

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Frank R. Addy, Circuit Court Judge

KRISTIE MARTIN BISHOP,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000530

APPENDIX

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1 STATE OF SOUTH CAROLINA)

2 COUNTY OF SPARTANBURG)

COURT OF GENERAL SESSIONS

4 STATE OF SOUTH CAROLINA,)

5 PLAINTIFF,)

6 vs.)

7 KRISTIE BISHOP,)

8 DEFENDANT.)

TRANSCRIPT

OF

RECORD

2014-GS-42-1452 - 1457

2014-GS-42-5722 - 5725

May 14th, 2015
Spartanburg, South Carolina

13 B E F O R E:

14 THE HONORABLE R. KEITH KELLY, Judge.

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

17 BARRY BARNETTE
ASSISTANT SOLICITOR
Attorney for the State

19 JOSHUA SCHULTZ and A. JULIA TAT
ESQ.
Attorney for the Defendant

23 PAMELA E. GREEN
Circuit Court Reporter
Seventh Judicial Circuit

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>State's Exhibits</u>		
S-1	List of Indictments	3	8
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P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1 through 14 were marked for identification purposes only at this time.)

THE COURT: Solicitor.

SOLICITOR BARNETTE: May it please the Court?

THE COURT: Yes, sir.

SOLICITOR BARNETTE: Your Honor, this is the case of State versus Kristie Martin Bishop, Your Honor. She's pleading guilty to the following indictments, Your Honor:

14-GS-42-5725, Your Honor, financial transaction card fraud valued more than \$500.00 in a six month period.

One thing to let the Court know, Your Honor, she has previous property offenses. So these are all enhanced from that standpoint under the enhanced statute. She has two or more prior property crimes, Your Honor.

14-GS-42-5724, Your Honor, financial transaction card fraud value more than \$500.00 in a six month period, Your Honor.

14-GS-42-5723, obtaining money by false pretenses, Your Honor, \$2,000 or less, but it's under the enhancement statute. All these are.

14-GS-42-5722, Your Honor, which is petty larceny under the enhancement statute.

14-GS-42-4567, Your Honor, financial transaction card

1 theft, Your Honor.

2 14-GS-42-4566, Your Honor, FTC fraud more than \$500.00,
3 Your Honor, and these are all enhanced.

4 14-GS-42-4556, Your Honor, grand larceny value of
5 10,000 or more, Your Honor.

6 14-GS-42-4555, Your Honor, which is petty larceny under
7 the enhancement statute.

8 14-GS-42-4554, Your Honor, petty larceny under the
9 enhancement statute.

10 14-GS-42-4553, Your Honor, financial card fraud more
11 than \$500.00 in a six month period, Your Honor.

12 Then 14-GS-42-4552, Your Honor, she's pleading to Count
13 One of that indictment which is armed robbery, Your Honor.
14 Count Two is possession of a weapon during a violent crime
15 will be dismissed once this case---

16 (WHEREUPON, a phone began ringing in the courtroom at
17 this time.)

18 SOLICITOR BARNETTE: Again, Your Honor, this is
19 Indictments 14-GS-42-4552, Your Honor, which is armed
20 robbery. She's pleading to Count One of the indictment,
21 Your Honor. Count Two is a possession of a weapon during a
22 violent crime, Your Honor. That case will be dismissed.

23 (WHEREUPON, a phone began ringing in the courtroom at
24 this time.)

25 THE COURT: You need to leave the courtroom please. A

1 phone is not allowed in the courtroom by order of the
2 Supreme Court, and I'll decide whether or not I have a
3 contempt hearing shortly. It's a note on the door out
4 there.

5 Go ahead, Solicitor.

6 SOLICITOR BARNETTE: Thank you, Your Honor.

7 Your Honor, Count Two, possession of a weapon during a
8 violent crime on Indictment 14-GS-42-4552, Your Honor, will
9 be dismissed once the guilty plea is taken, Your Honor.

10 All these have been true billed by the Grand Jury, Your
11 Honor. There is no recommendation. These are straight up
12 pleas, Your Honor, on all these charges.

13 I do have 14 exhibits, Your Honor, to enter as part of
14 the facts of the case, and the reason why I go into that,
15 the State Exhibit 1, Your Honor, is a cheat sheet that lists
16 the indictments that Ms. Bishop will be pleading on. Hers
17 is listed in red. The codefendant's are listed in blue.
18 The codefendant, Kristie Lynch, is already pled on her
19 charges. She's withholding -- sentencing was withheld by
20 Judge Cole. She'll be sentenced at a later date. She was
21 cooperating with the State in this case, Your Honor.

22 State Exhibit 2, Your Honor, is the incident report
23 involving the robbery of Caroline Starnes, Your Honor, in
24 this case. That occurred in Big Lots, Your Honor, and that
25 involves all the information. I put everything involved

1 with it, pictures, statements, and everything, that was
2 involved through the investigation by the City Police
3 Department.

4 State Exhibit 3, Your Honor, is the armed robbery case
5 that we're talking about, Your Honor. Also Ms. Deitz. She
6 was in the -- through their investigation and all these
7 include the FTC frauds and everything involved with these
8 different robberies, Your Honor.

9 State Exhibit 4, Your Honor, is Danielle Brewer, Your
10 Honor. She was -- her purse was snatched at Westgate Mall,
11 Your Honor, in there and I'll explain how she becomes
12 involved with these other cases too because they actually
13 use her name to try and get gift cards, both codefendants
14 did, at a Wal-Mart later after the armed robbery, Your
15 Honor, using her name and the information from those robbery
16 from there -- but from the purse snatching or the petty
17 larceny.

18 All -- and the next one, Your Honor, is Ms. Masters.
19 That was the grand larceny that occurred and that's gonna be
20 State Exhibit 5 and the investigation involved with that.

21 State Exhibit 6, Your Honor, was Ms. Helen Lancaster.
22 That was the armed robbery that occurred at that Wal-Mart,
23 Your Honor, that they were involved with this, Your Honor.

24 State Exhibit 7, Your Honor, is Ms. Bishop's
25 statements. She did a waiver form. I have that in front.

1 She gave a written statement to law enforcement, Your Honor.
2 That includes I believe five pages. It was given to
3 Investigator Burgess and Kirby from the City, Your Honor.

4 State Exhibit 8, Your Honor, is the, the interview that
5 was videotaped involving Ms. Bishop involving the City
6 Police Department, Your Honor.

7 State Exhibit No. 9 is Kristie Lynch, the codefendant's
8 interview, as well as the defendant's husband. There was
9 information on that.

10 State Exhibit 10, Your Honor, is the Belk's parking lot
11 robbery. This is the armed robbery. You could actually see
12 it on the video. You're welcome to look at it, but it's
13 very short. It's basically the victim, Ms. Deitz, and her
14 sister was sitting in their car. Ms. Lynch got out of the
15 car, went to the back, got a, a gun or not -- got something
16 out of the back of the trunk of the car, came to it, came up
17 and did the armed robbery, came back. Ms. Bishop stayed in
18 the car. You can see her turning and then she gets in the
19 car and leaves and they use the credit card shortly after
20 that from Ms. Deitz, Your Honor.

21 State Exhibit 11 is the Q.T. video where they do use
22 the cards and it's shown shortly after the armed robbery.

23 State Exhibit 12, Your Honor, is the Wal-Mart where I
24 was talking about where they used the information trying to
25 get gift cards two or three days after the robbery, Your

1 Honor.

2 State Exhibit 13 is another Wal-Mart where they tried
3 to do -- use information or credit cards like we talked
4 about before and there's other videos I'm not gonna
5 introduce from Lowe's, other areas too, that's been provided
6 to the defense, Your Honor.

7 State Exhibit 14, Your Honor, is her rap sheet. I'll
8 be handing that -- I'll be going over that with the Court
9 also, Your Honor, at the appropriate time.

10 But I'd like to enter those in as part of the facts
11 when I read the facts, Your Honor.

12 THE COURT: Any objections?

13 MR. SCHULTZ: No objection at this time, Judge.

14 THE COURT: Okay.

15 SOLICITOR BARNETTE: Your Honor, I'd like to enter
16 State Exhibit 1. That will give you the cheat sheet ahead
17 of time from there.

18 THE COURT: You want to put them all in now?

19 He has no objection.

20 SOLICITOR BARNETTE: Yes, sir, I'd like to put those in
21 and make those part of the facts and evidence in the case,
22 Your Honor.

23 THE COURT: All right. They're in without objection.

24 (WHEREUPON, State's Exhibit Nos. 1 through 14 were
25 received into evidence at this time.)

1 THE COURT: Ma'am, I've been told you have some health
2 problems.

3 would you like to sit during your plea?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. You may, you may sit.

6 MR. SCHULTZ: Your Honor, would you like Ms. Bishop to
7 sit, sit there?

8 THE COURT: Yes, please. Come---

9 MR. SCHULTZ: Very good.

10 THE COURT: You can grab a chair for her if she wants
11 it.

12 SOLICITOR BARNETTE: Your Honor, may I pass these
13 indictments up to you?

14 THE COURT: Let me see the lawyers for a minute.

15 SOLICITOR BARNETTE: Yes, sir.

16 MR. SCHULTZ: Yes, sir.

17 (WHEREUPON, a bench conference was held at this time.)

18 THE COURT: Madam Clerk, will -- you may swear the
19 defendant please.

20 THE CLERK: Yes, sir.

21 (WHEREUPON, the defendant was placed under oath at this
22 time.)

23 THE COURT: You may be seated, ma'am.

24 (Defendant complies.)

25 THE COURT: Ma'am, you are Kristie Martin Bishop?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Ms. Bishop, you are in custody.

3 Have you taken any prescription medication, drugs, or
4 any substance that affects your reasoning and thinking
5 ability?

6 THE DEFENDANT: No. No, sir.

7 THE COURT: Okay. Can you speak a little louder?
8 My court reporter has to be able to hear us.
9 Okay?

10 THE DEFENDANT: Okay. No. No, sir.

11 THE COURT: Okay. You are clear mind and know what
12 you're doing here today?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. -- you have two lawyers standing by
15 you.

16 They represent you in this matter?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Ma'am, in 2014-4552 the State
19 alleges, in Count One, that you did, in Spartanburg County,
20 South Carolina, on or about September 6th of 2014, while
21 armed with a deadly weapon or while alleging, either by
22 action or words that you were armed while using a
23 representation of a deadly weapon or an object which a
24 person present during the commission the robbery reasonably
25 believed to be a deadly weapon feloniously took property

1 and/or currency from the person of Lucille Deitz including
2 but not limited to a purse containing personal information
3 along with credit cards by means of force, violence, and/or
4 intimidation with the intent to deprive her permanently of
5 her property in violation of State Law. Count Two is being
6 dismissed by the Solicitor's Office.

7 This matter has been true billed by the Grand Jury. It
8 is violent by definition. It is most serious by definition.

9 Have you discussed that -- what that means with your
10 lawyer?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. It carries with it up to ten years
13 up to thirty years.

14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. 2014-4553 alleges that you did, in
17 Spartanburg County, South Carolina, on or about
18 September 6th of 2014, with the intent to defraud the
19 issuer, a person or organization providing something of
20 value or another person, use for the purpose of obtaining
21 something of value a financial transaction card obtained or
22 retained or which was received with knowledge that it was
23 obtained or retained in violation of State Law or a
24 financial transaction card which you knew to be forged,
25 altered, expired, or revoked, or obtained as a result of a

1 fraudulent application or obtained something of value by
2 representing, without the consent of the specified
3 cardholder, that you had permission to use the card or
4 presented the card without authorization or permission of
5 the cardholder or represented that you were the cardholder
6 when a card had not been issued or deposited to any account,
7 by means of an automated banking device, a false,
8 fictitious, forged, altered, or counterfeit check, or other
9 document that was not yours lawfully or legal property --
10 lawfully or legal property in that you did present a
11 Discover credit debit card rightfully belonging to the card
12 holder, Ms. Deitz, and did attempt to use it to obtain goods
13 and/or services in violation of State Law.

14 That matter has been true billed by the Grand Jury.
15 It's nonviolent definition. Due to the enhancements it
16 carries with it up to ten years.

17 You understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: 2014-4554 alleges that you did, in
20 Spartanburg County, South Carolina, on or about August 25 of
21 2014, feloniously take and carry away goods, personal goods
22 of Danielle Brewer valued at less than \$2,000 including but
23 not limited to a purse containing personal items with the
24 intent to deprive the owner permanently of such property,
25 and that you have at least two or more prior convictions for

1 property crimes in violation of State Law.

2 That matter has been trued billed by a Grand Jury.
3 It's nonviolent by definition. Due to the enhancements it
4 carries with it up to ten years.

5 Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: 2014-4555 alleges that you did, in
8 Spartanburg County, South Carolina, on or about August 26th
9 of 2014, feloniously take and carry away personal goods of
10 one Carole Starnes valued at less than \$2,000 including but
11 not limited to a purse containing a handgun, checkbook,
12 debit or credit cards, and other personal items with the
13 intent to deprive the owner permanently of the property and
14 that you have at least two or more convictions for property
15 crimes all in violation of State Law.

16 That matter has been true billed by the Grand Jury.
17 It's nonviolent by definition. Again, due to the
18 enhancements, it carries with it up to ten years.

19 You understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: 2014-4546 alleges that you did, in
22 Spartanburg County, South Carolina, on or about August 25 of
23 2014, feloniously take and carry away goods of one Kelly
24 Allison valued at more than \$10,000. That is a 2011 white
25 Honda Accord four door sedan with the intent to deprive the

1 owner permanently of the property all in violation of State
2 Law. Excuse me.

3 That matter has been true billed by the Grand Jury.
4 It's nonviolent by definition. It carries with it up to ten
5 years.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: 2014-4566, the State alleges that you did,
9 in Spartanburg County, South Carolina, on or about
10 August 26th of 2014, with the intent to defraud the
11 issuer, a person or organization providing something of
12 value or any of -- other person, use for the purpose of
13 obtaining something of value, a financial transaction card
14 obtained or retained which was received with the knowledge
15 that it was obtained or retained in violation of State Law
16 or a financial transaction card which you knew to be forged,
17 altered, expired, revoked, or obtained as a result of
18 fraudulent amplification or obtained something of value by
19 representing, without the consent of the specific, specified
20 cardholder, that you had permission to use the card or
21 presented the card without the authorization or permission
22 of the cardholder or represented that you were the holder of
23 the card where a card had not been issued or deposited into
24 any account by means of an automated banking device, a
25 false, fictitious, forged, altered, or counterfeit check or

1 other document that was not your lawful or legal property in
2 that you did present a Citibank credit card rightfully
3 belonging to the cardholder, Carole Starnes, and you did
4 attempt to use it to obtain goods and/or services without
5 knowledge or consent of the owner all in violation of State
6 Law.

7 That matter has been true billed by the Grand Jury.
8 It's nonviolent by definition. Due to the enhancements it
9 carries with it up to ten years.

10 You understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: 2014-4567, the State alleges that you did,
13 in Spartanburg County, on or about August 26th, 2014,
14 willfully and unlawfully take a Citibank card without
15 consent of the cardholder, Carole Starnes, with the intent
16 to use the card all in violation of State Law.

17 Ma'am, that has been true billed as well. It's
18 nonviolent by definition. Once again, due to the
19 enhancements, it carries with it up to ten years.

20 You understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: 2014-5722, the State alleges that you did,
23 in the County of Spartanburg, State of South Carolina, on or
24 about August 14 of 2014 feloniously take and carry away
25 personal goods of Helen Lancaster valued at less than \$2,000

1 including but not limited to a lady's purse with the intent
2 to deprive the owner permanently of the property and that
3 you have at least two or more prior convictions for the
4 property crimes in violation of State Law.

5 That matter has been true billed as well by the Grand
6 Jury. It's nonviolent by definition. Again, due to the
7 enhancements, it carries with it up to ten years.

8 You understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: 2014-5723, State alleges that you did, in
11 Spartanburg County, South Carolina, on or about September 9
12 of 2014, with the intent to cheat and defraud the victim,
13 First Cash Pawn, obtain money or other property belonging to
14 the victim valued at less than \$2,000 by means of false
15 pretenses and representations in that you did, by selling to
16 the victim, a 47-inch LG flat screen TV that was not yours
17 to sell, but rightfully belonged to Wal-Mart in violation of
18 State Law, and that you have at least two or more
19 convictions for property crimes in violation of State Law.

20 That matter has been true billed by the Grand Jury.
21 It's nonviolent by definition. Again, due to the
22 enhancements, it carries with it up to ten years.

23 You understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: 2014-5724, the State alleges that you did,

1 in Spartanburg County, South Carolina, on or about August 14
2 of 2014, with intent to defraud the issuer, a person or
3 organization providing something of value, or any other
4 person, used for the purpose of obtaining anything of value
5 a financial transaction card obtained or retained or which
6 was received with knowledge that it was obtained or retained
7 in violation of State Law or a financial transaction card
8 which you knew to be forged, altered, expired, revoked, or
9 obtained as a result of fraudulent application, or obtained
10 something of value by representing without the consent of
11 the specified cardholder that you had permission to use the
12 card or presented the card without the authorization of the
13 cardholder or represented that you were the holder of the
14 card when a card had not been issued or deposited into any
15 bank by means of an automated banking device a false,
16 fictitious, forged, altered, or counterfeit check, or other
17 documents that was not your lawful or legal property in that
18 you did present a J.P. Morgan Chase credit card rightfully
19 belonging to the cardholder, a Ms. Helen Lancaster, and did
20 attempt to use it to obtain goods and/or services in
21 violation of State Law, and that you have two or more
22 convictions for property crimes in violation of State Law.

23 That matter has been true billed by the Grand Jury.
24 It's nonviolent by definition. Due to the enhancements it
25 carries with it up to ten years.

1 You understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: 2014-5725, the State alleges that you did,
4 in Spartanburg County, South Carolina on or about August 14
5 of 2014, with the intent to defraud the issuer, a person or
6 organization providing something of value, or any other
7 person used for the purpose of obtaining something of value,
8 a transaction, a financial transaction card, obtained or
9 retained which was received with knowledge that it was
10 obtained or retained in violation of State Law or a
11 financial transaction card which you knew to be forged,
12 altered, expired, revoked, or obtained as a result of
13 fraudulent application or obtained something of value by
14 representing, without the consent of the cardholder, that
15 you did have permission to use the card or presented the
16 card without authorization or permission of the cardholder
17 or represented that you were the holder of the card when a
18 card had not been issued or deposited into any account by
19 means of an automated banking device a false, fictitious,
20 forged, altered, or counterfeit check, or other document
21 that was not your lawful or legal property in that you did
22 present a Wal-Mart credit card rightfully belonging to Helen
23 Lancaster and did attempt to use it to obtain goods and/or
24 services in violation of State Law, and that you have two or
25 more prior convictions for property crimes in violation of

1 State Law.

2 That matter has been true billed by the Grand Jury.

3 Again, it's nonviolent by definition, and due to the
4 enhancements, it carries with it up to ten years.

5 You understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Ma'am, they're certain rights you have to
8 give up in order to plead guilty to these indictments. One
9 of these rights is the right to remain silent of the State
10 and Federal Constitution.

11 Do you give up your right to remain silent as to each
12 and every indictment?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You have a right to a trial by jury on each
15 and every indictment. We don't have a jury here this week,
16 but I think we have one next week.

17 Do you want a trial by jury on any or all of these
18 indictments?

19 THE DEFENDANT: No, sir.

20 THE COURT: Therefore, you waive and give up that
21 right?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You have a right to call any witness you
24 choose to testify for you. You have a right to
25 cross-examine and confront any witness who testifies against

1 you. Usually the person testifying against you would be law
2 enforcement, somebody who investigated this crime. You have
3 two lawyers standing there. They would have a chance to ask
4 questions and cross-examination.

5 Do you give up that right as to all indictments?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Ma'am, understanding what we talked about,
8 how do you offer to plead on 2014-4552?

9 MR. SCHULTZ: Your Honor, what charge is that?

10 I'm sorry.

11 THE COURT: I'm sorry. This is the armed robbery.

12 MR. SCHULTZ: Armed robbery.

13 THE DEFENDANT: I plead guilty.

14 THE COURT: Okay.

15 THE DEFENDANT: Guilty.

16 THE COURT: Okay. All right.

17 MR. SCHULTZ: Your Honor, I think, I think this is
18 under Alford. So she wished to admit responsibility under
19 Alford.

