

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

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S.C. Supreme Court

DAYVONN A. VALENTINE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2011-196598

APPENDIX

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

KAREN RATIGAN
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS

THE STATE,

VERSUS

DAYVONN ANTONIO VALENTINE)

DEFENDANT.)

06-GS-23-2705, 2706, 2707

TRANSCRIPT OF RECORD

APRIL 5, 2006

GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE D. GARRISON HILL

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

BRYNA SEAY, Esquire
Assistant Solicitor

SYDNEY MITCHELL, Esquire
Attorney for the Defendant

DAWN V. KOFFSKEY
COURT REPORTER

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GUILTY PLEA OF DAYVONN ANTONIO VALENTINE

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(NO EXHIBITS WERE ENTERED INTO EVIDENCE DURING THIS PLEA)

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 **MADAME CLERK:** YOUR HONOR, THIS IS INDICTMENT 2006-GS-23-
2 2701, RICKY LYNN CONNER INDICTED FOR ARMED ROBBERY AND POSSESSION
3 OF A WEAPON DURING THE COMMISSION OF OR THE ATTEMPT TO COMMIT A
4 VIOLENT CRIME, PLEADING TO THE SAME ON BOTH COUNTS; INDICTMENT
5 2006-GS-23-2700, INDICTED FOR KIDNAPPING, PLEADING TO THE SAME,
6 EIGHT COUNTS; INDICTMENT 2006-GS-23-2699, INDICTED FOR ARMED
7 ROBBERY, PLEADING TO THE SAME, EIGHT COUNTS. THEY ARE ALL
8 WAIVERS.

9 INDICTMENT 2006-GS-23-2703, KALIEF KORAN (PHONETIC) HAYNES
10 INDICTED FOR KIDNAPPING, PLEADING TO THE SAME, EIGHT COUNTS;
11 INDICTMENT 2006-GS-23-2702, INDICTED FOR ARMED ROBBERY, PLEADING
12 TO THE SAME, EIGHT COUNTS; INDICTMENT 2006-GS-23-2704, INDICTED
13 FOR ARMED ROBBERY AND POSSESSION OF A WEAPON DURING THE
14 COMMISSION OF OR THE ATTEMPT TO COMMIT A VIOLENT CRIME, PLEADING
15 TO THE SAME ON BOTH COUNTS. THEY ARE ALL WAIVERS.

16 INDICTMENT 2006-GS-23-2707, DAYVONN ANTONIO VALENTINE,
17 INDICTED FOR ARMED ROBBERY AND POSSESSION OF A WEAPON DURING THE
18 COMMISSION OR ATTEMPT TO COMMIT A VIOLENT CRIME, PLEADING TO THE
19 SAME, BOTH COUNTS; INDICTMENT 2006-GS-23-2705, INDICTED FOR ARMED
20 ROBBERY, PLEADING TO THE SAME, EIGHT COUNTS AND INDICTMENT 2006-
21 GS-23-2706, INDICTED FOR KIDNAPPING, PLEADING TO THE SAME, EIGHT
22 COUNTS. THEY ARE ALL WAIVERS.

23 (ALL DEFENDANTS PLACED UNDER OATH)

24 **THE COURT:** OKAY. GOOD AFTERNOON. YOU UNDERSTAND YOU HAVE
25 THE RIGHT TO HAVE YOUR PLEA ENTERED BY YOURSELF AND NOT WITH A

1 GROUP OF PEOPLE AND UNDERSTANDING THAT RIGHT DO YOU STILL WISH TO
2 ENTER YOUR PLEA WITH THIS GROUP, MR. CONNER?

3 DEFENDANT CONNER: YES, SIR.

4 THE COURT: OKAY. MR. HAYNES?

5 DEFENDANT HAYNES: YES, SIR.

6 THE COURT: MR. VALENTINE?

7 DEFENDANT VALENTINE: YES, SIR.

8 THE COURT: IF YOU WOULD, JUST TELL ME HOW FAR YOU WENT IN
9 SCHOOL AND WHAT KIND OF WORK YOU'VE DONE IN THE PAST, MR. CONNER?

10 DEFENDANT CONNER: ELEVENTH GRADE. I DIDN'T FINISH HIGH
11 SCHOOL.

12 THE COURT: OKAY.

13 MR. BANNISTER: WHAT KIND OF WORK HAVE YOU DONE?

14 DEFENDANT CONNER: I HAD TWO JOBS WORKING AT THE MALL AND
15 WORKING AT BURGER KING.

16 THE COURT: ALL RIGHT. THANK YOU, MR. CONNER.

17 MR. HAYNES?

18 DEFENDANT HAYNES: I GRADUATED FROM J.L. MANN, 2003. I
19 WENT ON TO ENROLL IN GARDNER WEBB UNIVERSITY IN NORTH CAROLINA,
20 TRANSFERRED TO GREENVILLE TECH. AT THE TIME I WORKED AT ARBY'S
21 FOR ABOUT FIVE YEARS. THREE OF THE FIVE YEARS I WAS IN A
22 MANAGEMENT POSITION AT ARBY'S PRIOR TO MY BEING ARRESTED.

23 THE COURT: OKAY. THANK YOU, MR. HAYNES.

24 MR. VALENTINE?

25 DEFENDANT VALENTINE: I'M 21. I DIDN'T FINISH HIGH SCHOOL.

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 I FINISHED THE ELEVENTH GRADE. I WORKED AT PIZZA HUT, HARDEE'S,
2 CSI, TEMPORARY SERVICES, A COUPLE OTHER PLACES.

3 THE COURT: ALL RIGHT, SIR. THANK YOU, MR. VALENTINE.

4 HAVE ANY OF YOU HAD ANY ALCOHOL OR DRUGS OR MEDICATION IN
5 THE PAST 48 HOURS? MR. CONNER?

6 DEFENDANT CONNER: NO, SIR.

7 THE COURT: MR. HAYNES?

8 DEFENDANT HAYNES: NO, SIR.

9 THE COURT: MR. VALENTINE?

10 DEFENDANT VALENTINE: NO, SIR.

11 THE COURT: DO YOU HAVE ANY PHYSICAL OR MENTAL OR EMOTIONAL
12 PROBLEM THAT WOULD KEEP YOU FROM UNDERSTANDING WHAT IS HAPPENING
13 HERE TODAY? MR. CONNER?

14 DEFENDANT CONNER: NO, SIR.

15 THE COURT: MR. HAYNES?

16 DEFENDANT HAYNES: NO, SIR.

17 THE COURT: MR. VALENTINE?

18 DEFENDANT VALENTINE: NO, SIR.

19 THE COURT: HAVE YOU HAD ENOUGH TIME TO TALK WITH YOUR
20 LAWYER ABOUT YOUR CASE AND ARE YOU FULLY SATISFIED WITH YOUR
21 LAWYER'S SERVICES? MR. CONNER?

22 DEFENDANT CONNER: YES, SIR.

23 THE COURT: MR. HAYNES?

24 DEFENDANT HAYNES: TO BE HONEST, SIR, I HAVEN'T TALKED TO
25 -- I HAD HAD A PREVIOUS LAWYER AND I WAS SUPPOSED TO HAVE A PAID

GUILTY PLEA -- THE STATE VERSUS DAIVONN ANTONIO VILLERAZ

1 LAWYER. I TALKED TO HIM, PAID HIM MONEY BUT HAVE NOT TALKED TO
2 HIM. THE PUBLIC DEFENDER I HAD GOT WAS JAMES GOLDSMITH. I
3 TALKED TO HIM IN OCTOBER. BUT I JUST NOW RECENTLY TALKED TO HIM
4 YESTERDAY PRIOR TO THE WHOLE NINE MONTHS BEING INCARCERATED AT
5 GCDC. SO ME COMING TO COURT TODAY, I REALLY DON'T KNOW WHAT'S
6 GOING THROUGH. BUT THEY TOLD ME YOU'RE A FAIR JUDGE WHICH IS WHY
7 I AM HERE TODAY.

8 THE COURT: WELL, SIR, YOU KNOW, THESE ARE SERIOUS MATTERS.
9 I DON'T HAVE TO TELL YOU THAT. AND YOU HAVE TO BE COMPLETELY
10 COMFORTABLE WITH IT BEFORE I'M GOING TO ACCEPT YOUR PLEA. IT
11 DOESN'T SOUND TO ME LIKE YOU'RE COMFORTABLE. SO I'M NOT GOING TO
12 GO FORWARD WITH YOUR CASE. YOU NEED TO BE ABSOLUTELY CERTAIN
13 THAT YOU WANT TO DO THIS AND THAT YOU HAVE HAD A LAWYER THAT YOU
14 FEEL LIKE HAS GIVEN YOU EVERYTHING YOU NEED. ALL RIGHT? NOW, I
15 UNDERSTAND THAT HE'S A PUBLIC DEFENDER, BUT HE'S A FINE LAWYER
16 AND LABELS DON'T MAKE MUCH DIFFERENCE. YOU JUST NEED TO TALK TO
17 HIM SOME MORE, GET YOUR COMFORT LEVEL RIGHT BEFORE YOU CAN GO
18 FORWARD. OKAY? IF YOU WANT TO GO BACK AND TALK TO HIM RIGHT
19 NOW, YOU CAN. IF YOU NEED MORE TIME, I'LL GIVE YOU MORE TIME.
20 BUT WE'RE NOT GOING FORWARD UNTIL YOU'RE TELLING ME YOU'RE
21 ABSOLUTELY COMFORTABLE AND YOU WANT TO GO FORWARD, OKAY?

22 DEFENDANT HAYNES: I'M OKAY, SIR.

23 THE COURT: SO YOU'RE SATISFIED WITH MR. GOLDSMITH?

24 DEFENDANT HAYNES: (INDICATES AFFIRMATIVE RESPONSE)

25 THE COURT: YOU HAVE TO ANSWER.

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 DEFENDANT HAYNES: YES, SIR.

2 THE COURT: YES, SIR. MR. HAYNES, DO YOU NEED ANY MORE
3 TIME TO TALK TO HIM?

4 DEFENDANT HAYNES: NO, SIR.

5 THE COURT: ARE YOU ABSOLUTELY CERTAIN OF THAT?

6 DEFENDANT HAYNES: YES, SIR.

7 THE COURT: OKAY. DO YOU HAVE ANY QUESTIONS OF ME?

8 DEFENDANT HAYNES: NO, SIR.

9 THE COURT: OKAY. IF AT ANY TIME WHEN WE'RE DOING THIS
10 PLEA -- AND THIS GOES FOR YOU TOO, MR. CONNER AND MR. VALENTINE
11 -- IF YOU DON'T UNDERSTAND ANYTHING I'M SAYING OR YOU WANT TO
12 HAVE MORE TIME OR YOU WANT ME TO STATE SOMETHING DIFFERENTLY
13 BECAUSE YOU DON'T UNDERSTAND IT OR IF I'M JUST NOT MAKING SENSE,
14 YOU JUST RAISE YOUR HAND AND WE'LL TAKE A BREAK AND LET YOU TALK
15 TO YOUR LAWYER OR WHATEVER YOU NEED TO DO. DO YOU UNDERSTAND
16 THAT, MR. CONNER?

17 DEFENDANT CONNER: YES, SIR.

18 THE COURT: MR. HAYNES?

19 DEFENDANT HAYNES: YES, SIR.

20 THE COURT: AND, MR. VALENTINE?

21 DEFENDANT VALENTINE: YES, SIR.

22 THE COURT: OKAY. ARE YOU SATISFIED WITH MR. MITCHELL, MR.
23 VALENTINE?

24 DEFENDANT VALENTINE: YES, SIR.

25 THE COURT: ALL RIGHT. HAVE YOU HAD ENOUGH TIME TO TALK

GUILTY PLEA -- THE STATE VERSUS DAIVONN ANTONIO VALENTINE

1 TO HIM?

2 DEFENDANT VALENTINE: YES, SIR.

3 THE COURT: OKAY. NOW, ARE YOU AWARE OF THE MAXIMUM
4 SENTENCE YOU FACE FOR THESE CHARGES AND WHAT THE STATE WOULD HAVE
5 TO PROVE IN TERMS OF THE ELEMENTS OF EACH CHARGE YOU ARE OFFERING
6 TO PLEAD GUILTY TO IN ORDER TO CONVICT YOU AT A TRIAL? MR.
7 CONNER?

8 DEFENDANT CONNER: YES, SIR.

9 THE COURT: MR. HAYNES?

10 DEFENDANT HAYNES: YES, SIR.

11 THE COURT: MR. VALENTINE?

12 DEFENDANT VALENTINE: YES, SIR.

13 THE COURT: AND YOU EACH ARE PLEADING GUILTY TO OFFENSES
14 THAT ARE CLASSIFIED AS MOST SERIOUS UNDER SOUTH CAROLINA LAW.
15 HAVE YOU TALKED ABOUT THE CONSEQUENCES OF PLEADING TO SUCH
16 OFFENSES WITH YOUR ATTORNEY? MR. CONNER?

17 DEFENDANT CONNER: YES, SIR.

18 THE COURT: MR. HAYNES?

19 DEFENDANT HAYNES: YES, SIR.

20 THE COURT: MR. VALENTINE?

21 DEFENDANT VALENTINE: YES, SIR.

22 THE COURT: DO YOU UNDERSTAND THE TWO STRIKES AND THREE
23 STRIKES LAW, MR. CONNER?

24 DEFENDANT CONNER: YES, SIR.

25 THE COURT: MR. HAYNES?

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 DEFENDANT HAYNES: YES, SIR.

2 THE COURT: AND MR. VALENTINE?

3 DEFENDANT VALENTINE: YES, SIR.

4 THE COURT: AND YOU UNDERSTAND THAT IF THE COURT ACCEPTS

5 THESE PLEAS IF YOU ARE EVER TO BE CONVICTED AGAIN OF A MOST

6 SERIOUS OFFENSE YOU WOULD BE SUBJECT TO A MANDATORY TERM OF LIFE

7 IN PRISON WITHOUT THE POSSIBILITY OF PAROLE. DO YOU UNDERSTAND

8 THAT, MR. CONNER?

9 DEFENDANT CONNER: YES, SIR.

10 THE COURT: MR. HAYNES?

11 DEFENDANT HAYNES: YES, SIR.

12 THE COURT: AND MR. VALENTINE?

13 DEFENDANT VALENTINE: YES, SIR.

14 THE COURT: ARE ANY OF YOU RELYING ON ANYONE'S PROMISE OR

15 PREDICTION AS TO WHEN YOU MIGHT BE ELIGIBLE FOR PAROLE OR WHEN

16 YOU MIGHT BE PAROLED? MR. CONNER?

17 DEFENDANT CONNER: (NO RESPONSE)

18 THE COURT: SIR?

19 DEFENDANT CONNER: NO, SIR.

20 THE COURT: I COULDN'T HEAR WHAT YOU SAID.

21 DEFENDANT CONNER: NO, SIR.

22 THE COURT: OKAY. MR. HAYNES?

23 DEFENDANT HAYNES: NO, SIR.

24 THE COURT: MR. VALENTINE?

25 DEFENDANT VALENTINE: NO, SIR.

1 THE COURT: ALL RIGHT. NOW, ARE YOU PLEADING GUILTY
2 BECAUSE YOU ARE GUILTY, MR. CONNER?

3 DEFENDANT CONNER: YES, SIR.

4 THE COURT: MR. HAYNES?

5 DEFENDANT HAYNES: YES, SIR.

6 THE COURT: MR. VALENTINE?

7 DEFENDANT VALENTINE: YES, SIR.

8 THE COURT: HAVE YOU HAD ENOUGH TIME TO THINK ABOUT WHAT
9 YOU'RE DOING AND ARE YOU ENTERING YOUR PLEA BASED ON YOUR OWN
10 FREE WILL? MR. CONNER?

11 DEFENDANT CONNER: YES, SIR.

12 THE COURT: MR. HAYNES?

13 DEFENDANT HAYNES: YES, SIR.

14 THE COURT: MR. VALENTINE?

15 DEFENDANT VALENTINE: YES, SIR.

16 THE COURT: HAS ANYBODY PUT ANY KIND OF PRESSURE ON YOU IN
17 ANY WAY TO GET YOU TO COME TO COURT TODAY TO PLEAD GUILTY? MR.
18 CONNER?

