

ORIGINAL

VOLUME 2 OF 2

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2016-001004

RECEIVED
MAR 05 2018
SC Court of Appeals

STATE OF SOUTH CAROLINA,

Appellant/Respondent,

vs.

EDWARD LEE DEAN,

Respondent/Appellant.

RECORD ON APPEAL

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

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Columbia, SC 29211
(803) 734-3727

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit

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The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

ATTORNEY FOR RESPONDENT/APPELLANT

ATTORNEYS FOR APPELLANT/RESPONDENT

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WITNESSES

Brandon Strickland
Greenwood County Sheriff

WARRANT NUMBER

2A2410200338

Issue Bill

Joe W. Bell

Foreman of the Grand Jury

c: *1/22/13*

VERDICT

eman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2013

Indictment # 13GS24- *75*

THE STATE

vs.

Adrian Keysone Gaston

INDICTMENT FOR

GRAND LARCENY
16-13-0030

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR**

COUNTY OF GREENWOOD

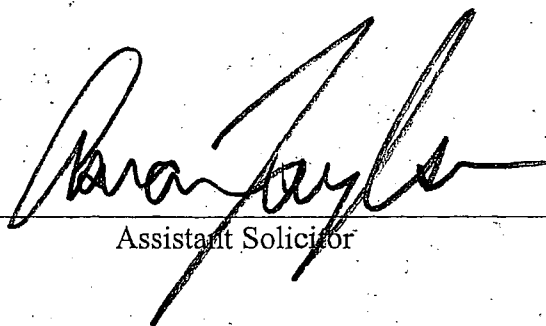
GRAND LARCENY

16-13-0030

At a Court of General Sessions, convened on the 22nd day of January, 2013 the Grand Jurors of Greenwood County present upon their oath:

That Adrian Keysone Gaston, did in Greenwood County, state aforesaid, on or about the 30th day of August, 2012 feloniously take and carry away the personal goods of Kathleen Jones of the value of more than two thousand and NO/100 (\$2,000.00) dollars, but less than ten thousand and NO/100 (\$10,000.00) dollars described as follows: tow (2) televisions and an assortment of silverware, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30 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 cases made and provided.

A handwritten signature in black ink, appearing to read "Brian Taylor", is written over a horizontal line.

Assistant Solicitor

WITNESSES

Brandon Strickland
Greenwood County Sheriff

WARRANT NUMBER

2A2410200339

True Bill

J. W. Bell
Foreman of the Grand Jury

1/22/13

VERDICT

man

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2013

Indictment # 13GS24- 76

THE STATE

vs.

Adrian Keysone Gaston

INDICTMENT FOR

MALICIOUS INJURY TO REAL PROPERTY

16-11-0520

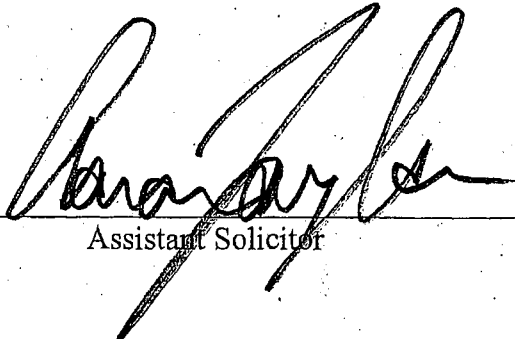
Nolle pros in exchange for plea
to 9 counts of Burglary.
D. M. Stew
Solicitor

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR****COUNTY OF GREENWOOD****MALICIOUS INJURY TO REAL PROPERTY
16-11-0520**

At a Court of General Sessions, convened on the 22nd day of January, 2013 the Grand Jurors of Greenwood County present upon their oath:

That Adrian Keysone Gaston, did in Greenwood County, state aforesaid, on or about the 30th day of August, 2012 willfully, unlawfully and maliciously damage, destroy and otherwise injure the real property, to wit: one (1) window of the dwelling of one Kathleen Jones, the damage to such real property being in the amount of two thousand dollars or less, in violation of Section 16-11-520 of the Code of Laws of South Carolina, 1976, as amended.

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


Assistant Solicitor

WITNESSES

Brandon Strickland
Greenwood County Sheriff

WARRANT NUMBER

12A2410200335

June Bill

W. M. M.

Foreman of the Grand Jury

e: 1/22/13

VERDICT

eman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2013.

Indictment # 13GS24-78

THE STATE

vs.

Adrian Keysone Gaston

INDICTMENT FOR

LARCENY
16-13-0030(A)

Nolle pros in exchange for
9 counts of Burglary.

D. M. Stiles
Solicitor

505

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

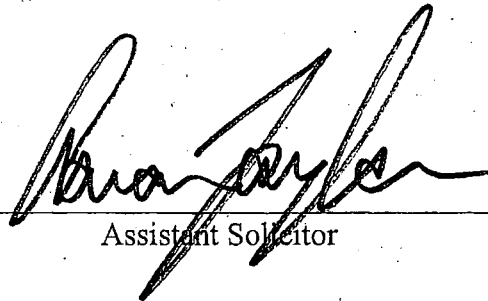
COUNTY OF GREENWOOD

LARCENY
16-13-0030(A)

At a Court of General Sessions, convened on the 22nd day of January, 2013 the Grand Jurors of Greenwood County present upon their oath:

That Adrian Keysone Gaston, did in Greenwood County, state aforesaid, on or about the 30th day of August, 2012 feloniously take and carry away the personal goods of Veronica Godinez of the value of less than two thousand (\$2,000.00) dollars described as follows: one (1) computer and United States currency, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30(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 cases made and provided.



Assistant Solicitor

WITNESSES

Jeremy Adams
Greenwood Police Department

WARRANT NUMBER

2A2420100315

Joel Bill

Don W. Eld

Foreman of the Grand Jury

on: 1/22/13

VERDICT

eman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

January Term, 2013

Indictment # 13GS24-171

THE STATE

vs.

Adrian Keysone Gaston

INDICTMENT FOR

LARCENY
16-13-0030(A)

*Nolle pros in exchange for
9 counts of Burglary.*

*D. M. Stiles
Solicitor*

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR**

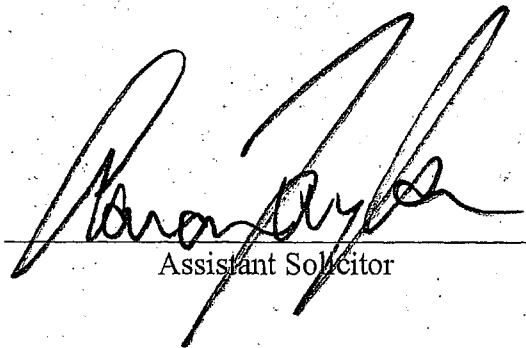
COUNTY OF GREENWOOD

**LARCENY
16-13-0030(A)**

At a Court of General Sessions, convened on the 22nd day of January, 2013 the Grand Jurors of Greenwood County present upon their oath:

That Adrian Keysone Gaston, did in Greenwood County, state aforesaid, on or about the 17th day of August, 2012 feloniously take and carry away the personal goods of Ada Hernandez of the value of less than two thousand (\$2,000.00) dollars described as follows: an assortment of household items and electronics, and United States currency, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30(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 cases made and provided.


Assistant Solicitor

WITNESSES

Jeff Gossett
Greenwood County Sheriff

WARRANT NUMBER

013A2410200720

Jon Hall

Foreman of the Grand Jury

ate: 11/8/13

VERDICT

True B. 11

oreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

November Term, 2013

Indictment # 13GS24- 1654

THE STATE

vs.

Adrian Keysone Gaston

INDICTMENT FOR

LARCENY
16-13-0030(A)

CDR: 3419

Nolle pros in exchange
for plea to 9 counts
of Burglary.

D. M. Skelton
Solicitor

509

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

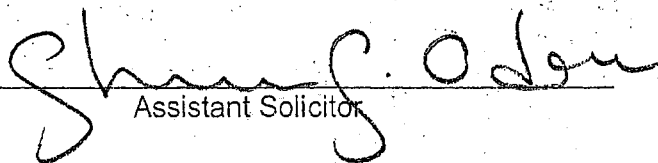
COUNTY OF GREENWOOD

LARCENY
16-13-0030(A)

At a Court of General Sessions, convened on the 8th day of November, 2013, the Grand Jurors of Greenwood County present upon their oath:

That Adrian Keysone Gaston, in Greenwood County, on or about May 21, 2013 feloniously take and carry away the personal goods of Rodney T. Edwards of the value of less than two thousand (\$2,000.00) dollars described as follows: one (1) Sony Playstation III game system, one (1) firearm, one (1) laptop and eight (8) game cartridges, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30(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 cases made and provided.

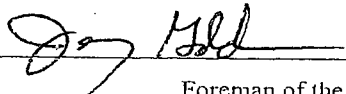

Assistant Solicitor

WITNESSES

Jeff Gossett
Greenwood County Sheriff

WARRANT NUMBER

013A2410200721



Foreman of the Grand Jury

Date: 11/8/13

VERDICT

True Bill

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

November Term, 2013

Indictment # 13GS24- 1655

THE STATE

vs.

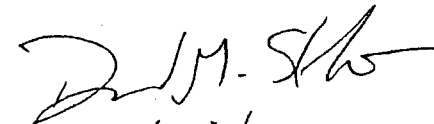
Adrian Keysone Gaston

INDICTMENT FOR

MALICIOUS INJURY TO REAL PROPERTY
16-11-0520(A)

CDR: 3428

Nolle pros in exchange for plea
to 9 counts of Burglary.


Solicitor 511

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF GREENWOOD

MALICIOUS INJURY TO REAL PROPERTY
16-11-0520(A)

At a Court of General Sessions, convened on the 8th day of November, 2013, the Grand Jurors of Greenwood County present upon their oath:

That Adrian Keysone Gaston, in Greenwood County, on or about May 21, 2013 willfully, unlawfully and maliciously damage, destroy and otherwise injure the real property, to wit: one (1) door frame of the dwelling of one Rodney T. Edwards, the damage to such real property being in the amount of two thousand dollars or less, in violation of Section 16-11-520 of the Code of Laws of South Carolina, 1976, as amended.

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

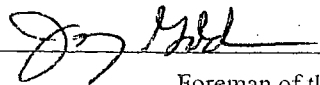

Assistant Solicitor

WITNESSES

Jeff Gossett
Greenwood County Sheriff

WARRANT NUMBER

013A2410200723



Foreman of the Grand Jury

ate: 11/8/13

VERDICT

True Bill

oreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

November Term, 2013

Indictment # 13GS24- 1657

THE STATE

vs.

Adrian Keysone Gaston

INDICTMENT FOR

LARCENY
16-13-0030(A)

CDR: 3419

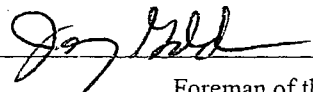
Nolle pros in exchange for plea
to 9 counts of Burglary.
D.M. Skiles
Solicitor

WITNESSES

Scott Russ
Greenwood County Sheriff

WARRANT NUMBER

13A2410200743



Foreman of the Grand Jury

te: 11/8/13

VERDICT

True B. 11

reman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

November Term, 2013

Indictment # 13GS24-1659

THE STATE

vs.

Adrian Keysone Gaston

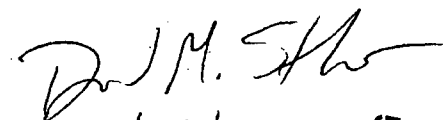
INDICTMENT FOR

CONSPIRACY

16-17-0410

CDR: 0049

Nille pros in exchange for
plea to 9 counts of Burglary.


Solicitor

514

WITNESSES

Jeff Gossett
Greenwood County Sheriff

WARRANT NUMBER

13A2410200722

Foreman of the Grand Jury

te: 11/8/13

VERDICT

True Bill

remán

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

November Term, 2013

Indictment # 13GS24- 1658

THE STATE

VS.

Adrian Keysone Gaston

INDICTMENT FOR

MALICIOUS INJURY TO REAL PROPERTY

16-11-0520(A)

CDR: 3428

No lile pros to plea to 9 counts
of Burglary.

D. M. S. W.
Solicitor

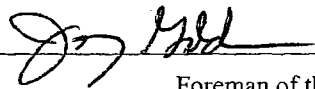
515

WITNESSES

Jeff Gossett
Greenwood County Sheriff

WARRANT NUMBER

013A2410200723



Foreman of the Grand Jury

ate: 11/8/13

VERDICT

True Bill

oreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

November Term, 2013

Indictment # 13GS24- 1657

THE STATE

vs.

Adrian Keysone Gaston

INDICTMENT FOR

LARCENY
16-13-0030(A)

CDR: 3419

*Nolle pros in exchange for plea
to 9 counts of Burglary.
D.M. Skiles
Solicitor*

-516



David Stumbo <dstumbo@greenwoodsc.gov>

Re: State v. Edward Dean & State v. Adrian Gaston

11 messages

Charles Grose <charles@groslawfirm.com>

Tue, Jun 9, 2015 at 10:47 AM

To: "Addy, Frank R." <faddyj@scourts.org>, "odom@greenwoodsc.gov" <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddyjc@scourts.org>, "Addy, Frank R. Secretary (Freda E. Sarin)" <faddyjc@scourts.org>, "Russo, Thomas A." <TRussoJ@scourts.org>, "Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)" <TRussoLC@scourts.org>

Cc: David Stumbo <dstumbo@greenwoodsc.gov>

Dear Judge Addy:

A couple of months ago you inquired about the status of Mr. Dean's post-trial motions. At the time, we were waiting for the Solicitor's Office to bring co-defendant Adrian Gaston before Your Honor for trial or guilty plea. Despite your taking jurisdiction of Mr. Gaston's case, the Solicitor's Office took Mr. Gaston before Judge Russo in Saluda County on May 14th. Mr. Gaston received probation. Attached is a copy of Mr. Dean's new trial motion based on after discovered evidence, which will be filed and served today.

I will need a transcript of Mr. Gaston's guilty plea before the hearing on the new trial motion. A copy of my letter of this date to the court reporter requesting the transcript is attached. As outlined in the letter, the court reporter must have Judge Russo's approval before preparing the transcript. Therefore, I am copying Judge Russo on this email, and providing him with a copy of the motions, so he will understand the basis for my requesting the transcript.

Thank you for your attention to this matter.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4486
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groslawfirm.com

From: "Addy, Frank R." <faddyj@scourts.org>

Date: Tuesday, March 31, 2015 at 10:11 AM

To: Charles Grose <charles@groslawfirm.com>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddyjc@scourts.org>

Subject: RE: State v. Dean

OK. So long as it's still on everyone's radar.

Frank R. Addy, Jr.

