

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to York County

Honorable J. Mark Hayes, Circuit Court Judge
—————

RECEIVED

NOV 20 2017

S.C. SUPREME COURT

ABBDUL OMAR EMMANUEL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-001152

—————
APPENDIX
—————

LAURA R. BAER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

JUSTIN J. HUNTER
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

INDEX

INDEX i

TRANSCRIPT OF GUILTY PLEA HEARING (July 21, 2014).....1

TRANSCRIPT OF GUILTY PLEA HEARING (September 29, 2014)28

APPLICATION FOR POST-CONVICTION RELIEF64

STATE’S RETURN.....72

TRANSCRIPT OF POST-CONVICTION RELIEF HEARING (February 1, 2017)78

ORDER (Matter Taken Under Advisement)120

ORDER OF DISMISSAL.....122

INDICTMENTS (July 21, 2014 Guilty Plea).....132

SENTENCING SHEETS (July 21, 2014 Guilty Plea)142

INDICTMENTS (September 29, 2014 Guilty Plea).....146

SENTENCING SHEETS (September 29, 2014 Guilty Plea).....166

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA

-----x

STATE,

Plaintiff,

Case No.

-against-

2014-GS-46- 01220

ABBDUL OMAR EMMANUEL,

Defendant.

-----x

July 21, 2014

York, S.C.

B E F O R E:

HONORABLE ROGER L. COUCH, Judge.

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

WILLY THOMPSON, Esquire

Assistant Solicitor

TYLER BURNS, Esquire

Attorney for the Defendant

Aileen Butler

Official Court Reporter

1 THE COURT: Solicitor.

2 MR. THOMPSON: If the please the Court.

3 THE COURT: Yes, sir.

4 MR. THOMPSON: The State of South Carolina versus
5 Abbdul Omar Emmanuel. He is pleading guilty today to
6 four Indictments: Indictment 2014-GS-46-01220 wherein
7 he was initially charged with murder. He is pleading
8 to voluntarily manslaughter on that charge. And he is
9 also pleading to count two of that indictment
10 2004-GS-46-01220a possession of a firearm during the
11 commission of a violent crime. He is also pleading to
12 2014-GS-46-01221, for armed robbery, and Indictment
13 2014-GS-46-01222 for criminal conspiracy. He is
14 pleading guilty as charged to each of these
15 Indictments. All have been presented to the Grand
16 Jury. As part of the negotiation in this case, Your
17 Honor, we will be dismissing some of the charges;
18 count two of Indictment 2014-GS-46-01221, listed as
19 "a", for possession of a firearm during the commission
20 of a violent crime and that is count two of the armed
21 robbery Indictment. He will not be pleading guilty to
22 that charge. He will simply be pleading guilty to the
23 armed robbery. And therefore we also be dismissing
24 charges 2014-GS-46-01880 for burglary first degree,
25 which was a direct Indictment, 2014-GS-46-01881 for

1 attempted murder, which was also direct Indictment,
2 one eight eight two, for attempted murder which we
3 also be dismissing which is one of the direct
4 Indictments.

5 Your Honor, the recommendation of the State in this
6 case is for the defendant is 20 to 40 years. So he
7 has a range of a minimum for 20, a maximum of forty
8 years. The defendant has a number of other pending
9 charges that are related to his charges that came out
10 of investigation into 715 FAM which is a group that
11 appears to be a gang and comes out of Rock Hill, as
12 part of the plea agreement we have agreed to the
13 principal of these charges but not to the final, to
14 the final Indictments that he will plead to in those
15 charge we have agreed as long as he works out a plea
16 with this regarding these, that they would run
17 concurrent to the sentence that he would receive under
18 the manslaughter and the armed robbery charges that he
19 is pleading today, as well we would lower all of the
20 attempted murder charges. I believe there is two or
21 three of these in that group to ABHAN charges and we
22 would also be willing to work and dismiss some of
23 those however, the only thing I think pertinent as to
24 those charges is that they would run concurrent to
25 these as long as he enters a plea. If he does not

1 enter a plea to the charge that we reduced to the way
2 we agreed the principal on those then would come back,
3 They would not hurt the rest of the his pleas today
4 would stand despite the fact that they weren't work
5 out if he did not plead to these charges that were
6 reduced. But the State will make a good faith effort
7 of course in working those charges out with the
8 defendant prior to his sentencing on these and we
9 would ask the Court to defer sentencing on these
10 charges today. I will give a copy to it the court
11 reporter, rather than reading off the warrant numbers.
12 I will give a copy to the put on the records, that the
13 defense can view before we hand them over so that they
14 agree those are the ones that we are dealing with, and
15 be made part of the record.

16 The victim's family is present, Your Honor. Of
17 course will not be addressing the Court today because
18 we are simply going through at p.m..

19 THE COURT: Counsel is that your understanding of
20 the plea arrangements.

21 MR. BURNS: That is my understanding.

22 THE COURT: All right. Thank you. Please swear
23 the defendant for me.

24 ABBDUL OMAR EMMANUEL, called as a witness, having
25 been duly sworn by the clerk, was examined and

1 testified as follows:

2 THE COURT: All right, sir, your name is a
3 Abbdul Omar Emmanuel?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. You are in front of me
6 today on several charges. I am going to go over the
7 charges with you to be sure that I understand them.
8 Let me, before I do that --

9 THE COURT: Solicitor, it is my understanding is
10 that he is not pleading to the possession of a weapon
11 during a violent crime, is that right?

12 MR. THOMPSON: He is not pleading to one that
13 relates to the armed robbery. He is pleading to the
14 one relating to the voluntary manslaughter.

15 THE COURT: So he is pleading to case number
16 1220A, is that correct?

17 MR. THOMPSON: That's right.

18 THE COURT: Now Mr. Emmanuel, I am going to go
19 over the charges with you to make sure you understand
20 the charges to which you are pleading. I will be
21 asking you some questions about those particular
22 charges. The first one that I am going to discuss
23 with you is case number 2013-GS-46-12220, that charge
24 is for the offense of voluntarily manslaughter. I
25 will tell you that charge was indicted as a higher

1 level offense. The State is accepting your plea to a
2 lesser level offense. Have you discussed that with
3 your lawyer?

4 THE DEFENDANT: Yes, sir, I have.

5 THE COURT: Do you understand what I mean by
6 pleading to a lesser included offense?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I will inform you that the higher
9 level offense was presented to the Grand Jury. It
10 resulted in a True Bill being issued by the Grand
11 Jury. So this case is properly before the Court as
12 far as the Grand Jury proceedings are concerned.

13 The State is making a recommendation concerning
14 sentencing. I will advise you throughout all of these
15 charges that recommendations are just that. I am sure
16 that the judge that will handle sentencing will give it
17 great deference and will consider that but the judge is
18 not necessary bound by recommendations. Do you
19 understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: So that means as I go through these
22 charges I will be discussing with you the maximum
23 sentences that are available under the law and will
24 advise you that the sentencing judge could sentence
25 you to that maximum if the judge choose to do so. Do

1 you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Now, for voluntarily
4 manslaughter I will advise you that this crime is
5 classified as a violent and most serious offence.
6 Now, when a crime is so classified it qualifies for
7 what is commonly known as one of your strikes under
8 the law. That means in the future if you were to be
9 found guilty of, or plead guilty to other similarly
10 classified crimes such as violent, serious, or most
11 serious offenses your plea in this case could be used
12 in those future cases to enhance or make more severe
13 of the sentences. It could result in a sentence of
14 life imprisonment without ever having the opportunity
15 to be parole.

16 Do you understand that could happen in the future
17 depending on future convictions?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Now I would advise you
20 that this particular offense carries a possible
21 sentence of not more than 30 years in prison. Do you
22 understand that, sir?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Now, the next charge that I am going
25 to discuss with you is the possession of a weapon

1 during the commission of a violent crime. That charge
2 has been indicted by the Grand Jury so it is properly
3 before the Court. A true bill was issued in that
4 charge. I will tell you that particular charge
5 carries a possible sentence of up to five years
6 imprisonment. Do you understand that, sir?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: That is considered a no parole offense
9 as was the first charge that I discussed with you, and
10 I will tell you on the issue of parole that you should
11 expect to serve every day that you are sentenced to.
12 Parole is not guaranteed to anyone. It is granted to
13 people. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: So there can be no assures or
16 guarantees concerning any possible parole in your
17 case. Do you understand that?

18 THE DEFENDANT: Yes, sir, I do.

19 THE DEFENDANT: All right. Now that case also has
20 with it a recommendation from the State. Again, I am
21 sure the judge will consider it, but the judge is not
22 bound by that recommendation. All right. The next
23 charge that I am going to discuss with you is criminal
24 conspiracy. That is case number 2014-1222. That
25 charge has been presented to the Grand Jury. It

1 resulted in a True Bill being issued on the charge.
2 That carries a possible sentence of not more than five
3 years in prison or a fine of not more than \$5,000. Do
4 you understand that, sir?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Again, it is subject to the same
7 recommendation by the State on sentencing. Again, the
8 judge will consider it but is not bound by that
9 recommendation.

10 The final case that I am going to discuss with you
11 this morning will be armed robbery. The case is
12 2014-1221. That particular charge carries a possible
13 sentence of ten 10 years up to 30 years in prison. It
14 has been indicted by the Grand Jury and a True Bill was
15 issued and it is properly before the Court. I will
16 tell you that crime is also classified as a violent and
17 most serious offense. It also qualifies as a strike.
18 It could be used for sentence enhancement up to live
19 imprisonment without parole in the future. Do you
20 understand that as well?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: It is also what is referred to a no
23 parole offense and I have explained to you that you
24 could not have any assurances concerning parole on
25 these charges. You should expect to serve the entire

1 sentence. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, you are here with your lawyer
4 this morning. Are you satisfied with your lawyers
5 assistance?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you need to discuss anything any
8 further with him at this time?

9 THE DEFENDANT: No, sir.

10 THE COURT: Is there anything that you feel he has
11 not done for you that he needs to do before we go
12 through this plead today?

13 THE DEFENDANT: No, sir.

14 THE COURT: Now, do you suffer from any mental,
15 physical, nervous conditions, any condition that would
16 effect your criminal liability or would effect your
17 ability to handle your plea today.

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you taken or used any drugs,
20 medications, or other substances that might have an
21 effect on your ability to handle your plea today?

22 THE DEFENDANT: No, sir.

23 THE COURT: Mr. Emmanuel, do you know what you are
24 doing?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand what this hearing is
2 about today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. Now, as to the charges
5 that I have gone over with you, you have the right to
6 plead either guilty or not guilty to each of those
7 charges. How do you plead to the charge?

8 THE DEFENDANT: Guilty.

9 THE COURT: On all four of the charges?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Counselor, I am sure you discussed
12 these pleas with your client, is that correct?

13 MR. BURNS: That is correct, Your Honor.

14 THE COURT: I would suspect that among the many
15 things you would have discussed with him you would
16 have discussed all the charges that he faces, the
17 possible penalties that are involved, the alternatives
18 that he might have had concerning his plea in this
19 case, any defenses he might have had to any of those
20 charges, as well as his rights under the constitution
21 as they relate to these charges as well. Is that some
22 of the things that you talked to him about?

23 MR. BURNS: In great detail, yes, Your Honor.

24 THE COURT: Are you satisfied that he understood
25 the advice that you have given him?

1 MR. BURNS: I believe he does, yes, Your Honor.

2 THE COURT: Now, he has indicated to me that he
3 has made a decision to enter a guilty plea to these
4 four charges. Given your knowledge of this case and
5 the facts that the State has in their possession, do
6 you agree with the decision that he has made to offer
7 these pleas?

8 MR. BURNS: I do, Your Honor.

9 THE COURT: And has he had the ability to assist
10 you in his defense in this matter?

11 MR. BURNS: He has.

12 THE COURT: So you are comfortable with the pleas?

13 MR. BURNS: Yes, Your Honor.

14 THE COURT: All right. Now Mr. Emmanuel, my
15 information is that you are 19 years of age. Is that
16 correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: How far did you go in your education?

19 THE DEFENDANT: Eleventh grade.

20 THE COURT: Did you ever get a GED?

21 THE DEFENDANT: No, sir.

22 THE COURT: Have you ever attempted to get a GED.

23 THE DEFENDANT: No, sir.

24 THE COURT: Are you married?

25 THE DEFENDANT: No, sir.

1 THE COURT: Do you have children?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: How many?

4 THE DEFENDANT: One.

5 THE COURT: What is the age of that child?

6 THE DEFENDANT: Newborn.

7 THE COURT: Well, months? Less than a year.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Does that child live in your home if
10 you are not incarcerated?

11 THE DEFENDANT: No, sir.

12 THE COURT: Now, when you were arrested were you
13 employed anywhere?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And where were you working.

16 THE DEFENDANT: Employment place in Charlotte,
17 North Carolina.

18 THE COURT: Was that some type of service that
19 provided employees to people?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And where were you actually working?

22 THE DEFENDANT: In a warehouse.

23 THE COURT: All right. So you had a warehouse
24 job?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now Mr. Emmanuel, has anyone done
2 anything to you such as put pressure on you, tried to
3 intimidate you, threatened you? In other words, done
4 anything to try to force you to offer the pleas that
5 you are offering to the Court?

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you offering these pleas of your
8 own free will?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Have you had sufficient time to
11 consider these cases?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If you had wished to prepare a defense
14 to the charges, to go to trial, could you have done
15 that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Has anyone made any promises,
18 guarantees or assurances to you about any matter in
19 connection with these pleas at all?

20 THE DEFENDANT: No, sir.

21 THE COURT: All right. Specifically, has anyone
22 promised or guaranteed you anything concerning such
23 matters as pardon, parole, probation, early release,
24 length of sentence, any promises or guarantees about
25 any matter and specifically any of those matters?

1 THE DEFENDANT: No, sir.

2 THE COURT: So, you are not relying on any
3 promisees or assurances in making the pleas that you
4 are making?

5 THE DEFENDANT: No, sir.

6 THE COURT: Now, when you offer a guilty plea on
7 any charge you are giving up your constitutional
8 rights. It is my responsible to be sure that you
9 understand what rights you have given up. I am going
10 to go over those rights with you and I will ask you to
11 be sure that you understand each of the rights as we
12 go over these matters.

13 First of all, you have a constitutional right to
14 have your cases considered by a Grand Jury before the
15 case comes to this Court. All of your cases have been
16 presented to the Grand Jury, and a True Bill was
17 issued. So they are properly before the Court. You
18 have a constitutional right to a lawyer and you have
19 indicated to me that you are satisfied with your
20 lawyers services.

21 I assume you remain so at this time, is that
22 correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: In addition to those rights you have
25 the right to request or demand a jury trial. At a

1 jury trial under the law you would be presumed to be
2 innocent. That presumption would continue until such
3 time as the State proved your guilt and there
4 obligation is to prove your guilt to the jury by proof
5 beyond a reasonable doubt. You would not be required
6 to prove anything to a jury at that trial because you
7 would be presumed innocent.

8 Do you understand what I mean by a trial and how
9 that trial would be conducted?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Now, in addition you would have the
12 right to have the clerk issue subpoenas to witnesses
13 to require the witnesses, favorable witnesses to you,
14 would be required to come to Court and possibly
15 testify. You would have the right to confront or
16 question anyone who in fact did testify at the trial.
17 During the trial you would be given the right to
18 present any defense you have to the charges and also
19 at the trial you would be given the opportunity to try
20 to suppress any and all evidence the State may have
21 against you. That includes statements you may have
22 made prior to the time of the trial. At every stage
23 of a criminal proceeding you would have the right to
24 remain silent and at a trial if you choice to remain
25 silent the judge conducting that trial is required to

1 instruct the jury that your silence can not be used
2 against you in matter whatsoever.

3 Now, Mr. Emmanuel, did you understand the rights I
4 just went over?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you have any questions about any of
7 those rights?

8 THE DEFENDANT: No, sir.

9 THE COURT: Do you realize if later on I accept
10 the plea that you offered that you would be giving up,
11 or waiving the rights that I just went over with you?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you understand that -- does that
14 fact in any way cause you to want to change or alter
15 the plea that you have entered?

16 THE DEFENDANT: No, sir.

17 THE COURT: So you are still pleading guilty at
18 this time?

19 THE DEFENDANT: Yes, sir. I am.

20 THE COURT: Are you offering that plea because you
21 are in fact guilty of the charges that you are
22 pleading too.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: I am going to ask the solicitor to go
25 over the facts with me in this matter at this time. I

1 want you to listen to what he has to say because I am
2 going to ask you about what he has told me in just a
3 moment.

4 THE DEFENDANT: Yes, sir.

5 MR. THOMPSON: If it please the Court. Your
6 Honor, this occurred on January 10th of this year here
7 York County. It happened just before two o'clock in
8 the afternoon. The co-defendants in the case,
9 Dontavion Qua'Mek White and Maurice Burris attended
10 Renaissance Academy school here in Rock Hill. That
11 day Mr. White approach Logan Hughes who is a friend of
12 theirs and a fellow classmate there at Renaissance and
13 asked him if he knew where he could buy some marijuana.
14 Offered Logan some money if he would help him find
15 someone to sell him some. So Logan talked to some of
16 his friends and found out a place where he could go
17 and worked out a way to provide transportation where
18 he would drive Mr. White and Mr. Burris to get the
19 marijuana.

20 In the course of doing that Mr. White had a
21 telephone call with the defendant here and in that
22 call planned to stop and pick up the defendant. So
23 they actually had three people going with Mr. Hughes.
24 And at that time was referring to the defendant not by
25 his name but as Jay, and so Logan Hughes did not know

1 this defendant. He knew the other two and he didn't
2 know who Jay was, but he obviously knew from Mr. White
3 it was a friend of his who wanted to come and buy
4 marijuana also. So they drove where he was
5 instructed, Mr. Hughes did. Where a young lady
6 dropped off the defendant in a vehicle that ultimately
7 the police were able to identify and go and speak with
8 this young lady. She admitted that, yes, she had
9 dropped the defendant off and of course she was not in
10 the trouble with that. She didn't realize what she
11 was doing other than just giving him a ride. But
12 dropped him off where Logan Hughes picked him up and
13 then the four of them went together to Cedar
14 Grove Lane in Rock Hill and when they -- as they got
15 there not everyone went inside right away. As a
16 matter of fact Mr. White stayed in the car initially
17 trying to get Mr. Hughes to turn on the radio. Put
18 the key in to turn it on to play a song, but obviously
19 Mr. Hughes had to go up to the house to introduce
20 these folks and get the deal done. And as he did,
21 went up to the house when the door was opened this
22 defendant and Mr. Burris went inside and immediately
23 upon going inside the defendant here, Mr. Abdul
24 Emmanuel, had a pistol. He had a pistol pulled right
25 as he went into the door. He pointed it at the young

1 men that were inside.

