

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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S.C. SUPREME COURT

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Appeal from Pickens County

Honorable Perry H. Gravely, Circuit Court Judge

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JOHNNY JAMES EDWARDS, JR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000319

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A P P E N D I X

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## INDEX

|                                                 |     |
|-------------------------------------------------|-----|
| INDEX.....                                      | i   |
| GUILTY PLEA TRANSCRIPT .....                    | 1   |
| INDICTMENTS AND SENTENCING SHEETS.....          | 37  |
| POST-CONVICTION RELIEF APPLICATION .....        | 55  |
| RETURN AND MOTION TO DISMISS.....               | 64  |
| AMENDED POST-CONVICTION RELIEF APPLICATION..... | 68  |
| POST-CONVICTION RELIEF HEARING TRANSCRIPT ..... | 77  |
| ORDER OF DISMISSAL .....                        | 118 |

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

|                            |   |                                     |
|----------------------------|---|-------------------------------------|
| STATE OF SOUTH CAROLINA,   | ) |                                     |
|                            | ) |                                     |
| PLAINTIFF,                 | ) | 2012-GS-39-01266,00747,00745,00744, |
|                            | ) | 00743,00742,906967,06965            |
| -VS-                       | ) |                                     |
|                            | ) |                                     |
| JOHNNY JAMES EDWARDS, JR., | ) | JUNE 25, 2013                       |
|                            | ) |                                     |
| DEFENDANT.                 | ) | TRANSCRIPT OF RECORD                |
|                            | ) |                                     |

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B E F O R E:

THE HONORABLE LETITIA VERDIN, JUDGE

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

DOUG RICHARDSON, ESQUIRE  
JAMES PRICE, ESQUIRE  
ATTORNEYS FOR THE PLAINTIFF

CAMERON G. BOGGS, ESQUIRE  
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS  
CIRCUIT COURT REPORTER

1

**INDEX**

| WITNESSES | DIRECT | CROSS | REDIRECT | RECROSS |
|-----------|--------|-------|----------|---------|
| (NONE)    |        |       |          |         |
|           |        |       |          |         |
|           |        |       |          |         |

|                         |  |  |  | PAGE |
|-------------------------|--|--|--|------|
| Certificate of Reporter |  |  |  | 36   |

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State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-1266,0747,0745,0744,0743,0742,6967,6965)  
Exhibit List

3

**PLAINTIFF'S EXHIBITS**

| NO | DESCRIPTION | ID | EV |
|----|-------------|----|----|
|    | (NONE)      |    |    |
|    |             |    |    |

**DEFENDANT'S EXHIBITS**

|  |        |  |  |
|--|--------|--|--|
|  | (NONE) |  |  |
|  |        |  |  |

**COURT'S EXHIBITS**

|  |        |  |  |
|--|--------|--|--|
|  | (NONE) |  |  |
|  |        |  |  |

1

**JUNE 25, 2013**

2

(WHEREUPON, court convened with all parties

3

present and the following proceedings were had.)

4

THE CLERK: 2013-GS-23-5470, The State versus

5

Wesley Williams, pleading to lewd act upon a child.

6

2012-GS-23-6965, The State versus Johnny Edwards,

7

pleading to assault and battery first degree; 2012-GS-

8

23-6967, pleading to failure to stop for a blue light;

9

2012-GS-39-742, pleading to burglary first degree;

10

2012-GS-39-743, pleading to domestic violence of a high

11

and aggravated nature; 2012-GS-39-744, pleading to

12

child endangerment; 2012-GS-39-745, pleading to

13

unlawful conduct towards a child; 2012-GS-39-747,

14

pleading to resisting arrest; 2012-GS-39-1266, pleading

15

to failure to stop for a blue light.

16

2013-GS-39-1897, The State versus Pamela Whitaker,

17

pleading to unlawful neglect of a child.

18

2013-GS-39-1478, The State versus Jerome

19

Vinciarelli, pleading to possession of synthetic

20

marijuana with intent to distribute.

21

2013-GS-39-909, The State versus Mark Smith,

22

pleading to burglary second degree; 2013-GS-39-907,

23

pleading to grand larceny; 2013-GS-39-904, pleading to

24

burglary first degree.

25

2013-GS-39-804, The State versus Christopher

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

5

1 Smith, pleading to grand larceny; 2013-GS-39-803,  
2 pleading to grand larceny; 2013-GS-39-802, pleading to  
3 grand larceny; 2013-GS-39-796, pleading to grand  
4 larceny; 2013-GS-39-795, pleading to burglary third  
5 degree; 2013-GS-39-791, pleading to breaking and  
6 entering a motor vehicle; 2013-GS-39-790, pleading to  
7 grand larceny; 2013-GS-39-784, pleading to grand  
8 larceny; 2013-GS-39-782, pleading to breaking and  
9 entering a motor vehicle; 2013-GS-39-781, pleading to  
10 breaking and entering a motor vehicle; 2013-GS-39-777,  
11 pleading to breaking and entering a motor vehicle;  
12 2013-GS-39-630, pleading to grand larceny.

13 Raise your right hands, please.

14 Do you solemnly swear or affirm that the testimony  
15 you're about to give is the truth, the whole truth and  
16 nothing but the truth so help you God?

17 Mr. Williams?

18 MR. WILLIAMS: Yes, ma'am.

19 THE CLERK: Mr. Edwards?

20 MR. EDWARDS: Yes, ma'am.

21 THE CLERK: Ms. Whitaker?

22 MS. WHITAKER: Yes, ma'am.

23 THE CLERK: Mr. Vinciarelli?

24 MR. VINCIARELLI: Yes, ma'am.

25 THE CLERK: Mr. Smith?

1 MR. M. SMITH: Yes, ma'am.

2 THE CLERK: Mr. Smith?

3 MR. C. SMITH: Yes, ma'am.

4 THE COURT: All right. Mr. Williams, you're  
5 here today to plead to lewd act on a minor. It's my  
6 understanding you're entering an Alford\* plea. We'll  
7 talk about that in just a minute. That carries up to  
8 fifteen years. And is that lifetime GPS?

9 MR. BOGGS: It is.

10 THE COURT: All right. Is that your  
11 understanding?

12 MR. WILLIAMS: Yes, ma'am.

13 THE COURT: Do you understand an Alford\* plea  
14 means that you're saying the state likely has the  
15 evidence to convict you at trial. You're just not  
16 necessarily admitting your guilt. Is that your  
17 understanding?

18 MR. WILLIAMS: Yes, ma'am.

19 THE COURT: It'll show up on your criminal  
20 record just as if you had pled guilty and I'll sentence  
21 you just as if you pled guilty. Do you know that?

22 MR. WILLIAMS: Yes, ma'am.

23 THE COURT: All right. Mr. Edwards, you're  
24 here today to plead go assault and battery first  
25 degree, that carries up to ten years; failure to stop

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

7

1 for a blue light that carries ninety days up to three  
2 years; entering an Alford\* plea on burglary second  
3 degree violent, that carries up to fifteen years;  
4 criminal domestic violence of a high and aggravated  
5 nature, that carries one year up to ten years; child  
6 endangerment that carries one and a half years of which  
7 I cannot suspend any portion thereof; unlawful conduct  
8 towards a child that carries up to ten years; resisting  
9 arrest that carries up to a year; and failure to stop  
10 for a blue light that carries, again, ninety days up to  
11 three years. Is that your understanding?

12 MR. EDWARDS: Yes.

13 MR. RICHARDSON: If I may, Your Honor.

14 THE COURT: Yes, sir.

15 MR. RICHARDSON: I apologize. On the  
16 burglary he's actually pleading -- or doing an Alford\*  
17 on the burglary only.

18 THE COURT: Only on the burglary?

19 MR. BOGGS: Yes, only on the burglary.

20 THE COURT: All right. And as to -- thank  
21 you for clarifying that. As to the burglary charge,  
22 you're entering an Alford\* plea. You heard me just  
23 explain that to the fellow next to you. That means the  
24 state -- you're saying the state likely has the  
25 evidence to convict you at trial, but you're not

1 admitting your built. Do you understand that?

2 MR. EDWARDS: Yes, ma'am.

3 THE COURT: Carries the same force and effect  
4 as if you entered a guilty plea. You know that?

5 MR. EDWARDS: Yes, ma'am.

6 THE COURT: And to both of you, if I say  
7 something about pleading guilty to you, for you all I  
8 mean entering an Alford\* plea, you on the burglary. Do  
9 you understand that?

10 MR. WILLIAMS: Yes, ma'am.

11 MR. EDWARDS: Yes, ma'am.

12 THE COURT: All right. Ms. Whitaker, you're  
13 pleading to child neglect that carries up to ten years.  
14 Is that your understanding?

15 MS. WHITAKER: Yes, ma'am.

16 THE COURT: Okay. Mr. Vinciarelli, am I  
17 saying that right?

18 MR. VINCIARELLI: Yes, ma'am.

19 THE COURT: You're pleading to possession of  
20 marijuana first offense. That carries up to thirty  
21 days; is that right?

22 MR. RICHARDSON: Yes, ma'am.

23 THE COURT: And they're recommending a  
24 conditional discharge. Is that your understanding?

25 MR. VINCIARELLI: Yes, ma'am.

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

9

1                   THE COURT: Mr. Smith, you're here today to  
2 plead to burglary second degree non-violent. That  
3 carries up to ten years; grand larceny that carries up  
4 to five; and another burglary second degree nonviolent  
5 that carries up to ten years. Is that your  
6 understanding?

7                   MR. M. SMITH: Yes, ma'am.

8                   THE COURT: And Christopher Smith -- just for  
9 the record, the first Smith, I'll refer to, when I go  
10 to my questioning is Mark Smith, the second is  
11 Christopher Smith. You're here today to plead to grand  
12 larceny that carries up to five years; another grand  
13 larceny with a value greater than ten thousand that  
14 carries up to ten years; another grand larceny -- let's  
15 just count. Hold on. Okay. You're pleading to one,  
16 two, three, four, five grand larcenies that carry up to  
17 five years. One, two, three, four breaking into a motor  
18 vehicle that each carry up to five years. One count of  
19 burglary third degree that carries up to five years.  
20 And two counts of grand larceny greater than ten  
21 thousand that each carry up to ten years. Is that your  
22 understanding?

23                   MR. C. SMITH: Yes, ma'am.

24                   THE COURT: Okay. Have you discussed these  
25 charges with your lawyer, Mr. Williams?

1 MR. WILLIAMS: Yes, ma'am.

2 THE COURT: Mr. Edwards?

3 MR. EDWARDS: Yes, ma'am.

4 THE COURT: Mr. Whitaker?

5 MS. WHITAKER: Yes, ma'am.

6 THE COURT: Mr. Vinciarelli?

7 MR. VINCIARELLI: Yes, ma'am.

8 THE COURT: Mr. Smith?

9 MR. M. SMITH: Yes, ma'am.

10 THE COURT: And Mr. Smith?

11 MR. C. SMITH: Yes, ma'am.

12 THE COURT: Are you happy with what your

13 lawyer has done for you? Mr. Williams?

14 MR. WILLIAMS: Yes, ma'am.

15 THE COURT: Mr. Edwards?

16 MR. EDWARDS: Yes, ma'am.

17 THE COURT: Mr. Whitaker?

18 MS. WHITAKER: (Affirmative nod.)

19 THE COURT: I need you to say yes or no.

20 MS. WHITAKER: Yes, ma'am.

21 THE COURT: Mr. Vinciarelli?

22 MR. VINCIARELLI: Yes, ma'am.

23 THE COURT: Mr. Smith?

24 MR. M. SMITH: Yes, ma'am.

25 THE COURT: And Mr. Smith?

1 MR. C. SMITH: Yes, ma'am.

2 THE COURT: Are you under the influence of  
3 drugs or alcohol here today? Mr. Williams?

4 MR. WILLIAMS: No, ma'am.

5 THE COURT: Mr. Edwards?

6 MR. EDWARDS: No, ma'am.

7 THE COURT: Ms. Whitaker?

8 MS. WHITAKER: No, ma'am.

9 THE COURT: Mr. Vinciarelli?

10 MR. VINCIARELLI: No, ma'am.

11 THE COURT: Mr. Smith?

12 MR. M. SMITH: No, ma'am.

13 THE COURT: And Mr. Smith?

14 MR. C. SMITH: No, ma'am.

15 THE COURT: Has anybody forced you to plead  
16 guilty or promised you anything to get you to plead  
17 guilty? Mr. Williams?

18 MR. WILLIAMS: No, ma'am.

19 THE COURT: Mr. Edwards?

20 MR. EDWARDS: No, ma'am.

21 THE COURT: Ms. Whitaker?

22 MS. WHITAKER: No, ma'am.

23 THE COURT: Mr. Vinciarelli?

24 MR. VINCIARELLI: No, ma'am.

25 THE COURT: Mr. Smith?

1 MR. M. SMITH: No, ma'am.

2 THE COURT: And Mr. Smith?

3 MR. C. SMITH: No, ma'am.

4 THE COURT: When you plead guilty you give up  
5 certain constitutional rights. One is your right to  
6 remain silent about these charges. Do you know that?  
7 Mr. Williams?

8 MR. WILLIAMS: Yes, ma'am.

9 THE COURT: Mr. Edwards?

10 MR. EDWARDS: Yes, ma'am.

11 THE COURT: Mr. Whitaker?

12 MS. WHITAKER: Yes, ma'am.

13 THE COURT: Mr. Vinciarelli?

14 MR. VINCIARELLI: Yes, ma'am.

15 THE COURT: Mr. Smith?

16 MR. M. SMITH: Yes, ma'am.

17 THE COURT: And Mr. Smith?

18 MR. C. SMITH: Yes, ma'am.

19 THE COURT: You also give up your right to a  
20 jury trial. At that trial your attorney could call  
21 witnesses for you and cross examine witnesses against  
22 you. But when you plead guilty, you give up your right  
23 to a jury trial. Do you know that? Mr. Williams?

24 MR. WILLIAMS: Yes, ma'am.

25 THE COURT: Mr. Edwards?

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

13

1 MR. EDWARDS: Yes, ma'am.

2 THE COURT: Mr. Whitaker?

3 MS. WHITAKER: (Affirmative nod.)

4 THE COURT: I need you to say yes or no.

5 MS. WHITAKER: Yes, ma'am.

6 THE COURT: Mr. Vinciarelli?

7 MR. VINCIARELLI: Yes, ma'am.

8 THE COURT: Mr. Smith?

9 MR. M. SMITH: Yes, ma'am.

10 THE COURT: And Mr. Smith?

11 MR. C. SMITH: Yes, ma'am.

12 THE COURT: Everyone except for Mr.

13 Vinciarelli, you have charges that have not been

14 indicted by the Pickens County Grand Jury. Do you want

15 to give up that right and plead guilty today anyway?

16 Mr. Williams?

17 MR. WILLIAMS: Yes, ma'am.

18 THE COURT: Mr. Edwards?

19 MR. EDWARDS: Yes, ma'am.

20 THE COURT: Mr. Whitaker?

21 MS. WHITAKER: Yes, ma'am.

22 THE COURT: Mr. Vinciarelli? Excuse me. Not

23 you.