19 DEFENDANT CONNER: NO, SIR.

20 THE COURT: MR. HAYNES?

21 DEFENDANT HAYNES: NO, SIR.

22 THE COURT: MR. VALENTINE?

23 DEFENDANT VALENTINE: NO, SIR.

24 THE COURT: NOW, ARE THESE ALL WAIVERS?

25 MADAME CLERK: YES, SIR.

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 THE COURT: OKAY. DO YOU UNDERSTAND THAT THESE CHARGES
2 HAVE NOT BEEN PRESENTED TO THE GRAND JURY AND YOU HAVE THE
3 ABSOLUTE RIGHT UNDER THE CONSTITUTION TO HAVE THE CHARGES
4 PRESENTED TO THE GRAND JURY? AND THE GRAND JURY IS A BODY
5 CONSISTING OF AT LEAST 12 BUT NOT MORE THAN 18 PEOPLE AND 12 OF
6 THEM MUST FIND THERE IS PROBABLE CAUSE YOU COMMITTED AN OFFENSE
7 BEFORE YOU COULD BE FORMALLY CHARGED. I DON'T KNOW WHAT THE
8 GRAND JURY WOULD DO. THEY MAY OR MAY NOT FIND PROBABLE CAUSE.
9 BUT YOU HAVE INDICATED, BY SIGNING THESE SENTENCING SHEETS ON
10 EACH CHARGE, THAT YOU WISH TO GO FORWARD AND GIVE UP YOUR RIGHT
11 TO HAVE THE CASE PRESENTED TO THE GRAND JURY AND INSTEAD PLEAD
12 GUILTY TO IT HERE TODAY. IS THAT WHAT YOU WANT TO DO, MR.
13 CONNER?

14 DEFENDANT CONNER: YES, SIR.

15 THE COURT: MR. HAYNES?

16 DEFENDANT HAYNES: YES, SIR.

17 THE COURT: MR. VALENTINE?

18 DEFENDANT VALENTINE: YES, SIR.

19 THE COURT: HAVE YOU THOROUGHLY DISCUSSED THE
20 CONSTITUTIONAL RIGHT TO HAVE THE CASE PRESENTED TO THE GRAND JURY
21 WITH YOUR LAWYER? MR. CONNER?

22 DEFENDANT CONNER: HUH?

23 THE COURT: HAVE YOU TALKED TO MR. BANNISTER ABOUT YOUR
24 RIGHT TO HAVE THE CASE PRESENTED TO THE GRAND JURY?

25 DEFENDANT CONNER: NO, SIR.

1 THE COURT: OKAY. DO YOU NEED TO TALK TO HIM ABOUT THAT,
2 MR. BANNISTER, JUST BRIEFLY?

3 MR. BANNISTER: JUST TO MAKE SURE.

4 THE COURT: OKAY. YES, SIR.

5 MR. BANNISTER: (OFF RECORD WITH DEFENDANT CONNER)

6 THE COURT: ALL RIGHT. HAVE YOU HAD ENOUGH TIME TO TALK TO
7 MR. BANNISTER ABOUT YOUR RIGHT TO HAVE THE CASE PRESENTED TO THE
8 GRAND JURY?

9 DEFENDANT CONNER: YES, SIR.

10 THE COURT: AND YOU STILL WANT TO GIVE UP THAT RIGHT?

11 DEFENDANT CONNER: YES, SIR.

12 THE COURT: ALL RIGHT. DO YOU HAVE ANY QUESTIONS OF ME
13 ABOUT IT?

14 DEFENDANT CONNER: NO, SIR.

15 THE COURT: ALL RIGHT. MR. HAYNES, HAVE YOU TALKED TO MR.
16 GOLDSMITH ABOUT THAT RIGHT?

17 DEFENDANT HAYNES: YES, SIR.

18 THE COURT: ALL RIGHT. AND DO YOU HAVE ANY QUESTIONS OF ME
19 ABOUT YOUR CONSTITUTIONAL RIGHT TO HAVE THE CASE PRESENTED TO THE
20 GRAND JURY?

21 DEFENDANT HAYNES: NO, SIR.

22 THE COURT: YOU STILL WANT TO GIVE THE RIGHT UP?

23 DEFENDANT HAYNES: YES, SIR.

24 THE COURT: ALL RIGHT. MR. VALENTINE, HAVE YOU TALKED TO
25 MR. MITCHELL ABOUT YOUR RIGHT TO HAVE THE CASE PRESENTED TO THE

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 GRAND JURY?

2 DEFENDANT VALENTINE: YES, SIR.

3 THE COURT: AND AS TO EACH CHARGE ARE YOU STILL WANTING TO
4 GIVE THAT RIGHT UP?

5 DEFENDANT VALENTINE: YES, SIR.

6 THE COURT: ALL RIGHT. DO YOU HAVE ANY QUESTIONS ABOUT
7 THAT?

8 DEFENDANT VALENTINE: NO, SIR.

9 THE COURT: ALL RIGHT, SIR.

10 NOW, YOU UNDERSTAND BY PLEADING GUILTY YOU HAVE TO GIVE UP
11 CERTAIN VALUABLE RIGHTS, INCLUDING THE RIGHT TO A JURY TRIAL?
12 AND AT A JURY TRIAL YOU WOULD BE PRESUMED INNOCENT. YOU WOULDN'T
13 HAVE TO PROVE YOU WERE NOT GUILTY. YOU WOULDN'T HAVE TO PROVE
14 YOU WERE INNOCENT. YOU WOULDN'T HAVE TO PROVE ANYTHING BECAUSE
15 THE BURDEN OF PROOF WOULD BE ON THE STATE AND YOU COULD ONLY BE
16 CONVICTED IF ALL 12 OF THE JURORS AGREED UNANIMOUSLY THE STATE
17 HAD PROVEN EACH AND EVERY ELEMENT OF THE CASE AGAINST YOU AND
18 EACH CRIME YOU ARE CHARGED WITH BEYOND A REASONABLE DOUBT. DO
19 YOU UNDERSTAND THAT, MR. CONNER?

20 DEFENDANT CONNER: YES, SIR.

21 THE COURT: MR. HAYNES?

22 DEFENDANT HAYNES: YES, SIR.

23 THE COURT: MR. VALENTINE?

24 DEFENDANT VALENTINE: YES, SIR.

25 THE COURT: AT YOUR TRIAL YOUR LAWYER COULD CROSS EXAMINE

GUILTY PLEA -- THE STATE VERSUS DAVID ANTONIO VALENTINE

1 THE STATE'S WITNESSES, CHALLENGE THE STATE'S CASE, CONFRONT THE
2 EVIDENCE AGAINST YOU. YOU COULD SEE AND HEAR THE WITNESSES AND
3 YOU COULD SUBPOENA WITNESSES USING THE SUBPOENA POWER OF THIS
4 COURT TO BRING THEM IN TO TESTIFY, AND YOUR ATTORNEY COULD ASSIST
5 YOU IN PRESENTING ANY DEFENSE YOU MAY HAVE. DO YOU UNDERSTAND
6 THAT, MR. CONNER?

7 DEFENDANT CONNER: YES, SIR.

8 THE COURT: MR. HAYNES?

9 DEFENDANT HAYNES: YES, SIR.

10 THE COURT: MR. VALENTINE?

11 DEFENDANT VALENTINE: YES, SIR.

12 THE COURT: I DON'T KNOW IF YOU HAVE A DEFENSE OR NOT TO
13 THESE CHARGES BUT DO YOU UNDERSTAND BY PLEADING GUILTY YOU GIVE
14 UP THE RIGHT TO PRESENT A DEFENSE AND YOU ALSO GIVE UP THE RIGHT
15 TO CHALLENGE OR CONTEST ANY OF THE EVIDENCE IN THIS CASE,
16 INCLUDING ANY STATEMENTS YOU GAVE TO LAW ENFORCEMENT, ANY
17 SEARCHES THAT WERE MADE AND ANY TESTING THAT WAS DONE OR SHOULD
18 HAVE BEEN DONE? DO YOU UNDERSTAND THAT, MR. CONNER?

19 DEFENDANT CONNER: YES, SIR.

20 THE COURT: MR. HAYNES?

21 DEFENDANT HAYNES: YES, SIR.

22 THE COURT: MR. VALENTINE?

23 DEFENDANT VALENTINE: YES, SIR.

24 THE COURT: YOU ALSO HAVE THE RIGHT TO REMAIN SILENT. THAT
25 RIGHT IS GUARANTEED BY CONSTITUTION AS WELL. AND IF YOU CHOSE TO

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 HAVE A TRIAL, AS I TOLD YOU, THE STATE HAS THE BURDEN OF PROOF.
2 YOU DON'T HAVE TO PROVE ANYTHING. YOU DON'T HAVE TO SAY
3 ANYTHING. AND YOU COULD REMAIN SILENT DURING YOUR TRIAL. AND IF
4 YOU DID SO, THE COURT WOULD TELL THE JURY THEY COULDN'T HOLD THAT
5 AGAINST YOU OR TAKE IT INTO ACCOUNT AND THAT YOU HAD THE ABSOLUTE
6 RIGHT TO DO SO UNDER THE LAW AND THEY COULD NOT EVEN DISCUSS IT
7 IN THE JURY ROOM WHEN DETERMINING THE VERDICT. DO YOU UNDERSTAND
8 THAT, MR. CONNER?

9 DEFENDANT CONNER: YES, SIR.

10 THE COURT: MR. VALENTINE?

11 DEFENDANT HAYNES: YES, SIR.

12 THE COURT: MR. VALENTINE?

13 DEFENDANT VALENTINE: YES, SIR.

14 THE COURT: ALL RIGHT. HAVE YOU UNDERSTOOD ALL MY
15 QUESTIONS, MR. CONNER?

16 DEFENDANT CONNER: YES, SIR.

17 THE COURT: MR. HAYNES?

18 DEFENDANT HAYNES: YES, SIR.

19 THE COURT: MR. VALENTINE?

20 DEFENDANT VALENTINE: YES, SIR.

21 THE COURT: HAVE YOU RECEIVED ALL THE DISCOVERY YOU NEED,
22 MR. BANNISTER?

23 MR. BANNISTER: YES, SIR.

24 THE COURT: AND MR. GOLDSMITH?

25 MR. GOLDSMITH: I HAVE, YOUR HONOR.

1 THE COURT: MR. MITCHELL?

2 MR. MITCHELL: I HAVE.

3 THE COURT: OKAY. NOW, GENTLEMEN, UNDERSTANDING THE RIGHTS
4 THAT I'VE GONE OVER WITH YOU THAT YOU HAVE TO GIVE UP IN ORDER TO
5 PLEAD GUILTY THAT YOU WOULD HAVE AT A JURY TRIAL DO YOU STILL
6 WANT TO PLEAD GUILTY OR WOULD YOU LIKE TO HAVE YOUR CASE SET FOR
7 A JURY TRIAL? MR. CONNER?

8 DEFENDANT CONNER: YES, SIR.

9 THE COURT: WHICH ONE DO YOU WANT TO DO, SIR?

10 DEFENDANT CONNER: PLEAD GUILTY.

11 THE COURT: OKAY. MR. HAYNES?

12 DEFENDANT HAYNES: PLEAD GUILTY, SIR.

13 THE COURT: MR. VALENTINE?

14 DEFENDANT VALENTINE: PLEAD GUILTY.

15 THE COURT: ALL RIGHT. THANK YOU, GENTLEMEN. YOU HAVE TEN
16 DAYS TO APPEAL ANY SENTENCE I MAY GIVE YOU. YOUR APPEAL MUST BE
17 IN WRITING AND IT MUST BE FILED AND SERVED IN ACCORDANCE WITH THE
18 SOUTH CAROLINA RULES OF APPELLATE PROCEDURE.

19 LISTEN CAREFULLY BECAUSE MS. SEAY IS GOING TO SET FORTH THE
20 FACTS THAT RELATE TO YOUR CASE. I'M GOING TO ASK YOU IF YOU
21 AGREE OR DISAGREE WITH WHAT SHE SAYS.

22 YES, MA'AM, GO AHEAD.

23 MS. SEAY: THANK YOU, YOUR HONOR. MAY IT PLEASE COURT.

24 ON JULY 3RD, 2005, AT APPROXIMATELY TWO O'CLOCK A.M.,

25 OFFICERS WITH THE GREENVILLE POLICE DEPARTMENT RESPONDED TO AN

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 ARMED ROBBERY IN PROGRESS AT THE CHEESEBURGER IN PARADISE
2 RESTAURANT LOCATED AT 535 HAYWOOD ROAD IN GREENVILLE COUNTY. TWO
3 FEMALE EMPLOYEES OF THE RESTAURANT WHO WERE NEAR THE FRONT DOOR
4 HAD SEEN THE DEFENDANTS ENTER THROUGH THE BACK DOOR, AND THESE
5 TWO WOMEN WERE ABLE TO RUN OUT THE FRONT DOOR AND CALL 911 ON THE
6 CELL PHONE. THE THREE DEFENDANTS HAD BEEN WAITING AT THE BACK
7 DOOR FOR THE DOOR TO BE UNLOCKED FOR THE TRASH TO BE TAKEN OUT
8 AND WHEN IT WAS THEY ALL ENTERED THE BACK DOOR, EACH WEARING
9 BANDANA MASKS, GLOVES ON THEIR HANDS AND POINTING HANDGUNS. THE
10 DEFENDANTS ORDERED THE EIGHT EMPLOYEES WHO WERE PRESENT IN THE
11 RESTAURANT ONTO THE FLOOR AND ROBBED THEM OF THEIR PERSONAL
12 BELONGINGS, KEYS, CELL PHONES, WALLETS, MONEY. THEY FORCED THE
13 MANAGER AT GUNPOINT TO OPEN THE OFFICE SAFE AND TOOK THE MONEY
14 THAT WAS INSIDE. FINALLY, THEY ORDERED ALL OF THE EMPLOYEES INTO
15 THE RESTAURANT'S COOLER AT GUNPOINT AND LOCKED THE DOOR.
16 MEANWHILE, LAW ENFORCEMENT OFFICERS HAD SURROUNDED THE RESTAURANT
17 AND SEVERAL ENTERED THE FRONT DOOR AND TOOK DEFENDANT RICKY
18 CONNER INTO CUSTODY. DEFENDANT HAYNES AND VALENTINE RAN OUT THE
19 BACK DOOR AND WERE APPREHENDED BY OFFICERS THERE. THE OFFICERS
20 WERE ABLE TO RELEASE THE EMPLOYEES WHO WERE IN THE COOLER FOR
21 ONLY APPROXIMATELY TEN MINUTES OR SO. THEY RECOVERED THREE GUNS,
22 MASKS AND ALL OF THE PROPERTY THAT WAS TAKEN.

23 THE COURT: OKAY. MR. CONNER IS THAT WHAT HAPPENED, SIR?

24 DEFENDANT CONNER: YES, SIR.

25 THE COURT: ALL RIGHT. AND IS THERE ANY KIND OF PLEA

GUILTY PLEA -- THE STATE VERSUS DAIVONN ANTONIO VILBERTINE

1 AGREEMENT?

2 MS. SEAY: NO, SIR.

3 THE COURT: ALL RIGHT. DO YOU HAVE ANY PLEA AGREEMENT WITH
4 THE STATE, MR. CONNER?

5 DEFENDANT CONNER: NO, SIR.

6 THE COURT: ALL RIGHT. YOU DON'T HAVE ANY PROMISES OR DEAL
7 WITH THE SOLICITOR'S OFFICE OR LAW ENFORCEMENT OR ANYONE?

8 DEFENDANT CONNER: NO, SIR.

9 THE COURT: ALL RIGHT. OKAY. I FIND THERE IS A FACTUAL
10 BASIS FOR THE PLEA. IT'S BEEN ENTERED INTO FREELY AND
11 VOLUNTARILY AND WITH THE ASSISTANCE OF A SKILLED ATTORNEY.

