plead guilty, and you indicated that you did
20 want to plead guilty and that you understood?

21 A Yes, ma'am.

22 Q Do you remember the judge explaining to you that
23 the charges, that you were eligible to receive life in
24 prison for the charges that you were pleading to?

25 A Yes, ma'am.

CLAUDE E. REED-CROSS BY MS. VALENZUELA

18

1 Q And do you remember the judge asking you, advising
2 you, of your rights and that you were waiving all of
3 those rights by pleading guilty before him?

4 A Yes, ma'am.

5 Q And after being advised of those rights and being
6 told that you were facing life in prison, you still
7 elected to plead guilty; correct?

8 A Yes, ma'am.

9 Q Okay. And you were asked by the judge while you
10 were still sworn to tell the truth if you were
11 satisfied with your counsel, and you indicated that you
12 were?

13 A Yes, ma'am.

14 Q You said that y'all had talked enough together?

15 A Yes, ma'am.

16 Q And that you understood everything prior to going
17 into the guilty plea?

18 A Yes, ma'am.

19 Q And you ended up apologizing to the Court and
20 accepting responsibility for what you did to the
21 victim?

22 A Yes, ma'am.

23 Q Okay. Now, I want to go to the actual incidents
24 that day and what you ended up telling police. You
25 ended up telling police, I think you admitted that you

1 did take a gun from the house that day; correct?

2 A Yes, ma'am.

3 Q And you ended up informing police that you had
4 stashed some of your loot or some of the stolen items
5 in a different location?

6 A Yes, ma'am.

7 Q Actually, let's back up just a little bit for the
8 Court since we're probably more familiar with the facts
9 here. But you break into the house; correct?

10 A Yes, ma'am.

11 Q And the victim came home and surprised you in the
12 middle of the day?

13 A Yes, ma'am.

14 Q And at some point you make threats to her that
15 you -- if she moves you're going to shoot her or kill
16 her?

17 A Well, I didn't say that, but that's what she said.

18 Q That's what the victim says?

19 A Yes, ma'am.

20 Q But you don't dispute that you had broken into her
21 house?

22 A Yes, ma'am.

23 Q And that the victim did come in while you were
24 still in the house?

25 A Yes, ma'am.

CLAUDE E. REED-CROSS BY MS. VALENZUELA

20

1 Q And then you take items out of the house, and a
2 neighbor sees you putting items into the victim's car?

3 A I already had them already in the car. I was on
4 my way out the house, to be honest with you.

5 Q So you were almost headed out the house --

6 A Yes, ma'am.

7 Q -- before the victim surprised you?

8 A Yes, ma'am.

9 Q Her car is loaded?

10 A Yes, ma'am.

11 Q Her car is loaded with the things?

12 A Yes, ma'am.

13 Q And then as you leave, you tell the victim that
14 she needs to stay down and count to a hundred?

15 A Yes, ma'am.

16 Q As you leave?

17 A Yes, ma'am.

18 Q And then you immediately leave the house?

19 A Yes, ma'am.

20 Q And drive away with that, with the car --

21 A Yes, ma'am.

22 Q -- loaded with everything?

23 A Yes, ma'am.

24 Q And then you stow some of items to include the gun
25 on Waverly Street?

1 A Yes, ma'am.

2 Q And then you proceed with the victim's car, and
3 you're pulled over still in the victim's car with
4 stolen items in your possession?

5 A Yes, ma'am.

6 Q And then you tell the police that you did stow
7 some other items on Waverly Street, one of those being
8 the gun?

9 A Yes, ma'am.

10 Q Okay. And so your interaction with the victim was
11 constant contact until you left the house and got into
12 her car and left?

13 A Can you like enlighten me on it.

14 Q Sure. The victim comes home, you put the victim
15 down, tell her to count to a hundred, and then you
16 leave?

17 A Yes, ma'am.

18 Q Okay. I want to turn to the discussion of your
19 criminal history. You were just talking about how and,
20 I think, some things got muddled, so I want to make
21 sure that I understand it. You're arguing that your
22 juvenile record, that it just wasn't right that it was
23 talked about at the hearing; correct?

24 A Yes, ma'am.

25 Q And then separately you started talking about how

CLAUDE E. REED-CROSS BY MS. VALENZUELA

1 specifically you were upset about the discussion about
2 the facts related to helping your brother in some sort
3 of murder?

4 A Yes, ma'am.

5 Q Okay. So I'm looking at that portion of the
6 transcript.

7 MS. VALENZUELA: And it's page 21, Your Honor.

8 Q And it discusses that in 2004 there was a burg
9 second, and then in September of 2008 accessory after
10 the fact of ABC felony, and he was a part of a murder
11 in which his brother was convicted. Is that the area
12 that you're talking about you had concerns with?

13 A In 2008.

14 Q Okay. Can you tell me how old you were in 2008.

15 A I was like 25.

16 Q Okay. So the 2008 conviction based on the
17 accessory after the fact is not when you were a
18 juvenile?

19 A No, ma'am.

20 Q And so the portion that you have a concern with in
21 terms of the juvenile record was when the solicitor
22 said that she had prosecuted you on some and that she
23 was relying on her memory to say that you had a
24 conviction for grand larceny, receiving stolen goods,
25 as a juvenile?

1 A Yes, ma'am.

2 Q And you do have convictions as a juvenile?

3 A Not of that.

4 Q But you have convictions?

5 A Yes, ma'am. Yes, ma'am.

6 MS. VALENZUELA: Your Honor, may I have one brief
7 moment.

8 THE COURT: Sure.

9 MS. VALENZUELA: Your Honor, no further questions.

10 THE COURT: All right. Mr. Waller?

11 MR. WALLER: Your Honor, I have nothing further.

12 THE COURT: All right. You may step down, thank
13 you.

14 (Witness excused.)

