

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenwood County

Honorable Brooks P. Goldsmith, Circuit Court Judge

JASON SHANE LAWSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001522

APPENDIX

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1 State of South Carolina

Court of General Sessions

2 County of Laurens

3
4 State of South Carolina)

Transcript of Record

5 vs.)

2012-GS-30-0375

2012-GS-30-0376

6 Erica Anderson,)

2012-GS-30-0377

7 Defendant.)

2012-GS-30-3078

8 State of South Carolina)

9 vs.)

2012-GS-30-0449

2012-GS-30-0450

10 Jason Lawson,)

2012-GS-30-0451

11 Defendant.)

2012-GS-30-0452

12
13 June 5, 2014

Laurens, South Carolina

14
15 B E F O R E:

16 The Honorable Frank R. Addy, Jr., Judge

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

19 C. Dale Scott, Deputy Solicitor
Attorney for the State

20 Andrew M. Hodges, Esquire
Attorney for Defendant Erica Anderson

21 Daniel J. Farnsworth, Sr., Esquire
22 Attorney for Defendant Jason Lawson

23
24 Stacy S. Johnson, RPR
25 Circuit Court Reporter

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NO EXHIBITS WERE INTRODUCED

1 (The following proceedings were held on June 5,
2 2014.)

3 **BAILIFF:** Thank you. Let's all rise. Court will
4 come to order, please.

5 **THE COURT:** Thank you. Have a seat, please. Y'all
6 can sit back down there, please. Don't feel like you
7 need to stand. Thank you.

8 All right, Solicitor. At your leisure.

9 **MR. SCOTT:** Thank you, Judge. This is State
10 versus Jason Lawson and State versus Erica Anderson.
11 The indictments that Mr. Lawson is pleading to is
12 12-GS-30-0449, attempted murder. Indictment
13 12-GS-30-0450, that's an armed robbery. On that
14 particular indictment, he's gonna plead to a common
15 law robbery. 12-GS-30-0451, that's possession of a
16 weapon during the commission of a violent crime. And
17 12-GS-30-0452, that's a true-billed kidnapping
18 indictment.

19 Erica Anderson is pleading on four indictments as
20 well. 12-GS-30-0375, attempted murder. 12-GS-30-0376,
21 that is an armed robbery. She is also pleading down to
22 a common law robbery on that indictment. 12-GS-30-0377,
23 possession of a weapon during the commission of a
24 violent crime. And 12-GS-30-0378, that's the kidnapping
25 charge.

1 Mr. Lawson is represented by Dan Farnsworth and
2 Ms. Anderson is represented by Andrew Hodges, Your
3 Honor.

4 **THE COURT:** All right. Mr. Hodges, you're
5 representing Ms. Anderson?

6 **MR. HODGES:** I am, Your Honor.

7 **THE COURT:** And, Mr. Farnsworth, you're representing
8 Mr. Lawson; is that correct?

9 **MR. FARNSWORTH:** Yes, Your Honor.

10 **THE COURT:** Gentlemen, I'm told that they want to
11 plead guilty to four charges; attempted murder, which
12 would carry from zero to 30 years; common law robbery,
13 which would be up to 15; the kidnapping charge would
14 also be up to 30 years, and the weapon's charge five.
15 Is that correct, gentlemen?

16 **MR. FARNSWORTH:** That's correct.

17 **MR. HODGES:** That's correct, Your Honor.

18 **THE COURT:** Each of you have advised your
19 respective clients concerning penalties involved with
20 these offenses, the elements of these crimes and all
21 their constitutional rights?

22 **MR. HODGES:** I have, Your Honor.

23 **MR. FARNSWORTH:** I have, Your Honor.

24 **THE COURT:** Do you agree with their decisions?

25 **MR. HODGES:** I do, Your Honor.

1 **MR. FARNSWORTH:** Yes, Your Honor.

2 **THE COURT:** From your-all's investigation of the
3 facts and the circumstances surrounding this incident,
4 do you believe that the State possesses sufficient
5 credible evidence to prove their guilt beyond a
6 reasonable doubt and that if they were to stand trial
7 their convictions would be probable?

8 **MR. HODGES:** I do, Your Honor.

9 **MR. FARNSWORTH:** Yes, Your Honor.

10 **THE COURT:** All right. Mr. Anderson -- or
11 Ms. Anderson, Mr. Lawson, if y'all will just raise your
12 right hands, please. I have to put y'all under oath.

13 (Whereupon, Erica Anderson and Jason Lawson were
14 duly sworn by the Court.)

15 **THE COURT:** I'm gonna ask you a series of questions.
16 If we could, let's have Ms. Anderson answer first and
17 then, Mr. Lawson, if you would answer, okay, just so
18 that the record is straight.

19 You are Erica Anderson, ma'am?

20 **DEFENDANT ANDERSON:** Yes, sir.

21 **THE COURT:** And you are Jason Lawson?

22 **DEFENDANT LAWSON:** Yes, sir.

23 **THE COURT:** I'm told that you each want to plead
24 guilty to four charges. The attempted murder charge
25 carries up to 30 years; the common law robbery charge

1 carries 15; kidnapping, 30 years, and the weapons
2 offense, five years. Is that your understanding, ma'am?

3 DEFENDANT ANDERSON: Yes, sir.

4 THE COURT: Sir?

5 DEFENDANT LAWSON: Yes, sir.

6 THE COURT: Now in this case according to the
7 sentencing sheets, apparently there are no
8 recommendations or negotiations in these cases; is that
9 right, Mr. Scott?

10 MR. SCOTT: Judge, we just have -- we have no
11 opposition to them running concurrent. We have reduced
12 the mandatory minimum charge, that would be the armed
13 robbery, down to a common law robbery and so there will
14 also be a number of indictments related to this case
15 that are being dismissed, Your Honor.

16 THE COURT: Okay. You understand, Ms. Anderson,
17 Mr. Lawson, that there are no negotiations or
18 recommendations in this case except that whatever time
19 you receive would run concurrent. Additional charges
20 are being dismissed. They'll be put on the record at a
21 later point in time, but you understand that whatever
22 sentence you receive is entirely up to me, so you're
23 looking at anywhere between zero and 30 years. Do you
24 understand that, ma'am?

25 DEFENDANT ANDERSON: Yes, sir.

1 THE COURT: Sir?

2 DEFENDANT LAWSON: Yes, sir.

3 THE COURT: Additionally, the attempted murder
4 and kidnapping charges are classified as 85 percent
5 offenses. That means whatever sentence you receive on
6 those charges you have to do 85 percent of that. Do you
7 understand, ma'am?

8 DEFENDANT ANDERSON: Yes, sir.

9 THE COURT: Sir?

10 DEFENDANT LAWSON: Yes, sir.

11 THE COURT: So just by way of an example, if I were
12 to give you ten years, not that I'm gonna give you ten
13 years, but just by way of an example because the math is
14 easy, if I sentence you to ten years on the kidnapping
15 and/or the attempted murder, you'd have to serve eight
16 and a half years of that. Do you understand, ma'am?

17 DEFENDANT ANDERSON: Yes, sir.

18 THE COURT: Sir?

19 DEFENDANT LAWSON: Yes, sir.

20 THE COURT: Additionally, those are also classified
21 as most serious offenses. What that means is after you
22 get done serving whatever time, if you're convicted
23 again of a -- or if you're charged again with a most
24 serious offense and you're convicted, the State can seek
25 life without the possibility of parole against you. Do

1 you understand that, ma'am?

2 DEFENDANT ANDERSON: Yes, sir.

3 THE COURT: Sir?

4 DEFENDANT LAWSON: Yes, sir.

5 THE COURT: Now in the last twenty-four hours, have
6 either of you taken any medication, drugs, alcohol or
7 any substance that affects your thinking right now,
8 ma'am?

9 DEFENDANT ANDERSON: No, sir.

10 THE COURT: Sir?

11 DEFENDANT LAWSON: No, sir.

12 THE COURT: And have either of you ever been treated
13 for any mental illness issues or mental retardation or
14 problems understanding what's going on, ma'am?

15 DEFENDANT ANDERSON: (Shakes head.)

16 THE COURT: No? If you could, answer out loud
17 because she needs to write down --

18 DEFENDANT ANDERSON: No, sir.

19 THE COURT: Thank you. And how about you, sir?

20 DEFENDANT LAWSON: No, sir.

21 THE COURT: Ms. Anderson, are you, in fact, guilty
22 of these charges?

23 DEFENDANT ANDERSON: Yes, sir.

24 THE COURT: Do you want to plead guilty?

25 DEFENDANT ANDERSON: Yes, sir.

1 **THE COURT:** Mr. Lawson, how do you plead on these
2 charges?

3 **DEFENDANT LAWSON:** Guilty.

4 **THE COURT:** I'm going to ask that each of you
5 listen to the Solicitor. He's gonna give me the facts.
6 After he's done speaking, I'll then ask you if that's
7 what you did, so please pay very close attention to what
8 Mr. Scott has to say in the next few minutes, okay?

9 **DEFENDANT ANDERSON:** (Nods head.)

10 **DEFENDANT LAWSON:** (Nods head.)

11 **THE COURT:** Mr. Scott?

12 **MR. SCOTT:** Judge, December 15th of 2011 is our
13 incident date. At approximately 7 AM law enforcement
14 responded to the Travelers Inn on Highway 56, that's
15 the one just right off I-26 in Clinton, in reference to
16 a subject running around in the parking lot naked. He
17 was covered in blood. They arrive and find Mr. John
18 Paragon wrapped in a blanket, covered in blood, holding
19 his neck. While attempting to get medical attention,
20 he advised that a white female and a white male had
21 tied him up and then they robbed him, stabbed him and
22 shot him. He indicated that they were still in Room
23 Number 12, or he thought they were. Law enforcement
24 responded to Room 12 with the understanding that they
25 were still in there. They actually shot tear gas in

1 through the window, entered the room. Mr. Lawson and
2 Ms. Anderson were no longer there; however, there were
3 identification, I guess, documents regarding both of
4 them. I know that Mr. Lawson's driver's license was in
5 there, a marriage certificate with both of their names
6 was in there, a W-2 belonging to Ms. Anderson was in
7 there, the knife was still in there that the victim
8 described. Furthermore, they found that -- they found
9 an ID belonging to another individual that was in the
10 room and Ms. Anderson had checked into that room using
11 that alias identification card. Officers generated a
12 six-pack photo lineup. Mr. Paragon was able to identify
13 Ms. Anderson and Mr. Lawson.

14 The victim, Mr. Paragon, indicated that he was on
15 his way from Florida back to his home in New York, and
16 it was an annual thing. He would visit his, I think,
17 mother down in Florida during the holidays and on his
18 return trip back to New York he would stop at a friend's
19 house in Laurens to go on an annual hunting trip
20 together. That particular morning he had driven to the
21 Waffle House just about 200 yards away from this
22 Travelers Inn to get breakfast before, I guess, getting
23 to the deer stand. At that point, Ms. Erica Anderson
24 was also eating in the restaurant and we've gotten
25 surveillance video that confirms pretty much his story.

1 He enters the restaurant, eats. At some point he
2 and Ms. Anderson strike up a conversation. They're
3 seen leaving together. Mr. Paragon would tell law
4 enforcement that she asked for a ride back to the
5 Travelers Inn, he obliged. He has admitted to me that
6 there was talk about a sexual proposition, I guess, that
7 would occur back at the Travelers Inn. At any rate, as
8 coincidence would have it, he was checked into Room 8
9 and Ms. Anderson, as I said, was checked into Room 12.

10 He indicated that after driving her back to the
11 Travelers Inn he went into his room, she went into
12 hers. At some point he says that she called his room
13 and asked him to come to Room 12. He did so. She had
14 a pet snake in the room. They talked about the snake
15 for some time. At some point he took his shirt off and
16 she asked him to take all of his clothes off. He asked
17 her to take her shirt off and she did. At that point,
18 he felt comfortable enough to take his pants off. This
19 is when Mr. Lawson comes into the bedroom area of the
20 hotel from the bathroom. He had concealed himself in
21 the back bathroom.

22 Mr. Paragon tells law enforcement that he has a
23 Maglite, he shines it in Mr. Paragon's face, says turn
24 around or I'll blow your head off, hits him in the head
25 with the Maglite. At this point, he and Erica Anderson

1 rip the phone cord out of the wall and wrap him up with
2 the phone cord, tying him up. He says that one thing
3 rang out in his head over and over was Ms. Anderson
4 yelling "kill him" and at the same time Mr. Lawson
5 screaming "don't look at me, don't look at me". He
6 tells me he looks over and sees a rolled up blanket on
7 the bed and what went through his mind was they were
8 gonna kill him, wrap him in the blanket and he would
9 never be heard from again.

10 At this point he begins fighting back. He was
11 able to free himself from the cords. He's fighting
12 with Mr. Lawson at this point trying to get to the
13 door. Erica Anderson had -- during this struggle
14 comes up from behind him and slashes his throat with a
15 knife. John's able to grab the knife from her at the
16 same time he's wrestling with Mr. Lawson. Mr. Lawson
17 has a 22-caliber pistol, fires it, hitting him in the
18 shoulder, the rear shoulder. He's still fighting with
19 Mr. Lawson at this point trying to get the gun and
20 trying to get to the door. He finally gets to the door,
21 opens it. As he's leaving, Mr. Lawson fires a second
22 time hitting him pretty much square in the back at this
23 point. He runs out into the parking lot. He's unsure
24 of where Mr. Lawson and Ms. Anderson are going, but
25 Mr. Paragon runs to the office trying to get in to get

1 help. Eventually he kind of just passes out towards the
2 tire of his truck.

3 Erica Anderson and Jason Lawson at this time flee
4 from the scene. They find a van that is running in a
5 nearby parking lot, they get in the van and drive off.
6 There was actually a second victim in this case who is
7 in the rear of the van. It was a --

8 MR. HODGES: Your Honor, if I may, the charges from
9 this point on are being dismissed. I don't know that
10 that's relevant in this plea.

11 THE COURT: All right.

12 MR. SCOTT: If you care to hear how they were
13 eventually arrested, it was kind of an on-going event.

14 THE COURT: I'm assuming they were taken into
15 custody fairly shortly after?

16 MR. SCOTT: They were. In Newberry County, Your
17 Honor.

18 THE COURT: Okay.

19 MR. SCOTT: As I said, Your Honor, the -- well,
20 eventually when they're taken into custody, the pistol
21 used is found where they're eventually caught in
22 Whitmire. I think that's all the substantive facts,
23 Your Honor, related to the plea today.

24 THE COURT: All right. Do they have a prior
25 criminal history that's been reflected on the guilty

1 plea information sheet? Mr. Farnsworth and Mr. Hodges,
2 y'all have had a chance to review that. Is that
3 accurate?

4 MR. HODGES: If you'll note on Ms. Anderson's, I've
5 marked through one possession charge. It's a possession
6 of Ecstasy.

7 THE COURT: Okay.

8 MR. HODGES: That's the only felony that shows
9 on her record. I've actually looked into that and
10 that was not a conviction. I've actually sent
11 documentation through the Laurens probation office.
12 That was apparently something that was keyed in
13 incorrectly and they're working on getting that taken
14 off. So other than that, the rest of it is accurate.

15 THE COURT: All right. And, Mr. Farnsworth, you're
16 happy with the --

17 MR. FARNSWORTH: Your Honor, it is consistent with
18 the NCIC that I've had all along.

19 MR. HODGES: And, Your Honor -- I know the question
20 is coming to my client and I just want to preface that
21 question by saying that I know she disagrees with some
22 of the factual presentation. In fact, I'll have some
23 comments about that in my presentation about some of the
24 differences, but I know that she substantively agrees
25 with the conducts and the elements of these crimes;

1 although it may differ somewhat with the presentation
2 that was made by the State.

3 THE COURT: All right.

4 MR. FARNSWORTH: And, Your Honor, to the extent,
5 the same here. I've explained what the facts were gonna
6 be and what, you know, the discovery showed. There
7 might be a few little factual differences, but we've
8 talked and he understands, notwithstanding that, he is
9 still guilty of the charges and he understands that.

10 THE COURT: All right. Ms. Anderson, you heard
11 what the State alleges happened. I understand
12 Mr. Hodges explained to me that maybe there are bits and
13 pieces of that narrative that you would disagree with or
14 take issue with, but is that essentially what happened
15 on that particular occasion?

16 DEFENDANT ANDERSON: Yes, sir.

17 THE COURT: All right. So you do feel that you are
18 guilty of the four charges that you're facing?

19 DEFENDANT ANDERSON: Yes, sir.

20 THE COURT: Mr. Lawson, the same question to you.
21 I understand that you might have issue with a fact or
22 two as presented by the State, but do you essentially
23 agree that that's what took place on that day?

24 DEFENDANT LAWSON: Yes, sir.

25 THE COURT: And you are guilty of these four

1 charges?

2 DEFENDANT LAWSON: Yes, sir.

3 THE COURT: All right. I need to ask you each
4 some questions as they relate to your constitutional
5 rights, so if at any time I say something and you have
6 difficulty understanding what I'm telling you or you
7 need further clarification, I want you just to stop me.
8 I'll give you as much time as you need to talk to your
9 attorneys, okay? So if you don't understand something
10 I'm telling you, just stop me.

11 Now, Ms. Anderson, Mr. Lawson, you understand that
12 each you have the right to a jury trial in these cases,
13 you don't have to plead guilty. Do you understand,
14 ma'am?

15 DEFENDANT ANDERSON: Yes, sir.

16 THE COURT: Sir?

17 DEFENDANT LAWSON: Yes, sir.

18 THE COURT: At that trial, you and your attorneys
19 would help pick twelve people from Laurens County. They
20 would be the jury. They'd sit right behind where you
21 now stand. The State of South Carolina would have the
22 burden of proving your guilt beyond a reasonable doubt
23 to the satisfaction of all twelve of those jurors. That
24 means all twelve of them would have to agree. Do you
25 understand, ma'am?

1 DEFENDANT ANDERSON: Yes, sir.

2 THE COURT: Sir?

3 DEFENDANT LAWSON: Yes, sir.

4 THE COURT: All twelve would have to agree that
5 you're guilty of these charges before you could be
6 punished in any way. What the State would do to try to
7 meet this burden is they'd call witnesses to testify
8 against you. One by one they'd come forward, they'd
9 be sworn, they would take the stand and you and your
10 attorney would be able to ask them any questions that
11 were relevant to any issue involved in these four cases.
12 Do you understand, ma'am?