12 YES, SIR, MR. BANNISTER.

13 MR. BANNISTER: THANK YOU, JUDGE. MR. CONNER IS 18 YEARS
14 OLD. I'M SORRY, 19 NOW. HE WAS AT THE TIME 18 WHEN THIS
15 HAPPENED. LET ME TELL YOU A LITTLE BIT ABOUT WHERE HE WAS AND
16 HIS LIFE SITUATION. HE WAS -- HAD JUST FOUND OUT THAT HIS
17 GIRLFRIEND WAS PREGNANT. HE HAD RECENTLY BEEN FIRED FROM THE
18 JOBS HE DISCUSSED. GROWING UP MONEY HAS ALWAYS BEEN AN ISSUE FOR
19 HIS FAMILY. HE'S GOT A -- HE'S THE OLDEST OF THREE. HE HAS A
20 BROTHER AND A SISTER. HIS FATHER HAS NEVER REALLY HAD ANY PART
21 IN HIS LIFE. AT THE TIME THAT RICKY BECAME INVOLVED IN THIS IT
22 WAS A NIGHT WHERE HE HAD BEEN DRINKING AND SMOKED A LITTLE
23 MARIJUANA. I THINK IT BOLSTERED HIS COURAGE A LITTLE BIT ABOUT
24 WHAT THEY WERE GETTING READY TO DO.

25 HE DOESN'T HAVE ANY OTHER PRIOR RECORD, JUDGE. AND I'LL

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 TELL YOU, ONE OF THE INSIGHTS I GOT INTO KIND OF WHERE HE WAS IN
2 HIS LIFE, WHEN I SAW HIM THE FIRST TIME, WHICH HAS BEEN A NUMBER
3 OF MONTHS AGO, HE PROBABLY WEIGHED MAYBE 165. FOR THE FIRST TIME
4 HE'S HAD THREE MEALS A DAY AND, YOU KNOW, YOU CAN SEE WHERE HE IS
5 NOW IN TERMS OF HIS WEIGHT JUST BY LOOKING AT HIM. ALL THAT IS
6 SIMPLY BY WAY OF MITIGATION AND NOT BY EXCUSE. HE CERTAINLY IS,
7 I THINK, TO BE GIVEN SOME CREDIT AT LEAST FOR STANDING UP HERE
8 AND TAKING RESPONSIBILITY FOR WHAT HE DID. HE'S A YOUNG MAN.
9 WHEN I SAW HIM, HE WAS A YOUNG, SCARED MAN WHO OBVIOUSLY HAS MADE
10 A TERRIBLE MISTAKE. I ASK THAT YOU GIVE HIM SOME LIFE ON THE
11 BACKSIDE OF THIS THING, IF YOU CAN. THANK YOU, JUDGE.

12 THE COURT: THANK YOU. ANYTHING YOU WANT TO TELL ME, MR.
13 CONNER?

14 DEFENDANT CONNER: NO, SIR.

15 THE COURT: ALL RIGHT. DOES HE HAVE A RECORD?

16 MS. SEAY: NO, SIR.

17 THE COURT: OKAY. TELL YOU WHAT I'M GOING TO DO, I'M GOING
18 TO GO THROUGH EACH ONE, AND THEN I'LL COME BACK AND DO THE ACTUAL
19 SENTENCE.

20 OKAY. MR. HAYNES, YOU HEARD THE SUMMARY OF THE FACTS THE
21 STATE PUT ON THE RECORD. IS THAT WHAT HAPPENED, SIR?

22 DEFENDANT HAYNES: YES, SIR.

23 THE COURT: AND DO YOU HAVE ANY PLEA AGREEMENT IN THIS
24 CASE?

25 DEFENDANT HAYNES: NO, SIR.

1 THE COURT: ALL RIGHT. OKAY. WELL, I FIND THERE IS A
2 FACTUAL BASIS FOR THIS PLEA AS WELL, AND IT'S BEEN ENTERED FREELY
3 AND VOLUNTARILY, KNOWINGLY, WITH THE ASSISTANCE OF A SKILLED
4 ATTORNEY.

5 YES, SIR, MR. GOLDSMITH.

6 MR. GOLDSMITH: MAY IT PLEASE THE COURT, YOUR HONOR.

7 KALIEF IS 20 YEARS OF AGE. HE HAS LIVED IN GREENVILLE
8 COUNTY MOST IF NOT ALL OF HIS LIFE. HE WENT TO J.L. MANN HIGH
9 SCHOOL, GRADUATED. AS HE'S TOLD YOU, HE WAS ACCEPTED AT GARDNER
10 WEBB. HE WENT TO SCHOOL THERE, CAME BACK AND GOT SOME CREDITS AT
11 GREENVILLE TECH AND WAS WORKING AT THE ARBY'S, WHICH I THINK IS
12 ACROSS THE STREET FROM THIS PLACE. HE WORKED THERE FOR FIVE
13 YEARS, STARTED WORKING AT THE ARBY'S WHEN HE WAS 15, DURING
14 SCHOOL, PART-TIME. HE WOULD WORK WHEN HE WOULD COME HOME AND WAS
15 WORKING AND GOING TO SCHOOL AT TECH. HE WAS ON SCHEDULE TO GET A
16 BACHELOR DEGREE IN COLLEGE.

17 HE HAS NO PRIOR RECORD. OBVIOUSLY HAS FAMILY SUPPORT. HE
18 HAS FAMILY AND COMMUNITY SUPPORT HERE. FOLKS ARE HERE IN SUPPORT
19 OF HIM. A GOOD WORK HISTORY.

20 THROUGHOUT MY REPRESENTATION OF HIM HE HAS COME ACROSS TO ME
21 AS A VERY INTELLIGENT YOUNG MAN, A MAN WITH GREAT POTENTIAL, AND
22 A CLIENT -- AND I CAN'T TELL YOU HOW PLEASING THIS IS TO AN
23 ATTORNEY, A CLIENT THAT YOU DEAL STRAIGHT UP WITH. HE TELLS YOU
24 WHAT HAPPENED, DOESN'T MAKE EXCUSES, DOESN'T TRY TO BLAME ANYBODY
25 ELSE. AND HE STANDS BEFORE YOUR HONOR ANSWERING IN A LOUD AND

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 CLEAR VOICE AND TAKING RESPONSIBILITY FOR WHAT HE HAS DONE.
2 JUDGE, HE AND I HAVE TALKED AS RECENTLY AS TWO DAYS AGO. HE
3 UNDERSTANDS WHAT HE IS UP AGAINST, UNDERSTANDS THE RAMIFICATIONS
4 OF THE GUILTY PLEA AND THE TIME. WE WOULD JUST ASK, JUDGE, THAT
5 YOU CONSIDER A SENTENCE THAT IS JUST IN THAT IT PUNISHES HIM BUT
6 LEAVES HIM SOME OPPORTUNITY FOR A LIFE AFTER HE COMPLETES HIS
7 SENTENCE.

8 THE COURT: ALL RIGHT. THANK YOU, MR. GOLDSMITH.

9 ANYTHING YOU WANT TO TELL ME, MR. HAYNES?

10 DEFENDANT HAYNES: YES, SIR. I WOULD JUST LIKE TO
11 APOLOGIZE TO THE VICTIMS AND MY FAMILY THAT I'VE HURT IN THIS
12 SITUATION. I'M NOT GOING TO SIT HERE AND MAKING EXCUSES WHY I
13 DID IT. I DID WHAT I DID, AND IT WAS A BIG MISTAKE. AND THROUGH
14 THESE NINE MONTHS I'VE BEEN GROOMING MYSELF TO BECOME A MAN
15 AROUND OTHER PEOPLE WITHIN THE CELL, OLDER PEOPLE THAT HAVE BEEN
16 TO PRISON AND BACK. AND, YOU KNOW, ALL I WANT TO SAY IS THIS IS
17 A SETBACK FOR ME BUT IT'S NOT THE END. WHEN IT'S ALL SAID AND
18 DONE I'M STILL GOING TO BE THE PERSON MY FAMILY BELIEVES I CAN
19 BE.

20 THE COURT: OKAY. I APPRECIATE WHAT YOU SAID, SIR.

21 AND IF ANYBODY IS HERE WHO WANTS TO SPEAK ON BEHALF OF ANY
22 OF THESE GENTLEMEN, I'LL BE GLAD TO HEAR YOU.

23 ARE THERE ANY VICTIMS THAT WISH TO SPEAK?

24 MS. SEAY: THEY ARE NOT PRESENT.

25 THE COURT: OKAY. ALL RIGHT. AFTER WE FINISH WITH MR.

1 VALENTINE, THEN ANYBODY WHO WANTS TO SPEAK ON BEHALF OF ANYONE,
2 I'LL BE GLAD TO GIVE YOU AN OPPORTUNITY TO DO SO. JUST REMEMBER
3 TO STATE YOUR NAME FOR THE RECORD SO WE HAVE IT, ALL RIGHT?
4 THANK YOU.

5 OKAY. MR. VALENTINE, YOU HEARD THE SUMMARY OF THE FACTS THE
6 STATE PUT ON THE RECORD. IS THAT WHAT HAPPENED, SIR?

7 DEFENDANT VALENTINE: YES, SIR.

8 THE COURT: AND DO YOU HAVE ANY PLEA AGREEMENT WITH THE
9 STATE?

10 DEFENDANT VALENTINE: NO, SIR.

11 THE COURT: ALL RIGHT. I FIND THERE IS A FACTUAL BASIS FOR
12 YOUR PLEA. IT'S BEEN ENTERED INTO FREELY AND VOLUNTARILY WITH
13 THE ASSISTANCE OF A SKILLED ATTORNEY.

14 YES, SIR, MR. MITCHELL.

15 MR. MITCHELL: YOUR HONOR, THANK YOU, MAY IT PLEASE THE
16 COURT.

17 MR. VALENTINE IS 21 YEARS OLD, JUDGE. HE WENT TO J.L. MANN,
18 WENT TO THE ELEVENTH GRADE. HE ACTUALLY MOVED DOWN HERE FROM NEW
19 YORK, AND HIS FAMILY ALL IS DOWN HERE. HIS MOTHER IS HERE. HE'S
20 THE OLDEST OF FIVE SONS. HE HAS TWO CHILDREN, JUDGE.

21 HE HAS NO SIGNIFICANT CRIMINAL VIOLENT HISTORY. HE IS ON
22 PROBATION FOR A POSSESSION OF CRACK CHARGE THAT WE'RE GOING TO
23 TRY TO HANDLE TODAY AS WELL. BUT OTHER THAN THAT, JUDGE, HE HAS
24 NO SIGNIFICANT HISTORY. CLEARLY THIS IS THE MOST SERIOUS THING
25 HE'S EVER HAD TO DEAL WITH.

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 HIS FAMILY HAS BEEN BEHIND HIM AND INTERESTED IN HIM SINCE
2 DAY ONE. AT ONE OF OUR FIRST MEETINGS, JUDGE, HE HAS ADMITTED TO
3 ME HIS RESPONSIBILITY. HE HAS ACCEPTED THAT. THIS IS A TOUGH
4 DAY FOR HIM, BUT HE KNEW THIS DAY WAS COMING.

5 WE ARE THANKFUL THAT NO ONE WAS HURT IN THIS SITUATION. AND
6 HE IS JUST READY TO ACCEPT RESPONSIBILITY AND PUT THIS BEHIND
7 HIM. AND AGAIN, I WOULD ASK THAT YOU CONSIDER HIS AGE IN THIS
8 CASE IN ANY SENTENCE THAT YOU DO GIVE HIM. AND I THINK HE MAY
9 WANT TO ADDRESS THE COURT AS WELL, JUDGE.

10 THE COURT: OKAY. YES, SIR. ANYTHING YOU WANT TO TELL ME,
11 I'LL BE GLAD TO HEAR ANYTHING.

12 DEFENDANT VALENTINE: YES, SIR. AGAIN, I'M 21. I HAVE TWO
13 KIDS. I KNOW WHAT I DID WAS WRONG. I APOLOGIZE TO THE PEOPLE
14 THAT WE MAY HAVE HURT, YOU KNOW. I DID IT -- I CAN'T TAKE IT
15 BACK, BUT, I MEAN, I KNOW IT WAS WRONG. I WAS YOUNG AND DUMB.
16 BUT THAT'S -- THAT'S ABOUT IT, SIR.

17 THE COURT: OKAY. ALL RIGHT. THANK YOU, MR. VALENTINE.

18 OKAY. ANYBODY WHO WISHES TO SPEAK ON BEHALF OF ANY OF THE
19 THREE GENTLEMEN UP HERE, I'LL BE GLAD TO HEAR FROM YOU. JUST
20 STAY WHERE YOU ARE BACK THERE AND TELL ME YOUR NAME.

21 YES, MA'AM.

22 MS. GERMAN: MY NAME IS PATRICIA GERMAN (PHONETIC). I'M
23 DAYVONN'S GRANDMOTHER AND I'M KALIEF'S MOTHER. THIS IS HARD.
24 AND I KNOW THEY'RE SORRY FOR WHAT THEY DONE. AND I'M SORRY FOR
25 WHAT THEY DONE TO THE PEOPLE. IT WAS A VERY STUPID THING TO DO.

GUILTY PLEA -- THE STATE VERSUS DAYVONN VALENTINE

1 BUT THEY ARE ALL YOUNG AND THEY DESERVE A SECOND CHANCE, BECAUSE
2 IF CHRIST CAN GIVE US A CHANCE AND PUT OUR SINS INTO THE SEA OF
3 FORGIVENESS AND IF WE CAN FORGIVE THEM, NOT TO SAY THAT THEY NOT
4 BE PUNISHED, YES, THEY DESERVE TO BE PUNISHED, BUT NOT TO PUT
5 THEM AWAY FOREVER OR TO TAKE 30 OR 40 YEARS FROM THEIR LIFE,
6 BECAUSE WHAT CAN THEY LEARN IN JAIL? THEY GOING TO COME OUT
7 HARDENED CRIMINALS. THEY HAVE NO REHABILITATION IN JAIL. BUT IF
8 YOU GIVE THEM A CHANCE TO DO THIS ALL OVER AGAIN WHERE THEY CAN
9 REHABILITATE THEMSELVES, WHERE THEY CAN BE PRODUCTIVE TO SOCIETY,
10 I WOULD GREATLY APPRECIATE IT BECAUSE THEY SO YOUNG. AND THAT'S
11 ALL I WANTED TO SAY.

12 THE COURT: OKAY, MA'AM. THANK YOU VERY MUCH.

13 ANYBODY ELSE?

14 MS. WHITESIDE: YES, I'D LIKE TO SPEAK FOR DAYVONN
15 VALENTINE. HE IS JUST LIKE A GODSON TO ME.

16 THE COURT: WHAT IS YOUR NAME, MA'AM?

17 MS. WHITESIDE: FRANKIE WHITESIDE (PHONETIC).

18 THE COURT: OKAY, MS. WHITESIDE. GO AHEAD.

19 MS. WHITESIDE: HE JUST ALWAYS HAVE BEEN LIKE A GODSON TO
20 ME, ME AND HIM BOTH, WE HELP EACH OTHER. WE BATTLE WITH
21 DIABETES. I MEAN, AND WE HELP EACH OTHER. BUT I MEAN, I KNOW
22 IT'S A MISTAKE HE MADE, BUT HE IS JUST A GOOD PERSON. AND I
23 JUST, YOU KNOW, I ALWAYS HAVE BEEN LIKE A GODMOTHER. WE BOTH
24 WERE DIABETICS AND WE HELP EACH OTHER. I CAN REMEMBER A TIME
25 WHEN I COULDN'T GET MY MEDICINE AND HE HELPED ME GET MY MEDICINE.

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 BUT I HAD WAITED TO LATE TO GET IT AND THEY JUST PUT ME ON
2 INSULIN. BUT HE COULD HANDLE INSULIN BECAUSE HE SHOWED ME HOW TO
3 DO ALL THAT. BUT I WISH YOU COULD BE LENIENT ON HIM. HE IS
4 YOUNG AND HE'S A GOOD PERSON.