2 The victim in this case was actually sitting down
3 and had a and sawed off shotgun with a pistol grip in
4 his lap which was just kind of laying facing a little
5 bit down according to what the witnesses said. He
6 video game controller in one hand that he was trying
7 to play a video game with and he was on the phone with
8 his girlfriend in the other.

9 The defendant immediately demanded that Mr. Hughes
10 move out of his way. There was some words said at
11 that point and he fired his gun three times striking
12 the victim in the chest and in the leg. And the chest
13 wound unfortunately was fatal almost immediately. He
14 lived for some period of time and was taken by
15 ambulance but was dead basically by the time he
16 arrived at PMC. There were other young men in the
17 house at the time who were standing in there. One was
18 sleeping on the couch, another one who was actually
19 the one that was going to do the drug deal was there.
20 They began to run out the back of the house. Abdoul
21 Emmanuel ordered Mr. Hughes to run out after them.
22 Mr. Hughes ran out after them, but he didn't realize
23 all this was going to happen so he ran out and
24 actually hid with one of the victims from the
25 defendant at that point in time.

1 Mr. Burris went back to the car and Mr. White went
2 back to the car. As they attempted to drive away
3 without Mr. Hughes at this point, they apparently saw
4 Mr. Hughes. He got out, the defendant did, Abdul
5 Emmanuel. He fired shots at Mr. Hughes and Rafeal
6 Renta who was the other young man who was in the house
7 and had run out. They again took off to get away from
8 him. He got back in to Mr. Hughes's cars and they
9 drove off in that SUV at that point.

10 Mr. Hughes got in with Rafeal Renta and the two of
11 them went to another area of town where he dropped off
12 Mr. Hughes who went to his house. Told his mother
13 what had happened. His mother called the police and
14 then the police went and interviewed them so that he
15 could tell them about Mr. Burris and Mr. White and
16 this guy name Jay and what had happened. So he came
17 forward right away to tell what had occurred.

18 This defendant on the other hand with his
19 co-defendant ran off. What they actually stole from
20 the residence was the sawed off shotgun. Witnesses
21 who live in the neighborhood saw the defendant run
22 out. They saw the young man run out having a pistol
23 in one hand and sawed off shotgun in the other. He
24 ran and got into the vehicle and they also witnessed
25 that he shot again at the two young men as they drove

1 away and ultimately stopped that car. They parked it,
2 got out and ran through an area of town and by a creek
3 where they through the shotgun down. When the canine
4 went through that area they were able to recover that
5 shotgun and were able to determine that they were in
6 the area where these young man lived.

7 Through the police investigation and dealing with
8 Mr. White and Mr. Burris they finally turned
9 themselves in and took a couple of days for that to
10 happen before it occurred. During the course of that
11 they actually brought Mr. Emmanuel in on another
12 warrants, not realizing that he was involved in the
13 murder itself, because the police at this time were
14 looking for a Jay or Job, so they were looking for
15 anyone who had that kind of nickname. But as they
16 began to realize ultimately that they weren't having
17 any luck in getting photo-lineups and anyone getting
18 picked out. They finally started putting other people
19 who associated with these other two young men in photo
20 lineups and when they did Emmanuel was placed in the
21 line-up and Rafeal Renta identified him as one of the
22 perpetrators as well, Mr. Logan Hughes, while they
23 didn't identify him one hundred percent said I'm
24 pretty sure that's him. I just can't say for one
25 hundred percent and pointed him out. So at that point

1 they began look for him and that's when they found if
2 the young lady who had dropped him off. She
3 identified him as well, as the person she had dropped
4 off and everything started coming together. The three
5 of them had actually gone to Charlotte later that
6 evening. The defendant's mother and sister assisted
7 them in finding a place to hide in Charlotte for the
8 time that think were out. But ultimately the
9 defendant also turned himself in, again because he was
10 released on bond on the first set of charges. Turned
11 himself in again the next day and he is now facing
12 these charges.

13 Those are the basic facts Your Honor. Of course we
14 do have some forensic evidence as well that puts a
15 fingerprint of Mr. Burris on the door as well as the
16 ballistics. While the gun itself was never recovered
17 it was shown that the three bullets that were fired in
18 the house, one recovered from the chair, two from the
19 victim's body all matched together and were shot from
20 the same firearm which is purported to be a 45 caliber
21 which SLED said that'd what it would come from. They
22 also were able to said that by the grooves on the
23 marks on the bullets themselves it would have been a
24 hi-point firearm which is what not only the
25 co-defendants but one of the witnesses who saw the

1 event, who was one the victims, identified the pistol
2 that he saw was a hi-point that was being fired at
3 him. In addition the three shell cases that recovered
4 matched each other and was also fired from the same
5 pistol, the 45 caliber.

6 Those are the the basic facts, Your Honor, that we
7 have, but both the co-defendants; White and Burris
8 have since cooperated and they also identified the
9 defendant as being the perpetrator of firing the gun
10 during the actual robbery itself.

11 THE COURT: Thank you, sir.

12 Mr. Emmanuel, you were were present. Did you hear
13 what the solicitor told me about the facts?

14 THE DEFENDANT: Yes, sir, I did.

15 THE COURT: Did you understand what he said?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is that information correct?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now, have you been truthful with me
20 today?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Did anyone tell you how to respond to
23 any of my questions?

24 THE DEFENDANT: No, sir.

25 THE COURT: The answers that you have given me

1 have they been your own answers?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Is there any part of what you and I
4 have discussed today that you would like to reconsider
5 or change in your response that you have given to my
6 questions.

7 THE DEFENDANT: No, sir.

8 THE COURT: So you are still offering a guilty
9 plea to all the charges before me today?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. I will let the record
12 reflect that I am going to accept the pleas. It is my
13 finding that it has been freely and voluntarily given.
14 The defendant is the aware of the charges that are
15 before the Court. He is aware of possible penalties.
16 He has had the advice of counsel that he is satisfied
17 with. I find that there are facts sufficient that
18 have been admitted that justify the acceptance of the
19 pleas.

20 Now Mr. Emmanuel, I am going to accept your plea
21 today. I am not sentencing you today. I will defer
22 sentencing at this point in time. I will advise you
23 that I am not retaining jurisdiction over the
24 sentencing of your case. That can be done by any
25 sitting Circuit Judge.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Thank you, very much gentleman.

MR. THOMPSON: Thank you, Your Honor.

MR. BURNS: Thank you.

* * * *

C E R T I F I C A T E

1
2
3 I, the undersigned Aileen Butler, Official Court Reporter
4 for the Seventh Judicial Circuit of the State of South Carolina,
5 do hereby certify that the foregoing is a true, accurate, and
6 complete transcript of record of all the proceedings in the
7 captioned case, in the Circuit Court for York County, South
8 Carolina, on the 21st day of July, 2014.

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

11 July 25, 2014

12
13 Aileen Butler
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA

-----x

STATE,

Plaintiff,

Case No.

-against-

2014-GS-46-1220

ABBDUL EMMANUEL,

Defendant.

-----x

September 29, 2014

York, S.C.

B E F O R E:

HONORABLE EDWARD W. MILLER

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

WILLY THOMPSON, CHRIS EPTING

Attorneys for the State

TYLER BURNS,

Attorney for the Defendant

Aileen Butler

Official Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
State-1-4	Photos (previously marked)	X	
State -5	Transcript (Previously marked)	X	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. EPTING: May it please the court. Your Honor, I am Chris Epting on behalf of the State.

Before the Court today is Abbdul Omar Emmanuel with his appointed defense counsel, Tyler Burns with the York County Bar.

It is my understanding Mr. Emmanuel wishes to enter a plea of guilty to a number of charges and also have a sentencing heard on charges he has already plead to.

Your Honor, for the record keeping purposes Mr. Emmanuel has already plead guilty to four charges; one count of voluntarily manslaughter, one count of possession of a weapon during the commission of a crime of violence, one count of armed robbery, and one count of criminal conspiracy. Those are Indictments respectfully 14-GS-46-1220, 1220A, 1221 and 1222. He plead guilty to those in July with a negotiated sentence of a minimum of 20 years and a maximum of 40 years.

Mr. Emmanuel it is my understanding is going to enter a plea of guilty to a number of other charges present here today. We've agreed to a negotiated sentence that any sentence he receives today would be concurrent to what sentence he will receive on the remaining sentence. For the purposes of the record,

1 it is our understanding he is pleading guilt today to
2 a number of charges constituting to what we call the
3 Flint Street Incident. Those are Indictments
4 14-2876, 2876A, 2884 and 2885, respectfully attempted
5 murder reduced to assault and battery of a high and
6 aggravated nature, one count of use of a weapon
7 during the commission of a violent crime, one count
8 of unlawful carrying a pistol, one count of criminal
9 conspiracy. He is pleading guilty to a separate
10 incident. One charge of pointing and presenting off
11 of Indictment many 2014-GS-46-01223, and he's
12 pleading to an additional charge on a separate
13 incident, a drive-by shooting. What we named to be
14 the Lige Street incident. Criminal conspiracy
15 charge, 2014-GS-46-01503.

16 By way of plea we have agreed to dismiss his
17 remaining charge and again for purposes of the
18 record, the charges we are dismissing are the Tom
19 Street Incident, 2014-GS-46-01530, 1531, 1532, 1533
20 and also an Incident at Walnut Street. Indictment
21 number -- warrant numbers 2014A4620304122,
22 2014A4620304123. Your Honor, I believe that the
23 State has provided the Court prior to this plea with
24 a transcript of the plea.

25 THE COURT: I haven't read that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. EPTING: We would ask that be made part of the record.

THE COURT: All right. Let me just ask you the cases that you said he has previously plead to, the manslaughter, possession of a weapon during the violent crime, armed robbery and conspiracy, are Indictments 1220 through 1222, is that right?

MR. EPTING: That is correct Your Honor.

THE COURT: Okay, and those are the cases that were plead in front of Judge Couch?

MR. EPTING: That is correct.

THE COURT: All right. Do you agree that those are -- that he has already plead to those? The only reason I ask is because there is no signature on them.

COURT CLERK: I have it.

THE COURT: You got the other one, okay. That is fine.

Okay. All right. Has he been sworn?

ABBDUL OMAR EMMANUEL, called as a witness, having been duly sworn by the clerk, was examined and testified as follows:c.

THE COURT: All right, Mr. Emmanuel in last 24 hours have you had any drugs, alcohol or medication?

THE DEFENDANT: No, sir.

THE COURT: Had have you ever been treated for

1 substance abuse or mental illness?

2 THE DEFENDANT: No, sir.

3 THE COURT: All right. You are up here on a
4 number of Indictments today. Aside from the one which
5 you previous entered a plea, some of which have not been
6 presented to the Grand Jury. I want you to know you
7 have an absolutely right to require the State to present
8 those cases to the Grand Jury where they would have to
9 prove more probably then not that a crime was committed
10 and you are the one that did it. Do you want to give
11 that right up which would let you go forward on those
12 Indictments today?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. The first one of those
15 Indictments, 2014-2876 alleges you did in count one,
16 York County, January 12, 2014 unlawfully seized,
17 confined, kidnap, abducted, or carry away Atavious
18 (phonetics) Truesdale.

19 Solicitor, counsel, come up here for a second.

20 (WHEREUPON, there was an off the record discussion
21 held at the bench.)

22 THE COURT: Thank you, very much.

23 All right. We have a clerical issue with that
24 Indictment so we will move forward to 2014-1503 and that
25 alleges you did in York County on November 19, 2013

1 willfully, knowingly, feloniously, unite, combine,
2 conspire, confederate, agree or have tacit understanding
3 with Robert Johnson for the purpose of committing
4 attempted murder or discharging a firearm into an
5 occupied dwelling. That carries five years. Do you
6 understand that?

7 THE DEFENDANT: Yes, sir, I do.

8 THE COURT: You are also [hear|here] or 2014-2885
9 and it alleges that you did January 9, 2014 in York
10 County, willfully, knowingly, and feloniously, unite,
11 combine, conspire, confederate, agree or have tacit
12 understanding with Robert Johnson and/or Mark Glover or
13 Qua'Mek White for the purpose of committing the crime of
14 assault and/or other criminal offenses and that's
15 another five years. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You are also here on 2014-2876.
18 Excuse me, 2884. And it alleges that you did in York
19 County on or about January 9, 2014 unlawfully possess a
20 handgun and that carries up to a year in prison. Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Now, with respect to
24 these other offenses; voluntarily manslaughter,
25 possession of a weapon during the commission of a

1 violent offense, armed robbery and conspiracy, do you
2 have any questions about those previous entered guilty
3 plea.

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. Well, understanding the
6 nature of the charges against you and the maximum
7 possible punishment, how do you want to plead?

8 THE DEFENDANT: Guilty, sir.

9 THE COURT: Is that your free and voluntarily
10 choice?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that you have an
13 absolute constitutional right to a trial by jury where
14 you would be presumed to be innocent unless and until
15 the State could prove you guilty beyond any reasonable
16 doubt of each and every element of each offense that you
17 were charged with. You have a right to confront and
18 cross examine the witnesses and the evidence put up
19 against you by the State. You would have a right to use
20 the subpoena power of the State to compel the Court all
21 relevant and competent evidence in your own defense, or
22 you can remain silent. Your silence can never be held
23 against you and you can not be compelled to incriminate
24 yourself. Do you understand all those rights?

25 THE DEFENDANT: Yes, sir, I do.

1
2 THE COURT: I don't know if you made a statement
3 in this case or I don't know if there was any evidence
4 that has been collected which you might contest the
5 seizure of but if you enter this plea and I accept this
6 plea then you are giving up your right to challenge the
7 constitutional propriety of either your statement, if
8 there was one and I don't know even know, or any
9 evidence that was seized in this case. Do you
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Understanding all those
13 rights do you want to give those up to enter this plea?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Are you guilty?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Are you totally and completely
18 satisfied with the representation of your attorney?

19 THE DEFENDANT: Yes, sir, I am.

20 THE COURT: Do you have any complaints that you
21 would like to make about the way you have been treated
22 in this case?

23 THE DEFENDANT: No, sir.

24 THE COURT: All right. Have you had enough time
25 to and review all the evidence that the State has
against you?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE DEFENDANT: Yes, sir.

THE COURT: All right. I want to wait until I get that the other Indictment before we go any further, so let me ask counsel to approach one more time.

(WHEREUPON, there was an off the record discussion held at the bench.)

THE COURT: All right. Now, Mr. Emmanuel out of abundance of caution I will ask Mr. Thompson to review the facts of the previous entered guilty plea so I am fully familiar with that.

THE DEFENDANT: Yes, sir.

MR. THOMPSON: If it please the Court, Your Honor. This occurred on December 10th of this year here in York County in the City of Rock Hill. One of the key witnesses in this case, Logan Hughes, went to school with two of co-defendants that were in this case, Maurice Burris and Dontavion White. And he had been speaking with Mr. White that afternoon in school. Mr. White asked him where he could buy marijuana and ultimately offered him ten dollars if he could take him to a place where he could get some marijuana. So Logan Hughes agreed to do that. Logan Hughes got with Mr. White when school ended. Also got with Mr. Burris who are both friends of Mr. Hughes and had been. They had gone to school together since they were very small. But

1 as they started going to the place where they were going
2 to pick up the marijuana Mr. White explained to Logan
3 that the person who was actually going to pay for it he
4 needed to call and they needed to pick him up as well.
5 At that point he called this defendant, Abbdul Emmanuel,
6 but at that point also started calling him "J" which is
7 not a normal nickname that he goes by. Doesn't normally
8 had, which ends up showing that they had planned to
9 commit some sort of robbery at this point. He ended up
10 directing Logan Hughes to where to pick up this guy "J".
11 They went to the defendant's house, on Pebble Street in
12 Rock Hill, and when they went there the defendant got
13 out of a Mercedes SUV that another person was driving,
14 Chasity Jordan and there was another young man in that
15 car as well, and at Laquan Johnson who both ultimately
16 gave information to the police that it was Abbdul
17 Emmanuel that they dropped off. That he then got into
18 the other vehicle which was Logan Hughes's SUV and that
19 the other two gentleman were in there, White and Burris
20 were in there with him.

21 They then proceeded on to Cedar Grove where they
22 went to purchase the marijuana. Mr. White actually
23 stayed in the car during the time of the robbery itself.
24 However, Mr. Burris, this defendant, and Logan Hughes
25 all got out and went into the the house because Logan of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

course the one that was going to facilitate the actual deal.

It appears from the evidence we have that Logan Hughes had no idea that something bad as far as a shooting or robbery was about to occur. He simply thought he was facilitating someone buying marijuana. However when they got to the door immediately the defendant pulled a gun as he went in to the door. Immediately according to Logan Hughes told Logan to move out of his way and told Logan to stand still. He yelled at the victim, Michael Gibbens who was 25. Michael Gibbens wasn't actually the person who was selling drugs it Rafael Renta who was also in the room at the time, and with other young man was Zachery Chester who was asleep at the time they initially came in to the room. He started firing on the victim. The victim was sitting in a la-Z-boy recliner. He had a sawed-off shotgun that was actually on his lap and he was not holding it. He had in one hand a controller that he was playing video games with and in the other hand he had cell phone where he was actually speaking to his girlfriend at the time. The girlfriend recalls that suddenly she heard shots. That he was no longer speaking and she heard a lot of noise going on and that she heard someone yell in her quote "give me your shit bro. Give me your load, bro"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and of course that is referring to the marijuana at that point.

Rafeal Renta ran out of the house through the back door at that time. The victim unfortunately had been shot in the the upper abdomen, lower chest and that was a fatal wound. As well he had been shot in the leg and there was a shot that went into the La-Z-boy recliner. SLED tested all of those. They all are 45 calibers that came back to the same weapon and it would have been a high point semi-automatic pistol which also one of the people in the house were able to identify the pistol as the defendant's high point because they were familiar with high point weapons.

