

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED

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S.C. Supreme Court

ASHANTE ISHMAEL WRIGHT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
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Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

VOLUME ONE
PAGES 501-584

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STATE OF SOUTH CAROLINA

COUNTY OF Charleston

STATE

VS.

ASHANTE ISHMAEL WRIGHT

AKA:

Race: B Sex: M Age: 19DOB: - SS#: -Address: -DL#: 100321674SID#: -IN THE COURT OF GENERAL SESSIONS ⁵⁰¹INDICTMENT/CASE#: 2006GS1010690A/W#: K022547Date of Offense: 6/12/2006S.C. Code § : 16-03-0010.0020CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Murderin violation of § 16-03-0010.0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

DuRant, D. Bruce

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 50 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

100.00

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 35.13 (Public Def/Prob)

\$500

\$

§ 73.3, 1B TP (Law Enforce. Funding)

\$25

\$

25.00

§ 33.7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

3 75

TOTAL

128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Vivian CrosoPRESIDING JUDGE A. L. JessoJudge Code: 21 1 210Sentence Date: 1/30/08

SCCA/217 (10/2007)

502

DBD-2006-06-00525

WITNESSES

DUTY OFFICER, CPD

OCA# 2006-11858

ARREST WARRANT NUMBER

K022547

JUNE 15, 2006

GRAND JURY
TRUE BILL
Forfeiture of Grand Jury

VERDICT

Guilty of Murder

Patricia M. Randall

Foreperson of Petit Jury

30 Jan 08
Date:

DOCKET NO. 2006-GS-10-10690

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

OCTOBER TERM 2006

THE STATE

vs.

ASHANTE ISHMAEL WRIGHT

Indictment for

MURDER

CV-31000-07
FILED

OCT 13 2008

JULIE J. ARMSTRONG
CLERK, C.P. & C.S.

Sm

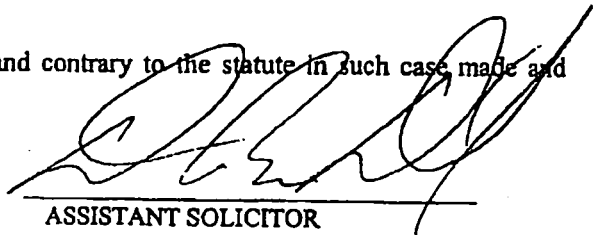
STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on October 9, 2006 the Grand Jurors of Charleston County present upon their oath:

That Ashante Ishmael Wright, while acting in concert with others, did in Charleston County on or about June 12, 2006 in the area of _____ feloniously and with malice aforethought, express or implied, kill one Allen Jerome Grant by shooting him with a handgun and that Allen Jerome Grant did die in Charleston County as a proximate result thereof on or about June 12, 2006 in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
OF THE NINTH JUDICIAL CIRCUIT
INDICTMENT NO.: 2006-GS-10-10690

STATE OF SOUTH CAROLINA)

VS.)

VERDICT FORM

ASHANTE ISHMAEL WRIGHT,)
Defendant.)

AS TO INDICTMENT NO.: 2006-GS-10-10690:

We, the jury, by unanimous consent find the Defendant:

☒ Guilty of Murder

☐ Guilty of the lesser included offense of Voluntary Manslaughter

☐ Not Guilty.

Please sign and date.

Foreperson

January 30, 2008

Please let the bailiffs know when you have finished your deliberations.

The South Carolina Court of Appeals

Ashante Ishmael Wright, #326386,

Appellant,

v.

State of South Carolina,

Respondent.

The Honorable R. Markley Dennis
Charleston County
Trial Court Case No. 2010-CP-10-08286

ORDER

The appeal in the above captioned matter is transferred to the South Carolina Supreme Court under the filing provisions of Rule 243 of the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE
For The Court

BY

Jenny A. Kitching
CLERK

Columbia, South Carolina

cc: Demal I. Mattson, Jr., Esq.
Chief Appellate Defender Robert M. Dudek
Assistant Attorney General Matthew J. Friedman
The Honorable Daniel Shearouse



Exhibit H

Cyber Shot Digital Camera TX10



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COMPUTERS AND TABLETS

TV AND HOME ENTERTAINMENT

CAMERAS AND CAMCORDERS

PERSONA

Model number: DSC-TX10/B

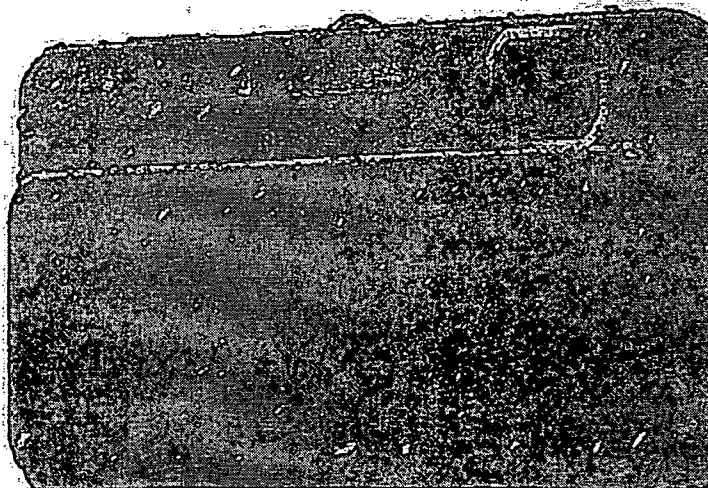
Cyber-shot Digital Camera TX10

Model Highlights: Certified waterproof, dustproof, shockproof and freeze-proof, 16.2-megapixel "Exmor R" CMOS sensor, 3.0" touch screen, iSweep Panorama Mode, Full HD 1080/60i, Superior Auto

Color: Black



ADDITIONAL IMAGES:



Live life on the edge with the DSC-TX10 Cyber-shot® digital camera. Designed to fit seamlessly into your active lifestyle, shockproof, dustproof and freeze-proof. Capture expansive landscapes with one touch iSweep Panorama or record crystal megapixel "Exmor R" CMOS sensor delivers stunning low-light performance while the high-performance Carl Zeiss® Vari subjects close. Compose, review and share shots on the vivid 3.0" touch screen.

Rugged and Stylish

This camera is just as much at home in the water as on a night on the town! The sleek and stylish TX10 fits the slimmest pocket or purse, yet is waterproof to a depth of 16 ft⁸, shockproof from falls up to approximately 5 ft⁹ and dustproof¹⁰ thanks to its airtight construction. As well, this durable camera can even withstand extreme weather conditions, as it is operable in temperatures from 14° to 104° degrees.

3.0" (921K dots) XtraFine LCD™

display

3.0" (920K dots) XtraFine LCD™ technology gives you brilliant-quality still images and movies with easy focus.

1

1

Natural Flash

Conventional point-and-shoot camera flash shots just don't capture colors the way the eye sees them. Natural Flash mode takes a reference shot without flash and then uses that reference to correct the color, for far more lifelike images.

HDMI™ output

The High-Definition Multimedia Interface (HDMI™) is a compact audio/video connector interface for transmitting uncompressed digital streams. HDMI connects digital audio/video sources such as a compatible camcorder, Blu-ray Disc™ player, a personal computer, a video game console, or an AV receiver to a compatible digital audio device and/or video monitor such as a digital television (DTV). Easily connect your Cyber-shot® camera via HDMI cable (sold separately) to any compatible HDMI device to easily enjoy and upload content.

Motion Detection

Motion Detection, along with Face Motion Detection adjusts ISO sensitivity and increases the shutter speed when movement is detected, reducing blur in moving subjects and faces.

Anti-Motion Blur Mode

Capture cleaner and sharper images in low light for non landscape shots. When set in Anti-motion Blur Mode, the DSC-TX10 captures six images in a fraction of a second with higher shutter speed and combines the data from all six to create a single image of extraordinary detail and dramatically reduce subject blur, beyond the capability of traditional cameras.

Compatible with PC and Mac®

Systems

The Full HD video captured with the DSC-TX10 can be used with the provided Picture Motion Browser software¹ for PC and iMovie® (sold separately) for Mac® systems.

High speed shooting

The DSC-TX10 can capture full 18.2 megapixel resolution images at up to 10 frames per second, helping to ensure that the decisive moment is captured such as the soccer ball flying into the goal. In addition, the DSC-TX10 employs a mechanical shutter that helps reduce distortion when continuously shooting moving subjects.

Smile Shutter™ technology

Smile Shutter™ technology captures a smile the moment it happens. Simply press the Smile Shutter™ button and the camera does the rest. Also select adult and child priority and indicate the degree of Smile Detection sensitivity. Intelligent Scene Recognition can be used together with Smile Shutter™ mode. This means that beautiful smiles can be captured with settings optimized for the particular scene, even in difficult conditions such as twilight and backlighting.

Anti-blink Function

It's frustrating to capture the perfect shot, only to review it later and discover subjects blinked during the photo. When the camera is set to Soft Snap, the Anti-blink function captures two images, recording only the photo with less squinting or blinking. If a blink is detected in other shooting modes, a warning will be displayed after you take the shot.

Backlight Correction HDR

Shooting high-contrast scenes can often lead to washed out backgrounds and/or details lost in shadow. Backlight Correction HDR helps correct for this by taking three pictures at different exposure settings and processing the best elements of all three into a single image for more natural looking shots.

Includes Sony® PMB (Picture Motion Browser) Software ver. 5.5

Sony® Picture Motion Browser software offers a simple, intuitive way to transfer, sort, and view your video and still images on your compatible PC.¹ In addition, multiple output options let you burn your memories to DVD using an external DVD burning device (sold separately), as well as take advantage of one click upload to a number of popular video and photo sharing sites (such as Facebook® and Sony's Personal Space™ site).

Carl Zeiss® Vario-Tessar® Lens with

25mm equivalent wide angle 4x

Optical Zoom

The high-performance Carl Zeiss® Vario-Tessar® 4x optical zoom lens brings distant subjects closer for video recording as well as for outdoor, sports, and travel photos, and Close Focus shoots close-ups within a 1/4" of the subject. A 25mm equivalent wide-angle lens allows you to take wider shots of the scene or group in crowded spaces.

Face Detection technology

Sony's Face Detection technology can automatically distinguish between children and adults. Face Detection technology detects up to eight individual faces and adjusts flash, focus, exposure, and white balance to help deliver crisp, properly lit images of family and friends.

Sweep Multi Angle™ mode

In Sweep Multi Angle™ mode, the camera takes 15 images at different angles as it sweeps across the scene. By tilting the camera during playback, the camera's Gyro Sensor detects motion and displays the image in a 3D-like view on the camera's LCD.

TransferJet™ technology

TransferJet™ technology, developed by Sony® and advanced and promoted by a consortium of 18 other companies, allows the transfer of up to ten files between two TransferJet™ enabled devices just by touching their TransferJet™ logos together, without the hassle of hunting for cables or the complication of pairing.⁵

Includes Sony® PMB Portable software

With the pre-installed Picture Motion Browser (PMB) Portable 5.5 software the DSC-TX10 makes it easy to pre-select videos and images in the camera and conveniently upload them from the camera to a compatible PC and popular Internet sharing sites without the need for any additional software or install.²

VIEW FOOTNOTES

Laptops

Compact Digital Cameras
Televisions
Home Theater Systems
PlayStation 3
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Exhibit I

Cyber Shot Digital Camera HX7V



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USA

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NEW FROM SONY

Model number: DSC-HX7VW

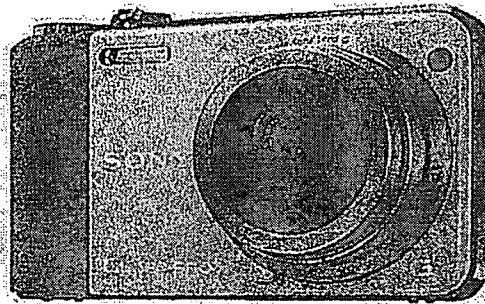
Cyber-shot Digital Camera HX7V

Model Highlights: 16.2-megapixel, Full HD 1080/60i, "Exmor R" CMOS sensor, Background Defocus, 3D stills and 3D Sweep Panorama, Superior Auto, 25mm wide lens, Sony G lens with 10x optical zoom

Color: White



ADDITIONAL IMAGES:

**\$299.99 \$279.99**Cash in on Sony Financing.
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In Stock

Estimated ship date: 11/16/2011

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Open up a new dimension of creative possibilities with the DSC-HX7V Cyber-shot® digital camera featuring 3D still image and 3D Sweep Panorama capabilities. Bring distant subjects close via the Sony 10x optical zoom G lens while a 16.2-megapixel "Exmor R" CMOS image sensor delivers extremely fast speed, high resolution, and stunning low-light sensitivity with improved image clarity and drastically reduced grain. In addition to Full HD 1080/60i movie recording capabilities, the HX7V has Superior Auto mode which intelligently detects 33 scenes for still images and 44 scenes for movies, making it easy to get the best shot.

3.0" Xtra Fine LCD™ display

3.0" (920K dots) Xtra Fine LCD™ technology gives you brilliant-quality still images and movies with easy focus.

16.2 Megapixel Back-illuminated

"Exmor R" CMOS Image Sensor

The DSC-HX7V features a 16.2-megapixel "Exmor R" CMOS image sensor that brings out the full resolving power of the camera's Sony G lens to deliver extremely fast speed, high resolution, and stunning low-light sensitivity with improved image clarity and drastically reduced grain. In addition, the combined "Exmor R" CMOS sensor and BIONZE image processor delivers extremely fast up to 10fps, Anti Motion Blur, Hand-held Twilight and 1080i movie modes.