5 THE COURT: ALL RIGHT. THANK YOU, MS. WHITESIDE.

6 MR. MCLELLAN: MY NAME IS ROMAN MCLELLAN (PHONETIC). I'M
7 THE GRANDFATHER OF DAYVONN VALENTINE AND THE FATHER OF KALIEF
8 HAYNES. YOUR HONOR, I THINK BASICALLY WHAT THE FAMILY IS TRYING
9 TO EXPRESS IS THAT WE ARE VERY CLOSE-KNIT FAMILY. WE TRIED TO
10 RAISE THESE BOYS THE BEST WE CAN. BUT IN TODAY'S MODERN AGE YOU
11 UNDERSTAND THAT THERE IS A LOT OF PEER PRESSURE ON OUR YOUTH.
12 OFTENTIMES THEY'RE GOING TO MAKE MISTAKES THE SAME WAY WE MADE
13 MISTAKES WHEN WE WERE YOUNGER. BUT WE'RE NOT ASKING YOU TO
14 EXCUSE THEIR CRIME AND WHAT THEY HAVE DONE. WE ARE MERELY ASKING
15 THAT YOU BE LENIENT AND YOU BE FAIR AND GIVE THEM AN OPPORTUNITY
16 TO CHANGE THEIR LIFE AROUND AND TO DO THE RIGHT THING AND TO MAKE
17 THEMSELVES SUCCESSFUL IN SOCIETY TODAY.

18 THE COURT: ALL RIGHT. THANK YOU, MR. MCLELLAN.

19 YES, SIR. OR YES, MA'AM. WE'LL LET THE LADY GO FIRST.

20 MS. ALLEN: MY NAME IS TAMIKA ALLEN (PHONETIC). I AM THE
21 SISTER OF KALIEF HAYNES AND THE AUNT OF DAYVONN VALENTINE, AND I
22 KNOW THE CRIME THAT THEY HAVE COMMITTED. THERE IS NO EXCUSE FOR
23 THAT. BUT I WOULD LIKE TO SAY THAT I FEEL LIKE IT'S KIND OF --
24 JUST IF THE SITUATION MAY HAVE BEEN DIFFERENT. I WAS ON THE
25 VERGE OF DISPOSSESSION. I HAVE FOUR CHILDREN AND I WAS GOING TO

1 BE EVICTED FROM MY APARTMENT AND THEY WERE GOING TO REPOSSESS MY
2 VAN AND I JUST -- I WENT TO THEM FOR HELP. HAD I HAD KNOWN THAT
3 IT WOULD HAVE BEEN LIKE THIS, YOU KNOW, THIS KIND OF HELP, I
4 WOULD HAVE NEVER ASKED. SO I FEEL RESPONSIBLE BECAUSE I FEEL
5 THEY WERE TRYING TO KEEP A ROOF OVER ME AND MY CHILDREN. AND I'M
6 SORRY FOR ALL THAT WAS HURT AND EMOTIONALLY OR PHYSICALLY BY WHAT
7 HAPPENED. BUT THESE ARE GOOD BOYS AND I LOVE MY BOYS, AND I'M
8 SURE THIS YOUNG MAN IS A GOOD YOUNG MAN. AND THEY ARE STILL
9 YOUNG, YOU KNOW, AND THEY HAVE THEIR WHOLE LIVES AHEAD OF THEM,
10 AND I ASK THE COURT TO HAVE MERCY ON THEM, PLEASE. THANK YOU.

11 THE COURT: THANK YOU, MA'AM.

12 YES, SIR.

13 MR. SHERMAN: ROBERT SHERMAN (PHONETIC).

14 THE COURT: MR. SHERMAN? OKAY. GO AHEAD.

15 MR. SHERMAN: I'M DAYVONN'S UNCLE, KALIEF'S BROTHER. I
16 JUST WANT TO APOLOGIZE TO THE PEOPLE FOR THE MISTAKE THAT WAS
17 MADE. LIKE MY SISTER SAID, THERE WASN'T ANYTHING TO JUSTIFY IT.
18 YOU KNOW WHAT I'M SAYING? BUT EVERYBODY MAKE MISTAKES. I JUST
19 HOPE THAT WHATEVER THE SENTENCE BE YOU BE LENIENT, YOU KNOW.
20 THAT'S ALL I HAVE TO SAY.

21 THE COURT: OKAY, SIR. THANK YOU.

22 ANYBODY ELSE WANT TO SPEAK? I'LL BE GLAD TO HEAR FROM YOU.
23 JUST LET ME KNOW.

24 UNKNOWN: I DO.

25 THE COURT: OKAY, MA'AM.

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 UNKNOWN: YOUR HONOR, I AM DAYVONN VALENTINE'S FIANCÉE.
2 AND AS THEY WERE SAYING, HE HAS TWO CHILDREN, A ONE-YEAR-OLD AND
3 A FOUR-YEAR-OLD. I'VE KNOWN KALIEF FOR A WHILE AND HE'S A VERY
4 GOOD BOY. BOTH OF THEM ARE VERY GOOD. AND I JUST HOPE THAT YOU
5 WILL PLEASE, PLEASE TAKE INTO CONSIDERATION THAT THEY DO HAVE
6 FAMILIES THAT THEY LOVE. I UNDERSTAND THAT THE PEOPLE WERE
7 SCARED AND WHAT THEY DID WAS WRONG, YOUR HONOR. AND I KNOW WE
8 CANNOT TAKE THAT BACK. BUT PLEASE TRY TO BE LENIENT WITH THEM.
9 PLEASE.

10 THE COURT: OKAY. MA'AM. SOMEBODY ELSE HAD THEIR HAND UP
11 A LITTLE WHILE AGO. OKAY.

12 MS. TOPPIN: I'M KIM TOPPIN (PHONETIC). I'M DAYVONN
13 VALENTINE'S MOTHER.

14 THE COURT: I COULDN'T HEAR YOUR NAME. I'M SORRY.

15 MS. TOPPIN: KIM TOPPIN (PHONETIC).

16 THE COURT: OKAY. YES, MA'AM.

17 MS. TOPPIN: I'M DAYVONN VALENTINE'S MOTHER AND KALIEF'S
18 SISTER. I JUST WANT TO SAY THAT I LOVE THE BOYS AND I WISH THAT
19 THIS DIDN'T HAPPEN, AND I APOLOGIZE FOR EVERYTHING THAT DID
20 HAPPEN. I KNOW THEY FEEL THE SAME WAY. AND I LOVE THEM AND I
21 WISH YOU WOULD BE REAL LENIENT ON THEM, PLEASE.

22 THE COURT: THANK YOU, MA'AM.

23 OKAY. ANYTHING FURTHER?

24 MR. BANNISTER: NO, SIR.

25 MR. GOLDSMITH: NOTHING FURTHER.

1 MR. MITCHELL: NO, SIR.

2 MR. COLLIER: YOUR HONOR, ON MR. VALENTINE, I JUST NEED TO
3 PRESENT THE PROBATION MATTER TO YOU.

4 THE COURT: OKAY. ALL RIGHT.

5 MR. COLLIER: HE WAS SENTENCED ON 4/7/04 BEFORE JUDGE FEW
6 FOR POSSESSION OF CRACK. HE RECEIVED TWO YEARS SUSPENDED ON 17
7 DAYS AND TWO YEARS' PROBATION. HE DOES HAVE AN EXISTING
8 PROBATION WARRANT ON HIM. I DO NOT HAVE THE FILE AT THIS TIME,
9 BUT WE CAN ALSO GO AHEAD AND SERVE HIM WITH A COURTROOM WARRANT.

10 THE COURT: OKAY.

11 MR. COLLIER: EXCEPT FOR THE ISSUANCE OF THAT WARRANT, HE
12 WOULD HAVE EXPIRED TOMORROW. I CAN SERVE IT ON HIM AT THIS TIME.

13 THE COURT: OKAY. YES, SIR.

14 MR. MITCHELL: YES, YOUR HONOR.

15 MR. COLLIER: (OFF RECORD WITH DEFENDANT VALENTINE)

16 THE COURT: OKAY. I APPRECIATE WHAT EVERYBODY HAS SAID AND
17 WHAT EVERYBODY HAS EXPRESSED BOTH MR. CONNOR AND MR. HAYNES AND
18 MR. VALENTINE WHAT THEY'VE SAID BUT ALSO WHAT YOUR SUPPORTERS
19 HAVE SAID AND FAMILY MEMBERS HAVE SAID. I'M AWARE OF WHAT EFFECT
20 CRIME HAS ON THE VICTIMS AND THE FAMILIES OF THE DEFENDANTS AND
21 THE FAMILIES OF THE VICTIMS. IT JUST HAS A RIPPLE EFFECT THAT
22 PEOPLE DON'T REALIZE AT THE TIME. AND IT LEAVES SCARS. IT MIGHT
23 NOT BE PHYSICAL SCARS, BUT IT LEAVES EMOTIONAL SCARS ON EVERYBODY
24 INVOLVED. I APPRECIATE WHAT YOU SAID IN TERMS OF AN APOLOGY, MR.
25 HAYNES. AND I APPRECIATE THE FACT THAT EVERYBODY HERE IS

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 ACCEPTING RESPONSIBILITY. AND, YOU KNOW, YOU'RE ALL YOUNG. I'M
2 TAKING THAT INTO ACCOUNT. I'M TAKING INTO ACCOUNT YOU DON'T HAVE
3 A RECORD, EXCEPT MR. VALENTINE. AND I'M TAKING INTO ACCOUNT THE
4 FACT THAT WHEN YOU GET OUT YOU'RE GOING TO BE STILL YOUNG MEN.
5 SO UNLESS THERE IS ANYTHING FURTHER, I'M GOING TO PROCEED WITH
6 THE SENTENCING.

7 AS TO MR. CONNER, ON THE KIDNAPPING, EIGHT COUNTS, THE
8 SENTENCE OF THE COURT IS YOU BE COMMITTED TO THE DEPARTMENT OF
9 CORRECTIONS FOR A PERIOD OF 20 YEARS, CONCURRENT ON POSSESSION OF
10 A WEAPON DURING A VIOLENT CRIME -- THAT'S CASE 2701 -- IT'S FIVE
11 YEARS CONCURRENT. ARMED ROBBERY OFFENSES, 2701 AND 2699, THOSE
12 ARE ALL 20 YEARS CONCURRENT. I THINK THAT COVERS EVERYTHING ON
13 MR. CONNER. DOES THAT COVER EVERYTHING?

14 MR. BANNISTER: YES, SIR, YOUR HONOR.

15 THE COURT: ALL RIGHT. MR. HAYNES, THE SENTENCE ON
16 KIDNAPPING IS 20 YEARS. ON THE ARMED ROBBERY CHARGE IT IS 20
17 YEARS CONCURRENT. ON THE POSSESSION OF A WEAPON DURING A VIOLENT
18 CRIME, IT'S FIVE YEARS CONCURRENT.

19 MR. VALENTINE, ON THE KIDNAPPING, 20 YEARS ON EACH COUNT
20 CONCURRENT, ON THE ARMED ROBBERY 20 YEARS CONCURRENT, POSSESSION
21 OF A WEAPON IT'S FIVE YEARS CONCURRENT. I BELIEVE THAT COVERS
22 EVERYTHING.

23 ALL RIGHT. GOOD LUCK. THANK YOU VERY MUCH.

24 MR. MITCHELL: YOUR HONOR, IS THERE CREDIT FOR THE TIME
25 THEY'VE BEEN---

GUILTY PLEA -- THE STATE VERSUS DAYVONN ANTONIO VALENTINE

1 THE COURT: YES, SIR, ABSOLUTELY. CREDIT FOR TIME SERVED,
2 WHATEVER THAT MAY BE.

3 MR. MITCHELL: AS IT RELATES TO---

4 THE COURT: JUST A SECOND. WHAT DID YOU SAY, MR. MITCHELL?

5 MR. MITCHELL: I JUST WANTED TO MAKE SURE THEY GOT CREDIT.

6 AND THEN I WAS ASKING ABOUT PROBATION, YOUR HONOR.

7 THE COURT: PROBATION IS REVOKED AND TERMINATED IN FULL.

8 MR. MITCHELL: THANK YOU, YOUR HONOR.

9 THE COURT: CONCURRENT.

10 MR. MITCHELL: THANK YOU, YOUR HONOR.

11 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

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CERTIFICATE

I, THE UNDERSIGNED, DAWN V. KOFFSKEY, OFFICIAL COURT REPORTER FOR THE 13TH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR GREENVILLE COUNTY, SOUTH CAROLINA, ON THE 5TH OF APRIL 2006.

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

NOVEMBER 26, 2006



DAWN V. KOFFSKEY
COURT REPORTER

32

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAYVONN ANTONIO VALENTINE,

APPELLANT

FINAL ANDERS BRIEF OF APPELLANT

ELEANOR DUFFY CLEARY
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the plea judge erred in accepting appellant's guilty plea conditioned upon his right to appeal his sentence?

STATEMENT OF THE CASE

Appellant Dayvonn Valentine was charged in Greenville County with eight counts of armed robbery and eight counts of kidnapping, arising out of a robbery at the Cheeseburger in Paradise restaurant in Greenville July 3, 2005. ROA p. 32; ROA p. 17, lines 1-2. He waived presentment of the indictments to the grand jury and pled guilty before the Honorable D. Garrison Hill on April 5, 2006. ROA p. 1. Two co-defendants pled guilty with him.

Judge Hill sentenced him to sixteen concurrent terms of twenty years in prison. He sentenced him to five years, concurrent, for possession of a weapon during a violent crime. ROA p. 29, lines 19-22.

ARGUMENT

The plea judge erred in accepting appellant's guilty plea conditioned upon his right to appeal his sentence.

During the course of his plea colloquy, the judge informed appellant he had ten days to appeal any sentence he received. ROA p. 16, lines 15-16. By stating that appellant could appeal the sentence, the court accepted a plea conditioned upon the right to appeal his sentence. The Supreme Court has held on numerous occasions that the trial court may not accept a conditional plea. See In re Johnny Lee W., 371 S.C. 217, 638 S.E.2d 682 (2006), State v. Peppers, 346 S.C. 502, 552 S.E.2d 288 (2001), State v. Truesdale, 278 S.C. 368, 296 S.E.2d 528 (1982). A "conditional plea is a practice not recognized in South Carolina and a practice of which this Court expressly disapproves; if an accused attempts to attach any condition or qualification to a plea, the trial court should direct a plea of not guilty." Johnny Lee W. at 220, 638 S.E.2d at 684.

In addition, a conditional plea should be vacated even though the defendant did not move to withdraw the plea. Id.; State v. O'Leary, 302 S.C. 17, 393 S.E.2d 186 (1990). Therefore, appellant's conditional plea is invalid even though appellant did not seek to withdraw his plea.

CONCLUSION

Based on the foregoing, his pleas should be vacated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Cleary", is written over a horizontal line.

Eleanor Duffy Cleary
Appellate Defender

ATTORNEY FOR APPELLANT

This 2nd day of October, 2007.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAYVONN ANTONIO VALENTINE,

APPELLANT

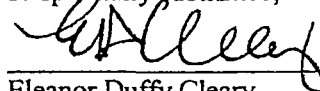
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Dayvonn Antonio Valentine states:

1. She is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge D. Garrison Hill, which was held on April 5, 2006, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Dayvonn Antonio Valentine.

Respectfully submitted,



Eleanor Duffy Cleary
Appellate Defender
ATTORNEY FOR APPELLANT

This 2nd day of October, 2007.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief complies with Rule 211(b), SCACR.

October 2nd, 2007



Eleanor Duffy Cleary
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAYVONN ANTONIO VALENTINE,

APPELLANT

CERTIFICATE OF SERVICE

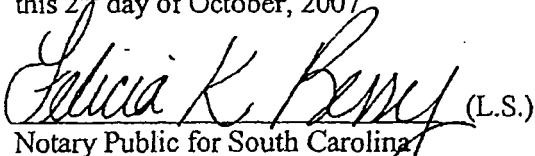
The undersigned attorney hereby certifies that a true copy of the Final Anders Brief of Appellant in the above referenced case has been served upon Salley W. Elliot, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Final Anders Brief of Appellant and Record on Appeal has been served on Dayvonn Antonio Valentine, #314805 at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899 this 2nd day of October, 2007.



Eleanor Duffy Cleary
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 2nd day of October, 2007

 (L.S.)
Notary Public for South Carolina

My Commission Expires: August 15, 2010

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 239(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State,

Respondent,

v.

Dayvonn Antonio Valentine,

Appellant.

Appeal From Greenville County
D. Garrison Hill, Circuit Court Judge

Unpublished Opinion No. 2008-UP-386
Submitted July 1, 2008 – Filed July 14, 2008

APPEAL DISMISSED

Appellate Defender Eleanor Duffy Cleary, of
Columbia, for Appellant.