Resident Judge, 8th Judicial Circuit

Greenwood County Courthouse

528 Monument Street, Suite 210

Greenwood, South Carolina 29646

Office (864) 943-8020

Fax (864) 942-8581

faddyj@scourts.org

Law Clerk: Elizabeth Able (faddyjc@scourts.org)

Admin. Assistant: Freda Sarin (faddyjc@scourts.org)

From: Charles Grose (mailto:charles@groslawfirm.com)

Sent: Tuesday, March 31, 2015 10:11 AM

To: Addy, Frank R.; odom@greenwoodsc.gov; Addy, Frank R. Law Clerk (Elizabeth Able)

Subject: Re: State v. Dean

You are correct that the motions are still pending and the motion regarding Mr. Geoly's client is not ripe. I have not forgotten about this situation. I think Solicitor Stumbo might be handling the charges involving Mr. Geoly's client at this point.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street

Greenwood, SC 29648

Phone: 864-530-4468

Fax: 864-538-4405

Web: GroseLawFirm.com

Email: charles@groselawfirm.com

From: <Addy>, "Frank R." <faddyj@sccourts.org>

Date: Tuesday, March 31, 2015 at 8:17 AM

To: Shannon Odem <odem@greenwoodsc.gov>, Charles Grose <charles@groselawfirm.com>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddyjc@sccourts.org>

Subject: State v. Dean

Charles and Shannon,

If memory serves, there were some post-trial motions from last year's trial concerning Mr. Dean. I think those motions remain pending, but one of them was not ripe - I think something to do with Geoly's client.

I just don't want this to fall through the cracks, and I know Shannon will be going on maternity leave shortly. We can always address it when she returns.

(And, y'ee, I bring this up because I woke up at 3:00 AM Sunday morning thinking about work stuff.)

Frank R. Addy, Jr.

Resident Judge, 8th Judicial Circuit

Greenwood County Courthouse

528 Monument Street, Suite 210

Greenwood, South Carolina 29640

Office (864) 643-8020

Fax (864) 642-8581

faddyj@sccourts.org

Law Clerk: Elizabeth Able (faddyjc@sccourts.org)

Admin. Assistant: Freda Sarlin (faddysc@sccourts.org)

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2 attachments

Dean, New Trial Motion (Gaston Deal), June 9, 2015.pdf
6333K

Transcript Request (Gaston Plea), June 9, 2015.pdf
72K

Russo, Thomas A. <TRussoJ@sccourts.org>

To: Charles Grose <charles@groselawfirm.com>

Cc: "Addy, Frank R." <faddyj@sccourts.org>, "odem@greenwoodsc.gov" <odem@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddyjc@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sarlin)" <faddysc@sccourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussoLC@sccourts.org>, "Stumbo, David M." <dstumbo@greenwoodsc.gov>

Tue, Jun 9, 2015 at 11:26 AM

Folks, for what it's worth, no one ever informed me that Judge Addy retained jurisdiction over Mr. Gaston's case. It was just presented as a guilty plea out of Greenwood in conjunction with charges out of Saluda. Obviously, had I known that Judge Addy had retained jurisdiction, I never would have taken the plea. I would be very interested to know if the lawyers got together and did an "end run" Judge shopping move. I would be extremely irritated if that were the case and would like to know so I could take appropriate action. Thanks.

Tommy

Honorable Thomas A. Russo
Judge of the Circuit Court
12th Judicial Circuit At-Large

> On Jun 9, 2015, at 10:48 AM, Charles Grose <charles@groselawfirm.com> wrote:

>

> Dear Judge Addy,

> A couple of months ago you inquired about the status of Mr. Dean's post-trial motions. At the time, we were waiting for the Solicitor's Office to bring co-defendant Adrian Gaston before Your Honor for trial or guilty plea. Despite your taking jurisdiction of Mr. Gaston's case, the Solicitor's Office took Mr. Gaston before Judge Russo in Saluda County on May 14th. Mr. Gaston received probation. Attached is a copy of Mr. Dean's new trial motion based on after-discovered evidence, which will be filed and served today.

> I will need a transcript of Mr. Gaston's guilty plea before the hearing on the new trial motion. A copy of my letter of this date to the court reporter requesting the transcript is attached. As outlined in the letter, the court reporter must have Judge Russo's approval before preparing the transcript. Therefore, I am copying Judge Russo on this email, and providing him with a copy of the motions, so he will understand the basis for my requesting the transcript.

> Thank you for your attention to this matter.

>

> Best,

> Charles

> E. Charles Grose, Jr.
> The Grose Law Firm, LLC
> 404 Main Street
> Greenwood, SC 29646
> Phone: 864-538-4468
> Fax: 864-538-4405
> Web: GroseLawFirm.com
> Email: charles@groslawfirm.com
>
> From: <Addy, Frank R.> <faddy@accourts.org>
> Date: Tuesday, March 31, 2015 at 10:11 AM
> To: Charles Grose <charles@groslawfirm.com>, Shannon Odum <odom@greenwoodsc.gov>, Addy, Frank R. Law Clerk (Elizabeth Able) <faddy@accourts.org>
> Subject: RE: State v. Dean
>
> OK. So long as it's still on everyone's radar.
>
> Frank R. Addy, Jr.
> Resident Judge, 8th Judicial Circuit
> Greenwood County Courthouse
> 528 Monument Street, Suite 210
> Greenwood, South Carolina 29646
> Office (864) 943-8020
> Fax (864) 942-5581
> faddy@accourts.org
> Law Clerk: Elizabeth Able (faddy@accourts.org)
> Admin. Assistant: Freda Sartin (faddy@accourts.org)
>
> From: Charles Grose [mailto:charles@groslawfirm.com]
> Sent: Tuesday, March 31, 2015 10:11 AM
> To: Addy, Frank R.; odom@greenwoodsc.gov; Addy, Frank R. Law Clerk (Elizabeth Able)
> Subject: Re: State v. Dean
>
> You are correct that the motions are still pending and the motion regarding Mr. Geoly's client is not ripe. I have not forgotten about this situation. I think Solicitor Stumbo might be handling the charges involving Mr. Geoly's client at this point.
>
> Best,
> Charles
>
> E. Charles Grose, Jr.
> The Grose Law Firm, LLC
> 404 Main Street
> Greenwood, SC 29646
> Phone: 864-538-4468
> Fax: 864-538-4405
> Web: GroseLawFirm.com
> Email: charles@groslawfirm.com
>
> From: <Addy, Frank R.> <faddy@accourts.org>
> Date: Tuesday, March 31, 2015 at 9:17 AM
> To: Shannon Odum <odom@greenwoodsc.gov>, Charles Grose <charles@groslawfirm.com>, Addy, Frank R. Law Clerk (Elizabeth Able) <faddy@accourts.org>
> Subject: State v. Dean
>
> Charles and Shannon,
> If memory serves, there were some post-trial motions from last year's trial concerning Mr. Dean. I think those motions remain pending, but one of them was not ripe - I think something to do with Geoly's client.
> I just don't want this to fall through the cracks, and I know Shannon will be going on maternity leave shortly. We can always address it when she returns.
> (And, yes, I bring this up because I woke up at 3:00 AM Sunday morning thinking about work stuff.)
>
> Frank R. Addy, Jr.
> Resident Judge, 8th Judicial Circuit
> Greenwood County Courthouse
> 528 Monument Street, Suite 210
> Greenwood, South Carolina 29646
> Office (864) 943-8020
> Fax (864) 942-5581
> faddy@accourts.org
> Law Clerk: Elizabeth Able (faddy@accourts.org)
> Admin. Assistant: Freda Sartin (faddy@accourts.org)
>
> --- CONFIDENTIALITY NOTICE --- This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.
> <Dean, New Trial Motion (Gaston Deal), June 9, 2015.pdf>
> <Transcript Request (Gaston Plea), June 9, 2015.pdf>

winmail.dat
7K

David Stumbo <dstumbo@greenwoodsc.gov>
To: Russo, Thomas A. <TRussoJ@accourts.org>, Charles Grose <charles@groslawfirm.com>
Cc: Addy, Frank R. <faddy@accourts.org>, Shannon Odum <odom@greenwoodsc.gov>, Addy, Frank R. Law Clerk (Elizabeth Able) <faddy@accourts.org>, Addy, Frank R. Secretary (Freda E. Sartin) <faddy@accourts.org>, Russo, Thomas A. Law Clerk (Lauran Hummel) <TRussoLC@accourts.org>, geoly70@yahoo.com

Judge Russo,

Thank you for your response, and I can assure you that is not the case here. I think some background is necessary to clear this up a bit.

Two of my Assistant Solicitors, Shannon Odum and Elizabeth White, called the State v. Edward Dean burglary 1st degree case to trial with Judge Addy presiding, March 2014 in Greenwood. Mr. Grose represented Dean. Adrian Gaston was a co-Defendant in this burglary, and testified as an eyewitness in the state's case at trial. At the time, Gaston had a total of 9 burglaries/23 indictments pending against him around the Greenwood

Tue, Jun 9, 2015 at 3:52 PM

area, only 1 burglary/3 indictments were related in any way to Mr. Dean.

Despite Mr. Grose's accusations both then and now to the contrary, neither Mrs. Odom nor anyone else in our office had extended a plea offer to Gaston in exchange for his testimony. She stated on the record as an officer of the court that Mr. Gaston was told that his cooperation would be considered and taken into account when his charges were dealt with at a later date. Gaston cooperated and testified, even in the face of alleged threats made in the courthouse during the trial by an associate of Mr. Dean's that they "were going to get (Gaston)." That associate of Mr. Dean's (Crystal Coats) was later arrested and charged with intimidation of a witness.

Although I was not personally in the courtroom for most of pre-trial and post-trial hearings, it is my understanding that Mr. Grose made repeated accusations, without any factual basis, against Mrs. Odom for misconduct and not being honest about the absence of a plea deal with Gaston. It is also my understanding that Mr. Grose's accusations against Shannon were so aggressive and bombastic that several of our male prosecutors who were in the courtroom stood at her defense on the record. In order to avoid having Shannon subjected to continued, baseless attacks accusing her of misconduct, I asked Shannon after the Dean trial ended to bring me all of the pending case files on Adrian Gaston and I would prosecute them myself.

Dean was convicted as charged at trial. At the conclusion of the trial, Judge Addy held Dean's sentencing in abeyance and also asked on the record to retain jurisdiction over the Gaston case. A couple months later (summer of 2014, not sure of the exact date), Judge Addy had Dean brought back over to court for sentencing. Mrs. Odom presented Dean as essentially the ringleader of this burglary, with the younger Adrian Gaston and a third co-defendant working at Dean's direction. Dean also had a significant prior criminal history, including an armed robbery conviction. Based on all the facts and circumstances, Judge Addy sentenced Dean sentenced to 25 years.

Judge Addy has never directed anything to me to this point that he wished to indefinitely retain jurisdiction over the Adrian Gaston case. Quite frankly, I assumed that after Judge Addy sentenced Dean that the jurisdiction issue was a moot point. We also had 20 other pending warrants against Gaston that were completely unrelated to Edward Dean. I would find it both unorthodox and inefficient to have all of these warrants held in limbo on the docket because of pending sentencing and motions in a separate case.

Adrian Gaston was never extended a plea offer on any of his pending charges until a few weeks before your Honor heard the plea in Saluda last month. I finally had the opportunity to consult with Solicitor Myers and his prosecutors about the pending Saluda warrants and get back to Mr. Geoly with an offer. I extended an offer of 10 counts of burglary 2nd degree (to encompass all of the Greenwood and Saluda incidents), and the collateral felony/conspiracy warrants would be dismissed in exchange for the plea. The plea would be straight-up, with no recommendations or negotiations on sentence.

It is important to note that a straight-up plea to burglary 2nd is the same offer extended by Mrs. Odom to Edward Dean before his trial. Based on Gaston's lack of any prior criminal record and his prior cooperation at the Dean trial, Mr. Geoly counter-offered a recommended suspended sentence or YOA. I responded that this needed to be straight-up based on the sheer number of incidents, but that we would not take a position on sentencing and would convey to the court Gaston's cooperation and testimony in the Dean trial.

I told the 11th circuit guys that I did not have a problem coming to Saluda to keep them from having to make the trip to Greenwood on a court week. Because of a last minute mix-up/conflict on my schedule (a lunchtime speaking engagement in Laurens that was wrongly entered for the day before), I asked Asst. Solicitor Lance Sheek to go to Saluda to cover the Gaston hearing for me on May 14, in conjunction with the the 11th circuit prosecutors. Lance had not had any involvement with any of these cases until the day before, and I think did a great job of quickly getting up to speed on all of the cases.

I apologize for the lengthy e-mail, but based on the continued attempts by defense counsel to manufacture incidents of misconduct by my prosecutors and me (and Mr. Geoly for that matter), it is important that the Court both Judges Addy and Russo to know that you were not misled in any way and that all of these cases were resolved in an appropriate manner by our prosecutors. The accusations of misconduct by Mr. Grose, and "judge-shopping," are simply without merit.

Regards,

David M. Stumbo
Solicitor

[Quoted text hidden]

of them was not ripe - I think something to do with Geoly's client.
[Quoted text hidden]

Charles Grose <charles@groselawfirm.com>

To: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussolJ@scourts.org>

Cc: "Addy, Frank R." <faddy@scourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Abin)" <faddy@scourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddy@scourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussolC@scourts.org>, "geoly70@yahoo.com" <geoly70@yahoo.com>

Dear Judge Addy and Judge Russo,

I have attached the transcript of the pre-trial hearing that is cited in

Tue, Jun 9, 2015 at 4:01 PM

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the memorandum. No where in that transcript does the state represent that it will take Mr. Gaston's cooperation into account. I have also attached Mr. Gaston's trial testimony, which I learned today that someone other than me, had already ordered. Mr. Gaston testified that he did not plan to enter into any plea negotiations with the prosecutor (p. 24, lines 5-7).

I have requested the portion of the transcript where I believe Judge Addy retained jurisdiction. I will provide it to Your Honors once I receive it.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4466
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groslawfirm.com

-----Original Message-----

From: David Stumbo <dstumbo@greenwoodsc.gov>
Date: Tuesday, June 9, 2015 at 3:52 PM
To: "Russo, Thomas A." <TRussoJ@sccourts.org>, Charles Grose <charles@groslawfirm.com>
Cc: "Addy, Frank R." <faddy@sccourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddylo@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddyso@sccourts.org>, "Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)" <TRussoLC@sccourts.org>, Stephen Geoly <geoly70@yahoo.com>
Subject: RE: State v. Edward Dean & State v. Adrian Gaston
(Quoted text hidden)

>
>
> NOTE: This e-mail is a public record which may be subject to disclosure
> pursuant to the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 "et
> seq.", to a person or party requesting the same.