15 THE COURT: Call your next witness.

16 MR. WALLER: The Applicant rests, Your Honor.

17 THE COURT: All right. Anything from the State?

18 MS. VALENZUELA: Yes, Your Honor. We call the
19 State's witness, Mr. William Grove, to the stand.

20 WILLIAM E. GROVE, after being duly sworn,
21 testified as follows:

22 THE CLERK: Please have a seat.

23 DIRECT EXAMINATION

24 BY MS. VALENZUELA:

25 Q Okay, Mr. Grove, how long have you been practicing

WILLIAM E. GROVE-DIRECT BY MS. VALENZUELA

24

1 law?

2 A Since the end of 2009. I've been a public
3 defender since August of 2010.

4 Q Okay. And you were appointed on this case; is
5 that correct?

6 A I was.

7 Q Okay. And how many times do you remember meeting
8 with the Applicant?

9 A I've represented him for almost 11 months, I think
10 he got 320 some odd days of credit. Three, four, maybe
11 five times. He would have also met with at least one
12 of our investigators. Typically our investigators do
13 an interview right when a client gets appointed, just
14 sort of get some basic information from them. I
15 wouldn't have been there for that part, but there would
16 have been several.

17 Q So at least three to five meetings with you and
18 then a separate one with your investigator?

19 A Yes, ma'am.

20 Q Okay. Now, did you review -- did you file any
21 Rule 5 or Brady motions in this case?

22 A Yeah. Those are generated automatically by the
23 office. As soon as we get appointed to a case, we file
24 and serve those.

25 Q And you reviewed discovery with him?

1 A Yes, ma'am.

2 Q With the Applicant. And did you discuss with him
3 his version of the facts?

4 A I did. We had a couple of different versions, but
5 the one that's been testified to here today was the
6 biggest and most prevalent one. And I was in here when
7 Claude was testifying earlier. I don't disagree with
8 very much of what he said, maybe none of what he said.

9 Q Now, and so -- meaning y'all did discuss -- did
10 y'all discuss any defenses in his case?

11 A Yeah. I would characterize them as more
12 mitigating factors that we talked about. We would have
13 talked about the elements of the crimes. I wouldn't
14 have necessarily started the conversation with, now
15 we're going to talk about the elements of the offenses.

16 But it would have been things like, arming
17 yourself during the commission of a burglary can be an
18 aggravating factor to elevate it to a burglary in the
19 first degree. And the way the statute for armed
20 robbery is written, you don't necessarily have to be in
21 possession of a weapon at the time. If you through
22 words or actions make a representation to a person that
23 you are armed, that can satisfy that particular
24 element. So even without a gun you can technically be
25 convicted of an armed robbery.

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1 Q Can you talk to us about the -- just summarize
2 briefly the evidence that the State had against the
3 Applicant as y'all walked into this plea.

4 A They had a witness victim, Ms. English, I think,
5 was her name, was a nurse. And she came home in the
6 middle of the day, I think, on her lunch break or
7 something like that. And she interrupted a burglary at
8 her house.

9 Her allegations were that as soon as she walked
10 inside -- she didn't get a very good look at who it
11 was, but they wearing a red hoodie and they -- her
12 allegations were that person told her to get on the
13 ground, not look at them, that they would shoot her or
14 something along those lines, some intimation that there
15 was a gun.

16 She had to -- she was made to crawl into a
17 different room, open a safe that was in, I think, like
18 an office area maybe. Inside that safe was an envelope
19 with some cash in it that had been written on the
20 outside, mortgage payment, or something of that nature.
21 After she handed that off to the person who was in her
22 home, they loaded her car with some stuff that they had
23 already gathered, left in her car.

24 She called law enforcement, and 10 or 15 minutes
25 later Claude was in an accident after failing to stop

1 for a blue light and arrested in a car with -- in the
2 car, I think, was everything but the gun and maybe a
3 TV.

4 After interviewing him, he eventually pointed
5 them, I think, in the direction of a house where a gun
6 and some -- a couple of other things that they had not
7 found in the car, they had located those things. But
8 in the car they would have found, I think, her phone or
9 a phone charger, a red hoodie, TV remote to her TV.

10 And, I guess, the biggest piece that sort of tied
11 the whole thing together, in addition to it being her
12 car, was the mortgage envelope that had a bunch of cash
13 in it and her handwriting with the words, mortgage
14 payment, or something to that effect on the outside.

15 Q Would you classify that as overwhelming evidence
16 of guilt?

17 A It was a lot, it certainly was. That's not an
18 unfair characterization.

19 Q When you were talking to the Applicant about the
20 armed robbery and the burglary first and discussing the
21 weapon, did he ever indicate to you that he didn't
22 understand or had further questions for you before you
23 entered into the plea?

24 A Not really. But throughout the course of my
25 representation, that was always a sticking point. And

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1 I could certainly understand why. That I don't think
2 that that day began as an, I'm going to commit a
3 burglary in the first degree and an armed robbery. I
4 don't think that there was necessarily any intent when
5 that happened for that to be the result. I think that
6 that was a lot of Claude's frustration. And a lot of
7 our conversations centered around how can we convince
8 Ms. Parr to reduce these charges in some way. And we
9 were never successful in getting her to do that.

10 So he probably had some reservations when we pled
11 about the situation that we were in, but we didn't
12 really have any legal questions as to why we were in
13 that situation.

14 Q And he did indicate to you going into the plea
15 that he did want to plead and that it was his decision
16 to do so?

17 A That's right. I have a note that I met with him
18 on February the 27th. That very well may have been the
19 last time that we met before the 14th of March when we
20 pled. And that may -- I don't have any notes after the
21 27th of February, but I have a note that I was meeting
22 with client on February the 27th. And again, that's
23 about two weeks ahead of time.

24 So there very likely would have been a lapse in
25 there, but that would have been me probably in court

1 and then preparing for trial, and then him deciding to
2 enter a plea instead.

3 Q If this had gone to trial and he'd been convicted,
4 what would he have been facing in terms of sentencing?

5 A Almost the same thing that we were facing when we
6 pled with the exception of, I think, a kidnapping
7 charge was dismissed. And maybe a couple of other
8 things were dismissed, I don't remember. But the
9 biggest two were always the armed robbery with a
10 mandatory minimum ten and the burglary with a mandatory
11 minimum of 15 and no maximum on the burglary.