Attorney General Henry Dargan McMaster, Chief
Deputy Attorney General John W. McIntosh,
Assistant Deputy Attorney General Salley W. Elliott,

all of Columbia, and Solicitor Robert Mills Ariail, of Greenville, for Respondent.

PER CURIAM: Dayvonn Antonio Valentine appeals his guilty plea to eight counts of armed robbery, eight counts of kidnapping, and one count of possession of a weapon during the commission of or the attempt to commit a violent crime. He maintains his guilty plea failed to comply with the mandates set forth in Boykin v. Alabama because the trial court rendered his guilty plea conditional by advising him he had the right to appeal his sentence. 395 U.S. 238 (1969). After a thorough review of the record and counsel's brief pursuant to Anders v. California, 386 U.S. 738 (1967), and State v. Williams, 305 S.C. 116, 406 S.E.2d 357 (1991), we dismiss Valentine's appeal and grant counsel's motion to be relieved.¹

APPEAL DISMISSED.

HEARN, C.J., CURETON and GOOLSBY, A.J.J., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

STATE OF SOUTH CAROLINA)

) IN THE COURT OF COMMON PLEAS

County of GREENVILLE)DAYVONN A. VALENTINE, # 314805)

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

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

2009-CP-23- 3441

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 McCormick C.I., 386 Redemption Way,
McCormick, SC 29899
2. Name and location of Court which imposed sentence Greenville Co. Court of
General Sessions ; 305 E. North St., Greenville, SC 29601-2120
3. Name(s) of co-defendant(s) (if any) Kallief Haynes ; Ricky Connor
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2006-GS-23-2705 [Armed Robbery (8cts.)] ; 2006-GS-23-

- (v) KING L KIDNAPPING (B.C.S.) I ; 2006-GS-23-2707 L ARMED
- (c) Robbery (1) I ; 2006-GS-23-2707 [Poss. 1 p.D.C.V.C. (2nd ct.)]
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) April 5, 2006 (Aggregate 20 year concurrent sentence)
- (b) _____
- (c) _____
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?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. The South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Appeal Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. July 14, 2008
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 2008-UP-386 (Unpublished Opinion)
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) For Brevity purposes, Please see 'Memo. Supporting...', § I
- (b) _____
- (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 (cf. 7, supra)
- (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. N/A
- ii. —
- iii. —
- iv. —
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. —
- iii. —

iv. _____

(c) the disposition thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

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

i. N/A

ii. _____

iii. _____

iv. _____

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

No

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

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) Proper only in action sub-judice (S.C. Code Ann. §§ 17-27-10,
 (b) 17-27-20(A))
 (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? Yes
 (b) your trial, if any? No
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Sidney P. Mitchell, Jr., Esq.; P.O. Box 1744, Greenville, SC
29602
 ii. Eleanor Duffy Cleary, Esq.; 1330 Lady Street, Ste. 401, P.O.
Box 11589, Columbia, SC 29211-1589
 iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. Guilty Plea & Sentencing
 ii. Appellate Review
 iii. _____

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

Vacate Guilty Plea, Remand case to General Sessions Court

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

No

Revised 3/2003

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Greenville)

I, Dayvonn A. Valentine, # 314805, 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.

/s/ Dayvonn Valentine

SWORN to and subscribed before me this 14
day of April, 2009.

Juniper C Franklin (L.S.)
Notary Public

My Commission Expires: 01.31.2010

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

I, Dayvonn A. Valentine # 314805, 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.

Dayvonn Valentine
Applicant

SWORN or affirmed to and subscribed before me this

14 day of April, 2009.

Jennifer C Franklin
Notary Public

My Commission Expires: 01-31-2010

Attn: Clerk, Greenville Co.
Court of C.P. & G.S.
305 E. North St.,
Greenville, SC 29601-2120

Dayvonn A. Valentine, #34805
M.C.I. F.4 - 168.A
386 Redemption Way
McCormick, SC 29899

Re: Filing of Enclosed Documents;
Return of Filed Copy

Dear Clerk of Court:

Please find enclosed an Original Application
for Post-Conviction Relief with a nine (9) page
Supporting Memorandum, for filing in your office; please
return a filed copy of said documents to the
undersigned as soon as practicable.

I Thank You here in Advance.

Sincerely,

s/ Dayvonn Valentine

Dayvonn A. Valentine, #34802
M.C.I. F.4 - 168.A
386 Redemption Way
McCormick, SC 29899

4 - 14 - 09
DATE

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

DAYVONN A. VALENTINE, # 314805
APPLICANT

vs.

STATE OF SOUTH CAROLINA
RESPONDENT(S)

C:A No. 1 -

2009 APR 21 3:57

MEMORANDUM SUPPORTING
APPLICATION FOR
POST-CONVICTION RELIEF

The above-captioned Applicant submits the instant Memorandum to concisely expound upon points within the conjoined Application for Post-Conviction Relief.

- I. -

QUESTION (NUMBER) 11, PCR Application.

- 11 (a) - INEFFECTIVE ASSISTANCE OF COUNSEL.

FACTUAL / LEGAL SCOPE OF REVIEW

Applicant asserts that he was advised by Counsel to plead guilty, despite the fact of Applicant's

Abandonment of acts which could've held Applicant culpable to the essential elements within the charged offenses; the 'Abandonment', further, would've been permissible to submit as a defense in the jury trial Applicant initially sought.

Counsel also advised Applicant to plead guilty to a Duplicious Kidnapping Indictment, which will show Counsel failed to employ the necessary degree of skill and knowledge to defend against the kidnapping charge.

Moreover, Counsel gave Applicant misinformation concerning the Direct Consequences of pleading guilty.

The applicable law of the above-asserted facts was established by the U.S. Supreme Court in Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984), where a two (2) prong test is to be utilized in determining whether Counsel rendered Ineffective Assistance.

In the context of a guilty plea, the question is whether Counsel's "representation" fell below an objective standard of reasonableness and that there is a reasonable probability that but for Counsel's errors, the defendant

would not have pled guilty, but would have insisted on going to trial." See Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985):

Henceforth, Applicant will seek to satisfy the requirement to "specifically set forth the grounds upon which the application is based" (§ 17-27-50, S.C. Code of Laws (1996, as Amended.)) below; Applicant will designate portions of the below-noted grounds as consistent with the two (2) prong test in Strickland, *supra* — 1) - DEFICIENT PERFORMANCE ; and 2) - PREJUDICE .

I. - Counsel was ineffective for advising Applicant to plead guilty despite the fact of Applicant's Abandonment of participation in crimes.

Applicant asserts that he sought to abandon the commission of crimes before their completion — and it is evidenced by Applicant's gun being thrown behind a sink and his running towards the back door.

A) - DEFICIENT PERFORMANCE.

Counsel's advice to plead guilty fell below an objective standard of reasonableness because a reasonably-competent attorney would have understood Applicant's position in this case as befitting to assert an Abandonment defense for a jury trial.

- The law holds that "[t]he primary elements of 'abandonment' are an intention to abandon and the external act by which the intention is carried into effect." - See Billings v. McDaniel, 217 S.C. 261, 60 S.E.2d 592 (S.C. 1950). Abandonment is also specifically recognized as an affirmative defense, calling a criminal defendant to evince evidence of 'voluntary renunciation' of the criminal purpose at issue. See U.S. v. Bailey, 834 F.2d 218 (C.A. 1 (1987)); accord Hill v. Hofbauer, 195 F.Supp.2d 871 (E.D. Mich. (2001)); Watkins v. Murphy, 292 F.3d 70 (C.A. 1 (2002)).

In an Evidentiary Hearing, Applicant will be able to produce the Greenville Police Department Officer's Report which states he found the gun Applicant threw in his attempt to renounce any involvement in the crime(s).

Further, to buttress Applicant's claim of Counsel rendering 'Deficient Performance' is that the victim's accounts of the crime was contradictory in that one victim described all assailants as having black in color guns and one described one gun as silver; Applicant will be able to submit proof of this in an Evidentiary Hearing.

Counsel's advice to plead guilty was, therefore, 'outside of the wide range of reasonable professional assistance' in light of the above-mentioned assertions.

B) - PREJUDICE.

Applicant submits that where the function of a trial jury is "sole judges of the facts" — see State v. Deas, 202 S.C. 9,

23 S.E. 2d 820 (S.C. 1943) —, a reasonably-instructed jury could've found merit in an Abandonment defense where the Officer found Applicant's weapon not on him, the victim's stories were contradictory, and the only other explanation of Applicant's role in the case was a voluntary renunciation of the necessary acts before their completion — thus, the result of the

proceeding would've been different.

- On this point, finally, Applicant asserts that he should receive an Evidentiary Hearing on this Ground for PCR relief.

II. - Counsel was ineffective for advising Applicant to plead guilty to a Duplicious Kidnapping Indictment.

In all Eight (8) counts of Indictments (charging Applicant with Kidnapping [under § 16-3-910, S.C. Code of Laws (1976)]) Applicant is said to have "unlawfully seize, abduct, confine, inveigle, decoy or carry away..." said victims; and this constitutes 'Duplicity'.

A) - DEFICIENT PERFORMANCE.

Attorneys operating within the prevailing prevailing professional norms of criminal litigation are well aware (presumptively through 'legal investigation(s)') that a Duplicious indictment contains two or more

distinct classified acts which could obscure the true nature of the state's intended charge(s) and, ultimately, deprive a criminal defendant of their Sixth Amendment right to Notice of the charge(s) intended to be defended against.

The terms excerpted from Applicant's indictments, above, contain contradictory terms which could not have put Applicant on notice of what he was pleading guilty to; such terms are 'inveigle', 'decoy', 'seize', and 'confine'.

'Inveigle' & 'decoy' connote acts of deception (or, without physical force to accomplish); while to 'seize' and/or 'confine' summons exercise of force to accomplish.

Thus, a reasonably competent attorney would not have advised their client to plead guilty to a kidnapping indictment which doesn't particularly notify which fact their client will be asserting their guilt to. Counsel, therefore, rendered Deficient Performance in advising Applicant to plead guilty upon Duplicious

counts in the kidnapping indictment.

B) - PREJUDICE.

Applicant asserts that had Counsel not advised him to plead guilty, yet would've sought the state's particular charge (by simply requesting it), Applicant would've been on 'prior notice' of what the State was calling on him to defend against.

III. - Counsel was ineffective for misadvising Applicant about the Direct Consequences of pleading guilty.

Because Applicant was led to believe that parole eligibility, following service of the Eighty-Five Percent (85%), would be extended to Applicant on the Armed Robbery charge(s) and, thus, to the kidnapping, Applicant asserts that Counsel misinformed him as to the truth of the law surrounding Direct Consequences of pleading guilty.

CONCLUSION

Applicant should receive an Evidentiary Hearing upon the above-asserted Grounds, so as to produce evidence pursuant to Rule 71.1(e), SCRPC; Applicant further reserves the opportunity to Supplement the instant action under Rules 15(d), and 71.1(d), SCRPC.

Respectfully Submitted,

s/

Dayvonn A. Valentine #314805
M.C.I. F.4 - 168.A
386 Redemption Way
McCormick, SC 29899

4 - 14 - 09
DATE

25K, Greenville Co.

C.P. & G.S.

North St.

11e, SC 29601-2120

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. No. 2009-CP-23-3441
COUNTY OF GREENVILLE	)	
	)	
Dayvonn A. Valentine,	)	
S.C.D.C. No. 314805,	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

In response to the post-conviction relief application filed April 21, 2009, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Applicant waived presentment to the Greenville County Grand Jury on the charges of nine (9) counts of armed robbery (2006-GS-23-2705, counts 1-8 and 2006-GS-23-2707, count 1), eight (8) counts of kidnapping (2006-GS-23-2706, counts 1-8), and possession of a weapon during the commission of a violent crime (2006-GS-23-2707, count 2). Sidney P. Mitchell, Jr., Esquire represented the Applicant.

On April 5, 2006, the Applicant pled guilty. The Honorable D. Garrison Hill sentenced the Applicant to concurrent terms of twenty (20) years for each count of armed robbery, twenty (20) years for each count of kidnapping, and five (5) years for possession of a weapon. On the same date, Judge Hill revoked the Applicant's probation on the charge of possession of crack cocaine (2002-GS-23-2516) and levied a concurrent sentence of one (1) year and three hundred

forty-eight (348) days imprisonment.

A notice of appeal was filed at the South Carolina Court of Appeals. Eleanor Duffy Cleary, Esquire of the South Carolina Office of Appellate Defense perfected the appeal in the form of an Anders¹ brief. The Court of Appeals dismissed the appeal. State v. Valentine, Op. No. 2008-UP-386 (S.C. Ct. App. filed July 14, 2008).

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the guilty plea transcript, and the appellate records.

II.

In his application for post-conviction relief the Applicant alleges he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel:
 - a. Advised the Applicant to plead guilty "despite the fact of Applicant's Abandonment of participation in crimes."
 - b. Advised the Applicant to plead guilty "to a Duplicious Kidnapping Indictment."
 - c. Misadvised the Applicant about "the Direct Consequences of pleading guilty."

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a criminal defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant

¹ Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises

questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Respondent denies each allegation not expressly admitted, qualified or explained.

V.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held and counsel appointed to represent the Applicant.

Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

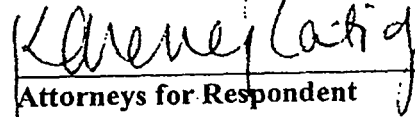
JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

KAREN C. RATIGAN
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29241

By:


Attorneys for Respondent

June 30, 2009

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	Case No(s) : 2009CP2303441
	)	
Dayvonn Valentine,	)	
	)	
Applicant,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

May 09, 2011
Greenville, South Carolina

B E F O R E:

HONORABLE G. EDWARD WELMAKER, Judge.

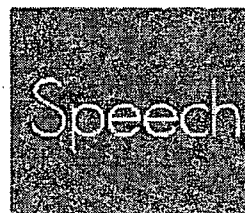
A P P E A R A N C E S:

KAREN RATIGAN, Esquire
Attorney for the State

ELIZABETH WIYGUL, Esquire
Attorney for the Applicant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



Speech CAT 7

EXHIBITS PAGENO.DESCRIPTIONID EV

APPLICANT EXHIBITS

(No exhibits offered.)

RESPONDENT EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 9th day of May, 2011 at approximately 3:11 p.m.)

THE COURT: Ms. Wiygul, you ready to proceed?

MS. WIYGUL: Yes, Your Honor. We're ready to proceed.

THE COURT: Okay.

MS. WIYGUL: Before Ms. Ratigan gets started, the first thing we need to deal with is that Mr. Valentine would like to make a motion before the Court for me to be relieved and to be appointed new counsel. I would just ask the Court to hear what he has to say.

THE COURT: All right. Mr. Valentine, you want a different lawyer?

MR. FIELD: Yeah. The only reason I did, Your Honor, was I had Ms. Wiygul for two years and I haven't really seen her or talked to her about my case until yesterday. We went over a couple of things. I told her that if she fight for me, it doesn't matter, we can go ahead and go forth with it.

THE COURT: All right. You going to fight for him, Ms. Wiygul?

MS. WIYGUL: Your Honor, we've met and I'm

1 prepared to go forward today. I felt like in an
2 abundance of caution, with him having let me know
3 that he wanted to make that motion, that I would be
4 setting up if I did not make the Court aware of
5 that.

6 THE COURT: All right. We're proceed on
7 then.

8 MS. WIYGUL: Thank you, Your Honor.

9 THE COURT: Ms. Ratigan?

10 MS. RATIGAN: Thank you, Your Honor. May it
11 please the Court. This is the case of Dayvonn
12 Valentine versus the State. The docket number is
13 2009-CP-23-3441. Mr. Valentine waived presentment
14 to nine counts of Armed Robbery, eight counts of
15 Kidnaping and one count of Possession of a Weapon
16 during the Commission of a Violent Crime. He was
17 represented on this charge by Mr. Mitchell.

18 On April 5th, 2006, he pled guilty in front of
19 Judge Hill. He received 20 years on each of the
20 nine counts of Armed Robbery, 20 years on each of
21 the eight counts of Kidnaping, five years on the
22 weapons charge. That was all to be concurrent.

