

State Of South Carolina
In The Supreme Court

Case No.: 2017-001514

Appeal From York County
Court Of Common Pleas

The Honorable John C. Hayes, Circuit Court Judge

Antonio T. Boyd, #234274 Petitioner

vs.

The State Of South Carolina Respondent

Written Explanation Pursuant To Rule 243(c), SCACR

Mr. Antonio T. Boyd, #234274
Petitioner Pro Se
S.C.D.C., K.C.I., MB-14
4848 Goldmine Highway
Kershaw, SC 29067

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Antonio T. Boyd, (hereinafter Petitioner), gives His written explanation as to why the decision of the Honorable John C. Hayes, III., Circuit Court Judge was improper and needs to be heard.

1. The Lower Court erred in its determination that Petitioner's application for post-conviction relief (hereinafter APCR) is successive and/or as being untimely under the statute of limitations, because Petitioner filed His APCR properly under S. C. Code Ann. § 17-27-45 (c); reads as follows:

" If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of conviction or sentence. The application must be filed under this chapter within one (1) year after the date when the facts could have been ascertained by the exercise of reasonable diligence."

In this current action, Petitioner discovered the evidence of material facts not previously presented and heard was that He was not parole eligible on the firearm charge on August 18, 2015, in the form of a letter from the parole board. Petitioner then filed His APCR within one year after the date when the facts could have been ascertained by the exercise of reasonable diligence on October 15, 2015; approximately two months after discovering the evidence. This is well within the timeline as required by S.C. Code § 17-27-45(c).

Petitioner could not have raised this claim in any previous application because Petitioner was then unaware of such claim. When Petitioner received the letter from the Parole Board on August 18, 2015 that He became aware of such claim. Petitioner's application, therefore, is not successive and/or untimely under the statute of limitations.

a. Petitioner's after-discovered evidence is with merit and has credibility because Petitioner's evidence comes from the South Carolina Department of Probation, Parole and Pardon Services, the very institution that determines parole eligibility.

On August 18, 2015, Petitioner received a letter from the Parole Board informing Him that He should have served the firearm charge before the Burglary 1st charge due to the State vs. Major (384 S. C. 457, 682 S. E. 2d 795 (2009)), decision. (See attached Sheet (A)). Petitioner then discovered the firearm charge He was convicted of on June 6, 1996, Indictment No.: 1996-65-46-1284 and the firearm charge he pled guilty to that same day, Indictment No.: 1996-65-46-1292 were both mandatory sentences according to S.C. Code Ann. § 16-23-490(c). It was then Petitioner knew He had a claim for after-discovered evidence because He was never made aware that if convicted, or simply pled guilty to the firearm charge; it would automatically result in a mandatory sentence because of prior convictions.

3. At Petitioner's plea examination that came after He was convicted by a jury on eight (8) indictments, one of which was Burglary 1st, (Indictment No.: 1996-65-46-1279). Trial Court advised Petitioner he could get as much as five (5) years for the firearm charge indicating Petitioner could get zero to five (0-5) years for the firearm charge, (Indictment No.: 1996-65-46-1292), to which He was pleading to at that time; never mentioning the fact that because of Petitioner's prior conviction of Burglary 1st (Indictment No.: 1996-65-46-1279), He would have to automatically serve a mandatory term of five (5) years for the firearm charge (Indictment No.: 1996-65-46-1292). See Trial Transcript, Page 701, lines 6-13, Attached Sheet (B).

Trial Court gave a misrepresentation of the time Petitioner could receive for the firearm charge, (Indictment No.: 1996-65-46-1292; because Trial Court failed to inform Petitioner of the mandatory sentence the firearm charge carried because of His prior convictions; therefore, Petitioner's guilty plea on the firearm charge (Indictment No.: 1996-65-46-1292), was not knowingly entered and Petitioner was not made aware of the direct consequences of pleading guilty to the firearm charge (Indictment No.: 1996-65-46-1292), which makes Petitioner's plea to that firearm charge (Indictment No.: 1996-65-46-1292), invalid.

4. Petitioner's Trial Counsel advised Him to accept a negotiated plea for parole eligibility. Trial Counsel advised Petitioner that the four (4) indictments He was pleading to would run concurrent to the eight (8) indictments Petitioner was found guilty of by the jury. See Trial Transcript, Page 699, lines 21-25; see attached Sheet (C).