Intelligent Sweep Panorama™ mode

With Intelligent Sweep Panorama™ mode just press the shutter, pan the landscape and let the camera do the rest. It automatically links together each frame to produce a high resolution panoramic image providing the ability to zoom in on small details. This model even detects faces and moving subjects to stitch intelligently different widths to help avoid subject distortion.

AVCHD 1080/60i

Record movies in Full HD high definition 1080/60i. This provides stunning, smooth motion video with less distortion for playback on Blu-ray Disc™ players, Sony PlayStation®3 systems and compatible PCs and HDTVs.

Background Defocus

DSLR photographs are often beautiful because they blur the background, putting the emphasis on your subject. Now our point-and-shoot cameras can deliver this signature DSLR benefit. The system takes two shots, identifies the background and applies a defocused background keeping the subject crisp and clear.

Superior Auto mode

Get cleaner, more dynamic pictures and fewer missed shots. The camera automatically recognizes the correct scene mode, then quickly shoots and combines up to six shots to produce images with greater clarity, optimum dynamic range using backlight correction HDR technology and lower image noise using 6 shots layering technology. Superior Auto intelligently detects 33 scenes for still images and 44 scenes for movies, making it easy to get the best shot.

Sony® G Lens with 10x optical zoom

The Sony® 10x optical zoom G lens brings distant subjects super close for great outdoors, sports, and travel photos. The compact size makes it easy to take with you in a pocket, purse, or backpack.

3D Still Image and 3D Sweep

Panorama™ mode

Produce awe-inspiring images with 3D still image and 3D Sweep Panorama™ capabilities. Photos will take on a new dimension of creative capabilities for viewing the world in a whole new way.

Backlight Correction HDR

Don't miss a single detail in high contrast shots. The built in backlight correction analyzes the image and automatically adjusts accordingly to give you a perfectly lit shot. Backlight Correction HDR helps correct for this by taking three pictures at different exposure settings and processing the best elements of each into a single image for more natural looking shots.

GPS and Compass

An integrated GPS receiver and compass record the location and direction of every shot you take and let you view your images on a map with compatible computer and Internet applications, so you can remember where you took your favorite shots.

Soft Skin mode

Portrait subjects will love the results. Soft Skin mode recognizes skin tones and reduces the appearance of blemishes and wrinkles without affecting the rest of the shot.

Smile Shutter™ technology

Smile Shutter™ technology captures a smile the moment it happens. Simply press the Smile Shutter™ button and the camera does the rest. You can also select adult and child priority and indicate the degree of Smile Detection Sensitivity. Intelligent Scene Recognition can be used together with Smile Shutter™ mode. This means that beautiful smiles can be captured with settings optimized for the particular scene, even in difficult conditions such as twilight and backlighting.

Anti-blink Function

It's frustrating to think you've captured that perfect shot, only to review it later and discover one of your subjects blinked just as you pressed the shutter. When the camera is set to Soft Snap, the Anti-blink function captures two images, recording only the photo with less squinting or blinking. If a blink is detected in other shooting modes, a warning will be displayed after you take the shot.

Includes Sony® PMB (Picture Motion Browser) Software ver. 5.5

Sony Picture Motion Browser software offers a simple, intuitive way to transfer, sort, and view your video and still images on your compatible PC. In addition, multiple output options let you burn your memories to DVD using an external DVD burning device (sold separately), as well as take advantage of one click upload to a number of popular video and photo sharing sites (such as Facebook® and Sony's Personal Space™ site).

Digital Zoom

Capturing the right shot at the right moment has never been so easy. Digital zoom brings you right close up to the action so you can get that perfect shot, every time.

Natural Flash

Conventional point-and-shoot camera flash shots just don't capture colors the way the eye sees them. Natural Flash mode takes a reference shot without flash and then uses that reference to correct the color, for far more lifelike images.

Face Detection technology

Sony's Face Detection technology can automatically distinguish between children and adults. Face Detection technology detects up to eight individual faces and adjusts flash, focus, exposure, and white balance to help deliver crisp, properly lit images of family and friends.

TransferJet™ technology

TransferJet™ technology, developed by Sony® and advanced and promoted by a consortium of 18 other companies, allows you to transfer up to ten files between two TransferJet™ enabled devices just by touching their TransferJet™ logos together, without the hassle of hunting for cables or the complication of pairing.⁶

Includes Sony® PMB Portable software

With the pre-installed Picture Motion Browser (PMB) Portable the DSC-HX7V makes it easy to pre-select videos and images in the camera and conveniently upload them from the camera to a compatible PC and popular Internet sharing sites without the need for any additional software to install.⁷

Optical SteadyShot™ image**stabilization**

Optical SteadyShot™ image stabilization uses a built-in gyro sensor to detect camera shake and automatically shifts the lens to help prevent blur without sacrificing image quality.

HDMI® output

The High-Definition Multimedia Interface® (HDMI) is a compact audio/video connector interface for transmitting uncompressed digital streams. HDMI connects digital audio/video sources such as a compatible camcorder, Blu-ray Disc™ player, a personal computer, a video game console, or an AV receiver to a compatible digital audio device and/or video monitor such as a digital television (DTV). Easily connect your Cyber-shot® camera via HDMI cable to any compatible HDMI compatible device to easily enjoy and upload your content.⁸

Motion Detection

Motion Detection, along with Face Motion Detection adjusts ISO sensitivity and increases the shutter speed when movement is detected, reducing blur in moving subjects and faces.

Compatible with PC and Mac®**Systems**

The Full HD video captured with the DSC-HX7V can be used with the provided Picture Motion Browser software for PC and iMovie® (sold separately) for Mac® systems.¹

VIEW FOOTNOTES

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1. Requires 3D HDTV, HDMI cable (at least 10.2 Gbps) and active 3D glasses sold separately.

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Exhibit J

Cyber Shot Digital Camera WX10



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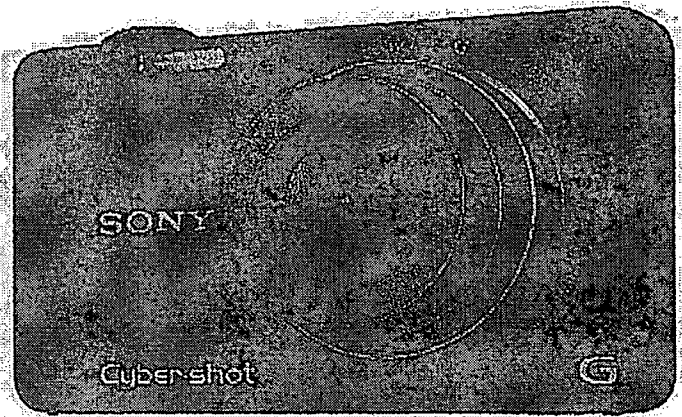
CAMERAS AND CAMCORDERS

PERSONA

Model number: DSC-WX10/B

Cyber-shot Digital Camera WX10

Model Highlights: 16.2-megapixel, 7x optical zoom, 2.8" screen, Full HD 1080/60i video, "Exmor R" CMOS sensor, 10fps, background defocus, manual control, 3D Sweep Panorama



ADDITIONAL IMAGES:



The Cyber-shot® DSC-WX10 features a 16.2-megapixel "Exmor R" CMOS image sensor that brings out the full resolving extremely fast speed, high resolution with improved image clarity and drastically reduced grain. The WX10 is outfitted with quality movies, low light performance for improved image clarity, 10fps to capture the precise moment, and backlight corre

16.2 Megapixel Back-illuminated

2.8" (460K dots) Clear Photo LCD

F

"Exmor R" CMOS Image Sensor

Plus™ display

The DSC-WX10 features a 16.2-megapixel "Exmor R" CMOS image sensor that brings out the full resolving power of the camera's G lens to deliver extremely fast speed, high resolution, and stunning low-light sensitivity with improved image clarity and drastically reduced grain. In addition,

Compose and show off your images on the large 2.8" (460K dots) Clear Photo LCD Plus™ display, which features a special anti-reflective coating for sharp visibility, even in bright sunlight.

want them. Make minor adjustments to white balance, Aperture Priority and Shutter Priority.

Intelligent Sweep Panorama™ mode

With Intelligent Sweep Panorama™ mode just press the shutter, pan the landscape and let the camera do the rest. It automatically links together each frame to produce a high resolution panoramic image providing the ability to zoom in on small details. This mode even detects faces and moving subjects to stitch intelligently different widths to help avoid subject distortion.

Digital Zoom

Capturing the right shot at the right moment has never been so easy. Digital zoom brings the action up close to get that perfect shot, every time.

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Motion Detection

Motion Detection, along with Face Motion Detection adjusts ISO sensitivity and increases the shutter speed when movement is detected, reducing blur in moving subjects and faces.

Compatible with PC and Mac®

Systems

The high definition, AVCHD, video captured with the DSC-WX10 can be used with the provided Picture Motion Browser software for PC and iMovie® (sold separately) for Mac® systems.*

Superior Auto mode

Get cleaner, more dynamic pictures and fewer missed shots. The camera automatically recognizes the correct scene mode, then quickly shoots and combines up to six shots to produce images with greater clarity, optimum dynamic range using backlight correction HDR technology and lower image noise using 6 shots layering technology. Superior Auto intelligently detects 33 scenes for still images and 44 scenes for movies, making it easy to get the best shot.

Soft Skin mode

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Anti-blink Function

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achieves dramatically clearer images with an auto focus that moves just as fast as your life.

Natural Flash

Conventional point-and-shoot camera flash shots just don't capture colors the way the eye sees them. Natural Flash mode takes a reference shot without flash and then uses that reference to correct the color, for far more lifelike images.

Face Detection technology

Sony's Face Detection technology can automatically distinguish between children and adults. Face Detection technology detects up to eight individual faces and adjusts flash, focus, exposure, and white balance to help deliver crisp, properly lit images of family and friends.

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Includes Sony® PMB Portable

software

With the pre-installed Picture Motion Browser (PMB) Portable software the DSC-WX10 makes it easy to pre-select videos and images in the camera and conveniently upload them from the camera to a compatible PC and popular Internet sharing sites without the need for any additional software or install.*

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Cyber Shot Digital Camera T110



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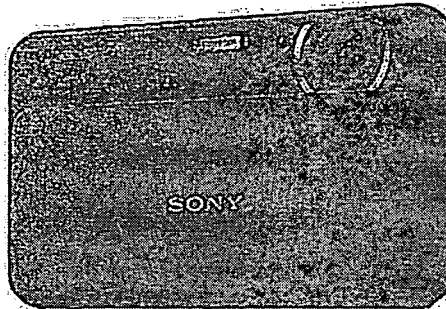
Cyber-shot Digital Camera T110

Model Highlights: 16.1-megapixel, 3.0" touch screen; Sweep Panorama Mode; HD Movie mode (720p); iAuto; Optical SteadyShot™ image stabilization; Carl Zeiss® Vario-Tessar 4x (25mm wide) optical zoom lens.

Color: Red



ADDITIONAL IMAGES:



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Your best shot is just a click away. The DSC-T110 Cyber-shot® digital camera takes the guesswork out of snapping great photos with features like iAuto and Optical SteadyShot™ image stabilization. This 16.1-megapixel camera also features a 3.0" widescreen LCD that makes it easy to compose and review shots; navigate menus, and optimize focus using the touch screen display. A 25mm wide-angle lens allows you to take wider shots of the scene or group in crowded spaces. Capture expansive landscapes with one touch Sweep Panorama or take stunning 720p HD videos with HD Movie mode.

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3.0" (230K dots) Clear Photo LCD

Plus™ touch screen LCD

A large 3.0" (230K dots) Clear Photo LCD Plus™ touch screen LCD makes it easy for viewing and sharing images with simple and fun touch operation.

Carl Zeiss® Vario-Tessar® Lens with

25mm wide angle and 4x Optical

Zoom

The high-performance Carl Zeiss® Vario-Tessar® 4x optical zoom lens brings distant subjects closer for video recording as well as for outdoor, sports, and travel photos, and Close Focus shoots close-ups within a 1/4" of the subject. A wide angle of 25mm equivalent wide-angle lens allows you to take wider shots of the scene or group in crowded spaces.

Soft Skin mode

Portrait subjects will love the results. Soft Skin mode recognizes skin tones and reduces the appearance of blemishes and wrinkles without affecting the rest of the shot.

Sweep Panorama™ mode

Reach beyond the traditional wide angle lens, and capture more breathtaking shots with Sweep Panorama™ mode. Simply press the shutter button and sweep the camera in the desired direction and the camera continuously shoots at a high speed, then seamlessly stitches the images together with automatic position adjustment to create one stunning panoramic image. Available in wide and ultra-wide options, the camera can take panoramic shots of up to 248 degrees. Now capturing wide landscapes is as easy as press and sweep.

Optical SteadyShot™ image

stabilization

Optical SteadyShot™ image stabilization uses a built-in gyro sensor to detect camera shake and automatically shifts the lens to help prevent blur without sacrificing image quality.

Natural Flash

Conventional point-and-shoot camera flash shots just don't capture colors the way the eye sees them. Natural Flash mode takes a reference shot without flash and then uses that reference to correct the color, for far more lifelike images.