13 DEFENDANT ANDERSON: Yes, sir.

14 THE COURT: Sir?

15 DEFENDANT LAWSON: Yes, sir.

16 THE COURT: And you have no burden of proof in a
17 criminal trial. The burden is always on the State to
18 prove your guilt beyond a reasonable doubt. If you
19 wanted to, however, you could call your own witnesses
20 to testify. If you wanted -- if those witnesses didn't
21 want to come to court, you could subpoena them to force
22 them to come in and they wouldn't have a choice in the
23 matter. Additionally, at trial you could take the stand
24 in your own defense, tell the jury in your own words
25 what happened. Understand that you'd be treated the

1 same way as any other witnesses for purposes of
2 impeachment and cross-examination and perhaps the
3 Court would allow the State to explore some of these
4 prior convictions just for purposes of attacking your
5 credibility. So if you decided that you didn't want
6 to take the stand, I would explain to the jury they
7 couldn't hold that against you or use it as evidence of
8 guilt. Do you understand, ma'am?

9 DEFENDANT ANDERSON: Yes.

10 THE COURT: Sir?

11 DEFENDANT LAWSON: Yes, sir.

12 THE COURT: That's your Fifth Amendment right
13 against self-incrimination, so if you didn't take the
14 stand, I'd tell the jury not to even talk about it, not
15 to even discuss it, not to consider it in any way, shape
16 or form when deciding whether you're guilty of these
17 particular offenses. Do you understand, ma'am?

18 DEFENDANT ANDERSON: Yes, sir.

19 THE COURT: Sir?

20 DEFENDANT LAWSON: Yes, sir.

21 THE COURT: At trial you would also be presumed
22 innocent. The way that this is typically explained to a
23 jury is that you would be -- you would be clothed in a
24 robe of righteousness basically and it would be placed
25 about your shoulders and only the jury could strip it

1 from you. If you plead guilty though, you waive your
2 presumption of innocence. You understand that, ma'am?

3 DEFENDANT ANDERSON: Yes.

4 THE COURT: Sir?

5 DEFENDANT LAWSON: Yes, sir.

6 THE COURT: Additionally, at trial you would be able
7 to present any defenses you might have. Understand,
8 Ms. Anderson, Mr. Lawson, I've got no way of knowing if
9 you have any defenses to these charges or not, okay?
10 I'm sure that's something that y'all have talked to your
11 attorneys about. Right, ma'am?

12 DEFENDANT ANDERSON: Yes.

13 THE COURT: Sir?

14 DEFENDANT LAWSON: Yes, sir.

15 THE COURT: If you plead guilty, you waive your
16 right to present any defense, whatever that defense
17 might be. Do you understand, ma'am?

18 DEFENDANT ANDERSON: Yes.

19 THE COURT: Sir?

20 DEFENDANT LAWSON: Yes, sir.

21 THE COURT: Now at trial, finally, I don't know
22 what evidence they have against you. I hear they
23 searched your apartment, they discovered some evidence
24 there. If you plead guilty, you waive your right to
25 contest any of the evidence that was seized, any

1 evidence that was collected, any statements that you
2 may have given to the police, anything that they found
3 in your hotel room that might be incriminating. By
4 pleading guilty, you waive your right to challenge any
5 of that evidence. Do you understand, ma'am?

6 DEFENDANT ANDERSON: Yes.

7 THE COURT: Sir?

8 DEFENDANT LAWSON: Yes, sir.

9 THE COURT: All these are very important rights.
10 Are you quite certain that you want to give them up and
11 plead guilty, ma'am?

12 DEFENDANT ANDERSON: Yes, sir.

13 THE COURT: Sir?

14 DEFENDANT LAWSON: Yes, sir.

15 THE COURT: And are you each satisfied with the
16 State's discovery response in this case?

17 MR. HODGES: I am, Your Honor, but the one thing
18 that is outstanding, and my client and I have talked
19 about it, there is a DNA report that has not come back
20 from SLED yet. That's the only thing that I know of
21 that I have not received.

22 THE COURT: All right. But what you have received,
23 you've shared with Ms. Anderson to the extent that she's
24 needed to see it?

25 MR. HODGES: Yes, sir.

1 **THE COURT:** And, Mr. Farnsworth, the same question
2 of you.

3 **MR. FARNSWORTH:** The same answer, Your Honor.

4 **THE COURT:** Very good. Now, Ms. Anderson, are you
5 happy with the way that Mr. Hodges has represented you
6 in this case?

7 **DEFENDANT ANDERSON:** Yes, sir.

8 **THE COURT:** Do you have any complaints to make
9 against him?

10 **DEFENDANT ANDERSON:** No, sir.

11 **THE COURT:** Has he done everything that you want him
12 to do?

13 **DEFENDANT ANDERSON:** Yes, sir.

14 **THE COURT:** Have you talked to him long enough?

15 **DEFENDANT ANDERSON:** Yes, sir.

16 **THE COURT:** Do you need more time to talk to him or
17 to think about this?

18 **DEFENDANT ANDERSON:** No, sir.

19 **THE COURT:** So you're totally satisfied with his
20 help?

21 **DEFENDANT ANDERSON:** Yes, sir.

22 **THE COURT:** Mr. Lawson, are you happy with
23 Mr. Farnsworth, sir?

24 **DEFENDANT LAWSON:** Yes, sir.

25 **THE COURT:** Have you had enough time to talk to him?

1 DEFENDANT LAWSON: Yes, sir.

2 THE COURT: And you've understood all your
3 conversations with him, correct?

4 DEFENDANT LAWSON: Yes, sir.

5 THE COURT: Do you need any more time to talk to
6 him?

7 DEFENDANT LAWSON: No, sir.

8 THE COURT: And are you totally satisfied with his
9 help?

10 DEFENDANT LAWSON: Yes, sir.

11 THE COURT: All right. Now aside from the
12 reduction in one of the charges and the dismissal of
13 some of the other charges and the current
14 recommendation, Ms. Anderson, has anybody promised you
15 anything else or held out any other hope of reward to
16 get you plead guilty?

17 DEFENDANT ANDERSON: No, sir.

18 THE COURT: How about you, sir?

19 DEFENDANT LAWSON: No, sir.

20 THE COURT: And do you -- has anyone tried to
21 threaten you, force you, coerce you in any way to get
22 you to plead guilty?

23 DEFENDANT ANDERSON: No, sir.

24 DEFENDANT LAWSON: No, sir.

25 THE COURT: Do you have any complaints to make

1 against the Solicitor's office, law enforcement, court
2 personnel or anyone involved in this case?

3 DEFENDANT ANDERSON: No, sir.

4 DEFENDANT LAWSON: No, sir.

5 THE COURT: So you've been treated fairly?

6 DEFENDANT ANDERSON: Yes, sir.

7 DEFENDANT LAWSON: Yes, sir.

8 THE COURT: Have you had enough time to think about
9 this, have you had enough time to decide whether you
10 want a jury trial or not?

11 DEFENDANT ANDERSON: Yes, sir.

12 DEFENDANT LAWSON: Yes, sir.

13 THE COURT: You're certain you want to plead guilty?

14 DEFENDANT ANDERSON: Yes, sir.

15 DEFENDANT LAWSON: Yes, sir.

16 THE COURT: Have you understood all my questions?

17 DEFENDANT ANDERSON: Yes, sir.

18 DEFENDANT LAWSON: Yes, sir.

19 THE COURT: Anything you need to ask me about
20 anything that we've gone over?

21 DEFENDANT ANDERSON: No, sir.

22 DEFENDANT LAWSON: No, sir.

23 THE COURT: You are pleading guilty then of your
24 own freewill because you did commit these offenses,
25 ma'am?

1 **DEFENDANT ANDERSON:** Yes, sir.

2 **THE COURT:** Sir?

3 **DEFENDANT LAWSON:** Yes, sir.

4 **THE COURT:** I do find there's a substantial factual
5 basis these pleas. They're freely, voluntarily,
6 knowingly and intelligently made. Ms. Anderson is
7 happy with Mr. Hodges and Mr. Lawson is happy with
8 Mr. Farnsworth. I'll accept their pleas.

9 **THE COURT:** Before I turn to y'all, I'm going to --
10 I see Mr. Wiltshire up there and I've been presented
11 with the victim impact statement. Obviously this was
12 a harrowing situation for Mr. Paragon, but is there
13 anything that he wants to relate to me? I know you've
14 been in communication with him I'm assuming.

15 **MR. WILTSHIRE:** Yes, sir. Many times. In fact,
16 Mr. Hammack and I met with Mr. Paragon two or three days
17 after he was released from hospital way back and he
18 basically was a mess of bandages and neck braces and
19 looked a real mess. His verbiage at that time was
20 purely, and he kept repeating it, was "I'm just lucky to
21 be alive, I should be dead". He has bought his plane
22 ticket. This was to be a trial starting on Monday and
23 he does not want the Court to hold it against him that
24 he is not here. He was fully wanting to be here, but
25 his plane ticket was bought for Monday, and so he's

1 allowed us to go ahead with the plea, but he's ready and
2 willing to be here at the drop of the hat, if necessary.
3 As you would imagine, he would like the 30 years. Thank
4 you.

5 THE COURT: All right. And, Solicitor, I'm assuming
6 that you've spoken with Mr. Paragon with regard to these
7 charges and how this resolution is coming about today?

8 MR. SCOTT: Yes, sir.

9 THE COURT: The record should reflect that I have
10 also reviewed the victim's impact statement and what
11 Mr. Paragon stated in that.

12 All right. Mr. Hodges? Or Mr. Farnsworth, do you
13 want to go first?

14 MR. FARNSWORTH: If I could have one word.

15 THE COURT: Certainly.

16 MR. FARNSWORTH: Your Honor, may it please the
17 Court?

18 THE COURT: Yes, sir.

19 MR. FARNSWORTH: Thank you very much. I'll go
20 first. Your Honor, Mr. Lawson has a bunch of family,
21 a bunch of friends, here. His parents are here in
22 support of him and these are his parents here. I'm
23 gonna first -- I'm gonna be as brief as I can today,
24 Your Honor, considering this is a very, very serious
25 case and it's very important to him as well as to me.

1 Judge, he's -- Jason's 36 years old. He's a
2 lifelong resident of Laurens County. His parents and
3 -- both family members also lived here most all their
4 lives. As far as his education and work history, I
5 think he's got a GED. Went to the 11th grade, if I
6 remember. He got a GED. His work history, he worked in
7 -- as a welder and electrician, done some fabrication
8 work.

9 Judge, he in 1977 {sic}, '78 {sic} when he would
10 have been about 19 or 20 years old, he developed a
11 serious medical condition called pancreatitis and it
12 required major surgery at the medical university in, I
13 believe, 1999, and subsequent to that there was four
14 other procedures done and there were some complications
15 with those. He had double pneumonia. There were some
16 times when he was close to leaving us and, Your Honor,
17 at that time I failed to mention he was working those
18 particular occupations I told you, plus he had signed up
19 for technical school and had signed up for the National
20 Guard. Your Honor, after -- as this thing progressed,
21 and he did get better, of course, there was a lot of
22 pain involved, and I'm just relating what the family's
23 told me, I don't have any medical records, I'm sure it's
24 true, he developed -- he kind of got addicted on the
25 pain medication and from there it went to other drugs

1 and the extent of his dependency and addiction got
2 pretty bad and continued for several years and has
3 continued on and off since then. And also, Your Honor,
4 at this time was about when he got introduced to the
5 criminal justice system. I think his first offense was
6 like a DUI back in 1997 and then he didn't have anything
7 any more serious or anything at all until 2002, so he
8 was getting along apparently fine then.

9 Now, as I said, his family has just been a -- just a
10 great support system for him. His parents particularly.
11 I met with them. I got involved in this case the first
12 week of December and he had had a lawyer, an appointed
13 lawyer, for two years and had only seen him two times he
14 says for about a total of two minutes. I got involved
15 in this case in December and I met with his parents, I
16 don't know, you know, probably a half a dozen times,
17 met with him probably six or eight times and, you know,
18 these are good people, his parents, as Jason is, except
19 for what he did.

20 You know, I've developed a liking for him and he's
21 been very cooperative with me and from day one of my
22 representation he's maintained all along he did not want
23 a trial. Every time I saw him, "I do not want a trial".
24 He began accepting responsibility even before I got
25 involved in the case, but he's continued to, you know,

1 tell me that he accepts responsibility and he wants to
2 do what's right and he's up here, I think, as best he
3 can to do that not forgiving what he did or making an
4 excuse for what he did.

5 As I said, his parents are -- they really care
6 about him, you know. It's not that they're mad about
7 what -- mad at him so much, but they're mad at what
8 he did. And despite that, they're up here, they've
9 supported him all along, and they're -- in talking with
10 them, even Jason, their thoughts and prayers have been
11 with Mr. Paragon. They've wished and have continued to
12 wish for his full and complete recovery and I understand
13 he's fairly well recovered and, thank goodness, and
14 that's a good thing.

15 Judge, Mr. Lawson's been in jail continuously,
16 since I think, December 15, 2011. He -- and you've got
17 his record up there. His record is not the greatest
18 record in the world, but he has one -- I think the worst
19 thing is a burglary third and a common law robbery, as
20 I remember, a couple of drug charges, but, Your Honor,
21 I -- you know, I have, you know, every confidence
22 in the world that you'll give him a fair sentence,
23 there's no question about that, based on the facts
24 and circumstances.

25 His mother and father are here today and his --

1 well, when he comes back, he went to the restroom.

2 THE COURT: That's fine. Sure.

3 MR. FARNSWORTH: And another thing, Your Honor,
4 just to show you what coincidence you see in this
5 world, it just so happens that Mr. Paragon's longtime
6 friend, who's name is Ronnie Craig, his wife's named
7 Perky, are neighbors and friends of these people for
8 over 20 years and knew Jason growing up. Mr. Craig's
9 wife was over at Ms. Seymour's house yesterday, and
10 they were talking and have talked about this case, and
11 actually told her that she could tell the Court they
12 would have actually been here today not to excuse what
13 he did, to be in support of him, that notwithstanding
14 that, you know -- I mean, they knew him growing up and
15 never had a problem with him.

16 And do you want me to -- just come back to me? I
17 just -- Jason just wanted to briefly address the
18 Court --

19 THE COURT: Yes, sir.

20 MR. FARNSWORTH: -- and then the parents would talk
21 for just a few minutes.

22 THE COURT: That will be fine. Why don't we wait
23 on him to get back into the courtroom and then I'll
24 ask your client if he has anything say. I'll move over
25 to Mr. Hodges at this point and do the same for your

1 client's family, et cetera.

2 MR. FARNSWORTH: Okay.

3 MR. HODGES: Thank you, Your Honor.

4 THE COURT: Go ahead, Mr. Hodges.

5 MR. HODGES: I'd like to get just a couple of legal
6 issues out of the way. Number one, Your Honor, you
7 heard, I think, when the victim advocate was speaking
8 that Jack Hammack -- Deputy Solicitor Jack Hammack was
9 involved in this case. I worked at the Eighth Circuit
10 Solicitor's Office when this case first occurred. I was
11 in charge of Greenwood County, I didn't have anything to
12 do with Laurens County, didn't have any knowledge of
13 this case, but I did disclose that to Ms. Anderson when
14 I was hired. I've got a signed waiver in my file. I
15 just wanted to put that on the record.

16 THE COURT: Thank you. I had forgotten to address
17 that, but you are correct.

18 MR. HODGES: The other legal issue, Your Honor,
19 is that statutes for kidnapping indicate that there's
20 a requirement for mandatory sex offender registry
21 unless the Court makes a specific finding on the record.
22 I've talked to Deputy Solicitor Scott about this. He
23 agrees this is not a case where sex registry would be
24 appropriate, but I would ask that Your Honor make a
25 specific finding on the record and on the sentencing

1 sheet that Ms. Anderson not be required to register as
2 a sex offender.

3 THE COURT: That had occurred to me and I was quite
4 aware that this is not the type of case that I think was
5 envisioned for sex offender registry, so that will be
6 the same for both individuals.

7 MR. HODGES: Thank you, Your Honor.

8 Your Honor, I'd like to give a little bit of the
9 background of the facts as Ms. Anderson has related
10 them to me just for a couple of reasons. Number one,
11 Your Honor, they had both gotten dropped off at this
12 motel the night before by a friend. They had no
13 transportation. You know, they were there. The
14 friend was actually planning on coming and picking
15 them up the next morning at checkout time. They spent
16 the night there and Erica woke up early that next
17 morning and went over to the Waffle House, walked over
18 to the Waffle House at about 5:00 that morning. Jason
19 was supposed to be coming over and meeting her there.
20 As the Deputy Solicitor said, there's a surveillance
21 video where you can see her sitting there drinking a cup
22 of coffee and waiting and waiting and waiting and she's
23 positioned where she could watch the door and watch for
24 him to come in.

25 At some point while she's there, Mr. Paragon comes

1 in, smiles at her. She asks him, you know, "Do I know
2 you?" because he's smiling at her and they strike up a
3 conversation basically that no, he's from New York and
4 whatever. He goes and sits at his table and eats.
5 She continues to sit there drinking coffee and waiting
6 on Mr. Lawson to show up. She gets up to leave and
7 Mr. Paragon is leaving about the same time. He sees
8 her walking across the parking lot, it's December and
9 obviously it's chilly out, and asks her where she's
10 headed and she tells him back to the motel and he offers
11 to give her a ride. While he's driving her over there,
12 he indicates that he's been looking for a girlfriend all
13 night. She basically tells him you've got the wrong
14 idea and changes the subject to talk about this pet
15 snake that she's got in the room. When they had gotten
16 dropped off the night before, they got dropped off with
17 their worldly possessions and as the Deputy Solicitor
18 said the room was full of their stuff, papers with their
19 names on it and ID's, boxes of stuff, and even an
20 aquarium with a pet snake in it.

21 They get back to the motel and she finds out as
22 they're pulling into the parking lot that he's staying
23 there as well. She goes to her room. Mr. Lawson (sic),
24 he goes on down to his room. She discovers that she's
25 missing her cigarettes and her jacket, you know, things

1 that she may have dropped in his truck. She doesn't
2 know what room he's in. She calls a couple of rooms
3 and finally gets him and says hey, I think I may have
4 dropped my cigarettes in your truck. He says I'll be
5 glad to check and hangs up. About fifteen minutes later
6 there's a loud knock on the door.

7 And as you heard Mr. Farnsworth say, there had
8 been some drug use going on. Mr. Lawson was paranoid
9 apparently that it might have been the police at the
10 door because of this loud knock on the door, so he runs
11 and hides in the bathroom because he thinks it might be
12 the police. Erica goes and answers the door and it's
13 Mr. Paragon saying he didn't find her cigarettes, but he
14 wanted to come and see her snake.

15 So she gets the snake out for him to pet it and
16 when she turns to put the snake back in the aquarium
17 and turns back around, he's got his pants off and she's
18 like, well, wait a minute, you've got the wrong idea.
19 At that point is when Mr. Lawson comes out of the
20 bathroom with a gun and they start struggling over it
21 and that's when this whole thing spins out of control.

22 I tell you those things for a couple of reasons,
23 Your Honor. Number one, this was not a premeditated
24 situation, you know. They had no transportation to make
25 a getaway. All of their worldly possessions, including

1 lots of identifying information, were in this room.
2 Mr. Lawson is a diabetic. All of his insulin shots and
3 everything were in the room. You know, it does not
4 make sense that this was a premeditated robbery type
5 of situation when they are leaving out of there with
6 all -- leaving all of their worldly possessions and
7 identifying information in this room with no ride, so
8 just understand that this was not a premeditated
9 situation.