During the course of that the defendant then did not make off with any marijuana, however he did grab the sawed-off shotgun and run out of the residence with the sawed-off shotgun and a pistol in the other. One of the neighbors actually saw him come out and described that to the police and I believe in a 911 recording. That was happening at that point in time. In addition, when he had told Logan Hughes to go out after the guy who had run out the back door. So logan ran out of the back door and actually started trying to hide with Rafael Renta in the back. The defendant got back into the car. Mr. Burris got back into the car. The police were able

1 to get Mr. Burris's fingerprint off the front door which
2 linked him more solidly into the crime as well. As they
3 started to take off Logan Hughes was yelling about them
4 stealing his car. Taking his car at that time. He was
5 then fired upon by the defendant from the vehicle. The
6 defendant got out of the vehicle and literally ran down
7 the street a little bit and shot at less once or twice
8 at Rafael Renta and Logan Hughes again as they tried to
9 then run away and get away from the defendant. The
10 defendant got back in to the vehicle. They went to
11 another street right around number 8 Serene Street in
12 Rock Hill where they just jumped out of the vehicle,
13 left all the doors open and began running. The dog
14 tracked from that vehicle to the river right near by,
15 the little stream right near by. It started to rain at
16 this point. That's where they recover the sawed-off
17 shotgun lying right next to the water as well as it
18 tracked back to the neighborhood where the defendant
19 lived and then the dog ultimately lost its scent.

20 The defendant was identified by Rafael Renta in a
21 photo line-up. In addition, both his co-defendants
22 cooperated. Mr. Burris and Mr. White ultimately gave a
23 statement as to what the defendant had done and his
24 involvement in it as well as their involvement. Right
25 after the actual incident occurred Logan Hughes received

1 a call on his cell phone from unknown number. It was
2 the defendant that made that call. We were able to
3 connect that to the cell records and the defendant told
4 them the general area where to find his car. He also
5 told him he knew where he lived, he knew where his
6 girlfriend lived and he better not give any names of any
7 people involved in this or he would come after them, so
8 he issued a threat to Logan Hughes at that point in
9 time.

10 The defendant after that ran along with his
11 co-defendants. His mother and sister assisted all of
12 them in escaping out of Rock Hill having a place to stay
13 in Charlotte. Ultimately as the police came closer in
14 Charlotte they assisted them -- they actually run out
15 the back door and gave them transportation from there to
16 leave because the police were coming to the front at
17 that point and had conducted surveillance on the place.
18 Ultimately the defendant did finally turn himself in but
19 it took the police a while to figure out that it was
20 this defendant that was involved because they had a
21 nickname "J" and at that point all of the defendants
22 missing only knew from Logan Hughes was that the two
23 guys that he knew and that he gave their names, Mr.
24 Burris and Mr. White, and so the police were initially
25 looking for them. However as they continued their

1 investigation and found out that the young lady who
2 dropped the defendant off, they discovered that on the
3 14th I believe in January. Took that information. Got
4 an arrest warrant for the defendant and he later turned
5 himself in later in the day on the 14th. So he was on
6 the run on the other charges and this charge during the
7 prior time from the 10th -- I'm sorry around the 11th to
8 the 14th. He had actually turned himself in on some of
9 the other charges. Started giving statements to the
10 police. Was let out on the bond and they realized he
11 was part of this murder.

12 THE COURT: All right. Thank you very much.

13 MR. THOMPSON: There is one thing I would hand up
14 to the Court, State's Exhibit Number Five as part of the
15 Discovery. It is simply a picture of the house there on
16 Cedar Grove and it's simply to point out that that
17 residence is close by a number of other residences. It's
18 a neighborhood with a lot of close houses so the
19 shooting occurred in this neighborhood with a lot of
20 people very close to what was happening.

21 THE COURT: Okay. All right, thank you very
22 much. I understand we got the clerical error fixed.

23 MR. EPTING: We do, Your Honor. I apologize.

24 THE COURT: That's all right.

25 Now, let's go through this other Indictment. This

1 is a two-count Indictment. It's 2014-2876, and 2876A.
2 Count one is for attempted murder and it alleges you did
3 in York County on or about January 12, 2014 feloniously
4 willfully with malice of forethought attempt to murder
5 one Artevius Truesdale (phonetics) by shooting at him
6 with a handgun. Tendering a plea I believe to assault
7 and battery of a high and aggravated nature which
8 carries up to 20 years in prison. This is a violent
9 offense which effects parole eligibility. This is a
10 serious offense. So you if you get convicted for three
11 or more serious offenses you are eligible for life
12 imprisonment without parole. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Count two alleges you did in York
15 County on or about January 12, 2014 while committing the
16 crime of attempted murder, a crime of violence, you had
17 in your possession or took in your possession a gun and
18 that carries up to five years. Do you understand that.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: So understanding the nature of those
21 charges and the maximum punishment how much do you want
22 to plead to those charges?

23 THE DEFENDANT: Guilty.

24 THE COURT: Is that your free and voluntarily
25 decision?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And do you understand you have the
3 right to a jury trial on that case?

4 THE DEFENDANT: Yes, sir, I do.

5 THE COURT: Do you understand all the rights I
6 previously enumerated to you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And do you want to give those rights
9 up to enter this plea?

10 THE DEFENDANT: Yes.

11 THE COURT: And Are you guilty of the charges in
12 this Indictment?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you are still satisfied with your
15 lawyer?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Now listen while the
18 State tells us the facts of these cases.

19 MR. EPTING: Thank you. Your Honor, this incident
20 occurred January of this year on Flint Street. Officers
21 received a call from a resident in that area who told
22 officers that an individual had run in to [their|there]
23 house kind of in a blind panic. That she seen somebody
24 who was later identified as Abbdul Emmanuel chasing him.
25 He had a gun in his hand and that she heard some shots

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

fired.

Your Honor, we believe that this case came to trial we would be able to present evidence that the defendant and the victim in this case, Mr. Truesdale, got in to some kind of altercation. That Mr. Truesdale attempted to flee from Mr. Emmanuel chased him and fired a weapon several times eventually chasing Mr. Truesdale into that resident's house.

THE COURT: Okay. All right, is that true and correct?

THE DEFENDANT: Yes, sir.

THE COURT: All right.

Ms. Holland: Thank you, Your Honor. Jessica Holland just for the record. I handled two cases for Mr. -- three cases for Mr. Emmanuel. Two of those were conspiracy charges related to the shootings that occurred on the rival gang members. One of them is being dismissed, but that is the shooting that occurred at Walnut Street on November 18, 2013. That's the home of Marcius Thompson who is a member of rival gang call 901 KOB. The defendant gave a statement admitting his involvement with his co-defendant that they fired at that residence. He also stated that a gun that was already in the evidence of Rock Hill Police Department had been used and officers were able to confirm that

1 through ballistics.

2 The second conspiracy charge occurred the next
3 day. That was shooting that occurred at Lige
4 Street. That's the home of Markel Ivre (phonetics) a
5 rival gang member. The defendant and the other
6 individuals went to that home and fired at that home and
7 the bullet actually penetrated the home. It went into
8 the home.

9 The final is the pointing and presenting charge
10 which occurred shortly thereafter on November 27 of 2013
11 at a gas station, 1697 Saluda Street in Rock Hill, South
12 Carolina. The defendant pointed a firearm at two
13 individuals who he had previously had a confrontation
14 with.

15 THE COURT: All right, thank you very much. Is
16 all that true and correct.

17 THE DEFENDANT: Yes. Yes, sir.

18 THE COURT: Okay. Well, you're shaking your head
19 no. Is it true, substantially true and correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. All right. Does he have a
22 criminal history.

23 MR. EPTING: Yes, and I ask to present that
24 information until after we hear from the victims.

25 THE COURT: All right. How about jail days? You

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

all figure that out.

MR. EPTING: I believe it's 257.

MS. HOLLAND: 257 days, Your Honor.

THE COURT: All right. I will be happy to hear from the victims.

MR. EPTING: This is is the victim in the manslaughter case, the mother of the victim in the manslaughter case. She would like to come up and address the Court, and in addition to that Your Honor, afterwards we have an officer from Rock Hill Police Department that would like to address the Court as well.

THE COURT: Okay. All right. Thank you, very much. Yes, ma'am.

MS. GIDDENS: How you doing? I would just like to say -- I would like to first start out by saying I'm sorry you are losing your son too, but be grateful you can you still talk to him and see him because after trying to deal with this for the last eight months I have not yet learned how to deal with like not getting my daily texts from him checking on me and telling me he loves me. It is the most painful feeling I have ever felt. All this senseless violence has now left two babies to grow up without their fathers. My first grandson was born on June the third and now he will never know his father. Only the memories I can give him

1 of my sweet baby boy, like how he was the most
2 thoughtful man I ever met. Giving you the shirt off his
3 back if you needed it or always putting his needs of
4 others before him. He meet know strangers and friended
5 all people he met. Never judged anyone or hold it
6 against them their mistakes. He had many, many people
7 that loved him.

8 I will never be the same, I will never the same
9 again. This has impacted every part of my life.
10 Nothing will ever be the same and the impact it has made
11 on my life is unreal. I spoke with Michael 30 minutes
12 before the shooting to inform him he had a job working
13 with me the next day. He was so excited to be going to
14 work with me. I told him I would be by in a couple of
15 hours to get him and then the phone call came. I only
16 wish I would have known this was the last time I would
17 have ever talked to him because I was very proud of him,
18 the man and he was becoming and still wish every night
19 that I could have told him. That my sweet son is gone
20 now, I miss him so badly and I only hope that now I can
21 try and put this behind me and start to heal and try to
22 get my life back to normal or as close as normal as I
23 possible can.

24 Thank you.

25 THE COURT: Yes, ma'am. Thank you, very much.

1
2 MR. EPTING: Your Honor, for the Rock Hill Police
3 Department, Major Steve Parker.

4 THE COURT: Yes, sir.

5 MR. PARKER: Your Honor, my name is Steve Parker
6 with the Rock Hill Police Department. I'm a major over
7 field services division which is investigations and
8 patrol. From the side of law enforcement what we want
9 you to know that Mr. Abbdul Emmanuel is one of the most
10 violent people Rock Hill City has ever seen. And since
11 he has been in prison we have seen a huge difference, a
12 dramatic change in Rock Hill as far as drive by
13 shooting. We were having them occur once and twice a
14 week where now we're seeing that we might go weeks at
15 time without a drive-by shooting. The difference in only
16 having one victim here which is a huge tragedy compared
17 to it could be 10 to 20 because he wasn't a good
18 shooter.

19 We ask you, Your Honor, to please go the maximum
20 sentence that you can because we feel that he is
21 definitely someone that society does not need back in it
22 as soon as possible.

23 THE COURT: All right, thank you sir.

24 MR. EPTING: If it please the Court four printed
25 photographs that have been marked State's Exhibit 1
through 4. These were copied and printed off the

1 defendant's facebook page. Obviously the first
2 photograph there shows him wearing the 715 t-shirt which
3 is the 715 family is the name of the gang. The other
4 ones are -- he's showing gang symbols and wearing blue
5 bandana, showing his colors around his neck and then the
6 final photograph he is holding a pistol, a high point
7 pistol may -- we can't obviously say whether it was the
8 same one used i some of these crimes, but it certainly
9 is the same model.

10 Your Honor, asked a moment ago about his record
11 and I wanted to finish with that.

12 THE COURT: Yes, sir.

13 MR. EPTING: I think it's important for Your Honor
14 to understand not just his adult record because of the
15 age of 20 he's a young man. He really hasn't had time
16 to amass much in the way of an adult record. But at the
17 age of 13 is when he started in Family Court on November
18 27 of 2007 he was charged with disturbing schools and
19 was convicted on that charge. In 2008 he was convicted
20 of use a vehicle without owners consent and driving
21 without a license. He was sent to R&E for an evaluation
22 which at that age is unusual, but given his behavior and
23 what he had done up to that point Judge Guess determined
24 that was appropriate and was sentenced, committed for a
25 period of time by Judge Guess.

1
2 In April of 2008 two counts of disturbing schools
3 and use of a vehicle without owner's consent. He was
4 sent to the Upstate evaluation center by Judge Guess.
5 Placed on probation afterwards for six months, given two
6 suspended weekends, cooperate with Catawba Family
7 Center, cooperate with the teen help center mentoring
8 program, complete 20 hours of community service with
9 credit for participation in the the teen health service,
10 cooperate with an auxiliary probation officer and they
11 recommended a psycho-educational assessment. That was
12 Judge Henry Woods.

13
14 Nonetheless, two months later after receiving that
15 sentence he was convicted of receiving stolen goods and
16 strong armed robbery. He was given a ninety day
17 determinat sentence after another evaluation, placed
18 on probation until the age of 16. Restitution held in
19 abeyance and ordered today comply with all the terms of
20 prior order by Judge Woods.

21
22 In April of 2009 -- and there are periods of time
23 here obviously where he is incarcerated with DJJ --
24 disorderly conduct. Apparently a fight took place at
25 school and an school official attempted to break the
fight up and he assaulted the school official. He was
again sent to the Upstate Evaluation Center, 90 day
determinat sentence. Was released to placement.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Another Upstate Evaluation Center was done. R&E evaluation was done in May of 2010. Convicted of no driver's license. Sent to Upstate Evaluation Center. Returned to Court for final disposition. And then finally in July 27th of 2010 his final stint in juvenile court, a burglary second conviction.

As an adult shortly thereafter, he started in 2011, was charged with and convicted. These convictions, stemmed from an incident that took place at the end of 2011 but the was convicted in April of 2012; assault and battery by a mob, bodily injury, third degree and assault and battery 2nd degree and received YOA sentences on those offenses for which he remained in jail from the conviction date of April 24, 2012 and was not released until end of June of 2013. So he spent a significant amount of time on that. And then it was then just months after release from his YOA, active YOA sentence that he began getting into the shootings es that you heard Miss Holland describe in November 2013.

Your Honor, I am holding in my hand this is his Family Court file. Judges Woods, Wylie, Guess, Guyton, Gibbons, all these judges and all the experts and professionals that were assigned to help this young man when he was a juvenile and try to turn him around and get him on the right road, a lot of effort was taken.

1 Despite everything that they did during this time period
2 he still as soon as he aged out of the juvenile system
3 began engaging in violent conduct culminating in a
4 series of shootings throughout Rock Hill that terrorized
5 neighborhoods and ultimately resulted in the death of
6 this woman's son. I hat to say it about anybody who is
7 only 20 years old, but I do not believe there is a
8 redeeming character in this man. I do not believe there
9 is any hope that he will ever change the way he behaves
10 and the only way that our community can be kept safe is
11 for him to go to jail for the full extent that he is
12 allowed which is 40 years without parole and the
13 solicitor would ask for a 40-year sentence in this
14 matter.

15 THE COURT: All right. Thank you. All right, Mr.
16 Burns.

17 MR. BURNS: Thank you, Your Honor. If it please
18 the Court.

19 Your Honor hearing that too I would kind of agree
20 high sentence would be in order, but that case is a lot
21 like a pancake. It has two sides. While we are not
22 [hear|here] to really kind of dispute the facts, we
23 agree with the fact. I really feel it is necessary for
24 me to kind of put him in context of how they truly are
25 and how we came to this position as why Abbdul is

1 standing here today deciding to plead guilty.

2 Essentially going back to it, Your Honor, this was
3 a drug house. The neighbors testified that cars were
4 coming going all hours of the day. We have a situation
5 where we have a bunch of witnesses who, A, can't agree
6 on what they saw happen or gave a series of stories
7 until we got to this one presented today. Logan Hughes,
8 you heard from this gentleman that came by and picked
9 him up. Logan Hughes who picked him up this guy stole
10 his car and is chasing him after with a gun supposedly,
11 decided to go through three or four stories before he
12 got to final version. He eventually was never charged
13 with anything despite the fact that on it's face he
14 facilitated this entire events and took him over there.
15 Also Logan Hughes was never able to identify Abbdul out
16 of a federal lineup. Rafael Renta one of the few people
17 who actually was able to identify him of from a federal
18 lineup, but went through about three or four stories
19 also before he got to his version of what happened that
20 day. Some version he just started running and didn't
21 see anything. Then we got here that he was chasing him
22 also.

23 One of the key facts is when we were going through
24 the earlier versus this was just kind of a freak fluke
25 thing and kind of admitted he was selling drugs out of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

this house.

Your Honor, we get to the two co-defendants; White and Burris and we are in a situation that essentially brings us here. There was a shotgun in this young man's lap and essentially this was a drug deal that went bad. That's what we would have presented at trial. The co-defendants in this case even said to other witnesses that he pulled the shotgun and was going to start shooting and that Abdoul saved him. I believe it's Mr. Burris said you saved me. He was going to shoot me and you saved me. He got treated as a juvenile partially, and the other co-defendant was plead down dramatically, and when we get to the final version of what happened Abdoul just pushed his way in and started shooting for no reason.

Had we gone to trial we would have shown that the forensics in no matched up with that. It was Burris's fingerprints on the door, not Abdoul's. Nothing was ever recovered. No ballistics could actually link him as the person who pulled the trigger. So boiled down the solicitor said this was neighborhood. There was a lot of people calling 911 trying to say what happened. Some picked him as the shooter. Some people picked people that were in the car as the shooter. Some picked other people as the shooter. Some said he was wearing

1 this. Some said he was wearing that. Even the
2 co-defendants couldn't get on the same page as to who
3 was wearing what that day because whoever was wearing
4 the black was the shooter. So essentially what we
5 boiled this down to, what was common denominator is two
6 co-defendants that after they were given [their|there]
7 sweet deal --

8 THE COURT: We cleared that up today. HE admitted
9 he was the shooter.

10 Mr. Burns: He did, but it wasn't -- this wasn't
11 an intentional act is the point I was going for and
12 based on original version from the co-defendants he
13 thought he was saving his friend. And I'm not -- I
14 don't bring this up to try to minimize the loss of the
15 family. I truly can't imagine that. But I would ask
16 Your Honor to sentence him for what happened. Not what
17 the people finally got on the same page and agreed
18 happened later down the road.

19 I truly believe and I advised Abdul on this
20 throughout the process, that had we gone to trial this
21 is where we would have ended up. That probably wouldn't
22 have been found guilty of the murder, but he had so much
23 on him they would loaded him up so many Indictments, so
24 many direct Indictments, basically buying a used car
25 they would have made him buy the undercoat too.