720p MP4 HD Movie Mode

In 720p MP4 movie mode the camera shoots 1280 x 720 high definition movies at 30 fps, a standard format when working with a PC. Users will create high quality movies with full use of optical zoom in in files small enough to transfer to a compatible PC or Mac computer. Once transferred to your computer and connected to the internet, you can effortlessly upload your media to popular photo and video-sharing websites such as Photobucket® and YouTube™. (Compatible computer with internet capability required)

Intelligent Auto (iAuto) mode

Unlike traditional auto mode, Intelligent Auto (iAuto) mode thinks for you, recognizing scenes, lighting conditions, faces, and adjusts settings resulting in clear images, faces with natural skin tone and less blur. Take advantage of all the technology without leaving Auto mode. Kids on the playground, landscape shots, a beautiful flower or an indoor birthday party, all result in clear images without leaving auto mode.

Self-Portrait Timer

Self-Portrait Timer helps take the guesswork out of self portraits by utilizing Face Detection technology to recognize when a face enters the

In camera guide

Take all the guesswork out of photography with the In camera guide. Its convenient step by step instructions lead to a perfect shot.

Motion Detection

Motion Detection, along with Face Motion Detection adjusts ISO sensitivity and increases the shutter speed when movement is detected, reducing blur in moving subjects and faces.

High Sensitivity Mode (ISO 3200)

High ISO allows for faster shutter speed, so you can take photos indoors or in low light without the need for a flash. In addition to High Sensitivity Mode (ISO), select up to seven ISO settings (Auto, 125, 200, 400, 800, 1600, 3200) when shooting in Program Auto Mode to adjust sensitivity to the shooting conditions.

Intelligent Scene Recognition (iSCN)**Mode**

Intelligent Scene Recognition (iSCN) Mode automatically detects eight different types of scenes and, within just 1/30th of a second, selects the appropriate camera settings: Backlight, Backlight Portrait, Twilight, Twilight Portrait, Twilight using a tripod, Portrait, Landscape and macro. iSCN has two modes: Auto and Advanced. In Auto Mode, the camera takes a single shot using the optimal settings. In Advanced Mode, the camera takes a photo with the optimal settings and, if in difficult lighting (low light or back light) immediately takes a second photo with another optimized setting so you can choose which to keep.

Smile Shutter™ technology

Smile Shutter™ technology captures a smile the moment it happens. Simply press the Smile Shutter™ button and the camera does the rest. You can also select adult and child priority and indicate the degree of Smile Detection Sensitivity. Intelligent Scene Recognition can be used together with Smile Shutter™ mode. This means that beautiful smiles can be captured with settings optimized for the particular scene, even in difficult conditions such as twilight and backlighting.

Anti-blink Function

It's frustrating to capture the perfect shot, only to review it later and discover subjects blinked during the photo. When the camera is set to Soft Snap, the Anti-blink function captures two images, recording only the photo with less squinting or blinking. If a blink is detected in other shooting modes, a warning will be displayed after you take the shot.

Stylish Ultra-slim Design

Measuring at just 3 2/3" x 2 3/8" x 2/3", the DSC-T110 is slim enough to slip into a pocket or purse, to take when out and about.

Includes Sony® PMB (Picture Motion Browser) Software ver. 5.5

Sony® Picture Motion Browser software offers a simple, intuitive way to transfer, sort, and view your video and still images on your compatible PC.* In addition, multiple output options let you burn your memories to DVD using an external DVD burning device, as well as take advantage of one click upload to a number of popular video and photo sharing sites (such as Facebook® and Sony's Personal Space™ site).†

frame. Once the camera detects a face, it triggers a 2-second timer, and then snaps a picture.

Face Detection technology

Sony's Face Detection technology can automatically distinguish between children and adults. Face Detection technology detects up to eight individual faces and adjusts flash, focus, exposure, and white balance to help deliver crisp, properly lit images of family and friends.

TransferJet™ technology

TransferJet™ technology, developed by Sony® and advanced and promoted by a consortium of 18 other companies, allows the transfer of up to ten files between two TransferJet enabled devices just by touching their TransferJet logos together, without the hassle of hunting for cables or the complication of pairing.‡

Creative painting tools

Decorate photos with words and drawings using the included paint pen or your finger. Have fun using more than 30 stamps and 15 types of picture frames and save new images at up to 5 megapixel resolution.

Includes Sony® PMB Portable software

With the pre-installed Picture Motion Browser (PMB) Portable software the DSC-T110 makes it easy to pre-select videos and images in the camera and conveniently upload them from the camera to a compatible PC and popular Internet sharing sites without the need for any additional software or install.‡

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Cyber Shot Digital Camera W530



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\$119.99

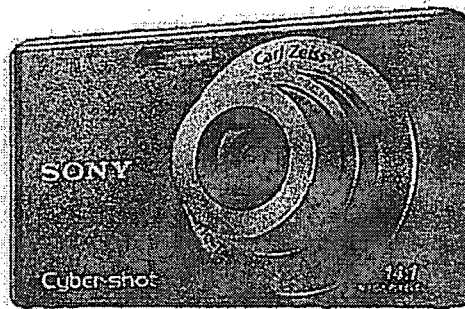
Cyber-shot Digital Camera W530

Model Highlights: 14.1-megapixel, 26mm equivalent lens with 4x optical zoom, Sweep Panorama Mode, 2.7" LCD, iAuto, Smile Shutter™ and Face Detection, SteadyShot™ image stabilization, VGA movie capabilities.

Color: Green



ADDITIONAL IMAGES:



In Stock

Estimated ship date: 11/15/2011

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Combining a variety of intelligent, easy-to-use features, the DSC-W530 Cyber-shot® digital camera makes it a breeze to shoot life as it happens. Capture landscapes with one touch using Sweep Panorama Mode and snap that perfect portrait with Smile Shutter™ technology. Powerful and pocket-sized, the W530 also features 14.1 megapixels and a 26mm wide angle lens with 4x optical zoom. In addition to SteadyShot™ image stabilization which compensates for camera shake, this camera also has Intelligent Auto (iAuto) mode that thinks for you by recognizing scenes, lighting conditions and faces, then automatically adjusts settings for clear images with less blur.

14.1 Megapixel Super HAD™ CCD

Image Sensor

A powerful 14.1 megapixel 1/2.3" Super HAD™ CCD image sensor helps you capture gorgeous images with superb contrast and clarity down to the finest detail. With 14.1 megapixels, you can create stunning, photo-quality prints up to A3+ (13x19") size, or crop your images and still come away with high resolution shots.

Sweep Panorama™ mode:

Reach beyond the traditional wide angle lens, and capture more breathtaking shots with Sweep Panorama™ mode. Simply press the shutter button and sweep the camera in the desired direction and the camera continuously shoots at a high speed, then seamlessly stitches the images together with automatic position adjustment to create one stunning panoramic image. Available in wide and ultra-wide options, the camera can take panoramic shots of up to 230 degrees. Now capturing wide landscapes is as easy as press and sweep.

Face Detection technology

Face Detection technology detects up to eight individual faces and adjusts focus, exposure, and white balance to help deliver crisp, properly lit images of family and friends.

2.7" (230K dots) Clear Photo LCD™

display

Generous 2.7" (230K dots) Clear Photo LCD™ display features sharp, natural color that makes it easy to compose shots, read menus, and view photos, even in bright sunlight.

SteadyShot® image stabilization

SteadyShot® image stabilization compensates for camera shake and helps prevent blur through use of digital processing technologies.

Smile Shutter™ technology

Smile Shutter™ technology captures a smile the moment it happens. Simply press the Smile Shutter™ button and the camera does the rest. You can also select adult and child priority and indicate the degree of Smile Detection sensitivity. Intelligent Scene Recognition can now be used together with Smile Shutter™ mode when the Intelligent Auto mode is on. This means that beautiful smiles can be captured with settings optimized for the particular scene, even in difficult conditions such as twilight and backlighting.

Carl Zeiss® Vario-Tessar® Lens with

26mm equivalent wide 4x Optical Zoom

The high-performance Carl Zeiss® Vario-Tessar® 4x optical zoom lens brings distant subjects closer for video recording as well as for outdoor, sports, and travel photos, and Close Focus shoots close-ups within a 1/4" of the subject. A wide angle of 26mm equivalent wide-angle lens allows you to take wider shots of the scene or group in crowded spaces.

Intelligent Auto Mode

Unlike traditional auto mode, Intelligent Auto (iAuto) mode thinks for you, recognizing scenes, lighting conditions, faces, and adjusts settings resulting in clear images, faces with natural skin tone and less blur. Take advantage of all the technology without leaving Auto mode. Kids on the playground, landscape shots, a beautiful flower, or an indoor birthday party: all result in clear images without leaving auto mode.

480p AVI VGA Movie Mode

In 480p AVI movie mode the camera shoots 640 x 480 movies at 30 fps, the standard format when working with a PC. Users will create movies in

Soft Skin mode

Portrait subjects will love the results. Soft Skin mode recognizes skin tones and reduces the appearance of blemishes and wrinkles without affecting the rest of the shot.

Anti-blink Function

It's frustrating to capture the perfect shot, only to review it later and discover subjects blinked during the photo. The Anti-blink function works to help counter blinking and squinting. When the camera is set to Soft Snap, the Anti-blink function captures two images, recording only the photo with less squinting. If a blink is detected in other shooting modes, a warning will be displayed after you take the shot.

High Sensitivity Mode (ISO 3200)

High ISO allows for faster shutter speed, so you can take photos indoors or in low light without the need for a flash. In addition to High Sensitivity Mode (ISO), you can select up to seven ISO settings (Auto, 125, 200, 400, 800, 1600, 3200) when shooting in Program Auto Mode to adjust sensitivity to your shooting conditions.

Includes Sony® PMB (Picture Motion Browser) Software ver. 5.3¹

Sony Picture Motion Browser software offers a simple, intuitive way to transfer, sort, and view your video and still images on your compatible PC. In addition, multiple output options let you burn your memories to DVD (sold separately), as well as take advantage of one click upload to a number of popular video and photo sharing sites.¹

Natural Flash

Conventional point-and-shoot camera flash shots just don't capture colors the way the eye sees them. Natural Flash mode takes a reference shot without flash and then uses that reference to correct the color, for far more lifelike images.

Dynamic Range Optimizer Standard and Plus

Dynamic Range Optimizer (DRO) Standard and Plus uses a sophisticated algorithm to help recover shadows and highlights. The result is more natural images with clearer details that more closely match what your naked eye sees. DRO is particularly effective when shooting backlit portraits or any scene with a dramatic contrast between background and foreground lighting. DRO Plus allows for even greater optimization by analyzing each region of an image and performing additional image processing.

Easy Shooting Mode

With Easy Shooting Mode, even beginners can take great photos. In Easy Shooting Mode, easy-to-understand basic instructions are displayed on the LCD screen and the camera switches to all automatic settings, removing several function choices and allowing you to focus on just your subject. Since this mode works together with Intelligent Scene Recognition, the camera selects the optimum setting for each scene. In addition the easy mode simplifies preview mode.

Includes Sony® PMBP (Picture

Motion Browser Portable) software²

With the pre-installed Picture Motion Browser (PMB) Portable software the DSC-W530 makes it easy to pre-select videos and images in the camera and conveniently upload them from the camera to a compatible PC and popular internet sharing site without the need for any additional software or install.²

files small enough to transfer to a compatible PC or Mac® computer and connected to the internet.³ Once transferred to your computer effortlessly upload media to popular photo and video-sharing websites such as Photobucket® and YouTube®.

Self-Portrait Timer

Self-Portrait Timer helps take the guesswork out of self portraits by utilizing Face Detection technology to recognize when your face enters the frame. Once the camera detects your face, it triggers a 2-second timer, and then snaps a picture.

Intelligent Scene Recognition (iSCN)

Mode

Intelligent Scene Recognition (iSCN) Mode automatically detects eight different types of scenes and, within just 1/30th of a second, selects the appropriate camera settings: Backlight, Backlight Portrait, Twilight, Twilight Portrait, Twilight using a tripod, Portrait, Landscape and macro. iSCN has two modes: Auto and Advanced. In Auto Mode, the camera takes a single shot using the optimal settings. In Advanced Mode, the camera takes a photo with the optimal settings and, if in difficult lighting (low light or back light) immediately takes a second photo with another optimized setting so you can choose which to keep.

In-Camera Retouching Tools

Retouch and enhance your photos on the go with in-camera Trimming, Red-Eye Correction, and Unsharp Masking functions.

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Cyber Shot Digital Camera W560



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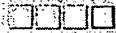
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\$139.99 \$119.99

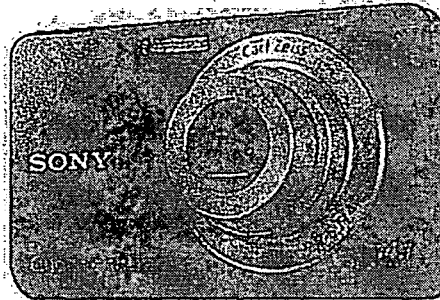
Cyber-shot Digital Camera W560

Model Highlights: 14.1-megapixel, Sweep Panorama Mode, HD Movie mode (720p), 3.0" LCD, iAuto mode, Optical SteadyShot™ image stabilization, Carl Zeiss® Vario-Tessar 4x (25mm wide) optical zoom lens.