Trial Counsel advised Petitioner that on the eight (8) indictments, it was up to the Trial Court how much time He would receive on each indictment, but He was advised by Trial Counsel that on the eight (8) indictments He would be considered for parole after serving eighty-five percent (85%) of whatever the Trial Court gave Petitioner on the indictments of the most serious offenses and the crimes of violence.

Trial Counsel gave erroneous sentencing advice to Petitioner about His parole eligibility for one of the eight (8) indictments Petitioner was found guilty of by the jury.

Trial Counsel advised Petitioner He would be parole eligible on the firearm charge, (Indictment No.: 1996-65-46-1284), but it was discovered on August 18, 2015, in a letter from the parole board that Petitioner is serving a mandatory sentence for the firearm charge. (Indictment No.: 1996-65-46-1284).

Trial Counsel never advised Petitioner that if convicted of a most serious offense that the firearm charge (Indictment No.: 1996-65-46-1284), would automatically become a mandatory sentence.

Instead, Trial Counsel advised Petitioner he would be parole eligible on all the indictments of the most serious offense and the crimes of violence. See Trial Transcript, Page 719, lines 20-25; See attached Sheet (D).

5. Petitioner suffered prejudice because of Trial Counsel's erroneous sentencing advice because Petitioner not only went to trial without knowing about the additional punishment the firearm charge carried. Trial Counsel also advised Petitioner to accept a plea offer on the premise that Petitioner would be parole eligible on the firearm charge, but Petitioner is not parole eligible of either of the firearm charges (Indictment Nos.: 1996-65-46-1284 or 1996-65-46-1292). Petitioner is serving a mandatory sentence for both firearms charges.

Trial Counsel never objected to the Trial Court about Petitioner receiving a mandatory sentence, when Trial Counsel advised Petitioner that Petitioner would be parole eligible on all indictments of most serious offenses and the crimes of violence.

b. Petitioner had no reason to assume He had a mandatory sentence for any of His indictments based on Trial Counsel's advise about parole eligibility and the fact Trial Counsel never objected to the Trial Court giving Petitioner a mandatory sentence on any of His indictments after advising Petitioner He would be parole eligible. In sum, Trial Court's statement to Petitioner was that He would do eighty-five percent (85%) of whatever time Trial Court sentenced Petitioner to. See Trial Transcript, Page 714, lines 5-15; attached Sheet (E).

Plus, at Petitioner's sentencing, Trial Court never mentioned any form of a mandatory sentence for any of Petitioner's indictments or any additional punishment that would result in a mandatory sentence. It wasn't until Petitioner received the letter from the Parole Board on August 18, 2015, informing Him that He was serving a mandatory sentence for the firearm charge because of prior convictions; that was when Petitioner became aware that He was actually serving a mandatory sentence for the firearm charges and that He was never parole eligible on His entire sentence.

The Department of Corrections advised Petitioner that He had to serve eighty-five percent (85%) of His sentence before Petitioner was eligible for parole, even giving Petitioner a parole date which is July 18, 2026; but never informing Petitioner that He had a mandatory sentence of five (5) years that the Petitioner would not be able to make parole on.

7. Petitioner filed His APCR within one year after the date of the actual discovery of His understanding that He was not eligible for parole on the firearm charge. Petitioner finds that His current APCR is not successive to His prior APCR's because Petitioner was then unaware of any such claim of a mandatory sentence until He received the letter from the Parole Board on August 18, 2015, informing Petitioner of His ineligibility of parole (State vs. Tilley, 334 S. C. 24, 511 S. E. 2d 689; The South Carolina Supreme Court ruled that Tilley's case was not successive because he learned of his ineligibility for parole in a letter from the Parole Board; he filed his fourth application less than a month later and he could not have raised his claim in a previous application because he was then unaware of such claim).

Petitioner's Trial Counsel nor Trial Court informed Petitioner of the additional mandatory punishment the firearm charge carried and by not informing Him of the mandatory sentence; Petitioner's plea is not voluntary because He was unaware of the consequences of pleading guilty to the firearm charge; that it would result in a mandatory sentence according to Code 16-23-490, Section (C) (Additional punishment for possession of firearm or knife during commission of, or attempt to commit violent crime.) See State vs. Hazel, 271 S. E. 2d 602 (1980) (Appellant's plea was not knowing because it was entered without understanding of mandatory punishment for kidnapping, and therefore, was entered in ignorance of direct consequences and was invalid.