20 THE COURT: Okay. All right. Let me ask you that.

21 Do you enter a plea under the Alford case as to the
22 armed robbery?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Are you -- is it gonna be Alford on
25 all of them?

1 MR. SCHULTZ: Yes, sir.

2 THE COURT: Okay.

3 SOLICITOR BARNETTE: And, Your Honor, and -- not to
4 interrupt the Court, but you may want to explain Alford to
5 her just to make sure it's on the record to make sure she
6 understands that.

7 THE COURT: All right. Ma'am, you are, you are
8 offering to plead under the Alford case.

9 Do you understand that the Court's gonna treat that the
10 same as if you said I did it?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. And is it true -- isn't it true that
13 you are receiving a beneficial result by being allowed to
14 plead under the Alford case?

15 Talk to your lawyer.

16 SOLICITOR BARNETTE: May we approach for one second,
17 Your Honor?

18 (WHEREUPON, a bench conference was held at this time.)

19 THE COURT: Isn't it true you're being allowed to --
20 that you were receiving a beneficial result by being allowed
21 to plead under the Alford case?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Whatever evidence the solicitor has, and
24 I've been handed a stack of indictments, or he has then
25 there, they've been introduced without objection, whatever

1 they show, and I haven't seen any of them, if you went to
2 trial, do you believe that you would be convicted of these
3 offenses?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. That's on the armed robbery.

6 THE DEFENDANT: Okay.

7 THE COURT: Now, are you also entering the Alford plea
8 on 2014-4553?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. And if I ask you those same
11 questions would your answers be the same?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you entering an Alford plea on
14 2014-4554?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And if I asked you those very same
17 questions, would your answers be the same?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: 2014-4555, are you entering an Alford plea
20 on this indictment?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: If I ask you those same questions would
23 your answers be the same?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: 2014-4556, are you entering an Alford plea?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: If I asked you those same question would
3 your answers be the same?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: 2014-4566, are you entering an Alford plea?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And if I ask you those same questions would
8 your answers be the same?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: 2014-4567, are you entering an Alford plea?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And, once again, if I ask you those
13 questions would your answers be the same?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: 2014-5722, are you entering an Alford plea?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And, once again, if I asked you those same
18 questions would your answers be the same?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: 2014-5722, are you entering an Alford plea?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: If I asked you those questions regarding
23 the Alford, the Alford plea would your answers be the same?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: 2014-5724, are you entering an Alford plea?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And if I asked you those questions would
3 your answers be the same?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: 2014-5725, are you entering an Alford plea?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And, once again, if I asked you those same
8 questions would your answers be the same?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Ma'am, are you entering an Alford plea on
11 all of these charges freely, intelligently, and voluntarily?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Did anyone force you, threaten you, make
14 you come here this morning to enter into this plea?

15 THE DEFENDANT: No, sir.

16 THE COURT: Did anyone promise you anything of value
17 such as money or lenient sentence to get you to plead under
18 those -- to these charges?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you had plenty of time to speak with
21 your lawyers?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You have two lawyers standing there and
24 they have a very thick file over there.

25 Have they gone over that file with you?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are you satisfied with their legal
3 services?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you need me to take a break or a recess
6 while you discuss any matter about your cases with your
7 lawyers?

8 THE DEFENDANT: No, sir.

9 THE COURT: Now, ma'am, we have these things called PCR
10 or post-conviction relief hearings from time to time where
11 people come and tell me that their lawyer or lawyers in this
12 case made them plead guilty. So let's just cover that.

13 Did either of these lawyers make you plead guilty?

14 THE DEFENDANT: No.

15 THE COURT: Are you pleading guilty---

16 THE DEFENDANT: No, sir.

17 THE COURT: ---because you are guilty?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you pleading under Alford because you
20 are?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do, do you have any complaints whatsoever
23 about either of these two lawyers?

24 THE DEFENDANT: No, sir.

25 THE COURT: You have ten days from today's date to file

1 an appeal of your guilt -- of your Alford pleas or the
2 sentences of this Court. If you do so, you must file that
3 in writing with the Clerk of Court.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Please listen to the solicitor.

7 SOLICITOR BARNETTE: Thank you, Your Honor.

8 Going through the facts of this case I'll start with
9 the August 14th, 2014. Your Honor, those indictments
10 14-5722, 14-5724, and 14-5725, Your Honor.

11 In all these cases, Your Honor, just to give you some
12 background, the defendant and Krystal Lynch actually met in
13 the Department of Corrections. Ms. Lynch is actually from
14 Charleston, South Carolina. She came up and lived with the
15 defendant, Your Honor.

16 When she came up, Your Honor, she had brought a vehicle
17 up that she had borrowed from, from this case, Your Honor,
18 and that vehicle was a, make sure I'm telling you right, was
19 a white Chevrolet or Chrysler sedan, four door sedan, Your
20 Honor. It had South Carolina plates on it, DVD 164, Your
21 Honor.

22 What would happen was they would go to locations. Ms.
23 Lynch usually did the, the actual robbery itself. Ms.
24 Bishop would drive or would go into the store and they'd
25 look and see who was in there and who they could do. A lot

1 of the victims are elderly victims in these cases, Your
2 Honor. Basically -- and then Ms. Bishop would be the
3 driver, Your Honor.

4 The first one was August 14th, 2014, Your Honor. It
5 happened at Wal-Mart here in Spartanburg, Your Honor, the
6 petty larceny and financial card fraud as well as the theft,
7 Your Honor. Helen Lancaster was the victim in that case,
8 Your Honor. Her purse was stolen. They went on to use her
9 credit cards and so forth afterwards from that, Your Honor,
10 and plus the 14-GS-42-5723, the obtaining goods by false
11 pretenses, Your Honor, was a TV that was purchased through
12 that, Your Honor, and was used and was pawned at the First
13 Cash, Your Honor.

14 The next incident involving them, Your Honor, occurred
15 on August 25th, Your Honor, which was the grand larceny.
16 That happened at UltraTan here on East Main Street, Your
17 Honor, in Spartanburg, and all these occurred in Spartanburg
18 County, Your Honor. This is actually in the City, Your
19 Honor.

20 What happened was is that there was a car that was
21 sitting there, Kelly Allison. There's a video of this, Your
22 Honor, where the car was sitting there. Ms. Lynch gets into
23 it. They take it over. They actually park it over at the
24 Chick-Fil-A for whatever reason and was left there, Your
25 Honor, was later found. On that case, Your Honor, she was

1 part of working with that, Your Honor, and was charged with
2 the grand larceny along with Ms. Lynch in that case, Your
3 Honor.

4 August 26th, Your Honor, 2000 -- and all these
5 occurred in 2014 was at the Big Lots parking lot on Pine
6 Street, Your Honor. Carole Starnes had came up to shop
7 there, Your Honor. Actually Ms. Starnes actually saw them
8 in the -- basically in the Big Lots. We tried to get the
9 video. Did not have it, Your Honor.

10 She goes out in the parking lot, is in her car. They
11 pull the car up beside them. Ms. Lynch gets out. Basically
12 takes her purse from there. In the purse is several credit
13 cards as well as a gun. It's a little Deringer, silver
14 Deringer that was in there. Actually has five shots and
15 I've seen the gun. They have it into evidence, Your Honor.
16 We provided pictures to the defense. Several credit cards,
17 Your Honor. Based off that too, Your Honor, they used her
18 credit cards in that case and was charged with that
19 afterwards, Your Honor.

20 The next incident, Your Honor, occurred on
21 August 28th, 2014, which was the Food Court at Westgate
22 Mall, Your Honor. Danielle Brewer was the victim in that
23 case, Your Honor. Basically she was at the Food Court. Ms.
24 Lynch went up and got the purse, went out to Ms. Bishop.
25 They went on and used that and later on -- actually Ms.

1 Lynch was charged with the petty larceny and financial card
2 fraud from that standpoint, Your Honor.

3 The reason why I mention -- and this defendant was also
4 charged with petty larceny. They used her name later in
5 using credit cards to get gift cards at a later date from
6 there.

7 The next one, Your Honor, was the September 6th,
8 2014, Your Honor, which was the armed robbery and the FTC
9 fraud in this case, Your Honor. Mr. Deitz came up, Your
10 Honor, was in the Westgate parking lot, Your Honor. There's
11 a video in there and actually I think it's Video Number 10,
12 State Exhibit 10, Ms. Deitz with her sister sitting in their
13 car. The defendant drives a car right behind them.

14 Ms. Lynch gets out, goes to the back of the car, gets
15 something out of the trunk, comes up, and basically goes in
16 the window. She looked at Ms. Deitz and she can explain
17 this to you. Basically said you give me your purse or I'm
18 gonna blow your head off, and Ms. Deitz says it's a gun.
19 Both of the defendants argued that it's a representation.
20 I, I -- we dismissed that charge because really, from that
21 standpoint, I didn't want to get into a bickering about it
22 if it was a gun or not. Ms. Deitz says it was a gun and
23 obviously they had access to a gun from there.

24 They later on went to the Q.T. and the ABC Store to use
25 her credit card, attempt to use credit cards. She had

1 called 30 minutes afterwards and found that, Your Honor. We
2 went and got the videos from that. Actually got receipts
3 from that, Your Honor. Later on, Your Honor, the detectives
4 start looking at it and start identifying actually Ms.
5 Lynch. There's a tattoo. Detectives located her. She's
6 actually arrested at the defendant's house. Her husband had
7 called law enforcement. That's where they got the gun back,
8 Your Honor, and there was several items.

9 There's pictures taken in here where they had several
10 of the items like credit cards, things like that, but what
11 happened to -- they went to Wal-Mart, there's a nail salon
12 in there, to get gift cards and things like. That's where
13 they used Danielle Brewer's name to try to get those gift
14 cards, try to use several credit cards that was from the
15 different victims. In that case some of those items was
16 recovered by the police when they went later on.

17 Both defendants was arrested, Your Honor. Both of them
18 gave statements. At the bond hearing, Investigator Stokes
19 with me, he was one of the investigators in the case, did a
20 great job on it. He was at the bond hearing and the
21 defendant, Ms. Bishop, at the bond hearing told the
22 magistrate judge that she was the driver of the car. She
23 never did any of the robberies.

24 Well, obviously, hand of one is the hand of all in this
25 case and she admits to that. She admits to it in her

1 statement that she gave to Jeff Kirby as well as John
2 Burgess from the City, Your Honor. Basically she was
3 involved with all this.

4 There is videos. We have different videos where she is
5 with Lynch when they go in the stores before these -- some
6 of these robberies or some of these larcenies occur as well
7 as trying to use the items afterwards. We can see them on
8 some of the videos from there.

9 So there's no question in my mind. Ms. Lynch had pled
10 guilty. She was gonna testify. She was gonna testify she
11 did the robberies, but they both worked together in cohorts
12 to do this, Your Honor, and actually I wanted to enter all
13 the evidence in the case because, like I said, it's numerous
14 things I could go through. Obviously I want to make that
15 part of the facts and the record in this case especially
16 since it's an Alford plea.

17 In this case we are dismissing, like I said, the
18 possession of a weapon during a violent crime and armed
19 robbery, but she's still pleading straight up on all the
20 charges, and there's -- and I know the victims want to
21 address the Court at the proper time. I don't know if
22 Officer Stokes would like to at the appropriate time also,
23 Your Honor.

24 THE COURT: Okay.

25 SOLICITOR BARNETTE: May I hand all this up to you,

1 Your Honor, all the exhibits I entered in earlier and
2 I'll---

3 THE COURT: Sure.

4 SOLICITOR BARNETTE: ---be glad to go over the rap
5 sheet when the Court would like me to do that, Your Honor.

6 THE COURT: Let me see the rap sheet now.

7 SOLICITOR BARNETTE: I got that on top, Your Honor.
8 It's State's Exhibit 14.

9 Her prior record, Your Honor, I'll just start from the
10 beginning, Your Honor. Hopefully we're on the same order
11 from that.

12 These are South Carolina charges, Your Honor. There's
13 a North Carolina charge I'll go at the end, Your Honor.

14 She was convicted of criminal domestic violence, Your
15 Honor, in 1990. Actually it looks -- appears to be two
16 counts, Your Honor, she was convicted of.

17 2000, Your Honor, she's convicted of simple assault and
18 battery.

19 2002, fraudulent check, Your Honor.

20 2005, simple assault.

21 2005, petty larceny, Your Honor.

22 2008, Your Honor, she pled guilty to common law strong
23 armed robbery. She received a 15 year sentence suspended to
24 five years probation at that time.

25 She was convicted of shoplifting, Your Honor, in 2009.

1 I believe some of the probation was revoked on the robbery
2 at that time, Your Honor.

3 Petty larceny in 2009, Your Honor. She was convicted
4 of that, and that was enhanced at that time, Your Honor.

5 2010, I think, Your Honor, there's another CDV at that
6 time, Your Honor.

7 2011, resisting arrest. She was convicted of that.

8 2011, threatening the life or person of the family of
9 an official. She was convicted of that.

10 Petty larceny, again, in or actually it's a violation
11 of probation on the larceny that she was given enhanced
12 before, Your Honor, in 2011.

13 And then 2000 -- or 1994, in North Carolina, looks like
14 Rutherford County, she pled guilty to robbery there in
15 Rutherford County. It's on the back of the edge of that,
16 Your Honor, and I believe that's the prior record of the
17 defendant.

18 THE COURT: Okay. Ma'am, did you hear what the
19 solicitor told me as to the facts of the case?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Is that true?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Did you hear what the solicitor told
24 me as to your criminal history?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is that true?

2 THE DEFENDANT: Not all of it, sir.

3 THE COURT: Not all of it?

4 THE DEFENDANT: No, sir.

5 THE COURT: What's not true?

6 THE DEFENDANT: I think he said in 2009 a CDV
7 conviction. In '09 I thought it was dismissed. I'm not --
8 oh, no, wait a minute. It was a CDV high and aggravated
9 nature and it got reduced to CDV first.

10 THE COURT: Okay.

11 THE DEFENDANT: I apologize.

12 THE COURT: That's okay.

13 So is it true?

14 THE DEFENDANT: Yes, sir.

15 MR. SCHULTZ: Just for the record, Your Honor, the --
16 I, I took a brief look at the record there. In North
17 Carolina, it said robbery, but the sentence of the Court
18 there, and if Mr. Barnette could correct me here, but
19 hopefully I'm right with that, it says it is, is a 30 day
20 charge. So obviously it's different laws up there. I don't
21 know.

22 SOLICITOR BARNETTE: Well, may we approach the bench
23 for a second, Your Honor?

24 THE COURT: Yes, sir.

25 (WHEREUPON, a bench conference was held at this time.)

1 THE COURT: Okay.

2 SOLICITOR BARNETTE: I'm sorry.

3 THE COURT: I got it.

4 You got it?

5 MR. SCHULTZ: Got it.

6 THE COURT: Okay. Any question about her rap sheet?

7 MR. SCHULTZ: Not from me, Your Honor.

8 THE COURT: Okay. Okay.

9 All right. All right. Ma'am, the Court accepts
10 your -- all pleas as being freely, intelligently, and
11 voluntarily given with the sound advice of two excellent
12 lawyers with whom you say you are satisfied.

13 Mr. Schultz or Ms. Tat, who wants---

14 MR. SCHULTZ: Your Honor, if it pleases the Court, I'll
15 go first here.

16 I've taken over this case -- Ms. Tat and I have taken
17 over Ms. Bishop's case for about the last month and a half.
18 We -- she had prior attorneys before in the past in the, the
19 building over there that I'm, that I'm in. I think she was
20 represented by Mr. Johnston before. I think Mr. Davis also
21 represented her with Family, Family Court, and now I'm her
22 attorney with this very very serious charge.

23 Your Honor, she is from Spartanburg. She has lived
24 here all her life. She has one brother who is -- apparently
25 owns his own business in construction. Her -- she, she

1 related to me last night and also previously, in the several
2 conversations that I've had with her, her family background,
3 what actually led her to this life that she now is, is
4 living unfortunately.

5 Her dad was a very bad alcoholic. He -- she related to
6 me several times that he struck Ms. Bishop's mother several
7 times. He, he's been convicted, I think, or prior to his
8 passing, of criminal domestic violence. So she did not grow
9 up in a very good home. I think obviously her mother, she's
10 still here and she loves her, but it was not a very good
11 home environment.

12 She went through high school. She actually dropped out
13 I believe in the twelfth grade, but she actually took upon
14 herself later on in her life to get a GED.

15 Your Honor, the, the only thing that she really
16 remembers from her childhood and teenage years was just
17 constant heartache. Her family was going through a lot.
18 Obviously domestic violence was, you know, inherent to -- in
19 all of her relationships with not only her dad, but also her
20 mom as well.

21 So we have these problems there at a very early age,
22 and so -- and Kristie will, you know, she'll freely admit,
23 and I think the Court is heard this before, and I, and I
24 hate to use this word, a career criminal and I, I hate it.
25 And I -- the Court probably agrees with me on this, but

1 there are reasons why people are career criminals. Nobody
2 sets out in the morning to do evil. There's reasons for it.

3 So one of the reasons, the big reason, is that she had
4 a child and I believe this child died several years ago, and
5 my client can not get over the death of this child and she
6 has sought grief counseling. She's tried to talk it out.
7 This is one of the things that a person can not ever come
8 back to -- back from rather.

9 She relays to me a very sad story about her family
10 going to the gravesite of her child and Kristie trying to
11 dig the child out just to see the child one last time. When
12 this child was a baby I believe the, the child was in the
13 Neonatal Intensive Care Unit for quite sometime and had to
14 get a pulmonary artery transplant, and when the child
15 reached the age of I believe it was 15?

16 THE DEFENDANT: Sixteen.

17 MR. SCHULTZ: Sixteen, the child died from a massive
18 heart attack, and I don't know of any human being that could
19 come back from that.

20 During this time she had become addicted to any and all
21 kinds of drugs. She relayed to me that, when she went to a
22 doctor when she was aged 19, her doctor put her on 240
23 valiums per week.

24 Judge, to me, I believe that that is setting her up for
25 failure. That is setting her up for a lifetime of

1 addiction, and, Your Honor, we can see the end result right
2 here in this Court right now.

3 She stands before you with this record, and she said
4 plain valium led to cocaine, cocaine led to crack, crack may
5 of led to some other stuff, and as Mr. Barnette said, she
6 has a record. This is what led her into this.

7 She's been to Court before, Judge, as you can clearly
8 see. She is not proud of her record and she told me
9 everything about her. I think she told my associate, Ms.
10 Tat, about her background as well, and I know and right now
11 Ms. Tat is going to go into our mitigation as far as the
12 factual allegations here in this case, which she is pleading
13 under the Alford case here.

14 But I want the Court to be aware of, if we could have
15 gone to trial on this charge, there is a substantial
16 likelihood, in my mind and also Ms. Bishop, Ms. Bishop's
17 mind, that we would not have been able to sustain a not
18 guilty verdict. I, I hope that we would of, but being that
19 the evidence against her is, I think, overwhelming, I think
20 it would be very difficult for us to sustain a not guilty
21 verdict on all those charges.

22 So we do not wish the Court to think, when Ms. Tat goes
23 into the facts here, the differences between our version of
24 events or, you know, substantial likelihood of the, of the
25 facts as we relate them to you, we do not want the Court to

1 think that we're using it as a defense at a guilty plea. We
2 simply mean to bring out the facts that her codefendant, I
3 believe, the level of culpability and the level of
4 responsibility is way up here and Ms. Bishop, Bishop's
5 culpability is way down here. But nevertheless, it's an
6 Alford plea. We understand that.

7 THE COURT: Ms. Tat.

8 MS. TAT: Thank you, Your Honor.

9 May it please the Court?

10 THE COURT: Certainly.

11 MS. TAT: Your Honor, I'd like to first begin with
12 before Ms. Lynch ever came here to, to see Ms. Bishop.
13 They, they did become friends in prison and kept in touch by
14 Facebook mostly just keeping in touch with each other.
15 They -- Ms. Lynch, Ms. Lynch had provided some care for Ms.
16 Bishop in prison. That was actually when her, her daughter
17 had passed away. Ms. Bishop was in prison and she was not
18 able to attend the funeral. So she, she kind of collapsed
19 at that time and that's when they became friends.

20 Your Honor, before Ms. Lynch ever came up from
21 Charleston they were messaging by Facebook and may it
22 please -- if the Court would allow, I would like to read
23 some of, some excerpts, excerpts from the Facebook messages
24 that Ms. Bishop sent to Ms. Lynch. I will delete some words
25 that were used for emphasis that I don't -- I believe might

1 offend some people here, but they were not used in a, an
2 offensive manner at the time.