12 Q Talk to me a little bit about the discussion about
13 your client's juvenile record to the judge during
14 sentencing.

15 A That's -- it took me by surprise, certainly. I
16 didn't make any objections to it. Frankly, I'm not
17 sure that it occurred to me at the time. I do remember
18 Claude telling me that something about how either she
19 had gotten it wrong or he had a problem with her
20 talking about it. I wasn't armed with any information
21 to the contrary.

22 Given the facts of the case and given the adult
23 prior record, I'm not sure that any juvenile record
24 would have made a difference. The stuff that she
25 talked about, I think, I don't know that it had

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1 anything to do with assaults or burglaries or anything
2 like that. So I don't know that it was relevant to
3 what he was ultimately charged with as an adult.

4 It may be uncomfortable, sure. I don't know that
5 it had an impact on the outcome.

6 Q When he talked to you -- actually, I'm going to
7 withdraw that.

8 MS. VALENZUELA: No further questions.

9 THE COURT: Cross-examination.

10 CROSS-EXAMINATION

11 BY MR. WALLER:

12 Q Good morning, Mr. Grover. Good afternoon, I
13 guess, just now.

14 A Sure.

15 Q Mr. Grove, just talking briefly about the prior
16 record that was just mentioned, is it standard for a
17 prosecutor to read into open court and into the record
18 a person's juvenile record?

19 A It has happened a time or two, but no, I would not
20 classify it as standard.

21 Q Okay. Is a person's juvenile record ever listed
22 maybe on their NCIC report?

23 A I have seen it show up, and from what I can
24 gather, and rarely, very rarely. But it looks to me at
25 least, and this is a lot of clients over years, the

1 only time I think I've ever actually seen it show is
2 when a client is convicted as a juvenile and then their
3 sentence extends into adulthood.

4 So if they got a sentence not to exceed their 21st
5 birthday, and so they would have remained confined
6 after they were 17, then maybe then. But on a rap
7 sheet it's noted that it's a conviction under DJJ and
8 that it's not -- I think the phrase is, not for public
9 dissemination.

10 Q So there is notations that it's not supposed to be
11 put out into the public?

12 A Correct.

13 Q Okay. Were you aware that he had any juvenile
14 record?

15 A If he had mentioned it to me, maybe. But I don't
16 remember being aware. Earlier I thought that I was
17 aware of a juvenile record of Claude's. I was
18 confusing him with a different client of mine.

19 Q Did you have any -- when Ms. Parr stated that she
20 believed she had prosecuted back in, she says, in the
21 '90s, did you have any information, had you been
22 provided any information to back that up or to be able
23 to challenge it?

24 A No. His -- the NCIC that was in his discovery, I
25 think, starts in like 2004 when he would have been 21,

WILLIAM GROVE-CROSS BY MR. WALLER

1 maybe 2003. But it starts as an adult, it doesn't
2 contain anything about juvenile convictions.

3 Q Okay. Did he, to the best of your knowledge, have
4 any sort of conviction or anything from a home invasion
5 of Judge Harwell's home in 2010?

6 A I would have to look to be sure. But I don't
7 remember there being anything in the way of
8 convictions. And certainly anything that specific
9 wouldn't have been included in a rap sheet obviously.
10 But I don't remember there being anything about a
11 burglary in 2010.

12 Q Okay. Did you take note of that when Ms. Parr
13 mentioned that?

14 A That was in addition to discussion about juvenile
15 record, that also sort of surprised me but took me off
16 guard. And I am sure, I've looked at the transcript,
17 I'm sure I did not object to it at the time. Maybe I
18 should have.

19 Q Okay. Turning back to the actual incident itself,
20 what did Mr. Reed tell you about a gun?

21 A The first version was consistent with the
22 statement that he had made to law enforcement that he
23 was essentially an accomplice that morphed into him
24 being a principal, but ultimately that a gun was taken
25 out of the home, that he never actually used the gun,

1 that any threats that he would have made were empty,
2 and that then the gun was stashed later on.

3 But he was adamant that he did not have a gun when
4 he entered the house and that he never used a gun
5 during the commission of any sort of an armed robbery.

6 Q Okay. So in your opinion, and in your what you've
7 counselled him was the burglary first was a justified
8 charge because he obtained a weapon?

9 A Correct.

10 Q During the course of the action or in immediate
11 flight afterwards, okay. What about the armed robbery,
12 was there ever an allegation that there was -- that the
13 gun that he obtained was used in the armed robbery?

14 A I don't remember. I remember there being
15 allegations from Ms. English that the burglar had said
16 something along the lines of, keep your head down, I'll
17 shoot you, or I don't know that they said, I am
18 currently armed with a gun, in that way, but there was
19 some intimation that the person had a gun.

20 But I don't remember there being anything
21 necessarily about her identifying a particular gun,
22 whether it was a handgun or a long gun. It would have
23 been words, what was the evidence of the use of a
24 weapon during the commission of an armed robbery.

25 Q Okay. So you don't recall at least any allegation

WILLIAM GROVE-REDIRECT BY MS. VALENZUELA

1 that the long gun, and I don't know if it was a rifle
2 or a shotgun, that was obtained as an item that was
3 taken and used on the victim?

4 A That's right. And she wasn't either. I mean, she
5 did not -- at least to my recollection, she did not
6 identify or specify, they pointed a handgun at me, they
7 pointed a rifle at me, they pointed a shotgun at me.
8 It was simply they said something about having a gun
9 and that she never really got a good look at the person
10 other than a red hoodie.

11 Q Okay.

12 MR. WALLER: Beg the Court's indulgence, please.

13 THE COURT: Sure.

14 MR. WALLER: No further questions.

15 MS. VALENZUELA: Your Honor, brief redirect.

16 THE COURT: Sure.

17 MS. VALENZUELA: And this is on page 14 of the
18 transcript.

19 REDIRECT EXAMINATION

20 BY MS. VALENZUELA:

21 Q The State summarized the facts as, and this is
22 discussing the victim, what the victim claimed, does
23 this sound right: That he told her that if she looked
24 at him he was going to blow her F-ing head off, and he
25 said that; you know, he kept repeating that,

1 threatening that he was going to shoot her, and said
2 that he did not know her, he wasn't around here and
3 that he needed money?