10 I noted in the discovery of the crime scene
11 photographs that Your Honor may be familiar with folks
12 who on their pick-up truck will put their name on the
13 driver window and their wife's name on the passenger
14 window. Well, I know that the victim's first name was
15 on the driver's window and there was a female's name on
16 the passenger window. We noted some inconsistencies
17 in what was related about this incident. Erica and I
18 talked about potential defenses with regard to those
19 inconsistencies and to her credit she's waiving any
20 potential defenses there. She's standing here and
21 owning up to what she did, but I think that there's --
22 you know, there's potential here that some of this may
23 have been embellished by the victim to try to cover for
24 what he was trying to engage in that morning in the
25 room.

1 I did get a copy of the victim's medical records
2 from the State in discovery. Thankfully, he was not
3 hurt severely. He only spent two days in the hospital
4 and I assume he's made a full recovery, so thankfully
5 the injury itself did not turn out to be terribly
6 severe.

7 Your Honor, after my client was arrested, she did
8 cooperate. She gave a videotaped statement to law
9 enforcement implicating both herself and Mr. Lawson
10 and laying out what had happened. Again, there's some
11 possible defenses there. She asked for a lawyer a
12 couple of times during that videotaped statement. She
13 and I talked about potential defenses and the potential
14 for trying to get that suppressed. Again, to her
15 credit, she's waiving any defenses that she has and is
16 standing here accepting responsibility for what she's
17 done.

18 I would point out in terms of the facts again, Your
19 Honor, my client did not have the gun. If you look at
20 her prior record, she only has misdemeanors on her
21 record. There are no crimes that have anything to do
22 with any kind of violence on her record. It's all
23 basically driving and a drug charge. I would ask that
24 Your Honor take that into consideration. As far as
25 credit, Your Honor, she has spent 26 months and 5 days

1 in pre-trial custody. I would ask that Your Honor give
2 her credit for that time that she's spent in pre-trial
3 custody. Judge, she was released out on bond after that
4 26 months and 5 days earlier this spring. She has been
5 out on an ankle monitor for about 105 additional days.
6 I think it would certainly be within the Court's power
7 since she was on an ankle monitor to give her credit for
8 that 105 days and I would ask you to consider doing that
9 as well.

10 And I'd like to talk about that 105 days that she's
11 been out. She has been, as I indicated, on a monitor
12 and Eagle Eye Monitoring is the company that monitored
13 her, and I'd like to pass up a letter from them.

14 **THE COURT:** Thank you.

15 **MR. HODGES:** I'll give you a moment to look over
16 that.

17 **THE COURT:** Very good.

18 **MR. HODGES:** Your Honor, also in the last 105 days
19 while she's been out, she has been living at the
20 Foundation Recovery House in Greenwood and has actually
21 completed a program there at the Foundation Recovery
22 House, and I would pass forward a letter in that regard.
23 And, Your Honor, they think enough of her that there are
24 a number of her housemates here today at the plea in
25 support of her and Brian Burton and Kim Ousley, who are

1 the home manager and in charge of work, are both here as
2 well and would like to speak to the Court and, if I
3 could, at this time just over it over to them and then
4 I'll go back to my comments.

5 **THE COURT:** Sure. I'll be happy to hear from
6 Mr. Burton and Ms. Ousley. Go ahead, sir.

7 **MR. BURTON:** Judge Addy, I just wanted to say we
8 started -- me and my wife started Foundation House four
9 years ago and we've seen a lot of women come through
10 with court problems or law problems and losing their
11 kids and different things and what we try to do is
12 rehabilitate them back into a member of society instead
13 of taking from it. I'm sorry I'm a little emotional. I
14 get like that sometimes, but when we started, we started
15 out with one house and now we have four. We've got
16 thirty-five women and Erica has -- she has been from day
17 one when we came over here to get the ankle monitor on,
18 she started work that day and she got into the program,
19 what we do at the Foundation House, and has been just an
20 asset at work and at the house there. I just -- you
21 know, if we if we had -- if we had thirty of Erica's
22 there, our jobs would be much easier, but I just -- she
23 works for me. I own a lawn care business, too, and
24 she's been with me since day one of her getting out and
25 I've never had any problem with her wanting to disobey

1 the Eagle Eye Monitoring Service or -- or out of the way
2 to anybody. We love her.

3 THE COURT: Thank you, Mr. Burton.

4 MS. OUSLEY: I'm Kim Ousley. I'm the house manager.
5 Erica came on 2-25. As soon as she got there, she --
6 of course, she had her mom -- I talked with her mother
7 for months before she got there as we were trying to
8 get things in place for her to come with the ankle
9 monitor. She came there and she was assigned someone
10 to take her through the 12 Steps. She immediately
11 started reading her book, went through the Steps, you
12 know, looked at what she's done and her part in
13 everything and tried to make right everything she could,
14 spent a lot of time with her children when she could,
15 was a -- you know, she was -- helped the other women at
16 the house, and she's been like a rock there. Knowing
17 that she's got this to face, I think it's been an
18 inspiration for other women in the house, you know,
19 who have children that are gonna be able to have an
20 on-going, on and on, and so she's done a lot for the
21 house. And like Brian said, if everybody was as easy
22 as she, would we would have a lovely job. But, anyway,
23 if there's anything that I can do for her. She has been
24 a bright spot at Foundation House, very cooperative, no
25 trouble, eager to be a volunteer for anything, and I

1 hope you'll have mercy on her.

2 THE COURT: Thank you, ma'am.

3 MR. HODGES: Your Honor, I guess the point of all
4 that is that, you know, Erica is not a lost cause. I
5 think she has demonstrated over the last three plus
6 months that she can be rehabilitated. You know, I think
7 there could easily have been a temptation knowing that
8 this day was coming. I mean, she knew that at some
9 point she was gonna be standing in front of a judge
10 pleading guilty. I think there could easily have been
11 the temptation of partying it up, taking advantage of
12 that, you know, last taste of freedom. She didn't do
13 that. She's been doing positive things while she's been
14 out. I know she's worked hard. She's showed up at my
15 office a number of times filthy, I mean, from out --
16 being out doing landscaping. I mean, you could tell
17 she's been working hard.

18 Judge, in addition, Erica has got two daughters.
19 Her mother, Ms. Anderson, is here as well to support
20 her, and lots of other family and friends.

21 Judge, just in closing, again, she has demonstrated
22 that she can be rehabilitated.

23 THE COURT: I think your client's father might be
24 at the back door. Would somebody mine popping to back
25 and making sure he can get back in, please? I think the

1 bailiff may not be aware that he was trying to get back
2 in here. I apologize, Mr. Hodges. Go ahead.

3 **MR. HODGES:** Thank you, Your Honor. Judge, all of
4 these crimes, the penalty range that has been set by
5 the General Assembly starts at zero. I'm certainly not
6 suggesting that the Court -- that that's the appropriate
7 sentence in this case, but I would ask Your Honor as
8 she's here accepting responsibility, she has been
9 realistic about the kind of sentence that she is facing,
10 but I would ask that you not just warehouse her because
11 she is redeemable. She has done positive things with
12 the time that she's had out.

13 I would -- I would like to quote something that I
14 heard Judge Eppes, Frank Eppes, say at one point. He
15 said ten years is long enough in prison for anybody that
16 didn't kill someone. Judge, all we're asking today is
17 that you temper justice, but mercifully.

18 **THE COURT:** Thank you very much. Since we're
19 already -- do you need a break to go see if his father
20 can be located?

21 **MR. FARNSWORTH:** I think that his mother is gonna
22 try to do his part. He's not feeling well --

23 **THE COURT:** Oh, okay. I'm sorry.

24 **MR. FARNSWORTH:** -- and she's pretty stressed out
25 herself, but I think she would just like to address the

1 Court. Her name is Sheila Seymour. That's Jason's
2 mother.

3 THE COURT: All right. Mrs. Seymour, I'm happy to
4 hear from you, ma'am.

5 MRS. SEYMOUR: In February of this year, I turned
6 65, and in April of this year, I retired. It is my
7 wish that you would take everything into consideration
8 and have mercy on Jason. I know Jason is a good person.
9 He has had things in his life that has brought him down
10 with the drugs and I know that if he were given an
11 opportunity to prove himself, he can do that. I would
12 like to know that before I leave this world that I can
13 see my son a free man. He is a good person despite the
14 things that have been said here today about him, and I
15 know Erica is, too, and I know they both have a lot of
16 sorrow for the things that happened.

17 THE COURT: Thank you, ma'am.

18 MR. FARNSWORTH: Judge, I just have one other thing,
19 then I'll conclude.

20 THE COURT: Yes, sir.

21 MR. FARNSWORTH: Mr. Lawson just wants to briefly
22 address the Court and that will be all from us.

23 THE COURT: Certainly. Mr. Lawson, I'm happy to
24 hear anything that you might want to say.

25 DEFENDANT LAWSON: Yes, sir. I want to ask you

1 to take most of the burden off of Erica and put it on
2 me. If I were to have done what I was supposed to do,
3 be the man like I'm supposed to be, she wouldn't have
4 been in the situation in the first place, she wouldn't
5 have been there, this wouldn't have happened. So,
6 please, take anything you can off her and put it on me.

7 Second, since I was 17, I've been an alcoholic.
8 Since I was 20, I've been a drug addict. I've been in
9 trouble and I've been sent to prison, but I've never had
10 anybody help me ever. I'm asking you to, please, help
11 me. Thank you.

12 **THE COURT:** Thank you, sir. Ms. Anderson, I'm
13 happy to hear anything that you may want to say, ma'am.
14 If you need a moment --

15 **DEFENDANT ANDERSON:** I don't have anything to say.

16 **THE COURT:** This is your daughter behind you?

17 **DEFENDANT ANDERSON:** Sister.

18 **THE COURT:** Sister. I'm sorry. You both look
19 very young. All right. Anything from anyone else?

20 All right. I sincerely appreciate everything
21 that everyone has said. And I'm not a stranger to what
22 Mr. Burton is trying to accomplish, and obviously his
23 presence here is helpful on Ms. Anderson's behalf. And,
24 Mr. Lawson, the support that you've got is admirable.
25 And I've been doing this job, practicing law in some

1 capacity or another, for about 21, 22 years now, and
2 you're the first person in a situation like this to ask
3 to take some of the load off her and to bear that for
4 her, and I've never had a co-defendant do that before,
5 and I think that that, in and of itself, speaks a lot
6 to your character and by offering that I think that
7 you've showed me and a lot of other people a very
8 valuable part of your character, sir, and has helped you
9 out in terms of what I was inclined to do and helped
10 Ms. Anderson out in what I was inclined to do as well.

11 Neither of you are naive. You understand what
12 happened here is, short of killing someone or raping
13 someone, about as serious as it gets in the eyes of the
14 law.

15 **DEFENDANT LAWSON:** Yes, sir.

16 **DEFENDANT ANDERSON:** Yes, sir.

17 **THE COURT:** And as your attorneys have probably
18 explained to you, I do like to reward individuals who
19 are willing to come in and admit that what they did
20 was wrong and accept responsibility for it. And I'm
21 trying to be as lenient -- I assure you, I'm trying to
22 be as lenient with both of you as I possibly can be,
23 but at the same time speak justice to the person who
24 was injured in this particular case, and I hope this
25 sentence does it -- or these sentences do it.

1 All right. Mr. Lawson and Mrs. Lawson, I hope you
2 get to see him again outside of prison and I'm sorry if
3 you don't, but this is just how it's got to be, okay,
4 ma'am? I'm sorry.

5 Mr. Lawson, your sentences on Indictments 449 and
6 452, those are respectively the attempted murder and the
7 kidnapping charge, the sentence of the Court is that
8 you're committed to the Department of Corrections for
9 23 years. You get credit for the time that you've
10 served since December the 15th of 2011, and I've noted
11 that there's no need to register on the sex offender
12 registry for the kidnapping charge. On Indictment 450,
13 that's the common law robbery, the sentence is 15 years.
14 On Indictment 451, that's the gun charge, the sentence
15 is five years. Again, credit for all time served since
16 December the 15th of 2011, and all sentences will run
17 concurrently, sir.

18 Ms. Anderson, the sentence on your case on
19 Indictment 375 and 376, those are -- and as well as
20 378, those are the attempted murder charge, the common
21 law robbery charge and the kidnapping charge, the
22 sentence of the Court is that you're committed to the
23 Department of Corrections for 15 years. You get credit
24 for the time that you've served since December the 15th
25 of 2011, and I'm giving her credit for these additional

1 three months, but that's nothing compared to the amount
2 of time she's got to do. I've also noted there's no
3 need for you to register as a sex offender once you are
4 released. Also, five years on the weapons charge. All
5 sentences run concurrent with each other.

6 I genuinely wish you both luck. Take care.

7 MR. FARNSWORTH: Thank you, Your Honor.

8 MR. HODGES: Thank you, Your Honor.

9 MR. WILTSHIRE: Thank you, Your Honor.

10 (Proceedings were concluded at 3:16 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eighth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete transcript of record of all
the proceedings had and the evidence introduced in the
hearing of the captioned case in Circuit Court on the
5th day of June, 2014.

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

November 5, 2014

Stacy S. Johnson
Stacy S. Johnson, RPR
Circuit Court Reporter

FORM 5

LYNN W. LANCASTER

STATE OF SOUTH CAROLINA

County of LaurensJason Shane Lawson

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2014 OCT 16 P 3:35

2014 -CP30-828

LAURENS COUNTY
CLERK OF COURTAPPLICATION FOR
POST-CONVICTION RELIEFINSTRUCTIONS - 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 Perry Correctional Institution
430 Oaklawn Road, Pelzer, S.C. 29669
2. Name and location of Court which imposed sentence Court of Laurens County
P.O. Box 287, Laurens, S.C. 29360
3. Name(s) of co-defendant(s) (if any) Erica Leigh Anderson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a)	12GS30-0449	"	"-0451
(b)	12GS30-0450	"	"-4052

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) June 5, 2014; 12GS30-0449 23 years; 12GS30-0451 5 years;
- (b) 12GS30-0450 15 years; 12GS30-0452 23 years
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (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?
N/A
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. N/A
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) Involuntary Plea
- (c) Reserve right to amend application pro-se upon receipt of transcript
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Counsel failed to interview victim and witnesses
- (b) See attached Page (1)
- (c) See attached Pages (2-4)
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (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? YES
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. Motion To Reconsideration Sentence
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. Court of Laurens County, P.O. Box 287, Laurens S.C. 29360
- 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?

N/A

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

(a) which grounds have been presented:

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

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

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

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) N/A
 (b) N/A
 (c) N/A

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? _____
 (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?
YES

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

(a) the name and address of each attorney who represented you:
 i. Daniel J. Farnsworth, P.O. Box 10196, Greenville S.C. 29603
Elizabeth P. Wiygal, 101 Whitesett St. Greenville S.C. 29601
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Plea
 ii. _____
 iii. _____

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

Vacate Sentence/ New Trial or Resentence

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

NO

STATE OF SOUTH CAROLINA)

County of Laurens)

VERIFICATION

I, Jason Shane Lawson, 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.

SWORN to and subscribed before me this 13th
day of October, 2014.

Nancy C. Marshall (L.S.)
Notary Public

My Commission Expires: 1-23-2023

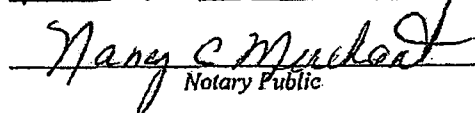
APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Jason Shane Lawson, 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.


Applicant

SWORN or affirmed to and subscribed before me this
13th day of October, 2014.


Notary Public

My Commission Expires: 01/03/2023

11(B) Involuntary plea which was unlawfully induced and not made voluntarily or with a complete understanding of the nature of the charges and the inadequacies of the plea potential.

In this application, Applicant asserts ineffective assistance of counsel due to his attorney failing to interview the State's chief witness before advising him to plead. If Applicant's case had gone to trial rather than to the guilty plea proceedings, the State's witness could have changed the outcome or at least changed his decision to plead to the charges.

This evidence that demonstrated that counsel was ineffective for not interviewing his co-defendant. This prejudiced the outcome of the case. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052; Cobb v. State, 408 S.E.2d 223. Where the applicant plead guilty or nolo contendere to the original charge, then he must demonstrate that, but for the ineffectiveness of his counsel, he would have requested a trial rather than entering a plea. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366; Jordan v. State, 374 S.E.2d 683.

Counsel was ineffective for failure to insure that Petitioner waived the three main constitutional rights.

The U.S. Supreme Court has held that before a court can except a guilty plea, a defendant must be advised of the constitutional rights he/she is waiving.

Specifically, a defendant must be aware of the privilege against self incrimination, the right to a jury trial and the right to confront one's accusers.

In addition to the requirement of Boykin, a defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, max and minimum and the nature of the constitutional rights being waived.

Applicant did not understand the nature of the constitutional rights being waived.

The record in this case shows that the trial court did not clearly establish it.

Applicant contend that his conviction and sentences were in violation of the constitution of the United States and the constitution and laws of this State.

The Applicant is asserting a 5th, 6th and 14th Amendment violation which sets forth a prime facie violation of his constitutional rights.

The fundamental defects alleged are standards that require establishment of a complete miscarriage of justice and an omission inconsistent with the rudimentary demands of a fair procedure. It would be a denial of Due Process not to give the Applicant a evidentiary hearing.

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

Jason Shane Lawson, #290801,

2014-CP-30-0828.

Applicant,

v.

RETURN

State of South Carolina,

Respondent.

The Respondent, making its Return to the application for post conviction relief (PCR) filed October 16, 2014 would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Laurens County Clerk of Court. The Applicant was indicted at the March 2012 term of the Laurens County Grand Jury for Attempted Murder (2012-GS-30-0449), Armed Robbery (2012-GS-30-0450), Possession of a Weapon during the Commission of a Violent Crime (2012-GS-30-0451), and Kidnapping (2012-GS-30-0452). The Applicant was represented by Dan Farnsworth, Esquire. On June 5, 2014, the Applicant pled guilty to Attempted Murder as indicted, Kidnapping as indicted, Strong Arm Robbery as lesser included offenses of Armed Robbery and Possession of a Weapon during the Commission of a Violent Crime as indicted. The Honorable Frank R. Addy, Jr. sentenced the Applicant, pursuant to a recommendation from the State, to confinement for twenty-three (23) years for Attempted

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

COUNTY OF LAURENS)

CASE NO.: 2014-CP-30-0828

Jason S. Lawson, #290801)

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff,)

vs.)

State of South Carolina)

Defendant.)