3 Your Honor, this was in July 6th, 2014, and Ms.
4 Bishop writes to Ms. Lynch. "I tried to get you to come
5 here to help you get, get you straight and get you away from
6 men who want to use your body. As a lady, our bodies are
7 our temples not to be mistreated by men. James and I are
8 doing a lot better. Thank God. I just want you to quit
9 getting these charges on you that are unnecessary. Always
10 remember it's not what you do, it's how you do it. You need
11 a fresh start, something you know nothing about."

12 Thereafter she writes to her on July 31st. "I'm
13 telling you right now, when I have to pay someone to bring
14 you down there to get you, you will go in the hospital here
15 and get yourself straight and go on Methadone or Suboxone,
16 Suboxone to keep you clean off all drugs and you will either
17 go to work as a waitress where James works or do what the
18 lawyers say, to get your SSI started back. I'm tired of
19 hearing about you selling your body and peoples making a
20 fool out of you. Just because I'm here doesn't mean I don't
21 talk to people from there telling me the things you do down
22 there. Now I'm tired of this. If you want to go -- if you
23 want a good man to take care of you and provide for you you
24 must act right. How do you expect a man to respect you when
25 you don't respect yourself. I love you and enough is

1 enough."

2 Your Honor, Ms. Bishop was not reaching out to Ms.
3 Lynch to, to plot some nefarious plan to come here and go on
4 a crime spree. She wanted to get Ms. Lynch here to help her
5 get her life straight, something that Ms. Bishop had been
6 struggling with all along. She herself was fighting to stay
7 clean, fighting to keep her life straight, and she just
8 wanted her friend to, to be able to have that same chance.

9 However, Your Honor, Ms. Lynch did not come here in
10 good faith. She did not come here to help her friend and to
11 be helped by her friend. She came here in a car from, from
12 a man in Charleston who was not borrowed, Your Honor. The
13 evidence would show that, the police report from Charleston
14 would show that it was borrowed, but without that man's
15 permission.

16 Some of the statements, some of the statements and the
17 evidence, Your Honor, show that she had told this man that
18 she was pregnant with his child, that she had come up here,
19 and she had wrecked the car. But none of that had happened,
20 Your Honor. The evidence does not support any of the
21 statements that she made to him, and once the Spartanburg
22 police contacted him that they had recovered his car, he
23 then went to Charleston Police and reported that it had been
24 taken without his permission. I believe he might of been
25 embarrassed about his relationship with Ms. Lynch at the

1 time.

2 So, Your Honor, I just wanted you to know Ms. Bishop's
3 state of mind at that time. Ms. Bishop had relayed to me
4 that when Ms. Lynch came here, that's when everything fell
5 apart for her, and that's when her battle with her
6 addictions, she lost them, Your Honor, and she became
7 addicted again and she, she was led down this path. And as
8 the evidence is shown, she, she was there. She was present
9 for many of these instances. However, she was either
10 unaware that they would take place or she was not the
11 primary actor.

12 Your Honor, there are statements that Ms. Lynch has
13 provided to the police and to a friend as known Melissa
14 David, Ms., Ms. David's statement is in the discovery as
15 well, that she told everyone in Charleston she was coming to
16 stay with her stepmother. Ms. Bishop is not her stepmother.
17 She had told people that her parents were dead, and then
18 later would say that she was on the phone with them.

19 I believe that she has shown that she is a liar. Her
20 statements, multiple statements that she gave to the police,
21 are inconsistent, not only with her own statements, but with
22 the evidence, with the statements given by the victims, and
23 with the video surveillance from many of the locations. In
24 one incident she specifically places Kristie, Ms. Bishop, as
25 the one who walks up to Ms. Deitz's car. The video clearly

1 shows otherwise, and those were sworn statements, Your
2 Honor.

3 Just a moment, Your Honor. I have a lot of notes. I
4 want to make sure I, I get everything.

5 THE COURT: Yes, ma'am.

6 (Pause.)

7 MS. TAT: Your Honor, there's also video from Wal-Mart,
8 from Dollar General, video from Q.T., and that is when the
9 transaction -- the financial cards are used. That's when
10 the FTC fraud occurs.

11 Your Honor, in all of those situation, Ms. Lynch is the
12 one using the cards. She is on her own. In, in Q.T. -- Ms.
13 Bishop is not in any of the videos. She's not in the store.
14 She's not seen outside the store. There's no video from
15 outside the store, the store showing her driving. Ms. Lynch
16 is the one using the cards. She does not look coerced. She
17 does not look nervous. She looks very confident, very at
18 ease. She does not look directed. She does not look at if
19 Ms. Bishop was telling her what to do.

20 She is using those cards freely and knowingly. She is
21 also on the video -- she is the one -- she is the primary
22 actor taking these purses either from people's cars, their
23 hands, or their buggies.

24 Ms. Bishop, in the, in the couple of videos that she is
25 present, Your Honor, she is seen either being in the store

1 or temporarily acting -- interacting with Ms. Lynch, but she
2 is never the one using the cards. She is not directing Ms.
3 Lynch. She's simply there.

4 At the UltraTan location where the car was stolen and
5 moved to the Chick-Fil-A further down in the parking lot,
6 the Hillcrest area, Your Honor, you can clearly see someone
7 get out of the passenger side of the car, hop into a stolen
8 vehicle, and drive off. That is later shown to be Ms.
9 Lynch. Her fingerprints and only her fingerprints are found
10 in that stolen vehicle. Ms. Bishop's were not. She is not
11 seen in the video. Who is driving that car is actually not
12 seen in the video. Ms. Lynch is though.

13 Your Honor, as Mr. Schultz said, we have been
14 representing Ms. Bishop for about a month and a half now.
15 However, I met with Ms. Bishop quite a long time ago
16 initially when her family was not able to retain us at that
17 time, and I've met with her many times since then for, for
18 many, many hours.

19 Your Honor, since the very first day that I met with
20 her she relayed to me the course of events that took place
21 that she was now offering this Alford plea to. Your Honor,
22 her story has not changed to me at all. Not only that,
23 everything she told me has been fully corroborated not only
24 by the evidence in the discovery, but by the victim's
25 statements and the videos. She is been truthful, honest,

1 direct. She is not tried to skirt her responsibilities in
2 these matters. Not with me, Your Honor.

3 But Ms. Lynch, I believe the evidence would show, has
4 tried to blame Ms. Bishop for everything, has lied to the
5 police.

6 Your Honor, I would just ask you to consider that Ms.
7 Bishop didn't begin her time with Ms. Lynch in bad faith or
8 bad intentions. She fell, she lost a battle, and she was
9 mislead by someone that I believe, Your Honor, and I believe
10 the evidence will show is much more culpable than she is.

11 Thank you, Your Honor.

12 THE COURT: Thank you.

13 Ma'am, I'll be happy to hear anything you have to say,
14 if anything.

15 MR. SCHULTZ: Your Honor, if it pleases the Court, I
16 believe her family members would like to address the Court
17 at the appropriate time.

18 THE COURT: Okay. Ma'am, anything you'd like to say?

19 THE DEFENDANT: Can I sit here, Your Honor, and read
20 this?

21 THE COURT: Yes, ma'am.

22 THE DEFENDANT: I'm not very good at talking just
23 straight out. So I took my time. I been in, I been in
24 isolation for 100 days today in a room by myself, and I've
25 had a lot of time to think, and I wrote this.

1 Your Honor, I would like to apologize to the victims
2 most of all. I never got to meet any of you-all.

3 THE COURT: Ma'am?

4 Ma'am?

5 THE DEFENDANT: But I'm very sorry.

6 THE COURT: Ma'am, you talk to me. You can apologize.
7 You talk to me.

8 THE DEFENDANT: Okay.

9 THE COURT: Don't talk to them.

10 THE DEFENDANT: I would like to apologize to the
11 victims and my family and to the Court. No parent expects
12 to raise a child that turns out to be a drug addict, but
13 I've battled my addiction for over 20 years of my life. But
14 my family, my husband, my children, and myself, through a
15 lot of heartache and pain, when my sixteen year old
16 daughter, Brianna, passed away in 2011, the biggest part of
17 me died with her.

18 I was put into a state of shock and I don't know how to
19 accept that my daughter and best friend is gone and she's
20 not coming back. I would give my life just to hear her say
21 I love you mama just one more time.

22 My doctor said that I'm grieving myself to death and
23 they've kept me heavily medicated. I was an easy target for
24 my codefendant due to this fact, and she knew that I was
25 battling crack and alcohol addiction on top of all the

1 emotional distress that I'm carrying with me.

2 I took a serious brain injury in 1998. I had to learn
3 how to walk, talk, and feed myself all over again. So my
4 perception on people and things tend to be misconstrued. I
5 don't truly know who Krystal Lynch is because she's
6 definitely not the person I met in prison in 2010. She lied
7 and conned her way into my home and my life and played on my
8 weaknesses of the crack and alcohol by keeping me supplied
9 and messed up to keep me with her.

10 My relapsing is no excuse by no means. But I had been
11 in my right state of mind I don't believe I would be in this
12 courtroom today. Not only did she hurt these victims, but
13 she also hurt me and all my loved ones. Most of all my son
14 because now I'm pleading for the mercy of my life and
15 freedom. My addiction took me away from him enough. He is
16 the only child I have left living. I buried both of my
17 daughters side-by-side in Heritage Memorial Gardens in
18 Roebuck.

19 I'm truly ashamed for being so weak minded to be in
20 this courtroom today and be associated with this and I'm
21 begging for your mercy, Your Honor. Not for me. For my
22 family.

23 Thank you.

24 THE COURT: Thank you, ma'am.

25 Mr. Schultz.

1 MR. SCHULTZ: Mr. Bishop.

2 THE COURT: Sir, tell us your name please.

3 MR. BISHOP: My name is James Bishop. I'm her husband.

4 THE COURT: Mr. Bishop.

5 MR. BISHOP: I want to say -- I start by saying my
6 wife, Kristie Bishop, she's, she's no monster. She's one of
7 the sweetest, kindest people that you'll ever run across
8 only she ain't on drugs, and today I beg for mercy for my
9 wife and for all of us. We've gone through a whole lot with
10 her not being there.

11 Her grandma, she's in very bad health and we don't know
12 how much longer she's gonna go through all that, and I just
13 beg for mercy to please let her come back home to me. She
14 needs -- she does need some help. She needs maybe possible
15 probation and some of the classes that probation has to
16 offer, which I went through and I been -- I've been out of
17 trouble for going on over five years now because of going to
18 prison and getting on probation, which I'm still on
19 probation, and I, I do my probation and I think probation
20 will be real good for her and -- cause they do have some
21 good classes. I did 36 weeks of classes and that, that's
22 what gets me through everyday.

23 So I just ask please take that into consideration and
24 maybe probation and some classes and get some mental health
25 evaluation and get some mental health for her problems

1 because prison is not gonna be the answer for her problems
2 cause she's been there and she came back home. And some
3 mental health so -- is gonna help her. That's the only
4 thing that's gonna -- prison won't, won't help her.

5 THE COURT: All right.

6 MR. BISHOP: I just ask for the Court to please help
7 her.

8 THE COURT: Thank you, sir.

9 MR. BISHOP: Thank you.

10 THE COURT: Sir, tell us your name please.

11 MR. ROBBINS: My name is Brandon Robbins---

12 THE COURT: Yes, sir.

13 MR. ROBBINS: ---and I'm her brother.

14 My sister, Kristie, is the most kind and giving person
15 that anyone could meet if they had a chance to get to know
16 her. Kristie has had a long road to hoe after the loss of
17 Brianna and will probably never get over that.

18 Kristie was doing so well since her release. She was
19 saving money and achieved her goal of getting her a home and
20 was trying to save money to purchase her a car. She was
21 doing so well when all of this happened.

22 I know Kristie, my sister, is truly sorry, but Kristie
23 was in a bad car wreck in '98 and we're very lucky and she
24 is well to be alive today. And when she was found, her
25 brain matter was coming out of her skull. She had massive

1 head trauma. Her mind does not function like a normal mind.
2 She needs proper medical and mental attention.

3 Please take all this into consideration for her and my
4 family and be as lenient as possible. This is a hard pill
5 for all of us to swallow. We love Kristie and we all miss
6 her and want her to be home.

7 Thank you.

8 THE COURT: Thank you, sir.

9 MR. SCHULTZ: Your Honor, just one more person. This
10 is her mother.

11 THE COURT: Okay.

12 Ma'am, please tell us your name.

13 MRS. ROBBINS: Your Honor, I'm Rhonda Robbins. I am
14 Kristie's mother and please just bear with me cause I have a
15 lot of health issues myself. I have MS.

16 Your Honor, I am Kristie Bishop's mother, Rhonda
17 Robbins. I come before you today to please have mercy on my
18 daughter which I love and my heart breaks everyday for
19 Kristie.

20 Kristie is not a mean bad person that some people
21 portray that she is. A lot of bad things has happened to
22 her in her life to cause a lot of her wrongful doings. This
23 goes back to 1985 and at the age of 12 years old, and, back
24 then, everyone that's in this courtroom knows, back then
25 you -- children did not mature and develop like the girls do

1 today.

2 I have a picture of her. She was a little innocent
3 child. Two boys, age 16 and 17, took her home and held her
4 down and repeatedly raped her. No person could deal with
5 that, trust me, not one person that's sitting in this
6 courtroom or standing.

7 My system, our system, let our family down in 1985.
8 They done absolutely nothing to those two boys that took my
9 daughter's innocence from her, and that's when all the
10 problems started. I tried getting her counseling, but the
11 damage was already done, and, even as a mother, I done all
12 that I could do, but I still felt like I let her down
13 because you suppose to protect your children and keep them
14 from out how harm, especially something like that.

15 I, myself, there's not a day goes by that it's not in
16 the back of my mind and then, the next, as she got older,
17 all she wanted to do was get married and have children. She
18 met her husband and got married and had her first child, a
19 little girl. I have pictures in here, and I really would
20 love for you to look at all the pictures that are in this
21 envelope.

22 She had a little girl and we named her Kayla Danielle.
23 She was born premature and not long after they cut the cord
24 she died, and this is bothered me all my life and I know it
25 had to really eat at my daughter. After the baby died I let

1 my daughter bathe her and put a little gown on her, and she
2 didn't weigh but a pound and something, and my daughter held
3 her and loved on her and didn't want them to take that baby
4 away and the baby was dead.

5 So we had to bury that baby. So that was something
6 else that was tragic in my daughter's life.

7 Then, later, she got pregnant and she had a son, and
8 he's a wonderful boy. He's in the Air Force and he would be
9 here today, but he's in Texas and he loves his mother and
10 things was okay, and then she had another little girl named
11 Brianna, and she was born with multiple birth defects that
12 was internal.

13 She had a -- she was born with Potter's Syndrome.
14 Potter's is seven letters and each letter stands for a birth
15 defect. She had 30 something surgeries in 16 years of her
16 life. I called her my little patchwork quilt because she'd
17 been cut on so much. At 17 days old they flew her from
18 Spartanburg Regional to Charleston for the first open heart
19 surgery. She wound up losing a kidney, only had one kidney.
20 Within two hours after she was born they had to put a
21 colostomy bag on her or otherwise she would not of lived
22 through the night.

23 My daughter was a good mother. She fought so hard to
24 keep that child alive and she really done it to the fullest.
25 Brianna lived in Charleston, backwards and forth, over a

1 year of her first life. They said she'd never walk, but my
2 daughter was determined. That child walked. I have
3 pictures of her. To look at her on the outside you'd never
4 know anything was wrong. But when you looked at her up
5 close, there was lots and lots of scars and that's why I
6 called her my little patchwork quilt.

7 Kristie was incarcerated in July of 2011 and that's
8 when Brianna died. She went to the bathroom, come back to
9 the kitchen, felt -- told them she felt dizzy and fell over
10 dead with a heart attack. It's something not only my
11 daughter's having a hard time dealing with. My whole family
12 does cause Brianna was the apple of our eye.

13 Kristie was not allowed to come from prison to even see
14 the casket closed, to see her daughter for the last time,
15 and that's had great effect on my daughter. And then, in
16 1998, and I have pictures of it, she got in the car with a
17 friend of hers and her friend's boyfriend, and the boy was
18 speeding and my daughter asked him to slow down and he
19 didn't, and the boy was killed instantly. My daughter was
20 pinned in the car and her brains was hanging out. So she
21 definitely had a brain injury, and I have pictures of that
22 also.

23 After the wreck my daughter become a different person
24 because of the brain injury, and then all the doctors she
25 went to, it was always pill, pill, pill, pill to where she

1 took so many pills she was a zombie. She was never the same
2 Kristie.

3 At times she even -- you would of thought she was a 12
4 year old child. I think her lawyer, I gave him a letter and
5 a little card she mailed, a piece of paper, and if you read
6 it and look at it, you'll think well, a 12 year old child
7 wrote this. So that comes from the brain, brain injury from
8 the wreck.

9 Kristie was a very giving, loving person when she was
10 not on drugs and alcohol. She would give a stranger on the
11 street her last dollar or the shirt off of her back.

12 Kristie trusted everyone and she felt sorry for anyone
13 and wanted to always help anyone she felt like needed help.
14 But, in July, I think it was July of 2014, she allowed
15 Krystal Diane Lynch to come into her home not knowing that
16 Krystal Diane Lynch was coming from Charleston committing
17 these same crimes in Charleston, Georgia, and Anderson. My
18 daughter had no idea and my daughter got pulled into it
19 cause my daughter was weak because she had that drug
20 addition.

21 I'm not saying my daughter is innocent by no means, but
22 she was just was at the wrong -- she was with someone at the
23 wrong time, and my daughter was weak because of the drugs.
24 My daughter was doing very well until Krystal came here from
25 Charleston.

1 When she came here, Krystal did, she said that the car
2 belonged to her grandmother, but all along the car was
3 stolen from Georgia. I -- excuse me. I'm sorry.
4 Charleston. She came here with credit cards. She said they
5 belonged to her grandmother, her grandmother gave them to
6 her to use. That was a lie. And my daughter was not with
7 her every single time that some of these things were
8 committed.

9 I know that for a fact, her husband knows that for a
10 fact, her brother, and then my mother that's 80 year old
11 that could not be here today because we went to her house.
12 She would be in the bed. Krystal would be gone. We didn't
13 know it was a crime spree at the time.

14 I want to sincerely apologize to any of the victims in
15 this Court because if my daughter had not been on crack and
16 alcohol and with the wrong person she would of never, never
17 done anything like that or even been in the vehicle with
18 someone to do those crimes.

19 I ask you, Your Honor, and I beg of you to please be
20 lenient on my daughter. She's already lost two children.
21 She has a son and I want her to be able to, when he gets
22 married and finishes his career in the Air Force, and he has
23 babies, for her to be a grandmother because of losing the
24 two children that she lost.

25 My daughter needs extensive, the right kind of mental

1 health, to get that, and the right kind of help to get the
2 drug addiction, which she's never had.

3 Thank you, Your Honor.

4 THE COURT: Yes, ma'am, thank you.

5 Anything further, Mr. Schultz?

6 MR. SCHULTZ: No, sir, Your Honor.

7 THE COURT: Thank you.

8 Solicitor.

9 SOLICITOR BARNETTE: Just a couple things as cleaning
10 up, Your Honor, before I -- the victims and the officers
11 speak. This is a separate trial next week in front of Judge
12 Cole. She's pleading this week.

13 I understand -- they've talked a lot about mental
14 health and things. I think they've had her examined by
15 Doctor Ruffner if I remember right.

16 MR. SCHULTZ: That's correct.

17 SOLICITOR BARNETTE: So that should not be an issue. I
18 understand that she's competent and everything. I just want
19 to make sure that's on the record since they've been talking
20 about -- so much about mental health from that standpoint.

21 THE COURT: All right. Thank you.

22 SOLICITOR BARNETTE: Your Honor, I have Investigator
23 Stokes here. He'd like to address the Court. I think the
24 victims, the folks in the front row there or the second row
25 through there are here on this plea, Your Honor.

1 THE COURT: Okay.

2 SOLICITOR BARNETTE: They're two of the victims here as
3 well as their family members and friends are here. I know
4 they want to address the Court at the appropriate time too.

5 THE COURT: That will be great.

6 Yes, sir.

7 INVESTIGATOR STOKES: Your Honor, I was the lead
8 investigator on most of these cases, but not all of them.
9 Some of them were divided up between some of my colleagues
10 who were unable to be here today, but all the cases that I,
11 that I was involved in with Ms. Lynch and Ms. Bishop, she
12 was present in all the videos, and the time between the,
13 either the larceny of the purse or the robbery of the purse
14 to the time credit cards was used was close proximity. It
15 had to be a straight shot. They were just trying to beat
16 the, the credit cards being declined.