1 I advised him just to take these ancillary charges
2 because they were running concurrent and basically had
3 nothing else to lose for going down the road for
4 manslaughter. But, Your Honor, I truly believe and
5 wanted to bring this up to show the Court that this was
6 an accident. It was a terrible mistake, but it wasn't a
7 premeditated crime time that he intended to go in there
8 and rob him and shoot him. And again, I bring it up
9 because I ask Your Honor to sentence him based on what
10 he is pleading to and what actually occurred. We had a
11 lot of issues in this case, Your Honor. Essentially we
12 had on video -- I'm sorry, audio -- a situation.

13 THE COURT: You know, to be frank with you, you
14 done an excellent job based on the facts of what has
15 been presented to me in your defense with the
16 negotiations that you come up with, so I don't know that
17 we need to revisit all of the facts of the case. We are
18 here to determine how to sentence him.

19 MR. BURNS: Yes, Your Honor, but I know it's there
20 job to make it sound as terrible as possible, and I
21 mean, if I just wasn't in the courtroom I'd believe it
22 was just a terribly heinous act myself. I'm not trying
23 to try the Court's patience.

24 THE COURT: I understand that.

25 MR. BURNS: I am just trying to tell the Court

1 what I felt happen.

2 Abbdul wishes to speak and his mother would like
3 to address the Court.

4 THE COURT: All right.

5 MS. EMMANUEL: I standing here today and I want
6 apologize to his family. I know I'm standing here today
7 because I'm Abbdul's mother, but I'm also standing here
8 today because I lost a child. So, I want you to know I
9 feel your pain. It has been several years since I lost
10 mine and it feel like it is yesterday. So I want you to
11 on behalf of my family, we are so sorry, and I know
12 matter what I say today can bring him back.

13 THE COURT: All right.

14 MS. EMMANUEL: But from my heart I am.

15 THE COURT: Ma'am, you need to direct your
16 comments to the Court. All right.

17 What's your name?

18 MS. EMMANUEL: Pamela. I'm Abbdul's mon.

19 THE COURT: All right.

20 MS. EMMANUEL: Anyway, I am sorry. I tried to do
21 the best that I can as a single mom. I tried, and I am
22 so tired. I really am. And whatever time he gets today
23 if I am not here when you come home know that I am up
24 there looking at you and please make me smile. Don't
25 make me cry, please. I've been crying for several years

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

now, son. God knows I have tried.

Your Honor, I have been a single parent. I tried to raise him best way I know how. Never had a male figure in his life. Never. His dad just came home from jail the same month he got arrested. Your Honor to please Mercy see on him.

THE COURT: All right. Thank you, very much.

THE COURT: All right. Yes sir, Mr. Emmanuel.

THE DEFENDANT: I would like to address the get Gibbens's family. I want you to know that I am deeply sorry for their loss. I want them to know I didn't mean for none of this to happen. God knows I didn't. Please, I want them to know it was not my intent or did I did I intentionally mean to harm your son in any possible way that I did. I walked in the middle of the conversation and all I saw was the barrel of a shotgun being pointed toward my co-defendant, and I panicked. I pray every night and I ask God to forgive me for what I have done and I am asking you today to please forgive me.

I'm not murderer or monster like the media to be or Rock Hill City. This had been very hard on me and my family knowing that all of them is going through all of this because of me. So I ask you please to forgive me. I wish I could take all of this back. Believe me when I

1 say this. Please forgive me.

2 Mom please don't blame yourself for mistakes that
3 I made. I know you gave me everything that I want and
4 you wanted the best for me. I wish at all times you
5 were talking to me I would have listened to you and I
6 know I would not be standing here today. So I'm very
7 sorry and I know you love my with all your heart. Poo
8 (phonetics) please don't follow my footsteps and stay
9 focused in school and keep playing football and I know I
10 let you down.

11 Your Honor, I know that I done wrong and I didn't
12 mean for any of this to happen. I did not mean for
13 anyone to get hurt. God knows I didn't. I wish I could
14 take all this back again, so please, Your Honor, I am
15 begging you to please forgive me and have mercy on me.
16 To Gibben's family and my family I am truly and deeply
17 sorry for the loss of your son and it hurts me every
18 night knowing that I'm in this situation. I'm only 20
19 years old. I ask that you all forgive me. Even if the
20 Court does not forgive I ask that knowing God forgive I
21 will make it through my sentence.

22 MR. BURNS: Your Honor, if I can just to close
23 very briefly.

24 THE COURT: Yes.

25 MR. BURNS: Going back to what the police said, I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

just want to point out there were a lot of people arrested around the same time. I think it is kind of a vast over simplification to say all crime was reduced because of him. There was a lot of people arrested.

THE COURT: Okay.

MR. BURNS: I hope the Court gives that the weight it deserves.

Finally Your Honor, I would just ask that he be sentenced in accordance to what he did and the manslaughter and if it is the max that it be the max at thirty for the manslaughter for what he truly did.

THE COURT: All right. When you come to Court you bring your prior record with you and you have got quite a record, Emmanuel. So, I am going to give you thirty years on the manslaughter, five on the possession of a weapon during a violent crime, ten years on the armed robbery consecutive. Five on the pointing and presenting. Twenty on the assault and battery. Five on the possession of weapon during that offense. Five on each of the conspiracy and one on the carrying a pistol. Good luck to you.

MR. EPTING: Thank you, Your Honor.

(END OF TRANSCRIPT)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, the undersigned Aileen Butler, Official Court Reporter for the 16TH Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings in the captioned case, in the Circuit Court for York County, South Carolina, on the 29th day of September, 2014.

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

March 22, 2016

Aileen Butler

* These are my indictment # & charges * Oct, 13th, 15

- Armed robbery = 2014A4620304011
- Poss of firearm during a violent crime = 2014A4620304010
- Criminal conspiracy = 2014A4620304018
- Criminal conspiracy = 2014A4620304029
- Criminal conspiracy = 2014A4620304012
- Criminal conspiracy = 2014A4620304123
- Attempted murder = 2014A4620304015
- Murder = 2014A4620304002
- Poss of firearm during a violent crime = 2014A4620304016
- Pointing & presenting a firearm = 2013A4620303764
- Unlawfully carrying of a pistol = 2014A4620304017

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

FILED-RECEIVED
2015 OCT 28 AM 9:27

ps: these are the indictment number's to process my per,
 I am requesting that my whole process be done immediately
 for "ineffective counseling", I will also be thankful if I could
 receive a letter stating you got these legal documents
 and now my per is in full affect, I also received the
 letter that your office provide so I could handle that
 ASAP, thank you & God bless.
 ↳ Abdoul Emmanuel

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

FILED-RECEIVED
2015 OCT 30 AM 9:28
CIVIL

CERTIFIED TRUE COPY
2015 NOV -4 PM 3:29
David Hamilton
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of York)

Abbdul Emmanuel # 350618)

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

2015 CP46-2145

v.)

State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2015 SEP 11 PM 1:25

FILED-RECEIVED

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee County Dept. of Correction's
2. Name and location of Court which imposed sentence Court of General Sessions, York County SC
3. Name(s) of co-defendant(s) (if any) Du'rick White and Maurice Burris
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) ① Murder, ② Arm Robbery, ③ Attempted murder, ④ conspiracy
 - (b) ⑤ Unlawful carrying of a fire arm, ⑥ possession of pistol During violent crim

2015 NOV -4 PM 3:10
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

The date upon which sentence was imposed and the terms of the sentence:

- (a) September 29th, 2014
- (b) 40 years, 30 for manslaughter, and 10 for Arm robbery
- (c) term 10n consecutive.

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list:

- (a) the name of each Court to which you appealed:
 - i. _____
 - ii. N/A
 - iii. _____

- (b) the result in each such Court to which you appealed:
 - i. _____
 - ii. N/A
 - iii. _____

- (c) the date of each such result:
 - i. _____
 - ii. N/A
 - iii. _____

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. _____
 - ii. N/A
 - iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) _____
- (b) N/A

(e) _____

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

- (a) ~~Ineffective Assistance of Counsel~~
- (b) Ineffective Assistance of Counsel
- (c) Ineffective Assistance of Counsel

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

- (a) Failure to object to sentencing phase
- (b) Failure to investigate
- (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. N/A
 - iv. _____

- (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. N/A
 - iii. _____
 - iv. _____

(c) the disposition thereof:

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

N/A

(d) the date of each such disposition:

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

N/A

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

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

N/A

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

no

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

(a) which grounds have been presented:

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

N/A

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

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

N/A

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

I WAS PROMISED BY MY ATTORNEY THAT IF I TOOK THE PLEA THAT I WOULDN'T RECEIVE "NO MORE" THAN 20-25 YEARS, I WOULD LIKE TO VACATE CURRENT SENTENCE AND REMAND FOR NEW TRIAL.

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

NO

STATE OF SOUTH CAROLINA)
County of YORK)

VERIFICATION

I, Abdul Emmanuel, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Abdul Emmanuel
Abdul Emmanuel

SWORN to and subscribed before me this 1st day of September, 2015.

Jaret E. Driggers (L.S.)
Notary Public

My Commission Expires: 11-05-2019

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

I, Abdoul Emmanuel, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Abdoul Emmanuel
Abdoul Emmanuel
Applicant

SWORN or affirmed to and subscribed before me this
1st day of September, 2015

Jane E. Driggers
Notary Public

My Commission Expires: 11-05-2019

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	OF THE SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK)	
)	2015-CP-46-2745
Abbdul Emmanuel,)	
S.C.D.C. No. 350618,)	
Applicant,)	RETURN
)	
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

Respondent, making its Return to the application for post-conviction relief (PCR) filed September 11, 2015, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court. Applicant was indicted at the April 2014 term of General Sessions for murder (2014-GS-46-1220), possession of a weapon during the commission of a violent crime (2014-GS-46-1220A), armed robbery (2014-GS-46-1221), possession of a weapon during the commission of a violent crime (2014-GS-46-1221A), criminal conspiracy (2014-GS-46-1222), and pointing/presenting a firearm (2014-GS-46-1223). Applicant waived presentment to the grand jury on the charges of criminal conspiracy (2014-GS-46-1503), assault and battery of a high and aggravated nature (2014-GS-46-2876), possession of a weapon during the commission of a violent crime (2014-GS-46-2876A), unlawful carrying of a pistol (2014-GS-46-2884) and criminal conspiracy (2014-GS-46-2885).

Applicant appeared on September 29, 2014, before the Honorable Edward Miller, while represented by Tyler Burns, Esquire. According to the transcript, Applicant had already pled guilty before the Honorable Roger Couch to voluntary manslaughter, possession of a weapon

during the commission of a violent crime, armed robbery, and one count of criminal conspiracy but deferred sentencing to September 29, 2014 before Judge Miller. Applicant pled guilty to the other charges as indicted. Applicant was sentenced with all sentences running concurrently except Armed Robbery. His sentences read as follows:

Voluntary Manslaughter (2014-GS-46-1220)	30 years
Possession of a Weapon During the Commission of a Violent Crime (2014-GS-46-1220A)	5 years
Armed Robbery (2014-GS-46-1221)	10 years (consecutive)
Possession of a Weapon During the Commission of a Violent Crime (2014-GS-46-1221A)	5 years
Criminal Conspiracy (2014-GS-46-1222)	5 years
Pointing/Presenting a Firearm (2014-GS-46-1223)	5 years
Criminal Conspiracy (2014-GS-46-1503)	5 years
ABHAN (2014-GS-46-2876)	20 years
Possession of a Weapon During the Commission of a Violent Crime (2014-GS-46-2876A)	5 years
Unlawful Carrying of a Pistol (2014-GS-46-2884)	1 year
Criminal Conspiracy (2014-GS-46-2885)	5 years

Applicant did not file a notice of appeal.

II.

In his current application for post-conviction relief, Applicant alleges he is being held unlawfully for the following reasons, verbatim:

1. Ineffective Assistance of Counsel
 - a. Failure to object to sentencing phase
 - b. Failure to investigate

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at evidentiary hearing. All amendments should be made well in advance of hearing and should be filed as required by Rule 11, SCRCP(a).

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

III.

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

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have

been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

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

IV.

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

[signature block on next page]

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

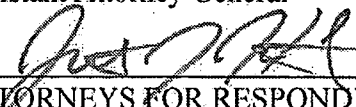
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

JUSTIN J. HUNTER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

July 8th, 2016

State of South Carolina.,) In the Common Pleas Court
) Of York
)
) Case No. 2015-GS-46-02745
 County of York.)

Abbdul Oman Emmanuel.,)
)
 Applicant.,)
)
 -v-) Transcript of Record
) Post Conviction Relief
)
 State of South Carolina.,)
)
 Respondent.)
)

February 1, 2017
 York, South Carolina

B E F O R E:

The Honorable J. Mark Hayes, judge.

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

Mr. Nathan James Sheldon
 The Law Office of Nathan J. Shelton, LLC
 PO Box 36682
 Rock Hill, South Carolina 29732
 nathan@nathansheldonlaw.com
 (803) 909-9343
 Attorney for the Applicant

Mr. Justin James Hunter
 S.C. Attorney General's Office
 PO Box 11549
 Columbia, South Carolina 29211-1549
 jhunter2@scag.gov
 (803) 734-3737
 Applicant for the Respondent

Wanda S. Nelson, CVR-M
 Official Court Reporter
 To The Honorable John C. Hayes, III
 Sixteenth Judicial Circuit
 Union and York Counties

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I-N-D-E-X

E-X-A-M-I-N-A-T-I-O-N

<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
Abdul Emmanuel	Mr. Shelton	P.6-14
	Mr. Hunter.	P.14-16
Tyler Burns	Mr. Hunter.	P.17-31
	Mr. Shelton	P.31-41
Court Reporter Certificate Page		P.42

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

I N D E X

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
------------	--------------------	------------	-------------

No Exhibits were received into the record.

1 (COURT IN SESSION, ON THE RECORD AT 10:00 AM.)

2 (APPLICANT, ABDUL EMMANUEL, ENTERS COURTROOM.)

3 MR. HUNTER: May it please the Court, your Honor.

4 The next case is Abdul Emmanuel versus State of
5 South Carolina. It's 2015-CP-46-2745.

6 Your Honor, if you would bear with me. I'll try to
7 get this right but your Honor has the return and everything
8 in your packet. He was indicated at the April 2014 term of
9 York County for murder, possession of a weapon during the
10 commission of a violent crime, armed robbery, and criminal
11 conspiracy.

12 And, your Honor, I believe he appeared July 21st,
13 2014. As far as those charges are concerned he pled guilty
14 to voluntary manslaughter, the weapons charge, armed
15 robbery, and criminal conspiracy. The sentencing was
16 deferred to a later date. On September 29th, 2014 he pled
17 to and was sentenced -- He pled to the rest of the charges
18 I'm not gonna read out.

19 Pointing and presenting a firearm, criminal
20 conspiracy. He waived presentment to the following four
21 charges. ABHAN; possession of a weapon during the
22 commission of a violent crime, unlawful carrying of a
23 pistol, and criminal conspiracy.

24 So, your Honor, on September 29th, 2014 he was before
25 Judge Miller; he pleads to the last six charges I read out

1 and sentenced on all of them. The sentences read as
2 follows: For voluntary manslaughter he received thirty
3 years. Weapons charge he received five years. Armed
4 robbery he received ten years consecutive. And all of
5 these are concurrent unless I say consecutive, your Honor.
6 For criminal conspiracy five years; pointing and presenting
7 a firearm five years. The second criminal conspiracy five
8 years. These last four that he waived presentment on were
9 negotiated sentences. ABHAN was twenty years; weapons
10 charge five years; unlawful carrying of a pistol one year
11 and the last criminal conspiracy charge five years.

12 Your Honor, he did not file a notice of appeal and for
13 the record, I'm sorry, I apologize, he was represented on
14 all these charges by Mr. Tyler Burns. He filed this
15 current action December 10th, 2015. He's present today
16 represented by Mr. Nathan Shelton.

17 MR. SHELTON: Thank you, your Honor, may it please the
18 Court. We, if the court's inclined, is ready to proceed,
19 then we would call Mr. Emmanuel to the stand.

20 THE COURT: Sir, just come right here and let the
21 Clerk of Court swear you in.

22 MADAM CLERK: If I can have you step right here.
23 Place your left hand on the Bible. Raise your right as far
24 as you can.

25 (WHEREUPON, ABBDUL EMMANUEL,

ABDUL EMMANUEL: DIRECT BY MR. SHELDON

-6-

1 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

2 MADAM CLERK: Thank you. Just have a seat there and
3 just watch your step up.

4 THE COURT: Sir, the lady that's over to your right,
5 she's a court reporter. She's taking down everything
6 that's said so I need you to speak up loud enough so that
7 she can hear you and also so your lawyer who's gonna be way
8 on the other side of the courtroom.

9 MR. EMMANUEL: Yes, sir.

10 THE COURT: Thank you.

11 MR. SHELDON: May it please the Court, your Honor.

12 DIRECT EXAMINATION

13 ABDUL EMMANUEL BY MR. SHELDON:

14 Q. Mr. Emmanuel, please state your name for the record.

15 A. Abdoul Emmanuel.

16 Q. And are you currently incarcerated in SCDC?

17 A. Yes, sir.

18 Q. You serving a forty-year-sentence on, I think thirty
19 years on a manslaughter and then ten years consecutive on
20 an armed robbery?

21 A. Yes, sir.

22 Q. And then a bunch of other stuff that ran concurrent
23 to all that?

24 A. Yes, sir.

25 Q. Okay. Mr. Emmanuel, you're here on PCR today; is

ABDUL EMMANUEL: DIRECT BY MR. SHELDON

-7-

1 that correct?

2 A. Yes, sir.

3 Q. And you're asking the court to vacate these
4 convictions and remand this case back to -- for a new
5 trial?

6 A. Yes, sir.

7 Q. You understand that this is not a sentence reduction
8 hearing?

9 A. Yes, sir.

10 Q. And that if this case is remanded back to trial that
11 you would then be facing murder and whatever you were
12 originally charged with. The State wouldn't be capped at
13 manslaughter or anything like that.

14 A. Yes, sir.

15 Q. Knowing all that you still want to go forward today?

16 A. Yes, sir.

17 Q. Mr. Emmanuel, were you represented by Mr. Tyler
18 Burns in this case?

19 A. Yes, sir, I was.

20 Q. And what -- Was he your attorney from the beginning
21 of the case?

22 A. Yes, sir, he was.

23 Q. So you didn't have any public defender prior to that.
24 It was always Mr. Burns?

25 A. Yes, sir, I was assigned Mr. Tyler Burns because my

ABDUL EMMANUEL: DIRECT BY MR. SHELDON

-8-

1 other two co-defendants was assigned a public defender.