Plaintiff's Attorney:

Laura McCall Saunders, Bar No. _____

Address:

PO Box 731 Laurens, SC 29360

Phone: _____ Fax: _____

E-mail: _____ Other: _____

Defendant's Attorney:

J. Rutledge Johnson, Bar No. 78871

Address:

PO Box 11549 Columbia, SC 29211-1549

Phone: 803-734-3737 Fax 803-734-4113

E-mail: _____ Other: _____

☐ **MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and III**)☒ **FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)☐ **PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)**SECTION I: Hearing Information**

Nature of Motion: _____

Estimated Time Needed: _____ Court Reporter Needed: ☐ YES/ ☐ NO**SECTION II: Motion/Order Type**☒ Written motion attached☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff/ ☒ Defendant

January 29, 2015

Date submitted

SECTION III: Motion Fee☐ **PAID - AMOUNT: \$** _____☒ **EXEMPT:**

(check reason)

☐ Rule to Show Cause in Child or Spousal Support☐ Domestic Abuse or Abuse and Neglect☐ Indigent Status ☐ State Agency v. Indigent Party☐ Sexually Violent Predator Act ☒ Post-Conviction Relief☐ Motion for Stay in Bankruptcy☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____**JUDGE'S SECTION**☐ Motion Fee to be paid upon filing of the attached order.☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ **MOTION FEE COLLECTED: \$** _____☐ **CONTESTED - AMOUNT DUE: \$** _____

Murder, twenty-three (23) years, concurrent, for Kidnapping, fifteen (15) years, concurrent, for Strong Arm Robbery and five (5) years, concurrent, for the possession charge. The Applicant did not appeal his conviction and sentence.

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

II.

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

1. "Ineffective Assistance of Counsel"
 - a. "Counsel failed to interview victim and witnesses"
2. "Involuntary Guilty plea"

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

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process

that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064 (1984); Butler, 334 S.E.2d 813.

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent

requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Applicant further alleges his guilty plea was not voluntarily made. The Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit.

In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

The Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the

record. Accordingly, the Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

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

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held on Applicant's allegations.

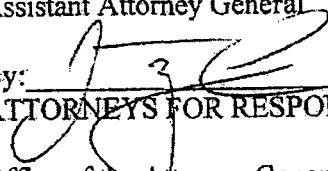
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

J. RUTLEDGE JOHNSON
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

January 29, 2015

State of South Carolina)	In the Court of Common Pleas
County of Laurens)	Eighth Judicial Circuit
	2014-CP-30-0828

Jason Shane Lawson,	)	
	)	
Applicant,	)	
	)	
vs.	)	Transcript of Record
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	

June 7, 2016
Greenwood, South Carolina

B E F O R E:

The Honorable Brooks P. Goldsmith, Judge

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

Laura M. Saunders, Esquire
Attorney for the Applicant

Justin J. Hunter, Esquire, Assistant Attorney General
Attorney for the Respondent

Reported By:
Maryann S. Nevers, CVR-M-CM

Transcribed By:
Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

I N D E XWitness/DescriptionPage No.*Applicant's Case-in-Chief*

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E X H I B I T S

No.	Description	ID.	Ev.
P-1	Correspondence.		10
P-2	Plea Offer.		10
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1 MR. HUNTER: May it please the court, Your Honor? The
2 next case is *Jason Lawson vs. the State of South Carolina*,
3 2014-CP-30-828. Your Honor, he was indicted at the March
4 2012 term of the Laurens County grand jury for attempted
5 murder, armed robbery, possession of a weapon during the
6 commission of a violent crime, and kidnapping. He was
7 represented initially by Ms. Elizabeth Wiygul and then
8 subsequently by Mr. Dan Farnsworth.

9 On June 5, 2014, he pled guilty to attempted murder as
10 indicted, possession of a weapon during the commission of
11 violent crime as indicted, kidnapping as indicted, and to
12 strong-arm robbery as a lesser included of armed robbery.
13 He was sentenced to twenty-three years on attempted murder,
14 fifteen years on a strong-arm robbery, five years on the
15 weapons charge, and twenty-three years on kidnapping.

16 He did not file a notice of appeal. He filed this
17 current action on October 16, 2014. The state made its
18 return. He's present today represented by Ms. Laura
19 Saunders.

20 THE COURT: Be glad to hear from you. Are you ready
21 to proceed?

22 MS. SAUNDERS: We are, Your Honor.

23 THE COURT: All right.

24 MS. SAUNDERS: Is this considered the witness box?

25 THE COURT: Yes, ma'am.

J. LAWSON - DIRECT EXAMINATION BY MS. SAUNDERS

5

1 MS. SAUNDERS: Here?

2 THE COURT: I think so.

3 MS. SAUNDERS: I would like to call my client, Jason
4 Lawson, to the stand.

5 THE COURT: Certainly.

6 JASON LAWSON, BEING DULY SWORN,
7 TESTIFIES AS FOLLOWS:

8 MS. SAUNDERS: Thank you, Your Honor.

9 DIRECT EXAMINATION BY MS. SAUNDERS:

10 Q. Mr. Lawson, if you'll just state your name for the
11 record again?

12 A. Jason Shane Lawson.

13 Q. And where are you currently incarcerated?

14 A. Perry Correctional.

15 Q. Where are you from?

16 A. Clinton, South Carolina.

17 Q. And you grew up there?

18 A. Yes, ma'am.

19 Q. And it's my understanding that you pled guilty on June
20 5, 2014. Is that correct?

21 A. Yes, ma'am.

22 Q. And were you previously represented -- or originally
23 who was your attorney?

24 A. Elizabeth Wiygul.

25 Q. And how long was she your attorney?

J. LAWSON - DIRECT EXAMINATION BY MS. SAUNDERS

6

1 A. Approximately two years.

2 Q. Okay, and we're going to fast-forward through that
3 part because we're going to come back to it later this
4 afternoon.

5 A. Okay.

6 Q. When Ms. Wiygul gets here. So, fast-forward two
7 years, and did you ever hire a new attorney?

8 A. Yes, ma'am.

9 Q. Okay, and what was his name?

10 A. Dan Farnsworth.

11 Q. Is he here present today in the courtroom?

12 A. Yes, ma'am.

13 Q. And how many times did you meet with him?

14 A. Several times. I'm not sure exactly how many.

15 Q. Were you at the county jail?

16 A. Yes, ma'am. I met with him at Perry and at the county
17 jail.

18 Q. Okay. Why were you already at Perry when you met with
19 him?

20 A. Because I was serving a probation violation.

21 Q. Okay, and you were violated on these new charges?

22 A. Yes, ma'am.

23 Q. Okay. How much time did you get for that?

24 A. For the probation violation?

25 Q. Yes.

J. LAWSON - DIRECT EXAMINATION BY MS. SAUNDERS

7

1 Q. Five years.

2 Q. Okay. Has that time expired?

3 A. Yes, ma'am.

4 Q. All right. So, based on your communications with Mr.
5 Farnsworth, what were the -- were there any offers that
6 were extended by the solicitor's office to you and your
7 attorney?

8 A. Thirty years.

9 Q. Okay. So, the solicitor's office was only asking for
10 asking -- was asking for you to serve the thirty years?

11 A. Yes, ma'am.

12 Q. They weren't offering any other negotiations or making
13 any other recommendations?

14 A. No, ma'am.

15 Q. Okay, and what was your communication with Mr.
16 Farnsworth about that offer? Were you going to accept it
17 or reject it?

18 A. I was going to reject it because I'd already had a
19 offer for twenty years two and a half years before that.

20 Q. Okay, and did you communicate that to Mr. Farnsworth?

21 A. Yes, ma'am.

22 Q. All right. Let's go into that. We're going to have
23 to be redundant; we'll go back over it this afternoon.

24 A. Uh-huh.

25 Q. Tell me about that offer that you received originally

J. LAWSON - DIRECT EXAMINATION BY MS. SAUNDERS

8

1 when you were represented by Ms. Wiygul.

2 A. When I was in Laurens County jail, I was sent a piece
3 of paper from the solicitor's office saying they were going
4 to offer attempted murder, just the attempted murder, for a
5 twenty-year recommendation.

6 Q. Okay, and do you have any indication or do you recall
7 when that offer was extended to you?

8 A. February 20-something, February, somewhere in
9 February. I'm not sure exactly what the date was.

10 MS. SAUNDERS: Your Honor, if I may approach?

11 THE COURT: Sure.

12 BY MS. SAUNDERS:

13 Q. Does that look like something that you were offered or
14 given by Mr. Hammack, who was the solicitor at the time?

15 A. Yes, ma'am. This is one of them.

16 Q. And this was not an offer that was extended to you
17 when you were represented by Mr. Farnsworth?

18 A. No, ma'am.

19 Q. So, this offer was extended by Mr. Hammack, who was
20 the solicitor at the time, on February 24, 2012?

21 A. Yes, ma'am.

22 Q. And it had an, had an expire date of May 4, 2012?

23 A. Yes, ma'am.

24 Q. And it goes through one, two, three, four, five, six,
25 seven, eight, nine different offenses?

J. LAWSON - DIRECT EXAMINATION BY MS. SAUNDERS

9

1 A. Uh-huh.

2 Q. And had a recommendation of twenty years concurrent
3 on ---

4 A. Okay, the ---

5 Q. --- all of those?

6 A. The other, the other letter I had didn't say anything
7 about any other charges. It just says to plead to
8 attempted murder for the twenty years, and it was a
9 different, a different one from that one.

10 Q. Okay, but did you ever have any communications with
11 your first attorney, Ms. Wiygul?

12 A. Yes, ma'am.

13 Q. And what did you tell her?

14 A. I told her I wanted that -- I sent her a letter
15 telling her that I wanted the best deal available.

16 Q. Okay.

17 A. Which was the twenty-year deal.

18 Q. Okay.

19 A. And she sent me a letter back, which was -- I can't
20 remember exactly when it was, but saying that she was in
21 receipt of my letter that I wanted the best plea deal
22 available, and the plea deal right now was twenty years to
23 plead to attempted murder, and that I was inadvertently
24 left off of the transport list by the solicitor's office,
25 and she would be in contact with me to let -- to -- for me

J. LAWSON - DIRECT EXAMINATION BY MS. SAUNDERS

10

1 to let her know that I wanted to take the deal.

2 Q. Okay. Is that the letter right here?

3 A. That's it.

4 Q. All right.

5 MS. SAUNDERS: Your Honor, I would like to submit
6 these as Petitioner's Exhibits 1 and 2 for the record.

7 THE COURT: All right. No objection?

8 MR. HUNTER: Laura, what's the other one?

9 MS. SAUNDERS: Oh, excuse me.

10 (COUNSELORS CONFER.)

11 MR. HUNTER: No objection.

12 (CORRESPONDENCE MARKED INTO EVIDENCE AS PETITIONER'S
13 EXHIBIT NUMBER 1.)

14 (PLEA OFFER MARKED INTO EVIDENCE AS PETITIONER'S
15 EXHIBIT NUMBER 2.)

16 BY MS. SAUNDERS:

17 Q. Okay. So, we're here today. We're kind of having to
18 do this in two parts. So as to Mr. Farnsworth, let's,
19 let's go over your, your discussions with him. Say that
20 twenty-year issue is off the table.

21 A. Uh-huh.

22 Q. Was that twenty-year offer off the table?

23 A. As far as I know it was because I only talked to Ms.
24 Wiygul, I think, a couple more times for only a few minutes
25 each time.

J. LAWSON - DIRECT EXAMINATION BY MS. SAUNDERS

11

1 Q. Okay.

2 A. One time I talked to her was just for -- I had to go
3 to court for a DNA sample. And that's why after the two
4 years -- she wasn't doing anything for me. So, my family
5 decided to hire an attorney.

6 Q. Okay. Now, one of your allegations as to ineffective
7 assistance of counsel in your PCR application is you feel
8 like you involuntarily pled guilty. Can you please give
9 the court the reasons why you feel like you involuntarily
10 pled guilty?

11 A. Mr. Farnsworth had spoken with me before we went into
12 court that day, and he had told me that he had talked to
13 the judge. He had a good rapport with the judge. That his
14 dad had went to, went to college with the, the judge -- no,
15 the judge's father had went to college with Mr. Farnsworth
16 and they had a good rapport. He said they had it worked
17 out where I should get no more than fifteen years, you
18 know?

19 He also told me that there would be nothing said by
20 the victim in the case, nothing said on the victim's
21 behalf. Said the victim was not there, but when we went in
22 front of the judge, the victim's advocate stood up and said
23 that the victim -- also said there wouldn't be any
24 recommendation by the solicitor's office or -- you know, at
25 all mentioned in front of the judge. And when I got to

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1 court, the victim's advocate stood up and said that he had
2 spoken with the victim and told a long story and said that
3 they had recommended -- the victim wanted to recommend the
4 full thirty years, which was the zero to thirty I was going
5 up -- you know, going in front of the judge.

6 Q. Okay, but did, did, you know -- do you or Dan have any
7 control over whether or not the victim comes? They have a
8 right to be present.

9 A. I understand that.

10 Q. So what if, you know, the victim wanted to speak? You
11 understand he had the right to speak based on the Victim's
12 Bill of Rights?

13 A. Yes, ma'am, but I was told that he would -- he was not
14 coming. He was not going to be there, and nothing was
15 going to be said on his, on his behalf. Nothing was going
16 to be said about, about a recommendation for time.

17 Q. Okay, but did Mr. Farnsworth promise you anything as
18 to -- as far as your sentence?

19 A. He said he didn't see me getting any more than fifteen
20 years.

21 Q. But he didn't promise you that because you knew you
22 had to put it up in front of the judge. Is that ---

23 A. No.

24 Q. --- right?

25 A. No.

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13

1 Q. Okay, and you knew that there weren't any
2 recommendations coming from the state. I mean, they always
3 want the max time if it's an open plea, right?

4 A. Yes, ma'am.

5 Q. So as far as any negotiated sentence, meaning the
6 solicitor agrees to allow you to get twenty, twenty years
7 and Mr. Farnsworth and you agreed to allow you to get
8 twenty years, there weren't any negotiated ---

9 A. There was nothing written down, no, ma'am ---

10 Q. About the time?

11 A. No.

12 Q. So, can you please just explain to the court any other
13 reasons as far as your basis for PCR? This is your time
14 to ---

15 A. Yes, ma'am.

16 Q. --- tell the court that.

17 A. Well, I, I never got my motion discovery. I never had
18 a chance to look at my motion discovery while I had Ms.
19 Wiygul, and once I got -- my family hired Mr. Farnsworth, I
20 finally got a chance to look at my motion of discovery.

21 Every time I talked with Mr. Farnsworth, he was
22 telling me how strong the facts were in the case, and once
23 I started studying my case, I realized that a lot of things
24 like the kidnapping, the attempted murder -- the attempted
25 murder should have been dropped to assault. I could have

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1 had it dropped to assault. There was no, there was no
2 facts for a kidnapping. I should have had the kidnapping
3 dropped, and which in the original offer, one of the
4 letters I had was to drop everything to the, the attempted
5 murder.

6 Mr. Farnsworth continually told me I had no defense.
7 Said -- he was telling me you don't have a defense, you
8 don't have a defense. The best thing I can do is, is, you
9 know, for a plea bargain. When we were in court, my
10 codefendant's lawyer, Mr. Hodge, told the judge, said, you
11 know, I clearly see a defense in this case, and I asked Mr.
12 Farnsworth, you know, what's going on. He told me don't
13 worry about it. We've got everything worked out.

14 Q. Okay.

15 A. So.

16 Q. But it -- let me just, just -- I'm asking you these
17 questions so that they're put out on the record.

18 A. Yes, ma'am.

19 Q. So that you -- because the judge isn't familiar with
20 this case. So, we just want to make sure.

21 Now, I think Mr. Farnsworth was able to get the armed
22 robbery charge reduced to a strong-arm robbery or
23 common-law robbery. Is that correct?

24 A. Yes, ma'am.

25 Q. So, that charge was reduced a bit ---

1 A. Uh-huh.

2 Q. --- to a lesser-included offense, but did he inform
3 you that you were subject to consecutive sentencing if you
4 were convicted at trial on all these charges?

5 A. Yes, ma'am. The solicitor's office said -- sent me a
6 letter saying that if I didn't plead to the thirty years,
7 then they would recommend consecutive charges at SCDC --
8 consecutive sentences at SCDC.

9 Q. Okay, and when was your case going to go to trial?

10 A. I, I'm not sure.

11 Q. Was it, was it, like, soon?

12 A. I think so.

13 Q. Okay.

14 A. Because it had been two and half years since I was
15 arrested.

16 Q. All right. Why do you not believe that Mr.
17 Farnsworth's advice to you to plead versus go to trial was,
18 was not the right advice or below professional norms of an
19 attorney?

20 A. If I would have went to trial, I believe I could have
21 -- I believe I had enough facts. I believe I had enough
22 evidence to fight in a trial. I believe if I would have
23 went to trial, I don't think I would have been convicted of
24 attempted murder, kidnapping, you know, armed robbery. I
25 think I could have done better than twenty-three years in a

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16

1 trial.

2 Q. Okay. Do you have any other basis for your claim for
3 PCR that you want to let the court know today so that he
4 can consider all, all of your, your assertions? Do you
5 have any other questions for the court or for me or
6 anything else you want to put on the record today because
7 this is, this is your day in court.

8 A. No, ma'am.

9 MS. SAUNDERS: Thank you, Your Honor. No further
10 questions at this time.

11 THE COURT: Mr. Hunter.

12 MR. HUNTER: Just briefly.

13 CROSS-EXAMINATION BY MR. HUNTER:

14 Q. Mr. Lawson, just to clarify. That initial offer of
15 twenty years was just to attempted murder?

16 A. Yes, sir.

17 Q. And that was when Ms. Wiygul still represented you?

18 A. Yes, sir.

19 Q. And not Mr. Farnsworth?

20 A. Yes, sir.

21 Q. Okay, and do you recall your discussions with Ms.

22 Wiygul? Did you -- did y'all two visit? Did she come

23 visit you? Other than letters, how did you talk to her?

24 A. The next time I saw her was at Laurens County. I'm

25 not sure exactly when it was. I had told her that I wanted

J. LAWSON - CROSS-EXAMINATION BY MR. HUNTER

17

1 the deal, but the deal had long since expired.

2 Q. Did she tell -- when her told you about the deal, did
3 she tell you when it would expire?

4 A. No, ma'am -- I mean, no sir. Excuse me. I received a
5 letter while I was still in the county jail about the deal,
6 and I never got to speak to her in person until after the
7 deal had expired.

8 Q. Okay. Now, just to clarify something you said
9 earlier. Mr. Farnsworth never promised that you'd get
10 fifteen years?

11 A. No.

12 Q. I was just ---

13 A. He didn't promise, no.

14 Q. Okay, and you told the judge that you hadn't been
15 promised or threatened?

16 A. No.

17 Q. Okay.

18 A. No, sir.

19 Q. And didn't you tell the judge that you were satisfied
20 with Mr. Farnsworth, his representation?

21 A. Yes, sir.

22 Q. And you didn't bring up anything about prior deal or
23 about fifteen years or about the victims? Did you bring
24 any of that up to the judge?