24 THE COURT: Mr. Smith?

25 MR. M. SMITH: Yes, ma'am.

1 THE COURT: And Mr. Smith?

2 MR. C. SMITH: Yes, ma'am.

3 THE COURT: All right. Mr. Williams, do you  
4 still want to enter an Alford plea?

5 MR. WILLIAMS: Yes, ma'am.

6 THE COURT: Mr. Edwards, you want to enter an  
7 Alford plea as to the burglary?

8 MR. EDWARDS: Yes, ma'am.

9 THE COURT: As to all other charges, how do  
10 you plead, guilty or not guilty?

11 MR. BOGGS: Judge, excuse me, may it please  
12 the court?

13 THE COURT: Yes, sir.

14 MR. BOGGS: And I apologize. It's why I was  
15 scrambling, because we have a bunch of charges and I  
16 wanted to ... It's been brought up as unlawful conduct  
17 towards a child. He was charged with unlawful neglect  
18 of a child.

19 THE COURT: That's the same statute.

20 MR. BOGGS: I just wanted to make sure. And

21 ---

22 THE COURT: It's listed as unlawful neglect  
23 or conduct towards a child.

24 MR. BOGGS: And I've explained it to him.

25 It's just he wanted to make sure I clarified that on

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

15

1 the record before he -- and I wanted to do that before  
2 he said he was guilty.

3 THE COURT: Okay.

4 MR. BOGGS: And I apologize.

5 THE COURT: That's okay.

6 MR. BOGGS: Because, you know, the other  
7 denotes a sex crime and this has nothing to do with  
8 that in any way, and so ---

9 THE COURT: It's the same statute, Mr.  
10 Edwards. And I mean, it's title that. How it'll look  
11 wherever you go, I don't know. I don't know how it'll  
12 read. But just so you know, and I think everybody --  
13 pretty much everybody who pleads to that pretty much  
14 it's an unlawful neglect of a child. But you're  
15 pleading guilty to all the remaining charges?

16 MR. EDWARDS: Yes, ma'am.

17 THE COURT: Okay. Ms. Whitaker, how do you  
18 plead, guilty or not guilty?

19 MR. WARDER: Your Honor, for the record, we  
20 had negotiated an Alford plea she had on this  
21 particular charge. I told her it was just the same.  
22 She's answered all the questions correctly because it's  
23 the same. But we would like you to note that it is  
24 under Alford.

25 THE COURT: Okay. Let's talk about that

1 then. An Alford plea means that you're saying the  
2 state has the evidence to convict you at trial, you're  
3 just not necessarily admitting your guilty. Is that  
4 your understanding.

5 MS. WHITAKER: Yes, ma'am.

6 THE COURT: And your attorney is exactly  
7 right. It has all the same ramifications as a guilty  
8 plea. I'm going to sentence you the same. It'll show  
9 up on your rap sheet. You know that?

10 MS. WHITAKER: Yes, ma'am.

11 THE COURT: And you want to enter an Alford  
12 plea?

13 MS. WHITAKER: Yes, ma'am.

14 THE COURT: How do you plead, guilty or not  
15 guilty, Mr. Vinciarelli?

16 MR. VINCIARELLI: Guilty.

17 THE COURT: Mr. Smith?

18 MR. M. SMITH: Guilty.

19 THE COURT: And Mr. Smith?

20 MR. C. SMITH: Guilty.

21 THE COURT: You have ten days from today's  
22 date to appeal this plea if you so choose, but you must  
23 do so in writing to this court.

24 Yes, sir.

25 MR. RICHARDSON: Your Honor, before we start,

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

17

1 we do have some Greenville indictments. He's got  
2 Greenville indictments.

3 THE COURT: I'm sorry. Mr. Williams is a  
4 Greenville indictment?

5 Oh, Mr. Williams, you're pleading on a Greenville  
6 County indictment here in Pickens County. You have the  
7 right to have it heard in Greenville County. Do you  
8 want to give up that right and enter a plea here in  
9 Pickens County today?

10 MR. WILLIAMS: Yes, ma'am.

11 THE COURT: Okay. Anybody else?

12 MR. BOGGS: The same for Mr. Edwards, but  
13 you've already covered the general questions. We asked  
14 that it come here.

15 THE COURT: Okay. And you don't have any  
16 problem with it being heard here?

17 MR. EDWARDS: No, ma'am.

18 THE COURT: All right. Good. Okay. Good.

19 MS. PAOLETTI: As to Mr. Williams, on January  
20 16th of 2011, the victim in this case, who was six at  
21 the time, who's also developmentally delayed, Your  
22 Honor, is the defendant's stepdaughter. She had been  
23 left alone with the defendant for about fifteen or  
24 twenty minutes while her mother ran an errand. When  
25 her mother returned home, the victim was in her bedroom

1 playing and the defendant was seen by her coming out of  
2 her bedroom. He was buttoning his pants and putting  
3 his belt on. Within a few minutes of the mother  
4 returning home, the victim informed her mother that she  
5 had a secret. And then when asked about that, within  
6 the next thirty minutes, she told her mother that the  
7 defendant had made her suck his penis. When confronted  
8 by his wife, the defendant initially denied that  
9 anything had happened, but later when questioned by law  
10 enforcement, he waived his rights and gave a statement  
11 and told police that he was using the bathroom and  
12 changing his clothes and that the victim came up to him  
13 and voluntarily put his penis into her mouth.

14 THE COURT: All right. Is there a  
15 recommendation?

16 MS. PAOLETTI: Yes, Your Honor, there is a  
17 recommendation for fifteen years suspended to five  
18 years of home incarceration and a term of probation to  
19 follow home incarceration. Your Honor, we are asking  
20 for a condition of probation to be no contact with the  
21 victim's mother, who is this defendant's now ex-wife,  
22 or the victim, directly or indirectly. That has been a  
23 condition. There have been a few problems with that,  
24 but I think that we've been able to straighten those  
25 out and don't anticipate any problems with that after

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

19

1 today, but just wanted to go on record as saying if  
2 that is a problem that the state will take a strong  
3 position with probation about a revocation if there's  
4 any contact.

5 THE COURT: All right.

6 MS. PAOLETTI: And he has no prior record.

7 THE COURT: All right. I'll go along with  
8 it.

9 MR. QUINN: Your Honor, the only thing I  
10 would ask you to consider, the statute now allows you  
11 to give them credit for -- I think he's been on  
12 monitored house arrest. He has been on monitored house  
13 arrest for twenty-nine months from January 25th of  
14 2011. I would ask you to give him credit for that  
15 twenty-nine months on house arrest against the five  
16 years house arrest statute -- sorry -- sentence. And  
17 the statute, and I have a copy if the court needs it,  
18 it's 24-13-40. And it was just amended in June.

19 THE COURT: What's the state's position on  
20 that? Is that part of the negotiations?

21 MS. PAOLETTI: Your Honor, the only agreement  
22 is that Mr. Quinn made me aware he was going to make  
23 that request, and I'll leave that in your discretion,  
24 Your Honor.

25 THE COURT: All right.

1                   MR. QUINN: Otherwise, it's a lifetime  
2 sentence on GPS and the sex offender registry, so I  
3 would ask -- he's going to be monitored anyway. It  
4 would simply save him some money.

5                   MS. PAOLETTI: And, Your Honor, for the  
6 record, this might help provide a little background.  
7 The victim in this case is nine now. She is  
8 developmentally delayed. Has been since birth. She's  
9 a twin and her pediatric records are documented from  
10 about six months on that she suffered developmental  
11 delays. Her mother has been very involved.

12                  And honestly, Your Honor, in these types of cases,  
13 she is the sole parent that I have encountered that has  
14 done everything right by the child and her children.  
15 She was divorced from this defendant as soon as she  
16 possibly could be. And her focus has been entirely on  
17 the best interest of her child that's the victim in  
18 this case and her other children. That's the reason  
19 for the reduction and the recommendation in this case.

20                  We were preparing it for the trial, but she does  
21 not want her daughter to have to testify. She doesn't  
22 want her daughter to have to see this defendant, who  
23 she considered her father and has frankly been very  
24 confused about why she does not see him anymore. She  
25 doesn't want her child to have to testify. And that's

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

21

1 the reason why we've come to this recommendation.

2 THE COURT: I figured that there must be a  
3 very good reason for the recommendation.

4 MS. PAOLETTI: And Your Honor, they also have  
5 a biological child that she's been concerned about.  
6 There's been no contact and no attempts by the  
7 defendant to contact that biological child. But she's  
8 grateful. That's another reason she was concerned that  
9 if there was a possibility if we went to trial and were  
10 unsuccessful at trial, he was acquitted at trial, that  
11 he would have more standing in family court to come  
12 back and seek contact and visitation with that  
13 biological child, which she does not want.

14 THE COURT: I understand.

15 Yes, sir.

16 MR. QUINN: I didn't know we would get into  
17 all this. And Wesley has done all that in family  
18 court. He did not oppose the DSS action and there's a  
19 no-contact order. He was sent for an evaluation and  
20 sent to counseling. He didn't oppose the divorce. The  
21 divorce is final. There's a no-contact order in the  
22 divorce. So Wesley has not tried to impact the  
23 children in anyway in terms of court involvement.

24 THE COURT: And there's no ---

25 MR. QUINN: The only thing I'm asking, and

1 I've made the state aware of it, is that the court  
2 allow, under the new statute, credit for the twenty-  
3 seven months he's already done under monitored house  
4 arrest.

5 THE COURT: Here's what I'm going to do. I'm  
6 not going to give him credit for that, but I will do  
7 this. I was going to put him on five years of  
8 probation to follow. I'll shorten that probationary  
9 sentence to three years.

10 Fifteen years, provided upon the service of five  
11 years home incarceration. The balance is suspended  
12 with probation for three years. No contact with the  
13 victim or the victim's mother directly or indirectly.  
14 And random drug and alcohol testing while he's on  
15 probation. Good luck to you.

16 MR. QUINN: Thank you.

17 THE COURT: Yes, sir.

18 MR. RICHARDSON: Thank you, Your Honor,  
19 please the court. Regarding Mr. Edwards, and this is  
20 the Pickens County charges. Mr. Price is here to tell  
21 you about the Greenville County charges.

22 THE COURT: Okay.

23 MR. RICHARDSON: Your Honor, this took place  
24 on January 31st of last year. The victim, J [REDACTED]  
25 S [REDACTED], who was the defendant's wife, but they were

1 separated at the time. She filed a report with Pickens  
2 County Sheriff's Office that her husband, the  
3 defendant, was sending her harassing text messages.  
4 Shortly thereafter, she then called again the Pickens  
5 County Sheriff's Office and informed them that the  
6 defendant had now parked down at the end of her  
7 driveway and she also informed that he was on trespass  
8 notice. But while Pickens County Sheriff's Office was  
9 en route, the victim called dispatch again stating the  
10 defendant was breaking into her residence. At that  
11 time, the defendant did enter the residence. He went  
12 through a window by removing an air conditioning unit.  
13 There are photographs and officers noticed the air  
14 conditioning unit, in fact, on the ground.

15       Once the defendant was inside, he struck the  
16 victim about the face and then he took the victim's  
17 infant child, who was also his child. That child was  
18 five months old at the time. And he left the  
19 residence. He was seen by a Pickens County officer  
20 responding to the scene, at that time carrying the  
21 child down the road towards his truck. He got in his  
22 truck. The officer attempted to talk to him to settle  
23 him down and get the child back, to no avail.

24       At that point in time he speeds off from that  
25 officer. As he's leaving the community, another

1   Pickens County officer approaches the vehicle and moves  
2   to block the vehicle in so he cannot get out of the  
3   area. At that time the officer noticed that the door,  
4   the driver's door to the vehicle was open and the child  
5   was, in fact, outside the door. So he pulled out of  
6   the way in order to -- obviously there was a danger to  
7   the child at that point, so he pulls out of the way and  
8   lets the defendant go by. The officers then get into  
9   pursuit behind him. At that particular time he was not  
10   at too excessive speed. So they attempted -- I believe  
11   what happens, he calls the sheriff's office and they  
12   get a deputy on the phone at the sheriff's office and  
13   they convince him to pull over and give the child back,  
14   after a period of time. And he, in fact, does that and  
15   he gives the child back.

16       Once they got the child in their safety, the  
17   defendant then left that area and was seen by DNR  
18   officers in the area and they got into pursuit of him,  
19   as well as the Pickens County Sheriff's Office deputy.  
20   In that pursuit, he did go to excessive speeds and  
21   ultimately went into Greenville County, which is where  
22   Mr. Price's charges will come into effect. But just  
23   briefly, he hit a vehicle, a DNR vehicle, multiple  
24   times while in that county.

25       Eventually he crossed back into Pickens County.

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

25

1 He went about one point two miles in excessive speed.  
2 He eventually stopped his vehicle. The officers  
3 approached. When they went to arrest him, he did pull  
4 away. They had to take him to the ground, which is the  
5 resisting arrest. No assault on that resisting arrest.  
6 It was simple resisting.

7 Your Honor, those are the facts as we would show  
8 them at trial.

9 THE COURT: All right. Mr. Price.

10 MR. PRICE: May it please the court, Your  
11 Honor.

12 THE COURT: Yes, sir.

13 MR. PRICE: Regarding Mr. Edwards, this is  
14 the Greenville charges. There was a BOLO out on the  
15 defendant's vehicle. A DNR officer saw it and then the  
16 defendant saw the DNR officer and drove off. The DNR  
17 officer gave chase with his lights and siren activated  
18 and they reached in excess of seventy miles an hour.  
19 At that point the defendant attempted to ram the DNR  
20 officer's vehicle off the road, and did so, into a  
21 ditch. The DNR officer was able to get his truck out  
22 of the ditch and kind of continue pursuit and  
23 eventually followed the defendant to the defendant's  
24 residence where he -- the pursuit ended.

25 THE COURT: All right. Okay. Is there a

1 recommendation?

2 MR. RICHARDSON: Your Honor, there's no  
3 recommendation, although I would like to be heard as to  
4 the sentence at the appropriate time.

5 THE COURT: All right. Yes, sir. And if you  
6 would tell me his prior record, as well, too.

7 MR. RICHARDSON: Yes, ma'am. His prior  
8 record, in 1994 he had a driving under suspension, two  
9 counts, criminal domestic violence and a simple assault  
10 and battery. In 1995 he had a driving under suspension  
11 third, habitual offender, pointing and presenting a  
12 firearm. He did ninety days on that. 1995, he had an  
13 aggravated battery. That was actually out of Florida.  
14 1997, he had a failure to return rental property.  
15 1998, he had a driving under suspension third or more.  
16 1999, a disorderly conduct. 2002, a criminal domestic  
17 violence, second offense. 2004, unlawful use of  
18 telephone and a criminal domestic violence. 2005, a  
19 burglary second, a burglary third, grand larceny over  
20 five thousand of which he got a sentence of fifteen  
21 years suspended to nine years incarceration.

22 THE COURT: All right. And yes, sir.

23 MR. RICHARDSON: Regarding sentence, Your  
24 Honor, in particular, obviously he has a pretty big  
25 record, a lot of it middly or smaller stuff until you

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

27

1 get to 2005, which he gets a sentence of fifteen years  
2 suspended to nine years on burglary. He does his time  
3 on that and soon thereafter is back out and he commits  
4 another burglary.

5 What I've done in this case is I've taken a  
6 burglary first and taken it to a second. I'm giving  
7 him the benefit of pleading by doing that.

8 THE COURT: Right.

9 MR. RICHARDSON: That takes it from -- a  
10 fifteen year to life sentence off the table. Your  
11 Honor, we think -- he got a nine year sentence before.  
12 We think an appropriate sentence in this case is  
13 fifteen years.