17 THE COURT: Right.

18 INVESTIGATOR STOKES: That, that's what it boils down
19 to, and she was present in all the videos that I saw either
20 instructing she -- or participating in the use of the credit
21 cards.

22 THE COURT: All right.

23 INVESTIGATOR STOKES: I just ask that you take that
24 into account that these innocent victims that are victimized
25 and just ask for justice from the Court.

1 THE COURT: Yes, sir.

2 INVESTIGATOR STOKES: Thank you.

3 THE COURT: Anything further?

4 SOLICITOR BARNETTE: Yes, sir, I think Ms. Deitz and
5 Ms. -- the victim, can they -- do you want them to approach
6 one at a time, Your Honor, or both or---

7 THE COURT: Yes, please.

8 SOLICITOR BARNETTE: Okay.

9 THE OFFICER: One at a time.

10 SOLICITOR BARNETTE: Ms. Deitz, if you'll come up.

11 Can her son come up with her, with her too?

12 THE COURT: Yes, certainly.

13 Ma'am, tell us your name please.

14 MS. DEITZ: My name is Lucielle Deitz --

15 THE COURT: Yes, ma'am.

16 MS. DEITZ: -- and I know I'm lots older than Kristie.
17 I'm older than even her mother. I too have lost children, a
18 child. I buried a son at 15 in a drowning accident.

19 It's no excuse for what's happened to these people and
20 I have David here with a gunshot, accidental gunshot wound,
21 spinal cord injury, and that's hard to deal with, and I
22 understand what she's saying. I understand what grandma is
23 saying over there, that she's lost grandchildren, but it's
24 no excuse --

25 THE COURT: Yes, ma'am.

1 MS. DEITZ: -- for what's happened. That's it.

2 THE COURT: Thank you.

3 SOLICITOR BARNETTE: Do you want to speak?

4 MR. DEITZ: Sure.

5 SOLICITOR BARNETTE: Just tell him your full name
6 please.

7 MR. DEITZ: My name's David Deitz.

8 THE COURT: Yes, sir.

9 MR. DEITZ: I'm her son.

10 THE COURT: Yes, sir.

11 MR. DEITZ: Just like she just said, you know, I -- my
12 mom has always been the rock of our family no matter what
13 has taken place. She lost a son at 15 drowning. I never
14 saw her once take a drink, do a drug. I saw her bear down
15 and take care of her family.

16 When her son drown, she wasn't in prison. She didn't
17 need an excuse to go anywhere. She showed up at the funeral
18 and she took care of her family. When I got shot by
19 accident, she wasn't in prison. She wasn't on drugs. She
20 wasn't drinking. She was there at the hospital taking care
21 of me, you know.

22 That's about as innocent of a 75-year old woman as
23 you're ever gonna meet, and to see what her and her little
24 buddy did to take that innocence away to where she says
25 today to me, on the way up here, that when this is over

1 she's never stepping back outside, I mean I don't believe
2 that's true, but that's her feeling right now, and for her
3 to feel that way, I hope this woman sits in jail the rest of
4 her life.

5 So I, I would just -- like she wants whatever she
6 wants, I want some justice --

7 THE COURT: Yes, sir.

8 MR. DEITZ: -- and I think she does too and these
9 people back here do too.

10 THE COURT: Thank you, sir.

11 MR. DEITZ: Thank you.

12 THE COURT: Ma'am---

13 MS. STARNES: Hi.

14 THE COURT: -- tell us your name please.

15 MS. STARNES: I'm Carole Starnes---

16 THE COURT: Yes, ma'am.

17 MS. STARNES: ---from Clinton and she took my
18 pocketbook at Big Lots. I admit she needs help. It sounds
19 like the whole family needs help.

20 My dad got killed in a car/truck accident when he was
21 39 years old and I was 18. I helped my mom raise the other
22 two kids, and I have two kids of my own, and now I have two
23 great grandkids that I help with.

24 But I've never been on drugs. My mom never got on
25 drugs, and my mom stayed in a nursing home the last 12 years

1 of her life because she chose to. Not because we wouldn't
2 let her live with us because we had to work. She didn't
3 want to stay by herself.

4 So there's other things you can do and you can turn to
5 God. That's the only thing that we got left and she does
6 need help, but she needs some time.

7 Thank you.

8 THE COURT: Thank you, ma'am.

9 MR. SCHULTZ: Your Honor, I know I said I didn't have
10 anything more to present, but the family would like me to
11 present these photos. I don't know if Mr. Barnette would
12 like to see them.

13 SOLICITOR BARNETTE: That's okay. You can take a look
14 at them, Your Honor.

15 I'm assuming it's just family photos---

16 MR. SCHULTZ: It is.

17 SOLICITOR BARNETTE: ---at this point.

18 THE COURT: Anything else, Solicitor?

19 SOLICITOR BARNETTE: Your Honor, the only thing I would
20 say is her record speaks for itself.

21 THE COURT: Yes, sir. Give me just one second.

22 (Pause.)

23 THE COURT: I'll lay these here for you.

24 MR. SCHULTZ: Yes, sir.

25 THE COURT: Ma'am, today's a tragic day. It has --

1. tragedy has befall you for sure in your lifetime, but we're
2. not here about that, ma'am.

3. You understand that?

4. THE DEFENDANT: Yes, sir.

5. THE COURT: We're here about the tragedy that you
6. inflicted on some innocent people.

7. You understand that?

8. THE DEFENDANT: Yes, sir.

9. THE COURT: They're two classes of vulnerable people in
10. our civilized society, and this Court deals pretty strictly
11. with both -- with people who harm either class.

12. Number one is a child, and number two is our elderly
13. society.

14. 2014-4552, that's your armed robbery, you are confined
15. to the State Department of Corrections for a period of 20
16. years.

17. 2014-4453, financial transaction card, you are confined
18. to the State Department of Corrections for a period of ten
19. years.

20. 2014-4554, that's another -- that's the larceny, State
21. Department of Corrections for ten years.

22. 2014-4555, it's another larceny, State Department of
23. Corrections for a period of ten years.

24. 2014-4556, another -- that's a grand larceny, State
25. Department of Corrections for a period of ten years.

1 2014-5725, financial transaction card fraud, State
2 Department of Corrections for ten years.

3 2014-5724, that's another financial transaction card
4 fraud, State Department of Corrections for ten years.

5 2014-5723, obtaining property under false pretenses,
6 State Department of Corrections for ten years.

7 2014-5722, another larceny, State Department of
8 Corrections for ten years.

9 2014-5 -- 45 -- I'm sorry. 4567, financial transaction
10 card theft, State Department of Corrections for ten years.

11 2014-4566, financial transaction card fraud, State
12 Department of Corrections for ten years.

13 All the sentences are concurrent one with the other.
14 Give you credit for any time you did serve should that be --
15 I think it's a hundred days or so, but whatever it is you'll
16 get credit for your time you have served.

17 Ma'am, good luck to you.

18 THE DEFENDANT: Thank you.

19 MR. SCHULTZ: Thank you, Your Honor.

20 SOLICITOR BARNETTE: Thank you, Your Honor.

21 MS. TAT: Thank you, Your Honor.

22

23

24 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

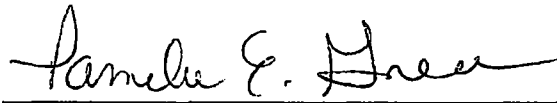
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 14th day of May, 2015.

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

July 28th, 2015

A handwritten signature in cursive script, reading "Pamela E. Green", is written over a horizontal line.

PAMELA E. GREEN, Court Reporter

COUNTY OF SpartanburgKristie Martin Bishop

Full name and prison number (if any) of Applicant.

#332220

v.

State of South Carolina

2015-CP-42-3912

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

Since every application must be sworn under oath, any false statement of a material fact thereon 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 CGGC I 4450 Broad River Rd. Columbia, S.C. 29210
2. Name and location of Court which imposed sentence Spartanburg County Court, Spartanburg, S
3. Name(s) of co-defendant(s) (if any) Kristal Diana Lynch
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2014GS4204552 Armed Robbery
 - (b) 2014GS4204553 FTC Fraud
 - (c) 2014GS4204567 FTC Theft

see attached
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) May 14, 2015 10 years
 - (b) May 14, 2015 10 yrs concurrent

see attached

Question 4

- D. 2014GS4204566
- E. 2014GS4205724
- F. 2014GS4205725
- G. 2014GS4205722
- H. 2014GS4205723
- I. 2014GS4204556
- J. 2014GS4204555
- K. 2014GS4204554

FTC Fraud (Enhanced)
FTC Fraud (Enhanced)
FTC Fraud (Enhanced)
petit larceny (Enhanced)
Breach/obtain property by
false pretenses
Grand Larceny
Petit Larceny (Enhanced)
Petit Larceny (Enhanced)

Question 5

- C. May 14, 2015
- D. May 14, 2015
- E. May 14, 2015
- F. May 14, 2015
- G. May 14, 2015
- H. May 14, 2015
- I. May 14, 2015
- J. May 14, 2015
- K. May 14, 2015

10yrs Concurrent
10yrs Concurrent
10yrs concurrent
10yrs concurrent
10yrs concurrent
10yrs concurrent
10yrs concurrent
10yrs concurrent
10yrs concurrent

M. HOPE ELAKLEY

2015 SEP 18 AM 11:44

CLEARINGHOUSE
SPRINGFIELD, IL 62761

6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ____
 - (b) after a plea of not guilty ____
 - (c) after a plea of nolo contendere ✓
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO

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. ---
 - (b) the result in each such Court to which you appealed:
 - i. ---
 - ii. N/A
 - iii. ---
 - (c) the date of each such result:
 - i. ---
 - ii. N/A
 - iii. ---
 - (d) if known, citations of any written opinion or orders entered pursuant to each results:
 - i. ---
 - ii. N/A
 - iii. ---

CLERK OF COURT
SPRINGFIELD
2015 SEP 18 AM 11:44
M. HOPE BLACKLEY

9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) my defense attorney didn't do it & is currently
 - (b) under review by the Bar Association
 - (c) ----

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully.

See attached

Revised 3-2003

- (a) Ineffective assistance of counsel
- (b) constitutional rights violated
- (c) material facts not introduced
- (d) sentence exceeds state law
- (e) vindictiveness + prejudice by prosecutor + lead investigator
- (f) mitigating circumstance of mental status at time of said crimes

Question 10

G. new evidence of fraudently obtained property by
Co-defendent

24 SEP 18 10:00
STATION 1000
2015 SEP 18 AM 11:44
M. HOPE BLACKLEY

Question 11

69

- A. failed to introduce material facts
- didn't object to perjury by prosecutor, investigator, + victims
 - didn't file proper motions
 - plea not adequately counseled
- B. Amendments 4, 6, 8, + 14 violated
- C. many facts of the case were not introduced to the time of or at plea hearing
- D. S.C. code of law
- E. evidence was not brought forth of prejudice + vindictiveness by prosecutor + investigator
- F. evaluation of psychological testing, diagnosis, nor mental health records were introduced
- G. records from SCDC to show where co-defendant donated all electronics purchased with stolen credit cards + stolen property

CLERK OF COURT
SPRINGFIELD, MO
2015 SEP 18 AM 11:44
HOPE BLACKLEY

(d) the date of each such disposition:

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

na

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

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

na

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?

NO

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

(a) which grounds have been presented:

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

na

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

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

na

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

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

na

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

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SPARTANBURG, SOUTH CAROLINA
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M. HOPE BLACKLEY

- (b) your trial, if any? ____
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? ____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? ____
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Schultz Law Firm 184 N. Daniel Morgan Ave Sptbg, SC 29301
- ii. ____
- iii. ____
- (b) the proceedings at which each such attorney represented you:
- i. my plea/sentencing
- ii. ____
- iii. ____
19. State clearly the relief you seek in filing this application:
- to overturn my sentence & exonerate me of all charges or sentence reduction
20. Are you now under sentence from any other court that you have not challenged?
- NO

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Spartanburg

Kristie Martin Bishop

application, that I

vacating, setting

that the matter

VERIFICATION

that I have subscribed to the foregoing
 des every ground known to me for
 sentence attacked in this application; and

Kristie Martin Bishop

SWORN to

day of

September
2015

Attest:

M. Hope Blackley

CLERK OF COURT
 SPARTANBURG COUNTY
 2015 SEP 18 AM 11:44
 M. HOPE BLACKLEY

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

73

Kristie Martin Bishop
I, Kristie Martin Bishop, 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.

Kristie Martin Bishop
Applicant

SWORN or affirmed to and subscribed before me this

9th day of September, 2015.

Dina W. Gled
Notary Public

My Commission Expires: May 24, 2016

CLERK OF COURT
SPARTANBURG COUNTY
2015 SEP 18 AM 11:44
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
Kristie Martin Bishop, #332220,	)	Case No.: 2015-CP-42-3912
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

Respondent, making its Return to the application for post-conviction relief ("PCR") filed September 18, 2015,¹ would respectfully show this Court:

I.

Kristie Martin Bishop ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the September 2014 term of the Spartanburg County Grand Jury for armed robbery and possession of a firearm during the commission of a violent crime (2014-GS-42-4552, counts 1 and 2), two counts of financial transaction card fraud (2014-GS-42-4553 and -4566), financial transaction card theft (2014-GS-42-4567), grand larceny (2014-GS-42-4556), and two counts of petit larceny (2014-GS-42-4554 and -4555). Applicant was subsequently indicted at the December 2014 term of the Spartanburg County Grand Jury for petit larceny (2014-GS-42-5722), obtaining money by false pretenses (2014-GS-42-5723) and two counts of financial transaction card fraud (2014-GS-42-5724 and -5725). E. Joshua Schultz, Esquire and A. Julia Tat, Esquire represented Applicant. On May 14, 2015, Applicant pleaded

¹ Applicant filed a pro se document titled "The (Applicant) Submits this Brief on the Merits of Perfecting the PCR Claim" on December 10, 2015. Because Rodney W. Richey was appointed as counsel on November 12, 2015, Respondent does not consider the document part of these pleadings pursuant to the Rule 11, SCRCP.

guilty pursuant to North Carolina v. Alford,² before the Honorable R. Keith Kelly to all charges as indicted.³ Judge Kelly sentenced Applicant to concurrent terms of imprisonment for 20 years for armed robbery and 10 years for each additional charge. Applicant did not appeal her conviction or sentence.

Attached herewith and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject convictions, 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 her Application, Applicant alleges that she is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that Counsel:
 - i. Failed to introduce material facts,
 - ii. Didn't object to perjury by prosecutor, investigator and victims,
 - iii. "Didn't file proper motions,"
 - iv. "Plea not adequately counseled;"
2. Constitutional rights violated;
 - i. Amendments 4, 6, 8, and 14 violated.
3. "Material facts not introduced";
 - i. Many facts of the case were not introduced prior to the time of or at plea hearing;
4. Sentence exceeds state law;
5. "Vindictiveness and prejudice by prosecutor and lead investigator;"
6. Mitigating circumstance of mental status at time of said crimes
 - i. "Evaluation of psychological testing, diagnosis, nor mental health records were introduced;"
7. "New evidence of fraudently [sic] obtained property by co-defendent [sic];"
 - i. "Records from SCDC to show where co-defendent [sic] donated all electronics purchased with stolen credit cards and stolen property."

² North Carolina v. Alford, 400 U.S. 25 (1970).

³ The State nolle prossed the possession of a weapon during the commission of a violent crime charge.

III.

Respondent construes allegations one, three, and six, as allegations of ineffective assistant of counsel. These allegations are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his 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, 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 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The applicant "must first demonstrate that counsel was deficient and then must also show the deficiency resulted in prejudice." Walker v. State, 407 S.C. 400, 404-05, 756 S.E.2d 144, 146 (2014). "The two-part test adopted in Strickland also applies to challenges to guilty pleas based on ineffective assistance of counsel." Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011).

First, the applicant must show that counsel's performance "fell below an objective standard of reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's

deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, he would not have [pleaded] guilty, but would have insisted on going to trial." Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

Respondent submits that Applicant can satisfy neither 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, 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.

Applicant's second allegation alleges a denial of due process of law. The Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." S.C. Code § 17-27-50 (2003). In an application for post-conviction relief, it is incumbent upon the Applicant to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since the Applicant has failed to make even a *prima facie* showing that her due process and other constitutional rights were violated, the Respondent would submit that this allegation should be summarily dismissed for failing to specifically set forth the grounds upon which the application is based.

V.

Applicant alleges that her sentence was illegal. Respondent submits that this allegation is entirely without merit. The Applicant's sentence was well within statutory limits. A trial court has broad discretion in imposing criminal sentences within the limits prescribed by law. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976); Clark v. State, 259 S.C. 378, 192 S.E.2d 209 (1972). The courts normally have no jurisdiction to correct a sentence given within statutory limits.

The record of the guilty plea clearly indicates that the plea was knowingly, intelligently, and voluntarily entered within the mandates of Boykin v. Alabama, 395 U.S. 238 (1969). See LoPiano v. State, 270 S.C. 563, 243 S.E.2d 448 (1978). The record shows that before sentencing the Applicant, the sentencing judge was apprised of all the facts related to the Applicant's conviction(s) as well as the [Applicant's prior criminal record]. The Applicant has not offered any reason to depart from the truth of her statements at the plea proceeding, and bare contradictions of these statements are not sufficient to overcome the finality of the conviction. Blackledge v. Allison, 431 U.S. 63 (1977); Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975).

The record further shows that the Applicant did not object to the court's sentence. The Applicant's failure to object waived any challenge to the length of the sentence on appeal or collateral review. Cummings v. State, 274 S.C. 26, 260 S.E.2d 187 (1979); Peeler v. State, 277 S.C. 70, 283 S.E.2d 826 (1981).

VI.

Respondent interprets Applicant's fifth allegation as an allegation of prosecutorial misconduct. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issues that is procedurally barred by S.C. Code Ann. § 17-27-20(b)

(2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989). The Respondent submits the Applicant has not carried her burden of proving actual prosecutorial misconduct, therefore, this allegation should be summarily dismissed.

VII.

Respondent submits that Applicant's allegation of newly discovered evidence is without merit. When an applicant seeks relief on the basis of newly discovered evidence following a guilty plea, relief is appropriate only when the applicant presents evidence showing (1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea and (2) the newly discovered evidence is of such weight and quality that, under the facts of circumstances of that particular case, the "interest of justice" requires the applicant's guilty plea be vacated. Jamison v. State, 410 S.C. 465, 468, 765 S.E.2d 123, 129 (2014).

"[I]n South Carolina, a guilty plea constitutes a waiver of non-jurisdictional defects and claims of violations of constitutional rights." State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013) (citing Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal defendant's right to contest the validity of such a plea is usually, but not definitely, foreclosed. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (2007). Further, "a

defendant is not entitled to withdraw his plea merely because he discovers long after the plea has been accepted that his calculus misapprehended the quality of the State's case or the likely penalties attached to alternative courses of action." Brady v. U.S., 397 U.S. 742, 757 (1970).

In Jamison, the South Carolina Supreme Court noted it would be a "rare case" where the interests of justice require the vacation of a knowing and voluntary guilty plea involving an admission of guilt and a waiver of trial. 410 S.C. at 470, 765 S.E.2d at 130. Respondent submits Applicant's newly discovered evidence claim does not sufficiently or clearly present a "rare case" requiring a vacation in the interest of justice.

Applicant's alleged "newly discovered" evidence all comes from records from South Carolina Department of Corrections showing that the co-defendant donated the property purchased with the stole credit cards. As a result, it fails to meet one of the more fundamental requirements of "newly discovered evidence" in that it is not "newly discovered." Before the circuit court will hold an evidentiary hearing, Applicant must make a prima facie showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Respondent submits Applicant failed to make a prima facie showing that she is entitled to relief based on the information set forth and, therefore, is not entitled to an evidentiary hearing in this matter.

VIII.

Applicant must specify any claims she intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code Ann. § 17-27-10 *et seq.*; Rule 71.1, SCRCP. All claims should be made well in advance of the PCR hearing. Because Applicant has been appointed an attorney, the attorney is the only individual authorized to file amendments to this

application, and filings by Applicant will not be considered at the PCR hearing. See Rule 11, SCRCF.

IX.

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

X.