25 A. No, sir.

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18

1 Q. And, and I believe as far as the recommendation goes,
2 there was no recommended amount of time from the state,
3 correct?

4 A. No, sir.

5 Q. But your concern was with the victim speaking and
6 their recommendation?

7 A. Yes, sir. That -- yes, sir.

8 Q. And do you believe that has anything to do with Mr.
9 Farnsworth?

10 A. I just, I trusted Mr. Farnsworth, and I just don't
11 think it went the way it should have went.

12 Q. Okay, and you did view discovery with Mr. Farnsworth.
13 Is that correct?

14 A. Oh, yes, sir.

15 Q. And as far as your attempted murder and your
16 kidnapping charges that you felt like should have been
17 dropped, did, did Mr. Farnsworth go over with you the
18 elements of those crimes and how your facts related to
19 those?

20 A. We never really went over a lot of the facts. I mean,
21 he basically -- when I talked to Mr. Farnsworth, he would
22 tell me the facts looked bad. We never went into detail
23 with the facts, with the case.

24 Q. Okay, and what else did you do as far as your defense
25 is concerned? Did you ever give him leads, alibis, anything

1 to help?

2 A. Yes, sir. I told him about -- a man's name was
3 brought up, and when I went for a bond hearing, the victim
4 said that he was going to see a guy named Ronnie Craig. He
5 was going hunting with the Ronnie Craig, and Ronnie Craig
6 lives not a mile down the road from my house. So, my
7 parents went to talk to Ronnie, and Ronnie Craig told my
8 parents that the victim was not coming to see him. He was
9 not coming to go hunting with him. The man was -- I'm not
10 going to say what he said he was, but he said he was not a
11 good person.

12 Q. Okay.

13 A. And I argued. I tried to tell Mr. Farnsworth that I
14 fought because I felt like my codefendant was in danger,
15 and that's why this all happened. It was not a kidnapping
16 or a robbery gone bad or anything like that. It was a
17 fight and someone got hurt, and Mr. Craig, who the victim
18 said he was going to spend time with and was his friend,
19 was going to hang out with, would have been a witness for
20 me. And I, I told Mr. Farnsworth this. No one ever
21 subpoenaed him; no one ever talked to him, never
22 interviewed him.

23 Q. Did you give him his name and number?

24 A. Yes, sir.

25 Q. His contact information? Okay. Now as far as

J. LAWSON - CROSS-EXAMINATION / REDIRECT EXAMINATION 20

1 pleading guilty versus going to trial, you said you feel
2 like now you should have gone to trial?

3 A. Yes, sir.

4 Q. At the time during the plea hearing, did you ever say
5 anything about not wanting to plead guilty?

6 A. No, sir.

7 Q. Okay, and other than, I guess, your belief that you
8 could beat these charges, did anybody ever make any
9 guarantees to you ---

10 A. No, sir.

11 Q. --- about your probability? Okay.

12 MR. HUNTER: That's all I have.

13 THE COURT: Redirect?

14 MS. SAUNDERS: Thank you, Your Honor. A little
15 redirect, if you don't mind.

16 REDIRECT EXAMINATION BY MS. SAUNDERS:

17 Q. Mr. Lawson, as for the Ronnie Craig witness, if Mr.
18 Farnsworth had been in touch with him, what would -- what
19 type of evidence or exculpatory or, or helpful evidence to
20 you would Mr. Craig have been able to give?

21 A. Well, the victim stated that -- in his statements, he
22 was saying that he was coming to go hunting with Ronnie
23 Craig. That was his friend. That's where he was going to
24 -- you know, hang out with, whatever, the next day, and
25 that he was lured into our hotel room, and it was a set up,

1 and he was -- it was almost he was supposed to be robbed
2 and all this. He tried to portray like he was this good,
3 upstanding citizen, and Ronnie Craig knew this man.

4 I, I had no idea who this man was. He's from New
5 York. Ronnie Craig knew this man. When my family went and
6 talked to Ronnie Craig, they -- he told my family that this
7 man was -- you know, what he's saying, he's lying. He's
8 lying to the police. He's lying about everything. He's
9 not a good person.

10 And that would have shown, you know, that would have
11 -- I had a record when this happened. I have a record and
12 anything that's said against me is going to look bad. I
13 know that, and I'm sure Ronnie Craig would have, would have
14 helped the police and investigators see that, you know,
15 maybe my side of the story might have been right.

16 Q. So, you felt like Mr. Craig could present evidence
17 regarding the victim's credibility. Is that correct?

18 A. Yes, ma'am.

19 Q. Is that correct?

20 A. Yes, ma'am.

21 Q. But do you know if, if that victim had been fleshed
22 out and, and contacted by Mr. Farnsworth, if -- would,
23 would that have changed your position to go ahead and plea?

24 A. Yeah. I, I, I -- knowing now what I knew -- if I knew
25 then what I know now, I would have went to trial.

J. LAWSON - REDIRECT EXAMINATION BY MS. SAUNDERS

22

1 Q. Do you feel like any victim credibility evidence could
2 have gotten you a not guilty verdict?

3 A. Yes, ma'am.

4 Q. Did you and Mr. Farnsworth ever discuss that?

5 A. I discussed a lot of stuff with Mr. Farnsworth. I
6 told him about Ronnie, you know.

7 Q. Okay. Well, let's go back to the, the plea offers
8 just to make sure we covered that.

9 MS. SAUNDERS: Your Honor, if I may question him
10 regarding that?

11 BY MS. SAUNDERS:

12 Q. So, you originally had a twenty-year plea offer on the
13 table at one point in time when you were previously
14 represented. Is that correct?

15 A. Yes, ma'am.

16 Q. Did you communicate that to Mr. Farnsworth?

17 A. Yes, ma'am.

18 Q. Do you know if he tried to revive that offer if it had
19 expired?

20 A. I don't think so.

21 Q. Okay. Did you ask him to do that?

22 A. I don't remember.

23 Q. Okay.

24 A. Tell you the truth, I really don't remember.

25 Q. Okay. So, at some point the offer changed to thirty

1 years?

2 A. Yes, ma'am.

3 Q. And so you decided to go forward with an open plea
4 which resulted in a twenty-three year sentence?

5 A. Yes, ma'am.

6 Q. Is that correct? Did you ask Mr. Farnsworth for --
7 to, to have the -- or motion for reconsideration of your
8 sentence?

9 A. Yes, ma'am.

10 Q. Did he do that?

11 A. Yes, ma'am.

12 Q. So, he did file a motion for reconsideration?

13 A. Yes, ma'am.

14 Q. And what was the result of that motion?

15 A. He turned it down.

16 Q. Okay. Did you ask Mr. Farnsworth to file an appeal of
17 your sentence?

18 A. I didn't know anything about it. I was ignorant to
19 the law.

20 Q. Okay, but you did file -- you, you -- he did follow
21 your instructions to reconsider, and that was ultimately
22 denied by the court. Is that correct?

23 A. Yes, ma'am.

24 MS. SAUNDERS: Thank you, Your Honor. No further
25 questions.

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24

1 MR. HUNTER: Nothing else, Your Honor.

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

3 (THE WITNESS EXITS THE STAND.)

4 MS. SAUNDERS: Your Honor, I have no further witnesses
5 at this time. We would just ask that the record be held
6 open for Ms. Wiygul to appear. She is not yet here before
7 lunch.

8 MR. HUNTER: State would call Mr. Farnsworth.

9 DANIEL J. FARNSWORTH, BEING DULY
10 SWORN, TESTIFIES AS FOLLOWS:

11 DIRECT EXAMINATION BY MR. HUNTER:

12 Q. Good afternoon, Mr. Hunter. How are you doing?

13 A. Fine.

14 Q. We'll start at the beginning. Can you explain to the
15 court -- well, first, where do you work?

16 A. In Greenville.

17 Q. And what's your primary practice?

18 A. Criminal law.

19 Q. How long you been doing that?

20 A. Well, about forty-five, forty-six years now.

21 Q. Okay. Do you remember when you first became involved
22 in Mr. Lawson's case?

23 A. Yeah. I think it was about probably November,
24 December 2013.

25 Q. Can you briefly explain what you understood his

D. FARNSWORTH - DIRECT EXAMINATION BY MR. HUNTER

25

1 previous representation to be?

2 A. Okay. When his -- I actually was hired by his parents
3 and, of course, by him and they kind of gave me a
4 background of what had gone on. Apparently Ms. Wiygul was
5 appointed to represent him right after his arrest back in,
6 I believe, December 2011. And there had been two offers
7 made to him, one for twenty years, and subsequently another
8 offer was made, thirty years. And he advised me that he
9 had discussed these offers with her, and as he testified
10 to, I think I remember him telling me that he wanted that
11 twenty. And for some reason he didn't hear back from her
12 or he didn't get to tell her he didn't -- you know, he
13 wanted or didn't want to the offers. I think he may have
14 said he wrote her a letter or something.

15 But anyway, so that was the state of the case when I
16 got involved, and so I did see Jason. Originally I think
17 he was at Perry then, and we got in touch with the
18 solicitor's office and requested discovery, this type
19 thing, and saw, probably saw Jason. I think I saw him a
20 couple times at Perry and probably four, five other times
21 when he was in the county jail in Laurens. And so
22 basically that's what the -- there, there was -- when I
23 first got involved in it, I -- there, there was a thirty
24 out there that I believe my recollection is, is that that
25 had also expired.

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1 And during this period of time, the time he got
2 arrested until we actually -- I actually got involved in
3 the case, there had been a new solicitor come in down
4 there, and so I -- the solicitor involved in this case, I
5 believe, was Dale Scott. I believe his name is Dale Scott.
6 Yeah, and he -- met with him and discussed the case. Got
7 the discovery. Saw Jason a few times. Then we, you know,
8 talked back to the solicitor's office. Went over all the
9 evidence in, in the case.

10 You know, based on the, the, the victim's statement,
11 the victim's picking the -- Mr. Lawson out of a photo
12 lineup and the codefendant, the, the facts were, I thought
13 -- and, and he, he alluded to this -- were pretty
14 overwhelming as to the facts of the case.

15 What -- briefly, the victim says he met the
16 codefendant, who was maybe a female companion of Mr.
17 Lawson, at a, at a Waffle House, and they met and they went
18 across the street to the hotel that both of them were
19 staying at. They didn't realize that at first, but they
20 were staying at the same place. In any event, one thing
21 led to another. The man, the victim, came to the room that
22 Mr. Lawson and his lady friend were in, and he alleges that
23 -- he alleged that the -- that he was tied up. That there
24 was a struggle. He was cut in the throat by the
25 codefendant, the female codefendant, and that Mr. Lawson

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1 shot him once in the shoulder and once in the back. He got
2 out of the room somehow, and they found him bloody, naked
3 downstairs on -- in, in the parking lot. So, those were
4 basically the facts.

5 And, and, you know, so I went from there. I went to
6 the solicitor's office down there, I don't know, three or
7 four times. Viewed the -- I had to go down there.
8 Something was wrong with their computer set up, and went
9 down there and viewed the videotape of her, of the
10 codefendant's confession, and the, and the -- I think there
11 was a video of the restaurant there, too, that was -- that
12 I viewed. And so, so, anyway, that, that's basically where
13 we were and -- you know, if that answers your question.

14 Q. Well, and regarding the evidence, was he made aware of
15 all this evidence ---

16 A. Yeah.

17 Q. --- that you saw?

18 A. I went over every bit of the evidence with him, yeah.

19 Q. Okay.

20 A. In fact, I, I, I feel like I, I probably gave him a
21 copy of all of it, you know. That's my general practice to
22 do.

23 Q. And during this time, did he assert his innocence,
24 saying he wanted to go to trial?

25 A. No. In fact, I don't, I don't think he ever said he

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1 wanted to go to trial and, and he's probably right, and I
2 told him. I said, you know, look. This is a tough factual
3 situation, and so the only thing I could do then was just
4 go to the solicitor's office and try to do what we could,
5 okay?

6 So, about a week before trial -- well, this, this case
7 was set for trial first case on a Monday. This plea was
8 done a week before during the week one day because we --
9 they wanted to go ahead see about getting it over with
10 because the, the victim was going to have to fly down here
11 from New York, and he already had a plane ticket with that
12 Monday. So, met with, I believe, the other lawyer that,
13 that represented the codefendant. I met with the
14 solicitor, Scott, probably that week before the week of the
15 plea. And at that time we, we, we got him to agree to
16 plead: plead guilty to the kidnapping, the attempted
17 murder, the armed robbery would be reduced to strong-arm
18 robbery, and possession of a weapon during a violent crime.
19 They would -- the, the only recommendation would be that
20 they would be -- that it would be concurrent time.

21 And additionally there was a, there was a case of a --
22 the thing was all -- the two codefendants were also charged
23 with an armed robbery, carjacking, maybe kidnapping -- I
24 can't remember -- right after that, and they were charged
25 with all those things. Those cases as -- part of the, the

1 deal with the solicitor was those cases would all be
2 dismissed in return for the plea.

3 Q. Okay. As far as events leading up to his plea, did
4 you make him aware of everything that, that you talked to
5 the solicitor about and all the ---

6 A. Yeah. I ---

7 Q. --- these conditions?

8 A. I did, and, and let me tell you. I forgot something
9 that's fairly important. The, the lawyer for the other,
10 the codefendant and myself maybe a day before that plea or
11 the morning of -- I can't, I can't remember exactly -- the,
12 the judge wanted to talk to us and, and, and we indicated
13 we'd like to talk to him, too, and he agreed to talk to us
14 with the solicitor. And we wanted to get a feeling on
15 what, what he would, you know, do with these cases. And,
16 you know, and there was a deal where he was going to get
17 fifteen years. I, I told him it was, it was going to be in
18 that area, somewhere in that area if I, you know, if I said
19 anything. But there was no number that the judge told us.

20 There was a situation where the codefendant had just
21 about virtually no record at all, and Jason's record wasn't
22 the best, but it wasn't real terrible, but it wasn't, it
23 wasn't the best. And so the judge did indicate that the,
24 the codefendant would probably get less than him. So,
25 based on that.

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1 So -- but, but I -- and, and this thing about knowing
2 the judge, I did not know that judge until that day. I, I
3 was in school with his father in, in college, Frank Addy,
4 and, and I guess I mentioned that to him, but this the
5 first case I'd ever had before Judge Addy, I think. I may
6 have had a few pleas with him before that, but anyway. So.

7 Q. But you never gave him any guarantees as to ---

8 A. Not on any ---

9 Q. --- a specific number?

10 A. --- specific time, no.

11 Q. As far as the plea hearing is concerned, do you feel
12 like he understood what was going on during the hearing?
13 Did you have any concerns?

14 A. No, I didn't have any concerns. I mean, he -- in
15 fact, at the end of the plea he, he told the -- Judge Addy,
16 said, you know, I wish you'd put all the sentence on me and
17 not on her, you know, that type thing. And, and, and Judge
18 Addy remarked, as I read, he'd never had a defendant ever
19 say that in his life about him and a codefendant, and that
20 he admired him, you know, doing that. Showed that his
21 character was excellent as far as that. And so, you know,
22 when I heard that, I really kind of felt good, you know,
23 and -- so, anyway, that's, that's...

24 Q. Okay. Let's go over a little bit about Mr. Craig.

25 A. All right.

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1 Q. Were you aware of Ronnie Craig ---

2 A. The, the ---

3 Q. --- how he was related to this case?

4 A. You know, the only thing I, I remember about Mr. Craig
5 is that his parents and I were, were in contact. I met,
6 met and talked with them a lot during this course of time.
7 And it seems like some time before the plea, plea hearing
8 that, that day, maybe a week or two before that, that they
9 advised me that he -- either Mr. or Ms. -- his parents,
10 that they knew Ronnie Craig and had lived with him -- near
11 him for, you know, twenty years or so. They were good
12 friends with him and that that -- and it ends up that
13 Ronnie Craig was who was supposed to be the friend of the
14 victim, Mr. Paragon, and they were -- he came -- this was
15 an annual thing, according to Mr. Paragon. That they would
16 meet and, and hunt in Laurens County, I guess, and that --
17 and so we got, we -- I got that information. And I asked
18 Jason's mother would he talk to the people about coming to
19 court or talk to them and if they were favorable, about
20 seeing if they would come to court and speak in his behalf,
21 and I think she did.

22 Apparently -- I can't remember exactly why they
23 weren't there. It might have been a vacation; it may not
24 have been. Just -- but anyway, I did point out to the
25 judge that they did talk to them and that, that he had --

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1 he told Jason's mother that -- to go ahead and say that
2 they would -- they had known him all his life, had known
3 him growing up and never had a problem with him. And I
4 told the court that and that's, that's all I remember about
5 Jason -- or Craig or whatever.

6 Q. So, was that more of a character witness?

7 A. Yeah.

8 Q. Okay.

9 A. Yeah.

10 Q. Were you aware of any relation or, I guess, anything
11 that would have had to do with Mr. Craig being an alibi
12 witness?

13 A. No.

14 Q. Okay.

15 A. You know, the, the -- far as alibi, I mean, the, the
16 documents in the motel room that they stayed in had their
17 -- they were -- you know, driver's license in there, other,
18 other documents, identification identifying Mr. Lawson and
19 the codefendant.

20 Q. So, do you believe that -- and I guess you heard Mr.
21 Lawson's testimony about what Mr. Craig would have said,
22 that Mr. Paragon wasn't there to, wasn't there to meet him.
23 Would that have mattered at all in your ---

24 A. Even, even assuming -- and I have no doubt that -- I'm
25 not -- I have no doubt about Mr. -- what Mr. Lawson just

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1 testified to in that regard. And, and even if all of that
2 were true, I'm not -- I just -- you know, that, that's -- I
3 don't think that would be a big help at trial just to say
4 the guy was a -- wasn't a good guy or something like that.
5 I'm -- because once, once, you know, you pick that jury and
6 you do that thing, just like what was said earlier by Jason
7 or his lawyer, you know, if he'd gone to trial on that, my
8 opinion, he may have -- they both may have gotten
9 consecutive time on this. I mean, it was a bad, it was a
10 bad case.

11 Q. So, you believe it was definitely in his best interest
12 to plead guilty?

13 A. I do, yeah.

14 Q. Now, did you make any assertions about the victims and
15 whether or not they would say anything at the hearing?

16 A. I, I probably, I may have mentioned to him I was
17 informed by the solicitor, I think, that the victim was not
18 going to be at the plea hearing. That he had a plane
19 ticket for that following Monday if the case, the case went
20 to trial. And, I mean, I've been in this business a long
21 time. I know that victim impact statements are sent to
22 every victim regardless of what the charge is, and if, they
23 if they so choose, they fill that out and send it in, and a
24 spokesman from the victim's witness can come in court and
25 read that or, or verbally announce to the court what the

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1 victim said. So, I mean, you can't stop that. That's been
2 going on for years and so, you know.