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Certificate Of Service By U.S. Mail

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vs.

The State Of South Carolina Respondent

I, Antonio T. Boyd, certify that true copies of the Written
Explanation Pursuant To Rule 243(c), SCABR, has been served on this
8 day of ^{Aug} ~~July~~, 2017, on:

Mr. Justin J. Hunter, Esquire
Office Of The Attorney General
P. O. Box 11549
Columbia, SC 29211-1549

The Honorable Daniel Shearouse, Clerk
South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211-1330

SWORN To Before Me On This
8th Day Of ^{Aug} ~~July~~, 2017

Antonio T. Boyd
Antonio T. Boyd

Carthine A. Amos

Notary Public Of South Carolina
My Commission Expires:
December 22 2018

The test established by Boykin, is whether the record establishes that a guilty plea was voluntary and understandingly made. Boykin vs. Alabama, 395 U.S. 238, 89 S. Ct. 1709 (1969). (It is elementary that in order for defendant to knowingly and voluntarily plead guilty he must have a full understanding of the consequences of his plea).

8. Petitioner has set forth credible evidence and how its weight and quality require His mandatory five (5) year sentence to be vacated in the interest of justice.

Respectfully Submitted
Antonio T. Boyd

Antonio T. Boyd
Petitioner Pro Se

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



JERRY B. ADGER
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
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August 12, 2015

Mr. Antonio T. Boyd #234274
Kershaw Correctional Institute
4848 Goldmine Highway
Kershaw, South Carolina 29067

RE: Parole eligibility

Dear Mr. Boyd:

This is in response to your letter regarding your parole eligibility. Within this letter you inquired about serving your sentence for a firearms violation upon the completion of your burglary conviction.

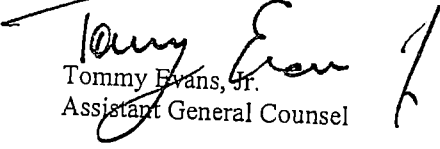
~~According to our records, you are currently serving a sentence for the offenses of burglary 1st and possession of a firearm during the commission of a violent crime. Since your burglary 1st is classified as an A-Felony, it is considered a no parole offense. Therefore, you are required to serve at least 85% of your sentence prior to release from incarceration. The DOC database has your burglary sentence being served prior to the beginning of the sentence for the weapon's offense. Due to the State v. Major decision, you should have served the firearms offense initially.~~

Sentence calculations is the duty of the Department of Corrections, not this Department. My advice is for you to contact your social worker so they can contact inmate records and reevaluate of your sentence calculation.

I hope this answers any inquiries you may have regarding your sentence. Good luck in all of your future endeavors.

With kind regards I remain,

Sincerely,


Tommy Evans, Jr.
Assistant General Counsel

TE:te

1 WHEN IT CAME TO THE SENTENCING PHASE, WHICH I WILL DO, BUT
2 THAT THERE IS NO WAY THAT ANYBODY COULD GUARANTEE -- YOU
3 KNOW, THAT I HAVE AN OPINION, BUT MY OPINION HAS NO WEIGHT
4 WHATSOEVER AND THAT'S THE SOLE DETERMINATION OF THE COURT.

5 THE COURT: YES, SIR.

6 MR. WOODS: AND I THINK HE UNDERSTANDS THAT. I
7 UNDERSTAND THAT HE IS UPSET, BUT HE IS, BASED ON MY ADVICE --
8 I TOLD HIM, YOU KNOW, THERE COMES A TIME WHEN YOU HAVE TO
9 MAKE UP YOUR MIND TO STAND UP AND BE A MAN, AND HE HAS
10 INDICATED TO ME THAT THAT'S WHAT HE WANTED TO DO AND THAT
11 BASED ON MY ADVICE ON THE LEGAL PART OF IT, THAT HE WANTED TO
12 MAKE THESE PLEAS AND THIS ADMISSION, YOUR HONOR.