14 THE COURT: All right. Yes, sir.

15 MR. BOGGS: May it please the court, Judge,  
16 may I approach?

17 THE COURT: Yes.

18 MR. BOGGS: Judge, I summarized it because I  
19 know there's no way we can read it all. But as a  
20 matter of history, Johnny was before you, I believe,  
21 for a bond issue and there was a competency hearing.  
22 He was sent to Columbia and was deemed to be competent.  
23 I don't know that Your Honor asked because we sort of  
24 got sidetracked by the Greenville charges.

25 But he's on Tegretol and Neurontin now, but I met

1 with him on several occasions. Not only has the state  
2 found him to be competent, I find him to be lucid, able  
3 to understand what's going on and has no problems  
4 communicating with me. We've talked on the phone  
5 several times in the past month and met in person. I  
6 just wanted to say that.

7 THE COURT: All right. Very good.

8 MR. BOGGS: Judge, just to summarize, he's  
9 also here on a probation violation that we would like  
10 to handle today.

11 THE COURT: Okay.

12 MR. BOGGS: They're here for that. But  
13 starting in December 2011, he started having mental  
14 health issues. Was having hallucinations evaluation.  
15 Two days later he called 911 and was having  
16 hallucinations. On January 10th, he went in for  
17 another evaluation and hallucinations. His sister,  
18 Ravanda and -- if everybody here for him will stand up  
19 out there. His sister is here. She had him committed  
20 and he went to Spartanburg Regional shortly thereafter.  
21 They tried a new medicine. And after, I think, forty  
22 hours in the hospital, seventy-two hours, they sent him  
23 home on this new medicine.

24 Shortly thereafter, the day of all these events  
25 happening, Judge. The victim in this case, his wife,

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

29

1 J [REDACTED] S [REDACTED], currently we think she's in Alabama.  
2 Judge, and I put current charges. Stacy Ridden is  
3 here. She was with Johnny when J [REDACTED] called him  
4 on January 31st to come over to see the child.

5 And Judge, I just offer this in mitigation. He's  
6 pleading to avoid a trial. He's got a bad record. It  
7 would be a he said she said. But a lot of this,  
8 there's not a he said she said. So I'm not -- just  
9 trying to paint the picture; it's a mess, involving him  
10 and his wife.

11 Stacy owned the place where they were and told him  
12 to go over there, gave him permission. He disputes the  
13 fact that he broke in to commit a crime. However, he's  
14 pleading under *Alford* because he realizes that he  
15 committed a crime while he was there and that is  
16 assaulting his wife. When he got there and she invited  
17 him in, he went to change the baby's diaper and noticed  
18 that it was -- the child was severely chaffed on the  
19 front on his penis and he had severe diaper rash. And  
20 he became enraged. And it doesn't justify anything.  
21 But that as the impetus. He lost it. And with the  
22 medicine that he was on, it made him a zombie, so he  
23 stopped taking that. And now, he's on good meds. But  
24 it was just a lot going on.

25 He left with the baby because he was mad at his

1 wife for not taking care of him properly and for  
2 leaving it with other children -- I mean, leaving it  
3 with other people that he didn't trust.

4 The -- and there's a statement in here, number  
5 six, from the wife that says that she didn't want the  
6 charges brought. She appeared in court to get him out.  
7 And I'll get to more about her in a minute.

8 Judge, he never hung this baby out the door. I've  
9 asked for evidence of it. I got some grainy  
10 photographs just recently. It doesn't show a child  
11 being hung out. He would never do that and will go to  
12 his grave -- he says he wouldn't do that. But he does  
13 admit that he put the child in danger by leaving and  
14 not stopping, by not restraining the child and he  
15 acknowledges that while he and his wife were having  
16 their argument, the child ended up with a knot on his  
17 head, but he contends it was caused by her. But had  
18 they not been arguing, this child should not have been  
19 in the middle of that. But his whole mindset was to  
20 protect the child.

21 Judge, my next section is just evidence of her  
22 baiting and the complex relationship. I've got a  
23 statement where the wife was trying to make Johnny mad,  
24 from a woman. I've got a man who says that he -- this  
25 is after he's out on bond -- J [REDACTED] coming around

1 Johnny asking this guy, Mr. Roberts, to leave them  
2 alone so that they could be husband and wife. And then  
3 that same guy says that when he was with Johnny another  
4 time -- excuse me -- with J [REDACTED] another time, Mr.  
5 Roberts said that he and J [REDACTED] did meth. Not my  
6 client, but the victim. Carrie Dodds is here, said  
7 that she left -- the wife would leave the baby with  
8 Johnny all the time because he cared well for the  
9 child. This is after these charges arose. And the  
10 reason he's back in jail, Judge, is because she kept  
11 coming around the child. There was a DSS  
12 investigation, as you can imagine.

13 THE COURT: Uh-huh (affirmative).

14 MR. BOGGS: DSS cleared these folks. I mean,  
15 cleared my guy. And there's a statement of Michelle  
16 Drummond, who's a friend, who observed J [REDACTED] come  
17 over to Johnny's house all the time while he was on  
18 house arrest trying to provoke Johnny. We've got phone  
19 messages from the victim to him. We've got phone  
20 messages from Ms. Riley again to my client's mother,  
21 who's here, about J [REDACTED] provoking Johnny. Text  
22 message from J [REDACTED] to Lavelle saying they have a  
23 crazy love. Eagle Eye, the person who monitored him on  
24 home incarceration, sent a text to someone saying, I  
25 hate that she is baiting him. Another one from

1 J [REDACTED] saying, all my personalities are here. A  
2 text message from my client to her saying, you are not  
3 supposed to come over here.

4 And then, Judge, as far as the probation  
5 violation, the victim from that is Ms. Simms. She's  
6 here. She says that she has no problem with him --  
7 he's been in jail a while and he's served nine years.  
8 She doesn't want him to do additional time. I've got a  
9 statement in there, number eighteen, of Wallace Ford,  
10 who is her uncle or relative who cannot be here, but  
11 doesn't want him to have the other time.

12 Judge, he's had problems. He's got an awful  
13 record. That's part of the reason we decided to plead.  
14 He knows that. He has no credibility. But he was  
15 seeking help. He's gotten it. He's on good -- they  
16 had him on Lithium for a while and then his mental  
17 health folks changed him over to the Tegretol and  
18 Neurontin and that's been, you know, I don't want to  
19 say a miracle, but it's been good to where Johnny is --  
20 he's lucid.

21 And he understands what he did was wrong. He  
22 would never hurt his child. But by placing that child  
23 in the situation he did, the child could have been  
24 harmed a lot more. The child is doing well, except for  
25 the fact the child is with the mother and we think,

1 again, she's in Alabama. Because I think she's worried  
2 she's going to be prosecuted.

3       However, my client knew that if we went to trial,  
4 and Doug, as you can tell, is very passionate about  
5 this case, and he and I don't see eye to eye about how  
6 it should be handled. But he has a job to do, and I've  
7 known Doug for years and he ain't going to back down on  
8 this case, so my client is freely and willingly  
9 pleading guilty; not because anybody's forcing him.  
10 Despite the fact that the victim is not even in the  
11 state nor -- and is somewhat, I don't know, she helped  
12 bring it on.

13       But Johnny's doing well, Judge. He's worked at  
14 IHOP. He's worked for Collins Construction. He's  
15 worked for Jessie Electrical Services. All these  
16 people want to help him and will give him a job. He's  
17 been on home incarceration. You'll see in note number  
18 twenty-five that he's been on home incarceration for  
19 about nine months. He was also incarcerated, including  
20 right after the arrest and up to now for a total of  
21 nine months. So Judge, that's eighteen -- a year and a  
22 half, and under the new statute -- I had that down,  
23 even though Tom had mentioned on his case -- 24-13-40,  
24 we would ask that you give him credit for that home  
25 incarceration.

1           Judge, he needs to be punished. He realizes that.  
2 Doug, I think, will freely admit that we tried to  
3 negotiate a number; we just couldn't agree. And not  
4 one time did I say, Doug, I want a free pass for my  
5 guy. It's just he's always been higher than what we  
6 think and we've been lower than what he thinks. So  
7 while I respect the fact that he's asking for fifteen,  
8 I would just ask you to consider all this mitigation.  
9 And I told Johnny, it's a redneck mess he was in. And  
10 I said, there's no way to say it, and he agreed with  
11 me. He's still married to this woman. You know, I'm  
12 worried about this baby that's with her that turns two  
13 in August. You know, that's the number one concern for  
14 Johnny right now. And because of his mental state, not  
15 incapacitated state, but because of all that was going  
16 on, he didn't realize what he thought was protecting  
17 the child and removing it from a bad situation turned  
18 out to be worse. And so thankfully the child was not  
19 injured severely.

20           And Judge, sorry. That's as short as I could make  
21 all this.

22           THE COURT: Well, I appreciate your thorough  
23 argument on behalf of your client. Taking into  
24 consideration his abysmal record, and there's no other  
25 way to say it, honestly, and the seriousness of these

*State of South Carolina -vs- Johnny James Edwards, Jr. (2012-GS-39-0744,0743,0742)*  
*Guilty Plea*

35

1 charges, the sentence of the court is, on the assault  
2 and battery, ten years. I'll give him credit for the  
3 active time that he spent. Not home incarceration.  
4 Failure to stop for blue light, three years, all  
5 concurrent. Three years on failure to stop for blue  
6 light, concurrent. Ten years on the neglect charge,  
7 concurrent. One year on the resisting arrest.  
8 Fourteen on the burglary second degree. Ten on the  
9 domestic violence. And eighteen months on the child  
10 endangerment, all concurrent. And on his probation  
11 just terminate.

12 Thank you.

13

14 [END OF REQUESTED TRANSCRIPT OF RECORD]

## 1 CERTIFICATE OF REPORTER

2 I, the undersigned Danette P. Hanks, Official  
3 Court Reporter for the Thirteenth Judicial Circuit of  
4 the State of South Carolina, do hereby certify that the  
5 foregoing is a true, accurate, and complete transcript  
6 of record of all the proceedings had and evidence  
7 introduced in the trial/hearing of the captioned case,  
8 relative to appeal, in the Court of General Sessions,  
9 Pickens, South Carolina, on the 25th day of June, 2013.

10 This transcript may contain quoted material. Such  
11 material is reproduced as read by the speaker.

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

14 June 23, 2014

15  
16  
17  
18 

19 Circuit Court Reporter

37

**WITNESSES**

Jah Kelley

Pickens County Sheriff's Office

2/1/2012

**ARREST WARRANT NUMBER**

M521707

**ACTION OF GRAND JURY**

TRUE BILL

Date:

JUL 17 2012

Foreperson of Grand Jury

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-39-0742

WDR

**The State of South Carolina**

**County of Pickens**

**COURT OF GENERAL SESSIONS**

**JUL 17 2012**

**TERM 2012**

**THE STATE**

**vs.**

**JOHNNY JAMES EDWARDS JR**

**Indictment for**

**0079**

**BURGLARY FIRST DEGREE**

**VIOLATION § 16-11-0311**

STATE OF SOUTH CAROLINA )  
COUNTY OF PICKENS )

INDICTMENT FOR  
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on

JUL 17 2012

the Grand Jurors of Pickens

County present upon their oath:

That JOHNNY JAMES EDWARDS JR did in Pickens County, on or about the 31st day of January, 2012, willfully and unlawfully enter the dwelling of J [REDACTED] S [REDACTED] located at [REDACTED], Easley, South Carolina, without consent and with the intent to commit a crime therein. This defendant has three prior convictions for burglary. This is in violation of §16-11-311 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

**WITNESSES**

39 Jan Kelley

Pickens County Sheriff's Office

2/1/2012

**ARREST WARRANT NUMBER**  
M521708

**ACTION OF GRAND JURY**

**TRUE BILL**  
Date:

JUL 17 2012

(reperson of Grand Jury

**VERDICT**

**Foreperson of Petit Jury**  
Date:

**DOCKET NO. 2012-GS-39-0743**  
WDR

**The State of South Carolina**

**County of Pickens**

**COURT OF GENERAL SESSIONS**

**JUL 17 2012 TERM 2012**

**THE STATE**

**vs.**

**JOHNNY JAMES EDWARDS JR**

**Indictment for**

**2988**

**DOMESTIC VIOLENCE OF A HIGH AND  
AGGRAVATED NATURE**

**VIOLATION § 16-25-0065**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED  
NATURE

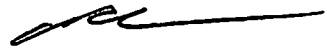
At a Court of General Sessions, convened on  
County present upon their oath:

**JUL 17 2012**

the Grand Jurors of Pickens

That JOHNNY JAMES EDWARDS JR did in Pickens County, on or about the 31st day of January, 2012, intentionally commit an assault and battery which involved the use of a deadly weapon or resulted in serious bodily injury to a household member, J [REDACTED] S [REDACTED], and/or JOHNNY JAMES EDWARDS JR did intentionally commit an assault with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury. This is in violation of §16-25-65 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

DOCKET NO. 2012-GS-39-0744  
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 17 2012 TERM 2012

THE STATE

vs.

JOHNNY JAMES EDWARDS JR

WITNESSES

Jan Kelley

Pickens County Sheriff's Office

2/1/2012

ARREST WARRANT NUMBER

M521709

ACTION OF GRAND JURY

TRUE BILL  
D-17

JUL 17 2012

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

2395

CHILD ENDANGERMENT

VIOLATION § 56-05-2947

STATE OF SOUTH CAROLINA )  
COUNTY OF PICKENS )

INDICTMENT FOR  
CHILD ENDANGERMENT

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

JUL 17 2012

the Grand Jurors of Pickens

That JOHNNY JAMES EDWARDS JR did in Pickens County, on or about the 31st day of January, 2012,  
operate a motor vehicle while in violation of Code of Laws of South Carolina Section 56-05-0750(b)(1), and  
while there was a passenger under the age of sixteen in the motor vehicle operated by the defendant. This is in  
violation of §56-5-2947 of 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

**WITNESSES**

Jar. Kelley

Pickens County Sheriff's Office

2/1/2012

ARREST WARRANT NUMBER  
M521710**ACTION OF GRAND JURY**

FILED

Date

JUL 17 2012

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury  
Date:DOCKET NO. 2012-GS-39-0745  
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 17 2012 TERM 2012

THE STATE

vs.

JOHNNY JAMES EDWARDS JR

Indictment for

2481

UNLAWFUL CONDUCT TOWARDS A CHILD

VIOLATION § 63-05-0070

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF PICKENS )

INDICTMENT FOR  
 UNLAWFUL CONDUCT TOWARDS A CHILD

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

JUL 17 2012

the Grand Jurors of Pickens

That JOHNNY JAMES EDWARDS JR did in Pickens County, on or about the 31st day of January, 2012, while being the legal custodian, parent, or guardian, place the child, G.Z.E., (1) at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or (2) unlawfully or maliciously do or cause to be done any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or (3) willfully abandon the child. This is in violation of § 63-05-0070 of 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

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**WITNESSES**


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Jan Kelley

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Pickens County Sheriff's Office

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2/1/2012

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**ARREST WARRANT NUMBER**  
M521712

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**ACTION OF GRAND JURY**


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TRUE BILL

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Date:

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JUL 17 2012

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Foreperson of Grand Jury

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*[Signature]*  
**VERDICT**

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Foreperson of Petit Jury  
Date:

---

DOCKET NO. 2012-GS-39-0747  
WDR

The State of South Carolina

County of Pickens

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COURT OF GENERAL SESSIONS

JUL 17 2012 TERM 2012

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THE STATE

vs.