2 Q. Okay. So Mr. Burns was appointed ---

3 A. Yes, sir.

4 Q. --- to represent you from the beginning though?

5 A. Yes, sir.

6 Q. Okay. How many times were you -- How many times were
7 you able to meet with Mr. Burns throughout the process?

8 A. Four or five times.

9 Q. Tell me this, Mr. Emmanuel, when were you arrested?

10 A. I was arrested January -- I think January 9th of
11 January 10th.

12 Q. Of what year?

13 A. Of 2014.

14 Q. And eventually you end up pleading guilty.

15 MR. SHELTON: And just so, I don't know if this was
16 made clear, this was essentially a bifurcated plea, your
17 Honor, where a plea was entered into and then a sentence --
18 it was deferred to sentencing for a later day so there are
19 actually two different transcripts we'll be referencing
20 throughout this hearing.

21 Q. You end up pleading guilty to some of these charges
22 in July of 2014; is that right?

23 A. Yes, sir.

24 Q. And then ultimately being sentenced in September of
25 2014?

1 A. Yes, sir.

2 Q. Okay. What -- What was your relationship like with
3 Mr. Burns?

4 A. Not good.

5 Q. Did you have -- Did you -- Were you able to go over
6 the discovery in your case; things like that?

7 A. No, sir.

8 Q. What did y'all -- When he would come to meet with you
9 what would y'all talk about?

10 A. He would talk about what him and his solicitor would
11 talk about and he would talk about what could happen to me
12 if I did, if I did not take the plea.

13 Q. And what all could happen to you if you didn't take
14 the plea?

15 A. He told me I could be doing a life sentence.

16 Q. Okay. And basically that was based on the murder and
17 all these charges; is that right?

18 A. Yes, sir.

19 Q. Did you -- Prior to July 21st, 2014 when you entered
20 into your guilty plea were you given any offer from the
21 State? What was the first offer in this case from the
22 State?

23 A. He came to me and he told me the State offered me
24 forty-five years.

25 Q. Forty-five, a forty-five years offer was the first

ABDUL EMMANUEL: DIRECT BY MR. SHELDON

-10-

1 offer?

2 A. Yes, sir..

3 Q. Did you accept or reject that offer?

4 A. I rejected it immediately.

5 Q. What was your position? Did you want to plead, go
6 to trial? What did you want to do with the case?

7 A. I wanted to go to trial but then he came to me and
8 told me that my co-defendant took a plea with the
9 Solicitors; that if I went to trial that I would get life
10 sentence.

11 Q. Okay. So he came to you and said that your co-
12 defendant pled; is that right?

13 A. No. They took a plea with the solicitors. I guess
14 they talked to the solicitor's and they gave 'em a ten year
15 plea if they'd testify on me.

16 Q. So you had co-defendants at some point that were
17 potentially gonna testify against you at trial?

18 A. Yes, sir.

19 Q. Okay. Was the offer -- Did the offer change from
20 forty-five years at any point?

21 A. No, sir, not that I was -- No.

22 Q. So, when did -- What was your final offer in the case
23 that was your understanding?

24 A. He told me if I took the plea that I would be
25 sentenced to twenty to twenty-five years.

1 Q. And when was that?

2 A. That was in September. Or July. It was July 1st and
3 then it was in September.

4 Q. At the initial hearing, the initial plea in July?

5 A. Yes, sir.

6 Q. What was the conversation you had with Mr. Burns at
7 that time?

8 A. The conversation I had with him was that I wanted to
9 go to trial and I didn't feel that they had no evidence on
10 me because he never -- he never really went over my motion
11 discovery with me. He never showed me that they had
12 nothing on me or anything. I was doing basically stating
13 stuff to him.

14 Q. And what did --- So what did he say that the State
15 was offering to you?

16 A. He said the State was offering me twenty to twenty-
17 five years if I took the plea that they was gonna let my
18 sister and my mother go.

19 Q. Were your sister and your mother charged as well?

20 A. Yes, sir, they was.

21 Q. What were they charged with?

22 A. They was charged with accessory to murder.

23 Q. Okay. And was that stemming from the whole string
24 of incidents that you're involved with? The same murder?

25 A. Yes, sir..

ABDUL EMMANUEL: DIRECT BY MR. SHELDON

-12-

1 Q. Okay. So, when you initially enter a plea of guilt
2 on July 21st of 2014, what was your understanding of what
3 the sentence range was that you were pleading to?

4 A. Twenty to twenty-five years.

5 Q. Okay. And then when you're actually sentenced in
6 September 29th of 2014 what was your understanding of this
7 -- of what you could get in terms of sentence?

8 A. I hadn't fully understand what I was gonna get until
9 afterwards; till after I got the forty years.

10 Q. But I mean what did you think? What were you
11 thinking?

12 A. I thought I was gonna get twenty-five years.

13 Q. If the -- If you had known the offer was forty would
14 you have gone to trial?

15 A. Yes, sir, I'd went to trial. I have forty years.

16 Q. And I'm sorry, let me rephrase that. If you would
17 have known that you were exposed to forty years would you
18 have gone to trial?

19 A. Yes, sir.

20 Q. Would you have taken the plea of a twenty to forty
21 range?

22 A. No, sir.

23 Q. Where were you and -- Where did you and Mr. Burns
24 talk? I mean where were these conversations taking place
25 at?

1 A. In lockup.

2 Q. So were you in the Detention Center?

3 A. Yes, sir.

4 Q. Okay. Was it your understanding that he was also
5 communicating with your family at that time as well?

6 A. Yes, sir.

7 Q. What other concerns did you have with Mr. Burns
8 during his representation of you?

9 A. That he was also going through problems with his
10 wife and his family.

11 Q. What -- How was that at all relevant to what he's
12 doing with his involvement in your case?

13 A. Cause I didn't feel like he was fully representing me
14 because he was dealing with another situation.

15 Q. Did he -- Were there anything that he specifically
16 did that you didn't want him to do or didn't do that you
17 wanted him to do?

18 A. Yes, sir. I mean basically he coerced me to take
19 this plea basically.

20 Q. So had you -- had he not leaned on you you would not
21 have taken the plea?

22 A. No, sir.

23 Q. Was this case properly investigated by the defense
24 team do you think?

25 A. No, sir.

ABBDUL EMMANUEL: DIRECT BY MR. SHELTON
CROSS BY MR. HUNTER

-14-

1 Q. Did they hire an investigator?

2 A. Yes, sir. He only came and spoke to me once and
3 said that the time difference from the incident from where
4 they say they picked me up didn't match. That's it.

5 Q. So you did speak with an investigator but just on
6 one occasion; is that right?

7 A. Yes, sir. Yes, sir.

8 MR. SHELTON: Thank you, your Honor. No more
9 questions.

10 MR. HUNTER: Just a few questions.

11 CROSS-EXAMINATION

12 ABBDUL EMMANUEL BY MR. HUNTER:

13 Q. So you said that you thought the deal the whole time
14 was twenty to twenty-five years?

15 A. Yes, sir.

16 Q. But at the beginning of the first plea hearing I
17 believe the Solicitor said our recommendation is twenty to
18 forty. Do you remember that?

19 A. No, sir, I was eighteen years old at the time. I
20 didn't fully understand what they was meaning by that.

21 Q. You didn't understand what we are recommending twenty
22 to forty years means?

23 A. No, sir, not at the time. I wasn't up to scale with
24 the law.

25 Q. But you understand what sentence numbers means, right?

1 A. Yeah, I do now.

2 Q. Okay. And you heard the judge going over with you the
3 potential sentences you would be facing?

4 A. No, sir, I do not.

5 Q. At either plea hearing?

6 A. No, sir.

7 Q. Okay. Do you remember the judge saying that he's
8 not bound by the recommendation?

9 A. No, sir.

10 Q. And the judge -- I believe you told the judge that
11 no one had promised or threatened you to take this plea,
12 correct?

13 A. That I -- I mean I guess.

14 Q. Okay.

15 A. I don't remember. I mean I don't remember.

16 Q. And you told the judge that no one had promised you
17 about the length of the sentence you would receive?

18 A. Yes, sir.

19 Q. Okay. I believe during both hearings you told the
20 judge that you were completely satisfied with your
21 attorney, correct?

22 A. Yes, sir, but that's me talking. That's me and we
23 discussed about that he told me to come in here and say.

24 Q. Now as far as the plea's concerned, did he discuss
25 with you the fact that you were pleading to voluntary

ABBDUL EMMANUEL: CROSS BY MR. HUNTER

-16-

1 manslaughter instead of murder?

2 A. No, sir.

3 Q. That was never discussed?

4 A. No, sir.

5 Q. How come you never bring any of this to the judge's
6 attention?

7 A. I was such dazed by what was going on and I was so
8 rushed and it was so much pressure on me at the time I
9 didn't fully understand what was going on.

10 Q. So after your sentence you never told the judge hold
11 on I don't understand what's going on?

12 A. After the sentence I didn't talk to nobody. My lawyer
13 he did not come back there and talk to me. I had talked to
14 nobody. I had never seen him again.

15 Q. Okay. Well during the hearing you never told the
16 judge hold on I don't understand what's going on?

17 A. No, sir, cause he's a lawyer, the way he was breaking
18 it down it sounded way different than what he was saying.

19 MR. HUNTER: I don't have any further questions.

20 THE COURT: Are redirect limited to what he went into?

21 MR. SHELTON: No, sir, your Honor.

22 THE COURT: Thank you, sir. You may step down. Watch
23 your step as you step down, sir.

24 (WITNESS LEAVES WITNESS STAND.)

25 MR. SHELTON: Your Honor, that's our case.

TYLER BURNS: DIRECT BY MR. HUNTER

-17-

1 THE COURT: Thank you, sir.

2 MR. HUNTER: Your Honor, the State would call Mr.
3 Tyler Burns.

4 THE COURT: Just come right up here and let the Clerk
5 of Court swear you in.

6 MADAM CLERK: Mr. Burns, if I can have you place your
7 left hand on the Bible and raise your right.

8 (WHEREUPON, TYLER BURNS,
9 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

10 THE COURT: Just have a seat in the witness chair
11 and speak up loud enough so that both the court reporter
12 and the Attorney General can hear you.

13 DIRECT EXAMINATION

14 TYLER BURNS BY MR. HUNTER:

15 Q. Good morning, Mr. Burns. Can you please state your
16 name for the record?

17 A. James Tyler Burns.

18 Q. And were are you currently employed?

19 A. South Carolina Department of Social Services.

20 Q. And where were you employed back in 2014?

21 A. I was in private practice with a firm, basically I
22 was a part of, in Fort Mill and this area.

23 Q. Okay. Can you explain how you were appointed, you
24 were appointed on this case?

25 A. I was. It was a conflict out due to multiple co-

TYLER BURNS: DIRECT BY MR. HUNTER

-18-

1 defendants.

2 Q. And you received that information from the PD's
3 office?

4 A. No. Actually I believe, if I remember correctly, I
5 first learned about my appointment as usually is the case
6 through the defendant's family. They contacted me first
7 and then I received my order of appointment from the
8 Clerk's office.

9 Q. And how long, I guess, were you appointed before the
10 first plea hearing?

11 A. Six monthsish. I don't remember exactly but it was
12 a good while.

13 Q. Okay. How many times would you saw before that first
14 plea hearing did y'all meet?

15 A. With Mr. Emmanuel?

16 Q. Yes. With the defendant. Sorry.

17 A. Many. I don't remember exactly but it was a good
18 many times. It got increasingly more difficult to meet
19 with Mr. Emmanuel. He was basically reclassified several
20 times to where he was basically in lockup and we got more
21 and more secured in our meetings throughout the process.
22 So, it got more difficult as it progressed but we met many
23 times throughout the whole thing.

24 Q. Okay. And did you discovery what y'all discussed
25 during these meetings?

1 A. The first couple of go rounds were just a getting to
2 know you, trying to get his side of what happened. We
3 discussed mainly just the sheer number of charges he had.
4 And I don't believe that what he was actually charged with
5 was really reflected because there was an additional maybe
6 five attempted murders that were -- he had ancillary
7 charges that accompanied this that were different fact
8 basis on different days that basically kind of correlated
9 that he was charged with and kind of went through each of
10 those piece by piece as to what happened. Kind of told him
11 what my role was and that the representation that I would
12 provide and where to start looking for his defense.

13 And as it progressed we received discovery from the
14 State. I would kind of relay that and conversations I had
15 with the prosecutor. Just kind of try to wrap up a whole
16 lot of meetings and conversations into one small answer but
17 that's a start.

18 Q. Okay. So you said you received discovery, correct?

19 A. Yes.

20 Q. And you said your meetings may have been a little
21 tough because of lock up. Were you still able to go over
22 discovery with Mr. Emmanuel?

23 A. Yes. It was, I think, five DVD's worth of burnt
24 information. There was witness reports from eye witnesses
25 -- just talking about the murder case -- eye witness

TYLER BURNS: DIRECT BY MR. HUNTER

-20-

1 reports, autopsy reports, photos; his audio recordings from
2 statements he had given police. I printed out what I
3 thought was the most pertinent because it would have -- the
4 amount of volume in data -- I'm talking about these DVD's
5 -- would have taken probably close to this courtroom if I'd
6 printed it all out and filled them in banker boxes, so I
7 took him what I could that was the most important parts of
8 the case for him to review when we reviewed the rest of it.
9 But some parts of it such as recordings, photographs, or
10 video, just weren't as practical to review as other items
11 of the discovery.

12 Q. Okay. And despite his young age, do you feel like you
13 were able to converse with him and discuss his case
14 thoroughly with him?

15 A. I do. It wasn't his first run in. He had actually
16 just gotten out of the Evaluation Center in Columbia. So
17 he seemed to be pretty familiar versed with the process as
18 far as I could tell. And I never had any -- We were
19 dealing with a lot of complex illegal issues that I believe
20 anybody that is a lay person would have a hard time
21 comprehending but there was never anything that made me
22 believe he wasn't ultimately grasping it and being able to
23 cooperate and prepare in his defense.

24 Q. And as far as preparing his own defense, what did he
25 tell you specifically to aid your investigation of your

1 defense?

2 A. Mostly that he didn't do it. I believe at first we
3 had discussed the possibility of an alibi defense and I
4 kind of cautioned him about that because I had seen
5 basically in my experience that if it wasn't true alibi's
6 has the tendency to blow up on you. And one of the main
7 parts with this case was, again referring to the murder
8 case, and not all the other attempted murders, there was
9 essentially an issue with the time line of what the state
10 was presenting happened.

11 And the State was basically presenting that his two
12 co-defendant's that were charged along with him basically
13 went to the alternative school in Rock Hill and they met an
14 individual there -- and y'all have to forgive me, I'm
15 terrible with names so I'm gonna to use the labels -- met
16 another person that they went to school there that knew
17 about the victim in this case who sold drugs. And, their
18 account or their theory of the case was that these people
19 met them at the alternative school picked up Mr. Emmanuel
20 on their way to basically rob him and all this happened
21 within a very brief amount of time. I know it was fifteen
22 to twenty minutes. And it was very problematic that all
23 those things could have happened in sequence based on that
24 time. So we actually had an investigator appointed to from
25 -- by the court release funds from Indigent Defense and he

TYLER BURNS: DIRECT BY MR. HUNTER

-22-

1 ran those routes at many times throughout the day to
2 determine if it was possible that the time line the State
3 was presenting. So that was the main thing was to kind of
4 pick it apart that he didn't have the opportunity to commit
5 the crime.

6 Q. And based on your investigation did you think that
7 you should go to trial then?

8 A. No. It was extremely overwhelming evidence. And
9 kind of to back up for a second, he was charged with like I
10 said several other charges with it, many attempted murders.
11 I believe I said five. My conversations with the
12 prosecutor Mr. Thompson they basically said they weren't
13 even gonna start with the murder case. They were going to
14 basically strike him out on serious and most serious's
15 before they even got to the murder case.

16 As to the murder case, that evidence was pretty bad
17 too, but when we got to that point it was essentially --
18 and I'm sorry, let me back up. There was -- I kind of
19 broke it down into all these other cases, all these
20 attempted murder cases, and then the main case, the murder
21 case. And in all these attempted murder cases he actually
22 gave a statement to Rock Hill Police Department basically
23 admitting that he did all these things.

24 So, going into the murder case we were already looking
25 at a sub-zero gain where he was probably gonna be LWOP'd at

1 that point anyway because he basically admitted to all of
2 these other offenses along the way.

3 What I actually ended up doing was -- The detective
4 actually recorded himself saying to Mr. Emmanuel that if he
5 would just tell the police what happened all the warrants
6 would be withdrawn and he could walk out of there a free
7 man; that he wouldn't face any consequences. So I filed a
8 motion to enforce that contract basically that he had lived
9 up to his end of the bargain. He had given complete non-
10 statements as to what had occurred in these attempted
11 murder cases and that the state should live up to theirs as
12 well. And that was heard before Judge John Hayes prior to
13 the first plea and it was denied but it was -- Basically
14 Judge Hayes saying that he believed it was more of a civil
15 issue to be resolved later. So we kind of set that up to
16 be used later on down the road with the actual murder case.

17 When we progressed to the actual murder case and
18 whether or not we would decide to go to trial what we ended
19 up doing was leveraging that civil case against the city of
20 Rock Hill who was the detectives in the murder case and
21 basically agreed to waive any lawsuit against the City in
22 exchange for them coming off of the murder to manslaughter.

23 And they came off of that day to day and to the
24 manslaughter was the sentencing range and that's when I
25 took that to Mr. Emmanuel for the plea and I thought that

TYLER BURNS: DIRECT BY MR. HUNTER

-24-

1 was a much better outcome for him considering his age and
2 the fact that he was gonna walk out of prison one day.

3 Q. Now aside from I guess including that sort of
4 negotiation, can you go over the plea negotiations? What
5 was the first plea negotiation, I guess the plea offer the
6 State gave?

7 A. I don't remember exactly. It wasn't anything great.
8 It was around forty to fifty. I don't remember exactly
9 what it was numerically. I believe we were still looking
10 pretty close to day for day time at that point. We hadn't
11 even discussed manslaughter possibilities but it was pretty
12 high. And I took that to Mr. Emmanuel and he maintained
13 that he didn't want to take the plea; that he wanted to go
14 to trial, so we just continued to prepare for trial.