4 A That is consistent with my memory of the
5 allegations of her not ever seeing a gun but being told
6 that there was one, yes.

7 Q Okay. And then the discussion earlier about the
8 2010 conviction. Understanding the client's age, 2010
9 would not put your client as a juvenile?

10 A He would have been, depending on when the
11 allegations were, 26 or 27.

12 Q Thank you.

13 MS. VALENZUELA: Nothing further, Your Honor.

14 THE COURT: All right. Anything further from you,
15 Mr. Waller?

16 MR. WALLER: Nothing further, Your Honor.

17 (Witness excused.)

18 THE COURT: All right. Any other witnesses?

19 MS. VALENZUELA: No, Your Honor. Just brief
20 argument.

21 MR. WALLER: Your Honor, I would ask the Court to
22 in particular pay close attention to page 21 of the
23 transcript. Ms. Parr first goes into, I think, the
24 allegation of her talking about the 2008 accessory
25 after the fact, I think she might have been just giving

1 description of what the felony was that he was an
2 accessory to. However, as she goes further, she brings
3 in an allegation or a rumor or a belief that he was
4 involved in a home invasion of a very prominent former
5 circuit court judge from the area, something that he
6 was never convicted of.

7 She doesn't say that he was convicted of it, she
8 doesn't say he was arrested for it. Certainly we're
9 not alleging he was a juvenile in 2010, but she brings
10 it up that he was believed to have been a part of this
11 home envision.

12 Your Honor, I was Judge Nettles' law clerk, and I
13 believe we heard the guilty plea of at least one of
14 those individuals from Judge Harwell's home invasion,
15 and I think it was around this time. Your Honor --

16 MS. VALENZUELA: I'm sorry, I'm just going to
17 object if we're doing like any testimonial, to any
18 testimonial part of this.

19 MR. WALLER: Sure.

20 THE COURT: Sustained.

21 MR. WALLER: Your Honor, furthermore, Ms. Parr is
22 going off of her recollection of she believes she
23 prosecuted him as a juvenile back in the '90s. At this
24 point, you know, 1999 would have been 14 years prior to
25 his plea. Anything in the early '90s would have been

1 even farther back. And, Your Honor, she is going
2 purely off of her recollection of what she thinks it
3 was.

4 I certainly think that if the judge wants to know
5 what his record was, I certainly think it's proper for
6 a judge to consider that, absolutely. I don't think
7 it's proper for it to be read into open court. And I
8 certainly don't think it's proper to give incorrect
9 information for a judge to base his sentence on based
10 on an incorrect prior record.

11 And I think Mr. Grove should have objected to
12 that. If Ms. Parr based on that objection had gone and
13 pulled his actual record and then approached and the
14 judge had considered it in camera, I think that's
15 entirely proper. But that's not the situation we have.
16 Incorrect information or speculation was presented both
17 from 2010 and from the '90s that I think it was
18 improper. And I think it was improper for Mr. Grove
19 not to object to it.

20 Your Honor, additionally, with respect to the
21 armed robbery, there has been testimony today that a
22 gun was obtained during the burglary of the home. I
23 don't know, I think there's been conflicting testimony
24 as to whether that gun was part of the basis for the
25 armed robbery. I certainly acknowledge that there was

1 the victim's statement that there was statements made
2 by Mr. Reed to attempt to harm her or that he may have
3 been acting as if he did have a gun.

4 Your Honor, I would just stand on page 21 and just
5 that it was improper for Mr. Grove to not object to
6 those, I believe, improper comments. And I ask the
7 Court to consider vacating the sentence and remand for
8 a resentencing.

9 THE COURT: All right. Let me hear from the
10 State.

11 MS. VALENZUELA: Your Honor, I'm e-mailing you a
12 couple of cases along with counsel with his permission.
13 Your Honor, going through, so starting with the
14 comments on page 21, the Applicant bears the burden
15 here of showing that any of those statements were not
16 correct or correctly made.

17 And so we take the position that there's nothing
18 to indicate that there was anything that was incorrect
19 about what the solicitor put on the record at that
20 point. Additionally, what the cases that we just sent
21 you are Hayden v. State, and that's 283 S.C. 121. And
22 it's a 1984 case, and it deals with a sentencing
23 judge's broad scope in terms of what he can consider.

24 And it specifically dealt with taking information
25 to decide to determine punishment. And it ends with,

1 you know -- it basically goes to the point that a Court
2 can consider a juvenile adjudication in determining the
3 proper sentence.

4 Additionally, State v. Wilson is an unpublished
5 decision, it's 2009-WL-95-3338. In that case it was
6 appealed because the judge allowed the jury to see --
7 to hear about juvenile adjudications, and the Court
8 there dismissed it in an unpublished decision.

9 There is statutes that address specifically a
10 juvenile record. So I know that there's been some
11 indication that it was improper for that discussion to
12 happen there, but 63-19-2030, which used to be
13 27-27-8515, does allow for solicitor's Attorney
14 General's office to get any juvenile information, and
15 they can present it to the Court. And then we would
16 say that case law allows for the Court to consider
17 that.

18 So there was nothing improper in presenting that
19 information. We don't think that there's been anything
20 that carries the burden in showing that this
21 information was incorrect or inaccurate. There was,
22 you know, a shift in discussion between juvenile
23 records and then records that would appear on a rap
24 sheet, a discussion about how juvenile records don't
25 show up on rap sheets.

1 But then the focus on the incorrect statement
2 seemed to focus on what would have been on a rap sheet
3 and could have been determined if it was -- or could
4 have been challenged if that was incorrect at the time.
5 And there's nothing before the Court to indicate that
6 that is incorrect.

7 I would -- and then touching briefly on the gun
8 and the armed robbery, this is a guilty plea. There
9 was testimony from both the Applicant and the witness
10 that they had discussed the elements of armed robbery
11 and burglary, that they had spent significant time
12 talking about the gun.