WHEREFORE, having made its Return, Respondent requests that an evidentiary hearing be held solely on the claims of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

JOHANNA VALENZUELA
Senior Assistant Deputy Attorney General

ALICIA A. OLIVE
Assistant Attorney General

July 1st, 2016.

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

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
	)	
	)	2015-CP-42-3912
KRISTIE MARTIN BISHOP, #332220,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

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

Mr. Rodney Wade Richey, Esquire
Richey & Richey, PA
PO Box 10916
Greenville, SC 29603-0916

DATED this 1st day of July, 2016.


 Ashley Haworth, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMONS PLEAS
	)	CASE NO: 2015-CP-42-3912
COUNTY OF SPARTANBURG	)	
	)	
Kristie Martin Bishop, SCDC# 332220	)	AMENDMENTS TO
Applicant,	)	POST CONVICTION
	)	RELIEF APPLICATIONS
vs.	)	
	)	
THE STATE OF SOUTH CAROLINA,	)	
Respondent.	)	
_____	)	

The applicant hereby amends answers to number 9 and number 10 of his Application for Post-Conviction Relief to state the following:

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(A) The Applicant was denied effective assistance of counsel in violation of the Sixth Amendment to the United States Constitution and Article I, Section 14 of The South Carolina Constitution.

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) The applicant was provided with deficient representation by his attorney in that the conduct of his attorney was objectively unreasonable under the circumstances. Strickland v. Washington, 466 U.S. 668 (1984). The outcome of the applicant's proceeding was prejudiced, and it is reasonable probable that the outcome would have been different had counsel's performance not been deficient. Strickland, 466 U.S. at 694. Defense counsel was ineffective based on one or more of the following:

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1. My defense attorney failed to conscientiously discharge his professional responsibilities while he was handling my case.
2. My defense attorney failed to effectively challenge the arrest and seizure of Applicant.
3. My defense attorney failed to act as my diligent, conscientious advocate.
4. My defense attorney failed to give me his complete loyalty.
5. My defense attorney did not have my best interest in mind while he was supposed to be investigating and preparing my case.
6. My defense attorney failed to serve my cause in good faith.
7. My defense attorney neglected the necessary investigations and the preparation of my case.
8. My defense attorney did not do the necessary factual investigations on my behalf.
9. My defense attorney did not do the necessary legal research.
10. My defense attorney did not conscientiously gather any information to protect my rights.
11. My defense attorney did not try to have my case settled in a matter that would have been to my best advantage.
12. My defense attorney did not advise me of all my rights or take any of the actions that were necessary to protect preserve them knowing that I was not versed in the law.
13. My defense attorney, knowing I was illiterate in the law, never properly ascertained whether or not I actually understood or comprehended all of the issues that were involved in my case.
14. My defense attorney never properly consulted with me or kept me informed with what was going on as far as my case was concerned.

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15. My defense attorney never explained to me or discussed with me any of the elements of the crime charged.
16. My defense attorney never made any attempt to ascertain whether or not I actually knew what the elements fo the crime charged were or whether or not I understood exactly what the term "criminal" element" actually meant.
17. My defense attorney never explained to me or discussed with me how the elements of the crime charge and the evidence that the prosecution planned to introduce into evidence against me related to one another and did not discuss how the sentencing would be done especially as it related to the elements of the crime as in State V. Boyd.
18. My defense attorney never informed me of any of the defenses that were available to me.
19. My defense attorney never intended to offer any defense to the court on my behalf.
20. My defense attorney never explained to me or discussed with me any kind of defense strategy.
21. My defense attorney never explained to me or discussed with me any of the tactical choices that they either made or were planning to make.
22. My defense attorney dictated to me exactly how my case was going to be handled and offered no alternative options.
23. My defense attorney failed to properly acquaint themselves with the law and the facts surrounding my case and as a direct result of their intentional negligence, there was a very serious error in their assessment of both the law and the facts.
24. Because of my defense attorney's gross neglect and his many legal errors no defense at all was put in issue for me during the Court proceedings.
25. My defense attorney did not subject the prosecution's case to any adversarial testing.
26. My defense attorney failed to oppose the prosecution's case with any adversarial litigation.

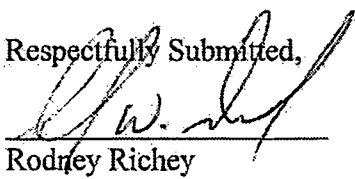
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27. My defense attorney failed to function as the government's adversary in any sense of the word.
28. My defense attorney failed to pursue any of the legal recourse that were available to him.
29. The attorney that represented me on this charge in Court failed to function as the counsel that the Constitution's Sixth Amendment Guarantees.
30. My defense attorney failed to call alibi witnesses on my behalf which would have proven my innocence.
31. My defense attorney failed to appeal my case after I was convicted when I wanted to appeal.

His counsel's representation was not within the range and scope of competence demanded by Strickland and its progeny.

A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction requires that the defendant show first, that the deficient performance prejudiced the defense so as to deprive the defendant of a fair trial. Sosebee v. Leeke, S.C. 362, F. 2nd 221 (1987), citing Strickland v. Washington 46 S.E.2D. 813 (1984), See also Butler v. State 286 S.C. 441, 334 S.E. 2d 813 (1985), also, Hill v. Lockhart 474 U.S. 88 (1985).

Respectfully Submitted,



Rodney Richey
Richey and Richey, P.A.
Post Office Box 10916
Greenville, South Carolina 29603
Attorney for the Applicant

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SPARTANBURG COUNTY
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N. HOPE BLACKLEY

October 13, 2016

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
2) COMMON PLEAS
3 COUNTY OF SPARTANBURG) OF THE THIRTEENTH
4) JUDICIAL CIRCUIT
5 KRISTIE MARTIN BISHOP,)
6 Petitioner,) TRANSCRIPT OF RECORD
7 vs.) 2015-CP-42-03912
8 THE STATE OF SOUTH CAROLINA,)
9 Respondent.)
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November 9, 2016
Spartanburg, South Carolina

B E F O R E:

HONORABLE FRANK R. ADDY, Judge.

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

RODNEY W. RICHEY,
For Petitioner

ALICIA A. OLIVE, ESQUIRE
For Respondent

Julie A. Ashbrook,
Circuit Court Reporter
Seventh Judicial Circuit

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EXHIBITS

MARKED

ENTERED

NO EXHIBITS PROFFERED

1 KRISTIN MARTIN BISHOP VS. THE STATE OF SOUTH CAROLINA

2 THE COURT: Okay. We're going to go on the
3 record. And the next case is 15-CP-3912. This is
4 Christy Martin Bishop versus the State. Are you all
5 ready to proceed on Ms. Bishop's behalf?

6 MR. RICHEY: We are, Your Honor.

7 THE COURT: Okay. I have had a chance to review
8 the packet. If you want to call your first witness,
9 Mr. Richey.

10 MR. RICHEY: We call Ms. Bishop.

11 (Whereupon, witness comes forward.)

12 THE COURT: Have a seat, ma'am.

13 THE WITNESS: Thank you.

14 THE COURT: Raise your right hand.

15 THE WITNESS: (Complies.)

16 THE COURT: Do you swear or affirm the testimony
17 you're about to give is the truth?

18 THE WITNESS: Yes, sir.

19 KRISTIE MARTIN BISHOP,
20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. RICHEY:

23 Q. Ma'am, would you state your name, please.

24 A. Kristie Martin Bishop.

25 Q. And, Ms. Bishop, are you currently in the

1 Department of Corrections?

2 A. Yes, sir, I am.

3 Q. And what are you in the Department of Corrections
4 for?

5 A. Um.

6 Q. What charges are you there for?

7 A. Um, I'm currently incarcerated for armed robbery,
8 grand larceny, RS -- no, not RSG. Several different
9 property crimes. Credit card theft, credit card fraud.

10 Q. Okay. And who represented you on those charges?

11 A. Joshua Schultz.

12 Q. Okay. And you filed an application for
13 postconviction relief because it is your position that
14 he did not adequately represent you; is that right?

15 A. Yes, sir.

16 Q. And did you have a trial or plead guilty?

17 A. I pled nolo contendere.

18 Q. Okay. And you did not have a trial?

19 A. No, sir, I did not.

20 Q. Okay. Did you want to plead guilty or did you
21 want a jury trial?

22 A. I feel like the whole time -- I feel like I
23 should have had a jury trial, in all honestly, sir,
24 because the whole time I waited until 8:30 the night
25 before I come into this courtroom. I told him I was not

1 pleading guilty to something I did not do.

2 Q. Okay. So and you told him -- well, what made you
3 actually plead guilty?

4 A. Um, because he told me if I went in front of
5 Judge Cole that he would, Judge Cole would crucify me,
6 give me 30 and 10 consecutive.

7 Q. Okay. Thirty and ten on what?

8 A. Thirty on the armed robbery and ten on, on the
9 property crimes, which is the max.

10 Q. Okay.

11 A. It's the max and I got the max.

12 Q. And so that's why you decided to plea?

13 A. I feel like he used a scare tactic to scare me
14 into pleading because I was scared to go in front of
15 Judge Cole. I'm terrified of Judge Cole. And the
16 solicitor's office knows that much about me. They know
17 that I'm terrified of Judge Cole and always have been.

18 Q. Okay. You have a co-defendant in this case -- in
19 these cases too, correct?

20 A. Yes, sir, I do.

21 Q. And was she the more culpable? Was she ---

22 A. Absolutely. If you go into my transcript you can
23 see that. Mr. Schultz described my co-defendant as the
24 more culpable and I was the least culpable. And I can
25 tell you exactly, on Page 39, Lines 1 through 6, it

1 proves the culpability status, the fact that Joshua says
2 that my co-defendant was way up here and mine was way
3 down here. (Indicating.) Basically I was just a victim
4 of circumstance. I was stuck in a predicament that ---

5 Q. What predicament is that?

6 A. I was in a car with somebody that got out and
7 committed a crime that I had no idea she committed until
8 I saw it on the news. And then I'm the one who called
9 the police to my grandmother's house to seize the car.
10 Plus my husband called the police to get Crystal out of
11 our home.

12 Only after I invoked my Fifth Amendment right
13 with the lead investigator did they come at me with
14 several different warrants. And once they got me in
15 Spartanburg County they kept serving warrant after
16 warrant after warrant after warrant because I invoked my
17 Fifth Amendment right.

18 Q. Were these warrants the conduct that was
19 allegedly done with the co-defendant?

20 A. I was charged as the principle in these
21 indictments and I'm not the principle by far. It's not
22 me that was on the video doing this.

23 Q. No, all I'm saying is that you were charged with
24 those incidents with this co-defendant, right?

25 A. Yes. Uh-huh. From my understanding I was

1 sentenced under hands on.

2 Q. And did you, did you feel like your trial
3 attorney asked for leniency?

4 A. No. At no given point did he ask for leniency.
5 If you go through the whole transcript, that was my
6 thing if I was going in to plead. He told me he was
7 gonna ask for the 10-year minimum. Never in one time
8 did he ask for no minimum. He never asked for leniency.
9 He didn't do either.

10 On my transcript on Page 56, Lines 4 through 7,
11 the judge asked Mr. Schultz was there anything further
12 and he fails to ask for leniency due to my minimal
13 involvement. At that point when he closed -- defense
14 closed their case, he refused -- I don't know if he
15 refused or -- I don't know why he didn't ask for
16 leniency due to my minimal involvement. That's
17 something I would like to know myself.

18 Q. Okay. Did you ever ask him to file a motion to
19 reconsider?

20 A. I did all but beg him on my hands and knees.

21 Q. Okay. And do you want him to ask the judge to
22 reconsider your sentence?

23 A. I absolutely did, because I know from me, from
24 what I had read, when you go into a plea judge he
25 doesn't know the whole case. He's going in just simply

1 plea. He doesn't know the whole circumstance. And I
2 feel like if he could have known that my co-defendant is
3 the one who did all these crimes and not make it to look
4 like I was the one as going into a plea, I feel like he
5 might would have had a different, a different outlook on
6 it.

7 Q. Well, now you pled under Alford; is that correct?

8 A. Yes, sir.

9 Q. And did you understand all the ramifications
10 about pleading under Alford?

11 A. Absolutely not. The night before when he come to
12 the jail to see me, he said that we would either go to
13 trial or we would go enter a plea. I said well I'm not
14 pleading guilty to something I didn't do. At no given
15 time did he explain what Alford was because if he had of
16 explained what Alford was, in my transcript when the
17 judge asked me how do you plead and I looked at Josh --
18 or, excuse me, Mr. Schultz, I looked at Mr. Schultz and
19 I said what is he talking about Alford.

20 Let me see. I've got it all wrote down. If
21 you'll just bear with me, sir.

22 Q. Okay, ma'am.

23 A. Okay. Right here on Page 20, Line 17.
24 Mr. Schultz thinks I'm pleading Alford. Shouldn't he
25 know if we discussed it?

1 Q. Okay.

2 A. And then if you go down to line -- Page 21,
3 Line 12 through 22, the judge asked me if I'm getting a
4 beneficiary -- benificiality (sic) by pleading. And the
5 record shows that he instructed Mr. Schultz to tell me
6 how to answer because I looked up. I didn't understand
7 what they were asking. And I had no idea what he meant
8 by beneficial treatment or however he worded it. No,
9 absolutely not.

10 Q. Okay.

11 A. Do you need me to tell you that again, that page?

12 Q. No, ma'am, I've got it. So you don't believe you
13 derived any benefit from pleading --

14 A. Absolutely not.

15 Q. -- under Alford? Okay. There was, there was
16 some cases dismissed in your case. Was there a weapons
17 charge?

18 A. Actually there was a weapons charge. He started
19 out, Mr. Barnette, started out saying that my weapons
20 charge was gonna be dismissed upon acceptance of my
21 plea. Well, if you go to Page 31, Line 17 through 20,
22 Mr. Barnette says: (Reading.) After the plea is
23 accepted, Your Honor, I am dropping the armed robbery
24 and the weapons charge. (Ends reading.)

25 If that be the case, if he's dropping the armed

1 robbery and the weapons charge, why do I have 20 years
2 for an armed robbery that I didn't commit?

3 Q. Okay. So it's your position based on the
4 transcript the armed robbery should be dismissed against
5 you?

6 A. Off the transcript, yes. You're going off the
7 transcript, I would say if he was dropping it after a
8 plea accepted, why wouldn't you do it before?

9 Q. Okay. And you -- and how much time were you
10 sentenced on your armed robbery?

11 A. Twenty years.

12 Q. Did you believe that there was any issues for
13 direct appeal?

14 A. I asked for a direct appeal. Didn't get it
15 either. The judge told me I had ten days. The same day
16 that I went back to jail I wrote the clerk of court.
17 Heard nothing about it. I asked Josh, still nothing
18 about it. He would not even speak to my family.

19 Q. Okay. When you said you wanted to go to trial,
20 did you discuss any trial strategy with your lawyer?

21 A. Absolutely not. Nothing was ever discussed. It
22 was either go to trial or plea. Nothing was ever
23 discussed about going to trial. No way he was gonna go,
24 no anything.

25 Q. Okay. Do you believe that counsel was present in

1 your case when you were called a career criminal?

2 A. Absolutely so. Absolutely. On Page 36, Lines 21
3 through 25, Mr. Schultz calls me a career criminal, not
4 once but twice. It's Page 36.

5 Q. Okay. And ---

6 A. Lines ---

7 Q. Go ahead.

8 A. Lines 21 and 25.

9 Q. Uh-huh. And the evidence, some of the evidence
10 against you were statements by the co-defendants?

11 A. Absolutely. And she changed her statements five
12 different times. And only upon Mr. Barnette offering
13 her ten years of leniency to falsify statements against
14 me, did she decide that she wants to turn State's
15 evidence, only because she was scared she was going to
16 get crucified. But five different times she changed her
17 statements and all five of them were lies. The
18 investigators did the leg work, proved that they were
19 lies. And why did he not put the State to a burden of
20 proof, I have no idea. I don't understand when you knew
21 the only witness that they had was a compulsive liar.

22 Q. And did you discuss that with him?

23 A. Yes, I did.

24 Q. And what was his response to that?

25 A. Basically if I go in front of Judge Cole I'm

1 gonna be crucified.

2 Q. Okay. So you're saying he dropped the trial and
3 everything because of his fear of getting a much greater
4 sentence?

5 A. Absolutely. I'm 43 years old. I am a new
6 grandmother. I'm blessed. I might be sitting in the
7 penitentiary, but I'm truly blessed. That's a fact. I
8 wanted to be able to be a part of my grand baby's life
9 from the outside, not -- I don't want to be stuck in the
10 penitentiary and my grand baby be grown. I know I've
11 made some mistakes in my life, but I would never hurt
12 any of these people.

13 I've got an 80-year-old grandmother that is dying
14 now because of this sentence for me. And I pray every
15 day just to let her see me walk out the door. She tells
16 me every day that I call her that she's tired, she wants
17 to go home. And I don't think she's going to have that
18 peace until I walk out of there and I want her to have
19 peace.

20 Q. Okay. Ma'am, did you -- do you believe that your
21 counsel fully investigated your case?

22 A. No, I do not.

23 Q. Okay. Are those the allegations you have against
24 your trial attorney?

25 A. Sir?

1 Q. Are those allegations you had of the trial
2 attorney?

3 A. Absolutely.

4 Q. Was your trial attorney, was he assisted by
5 anybody?

6 A. He was. Ms. Julia Tat.

7 Q. Okay. And do you know what her role was?

8 A. No. I don't know what her role was, but she
9 would come to the jail and talk to me. And like she
10 said, she said I don't understand why they're pushing
11 this so hard on you. You were just at the wrong place
12 at the wrong time.

13 Q. And she is a lawyer in the case?

14 A. I don't know. I'm assuming she is. I don't
15 know.

16 MR. RICHEY: Answer the questions the attorney
17 general has for you.

18 THE COURT: Ms. Olive.

19 MS. OLIVE: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. OLIVE:

22 Q. You testified a minute ago that Solicitor
23 Barnette stated that he was dropping the -- he was
24 dismissing the armed robbery charge?

25 A. And the weapon charge. That's Page 31, Lines 17

1 through 20.

2 Q. Do you think it's possible you might be confused
3 that he was actually referring to the indictment which
4 had the robbery charge as well as the weapons charge on
5 it? He was just referring to count two, which would
6 have been the weapon charge?

7 A. No, I don't believe he made that mistake. I
8 think after everything and him not fully knowing the
9 whole situation, I believe he realized -- and to that
10 point I believe he realized that something was wrong and
11 he had done come too far in front of the judge.

12 Q. Ms. Bishop, these charges arose out of five
13 separate incidents; is that correct?

14 A. If you say so. I'm not sure. I'd have to have
15 all the stuff in front of me.

16 Q. And this occurred on five different dates?

17 A. If you say so. That I don't know. Unless I've
18 got all the paperwork in front of me I don't know.

19 Q. Well, ma'am, these are your charges.

20 A. Okay. But absolutely they're not really my
21 charges. The fact that I went in with a defense counsel
22 that told me to plead because I would be crucified
23 otherwise.

24 Q. Meaning he thought that Judge Cole would sentence
25 you more harshly?

1 A. Absolutely.

2 Q. Is that if you went in front of Judge Cole on a
3 guilty plea?

4 A. No. There would have been a jury trial, I think.

5 Q. Okay. So did you decide to plead guilty because
6 you thought you'd get a lower sentence by pleading
7 guilty?

8 A. He told me that he would ask for ten years, which
9 was the minimum, for minimal involvement, of which he
10 never did.

11 Q. Didn't your attorney spend a great deal of time
12 talking to the judge about how Ms. Lynch was more
13 culpable? Ms. Lynch, being your co-defendant in this
14 case, was more culpable than you?

15 A. I don't know. I can't tell you what their
16 conversations were. I wasn't ---

17 Q. Ma'am, you were in the courtroom.

18 A. Oh, no, he didn't speak to Mr. Barnette at all
19 when I was in the courtroom.

20 Q. Ma'am, I'm speaking about your attorneys, what
21 their representations were to the judge at your guilty
22 plea hearing.

23 A. I don't understand what you're asking me.

24 Q. Were you present when -- during your guilty plea
25 hearing?

1 A. Yes, I was.

2 Q. When you pleaded guilty pursuant to Alford?

3 A. What does that mean?

4 Q. You entered a guilty plea under North Carolina
5 versus Alford, right?

6 A. Oh, okay. Yes, ma'am.

7 Q. Okay. You were present in the courtroom at that
8 time, were you not?

9 A. Physically.

10 Q. Okay. Do you recall the judge providing a
11 lengthy explanation about what an Alford plea meant?

12 A. I don't remember him really explaining what
13 Alford meant. Because if I had known what Alford meant,
14 I wouldn't have had to ask him or looked puzzled like I
15 did when he said that.