2 attachments

 Transcript, Dec.11, 2013.pdf
1016K

 Gaston Testimony Dean Trial-signed.pdf
194K

Charles Grose <charles@groslawfirm.com>

Tue, Jun 9, 2015 at 5:06 PM

To: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussoJ@sccourts.org>
Cc: "Addy, Frank R." <faddy@sccourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddylo@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddyso@sccourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussoLC@sccourts.org>, "geoly70@yahoo.com" <geoly70@yahoo.com>

Dear Judge Addy,

Attached please find the now trial motion in State v. Corey Brown, which I will be adding to the record in Mr. Dean's case. The first ground in that motion is the same legal issue that Mr. Dean raises in his motion. I understand the Judge Griffith still has this motion under consideration.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4466
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groslawfirm.com

-----Original Message-----

From: Charles Grose <charles@groslawfirm.com>
Date: Tuesday, June 9, 2015 at 4:01 PM
To: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussoJ@sccourts.org>
Cc: "Addy, Frank R." <faddy@sccourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddylo@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddyso@sccourts.org>, "Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)" <TRussoLC@sccourts.org>, Stephen Geoly <geoly70@yahoo.com>
(Quoted text hidden)

 State v. Corey Brown (New Trial Motion).pdf
1125K

geoly70 <geoly70@yahoo.com>

Tue, Jun 9, 2015 at 5:47 PM

To: Charles Grose <charles@groslawfirm.com>, David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussoJ@sccourts.org>

522

Cc: "Addy, Frank R." <faddy@accourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddy@accourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddy@accourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussolC@accourts.org>

Dear Sirs,

As you are all aware, I was counsel of record for Adrian Gaston. I was never told by Judge Addy or anyone from his office that he was retaining jurisdiction of my client's case. In fact, my client never appeared in front of Judge Addy except as a witness to my knowledge.

As you all may or may not be aware, Adrian Gaston was on the trial docket for the term of court in Saluda, when he pled in front of Judge Russo. Frankly, it would have bordered on malpractice to dispose of that case without trying to resolve all of his pending matters as they were contiguous in nature. As you all know, defense counsel don't get to set the trial docket, and hence any accusations of forum shopping are without any factual basis.

Sincerely,

Geoly

Sent via the Samsung Galaxy S9 5 ACTIVE™, an AT&T 4G LTE smartphone

----- Original message -----

From: Charles Grose <charles@groselawfirm.com>

Date: 06/09/2015 4:01 PM (GMT-05:00)

To: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussolC@accourts.org>

[Quoted text hidden]

Charles Grose <charles@groselawfirm.com>

Tue, Jun 9, 2015 at 5:54 PM

To: geoly70 <geoly70@yahoo.com>

Cc: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussolC@accourts.org>, "Addy, Frank R." <faddy@accourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddy@accourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddy@accourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussolC@accourts.org>

But you were on actual notice of Judge Addy's instructions to the Solicitor's Office, as was the Solicitor as he acknowledged in his email. My issue is not Mr. Gaston's probation sentence but rather the prejudice to Mr. Dean during his trial. There will be an appropriate time to develop the record further.

Best,
Charles

Sent from my iPhone

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4468
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groselawfirm.com
[Quoted text hidden]

geoly70 <geoly70@yahoo.com>

Wed, Jun 10, 2015 at 12:59 PM

To: Charles Grose <charles@groselawfirm.com>

Cc: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussolC@accourts.org>, "Addy, Frank R." <faddy@accourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddy@accourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddy@accourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussolC@accourts.org>

I did not have actual notice. I did not attend that trial. Also, I understand the "issue" you have is that Mr. Gaston had a deal, which he didn't at the time he testified.

Sincerely,

Geoly

Sent via the Samsung Galaxy S9 5 ACTIVE™, an AT&T 4G LTE smartphone

----- Original message -----

From: Charles Grose <charles@groselawfirm.com>

[Quoted text hidden]

Charles Grose <charles@groselawfirm.com>

Thu, Jun 11, 2015 at 10:04 AM

To: geoly70 <geoly70@yahoo.com>

Cc: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussolC@accourts.org>, "Addy, Frank R." <faddy@accourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddy@accourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddy@accourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussolC@accourts.org>

Dear Judge Addy,

In addition to the post-verdict portion of Mr. Dean's trial and Mr. Gaston's guilty plea, I have ordered the transcript from Mr. Dean's sentencing hearing. Once I receive these three transcripts, I will contact Your Honor about scheduling a hearing.

Thank you for your attention to this matter.

Best,
Charles

E. Charles Grose, Jr.
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404 Main Street
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Phone: 864-538-4456<tel:864-538-4456>
Fax: 864-538-4495<tel:864-538-4495>
Web: GroselawFirm.com<https://urldefense.proofpoint.com/v2/url?u=http-3A_groselawfirm.com&d=AwMF_A&c=YGVVmrQQ6VQOFx3Z93C9uQ&r=a93Rxd8js5YexFAJvN9AVYTWwX08OT1a1CnR1cl_Y&m=7Ec3R54gChOHZn622nWG1XIMcYNkItW_p
Email: charles@groselawfirm.com<mailto:charles@groselawfirm.com>

On Jun 9, 2015, at 5:47 PM, "geoly70" <geoly70@yahoo.com<mailto:geoly70@yahoo.com>> wrote:
Dear Sirs,

As you are all aware, I was counsel of record for Adrian Gaston. I was never told by Judge Addy or anyone from his office that he was retaining jurisdiction of my client's case. In fact, in my knowledge.

As you all may or may not be aware, Adrian Gaston was on the trial docket for the term of court in Saluda, when he plead in front of Judge Russo. Frankly, it would have bordered on in pending matters as they were contiguous in nature. As you all know, defense counsel don't get to set the trial docket, and hence any accusations of forum shopping are without any factual

Sincerely,

Geoly

Sent via the Samsung Galaxy S6 5 ACTIVE(tm), an AT&T 4G LTE smartphone

----- Original message -----

From: Charles Grose <charles@groselawfirm.com<mailto:charles@groselawfirm.com>>
Date: 06/09/2015 4:01 PM (GMT-05:00)

[Quoted text hidden]

Web: GroselawFirm.com<https://urldefense.proofpoint.com/v2/url?u=http-3A_groselawfirm.com&d=AwMF_A&c=YGVVmrQQ6VQOFx3Z93C9uQ&r=a93Rxd8js5YexFAJvN9AVYTWwX08OT1a1CnR1cl_Y&m=7Ec3R54gChOHZn622nWG1XIMcYNkItW_p
DZOrz6L7EVy6svN1522hZ5iTh8TrIQ7aZvDAI5UkM&e=>
Email: charles@groselawfirm.com<mailto:charles@groselawfirm.com>

-----Original Message-----

From: David Stumbo <dstumbo@greenwoodsc.gov<mailto:dstumbo@greenwoodsc.gov>>
Date: Tuesday, June 9, 2015 at 3:52 PM
To: "Russo, Thomas A." <TRussoJ@sccourts.org<mailto:TRussoJ@sccourts.org>>, Charles Grose <charles@groselawfirm.com<mailto:charles@groselawfirm.com>>
Cc: "Addy, Frank R." <faddy@sccourts.org<mailto:faddy@sccourts.org>>, Shannon Odom <odom@greenwoodsc.gov<mailto:odom@greenwoodsc.gov>>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddy@sccourts.org<mailto:faddy@sccourts.org>>
[Quoted text hidden]
>Cc: Addy, Frank R. <odom@greenwoodsc.gov<mailto:odom@greenwoodsc.gov>>, Addy, Frank R. Law Clerk <faddy@sccourts.org<mailto:faddy@sccourts.org>>
>(Elizabeth Able); Addy, Frank R. Secretary (Freda E. Sartin); Russo, <TRussoJ@sccourts.org<mailto:TRussoJ@sccourts.org>>
>Thomas A. Law Clerk (Lauren Hummel); Stumbo, David M. <dstumbo@greenwoodsc.gov<mailto:dstumbo@greenwoodsc.gov>>
>Subject: RE: State v. Edward Dean & State v. Adrian Gaston

>
> Folks, for what it's worth, no one ever informed me that Judge Addy <faddy@sccourts.org<mailto:faddy@sccourts.org>>
> retained jurisdiction over Mr. Gaston's case. It was just presented as a <faddy@sccourts.org<mailto:faddy@sccourts.org>>
> guilty plea out of Greenwood in conjunction with charges out of Saluda. <faddy@sccourts.org<mailto:faddy@sccourts.org>>
> Obviously, had I known that Judge Addy had retained jurisdiction, I never <faddy@sccourts.org<mailto:faddy@sccourts.org>>
> would have taken the plea. I would be very interested to know if the <faddy@sccourts.org<mailto:faddy@sccourts.org>>
> lawyers got together and did an "end run" judge shopping move. I would be <faddy@sccourts.org<mailto:faddy@sccourts.org>>
> extremely irritated if that were the case and would like to know so I <faddy@sccourts.org<mailto:faddy@sccourts.org>>
> could take appropriate action. Thanks. <faddy@sccourts.org<mailto:faddy@sccourts.org>>

> Tommy

>
> Honorable Thomas A. Russo
> Judge of the Circuit Court
> 12th Judicial Circuit At-Large

>> On Jun 9, 2015, at 10:48 AM, Charles Grose <charles@groselawfirm.com<mailto:charles@groselawfirm.com>>

[Quoted text hidden]

>> Web: GroselawFirm.com<https://urldefense.proofpoint.com/v2/url?u=http-3A_groselawfirm.com&d=AwMF_A&c=YGVVmrQQ6VQOFx3Z93C9uQ&r=a93Rxd8js5YexFAJvN9AVYTWwX08OT1a1CnR1cl_Y&m=7Ec3R54gChOHZn622nWG1XIMcYNkItW_p
>> DZOrz6L7EVy6svN1522hZ5iTh8TrIQ7aZvDAI5UkM&e=>
>> Email: charles@groselawfirm.com<mailto:charles@groselawfirm.com>

>> From: "Addy, Frank R."

>> <faddy@sccourts.org<mailto:faddy@sccourts.org>> <mailto:faddy@sccourts.org>>

>> Date: Tuesday, March 31, 2015 at 10:11 AM

>> To: Charles Grose

>> <charles@groselawfirm.com<mailto:charles@groselawfirm.com>> <mailto:charles@groselawfirm.com>>, Shannon Odom

>> <odom@greenwoodsc.gov<mailto:odom@greenwoodsc.gov>> <mailto:odom@greenwoodsc.gov>>, "Addy, Frank R. Law

>> Clerk (Elizabeth Able)"

>> <faddy@sccourts.org<mailto:faddy@sccourts.org>> <mailto:faddy@sccourts.org>>

>> Subject: RE: State v. Dean

>>

>> OK. So long as it's still on everyone's radar.

>>

>> Frank R. Addy, Jr.

>> Resident Judge, 5th Judicial Circuit

>> Greenwood County Courthouse

>> 528 Monument Street, Suite 210

>> Greenwood, South Carolina 29648

>> Office (864) 943-8020

>> Fax (864) 942-8581

>> faddy@sccourts.org<mailto:faddy@sccourts.org> <mailto:faddy@sccourts.org>

>> Law Clerk: Elizabeth Able

>> (faddy@sccourts.org<mailto:faddy@sccourts.org> <mailto:faddy@sccourts.org>)

>> Admin. Assistant: Freda Sartin

>> (faddy@sccourts.org<mailto:faddy@sccourts.org> <mailto:faddy@sccourts.org>)

>>

>> From: Charles Grose [mailto:charles@groselawfirm.com]

>> Sent: Tuesday, March 31, 2015 10:11 AM

>> To: Addy, Frank R.

525

>odom@greenwoodsc.gov<mailto:odom@greenwoodsc.gov><mailto:odom@greenwoodsc.gov<mailto:odom@greenwoodsc.gov>>>; Addy, Frank R. Law
>Clerk (Elizabeth Able)
>> Subject: Re: State v. Dean
>>
>> You are correct that the motions are still pending and the motion
> regarding Mr. Geoly's client is not ripe. I have not forgotten about this
> situation. I think Solicitor Stumbo might be handling the charges.
> Involving Mr. Geoly's client at this point.
>>
>> Best,
>> Charles
>>
>> E. Charles Grose, Jr.
>> The Grose Law Firm, LLC
>> 404 Main Street
>> Greenwood, SC 29646
>> Phone: 864-538-4466
>> Fax: 864-538-4405
>> Web: GroseLawFirm.com<https://urldefense.proofpoint.com/v2/url?u=http-
>> 3A_GroseLawFirm.com&d=AwMF_A&c=YGVVmrQ06VQ0F3Z93C9uQ3r=a93Rxd5js5YexFAhmN9AVYTwwX08OT1a1CnR1dL_Y&m=7Ec3R54gOhOHZr622hWG1XMcYNkItS_W_0
>> DZOrz6L7EVy6svN52zh25Hh9TriQ7eZwDAISUkM&a=>
>> Email: charles@groselawfirm.com<mailto:charles@groselawfirm.com><mailto:charles@groselawfirm.com>
>>
>> From: <Addy>, "Frank R."
>> <faddyj@sccourts.org<mailto:faddyj@sccourts.org><mailto:faddyj@sccourts.org>>
>> Date: Tuesday, March 31, 2015 at 9:17 AM
>> To: Shannon Odom <odom@greenwoodsc.gov<mailto:odom@greenwoodsc.gov><mailto:odom@greenwoodsc.gov>>
>> Charles Grose <charles@groselawfirm.com<mailto:charles@groselawfirm.com><mailto:charles@groselawfirm.com>>
>> "Addy, Frank R. Law Clerk (Elizabeth Able)"
>> <faddyjc@sccourts.org<mailto:faddyjc@sccourts.org><mailto:faddyjc@sccourts.org>>
>> Subject: State v. Dean
>>
>> Charles and Shannon,
>> If memory serves, there were some post-trial motions from last year's
> trial concerning Mr. Dean. I think those motions remain pending, but one
> of them was not ripe - I think something to do with Geoly's client.
>> I just don't want this to fall through the cracks, and I know Shannon
> will be going on maternity leave shortly. We can always address it when
> she returns.
>> (And, yes, I bring this up because I woke up at 3:00 AM Sunday morning
> thinking about work stuff.)
>>
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>> Office (864) 943-5020
>> Fax (864) 942-8581
>> faddyj@sccourts.org<mailto:faddyj@sccourts.org><mailto:faddyj@sccourts.org>
>> Law Clerk: Elizabeth Able
>> (faddyjc@sccourts.org<mailto:faddyjc@sccourts.org><mailto:faddyjc@sccourts.org>
>> Admin. Assistant: Freda Sarlin
>> (faddyse@sccourts.org<mailto:faddyse@sccourts.org><mailto:faddyse@sccourts.org>
(quoted text hidden)

☐ winmail.dat
41K

Charles Grose <charles@groselawfirm.com> Tue, Jul 14, 2015 at 8:24 AM
To: "Addy, Frank R." <faddyj@sccourts.org>, geoly70@geoly70@yahoo.com
Cc: "Stumbo, David M." <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussoJ@sccourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk
(Elizabeth Able)" <faddyjc@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sarlin)" <faddyse@sccourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)"
<TRussoLC@sccourts.org>

Dear Judge Addy and Judge Russo,

Attached please find the June 9, 2014 sentencing hearing for Mr. Dean, which I received yesterday. I would call Your Honors' attention to page 13, lines 4-10 where Judge Addy states, "I was hoping to have Mr. Gaston's case resolved by now. I still assumed jurisdiction over that case as well as this case, Mr. Anderson's case rather. I stated that on the record at the last hearing. The reason I am doing that is to try to be fair to all concerns." And, page 23, lines 3-4, after discussing how to handle scheduling the new trial motions and the Court's obligations outside of Greenwood, Judge Addy states, "I am still assuming responsibility for those other two cases however."