Color: Black



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Compose, view and share your images and 720p movies on the large 3.0" LCD and capture your shots up close with 4x optical zoom. Offering an array of shooting modes and easy-to-use features, the compact DSC-W560 Cyber-shot® digital camera is jam packed with everything you need at a great value. Use Sweep Panorama Mode to capture breathtaking images while iAuto mode automatically optimizes camera settings. Additional features include an in-camera guide and Easy Shooting mode which help take the guesswork out of photography and lead you to the perfect shot.

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720p MP4 HD Movie Mode

In 720p MP4 movie mode the camera shoots 1280 x 720 high definition movies at 30 fps, a standard format when working with a PC.* Create high quality movies with full use of optical zoom in files small enough to transfer to compatible PC or Mac® computer. Once transferred to your computer and connected to the internet, you can effortlessly upload your media to popular photo and video-sharing websites such as Photobucket® and YouTube™.

Sweep Panorama™ mode

Reach beyond the traditional wide angle lens, and capture more breathtaking shots with Sweep Panorama™ mode. Simply press the shutter button and sweep the camera in the desired direction and the camera continuously shoots at a high speed, then seamlessly stitches the images together with automatic position adjustment to create one stunning panoramic image. Available in wide and ultra-wide options, the camera can take panoramic shots of up to 268 degrees. Now capturing wide landscapes is as easy as press and sweep.

14.1 Megapixel Super HAD™ CCD

Image Sensor

A powerful 14.1 megapixel 1/2.3" Super HAD™ CCD image sensor helps you capture gorgeous images with superb contrast and clarity down to the finest detail. With 14.1 megapixels, you can create stunning, photo-quality prints up to A3+ (13x19") size, or crop your images and still come away with high resolution shots.

3.0" (230K dots) Clear Photo LCD™

display (230K dots)

Generous 3.0" (230K dots) Clear Photo LCD™ display features sharp, natural color that makes it easy to compose shots, read menus, and view photos, even in bright sunlight.

Optical SteadyShot™ image

Stabilization

Optical SteadyShot™ image stabilization uses a built-in gyro sensor to detect camera shake and automatically shifts the lens to help prevent blur without sacrificing image quality.

Intelligent Auto Mode

Unlike traditional auto mode, Intelligent Auto (iAuto) mode thinks for you, recognizing scenes, lighting conditions, faces, and adjusts settings resulting in clear images, faces with natural skin tone and less blur. Take advantage of all the technology without leaving Auto mode. Kids on the playground, landscape shots, a beautiful flower or an indoor birthday party, all result in clear images without leaving auto mode.

Soft Skin mode

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Self-Portrait Timer helps take the guesswork out of self portraits by utilizing Face Detection technology to recognize when your face enters the frame. Once the camera detects your face, it triggers a 2-second timer, and then snaps a picture.

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Take all the guesswork out of photography with the In-camera guide. Its convenient step by step instructions lead you to the perfect shot.

**Carl Zeiss® Vario-Tessar® Lens with
26mm wide 4x Optical Zoom**

The high-performance Carl Zeiss® Vario-Tessar® 4x optical zoom lens brings distant subjects closer for video recording as well as for outdoor, sports, and travel photos, and Close Focus shoots close-ups within a 1/2" of the subject. A 26mm wide-angle lens allows you to take wider shots of the scene or group in crowded spaces.

Intelligent Scene Recognition (ISCN)**Mode**

Intelligent Scene Recognition (ISCN) Mode automatically detects eight different types of scenes and, within just 1/30th of a second, selects the appropriate camera settings: Backlight, Backlight Portrait, Twilight, Twilight Portrait, Twilight using a tripod, Portrait, Landscape and macro. ISCN has two modes: Auto and Advanced. In Auto Mode, the camera takes a single shot using the optimal settings. In Advanced Mode, the camera takes a photo with the optimal settings and, if in difficult lighting (low light or back light) immediately takes a second photo with another optimized setting so you can choose which to keep.

In-Camera-Retouching Tools

Retouch and enhance your photos on the go with In-camera Trimming, Red-Eye Correction, and Unsharp Masking functions

Includes Sony® PMBP (Picture**Motion Browser Portable) software**

With the pre-installed Picture Motion Browser (PMB) Portable software the DSC-W560 makes it easy to pre-select videos and images in the camera and conveniently upload them from the camera to a compatible PC and popular Internet sharing sites without the need for any additional software or install.²

Face Detection technology

Face Detection technology detects up to eight individual faces and adjusts focus, exposure, and white balance to help deliver crisp, properly lit images of family and friends.

Anti-blink Function

It's frustrating to capture the perfect shot, only to review it later and discover subjects blinked during the photo. The Anti-blink function works to help counter blinking and squinting. When the camera is set to Soft Snap, the Anti-blink function captures two images, recording only the photo with less squinting. If a blink is detected in other shooting modes, a warning will be displayed after you take the shot.

High Sensitivity Mode (ISO 3200)

High ISO allows for faster shutter speed, so you can take photos indoors or in low light without the need for a flash. In addition to High Sensitivity Mode (ISO), you can select up to seven ISO settings (Auto, 125, 200, 400, 800, 1800, 3200) when shooting in Program Auto Mode to adjust sensitivity to your shooting conditions.

PHOTOMUSIC

PHOTOMUSIC combines images with music (4 tracks, 5 minutes per track) to produce fun and entertaining slide shows with standard visual effects (Simple, Nostalgic, Active, and Stylish). Select from pre-loaded tracks on the camera or transfer your own from your compatible computer.³

Smile Shutter™ technology

Smile Shutter™ technology captures a smile the moment it happens. Simply press the Smile Shutter™ button and the camera does the rest. Also select adult and child priority and indicate the degree of Smile Detection sensitivity. Intelligent Scene Recognition can now be used together with Smile Shutter™ mode when the Intelligent Auto mode is on. This means that beautiful smiles can be captured with settings optimized for the particular scene, even in difficult conditions such as twilight and backlighting.

**Dynamic Range Optimizer Standard
and Plus**

Dynamic Range Optimizer (DRO) Standard and Plus uses a sophisticated algorithm to help recover shadows and highlights. The result is more natural images with clearer details that more closely match what your naked eye sees. DRO is particularly effective when shooting backlit portraits or any scene with a dramatic contrast between background and foreground lighting. DRO Plus allows for even greater optimization by analyzing each region of an image and performing additional image processing.

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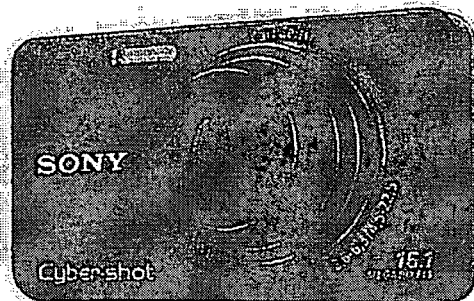
Cyber-shot Digital Camera W570

Model Highlights: 16.1-megapixel, Sweep Panorama Mode, HD Movie mode (720p), 2.7" LCD, iAuto mode, Optical SteadyShot™ image stabilization, Carl Zeiss® Vario-Tessar 5x (25mm wide) optical zoom lens.

Color: Black



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Blending rich features and value all wrapped up in a slim design, the Cyber-shot® W570 digital camera features a powerful 16.1-megapixel CCD image sensor to capture gorgeous images with superb contrast and clarity down to the finest detail. Compose and shoot photos and 720p HD movies on the 2.7" LCD. Additional features include Optical SteadyShot™ image stabilization for reduced blur and Intelligent Auto (iAuto) mode which thinks for you by recognizing scenes, lighting conditions and faces, then automatically adjusts settings. Reach beyond the traditional wide angle lens, and capture more breathtaking shots with Sweep Panorama Mode.

720p MP4 HD Movie Mode⁴

In 720p MP4 movie mode the camera shoots 1280 x 720 high definition movies at 30 fps, a standard format when working with a PC. Users will create high quality movies with full use of optical zoom in files small enough to transfer to compatible PC or Mac® computer.⁴ Once transferred to your computer and connected to the Internet, you can effortlessly upload your media to popular photo and video-sharing websites such as Photobucket® and YouTube™.

2.7" (230K dots) Clear Photo LCD™

display

2.7" (230K dots) Clear Photo LCD™ display features sharp, natural color that makes it easy to compose shots, read menus, and view photos, even in bright sunlight.

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Portrait subjects will love the results. Soft Skin mode recognizes skin tones and reduces the appearance of blemishes and wrinkles without affecting the rest of the shot.

Sweep Panorama™ mode

Reach beyond the traditional wide angle lens, and capture more breathtaking shots with Sweep Panorama™ mode. Simply press the shutter button and sweep the camera in the desired direction and the camera continuously shoots at a high speed, then seamlessly stitches the images together with automatic position adjustment to create one stunning panoramic image. Available in wide and ultra-wide options, the camera can take panoramic shots of up to 235 degrees. Now capturing wide landscapes is as easy as press and sweep.

Optical SteadyShot™ image

stabilization

Optical SteadyShot™ image stabilization uses a built-in gyro sensor to detect camera shake and automatically shifts the lens to help prevent blur without sacrificing image quality.

Natural Flash

Conventional point-and-shoot camera flash shots just don't capture colors the way the eye sees them. Natural Flash mode takes a reference shot without flash and then uses that reference to correct the color, for far more lifelike images.

16.1 Megapixel Super HAD™ CCD

Image Sensor

A powerful 16.1 megapixel 1/2.3" Super HAD™ CCD image sensor helps you capture gorgeous images with superb contrast and clarity down to the finest detail. With 16.1 megapixels, you can create stunning, photo-quality prints up to A3+ (13x19") size, or crop your images and still come away with high resolution shots.

Intelligent Auto Mode

Unlike traditional auto mode, Intelligent Auto (iAuto) mode thinks for you, recognizing scenes, lighting conditions, faces, and adjusts settings, resulting in clear images, faces with natural skin tone and less blur. Take advantage of all the technology without leaving Auto mode. Kids on the playground, landscape shots, a beautiful flower or an indoor birthday party, result in clear images without leaving auto mode.

Self-Portrait Timer

Self-Portrait Timer helps take the guesswork out of soft portraits by utilizing Face Detection technology to recognize when your face enters the frame. Once the camera detects your face, it triggers a 2-second timer, and then snaps a picture.

In camera guide

Take all the guesswork out of photography with the In camera guide. Its convenient step by step instructions lead you to the perfect shot.

**Carl Zeiss® Vario-Tessar® Lens with
25mm wide angle 5x Optical Zoom**

The high-performance Carl Zeiss® Vario-Tessar® 5x optical zoom lens brings distant subjects closer for video recording as well as for outdoor, sports, and travel photos, and Close Focus shoots close-ups up within a 1/4" of the subject. A wide angle of 25mm equivalent wide-angle lens allows you to take wider shots of the scene or group in crowded spaces.

Intelligent Scene Recognition (ISCN)**Mode**

Intelligent Scene Recognition (ISCN) Mode automatically detects eight different types of scenes and, within just 1/30th of a second, selects the appropriate camera settings: Backlight, Backlight Portrait, Twilight, Twilight Portrait, Twilight using a tripod, Portrait, Landscape and macro. ISCN has two modes: Auto and Advanced. In Auto Mode, the camera takes a single shot using the optimal settings. In Advanced Mode, the camera takes a photo with the optimal settings and, if in difficult lighting (low light or back light) immediately takes a second photo with another optimized setting so you can choose which to keep.

In-Camera Retouching Tools

Retouch and enhance your photos on the go with In-camera Trimming, Red-Eye Correction, and Unsharp Masking functions

Includes Sony® PMB Portable**software**

With the pre-installed Picture Motion Browser (PMB) Portable software the DSC-W570 makes it easy to pre-select videos and images in the camera and conveniently upload them from the camera to a compatible PC and popular Internet sharing sites without the need for any additional software or install.²

Face Detection technology

Face Detection technology detects up to eight individual faces and adjusts focus, exposure, and white balance to help deliver crisp, properly lit images of family and friends.

Anti-blink Function

It's frustrating to capture the perfect shot, only to review it later and discover subjects blinked during the photo. The Anti-blink function works to help counter blinking and squinting. When the camera is set to Soft Snap, the Anti-blink function captures two images, recording only the photo with less squinting. If a blink is detected in other shooting modes, a warning will be displayed after you take the shot.

High Sensitivity Mode (ISO 3200)

High ISO allows for faster shutter speed, so you can take photos indoors or in low light without the need for a flash. In addition to High Sensitivity Mode (ISO), you can select up to seven ISO settings (Auto, 125, 200, 400, 800, 1600, 3200) when shooting in Program Auto Mode to adjust sensitivity to your shooting conditions.

PHOTOMUSIC

PHOTOMUSIC combines images with music (4 tracks, up to 5 minutes per track) to produce fun and entertaining slide shows with standard visual effects (Simple, Nostalgic, Active, and Stylish). Select from pre-loaded tracks on the camera or transfer your own from your compatible computer.³

Smile Shutter™ technology

Smile Shutter™ technology captures a smile the moment it happens. Simply press the Smile Shutter™ button and the camera does the rest. You can also select adult and child priority and indicate the degree of Smile Detection sensitivity. Intelligent Scene Recognition can now be used together with Smile Shutter™ mode when the Intelligent Auto mode is on. This means that beautiful smiles can be captured with settings optimized for the particular scene, even in difficult conditions such as twilight and backlighting.