16 Q. Okay. We'll let the record speak for itself.

17 A. I can -- well, Page 38. I can tell you Page 38,
18 Lines 7 through 13 proves that I didn't have anything --
19 proves that I didn't have any conversation about what
20 Alford was prior to going to this courtroom.

21 Q. But you knew going into this courtroom that you
22 were going in there to enter a plea, did you not?

23 A. Yes.

24 Q. And you understand that an Alford plea operates
25 the same as a guilty plea?

1 A. I did not know that. I was not advised of that.

2 Q. But the judge explained that to you at your
3 guilty plea.

4 A. No, not fully he didn't. You've got to realize I
5 was in a state of shock. I had been in solitary
6 confinement with every privilege took from me for
7 absolutely no reason. Four-and-a-half months I walked
8 in that county jail disciplinary free. And on the basis
9 of my co-defendant choosing to turn State's evidence
10 against me, which was all fabricated lies, I got put
11 into solitary confinement.

12 Everything except for my bible was took from me.
13 My mail was cut off, incoming and outgoing. My visits
14 to my phone calls took. All my legal mail, all my
15 books, everything. I couldn't even have any kind of
16 conversation with my family. They took my cup. I
17 couldn't even have a cup of water. And me on
18 medications that could cause me to die from dehydration
19 and I couldn't even have a little medical cup. I was in
20 a state of shock. I begged to be sent to a mental
21 hospital and they refused to do that too.

22 Q. Nevertheless, you entered a guilty plea on this
23 date.

24 A. Okay.

25 Q. May 14th, 2015. You were present in the

1 courtroom.

2 A. Yes, ma'am, I was present physically.

3 Q. Okay. And the judge went through what an Alford
4 was with you. You agree with me that that appears in
5 the transcript that it happened?

6 A. Yes. Okay. And you're saying that I pled
7 guilty. Well let me take you back to Page 25.

8 Q. Ma'am.

9 A. Okay. I ---

10 Q. Please let me ask the questions.

11 A. I apologize.

12 Q. Was there not video evidence in this case? There
13 were video recordings of you in this car with your
14 co-defendant?

15 A. Absolutely not. The video only showed her
16 getting in and out of the car. They couldn't even
17 identify who was driving that car until I told them
18 myself that I was in the car.

19 Q. But these -- we're talking about incidents that
20 took place on five different days. We're not talking
21 about just one incident, right?

22 A. If you'll go back into the transcript, it will
23 tell you some of the videos there was nowhere -- me
24 nowhere showing inside, outside the stores or driving
25 the car.

1 Q. But your co-defendant ---

2 A. My do-defendant tried to lay everything on me
3 four different times, then finally owned up to it
4 herself in her deposition under oath and told that she
5 had her cellphone in her hand. There was no weapon.

6 Q. Okay. Didn't the judge explain to you that
7 pleading guilty meant -- pleading guilty under Alford,
8 the judge told you that the Court was gonna treat that
9 the same as if you pleaded guilty?

10 A. Okay. I understand that's what the transcript
11 says, but as I said mentally I was not there.
12 Physically I was, mentally I had left five months into
13 my time.

14 Q. Okay.

15 A. Sitting in the county.

16 Q. Do you recall Solicitor Barnette telling the
17 judge that you had had a mental exam?

18 A. I do. As a matter of fact, I have that mental
19 exam with me.

20 Q. Okay. And you had a pretty lengthy criminal
21 history, correct?

22 A. As opposed to?

23 Q. No history.

24 A. Okay. Well, that's obvious. You know, I've been
25 to prison twice for probation violation. I've never had

1 a violent conviction ever. So to state that I'm a
2 career criminal on nonviolent charges is just
3 preposterous.

4 Q. Do you recall Solicitor Barnette stating that you
5 had roughly 11 prior convictions?

6 A. I didn't count them, but...

7 Q. Would you agree with me that's a pretty lengthy
8 procedural ---

9 A. Yes.

10 Q. I mean criminal history. And the judge can take
11 that into account when he sentences you, right?

12 A. Nobody advised me of that. No one ever advised
13 me of the fact that my past criminal convictions could
14 hurt me.

15 Q. And the judge explained to you the charges
16 against you and the maximum sentences that you could
17 receive on those charges, told you you could received
18 from 10 to 30 years on armed robbery charge?

19 A. The record will show it, yes, ma'am.

20 Q. So he could sentence you anywhere in that range
21 from anywhere 10 to 30 years?

22 A. Yes, sir. I mean, yes, ma'am. I'm sorry. But
23 can I say something? If my defense attorney told me
24 that he was gonna --

25 Q. Ma'am.

1 A. -- ask for leniency, shouldn't he have done that?

2 Q. Again, do you not recall him having a lengthy
3 discussion with the judge explaining to the judge why he
4 should be lenient?

5 A. But he never asked for leniency. You might have
6 explained why he should, which was mitigating
7 circumstances, but you never asked for leniency due to
8 my minimal involvement.

9 Q. So -- okay. So you admit that your attorneys
10 provided mitigating circumstances at your sentencing,
11 right?

12 A. Partial.

13 Q. And the judge asked you if you were waiving your
14 right to a jury trial, the right to confront your
15 accuser -- right to confront any accusers against you
16 and your right to remain silent by pleading guilty?

17 A. He asked me that, but I didn't know really what I
18 was giving up because Mr. Schultz had never discussed
19 with me what I would be giving up and what all that
20 meant. I was given two options, trial or plea, but then
21 trial is I'm gonna get crucified, never see daylight
22 again.

23 Q. Ms. Bishop, just a couple last questions.

24 A. Uh-huh.

25 Q. You did have two weapons charges against you that

1 were dropped.

2 A. No, ma'am.

3 Q. As a result of this plea.

4 A. No, ma'am.

5 Q. And the charges that you were indicted for were
6 armed robbery, financial transaction card fraud,
7 financial transaction card theft, grand larceny and
8 petit larceny and obtaining property by false pretenses.
9 Do you recall that?

10 A. Yes, ma'am.

11 Q. And because of your previous property crime
12 history, those sentences -- and, excuse me, there was
13 four counts of financial transaction card fraud and
14 three counts of petit larceny; is that right? Does that
15 sound right?

16 A. It sounds about right.

17 Q. And you were facing up to ten years on each of
18 those because of the enhancement?

19 A. Yes, ma'am.

20 Q. Okay.

21 A. And I received ten years.

22 Q. Okay. Concurrent to run with your 20-year
23 sentence you received on the armed robbery?

24 A. Yes, ma'am.

25 Q. Okay. You understand that if you had gone to

1 trial you would have been facing all of those same --
2 you would have been facing the same exposure at trial
3 and the judge could have potentially sentenced you
4 consecutively as well?

5 A. But I also could have been sentenced under the
6 minimum statute with that armed -- with that weapons
7 charge being dropped. I could have been sentenced under
8 the common law rider statute, which is obviously what it
9 was.

10 Q. Did the solicitor not dismiss those charges in
11 exchange for your plea, though?

12 A. Uh-huh. I didn't get notified if he did. I
13 didn't know anything about a weapons charge being
14 dropped until the morning I walked in and sat down at
15 that table right there. (Indicating.)

16 Q. Is that when the plea offer was provided to you?

17 A. There was no plea offer provided. All the way up
18 until the night before I was told no pleas, no
19 negotiations, no recommendations, no nothing. He wasn't
20 budging. That's Mr. Schultz's words, he wasn't budging.
21 He's not gonna give in at all and we don't understand
22 why because you're not the one who committed these
23 crimes.

24 Q. So are you asking today to go back to trial
25 facing all of these charges and all of these potential

1 sentences?

2 A. Absolutely.

3 Q. Okay. And you still understand that you could be
4 getting consecutive time?

5 A. Absolutely.

6 Q. Okay. At any time during your guilty plea did
7 you ever ask to withdraw your guilty plea?

8 A. Well, on Page 25, lines 15 through 16, the judge
9 asked me if I'm pleading guilty because I am, I plainly
10 said no, sir, I'm not guilty.

11 Q. That's because you were pleading pursuant to
12 Alford.

13 A. Okay.

14 Q. You're not admitting guilt.

15 A. But I wanted him to understand that I wasn't
16 because no one explained to me what Alford was. Because
17 if he had fully explained that I would have said no I'm
18 going to trial.

19 Q. But the fact remains you never at any time during
20 your guilty plea told the judge that you wanted to
21 withdraw your plea.

22 A. I didn't know I was -- I mean, I'm not a lawyer.
23 I didn't know that I was allowed to do that. I was
24 instructed yes, sir and no, sir. Yes, sir and no, sir.

25 Q. Instructed by your attorney?

1 A. Yes, ma'am.

2 Q. Did you ever tell your attorney you wished to
3 withdraw your plea?

4 A. Yes, absolutely.

5 Q. During your plea?

6 A. Not during my plea. After this was all said and
7 done, I see my family over there, I wrote, I wrote
8 numerous letters to the point that I was having to get
9 stuff notarized and sent to Mr. Schultz because I was
10 getting no correspondence. I was getting no nothing.
11 And I begged. I all but got on my hands and knees and
12 begged for him to file a motion of reconsideration and I
13 never received anything.

14 MS. OLIVE: Thank you. That's all the questions
15 I have.

16 THE WITNESS: Thank you.

17 MR. RICHEY: No questions. I call Josh Schultz.

18 THE COURT: Ma'am, you can step down. Thank you.

19 THE WITNESS: Thank you.

20 (Whereupon, witness leaves witness stand.)

21 THE COURT: Call your next witness.

22 (Whereupon, witness comes forward.)

23 All right. Swear or affirm the testimony you're
24 about to give is the truth?

25 THE WITNESS: I do.

1 E. JOSHUA SCHULTZ,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. RICHEY:

5 Q. Sir, would you state your name, please.

6 A. Attorney E. Joshua Schultz.

7 Q. And, Mr. Schultz, do you practice in Spartanburg?

8 A. I do.

9 Q. And do you recall representing Ms. Bishop?

10 A. I do.

11 Q. You recall when she gave her testimony. I'm just
12 gonna get right to it and ask you on Page 41 on this
13 transcript, the solicitor says that he is dismissing the
14 a weapons charge and armed robbery. Did you have an
15 agreement with him to dismiss both of those cases on
16 Page 41, line 17 through 23?

17 A. Um, I don't remember the armed robbery being
18 dismissed. I mean, it was my recollection that she pled
19 guilty to an armed robbery.

20 Q. Was there one or more armed robbery charges
21 pending against her? Do you recall?

22 A. I do not recall.

23 Q. Okay. So did you have some agreement with the
24 prosecutor to do that? Did you have some agreement with
25 the prosecutor to dismiss these charges under some plea

1 agreement or anything?

2 A. Whatever the transcript says there, that's
3 accurate.

4 Q. Okay. So there should be an armed robbery
5 somewhere dismissed against her, right?

6 A. Yeah, if that's what the transcript says.

7 Q. Okay. I'm just gonna go down on the list of
8 these things. Can you tell me did Ms. Bishop want to go
9 to trial on these charges?

10 A. My understanding from consultations with her is
11 that she did not wish to go to trial in front of Judge
12 Cole. She was actually on the trial docket, to my
13 recollection, the next week after. After she -- I
14 believe she entered a plea, I think the week previous to
15 her being on the trial docket, I believe. And Judge
16 Cole was the trial judge then.

17 Q. Okay. So did you discuss all the evidence with
18 her?

19 A. As much as I could.

20 Q. Okay. And based on your review of that evidence
21 with her, was she least culpable than her co-defendant?
22 Did she have less culpability than her co-defendant?

23 A. Yes. And I still believe that. And I argue
24 that, as the transcript reflects. And my associate
25 argued that as well in her, in her plea recitation as

1 well.

2 Q. Did you discuss what an Alford plea means to her?

3 A. It's my recollection that I, that I did. An
4 Alford plea is sort of a complex kind of thing. It's
5 sometimes difficult for a client to wrap their head
6 around, but I believe I had adequately prepared her for
7 that.

8 Q. And Ms. Bishop testified to the term career
9 criminal that you used in referencing her. Can you tell
10 me why that term was used?

11 A. Sure. Absolutely. If I can just get your
12 patience here.

13 Q. Okay.

14 A. Yes. On Page 36, previous to talking about that,
15 I gave the Court some background information on Ms.
16 Bishop's life. Her family situation, which is very
17 tragic. And if I could quote from the transcript.

18 And I'm quoting here: (Reading.) She'll freely
19 admit, and I think the Court has heard this before, and
20 I hate to use this word career criminal and I hate it,
21 and the Court probably agrees with me on this, but there
22 are reasons why people are career criminals. And nobody
23 sets out in the morning to do evil. There's reasons for
24 it. (Ends reading.)

25 And then I elicited those reasons why somebody

1 has a record like that. And that's my job is to present
2 mitigation when I do guilty pleas.

3 Q. Did she contact you about filing a motion to
4 reconsider the sentence?

5 A. I don't remember specifically about that, but I
6 do not believe that there was any real issues that were
7 not addressed, and any issues that remained to be
8 addressed at the hearing for either a motion to
9 reconsider or an appeal.

10 Q. I think she testified she asked you to reconsider
11 the amount of time she got. Do you think that was a
12 request, a legitimate request to ask the judge to
13 reconsider how much actual sentence time she got?

14 A. It's my opinion, and I didn't want to prejudice
15 her, in that the judge could have perhaps given her more
16 time if I were to file the motion to reconsider.

17 Q. Let's go to this evidence of these video tapes.
18 Was there any evidence on these videotapes? Was there
19 any evidence that she was actually participating in
20 these crimes?

21 A. I think under the hand to one is the hand of all,
22 I think there would be enough evidence to sustain a
23 conviction against her should the case had gone to
24 trial, based upon the videos.

25 Q. Was all these cases done with a co-defendant?

1 All these cases were done with a co-defendant. Was
2 there a co-defendant involved in all these cases?

3 A. Yes. For the most part, yes.

4 MR. RICHEY: One moment, Your Honor.

5 (Whereupon, off-the-record discussion occurred
6 between counsel and client.)

7 BY MR. RICHEY:

8 Q. Do you believe -- I guess you answered this. Do
9 you believe she got a beneficial result in pleading
10 guilty?

11 A. If you asked my opinion, I think the sentence was
12 -- I think it was harsh. For us accepting
13 responsibility under Alford, I do believe it was harsh.
14 But if you would have gone to trial, there's always
15 potential that she could have gotten a lot more. But
16 that's my opinion, if that's what you're asking.

17 MR. RICHEY: Thank you. Answer any questions the
18 attorney general has for you.

19 CROSS-EXAMINATION

20 BY MS. OLIVE:

21 Q. Good afternoon, Mr. Schultz.

22 A. Good afternoon.

23 Q. Mr. Schultz, do you have a copy of the transcript
24 with you?

25 A. I do.

1 Q. Okay. Can I ask you to refer to Page 4 of the
2 transcript. Well, yeah, Page 4 of the transcript,
3 starting at Lines 12 through 22. You don't have to read
4 it out loud, but it's pertaining to the indictment on
5 the armed robbery.

6 A. Yes, I see it.

7 Q. Okay. Is it still under your understanding that
8 despite what appears on Page 31 of the transcript that
9 the solicitor intended to dismiss the armed robbery
10 charge?

11 A. No. I think that either could be a mistake in
12 the transcript or maybe Mr. Barnette misspoke.

13 Q. Was it your understanding that the State was just
14 intending to dismiss the weapons charge?

15 A. Yes. Yes.

16 Q. And, in fact, she did plead guilty to armed
17 robbery?

18 A. Yes.

19 Q. And as part of this plea, were there any -- do
20 you recall -- and you can refer to the transcript of
21 course -- whether there were any exhibits introduced by
22 the State?

23 A. Yes. Mr. Barnette introduced a lot of exhibits.

24 Q. Would those exhibits include the videos?

25 A. Yes.

1 Q. What was your intent in speaking to the judge
2 prior to sentencing and providing background information
3 about Ms. Bishop?

4 A. In speaking in chambers to the judge?

5 Q. I'm sorry, I didn't mean to say chambers.

6 A. Well, you didn't say chambers. Just prior?

7 Q. No. On the record. I mean, you -- in
8 mitigation. What's the purpose of mitigation?

9 A. Okay. The purpose of mitigation is to receive a
10 more lenient sentence. And usually when folks accept
11 responsibility under Alford or just a straight guilty
12 plea, the defense attorney, as well as the defendant, is
13 asking for leniency from the Court because they're not
14 making the State go through the time, effort and energy
15 of going through a trial.

16 Q. So do you typically have to actually ask for
17 leniency when you're providing that mitigating evidence?

18 A. Well, and I mean the judge knows what I'm doing,
19 I'm offering mitigation, even though I may not have
20 necessarily said the word leniency.

21 Q. And are you familiar with Ms. Bishop's criminal
22 history?

23 A. Yes.

24 Q. Okay. Do you think that that was helpful to her
25 sentencing?

1 A. No, it was very unhelpful of her sentencing.

2 Q. And even if she had gone to trial the judge would
3 have -- would the judge have considered that in
4 sentencing her if she had gone to trial instead of
5 pleading guilty?

6 A. If she would have gone to trial and testified,
7 there are perhaps some convictions that may have come in
8 to impeach her credibility or some such things like
9 that. But if she would have gone to trial and then be
10 ultimately convicted of a jury and then the trial court
11 would render a sentence after hearing from potentially
12 the victims and also for the record, it could have been
13 worse if she had proceeded at trial and ultimately lost.

14 Q. I'm just gonna back up here. Do you recall how
15 many times you met with Ms. Bishop?

16 A. It was several. I don't have an exact number.

17 Q. And you had co-counsel in this case; is that
18 right?

19 A. I did.

20 Q. And would you say that you all worked on this
21 case equally or did you spend more time speaking with
22 Ms. Bishop?

23 A. I would, I would actually say that it was
24 probably an equal amount. Sometimes I went to go see
25 her by myself. I know sometime Ms. Tat went to go see

1 Ms. Bishop by herself. And then sometimes we both went
2 together to see her.

3 Q. In these discussions with Ms. Bishop, did you
4 explain to her her constitutional rights?

5 A. Yes, ma'am.

6 Q. Did you discuss with -- did you review the
7 discovery with her?

8 A. Yes. And Ms. Tat did as well.

9 Q. Did you discuss with her the State's evidence
10 against her, including how that evidence might weigh
11 against her at trial?

12 A. Yes.

13 Q. Do you feel she understood those discussions?

14 A. I do. And a lot of times when she was talking to
15 me, she was, she was emotionally very duressed (sic), I
16 think, at several occasions in my recitation. When I
17 took over the case, I believe from the public defender's
18 office, I got her mental health evaluation with
19 Dr. Roughen (phonetic) because there could be some
20 issues there. And Dr. Roughen presented to me that
21 there were no issues that could affect her ability to
22 know what was going on.

23 Q. Did the State ever make a plea offer in this
24 case?

25 A. They did, but it wasn't an excellent offer,

1 probably because of her record, but it did dismiss some
2 charges, but I -- so yes.

3 Q. Is that -- was that the offer that she -- was it
4 the straight up offer that she proceeded on or was this
5 -- she given a different offer besides what she pleaded
6 to?

7 A. No. No.

8 Q. Okay. Did you discuss with Ms. Bishop the pros
9 and cons of pleading guilty versus going to trial?

10 A. Yes.

11 Q. Do you feel she understood those discussions?

12 A. Yes.

13 Q. Did she ever indicate a desire to withdraw her
14 guilty plea during the plea?

15 A. No.

16 Q. Was it Ms. Bishop's decision to enter a guilty
17 plea?

18 A. Yes, ma'am.

19 Q. Did you threaten her into making that decision?

20 A. No, I did not.

21 Q. If she had indicated to you that she wished to go
22 to trial would you have been prepared?

23 A. Yes.

24 MS. OLIVE: Beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

1 BY MS. OLIVE:

2 Q. Mr. Schultz, if you had filed a motion to
3 reconsider in this case, do you feel that you had any
4 information other than what was already presented to the
5 Court that could have been presented in a motion to
6 reconsider?

7 A. No. When I do motions to reconsider, it's
8 usually some additional information that I may receive
9 that I could have presented but for various reasons did
10 not present at the, at the plea hearing or when the
11 client was convicted. In this case, Ms. Bishop
12 addressed the Court I know. A couple family members
13 addressed the Court. And we obviously presented, I
14 believe, more than enough mitigation on that case.