I am still waiting on the transcripts from the very end of Mr. Dean's trial and Mr. Gaston's guilty plea in Saluda County. As those come in, I will prove copies.

Thank you for your attention to this matter.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4466
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groselawfirm.com

From: <Addy>, "Frank R." <faddyj@sccourts.org>
Date: Monday, June 15, 2015 at 4:32 PM
To: Charles Grose <charles@groselawfirm.com>, Stephen Geoly <geoly70@yahoo.com>
Cc: "Stumbo, David M." <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussoJ@sccourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddyjc@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sarlin)" <faddyse@sccourts.org>, "Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)" <TRussoLC@sccourts.org>
Subject: RE: State v. Edward Dean & State v. Adrian Gaston

Alt,

I was on vacation this week, and I make a point of unplugging while on vacation, hence my delay in a reply.

I would recommend obtaining a copy of both the court's remarks after conviction and at the sentencing hearing. My recollection is that I requested that the cooperating co-defendant's case be brought before me, but I do not think I specifically ordered it. My recollection is that I referenced the logistical issues with the schedule (e.g. me being scheduled to be out of circuit a great deal based on court admin assignments) as well as my understanding with court admin not liking judges to assume sole jurisdiction over cases in light of the scheduling problems it causes. The record should reflect the court's explicit comments, but I believe it was more in the way of a request, if logistically feasible, than an order.

That said, once you have obtained all the necessary transcripts, please get with the solicitor in scheduling these motions for a mutually convenient GSNJ term since Mr. Dean will need to be brought from SCDC.

Frank R. Addy, Jr.

Resident Judge, 8th Judicial Circuit

Greenwood County Courthouse

528 Monument Street, Suite 210

Greenwood, South Carolina 29646

Office (864) 943-6020

Fax (864) 942-8581

faddyj@sccourts.org

Law Clerk: Elizabeth Able (faddyjc@sccourts.org)

Admin. Assistant: Freda Sartin (faddyyc@sccourts.org)

From: Charles Grose [mailto:charles@groslawfirm.com]

Sent: Thursday, June 11, 2015 10:05 AM

To: geoly70

Cc: Stumbo, David M.; Russo, Thomas A.; Addy, Frank R.; Shannon Odom; Addy, Frank R. Law Clerk (Elizabeth Able); Addy, Frank R. Secretary (Freda E. Sartin); Russo, Thomas A. Law Clerk (Laurén Hummel)

Subject: Re: State v. Edward Dean & State v. Adrian Gaston

Dear Judge Addy,

In addition to the post-verdict portion of Mr. Dean's trial and Mr. Gaston's guilty plea, I have ordered the transcript from Mr. Dean's sentencing hearing. Once I receive those three transcripts, I will contact Your Honor about scheduling a hearing.

Thank you for your attention to this matter.

Best,

Charles

E. Charles Grose, Jr.

The Grose Law Firm, LLC

404 Main Street

Greenwood, SC 29646

Phone: 864-538-4456

Fax: 864-538-4405

Web: GroseLawFirm.com

Email: charles@groslawfirm.com

From: Stephen Geoly <geoly70@yahoo.com>

Date: Wednesday, June 10, 2015 at 12:59 PM

To: Charles Grose <charles@groslawfirm.com>

Cc: David Stumbo <dstumbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussoJ@sccourts.org>, "Addy, Frank R." <faddyj@sccourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddyjc@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)" <faddyyc@sccourts.org>, "Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)" <TRussoLC@sccourts.org>

Subject: Re: State v. Edward Dean & State v. Adrian Gaston

527

I did not have actual notice. I did not attend that trial. Also, I understand the "issue" you have is that Mr. Gaston had a deal...which he didn't at the time he testified.

Sincerely,

Geoly

Sent via the Samsung Galaxy S5 5 ACTIVE™, an AT&T 4G LTE smartphone

----- Original message -----

From: Charles Grose <charles@groselawfirm.com>

Date: 06/09/2015 5:54 PM (GMT-05:00)

To: geoly70 <geoly70@yahoo.com>

Cc: David Stimbo <dstimbo@greenwoodsc.gov>, "Russo, Thomas A." <TRussoJ@sccourts.org>, "Addy, Frank R." <faddyj@sccourts.org>, Shannon Odom <odom@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)" <faddyjc@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sarlin)" <faddyse@sccourts.org>, "Russo, Thomas A. Law Clerk (Lauren Hummel)" <TRussol.C@sccourts.org>
Subject: Re: State v. Edward Dean & State v. Adrian Gaston

But you were on actual notice of Judge Addy's instructions to the Solicitor's Office, as was the Solicitor as he acknowledged in his email. My issue is not Mr. Gaston's probation sentence but rather the prejudice to Mr. Dean during his trial. There will be an appropriate time to develop the record further.

Best,

Charles

Sent from my iPhone

E: Charles Grose, Jr.

The Grose Law Firm, LLC

404 Main Street

Greenwood, SC 29340

Phone: 864-538-4488

Fax: 864-538-4405

Web: GroseLawFirm.com

Email: charles@groselawfirm.com

On Jun 9, 2015, at 5:47 PM, "geoly70" <geoly70@yahoo.com> wrote:

Dear Sirs,

As you are all aware, I was counsel of record for Adrian Gaston. I was never told by Judge Addy or anyone from his office that he was retaining jurisdiction of my client's case. In fact, my client never appeared in front of Judge Addy except as a witness to my knowledge.

As you all may or may not be aware, Adrian Gaston was on the trial docket for the term of court in Saluda, when he pled in front of Judge Russo. Frankly, it would have bordered on malpractice to dispose of that case without trying to resolve all of his pending matters as they were contiguous in nature. As you all know, defense counsel don't get to set the trial docket, and hence any accusations of forum shopping are without any factual basis.

Sincerely,

Geoly

Sent via the Samsung Galaxy S5 5 ACTIVE™, an AT&T 4G LTE smartphone

----- Original message -----

From: Charles Grose <charles@groselawfirm.com>
 Date: 06/09/2015 4:01 PM (GMT-05:00)

[Quoted text hidden]
 Email: charles@groselawfirm.com

-----Original Message-----

From: David Stumbo <dstumbo@greenwoodsc.gov>
 Date: Tuesday, June 9, 2015 at 3:52 PM
 To: "Russo, Thomas A." <TRuss5J@sccourts.org>, Charles Grose
 <charles@groselawfirm.com>
 Cc: "Addy, Frank R." <faddyj@sccourts.org>, Shannon Odum
 <odum@greenwoodsc.gov>, "Addy, Frank R. Law Clerk (Elizabeth Able)"
 <faddyjc@sccourts.org>, "Addy, Frank R. Secretary (Freda E. Sartin)"
 <faddyjsc@sccourts.org>, "Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)"

[Quoted text hidden]

> Cc: Addy, Frank R.; odum@greenwoodsc.gov; Addy, Frank R. Law Clerk
 > (Elizabeth Able); Addy, Frank R. Secretary (Freda E. Sartin); Russo,
 > Thomas A. Law Clerk (Lauren Hunnifut); Stumbo; David M.
 > Subject: Re: State v. Edward Dean & State v. Adrian Gaston

> Folks, for what it's worth, no one ever informed me that Judge Addy
 > retained jurisdiction over Mr. Gaston's case. It was just presented as a
 > guilty plea out of Greenwood in conjunction with charges out of Saluda.
 > Obviously, had I known that Judge Addy had retained jurisdiction, I never
 > would have taken the plea. I would be very interested to know if the
 > lawyers got together and did an "end run" judge shopping move. I would be
 > extremely irritated if that were the case and would like to know so I
 > could take appropriate action. Thanks.

> Tommy

> Honorable Thomas A. Russo
 > Judge of the Circuit Court
 > 12th Judicial Circuit At-Large

>> On Jun 9, 2015, at 10:48 AM, Charles Grose <charles@groselawfirm.com>

[Quoted text hidden]

>> Email: charles@groselawfirm.com

>> From: "Addy", "Frank R."

>> <faddyj@sccourts.org>mailto:faddyj@sccourts.org>

>> Date: Tuesday, March 31, 2015 at 10:11 AM

>> To: Charles Grose

>> <charles@groselawfirm.com>mailto:charles@groselawfirm.com>>, Shannon Odum

>> <odum@greenwoodsc.gov>mailto:odum@greenwoodsc.gov>>, "Addy, Frank R. Law

>> Clerk (Elizabeth Able)"

>> <faddyjc@sccourts.org>mailto:faddyjc@sccourts.org>>

>> Subject: RE: State v. Dean

>>

>> OK. So long as it's still on everyone's radar.

>>

>> Frank R. Addy, Jr.

>> Resident Judge, 8th Judicial Circuit

>> Greenwood County Courthouse

>> 528 Monument Street, Suite 210

>> Greenwood, South Carolina 29646

>> Office (864) 943-8020

>> Fax (864) 942-8581

>> faddyj@sccourts.org<mailto:faddyj@sccourts.org>

>> Law Clerk: Elizabeth Able

>> faddyjc@sccourts.org<mailto:faddyjc@sccourts.org>

>> Admin. Assistant: Freda Sartin

>> faddyjsc@sccourts.org<mailto:faddyjsc@sccourts.org>

>>

>> From: Charles Grose [mailto:charles@groselawfirm.com]

>> Sent: Tuesday, March 31, 2015 10:11 AM

>> To: Addy, Frank R.;

>> 'odum@greenwoodsc.gov'<mailto:odum@greenwoodsc.gov>; Addy, Frank R. Law

>> Clerk (Elizabeth Able)

>> Subject: Re: State v. Dean

>>

>> You are correct that the motions are still pending and the motion
 >> regarding Mr. Geoly's client is not ripe. I have not forgotten about this
 >> situation. I think Solicitor Stumbo might be handling the charges
 >> involving Mr. Geoly's client at this point.

>>

>> Best,

>> Charles

>>

>> E. Charles Grose, Jr.

>> The Grose Law Firm, LLC

>> 404 Main Street

>> Greenwood, SC 29646

>> Phone: 864-538-4466

>> Fax: 864-538-4405

>> Web: GroseLawFirm.com

>> Email: charles@groselawfirm.com<mailto:charles@groselawfirm.com>

>>

>> From: "Addy", "Frank R."

>> <faddyj@sccourts.org>mailto:faddyj@sccourts.org>>

529

>> Date: Tuesday, March 31, 2015 at 9:17 AM
>> To: Shannon Odom <odom@greenwoodsc.gov><mailto:odom@greenwoodsc.gov>>,
> Charles Grose <charles@groselawfirm.com><mailto:charles@groselawfirm.com>>,
> "Addy, Frank R, Law Clerk (Elizabeth Able)"
><faddyjc@sccourts.org><mailto:faddyjc@sccourts.org>>
>> Subject: State v. Dean
>>
>> Charles and Shannon,
>> If memory serves, there were some post-trial motions from last year's
> trial concerning Mr. Dean. I think those motions remain pending, but one
> of them was not ripe - I think something to do with Gooly's client.
>> I just don't want this to fall through the cracks, and I know Shannon
> will be going on maternity leave shortly. We can always address it when
> she returns.
>> (And, yes, I bring this up because I woke up at 3:00 AM Sunday morning
> thinking about work stuff.)
>>
>> Frank R. Addy, Jr.
>> Resident Judge, 8th Judicial Circuit
>> Greenwood County Courthouse
>> 528 Monument Street, Suite 210
>> Greenwood, South Carolina 29646
>> Office (864) 943-8020
>> Fax (864) 942-8581
>> faddyj@sccourts.org <mailto:faddyj@sccourts.org>
>> Law Clerk: Elizabeth Able
> (faddyjc@sccourts.org <mailto:faddyjc@sccourts.org>)
>> Admin. Assistant: Freda Sartin
> (faddyjsc@sccourts.org <mailto:faddyjsc@sccourts.org>)
>>
>> ~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the
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> the intended recipient, do not read, copy, retain, or disseminate this
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>> <Dean, New Trial Motion (Gaston Deal), June 9, 2015.pdf>
>> <Transcript Request (Gaston Plea), June 9, 2015.pdf>
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> seq.", to a person or party requesting the same.

 Dean, Sentencing Hearing, June 9, 2014.pdf
604K

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	FOR THE EIGHTH JUDICIAL CIRCUIT
COUNTY OF GREENWOOD	)	
	)	Case Number(s): 2012-A24-102-000357,
THE STATE	)	2012-A24-102-00387, 389, 390
	)	~~2014-GS-24-00386~~
	)	
vs.	)	
	)	Supplement to Motion for New Trial
Edward Dean	)	
	)	
	)	

On June 9, 2015, the defendant, Edward Dean, served his motion for a new trial based on after-discovered evidence—that the Solicitor’s Office failed to disclose its favorable treatment to testifying co-defendant Adrian Gaston. Dean supplements that motion.

I. Introduction.

Since filing this motion, there has been extensive email communication between this Court and counsel. Dean also has received transcripts of Gaston’s testimony during his trial, Dean’s sentencing hearing, and Gaston’s guilty plea. These email communications and transcripts reveal that the Eighth Circuit Solicitor’s Office, all along, had an understanding with Gaston about rewarding his cooperation and relaying his assistance to the sentencing judge, none of which was disclosed despite Dean’s specific request for this information.

II. Additional Factual Background.

A. Gaston’s trial testimony (Exhibit A):

At trial, the Assistant Solicitor asked Gaston, “Have I promised you anything?” Gaston replied, “No ma’am.” The prosecutor continued, “Have I promised to help you out if you’ll testify.” Gaston replied, “No, ma’am.” Tr. (Gaston Testimony) 11, lines 14-18.

On cross-examination, Gaston testified that he was not looking to receive any benefit from testifying, that he would plead guilty and face the possibility of two life sentences plus 93

years, and that he did not plan to enter into any plea negotiations with the prosecutor. When Dean asked Gaston if he wanted the prosecutor to help him maintain his freedom, he repeatedly testified that he looked to his lawyer, Stephen Geoly, for that. The Court *sua sponte* disallowed further inquiry into the prosecutor's role in maintaining Gaston's freedom as "argumentative." This Court also sustained an unspecified objection, as "speculation," to Dean asking Gaston, "[D]o you think that Mr. Geoly, your lawyer, would let you testify if he thought" the guilty plea would result in two life sentences plus 93 years imprisonment. *Id.* 23, line 4 – 25, line 13.

As discussed in Subsections C and D, the prosecution already had an understanding with Gaston's attorney, Stephen Geoly.

B. Dean's sentencing hearing (Exhibit B).

During Dean's sentencing hearing, this Court stated, "I was hoping to have Mr. Gaston's case resolved by now. I still assumed jurisdiction over that case as well as . . . Mr. Anderson's case." Tr. (6/9/2014) 13, lines 4-7. Later on, after discussing how to handle scheduling the new trial motions and the Court's obligations outside of Greenwood, this Court repeated, "I am still assuming responsibility for those other two cases however." *Id.* 23, lines 3-4.