15 Q. Okay. At what point did you guys discuss, I guess
16 the final plea offer and his acceptance of that?

17 A. It was actually a couple of different times. I
18 believe three or four. I didn't press him for answer. The
19 first couple of times I believe I kind of set it up to what
20 their offer was; what I felt about it; what the evidence
21 was pros and cons, and we kind of touched base on it a
22 couple times, kind of came back and see if he had any
23 questions talked to his family about it.

24 Part of it too was that his -- I believe mother and
25 sister were charged with accessory after the fact. The

1 state basically said they would loose interest in his
2 family if he were inclined to basically end the case as
3 well. So we kind of discussed all those factors; what
4 would happen, what I believed would happen if he went to
5 trial on the charges. Again all the attempted murder
6 charges, all those charges -- weapons charges and then the
7 murder charge itself as opposed to what he was looking at
8 with the plea agreement and I believe I said three or four
9 times we met on that.

10 Q. So what was the final plea offer?

11 A. Final plea offer was that they were gonna come off
12 the murder. They dropped a lot of the charges. A lot of
13 the actual kind of shooting -- other shootings that
14 happened be it the murder charges -- they kind of let him
15 pick a few of the ones that he would agree to plead to and
16 they went to from murder to manslaughter with the charges
17 that were in that indictment the armed robbery, possession
18 of a weapon during a violent crime, for a sentencing range
19 of twenty to forty.

20 Q. Twenty to forty. Was there any discussion about
21 whether it would be all concurrent or it would be a
22 consecutive sentence in there?

23 A. Well it was my understanding based on the sentence
24 that each one carried that there was some inherent risk of
25 consecutive sentences because you couldn't get to forty off

TYLER BURNS: DIRECT BY MR. HUNTER

-26-

1 of any one of those sentences individually so it would have
2 had to a been stacked somehow. Of course you get into the
3 very touchy situation of how a consecutive sentence affects
4 how you serve or your parole eligibility on the pervious
5 sentences and what sentences they stack based on the time
6 that that was all up to the judge but it couldn't be any
7 more than forty.

8 You know you kind of look at a best case scenario
9 where you get the minimum. And I tell pretty much -- I
10 told all my criminal clients, and I told Mr. Emmanuel the
11 same, SCDC doesn't understand how SCDC confuse time and
12 sentencing that I wasn't even gonna attempt to try to
13 compute it but theoretically it would work out to around
14 eighty-five percent. But you know you couldn't quote the
15 good-time credit or what he'd get credit for. So with the
16 way it was actually presented with a maximum of forty knew
17 that there was an inherent risk that it was gonna be a
18 pretty lengthy bottom sentence with a consecutive one
19 stacked on top of it.

20 Q. So twenty to forty was the final offer and that's
21 what he agreed to; is that correct?

22 A. That's correct.

23 Q. Okay. And was there ever a discussion about twenty
24 to twenty-five years?

25 A. Yeah. I never promised him that but with his age

1 and the fact that we were basically foregoing a trial on
2 all these cases, that that was pretty much his best case
3 scenario of what he was looking at. I didn't think that he
4 was going to get the absolute minimum. We didn't have any
5 where close to mitigation that would justify a judge coming
6 anywhere close to the minimum of the range. And I didn't
7 truly at the time foresee the maximum either.

8 I kind of would tell all of my clients, kind of told
9 'em all the same, that there's the difference between
10 what's probable and what's possible. What's possible was
11 getting forty years and what was probable I thought truly
12 at that time was a range of twenty-five to thirty. But
13 that was, again, his best case scenario.

14 Q. Well as far as his probable sentence of twenty to
15 thirty, how did you relay that information to him?

16 A. Well I just -- I thought that if we -- He ask -- He
17 kind of wanted absolutes as to what he was going to get and
18 pretty much told him there was just far too many factors to
19 ever say that you couldn't guarantee anybody anything ever;
20 that there was nothing I could guarantee him permanently or
21 about anything let alone his sentence. Just again, with
22 what we had by way of mitigation it was just my kind of
23 educated guess I thought that's what we were looking at by
24 way of -- by way of the sentence. Kind of by what I had
25 seen sentencing wise in the past; what I thought was

TYLER BURNS: DIRECT BY MR. HUNTER

-28-

1 possible; what I thought we could shoot for; what I thought
2 was realistically for him to look at, but I related too
3 that I could be dead wrong that it's happened many times in
4 the past. I could a been wrong about this that it could
5 have -- he could have walked out with the maximum forty and
6 it just turns out that's what happened.

7 Q. So what you're saying is the twenty to thirty is an
8 educated guess as to the time? What I'm getting at, that
9 wasn't the offer you related to him was it?

10 A. No, it wasn't the offer. I didn't want him to get his
11 hopes up. He heard this number twenty to forty that he was
12 going to -- I knew that there was pretty much any chance he
13 was gonna walk out of there with twenty years at the time.
14 I just truly didn't feel that was realistic. I really
15 tried to want to narrow him down to what I thought were the
16 most realistic possibilities.

17 I never said you're gonna walk in and get between
18 these two numbers. You're never gonna get twenty-five,
19 twenty to thirty years. I just kind of said this is
20 legally the minimum you can get; this is legally the
21 maximum you can kind of get. If we present these
22 mitigating factors, if we kind of lay these things out for
23 the judge, it's probable that this is kind of what you're
24 looking at in this range. But again anything is possible.
25 You could walk out of there with forty.

1 Q. And so did he ever give you any indication that he
2 thought you promised him twenty to twenty-five years?

3 A. No. In fact I was pretty clear about it and honestly
4 at the time I knew this was coming one day and I wish I had
5 my actual file. I left private practice and I wasn't able
6 to actually obtain it but as well as the plea affidavits
7 the prosecutor's office makes defendant's sign. We kind of
8 did my own where we laid out this is that he understood
9 that he was looking at twenty to forty and we kind of had
10 it in writing that he knew that anything was possible at
11 that point.

12 Q. And do you believe pleading guilty was in his best
13 interest in this case?

14 A. There is absolutely no doubt in my mind that it was
15 in his best interest. I really really thought he did it.
16 He was a young man, he's gonna walk out, walk out one day
17 and he's gonna see daylight again. He was facing so so
18 many charges that he basically admitted to. That he was
19 looking at several life sentences before he set foot in a
20 courtroom on the murder charge. So he was looking at the
21 possibility of being LWOP'd twice without parole before we
22 even went to trial on it because that's basically what Mr.
23 Thompson told me that the State's intent was. That they
24 were gonna strike him out and then proceed with it.

25 So we truly were looking at -- We were starting off

TYLER BURNS: DIRECT BY MR. HUNTER

-30-

1 with a very very very bad situation. And so when we moved
2 into the actual murder case the evidence was pretty
3 overwhelming in that as well. There were neutral eye-
4 witnesses that were neighbors. There were his co-
5 defendant's that basically flipped and they were gonna
6 testify against him. There were statements from victims
7 that were there. There were forensics that tied him to the
8 scene. It would a been -- It would have been truly
9 astounding if he beat every single one of the charges that
10 he admitted to and then went and did the murder and wasn't
11 facing a life sentence for murder and basically died behind
12 bars. So I thought this was in his best interest when they
13 offered it to him.

14 Q. Okay. And just a couple of more things. Before each
15 plea hearing did you ever tell him how he should answer the
16 judge's questions?

17 A. Yeah, I did. I told him that he should tell the truth
18 whatever the truth may be and answer honestly. And that if
19 he didn't understand anything to say that he didn't
20 understand and usually the judges would allow either allow
21 us to talk about it there or step back and readdress the
22 issue before coming back in front of the judge. So, yeah,
23 I told him how he should answer. That whatever the
24 question was he should be truthful.

25 Q. Okay. And just lastly, as far as your investigation

TYLER BURNS: DIRECT BY HUNTER
CROSS BY MR. SHELDON

-31-

1 is concerned was there anything, I guess, that you felt
2 like you were lacking that would have prevented you from
3 going to trial?

4 A. How so?

5 Q. Essentially he testified that he wanted to go to
6 trial. Would you have been ready to go to trial?

7 A. Absolutely. It would have been a series of trials.
8 I don't know what they would have started off with first by
9 way of. I guess. the batting order of the trials, but I was
10 completely prepared. I had -- Basically this had really
11 shut down my practice for the most part and devoted a great
12 deal of time to it. I was ready to roll and I was willing
13 to do my best for him had we actually started going to
14 trial. But I didn't think it was gonna turn out well for
15 him.

16 Q. Okay.

17 MR. HUNTER: Beg the Court's indulgence for one second.
18 That's all I have. Thank you, Mr. Burns.

19 MR. SHELTON: May it please the Court.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 TYLER BURNS BY MR. SHELTON:

23 Q. Good morning, Mr. Burns. Have you had an opportunity
24 to read the transcripts in the case?

25 A. I read the transcripts from the sentencing hearing

TYLER BURNS: CROSS BY MR. SHELDON

-32-

1 where there was essentially a plea to a second set of
2 charges and the sentencing for everything. The first
3 hearing was in front of Judge John Hayes. I hadn't
4 reviewed any transcripts from that. There was a pretty
5 much all day probable cause hearing of which I don't
6 believe there was any transcripts from. And there was the
7 first plea hearing which I believe, if my memory serves, in
8 front of Judge Couch. I haven't reviewed the transcripts
9 from that.

10 Q. You have or have not ---

11 A. I have not.

12 Q. --- reviewed the Judge Couch transcript?

13 A. I have not reviewed it.

14 Q. Okay. And that was that plea transcript and not the
15 -- to the first set of charges but no sentence; is that
16 right, on the Judge Couch transcript?

17 A. That's correct. They essentially wanted to -- They
18 weren't gonna let him delay any longer. They had to --
19 They wanted him to either plea or not plea, to take the
20 deal or move to trial, so they allowed us to lock in the
21 actual entry of the plea and then defer the sentencing.

22 Q. You referenced in your testimony earlier that you
23 had -- You referenced a plea affidavit that you did I think
24 was through -- maybe through your -- that your office had
25 or your own personal policy and then also a plea affidavit

1 that perhaps the State typically made you do; is that
2 right?

3 A. Yes.

4 Q. But in the transcripts, neither the first nor the
5 second transcript, is there any mention of any plea
6 affidavits being made Court Exhibits. Do you know if that
7 first, if the State's Plea Affidavit was ever made a Court
8 Exhibit in this case?

9 A. I don't know if they ever were. I think they just
10 kind of got tacked onto the back of the sentencing sheets.
11 Mine I never -- I'd seen some attorneys that would enter it
12 as Court's Exhibits. I pretty much just -- my hand -- It
13 was kind of scribbled that we would do before an actual
14 plea from both of us, I never entered 'em. I just would
15 kind of keep 'em for my file just in case.

16 Q. And you said earlier that you want -- and I just
17 really want to focus on this relaying of the offer to Mr.
18 Emmanuel.

19 A. Okay.

20 Q. That you had relayed an offer of twenty to forty to
21 him but had essentially said twenty-five to thirty is
22 realistically what I'm hoping for. Is that a fair
23 statement?

24 A. I think the way I said it was that that short absolute
25 best case scenario, that if your stars are alined, and all

TYLER BURNS: CROSS BY MR. SHELDON

-34-

1 things kind of went in your favor that's the top of the
2 mark what you're looking at. I really didn't want to build
3 up any hope one way or the other.

4 Q. Did you -- Did you advise him that he was facing
5 possible consecutive time?

6 A. Yes.

7 Q. So -- And that -- Perhaps that's kind of what I want
8 to talk to you about and I'm gonna read something you said
9 on Page 31 of the September 29th, 2014 transcript which
10 would a been the actual sentencing transcript.

11 THE COURT: What page?

12 MR. SHELTON: And that's page, 31, your Honor. And
13 this is gonna be it looks like lines one through sixish.

14 Q. And that would be "I advised him just to take these
15 ancillary charges because they were running concurrent and
16 basically had nothing else to lose for going down the road
17 for manslaughter."

18 So, and my question to you is if you're -- It seems
19 from what your statements to the court is that your
20 understanding was that these charges would all be running
21 concurrent to the most serious charge of manslaughter.

22 A. No, sir, not those. There was two sets of --
23 Basically two sets of pleas and one sentencing. What I
24 considered to be the ancillary charges I believe we
25 negotiated that they couldn't be run consecutive and those

1 were what I considered to be the ancillary charges were the
2 charges that where they stemmed from different factual
3 scenarios on different dates and different times. And they
4 were technically different cases cause this was essentially
5 many large cases wrapped up onto one humongous case.

6 And what I was referring to in that were that I
7 advised him of was the charges we entered the first go
8 round that were negotiated to be concurrent charges we knew
9 were gonna be concurrent no matter what and there was -
10 The judge -- I believe Judge Couch could have either
11 accepted the plea or denied the plea but couldn't have
12 really restacked them against him on those.

13 That day was a whole different situation because we
14 had entered a new plea to manslaughter, conspiracy, armed
15 robbery, possession of a firearm on that day in front of
16 Judge Edward Miller and there was a possibility with that
17 that they could have run consecutive.

18 Q. So from the Judge Miller transcript, which would be
19 the September transcript; the actual sentencing transcript,
20 you're saying that those charges could be run consecutive
21 but when you were giving that statement to the Court you
22 were speaking of the charges that he had pled to prior?

23 A. Essentially yes. We had a judge that was taking a
24 sentencing but not the actual entry of the pleas. And
25 honestly if you read that whole transcript it was a pretty

TYLER BURNS: CROSS BY MR. SHELDON

-36-

1 tough act to follow from the State's presentation. And I
2 was kind of trying to put my own just introduction as to
3 how we got to that point with everything else that had
4 transpired to that point and all the other charges he was
5 facing.

6 Q. And have you -- Have you handled -- You've obviously
7 handled General Session cases in the past. This isn't your
8 first General Sessions case; is that right?

9 A. Yeah, that's correct. I was -- actually started off
10 as a prosecutor here in York.

11 Q. So now I want to talk about the relaying of the offer
12 as it pertains to the record. It seems like from reading
13 both transcripts the offer is put on the record by the
14 prosecutor at the beginning of each transcript in July and
15 then again in September. Is that fair to say?

16 A. I haven't reviewed the actual entry of the first
17 transcript from Judge Couch but, I mean, from every case
18 I've ever really dealt with I've never started off as a
19 defense attorney introducing what the plea offer would be.
20 It's always been the state putting forth -

21 Q. But when -- Would it -- Based on your experience in
22 General Sessions would it be your opinion that the court
23 would ask the defendant about the recommendations and
24 things like that and other than the recommendations have
25 you been promised anything or anything like that?

1 A. If the court would ask Defense?

2 Q. Yes.

3 A. Pretty much every plea I've ever seen, yes.

4 Q. But in this particular case and neither of these
5 pleas did a judge ever actually say what the offer was to
6 the defendant. It was only the solicitor at the beginning
7 of the plea. And if I'm not making sense just tell me.

8 A. I believe I think we basically if I remember correctly
9 we had kind of a chart that the prosecutor had prepared.
10 And you have to give me a second. I think it was an issue
11 with an indictment and a sentencing sheet that we had to
12 basically step back and fix during the middle of the plea
13 or the sentencing with Judge Miller. And you've got the
14 transcript so correct me if I'm wrong, but I think that's
15 what we had to basically deal with that issue.

16 And if my memory served me I think it was more along
17 the lines of you heard what the prosecutor said do you
18 agree with that type thing rather than the Judge rehash.
19 But I kind of want to -- I believe -- I could be mistaken
20 but I thought Judge Miller went over the maximums that each
21 one had and if he didn't I believe he required they be
22 written on the sentencing sheets. So I don't recall from
23 that exactly but I want to think it that it had been said
24 -- it was said by the judge in the plea.

25 Q. And so did you have conversations with Mr. Emmanuel's

TYLER BURNS: CROSS BY MR. SHELDON

-38-

1 family about this case?

2 A. Yes.

3 Q. Was that a point of contact for you?

4 A. Yes, sir.

5 Q. And is part of this plea was it also -- Was part of
6 the plea also to essentially get charges reduced or
7 dismissed for members of his family?

8 A. It was never quite relayed to me that way because,
9 I mean, that would have been a pretty dirty statement to
10 make by any prosecutor to say you know to kind of blackmail
11 any defendant that they're gonna hold their family hostage
12 with charges. But it was kind of a wink and a nod
13 situation that we were gonna lose interest in his family
14 and not make the victim's family really involved in this if
15 we can wrap all this up at once.

16 Q. So that wasn't -- and not necessarily by any fault of
17 your own but was it packaged to the defendant that way as
18 part of the plea that your family will get reduced charges
19 or the state will lose interest? I mean was that related
20 as part of an actual plea to these charges?

21 A. It was. I've known -- I used to work with Mr.
22 Thompson and Mr. Epting and Ms. Holland here. They were
23 the three prosecutors on the case and they never have given
24 me reason to doubt what they said in the past so I never
25 had reason to doubt that they would double cross Mr.

1 Emmanuel on this.

2 Q. Did you hire an investigator in this case?

3 A. I did.

4 Q. Who was the investigator?

5 A. I -- Honestly I don't recall. I'm really bad with
6 names. I'm sorry, I don't recall.

7 Q. Okay. And at what point in time did you hire the
8 investigator? Was it towards the beginning of the case;
9 towards the end of the case?

10 A. It was relatively towards the beginning.

11 Q. You mentioned a Judge Hayes transcript, Judge John
12 Hayes transcript.

13 A. Correct.

14 Q. From a hearing that was not either of these
15 sentencing hearings. Did -- At that particular hearing
16 was that essentially a motion to withdraw the offer and set
17 the case for trial? I mean is that a fair assessment of
18 what occurred at that hearing?

19 A. No. That was a motion filed by me. And if you
20 listen to the audio tapes of his interview on all of these
21 other charges -- Let me back up for one second. He was
22 originally being investigated for a series of warrants and
23 a couple of attempted murder charges before they really
24 focused on Mr. Emmanuel as the suspect in this murder case.
25 So he was originally brought in to the police department to

TYLER BURNS: CROSS BY MR. SHELDON

-40-

1 speak to the detectives on what I considered to be the
2 ancillary charges to the murder.

3 Q. And, Mr. Burns, I'm sorry, I think that I was
4 confused. So that was essentially the civil motion you
5 referenced earlier, the Judge Hayes hearing?