13 THE COURT: LET'S GO OVER THIS OFFER. MR. BOYD, DO
14 YOU UNDERSTAND, AND I WILL ALLOW BOTH SIDES TO COMMENT ON
15 THIS, BUT BECAUSE THESE HAPPENED IN JANUARY OF THIS YEAR, AND
16 COUNSEL CORRECT ME IF I'M WRONG, WE'RE ALL STILL TRYING TO
17 FIGURE OUT THE NEW LAW.

18 MR. WOODS: YES, SIR.

19 THE COURT: DO YOU UNDERSTAND THAT ON SOME OF THESE
20 OFFENSES THAT YOU WILL HAVE TO SERVE EIGHTY-FIVE PERCENT OF
21 THE TIME GIVEN; DO YOU UNDERSTAND THAT, BEFORE YOU COULD BE
22 CONSIDERED FOR PAROLE?

23 MR. BOYD: YES, SIR.

24 MR. WOODS: WE HAVE BEEN OVER THAT EXTENSIVELY IN
25 OUR MEETINGS, YOUR HONOR.

1 THE COURT: I KNOW THAT, BUT I'VE GOT TO HAVE IT ON
2 THE RECORD THAT HE UNDERSTANDS THAT. I DON'T WANT HIM TO COME
3 BACK LATER AND SAY HE DIDN'T KNOW THAT.

4 MR. WOODS: YES, SIR, I UNDERSTAND.

5 THE COURT: YOU UNDERSTAND, FOR EXAMPLE, IF YOUR
6 TOTAL TIME WERE TO COME TO TWENTY YEARS, I THINK YOU WOULD
7 HAVE TO SERVE SEVENTEEN YEARS BEFORE YOU WOULD BE UP FOR
8 PAROLE. DO YOU UNDERSTAND?

9 MR. BOYD: YES, SIR.

10 THE COURT: I DON'T KNOW WHAT THE TOTAL NUMBER WILL
11 COME TO, I'M JUST THROWING THESE FIGURES OUT. IF IT WAS LIKE
12 FIFTY YEARS TOTAL, YOU WOULD HAVE TO SERVE FORTY-TWO AND A
13 HALF YEARS BEFORE YOU WOULD BE UP FOR PAROLE. DO YOU
14 UNDERSTAND THAT?

15 MR. BOYD: YES, SIR.

16 THE COURT: DOES THAT CHANGE YOUR MIND ON ANY OF
17 THIS THAT YOU HAVE ADMITTED TO TODAY?

18 MR. BOYD: I UNDERSTAND, BUT, YOU KNOW, I'VE GOT TO
19 GO ALONG WITH IT.

20 THE COURT: YOU ARE STILL ADMITTING YOUR GUILT ON
21 ALL OF THESE OFFENSES EXCEPT THE ONE ASSAULT WITH INTENT TO
22 KILL CHARGE; IS THAT RIGHT?

23 MR. BOYD: YES, SIR.

24 THE COURT: ALL RIGHT, IS THERE ANYTHING ELSE
25 BEFORE I MAKE A DETERMINATION ON THE PLEA? LET ME ASK ONE

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1 MORE TIME, DOES THE VICTIM HAVE ANYTHING HE WANTS TO SAY.
2 JUST ASK HIM SINCE HE IS IN THE COURTROOM.

3 MR. THOMPSON: NO, YOUR HONOR, HE DOES NOT.

4 THE COURT: ALL RIGHT, I'M LOOKING AND I SAW HIM
5 SHAKING HIS HEAD. ALL RIGHT, MR. SOLICITOR, DO YOU WANT TO
6 GIVE ME THE FACTS ON THESE FOUR?

7 MR. THOMPSON: YES, YOUR HONOR. ALL OF THESE
8 OCCURRED ON JANUARY 23RD OF THIS YEAR HERE IN YORK COUNTY AT
9 THE RESIDENCE OF PATRICIA HYDE. PATRICIA HYDE IS THE MOTHER
10 OF SARA BROOKS.