C. Gaston's guilty plea in Saluda (Exhibit C).

On May 14, 2015, during Gaston's guilty plea, to a lesser charge, before the Honorable Thomas A Russo, Sr., in Saluda County, the Senior Assistant Solicitor Lance Sheek finally revealed, "[T]he understanding with Mr. Geoly was we would certainly convey to the Court if he cooperated in the trials but *other than that* there were no deals made beforehand." Tr. (5/14/15) 32, lines 14-16. See also 31, lines 9-17 (prosecutor relating Gaston's cooperation). That the prosecution would convey Gaston's cooperation to the sentencing judge is, in fact, the very

outcome Dean pointed out to this Court, on December 11, 2013, and the prosecution denied would occur.

D. Email communications (Exhibit D).

On June 9, 2015, Dean provided a copy of his motion for a new trial to this Court and Judge Russo. The resulting email string confirmed (1) the Solicitor's Office had an understanding with Gaston all along and (2) was aware of this Court retaining jurisdiction over Gaston's case and chose to proceed with a guilty plea in front of Judge Russo without consulting with this Court.

Solicitor David Stumbo revealed more information about his office's understanding with Gaston: Ms. Odem "stated on the record as an officer of the court that Mr. Gaston was told that his cooperation would be considered and taken into account when his charges were dealt with at a later date." This assertion, of course, is directly contrary to what Ms. Odem stated on the record. Not only does this more recent statement by Solicitor Stumbo contemplate relating Gaston's cooperation to the sentencing judge, but also reveals the source of Gaston's expectation that something might happen as a result of his cooperation—that the Solicitor's Office might exercise its extraordinary authority to allow Gaston to plead guilty to lesser charges, which, of course, is exactly what happened.

E. Similar motion in another case (Exhibit E).

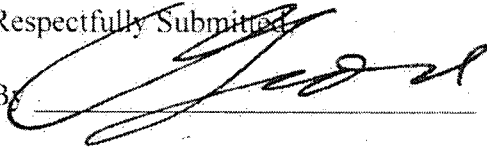
This Court should be aware that a Motion for New Trial, Motion to Retain Jurisdiction, and Motion for New Trial, involving a very similar issue, is pending before the Honorable Eugene C. Griffith, Jr. in *State v. Corey Brown*, Greenwood County Case No. 2013-GS-24-1872 to 1875 and 2014-GS-24-1262.

III. Conclusion.

For the reasons set forth in Mr. Dean's new trial motion, this Court should order a new trial.

IT IS SO MOVED.

Respectfully Submitted

By 

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

April 6, 2016
Greenwood, South Carolina

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
)
)
 -VS-)
)
 EDWARD DEAN,)
)
)
 DEFENDANT.)
 _____)

2013-GS-24-56, 57, 58

TRANSCRIPT OF RECORD

MARCH 4, 2014
GREENWOOD, SOUTH CAROLINA

BEFORE:

THE HONORABLE FRANK R. ADDY, JR., JUDGE, AND A JURY

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

SHANNON ODOM, ESQUIRE

ATTORNEY FOR DEFENDANT:

CHARLES GROSE, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

INDEXWITNESSPAGE NO.

TESTIMONY OF ADRIAN GASTON

3

CERTIFICATE OF REPORTER

30

1 THE COURT: We're still in the State's case in chief at
2 this point in the trial. Solicitor, if you'll call your
3 next witness, please.

4 MS. ODOM: Thank you, Your Honor. The State calls
5 Adrian Gaston.

6 ADRIAN GASTON, having first been duly
7 sworn testifies as follows:

8 DIRECT EXAMINATION

9 BY MS. ODOM:

10 Q. Mr. Gaston, if you will state your name for the record.

11 A. Adrian Gaston.

12 Q. Mr. Gaston, how old are you?

13 A. Twenty-one.

14 Q. What do you do for a living?

15 A. I work at Carolina Pride.

16 Q. How long have you been working there?

17 A. Two months.

18 Q. How far did you go in school?

19 A. Eleventh grade.

20 Q. What kind of jobs have you had since school?

21 A. I worked at Church's, Taco Bell, Sterilite, Amick
22 Farms, and Carolina Pride.

23 Q. Mr. Gaston, I'm just going to jump right into this
24 case. Tell me on the case we're here about today, were
25 you involved in a burglary out in Promised Land, ■■■

1 Simpkins Road?

2 A. Yes, ma'am.

3 Q. Did that burglary occur back on August 13, 2012?

4 A. Yes, ma'am.

5 Q. Going back to that morning, tell me about your day from
6 start to finish. Just start when you woke up and tell
7 me about your day.

8 A. Well, Mr. Anderson came and picked me up, and Mr. Dean.
9 We went to Promised Land.

10 Q. Now, Mr. Anderson and Mr. Dean you say came and picked
11 you up?

12 A. Uh-huh.

13 Q. What's Mr. Anderson's first name?

14 A. Antwan.

15 Q. What's Mr. Dean's first name?

16 A. Edward.

17 Q. Does Mr. Dean go by a nickname?

18 A. Punkie Poo.

19 Q. So did you call him Mr. Dean or Punkie Poo?

20 A. Punkie Poo.

21 Q. So when they come to your house, why did they come to
22 your house?

23 A. To pick me up..

24 Q. What were y'all planning on doing?

25 A. Getting some guns.

1 Q. Okay. So tell me when y'all left your house did y'all
2 go straight there?

3 A. Yes, ma'am.

4 Q. What happened when you pulled in the driveway?

5 A. Well, Mr. Anderson backed in the driveway. Well, I
6 don't remember who kicked the door. One of them kicked
7 the door in and -

8 Q. The door to the house?

9 A. To the house. Not the front door. It's a side door.
10 Like, a patio door or something like that. But they
11 went in the house. I stayed on the outside. I seen a
12 car coming past. I called them out, and when they came
13 out the car was gone. We went in the shed. It was
14 like a shed room right here next to the door. And we
15 went in there and got some more guns out.

16 Q. Now, you say next to the door that's attached to the
17 house?

18 A. Uh-huh.

19 Q. Who got that door open?

20 A. Mr. Dean.

21 THE COURT: Answer yes or no, if you could, because it's
22 hard for her to take down uh-huh or huh-uh.

23 WITNESS: Yes, sir.

24 THE COURT: Thank you. Go ahead, please.

25 Q. How did Mr. Dean get the door open?

1 A. He stripped it off with his hand. Stripped the lock
2 off with his hand.

3 Q. So he just pulled the door open?

4 A. Uh-huh.

5 Q. What happened when y'all - who went inside the utility
6 room, the storage building?

7 A. All three of us.

8 Q. What did y'all do when you were inside?

9 A. We started loading guns and holsters in the car.

10 Q. Where were the guns located inside the storage
11 building?

12 A. It was some hanging up and some was in, like, a
13 cabinet.

14 Q. Was the cabinet closed?

15 A. Yes, ma'am. It was locked.

16 Q. Who and how did it open?

17 A. Mr. Dean ripped it open.

18 Q. Did you see him rip it open?

19 A. Yes, ma'am.

20 Q. So y'all started toting the guns out of there?

21 A. Yes, ma'am.

22 Q. How many guns do you think were taken out of there?

23 A. It was approximately nine or ten.

24 Q. Now, when they come out of the house what did they have
25 on them?

- 1 A. Three handguns.
- 2 Q. Now, tell me what happened after y'all loaded the guns
3 up.
- 4 A. We left and went back to Mr. Anderson's house on
5 Wheatfield Drive. We separated the guns and we took
6 Mr. Dean home.
- 7 Q. Y'all divied up the guns between y'all?
- 8 A. Uh-huh.
- 9 Q. And then y'all took Mr. Dean home?
- 10 A. Uh-huh.
- 11 Q. What happened when y'all dropped him off?
- 12 A. He got out the car, put his guns under the house, and
13 we left.
- 14 Q. So as soon as he got out of the car he started putting
15 stuff under his house?
- 16 A. Uh-huh.
- 17 Q. Where does he live?
- 18 A. On Taggart Street.
- 19 Q. Do you know the address?
- 20 A. No, ma'am.
- 21 Q. Is it a house?
- 22 A. It's like apartment house. It's a house, but it's like
23 an apartment.
- 24 Q. Like a duplex?
- 25 A. Uh-huh.

1 Q. How many guns did Mr. Dean get?

2 A. Four or five.

3 Q. Do you remember what they looked like?

4 A. No, ma'am. I just remember one of them was very long.
5 I think it was a 45, Colt 45. The rest of them were
6 rifles, I think.

7 Q. How had you known these guys?

8 A. Mr. Anderson is my cousin's father. I didn't know Mr.
9 Dean. I had just met Mr. Dean that morning.

10 Q. So he was friends with Mr. Anderson?

11 A. Uh-huh.

12 Q. Is Mr. Dean - Can you say yes or no? Was he friends
13 with Mr. Anderson?

14 A. Yes, ma'am.

15 Q. Mr. Dean, who you know as Punkie Poo, is he in the
16 courtroom today?

17 A. Yes, ma'am.

18 Q. Can you point him out?

19 A. Right there with the glasses in the grey suit.

20 THE COURT: The record will reflect that the Witness has
21 identified the Defendant.

22 Q. Mr. Gaston, just to be clear on a few things. The
23 burglary, where this happened, it was out in Promised
24 Land?

25 MR. GROSE: Object to leading questions, Your Honor.

1 THE COURT: I'll overrule that one. Go ahead.

2 MS. ODOM: May I have just one moment?

3 THE COURT: Sure.

4 Q. Mr. Dean, can you tell me - did you give a statement to
5 law enforcement about this case?

6 A. Yes, ma'am.

7 Q. Did you speak with Investigator Boyer about this case?

8 A. I think so.

9 Q. Now, when you - can you put your hands down just so you
10 can - there you go. Where were you when you spoke to
11 law enforcement?

12 A. The county jail.

13 Q. Had you been arrested on other charges?

14 A. No, ma'am.

15 Q. You weren't arrested and in the county jail on other
16 charges?

17 A. Oh, yes, ma'am. At the time.

18 Q. So you've got other pending charges out there?

19 A. Yes, ma'am.

20 Q. Now, when you - so you're in the county jail and you
21 requested to speak to law -

22 MR. GROSE: Objection. Leading.

23 THE COURT: Sustained.

24 Q. Did you request to speak with law enforcement?

25 A. Yes, ma'am.

1 Q. Did you give them a statement?

2 A. Yes, ma'am.

3 Q. Did you give them a statement about this case?

4 A. Yes, ma'am.

5 Q. So you implicated yourself in this case?

6 A. Yes, ma'am.

7 Q. And you implicated - who else did you -

8 MR. GROSE: Objection. Leading.

9 THE COURT: All right. If you want to ask him a
10 different question or rephrase, please.

11 MS. ODOM: I will rephrase. I was on my way. Thank
12 you, Your Honor.

13 Q. Who else did you implicate?

14 A. Mr. Anderson.

15 Q. And who else?

16 A. Edward Dean.

17 Q. Now, did you give statements about other cases?

18 A. No, ma'am.

19 Q. Did you talk to law enforcement about any other charges
20 that you're charged with?

21 A. No, ma'am. Not that I know of anyway.

22 Q. How many charges do you think you have?

23 A. I think like four or five, something like that.

24 Q. When you've been arrested, have you spoken with

25 different law enforcement officers every time you were

1 arrested? Have you spoken with law enforcement
2 officers?

3 A. Yes, ma'am.

4 Q. How many different law enforcement officers do you
5 think you've spoken with?

6 A. I know I've talked to Strickland, Owens, and Boyer. I
7 don't know the rest of them. I know them three for a
8 fact.

9 Q. When I say "talked to", that's what I mean when I say
10 statement. So you have spoken with law enforcement
11 officers about your cases.

12 A. Uh-huh.

13 THE COURT: Yes?

14 WITNESS: Yes, ma'am.

15 Q. Have I promised you anything?

16 A. No, ma'am.

17 Q. Have I promised to help you out if you'll testify?

18 A. No, ma'am.

19 Q. Do you have a lawyer?

20 A. Yes, ma'am.

21 MS. ODOM: Mr. Gaston, answer any questions that Mr.
22 Grose may have for you, okay?

23 THE COURT: Cross?

24 CROSS EXAMINATION

25 BY MR. GROSE:

1 Q. A minute ago the prosecutor asked you how many charges
2 that you had.

3 A. Uh-huh.

4 Q. You've got to give a yes or no answer, sir.

5 A. Yes, sir.

6 Q. And you said, "Four or five, or something like that."

7 A. Yes, sir.

8 Q. All right. Let's go through and talk about the charges
9 that you do have; All right?

10 A. Yes, sir.

11 Q. You're here to testify about a break in and burglary on
12 August 13, 2012 at Simpkins Road in Bradley. Is that
13 right?

14 A. Yes, sir.

15 Q. And out of that you have three charges; Is that
16 correct?

17 A. Yes, sir.

18 Q. One of those charges is burglary first degree?

19 A. Yes, sir.

20 Q. And you're facing 15 years to life on that, aren't you?

21 A. Yes, sir.

22 Q. And another charge is grand larceny over \$10,000;
23 right?

24 A. Yes, sir.

25 Q. And you're facing ten years for that; right?

- 1 A. Yes, sir.
- 2 Q. And you're charged with malicious injury to real
3 property out of that incident; right?
- 4 A. Yes, sir.
- 5 Q. And you're facing 30 days for that.
- 6 A. Yes, sir.
- 7 Q. So that's three charges right there just for the
8 Simpkins Road incident; right?
- 9 A. Yes, sir.
- 10 Q. All right. You're also charged in a burglary on
11 Grendall Avenue on August 17, 2012; aren't you?
- 12 A. Yes, sir.
- 13 Q. And that's burglary second degree; right?
- 14 A. Yes, sir.
- 15 Q. And you're facing ten years for that burglary second
16 degree. Is that correct?
- 17 A. Yes, sir.
- 18 Q. And you also have a petty larceny charge, so you're
19 facing 30 days for that; right?
- 20 A. Yes, sir.
- 21 Q. So for the August 13 and the August 17 incident - you
22 have three charges on the 13th and two charges on the
23 17th, right?
- 24 A. Yes, sir.
- 25 Q. That's already five charges, right?

- 1 A. Yes, sir.
- 2 Q. And that's what you admitted to under direct
3 examination; correct?
- 4 A. Yes, sir.
- 5 Q. You're also charged with burglary on August 29, 2012;
6 right?
- 7 A. Yes, sir.
- 8 Q. And that's on Hitching Post Road in Greenwood; right?
- 9 A. Yes, sir.
- 10 Q. And you have a second degree burglary charge on that;
11 correct?
- 12 A. Yes, sir.
- 13 Q. You're facing ten years on that.
- 14 A. Yes, sir.
- 15 Q. And you have a petty larceny charge on that facing 30
16 days.
- 17 A. Yes, sir.
- 18 Q. So now we're up to three burglaries and a total of
19 seven charges; correct?
- 20 A. Yes, sir.
- 21 Q. Is that right?
- 22 A. Yes, sir.
- 23 Q. It's more than what you told her a minute ago. On
24 August 30th you're charged with a burglary on Magnolia
25 Drive; is that correct?