JOHNNY JAMES EDWARDS JR

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Indictment for

0328

RESISTING ARREST

VIOLATION § 16-09-0320(A)

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STATE OF SOUTH CAROLINA     )  
                                           )  
 COUNTY OF PICKENS            )

**INDICTMENT FOR  
 RESISTING ARREST**

At a Court of General Sessions, convened on **JUL 17 2012** the Grand Jurors of Pickens  
 County present upon their oath:

That JOHNNY JAMES EDWARDS JR did in Pickens County, on or about the 31st day of January, 2012,  
 knowingly, willfully and unlawfully oppose or resist an arrest being made by Deputy David Stanley with the  
 Pickens County Sheriff's Office whom he knew or reasonably should have known was a law enforcement officer.  
 This is in violation of §16-9-320(A) 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

## WITNESSES

David Stanley

Pickens County Sheriff's Office

1/31/2012

ARREST WARRANT NUMBER  
32273FS

## ACTION OF GRAND JURY

TRUE BILL

Date

JUL 17 2012 JUL 17 2012

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury  
Date:DOCKET NO. 2012-GS-39-1266  
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 17 2012 TERM 2012

THE STATE

vs.

JOHNNY JAMES EDWARDS JR

Indictment for

0065

FAILURE TO STOP FOR A BLUE LIGHT

VIOLATION § 56-05-0750(B)(1)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
FAILURE TO STOP FOR A BLUE LIGHT

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

JUL 17 2012

the Grand Jurors of Pickens

That JOHNNY JAMES EDWARDS JR did in Pickens County, on or about the 31st day of January, 2012, willfully, knowingly, and unlawfully commit the offense of failure to stop for police vehicle in that the said defendant while driving on a road, street or highway of the State did intentionally refuse to stop when signaled to do so by a police vehicle using blue lights and/or siren. This is in violation of §56-5-750 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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens

STATE VS.

Johnny James Edwards Jr

AKA:

Race: WHITE Sex: M Age: 39

DOB: 1973 SS#: [REDACTED]

Address:

City, State, Zip: Easley, SC 29640

DL#: [REDACTED] SID#: [REDACTED]

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was  
TO: Burglary, Second Degree (building) **(ALFORD)**

INDICTMENT/CASE#: 2012GS3900742

A/W#: M521707

Date of Offense: 1/31/2012

S.C. Code § 16-11-0312(B)

CDR Code #: 0086

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

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

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

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

ATTEST:

Richardson, Doug

066112  
SC Bar#

Johnny James Edwards Jr  
Defendant

[Signature]  
Attorney for Defendant

8646  
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 14 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. *Order for active time*

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

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

SPECIAL CONDITIONS:

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

Total: \$        plus 20% fee: \$       

Payment Terms:       

☐ Set by SCDPPPS       

Recipient:       

\*Fine:

|                                        |         |                  |
|----------------------------------------|---------|------------------|
| § 14-1-206 (Assessments 107.5 %)       |         | \$               |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ <u>100.00</u> |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$               |
| § 56-5-2995 (DUI Assessment)           | \$12    | \$               |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$               |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$               |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ <u>25.00</u>  |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$               |
| § 50-21-114 (BUI Breath Test Fee)      | \$50    | \$               |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$               |
| Proviso 90.5 (SCCJA Surcharge)         | \$5     | \$ <u>5.00</u>   |
| 3% to County (if paid in installments) |         | \$ <u>3.90</u>   |
| TOTAL                                  |         | \$ <u>133.90</u> |

PTUP       

       days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.       

May serve W/E beginning       

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$        paid to Public Defender Fund

Other:       

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

Clerk of Court/ Deputy Clerk

Court Reporter: Danette Hanks

SCCA/217 (03/2011)

Presiding Judge

Judge Code:       

Sentence Date: 6/25/13

## STATE OF SOUTH CAROLINA

COUNTY OF Pickens

STATE VS.

Johnny James Edwards Jr

AKA:

Race: WHITE Sex: M Age: 39DOB: 1973 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: EASLEY, SC 29640DL#: [REDACTED] SID#: [REDACTED]\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Domestic / Criminal domestic violence of a high and aggravated nature

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3900743A/W#: M521708Date of Offense: 1/31/2012S.C. Code §: 16-25-0065CDR Code #: 2988

## SENTENCE SHEET

*1-10 yrs. (16-25-0065)  
Domestic V. A.*☐ CONVICTED OF or ☒ PLEADSin violation of § 16-25-0065 of the S.C. Code of Laws, bearing CDR Code # 2988☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, DougSC Bar# 066112Defendant Johnny James Edwards JrAttorney for Defendant [Signature]SC Bar# 8646WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed        yearsand/or to pay a fine of \$       ; provided that upon the service of        days/months/years and/or paymentof \$       ; 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. *Only for active time*☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$        plus 20% fee: \$       Payment Terms:       ☐ Set by SCDPPPS       Recipient:       

\*Fine:

§ 14-1-206 (Assessments 107.5%)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCJA Surcharge)

\$5

\$

3% to County (if paid in installments)

\$

TOTAL

\$133.90

## PTUP

       days/hours Public Service EmploymentObtain 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 FundOther:       ☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Danette Hanks

SCCA/217 (03/2011)

Presiding Judge Harold P. Welborn Jr.Judge Code:       Sentence Date: 6/25/13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens  
STATE VS.  
Johnny James Edwards Jr

AKA:

Race: WHITE Sex: M Age: 39DOB: 1973 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: EASLEY, SC 29640DL#: [REDACTED] SID#: [REDACTED]\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Child / Child endangerment, commit certain vehicular offenses w/ minor in vehicle (enhance-half max penalty)in violation of § 56-05-2947of the S.C. Code of Laws, bearing CDR Code # 2395☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45  
w/minor 1st or Lewd Act)

## SENTENCE SHEET

1 1/2 years (No susp. No prob.)☐ CONVICTED OF or ☒ PLEADSThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, DougSC Bar# 066112

Defendant

Attorney for Defendant

SC Bar# 8646WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 18 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. Only for active time☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$        plus 20% fee: \$       Payment Terms:       ☐ Set by SCDPPPS       Recipient:       

\*Fine:

|                                        |         |    |               |
|----------------------------------------|---------|----|---------------|
| § 14-1-206 (Assessments 107.5 %)       |         | \$ |               |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ |               |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$ | <u>100.00</u> |
| § 56-5-2995 (DUI Assessment)           | \$12    | \$ |               |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$ |               |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$ |               |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ | <u>25.00</u>  |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$ |               |
| § 50-21-114(BUI Breath Test Fee)       | \$50    | \$ |               |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$ |               |
| Proviso 90.5 (SCCJA Surcharge)         | \$5     | \$ | <u>5.00</u>   |
| 3% to County (if paid in installments) |         | \$ | <u>3.90</u>   |
| TOTAL                                  |         | \$ | <u>133.90</u> |

PTUP              days/hours Public Service EmploymentObtain 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 FundOther:       ☐ Appointed PD or appointed other counsel,  
§ 47.12 requires \$500 be paid to Clerk  
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Wanette Hanks

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2102Sentence Date: 6/25/13

STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

Pickens

VS.

Johnny James Edwards Jr

AKA:

Race: WHITE Sex: M Age: 39

DOB: 1973 SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: EASLEY, SC 29640

DL#: [REDACTED] SID#: [REDACTED]

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was  
TO: Children / Legal custodian, unlawful neglect of child or helpless person

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3900745

A/W#: MS21710

Date of Offense: 1/31/2012

S.C. Code §: 63-05-0070

CDR Code #: 2481

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 63-05-0070

of the S.C. Code of Laws, bearing CDR Code # 2481

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ § 17-25-45The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST:

Richardson, Doug

SC Bar# 86113

Defendant

Attorney for Defendant

SC Bar# 8646

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections. ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed        years  
and/or to pay a fine of \$       ; provided that upon the service of        days/months/years and/or payment  
of \$       ; plus costs and assessments as applicable\*; the balance is suspended with probation for       months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections. *Only for active time*☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$        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    | \$        |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$        |
| Proviso 47.9 (Public De/Prob)          | \$500   | \$        |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ 25.00  |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$        |
| § 50-21-114(BUI Breath Test Fee)       | \$50    | \$        |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/ca | \$        |
| Proviso 90.5 (SCCJA Surcharge)         | \$5     | \$ 5.00   |
| 3% to County (if paid in installments) | \$      | \$ 3.90   |
| TOTAL                                  | \$      | \$ 133.90 |

PTUP

       days/hours Public Service EmploymentObtain 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 FundOther:       ☐ Appointed PD or appointed other counsel,  
§ 47.12 requires \$500 be paid to Clerk  
during probation.Clerk of Court/ Deputy Clerk: Harold P. WilbornCourt Reporter: Vanessa Hanks

SCCA/217 (03/2011)

Presiding Judge: 2162Judge Code: 2162Sentence Date: 4/25/13

## STATE OF SOUTH CAROLINA

COUNTY OF Pickens  
STATE VS.Johnny James Edwards Jr

AKA:

Race: WHITE Sex: M Age: 39DOB: 1973 SS# [REDACTED]Address: [REDACTED]City, State, Zip: FASLEY, SC 29640DL#: [REDACTED] SID#: [REDACTED]\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Resisting / Resisting Arrest, Oppose, resist, or assault law enforcement officer serving process

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3900747A/W#: M521712Date of Offense: 1/31/2012S.C. Code §: 16-09-0320(A)CDR Code #: 0326

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-09-0320(A) of the S.C. Code of Laws, bearing CDR Code # 0326.☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentation to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, DougSC Bar# 266112

Defendant

Attorney for Defendant

SC Bar# 8646WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed        years and/or to pay a fine of \$       ; provided that upon the service of        days/months/years and/or payment of \$       ; plus costs and assessments as applicable\*; the balance is suspended with probation for       

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

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

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

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$        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    | \$               |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$               |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$               |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ <u>25.00</u>  |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$               |
| § 50-21-114 (DUI Breath Test Fee)      | \$50    | \$               |
| § 56-5-2942(J) (Vehicle Assessment)    | \$40/en | \$               |
| Proviso 90.5 (SCCA Surcharge)          | \$5     | \$ <u>5.00</u>   |
| 3% to County (if paid in installments) |         | \$ <u>3.90</u>   |
| TOTAL                                  |         | \$ <u>133.90</u> |

## PTUP

       days/hours Public Service EmploymentObtain 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 FundOther:       ☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Caruth Hunt

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2162Sentence Date: 6/25/13

STATE OF SOUTH CAROLINA

COUNTY OF  
STATE

Pickens

VS.

Johnny James Edwards Jr

AKA:

Race: WHITE Sex: M Age: 39

DOB: 1973 SS#: [REDACTED]

Address:

City, State, Zip: Easley, SC 29640-7691

DL#: [REDACTED] SID#: [REDACTED]

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was  
TO: Traffic / Failure to stop for a blue light, no injury or death - 1st offense

## IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS3901266

A/W#: 32273FS

Date of Offense: 1/31/2012

S.C. Code §: 56-05-0750(BX1)

CDR Code #: 0065

## SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSIn violation of § 56-05-0750(BX1) of the S.C. Code of Laws, bearing CDR Code # 0065  
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence ☐ Recommendation by the State

ATTEST:

Richardson, Doug

SC Bar# 066112

Defendant

Attorney for Defendant

SC Bar# 8646

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 3 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. *Only for active time*☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

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

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

Payment Terms: \_\_\_\_\_

☐ Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine:

|                                        |         |           |
|----------------------------------------|---------|-----------|
| § 14-1-206 (Assessments 107.5 %)       | \$      |           |
| § 14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ 100.00 |
| § 14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$        |
| § 56-5-2995 (DUI Assessment)           | \$12    | \$        |
| § 56-1-286 (DUI Breath Test)           | \$25    | \$        |
| Proviso 47.9 (Public Def/Prob)         | \$500   | \$        |
| § 14-1-212 (Law Enforce. Funding)      | \$25    | \$ 25.00  |
| § 14-1-213 (Drug Court Surcharge)      | \$150   | \$        |
| § 50-21-114 (BUI Breath Test Fee)      | \$50    | \$        |
| § 56-5-2942(I) (Vehicle Assessment)    | \$40/ea | \$        |
| Proviso 90.5 (SCCJA Surcharge)         | \$5     | \$ 5.00   |
| 3% to County (if paid in installments) | \$      | \$ 3.90   |
| TOTAL                                  | \$      | \$ 133.90 |

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

\_\_\_\_\_ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

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

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

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

Presiding Judge

Judge Code:

Sentence Date:

[Signature]

2162

6/25/13

CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

State of South Carolina

MAY 30 2014

County of PICKENSJohnny James Edwards, Jr.In <sup>13</sup> The Court of Common Pleas2014-CP-39- 670

V.

State of South Carolina

Application For  
Post-Conviction Relief

1. Place of detention PICKENS CO. LAW Enforcement Center
2. Name and location of Court which imposed sentence PICKENS County, COURT HOUSE, PICKENS S.C. 29670
3. Name(s) of co-defendant(s) (if any) (NONE)
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a). 2nd DEGREE Burg.
  - (b). Criminal Domestic Violence H&A
  - (c). Child Endangerment
5. The date upon which sentence was imposed and the terms of the sentence:
  - (a). 15 years (DOC)

(b) 10 yrs Doc

(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?

Filed a motion to Reconsider

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

(a) the name of each Court to which you appealed:

1. Pickers C.O. Court.

2. \_\_\_\_\_

3. \_\_\_\_\_

(b) the result in each such Court to which you appealed:

1. Denied

2. \_\_\_\_\_

3. \_\_\_\_\_

(c) the date of each such result:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

(d) if known, citations of any written opinion or orders entered pursuant to such results:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

9. If you answered "no" to (7), state your reasons for not so appealing:
- \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- Bias Judgement / From Judge.
  - Had statements from witnesses to
  - Refute charges against me.
11. The home owner Being one of the witnesses  
State concisely and in the same order the facts which support each of the grounds set out in (10):
- Mr. Boggs call Frank Epps Jr Atty who Alled
  - in when Mr Boggs failed to show for Court
  - Mr. Epps. Advised Against the judge.
12. Prior to this application have you filed with respect to this conviction:
- any petition in a State Court under South Carolina Law? Reconsider
  - any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
  - any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
  - any other petitions, motions or applications in this or any other Court? Only motion to Recon.
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- the specific nature thereof:
- \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

(b) the name and location of the Court in which each was filed:

1. Pickens Co.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

(c) the disposition thereof:

1. Denied
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

(d) the date of each such disposition:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

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?

\_\_\_\_\_

\_\_\_\_\_

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

(a) which grounds have been presented:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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? \_\_\_\_\_
- (c) Your sentencing? yes
- (d) Your appeals, 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? \_\_\_\_\_

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

1. Cameron Baggs STONE AVE Greenville, S.C.  
P.O. Box 65 Greenville, S.C. 29602-0065

2. \_\_\_\_\_
3. \_\_\_\_\_

(b) the proceedings at which each such attorney represented you:

1. All the above.
2. \_\_\_\_\_
3. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:  
Reconsider amount of time handed out

20. Are you now under sentence from any other court that you have not challenged?  
NO

2014-CP-39-670

State of South Carolina

County of Pickers

Verification

I, Johnny James Edwards Jr., 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.

Johnny James Edwards Jr.