13 And the Applicant's statement that he had never
14 used the gun even though he had had the -- you know,
15 the victim crawl from one room to another telling her
16 he was going to blow her F-ing head off if she didn't
17 what she was supposed to do. And he admitted that,
18 yes, he did in fact take a gun from the house, left
19 immediately -- so I don't know when he would have had
20 time to retrieve that gun -- left immediately and then
21 admitted that he hid that gun in a different location.

22 So certainly going to trial, those would have been
23 very hard facts for him to deal with. There's no
24 prejudice established here, but it's the knowing and
25 voluntary nature. Even with his own testimony he

1 discussed this, he challenged that he might not have
2 liked it, but had a decision to make. Did he want to
3 go forward with the plea or did he want to go forward
4 to trial. And he elected to go forward with a guilty
5 plea knowing the facts and the evidence that was
6 prepared for him before him.

7 And then, finally, Your Honor, you've be asked to
8 vacate and resentence, and those were -- we sent -- I
9 sent two other cases, and that was Robinson v. State
10 and State v. Rich, just for the position that, you
11 know, we try to be very careful about what PCR actually
12 allows to happen in these different situations. I do
13 not believe that there has been ineffective assistance
14 or prejudice established because the burden has not
15 been carried that these are incorrect.

16 However, I wanted to make sure that I did need to
17 challenge vacating and remanding for resentencing.
18 These cases do seem to suggest that in PCR you could
19 resentence for an incorrect history, criminal history.
20 And so if the Court found that it was a knowing and
21 voluntary plea, not vacate the plea but remand just for
22 the resentencing to clarify the criminal history issue.

23 But, again, I'm not conceding that, I'm just
24 trying to make sure that we all know, you know, what
25 the proper relief can be in this case.

1 THE COURT: All right.

2 MR. WALLER: Your Honor, if I can just briefly
3 follow up.

4 THE COURT: All right.

5 MR. WALLER: Your Honor, the testimony from
6 Mr. Reed to a question by Ms. Valenzuela was that he
7 did have a juvenile record, but it was not for the
8 offenses that Ms. Parr remembered. So I think there
9 was testimony.

10 Also, Mr. Grove, while it wasn't a conviction, Mr.
11 Grove testified that he wasn't aware of anything in
12 2010 regarding Judge Harwell's home. Mr. Grove
13 testified that he was here in Florence, was a public
14 defender at the time. I certainly don't know if he
15 would have been just aware of it. But I think there
16 was testimony that the information provided to Judge
17 Brown was incorrect.

18 THE COURT: All right.

19 MS. VALENZUELA: Your Honor, just one quick
20 minute. The last part of the transcript tells you the
21 sentencing judge spent a lot of time explaining what he
22 had considered in issuing that sentence. And he goes
23 through there. And I think that would be informative
24 to the Court. He does not reference the Harwell
25 incident.

1 And when he references the criminal history to the
2 Applicant, he does reference that his criminal history
3 began in the '90s, but he doesn't focus on what type of
4 crime it was. And the Applicant admitted that he did
5 have a juvenile history that would have linked back to
6 the late '90s. And so I think that's informative in
7 terms of establishing prejudice.

8 THE COURT: All right. I'll take it under
9 advisement and let you know something Friday.

10 MR. WALLER: Thank you, Your Honor.

11 MS. VALENZUELA: Thank you, Your Honor.

12 THE COURT: Thank you.

13 (The hearing concluded at approximately
14 12:21 p.m.)

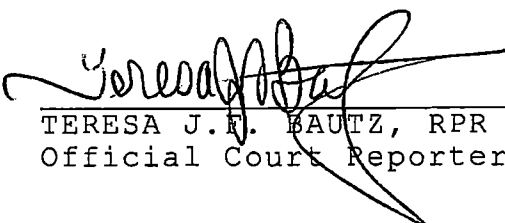
15 (End of Transcript of Record.)
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1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)
4 COUNTY OF HORRY)

5
6 I, TERESA J.F. BAUTZ, Official Court
7 Reporter for the Fifteenth Judicial Circuit of the
8 State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete Transcript
10 of Record of the proceedings had and evidence
11 introduced in the trial of the captioned case, relative
12 to appeal, in the Court of Common Pleas for Florence
13 County, South Carolina, on the 18th day of May, 2017.

14
15 I FURTHER CERTIFY that I am neither of
16 kin, counsel nor interest to any party hereto.

17
18
19 
20 TERESA J.F. BAUTZ, RPR
21 Official Court Reporter
22
23
24
25

On March 14, 2013, Applicant pleaded guilty as indicted. The Honorable D. Craig Brown sentenced Applicant to concurrent terms of three (3) years imprisonment for failure to stop, thirty-five (35) years imprisonment for burglary first degree, thirty (30) years imprisonment for armed robbery, and five (5) years imprisonment for grand larceny.

Applicant filed a timely Notice of Appeal; however, it was dismissed by the South Carolina Court of Appeals for failing to provide a sufficient explanation under Rule 203(d)(1)(B)(iv). The Remittitur was sent on December 6, 2013.

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

1. Ineffective assistance of counsel.
 - a. Counsel did not object to State's use of juvenile record.
 - b. Counsel failed to object to armed robbery charge where no weapon was involved.
 - c. Failure to appeal Applicant's plea.

Prior to the PCR hearing, Applicant, through counsel, informally, and with the consent of Respondent, amended his application to seek relief in the alternative for a resentencing with the correct juvenile record.

SUMMARY OF THE TESTIMONY

Applicant testified he met with plea counsel two to three times prior to his plea and did discuss the element involving the gun. Applicant also testified he remembered thinking it was not right that his juvenile record was being presented to the court.