23 Mr. Valentine did file an appeal. That was
24 perfected as an Anders brief at Court of Appeals.
25 That matter was dismissed in July of 2008. The

1 State is ready to proceed. Oh, I would also note
2 he did have a probation revocation on that same
3 date and received a year and 348 days for a
4 Possession of Crack charge.

5 THE COURT: All right. Ms. Wiygul, you may
6 call your first witness.

7 MS. WIYGUL: Your Honor, the applicant calls
8 Dayvonn Valentine.

9 THE COURT: Mr. Valentine, if you would,
10 come around and be sworn please, sir.

11 THE CLERK: Step up here to the Bible
12 please. Place your left hand on the Bible and
13 raise your right hand.

14 DAYVONN VALENTINE
15 having first been sworn, testifies as follows:

16 THE CLERK: Thank you. You may be seated.
17 State your full name for the record please.

18 THE WITNESS: Dayvonn Valentine.

19 DIRECT EXAMINATION

20 BY MS. WIYGUL:

21 Q Mr. Valentine, were you represented by Sidney
22 Mitchell on the charges for which you are incarcerated?

23 A Yes.

24 Q Was he retained or appointed?

25 A Retained.

1 Q And how much was he paid?

2 A Uh, I think anywhere between 5 and 7.

3 Something like that.

4 Q 5 and 700?

5 A Thousand.

6 Q Okay. Uh, how many times did y'all meet prior
7 to your plea?

8 A Two or three times.

9 Q Okay. And about how long a period did he
10 represent you?

11 A Maybe 10 or 15 minutes ---

12 Q Now how long a --

13 A --- each.

14 Q How long a period did he represent you? In
15 other words, you were arrested, I believe in July or
16 August --

17 A Like from August til the end date when they
18 sentenced me April, which was April something.

19 Q Okay. And he met with you two or three times
20 during that period?

21 A Yes.

22 Q And about how long did those visits last?

23 A About 10 or 15 minutes.

24 Q Okay. During those meetings, did he discuss
25 with you any possible defenses against the charges?

1 A No.

2 Q Did you mention any defenses that you wished to
3 discuss with him?

4 A No, not at the time.

5 Q Okay.

6 A But I did, you know, later on.

7 Q Okay. And what defense did you want -- after
8 the fact, what defense did you feel like should have been
9 raised?

10 A Actually, I was trying to get --

11 Q Was it an abandonment defense?

12 A That and what was the other one? It's been so
13 long. Attempted Armed Robbery.

14 Q Okay. And did you ever -- did you ever discuss
15 those defenses with Mr. Mitchell?

16 A Yeah, but it was basically a plea thing. It
17 never really was going to trial or anything like that.

18 Q Okay. What do you mean by it was basically a
19 plea thing? Why didn't you go to trial on these charges?

20 A I mean, the whole time, you know, when I was
21 bringing them these issues, he was telling me the best
22 thing for me to do is to plead guilty.

23 Q Okay.

24 A So it wasn't really -- I didn't really know at
25 the time. I was young. I just went along with what he

1 was telling me.

2 Q Okay. Did you feel like Mr. Mitchell was
3 prepared to take your case to trial?

4 A No, ma'am.

5 Q And why not?

6 A Just like I said, uh, the things I would bring
7 him, he never would do nothing -- say nothing about it.
8 He was just telling me he was trying to get the time
9 capped. You know what I mean? And things of that
10 nature.

11 Q Okay. What kind of things did you --

12 A The attempted armed robbery thing and as well
13 as -- as well as I heard about the Youthful Offender
14 Act ---

15 Q Uh-huh.

16 A --- which was three to six years. He told me
17 one time that I wouldn't be able to receive it. Then I
18 asked him another time. He told me he would have to get
19 with the Solicitor.

20 Q Okay. Did Mr. Mitchell ever tell you that you
21 may have to do day-for-day on the sentences?

22 A No.

23 Q Did you believe you would be eligible for
24 parole?

25 A Yes, I did.

1 Q Okay. Did, uh, -- were you informed that if
2 you plead guilty to kidnaping without having the judge
3 specify it as a non-sex-related offense that you would be
4 required to register as a sex offender?

5 A No.

6 Q Did you ever discuss that issue with Mr.
7 Mitchell?

8 A Yes. Again, while I was incarcerated at GCDC,
9 I heard from a couple of fellow inmates that if you catch
10 a kidnaping charge, that you would have to go on the
11 sexual registry list.

12 Q Okay.

13 A And I told him that. He said I wouldn't have
14 to worry about that.

15 Q Okay. After you were sentenced, are you, in
16 fact, listed as a sex offender?

17 A Well, on the computer, it says I have to
18 register at my institution.

19 Q That you have to register as a sex offender?

20 A Yes.

21 Q To the best of your knowledge, did Mr. Mitchell
22 ever attempt to negotiate a plea offer in this case?

23 A No.

24 Q Was there a plea offer in this case?

25 A Yes, but I didn't find out until I was

1 sentenced. I was going through my paperwork one day. I
2 seen a plea for like 65 years.

3 Q Okay. Had you heard about that plea?

4 A I never knew about that plea until I went
5 through the paperwork.

6 Q Okay. To the best of your knowledge, did Mr.
7 Mitchell ever file a motion to have your case dismissed
8 due to a violation in the timing of the filing of your
9 indictments?

10 A No.

11 Q Okay. In fact, your indictments were not
12 filed, correct?

13 A No.

14 Q You waived presentment of those indictments?

15 A Yeah, but I still wasn't indicted at the time
16 that I was sentenced.

17 Q Why did you waive the presentment of those
18 indictments?

19 A Because again under his -- what he told me was
20 if I go and he has a deal for me, you know, for 10 years.
21 I was expecting that. I know it was an open plea, but he
22 told me he spoke with the judge in his chambers and he
23 would get me 10 years. When I went in there and they
24 asked you was you promised anything or anything like
25 that, if I say anything, then they'll take it back. So I

1 just went in there and waived everything thinking I was
2 going to get 10 years.

3 Q Okay. Clarify just a little bit for the court.
4 Prior to going in to plead guilty, did anyone promise you
5 a particular sentence?

6 A Yes, Mr. Mitchell.

7 Q Who promised you?

8 A Mr. Mitchell.

9 Q Tell us exactly what was said please.

10 A That I needed to take the open plea. I wasn't
11 going to get but the minimum, which was 10 years. He
12 already had spoken to the judge. He didn't think I
13 should go to trial. This would be the best thing that I
14 need to do.

15 Q Okay. And just to clarify a little bit
16 farther, when the judge asked you if you'd been promised
17 anything and you told him no --

18 A I told him no because he told me if I did say
19 anything, then it would mess it up. He wouldn't be able
20 to -- I wouldn't be able to get the, uh, 10 years.

21 Q Okay.

22 A So I went along with everything.

23 Q You understand that if you win this hearing,
24 then all the charges come back and everything starts all
25 over again?

1 A Yes.

2 Q You understand you are looking at the
3 possibility of more than 100 years?

4 A Yes.

5 Q I have no further questions. Please answer any
6 questions that Ms. Ratigan has.

7 A Okay.

8 **CROSS-EXAMINATION**

9 **BY MS. RATIGAN:**

10 Q Quick question. When you had those meetings
11 with Mr. Mitchell, did you review the State's evidence
12 against you?

13 A Nothing but, uh, my motion to discovery.
14 That's all I really had.

15 Q You went through the discovery materials, like
16 the police reports statements and things like that?

17 A Yes.

18 Q And did he discuss with you the charges you
19 were facing, like what the State would have to prove at
20 trial on these charges?

21 A Uh, can you say it again?

22 Q Did Mr. Mitchell explain to you, for example,
23 like with armed robbery, the State would have to prove
24 these things at trial to find you guilty. Did y'all
25 discuss the charges like that?

1 A Yes.

2 Q Okay. Did you tell him your version of what
3 happened that day?

4 A Yes.

5 Q And that was when you brought up the idea of
6 maybe arguing abandonment or that it was only attempted,
7 is that correct?

8 A Yes, and the Youthful Offender Act under the
9 sentence.

10 Q And your testimony is that when you brought
11 this up to Mr. Mitchell, he said basically it doesn't
12 matter because you're going to plea guilty. Is that
13 correct?

14 A No, he was saying that would be the best thing
15 for me to do. He don't think I should go to trial. He
16 would try to get me -- try to cap all my sentencing and
17 things of that nature.

18 Q And your testimony is that -- was it that Mr.
19 Mitchell told you you would be parole eligible or just
20 didn't mention it at all?

21 A I'm -- it's two times he said something. I
22 think one was before I got sentenced while I was still
23 incarcerated in the county and one was while I was
24 getting sentenced.

25 Q Did he tell you were you were going to be

1 eligible for parole or you are not or did he just not
2 mention it at all?

3 A Yeah. At one time, he did. The other time, he
4 just told me I would be doing 85 percent but I would be
5 eligible for parole.

6 Q Do you remember the judge telling you, asking
7 you if anyone had promised you anything about parole? Do
8 you remember that?

9 A No, I remember him asking me about if I was
10 promised anything or was I on any drugs or anything like
11 that.

12 Q If you felt like Mr. Mitchell kind of talked
13 you into the plea or wasn't ready for trial, why didn't
14 you tell the judge that you were unhappy with him or that
15 you didn't want to go forward?

16 A Cause I knew at that time the case would stop
17 until I felt I was comfortable, but I knew I was going to
18 plea guilty then. Then he came with the paperwork and I
19 finally signed it, which I didn't sign from the very
20 beginning, I signed it that day.

21 Q Uh-huh.

22 A The only reason being is because of the 10-year
23 thing of him saying that I would be getting 10 years.

24 Q Even though Mr. Mitchell said there was no
25 recommendation, he told you that basically if you plead

1 guilty, the judge would give you 10 years?

2 A Yeah. He worked a deal out with the judge.

3 MS. RATIGAN: That's all I have, Your Honor.

4 THE COURT: Any redirect?

5 MS. WIYGUL: No, Your Honor.

6 THE COURT: All right. Thank you, sir. You
7 may step down, Mr. Valentine.

8 You may call your next witness, Ms. Wiygul.

9 MS. WIYGUL: Your Honor, the applicant calls
10 Sidney Mitchell.

11 THE CLERK: Mr. Mitchell, place your left
12 hand on the Bible please. Raise your right hand.

13 SIDNEY MITCHELL
14 having first been sworn, testifies as follows:

15 THE CLERK: Thank you. State your full name
16 for the record please.

17 THE WITNESS: Sidney P. Mitchell, Jr.

18 DIRECT EXAMINATION

19 BY MS. WIYGUL:

20 Q Mr. Mitchell, did you, in fact, represent
21 Dayvonn Valentine during this guilty plea?

22 A I did.

23 Q And do you have a fairly good recollection of
24 that representation?

25 A I do.

1 Q Uh, how many times did you meet with Mr.
2 Valentine prior to the plea?

3 A Looks like I met with him the first time on
4 August the 5th. I met with him again -- it says I met
5 with -- second meeting with client on that day. Meet
6 with him again on September 12th. September 30th.
7 Participated in a bond hearing on October the 7th. I
8 don't know if I met with him or not on November 14th. It
9 looks like I met with him again on February 9th and then
10 on March 30th. That would have all been the year of the
11 arrest.

12 Q Okay. Did you discuss any possible defenses
13 with Mr. Valentine?

14 A Mr. Valentine and I discussed his case and the
15 facts about his case and everything he wanted to talk
16 about. We discussed the serious nature of the charges
17 and any differences between he and any other co-
18 defendants in this case. We talked about a lot of
19 things.

20 Q Do you recall him ever asking about whether he
21 would have to register as a sex offender?

22 A I do not recall that.

23 Q Okay. Did you ask the judge to place on the
24 sentencing sheets that this was not a sex offense?

25 A I don't recall that. You and I discussed that

1 briefly. I don't recall discussing that at all that day
2 with Judge Hill.

3 Q Okay.

4 A It wasn't marked on there. It probably should
5 have been.

6 Q When this plea occurred back in April of 2006,
7 were you aware that a judge was required to write not
8 sexually or not a sexual offense to avoid a defendant in
9 Mr. Valentine's position being placed on the sex offender
10 registry?

11 A I don't recall that specifically at that time.
12 Clearly, this was not a sex offense. In my judgement,
13 that should be amended. I don't recall thinking about it
14 or even talking about it that day.

15 Q Okay. Uh, were you surprised by the sentence
16 that Mr. Valentine had received?

17 A Uh, this was a tough case. I recall that this
18 was armed robbery at a restaurant. There were three
19 people with guns that went in and held people according
20 to the facts, had held people at gunpoint. Mr.
21 Valentine, as I recall, was caught coming out of the back
22 of the restaurant. He did not have a significant prior
23 record. There was a drug conviction as I recall. He's a
24 young man. Obviously, I had hoped for a less sentence,
25 but I guess I wasn't really surprised by it, no.

1 Q Did you file a motion to reconsider in this
2 case?

3 A We did. Uh, I filed a motion to reconsider.
4 It would have been within 10 days of the sentence. It
5 looks like I filed -- it looks like he pled guilty on
6 April 5th, 2006. I filed a motion, uh, for the court to
7 reconsider his sentence on April 13th.

8 Q And do you recall the result of that motion?

9 A It was denied.

10 Q Did you receive an order denying that motion?

11 A Look in my file. I don't recall. (Pause.)

12 I can't put my hands on it immediately. I know
13 that after that we filed an appeal or I helped Mr.
14 Valentine obtain Indigent Defense to file an appeal. I
15 filed the Notice of Intent to Appeal. I have to assume
16 at some point, that motion was denied by Judge Hill.

17 Q Okay.

18 A I can't put my hands on the actual copy of the
19 order.

20 Q Okay. That's okay. Did you ever file or make
21 an oral motion to have these, uh, charges dismissed for
22 failure to indict within 90 -- or within 180 days of the
23 warrants being filed with the Clerk's office?

24 A No, I did not.

25 Q I have no further questions. Thank you, sir.

1 **A** Thank you.

2 **THE COURT:** You may cross-examine him.

3 **CROSS-EXAMINATION**

4 **BY MS. RATIGAN:**

5 **Q** I assume you filed the usual Brady, Rule 5
6 discovery motions?

7 **A** I did.

8 **Q** When you received those materials, did you
9 review them with Mr. Valentine?

10 **A** I did.

11 **Q** Did you also review with him his version of
12 what happened that day?

13 **A** I did.

14 **Q** Did you review the charges against him,
15 including the elements and possible punishments?

16 **A** I did.

17 **Q** Did you review with him or discuss any
18 potential defenses?

19 **A** We did.

20 **Q** Do you remember specifically what they were?
21 You don't have to go pulling through the file if you
22 don't remember.

23 **A** I mean, generally, there was a discussion, uh,
24 -- he was of the idea, of concept that because he had
25 thrown his pistol down and run out the back of the -- and

1 run out of the back of the store that that constituted
2 some defense on his part. That was one we specifically
3 talked about. There was some little things in the Code 5
4 that he pointed out I recall.

5 Q So you kind of went over the idea of
6 abandonment. Did you discuss that with him?

7 A We did.

8 Q Did you tell him whether or not that was a
9 viable defense in your opinion?

10 A In my opinion, this was going to be a case that
11 he was going to be convicted on if he went to trial. No
12 question about it.

13 Q The Armed Robbery, the Kidnaping, would these
14 charges have even been eligible for a YOA sentence?

15 A No.

16 Q Did you tell him that?

17 A He had asked me about it. I have a note in the
18 file that he had asked me about it. You know, Bryna Seay
19 was the prosecutor on this case. You know, essentially,
20 uh, she was of the mind set of recommending a very high
21 sentence for pleading straight up. That's what we did.

22 Q So you would have told him there is no way you
23 are getting a YOA sentence on this?

24 A No way.

25 Q Uh, in terms of parole eligibility, you recall

1 discussing the issue with him in any way?

2 **A** Generally, my attitude is, if you get
3 sentenced, expect to do day-for-day. But certainly, with
4 these charges, uh, being violent and most serious, we had
5 discussed that, that he would not be eligible.

6 **Q** Now, Mr. Valentine stated that he learned at
7 some point that there was a plea offer for 65 years. Do
8 you recall that?