Sworn to and subscribed before me this 21st  
 day of May, 2014.

Sandra J. Outlaw (L.S.)  
 Notary Public

My Commission Expires: 2/24

2014 MAY 30 P 3:00  
 PICKENS COUNTY  
 SOUTH CAROLINA

CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

State of South Carolina  
County of Pickens

Case No:  
"Verification"

I Johnny James Edwards, Jr., 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 Fourth Are True.

SWORN AND SUBSCRIBED BEFORE ME  
THIS 21 DAY OF May, 2014

Sandra J. Dutton

NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES;

2/24

Johnny James Edwards, Jr.  
Johnny James Edwards, Jr.  
Evans C.I.

610 Hwy. #9 West  
Bennettsville, S.C. 29512

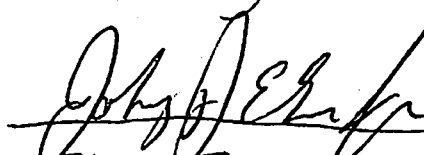
2014-CP-39- 670CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

2014 MAY 30 P 2:55

Application To Proceed Without Payment of  
Costs And Affidavit In Support ThereofCase No : 2012G53900742,  
-43, -44, -45, -47

I Johnny James Edwards, Jr., Hereby Apply For  
Leave To Proceed In This Action Without  
Prepayment of Fees or Costs or Security  
Therefore. In Support of My Application I  
Declare Under Penalty of Perjury That The  
Following Facts Are True:

1. I Am The Application 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.

  
 Johnny James Edwards, Jr.  
 "Petitioner"

 SWORN To And Subscribed  
 Before Me This 21 Day of May, 2014
Sandra Outlaw

- Evans C.I.

Notary Public For South Carolina

My Commission Expires :

2/24

610 Hwy #9 West

Bennettsville, S.C. 29512

CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

2014 MAY 30 P 2 58

Honorable G. Edward Welmaker

Clerk of Court

P.O. Box 899

Pickens, S.C. 29671

May 23, 2014

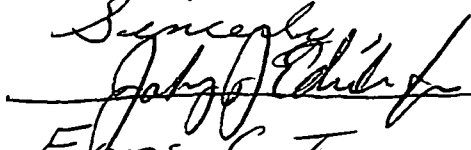
2014-CP-39-670

RE: PCR Filing

Dear Mr. Welmaker,

Enclosed please find my application for PCR with pertinent records for filing. Please return the additional application to me after filing. My address is below.

Thank you for your services.

Sincerely,  
  
Evers C.I.  
610 Hwy. #9 West  
Bennettsville, S.C. 29512

|                            |   |                                     |
|----------------------------|---|-------------------------------------|
| STATE OF SOUTH CAROLINA    | ) | IN THE COURT OF COMMON PLEAS        |
|                            | ) | 2014-CP-39-0670                     |
| COUNTY OF PICKENS          | ) |                                     |
|                            | ) |                                     |
| Johnny James Edwards, Jr., | ) |                                     |
| S.C.D.C. No. 233803,       | ) |                                     |
|                            | ) |                                     |
| Applicant,                 | ) |                                     |
|                            | ) | <b>RETURN AND MOTION TO DISMISS</b> |
|                            | ) |                                     |
| State of South Carolina,   | ) |                                     |
|                            | ) |                                     |
| Respondent.                | ) |                                     |

---

The Respondent, making its Return to the application for post-conviction relief filed May 30, 2014 would respectfully show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Pickens County Clerk of Court's orders of commitment. The Pickens County Grand Jury indicted the Applicant for first-degree burglary (2012-GS-39-0742), criminal domestic violence of a high and aggravated nature (CDVHAN) (2012-GS-39-0743), child endangerment (2012-GS-39-0744), unlawful conduct towards a child (2012-GS-39-0745), resisting arrest (2012-GS-39-0747), and failure to stop for a blue light (2012-GS-39-1266). Cameron G. Boggs, Esquire represented the Applicant.

On June 25, 2013, the Applicant entered an Alford<sup>1</sup> plea to second-degree burglary and pled guilty as indicted to all other charges.<sup>2</sup> The Honorable Letitia H. Verdin sentenced the Applicant to concurrent terms of 14 years for second-degree burglary, 10 years for CDVHAN,

---

<sup>1</sup> North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160 (1970).

<sup>2</sup> The Applicant also pled guilty to two Greenville County charges that day.

18 months for child endangerment, 10 years for unlawful conduct towards a child, 1 year for resisting arrest, and 3 years for failure to stop for a blue light. The Applicant did not appeal.

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

## II.

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

1. "Biastr judgement/From judge."
2. "Had statements from witnesses to refute charges against me."
3. "The homeowner being one of the witnesses."

## III.

The Court should summarily dismiss this application for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act (the Act). S.C. Code Ann. §§ 17-27-10 et seq. (2003). Pursuant to the Act, an Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or

6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy; may institute, without paying a filing fee, a proceeding under this chapter to secure relief.

S.C. Code Ann. § 17-27-20(a) (2003).

Even if the facts alleged by the Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. The Respondent therefore moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70(c) (2003).

IV.

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

V.

WHEREFORE, having made its Return and Motion to Dismiss, the Respondent requests the matter be summarily dismissed.

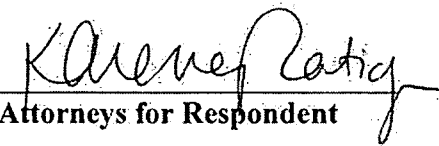
Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Deputy Attorney General

KAREN C. RATIGAN  
Senior Assistant Deputy Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

By:

  
Attorneys for Respondent

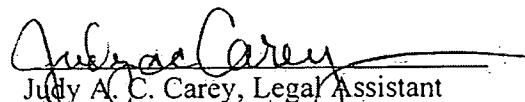
October 8, 2014

|                                  |   |                              |
|----------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA          | ) |                              |
|                                  | ) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF PICKENS                | ) |                              |
|                                  | ) |                              |
|                                  | ) | 2014-CP-39-0670              |
|                                  | ) |                              |
| JOHNNY JAMES EDWARDS JR., 233803 | ) |                              |
|                                  | ) |                              |
| Applicant,                       | ) |                              |
|                                  | ) |                              |
| vs                               | ) | AFFIDAVIT OF SERVICE BY MAIL |
|                                  | ) |                              |
| STATE OF SOUTH CAROLINA,         | ) |                              |
|                                  | ) |                              |
| Respondent.                      | ) |                              |
| _____                            | ) |                              |

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

**Johnny James Edwards Jr., 233803  
 Tyger River Correctional Institution  
 100-200 Prison Road  
 Enoree SC 29355**

DATED this 8th day of October, 2014.

  
 Judy A. C. Carey, Legal Assistant  
 For Respondent

2015 JAN 9 AM 11 33

CLERK OF COURT  
PICKENS COUNTY

IN THE COURT OF ~~SOUTH CAROLINA~~ LEAS  
FOR THE COUNTY OF PICKENS  
FOR THE THIRTEENTH JUDICIAL CIRCUIT  
THE HONORABLE CLERK OF COURT  
MR. HAROLD P. WELLBOURN JR.

MR. JOHNNY J. EDWARDS JR.  
PETITIONER PRO SE

V.

THE STATE OF SOUTH CAROLINA  
RESPONDENT

2014-CP-39-670

MOTION TO AMEND CURRENT  
POST CONVICTION RELIEF APPLICATION

IN REB CASE NO. 2014-CP-39-670

THIS IS A MOTION MADE BY THE PETITIONER TO AMEND THE POST CONVICTION RELIEF APPLICATION I THE APPLICANT/PETITIONER JOHNNY J. EDWARDS JR. MAILED OUT SAID APPLICATION ON 21<sup>st</sup> OF MAY, 2014, AND DID RECEIVE RETURNED COPY CLOCKED STAMP FOR 30<sup>th</sup> OF MAY, 2014.

I. THE PETITIONER RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL DURING PLEA AGREEMENT IN VIOLATION OF THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION WHEN COUNSEL FAILED TO CONDUCT PROPER PRE-TRIAL INVESTIGATION.

The Petitioner submits that he received ineffective assistance of Counsel prior to entering a plea of Guilty. The Sixth Amendment to the United States Constitution guarantees that every Criminal defendant is entitled to the assistance of Counsel in presenting their defense. See also S.C. Const., Art I, § 14. The Supreme Court has stated, "The right to ~~Counsel~~ is a fundamental right of Criminal defendants; it assures the fairness, and thus the legitimacy, of our adversary process," Kimmelman v. Morrison, 477 U.S. 365, 374 (1986). Furthermore, the Supreme Court has recognized that "the right to counsel is the right to effective assistance of Counsel."

McMann v. Richardson, 397 U.S. 759, 771 (1970).

To see whether Counsel has fallen below the minimum standard needed for effective assistance of Counsel under the Sixth Amendment to the Constitution a two prong test must be met. In Strickland v. Washington, — 466 U.S. 668, 688-694 (1984), the Supreme Court held that a,

- determination of ineffective assistance of Counsel would be conditioned on two factors:

1. Counsel's performance must have fallen below an objective standard of reasonableness; and
2. There must be a reasonable probability that, but for Counsel's errors, the results of the proceedings would probably have been different.

South Carolina has adopted the Strickland standard. See, e.g., Cheery v. State 300 S.C. 115, 386 S.E.2d 624 (1989).

The Right to effective assistance of Counsel may be violated by even an isolated error of Counsel if the error is sufficiently egregious and prejudicial. Murray v. Carrier, 477 U.S. 478- (1986).

It is the Client's right to expect that his Lawyer will use every skill, expend every energy, and tap every legitimate resource in the exercise of independent professional judgement

On behalf of the client, and in undertaking representation of the clients interests," FRAZER V. UNITED STATES, 18 F.3d 778, 785 (9th Cir. 1994). "Defense Counsel must do his utmost to bring his legal acumen to bear on behalf of the defendant; keep the defendant fully informed of all developments in the case and consult with the defendant on all major decisions to be made; conduct a reasonable pre-trial investigation, which should include contacting potential witnesses; prepare adequately and professionally for trial; conduct the trial to the best of his ability; and, at the bottom, serve as a vigorous and devoted advocate of the defendant's cause; UNITED STATES EX. REL. PARTEE V. LANE 926 F.2d 694, 702 (7th Cir. 1991).

A. Counsel WAS INEFFECTIVE FOR FAILING TO CONDUCT AN ADEQUATE PRETRIAL INVESTIGATION.

As the Supreme Court also recognized in Strickland, "Counsel bears a duty to make a 'reasonable' investigation of the law, and facts in his Clients Case," Strickland, 466 U.S. at 691.

Additionally, the ABA Standards Relating to the Administration of Criminal Justice provide:

It is the duty of the lawyer to conduct a prompt investigation of the circumstances of the case, and to explore all avenues leading to facts relevant to the merits of the case and penalty in the event of conviction. The investigation should always include efforts to secure information in the possession of the prosecution and law enforcement authorities. The duty to investigate exists regardless of the accused's admissions or statements to the lawyer of facts constituting guilt or the accused's stated desire to plead guilty.

A defendant's right to effective assistance of Counsel confers a duty on Counsel to conduct an adequate pre-trial investigation. When a lawyer fails to conduct a substantial investigation into any of the client's plausible lines of defense, the lawyer has failed to render effective assistance of Counsel. Cobb v. State, 3605 S.C. 299, 408 S.E.2d 233 (1991). Pretrial preparation, principally because it provides a basis upon which most of the defense case must rest, is, perhaps, the most critical stage of a lawyer's preparation.

Id. Failure to investigate evidence that would be helpful to the defense is also an indication of ineffective assistance of Counsel.

I Johnny J. Edwards Jr, do Certify that  
I have on this day served the Attorney  
for the Respondent a copy of a —  
"Supplemental Brief" by depositing  
the same in the U.S. mail postage  
prepaid to the following address:

S.C. Attorney General's Office  
Post Conviction Relief  
KAREN C. Ratigan SADAG  
P.O. Box 11549-- Columbia S.C.  
29211-1549

This 5<sup>th</sup> day of Jan, 2015  
Spartanburg Co.

S/Johnny J. Edwards Jr  
Johnny J. Edwards Jr 233803  
6/26/A 200 Prison Rd  
Euree S.C. 29335

2015 JAN 9 AM 11 33

CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

MR. WELLBORN,

I would ask that the Clerks office allow me to file this Amendment due to the fact that I have no Attorney to represent me in this matter. If you would be so kind as to forward a copy to the S.C. Attorney Generals office, and also send a clocked stamped copy back to me it will be greatly appreciated. Thank you for your time and consideration in this matter.

Sincerely

John J. Edwards

\* Mailed Mr. Edwards a copy and emailed Judy Carey a copy.

1/9/15

M Broom

|                            |   |                        |
|----------------------------|---|------------------------|
| STATE OF SOUTH CAROLINA    | ) |                        |
|                            | ) | COURT OF COMMON PLEAS  |
| COUNTY OF PICKENS          | ) |                        |
| Johnny James Edwards, Jr., | ) |                        |
|                            | ) |                        |
| Applicant,                 | ) |                        |
| v.                         | ) | Case No. 14-CP-39-0670 |
|                            | ) |                        |
| State of South Carolina,   | ) |                        |
|                            | ) |                        |
| Defendant.                 | ) |                        |

## TRANSCRIPT OF HEARING

The within Post-Conviction Relief Hearing in the above-captioned matter was held on December 14, 2015, before The Honorable Perry H. Gravely in Courtroom 6 of the Pickens County Courthouse, 214 East Main Street, Pickens, South Carolina; attended by counsel as follows:

### APPEARANCES:

R. Mills Arial, Esq.  
... appearing for Applicant

Karen Ratigan, Esq.  
Assistant Attorney General  
... appearing for State of South Carolina

Deborah Garrison  
Circuit Court Reporter – 13th Judicial Circuit  
P O Box 27145  
Greenville, South Carolina 29616-7145  
[dgarrison@sccourts.org](mailto:dgarrison@sccourts.org)

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Before The Honorable Perry H. Gravely

2

## INDEX

|                               |        |
|-------------------------------|--------|
| Motion to Amend Petition      | 3      |
| Testimony of Johnny Edwards   |        |
| Direct Exam by Mr. Arial      | 6      |
| Cross Exam by Ms. Ratigan     | 11     |
| Testimony of Stay Riden       |        |
| Direct Exam by Mr. Arial      | 14     |
| Cross Exam by Ms. Ratigan     | 19     |
| Testimony of Cameron Boggs    |        |
| Direct Exam by Ms. Ratigan    | 20     |
| Cross Exam by Mr. Arial       | 34     |
| <br>RULING of The Court       | <br>39 |
| Certificate of Court Reporter | 41     |

\*No Exhibits Entered of Record

## Johnny J. Edwards, Jr. v. State of South Carolina

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Before The Honorable Perry H. Gravely

3

1 THE COURT: I'll be glad to hear from  
2 you.

3 KAREN RATIGAN: Thank you, Your Honor.  
4 This is case number 2014-CP-39-670. Mr.  
5 Edwards was indicted for first degree  
6 burglary, criminal domestic violence of a  
7 high and aggravated nature, child  
8 endangerment, unlawful conduct towards a  
9 child, resisting arrest and failure to stop  
10 for a blue light. He was represented on all  
11 those charges by Mr. Boggs.