Plea counsel testified he met with Applicant three to five times prior to the guilty plea. He discussed with Applicant his different versions of what happened the day of his arrest. Plea counsel agreed the state's evidence was overwhelming. Plea counsel explained that Applicant did not ever indicate he did not understand anything, but counsel agreed the gun was a sticking

point for Applicant. Plea counsel remembered feeling surprised when the court asked about the juvenile record, but he was not in possession of any information to the contrary of what was presented by the prosecutor. Plea counsel said before the plea, Applicant had some reservations but he did want to plead guilty and it was Applicant's decision to do plead.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ineffective Assistance of Counsel

Applicant alleges he received ineffective assistance of counsel when counsel failed to object to the state's reference to his juvenile record during the guilty plea and failed to object to the armed robbery charge where there "was no gun."

In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300

S.C. at 117, 385 S.E.2d at 625 (citing Strickland, 466 U.S. at 668, 104 S.Ct. at 2064). Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Juvenile Convictions

Applicant argues his attorney was ineffective for failing to object to the prosecutor discussing Applicant's juvenile record. But, a sentencing judge "may appropriately conduct an inquiry broad in scope, largely unlimited as to either the kind of information he may consider, or the source from which it may come." Hayden v. State, 283 S.C. 121, 123, 322 S.E.2d 14, 15 (1984) (quoting United States v. Tucker, 404 U.S. 443, 92 S.Ct. 589 (1972)). Further, plea counsel testified he was not aware of any incorrect information, and Applicant presented no evidence the juvenile record was incorrect.

Gun

Applicant argues his counsel should have challenged the charge involving a gun because there was no gun. However, while under oath at the plea, Applicant agreed with the facts as they pertained to each of the charges. (Guilty Plea Tr. pp. 22-23.) The State's facts included that a gun was reported stolen from the victim's home, the victim testified Applicant threatened to shoot her, and a gun was later recovered with some of the other stolen items. (Guilty Plea Tr. pp. 14-22.) Applicant apologized to the victim at the plea and accepted responsibility. (Guilty Plea Tr. pp. 27-28.)

Accordingly, this Court finds Applicant has failed to prove the first prong of the Strickland test for both allegations: that Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present specific and compelling

evidence that Counsel committed either errors or omissions in his representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland: that he was prejudiced by Counsel's performance.

Therefore, having reviewed the pleadings, considered the applicable law, reflected upon the testimony and evidence at the plea, and considered the arguments of counsel, this Court finds Applicant is not entitled to relief.

Appeal

Applicant presented no evidence at the hearing related to plea counsel's failure to appeal. That allegation is dismissed.

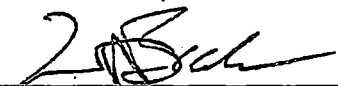
CONCLUSION

Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

IT IS SO ORDERED.


WILLIAM H. SEALS, JR.
Presiding Judge
Twelfth Judicial Circuit

2/16/2017 (date)
[Signature], South Carolina

FILED
2017 FEB 15 PM 1:01
DORIS FOLLOWS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY
[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

The South Carolina Court of Appeals

RECEIVED

The State, Respondent,

NOV 15 2013

v.

ATTORNEY GENERALS
OFFICE

Claude Reed, Appellant.

Appellate Case No. 2013-000756

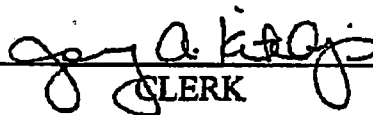
The Honorable D. Craig Brown
Florence County
Trial Court Case No. 2012GS2101218

ORDER

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

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Claude Reed, #00305676

William Eugene Grove
Robert Michael Dudek
Patricia Singleton Parr
Salley W. Elliott
The Honorable D. Craig Brown

FILED

November 14, 2013

WITNESSES

John Davis

Florence Police Department

DOCKET NO. 2012-GS-21-01218

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

SEPTEMBER

TERM

2012

THE STATE

vs.

CLAUDE EARL REED

Indictment for

**FAILURE TO STOP FOR BLUE
LIGHT/SIREN
AND
KIDNAPPING
AND
BURGLARY FIRST DEGREE
AND
ARMED ROBBERY
AND
GRAND LARCENY > \$10,000
AND
RESISTING ARREST**

Patrica S Parr

ARREST WARRANT NUMBER

58740FY M379757 M379758

M379759 M379760 M379761

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

98
CERTIFIED: A TRUE COPY
Clerk of Court C.P. & G.S.
FLORENCE COUNTY, S.C.

FILED
2012 SEP -6 AM 11:05
CLERK REEL-SHEARIN
COURT & GS
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 FAILURE TO STOP FOR BLUE LIGHT/SIREN
 AND
 KIDNAPPING
 AND
 BURGLARY FIRST DEGREE
 AND
 ARMED ROBBERY
 AND
 GRAND LARCENY > \$10,000
 AND
 RESISTING ARREST

At a Court of General Sessions, convened on SEPTEMBER 6, 2012 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- FAILURE TO STOP FOR BLUE LIGHT/SIREN

CDR: 0065 56-05-0750(B)(1)

That Claude Earl Reed did in Florence County on or about April 24, 2012, while operating a motor vehicle on a road, street, or highway of the State of South Carolina, fail to stop his/her motor vehicle when signaled to do so by a law enforcement vehicle, by means of a siren and/or flashing light, in violation of Section 56-05-0750(B)(1), S. C. Code of Laws, 1976, as amended.

COUNT TWO- KIDNAPPING

CDR: 0095 16-03-0910

That Claude Earl Reed did in Florence County on or about April 24, 2012, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Wynn English, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

COUNT THREE - BURGLARY FIRST DEGREE

CDR: 0079 C/L 16-11-311

That Claude Earl Reed did in Florence County on or about April 24, 2012, willfully and unlawfully attempt to enter the dwelling of Wynn English, without consent and with the intent to commit a crime therein, in violation of the Common Law and Section 16-11-311, S. C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR FAILURE TO STOP FOR BLUE LIGHT/SIREN, KIDNAPPING, BURGLARY FIRST DEGREE, ARMED ROBBERY, GRAND LARCENY, RESISTING ARREST AND UNLAWFUL POSSESSION OF A WEAPON, WITH THE AFORESAID NAMES(S) OF CLAUDE EARL REED SHOWN THEREON:

COUNT FOUR- ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Claude Earl Reed did in Florence County on or about April 24, 2012, while armed with a deadly weapon, take and carry away personal property of Wynn English, from or in the immediate presence of Wynn English with intent to deprive Wynn English of possession by use of force, threats or intimidation, to wit: US Currency and her property, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

COUNT FIVE- GRAND LARCENY > \$10,000

CDR: 3420 16-13-0030(B)(1)

That Claude Earl Reed did in Florence County on or about April 24, 2012, take and carry away the personal goods of Wynn English, valued at more than two thousand (\$2000.00) dollars but less than ten thousand (\$10,000.00) dollars, described as follows: electronics, 2004 Honda CRV, shotgun and US Currency, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(1), S. C. Code of Laws, 1976, as amended.