11 YOUR HONOR, THIS DEFENDANT ALONG WITH SARA BROOKS
12 AND JENNIFER RUBLE PLANNED OUT A SCHEME TO GO INTO THE HOUSE,
13 BREAK IN AND STEAL JEWELRY AND WEAPONS. A FLOOR PLAN WAS
14 DRAWN UP AT WHICH POINT MR. BOYD AND MS. BROOKS BOTH BROKE
15 INTO THE HOME. JENNIFER DROVE THE CAR, DROPPED THEM OFF,
16 CAME BACK A LITTLE BIT LATER, PICKED THEM UP AND THEN WENT TO
17 THE HOUSE WHERE THEY HAD PACKED ALL THE WEAPONS AND THE
18 JEWELRY TOGETHER. THERE WAS MORE THAN FIVE THOUSAND DOLLARS
19 WORTH OF ITEMS TAKEN, YOUR HONOR.

20 THE FIREARMS, OBVIOUSLY YOUR HONOR, MAKES THIS
21 BURGLARY FIRST DEGREE, AND IT WAS A DWELLING AND NO ONE HAD
22 PERMISSION TO BE THERE. SARA HAD BEEN PUT OUT OF HER HOUSE
23 AT THAT TIME AND DID NOT HAVE PERMISSION TO GO IN.

24 YOUR HONOR, WHEN THE TWO GIRLS WERE CAUGHT IN THE
25 CAR SLEEPING, ALL OF THE WEAPONS THAT WERE RECOVERED, THE

1 IS THAT GOING TO APPLY HERE?

2 MR. WOODS: IT IS MY UNDERSTANDING IT WOULD NOT.

3 THE COURT: AND I ASSUME THAT IS PART OF THE PLEA;
4 IS THAT CORRECT?

5 MR. THOMPSON: THAT'S CORRECT.

6 MR. WOODS: THAT'S CORRECT, YOUR HONOR.

7 MR. BRACKETT: THAT'S WHY WE ARE GETTING THEM ALL
8 ON THE SAME DAY. HOWEVER, IF YOUR HONOR CHOOSES TO SENTENCE
9 HIM TO LIFE ON THE BURGLARY AND THEN RUN SOMETHING
10 CONSECUTIVE TO THAT LIFE SENTENCE, IT WOULD BE IN EFFECT A
11 LIFE WITHOUT PAROLE OFFENSE.

12 THE COURT: YES, SIR. AGAIN, UNDER THIS LAW, AND
13 I LOOKED SPECIFICALLY UNDER THE SECTION ON BURGLARY AND IT
14 SAYS IF HE IS SENTENCED TO LIFE UNDER BURGLARY, THEN LIFE
15 MEANS UNTIL DEATH.

16 MR. BRACKETT: THAT IS CORRECT.

17 MR. WOODS: THAT IS CORRECT, YOUR HONOR.

18 THE COURT: OKAY. IN OTHER WORDS, THAT'S LIFE
19 WITHOUT PAROLE?

20 MR. WOODS: THAT'S CORRECT.

21 THE COURT: EVERYBODY IS IN AGREEMENT WITH THAT,
22 RIGHT?

23 MR. BRACKETT: ON A FIRST BURGLARY? BURGLARY IN
24 THE FIRST DEGREE, FIRST MOST SERIOUS OFFENSE, IF HE GOT LIFE
25 I BELIEVE HE WOULD HAVE SOME PAROLE ELIGIBILITY.

1 MR. WOODS: I BELIEVE IT WOULD BE AFTER THIRTY
2 YEARS.

3 MR. BRACKETT: I DON'T KNOW WHAT THAT WOULD BE;
4 HOWEVER, I DO KNOW THAT IF HE WAS SENTENCED TO SOMETHING
5 CONSECUTIVE TO THAT LIFE SENTENCE, HE WOULD NOT EVER BE
6 ELIGIBLE FOR PAROLE ON A LIFE SENTENCE.

7 MR. WOODS: THAT MUCH IS CORRECT.

8 MR. BRACKETT: BUT AS FAR AS THE FIRST MOST SERIOUS
9 LIFE, I THINK HE DOES HAVE SOME PAROLE ELIGIBILITY, BUT I
10 DON'T KNOW WHAT IT IS THOUGH.

11 THE COURT: LET'S BE SURE NOW. BECAUSE THESE PLEAS
12 AND CONVICTIONS ARE ALL COMING ON THE SAME DATE, BEING DEALT
13 WITH AT THE SAME TIME, THEN THIS IS NOT A LIFE WITHOUT
14 PAROLE?