**Dynamic Range Optimizer Standard
and Plus**

Dynamic Range Optimizer (DRO) Standard and Plus uses a sophisticated algorithm to help recover shadows and highlights. The result is more natural images with clearer details that more closely match what your naked eye sees. DRO is particularly effective when shooting backlit portraits or any scene with a dramatic contrast between background and foreground lighting. DRO Plus allows for even greater optimization by analyzing each region of an image and performing additional image processing.

Easy Shooting Mode

With Easy Shooting Mode, even beginners can take great photos. In Easy Shooting Mode, easy-to-understand basic instructions are displayed on the LCD screen and the camera switches to all automatic settings, removing several function choices and allowing you to focus on just your subject. Since this mode works together with Intelligent Scene Recognition, the camera selects the optimum setting for each scene. In addition the easy mode simplifies preview mode.

**Includes Sony® PMB (Picture Motion
Browser) Software ver. 5.3**

Sony Picture Motion Browser software offers a simple, intuitive way to transfer, sort, and view your video and still images on your compatible PC. In addition, multiple output options let you burn your memories to DVD using an external DVD burning device, as well as take advantage of one click upload to a number of popular video and photo sharing sites (such as Facebook® and Sony's Personal Space? site).¹

VIEW FOOTNOTES**Laptops**

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APO/FPO Shipping

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Product Registration

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STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF CHARLESTON	)	COURT OF COMMON PLEAS
Ashante Ishmael Wright,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 10-CP-10-08286
	)	
State of South Carolina,	)	
	)	
Defendant.	)	

TRANSCRIPT OF HEARING

The within Hearing was held on January 11, 2012, before The Honorable R. Markley Dennis, Jr. in Courtroom 4C of the Charleston County Courthouse, 100 Meeting Street, Charleston, South Carolina; attended by Counsel, as follows:

APPEARANCES:

Demal L. Mattson, Jr.
(No information provided)
Appearing for Applicant

Matthew Friedman, Esq.
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Appearing for State of South Carolina

DEBORAH GARRISON
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1 THE COURT: You are Ishmael Wright?

2 APPLICANT: Yes, sir.

3 THE COURT: This is your application
4 for post-conviction relief. Basically you're
5 asking me to -- and you've had a chance to talk
6 with your lawyer about this proceeding?

7 APPLICANT: Yes, sir.

8 THE COURT: And you are ready to go
9 forward with your application?

10 APPLICANT: Yes, sir.

11 THE COURT: And you understand that
12 the only thing that I can do is return you to
13 square one, basically, such that you'd start
14 all over again?

15 APPLICANT: Yes, sir.

16 THE COURT: And there's a -- you
17 were convicted of murder and sentenced to fifty
18 years, as I understand it?

19 APPLICANT: Yes, sir.

20 THE COURT: And you understand that
21 if you were granted a new trial and you were
22 convicted that an option is Life without the
23 possibility of parole?

24 APPLICANT: Yes, sir.

25 THE COURT: And it is your desire to

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1 still have a chance to go back?

2 APPLICANT: (Affirmative nod).

3 THE COURT: And have a new trial?

4 APPLICANT: Yes, sir.

5 THE COURT: Mr. Mattson, are you
6 ready to proceed?

7 DEMAL MATTSON: Yes, Your Honor, I
8 am ready to proceed.

9 THE COURT: Call your first witness,
10 please.

11 DEMAL MATTSON: Your Honor, at this
12 time I would like to call Mr. King.

13 (WITNESS TAKES STAND)

14 JASON KING, being duly sworn to tell
15 the truth, the whole truth and nothing but the
16 truth, testified, as follows:

17 DIRECT EXAMINATION

18 BY DEMAL MATTSON:

19 Q. Mr. King, how are you today?

20 A. Fine.

21 Q. Mr. King, you're employed by the Public
22 Defenders Office?

23 A. That's correct.

24 Q. How long have you been employed there?

25 A. Since 2005, so six and a half, almost

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5

1 seven years.

2 Q. Okay. When did you finish law school?

3 A. In 2000.

4 Q. I think I found your ID card one time,
5 when you'd lost it?

6 A. (No verbal response).

7 Q. I find one public defender's ID card.

8 THE COURT: Come on, Mr. Mattson.

9 Thank you, sir.

10 DEMAL MATTSON: Yes, sir.

11 DIRECT EXAMINATION CONTINUED

12 BY DEMAL MATTSON:

13 Q. You represented Mr. Ashante Wright
14 concerning the charge of murder against him?

15 A. That's correct.

16 Q. And he was accused of murdering a
17 gentleman by the name of Mr. Grant?

18 A. Yes.

19 Q. Okay. How many times did you talk to Mr.
20 Wright?

21 A. Looking back at my files in preparation
22 for this, I met with him about six times.

23 Q. About six times?

24 A. Six times, exactly six times.

25 Q. Six times?

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1 A. Yes.

2 Q. During that time did you ask him about any
3 witnesses that he might have?

4 A. Yes.

5 Q. Did he tell you about the witnesses?

6 A. He did.

7 Q. I believe that it was two young ladies?

8 A. That's right.

9 Q. And one of the young ladies did not want
10 to testify because they had been smoking some
11 pot in the car and she was on probation?

12 A. I think that was Johnetta Campbell. Mr.
13 Wright told me that there two ladies at the
14 time, that he had two alibi witnesses.

15 One, Johnetta Campbell denied that he was
16 with the police and the -- and that was my
17 argument at the trial, that the reason she was
18 denying that was because she was on probation
19 and they were -- the testimony would have been
20 that they were out there smoking marijuana.

21 Q. Right. Did you by any chance ever talk to
22 her, hypothetically talk to her, talk to her
23 probation officer in hypothetical ways as to
24 what they would have done with her if she had
25 testified, admitted to smoking marijuana?

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- 1 A. I did.
- 2 Q. You did talk to the probation agent?
- 3 A. I did talk to the probation agent. I
- 4 think I called to find out if there was a
- 5 curfew or anything like that. I think the
- 6 agent told me that there was no curfew but she
- 7 was prohibited from associating with people who
- 8 had criminal records and of course she was not
- 9 to be smoking marijuana.
- 10 Q. But at that point in time Mr. Wright did
- 11 not have a criminal record, did he?
- 12 A. Right. I don't believe that he did.
- 13 Q. Now, let me ask you this. Did you send
- 14 anyone out to take crime scene photographs?
- 15 A. No, I did not.
- 16 Q. Your office?
- 17 A. No, we did not.
- 18 Q. Did you ever visit the crime scene?
- 19 A. I did.
- 20 Q. You did?
- 21 A. I did visit the scene.
- 22 Q. During the day or ---
- 23 A. I think I went during the day.
- 24 Q. Approximately when did you visit the crime
- 25 scene? I mean, what date?

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1 A. October 18th, 2007.

2 Q. And the date of the offense was, if I am
3 correct, oh, June 12th, 2006?

4 A. Yes.

5 Q. Okay. It was in the area of 4657 Simmons
6 Street in the City of Charleston?

7 A. Yes.

8 Q. Did you ever go out there in the evening
9 or at night?

10 A. No.

11 Q. Did you ever have any investigators go out
12 there during the evening?

13 A. No, did not.

14 Q. Did you have any of your investigators or
15 anyone take photographs of the scene for you?

16 A. No.

17 Q. This was a personal identification case.
18 Correct?

19 A. Yes. There were two witnesses. The
20 shooting took place in the middle of the
21 street, basically, ---

22 Q. Yes, about 10:00 p.m.

23 A. There were two witnesses who said that
24 they were down the street, in a house, and
25 observed the shooting, observed the shooting

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1 happening and identified him.

2 Q. Right. And the situation was such that
3 there was houses -- well, this case wasn't
4 actually tried until -- oh, Lord, let me see --
5 some eighteen months, I believe, roughly after
6 the ---

7 A. It was tried twice.

8 Q. Yes, and the second time that it was tried
9 was, I believe, about eighteen months, roughly,
10 after the incident. Correct?

11 A. (No verbal response).

12 Q. I think that it was tried in '08 or '07?

13 A. That's pretty close. I don't know if
14 that's exactly the time, but that's pretty
15 close.

16 Q. Right. During that period of time, the
17 police didn't take any photographs until
18 December or January, just before the trial;
19 like maybe sixteen or seventeen months after
20 the crime had been committed. Correct?

21 A. I think so, though there were some crime
22 scene photos taken that night.

23 Q. But I believe that they were primarily of
24 the body, the blood, that type of thing, rather
25 than an overall crime scene photograph as to

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1 the lighting conditions; if I recall correctly?

2 A. That's right.

3 Q. Okay. And you didn't send anybody out
4 there to take any photographs of the overall
5 lighting conditions?

6 A. No, the solicitor's office had -- their
7 investigator had gone out and taken a good many
8 photos, so there were photos available.

9 Q. But you didn't take any independent
10 photos?

11 A. No.

12 Q. Okay. Now, the police in this recovered,
13 I believe, four or five nine millimeter shell
14 casings at the scene?

15 A. I believe that's correct. I don't ---

16 Q. I can't remember the exact number right
17 now either but didn't they -- didn't they
18 recover several nine millimeter pistol shell
19 casings at the scene?

20 A. I believe that's right.

21 Q. I am not trying to confuse you.

22 A. I understand.

23 Q. I just don't remember myself.

24 A. I reviewed part of these and I am just
25 trying, best I can, to remember ---

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1 Q. Okay. And the police -- the victim who
2 was killed, Mr. Grant, he was -- supposedly
3 rode a bicycle to the scene, correct?

4 A. I believe that's right. Yes.

5 Q. And the police found like three bicycles
6 left behind?

7 A. I believe so.

8 Q. And the police ran fingerprints on the
9 bicycles and didn't find any fingerprints of
10 Mr. Wright, did they?

11 A. They did not.

12 Q. The only prints that I believe that they
13 found was of Mr. Grant and another individual?

14 MATTHEW FRIEDMAN: Objection.

15 THE COURT: I will give it, given
16 the witness and his connection with this
17 proceeding. Under 611, I think it's
18 appropriate.

19 DEMAL MATTSON: Thank you, Your
20 Honor.

21 THE COURT: Okay.

22 DIRECT EXAMINATION CONTINUED

23 BY DEMAL MATTSON:

24 Q. But they didn't find any of Ashante
25 Wright's fingerprints, did they?

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1 A. No, did not.

2 Q. Now, in looking at the record, they had a
3 forensic expert who was present and testified
4 about the shell casings, that they all appeared
5 to be fired from the same weapon?

6 A. Yes.

7 Q. You didn't question anybody about the
8 possibility of there being fingerprints on the
9 shell casings, did you?

10 A. I don't believe that I did.

11 Q. The whole thing that placed Ashante Wright
12 at the scene was the identification of the two
13 eyewitnesses, correct?

14 A. That's correct.

15 Q. Mr. Wright did give a statement but he put
16 himself a little further down -- in the area,
17 but in an apartment down the street.

18 Q. Right.

19 A. He was -- it was the two eyewitnesses,
20 that's right.

21 Q. Now, when you were dealing with the cross
22 examination of the police officer who took the
23 photographs in December and in January, just
24 before the trial, the photographs that were
25 taken some eighteen months after the crime

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13

1 itself, uh, -- the officer indicated that he
2 was an employee of the Charleston -- I started
3 to say Charleston County. The City of
4 Charleston Police Department? That he went out
5 to the scene and took some photographs? Do you
6 recall that?

7 A. I know that a Matt Casey, who is an
8 investigator with the Solicitor's Office, he
9 works for the ---

10 Q. Oh, that's right. It was Matt.

11 A. He was ---

12 Q. Sorry.

13 A. --- there and took photographs.

14 Q. And he indicated to you that he used a
15 simple Sony Cybershot camera in night mode to
16 take the photographs?

17 A. I remember reading that in the transcript.
18 That's right.

19 Q. Did you ever -- and also it was kind of
20 interesting in that he had the photographs
21 stored on his computer at the trial. Do you
22 recall that, that you asked him something about
23 it and he said 'I have them on my computer,
24 which I have here.'

25 A. I think that I had all the photographs,

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1 because I admitted them all. He'd admitted two
2 photographs that I thought was in the State's
3 best blight and there was another photograph
4 that I ---.

5 Q. Right.

6 A. --- thought was better for me, so I
7 admitted it. But I wasn't aware of more
8 photographs on his computer that I didn't have.

9 Q. Well, that was in the transcript where you
10 asked him something about it and he said that
11 he had them stored on his computer. That's in
12 the transcript, and I have a copy of it for the
13 judge.

14 THE COURT: I have a transcript.
15 It's part of the record.

16 DEMAL MATTSON: Right.

17 DIRECT EXAMINATION CONTINUED

18 BY DEMAL MATTSON:

19 Q. And during that period of time, you didn't
20 ask him any questions really about that camera,
21 did you, other than the fact that he said that
22 he had it in night mode.

23 A. I would have to look back, but I don't
24 know that I asked Mr. Casey a lot about the
25 pictures.

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1 Q. Do you recall doing any research as to
2 that camera on the internet, to see what actual
3 model that it was or anything like that, other
4 than his explanation that it was just a simple
5 Cybershot?