12 He pled guilty before Judge Verdin  
13 on June 25<sup>th</sup>, 2013. He pled guilty under  
14 *Alford* to the reduced charge of second degree  
15 burglary and then pled guilty as indicted to  
16 the rest of the charges. He received  
17 concurrent sentences of fourteen (14) years  
18 for burglary second, ten (10) years for  
19 CDVAN, eighteen (18 months) for child  
20 endangerment and ten (10) years for unlawful  
21 conduct towards a child, one (1) year for  
22 resisting arrest and three (3) years for  
23 failure to stop for blue light. He did not  
24 file an appeal.

25 Your Honor, I would note that the

## Johnny J. Edwards, Jr. v. State of South Carolina

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Before The Honorable Perry H. Gravely

4

1 State has filed a Motion to dismiss in this  
2 case. The application set forth any  
3 recognizable reason(s) to proceed with post-  
4 conviction relief under the Act. The Act is  
5 of course stated in the return. I would also  
6 note that the relief that is sought in the  
7 application itself is the equivalent of time  
8 cut; which, as you know, this court cannot  
9 do. So I'd make that Motion to dismiss at  
10 this time.

11 THE COURT: So you are the moving  
12 party, so this is your hearing.

13 KAREN RATIGAN: Yes, Your Honor.  
14 Depending on how you'd rule, we'd be ready to  
15 go forward.

16 THE COURT: Well, I mean, I was --  
17 okay. Looking -- Mr. Arial, I was looking at  
18 the application, trying to figure out what  
19 the issues are myself.

20 MILLS ARIAL: He filed an amended  
21 application, if I am not mistaken, on January  
22 9<sup>th</sup>, 2015. I don't know if anybody has a copy  
23 of that.

24 THE COURT: I do not.

25 MILLS ARIAL: All right. That

## Johnny J. Edwards, Jr. v. State of South Carolina

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Before The Honorable Perry H. Gravely

5

1 was filed in Pickens, right here. I've got a  
2 copy -- I don't have two copies. I don't why  
3 the ---

4 THE COURT: I've got the  
5 application that was filed May 30<sup>th</sup>, 2014.

6 MILLS ARIAL: Yeah, this is --  
7 I can show this to the court, (tendering).  
8 Basically it's a Motion to amend. It says  
9 ineffective assistance of counsel during plea  
10 agreement, violation of sixth amendment and  
11 counsel failed to conduct proper pretrial  
12 investigation. It goes into a lot of  
13 different grounds: Counsel was ineffective  
14 for failing to conduct an adequate pretrial  
15 investigation.

16 I can let you review a copy.

17 THE COURT: I guess you need to talk to  
18 Ms. Ratigan about how she wishes to proceed.

19 (SIDEBAR BETWEEN COUNSEL)

20 KAREN RATIGAN: Judge, I will get  
21 a copy of that amendment afterwards. We  
22 have counsel here today, so we're ready to go  
23 forward.

24 THE COURT: Okay. I will hold  
25 your Motion to dismiss in abeyance while we

## Johnny J. Edwards, Jr. v. State of South Carolina

6

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Applicant - Direct Examination by Mr. Arial

1            proceed forward on that and then we can  
2            work it out.

3                        MILLS ARIAL: Sounds good, Your  
4            Honor. I call Mr. Edwards to the stand.

5                                (APPLICANT TAKES STAND)

6                        JOHNNY JAMES EDWARDS, JR., having  
7            been sworn to tell the truth, and nothing but  
8            the truth, testified as follows:

9                                DIRECT EXAMINATION

10                        BY MILLS ARIAL:

11                        Q. Mr. Edwards, how are you doing  
12            today?

13                        A. Doing good, sir.

14                        Q. Good. I want to talk to you a  
15            little bit about this PCR. Now my under-  
16            standing -- and we've talked a little bit  
17            about this, a couple of times on this.

18                        A. (Affirmative nod).

19                        Q. You were alleging only ineffective  
20            assistance of counsel in regards to the first  
21            degree burglary; is that right?

22                        A. Yes, sir.

23                        Q. I know you were convicted of the  
24            other items. You're not saying that he did  
25            anything ineffective in regards to that -- to

## Johnny J. Edwards, Jr. v. State of South Carolina

7

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Applicant - Direct Examination by Mr. Arial

1       those?

2             A.    No, sir.

3             Q.    All right.  I want to go back a  
4       little bit and just give a little background  
5       to the court with regards to your representa-  
6       tion by Mr. Boggs.

7             A.    Okay.

8             Q.    You were arrested on these charges;  
9       correct?

10            A.    (Affirmative nod).

11            Q.    And at some point in time you  
12       retained Mr. Boggs; is that right?

13            A.    My mother did.

14            Q.    Your mother did?

15            A.    (Affirmative nod).

16            Q.    Sorry but I need for you to speak  
17       up.  I know you're soft.

18            A.    All right.

19            Q.    I mean, I want -- it doesn't matter  
20       if I hear you, it matters if the judge hears  
21       you.  Okay?

22            A.    (Affirmative nod).

23            Q.    When he was retained for you, were  
24       you out on bond?

25            A.    I was still incarcerated.

## Johnny J. Edwards, Jr. v. State of South Carolina

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Applicant - Direct Examination by Mr. Arial

8

1 Q. But you got out at some point in  
2 time?

3 A. Yeah.

4 Q. So how many times did you meet with  
5 Mr. Boggs about this case?

6 A. I want to say three or four times.

7 Q Okay. I am going to try to  
8 summarize a little bit of what your issue is.  
9 You're saying that in regards to first degree  
10 burglary that you have the alleged victim, or  
11 the victim here, who says that you had  
12 permission to come into her residence. Is  
13 that correct?

14 A. Correct.

15 Q. So what you're saying is *that 'I*  
16 *shouldn't have been pleading to that because*  
17 *she allowed me into the house.'* Correct?

18 A. Correct.

19 Q. All right. Now, let's go back and  
20 understand that a little bit more. Was Mr.  
21 Boggs aware of that prior to the plea?

22 A. Yes, I had numerous times to speak  
23 with Miss Stacy Riden about me having  
24 permission to go in the home. She was also  
25 in court the day that he pled me out. I

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Testimony of Applicant - Direct Examination by Mr. Arial

9

1 asked him to speak to her, to talk to her.

2 Q. Okay. I am trying to figure all  
3 this out because if she was there at the time  
4 of the plea, then my first question would be  
5 why would you plead to it if you need that  
6 you weren't guilty of it?

7 A. I was instructed by my attorney that  
8 an *Alford* plea would be the best route to go  
9 because even though I didn't do it, the State  
10 would make it look like I did. I didn't  
11 want fifteen-to-life on first degree  
12 burglary. I've got three small children.

13 Q. Okay. Now here is what I am trying  
14 to figure out. The discussion that you had  
15 with Mr. Boggs, you just said right there,  
16 that it could be made to look like you did  
17 it.

18 A. Yeah.

19 Q. If the victim is saying that you had  
20 permission to go in the house, did you  
21 discuss with Mr. Boggs how that would impact  
22 -- how they would have to prove the case?

23 A. No, sir.

24 Q. Okay. Did you -- I know that there  
25 was evidence out there that apparently you

1       went through like -- it wasn't a door, it was  
2       a window; correct?

3             A.   That's what they were saying, sir.

4             Q.   So did y'all discuss how that would  
5       impact your case if, hey, you're not going  
6       through a door, you're going through a  
7       window?

8             A.   No, sir. I still to this day  
9       haven't seen my Motion for discovery.

10            Q.   So he has never given you discovery  
11       in this case either?

12            A.   No, sir.

13            Q.   I'm trying to go through and  
14       understand -- that's the main crux of your  
15       issue. So you're saying that Ms. Stacy Riden  
16       would have testified that you had permission  
17       to go into her place, with permission?

18            A.   Yes, sir.

19            Q.   And that you should not have pled  
20       guilty to that charge?

21            A.   Yes, sir.

22            Q.   Are there any other things -- I know  
23       that we've talked a lot about this case. Are  
24       there any other things that you want to bring  
25       up?

## Johnny J. Edwards, Jr. v. State of South Carolina

11

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Applicant - Cross Examination by Ms. Ratigan

1           A.   No, sir.  I did a lot of things that  
2           night, I took the blame for it.  I stood up,  
3           I did my time but that is one thing -- I had  
4           permission from Ms. Riden.  I stopped by her  
5           place of employment before I went to the home  
6           to check on my son.

7           Q.   Okay.

8           A.   I wouldn't have as much time had she  
9           been allowed to testify.

10          Q.   Right, and you are not contesting  
11          the child endangerment although -- so you did  
12          some bad things that night, ---

13          A.   Right.

14          Q.   --- but the one thing that you said  
15          that you didn't do was to go into that house  
16          without permission?

17          A.   Right.

18                MILLS ARIAL:  I have no further  
19          questions.

20                THE COURT:    Ms. Ratigan?

21                        CROSS EXAMINATION

22                BY MS. RATIGAN:

23                Q.   So you gave your attorney Ms.  
24          Riden's name and asked him to contact her?

25          A.   I did.

1 Q. And what was it that you believed  
2 that she would have told him?

3 A. That I had permission to go to her  
4 home that night, that I stopped by her place  
5 before I went to the home and spoke with her  
6 before I showed up to make sure that it was  
7 okay.

8 Q. And basically what happened is that  
9 the facts surrounding the burglary happened  
10 first and all these other charges kind of  
11 happened after that. Would that be fair to  
12 say?

13 A. Yes, ma'am.

14 Q. And Ms. Riden was at court that day?

15 A. Yes, ma'am.

16 Q. And didn't your attorney tell the  
17 judge that she was there and had given  
18 permission? Didn't he tell that to the  
19 judge?

20 A. I don't recall him saying so.

21 Q. Okay. And when did you decide that  
22 you were going to go ahead and enter an  
23 *Alford* plea to the burglary? Was it that  
24 day? Or had you had some time to think about  
25 it?

## Johnny J. Edwards, Jr. v. State of South Carolina

13

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Applicant - Cross Examination by Ms. Ratigan

1           A.    Yeah, it was that day. Mr. Boggs  
2           explained to me what it was, what it meant,  
3           and that if I didn't plead to the burglary  
4           also that I would have to go to trial. He  
5           didn't seem too enthused about going to  
6           trial. Actually he seemed to be upset about  
7           having to plan for a trial.

8           Q.    Okay. Now, you testified that  
9           you've never seen any of your discovery  
10          materials?

11          A.    Not that I can recall.

12          Q.    So when you had these three to four  
13          meetings with Mr. Boggs, what were you  
14          talking about?

15          A.    Well, I asked him on several  
16          occasions to speak with Ms. Riden and my  
17          wife, Jacqueline Smith. He -- all he would  
18          say -- well, I can't say what he said.

19          Q.    But you never talked about any of  
20          the evidence?

21          A.    No, ma'am.

22          Q.    Nothing of the facts that the State  
23          would have to show to prove you guilty?

24          A.    All I kept getting was 'it looks  
25          bad, we need to plead this out.'

1 KAREN RATIGAN: That's all that I  
2 have, Your Honor.

3 THE COURT: Anything further?

4 MILLS ARIAL: Nothing further, Your  
5 Honor.

6 THE COURT: You may step down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Anything else from the  
9 Applicant?

10 MILLS ARIAL: I call Stacy Riden to the  
11 stand.

12 (WITNESS TAKES STAND)

13 STACY RIDEN, having been sworn to tell  
14 the truth, and nothing but the truth,  
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MILLS ARIAL:

18 Q. Stacy, how you doing today?

19 A. Fine. How are you?

20 Q. Doing fine. Thank you for coming.

21 Tell me what your relationship is or how you  
22 know Mr. Edwards?

23 A. His wife, I grew up with her. We  
24 were best friends.

25 Q. Now, the allegations in this case

## Johnny J. Edwards, Jr. v. State of South Carolina

15

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Stacy Riden - Direct Exam by Mr. Arial

1       involve a burglary that apparently occurred  
2       at your residence; is that right?

3           A.   (Affirmative nod).

4           Q.   All right. Tell me a little bit --  
5       a little bit of background about that.

6           A.   He and his wife split up. She come  
7       and stayed at my house and -- the day that  
8       all this happened, Johnny came to my work  
9       probably about an hour, maybe two hours,  
10      before I got a phone call from Jacqueline  
11      saying that they'd gotten into it or  
12      whatever. He come and asked if he could go  
13      check on the baby and -- I called Jacqueline  
14      to verify that she was okay with it and there  
15      was nothing -- I wasn't home, I was working.  
16      She had my kids in her care. So I told him  
17      that it was fine for him to go to the house,  
18      and that's it.

19          Q.   So you had a communication with him  
20      about going to your place beforehand?

21          A.   (Affirmative nod).

22          Q.   You gave him your permission?

23          A.   Yes.

24          Q.   Now, you were the -- now, was it a  
25      house, an apartment? Do you rent or ---

## Johnny J. Edwards, Jr. v. State of South Carolina

16

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Stacy Riden - Direct Exam by Mr. Arial

1 A. A mobile home.

2 Q. It was a mobile home?

3 A. (Affirmative nod).

4 Q. Did you owe it?

5 A. I did.

6 Q. You did own it.

7 A. (Affirmative nod).

8 Q. Okay, I gotcha. What I am trying to  
9 do is to make sure that you were the owner of  
10 the house, or the owner of the mobile home,  
11 and the one who had the authority to grant  
12 permission whether or not he could come in or  
13 out.

14 A. (Affirmative nod).

15 Q. Okay. Now, after -- I know a lot of  
16 stuff happened after that. But that's the  
17 communications that you had with Mr. Edwards  
18 about coming to your place. Right?

19 A. (Affirmative nod).

20 Q. And she was okay with that. Right?

21 A. Yes.

22 Q. Now, at some point in time Mr.  
23 Edwards contacted you and said, 'hey, I need  
24 you to tell this to my attorney.' Do you  
25 remember having a discussion with Mr. Edwards

## Johnny J. Edwards, Jr. v. State of South Carolina

17

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Stacy Riden - Direct Exam by Mr. Arial

1       about what you'd need to testify to, or if  
2       you were going to be called as a witness ---

3           A.    I remember talking to his wife,  
4       Jacqueline, about it.  She asked if I would  
5       verify what happened; you know, that he came  
6       to my work and asked for permission.

7           Q.    Did you go and meet with Mr. Boggs  
8       or write a statement or anything like that?

9           A.    I wrote a statement.

10          Q.    You wrote a statement and gave it to  
11       me?

12          A.    (Affirmative nod), I also wrote a  
13       statement when he first went to court.

14          Q.    Okay.  So when he first went to  
15       court before -- because I got your statement  
16       saying what you remembered.  Was it the same  
17       thing?

18          A.    Yeah.

19          Q.    So you basically acknowledged in  
20       that statement -- did you send it to Mr.  
21       Boggs?

22          A.    Yes.

23          Q.    What did you say in the statement  
24       that was sent to Mr. Boggs?

25          A.    That Jamie came to my work earlier

1       that day and had asked for permission to come  
2       to the house and that I'd give it to him.

3           Q.   Now, at any point in time did you  
4       receive a call back or have any discussion  
5       with Mr. Boggs about that statement?

6           A.   I spoke with him that day that Jamie  
7       had court the last time.

8           Q.   What was the discussion about?

9           A.   He just basically asked me about my  
10      statement, and that was it.

11          Q.   Okay. So he asked you if this was  
12      your statement as to what happened?

13          A.   (Affirmative nod).

14          Q.   Did he say how we were going to  
15      handle that or anything else about that?

16          A.   (Negative gesture).

17          Q.   Okay. Any other specifics about  
18      that? Any other conversations that you had  
19      about this incident?