15 MR. WOODS: YES, SIR.

16 THE COURT: THAT'S WHAT I WANTED TO BE SURE OF AND
17 I WANTED TO BE SURE THAT WE ALL UNDERSTAND THAT.

18 MR. WOODS: YES, SIR, THAT'S MY UNDERSTANDING.
19 THAT'S THE REASON FOR THE PLEA, YOUR HONOR.

20 THE COURT: SO, WHATEVER THE SENTENCE IS THOUGH, HE
21 IS GOING TO SERVE EIGHTY-FIVE PERCENT BEFORE HE IS CONSIDERED
22 FOR PAROLE?

23 MR. BRACKETT: THE MOST SERIOUS OFFENSES HE WILL.

24 MR. WOODS: THAT'S CORRECT. AND THE CRIMES OF
25 VIOLENCE.

1 WANT TO TAKE UP ALL OF IT AT THE SAME TIME?

2 MR. THOMPSON: I GUESS WE COULD JUST TAKE ALL OF IT
3 UP AT THE SAME TIME.

4 MR. WOODS: IT WAS MY UNDERSTANDING THAT -- WELL,
5 I GUESS WE NEED TO PUT ON THE RECORD THAT THE COURT ACCEPTS
6 THE RECOMMENDATION BUT IT IS MY UNDERSTANDING THAT WE WOULD
7 DO IT ALL AT ONE TIME.

8 THE COURT: OKAY. SOLICITOR?

9 MR. THOMPSON: MAY IT PLEASE THE COURT, YOUR HONOR,
10 THE STATE OF SOUTH CAROLINA VERSUS ANTONIO BOYD, INDICTMENT
11 NUMBER 96-GS-46-1289 FOR BURGLARY FIRST DEGREE, HE'S PLEADING
12 AS CHARGED. INDICTMENT NUMBER 96-GS-46-1290, INDICTMENT FOR
13 GRAND LARCENY MORE THAN FIVE THOUSAND DOLLARS, HE'S PLEADING
14 AS CHARGED. INDICTMENT 96-GS-46-1291 FOR CRIMINAL
15 CONSPIRACY, HE'S PLEADING AS CHARGED. INDICTMENT NUMBER 96-
16 GS-46-1292 FOR POSSESSION OF A FIREARM WHILE IN THE
17 COMMISSION OF A VIOLENT CRIME, ONCE AGAIN HE IS PLEADING AS
18 CHARGED.

19 ALL OF THESE INDICTMENTS HAVE BEEN TRUE BILLED BY
20 THE GRAND JURY, YOUR HONOR. YOUR HONOR, AS WELL THE STATE IS
21 GOING TO BE DISMISSING THE BREAKING AND ENTERING AN
22 AUTOMOBILE, INDICTMENT 95-GS-46-861, INDICTMENT 95-GS-46-862
23 FOR BREAKING AND ENTERING AN AUTOMOBILE; 95-GS-46-863 FOR
24 FINANCIAL TRANSACTION CARD FRAUD; 95-GS-46-864 FOR FINANCIAL
25 TRANSACTION CARD FRAUD. AND WE WOULD ASK THAT THE COURT LIFT

1 THE BENCH WARRANT AS WELL AT THIS TIME.

2 MR. WOODS: AND ALSO DISMISSING THE POSSESSION OF
3 STOLEN GOODS.

4 MR. THOMPSON: YES, THAT'S CORRECT. WE ARE
5 DISMISSING AS WELL THE RECEIVING STOLEN GOODS WHICH WAS ALONG
6 WITH THE INDICTMENTS HE'S JUST PLED TO.

7 I WOULD PASS UP AT THIS TIME THE COPY OF THE VICTIM
8 IMPACT STATEMENT ON THE ATTEMPTED ARMED ROBBERY AND THE
9 CHARGES HE WAS JUST CONVICTED OF, YOUR HONOR.

10 OUR OFFICE HAS SPOKEN WITH MR. DRAKE AND, OF
11 COURSE, HE HAS BEEN HERE THROUGHOUT THE TRIAL, BUT HE DOES
12 NOT WISH TO ADDRESS THE COURT.