6 A. No, I did not.

7 Q. Are you aware that there are numerous
8 models of the Cybershot camera?

9 A. No. I know there all different kinds of
10 models of digital cameras.

11 Q. Okay. Are you aware that some of those
12 cameras have special night capabilities so that
13 the programs will automatically adjust
14 everything for maximum clarity?

15 A. I have a digital camera and I believe that
16 it has a night mode on it, so I'm familiar with
17 digital cameras having a night photograph mode.

18 Q. And are you aware that some of those
19 camera -- what we call a digital camera, one
20 that -- like the Cybershot?

21 A. Yes.

22 Q. So it's an electronic-type camera?

23 A. Yes.

24 Q. And you didn't ask him any questions about
25 whether or not that camera had a telephoto

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16

1 lens. Do you recall that?

2 A. I don't think that I asked him that. I
3 did ask him questions about -- the photo that I
4 had admitted was ---

5 Q. Right, you had one that was much darker.

6 A. Right. He took two photographs and it
7 showed like where it was lit, and then there
8 was a third photograph that the area wasn't
9 very well lit. I discussed that with him,
10 cross-examined him on that and admitted that
11 photo.

12 Q. Yeah, that had something to do with the
13 backlighting on his, I think.

14 A. I don't think I asked him about a
15 telephoto lens.

16 Q. Because we all know that the telephoto
17 lens brings things closer, moves them further
18 away and can move them around as far as what
19 you're able to see in a photograph; correct?

20 A. Yes.

21 Q. Have you ever -- the fact that they were
22 on the digital camera and possibly -- in the
23 officer's computer, did you ever ask the
24 officer or the investigator, sorry, as to
25 whether or not his computer had anything like

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17

1 Photo Shop on it, which is a program where you
2 can enhance, change photographs, modify them,
3 brighten them, dim them, do all kinds of things
4 with it?

5 A. No, I didn't ask him about that.

6 Q. Okay. Did you do anything about the --
7 this may sound a little strange, but did you do
8 anything to compare the phase of the moon --
9 whether there was a full moon, no moon, or
10 whatever at the time that he took the pictures
11 versus the time the crime was committed?

12 A. No, I didn't.

13 Q. Did you ever ask Mr. Casey why he went out
14 and took photographs of the scene twice, just
15 close in the period of time before this trial
16 -- just before the second trial of this matter,
17 once in December and once in January?

18 A. I don't recall, honestly.

19 Q. You don't recall?

20 A. I don't believe that I did ask him why he
21 went out twice.

22 Q. Did you ever check with -- you knew that
23 there had been construction out there, some
24 houses had been torn down and some additional
25 houses built on -- what was it, Sheppard (sic)

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18

1 Street? I am just trying to find out ---

2 A. I don't think I was aware of any
3 construction.

4 Q. Well, let's do this, the
5 crime took place in the 46 to 57 block Simmons
6 Street. Correct?

7 A. I believe that's right.

8 Q. And there was public lighting provided by
9 SCE&G in the area, correct?

10 A. Yes, there were street lights.

11 Q. Did you check, were you aware that there
12 were some houses going to be torn down in the
13 area and some additional housing built in that
14 area between the time of the crime and the time
15 that it went to trial?

16 A. I don't think that I learned that.

17 Q. So you didn't attempt to get any
18 information from SCE&G, or anything like that,
19 about their street lighting at the time versus
20 the street lighting as it was in December of
21 January when Mr. Casey went out and took the
22 additional photographs?

23 A. No.

24 Q. So you don't know if they changed bulbs
25 from regular to mercury vapor or ---

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1 THE COURT: Mr. Mattson, if he
2 didn't ask the question then he can't answer
3 that question. He would be speculating. Let's
4 go on. He doesn't know anything about it. So,
5 thank you.

6 DEMAL MATTSON: Thank you.

7 DIRECT EXAMINATION CONTINUED

8 BY DEMAL MATTSON:

9 Q. So basically you don't know of any changes
10 in the neighborhood that may or may not have
11 taken place in the neighborhood from the time
12 of the murder to the time of the trial? Is
13 that a fair statement?

14 A. Regarding the lighting, that's correct.

15 Q. Now, the primary witnesses who placed Mr.
16 Wright at the scene were Mallory Conner and his
17 wife or girlfriend, Sharon Johnson; is that a
18 correct statement?

19 A. That's right.

20 Q. During that period of time, I believe that
21 it was Mr. Mallory who testified that he knew
22 that Mr. Wright or that some boys in the
23 neighborhood kept a pistol hidden in an alley?

24 A. I think I remember that. I believe they
25 testified that Mr. Wright ---

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20

1 Q. They testified ---

2 THE COURT: Please let him finish
3 his answer before you ask a question. Don't
4 talk on the record simultaneously, please.
5 Thank you very much.

6 DEMAL MATTSON: I'm sorry.

7 THE WITNESS: I remember
8 testimony -- that the witness said Mr. Wright
9 left to get the pistol right before the
10 shooting occurred.

11 DIRECT EXAMINATION CONTINUED

12 BY DEMAL MATTSON:

13 Q. And Mr. -- the witness, Mr. Conner, also
14 stated that he made special arrangements to
15 meet with the police so that the people
16 standing outside wouldn't see him talking to
17 the police; both he and his girlfriend, Sharon?

18 A. Yes, I think it was Sharon. They knocked
19 on the door and she asked for a card because
20 she didn't want anyone to see her talking to
21 the police.

22 Q. Right.

23 A. She asked for a card, they left. Then she
24 called the officer and then they met somewhere
25 else, I believe, later that night.

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1 Q. Okay. Did you ask Mr. Conner of Ms.
2 Johnson if they knew that this weapon was
3 hidden there as to why they didn't report it,
4 knowing that people had a gun on the street,
5 hidden in an alley?

6 A. I don't believe that I asked that, no.

7 Q. Did they -- according to their testimony
8 and the testimony that came out, the record
9 shows that they knew about -- that one or both
10 of them knew about this weapon being hidden in
11 the alley? Do you recall that?

12 A. Yes, that's what they testified about.

13 Q. Okay. And you made an objecting during
14 the trial as to a Golden Rule comment allegedly
15 made by the Solicitor in his closing statement?

16 A. Yes, ir.

17 Q. I did not see where you made a request for
18 a specific instruction at the end of the trial
19 concerning that. Do you recall ---

20 A. I believe that my objection was overruled.
21 I read the application -- the PCR application
22 mentions that, so ---

23 Q. Right.

24 A. --- I went back and looked at the
25 transcript and ---

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1 Q. She did overrule your objection.

2 A. Yes, I wish I ---

3 Q. Judge Jefferson did overrule your
4 objection.

5 A. We had a bench conference, (affirmative
6 nod). I wish we had put the objection on the
7 record but -- the solicitor said 'put yourself
8 in their shoes' ---

9 Q. 'What would you do...' ----

10 THE COURT: Mr. Mattson, again, sir,
11 I appreciate it but when you ask a question, my
12 court reporter has to take everything down and
13 it creates a nightmare for a record. Thank
14 you, sir.

15 DEMAL MATTSON: Sorry, the court
16 reporter can throw this at me if I ---

17 THE COURT: No, sir. I'm going to
18 throw it at you. Thank you, sir. Let me ask
19 you a question, how many witnesses do you
20 anticipate calling and how much longer are you
21 going to have this witness on this stand? What
22 I am going to do is take a recess for lunch and
23 then you can come back, unless you can wrap it
24 up. I'm not asking you to -- it's a very thick
25 file, so I'm just asking ---

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1 DEMAL MATTSON: I have about ten
2 more minutes with this witness and then I've
3 got my client. So ---

4 THE COURT: That's fine. I am going
5 to take a recess in this case until 2:00,
6 because I have another matter that I need to
7 take up now and then the court personnel needs
8 to have a break as well. So, thank you.

9 (LUNCH RECESS)

10 (APPLICANT PRESENT)

11 THE COURT: Gentlemen, thank you
12 very much. You may resume your examination of
13 Mr. King.

14 DEMAL MATTSON: Your Honor, I have
15 -- after consulting with my client, I have no
16 further questions of Mr. King.

17 THE COURT: Cross-examine?

18 CROSS EXAMINATION

19 BY MATTHEW FRIEDMAN:

20 Q. Mr. King, I believe that you met with the
21 Applicant about six times, is that correct?

22 A. Yes.

23 Q. Do you remember if you discussed the
24 elements of the charge that the State is
25 required to prove?

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1 A. I did.

2 Q. Did you discuss the potential defenses at
3 that time?

4 A. I did.

5 Q. What was his defense in this case?

6 A. An alibi defense.

7 Q. Did you try to contact those two alibi
8 witnesses?

9 A. Yes. They actually both testified. One
10 testified for the State and one testified for
11 the defense.

12 Q. And I believe you testified that there
13 were two eyewitnesses to the incident, is that
14 right?

15 A. Yes.

16 Q. Do you remember if the two witnesses knew
17 the Applicant prior to this incident?

18 A. According to their testimony, the man --
19 Mallory Connor -- had known him for years and
20 the lady, Sharon Johnson, I believe, said that
21 she'd known him for maybe one of two years.
22 They both claimed to have known him for a
23 significant period of time.

24 Q. Do you remember if either one of them
25 testified about seeing the defendant in the

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1 street prior to the murder?

2 A. I believe that they testified that they
3 had gone to the Food Lion and they were talking
4 home, they'd seen some people who had seen them
5 on the street. I believe when they were
6 walking back from the Food Lion -- I won't say
7 that there were some -- there were some
8 inconsistent statements that I brought up, but
9 I -- I believe that at least one of them
10 testified that they saw him on the way back
11 from the Food Lion.

12 Q. Did those two eyewitnesses testify to what
13 the lighting conditions were?

14 A. They testified that there were street
15 lights, that the lighting -- I made an issue of
16 the lighting at the time of the trial. You
17 know, I think -- and the Solicitor tried to put
18 more evidence from the crime scene officers and
19 the investigator, Matt Casey, about the
20 lighting in the area.

21 Q. And this trial was actually during the
22 second trial, is that right?

23 A. That's right. In the first trial, I think
24 a juror held out and it was a hung jury, so it
25 was retried.

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1 Q. I believe that you testified about the
2 solicitor's investigator, Matt Casey, that he
3 testified at trial?

4 A. Yes.

5 Q. Were you able to cross examine him?

6 A. Yes, I was.

7 Q. Did you object to the photos that he
8 entered in evidence?

9 A. I think I objected to some photos but I
10 did admit an additional photo that he had taken
11 that I thought supported the defense's side of
12 the case. The State admitted two photographs
13 that showed what seemed to be fairly well-lit,
14 and there was another photograph where it
15 didn't seem to be as well lit. That ended up
16 being my argument in the closing, which was
17 that it's difficult to photograph what it looks
18 like at night. It's hard to take a photograph
19 of how dark it is. It's more difficult to see
20 at night even with street lighting than it is
21 during the day because there are shadows.
22 Looking at the three different pictures you
23 could see, depending on where you are, that
24 there could be shadows that didn't look at
25 light in the same area as in another

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1 photograph.

2 Q. Did you have any reason to believe that
3 Investigator Casey's photographs had been
4 modified?

5 A. No, I didn't see anything that -- no, I
6 didn't have any reason to believe that.

7 Q. Was there testimony from the two
8 eyewitnesses about the applicant running after
9 the shooting?

10 A. Yeah, that would have been the problem
11 that I had at trial. Actually before the trial
12 I had brought up the lighting and the distance
13 involved. At the retrial, I think the State
14 tried harder to put in evidence of the lighting
15 because I had made that an issue. I really was
16 kinda dancing around the problem that they'd
17 said after the shooting that they saw Mr.
18 Wright run down the street right in front of
19 their house, with a gun in his hand. That
20 might have just been one witness, Sharon
21 Johnson, who said that. At least one witness
22 testified that he ran right in front of the
23 house with a gun in his hand, got into a car
24 and drove away.

25 Q. Were there any plea offers prior to the

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1 trial?

2 A. Yes. There was an offer of voluntary
3 manslaughter, twenty-five years, before the
4 first trial. There was an offer of voluntary
5 manslaughter, twenty years, after the first
6 trial, before the second trial.

7 Q. Did you communicate those offers to the
8 Applicant?

9 A. Yes, I did.

10 Q. Whose decision was it to reject those
11 offers?

12 A. Mr. Wright's. I did advise him,
13 particularly after the first trial, -- only one
14 juror held out in the first trial, so eleven
15 jurors wanted to convict him during the first
16 trial and explained to him that at the first
17 trial the State sees what they can fix and a
18 second trial the case is usually better. So
19 I told him that the chances of winning in the
20 second trial probably were not as good. I
21 advised him to take the twenty-year offer.

22 Q. Did you have enough time to prepare for
23 trial?

24 A. Yes, sir. In effect, I got a practice run
25 by the first trial, mistrial.

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1 MATTHEW FRIEDMAN: I have nothing
2 further.

3 THE COURT: Redirect?

4 DEMAL MATTSON: Yes, sir, just a
5 few questions.

6 THE COURT: Sure.

7 REDIRECT EXAMINATION

8 BY DEMAL MATTSON:

9 Q. Mr. King, at the first trial you argued
10 about the distance and lighting; correct?

11 A. Yes, sir.

12 Q. Okay. And you knew that the Solicitor's
13 office had gone out and taken additional
14 pictures?

15 A. Yes.

16 Q. Okay. And in spite of knowing this, you
17 still didn't get anybody to go out there and
18 look that scene over carefully at night, to see
19 what it looked like, or talk about any changes
20 in the lighting or anything that may have taken
21 place?