9 **A** I heard him say that. I don't specifically
10 recall that plea offer. The one that I took down there
11 to him was a straight up plea in front of Judge Hill with
12 no offer. There was no deal. I had talked with her on a
13 number of occasions about trying to work out a cap on the
14 sentence, different charges, Strong Arm Robbery, any
15 number of things. We exhausted -- had a lot of
16 conversation with her about trying to help Mr. Valentine
17 out. And essentially, that's where we ended up was a
18 straight up plea.

19 **Q** Did you explain to Mr. Valentine exactly what
20 no recommendations mean?

21 **A** Yes.

22 **Q** Did he appear to understand those discussions?

23 **A** He did.

24 **Q** Mr. Valentine has testified today that you told
25 him you had talked to Judge Hill in chambers and Judge

1 Hill would give him a 10-year sentence. You recall
2 either a conversation with the judge about that or a
3 conversation with Mr. Valentine about that?

4 A No, I did not.

5 Q You don't recall or that you specifically
6 remember did not happen?

7 A No, I mean, Mr. Valentine understood this was a
8 straight up plea. He understood what the judge could
9 have done. He gave him a 20-year sentence along with all
10 the other co-defendants that day. We understood that.

11 Q You never made him any promise of what he would
12 get if he pled guilty?

13 A No.

14 MS. RATIGAN: That's all I have, Your Honor.

15 THE COURT: Any redirect?

16 MS. WIYGUL: No redirect.

17 THE COURT: All right. Thank you, Mr.

18 Mitchell.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: You may call your next witness,
21 Ms. Wiygul.

22 MS. WIYGUL: Your Honor, the applicant rests.

23 THE COURT: Anything from the State?

24 MS. RATIGAN: No, we would rest on Mr.
25 Mitchell's testimony and the record before the

1 Court.

2 THE COURT: Ms. Wiygul, anything you'd like
3 to --

4 MS. WIYGUL: Your Honor, there's one thing a
5 little bit different about this case in that I
6 realize that as a general rule the only relief that
7 could be granted in this type hearing is to totally
8 vacate the plea and start everything over. We'd ask
9 the Court to consider doing that. But in addition,
10 we would ask that the Court order Mr. Mitchell just
11 to file a request to amend the sentencing sheets
12 just to fix the sex offender registry issues. We've
13 -- I've run across that before. It's a very easy
14 fix. We would simply ask that the Court order
15 Mister --

16 THE COURT: Does that need to be done in a
17 PCR proceeding?

18 MS. WIYGUL: Your Honor, it's something that
19 can just be done.

20 THE COURT: I figured that.

21 MS. WIYGUL: In speaking with Mr. Mitchell,
22 it's my understanding that he does plan to do that.

23 THE COURT: I think the Solicitor's office
24 does those. As a matter of fact, I think I had one
25 on another case today. The Solicitor filed the

1 motion testifying or stating in the motion that it
2 was not -- the case didn't involve any sex, uh,
3 issues, sexual assault issues.

4 MS. WIYGUL: Yes, Your Honor. I guess the
5 clarification I was hoping to get from the Court is
6 that that would be Mr. Mitchell's responsibility and
7 not mine.

8 THE COURT: I'm sure he wouldn't mind doing
9 that. Just to contact the Solicitor and see if they
10 can prepare the order. Once they certify that it's
11 not, I don't know that -- does that affect his, uh,
12 status of being incarcerated?

13 MS. WIYGUL: It does, Your Honor.

14 THE COURT: I know it would when he gets out.

15 MS. WIYGUL: No, Your Honor. It also
16 prohibits him from participating in some of the
17 programs and stuff down there above and beyond the
18 violent charges.

19 THE COURT: I'm sure that if there are -- I
20 don't know what took place in the factual situation.
21 But if it's not there, I'm confident the Solicitor
22 would be willing to work with Mr. Mitchell.

23 So Mr. Mitchell, you'll take care of that,
24 won't you?

25 MR. MITCHELL: Yes, sir, Your Honor.

1 **THE COURT:** All right. Thank you.

2 **MS. WIYGUL:** Thank you, Your Honor.

3 **THE COURT:** All right. I'll review the
4 transcript and issue an order in the next couple of
5 weeks.

6 **MS. WIYGUL:** Thank you, Your Honor.

7 **MS. RATIGAN:** Thank you, Your Honor.

8 (WHEREUPON, the proceedings conclude at
9 approximately 4:01 p.m.)

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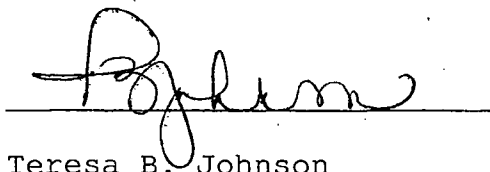
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CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Greenville, South Carolina, on this 13th day of July, 2012.

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

A handwritten signature in cursive script, appearing to read 'T. B. Johnson', is written over a horizontal line.

Teresa B. Johnson

Circuit Court Reporter

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE)

C.A. No. 2009-CP-23-3441

Dayvonn A. Valentine,)
S.C.D.C. No. 314805,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

ORDER OF DISMISSAL

FILED-CLERK OF COURT
GREENVILLE CO SC
PAUL A. WATKINS

2011 JUL -6 PM 1:59

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 21, 2009. The Respondent made its return on June 30, 2009. An evidentiary hearing into the matter was convened on May 9, 2011 at the Greenville County Courthouse. The Applicant was present at the hearing and represented by Elizabeth P. Wiygul, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's plea counsel, Sidney P. Mitchell, Jr., Esquire. The Court had before it the transcript of the guilty plea hearing, the records of the Greenville County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the Respondent's return, and the appellate records.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Applicant waived presentment to the Greenville County Grand Jury for nine (9) counts of armed robbery

(2006-GS-23-2705, counts 1-8 and 2006-GS-23-2707, count 1), eight (8) counts of kidnapping (2006-GS-23-2706, counts 1-8), and possession of a weapon during the commission of a violent crime (2006-GS-23-2707, count 2). He was represented by Sidney P. Mitchell, Jr., Esquire.

On April 5, 2006, the Applicant pled guilty. The Honorable D. Garrison Hill sentenced the Applicant to concurrent terms of twenty (20) years for each count of armed robbery, twenty (20) years for each count of kidnapping, and five (5) years for possession of a weapon. Judge Hill also revoked the Applicant's probation on the charge of possession of crack cocaine (2002-GS-23-2516) and levied a concurrent sentence of one (1) year and 348 days imprisonment.

A notice of appeal was filed at the South Carolina Court of Appeals. Eleanor Duffy Cleary, Esquire of the South Carolina Office of Appellate Defense perfected the appeal in the form of an Anders¹ brief. The Court of Appeals dismissed the appeal. State v. Valentine, Op. No. 2008-UP-386 (S.C. Ct. App. filed July 14, 2008).

ALLEGATIONS

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

1. Ineffective assistance of counsel:
 - a. Advised the Applicant to plead guilty "despite the fact of Applicant's Abandonment of participation in crimes."
 - b. Advised the Applicant to plead guilty "to a Duplicious Kidnapping Indictment."
 - c. Misadvised the Applicant about "the Direct Consequences of pleading guilty."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the

¹ Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

² 

opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

The Applicant stated he retained plea counsel in this case and that they had approximately two (2) or three (3) meetings before the plea date. The Applicant stated he and plea counsel reviewed the discovery materials, charges, and his version of events. The Applicant stated that, while he and plea counsel did not discuss defenses in this case, counsel should have argued both abandonment of the crime and that it was attempted armed robbery. The Applicant stated plea counsel should have moved to dismiss the indictments because they were not timely

3


filed. The Applicant stated plea counsel never told him of a sixty-five (65) year plea offer from the State. The Applicant stated plea counsel told him he would be eligible for parole. The Applicant stated plea counsel told him the plea judge had stated in chambers that he would sentence the Applicant to ten (10) years imprisonment. The Applicant stated he did not mention this ten (10) year deal during the plea hearing because plea counsel told him not to do so.

Plea counsel testified he filed discovery motions and reviewed the State's evidence with the Applicant. Plea counsel testified he and the Applicant had at least six (6) meetings in which they discussed the facts, evidence, and co-defendants. Plea counsel testified they also discussed the Applicant's version of events and possible defenses. Plea counsel testified the abandonment issue was not viable. Plea counsel testified he would have told the Applicant that he was not eligible for parole. Plea counsel testified he did not recall a sixty-five (65) year plea offer. Plea counsel testified the plea judge never told him that he would levy a ten (10) year sentence. Plea counsel testified the Applicant knew he was pleading guilty without a sentence recommendation and that he did not make any promises to the Applicant about the sentence he would receive.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds the Applicant's testimony is not credible, while also finding plea counsel's testimony is credible. This Court further finds plea counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

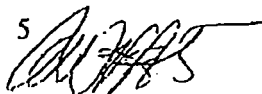
The Applicant admitted to the plea judge both that he was guilty and that the facts recited by the solicitor were true. (Plea transcript, p.9; p.22). The Applicant also told the plea judge that he understood the trial rights he was waiving in pleading guilty, was satisfied with counsel, and had not been coerced in any way. (Plea transcript, pp.7-8; p.10; pp.13-15).

A handwritten signature in black ink, appearing to be "C. M. H. K." or similar, located at the bottom center of the page.

This Court finds the Applicant failed to meet his burden of proving plea counsel did not adequately discuss his case with him before the plea hearing. This Court notes plea counsel testified they met at least six (6) times to review the charges, evidence, and possible defenses. This Court finds counsel's testimony is credible. This Court notes trial counsel also testified they discussed the idea of arguing the Applicant abandoned his participation in the crimes but that he dismissed this as defense as not viable. This Court finds the Applicant failed to produce any compelling evidence or precedent to corroborate his opinion that such a defense would have been successful.

This Court finds the Applicant failed to meet his burden of proving plea counsel should have filed a motion to dismiss the indictments because they were not filed pursuant to Rule 3(c), SCRCrimP. This Court notes the failure to comply with Rule 3(c) is not an automatic ground to quash a warrant or indictment. See State v. Culbreath, 282 S.C. 38, 40, 316 S.E.2d 681, 681 (1984) ("[T]he failure of the solicitor to act upon a warrant within ninety (90) days . . . does not within itself invalidate a warrant or prevent subsequent prosecution."). Further, this Court finds the Applicant failed to provide evidence of any prejudice that resulted from the delay. See, e.g., State v. Pittman, 373 S.C. 527, 647 S.E.2d 144 (2007) (noting one must prove prejudice in order to prevail on an allegation that one's speedy trial rights were violated).

This Court finds the Applicant failed to meet his burden of proving plea counsel misadvised him about the sentence he would receive if he pled guilty. Initially, this Court notes the Applicant has failed to present any evidence to corroborate his claim that plea counsel did not convey a plea offer of sixty-five (65) years from the State. This Court finds the Applicant's testimony on this matter is not credible. Further, this Court does not find credible the Applicant's contention that plea counsel told him the plea judge promised a ten (10) year

5 

sentence if he pled guilty. Both the Applicant and plea counsel testified they knew the guilty plea was taking place without a sentence recommendation and the lack of a recommendation was mentioned during the plea hearing. (Plea transcript, p.22). Plea counsel testified there was no conversation with the plea judge about a ten (10) year sentence and that he made no specific promises regarding a potential sentence to the Applicant. This Court finds counsel's testimony is credible.

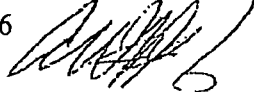
This Court finds the Applicant failed to meet his burden of proving plea counsel failed to properly advise him about parole eligibility. Plea counsel testified he advised the Applicant that he would not be eligible for parole with these charges. This Court finds this testimony is credible. While the Applicant indicated he pled guilty, in part, because of his belief that he was parole eligible, this Court notes he told the plea judge he was not relying upon any promises or predictions about parole eligibility. (Plea transcript, p.9).

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test — that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland — that he was prejudiced by plea counsel's performance.

This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to

6 

present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

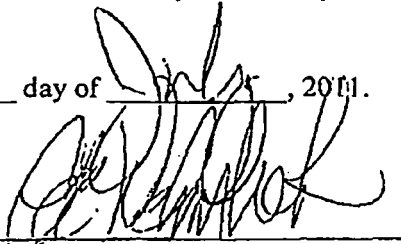
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

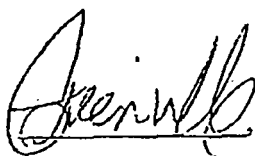
This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 1 day of July, 2011.


G. Edward Welmaker
Resident Judge
Thirteenth Judicial Circuit

 South Carolina.

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on
County present upon their oath:

the Grand Jurors of Greenville

COUNT ONE

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that ADAM PELOQUIN reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or keys from the person or presence of ADAM PELOQUIN. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that MICHAEL GOLLA reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or keys from the person or presence of MICHAEL GOLLA. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT THREE

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that MARK LENTZ reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or

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

Byrona S. Seay
SOLICITOR

keys from the person or presence of MARK LENTZ. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT FOUR

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that CAROLYN SEWELL reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or keys from the person or presence of CAROLYN SEWELL. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

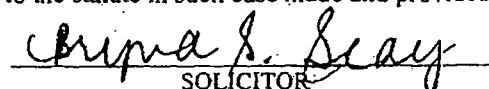
COUNT FIVE

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that BRANDON WILLIAMS reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or keys from the person or presence of BRANDON WILLIAMS. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT SIX

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that JANET DEANNA HALL reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or keys from the person or presence of JANET DEANNA HALL. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

COUNT SEVEN

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that MIGUEL ANGEL NAVARRO reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or keys from the person or presence of MIGUEL ANGEL NAVARRO. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT EIGHT

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that SALVADOR SAATO reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency, cell phone and/or keys from the person or presence of SALVADOR SAATO. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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

Wynne S. Gray
SOLICITOR

WITNESSES

M Nelson

Greenville Police Department

7/3/2005

ARREST WARRANT NUMBER

1810245, 1810246, 1810247, 1810248, 1810249,

1810250, 1810251, 1810252

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

*Foreperson of Petit Jury**Date:*

DOCKET NO. 2006-GS-23-2705

BSD

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

PLEAD GUILTY

THE STATE

vs.

DAYVONN ANTONIO VALENTINE

Indictment for

ARMED ROBBERY

VIOLATION § 16-11-0330

5 OF 6

✓ 18
0139

ARREST WARRANT

1-810245

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49887

against

Dayvonn Antonio Valentine

Address:

Phone:

SSN: 1

Sex: M

Race: B

Height: 5

7

Weight: 150

DL State: SC

DL #: 090456977

DOB: 8

Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on 7-3-05

Signature of Constable/Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

State of South Carolina (or ordinance of

☐ County/☒ Municipality of

Greenville

in the following particulars:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005 defendant Dayvonn Antonio Valentine

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

☐ County/☒ Municipality of

Greenville

) as set forth below:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

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

Sworn to and subscribed before me

on 07/03/2005

Judge's Address

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ARREST WARRANT

I-810246

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Sex: M Race: B Height: 5 7 Weight: 150

DL State: SC DL #: 090456977

DOB: Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

7-3-05

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005

defendant Dayvonn Antonio Valentine

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

☐ County/☒ Municipality of

Greenville

) as set forth below:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

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

Sworn to and subscribed before me

on 07/03/2005

(L.S.)

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

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ORIGINAL

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

AFFIDAVIT

ARREST WARRANT

1-810247

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49887

against

Dayvonn Antonio Valentine

Address:

Phone:

5 7 Weight: 150

DL State: SC

090456977

DOB:

Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant

on

7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville.
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of

Greenville

in the following particulars:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005

defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of Greenville

) as set forth below:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

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

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

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ORIGINAL

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

AFFIDAVIT

who

violate the criminal laws of the

ARREST WARRANT

I-810248

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49887

against

Dayvonn Antonio Valentine

Address:

Sex: M Race: B Height: 5 7 Weight: 150

DL State: SC DL #: 090456977

DOB: Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

violates the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005

defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of Greenville

) as set forth below:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

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

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

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

ARREST WARRANT

I-810249

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Phone:

Sex: M Race: B 7 Weight: 150

DL State: SC DL #: 090456977

DOB: 84 Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson who being duly sworn deposes and says that defendant Dayvonn Antonio Valentine did within this county and state on 07/03/2005 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE: ARMED ROBBERY

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE, SC 29601-
Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005 defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: ARMED ROBBERY

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

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge (L.S.)