3 Q. Okay.

4 MR. HUNTER: Beg the court's indulgence one second.

5 Q. As far as this twenty-year offer, would there have
6 been any possibility that you could have revived that
7 offer?

8 A. No. I mean, I talked with Mr. -- Solicitor Scott
9 about all that. I mean, you know, he, he was, he was
10 getting this case after the prior solicitor had already
11 left office. And no, he was, he wasn't going to go back on
12 those. I mean, the other lawyer and I both tried to get a
13 -- best thing we could for him, and he just, he just wasn't
14 doing it. He said this is what he would do and, you know,
15 that's all, all I could do and...

16 Q. Okay.

17 MR. HUNTER: Beg the court's indulgence one more
18 second.

19 (A PAUSE.)

20 MR. HUNTER: No further questions.

21 MS. SAUNDERS: Thank you, Your Honor.

22 CROSS-EXAMINATION BY MS. SAUNDERS:

23 Q. Mr. Farnsworth.

24 A. Yes, ma'am.

25 Q. My name is Laura ---

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1 A. I know.

2 Q. --- Saunders. I'm the attorney for Mr. Lawson.

3 A. I know.

4 Q. Just a few questions ---

5 A. Yeah.

6 Q. --- based on your testimony.

7 A. Sure.

8 Q. Back to the offer issue. Is it your testimony today
9 that, based on your experience in defending cases like
10 this, that if a solicitor presents an offer and that offer
11 has expired, do you have any control over whether or not
12 they can revive that offer?

13 A. No. All you can do is ask. I mean, you can try to
14 renegotiate, but...

15 Q. Did you try to renegotiate?

16 A. I, I said when I met with Mr. Scott, the solicitor on
17 the case, we -- I talked to him about the -- both of the
18 offers and, you know, would, would it be possible to --
19 either or both. Of course I didn't -- I don't think I
20 harped on the thirty, but on that, they just weren't doing
21 it, you know.

22 Q. So, they said no?

23 A. Yeah.

24 Q. Okay. So, you were working off of a thirty-year
25 offer?

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1 A. That's what it was when it came to me, and I'll be
2 honest with you. I'm not sure whether that one hadn't
3 expired, but we just, I just talked briefly, you know,
4 about those two. And I asked him could he do -- could he
5 go back and do what he -- tell me what's the best he could
6 do.

7 Q. Okay.

8 A. And so...

9 Q. And with Mr. Craig, just to make sure. From what I
10 understand, that he would have been a victim -- or a
11 character witness in relation to the victim's credibility.
12 Is it your testimony today that that would not have had any
13 bearing or sufficient weight as to the entire case ---

14 A. That, that, that ---

15 Q. --- against Mr. Lawson?

16 A. That's my opinion.

17 Q. Okay.

18 A. Correct.

19 Q. So, the outcome probably would not ---

20 A. I, I ---

21 Q. --- have been different?

22 A. I can't see any way in the world it would have, no.

23 Q. Okay.

24 A. I mean, you, you, you know, you can have the worst
25 person in the world as a victim and you're still -- there's

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1 certain things you can't, can't do, you know. So, so...

2 Q. So, with regard to the victim being present that day,
3 was it your understanding that he wasn't going to be there?

4 A. Oh, I knew he -- yeah, he wasn't going to be there.

5 Q. Okay.

6 A. He was coming that Monday if necessary, but he wasn't
7 coming to the plea hearing.

8 Q. Okay, but have you had other cases where the victim's
9 advocates and the victim's impact statements always are
10 heard in court and presented to ---

11 A. No, not ---

12 Q. --- to the court?

13 A. --- not always heard, no, but I know the, the, the
14 times that I've had cases in Laurens that, that -- they,
15 they, they do it down there a lot more than they do it in
16 Greenville, but honest with you.

17 Q. Okay, and as for a development of any alibi, was there
18 any alibi witness available for Mr. Lawson?

19 A. Not that I know of.

20 Q. Okay. If there, if there was one, would you have
21 developed that as best you could?

22 A. Certainly I would have.

23 Q. Okay, but I believe you testified that there was video
24 evidence and then a codefendant ---

25 A. Yeah.

D. FARNSWORTH - CROSS-EXAMINATION BY MS. SAUNDERS

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1 Q. --- confession?

2 A. Yeah, and, and let, let me just say. You know, Jason
3 never denied that, that this -- let me just put it as best
4 I can for him. Never denied to me that this guy was in the
5 room and the, the shooting and the cutting and, and that,
6 that was never denied by Jason to me, you know? So, I
7 mean, I don't know how you -- where an alibi would come
8 from.

9 Q. Okay.

10 A. You know, because of...

11 Q. So, as far as your advice to Mr. Lawson, you were on
12 the eve of going to trial. Is ---

13 A. We ---

14 Q. --- that correct?

15 A. We, we were -- if, if -- yeah. We, we were -- if we
16 didn't plead that day, we were going to trial that, that
17 Monday.

18 Q. Okay, and so you believe that Jason's ultimate
19 decision to plea was in his best interest?

20 A. If, if, if I was in Jason's shoes and being a lawyer,
21 too, I would not have gone to trial on that case and --
22 under any circumstances.

23 MS. SAUNDERS: Thank you, Your Honor. I don't have
24 any further questions.

25 Thank you, Mr. Farnsworth.

1 WITNESS: Yes, ma'am.

2 MR. HUNTER: Nothing else.

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

4 WITNESS: Thank you. May I be excused, Judge?

5 THE COURT: Mr. Farnsworth be excused?

6 MS. SAUNDERS: No objection.

7 WITNESS: All right.

8 THE COURT: Yes, sir, Mr. Farnsworth. You may be
9 excused.

10 WITNESS: Yes, sir, Your Honor.

11 THE COURT: Anything else?

12 MR. HUNTER: I believe ---

13 THE COURT: Before?

14 MR. HUNTER: Nothing before Ms. Wiygul.

15 THE COURT: See if I understand what you have agreed
16 on and what the court has agreed on is that we are going to
17 take a lunch break, come back, and hope there's another
18 witness who will be presented?

19 MR. HUNTER: Yes, Your Honor.

20 MS. SAUNDERS: That's correct, Your Honor.

21 THE COURT: May be additional testimony, I don't know,
22 but is anything else we can do before lunch?

23 MR. HUNTER: Not that I aware of.

24 MS. SAUNDERS: I don't have anything.

25 (COUNSELORS CONFER.)

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1 MR. HUNTER: All right, nothing else on this case.

2 (OFF THE RECORD.)

3 MR. HUNTER: May it please the court, Your Honor?

4 THE COURT: Sure.

5 MR. HUNTER: We're going back on the record for Jason
6 Lawson. The state would call Elizabeth Wiygul.

7 ELIZABETH P. WIYGUL, BEING DULY
8 SWORN, TESTIFIES AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. HUNTER:

10 Q. Good afternoon, Ms. Wiygul. How are you doing?

11 A. Just fine.

12 Q. Where do you work?

13 A. I'm self-employed.

14 Q. In what field primarily?

15 A. Criminal defense.

16 Q. Is that what you were doing back in 2011, '12, '13?

17 A. It was and at that time I was taking appointments from
18 Laurens County.

19 A. Okay. Could you describe how you started representing
20 Mr. Lawson in this case?

21 A. I have no independent recollection of my initial
22 appointment, but in the general course of things I would
23 have either received a email or a call saying I had been
24 appointed on his case.

25 Q. So, you were on a contract list?

E. WIYGUL - DIRECT EXAMINATION BY MR. HUNTER

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1 A. Correct.

2 Q. Okay. Do you remember about how long you represented
3 Mr. Lawson?

4 A. I do not. I believe it was over a period of at least
5 a couple of years.

6 Q. Okay, and eventually, eventually, I guess, you were
7 substituted or he and his family hired Mr. Farnsworth. Is
8 that correct?

9 A. That's correct.

10 Q. Okay. Now with your representation, do you remember
11 if you met with him, where you met, anything y'all
12 discussed?

13 A. I know I met with him on multiple occasions. I don't
14 remember the dates. We would have discussed the case and
15 whatever plea offers existed in the case.

16 Q. Do you remember plea offers that were -- I guess start
17 from the beginning. The first plea offer that you were
18 made aware of?

19 A. Having, having reviewed the letters and, and the
20 paperwork this morning, I recollect that initially it was a
21 twenty-year plea offer.

22 MR. HUNTER: May I approach?

23 THE COURT: You may.

24 BY MR. HUNTER:

25 Q. Now, this has been marked Petitioner's Exhibit 2. Do

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1 you recognize those two sheets of paper?

2 A. I do. This, this is generally the cover letter that
3 comes whenever you get the initial discovery from the
4 Laurens County solicitor's office. It's -- it -- the top
5 of the page reads:

6 State's offer for plea agreement. Date of offer
7 February 24, 2012. Offer expires May 4, 2012.

8 And then the solicitor is listed as Jack Hammack, and
9 on the second page is a area for signature and print name,
10 and there's a handwritten note which notes: Attempted
11 murder, twenty-year offer. And that's my handwriting that
12 says the attempted murder, twenty-year offer.

13 Q. Okay.

14 MR. HUNTER: Beg the court's indulgence?

15 A. And the state's offer expires May 4, 2012, but the
16 offer was extended past that point.

17 Q. The twenty-year offer to attempted murder?

18 A. Yeah.

19 Q. You remember that being extended?

20 A. I, I know it would have been.

21 Q. Okay. Now I'm handing up what's been marked as
22 Petitioner's Exhibit 1. Do you recognize that document?

23 A. I do.

24 Q. And what is that?

25 A. It's dated May 21, 2012, and in it I relay to Mr.

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1 Lawson that the current plea offer is plea to attempted
2 murder with a recommendation of twenty years. As I said,
3 the letter is dated May 21st. I know, I know that the
4 solicitor at the time, Jack Hammack, would -- in the
5 initial sheet that I had before, there's always a
6 preprinted offer expires on date, and they, they would not
7 hold to that. If they were going to withdraw an offer,
8 they would tell me.

9 Q. Okay. So, even though this Petitioner's Exhibit 2
10 says that the offer expires May 4th, you're telling me that
11 clearly -- you're telling me that the offer had been
12 extended by the state as represented by your letter?

13 A. Correct. Correct. The, the twenty-year offer was
14 still on the table as of May 21st of 2012.

15 Q. That letter was sent to Mr. Lawson?

16 A. Correct.

17 Q. Do you remember if you discussed this offer with him
18 in person or on the phone?

19 A. I know I talked with him about it. I believe I talked
20 to him about it in person and over the phone, maybe via his
21 mother. I know I talked to his mother about it, too, and I
22 know he -- I recall he rejected the offer because at that
23 point, he was very firm that he wanted a trial.

24 Q. Now, the last thing I'm handing you, handing you is
25 what's marked State's Exhibit Number 1. Do you recognize

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1 that document?

2 A. I do.

3 Q. And what is that?

4 A. It's, it's a letter dated June 10, 2013.

5 Q. And was that generated by yourself?

6 A. It was. It was a letter from me to Mr. Lawson.

7 Q. And what was the date again?

8 A. June 10, 2013.

9 MR. HUNTER: Your Honor, Ms. Saunders has been
10 provided with a copy. State would move to enter State's
11 Number 1 into evidence.

12 MS. SAUNDERS: No objection, Your Honor.

13 THE COURT: It's admitted without objection.

14 (LETTER MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
15 1.)

16 BY MR. HUNTER:

17 Q. Now, can you tell us what this letter represents? A.

18 I was updating Mr. Lawson on the status of his case.

19 It had been sitting there with nobody returning calls for a
20 while. There was some interoffice turnover in the Laurens

21 County solicitor's office. The case was assigned to

22 Assistant Solicitor Dale Scott, and it relays that I have

23 asked Assistant Solicitor Scott for the status of Mr.

24 Lawson's charges and what his best plea offer would be, and

25 then I copied and pasted his response so that Mr. Lawson

1 could kind of see how he was feeling about the case.

2 His response was here's the offer, and it's not much
3 of one because this is just a horrible set of facts.
4 Lawson can plead to the attempted murder and armed robbery,
5 and I'll drop the other charges. If it goes to trial, I
6 would be asking for a consecutive sentence. I may have a
7 good shot of getting a judge to go with that.

8 And I told him if he didn't wish to plead guilty, he
9 planned to try and set the case for trial in July. That I
10 would try to come and see him in the next two weeks, but
11 wanted to let him know what was going on with the case.

12 Q. And do you remember, I guess, your subsequent dealings
13 with him after this letter?

14 A. I don't. I, I know I visited him after that, and I
15 know he hired Mr. Farnsworth.

16 Q. Okay, and did he ever reject this offer to you,
17 express that he wanted to accept this offer?

18 A. Whenever, whenever he hired Mr. Farnsworth, it was my
19 understanding that he planned to proceed to trial.

20 Q. Now, were you made aware of any thirty-year offer?

21 A. These are the only offers I recall.

22 Q. Okay. So, the, the first one, the twenty-year offer,
23 and then this straight up to armed robbery and attempted
24 murder, dropping other things, those are the only two that,
25 that you're aware of?

E. WIYGUL - DIRECT EXAMINATION / CROSS-EXAMINATION

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1 A. Those are the only two that I recollect.

2 Q. And you feel like you relayed these offers in the
3 proper way?

4 A. I, I ---

5 Q. You don't remember any concerns?

6 A. I would never fail to relay a plea offer.

7 Q. Okay. So, you weren't ever concerned that he didn't
8 understand the offer? That he wasn't receiving the offer?

9 A. No. He, he had a very good understanding.

10 Q. Okay.

11 MR. HUNTER: May I approach? Beg the court's
12 indulgence one second.

13 (A PAUSE.)

14 MR. HUNTER: No further questions.

15 THE COURT: Cross-examination.

16 MS. SAUNDERS: Thank you, Your Honor.

17 CROSS-EXAMINATION BY MS. SAUNDERS:

18 Q. Ms. Wiygul, my name is Laura Saunders. As you may
19 already know, I represent Mr. Lawson in this PCR action.
20 Just a few questions on cross based on your testimony.

21 As for the offer of twenty years, I think you
22 indicated that it had not yet expired. How do you know
23 that it hadn't expired?

24 A. Just through years of dealing with the Laurens County
25 solicitor's office. They preprint those offers whenever

E. WIYGUL - CROSS-EXAMINATION BY MS. SAUNDERS

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1 they print the initial discovery.

2 Q. Okay.

3 A. They've never held firm to those dates on any case
4 I've ever represented anyone on in Laurens County.

5 Q. Okay. So, do you -- did you recall ever getting any
6 indication from the solicitor's office in an email, a phone
7 call, or a letter that would, would indicate that they were
8 revoking the offer of twenty years?

9 A. My recollection is that I told Mr. Hammack in person
10 that Mr. Lawson would not accept that plea offer.

11 Q. Okay. So, do you recall when, when you spoke with him
12 and when he rejected ---

13 A. I ---

14 Q. --- that plea offer?

15 A. I don't. I don't have any independent recollection of
16 it. I know it occurred, but I don't recall the date.

17 Q. Okay, but as far as this June 10, 2013, letter is
18 concerned, I think it -- I'm not sure.

19 MS. SAUNDERS: Was it Defendant's Exhibit Number 1?

20 MR. HUNTER: State's 1.

21 MS. SAUNDERS: State's 1. Thank you.

22 BY MS. SAUNDERS:

23 Q. I think you indicated that you were going to meet with
24 him again?

25 A. Uh-huh.

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1 Q. Did -- do you recall if you met with him again?

2 A. I, I believe I did.

3 Q. Okay.

4 A. But I know that Mr. Farnsworth was hired after that.

5 Q. Okay. So ---

6 A. I just don't recollect.

7 Q. So if you met with him again, it would have been some
8 time after this June ---

9 A. Correct.

10 Q. --- 2013 letter?

11 A. And that's why I think I met with him because I knew
12 that he rejected that offer, and I had it in mind that he
13 wanted a trial. All during this time period, I believe
14 even prior to that letter, he and his family had indicated
15 that they planned to hire private counsel.

16 Q. Okay. So, they had told you that?

17 A. Yes. His mother had told me that they planned, they
18 planned to.

19 Q. Okay.

20 A. And were working on it.

21 Q. As for the May 21, 2012, letter.

22 A. Uh-huh.

23 Q. I think prior to you sending that letter to Mr.
24 Lawson, he indicated that he sent you a letter that said
25 please help me get the best plea offer on the -- or plea

1 deal possible. Is that right?

2 A. He asked me what the best plea offer would be.

3 Q. Okay, and was this your letter attempting to convey
4 that offer to him?

5 A. Yes.

6 Q. Okay, and did you ever -- so, I believe it's your
7 testimony that you don't recall exactly when specifically
8 he rejected that ---

9 A. I know he ---

10 Q. --- rejected that twenty-year offer?

11 A. --- rejected it.

12 Q. Okay.

13 A. I just don't recall the specifics.

14 Q. Okay. Did you ever advise him to reject the offer?

15 A. No.

16 Q. Okay.

17 A. I would never, I would never do that.

18 Q. Okay, but I think Jason's letter asking for you to
19 obtain the best plea deal possible, at that point you
20 hadn't conveyed the twenty-year offer to him. Is that
21 true?

22 A. I don't, I don't recollect. I may have; I may not
23 have. I don't recollect.

24 Q. Okay, but in this May 21st letter, it looks like you
25 got that letter from him a few days before you responded to

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1 him?

2 A. I recall him asking me what the best plea offer would
3 be, and that letter was in response to that.

4 Q. Okay, and so after that, you received a rejection but
5 you can't recall exactly when?

6 A. Correct.

7 MS. SAUNDERS: Thank you. No further questions. I
8 appreciate it.

9 MR. HUNTER: Nothing else from the state.

10 THE COURT: Thank you, ma'am. You may step down.

11 (THE WITNESS EXITS THE STAND.)

12 THE COURT: Any other witnesses?

13 MR. HUNTER: State has no more witnesses.

14 THE COURT: The state, state rests.

15 Anything further from the applicant?

16 MS. SAUNDERS: Your Honor, may I call my client again?

17 THE COURT: Sure.

18 MS. SAUNDERS: Just to clarify an issue.

19 THE COURT: You may.

20 MS. SAUNDERS: I call Jason Lawson to the stand.

21 THE COURT: You've already been sworn, so go ahead.

22 MS. SAUNDERS: Thank you. May it please the court?

23 DIRECT EXAMINATION BY MS. SAUNDERS:

24 Q. Mr. Lawson, just to clarify in rebuttal to some of the
25 testimony that Ms. Wiygul put on the record, you indicated

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1 that you had not rejected that offer. Do -- can you give
2 the court some facts or some of your assertions relative to
3 that?

4 A. I never rejected a offer. I never wrote her any
5 letters to tell her I was going to reject it; I never told
6 her in person I was going to reject it. That letter that
7 she sent me says that I asked her for the best plea deal
8 available.