15 Q. Do you feel Ms. Bishop knew that she was -- did
16 she understand that she was going to plead guilty that
17 day?

18 A. Yes. She realized that she was going to plead
19 guilty under Alford.

20 Q. And did you explain to her what constitutional
21 rights she would be waiving by pleading guilty?

22 A. Yes, ma'am.

23 MS. OLIVE: Thank you, that's all the questions I
24 have.

25 MR. RICHEY: Nothing further.

1 THE COURT: All right. Thank you, sir. You can
2 step down.

3 (Whereupon, witness leaves witness stand.)

4 MR. RICHEY: I call Ms. Julia Tat.

5 (Whereupon, witness comes forward.)

6 THE COURT: Swear or affirm the testimony you're
7 about to give is the truth?

8 THE WITNESS: I do.

9 JULIA TAT,
10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. RICHEY:

13 Q. Ma'am, can you state your name please.

14 A. Julia Tat, T-A-T.

15 Q. And you were involved in Ms. Bishop's
16 representation, correct?

17 A. Correct.

18 Q. Do you recall going to a jail and discussing her
19 case with her?

20 A. I do.

21 Q. And do you recall telling her there was no
22 evidence in the case against her?

23 A. No, I don't believe I stated it that way. We
24 talked a lot about direct evidence, linking her
25 co-defendants more specifically, but Ms. Bishop, I

1 believe, provided some testimony or some statements to
2 the police placing herself there. And she also appeared
3 in some of the videos that was in the discovery as well.

4 Q. So do you believe there was sufficient evidence
5 that she could have got convicted on these cases?

6 A. Can you repeat that?

7 Q. Do you believe there was sufficient evidence,
8 from your observation, that she could have been
9 convicted on any of these cases?

10 A. I do.

11 Q. Ma'am, last thing. Ma'am, can you tell me why
12 you all never directly asked the judge for leniency?

13 A. I believe -- my belief is, and I believe the
14 practice is, that we don't necessarily have to
15 specifically ask the judge for leniency. The whole
16 purpose of us providing background information as to the
17 client, some mitigating factors relating to the facts of
18 the case, having family come up and talk about, you
19 know, the person that they know our client to be, all of
20 that is the purpose of all of that. And I believe it's
21 understood because we are asking the judge for a lesser
22 sentence, and especially in the guilty plea, to take
23 that into consideration as well.

24 MR. RICHEY: Okay. Answer any questions the
25 attorney general may have.

1 CROSS-EXAMINATION

2 BY MS. OLIVE:

3 Q. Good afternoon, Ms. Tat.

4 A. Good afternoon.

5 Q. What kind of research did you do in preparing the
6 information that you presented to the judge in
7 mitigation?

8 A. Ms. Bishop and I spent a lot of time talking
9 about herself and her family, her background. A lot of
10 the things that she has experienced. And then she and I
11 reviewed the discovery together. And I, myself,
12 independently went through a lot of the Discovery and
13 organized it and just sort of created for myself an
14 understanding of where Ms. Bishop was involved and where
15 she wasn't or to what extent.

16 Q. As part of your mitigation argument, did you
17 argue that her co-defendant was more culpable than she
18 was?

19 A. Yes. And I believe that that was the case.

20 MS. OLIVE: Thank you, that's all the questions I
21 have.

22 THE WITNESS: Thank you.

23 THE COURT: All right. Ma'am, thank you.

24 Mr. Richey?

25 (Whereupon, witness leaves witness stand.)

1 MR. RICHEY: No other witnesses.

2 THE COURT: Anything from the State?

3 MS. OLIVE: Nothing from the State, Your Honor.

4 THE COURT: The Court will take the matter under
5 advisement and that will give me a chance to take a
6 second look at the transcript, since obviously today was
7 the first day that I saw it. So hopefully I'll have you
8 all an order sometime next week, okay?

9 MS. OLIVE: Thank you, Your Honor.

10 MR. RICHEY: Thank you.

11 (Whereupon, hearing concluded at 3:30 p.m.)

12

13 --- THIS ENDS REQUESTED TRANSCRIPT ---

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1 COURT REPORTER CERTIFICATE

2
3 I, the undersigned Julie A. Ashbrook, Court
4 Reporter for the Seventh Judicial Circuit Court of the
5 State of South Carolina, do hereby certify that the
6 foregoing is a true, accurate, and complete transcript
7 of record of all the proceedings and evidence introduced
8 in the hearing and/or trial of the captioned case,
9 relative to appeal, in the Court Of Common Pleas for
10 Spartanburg County, South Carolina, on the 9th day of
11 November, 2016.

12 I do further certify that I am neither of kin,
13 counsel, nor interest to any party hereto.
14
15
16
17

18 s/Julie A. Ashbrook.
19 Julie A. Ashbrook
20 Circuit Court Reporter
21 Seventh Judicial Circuit
22
23
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STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2015-CP-42-3912

Kristie Martin Bishop, #332220,

Applicant,

V.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

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M. HOPE BLACKLEY

THIS MATTER COMES BEFORE THE COURT by way of an Application for Post-Conviction Relief filed September 18, 2015. Respondent made a Return on July 1, 2016. Applicant amended her Application on October 14, 2016. The Court convened an evidentiary hearing into the matter on November 9, 2016, at the Spartanburg County Courthouse. Applicant was present at the hearing and represented by Rodney W. Richey, Esquire. Alicia A. Olive, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on her own behalf at the evidentiary hearing. Applicant's plea counsel, E. Joshua Schultz, Esquire, and A. Julia Tat, Esquire, also testified. The Court had before it a copy of the plea transcript, the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the September 2014 term of the Spartanburg County Grand Jury for armed robbery and possession of a firearm during the commission of a violent crime (2014-GS-42-4552, counts 1

QNA

and 2), two (2) counts of financial transaction card fraud (2014-GS-42-4553 and -4566), financial transaction card theft (2014-GS-42-4567), grand larceny (2014-GS-42-4556), and two (2) counts of petit larceny (2014-GS-42-4554 and -4555). Applicant was subsequently indicted at the December 2014 term of the Spartanburg County Grand Jury for petit larceny (2014-GS-42-5722), obtaining money by false pretenses (2014-GS-42-5723) and two (2) counts of financial transaction card fraud (2014-GS-42-5724 and -5725). E. Joshua Schultz, Esquire, and A. Julia Tat, Esquire, represented Applicant. On May 14, 2015, Applicant pleaded guilty pursuant to North Carolina v. Alford,¹ before the Honorable R. Keith Kelly to all charges as indicted.² Judge Kelly sentenced Applicant to concurrent terms of imprisonment for twenty (20) years for armed robbery and ten (10) years for each additional charge. Applicant did not appeal her conviction or sentence.

II. ALLEGATIONS

In her application, Applicant alleged she is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that Counsel:
 - a. Failed to introduce material facts,
 - b. Didn't object to perjury by prosecutor, investigator and victims,
 - c. "Didn't file proper motions,"
 - d. "Plea not adequately counseled;"
2. Constitutional rights violated;
 - a. Amendments 4, 6, 8, and 14 violated.
3. "Material facts not introduced";
 - a. Many facts of the case were not introduced prior to the time of or at plea hearing;
4. Sentence exceeds state law;
5. "Vindictiveness and prejudice by prosecutor and lead investigator;"
6. Mitigating circumstance of mental status at time of said

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¹ North Carolina v. Alford, 400 U.S. 25 (1970).

² The State *nolle prossed* the possession of a weapon during the commission of a violent crime charge.

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- crimes
- a. "Evaluation of psychological testing, diagnosis, nor mental health records were introduced;"
7. "New evidence of fraudulently obtained property by co-defendant;"
- a. "Records from SCDC to show where co-defendant donated all electronics purchased with stolen credit cards and stolen property."

In her amended Application, Applicant also asserted 31 additional claims of ineffective assistance of counsel. At the evidentiary hearing, Applicant proceeded on allegations of ineffective assistance of plea counsel for (1) failure to properly present facts in mitigation; (2) failure to make a motion to reconsider the sentence or to appeal the guilty plea, and (3) failure to adequately advise Applicant resulting in an involuntary guilty plea.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The Court has weighed the testimony accordingly. As a matter of general impression, this Court finds Counsels' testimony to be credible and Applicant's testimony to be neither credible nor legally relevant. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

A. Summary of Testimony

Applicant testified she had a co-defendant who also pleaded guilty and that her co-defendant was more culpable than she. Applicant stated that she was simply in the car with her co-defendant when Applicant committed the crimes. She testified that she "begged" her attorneys to file a motion to reconsider. She testified that she did not understand the concept of an Alford plea and that no one explained it to her. Applicant testified that she felt she should have had a

trial, but that her plea counsel threatened that if she did not plead guilty before Judge Kelly, she would have to plead in front of Judge Cole who would "crucify" her. Applicant also asserted at the evidentiary hearing that the State dropped the armed robbery charge.

Plea counsel Schultz testified that Applicant's case was on the trial docket the week that she pleaded guilty. He testified he argued to the judge that she was less culpable than her co-defendant. He testified he explained to her what an Alford plea was. Schultz testified he did not file a motion to reconsider, but he did not recall any issues that would need to be addressed in a motion to reconsider. He also testified that if he had made a motion to reconsider, the judge could have sentenced her to *more* time. He also testified that he had no additional or different information to present in a motion to reconsider. Schultz testified that there were videos contained in discovery that showed Applicant participated in the crimes with her co-defendant. Schultz testified Applicant received a beneficial result by pleading guilty, though he did feel the sentence was harsh. Schultz testified that he did speak on Applicant's behalf in mitigation and, even though he may not have used particular language in doing so, the judge understood that he was making an argument in mitigation. Schultz testified Applicant underwent a mental health evaluation, but no issues were found. He testified that he met with Applicant several times prior to the plea; in these meetings Applicant and he reviewed the State's evidence, discussed her constitutional rights, discussed any possible defenses, and explained the meaning of an Alford plea. Schultz testified he felt she understood those discussions and further testified that it was her decision to enter the plea.

Plea counsel Tat denied telling Applicant the evidence against her was lacking. She testified Applicant had made statements to police and also appeared in the video recordings from the crime scenes. Tat testified she felt there was sufficient evidence against Applicant for her to

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be convicted. Tat also argued in mitigation that Applicant's co-defendant was more culpable. Tat further testified that even though she did not directly ask the judge for leniency, she stated she did not need to specifically ask for leniency because the whole purpose of providing the information to the Court is for mitigation.

B. Ineffective Assistance of Plea Counsel

In this post-conviction relief action, Applicant bears the burden of proving the allegations in her application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove 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." Id. at 442, 334 S.E.2d at 814 (citing Strickland v. Washington, 466 U.S. 668 (1984)).

The proper measure of performance is whether counsel provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The Court presumes counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court uses a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove counsel's performance was deficient. Id. Under this prong, the Court measures counsel's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688).

Second, any deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show there is a reasonable probability that, but for counsel's alleged errors, Applicant would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

Failure to Adequately Argue in Mitigation

Applicant asserts that plea counsels' performance was deficient for failure to ask the plea judge for leniency in sentencing and for referring to Applicant as a "career criminal." Applicant has failed to show deficiency with respect to this allegation.

Plea counsel argued in mitigation that Applicant's co-defendant was more culpable. Schultz argued that Applicant was raised in a home with an alcoholic father who was abusive to her mother, that Applicant dropped out of high school but later obtained her GED, and that all she remembered of childhood was constant heartache. Tr. p. 34. Schultz stated that he "hate[d] to use this word, a career criminal . . . but there are reasons why people are career criminals." Tr. pp. 36-37. He went on to state that Applicant's reason was the tragic death of her child, who had passed several years before, and the grief from loss caused Applicant to become addicted to drugs. Tr. p. 37. He argued that her lengthy criminal history was the result of her drug addiction. Tr. p. 38. Schultz stated to Judge Kelly that he felt the evidence against Applicant was overwhelming and he thought it would be "very difficult . . . to sustain a not guilty verdict on all of the charges." Tr. p. 38.

Tat argued to Judge Kelly that Applicant and her co-defendant, Krystal Lynch, met in prison and stayed in touch after. Tat stated that Lynch had "provided some care" for Applicant in

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prison when Applicant's daughter passed away. Tr. p. 39. Tat argued that Applicant did not plot with Lynch, and although she was present for many of the instances giving rise to the charges, she was either unaware they would take place, or she was not the primary actor. Tr. p. 42. Tat also argued the videos depicted Lynch as the primary actor. Tr. p. 43, lines 20-23. Tat also argued Applicant had been cooperative and that the evidence would show that Lynch had lied to police and tried to blame Applicant for everything. Tr. p. 45. Plea counsel also presented Applicant's husband, mother, and brother, to speak on her behalf. Tr. pp. 48-56.

This Court finds that plea counsel's statements in mitigation were very appropriate, and it was not necessary that plea counsel specifically use the word "leniency," or specifically request the "minimum" sentence, especially since the record is clear that plea counsel were asking for leniency from Judge Kelly. From a review of the plea transcript, plea counsel presented very compelling mitigation for Applicant, correctly pointed to evidence that minimized her role in the crimes, and had members of Applicant's family speak eloquently and favorably on her behalf. Furthermore, plea counsel's reference to Applicant as a "career criminal" was not deficient. Rather, Applicant had an extensive criminal history, which Counsel had to deal with forthrightly, and there is no evidence that Applicant was prejudiced by these remarks.

This Court further finds Applicant has failed to establish she was prejudiced by any alleged deficiency of Counsel. First, there is no evidence that Applicant was prejudiced by plea counsel's remarks referring to Applicant as a "career criminal." Regardless, Applicant has not shown that, but for the alleged deficient performance of plea counsel during mitigation, she would not have pleaded guilty but would have insisted on going to trial.

The Solicitor stated at the start of the plea that the plea was "straight up" and the plea judge inquired of Applicant whether she understood that the armed robbery charge carried ten

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(10) to thirty (30) years. Tr. p. 11. He also questioned her as to whether she understood that each of the remaining property crimes carried up to ten (10) years. Tr. pp. 11-19. In addition, two of the victims and one of the victims' husbands gave statements at the plea. Tr. pp. 58-61. Just prior to announcing his sentence, Judge Kelly stated that "[there are] two classes of vulnerable people in our civilized society, and this Court deals pretty strictly with both—with people who harm either class. Number one is a child, and number two is our elderly society." Tr. p. 62. Accordingly, based on the record and the testimony at the evidentiary hearing, Applicant was fully aware that she was pleading guilty without negotiation or recommendation, that she could have received a sentence in the range of ten (10) to thirty (30) years, and she did in fact receive a sentence within that range. In light of these facts and the statements given by the victims and Applicant's prior criminal history, this Court finds Applicant has failed to demonstrate that but for the alleged error of counsel, she would not have pleaded guilty but would have insisted on going to trial. Accordingly, Applicant has failed to meet her burden of proving ineffective assistance of counsel, and this allegation is denied and dismissed with prejudice.

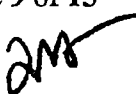
Failure to File a Motion to Reconsider or Appeal

Applicant alleged she wanted her attorneys to appeal and that she begged them to file a motion to reconsider. This Court finds Applicant has failed to carry her burden of proof with respect to these allegations. "Counsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000). "[A]lthough not determinative, a highly relevant factor in this inquiry will be whether the conviction follows a trial or a guilty plea, both because

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a guilty plea reduces the scope of potentially appealable issues and because such a plea may indicate that the defendant seeks an end to judicial proceedings." Id. Absent extraordinary circumstances, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea." Jones v. State, 382 S.C. 589, 596, 677 S.E.2d 20, 23-24 (2009) (citing Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008)). "One extraordinary circumstance which would require counsel to advise a defendant of the right to appeal from a guilty plea would arise when the defendant inquires about an appeal." Id. (quoting Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)). To show prejudice in these circumstances, a defendant must demonstrate that there is a reasonable probability that, but for counsel's deficient failure to consult with him about an appeal, he would have timely appealed. Flores-Ortega, 528 U.S. at 484.

This Court finds Applicant did not ask counsel to file a direct appeal. Further, this Court can discern no non-frivolous basis upon which counsel could have filed an appeal from Applicant's plea. Therefore, plea counsel had no duty to consult with Applicant concerning an appeal. Regardless, concerning any appeal, this Court finds such an appeal would have been fruitless in that no error was committed by Judge Kelly which would warrant reversal of the guilty plea. In addition, the plea judge specifically advised Applicant of her right to appeal from the guilty plea, the time in which to do so, and yet she did not file an appeal. Tr. pp. 25-26. Therefore, Applicant has also failed to show that, but for plea counsel's failure to consult with her, she would have timely appealed. Accordingly, Applicant has shown no deficiency or prejudice with respect to this allegation and has, therefore, failed to meet her burden of proving ineffective assistance of counsel.



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Likewise, this Court also finds that Applicant did not ask plea counsel to file a motion for reconsideration of her sentence. This Court finds counsel's testimony that there was no basis to file a motion to reconsider to be credible. Applicant has failed to demonstrate that Counsel had a duty file a motion to reconsider and has, therefore, failed to show any deficiency of counsel. See Palacio v. State, 333 S.C. 506, 514, 511 S.E.2d 62, 67 (1999) (no deficiency where "it would have been futile for Attorney to have made such arguments").

Furthermore, Applicant has shown no prejudice because of Counsel's alleged failure to file a motion to reconsider. Applicant pleaded without negotiation or recommendation, so she had a total exposure of one hundred and thirty (130) years. Applicant was only sentenced to twenty (20) years, and the Court finds that this sentence was likely imposed due to the statements made by the victims and also due to Applicant's prior criminal history. See Tr. pp. 32-35; pp. 58-61. In fact, as counsel testified, reconsideration could have subjected her to even greater time, and in light of Applicant's prior history and the statements made in aggravation and mitigation during the sentencing hearing, Judge Kelly would have been unlikely to reduce Applicant's original sentence had such a motion been filed. Applicant has failed to show she was prejudiced by this alleged deficiency. Accordingly, Applicant has failed to meet her burden of proving ineffective assistance of counsel, and this allegation is denied and dismissed with prejudice.

Involuntary Guilty Plea

Applicant asserts that her guilty plea made pursuant to Alford was entered involuntarily as the result of ineffective assistance of counsel. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983);

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Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (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, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging their guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. at 56. "In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing." Dalton v. State, 376 S.C. 130, 138, 39, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

The record must establish the defendant had a full understanding of the consequences of the plea and the charges against the defendant. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). 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)). "[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." Dalton, 376 S.C. at 138, 654 S.E.2d at 874 (quoting Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)).



Admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

Having reviewed the pleadings, considered the applicable law, and reflected upon the plea transcript and testimony provided at the evidentiary hearing, the Court denies Applicant's request for post-conviction relief. From a review of the entire record, this Court finds plea counsel were effective in their representation of Applicant; therefore, Applicant has failed to meet her burden of proving ineffective assistance of counsel. Counsel informed the plea judge that Applicant was pleading pursuant to Alford, and the plea judge advised her that it would treat her plea under Alford the same as if she had admitted she had done it. Tr. p. 21, lines 7-11. Applicant agreed that if she went to trial, she believed she would be convicted of the offenses based on the State's evidence. Tr. pp. 21-22. Applicant denied that anyone had threatened, coerced, or promised her anything to plead to the charges. Tr. p. 24. She acknowledged she had enough time with her attorneys. Tr. p. 24. She also specifically denied that either of her attorneys forced her to plead guilty. Tr. p. 25.

This Court finds incredible Applicant's testimony that the State dismissed the armed robbery charge. Although the Solicitor misspoke when he stated on page 31 of the plea transcript that the State was dismissing the armed robbery charge, viewing the record as a whole, the Court finds that Applicant was clearly entering a plea to armed robbery, and such was the understanding of Applicant and her plea counsel.

At the beginning of the plea, the Solicitor stated:



M. HOPE BLACKLEY

2017 FEB 22 AM 8:48

Then 14-GS-42-4552, Your Honor she's pleading to count one of that indictment which is armed robbery. . . .Count Two is possession of a weapon during a violent crime will be dismissed once this case----

....

Again, . . . this is indictment 14-GS-42-4552, . . . which is armed robbery. She's pleading to Count One of the indictment, Your Honor. Count two is a possession of a weapon during a violent crime, Your Honor. That case will be dismissed.

...

Your Honor, Count Two, possession of a weapon during a violent crime on Indictment 14-GS-42-4552, Your Honor, will be dismissed once the guilty plea is taken, Your Honor.