- 1 A. Yes, sir.
- 2 Q. And this is still 2012; right?
- 3 A. Uh-huh.
- 4 Q. And the burglary you're facing ten years for that;
- 5 right?
- 6 A. Yes.
- 7 Q. You're charged with grand larceny greater than \$2,000
- 8 up to \$10,000; right?
- 9 A. Yes.
- 10 Q. And that's five years that you're facing. Is that
- 11 correct?
- 12 A. Yes.
- 13 Q. And then you're charged with malicious injury to
- 14 property for that Magnolia Avenue burglary and you're
- 15 facing 30 days.
- 16 A. Yes.
- 17 Q. On August 30th you have a charge for an attempted
- 18 burglary at [REDACTED] Vines Road, don't you?
- 19 A. Probably so, yes.
- 20 Q. Would you like to see your warrant?
- 21 A. No, sir.
- 22 Q. So you have a charge for that; right?
- 23 A. Yes, sir.
- 24 Q. So that's attempted second degree burglary, so you're
- 25 facing ten years for that; correct?

1 A. Yes, sir.

2 Q. So you weren't successful on that burglary, but on that
3 same day, next door at [REDACTED] Vines Road, you're charged
4 with a burglary there; right?

5 A. Yes, sir.

6 Q. And that's a second degree burglary. You're facing ten
7 years for that; aren't you?

8 A. Yes, sir.

9 Q. And a petty larceny. So you're facing 30 days for that
10 charge.

11 A. Yes, sir.

12 Q. Okay. And then on August 31, 2012 you're charged with
13 a burglary on Pheasant Road in Ninety Six; is that
14 right?

15 A. Yes, sir.

16 Q. And for that it's an attempted second degree burglary
17 so you're facing up to ten years.

18 A. Yes, sir.

19 Q. All right. There's also a petty larceny, so you're
20 facing 30 days for that.

21 A. Yes.

22 Q. Okay. I'm sorry. I take that back. There's a
23 malicious injury to property and you're facing 30 days
24 for that; right?

25 A. Yes.

- 1 Q. And you're charged with contributing to the delinquency
2 of a minor for that; right?
- 3 A. Yes.
- 4 Q. And you're facing three years for that.
- 5 A. Yes.
- 6 Q. So in just August of 2012 we have burglaries on the
7 13th; right?
- 8 A. Yes.
- 9 Q. The 17th?
- 10 A. Yes.
- 11 Q. The 29th?
- 12 A. Yes.
- 13 Q. And attempted burglary and - I'm sorry. Two burglaries
14 and an attempted burglary on the 30th, right?
- 15 A. Yes.
- 16 Q. And a burglary on the 31st.
- 17 A. Yes.
- 18 Q. So that's seven burglaries or attempted burglaries
19 you're charged with in just August 2012 alone; correct?
- 20 A. Yes.
- 21 Q. Okay. Now, the contributing to the delinquency of a
22 minor - not talking about the Simpkins Road burglary,
23 but all these other burglaries you're charged with
24 Antwan Anderson; right?
- 25 A. Yes, sir.

1 Q. And two juveniles.

2 A. Yes.

3 Q. There's no allegations that Mr. Dean was involved with
4 any of those.

5 A. No, sir.

6 Q. Okay. Now, the prosecutor asked you if you had a
7 lawyer; correct?

8 A. Yes, sir.

9 Q. And your lawyer is Steven Geoly?

10 A. Yes, sir.

11 Q. And the prosecutor asked you if you had talked with law
12 enforcement; right?

13 A. Yes, sir.

14 Q. And in fact, when you got arrested you were arrested on
15 August 31, 2012 right after committing the burglary in
16 Ninety Six; correct?

17 A. Yes.

18 Q. And that's when you were taken into custody and that's
19 when you first talked to law enforcement.

20 A. Yes.

21 Q. And the first time you talked to law enforcement you
22 didn't talk about the burglary of Simpson road, did
23 you?

24 A. No, sir.

25 Q. You didn't. Is that right?

- 1 A. Yes, sir.
- 2 Q. It wasn't until later. It wasn't until September that
3 you actually talked about that, right?
- 4 A. Yes.
- 5 Q. And it was also in September that you had a lawyer, Mr.
6 Geoly.
- 7 A. Yes.
- 8 Q. And Mr. Geoly participated with you in at least one of
9 the interview on that day; right?
- 10 A. Yes, sir.
- 11 Q. Now what you and Mr. Anderson and these juveniles were
12 doing is you were going into people's houses and
13 stealing stuff and then selling it as quick as you
14 could on the street, right?
- 15 A. Yes, sir.
- 16 Q. Okay. Now, part of your condition for bond - 'cause
17 Mr. Geoly got you out of jail, didn't he?
- 18 A. Uh-huh.
- 19 Q. Is that yes?
- 20 A. Yes.
- 21 Q. And part of your condition of bond was is that you
22 weren't supposed to get into any more trouble, right?
- 23 A. Yes, sir.
- 24 Q. They call that a good behavior bond, right?
- 25 A. Yes, sir.

1 Q. All right. And you, in fact, did get into more
2 trouble, didn't you?

3 A. Yes, sir.

4 Q. In May of 2013 there was - on May 17 you're charged
5 with a burglary at [REDACTED] McKeller Drive, right?

6 A. Yes, sir.

7 Q. And that's a second degree burglary; correct?

8 A. Yes, sir.

9 Q. And for that you're facing ten years, right?

10 A. Yes, sir.

11 Q. And for that same incident you're charged with petty
12 larceny 30 days.

13 A. Yes, sir.

14 Q. And malicious injury to property. You're facing 30
15 days.

16 A. Yes, sir.

17 Q. So that was May 17, 2013; correct?

18 A. Yes, sir.

19 Q. Four days later, same neighborhood, May 21st, [REDACTED]
20 McKeller Drive, you're charged with another burglary;
21 right?

22 A. Yes, sir.

23 Q. And that one is another burglary first degree; correct?

24 A. Yes, sir.

25 Q. So you're facing a minimum of 15 years to life for that

- 1 crime isn't it?
- 2 A. Yes, sir.
- 3 Q. Minimum of 15 and maximum life.
- 4 A. Yes, sir.
- 5 Q. Then you got arrested for these two crimes.
- 6 A. Uh-huh.
- 7 Q. Is that correct?
- 8 A. Yes, sir.
- 9 Q. And you talked to law enforcement again; right?
- 10 A. Yes, sir.
- 11 Q. And you got out on bond.
- 12 A. Yes, sir.
- 13 Q. And the very next day you got out on bond you got
- 14 arrested again; didn't you?
- 15 A. Yes, sir.
- 16 Q. That was for conspiracy to commit a burglary.
- 17 A. Yes, sir.
- 18 Q. And so you're facing five years for that.
- 19 A. Yes, sir.
- 20 Q. Do you have any idea exactly how much time you're
- 21 facing for these crimes?
- 22 A. No, sir.
- 23 Q. Have you not added it up?
- 24 A. No, sir.
- 25 Q. We know that you're facing a possibility of two life

1 sentences for the burglary first degrees, right?

2 A. Yes, sir.

3 Q. Would it surprise you to know that for the other crimes
4 that carry a term of years as opposed to just the days
5 you're facing an additional 93 years?

6 A. Yes, sir.

7 Q. That would surprise you?

8 A. Well, no, sir.

9 Q. So you would agree with that number?

10 A. Yes, sir.

11 Q. And for the 30-day offenses, would you agree that
12 that's another 300 days?

13 A. Yes, sir.

14 Q. So you're facing not one life sentence, not two life
15 sentences, but also an additional -

16 MS. ODOM: Objection, Your Honor. Asked and answered.

17 THE COURT: Overruled. Go ahead, please.

18 Q. Not one life sentence, not two life sentences, an
19 additional 93 years and 300 days.

20 A. Yes, sir.

21 Q. You're not testifying here today in hopes of getting
22 two life sentences plus 93 years and 300 days, are you?

23 A. No, sir.

24 Q. You have a lawyer and you've been trying to cooperate,
25 right?

- 1 A. Yes, sir.
- 2 Q. It's fair to say you're in a bunch of trouble.
- 3 A. Yes, sir.
- 4 Q. And you're testifying here today in order to get out of
- 5 that trouble, aren't you?
- 6 A. No, sir.
- 7 Q. You're not?
- 8 A. No, sir. Just being honest.
- 9 Q. Just being honest?
- 10 A. Yes, sir.
- 11 Q. All right. You're not agreeing to two life sentences
- 12 plus 93 years and 300 days, are you?
- 13 A. No, sir.
- 14 Q. You're looking for some sort of benefit from
- 15 testifying.
- 16 A. No, sir.
- 17 Q. You're not?
- 18 A. No, sir.
- 19 Q. So you're looking to plead guilty and get two life
- 20 sentences and 93 years?
- 21 A. Sure.
- 22 Q. You are?
- 23 A. Sure.
- 24 Q. All right. And do you think that Mr. Geoly, your
- 25 lawyer, would let you testify if he thought that's what

1 was going to happen to you?

2 MS. ODOM: Objection.

3 THE COURT: Calls for speculation. Sustained.

4 A. No, sir.

5 Q. Do you plan to enter into any plea negotiations with
6 the prosecutor?

7 A. No, sir.

8 Q. You don't?

9 A. No, sir.

10 Q. So you're planning on getting two life sentences plus
11 93 years?

12 A. No, sir. That's not what I want, but -

13 Q. Well, what do you want?

14 A. I really don't know.

15 Q. You're out on bond right now, aren't you?

16 A. Yes, sir.

17 Q. You're free right now.

18 A. Yes, sir.

19 Q. And freedom is what you want; isn't it?

20 A. Yes, sir.

21 Q. And you can get that if they help you; can't you?

22 MS. ODOM: Object, Your Honor.

23 THE COURT: What's the nature of your objection?

24 MS. ODOM: He's speculating.

25 MR. GROSE: It's what he wants. There's no speculation

1 about whether he wants his freedom or not, Your Honor.

2 MS. ODOM: He's getting at whether -

3 THE COURT: He can ask him. Ask your question again,

4 Mr. Grose.

5 Q. You want your freedom, right?

6 A. Yes, sir.

7 Q. And you hope that they will help you get your freedom.

8 A. Yes, sir. I hope my lawyer helps me with my freedom.

9 Q. And the prosecutor.

10 A. And my lawyer.

11 Q. And the prosecutor.

12 A. Steven Geoly.

13 THE COURT: All right. That's argumentative.

14 Q. You also talked with Brandon Strickland about a
15 burglary in the Wheatfield neighborhood in Greenwood,
16 right?

17 A. I don't remember.

18 Q. You don't remember?

19 A. No, sir.

20 Q. So it's possible that you could have?

21 A. Possibly.

22 MR. GROSE: Beg The Court's indulgence briefly. No
23 other questions at this time, Your Honor.

24 THE COURT: Redirect?

25 MS. ODOM: Briefly, Your Honor.

REDIRECT EXAMINATION

1
2 BY MS. ODOM:

3 Q. Mr. Grose is asking you about all these different
4 warrants you have. You had told me four or five, but
5 how many different incidents was it? Not different
6 warrants, not a petty larceny, a burglary - how many
7 different incidents?

8 A. I think it was three different incidents.

9 Q. Now, Mr. Grose asked you about - Mr. Grose stated how
10 you had only implicated Mr. Dean in this one incident.

11 A. Yes, ma'am.

12 Q. Why did you only implicate him in one incident?

13 A. Because that's the only one that I was around him at
14 the time. That's the only one he went on with us.

15 Q. So you only implicated him in one because that's the
16 only one you knew he did?

17 A. Yes, ma'am.

18 MS. ODOM: Please answer any questions Mr. Grose has.

19 MR. GROSE: Brief Recross, Your Honor.

20 THE COURT: Recross.

RECROSS EXAMINATION

21
22 BY MR. GROSE:

23 Q. You just told the prosecutor that there was three
24 incidents, right?

25 A. Yes, sir.

1 Q. August 13th is one, right?

2 A. Yes, sir.

3 Q. August 17th is two, right?

4 A. Yes, sir.

5 Q. August 29th is three.

6 A. I'm saying, but -

7 Q. No, no. August 29th is three.

8 MS. ODOM: Your Honor, objection.

9 THE COURT: He will be given a chance to explain if he
10 needs to.

11 Q. What do you need to explain?

12 A. I only said three because I got charged for them all at
13 the same time, except the last two that happened in
14 2013.

15 Q. I got you. You got charged three times. You got
16 charged for six burglaries or attempted burglaries in
17 2012, right?

18 A. At one time. All at one time.

19 Q. And then you got charged for two more in the first part
20 of May 2013, right?

21 A. Yes, sir.

22 Q. And then you got charged in May again, the day you got
23 out of jail you got charged a third time.

24 A. Yes, sir.

25 Q. All right. So you're not meaning to say you're not

1 facing two life sentences and 93 years.

2 A. Yes, sir.

3 MR. GROSE: That's all I have, Your Honor.

4 THE COURT: Thank you, sir. You can step down.

5 (Whereupon, the witness exited the witness stand and
6 was recalled for examination approximately one hour later.)

7 THE COURT: Call your next witness, please.

8 MS. ODOM: Your Honor, at this time the State is going
9 to recall Adrian Gaston.

10 THE COURT: Let's have Mr. Gaston out.

11 (Whereupon the witness enters the courtroom)

12 THE COURT: Mr. Gaston, come on up here, sir. You're
13 still under oath.

14 REDIRECT EXAMINATION

15 BY MS. ODOM:

16 Q. Mr. Gaston, has Mr. Dean spoken with you today?

17 A. Yes, ma'am.

18 Q. What did he say to you?

19 A. He asked me not to testify against him.

20 Q. What else did he say to you?

21 A. He said he would help me the best way he can if I help
22 him.

23 MS. ODOM: Answer any questions Mr. Grose has.

24 THE COURT: Mr. Grose?

25 RECROSS EXAMINATION

1 BY MR. GROSE:

2 Q. When do you claim that this happened?

3 A. This morning when I was sitting right there on that
4 bench.

5 Q. And just to - on the bench right here in this
6 courtroom?

7 A. Yes, sir.

8 Q. And just so we're clear, you're still trying to keep
9 your freedom aren't you?

10 A. Yes, sir.

11 MR. GROSE: That's all I have.

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

13 (END OF REQUESTED TRANSCRIPT OF RECORD)

14 *(The preceding transcript of record includes only the
15 testimony of one witness, Adrian Gaston. This transcript is
16 not representative of the entire trial.)

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Certificate of Reporter

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I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenwood County, South Carolina, on the 4th day of March, 2014.

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

September 19, 2014

Tara T. Scott

Tara T. Scott, CVR

Circuit Court Reporter

EXHIBIT B

State of South Carolina)
) Court of General Sessions
 County of Greenwood) 2013-GS-24-00056

State of South Carolina)
) vs.) Transcript of Record
)
 Edward Dean)
) DEFENDANT)

June 9, 2014
 Greenwood, South Carolina

B E F O R E:

Honorable Frank R. Addy, Judge

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

Shannon Odom, Assistant Solicitor
 Attorney for the State

Charles Grose, Esq.
 Attorney for the Defendant

Joy E. Holston
 Official Court Reporter

1 THE COURT: We will go back on the record on
2 indictments 13-GS-24-58, 56 and 14-386. This is the State
3 versus Edward Lee Dean. The record should reflect that
4 the Court Reporter at the trial, my clerk tells me was
5 Tara Scott. Obviously we have a new Court Reporter here
6 today but Ms. Scott was the Court Reporter the week of
7 March 3rd when I believe this case was tried. I did get,
8 this morning a series of affidavits, before I get to that,
9 the record should also reflect that I ordered a
10 presentence investigation of Mr. Dean that was provided to
11 me this morning. I did have a chance, before coming out
12 on the bench to review that presentence investigation. I
13 am assuming that you did get a copy of that, Mr. Grose?