9 Q. Okay.

10 A. And then...

11 Q. But after you wrote that letter, she sent you this May
12 21st letter with the twenty-year offer?

13 A. Right.

14 Q. So at some point after that, you rejected that offer?

15 A. No.

16 Q. Is that correct?

17 A. Never rejected it.

18 Q. Okay. So, can you give the court some specifics? The
19 judge needs to know in order to make a, a fully informed
20 decision about exactly when that offer was rejected, when
21 you said no, I want to go to trial.

22 A. I never rejected it. I -- as far as I knew, it was
23 not on the table anymore. I only met Ms. Wiygul one time
24 in Laurens County for a few minutes, and then I saw her
25 again. I had to give DNA. That was the only two times I

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1 saw Ms. Wiygul as far as just talk -- to say anything about
2 the plea bargain.

3 Q. Okay. So -- but she sent you another letter in June
4 of 2013?

5 A. A year later.

6 Q. And at that point, sometime after that, you and your
7 family had started discussing hiring another attorney. Is
8 that correct?

9 A. Yes, ma'am.

10 Q. Okay. So, did you ever speak with Ms. Wiygul after
11 this June ---

12 A. No.

13 Q. --- 2013 letter?

14 A. No, ma'am.

15 Q. But in that letter, she told you, she kind of gave you
16 an idea of what the solicitor was thinking at that point
17 since there had been a change of, of administration.

18 A. Uh-huh.

19 Q. There was a new solicitor, right?

20 A. Yes, ma'am.

21 Q. Okay. Did you take this letter to Mr. Farnsworth and
22 talk to him about what was going on?

23 A. Yes, ma'am.

24 Q. And I guess this letter indicates that if you don't
25 want to plead, they were going to set your case for trial.

1 So, had you indicated to Ms. Wiygul that you wanted to take
2 that twenty-year offer?

3 A. Yes, ma'am.

4 Q. Okay. When did you do that?

5 A. I really don't remember. I really don't because I
6 don't -- like I said, I only met with Ms. Wiygul a couple
7 times.

8 Q. Okay. Did you ever write her letters?

9 A. No, ma'am.

10 Q. Okay, because from what I'm reading in this June
11 letter is that it, it kind of indicates to me that you
12 hadn't indicated to her that you wanted to take the offer
13 yet because she was ---

14 A. By the time I got to see her, though, the offer had
15 expired. I don't know what she's talking about the offer
16 was extended. I was never told about a offer being
17 extended.

18 Q. Okay. Did anybody tell you that the offer had
19 expired?

20 A. It says it on the letter. I mean, it's -- the, the,
21 the first letter I got from the solicitor's office said it
22 expired.

23 Q. Right, where it says ---

24 A. Right.

25 Q. --- February 24th and then May 5th or whatever. So --

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1 but did anybody ever tell you as far as your attorneys
2 involved in this case, either Ms. Wiygul or Mr. Farnsworth,
3 did they ever come to you and say that twenty-year offer
4 has now expired?

5 A. Yeah.

6 Q. You got to start over?

7 A. Yeah. Mr. Farnsworth told me it had been expired.

8 Q. Okay.

9 A. Yeah. That's why we -- I talked to my family about
10 hiring a private attorney because Ms. Wiygul really didn't
11 do anything. Didn't -- you know, I couldn't see her doing
12 anything to help me.

13 Q. Okay. Thank you, Jason.

14 MS. SAUNDERS: No further questions, Your Honor.

15 THE COURT: Cross-examination?

16 MR. HUNTER: I think I have everything I needed. No
17 questions.

18 THE COURT: Thanks. You may step down.

19 (THE WITNESS EXITS THE STAND.)

20 THE COURT: Anything further from the applicant?

21 MS. SAUNDERS: Beg the court's indulgence, Your Honor?

22 THE COURT: Sure.

23 (COUNSELOR CONFERS WITH APPLICANT.)

24 MS. SAUNDERS: Nothing further, Your Honor.

25 THE COURT: Anything else from?

1 MR. HUNTER: Nothing else from the state.

2 THE COURT: Be glad to hear arguments. Ms. Saunders.

3 MS. SAUNDERS: Thank you, Your Honor. I'll be brief.

4 This has been a difficult case because I understand where
5 Mr. Lawson is coming from with his position on the
6 confusion of the offer. It, it can be very difficult at
7 times to figure out when an offer is actually conveyed.

8 We would just ask for post-conviction relief on the
9 basis that there is no clear evidence that the offer was
10 ever fully conveyed and then fully rejected by my client.
11 I, I, I believe the record is pretty clear with regards to
12 Mr. Farnsworth's representation about their negotiations.
13 However, we would just submit to you that he should be
14 granted relief based on the fact that he did not ever
15 receive and get the opportunity to fully reject the
16 twenty-year offer that was on the table. Thank you, Your
17 Honor.

18 THE COURT: Thank you, Ms. Saunders.

19 Mr. Hunter.

20 MR. HUNTER: Just briefly, Your Honor. As far as the
21 allegation against Ms. Wiygul, the state would argue that
22 it's, it's clear that she conveyed this offer in the May
23 21st letter. And, and the state would argue also that, you
24 know, she provided credible testimony that the offer was
25 extended, as would be evident by the date of the letter.

1 You know, the state would argue that it's -- that Mr.
2 Lawson has not met his burden of showing that, you know,
3 he, he would have accepted this offer or, or shown that
4 this offer was improperly conveyed, and I think the letters
5 speak for themselves.

6 As far as Mr. Farnsworth is concerned, the allegations
7 against him, the state would argue that Mr. Farnsworth did
8 definitely the best he could do under what he called -- you
9 know, don't want to put words in his mouth, but a horrible
10 set of facts and just overwhelming evidence. And the state
11 would agree with Mr. Farnsworth that pleading guilty was in
12 Mr. Lawson's best interest.

13 He has not met his burden of showing that any
14 investigation, additional investigation on Mr. Craig would
15 have been exculpatory as far as an alibi is concerned, and
16 the state would rest on the testimony presented.

17 RULING OF THE COURT:

18 THE COURT: All right, I find that the applicant in
19 this case has failed to meet his burden of proof. The
20 court agrees with the position stated by the state as to
21 the -- both the attorneys, the allegations that they failed
22 to handle this case in an appropriate manner. For those
23 reasons, the court is compelled to deny an application for
24 post-conviction relief.

25 And, Mr. Hunter, I'll ask you to please prepare an

1 order.

2 MR. HUNTER: Yes, Your Honor.

3 THE COURT: Court is adjourned.

4 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
PROCEEDINGS HAD AND EVIDENCE PROVIDED TO ME BY MARYANN
S. NEVERS AND INTRODUCED IN THE HEARING OF THE
CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT
COURT FOR LAURENS COUNTY, SOUTH CAROLINA, ON THE 7TH
DAY OF JUNE, 2016.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

SEPTEMBER 22ND, 2016

RECEIPT FOR EXHIBITS

CASE NO. 2014-CP-30-0828JUDGE: Brooks P GoldsmithPLAINTIFF: Jason LawsonPLTIF'S ATTY: Laura SaundersDEFENDENT: State of South CarolinaDEF'S ATTY: Justin HunterDATE TRIAL STARTED: 06/07/16DATE TRIAL ENDED: 06/07/16Received of Maryann S Nevers, Court Reporter for the above case, these exhibits:

		This space for Clerk of Court's Use
1.	<u>Petitioner's 1 - Corr</u> <u>EV</u>	
2.	<u>Petitioner's 2 - Plea Offer</u> <u>EV</u>	
3.	<u>State's 1 - Correspondence</u> <u>EV</u>	
4.		
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20.		

This 7th day of June, 2016 Page 1 of 1

SUMTER COUNTY CLERK OF COURT

By: Karen H. LeeTHE CLERK OF COURT WILL RETAIN THE WHITE COPY OF THIS RECEIPT IN CIVIL CASE.THE CLERK OF COURT WILL RETAIN THE YELLOW COPY OF THIS RECEIPT IN CRIMINAL CASE.

Elizabeth P. Wiygul

*Attorney at Law*101 Whitsett Street
Greenville, SC 29601

June 10, 2013

Jason Shane Lawson [SCDC ID 290801]
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669Re: State of South Carolina v. Jason Shane Lawson
Warrant Nos.: M-885059, M-915708, M-915709, M-915710, M-915711, M-915712, M-915713, M-915714, & M-915715

Dear Mr. Lawson:

I am writing to update you as to the status of your case. The long delay has been caused by the chaos caused when a new solicitor was chosen for the 8th Circuit.

The assistant solicitor previously assigned to your case has gone to another office and your case has now been reassigned to Assistant Solicitor Dale Scott. I sent him an e-mail last week asking for the status of your charges and what his best plea offer would be. I have copied and pasted his response below:

Here's the offer and its not much of one because this is just a horrible set of facts. Lawson can plead to the Attempted Murder and Armed Robbery and I'll drop the other charges. If it goes to trial, I would be asking for consecutive sentences and I may have a good shot of getting a judge to go with that.

If you do not wish to plead guilty, he plans to try and set the case for trial in July. I will try to come to Perry CI and see you in the next two weeks, but wanted to let you know what was going on with your case as quickly as possible.

If you know for sure which way you want to go, please write and let me know. Otherwise, we can discuss it during our visit this week.

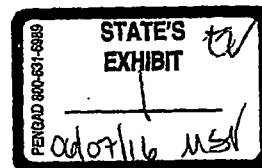
Yours truly,


Elizabeth P. Wiygul Esquire

eli.wiygul@gmail.com

(864) 608-1059 cell/office
(864) 235-0200 fax

/EPW



ELIZABETH P. WIYGUL

ATTORNEY AT LAW

(864) 608-1059

(864) 235-0200 facsimile

eli.wiygul@gmail.com

101 Whitsett Street
Greenville, SC 29601

May 21, 2012

Jason Shane Lawson [SCDC ID 00290801]
Kirkland R&E Center
4344 Broad River Road
Columbia, SC 29210Re: State of South Carolina v. Jason Shane Lawson
Warrant Nos.: M-885059, M-915708, M-915709, M-915710, M-915711,
M-915712, M-915713, M-915714, & M-915715

Dear Mr. Lawson:

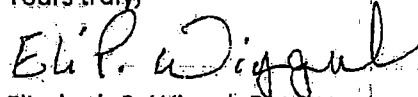
I am in receipt of your letter in which you ask that I get the best plea offer possible in your case.

The current plea offer is that you may plead to Attempted Murder with a recommendation of 20-years. I am in receipt of your discovery and want to sit down and review it with you before I tell the Solicitor's Office that you would accept that offer.

The Solicitor's office inadvertently left you off of the most recent transport list. I will have them transport you on their next week of court so that we can speak. If you are in a hurry to speak with me in person, I will come visit you. Just let me know how you would like this handled.

Your mother has been in contact with me and I will keep her (and you) updated as to when you will be transported.

Yours truly,


Elizabeth P. Wiygul, Esquire

/EPW





THE STATE OF SOUTH CAROLINA
OFFICE OF THE SOLICITOR
EIGHTH JUDICIAL CIRCUIT

State's Offer for Plea Agreement

Defendant: *Taron Lawson*

Date of Offer: 02/24/2012

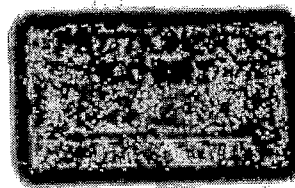
Counsel for Defendant:

Offer Expires: 05/04/2012

Solicitor: Jack W. Hammack, Jr.

	Warrant/ Indictment #	Charge	Recommended Sentence	Restitution
☒ Plea ☐ NP	M 885059	Poss and Sub	~	\$
☒ Plea ☐ NP	M 915708	A.H. Murder	20 yrs.	\$
☒ Plea ☐ NP	M 915709	A.R.	~	\$
☒ Plea ☐ NP	M 915710	Poss upon Viol. Crime	~	\$
☒ Plea ☐ NP	M 915711	Kidnapping	~	\$
☒ Plea ☐ NP	M 915712	Kidnapping	~	\$
☒ Plea ☐ NP	M 915713	A.R.	~	\$
☒ Plea ☐ NP	M 915714	Poss upon Viol. Crime	~	\$
<i>B. Plea</i>	M 915715	G.L.	Total Restitution =	\$

Comments:



The State of South Carolina

OFFICE OF THE SOLICITOR
EIGHTH JUDICIAL CIRCUIT

Abbeville
Greenwood
Laurens
Newberry



JERRY W. PEACE
SOLICITOR

864/942-8800
FAX 864/942-8830

Suite 203, Park Plaza
600 Monument Street
Post Office Box 516
Greenwood, SC 29648-0516

I have received the following offer form, discovery material and the State's reciprocal motion for
discovery for the case Jason Lawson

Date: February 24, 2012

Signature:

Print Name:

AA - ruled - 20 yr offer

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS	
	)	OF THE EIGHTH JUDICIAL CIRCUIT	
COUNTY OF LAURENS	)		
	)	2014-CP-30-0828	
Jason Shane Lawson,	)		
S.C.D.C. No. 290801,	)		
	)		
Applicant,	)		
	)	ORDER OF DISMISSAL	
v.	)		
	)		
State of South Carolina,	)		
	)		
Respondent.	)		

LAURENS COUNTY
CLERK OF COURT

2016 JUL 14 A 11:36

LYNN W. LANCASTER

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed October 16, 2014. Respondent made its Return on or about January 29, 2015. An evidentiary hearing into the matter was convened on June 7, 2016, at the Greenwood County Courthouse in Greenwood, South Carolina. Applicant was present at the hearing and represented by Laura Saunders, Esquire. Justin Hunter, Esquire, of the South Carolina Attorney General's Office represented Respondent. At the hearing, Applicant testified on his own behalf. Applicant's plea counsel, Dan Farnsworth, Esquire, and his initial plea counsel, Elizabeth Wiygul, also testified. This Court had before it a copy of Applicant's records from the Laurens County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the plea transcript, Applicant's PCR Application, and Respondent's Return.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Laurens County Clerk of Court. Applicant was indicted at the March 2012 term of the Laurens County Grand Jury for Attempted Murder (2012-GS-30-0449), Armed Robbery (2012-GS-30-0450), Possession of a Weapon during the Commission of a

Violent Crime (2012-GS-30-0451), and Kidnapping (2012-GS-30-0452). Applicant was initially represented by Elizabeth Wiygul, Esquire, and subsequently represented by Dan Farnsworth, Esquire. On June 5, 2014, Applicant pled guilty to Attempted Murder as indicted, Kidnapping as indicted, Strong Arm Robbery as a lesser included offense of Armed Robbery, and Possession of a Weapon during the Commission of a Violent Crime as indicted. The Honorable Frank R. Addy, Jr. sentenced Applicant, pursuant to a recommendation from the State, to confinement for twenty-three (23) years for Attempted Murder, twenty-three (23) years for Kidnapping, fifteen (15) years for Strong Arm Robbery, and five (5) years for the weapons charge. All sentences were to run concurrently. Applicant did not appeal his conviction or sentence.

PCR Application

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

1. Ineffective Assistance of Counsel
 - a. Counsel failed to interview victim and witnesses
2. Involuntary Guilty plea

II. SUMMARY AND EVIDENCE PRESENTED AT PCR HEARING

Applicant's Testimony

Applicant testified that he was initially represented by Elizabeth Wiygul. He testified that he sent her a letter asking her to get him the best plea deal available. Applicant testified that he was initially presented with a plea offer of twenty years to plead to attempted murder. He testified that this offer was to be held open from February 24, 2012 to May 4, 2012. Applicant testified that he received a letter from Ms. Wiygul on May 21, 2012 informing him that the twenty year plea offer was still on the table. He testified that he never rejected this offer and told her that he wanted to accept the offer but was not sure when this conversation took place.

Applicant testified that when he was represented by Mr. Farnsworth the twenty year plea offer was off the table and a thirty year offer was in effect. He testified that Mr. Farnsworth did not revive the twenty year offer for him. He testified that he saw the discovery with Mr. Farnsworth but never went over his version of the facts with Mr. Farnsworth. He testified that he gave Mr. Farnsworth the name of a favorable witness to investigate, Ronnie Craig, who Applicant stated was friends with the victim. He testified that Mr. Craig would have testified at trial that the victim was not going to see him in Laurens.

Applicant testified that he gave his plea involuntarily because he did not know that the victims would speak. He testified that Mr. Farnsworth told him that he would ask for a fifteen year sentence and nothing would be said on the victims' behalf. Applicant testified that there was no recommendation from the State as to the amount of time but Applicant did not think he would get more than fifteen years.

Counsel Dan Farnsworth's Testimony

Mr. Farnsworth testified that he began representing Applicant in November 2013. He testified that there was initially a twenty year offer from the State but a thirty year offer when he began his representation. He testified that Applicant said he wanted a twenty year offer but did not tell Ms. Wiygul. Mr. Farnsworth testified that he tried to renegotiate the twenty year offer with the State but they would not agree. He testified that the thirty year offer was rejected by Applicant.

Mr. Farnsworth testified that he saw Applicant four to five times in Laurens County and two times in Perry Correctional. Mr. Farnsworth testified that the evidence in the case included a victim's statement, lineup identification, and a codefendant confession. He testified that the facts in this case were overwhelming as to Applicant's guilt. Mr. Farnsworth testified that he met with



the solicitor three to four times prior to the plea. Mr. Farnsworth testified that Applicant never said that he wanted to proceed to trial.

Mr. Farnsworth testified that the only recommendation from the State was to run the sentences concurrently. He also testified that other charges against Applicant were dismissed. Mr. Farnsworth testified that he spoke in chambers with the plea judge and the solicitor and got a feeling that the plea judge would give a fifteen year sentence. He further testified that the plea judge did not give a specific number of years he would give Applicant prior to the plea. He testified that he did not give a guarantee to Applicant and did not have any concerns at the plea hearing. Mr. Farnsworth testified that the plea judge took into account the fact that Applicant took the blame off of his codefendant at the guilty plea. He testified that he believed it was in Applicant's best interest to plead guilty and thought that he would have received consecutive time if he went to trial. Mr. Farnsworth further testified that the victims do not always make statements at plea hearings but it is more common in Laurens County.

Mr. Farnsworth testified that he did investigate Applicant's issue with Ronnie Craig, and believed that he would have been more of a character witness as to the victim's credibility than an alibi witness for Applicant. He testified that even if Mr. Craig did not meet with the victim around the time of the incident, this would not have helped Applicant's case at trial. Mr. Farnsworth further testified that Applicant did not have much of an alibi because his ID was found in the motel room where the incident occurred. He testified that he would have used an alibi if Applicant had one.