20          A.   No.

21          Q.   So the bottom line is that you gave  
22      him permission to go in your house and in  
23      your view he didn't burglarize your  
24      residence.

25          A.   Yes.

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Testimony of Stacy Riden - Cross Exam by Ms. Ratigan

19

1 Q. Okay.

2 MILLS ARIAL: Your Honor, I have no  
3 further questions.

4 THE COURT: Ms. Ratigan?

5 KAREN RATIGAN: Just briefly.

6 CROSS EXAMINATION

7 BY KAREN RATIGAN:

8 Q. So you were not there when Mr.  
9 Edwards showed up?

10 A. No, I was at work.

11 Q. It was only his wife Jacqueline and  
12 the child?

13 A. Yeah.

14 Q. That you were aware of?

15 A. Yeah.

16 Q. And was there a prior trespass  
17 notice that you had about Mr. Edwards coming  
18 to your home?

19 A. Yes. Him and his wife had gotten  
20 into it at my house and, so, they said that  
21 if she wanted a protection order or a no  
22 trespass, whatever, that it would have to be  
23 at my residence. That is where she was  
24 staying anyway, so she had that done.

25 Q. So you were aware that there was

1           this trespass notice against Mr. Edwards?

2           A.    Yes.

3                   KAREN RATIGAN:       That's all that I  
4   have, Your Honor.

5                   MILLS ARIAL:    No further questions.

6                   THE COURT:     Anything else?

7                               (WITNESS STEPS DOWN)

8                   MILLS ARIAL:   That is our case, Your  
9   Honor.

10                   KAREN RATIGAN:       We call Mr. Boggs.

11                               (WITNESS TAKES STAND)

12                   CAMERON BOGGS, having been sworn to  
13   tell the truth, and nothing but the truth,  
14   testified as follows:

15                               DIRECT EXAMINATION

16                   BY KAREN RATIGAN:

17                   Q.   Mr. Boggs, do you recall represent-  
18   ing Mr. Edwards on these charges?

19                   A.   I most certainly do.

20                   Q.   And were you appointed or were you  
21   retained?

22                   A.   I was retained by his mother and  
23   approved by him.

24                   Q.   Did you file the usual discovery  
25   Motions, *Brady* and Rule 5?

## Johnny J. Edwards, Jr. v. State of South Carolina

21

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

1           A.    Yes, I did.

2           Q.    To the best of your knowledge, did  
3 you receive full discovery from the State?

4           A.    Yes, I did.  In fact, there was a  
5 delay on the -- there was an allegation about  
6 Johnny -- when he was fleeing from the  
7 police, there was an allegation about the  
8 child being held out of the car.  So there  
9 was a delay in the video and photos of him  
10 doing that.  He contested that.  I don't know  
11 that we ever got proof that he ever held the  
12 child out the window, but that -- that was  
13 the attitude of the police and the  
14 prosecution throughout this whole case.

15          Q.    Did he bond out at some point when  
16 you represented him?

17          A.    We tried to get him a bond  
18 immediately.  Judge Verdin -- part of what  
19 was going on, Johnny was having  
20 hallucinations prior to this incident.  He'd  
21 had some -- I think he was on some  
22 medication.  I think that his family had him  
23 committed shortly before this happened.  They  
24 wouldn't keep because he wasn't a danger to  
25 himself.  He was on some medication that he

1        didn't like, made him act zombie-like, so he  
2        wasn't taking that. Judge Verdin ordered a  
3        competency eval and let us come back for  
4        bond. He was deemed competent. This  
5        happened the end of January 2012 and I think  
6        that he was deemed competent in March or so,  
7        and he bonded out at some point later that  
8        year -- I don't remember exactly.

9            Q. Did he make appointments to come see  
10        you in your office once he bonded out?

11           A. Generally I met with his mother -- a  
12        ton. I mean, I -- if I didn't meet with her,  
13        I called her or she called me or she met with  
14        my paralegal. But, yeah, I remember meeting  
15        with Johnny at my office. I think that there  
16        are some notes here somewhere.

17           He was out until -- I can't remember --  
18        after he got out, he was on house arrest. I  
19        think he was out, I know by the midsummer  
20        because he got a bond card for July and  
21        there's a notes in here where I e-mailed Doug  
22        Richardson, who was the solicitor on the  
23        case, and I said 'he's out on HIP', you know,  
24        home incarceration. 'He just got out, he  
25        doesn't need to be there.' And Doug said,

## Johnny J. Edwards, Jr. v. State of South Carolina

23

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

1        'No, he doesn't need to be there.'

2                And then there are notes that I met with  
3        Johnny at my office at -- in December, to see  
4        how he was doing.

5                Then I met with him a lot before he got  
6        out. Then I met with him a lot -- well, I  
7        say "a lot", I met with him on more than one  
8        occasion before he got out and I met with him  
9        on more than one occasion at the Pickens jail  
10       after he got locked up, leading up to his  
11       plea.

12               Q.    Would you have ever reviewed  
13       discovery materials with him prior to the  
14       plea?

15               A.    *Ad naseum*. He and I had a great  
16       relationship, he and I talked. I liked  
17       Johnny and he did well once they -- I believe  
18       that they changed him to Lithium. We got  
19       along well. I never called him Jamie. I  
20       called him Johnny. Everybody -- I think his  
21       family called him Jamie. I mean, he and I --  
22       I knew his past was bad. He'd served nine  
23       years. I think that he was still on  
24       probation.

25               Doug Richardson hated Johnny. Hated

1 him. I mean, my first offer was thirty  
2 suspended to twenty. Then we had long  
3 ongoing negotiations and I think that I got  
4 Doug down to twelve, but Johnny wanted to do  
5 six or seven, maybe eight. So we did a  
6 straight up plea.

7 Q. Now, when you would meet with Mr.  
8 Edwards, would you talk with him about the  
9 elements of all these charges? What the  
10 State would have to prove to find him guilty?

11 A. Yes.

12 Q. Did you discuss with him the  
13 sentence range for all these charges?

14 A. Yes.

15 Q. Did you discuss with him his version  
16 of what happened that day?

17 A. Oh, yes. He maintained that he had  
18 permission to go there. I believe that I  
19 even had -- early on I had something from his  
20 -- well, this was his wife that was the  
21 victim.

22 Q. Um-humm.

23 A. They were estranged. They had a  
24 small child, I believe his name was Grant --  
25 which is my middle name. But, Johnny, and I

## Johnny J. Edwards, Jr. v. State of South Carolina

25

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

1       talked about all that. You know, (pause) --  
2       uh, we talked about everything. Johnny  
3       didn't think that he was guilty. But he  
4       couldn't explain in detail why he went in  
5       there and why he didn't what he did. He  
6       assaulted her. She said that he was on  
7       trespass notice and had been harassing him  
8       (sic). We did -- I subpoenaed her work  
9       records on her phone. I subpoenaed -- I  
10      think that she worked for Concentric before  
11      she lost her job.

12               I think at trial one of the issues  
13      would have been her behavior. But we always  
14      -- if we went to trial, it was going -- the  
15      penalties were severe -- not for me. All  
16      potential sentences were, I think, off the  
17      table and I think Doug was willing -- he even  
18      said in the trial transcript that he was  
19      doing him a favor by reducing it from  
20      burglary first. And, so, uh, Johnny knew all  
21      this and nothing was a surprise to him.

22               Q. Did you have an opportunity to speak  
23      with his wife?

24               A. You know, I don't know that I ever  
25      spoke with her. She was a victim. I

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

26

1 generally don't speak with victims.

2 Obviously they show up at my office.

3 I did have somewhere in here as an  
4 exhibit her -- I believe that it was her  
5 handwritten -- I mean, just -- for the  
6 court's edification, I prepared this packet  
7 for Judge Verdin for the plea. I think it's  
8 alluded to in the record, uh, -- (pause).

9 You know, I felt like Johnny's wife  
10 baited him into his behavior knowing that his  
11 anger and/or mental issues -- not competency  
12 issues but inability to deal with things --  
13 would get him riled up. You know.

14 Keep in mind that all this time that  
15 Johnny had authorized me to help his mom get  
16 custody of this child. So there was never  
17 any negative, uh, -- never any negative time  
18 with Johnny.

19 Q. And you mentioned that there was a  
20 trespass notice. Who told you about that?  
21 Was it Mr. Edwards?

22 A. I think it's in the record and  
23 Johnny had mentioned that he was on trespass  
24 notice in our meeting early on, like in  
25 February of 2012.

## Johnny J. Edwards, Jr. v. State of South Carolina

27

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

1 Q. Did he give you the name of Stacy  
2 Riden?

3 A. Yes. If you look in the transcript  
4 I say that Stacy Riden is here to say that he  
5 didn't -- that he had permission to break in  
6 -- not to break in, but permission to go in.

7 Q. Right.

8 A. But this was a he said/she said.  
9 Doug Richardson took the victim at her word  
10 from the beginning and when I tried to  
11 convince Doug that she had gone back on some  
12 things and really didn't want him prosecuted,  
13 then Doug didn't care. He thought that  
14 Johnny was a menace to Pickens County.

15 Q. And did you explain to Mr. Edwards  
16 that whether or not he had permission to be  
17 in the mobile home that that wouldn't excuse  
18 any crimes committed therein?

19 A. We discussed that. I mean, that was  
20 -- at the time, I said, 'I know that Stacy is  
21 going to say that you were there but there's  
22 a trespass notice. The victim called the  
23 police, said that you were harassing her,  
24 coming over and beating on the door' -- I  
25 recall. I mean, I -- she didn't want him to

1       come in at the time no matter what Stacy  
2       said. She was living there, so it would be  
3       -- I mean, it would be just -- and excuse my  
4       words for it but I called it a redneck mess.  
5       Johnny and I called it a redneck mess. I  
6       said that on the record. I mean no  
7       disrespect to anybody, it just was -- (pause)  
8       -- he alleged that one of the men that was  
9       living there had molested kids before, so he  
10      was so mad that he would even let the kid be  
11      there. When he got there, he checked the  
12      baby's diaper and there was chafing and I  
13      think he lost it. There was evidence of  
14      injury to her, I think that there was a knot  
15      on the baby's head, so -- so even if he  
16      didn't hit the baby, he hit her while she was  
17      holding the baby. So his story was going to  
18      have to be believed by not only Ms. Riden,  
19      who wasn't there but who had just admitted  
20      that there was a trespass notice, -- it's got  
21      to be believed by him and it's got to be  
22      explained to a jury if he wanted to risk  
23      going to trial on burglary first and all  
24      these other charges. You know. What's going  
25      on? And he was guilty of the other stuff, he

## Johnny J. Edwards, Jr. v. State of South Carolina

29

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

1 admitted it. He had a problem with it.

2 And I'll be honest. I didn't want  
3 him to get fourteen years. In fact, if you  
4 read the transcript, I almost fell out -- she  
5 said ten, ten, ten and then right at the end  
6 when she got to burglary second, I assumed  
7 that she was going to say ten -- which was  
8 right in between where we were negotiating.  
9 She said fourteen and I was like -- I was  
10 just -- I was disappointed. I was  
11 disappointed in a lot of things about the way  
12 that the plea went, but not in my performance  
13 -- but just the way that a Pickens plea  
14 works, a cattle call.

15 Q. Let me back up just one second.  
16 When y'all went to court that day, was it to  
17 plead? Or was it something that he decided  
18 that day, to go ahead and bite the bullet, to  
19 get it over with?

20 A. Johnny hated the Pickens County  
21 Detention. He wanted out. He wanted out the  
22 first time, got him out, did well, did well.  
23 Then he -- I can't remember exactly why he  
24 ended up being there but they violated his  
25 bond.

1           Then when he was in there, he ended up in  
2           an altercation with another inmate and was  
3           charged with ABHAN for beating up somebody.  
4           He didn't do that. And I can't remember -- I  
5           think that we got that one resolved.

6           I would go meet with Johnny and he would  
7           say, 'I know you told me so, I know you told  
8           me so.'

9           Then I even have -- found it in my file.  
10          It's not funny but this is the kind of  
11          relationship that we had. We were sitting  
12          there talking, this was on June 4<sup>th</sup> and we  
13          were sitting there talking about -- he wanted  
14          me to review the camera because they couldn't  
15          see the altercation. The guy had a nasal  
16          bone fracture and you can see Edward Smith  
17          and Mathis talking to Brooks, pointing to  
18          Inmate Smith's cell. Johnny was one of the  
19          ones that was trying to help the guy out.  
20          And I said, you know, 'Why are you back in  
21          here?' He said, "my stupidity." And I had  
22          him sign, I wrote something, I said "I wish I  
23          had listened to my lawyer." He signed it,  
24          "Johnny Edwards".

25          Q. All right.

## Johnny J. Edwards, Jr. v. State of South Carolina

31

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

1           A.    That was the kind of relationship  
2           that we had. I honestly feel that had he not  
3           violated the bond and been back in jail, then  
4           the solicitor's office would have let me buy  
5           some more time.

6           Q.    Okay.

7           A.    At the time of the plea, the victim  
8           was in Alabama. Johnny said that she was in  
9           Alabama because she was scared that DSS was  
10          going to come take the kids. Had he stayed  
11          out of jail, his mama has got the baby -- at  
12          least I think she does.

13          Q.    He just wanted some resolution,  
14          wanted to get this behind him?

15          A.    He just wanted hated Pickens, wanted  
16          out.

17          Q.    And you had spoken to him about what  
18          an Alford plea was and what that would mean?

19          A.    Oh, yeah.

20          Q.    Okay.

21          A.    I don't remember exactly when but we  
22          talked about it. And I said, 'Johnny, do you  
23          think that they can prove the case against  
24          you?' He said yeah. I said, 'well, they'll  
25          accept an Alford plea.'

1 Q. Okay.

2 A. Because me and Doug Richardson met  
3 in that little jury room there and Doug was  
4 hell bent -- Doug hated coming off fifteen.

5 Q. That was going to be my next  
6 question. In your opinion, would you  
7 characterize the State as being pretty  
8 intractable about the charges?

9 A. You mean the State being -- the  
10 State being intractable? What do you mean?

11 Q. The State just not wanting to come  
12 down off of things, not wanting to make a  
13 good offer?

14 A. Oh, yeah.

15 Q. Was it difficult to negotiate?

16 A. It was pulling teeth to get them  
17 down to twelve. In fact, I filed them -- I  
18 was so upset about the way that things went,  
19 I filed a Motion with Judge Verdin -- oh, I  
20 had these in order. Sorry.

21 I filed -- as I mentioned earlier, we had  
22 received video of the car when he allegedly  
23 held out the kid. I put that we'd just  
24 received 6/25/13. Because I told Doug, I  
25 said, 'Doug, we're not even entertaining a

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Testimony of Cameron Boggs - Direct Exam by Ms. Ratigan

33

1       plea until you get me all the discovery.'  
2       Then he gave me the video and I put on here  
3       "watch with JE."

4               Q.    Okay.

5               A.    But, uh, -- (pause). I made a  
6       Motion -- sorry, Judge, a lot of stuff in my  
7       file, that I didn't do any work on  
8       apparently. But I filed a Motion on June 26<sup>th</sup>  
9       -- he was sentenced on June 27<sup>th</sup> -- June the  
10      25<sup>th</sup> -- and I said, my last thing was that  
11      "because of the dynamic of the plea grouping  
12      and crowded courtroom the defendant and his  
13      counsel were limited as to presentation to  
14      the court." I don't say that there was  
15      anything else that could have been done but  
16      we were like one or seven or six. We were  
17      first up with probably fifty to sixty people  
18      who wanted to plea guilty that day -- if he  
19      had gotten ten, I would have been happy,  
20      because ten was never offered.