COUNT SIX- RESISTING ARREST

CDR: 0326 16-09-0320(A)

That Claude Earl Reed did in Florence County on or about April 24, 2012, knowingly and willfully oppose or resist an arrest being made by one whom the defendant knew or reasonably should have known was a Law Enforcement Officer, in violation of Section 16-09-0320(A), S. C. Code of Laws, 1976, as amended.

COUNT SEVEN- UNLAWFUL POSSESSION OF WEAPON

CDR: 2364 16-23-0030

That Claude Earl Reed did in Florence County on or about 2012-04-24, carry about the person a handgun, such carrying not being authorized by law, in violation of Section 16-23-0020, S. C. Code of Laws, 1976, as amended.

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

E.L. Clements, III

E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFIED: A TRUE COPY
Claire J. J. J.
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 101

COUNTY OF
STATE

Florence

VS.

Claude Earl Reed

AKA:

Race: B Sex: M Age: 29

DOB:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

INDICTMENT/CASE#: 2012-GS-21-01218

A/W#: 58740FY

Date of Offense: 4/24/2012

S.C. Code § : 56-05-0750(B)(1)

CDR Code #: 0065

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065

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

Patricia S

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 3 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: M379760, M379759, + M379758☒ 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. 325 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	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$ 5.00

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:

- ATU

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

Presiding Judge

Judge Code: 2180

Sentence Date: 3-14-13

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

CERTIFIED: TRUE COPY
 Clerk of Court C.P. & G.S.
 FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Florence

VS.

Claude Earl Reed

AKA:

Race: B Sex: M Age: 29

City, State, Zip: [REDACTED]

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-21-01218

A/W#: M379758

Date of Offense: 4/24/2012

S.C. Code § : 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0311

of the S.C. Code of Laws, bearing CDR Code # 0079

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

Parr, Patricia S

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.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: M379759, 58740FY, + M379760☒ 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. 325 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

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	\$
§ 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 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$
TOTAL		\$ 105.00

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

Clerk of Court/ Deputy Clerk

Court Reporter: W. Reed

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2100Sentence Date: 3-14-13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 103

COUNTY OF Florence
STATE VS.
Claude Earl ReedINDICTMENT/CASE#: 2012-GS-21-01218A/W#: M379759Date of Offense: 4/24/2012S.C. Code § : 16-11-0330(A)CDR Code #: 0139

AKA:

Race: B Sex: M Age: 29DOB: [REDACTED]Address: [REDACTED]City, State, Zip: Florence, SC 29503DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

☐ CONVICTED OF or ☒ PLEADSTO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)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:

Pat. Patricia S

SC Bar# 4342Defendant Claude Earl ReedAttorney for Defendant Willie E. [REDACTED]SC Bar# 77931WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 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: 58740FY, M379760, & M379758☒ 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. 325 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

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	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$
TOTAL		\$ <u>105.00</u>

_____ 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: -ATU☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.Clerk of Court/ Deputy Clerk: [Signature]Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2160Sentence Date: 3-14-13

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Florence

VS.

Claude Earl Reed

AKA:

Race: B Sex: M Age: 29

DOB:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Larceny / Grand Larceny, value more than \$2,000 but less than \$10,000

INDICTMENT/CASE#: 2012-GS-21-01218

A/W#: M379760

Date of Offense: 4/24/2012

S.C. Code § : 16-13-0030(B)

CDR Code #: 3420

SENTENCE SHEET

in violation of § 16-13-0030(B)

of the S.C. Code of Laws, bearing CDR Code # 3420

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

Parr, Patricia S

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.

☒ 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. 325 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)

§ 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

\$

\$

\$100

\$

\$100

\$

\$12

\$

\$25

\$

\$500

\$

\$25

\$

\$150

\$

\$50

\$

\$40/ea

\$

\$5

\$

\$

\$

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 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 04/24/14

C0511

REED, CLAUDE E FBI # 243954AC3 SID# SC01463974 SCDC # 305676

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ... LIEBER CORRECTIONAL INST.

SECURITY/CUST.: 3 MINIMUM IN

CURR INCARC SENT....: 35 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: VEC

SOCIAL SECURITY #....:

DORM.....: CB0026X

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

PROJ MAXOUT DATE: 01/14/2042

PROJ PAROLE DATE: 01/23/2042

EWC JOB...: WARDKEEPER ASSISTANT

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 2F5 EEC LEVEL:

ASSIGNMENT...: BUILDING #2

CURRENT PROGRAM...: COURT-ORD ATU

AGE....: 30 DATE OF BIRTH...:

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE		
	YRS	MOS	DYS		START	V/NV	CATEGORY
BURGLARY-1ST DEGREE	35	0	0	FLORENCE	4/23/2012	V	4
ARMED ROBBERY	30	0	0	FLORENCE	4/23/2012	V	4
GRAND LARC>\$2,000<10,000	5	0	0	FLORENCE	4/23/2012	N	2
FAIL TO STOP FOR OFFICER	3	0	0	FLORENCE	4/23/2012	N	2
ACC AFTER FEL A,B,C,MURD	3	0	0	FLORENCE	6/18/20	7 N	4
RECEIVE STOLEN PROPERTY	0	0	0	FLORENCE	10/27/20	4 N	2