22 A. No. There were a few photographs taken by
23 the solicitor's office, at least one of them
24 that I thought was good for the defense and I
25 admitted -- I had it documented by the crime

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1 scene investigator, with a notation of poor
2 lighting. I think I was relying on that and,
3 no, I did not take independent photos of the
4 scene.

5 Q. I know it's a little -- hindsight is 20/20
6 in situations. But, anyway, I have no further
7 questions. Thank you.

8 MATTHEW FRIEDMAN: No other
9 questions.

10 THE COURT: Very well. You may
11 come down, Mr. King.

12 (WITNESS STEPS DOWN)

13 THE COURT: You may call your next
14 witness.

15 DEMAL MATTSON: Your Honor, at this
16 time I call Mr. Ashante Wright.

17 (WITNESS TAKES STAND)

18 ASHANTE ISHMAEL WRIGHT, being duly
19 sworn to tell the truth, the whole truth and
20 nothing but the truth, testified, as follows:

21 DIRECT EXAMINATION

22 BY DEMAL MATTSON:

23 Q. Mr. Wright, you're the -- I guess we'd say
24 the plaintiff or petitioner in this case?

25 A. (Affirmative nod).

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1 Q. You're the one asking the court to give
2 you relief?

3 A. Yes, sir.

4 Q. You were the defendant in a case where you
5 were accused of killing gentleman named Mr.
6 Grant?

7 A. Yes, sir.

8 Q. I'll ask you to speak up a little louder.
9 I want to make sure that everybody can hear
10 you. I don't worry about my voice. They
11 usually tell me to quiet down a little bit.

12 THE COURT: Mr. Wright, if you could
13 pull up a little bit to that microphone it may
14 help as well. That mic doesn't seem to pick up
15 unless you get right up to it.

16 APPLICANT: Okay.

17 THE COURT: Thank you, sir.

18 DIRECT EXAMINATION CONTINUED

19 BY DEMAL MATTSON:

20 Q. Mr. Wright, did you know Mr. Grant?

21 A. I didn't know him, sir.

22 Q. The fellow that got shot, you didn't know
23 him?

24 A. No, I didn't know him.

25 Q. Had you seen him before?

1 A. I'd saw him a couple times, but I didn't
2 know him before.

3 Q. Was it someone that you knew if you saw
4 him?

5 A. Uh?

6 Q. Just somebody that you knew if you saw him
7 on the street as someone that you'd seen
8 before?

9 A. Yeah.

10 Q. Did you shoot Mr. Grant?

11 A. No. No, sir.

12 Q. Okay. Now, you are aware through other
13 information that there was a significant change
14 in the neighborhood in the vicinity of where
15 this crime allegedly took place?

16 A. Yeah.

17 Q. You were familiar with that neighborhood?

18 A. Yes, sir.

19 Q. You lived in that neighborhood, basically?

20 A. Yes, sir.

21 Q. Okay. What kind of changes have taken
22 place in that neighborhood shortly after you
23 were arrested?

24 A. Old houses ---

25 Q. You say old houses. Was anything removed,

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1 rebuilt?

2 A. They take down, they removed the
3 apartments and then they built it back up, the
4 apartments and houses. They torn down old
5 lights, put up new lights. Stuff of that
6 nature.

7 Q. And so there was some significant changes
8 between -- what was the original date of the
9 offense? 16 June?

10 A. 2006.

11 Q. 2006?

12 A. (Affirmative nod).

13 Q. And the time of your trial, there were
14 significant changes in the neighborhood;
15 correct?

16 A. Yes, sir.

17 Q. Now, did you have any animosity or any
18 reason to want to harm Mr. Grant?

19 A. No, not at all.

20 Q. To the best of your knowledge -- well,
21 there is no use to go into that. Mr. King has
22 already testified as to that.

23 At the time that this offense took place,
24 where were you?

25 A. Where was I?

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1 MATTHEW FRIEDMAN: Objection, Your
2 Honor. We are not here to retry the case.

3 THE COURT: Sustained.

4 DEMAL MATTSON: Okay.

5 DIRECT EXAMINATION CONTINUED

6 BY DEMAL MATTSON:

7 Q. Did Mr. King ever show you any photographs
8 that he had taken?

9 A. He had some.

10 Q. How many times did you see Mr. King, that
11 you can recall?

12 A. About twice.

13 Q. About twice?

14 A. Twice.

15 Q. And what was the extent of his
16 conversation with you?

17 A. The first time he came to the cell and
18 talked to me about doing a plea for twenty-five
19 years. I told him that I wasn't taking no plea
20 because I was innocent, and I told him that I
21 would go to trial.

22 The second time he came back to me, he
23 came to see me the second time on the retrial
24 and he came back to me with eighteen years. I
25 told him that I wasn't taking eighteen years.

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1 He told me, he said 'Mr. Wright, it's not
2 looking good for you. You don't have any new
3 evidence to go back to trial with. The State
4 got you.' He said to plead to eighteen years
5 and 'you'll still have time to come home, be
6 young.' Stuff like that.

7 Q. At the beginning of your trial, in opening
8 arguments Mr. King asked the jury to do their
9 job; do you remember that?

10 A. Yes.

11 Q. What exactly did he say, do you recall?

12 A. 'This is the most important day of Ashante
13 Wright's life. I ask the jury to do their job
14 as solicitors.'

15 Q. He asked the jury to do their job as
16 solicitors?

17 A. As solicitors.

18 Q. Then in the closing argument, the -- let
19 me find it, (reviewing notes). In the closing
20 argument, he asked the jury "to put yourselves
21 in his shoes", meaning your shoes; correct?

22 A. Yes, sir.

23 Q. And then he went on and said, "you would
24 tell them that it wasn't me, I can prove that
25 it wasn't me because I was with my friends,

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1 Sally and John..." -- and he went on, trying to
2 get them to put themselves in your shoes and in
3 the shoes of people, what they would do under
4 certain circumstances. Correct?

5 A. Yes, sir.

6 Q. And your attorney made an objection to
7 that which was overruled?

8 A. (No verbal response).

9 DEMAL MATTSON: Well, the record
10 speaks for itself, Your Honor.

11 THE COURT: It does.

12 DIRECT EXAMINATION CONTINUED

13 BY DEMAL MATTSON:

14 Q. Do you feel that more should have been
15 done to protect you against that argument?

16 A. Yes.

17 Q. Did you know what should have been done or
18 -- you'd never been in a courtroom except for
19 the mistrial, had you?

20 A. That's the only time.

21 Q. And you had no criminal record at the
22 time?

23 A. No criminal record.

24 Q. How common -- nobody asked you about how
25 common street names were, did they?

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1 A. No, they never asked me.

2 Q. In your community, how common are street
3 names?

4 A. How common are they?

5 MATTHEW FRIEDMAN: I would object,
6 Your Honor, as to relevance to this proceeding.

7 THE COURT: Sustained.

8 DEMAL MATTSON: Okay.

9 DIRECT EXAMINATION CONTINUED

10 BY DEMAL MATTSON:

11 Q. Do you feel that you were convicted
12 because of some things that your attorney did
13 or did not do?

14 A. Repeat that again?

15 Q. Excuse me?

16 A. Can you repeat yourself again?

17 Q. Okay. Do you feel that Mr. King could
18 have done more to help you?

19 A. I feel that he could have done more.

20 Q. Do you feel that if he had investigated it
21 further that it could have helped you?

22 A. Yeah, I feel that he could have done more.
23 He could have investigated more, sent some of
24 those investigators out there. I feel like he
25 did a sloppy job. I feel that he did a sloppy

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1 job when it come down to my case. When I was
2 in trial, I was -- I wasn't given a fair trial.

3 Q. Why wouldn't you accept a plea?

4 A. I'm innocent, sir.

5 Q. Okay. Was any other lawyer representing
6 you at any time?

7 A. Are you talking about before the trial?

8 Q. For these charges?

9 A. The murder charge?

10 Q. Yeah.

11 A. Before I had him?

12 Q. Was any other attorney ever representing
13 you for these murder charges?

14 A. No.

15 Q. Okay. Just Mr. King?

16 A. I did have a lawyer, Danny Prenner, on the
17 case before Mr. King but he -- they took me on
18 for the bond.

19 Q. But getting into the merits of the actual
20 defense, he didn't get involved in that?

21 A. No, he was involved in that.

22 DEMAL MATTSON: Thank you. I have
23 no further questions. Please answer any
24 questions that the Attorney General may ask.

25 CROSS EXAMINATION

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1 BY MATTHEW FRIEDMAN:

2 Q. Mr. Wright, was it your testimony that you
3 only met with Mr. King two times prior to the
4 trials?

5 A. Yes, sir.

6 Q. And that in both of those meetings there
7 were plea offers that he communicated to you?

8 A. Yes, sir.

9 Q. Whose decision was it to reject those two
10 offers?

11 A. Mine.

12 Q. What else did you want Mr. King to
13 investigate for you?

14 A. Sir?

15 Q. What else did you want Mr. King to
16 investigate for you?

17 A. Just to send investigators out there to
18 the scene so they could do their job. You
19 know? Investigate the lighting conditions and
20 things of that nature.

21 MATTHEW FRIEDMAN: I have nothing
22 further, Your Honor.

23 THE COURT: Redirect?

24 DEMAL MATTSON: Nothing further,
25 Your Honor. I have two affidavits that I would

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1 like to present to the Court as exhibits.

2 THE COURT: Mr. Wright, you may step
3 down, sir.

4 (WITNESS TAKES STAND)

5 THE COURT: Any objection(s) to the
6 affidavits?

7 DEMAL MATTSON: Copies of these
8 were provided when we were scheduled to be
9 before ---

10 MATTHEW FRIEDMAN: Your Honor,
11 I don't have any objection to the one by Ms.
12 Johnson.

13 The second one, Mr. Workman, he's
14 discussing the type of cameras but I don't
15 think he's qualified to give an opinion about
16 ---

17 THE COURT: First of all, unless you
18 agree to them, I am not going to allow them to
19 come in piecemeal.

20 MATTHEW FRIEDMAN: I would object
21 to the one by Larry Workman.

22 THE COURT: It's sustained. You can
23 mark it for identification. The court will not
24 -- for the record, the court will not consider
25 that affidavit because the witness is not

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1 present, subject to cross-examination.

2 (SO ENTERED AS APPLICANT'S EXHIBIT 1 - ID ONLY)

3 MATTHEW FRIEDMAN: I don't have any
4 problem with the second one.

5 THE COURT: By agreement, that will
6 be marked and admitted as Applicant's Exhibit
7 2.

8 (SO ENTERED AS APPLICANT'S EXHIBIT 2)

9 DEMAL MATTSON: We rest.

10 THE COURT: Any witnesses.

11 MATTHEW FRIEDMAN: Just very
12 briefly, I recall Mr. King for one brief
13 question.

14 THE COURT: Okay. Mr. King, I would
15 remind you, sir, as you're approaching the
16 stand that you're still under oath in this
17 matter?

18 MR. KING: Yes, Your Honor.

19 (WITNESS TAKES STAND)

20 JASON KING, having been previously
21 sworn, testified as follows:

22 EXAMINATION

23 BY MATTHEW FRIEDMAN:

24 Q. Mr. King, you may have heard the testimony
25 from the Applicant about that in opening

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1 statement that there was a place in there where
2 you asked the jury to do their job as
3 solicitors?

4 A. Yes. It's -- I'm embarrassed about that.
5 You do all this preparation for trial and then
6 something comes out of your mouth -- I meant to
7 say "jurors" and I said solicitors. I don't
8 believe that the jury misunderstood what their
9 role was. I think it was a slip of the tongue.

10 Q. An honest mistake on your part?

11 A. Yes.

12 MATTHEW FRIEDMAN: I have nothing
13 further.

14 THE COURT: Recross?

15 DEMAL MATTSON: None, Your Honor.

16 THE COURT: Thank you. You may come
17 down, sir.

18 (WITNESS STEPS DOWN)

19 THE COURT: Your Honor, if it will
20 help, I will give you the whole copy of this.
21 A have done a little brief and I don't know if
22 it will save time or not or be of any interest
23 to you, but I did -- I did make copies of the
24 applicable portions of testimony that I wanted
25 to refer to.

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1 THE COURT: Thank you very much.

2 The court is appreciative. We will file it as
3 a memorandum/brief submitted on behalf of the
4 Applicant, with attachments. It will be made a
5 part of the file and kept with all other
6 pleadings in this file.

7 DEMAL MATTSON: Thank you very
8 much, Your Honor. I appreciate your time, your
9 courtesy and your time. We're rested.

10 THE COURT: I will be happy to hear
11 from you in closing.

12 DEMAL MATTSON: Judge, I have set
13 forth my argument basically in my brief. It
14 covers everything, has a little bit of the law,
15 what was and wasn't done with the exhibits on
16 testimony. I don't believe that I have to go
17 into it. You've been a trial lawyer and a
18 judge for many, many years and you know what is
19 an adequate defense and what isn't. It's sort
20 of up to your discretion, Your Honor.

21 THE COURT: Thank you, sir.

22 MATTHEW FRIEDMAN: Just briefly,
23 Your Honor, the State would submit that the
24 Applicant has failed to meet its burden.