21              Q.    Okay.

22              A.    But once she said fourteen, I felt  
23      like you know maybe she didn't listen to all  
24      of this.

25              Q.    And Judge Verdin ultimately denied

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Testimony of Cameron Boggs - Cross Exam by Mr. Arial

34

1           your post-trial Motion?

2           A.    She did.  I was a little taken aback  
3           that Doug was -- Doug didn't do anything  
4           wrong but I felt that our conversation was --  
5           you can have a straight up plea and then  
6           during the plea he said 'I give him the  
7           benefit of the doubt by dropping it to second  
8           degree burglary.'  That's Doug's right, he's  
9           the prosecutor.  But I just -- he made it a  
10          little hard on me to get something a little  
11          less than fourteen or wherever we ended up.

12          Q.    Thank you.

13                  KAREN RATIGAN:       That's all that I  
14          have, Your Honor.

15                  THE COURT:       Mr. Arial?

16                                  CROSS EXAMINATION

17                  BY MILLS ARIAL:

18                  Q.    Mr. Boggs, I guess the first  
19          question that I've got -- you heard Ms.  
20          Riden say that he had permission to go to the  
21          house?

22                  A.    (Affirmative nod).

23                  Q.    Why -- what discussions did you have  
24          with him, saying 'if you've got permission to  
25          go to the house, you can go in there' -- or

## Johnny J. Edwards, Jr. v. State of South Carolina

35

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Testimony of Cameron Boggs - Cross Exam by Mr. Arial

1       how did -- how this was going to affect his  
2       case. Did you discuss that with him?

3           A. I told him that it was an issue for  
4       trial. That if he wanted to go to trial,  
5       that was fine but there were ramifications  
6       about going to trial, and that there was a  
7       resident of the house -- not the owner but a  
8       resident -- that was the victim of the crime,  
9       who told police that he was not welcome. He  
10      told me that he was on trespass notice --  
11      trespass order.

12           I told him, 'Johnny, just because you  
13      went and got permission from her to enter the  
14      house, that don't mean that you can go in and  
15      beat the crap out of your wife.'

16           He said, 'well, I didn't beat the crap  
17      out of her.'

18           'Well, here are the pictures. She said  
19      that you did.

20           And then when the police came, you didn't  
21      stop. So it was a domino effect. But I  
22      don't think that Ms. Riden gave him  
23      permission. If she was there at court to  
24      speak, then I -- I acknowledged it, but I  
25      don't -- she would have testified or she

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Testimony of Cameron Boggs - Cross Exam by Mr. Arial

36

1 would have said that he had permission to go  
2 in there. I -- given the dynamic of the  
3 plea, I don't think that it was helpful. I  
4 acknowledge that he had permission.

5 Q. Do you think that you could have  
6 pulled out and said, 'Hey, I am not going to  
7 plea to the burglary, let's do the other ones  
8 because he is acknowledging right now 'I did  
9 a bunch of things that I shouldn't have done,  
10 why don't I just go to trial on the  
11 burglary?'

12 A. That wasn't an option for Doug. I  
13 mean, it was a global plea and I explained  
14 that to him. I mean, that's what Doug -- his  
15 -- Doug was upset, and I think he said it in  
16 his plea that he had little stuff, little  
17 stuff, little stuff that escalated to a nine-  
18 year sentence and that he had just gotten out  
19 when this happened. I don't know that "just  
20 gotten out" is fair, but within a couple of  
21 years. Yeah. And he was on probation.

22 Q. Okay. So you had a discussion with  
23 him that day that 'this is a global plea, we  
24 can't just take one out and do these today,  
25 you have to do it.'

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Testimony of Cameron Boggs - Cross Exam by Mr. Arial

37

1           A.   No, I think that we came up with  
2           *Alford* because he was acknowledging that if  
3           he went to trial there is a substantial  
4           chance that he could be found guilty.

5           Q.   Right.

6           A.   And I -- I think the record is  
7           clear. But I'll state again, I think that we  
8           were between twelve, six, seven and eight,  
9           never in double digits and -- honestly,  
10          throughout that whole plea, I -- I did this  
11          because I know how it works over here. And  
12          I'm not talking about -- Judge Verdin was our  
13          best plea judge, and Jamie knew that. He  
14          agreed with me on that. Out of all our  
15          choices, she was the best.

16                You know, he was in jail for three  
17          -- I think from March until June, give or  
18          take. Plus, you know, he'd been down to the  
19          jail, he knew. He been in and out, he knew  
20          who was good and bad. So we discussed  
21          everything and I -- I hated -- I thought he  
22          was getting ten. It was almost like a tease  
23          -- not that the judge was even -- she was  
24          going in the order of the charges, she did  
25          her job, she had a right to do what she did,

1 but I thought that we were getting ten. I  
2 would have been happy with that and I think  
3 that Jamie would have, too.

4 Q. Was he aware -- did y'all discuss  
5 that he could get more than that?

6 A. Oh, god, yeah.

7 Q. So y'all talked ---

8 A. If we went to trial, I think that  
9 Doug was going to try it as a burglary first  
10 case.

11 Q. Okay.

12 A. Whether it was warranted or not.  
13 I think burglary second was the appropriate  
14 charge.

15 Q. Okay.

16 A. If a burglary had to go.

17 MILLS ARIAL: I have no further  
18 questions, Your Honor.

19 THE COURT: Anything else?

20 KAREN RATIGAN: I have nothing  
21 further, Your Honor. The State would rest.

22 MILLS ARIAL: We rest.

23 THE COURT: Any closing remarks?

24 KAREN RATIGAN: I waive closing.

25 The record is pretty clear.

Johnny J. Edwards, Jr. v. State of South Carolina  
Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Ruling of The Court

39

1                   MILLS ARIAL: That's fine, Your  
2 Honor.

3                   THE COURT: You know, I've got --  
4 in looking at the record. First of all, I  
5 guess that I would go on record as saying  
6 that I grant the Applicant's amendment to his  
7 Petition, that all parties consented to go  
8 forward.

9                   You've got numerous charges, two of  
10 which by themselves the defendant got ten  
11 years and those are not at-issue before the  
12 court.

13                  The only issue his plea and sentence  
14 on the burglary. In reviewing the  
15 transcript, Mr. Boggs covered the fact that  
16 this was an Alford plea, he went into great  
17 detail about what Ms. Riden was going to say.  
18 From a strategy point, I'm sure that  
19 everybody thought, 'hey, if we go this way,  
20 the strategy of it will allow us to get  
21 less', the problem is that the sentence was a  
22 lot more than everybody had planned on. But  
23 I think that was the strategy, that was him  
24 -- in looking at the record here, he was  
25 informed. He was asked if he was satisfied

## Johnny J. Edwards, Jr. v. State of South Carolina

40

Case No. 14-CP-39-0670

Hearing of December 14, 2015

Ruling of The Court

1 with his attorney. They reviewed his rights  
2 and he knew his rights. I believe that it  
3 would have been an informed decision by Mr.  
4 Edwards and that going forward the way that  
5 they did was a strategic decision. So I  
6 don't believe that the Applicant has met the  
7 burden of showing his counsel was deficient  
8 or that any deficiency would have changed the  
9 outcome. Based on that, I deny the Petition.

10 KAREN RATIGAN: Thank you, Judge. I  
11 will draft the Order.

12 (HEARING CONCLUDED)  
13  
14  
15  
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17  
18  
19  
20  
21  
22  
23

Johnny J. Edwards, Jr. v. State of South Carolina

41

Case No. 14-CP-39-0670  
Hearing of December 14, 2015  
Certificate of Court Reporter

STATE OF SOUTH CAROLINA        )  
                                                      )       CERTIFICATE  
COUNTY OF GREENVILLE        )

I, the undersigned Deborah Garrison, Circuit Court Reporter for the 13<sup>th</sup> Judicial Circuit, hereby certify that the foregoing is a complete and accurate transcript of the post-conviction relief hearing held in the within action heard on December 16, 2015, before The Honorable Perry H. Gravely;

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



Deborah Garrison

Greenville, South Carolina

April 2, 2016

STATE OF SOUTH CAROLINA )  
COUNTY OF PICKENS )  
Johnny James Edwards, Jr., )  
S.C.D.C. No. 233803, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
2014-CP-39-0670

**ORDER OF DISMISSAL**

2016 FEB 3 AM 8 49  
CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 30, 2014. The Respondent made its return and motion to dismiss on October 8, 2014. An evidentiary hearing was held on December 14, 2015 at the Pickens County Courthouse. The Applicant was present and represented by R. Mills Ariail, Jr., Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

At the start of the hearing, the Respondent made its motion to dismiss. This motion was denied, as this Court found the Applicant filed a motion to amend in January 2015 and the parties agreed to go forward with the PCR hearing.

The Applicant testified on his own behalf. Also testifying were Stacy Riden and the Applicant's plea counsel, Cameron G. Boggs, Esquire. The Court had before it the guilty plea transcript, the Pickens County Clerk of Court records, the South Carolina Department of Corrections records, the PCR application (and subsequent amendment), and the return and motion to dismiss.

### PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Pickens County Clerk of Court. The Applicant was indicted at the July 2012 term of the Pickens County Grand Jury for first-degree burglary (2012-GS-39-0742), criminal domestic violence of a high and aggravated nature (CDVHAN) (2012-GS-39-0743), child endangerment (2012-GS-39-0744), unlawful conduct towards a child (2012-GS-39-0745), resisting arrest (2012-GS-39-0747), and failure to stop for a blue light (2012-GS-39-1266). He was represented by Cameron G. Boggs, Esquire.

On June 25, 2013, the Applicant entered an Alford<sup>1</sup> plea to second-degree burglary and pled guilty as indicted to all other charges.<sup>2</sup> The Honorable Letitia H. Verdin sentenced the Applicant to concurrent terms of 14 years for second-degree burglary, 10 years for CDVHAN, 18 months for child endangerment, 10 years for unlawful conduct towards a child, 1 year for resisting arrest, and 3 years for failure to stop for a blue light. The Applicant did not appeal.

### ALLEGATIONS

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

1. "Biastr judgement/From judge."
2. "Had statements from witnesses to refute charges against me."
3. "The homeowner being one of the witnesses."

In a "Motion to Amend Current Post Conviction Relief Application" filed by the Applicant on January 9, 2015, he made the following allegations:

1. Ineffective assistance of counsel:
  - a. Failed to conduct a proper pre-trial investigation.

---

<sup>1</sup> North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160 (1970).

<sup>2</sup> The Applicant also pled guilty to two Greenville County charges that day.

*PM*

Although there were numerous charges in this case, the Applicant only challenged the second-degree burglary charge and conviction. This Court finds all issues related to the other charges have been abandoned.

### **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 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) (citations omitted).

The Applicant stated the burglary victim (Stacy Riden) said he had permission to enter her home and that he asked plea counsel to speak to her. The Applicant stated he decided to enter an Alford plea to the burglary charge on the day of the plea hearing because plea counsel said the State could make him look guilty so an Alford plea was the best option. The Applicant stated plea counsel explained an Alford plea to him.

Stacy Riden stated she is good friends with the Applicant's wife, who was staying at her residence. Riden stated the Applicant called her to ask if he could go to her residence and check on the baby and (after speaking to the Applicant's wife), she agreed. Riden acknowledged she was not at the residence when the Applicant arrived. Riden also acknowledged the Applicant's wife had a trespass notice against the Applicant at the time. Riden stated she spoke to plea counsel on the day of the plea hearing.

Plea counsel testified he filed discovery motions and believed he received full discovery from the State. Plea counsel testified he reviewed the discovery materials with the Applicant numerous times. Plea counsel testified they also reviewed the elements of the charges, sentence ranges, and the Applicant's version of events. Plea counsel testified the State made a plea offer of 30 years suspended on the service of 20 years. Plea counsel testified it was "pulling teeth" to get the State to make a second offer of 12 years but that the Applicant wanted a 6-8 years sentence so he pled guilty without a recommendation. Plea counsel testified the Applicant said he had permission to be in the residence. Plea counsel testified, however, that he discussed with the Applicant that – whether or not he had permission to be there – it did not excuse any crimes he committed therein. Plea counsel testified the Applicant also told him that he was on trespass notice at the time. Plea counsel testified the plea judge denied his post-trial motion to for sentence reconsideration.

Initially, this Court notes the Applicant confirmed to the plea judge that he wanted to plead guilty to his charges. (Plea transcript, p.15). 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.9-13). The Applicant did not dispute the State's recitation of the facts in his case.

This Court finds the Applicant failed to meet his burden of proving plea counsel was ineffective. Plea counsel testified he was aware of the Applicant's contention that he had permission to be in the residence that was the location of the burglary. Plea counsel testified they discussed the Applicant's version of events, the elements of the charges, and the sentence ranges. This Court finds plea counsel's testimony is credible. This Court finds plea counsel was clearly aware of Stacy Riden's role in this case, as he mentioned during his mitigation argument that she had given the Applicant permission to enter her residence. (Plea transcript, p.29). This Court finds the State's case against the Applicant was very strong and plea counsel's strategy was to have the Applicant enter an Alford plea to the burglary charge and then argue in mitigation. This Court finds this was a valid strategic decision and notes plea counsel gave a thorough and detailed mitigation argument to the plea judge. (Plea transcript, pp.27-34). While the Applicant may have been unhappy with the sentence he ultimately received, he was advised by both plea counsel and the plea judge of the sentence ranges for his charges. (Plea transcript, pp.6-7). See Holden v. State, 393 S.C. 565, 575-76, 713 S.E.2d 611, 617 (2011) (citing Roddy v. State, 339 S.C. 29, 36, 528 S.E.2d 418, 422 (2000)) ("Wishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentences, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made."). The Applicant pled guilty without a recommendation, as he rejected the State's

two plea offers, so he was aware he could receive a lengthy sentence on these charges. This Court also finds the Applicant failed to meet his burden of proving he suffered any prejudice, as the State had overwhelming evidence of the Applicant's guilt. See, e.g., Rosemond v. Catoe, 383 S.C. 320, 325, 680 S.E.2d 5, 8 (2009) (holding no prejudice occurs, even if trial counsel was deficient, where there is otherwise overwhelming evidence of the defendant's guilt).

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

#### **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

2016 FEB 3 AM 8 49

dismissed with prejudice.

CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

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 26<sup>th</sup> day of January, 2016.

  
\_\_\_\_\_  
Perry H. Gravely  
Presiding Judge  
Thirteenth Judicial Circuit

Pickens, South Carolina.

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

125  
JUDGMENT IN A CIVIL CASE  
CASE NO: 2014CP3900670

Johnny James Edwards Jr. vs. State of South Carolina

CHECK ONE:

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

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

IT IS ORDERED AND ADJUDGED: ☒ See attached order; ☐ Statement of Judgment by the Court:

Order of Dismissal

Dated at Pickens, South Carolina, this..

Court Reporter:

PRESIDING JUDGE -

A copy mailed first class this 3 day of February, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

*Mailed*  
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ATTORNEY(S) FOR THE DEFENDANT(S)

*Harold P Welborn, Jr.*  
Harold P Welborn, Jr. - Clerk of Court