6 A. It was. That was a hearing -

7 Q. Or a motion to enforce the deal basically. Or the
8 contract.

9 A. Yeah, I believe that based -- it was pretty clear on
10 the audio tapes that they said you tell us what happened
11 you be truthful and honest with you and you walk out of
12 here free, we'll withdraw the warrant. I made a motion
13 that that was the deal that he relied on the deal and that
14 it should be enforced and the charges should be dismissed.

15 Q. So I guess my question is that was there every a point
16 in time, or was there ever a hearing where you were --
17 where there was a withdrawal of the offer on the record
18 where it was -- this case was in a trial posture as opposed
19 to a plea posture?

20 A. No. I think we were approaching that point when
21 they came off the murder to manslaughter.

22 Q. It's it July 20 -- the original July transcript in
23 front of Judge Couch would the case had been tried that
24 week or was that the drop dead to plea we'll set for trial
25 at a later date?

TYLER BURNS: CROSS BY MR. SHELDON

-41-

1 A. I believe -- It wouldn't a been tried that week cause
2 I believe that they had pled the two co-defendants. A guy
3 Marquise Burris, I think, the day before so I think that
4 was the drop dead day to either plea or we'll set it for a
5 trial.

6 MR. SHELTON: Your Honor, I beg the Court's indulgence
7 for one second.

8 Judge, I don't have any more questions.

9 THE COURT: Any redirect other than what he went
10 into?

11 MR. HUNTER: No, your Honor.

12 THE COURT: Thank you, sir. You may step down.

13 (WITNESS LEAVES WITNESS STAND.)

14 MR. HUNTER: The State has no more witnesses.

15 THE COURT: Any reply?

16 MR. SHELTON: No, sir, your Honor.

17 THE COURT: Okay. I'll let you know.

18 MR. HUNTER: Thank you.

19 (COURT IN RECESS AT 10:54 AM.)
20
21
22
23
24
25

STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2015CP4602745

FILED-RECEIVED
2017 FEB -2 PM 4:03
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

Abbdul Emmanuel

South Carolina State Of

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: PCR application heard and taken under advisement.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


J. Mark Hayes, II.
Circuit Court Judge

2132
Judge Code

2-1-17
Date

For Clerk of Court Office Use Only

This judgment was entered on February 2, 2017, and a copy mailed first class or placed in the appropriate attorney's box on February 2, 2017, to attorneys of record or to parties (when appearing pro se) as follows:

Nathan James Sheldon PO Box 36682 Rock Hill, SC 29732

Justin James Hunter PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter: Wanda Nelson

David Hamilton - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

conspiracy (2014-GS-46-1222), and pointing/presenting a firearm (2014-GS-46-1223). Applicant waived presentment to the grand jury on the charges of criminal conspiracy (2014-GS-46-1503), assault and battery of a high and aggravated nature (2014-GS-46-2876), possession of a weapon during the commission of a violent crime (2014-GS-46-2876A), unlawful carrying of a pistol (2014-GS-46-2884) and criminal conspiracy (2014-GS-46-2885).

Applicant was represented by Tyler Burns, Esquire, on these charges. On July 21, 2014, Applicant and his plea counsel appeared before the Honorable Roger Couch and pled guilty to voluntary manslaughter as a lesser included offense of murder, possession of a weapon during the commission of a violent crime, armed robbery, and one count of criminal conspiracy. Sentencing was deferred to September 29, 2014. Applicant appeared on September 29, 2014, before the Honorable Edward Miller and pled guilty to the other charges as indicted. Applicant was sentenced with all sentences running concurrently except armed robbery. His sentences are as follows:

Voluntary Manslaughter (2014-GS-46-1220)	30 years
Possession of a Weapon During the Commission of a Violent Crime (2014-GS-46-1220A)	5 years
Armed Robbery (2014-GS-46-1221)	10 years (consecutive)
Possession of a Weapon During the Commission of a Violent Crime (2014-GS-46-1221A)	5 years
Criminal Conspiracy (2014-GS-46-1222)	5 years
Pointing/Presenting a Firearm (2014-GS-46-1223)	5 years
Criminal Conspiracy (2014-GS-46-1503)	5 years
ABHAN (2014-GS-46-2876)	20 years
Possession of a Weapon During the Commission of a Violent Crime (2014-GS-46-2876A)	5 years
Unlawful Carrying of a Pistol (2014-GS-46-2884)	1 year
Criminal Conspiracy (2014-GS-46-2885)	5 years

Applicant did not file a notice of appeal.

PCR Allegations

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

1. Ineffective Assistance of Counsel
 - a. Failure to object to sentencing phase
 - b. Failure to investigate

Applicant also lists in his application, "I was promised that if I took the plea that I wouldn't receive 'no more' than 20-25 years, I would like to vacate current sentence and remand for new trial."

II. SUMMARY OF EVIDENCE PRESENTED AT PCR HEARING

Applicant's Testimony

Applicant testified that he met with Mr. Burns (hereinafter "Counsel") four to five times after his arrest. He testified that he did not have a good relationship with Counsel and did not review discovery. He testified that the first plea offer he received was for forty-five years, which he rejected. Applicant testified that he received a final offer, and Counsel told him it would be twenty to twenty-five years. Applicant testified that he wanted to go to trial but was coerced to take the plea. Applicant testified that Counsel hired an investigator but he only spoke with this investigator on one occasion.

Counsel Tyler Burns' Testimony

Counsel testified that he met with Applicant several times. He testified that there were a large number of charges pending, including five additional attempted murder charges that were eventually dropped. He testified that he received discovery and reviewed it with Applicant, including five DVDs of information, recordings of his statements, and photos. Counsel testified that Applicant admitted a great deal in his statement and there were multiple neutral

eyewitnesses implicating Applicant. Counsel testified that Applicant assisted in his own defense but Counsel was weary about his alibi. He testified that he devoted a great deal of time to Applicant's case, which included hiring an investigator to look at the timeline of events that the State was alleging occurred.

Counsel testified that this was not Applicant's first run-in with the criminal justice system and believed he was very familiar with the process. He testified that the evidence against Applicant was overwhelming and the State indicated they might use strikes on other charges to seek a life without parole sentence. Counsel testified that he was able to leverage a civil case by Applicant against the police department to get the State to agree to drop the murder charge to voluntary manslaughter.

Counsel testified that the first plea offer he received was for around forty to fifty years. He testified that Applicant rejected this offer and wanted to pursue a trial. He testified that the final plea offer was for a recommendation of twenty to forty years, which was placed on the record by the State during the plea hearing. He testified that the plea offer also included a reduction from murder to voluntary manslaughter, and the dismissal of many other charges. Counsel also testified that part of the plea offer was that it was understood certain charges against Applicant's family members would be dropped.

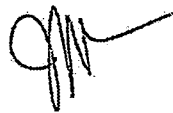
Counsel testified that he did not promise Applicant on the amount of time he would receive, but told Applicant that he thought the best-case scenario would result in a range of twenty to twenty-five years. Counsel testified that Applicant wanted to know exactly how much time he would receive, but Counsel again explained to him that he could not guarantee what he would receive and could only give an educated guess. He further testified that he did his own plea affidavits for his clients at the time that explained the client's rights and the plea offer.

III. APPLICABLE LAW

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

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

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



IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Ineffective Assistance of Counsel

Applicant alleges Counsel was ineffective regarding his guilty plea. This Court finds that Applicant failed to meet his burden of proving that his plea counsel was ineffective. This Court finds Applicant's attorney 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.

An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An

applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969).

Failure to Investigate

Applicant alleged that Counsel was ineffective for failing to investigate. "[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012). "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result." Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)).

This Court finds that Counsel performed a proper investigation into the facts and law during his representation of Applicant. This representation included the instigation of legal proceedings that forced the State to reduce the murder charge to manslaughter. Counsel also reduced Applicant's exposure by getting the State to drop numerous other charges as part of the plea negotiations. This Court finds that during the PCR hearing, Counsel appeared believable and credible in his explanation of his investigation into the facts of the case. Applicant has failed also failed to show that he was prejudiced by Counsel's actions as he has failed to show what



additional investigation would have uncovered and that he would have proceeded to trial but for Counsel's actions. Accordingly, this allegation must be dismissed.

Plea Advice

After conducting the hearing, and reviewing the transcript of the guilty pleas before Judges Couch and Miller, this Court cannot find that applicant has met his burden of proof of establishing that his plea counsel was ineffective in his advice to Applicant concerning the guilty plea. While the forty-year total sentence imposed by Judge Miller was substantial, the sentence was in the range originally recommended and announced on the record by the State during the first hearing before Judge Couch. This Court finds that Counsel relayed the plea offer recommendation of twenty to forty years and did not promise or guarantee a specific amount of time that Applicant would receive. This Court finds that Applicant's belief that he would receive a sentence between twenty and twenty-five years does not change the fact that he was well informed from Counsel prior to the plea and from the plea judge during the plea hearing that the recommendation from the State was twenty to forty years. See Wolfe v. State, 485 S.E.2d 367, 371, 326 S.C. 158, 165 (1997) (Wishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentences, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made). The record also reflects that Applicant was well aware that the plea judge did not have to accept the State's recommendation. Accordingly, this Court finds that Counsel was not ineffective regarding his advice surrounding Applicant's to guilty plea.

Furthermore, this Court finds that Applicant has failed to show that he was prejudiced by Counsel's actions because Applicant has failed to show that he otherwise would have elected to go to trial, and has not shown any error in Counsel's assistance that led him to plead guilty

instead. Therefore he cannot prove any prejudice. Accordingly, this allegation is denied and dismissed with prejudice.


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 Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds Applicant has abandoned any such allegations.

V. CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Applicant failed to demonstrate counsel's performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.


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



IT IS THEREFORE ORDERED THAT:

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

AND IT IS SO ORDERED this 26th day of April, 2017.



J. MARK HAYES II
Presiding Judge
Sixteenth Judicial Circuit

York, South Carolina

WITNESSES

RHPD / Quate

ARREST WARRANT NUMBER

COUNT 1: 2014A4620304002

COUNT 2: 2014A4620304010

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

4-17-2014

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS46-01220
2014-GS46-01220a

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

APRIL 17, TERM 2014

THE STATE

vs.

ABBDUL OMAR EMMANUEL

Indictment for

COUNT 1 - MURDER

SC Code: § 16-03-0010

CDR Code: 0116

COUNT 2 - POSSESSION OF A
FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME

SC Code: 16-23-0490

CDR Code: 0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

Jeomanie Lewis
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on April 17, 2014, the Grand Jurors of York County present upon their oath:

COUNT 1 – MURDER

Abbdul Omar Emmanuel did in York County on or about January 10, 2014, feloniously, willfully and with malice aforethought, kill one Michael Giddens by means of shooting him and Michael Giddens died as a result thereof, all in violation of Section 16-3-10, *Code of Laws of South Carolina* (1976), as amended. The Murder occurred at or near 1167 Cedar Grove Lane in the City of Rock Hill, South Carolina.

**COUNT 2 – POSSESSION OF A FIREARM DURING THE
 COMMISSION OF A VIOLENT CRIME**

Abbdul Omar Emmanuel did on or about January 10, 2014, possess a firearm while committing the violent crime of murder in York County, South Carolina, all in violation of Section 16-23-490, *Code of Laws of South Carolina*, (1976), as amended

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


 DEPUTY SOLICITOR

WITNESSES

RHPD / Welch

ARREST WARRANT NUMBER

COUNT 1 - 2014A4620304011
COUNT 2 - Dir. Ind.-Re: 2014A4620304010

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: 4-17-2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS46-01221
Dir. Ind. 2014-GS46-01221a

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

APRIL 17, TERM 2014

THE STATE

vs.

ABBDUL OMAR EMMANUEL

Indictment for

COUNT 1 - ARMED ROBBERY

SC Code: § 16-11-0330

CDR Code: 0139

COUNT 2 - POSSESSION OF A
FIREARM DURING THE COMMISSION
OF A VIOLENT CRIME

SC Code: 16-23-0490

CDR Code: 0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

[Signature]
C.C.C. PLS. AND G.S.

WITNESSES

RHPD / Quate

ARREST WARRANT NUMBER

2014A4620304012

ACTION OF GRAND JURY
TRUE BILL

[Signature]
Foreperson of Grand Jury
4-17-2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS46-01222

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

APRIL 17, TERM 2014

THE STATE

vs.

ABBDUL OMAR EMMANUEL

Indictment for

CRIMINAL CONSPIRACY

SC Code: 16-17-410
CDR Code:0049

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Abbdul Emmanuel
Defendant

Witness:
[Signature]
C.C.C. PLS AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on April 17, 2014, the Grand Jurors of York County present upon their oath:

CRIMINAL CONSPIRACY

Abbdul Omar Emmanuel did in York County on or about January 10, 2014, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree or have tacit understanding with Maurice Burris and/or Dontavion Qua'mek White for the purpose of committing the crime of Armed Robbery against Michael Giddens while at 1167 Cedar Grove Lane in the City of Rock Hill, South Carolina, all in violation of Section 16-17-410, *Code of Laws of South Carolina*, (1976), as amended.

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


DEPUTY SOLICITOR

WITNESSES

RHPD / Quate

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

~~TRUE BILL~~

Rebecca W. Means
Foreperson of Grand Jury
6/19/14

VERDICT

Foreperson of Petit Jury
Date:

DIRECT
DOCKET NO. 2014-GS46- 01880

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

JUNE 19, TERM 2014

THE STATE

vs.

ABBDUL OMAR EMMANUEL

Indictment for

BURGLARY FIRST DEGREE

SC Code: 16-11-311
CDR Code: 0079

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

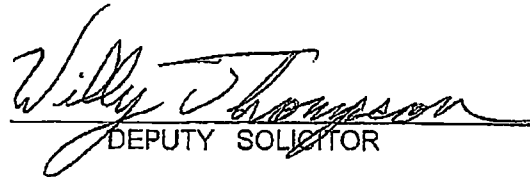
INDICTMENT

At a Court of General Sessions, convened on June 19, 2014, the Grand Jurors of York County present upon their oath:

BURGLARY FIRST DEGREE

Abbdul Omar Emmanuel did in York County on or about January 10, 2014, willfully and unlawfully enter the dwelling of Michael Giddens located at 1167 Cedar Grove Lane in the City of Rock Hill, South Carolina. Abbdul Omar Emmanuel entered without consent by using deception, artifice, trick, or misrepresentation to gain consent to enter, and he entered with the intent to commit a crime therein. At some point during the commission of the crime, Abbdul Omar Emmanuel, or another participant in the crime committed one or more of the following acts: 1. He was armed with a deadly weapon; 2. He caused physical injury to a person who was not a participant in the crime; 3. He used or threatened the use of a dangerous instrument; and/or 4. He displayed a firearm or what appeared to be a firearm. All in violation of Section 16-11-311, *Code of Laws of South Carolina (1976)*, as amended.

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


 DEPUTY SOLICITOR

WITNESSES

RHPD / QUATE

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Alvina C. Moore
Foreperson of Grand Jury
6/19/14

VERDICT

Foreperson of Petit Jury
Date:

DIRECT
DOCKET NO. 2014-GS46- 01881

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

JUNE 19, TERM 2014

THE STATE

vs.

ABBDUL OMAR EMMANUEL

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029
CDR Code: 3410

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on June 19, 2014, the Grand Jurors of York County present upon their oath:

ATTEMPTED MURDER

Abbdul Omar Emmanuel did in York County on or about January 10, 2014, feloniously, willfully and with malice aforethought, either expressed or implied, attempt to kill Rafael Renta by means of shooting at Rafael Renta with the intent to kill him; all in violation of Section 16-03-0029, *Code of Laws of South Carolina* (1976, 2010), as amended. This occurred at or near 1167 Cedar Grove Lane in the City of Rock Hill, South Carolina.

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF York
STATE VS.

INDICTMENT/CASE#: 2014-GS46-01220

Abdul Omar Emmanuel

A/W#: 2014A4620304002

AKA: CERTIFIED TRUE COPY

Date of Offense: 1/10/2014

Race: BLACK Sex: M Age: 20

S.C. Code §: 16-03-0050

DOB: SS#: 2015 NOV -2 PM 4: 00

CDR Code #: 0217

Address: Pebble Road

City, State, Zip: Rock Hill, SC 29730

DL#: SID#: SC 020186

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Manslaughter / Voluntary manslaughter

SENTENCE SHEET

ORIGINAL

CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Attorney: Willy Thompson 65118 Abdul Omar Emmanuel 77512
Thompson, Walter W. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 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. 257 DAYS
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fec: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____
Recipient: _____ May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 6
3% to County (if paid in installments)		\$
TOTAL		\$ 130

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

Clerk of Court/ Deputy Clerk: David Hamilton
Court Reporter: Aileen Butler
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2130
Sentence Date: 9-29-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF York
STATE VS.

INDICTMENT/CASE#: 2014-GS46-01220A

Abdul Omar Emmanuel

A/W#: 2014A4620304010

AKA: CERTIFIED TRUE COPY

Date of Offense: 1/10/2014

Race: BLACK Sex: M Age: 20

S.C. Code § : 16-23-0490

DOB: SS#: 2015 NOV -2 PM 4:01

CDR Code #: 0549

Address: Pebble Road

City, State, Zip: Rock Hill, SC 29730

DL#: SID#: SC 02018643

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET
ORIGINAL

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Walter Thompson 65118 SC Bar# Abdul Omar Emmanuel Defendant [Signature] Attorney for Defendant 77510 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 257 D17

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

PTUP _____

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/Deputy Clerk David Hamilton

Court Reporter: Aileen Butler

SCCA/217 (03/2011)

Presiding Judge [Signature]

Judge Code: 2130

Sentence Date: 9-29-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF York
STATE VS.

INDICTMENT/CASE#: 2014-GS46-01221

Abdul Omar Emmanuel

PA# 2014A4620304011

AKA: Abdul Omar Emmanuel

Date of Offense: 1/10/2014

Race: BLACK Sex: M

S.C. Code § : 16-11-0330(A)

DOB: SS#: 2015 NOV -20 PM 4:01

CDR Code #: 0139

Address: Pebble Road

City, State, Zip: Rock Hill, SC 29730

DL#: SID#: SC.02018845

ORIGINAL SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

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

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Walter W. Thompson 65118 Abdul Omar Emmanuel Jeffrey S. [Signature] 77512
Thompson, Walter W. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 10 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. 257 D.A.O.S
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: _____ \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-2i-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 6
3% to County (if paid in installments)		\$
TOTAL		\$ 130

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

Clerk of Court/ Deputy Clerk: David Hamilton
Court Reporter: Aileen Butler
SCCA217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2130
Sentence Date: 9-29-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF York
STATE VS.