25 Mr. King did a thorough investigation

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1 int his case. Although he did not send an
2 investigator to take pictures of the scene, he
3 reviewed the photographs taken by the solicitor
4 and their investigators, even admitted one of
5 the photos in the defense. He had no reason to
6 believe that those photograph had been
7 modified.

8 He communicated two plea offers to the
9 Applicant. The Applicant testified that it was
10 his decision to reject those offers.

11 Mr. King was clearly prepared for
12 trial, including the second time the case was
13 tried. He testified that he met with the
14 Applicant six times.

15 We would ask the Court to deny and
16 dismiss the application.

17 THE COURT: Thank you very much.
18 Anything in reply or do you ret on your
19 submissions?

20 DEMAL MATTSON: Nothing, Your
21 Honor. Like I say, much of it is discretionary
22 with the judge and there is no use for me to go
23 into it. I think the court totally understands
24 where we are coming from.

25 THE COURT: Thank you, sir. I do.

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1 Considering the entire record, listening to --
2 first of all, I would note that the record, of
3 course you've copied portions of it and the
4 court appreciates that. The transcript, the
5 entire transcript is of course a part of the
6 record.

7 The defendant's objection was
8 appropriately made to this proceeding, because
9 the defendant was afforded an opportunity --
10 certainly I am not punishing him because he
11 exercised his Constitutional right not to
12 testify, because that's absolutely his right,
13 and the Judge charged appropriately that they
14 could not consider that against him in any way
15 whatsoever. So that was the strategy and
16 that's fine. The fact that he now wants to
17 deny it, I appreciate that but -- he made a
18 decision. Whether that would have changed the
19 outcome or not, of course no one knows. That's
20 a part of being a trial lawyer, that you make
21 those calls in the heat of battle, so to speak.

22 The beauty of this case is that we had
23 two trials where -- and I, having had the
24 experience of doing that as a trial lawyer,
25 it's not always easy. You may think it's

Ashante Ishmael Wright v State of South Carolina
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1 easier but sometimes it is more difficult.
2 Clearly from the record in this case, from the
3 questions propounded by Mr. King on behalf of
4 the Applicant, Mr. King was thoroughly familiar
5 with and thoroughly investigated -- while in
6 his opinion he didn't do enough, I -- I
7 appreciate his assessment. Certainly he's
8 entitled to that conclusion. I don't know of
9 anything with specificity that Mr. King did or
10 didn't do. The fact that there is no specific
11 testimony indicates that there really is --
12 it's just a general observation, and I under-
13 stand that and I appreciate his professionalism
14 in that as well. It -- either it exists or it
15 doesn't exist, and you can't make it if it
16 doesn't exist.

17 Given the testimony and the total, uh,
18 -- I don't find the first prong being met.
19 Certainly the second prong is not met. I find
20 that the Applicant has failed to convince the
21 Court to the requisite standard that Mr. King's
22 performance was deficient in any way. I think
23 he had very competent representation, so I
24 respectfully deny his application. Thank you.

25

(HEARING CONCLUDED)

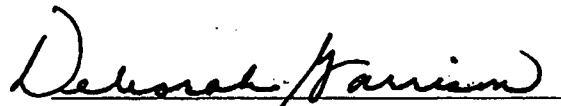
Ashante Ishmael Wright v State of South Carolina
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CERTIFICATE OF REPORTER

I, the undersigned, Deborah Garrison,
official court reporter for the 9th Judicial
Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true,
accurate and complete transcript of the hearing
held before The Honorable R. Markley Dennis,
Jr., on January 11, 2012;

I further certify that I am neither kin
nor counsel to any of the parties and have no
interest in the outcome of this action.



Deborah Garrison

Circuit Court Reporter

9th Judicial Circuit

Charleston, South Carolina

July 4, 2012

CC
AT
AG
SOL
GS

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Ashante Ishmael Wright, #326386,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS

2010-CP-10-8286

ORDER OF DISMISSAL

 BY
 JULIE KING
 CLERK OF COURT
 2012 FEB 22 AM 9:03
 FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed October 5, 2010. The Respondent made its Return on February 3, 2011. An evidentiary hearing into the matter was convened on January 11, 2012 at the Charleston County Courthouse. The Applicant was present at the hearing and represented by Demal Mattson, Esquire. Matthew J. Friedman, Esquire, of the South Carolina Attorney General's Office represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Applicant's trial counsel, Jason King, Esquire, also testified at the hearing. This Court had before it the records of the Charleston County Clerk of Court regarding the subject convictions, the Applicant's records from the Department of Corrections, the Record on Appeal, the Final Anders Brief, the Court of Appeals' opinion dismissing the appeal, the Remittitur dated March 1, 2010, the PCR application, the State's Return thereto, and an affidavit from Thomas Johnson regarding the use of Photoshop.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Charleston County. The Applicant

RMD/1

was indicted at the October 2006 term of the Charleston County Grand Jury for murder (2006-GS-10-10690). Jason King, Esquire, represented the Applicant. The Applicant proceeded to trial on January 28-30, 2008, after which a jury found him guilty as indicted. The Honorable Deadra L. Jefferson sentenced the Applicant to confinement for fifty (50) years.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. Robert M. Dudek, Esquire, of the South Carolina Commission on Defense, filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). The Court of Appeals subsequently dismissed the appeal. State v. Wright, Op. No. 2010-UP-127 (S.C. Ct. App. filed February 11, 2010). The Remittitur was issued on March 1, 2010.

ALLEGATIONS

The Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel in that counsel
 - a. Failed to timely investigate.
 - b. Failed to obtain independent photographs of the crime scene at night.
 - c. Failed to check with SCE&G about status of street lighting at alleged crime scene during the time the crime was allegedly committed.
 - d. Failure to investigate the status of church/school exterior lighting near crime scene on night of crime.
 - e. Failure to obtain photographs from different locations of the alleged witnesses.
 - f. Failure to investigate and obtain medical testimony about the prevalence of lip pigment disorder of Applicant which one witness used to identify Applicant as the alleged murderer.
 - g. Failure to object to Solicitor's opening statement: "This may be the most important week of Ashante Wright's life. He's plead not guilty. So I am asking you to do your duty as solicitors [sic]." (Tr. p. 62, lines 2-4).
 - h. Failure to object to Solicitor's closing statement that violated the Golden Rule and denied Applicant his right to a fair trial. The argument suggests to jurors that they put themselves in the shoes on the Solicitor and in the shoes of the Applicant. (Tr. p. 335, lines 13-25; p. 356, lines 13-18).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the

testimony and arguments presented at the hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon his or her credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Trial counsel testified that he met with Applicant six times prior to trial. He testified that Applicant told him he was with two women at the time of the shooting. He testified that he contacted both women, and one testified for the State while the other one testified for Applicant. Counsel asserted that one of these women, Johnetta Campbell, denied Applicant's alibi. Counsel testified that he argued that Ms. Campbell denied Applicant's story because she was on probation and they were all smoking marijuana at the time.

Counsel testified that he did not have anyone take photographs of the crime scene. He testified that he visited the crime scene during the day on October 18, 2007. He asserted that most of the photographs taken the night of the incident were of the victim's body. He testified that the solicitor's investigator, Matt Casey, took photographs of the scene at night, and counsel was able to cross-examine Mr. Casey and even admitted one of Mr. Casey's photographs that the State did not plan to introduce. Counsel testified that he has no reason to believe that Mr. Casey's photographs were modified. He testified that the two witnesses who observed the shooting knew Applicant prior to this incident and had seen Applicant on their street earlier in the evening as they were coming home from the grocery store. He testified that the two witnesses saw Applicant running with a gun right in front of their house immediately after the shooting. Counsel testified that he objected to a Golden Rule comment during the State's closing, but the objection was overruled after a bench conference. He testified that during his opening statement he inadvertently asked the jury to do its job as "solicitors," but he meant to

say "jurors." He asserted that he did not think his statement confused the jury.

Counsel testified that he had plenty of time to prepare for trial because the first trial resulted in a hung jury and a mistrial so the case was tried twice. He testified that the State made a plea offer of twenty-five (25) years for voluntary manslaughter prior to the first trial and an offer of twenty (20) years for voluntary manslaughter after the mistrial. Counsel asserted that he advised Applicant to accept the offer for twenty (20) years because only one juror had held out during the first trial. He testified that he communicated each plea offer to Applicant, and it was Applicant's decision to reject both offers.

The Applicant testified that he saw counsel two times. He testified that during the first meeting counsel brought him the State's plea offer for twenty-five (25) years, and Applicant decided to reject it because he wanted to go to trial. He testified that during a second meeting, counsel brought him an offer for eighteen (18) years and said it was not looking good, but Applicant told counsel that he was not taking the offer. Applicant testified that counsel was ineffective for asking the jury during the opening argument to do its job as solicitors. He asserted that even though counsel objected when the solicitor asked the jury to put themselves in Applicant's shoes, counsel should have done more to protect against that argument. Applicant testified that counsel did a sloppy investigation and he should have sent an investigator to the scene to check the lighting conditions.

Ineffective Assistance of Counsel

The Applicant alleges that he received ineffective assistance of counsel. In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's

conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 334 S.E.2d 813.

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

Courts use a two-pronged test to evaluate allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Id. at 625 (citing Strickland, 466 U.S. 668). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Id. at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

This Court finds that the Applicant’s testimony is not credible while also finding that trial counsel’s testimony is credible. This Court finds that counsel is a trial practitioner who has extensive experience in the trial of serious offenses. Counsel conferred with the Applicant on several occasions. During conferences with the Applicant, counsel discussed the pending charges, the elements of the charges and what the State was required to prove, Applicant’s constitutional rights, and possible defenses or lack thereof.

Regarding Applicant’s claims of ineffective assistance of counsel, this Court finds

Applicant has failed to meet his burden of proof. This Court finds that counsel demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C. 441, 334 S.E.2d 813. This Court further finds counsel adequately conferred with Applicant, conducted a proper investigation, and was thoroughly competent in his representation. This Court finds that counsel's representation did not fall below an objective standard of reasonableness.

This Court finds that counsel conducted a thorough investigation. He went to the scene and raised the fact that a police notation indicated that there was bad lighting at the scene. He was able to cross-examine the State's investigator about his photographs and the lighting conditions, and he admitted one photograph that was favorable to Applicant. Counsel also had no reason to believe that the State's investigator had modified the photographs. Counsel was able to cross-examine the two eyewitnesses and bring out any relevant inconsistencies in their testimony.

This Court finds that counsel properly communicated both plea offers to Applicant, and it was Applicant's decision to reject both offers. Counsel advised Applicant to accept the second plea offer based on the fact that only one juror had held out during the first trial. Ultimately, Applicant elected to proceed to trial. This Court finds that counsel was adequately prepared for trial and met with Applicant a sufficient number of times prior to trial.

This Court finds that Applicant was not prejudiced by counsel's comment during opening argument that the jury should do its job as "solicitors." Clearly, counsel meant to say jurors rather than solicitors, and there is no indication that the jurors were confused or influenced by his mistake.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test, specifically that counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that counsel committed either errors or omissions in his representation of the Applicant. The Applicant failed to show that counsel's performance was deficient. This Court also finds the Applicant has failed to prove the second prong of Strickland, specifically that he was prejudiced by counsel's performance. Applicant's complaints concerning counsel's performance are without merit and are denied and dismissed.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his trial or sentencing proceedings. Counsel was not deficient in any manner, nor was the Applicant prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

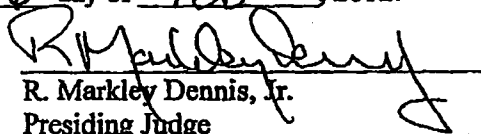
This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of written notice of entry of this Order to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate

Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely served and filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 16 day of Feb., 2012.


R. Markley Dennis, Jr.
Presiding Judge
9th Judicial Circuit

Charleston, South Carolina.

DBD-2006-06-00525

WITNESSES

OFFICER, CPD

1006-11858

ARREST WARRANT NUMBER

K022547

JUNE 15, 2008



VERDICT

Ity of Murder

icia H Randall

son of Petit Jury

30 Jan 08

Date:

DOCKET NO. 2006-GS-10-10610

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE

vs.

ASHANTE ISHMAEL WRIGHT

Indictment for

MURDER

583

FILED

OCT 19 2008

ALICE J. ARMSTRONG
CLERK, C.P. & G.S.

sm

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

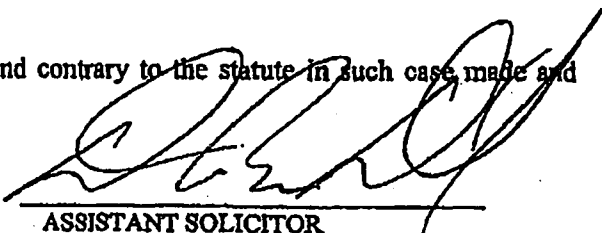
INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on October 9, 2006 the Grand Jurors of Charleston

County present upon their oath:

That Ashante Ishmael Wright, while acting in concert with others, did in Charleston County on or about June 12, 2006 in the area of _____ feloniously and with malice aforethought, express or implied, kill one Allen Jerome Grant by shooting him with a handgun and that Allen Jerome Grant did die in Charleston County as a proximate result thereof on or about June 12, 2006 in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

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


ASSISTANT SOLICITOR