14 MR. GROSE: We got a copy late last week sometime.

15 THE COURT: Very good. I did receive this morning an
16 email communication from Mr. Grose, there were attached to
17 it some statements given by various individuals, some of
18 which on the copy were legible, some of which were not.

19 MR. GROSE: I have another copy. I have the
20 originals but they are not here. I will hand this up,
21 some of them are difficult to read. Some of them were
22 written on yellow legal pad type paper.

23 THE COURT: I also received a copy of or I received a
24 scanned motion in reply to some motion that was filed but
25 I don't believe I was copied on.

1 MR. GROSE: I haven't filed a new trial motion. In
2 fact I think a new trial motion is premature for a variety
3 of reasons which I can address.

4 THE COURT: Obviously we are here today for purposes
5 of sentencing. At this point I will entertain anything
6 that the State might want to present.

7 MR. GROSE: Well, actually, Your Honor, we want to
8 move to continue this proceeding consistent with some of
9 the discussions that Your Honor placed on the record at
10 the conclusion of the trial. One of the things for this
11 period between the trial and now that Your Honor was
12 interested in was the presentencing report which you do
13 have. Your Honor was also interested in knowing what
14 happened with the codefendant's case, Mr. Adrian Gaston
15 and Antwine Anderson. Antwine Anderson's case has been
16 noted for trial before but it was continued and severed
17 for Mr. Dean's case. It is my understanding that Mr.
18 Anderson has been arrested now. I don't know the exact
19 date but I learned about that late last week. One of the
20 statements that you have and the pack that I handed up
21 which I think is one that is most relevant today is the
22 statement from Antwine Anderson that he gave Mr. Dean in
23 the jail last week. Probably the last one in the package,
24 Your Honor. Mr. Anderson states that he and Mr. Dean had
25 never committed any crimes together. Whatever, I don't

1 know how all of that is going to work out. But the
2 impediment for resolving Adrian Gaston's case was the
3 fact that Mr. Antwine Anderson had not been arrested on
4 the bench warrant. He has now and so there is no reason
5 to think that all of these cases can't be resolved in the
6 very near future. And then you will have the information
7 that you need to know about whether or not a deal
8 consideration ultimately pans out for Mr. Gaston.

9 THE COURT: What is the State's position on this, Ms.
10 Odom. I am assuming you have had a chance to review the
11 PSI too, correct?

12 MS. ODOM: Yes sir, I have. And there is one error
13 on the criminal history on the presentence investigation.
14 It didn't list a grand larceny from 2009 that the
15 defendant did two years on. Your Honor, we would request
16 that the defendant be sentenced today. It is correct that
17 the third codefendant was picked up, I believe he was
18 picked up late Wednesday night, early Thursday morning.
19 But still that really has nothing to do with this, would
20 be the State's position. Mr. Dean was found guilty by a
21 jury, we are asking you to go ahead and sentence him.
22 There are several factors that do come into sentencing.
23 Certainly the presentence investigation which was
24 conducted by Richie Williams, the agent in charge of the
25 Greenwood Probation. He recommended a period of

1 incarceration. Certainly Mr. Dean's criminal history, you
2 have a copy of that on the presentence investigation. But
3 just to hit some of the highlights, he has a strong armed
4 robbery, an ABHAN, grand larceny, a couple of CDV's,
5 resisting arrest, a failure to stop. And most recently a
6 failure to register as a sex offender out of Georgia. He
7 does have a history of not only property crimes but
8 violent crimes, crimes, running from law enforcement.
9 That certainly comes into the picture. Your Honor, you
10 also stated after the trial that you would take into
11 account Mr. Dean's actions between the jury returning a
12 guilty verdict and sentencing. And he has done several
13 things I want to bring to your attention. I did include
14 them in--

15 MR. GROSE: Your Honor, are we getting into
16 sentencing or are we still dealing with the motion of
17 whether to continue the sentencing?

18 THE COURT: Let me ask you this, the motion to sever
19 Mr. Anderson's trial from Mr. Dean's trial, was that, I
20 think at some point in the past, this winter we had some
21 initial hearing on this of some kind. I remember, I think
22 Mr. Jones represented Mr. Anderson. Is that who
23 represented him?

24 MR. GROSE: Yes, there was a hearing on that in front
25 of Your Honor and then Mr. Dean and Mr. Anderson's cases

1 was placed on the docket for the week, I think it was in
2 February when we had either the great snow storm or the
3 threat of the great snow storm and Judge Early severed the
4 cases at that point.

5 THE COURT: All right. That was on Mr. Jones'
6 motion?

7 MR. GROSE: I know we had a motion to do that. I
8 think, you know, Mr. Jones was advocating not having a
9 trial in absence. And Judge Early, at least in-chambers
10 said that he was real uncomfortable with trials in
11 absence.

12 MS. ODOM: I believe it was on Mr. Dean's motion. I
13 don't think Mr. Jones said much of anything. I think he
14 might of said a couple of things just stating that he was
15 there to represent Antwine Anderson. But it was granted
16 on Mr. Grose's motion because he wanted to get into the
17 cross-examination of Mr. Gaston as it related to crimes he
18 had been arrested for were, Antwine Anderson was the
19 codefendant where Mr. Dean was not the codefendant. And
20 so Judge Early took that into consideration and then back
21 in-chambers when he made the statement that he didn't
22 really like trying people in their absence. He had
23 severed the cases and he asked me which one are you going
24 to go forward on. And I said, well, probably Mr. Dean's,
25 he is here. And he said, well, good, I don't like trying

1 people in their absence. And then that night it snowed or
2 court was called off by Toal, Justice Toal.

3 THE COURT: This is the one, you picked a jury and
4 then court was terminated by Justice Toal, courts were out
5 in the upstate and other parts of the Midlands. I
6 remember this now, okay. You had picked a jury and then
7 Judge Early went home.

8 MS. ODOM: Yes, sir.

9 THE COURT: Right. Okay. I do recall saying that
10 the Court would take into account how Mr. Dean behaves
11 while in jail. I think it is relevant of this particular
12 motion, Mr. Grose, if he has been acting up in the jail
13 clearly I don't want to saddle the jail with his continued
14 presence there if there had been issues or problems in the
15 detention center. That would simply be unfair to the
16 local detention center especially if he has been convicted
17 on these particular offenses. So I think that does relate
18 partly to your motion to continue this until a later point
19 and time. What is it that the State is alleging that
20 transpired in the detention center?

21 MS. ODOM: And Kenny Downing who is now over the jail
22 is present, if you would like to hear from him or I can
23 just relay some of it as well. Kenny, come on up here.
24 Go ahead and tell him. Mr. Dean, he has been placed on
25 lockdown several times and I can pass that up to you if

1 you want to know the particulars or Officer Downing can
2 speak to that. But a big issue is that Mr. Dean has been
3 stopping several of the guards over there wanting to talk
4 about his case, wanting to discuss lawsuits. He has told
5 them that he is going to sue several different
6 organizations. He is wanting the guards to help him get
7 in touch with CNN and Nancy Grace. And, you know, as I
8 say he has been placed on lockdown. Captain Downing told
9 me that it had got to the point where he was stopping so
10 many people to talk to them that he had to tell all the
11 guards, do not engage Mr. Dean unless it is something that
12 directly involves the jail. Do not stop and give him your
13 legal opinion or any other opinion about his case or who
14 he should contact or what he should do. And, Your Honor,
15 I go over to the jail about once a week to see if there
16 are any pro se people who want to work out their cases and
17 the guards have approached me several times discussing
18 that Mr. Dean is constantly talking, constantly wanting to
19 stop people and talk with them. The sheriff has even
20 contacted me, he has also emailed the Solicitor stating
21 that Mr. Dean, because he has been found guilty but not
22 sentenced that he can't be housed with certain people and
23 it is creating a hardship on the jail. But he has also
24 been helping inmates write motions and prepare letters.
25 Some of the language from Mr. Grose's motion back in

1 November has been appearing in some of the letters we have
2 been receiving. The fairy tale and horror story, you
3 know, that started popping up.

4 MR. GROSE: I haven't been provided any of those,
5 Your Honor. I have been provided records from the jail.
6 And we can't respond to documents if I don't have an
7 opportunity so I would object of the consideration of any
8 documents that aren't provided to us for examination.

9 THE COURT: May I ask why he was put on lockdown.

10 MR. DOWNING: Your Honor, on his jail intake which
11 was printed off June 4th, 2014. On March the 18th at
12 21:00 hours Officer O'Shields was putting up the top tier,
13 Edward Dean asked if he could pass a book to inmate,
14 another inmate in Room B203. They advised the inmate it
15 was against policy and return to his door. Before Officer
16 O'Shields reached and he turned to place the inmates up in
17 Room B22, noticed Inmate Dean walked to the inmate B203's
18 door and slide a book underneath the door. At the moment
19 he was advised he would receive five days lockdown for
20 failure to follow direct order. He was put on lockdown
21 for, this is on April the 10th of 2014. They were putting
22 up special needs rec, Mr. Dean was not at his door when it
23 opened up, they had already opened it up and walked to the
24 other side, started putting the other inmates up. Inmate
25 Dean made it to the top tier of the stairs, Officer Wright

1 informed him that he will be receiving three days lockdown
2 for not being at his door when it was opened. He started
3 saying he had to get his papers together and that is why
4 he wasn't at the door. They had given him a ten minute
5 warning and then they gave him a five minute warning prior
6 to having been put up. So he should have been at the
7 door, he stated he understood. There was nothing there at
8 that time. On 4/9/2014 he was not standing for roll call.
9 It was him and other inmates.

10 MR. GROSE: Was that May 9th?

11 MR. DOWNING: No, that was April the 9th. That was
12 page eight of nine.

13 MR. GROSE: Okay, there was no lockdown for--

14 MR. DOWNING: No, not standing for roll call, no.

15 MR. GROSE: And it was one, two, three, four five--

16 MR. DOWNING: There were several, there was no
17 lockdown. I said there were several others. On April
18 24th of 2014 Officer Richards was putting up special needs
19 rec. Inmate Dean in 219 was still on the phone,
20 instructed Inmate Dean to end his phone call multiple
21 times before he actually ended his phone call.
22 Immediately Dean then took his time to gather his things
23 and slowly made his way up the stairs. By the time Inmate
24 Dean made it to this door all the special needs rec was
25 already in their room. He was given five days for failure

1 to follow direct order. And then on May the 9th, that is
2 for the whole unit there. Well, no, it says Officer
3 Strong was conducting roll call. He elicited two inmates,
4 both inmates named above were talking loud to one another,
5 one of those being Mr. Dean during the roll call. He
6 warned them about the noise level before conducting roll
7 call but he was not placed on any lockdown or anything of
8 that nature.

9 MR. GROSE: With regard to the incident about not
10 being standing and gathering his papers to come out--

11 MR. DOWNING: There was no lockdown on that.

12 MR. GROSE: Mr. Dean states that he, that the guards
13 normally followed one procedure where they open one side
14 before the other and they did that in a slightly different
15 order that day.

16 THE COURT: All right.

17 MS. ODOM: Your Honor, then there is just two
18 additional things I would like to bring up. Mr. Dean had,
19 at one point contacted the Officer of Disciplinary Counsel
20 on me. They declined to take further action. But I just,
21 I think that is definitely should be taken into
22 consideration. That is huge that, this is almost instead
23 of, this is turning something personal almost from him to
24 me. I take that very seriously that he would contact ODC
25 on me. I was very surprised. That was actually brought

1 to my attention by a SLED agent who had interviewed Mr.
2 Dean. Mr. Dean contacted the Charleston County Sheriffs
3 Office and requested to be interviewed on May 21st in
4 reference to some planted evidence and/or falsifying an
5 incident report. When Charleston realized it was a
6 Greenwood case they contacted SLED who sent an agent up to
7 interview Mr. Dean. Mr. Dean stated that he had been
8 framed, that his codefendant had been offered a deal, that
9 law enforcement had lied. The SLED agent basically told
10 him that there is nothing that he can do at this point.
11 It was unfounded and at that point he contacted me and let
12 me know that that investigation had taken place. So, Mr.
13 Dean has shown a pattern of conduct where he is just
14 trying to stir something up, he is trying to reach out
15 whether it be to CNN, to SLED, to the Office of
16 Disciplinary Counsel, he is constantly just trying to stir
17 something up and in my opinion has not been behaving.

18 THE COURT: All right. The Court wanted a
19 presentencing investigation, the Court now has a
20 presentencing investigation so the Court will proceed with
21 sentencing. Obviously with Mr. Anderson being in custody
22 now, had the motion to sever these cases not arisen then
23 obviously Mr. Anderson's case could be, being resolved at
24 this moment, there would have been a sealed sentence if we
25 had gone forward against him. It seems a little strange

1 that Mr. Anderson's adjudication, since it was delayed
2 pretty much on the motion of Mr. Dean, I don't know that
3 that should be used as a reason to delay these
4 proceedings. Additionally, I was hoping to have Mr.
5 Gaston's case resolved by now. I still assumed
6 jurisdiction over that case as well as this case, Mr.
7 Anderson's case rather. I stated that on the record at
8 the last hearing. The reason I am doing that is to try to
9 be fair to all concerns. So, at this point we will be
10 proceeding with sentencing.

11 MR. GROSE: I would just note that we still maintain
12 our objection. I think the record will reflect that you
13 had also said in the last hearing if Mr. Gaston's case was
14 still pending that you would consider delaying Mr. Dean's
15 sentencing further and we are requesting that you do that
16 at this time, Your Honor.

17 THE COURT: I considered that, based upon his
18 behavior in the jail, I am not going to saddle the jail
19 with somebody that cannot follow instructions. I
20 understand some of those offenses were relatively minimal
21 but I am also hearing that there have been issues and
22 problems at the detention center. I don't quite know how
23 to respond to the allegations or the statement that ODC
24 has been contacted. It was Mr. Dean on trial, not the
25 State. So, we are going to be moving forward with

1 sentencing here today. Your objection is noted. Do you
2 have the victim present?

3 MS. ODOM: Yes, sir. He is present, he doesn't wish
4 to address the Court but just wants me to relay his
5 feelings. It is his opinion and it is really a fact that
6 Mr. Dean has a long criminal history, that he has been
7 doing things for years and years. And that the victim in
8 the case does want Mr. Dean to receive a substantial
9 prison sentence. He feels like his home being broken into
10 during the day and weapons being stolen, that it is a
11 pretty egregious set of facts and he would request Your
12 Honor to sentence him to a large amount of prison time.