INDICTMENT/CASE#: 2014-GS46-01222

Abdul Omar Emmanuel

A/W#: 2014A4620304012

AKA: CERTIFIED TRUE COPY

Date of Offense: 1/10/2014

Race: BLACK Sex: M Age: 20

S.C. Code § : 16-17-0410

DOB: SS#: 2015 NOV -2 PM 4: 01

CDR Code #: 0049

Address: Pebble Road

City, State, Zip: Rock Hill, SC 29730

DL#: SID#: SC 02018641

*CDL Yes No CMV Yes No Hazmat

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

CONVICTED OF or PLEADS

TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTORNEYS: Walter W. Thompson 65118 SC Bar# Abdul Omar Emmanuel Defendant Walter W. Thompson Attorney for Defendant 7517 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 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. 257 ORCS
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
 Set by SCDPPPS

PTUP: days/hours Public Service Employment

Obtain GED
Attend Voc. Rehab. or Job Corp.

May serve W/E beginning
Substance Abuse Counseling

Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund
Other:

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

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

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Chloea Butler

Presiding Judge Edward Miller
Judge Code: 2130
Sentence Date: 9-29-14

DOCKET NO. 2014-GS-46-02876
2014-GS46-02876 (A)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Abdul Emmanuel
Defendant

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

September 11, Term 2014

I hereby appear in my own proper person and plead guilty to the within indictment or to

ABHIAN

Abdul Emmanuel
Defendant

THE STATE

vs.

Witness:
Abdul Emmanuel
C.C. PLS. AND G.S.

ABBDUL OMAR EMMANUEL

Indictment for
COUNT ONE
ATTEMPTED MURDER
SC Code: 16-03-029
CDR Code: 3410

COUNT TWO

POSSESSION OF A WEAPON DURING THE
COMISSION OF A VIOLENT CRIME
SC Code: 16-23-490
CDR Code: 549

WITNESSES

RHPDThomas

sgH

ARREST WARRANT NUMBER

Count One: 2014A4620303950

Count Two: 2014A462030951

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

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

COUNT ONE: ATTEMPTED MURDER

The Defendant, Abbdul Omar Emmanuel, did in York County, South Carolina, on or about January 12, 2014, feloniously, wilfully and with malice aforethought attempt to Murder one Tavious Truesdale by shooting at said victim with a handgun, all in violation of Section 16-1-80, Code of Laws of South Carolina, (1976, as amended).

**COUNT TWO: POSSESSION OF A WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME**

The Defendant, Abbdul Omar Emmanuel, did in York County on or about January 12, 2014, while committing the crime of Attempted Murder, a crime of violence, have in his possession or did take into his possession a gun, all in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



 ASSISTANT SOLICITOR

WITNESSES

RHPD / Thomas

ARREST WARRANT NUMBER

2014A4620303952

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-46- 02884

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

SEPTEMBER 15, TERM 2014

THE STATE

vs.

ABBDUL OMAR EMMANUEL

Indictment for

WEAPONS / UNLAWFUL CARRYING
OF PISTOL

SC Code: § 16-23-0020, 0050(A)(2)
CDR Code: 0044

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Abdul Omar Emmanuel
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Abdul Omar Emmanuel
Defendant

Witness:
Abdul Omar Emmanuel
C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on September 15, 2014, the Grand Jurors of York County present upon their oath:

WEAPONS / UNLAWFUL CARRYING OF PISTOL

The defendant, Abbdul Omar Emmanuel did in York County, on or about January 9, 2014, willfully and unlawfully carry about his person a handgun, whether concealed or not. All in violation of §16-23-20 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.


CHRISTOPHER W. EPTING

WITNESSES

RHPD / Thomas

ARREST WARRANT NUMBER

2014A4620303955

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-46-02885

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

SEPTEMBER 15, TERM 2014

THE STATE

vs.

ABBDUL OMAR EMMANUEL

Indictment for

**CONSPIRACY / CRIMINAL
CONSPIRACY, COMMON LAW
CONSPIRACY DEFINED**

SC Code: § 16-17-0410
CDR Code: 0049

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Abdul Omar Emmanuel
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Abdul Omar Emmanuel
Defendant

Witness:
[Signature]
C.C.C. PLS. AND GS.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on September 15, 2014, the Grand Jurors of York County present upon their oath:

CONSPIRACY / CRIMINAL CONSPIRACY, COMMON LAW CONSPIRACY DEFINED

The defendant, Abdul Omar Emmanuel did on or about January 9, 2014 in York County, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree or have tacit understanding with Robert Johnson and/or Marquise Glover and/or Quameek White, for the purpose of committing the crime of assault and/or other criminal offenses. All in violation of 16-17-0410, Code of Laws of South Carolina, (1976), as amended.

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


CHRISTOPHER W. EPTING

DOCKET NO. 2014-GS-46-1223

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina

County of York

Abdul Emmanuel
Defendant

COURT OF GENERAL SESSIONS

October 9, Term 2014

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

Abdul Emmanuel
Defendant

Witness:
Charles C. Pls. and G.S.
C.C. PLS. AND G.S.

ABBDUL OMAR EMMANUEL

WITNESSES

RHPD\Stokes

sg

ARREST WARRANT NUMBER

2013A4620303764

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Indictment for

POINTING/PRESENTING A FIREARM

SC Code: 16-23-410
CDR Code: 122

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-46-01503

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

RHPD/Riley

The State of South Carolina
County of York

Defendant.

COURT OF GENERAL SESSIONS

May 29, Term 2014

I hereby appear in my own proper person and plead guilty to the within indictment or to

sgH

ARREST WARRANT NUMBER

2014A4620304029

Abdul Emmanuel
Defendant

THE STATE

vs.

Witness:
Abdul Emmanuel
C.C. PLS. AND GIS

ACTION OF GRAND JURY

ABBDUL OMAR EMMANUEL

TRUE BILL

Rebecca W. Meares
Foreperson of Grand Jury
Date: 5/29/14

VERDICT

Indictment for
CRIMINAL CONSPIRACY

SC Code: 16-17-410
CDR Code: 049

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on May 29, 2014, the Grand Jurors of York County present upon their oath:

CRIMINAL CONSPIRACY

The Defendant, Abbdul Omar Emmanuel, did in York County, South Carolina, on or about November 19, 2013, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree or have tacit understanding with Robert Johnson, for the purpose of committing the crime of Attempted Murder or Discharging a Firearm Into an Occupied Dwelling. All in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

DOCKET NO. 2014-GS-46-01530

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

156

WITNESSES

RHPD\Thomas

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

May 29, Term 2014

I hereby appear in my own proper person and plead guilty to the within indictment or to

In

ARREST WARRANT NUMBER

2014A4620304015

Defendant

THE STATE

VS.

Witness:

ABBDUL OMAR EMMANUEL

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Rebecca W. Mease

Foreperson of Grand Jury

Date: 5/29/14

VERDICT

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-29

CDR Code: 3410

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

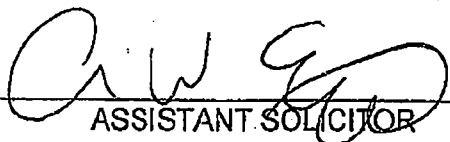
INDICTMENT

At a Court of General Sessions, convened on May 29, 2014, the Grand Jurors of York County present upon their oath:

ATTEMPTED MURDER

The Defendant, Abbdul Omar Emmanuel, did in York County, South Carolina on or about December 17, 2013, with malice aforethought, either express or implied, attempt to the kill the victim, Tavious Truesdale to wit: the defendant did shoot while chasing the victim, Tavious Truesdale, this occurred in the 800 block of E. Black Street, Rock Hill, South Carolina, all with the intent to kill said victim. All in violation of Section 16-03-29 of the Code of Laws of South Carolina, (1976, 2010 as amended).

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


ASSISTANT SOLICITOR

DOCKET NO. 2014-GS-49-01531

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

158

WITNESSES

RHPD/Thomas

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

May 29, Term 2014

hereby appear in my own proper person and plead guilty to the within indictment or to

In

ARREST WARRANT NUMBER

2014A4620304016

THE STATE

Defendant

vs.

Witness:

ACTION OF GRAND JURY

ABBDUL OMAR EMMANUEL

C.C.C. PLS. AND G.S.

~~NOTE~~

Rebecca M. Meares
Foreperson of Grand Jury

Date: 5/29/14

VERDICT

Indictment for

POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-490
CDR Code: 549

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

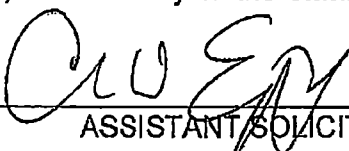
INDICTMENT

At a Court of General Sessions, convened on May 29, 2014, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT
CRIME**

The Defendant, Abbdul Omar Emmanuel, did in York County on or about December 17, 2013, while committing the crime of Attempted Murder, a crime of violence, have in his possession a handgun, all in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

DOCKET NO. 2014-GS-46-01532

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

RHPD/Thomas

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

May 29, Term 2014

I hereby appear in my own proper person and plead guilty to the within indictment or to

In

ARREST WARRANT NUMBER

2014A4620304017

THE STATE

vs.

Defendant

Witness:

ACTION OF GRAND JURY

ABBDUL OMAR EMMANUEL

C.C.C. PLS. AND G.S.

TRUE BILL

Rebecca W. Meane
Foreperson of Grand Jury

Date: 5/29/14

VERDICT

Indictment for

CARRYING A PISTOL UNLAWFULLY

SC Code: 16-23-20
CDR Code: 044

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-46-01533

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

RHPDThomas

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

May 29, Term 2014

I hereby appear in my own proper person and plead guilty to the within indictment or to

In

ARREST WARRANT NUMBER

2014A4620304018

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

ABBDUL OMAR EMMANUEL

TRUE BILL

THE STATE

vs.

Rebecca A. Mears
Foreperson of Grand Jury
Date: 5/29/14

VERDICT

Indictment for
CRIMINAL CONSPIRACY

SC Code: 16-17-410
CDR Code: 049

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

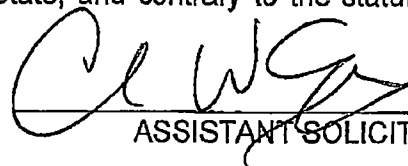
INDICTMENT

At a Court of General Sessions, convened on May 29, 2014, the Grand Jurors of York County present upon their oath:

CRIMINAL CONSPIRACY

The Defendant, Abbdul Omar Emmanuel, did in York County, South Carolina, on or about December 17, 2013, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree or have tacit understanding with another, for the purpose of committing the crime of Attempted Murder. All in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

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


ASSISTANT SOLICITOR

DOCKET NO. 2014-GS-46-01504

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

RHPD/Philson

The State of South Carolina
County of York

Defendant

COURT OF GENERAL SESSIONS

May 29, Term 2014

hereby appear in my own proper person and plead guilty to the within indictment or to

sgn

ARREST WARRANT NUMBER

2014A4620304123

THE STATE

Defendant

vs.

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

ABBDUL OMAR EMMANUEL

TRUE BILL

Rebecca H. Meares
Foreperson of Grand Jury
Date: 5/29/14

VERDICT

Indictment for
CRIMINAL CONSPIRACY

SC Code: 16-17-410
CDR Code: 049

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on May 29, 2014, the Grand Jurors of York County present upon their oath:

CRIMINAL CONSPIRACY

The Defendant, Abbdul Omar Emmanuel, did in York County, South Carolina, on or about November 18, 2013, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree or have tacit understanding with Wali Rhinehart for the purpose of committing the crime of Attempted Murder or Discharging a Firearm Into an Occupied Dwelling. All in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

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


 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF York
STATE VS.
Abdul Omar Emmanuel

INDICTMENT/CASE#: 2014GS4602876

AKA:

A/W#: 2014A4620303950

Race: BLACK Sex: M Age: 20

Date of Offense: 1/9/2014

Address: Pebble Road

Code §: 16-03-0029

City, State, Zip: Rock Hill, SC 29730

CDR Code #: 3410

DL#: SID#:

2015 NOV -2 PM 4:02

SENTENCE SHEET ORIGINAL

*CDL Yes No CMV Yes No Hazmat **DAVID HAMILTON CLERK OF COURT YORK COUNTY, SC**

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

CONVICTED OF or PLEADS

TO: Assault / Assault & Battery of a High & Aggravated Nature

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: C. US 26321 Abdul Omar Emmanuel 2515
Epting, Christopher W SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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. 257 DAK
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

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

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Aileen Butler
SCCA/217 (03/2011)

Presiding Judge EDJ W. M. J.
Judge Code: 2130
Sentence Date: 9-29-14

OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

167

COUNTY OF York
STATE VS.

Abdul Omar Emmanuel

INDICTMENT/CASE#: 2014GS4602876(A)

A/W#: 2014A4620303951

Date of Offense: 1/9/2014

AKA: Race: BLACK Sex: M Age: 30 § 16-23-0490

DOB: SS#: CDR Code #: 0549

Address: Pebble Road 2015 NOV -2 PM 4: 02

City, State, Zip: Rock Hill, SC 29730

DL#: SID#: DAVID HAMILTON CLERK OF COURT YORK COUNTY, SC

*CDL Yes No CMV Yes No Hazmat CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was: TO: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Epting, Christopher W. SC Bar# 7632 Defendant Abdul Omar Emmanuel Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 257 DTS

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED

Payment Terms: Attend Voc. Rehab. or Job Corp.

Set by SCDPPPS May serve W/E beginning

Recipient: Substance Abuse Counseling

*Fine: \$ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5

3% to County (if paid in installments) \$

TOTAL \$ 130

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

Presiding Judge 2014 W. M. C.

Judge Code: 2130

Sentence Date: 9-29-14

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Aileen Butler
SCCA/217 (03/2011)

COUNTY OF York
STATE VS.
Abdul Omar Emmanuel

INDICTMENT/CASE#: 2014GS46-2884
A/W#: 2014A4620303952
Date of Offense: 1/9/2014
S.C. Code § : 16-23-0020, 0050(A)(2)
CDR Code #: 0044

AKA:
Race: BLACK Sex: M Age: 19
DOB: SS#:
Address: Pebble Road
City, State, Zip: Rock Hill, SC 29730
DL#: SID#:
2015 NOV - 2 PM 4: 02

CERTIFIED TRUE COPY

SENTENCE SHEET
ORIGINAL

*CDL Yes No CMV Yes No Hazmat
In disposition of the said indictment comes now the Defendant was so
TO: Weapons / Unlawful carrying of pistol

CONVICTED OF or PLEADS

in violation of § 16-23-0020, 0050(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0044
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials) AE
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Christopher W Epting, Christopher W
76321 SC Bar# Defendant
Abdul Emmanuel Attorney for Defendant
2014 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 1 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. 257 CMS
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____
Recipient: _____

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	5
3% to County (if paid in installments)		\$	
TOTAL		\$	130

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

Clerk of Court/Deputy Clerk David Hamilton
Court Reporter: Aileen Butler
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2130
Sentence Date: 9-29-14

SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

169

COUNTY OF YORK VS. Abbdul Omar Emmanuel

INDICTMENT/CASE#: 2014GS46-2885 A/W#: 2014A4620303955 Date of Offense: 1/9/2014 S.C. Code §: 16-17-0410 CDR Code #: 0049

AKA: Race: BLACK Sex: M DOB: Address: Pebble Road City, State, Zip: Rock Hill, SC 29730 DL#: SID#: 2015 NOV -2 PM 4: 02

CERTIFIED TRUE COPY

SENTENCE SHEET ORIGINAL

*CDL Yes No CMV Yes No Hazardous Materials In disposition of the said indictment comes now the Defendant who was TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

CONVICTED OF or PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST Epting, Christopher SC Bar# 76321 Defendant Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 257 DAYS The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

PTUP days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Table with columns for Fee Description, Amount, and Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL \$ 130

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

Clerk of Court/ Deputy Clerk David Hamilton Court Reporter: Aileen Butler SCCA/217 (03/2011)

Presiding Judge Judge Code: 2130 Sentence Date: 9-29-14

COUNTY OF York)
STATE VS.)

Abdul Omar Emmanuel

INDICTMENT/CASE#: 2014GS4601223

AKA:

A/W#: 2013A4620303764

Race: BLACK Sex: M Age: 18

Date of Offense: 11/27/2013

DOB: SS#: CERTIFIED TRUE COPY

S.C. Code § : 16-23-0410

Address: Pebble Road

CDR Code #: 0122

City, State, Zip: Rock Hill, SC 29730

2015 NOV -2 PM 4:01

DL#: SID#:

SENTENCE SHEET ORIGINAL

*CDL Yes No CMV Yes No Hazardous

In disposition of the said indictment comes now the Court

CONVICTED OF or PLEADS

TO: Weapons / Pointing and presenting firearms at a person

in violation of § 16-23-0410 of the S.C. Code of Laws, bearing CDR Code # 0122

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

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Jessica E Holland, SC Bar# 75182 Defendant
Abdul Omar Emmanuel, SC Bar# 7750 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 257 DMS

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk David Hamilton

Court Reporter: Aileen Butler

Presiding Judge

Judge Code: 2130

Sentence Date: 9-29-14

COUNTY OF York VS. Abdul Omar Emmanuel

INDICTMENT/CASE#: 2014GS4601503
A/W#: 2014A4620304029
Date of Offense: 11/19/2013
S.C. Code § : 16-17-0410
CDR Code #: 0049

AKA:
Race: BLACK Sex: M Age: 19
DOB: SS#:
Address: Pebble Road
City, State, Zip: Rock Hill, SC 29730
DL#: SID#:
2015 NOV -2 PM 4: 01

SENTENCE SHEET ORIGINAL

*CDL Yes No CMV Yes No
In disposition of the said indictment comes now before the Court was
TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

CONVICTED OF or PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
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.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Holland, Jessica E SC Bar# 75182 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$ 130

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

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

Clerk of Court/ Deputy Clerk David Hamilton
Court Reporter: Aileen Butler
SCCA/217 (03/2011)

Presiding Judge Judge Code: 2130 Sentence Date: 9-29-14