13 THE COURT: THE VICTIM DOES NOT WISH TO SAY
14 ANYTHING?

15 MR. THOMPSON: NO, YOUR HONOR.

16 THE COURT: NOW, MR. WOODS, YOU REPRESENT THE
17 DEFENDANT; IS THAT CORRECT?

18 MR. WOODS: THAT'S CORRECT, YOUR HONOR.

19 THE COURT: AND AS TO THESE PLEAS, THE ONES HE IS
20 PLEADING TO NOW, YOU HAVE DISCUSSED ALL OF THIS WITH HIM?

21 MR. WOODS: YES, SIR. IT IS MY UNDERSTANDING THAT
22 THE SOLICITOR HAS A RECOMMENDATION THAT WHATEVER SENTENCES
23 THAT HE RECEIVES FROM THE ONES HE IS NOW PLEADING GUILTY
24 BEFORE THE BAR, THAT THEY WILL RUN CONCURRENT WITH ANY
25 SENTENCES THAT HE RECEIVES ON THE OTHER EIGHT INDICTMENTS

1 WHICH HE WAS JUST FOUND GUILTY OF, YOUR HONOR.

2 THE COURT: ALL RIGHT.

3 MR. WOODS: AS PART OF THAT HE HAS ALSO AGREED TO
4 ACKNOWLEDGE HIS GUILT ON THOSE EIGHT INDICTMENTS, YOUR HONOR.

5 THE COURT: MADAM CLERK, WILL YOU PUT THE DEFENDANT
6 UNDER OATH PLEASE, MA'AM.

7 (THE DEFENDANT WAS SWORN BY THE CLERK)

8 QUESTIONS BY THE COURT OF THE DEFENDANT:

9 Q. MR. BOYD, YOU ARE MR. ANTONIO TREMAINE BOYD; IS THAT
10 CORRECT?

11 A. YES, SIR.

12 Q. MR. BOYD, YOU ARE PLEADING TO FOUR OFFENSES HERE; IS
13 THAT CORRECT?

14 A. YES, SIR.

15 Q. ON THOSE FOUR, ON EACH ONE -- ONE IS BURGLARY, IS THAT
16 RIGHT?

17 A. YES, SIR.

18 Q. YOU UNDERSTAND WHAT YOU ARE CHARGED WITH AND WHAT YOU
19 ARE SUPPOSED TO HAVE DONE ON THAT?

20 A. YES, SIR.

21 Q. AND DO YOU UNDERSTAND THAT YOU CAN GET FROM FIFTEEN
22 YEARS TO LIFE ON THAT; DO YOU UNDERSTAND?

23 A. YES, SIR.

24 Q. THE NEXT ONE IS THE INDICTMENT FOR CRIMINAL CONSPIRACY.
25 ON THAT DO YOU UNDERSTAND WHAT YOU ARE CHARGED WITH, AND

1 WHAT YOU ARE SUPPOSED TO HAVE DONE?

2 A. YES, SIR.

3 Q. DO YOU UNDERSTAND THAT YOU CAN GET AS MUCH AS FIVE YEARS
4 IN JAIL FOR THAT?

5 A. YES, SIR.

6 Q. ALSO FOR POSSESSION OF A FIREARM OR KNIFE DURING THE
7 COMMISSION OF A VIOLENT CRIME; IS THAT CORRECT?

8 A. YES, SIR.

9 Q. YOU UNDERSTAND WHAT YOU ARE SUPPOSED TO HAVE DONE TO BE
10 CHARGED WITH THAT?

11 A. YES, SIR.

12 Q. AND YOU UNDERSTAND YOU COULD GET AS MUCH AS FIVE YEARS
13 IN JAIL FOR THAT?

14 A. YES, SIR.

15 Q. THE OTHER ONE I BELIEVE IS AN INDICTMENT FOR GRAND
16 LARCENY; IS THAT CORRECT?

17 A. YES, SIR.

18 Q. DO YOU UNDERSTAND WHAT YOU ARE SUPPOSED TO HAVE DONE TO
19 BE CHARGED WITH THAT?

20 A. YES, SIR.

21 Q. AND YOU UNDERSTAND THAT YOU COULD GET AS MUCH AS 10
22 YEARS IN JAIL FOR THAT?

23 A. YES, SIR.

24 Q. NOW, ON ALL FOUR OF THESE, YOU UNDERSTAND THAT YOU
25 DON'T HAVE TO PLEAD GUILTY TO THESE, YOU HAVE THE RIGHT