PREVIOUS SCDC OFFENSES (COMPLETE)	SENTENCE			COUNTY	SENTENCE		
	YRS	MOS	DYS		START	V/NV	CATEGORY
ACC AFTER FEL A,B,C,MURD	2	0	0	FLORENCE	8/27/20	9 N	4
POSSESS STOLEN VEHICLE	2	0	0	FLORENCE	8/25/20	9 N	2
RECEIVE STOLEN PROPERTY	0	0	450	FLORENCE	6/18/20	7 N	2
BURGLARY-2ND DEG/NON-VIO	5	0	0	FLORENCE	9/ 8/20	4 N	3

PRIOR COMMITMENTS OVER 90 DAYS:

NO PRIOR COMMITMENTS OVER 90 DAYS

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

2/17/11 POSS. OR/ATTEMPT TO POSS CONVICTED

1/26/11 SMUGGLING/CONSPIRACY SMU DROPPED

6/21/10 INTERFERING WITH COUNT

MAJOR

CHARG

OTHER

HISTORY OF MOVEMENTS:

6/ 6/13	LIEBER	INCARCERATED	ADMINISTRATIVE
3/18/13	KIRKLAND	INCARCERATED	NEW ADMISSION
9/30/11	UNK	RELEASE	EXPIRATION OF SENTENCE
4/ 5/11	EVANS	INCARCERATED	ADMINISTRATIVE
3/16/11	STEVENSON	INCARCERATED	ADMINISTRATIVE
3/16/11	BROAD RIVER	INCARCERATED	LOCKUP-ADJUSTMENT COMM.
1/ 7/11	STEVENSON	INCARCERATED	ADMINISTRATIVE
1/ 7/11	CENTRAL OFFICE	INCARCERATED	MEDICAL
1/ 4/11	STEVENSON	INCARCERATED	ADMINISTRATIVE
1/ 4/11	CENTRAL OFFICE	INCARCERATED	MEDICAL
1/ 2/11	STEVENSON	INCARCERATED	ADMINISTRATIVE
1/ 2/11	KIRKLAND INFRM	INCARCERATED	MEDICAL
1/ 1/11	STEVENSON	INCARCERATED	ADMINISTRATIVE
1/ 1/11	KIRKLAND	INCARCERATED	MEDICAL
12/ 6/10	STEVENSON	INCARCERATED	ADMINISTRATIVE

11/10/10 WATKINS

INCARCERATED

ADMINISTRATIVE

REED, CLAUDE E FBI # 243954AC3 SID# SC01463974 SCDC # 305676 (CONTINUED)
 11/10/10 CENTRAL OFFICE INCARCERATED MEDICAL
 7/ 7/10 WATKINS PRE-RELEASE PRE-RELEASE
 5/19/10 WATEREE RIVER INCARCERATED ADMINISTRATIVE
 5/19/10 LEE INCARCERATED COURT/PAROLE HEARING VIA
 4/ 8/10 WATEREE RIVER INCARCERATED RETURN FROM COURT
 4/ 7/10 FLORENCE CO AUTH ABSENCE (AWL) TO COURT
 12/10/ 9 WATEREE RIVER INCARCERATED ADMINISTRATIVE
 10/22/ 9 KIRKLAND INCARCERATED PROBATION VIOLATOR
 2/27/ 9 FLORENCE CO PROBATION RELEASED TO PROBATION
 1/ 5/ 9 WATKINS PRE-RELEASE PRE-RELEASE
 10/13/ 8 WATEREE RIVER INCARCERATED ADMINISTRATIVE
 9/11/ 8 KIRKLAND INCARCERATED PROBATION VIOLATOR
 3/ 8/ 5 FLORENCE CO PROBATION RELEASED TO PROBATION
 12/ 1/ 4 STEVENSON INCARCERATED SHOCK INCARC/YOA BOOT
 10/28/ 4 KIRKLAND INCARCERATED NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
WARDKEEPER ASSISTANT	06/11/13	0/ 0/ 0		2F5
CUSTODIAN HELPER	08/19/11	9/30/11	RELEASED/PAROLED	2F5
CUSTODIAN HELPER	07/12/11	8/18/11	MI ELIGIBLE FOR LEVEL 2	3F5
FOOD SERVICE AIDE	12/07/10	2/17/11	PLACED IN ST/SP CUSTODY	2F5
FOOD SERVICE AIDE	09/03/10	12/ 6/10	INSTIT TRANSFER	2F5
FOOD SERVICE AIDE	12/11/09	9/ 2/10	LATERAL TRANSFER	2F5
AGRICULTURE HELPER	12/19/08	2/27/ 9	RELEASED/PAROLED	2F5
WORKER ACTIVITY APPR	10/15/08	12/18/ 8	COMPLETED EDUC PROGRAM	2F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
--------------------	---------------	-------------	-----------------------

NO SCHOOL ASSIGNMENTS

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

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 04/24/14
 OMCOMITA RELEASE DATE SCREEN C051132
 SCDC# > 305676 LOC: LIEBER
 REED, CLAUDE E SCDC CLASSIFICATION..: VIOLENT
 OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N
 SEXUAL PREDATOR...: NOT APP
 DNA STATUS.....: COMPLETED
 GPS REQUIREMENT...: N
 PREA DECISION....:
 CURRENT SENTENCE: 035-00-000 CONSECUTIVE SENTENCE ...: N
 035-00-000 CURRENT SENT START DATE: 04/23/2012
 PROJECTED COMPLETION DATES
 MAXOUT DATE: 01/14/2042 CURRENT EWC ..: 2 F 5
 YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
 INITIAL PAROLE DATE: 01/23/2042 NEXT PAROLE HEARING DATE: 01/23/2042

 TOTAL GT DAYS EARNED: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
 TOTAL EARNED WORK CREDITS ..: 000257 LABOR CREW DISQ REASON:
 TOTAL EDUCATION CREDITS: 000000 CATEGORY 4 OR 5 OFFENSE
 TOTAL EXTRA EARNED CREDITS ..: 000 SUPERVISED REENTRY DATE...: 00/00/00
 TOTAL SERVICE TIME EARNED ...: 000721 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

4-@ 1 Sess-1 167.7.50.33 SCDC1602 3/11