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

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

AFFIDAVIT

ARREST WARRANT

6360
78-05
I-810250

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

THE STATE

05-49087

against

Dayvonn Antonio Valentine

Address:

Phone: _____

Sex: M

Race: B

SSN: _____

150

DL _____

Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant
on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

who

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005

defendant Dayvonn Antonio Valentine

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

☐ County/☒ Municipality of

Greenville

) as set forth below:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

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

Sworn to and subscribed before me

on 07/03/2005

(L.S.)

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

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ORIGINAL

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

ARREST WARRANT 6360
7-8-05
I-810251

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Phone: 1

Height: 5 7 Weight: 150

DL State: SC DL #: 090456977

DOB: 8 Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is **CERTIFIED FOR SERVICE** in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant

on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson who

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005 violate the criminal laws of the

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

In the following particulars:

DESCRIPTION OF OFFENSE:

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the crime set forth and that probable cause is based on the following facts:

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
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armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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soon thereafter as is practicable

Sworn to and subscribed before me

on 07/03/2005

Judge's Address

(L.S.)

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Telephone

Issuing Court

☐ Magistrate

☒ Municipal

☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT

1-810252

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 7 Weight: 150

DL State: SC DL#: 090456977

DOB: _____ Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

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

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

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant
on 7-3-05

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

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STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

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DESCRIPTION OF OFFENSE: ARMED ROBBERY

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with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

☐ County/ ☒ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: ARMED ROBBERY

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her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge (L.S.)

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 KIDNAPPING

At a Court of General Sessions, convened on
 County present upon their oath:

the Grand Jurors of Greenville

COUNT ONE

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away ADAM PELOQUIN, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away MICHAEL GOLLA, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

COUNT THREE

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away MARK LENTZ, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

COUNT FOUR

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away CAROLYN SEWELL, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

COUNT FIVE

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away BRANDON WILLIAMS, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

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

Bryan J. Seay
 SOLICITOR

COUNT SIX

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away JANET DEANNA HALL, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

COUNT SEVEN

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away MIGUEL ANGEL NARARRO, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

COUNT EIGHT

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, unlawfully seize, abduct, confine, inveigle, decoy or carry away SALVADOR SAATO, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

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

Bryna S. Gray
SOLICITOR

DOCKET NO. 2006-GS-23- 2706
BSD

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

PLEAD GUILTY THE STATE
vs.

DAYVONN ANTONIO VALENTINE

WITNESSES

M Nelson

Greenville Police Department

7/3/2005

ARREST WARRANT NUMBER

1810253, 1810254, 1810255, 1810256, 1810257,

1810258, 1810259, 1810260

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

0095

KIDNAPPING

VIOLATION § 16-3-0910

1 OF 4

ARREST WARRANT

I-810253

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

against

Dayvonn Antonio Valentine

Address:

Sex: M Race: B Height: 5 7 Weight: 150
 DL State: SC DL #: 090456977
 DOB: _____

Greenville Police Department

Prosecuting Officer: M D NelsonOffense: kidnapping

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

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

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant
 on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
 426 North Main Street
 P O Box 488
 Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson whobeing duly sworn deposes and says that defendant Dayvonn Antonio Valentinedid within this county and state on 07/03/2005

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE: kidnapping

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
 with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
 limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
 co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
 armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005 defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of Greenville) as set forth below.DESCRIPTION OF OFFENSE: kidnapping

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

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge
John Barksdale

Judge Code: 6361

(L.S.)

Judge's Address

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 618

AFFIDAVIT

ARREST WARRANT

I-810254

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Phone _____ SSN: 25
 Sex: M Race: B Height: 5 7 Weight: 150
 DL State: SC DL #: 090456977
 DOB: _____ Agency ORI #: SC0230200
 Prosecuting Agency: Greenville Police Department
 Prosecuting Officer: M D Nelson
 Offense: kidnapping

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant
 on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
 426 North Main Street
 P O Box 488
 Greenville, SC 29602-2207

ORIGINAL

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STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

who

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE:

kidnapping

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
 with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
 limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
 co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
 armed with handguns and all the victims were held against their wills:

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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kidnapping

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Sworn to and subscribed before me

on 07/03/2005

Judge's Address

Signature of Issuing Judge

(L.S.)

John Barksdale

Judge's Telephone

Judge Code: 6361

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ARREST WARRANT

I-810255

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49887

against

Dayvonn Antonio Valentine

Address:

Phone: 9 1 7 Weight: 150

DL State: SC DL #: 090456977

DOB:

Police Department

Prosecuting Officer: M D Nelson

Offense: kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 7-3-05

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

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ORIGINAL

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☐ County/ ☒ Municipality of

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STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

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Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

ARREST WARRANT

1-810256

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49887

against

Dayvonn Antonio Valentine

Address:

Phone:

SSN

Sex: M Race: B Height: 5 7 Weight: 150

DL State: SC DL #: 090456977

DOB: Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 7-3-05

Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O.Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

ORIGINAL

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☐ County/ ☒ Municipality of

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Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge (L.S.)

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 616

ARREST WARRANT

1-810257

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

THE STATE

08-49887

against

Dayvonn Antonio Valentine

Address:

Phone:

SSN:

Sex: M Race: B Height: 5 7 Weight: 150

DL State: SC DL #: 090456977

DOB: 4 Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

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STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

who

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE: kidnapping

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005

defendant Dayvonn Antonio Valentine

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

☐ County/☒ Municipality of

Greenville

) as set forth below:

DESCRIPTION OF OFFENSE: kidnapping

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

Sworn to and subscribed before me

on 07/03/2005

(L.S.)

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

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Form Approved by
S.C. Attorney General
April 21, 2005
SCCA 316

AFFIDAVIT

ARREST WARRANT

I-810258

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Phone:

SSN:

Sex: M Race: B Height: 5 7 Weight: 150

DL

Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of

Greenville

In the following particulars:

DESCRIPTION OF OFFENSE:

kidnapping

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x.0000

ARREST WARRANT

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

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

on 7/3/2005

defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of

Greenville

) as set forth below:

DESCRIPTION OF OFFENSE:

kidnapping

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

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA-316

ARREST WARRANT

6360
7815
1-810259

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Phone: SSN:
 Sex: M Race: B Height: 5 7 Weight: 150
 DL State: SC DL #: 090456977
 DOB: Agency ORI #: SC0230200
 Prosecuting Agency: Greenville Police Department
 Prosecuting Officer: M D Nelson
 Offense: kidnapping

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant
 on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
 426 North Main Street
 P O Box 488
 Greenville, SC 29602-2207

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson whobeing duly sworn deposes and says that defendant Dayvonn Antonio Valentinedid within this county and state on 07/03/2005 violate the criminal laws of theState of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville)

In the following particulars:

DESCRIPTION OF OFFENSE: kidnapping

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE, SC 29601-
 Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005 defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of Greenville) as set forth below:DESCRIPTION OF OFFENSE: kidnapping

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

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge (L.S.)

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

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

AFFIDAVIT

ARREST WARRANT 6360
7-8-05
1-810260

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49687

against

Dayvonn Antonio Valentine

Address:

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 7 Weight: 150
DL State: SC DL #: 090456977
DOB: 4 Agency ORI #: SC0230200
Prosecuting Agency: Greenville Police Department
Prosecuting Officer: M D Nelson
Offense: kidnapping

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on 7-3-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

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STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson who

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

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

in the following particulars:

DESCRIPTION OF OFFENSE:

kidnapping

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005 defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of Greenville

) as set forth below:

DESCRIPTION OF OFFENSE:

kidnapping

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

Sworn to and subscribed before me

on 07/03/2005

Signature of Issuing Judge (L.S.)
John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate

☒ Municipal

☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

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

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	ARMED ROBBERY AND POSSESSION OF A WEAPON
COUNTY OF GREENVILLE	)	DURING THE COMMISSION OF OR THE ATTEMPT TO
		COMMIT A VIOLENT CRIME

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

COUNT ONE – ARMED ROBBERY

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon, that Cheeseburger in Paradise reasonably believed to be a deadly weapon, attempted to and/or did take by means of force or intimidation, goods or monies described as: U.S. Currency from the person or presence of Cheeseburger in Paradise. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

**COUNT TWO – POSSESSION OF A WEAPON DURING THE COMMISSION OF OR THE ATTEMPT
TO COMMIT A VIOLENT CRIME**

That DAYVONN ANTONIO VALENTINE did in Greenville County, on or about the 3rd day of July, 2005, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Armed Robbery. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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

Byrona S. Seay
SOLICITOR

WITNESSES

M Nelson

Greenville Police Department

7/3/2005

ARREST WARRANT NUMBER

1810241, 1810261

ACTION OF GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-23- 2707

BSD

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

PLEAD GUILTY THE STATE
vs.

DAYVONN ANTONIO VALENTINE

9

Mitchell

Indictment for

0139

0549

ARMED ROBBERY AND POSSESSION OF A
WEAPON DURING THE COMMISSION OF OR
THE ATTEMPT TO COMMIT A VIOLENT CRIME

VIOLATION § 16-11-0330

§ 16-23-490

ARREST WARRANT

1-810241

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

THE STATE

05-49887

against

Dayvonn Antonio Valentine

Address:

Sex: M Race: B Height: 5'7 Weight: 150

DL State: SC DL #: 090456977

DOB: Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: M D Nelson

Offense: ARMED ROBBERY

Offense Code: 0139

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

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant

on 7/3/05

#214 92514

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant M D Nelson

who

being duly sworn deposes and says that defendant Dayvonn Antonio Valentine

did within this county and state on 07/03/2005

violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE, SC 29601-

Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

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

on 7/3/2005 defendant Dayvonn Antonio Valentine

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

☐ County/ ☒ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE:

ARMED ROBBERY

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

Sworn to and subscribed before me

on 07/03/2005

(L.S.)

Signature of Issuing Judge

John Barksdale

Judge Code: 6361

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA-510

ORIGINAL

AFFIDAVIT

ARREST WARRANT 6360
1-810261
7-8-05

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
Greenville

THE STATE 05-49687
against
Dayvonn Antonio Valentine

Address: _____

Sex: M Race: B Height: 5 7 Weight: 150
DL State _____

Agency ORI #: SC0230200
Prosecuting Agency: Greenville Police Department
Prosecuting Officer: M D Nelson
Offense: weapon-possession during violent crime

Offense Code: 0549
Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)
Signature of Judge

Date: _____

RETURN
A copy of this arrest warrant was delivered to
defendant
on 7-3-05

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29602-2207

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
Greenville

Personally appeared before me the affiant M D Nelson who
being duly sworn deposes and says that defendant Dayvonn Antonio Valentine
did within this county and state on 07/03/2005 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville)
in the following particulars:

DESCRIPTION OF OFFENSE: weapon-possession during violent crime

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

Affiant has written statements from six victims stating that on 7-3-05 the accused, Dayvonn Antonio Valentine, along
with two co-defendants did enter the business of Cheeseburger In Paradise, located at 535 Haywood Rd. within the city
limits of Greenville, and did demand monies, cell phones and keys from the victims. While inside the accused and the
co-defendants did take monies from the business. All of the above was done while the accused and co-defendants were
armed with handguns and all the victims were held against their wills.

Signature of Affiant
STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
Greenville

Affiant's Address 4 MCGEE STREET
GREENVILLE, SC 29601-
Affiant's Telephone (864)467-5325 x 0000

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 7/3/2005 defendant Dayvonn Antonio Valentine
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: weapon-possession during violent crime

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

Sworn to and subscribed before me
on 07/03/2005
[Signature] (L.S.)
Signature of Issuing Judge
John Barksdale
Judge Code: 6361

Judge's Address _____
Judge's Telephone _____
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Dayvonn Valentine

AKA:

Race: B Sex: M Age: 21

DOB: SS#:

Address:

DL#: 090456977

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2006-GS-23- 2707

A/W#: 1810261

Date of Offense: 07-03-2005

S.C. Code § : 16-23-0490

CDR Code #: 0549

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: POSSESSION OF WEAPON DURING VIOLENT CRIME (COUNT 2)

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

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The 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:

Bryna S. Gray

Solicitor:

Dayvonn Valentine

Defendant

[Signature]

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: 4/5/2006☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ 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	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$

TOTAL

Paul B. Wachsmann

Clerk of Court/ Deputy Clerk

Court Reporter: Koffshay

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: sentence start date to

be July 3, 2005

☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2 11 13 18

Sentence Date: 4-5-06

SCCA/217 (2/2006)

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE VS.

Dayvonn Valentine

AKA:

Race: B Sex: M Age: 21

DOB: -

Address: -

DL#: 090456977

SID#: -

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2006-GS-23- 2707

A/W#: 1810241

Date of Offense: 07-03-2005

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

☐ CASE RESTORED
SENTENCE☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: ARMED ROBBERY (COUNT 1)

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

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The 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:

Brigida S. Leary
Solicitor:Dayvonn Valentine
Defendant[Signature]
Attorney for DefendantWHEREFORE, 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: 4/6/2006☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ 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	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

TOTAL

Paul B. Wickham
Clerk of Court/ Deputy ClerkCourt Reporter: Koffsky

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: sentence start date tobe July 3, 2005☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]Judge Code: 2 11 13 18Sentence Date: 4-5-06

☒ STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)
STATE VS.)
Dayvonn Valentine)
AKA: _____)
Race: B Sex: M)
117-68-4325)
Address: _____)
DL#: 090456977 SID#: _____)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#: 2006-GS-23- 2705
A/W#: 1810245, 1810246, 1810247, 1810248, 1810249, 1810250, 1810251, 1810252
Date of Offense: 07-03-2005
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139
☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: ARMED ROBBERY (8 COUNTS)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 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:

Clayton S. Seay Solicitor: Dayvonn Valentine Defendant: [Signature] Attorney for Defendant

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: 4/6/2006
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	

Paul B. Wickersham
Clerk of Court/ Deputy Clerk

Court Reporter: Koffshay

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: sentence start date to

be July 3, 2005

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]

Judge Code: 2 11 13 18

Sentence Date: 4-5-06

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Dayvonn Valentine

AKA:

Race: B Sex: M Age: 21

DOB: 4 SS#:

Address:

DL#: 090456977

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2006-GS-23- 2706

A/W#: 1810253, 1810254, 1810255,

Date of Offense: 07-03-2005 1810256,

S.C. Code §: 16-03-0910 1810257,

CDR Code #: 0095 1810258,

☐ CASE RESTORED SENTENCE 1810259, 1810260☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: KIDNAPPING (8 COUNTS)

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The 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:

Bryna S. Gray

Solicitor:

Dayvonn Valentine

Defendant

Attorney for Defendant

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ 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	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
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§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
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§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Paul B. Wechsner

Clerk of Court/ Deputy Clerk

Court Reporter: Koffshay

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: sentence start date to
be July 3, 2005☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2 11 13 18

Sentence Date: 4-5-06

Apr 06 2006 10:16AM

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STATE OF SOUTH CAROLINA

County of Greenville
STATE VS.DAYVORN A. VAKANTIN

AKA: _____

Race: _____

Sex: M

DOB: _____

SID#: 1395702

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

02 GS 23 - 02516
C/W#: W-23-06-0408 / W-23-05-1312Name of Original Offense: Mandatory Poss 3 CrickConviction S.C. Code §: 44-53-0315Conviction CDR Code #: 0 1 1 1 1 2Date of Original Offense: 04/07/04Original Sentence: Prob 2 yrs. supv.

ORDER

on 17 Sept 05 & 2 yrs. prob.

The above named defendant has been charged with violating the conditions of probation ordered on 04/07/04 in the Court of General Sessions of Greenville County as set forth in the attached warrant or citation dated 04/05/06. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 1, 6, 7, 9, 10 and Special Conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 1 year 348 days months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☒ Additional Conditions ordered by the Court:
cc. with sentence rec. this date

☐ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☒ The defendant has previously served 17 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)

This 5th day of April, 2006
Greenville, SC.

Presiding Judge

HON. D. GARNER HILL13th

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this _____ day of _____, at _____, SC
Day Month Year City

Form 9 (Stock)

Revision: 5 Revision Date: 03-24-2003

Copy Distributions - White-Clerk of Court; Yellow-SCDC; Pink-Offender File; Gold-Offender