Counsel Elizabeth Wiygul's Testimony

Ms. Wiygul testified that she met with Applicant on multiple occasions and discussed the plea offers. She testified that the State's initial offer to plea to attempted murder for twenty years

ran from February 24, 2012 to May 4, 2012. She testified that she sent a letter to Applicant on May 21, 2012 informing him that the twenty year offer still stood. Ms. Wiygul testified that she talked in person, on the phone, and through Applicant's mother to relay the plea offer and Applicant rejected the offer. She testified that this twenty year plea deal did not expire because the May 4, 2012 date was pre-printed on the offer sheet but not absolutely binding. She testified that Applicant revoked the twenty year offer and she relayed this information to the assistant solicitor. Ms. Wiygul further testified that she would have never advised Applicant to reject a plea offer and that the rejection of the twenty year offer was his decision.

Ms. Wiygul testified that on June 10, 2013 she sent Applicant a letter outlining her discussion with the assistant solicitor prosecuting Applicant's case where she asked the assistant solicitor for the best offer available. The letter reflects that the assistant solicitor replied that he would ask for consecutive sentences at trial but that if Applicant pled guilty to attempted murder and armed robbery the other charges would be dropped.

III. APPLICABLE LAW

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

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



professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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



Ineffective Assistance of Counsel

Applicant alleges that his plea counsel were ineffective for failing to interview the victim and a witness, Mr. Ronnie Craig. An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969).

This Court finds that Applicant has failed to show that Mr. Farnsworth and Ms. Wiygul were ineffective in any way during their representation. Applicant asserted that he told Mr. Farnsworth about a potential witness, Mr. Craig. This Court finds Mr. Farnsworth's testimony credible that he investigated the potential witness and that Mr. Craig would not have been an alibi witness but would have only been a character witness as to the victim's credibility. This Court also finds Mr. Farnsworth's testimony credible that Mr. Craig would not have made a difference in the outcome of a trial. To the extent that Applicant alleges that Ms. Wiygul or Mr. Farnsworth were ineffective for failing to properly investigate Applicant's case, this Court finds that Applicant has failed to show what any additional investigation would have revealed. See Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998) (failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is



supported only by mere speculation as to the result); Davis v. State, 326 S.C. 283, 486 S.E.2d 747 (1997) (relief denied where applicant failed to present witnesses or specific testimony establishing applicant would have had a defense with additional time to prepare for trial); Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

To the extent that Applicant alleges that a plea offer was not conveyed, this Court finds that this allegation is without merit. This Court finds that Ms. Wiygul relayed the twenty year offer, as evidenced by her letter to Applicant dated May, 21, 2012. This Court also finds her testimony credible that Applicant rejected the twenty year offer.

Furthermore, this Court finds that Applicant has failed to prove that he was prejudiced by either counsels' actions as he has failed to show that he would have proceeded to trial but for either counsels' advice. The plea court accepted Applicant's plea as being made freely, voluntarily, and knowingly after a lengthy colloquy advising Applicant of the rights he was giving up by pleading and explaining the potential sentence. Applicant has made no indication that he would rather have gone to trial but for the alleged errors, and as such has failed to show that he was prejudiced by either counsels' actions.

Involuntarily Guilty Plea

Applicant further argues his plea was not given freely and voluntarily. This Court finds otherwise and concludes that Applicant's plea was entered freely and voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). A defendant's knowing and voluntary



waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

This Court finds, and the record reflects, that Applicant was fully advised that he was pleading guilty and therefore waiving any challenges to the evidence against him. The plea court's thorough colloquy with Applicant demonstrates that he understood the consequences of pleading guilty. Applicant presented no credible evidence as to why he should be able to depart from his statements at the plea hearing. This Court finds very credible both Mr. Farnsworth's testimony regarding his preparation and advice concerning the case. This Court also finds Applicant's allegation that his plea was involuntary because he did not know that the victim impact statements would be presented to be without merit. According to the South Carolina Victims' Bill of Rights, a victim of a crime has the right to be heard at a plea proceeding. S.C. Const. art. I, § 24. This Court finds that the victim's exercise of such this right through an impact statement did not cause Applicant's guilty plea to be made unknowingly, involuntarily, or unintelligently.



The record reflects Applicant fully admitted his guilt to the plea court. "A guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 129 (2014) (citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013); Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Notably the South Carolina Supreme Court has held "[a] guilty plea represents a break in the chain of events which has preceded it in the criminal process." Id. (citations omitted). "When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." Id. (citing Rice, 401 S.C. at 332, 737 S.E.2d at 486). After a full review of the record, this Court finds the plea judge correctly found Applicant's plea was freely, voluntary, and intelligently made.

All Other Allegations

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

V. CONCLUSION

Based on the foregoing facts, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Applicant failed to demonstrate that either counsels' performances were unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-



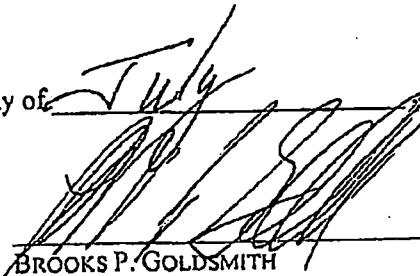
18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

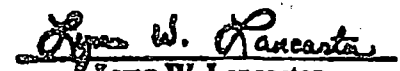
1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 7 day of July, 2016.


BROOKS P. GOLDSMITH
Presiding Judge
Eighth Judicial Circuit

_____, South Carolina

A TRUE COPY OF ORIGINAL


Lynn W. Lancaster
Laurens County CCCP & GS

ARREST WARRANT

M-915708

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

THE STATE
against

11003916

Jason Shane Lawson

Address:

Clinton, SC 29325-5604

Phone: SSN: [REDACTED]

Sex: M Race: W Height: 5 10 Weight: 175

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0300000

Prosecuting Agency: Laurens County Sheriff's Office

Prosecuting Officer: K McIntosh - 2183

Offense: Murder / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on 12-21-2011

C. Boyle
Laurens County Sheriff's Office

RETURN WARRANT TO

General Services

100 Hillcrest Square

P.O. Box 287

Laurens, SC 29305

Received Date 12/21/11

Received By [Signature]

Entered Date 12/19/11

Entered By [Signature]

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 318

Personally appeared before me the affiant K McIntosh who
being duly sworn deposes and says that defendant Jason Shane Lawson
did within this county and state on or about 12/15/2011 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Laurens)
in the following particulars:

DESCRIPTION OF OFFENSE Murder / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on December 15, 2011 in the County of Laurens, one Jason Lawson did with malice aforethought attempt to kill the victim, 50
year old white male, by shooting him in the neck. This occurred at 12118 Hwy 56 N, Clinton SC 29325, Travelers Inn.

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Affiant's Address 216 West Main Street

Laurens, SC 29360-

Affiant's Telephone (864)984-4967

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/15/2011 defendant Jason Shane Lawson

did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Laurens) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 12/15/2011

[Signature]

Judge's Address P.O. Box 925

Laurens, SC 29360

Signature of Issuing Judge

Thomas L. Copeland

Judge Code: 7023

Judge's Telephone (864)683-4485

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ATTEST COPY OF ORIGINAL

[Signature]
Lynn W. Lancaster
Laurens County CC CP & GS

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
STATE VS.Jason Shane Lawson

AKA:

Race: CAUCASIAN Sex: M Age: 36DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Clinton, SC 29325DL#: [REDACTED] SID#: SC01145819*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS30-0449A/W#: M915708Date of Offense: 12/15/2011S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lowd 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: [Signature] 73081 [Signature] 1957
Scott, Dale 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 23 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. Since 12-15-11☐ 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
3% to County (if paid in installments)	\$
TOTAL	\$133.90

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
pmis. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: * ATTORNEY OF ORIGINAL☐ Appointed PD or appointed other counsel
§ 47.12 requires \$500 be paid to Clerk & GS
during probation.Clerk of Court/ Deputy Clerk [Signature]Court Reporter: [Signature]

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2109Sentence Date: 6/16/14

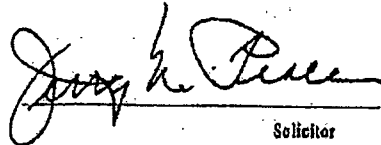
THE STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

INDICTMENT FOR
ATTEMPTED MURDER
16-03-0029

At a Court of General Sessions, convened on the 30th day of March, 2012 the Grand Jurors of Laurens County present upon their oath:

That Jason Shane Lawson, did in Laurens County, state aforesaid, on or about the 15th day of December, 2011 willfully and unlawfully, with the intent to kill and with malice aforethought, attempted to kill John Paragon, in violation of Section 16-3-29 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

TRUE COPY OF ORIGINAL


Lynn W. Lancaster
Laurens County CCOP & GS

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
STATE VS.Jason Shane Lawson

AKA:

Race: CAUCASIAN Sex: M Age: 36DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Clinton, SC 29325DL#: [REDACTED] SID#: SC01145819*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life withoin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ 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:

Scon. Date

SC Bar# 73081

Defendant

Attorney for Defendant

1957

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. Since 12-15-11☐ 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 (DUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCA Surcharge)

3% to County (if paid in installments)

TOTAL FINE

\$

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IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS30-0451A/W#: M915710Date of Offense: 12/15/2011S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ 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:

Scon. Date

SC Bar# 73081

Defendant

Attorney for Defendant

1957

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. Since 12-15-11☐ 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 (DUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCA Surcharge)

3% to County (if paid in installments)

TOTAL FINE

\$

\$

\$

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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: 2157Sentence Date: 4/15/14

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR

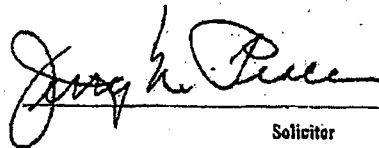
POSSESSION OF WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

16-23-0490

At a Court of General Sessions, convened on the 30th day of March, 2012 the Grand Jurors of Laurens County present upon their oath:

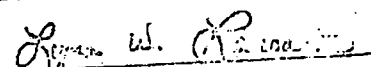
That Jason Shane Lawson, did in Laurens County, state aforesaid, on or about the 15th day of December, 2011 possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: Armed Robbery, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

A TRUE COPY OF ORIGINAL


Lynn W. Lancaster
Laurens County 2012-03

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
STATE VS.Jason Shane Lawson

AKA:

Race: CAUCASIAN Sex: M Age: 36DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Clinton, SC 29325DL#: [REDACTED] SID#: SC01145819*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Robbery / Common law robbery, strong arm robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS30-0450A/W#: M915709Date of Offense: 12/15/2011S.C. Code §: 16-11-0330CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSIn violation of § 16-11-0325 of the S.C. Code of Laws, bearing CDR Code # 0137
☒ 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: [Signature] 73081 [Signature] 1957
Scott, Dale 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 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Since 12-15-11
☐ 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 ☐ OrderedTotal: \$ 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 (DUJ Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(1) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

 days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2104Sentence Date: 6/6/14

ARREST WARRANT

M-915710

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

THE STATE

11003915

against

Jason Shane Lawson

Address:

Clinton, SC 29325-5604

Phone:

SSN:

Sex: M

Race: W

Height: 5 10

Weight: 175

DL State: SC

DL #:

DOB:

Agency ORI #: SC0300000

Prosecuting Agency:

Laurens County Sheriff's Office

Prosecuting Officer:

K McIntosh - 2183

Offense:

Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code:

0549

Code/Ordinance Sec:

16-23-0490

This warrant is

CERTIFIED FOR SERVICE

in the

☐ County/

☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on

12/21/2011

Signature of Court Clerk

RETURN WARRANT TO

General Sessions

100 Hillcrest Square

P.O. Box 287

Laurens, SC 29360

Laurens, SC 29360

Laurens, SC 29360

Laurens, SC 29360

Laurens, SC 29360

Laurens, SC 29360

Laurens, SC 29360

Laurens, SC 29360

Laurens, SC 29360

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
RCCA 518

Personally appeared before me the affiant K McIntosh

being duly sworn deposes and says that defendant Jason Shane Lawson

did within this county and state on or about 12/15/2011

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Laurens

in the following particulars:

DESCRIPTION OF OFFENSE Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on December 15, 2011 in the County of Laurens, one Jason Shane Lawson did knowingly and willfully possess and display what appeared to be a firearm during the commission of a violent crime. This occurred at 12118 Hwy 56 N, Clinton SC 29325, Travelers Inn.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Affiant's Address 216 West Main Street

Laurens, SC 29360-

Affiant's Telephone (864)984-4967

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/15/2011

defendant Jason Shane Lawson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Laurens

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 12/15/2011

Judge's Address P.O. Box 925

Laurens, SC 29360

Judge's Telephone (864)683-4485

Signature of Issuing Judge

Thomas L. Copeland

Judge Code: 7023

Issuing Court: ☒ Magistrate

☐ Municipal

☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF Laurens
STATE VS.Jason Shane Lawson

AKA:

Race: CAUCASIAN Sex: M Age: 36DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Clinton, SC 29325DL#: [REDACTED] SID#: SC01145819*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping / Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS30-0452A/W#: M915711Date of Offense: 12/15/2011S.C. Code §: 16-03-0910CDR Code #: 0095

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ 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: [Signature] 73081 [Signature] 1957
Scott, Dale 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 23 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. Since 12-15-11
☐ 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	\$ <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	\$ <u>00.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-144 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942 (V. Assessment)	\$40/cu	\$
Proviso 90.5 (SCCA Surcharge)	\$	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

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:

* No sex offender registry. *☐ 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: 2159Sentence Date: 6/5/14

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

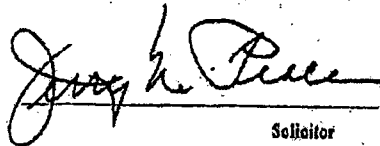
COUNTY OF LAURENS

ARMED ROBBERY
16-11-0330

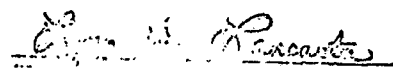
At a Court of General Sessions, convened on the 30th day of March, 2012 the Grand Jurors of Laurens County present upon their oath:

That Jason Shane Lawson, did in Laurens County, state aforesaid, on or about the 15th day of December, 2011 willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take from the person or presence of John Paragon by means of force or intimidation, goods or monies described as follows: a wallet, with intent to deprive the owner permanently of such property, in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

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


Solicitor

A TRUE COPY OF ORIGINAL



John W. Paragon
16-11-0330

ARREST WARRANT

M-915709

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Laurens

THE STATE 11003915
against

Jason Shane Lawson

Address: **Clinton, SC 29325-5604**

Phone: **SSN: [REDACTED]**

Sex: **M** Race: **W** Height: **5 10** Weight: **175**

DL State: **SC** DL #: **[REDACTED]**

DOB: **[REDACTED]** Agency ORI #: **SC0300000**

Prosecuting Agency: **Laurens County Sheriff's Office**

Prosecuting Officer: **K McIntosh - 2183**

Offense: **Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

Offense Code: **0139**

Code/Ordinance Sec: **16-11-0330(A)**

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of **Laurens**

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge _____

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant on **12-21-2011**

Laurens County Sheriff's Office

COMPUTER ENTERED

RETURN WARRANT TO:

General Services
100 Hillcrest Square
P.O. Box 287
Laurens, SC 29360

Received Date **12/19/11**

Received By **[Signature]**

Entered Date **12/19/11**

Entered By **[Signature]**

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of **Laurens**

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant **K McIntosh** who
being duly sworn deposes and says that defendant **Jason Shane Lawson**
did within this county and state on or about **12/15/2011** violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Laurens**)
in the following particulars:

DESCRIPTION OF OFFENSE **Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on December 15, 2011, in the County of Laurens, one Jason Shane Lawson did take a wallet containing unknown contents from the victim with intent to deprive while armed with a firearm, a deadly weapon. This occurred at 12118 Hwy 56 N. Clinton SC 29325, Travelers Inn.

Signature of Affiant **[Signature]**

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of **Laurens**

Affiant's Address **216 West Main Street
Laurens, SC 29360**

Affiant's Telephone **(864)984-4967**

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about **12/15/2011** defendant **Jason Shane Lawson**
did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Laurens**) as set forth below.

DESCRIPTION OF OFFENSE: **Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon**

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on **12/15/2011**

Judge's Address **P.O. Box 925
Laurens, SC 29360**

Judge's Telephone **(864)683-4485**

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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COPIES OF THIS WARRANT

1 - JAIL

1 - W. W. Lancaster

1 - Lynn W. Lancaster

1 - CCCP & GS

1 - Clerk of Court

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

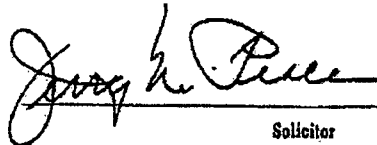
COUNTY OF LAURENS.

KIDNAPPING
16-03-0910

At a Court of General Sessions, convened on the 30th day of March, 2012 the Grand Jurors of Laurens County present upon their oath:

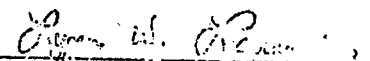
That Jason Shane Lawson, did in Laurens County, state aforesaid, on or about the 15th day of December, 2011 willfully and unlawfully with criminal intent, seize, confine, inveigle, decoy, kidnap, abduct or carry away John Pargen without authority of law, in violation of Section 16-3-910 of the South Carolina Code of Laws, 1976, as amended.

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



Solicitor

A TRUE COPY OF


 Lynn W. Lewis
 Laurens County Clerk

ARREST WARRANT

M-915711

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

THE STATE
against

11003915

Jason Shane Lawson

Address:

Clinton, SC 29325-5604

Phone: _____ SSN: _____
 Sex: M Race: W Height: 5 10 Weight: 175
 DL State: SC DL #: _____
 DOB: 7 Agency ORI #: SC0300000
 Prosecuting Agency: Laurens County Sheriff's Office
 Prosecuting Officer: K McIntosh - 2183
 Offense: Kidnapping / Kidnapping

Offense Code: 0095
 Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused
 is to be arrested and brought before me to be
 dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant
 on 12 21 2011

Laurens County Sheriff's Office

RETURN WARRANT TO

General Sessions
 100 Hinchest Square
 P.O. Box 20360
 Laurens, SC 29360

Original Entered By

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Personally appeared before me the affiant K McIntosh whobeing duly sworn deposes and says that defendant Jason Shane Lawsondid within this county and state on or about 12/15/2011State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Laurens)

in the following particulars:

DESCRIPTION OF OFFENSE Kidnapping / Kidnapping

I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

That on December 15, 2011 in the County of Laurens, one Jason Shane Lawson did unlawfully confine the victim at The Travelers
 Inn located at 12118 Hwy 56 N. Clinton SC 29325 without authority of law.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Laurens

Affiant's Address 216 West Main Street
Laurens, SC 29360-

Affiant's Telephone (864)984-4967

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/15/2011 defendant Jason Shane Lawson
 did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Laurens) as set forth below:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
 her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
 soon thereafter as is practicable
 Sworn to and subscribed before me

on 12/15/2011

Signature of Issuing Judge
Thomas L. Copeland
 Judge Code: 7023

Judge's Address P.O. Box 925
Laurens, SC 29360

Judge's Telephone (864)683-4485

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 518

Lynn V. Lancaster
 Laurens County CCCP & GS