Tr. pp. 4-5.

At the plea, the State also introduced as Exhibit 1 a "cheat sheet" that listed the indictments to which Applicant was pleading. Tr. p. 5. The State introduced a total of fourteen (14) exhibits into evidence at the plea, including Applicant's video-recorded statement to police. Tr. pp. 5-8. Furthermore, the plea judge read count one of indictment 2014-GS-42-4552 aloud on the record and specifically stated "count two is being dismissed by the Solicitor's Office." Tr. pp. 10-11. Additionally, the plea judge directly asked Applicant if she was pleading guilty to "the armed robbery" and she stated "I plead guilty."³ Tr. p. 20. The solicitor gave a factual basis for the plea and gave the details of the armed robbery in doing so. Tr. pp. 26-30. Based on the facts and circumstances of the plea, it is clear that the Solicitor's statement, "we are dismissing like I said the possession of a weapon during a violent crime and armed robbery," Tr. p. 31, lines 17-19, was a misstatement and was not the understanding of Applicant or her counsel. The record reflects that Applicant's plea was knowing and voluntary. Accordingly, Applicant has made no showing that counsel was deficient in advising Applicant concerning the guilty plea.

³ Counsel and the Court then clarified that Applicant was entering the plea under Alford.

2017 FEB 22 AM 8:48
J. HOPE BLACKLEY

Additionally, Applicant has made no showing that she was prejudiced by any deficiency of counsel. Schultz clearly indicated his belief that the evidence against Applicant was overwhelming and that she would likely not succeed in obtaining a not guilty verdict at trial. Moreover, Applicant was facing a total of one hundred, thirty (130) years imprisonment on these charges. Considering her sentencing exposure, and given that the State introduced fourteen (14) exhibits at Applicant's plea, which included several video recordings of several of the crimes as well as Applicant's statement to police, this Court finds Applicant has failed to show that there is a reasonable probability that, but for the alleged error of counsel, she would not have pleaded guilty and would have insisted on going to trial. Rather, Applicant has simply expressed her dismay over the length of her sentence, which is insufficient to prove ineffective assistance. See Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 371 (1997) ("Wishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentences, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made."). Therefore, this Court finds Applicant has failed to satisfy her burden of proving deficiency or prejudice, and therefore, has failed to show that her plea was not knowingly, voluntarily, and intelligently made. Accordingly, Applicant has failed to meet her burden of proving ineffective assistance of counsel, and this allegation is denied and dismissed with prejudice.

C. 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, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations



2017 FEB 22 AM 8:48
J. HOPE BLACKLEY

IV. CONCLUSION

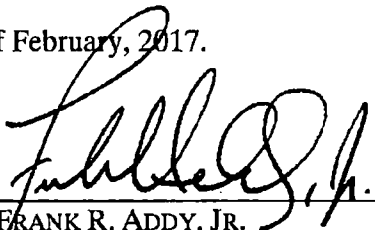
Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations requiring this Court to grant her application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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 must be remanded to the custody of the Department of Corrections to complete service of her sentence.

IT IS SO ORDERED this 13th day of February, 2017.


 FRANK R. ADDY, JR.
 Presiding Judge, Seventh Circuit

Greenwood, South Carolina

2017 FEB 22 AM 8:49
 M. HOPE BLACKLEY

WITNESSES

Spartanburg County Sheriff's Office

1. **SENTENCED**

2. **REPORTED**

3. **CARD FILED**

4. **INDEXED**

5. **CHECKED WORKS**

6. **CHECKED ZEPHYRUS**

7. **ASSESSMENT**

FINE CARD MADE

ARREST WARRANT NUMBER

TRAFFIC VIOLATIONS CODE

2014A4210103727

ACTION OF GRAND JURY

True Bill

DEC 11 2014

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

14-GS-42-5724

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 16 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

**Financial Transaction Card Fraud
VALUE MORE than \$500 in a six month
period**

SC Code: 16-14-60(a)(1-5); 16-1-57

CDR Code: 3622

Class FEL/E

**FILED
CLERK OF COURT
2014 DEC 17 PM 1:45
M. HOPE BLACKLEY**

Handwritten mark

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

DEC 11 2014

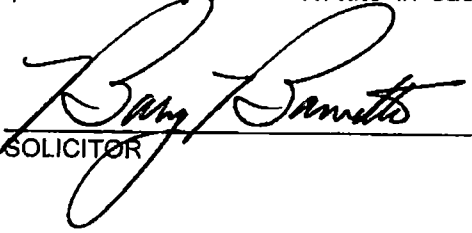
At a Court of General Sessions, convened on _____ the
 Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD >\$500

That the Defendant, Kristie Martin Bishop, did in Spartanburg County, on or about August 14, 2014, with intent to defraud the issuer, a person or organization providing something of value, or any other person: (1) use for the purpose of obtaining anything of value a financial transaction card obtained or retained, or which was received with the knowledge that it was obtained or retained in violation of §16-14-20 or 16-14-40, or a financial transaction card which he or she knew to be forged, altered, expired, revoked, or obtained as a result of a fraudulent application; or (2) obtain anything of value by (a) representing without the consent of the specified cardholder that he or she had permission to use the card or (b) presenting the card without the authorization or permission of the cardholder or (c) representing that he or she was the holder of a card when a card had not been issued; or (3) deposit into any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check or other document that was not his or her lawful or legal property, in that the defendant did: present a JP Morgan Chase credit card rightfully belonging to the cardholder, Helen Lancaster, and did attempt to use it to obtain goods and/or services in violation of §16-14-60, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

Further, that the Defendant has at least two or more convictions for Property Crimes, in violation of §16-14-60(a)(1-5); §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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


 SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

1. SENTENCE

2. REPORTED

3. CARD FILLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND

FILE CARD

ARREST WARRANT NUMBER

2014A4210103728

ACTION OF GRAND JURY

True Bill

DEC 11 2014

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

14-GS-42-5725

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 15 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

Financial Transaction Card Fraud
VALUE MORE than \$500 in a six month
period

SC Code: 16-14-60(a)(1-5); 16-1-57

CDR Code: 3622

Class FEL/E

FILED
CLERK OF COURT
2014 DEC 17 PM 1:45
M. HOPE BLACKLEY

12

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

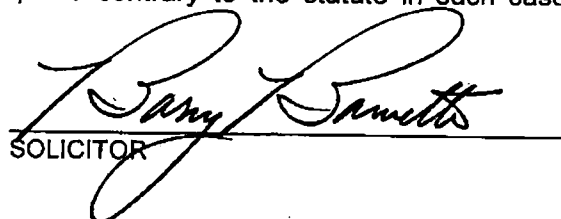
At a Court of General Sessions, convened on DEC 11 2014, the
 Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD >\$500

That the Defendant, Kristie Martin Bishop, did in Spartanburg County, on or about August 14, 2014, with intent to defraud the issuer, a person or organization providing something of value, or any other person: (1) use for the purpose of obtaining anything of value a financial transaction card obtained or retained, or which was received with the knowledge that it was obtained or retained in violation of §16-14-20 or 16-14-40, or a financial transaction card which he or she knew to be forged, altered, expired, revoked, or obtained as a result of a fraudulent application; or (2) obtain anything of value by (a) representing without the consent of the specified cardholder that he or she had permission to use the card or (b) presenting the card without the authorization or permission of the cardholder or (c) representing that he or she was the holder of a card when a card had not been issued; or (3) deposit into any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check or other document that was not his or her lawful or legal property, in that the defendant did: present a Walmart credit card rightfully belonging to the cardholder, Helen Lancaster, and did attempt to use it to obtain goods and/or services in violation of §16-14-60, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

Further, that the Defendant has at least two or more convictions for Property Crimes, in violation of §16-14-60(a)(1-5); §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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


 SOLICITOR

WITNESSES

Spartanburg City Police Department

1. SPARTANBURG

2. SPARTANBURG

3. SPARTANBURG

4. SPARTANBURG

5. SPARTANBURG

6. SPARTANBURG

7. SPARTANBURG

ARREST WARRANT NUMBER

2014A4210103731

ACTION OF GRAND JURY

True Bill

AKP

SEP 20 2014

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO
14-GS-42-4566

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 29 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

FTC/FRAUD VALUE MORE THAN \$500

SC Code: 16-14-60(a)(1-5); 16-1-57

CDR Code: 3622

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2014 OCT -1 PH 2:22

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

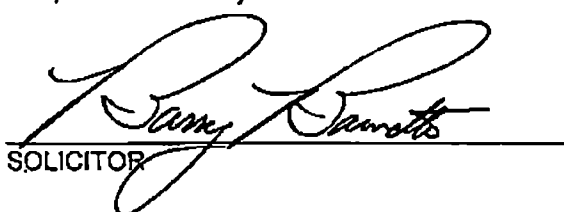
SEP 26 2014

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD >\$500

That the Defendant, Kristie Martin Bishop did in Spartanburg County, on or about August 26, 2014, with intent to defraud the issuer, a person or organization providing something of value, or any other person: (1) use for the purpose of obtaining anything of value a financial transaction card obtained or retained, or which was received with the knowledge that it was obtained or retained in violation of §16-14-20 or 16-14-40, or a financial transaction card which he knew to be forged, altered, expired, revoked, or obtained as a result of a fraudulent application; or (2) obtain anything of value by (a) representing without the consent of the specified cardholder that he had permission to use the card or (b) presenting the card without the authorization or permission of the cardholder or (c) representing that he was the holder of a card when a card had not been issued; or (3) deposit into any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check or other document that was not his lawful or legal property, in that the defendant did: present a [REDACTED] rightfully belonging to the cardholder, [REDACTED] and did attempt to use it to obtain goods and/or services without the knowledge or consent of the owner, in violation of §16-14-60. THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


SOLICITOR

WITNESSES

Spartanburg City Police Department

1. SUBPOENA STATE

2. RETURNED

3. CHARGE

4. RETURNED

5. CHARGE

6. CHARGE

7. ARREST

ARREST WARRANT NUMBER

2014A4210103569

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

14-GS-42-4556

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 29 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

GRAND LARCENY

SC Code: 16-13-30 (B)

CDR Code: 3421

Class FEL-E

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2014 OCT -1 PM 2:21

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

SEP 26 2014

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

GRAND LARCENY

That the Defendant, Kristie Martin Bishop, did in Spartanburg County on or about August 25, 2014, feloniously take and carry away the goods of Kelly Allison, valued at more than Ten Thousand Dollars, described as follows: a 2011 white Honda Accord, 4 door sedan, with the intent to deprive the owner permanently of such property, all in violation of Section 16-13-30 (B), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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



SOLICITOR

WITNESSES

M. Chy

Spartanburg County Sheriff's Office

1. SEARCHED INDEXES

2. REPORTED

3. CARD FILED

4. INDEXED

5. CHECKED WITH FILES

6. CHECKED WITH FILES

7. ASSESSMENT NO.

FILE CARD INDEX

ARREST WARRANT NUMBER
TRAFFIC VIOLATIONS COPY

2014A4210103725

ACTION OF GRAND JURY

True Bill

DEC 11 2014

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

14-GS-42-5722

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 13 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

PETIT LARCENY

SC Code: 16-13-0030 (A): 16-1-57

CDR Code: 3596

Class FEL/E

2014 DEC 17 PM 1:44
M. HOPE BLACKLEYFILED
CLERK OF COURT*MA*

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

SEP 11 2014

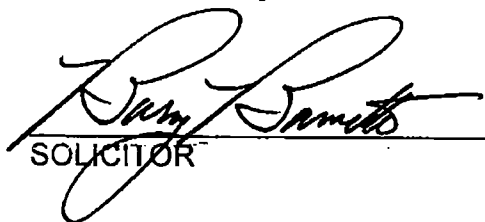
At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That the Defendant, Kristie Martin Bishop, did in Spartanburg County on or about August 14, 2014, feloniously take and carry away the personal goods of Helen Lancaster, valued at less than Two Thousand Dollars, including but not limited to, a ladies purse, with the intent to deprive the owner permanently of such property. Further, that the Defendant has at least two or more convictions for Property Crimes, in violation of §16-13-0030 (A); §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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


 SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

1. SIGNATURE

2. REPORT NUMBER

3. CARD PULLED

4. INDEXED

5. CHECKED W/MP/MS

6. CHECKED W/MP/MS

7. ASSESSMENT

FINE CARD MADE

ARREST WARRANT NUMBER

TRAFFIC VIOLATIONS COPY

2014A4210103726

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

14-GS-42-5723
The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 15 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

OBTAINING MONEY
BY FALSE PRETENSES

SC Code: 16-13-0240(3) ; 16-1-57

CDR Code: 3613

Class MIS/UNC

2014 DEC 17 PM 1:44
M. HOPE BLACKLEY

FILED
CLERK OF COURT

127

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

SEP 11 2014

At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

OBTAINING MONEY BY FALSE PRETENSES<\$2,000

That the defendant, Kristie Martin Bishop, did in Spartanburg County on or about September 9, 2014, with the intent to cheat and defraud the victim, First Cash Pawn, obtain money or other property belonging to said victim, valued at less than \$2,000.00, by means of false pretenses and representations, to wit: by selling to the victim, a 47" LG flat screen TV that was not hers to sell but rightfully belonged to Walmart, in violation of §16-13-240(3) and 16-1-57, of *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Further, that the Defendant has at least two or more convictions for Property Crimes, in violation of §16-13-0240(3); §16-1-57, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976, as amended).

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


SOLICITOR

WITNESSES

Spartanburg City Police Department

1. SENTENCED

2. REPORT MADE

3. CASE FILED

4. INDEXED

5. CHECKED WARRANTS

6. CIVIL RIGHTS

7. ASSESSMENT AND

FILED CASES

ARREST WARRANT NUMBER
TRAFFIC VIOLATIONS COPY

2014A4210103555

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date:

SEP 20 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

14-GS-42-4554

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 29 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

PETIT LARCENY

SC Code: 16-13-0030 (A); 16-1-57

CDR Code: 3596

Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2014 OCT -1 PM 2:21

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

SEP 26 2014

At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That the Defendant, Kristie Martin Bishop, did in Spartanburg County on or about August 25, 2014, feloniously take and carry away the personal goods of Danielle Brewer, valued at less than Two Thousand Dollars, including but not limited to, a purse containing personal items, with the intent to deprive the owner permanently of such property. Further, that the Defendant has at least two or more convictions for Property Crimes, in violation of §16-13-0030 (A); §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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


 SOLICITOR

WITNESSES

1. SENTENCING
Spartanburg City Police Department
2. REPORT MADE
3. CANDIDATE
4. INDEXED
5. CHECKED WORKSHEET
6. CHECKED WORKSHEET
7. ASSESSMENT MADE
FIRE CARD MADE
FIRE CARD MADE
FIRE CARD MADE

ARREST WARRANT NUMBER

2014A4210103557

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

14-GS-42-4555
The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 29 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

PETIT LARCENY

SC Code: 16-13-0030 (A): 16-1-57
CDR Code: 3596
Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2014 OCT -1 PM 2:21
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

SEP 26 2014

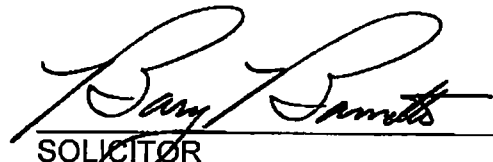
At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

PETIT LARCENY

That the Defendant, Kristie Martin Bishop, did in Spartanburg County on or about August 26, 2014, feloniously take and carry away the personal goods of Carole Starnes, valued at less than Two Thousand Dollars, including but not limited to, a purse containing a handgun, checkbook, debit/credit cards and other personal items, with the intent to deprive the owner permanently of such property. Further, that the Defendant has at least two or more convictions for Property Crimes, in violation of §16-13-0030 (A); §16-1-57, THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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



 SOLICITOR

WITNESSES

Spartanburg City Police Department

Renee M. Foster

ARREST WARRANT NUMBER

Count One - 2014A4210103526

Count Two - 2014A4210103527

ACTION OF GRAND JURY

True Bill

C. R. Goff
Foreperson of Grand Jury
Date: SEP 29 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -

14-GS-42-4552

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 29 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Count Two - Possession of Weapon During A Violent Crime - NP - Dismissed - The Defendant Pled Guilty To Count One in front of Judge Keith Kelly on May 14, 2015 and she received a twenty (20) year jail sentence. - Barry Barnette - 5/15/2015

Indictment for

ARMED ROBBERY; POSSESSION OF A
WEAPON DURING COMMISSION OF A
VIOLENT CRIME

SC Code: 16-11-330 (A); 16-23-490

CDR Code: 139; 549

Class: FELIA; FELIF

FILED
CLERK OF COURT
SPARTANBURG, S.C.

2014 OCT -1 PM 2:21

M. HOPE BLACKLEY

2015 MAY 15 10:12 AM
CLERK OF COURT
SPARTANBURG, S.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on SEP 26 2014, the Grand Jurors of Spartanburg County present upon their oath:

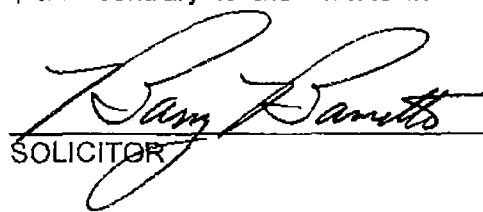
COUNT ONE – ARMED ROBBERY

That the Defendant, Kristie Martin Bishop, did in Spartanburg County on or about September 6, 2014, while armed with a deadly weapon, or while alleging either by action or words she 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 property and/or currency from the person or presence of Lucielle Deitz, including but not limited to a ladies purse containing personal information along with credit cards, by means of force, violence, and/or intimidation with the intent to deprive her permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO – POSSESSION OF A WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That the Defendant, Kristie Martin Bishop, did in Spartanburg County on or about September 6, 2014 possess or visibly display a firearm or a knife during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 SOLICITOR

WITNESSES

Spartanburg City Police Department

[Signature]
1. *[Signature]*
2. *[Signature]*
3. *[Signature]*
4. *[Signature]*
5. *[Signature]*

6. *[Signature]*
7. *[Signature]*
8. *[Signature]*
9. *[Signature]*
10. *[Signature]*

ARREST WARRANT NUMBER

2014A4210103528

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: SEP 26 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

14-GS-42-4553

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 29 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

Financial Transaction Card Fraud
VALUE MORE than \$500 in a six month
period

SC Code: 16-14-60(a)(1-5)

CDR Code: 2349

Class FEL/F

FILED
SEP 29 2014
CLERK OF COURT

2014 OCT -1 PM 2:21

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

SEP 26 2014

At a Court of General Sessions, convened on _____, the
 Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD FRAUD >\$500

That the Defendant, Kristie Martin Bishop, did in Spartanburg County, on or about September 6, 2014, with intent to defraud the issuer, a person or organization providing something of value, or any other person: (1) use for the purpose of obtaining anything of value a financial transaction card obtained or retained, or which was received with the knowledge that it was obtained or retained in violation of §16-14-20 or 16-14-40, or a financial transaction card which he or she knew to be forged, altered, expired, revoked, or obtained as a result of a fraudulent application; or (2) obtain anything of value by (a) representing without the consent of the specified cardholder that he or she had permission to use the card or (b) presenting the card without the authorization or permission of the cardholder or (c) representing that he or she was the holder of a card when a card had not been issued; or (3) deposit into any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check or other document that was not his or her lawful or legal property, in that the defendant did: present a Discover Credit/Debit card rightfully belonging to the cardholder, Lucielle Deitz, and did attempt to use it to obtain goods and/or services in violation of §16-14-60, THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


 SOLICITOR

WITNESSES

Spartanburg City Police Department

Rene M. Foster

ARREST WARRANT NUMBER

2014A4210103732

ACTION OF GRAND JURY

True Bill

CRJ

SEP 26 2014

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

14-GS-42-4567

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

SEP 29 2014

TERM

THE STATE

v.

KRISTIE MARTIN BISHOP

Indictment for

FINANCIAL TRANSACTION CARD

THEFT

SC Code: 16-14-20, 100 (b)

CDR Code: 348

Class FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2014 OCT - 1 PM 2:22

M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on SEP 26 2014, the
Grand Jurors of Spartanburg County present upon their oath:

FINANCIAL TRANSACTION CARD THEFT

That the Defendant, Kristie Martin Bishop, did in Spartanburg County on or about August 26, 2014, willfully and unlawfully take a Citi bank card, without consent of the cardholder, Carole Starnes, with the intent to use the said card, in violation of §16-14-20, 100 (b), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


SOLICITOR