13 THE COURT: Any restitution being sought on his
14 behalf by the State?

15 MS. ODOM: Your Honor, the victim states to me that
16 the damages and the loss was approximately \$17,000.00 and
17 insurance covered \$7,000.00 so he is out around \$10,000.00
18 dollars. If Your Honor decides to make restitution a part
19 of the sentence I can prepare an order.

20 THE COURT: So he is out ten?

21 MS. ODOM: Yes, sir.

22 THE COURT: Anything further from the State?

23 MS. ODOM: No sir, Your Honor.

24 THE COURT: Mr. Grose, let me hear from you on
25 mitigation, please.

1 MR. GROSE: If you are going to consider restitution
2 we want a restitution hearing. Not so much to take into
3 the account the amount, I think there was testimony about
4 the amounts, insurance payments during the trial. But
5 there is a number of statutory factors that you have to
6 consider about Mr. Dean's ability to pay. I have known
7 Mr. Dean for a number of years now and have been doing
8 some legal work for him throughout that period of time.
9 He first came to my attention when I was in the Public
10 Defenders officer a number of years ago where he had a
11 situation where he had, was charged with failure to
12 register as a sex offender in Greenwood County. That was
13 eventually dismissed or found not guilty, I don't remember
14 which. And the reason that Mr. Dean's case was so
15 significant to me, came to my attention and I started to
16 do some work for him, as you will see on the presentencing
17 report it talks about a prior record for criminal sexual
18 conduct with a minor and ABHAN at the same time. That was
19 actually a juvenile adjudication, Your Honor.

20 THE COURT: Reflects a January 5th, 1996 conviction
21 date for that.

22 MR. GROSE: Right, and I am not one-hundred percent
23 certain the '96 date is correct or not. What I do
24 remember, what is significant is, is that at the time of
25 the adjudication Mr. Dean had an expectation, statutory

1 expectation that his criminal history as a juvenile would
2 remain confidential except for certain situations. They
3 subsequently passed the sex offender registry and made it
4 apply to juveniles and retroactively applied that to Mr.
5 Dean. Now, one of the lawsuits that Mr. Dean might have
6 been talking about in the jail, he had some concerns
7 about, is that we have a lawsuit that I have been
8 representing him on against the Director of SLED and his
9 official capacity as the person who maintains the sex
10 offender registry. It is a declaratory judgment action,
11 it is not a suit for damages. In fact Your Honor
12 continued that case the last time or in May because the
13 lawyer handling the case for SLED and the Attorney
14 General's office was actually moving to go work for SLED.
15 Last week it was on the docket again and by agreement with
16 the Attorney General's office we are submitting stipulated
17 facts and are submitting a consent order for briefing
18 because, you know, entirely a legal issue. So I know that
19 this particular lawsuit has been on Mr. Dean's mind
20 because the whole incident, the whole situation with the
21 juvenile adjudication has sort of set him off in a, in
22 life along with a number of handicaps. You know, he was,
23 I believe was sent to the Department of Juvenile Justice
24 for a period of time while, you know, as a result of that
25 adjudication the ones that became public and this is

1 reflected in the presentencing report, once it became
2 public that has given Mr. Dean some additional
3 difficulties in finding jobs. He is kind of in that no
4 man's land in the disability arena. I am not a disability
5 lawyer but what I see a lot of times is people in Mr.
6 Dean's situation where he has injuries, he has been
7 stabbed before in the back, in his chest. He has a number
8 of physical ailments that make it difficult for him to do
9 work but has not, for whatever reasons, has not landed him
10 on disability yet. So between his limitations about what
11 he can do and the fact that the sex offender registry was
12 made kind of part of his life when it didn't exist when he
13 went to court has been a problem. Earlier in his life he
14 had a series of forgeries. You know, quite frankly what
15 he has told me is that was a time when he was trying to
16 make income however he could. He got caught, he got in
17 trouble for that, he quit doing that type of stuff. The
18 sex offender registry violation in Georgia, he briefly
19 went to Georgia for a period. I know about this because
20 he called me and I sent some information to the Georgia
21 lawyers so they would know about what was going on in his
22 South Carolina situation. He was there for a very brief
23 period of time, had left, apparently reporting had been
24 made sometime while he was there and they took him back to
25 jail and he did get probation for that. But that sentence

1 also has a condition in it, they were aware some of my
2 efforts to try to work on his case in South Carolina and
3 that if he ever is removed from the sex offender registry
4 allows that case to be reopened. And at that time I had
5 initially tried to file this action in the original
6 jurisdiction of the South Carolina Supreme Court because
7 it affects a number of juveniles. They didn't take it so
8 then we had to start over and work up through the circuit
9 court. Anyway, I give you all of that information because
10 those are, Mr. Dean is somebody who is dealing with a lot
11 of limitations, both with his educational background, his
12 physical condition, legal disability that goes with being
13 a registered sex offender. And in a lot of ways he has
14 been tried and one of the reasons that I have stayed with
15 him for so long is, you know, this one particular legal
16 issue is something that I have been trying to work on but
17 I have also over the years have had a number of
18 conversations with him about the impact that it has had on
19 him and almost every time he has any kind of situation
20 come up he calls me almost immediately to try, you know,
21 get some assistance on it. He has his girlfriend and some
22 other support here in the courtroom today. His mother, I
23 have had a number of calls with her, I think she is
24 watching children so she can't be in the courtroom right
25 now. He does have, you know, some good family support.

1 What we would ask Your Honor is, your hands are tied as
2 far as minimum sentence that can be imposed. And we would
3 ask that you impose the minimum sentence, it is a
4 substantial sentence and when you take into account the
5 circumstances of Mr. Dean's life we believe that
6 substantial sentence should be tempered mercy, Your Honor.

7 THE COURT: I think your client, he is 37, correct?
8 Mr. Dean, I will be happy to entertain anything you might
9 want to say, sir.

10 MR. GROSE: Can I have just a moment, Your Honor.

11 THE COURT: Sure.

12 MR. DEAN: No, sir.

13 THE COURT: Okay. Just so I am clear, I think the
14 sentencing range on malicious injury and the grand larceny
15 was ten years?

16 MS. ODOM: Yes, sir. They are subject to being
17 enhanced due to his prior criminal history.

18 MR. GROSE: I don't think the value of the malicious
19 injury was the right value to enhance. But there is a
20 separate enhancement for the criminal history.

21 THE COURT: All right.

22 MS. ODOM: And if I could just add one small thing.

23 THE COURT: Sure.

24 MS. ODOM: I was jut informed that as far as Mr.
25 Dean's ability to pay, that he does have \$20,000.00

1 dollars in his account at the jail.

2 MR. GROSE: That has been a settlement for an
3 automobile accident, Your Honor.

4 THE COURT: And how much time is Mr. Dean entitled in
5 terms of pretrial detention?

6 MR. GROSE: I haven't calculated that. There was a
7 period when he was arrested before he was released on bond
8 and took him back into custody.

9 MS. ODOM: He was arrested on September 12th and was
10 given a PR bond on October 25th, 2012.

11 THE COURT: He has been in jail on this since he was
12 convicted, when the trial started?

13 MS. ODOM: Yes.

14 THE COURT: I have 141 days total. Mr. Dean, I have
15 considered a number of factors, many which are laid out
16 from presentence investigation. Certainly your criminal
17 history is not the best. It looks like you have been in,
18 pretty much, apparently regular trouble except for maybe a
19 six year period of time, '01 to '07. So you have been in
20 trouble with the law for a large part of your life.
21 Admittedly a lot of these crimes are Magistrates level
22 offenses and there are some that are simply driving
23 offenses. But I am also looking at a common law robbery
24 charge, an ABHAN in 2007, some resisting arrest issues. I
25 was also, of course, the Judge that presided over your

1 trial, Mr. Dean. And I am aware of you received an
2 attempt to intimidate a witness that testified during the
3 course of the trial when you were sitting over there, I
4 recall a witness passing by you and some words being
5 exchanged by you. I have taken that into account as I
6 promised I would, I have taken into account the manner in
7 which you have behaved in the detention center since your
8 conviction. I understand the State is seeking a
9 substantial sentence on this case. I, in all candor,
10 would liked to have gone along with what your attorney has
11 suggested by way of a minimum, but for your prior criminal
12 history and the effort to intimate that witness at trial,
13 Mr. Dean, I probably could have done that. But in light
14 of your record, I will say I think the maximum sentence of
15 life is more appropriately reserved for individuals who
16 perhaps invade a home at night where the owners are
17 present, at the very least in this case the owner was not
18 present. I do believe, Mr. Dean, that you are guilty of
19 these offenses. I am taking all of that into
20 consideration. On the charge of burglary first degree the
21 sentence of the Court, Mr. Dean, is that you are committed
22 to the Department of Corrections for 25 years. You get
23 credit for 141 days in jail. This sentence will be
24 concurrent with the other two sentences imposed. On the
25 larceny charge and the malicious injury charge the

1 sentence is 10 years each on those. Again, credit for 141
2 days in jail. All sentences will run concurrently with
3 each other. Mr. Dean, you have got 25 years to serve. I
4 wish you luck, sir.

5 MR. GROSE: Your Honor, if we could just be heard for
6 a moment. The new trial motion would be right now and we
7 get ten days by rule and I need to consider as part of
8 that statement from Mr. Anderson from last week. The
9 motion for a new trial regarding the consideration that
10 Mr. Gaston is ultimately going to get is not right until
11 that actually happens. And so for purposes of how we
12 proceed you want me to file the initial motion and then us
13 keep that open until we find out what happens to Mr.
14 Gaston or do we want to go the other route which would
15 deal with having that motion heard and then potentially
16 having to come back on another motion later.

17 THE COURT: I have no objection, however you suggest
18 proceeding, Mr. Grose. It just occurred to me that this
19 may very well be my last term of court, I think the
20 remainder of the calendar year here in Greenwood County
21 for General Sessions. I remember looking at the calendar
22 but there has also been some changes that are going to be
23 coming through the pipeline that affect the Judges of the
24 Eighth Circuit because of Judge McDonald's election to the
25 Court of Appeals. They are having to cancel a lot of

1 court. I am not privy to all of the discussions going on
2 but I am thinking that this may very well be my last term
3 here. We may have to, I am still assuming responsibility
4 for those other two cases however. Proceed how you wish.

5 MR. GROSE: All right.

6 THE COURT: Good luck. Good luck, Mr. Dean.

7 MR. GROSE: Thank you, Your Honor.

8 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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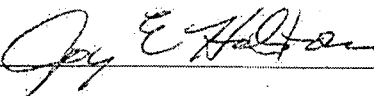
1 CERTIFICATE OF REPORTER

2
3
4 State of South Carolina)
5 County of Newberry)

6
7
8 I, Joy E. Holston, Official Court Reporter for the
9 Eighth Judicial Circuit of the State of South Carolina, do
10 hereby certify that the foregoing is a true, accurate and
11 complete transcript of record of the proceedings had and
12 evidence introduced in the trial of the captioned case,
13 relative to appeal, in the County of Greenwood, South
14 Carolina on the 9th day of June, 2014.

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

17
18
19 July 9, 2015

20
21 

22 Joy E. Holston, Court Reporter

23 My Commission expires: March 13, 2016
24
25

EXHIBIT C

1 STATE OF SOUTH CAROLINA

2 COUNTY OF SALUDA

CIRCUIT COURT

2013-GS-41-00034

3 COUNTY OF GREENWOOD

2013-GS-24-00066, -67, -71,
-74, -77, -171, -1653 & -1656

5 STATE OF SOUTH CAROLINA,

6 -vs-

TRANSCRIPT OF RECORD

7 ADRIAN GASTON,
8 Defendant.

10 Heard on Thursday, May 14, 2015

11 Saluda, South Carolina

13 BEFORE:

THE HONORABLE THOMAS A. RUSSO, SR.

16 APPEARANCES:

17 Counsel on Behalf of the State:

18 H. Franklin Young, III, Esq.

C. Lance Sheek, Esq.

19 Counsel on Behalf of the Defendant:

Stephen D. Geoly, Esq.

23 Cheri L. Young, RPR
24 Circuit Court Reporter
P O Box 5232
25 Aiken, SC 29804-5232

1 ON THURSDAY, MAY 14, 2015 AT 3:12 P.M.:

2 MR. YOUNG: Your Honor, may it please the Court.

3 THE COURT: Yes, sir.

4 MR. YOUNG: This is Indictment 2013-GS-41-34, State
5 of South Carolina versus Adrian Keysone Gaston. He is
6 here represented today by Mr. Stephen Geoly on that count
7 along with a count of 2013-GS-41-033 which is for criminal
8 conspiracy.

9 Your Honor, in the County of Saluda he is entering
10 a guilty plea to the burglary second degree with a
11 recommendation for our case -- any sentence, Judge, in the
12 Greenwood cases which are going to be presented here today
13 as well, that our sentence would run concurrent with
14 whatever you judge in those cases.

15 THE COURT: Okay.

16 MR. YOUNG: Your Honor, we will nolle pros the
17 criminal conspiracy charge which accompanies this. The
18 co-defendant in this case previously pled guilty in a
19 prior term of court on a single count and was sentenced to
20 10 years. I know the Court will be asking that question.
21 There was no restitution in that. The victims were
22 notified, they did not want to appear.

23 THE COURT: All right.

24 MR. YOUNG: I hand up the indictment.

25 THE COURT: Mr. Sheek, you're here on behalf of the

1 eighth circuit?

2 MR. SHEEK: I am, Your Honor. If it please the
3 Court.

4 THE COURT: Yes, sir.

5 MR. SHEEK: We have standing before you, of course,
6 Adrian Keysone Gaston represented by Stephen Geoly. He's
7 entering a plea, Your Honor, on nine indictments from
8 Greenwood County --

9 (Disruption in the courtroom.)

10 MR. SHEEK: Beg the Court's indulgence for a
11 moment, Your Honor.

12 THE COURT: That's fine. (Pause.)

13 MR. SHEEK: I apologize, Your Honor.

14 They were two indictments -- counts for attempted
15 burglary, seven counts of burglary. They're all being
16 pled to two attempted burglary second degrees, seven
17 burglaries in the second degree. They are Indictment
18 Numbers 2013-GS-24-66, 67, 69, 71, 74, 77, 1653, 1656 and
19 170.

20 Your Honor, I'll hand them up. The sentencing
21 sheets are behind each individual indictment.

22 THE COURT: All right. Thank you, sir.

23 All right. Sir, you are Adrian Keysone Gaston?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Mr. Gaston, the first indictment,

1 2013-GS-41-34, that is a true-billed indictment charging
2 you with the offense of burglary in the second degree here
3 in Saluda County. That offense, sir, carries a maximum
4 penalty of up to 10 years. Do you understand?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now, there are other indictments and
7 I'm going to go over those with you as well, but these are
8 indictments which are from Greenwood County. Indictment
9 2013-GS-24-66 is an indictment for attempted burglary in
10 the second degree. That carries a maximum penalty of up
11 to 10 years. Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And then 2013-GS-24-67, another
14 attempted burglary offense which carries up to 10 years.
15 Do you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And then 2013-GS-24-69 is a charge of
18 burglary in the second degree. Again, a maximum penalty
19 of up to 10 years. 20-GS-24-71, -74, -77, -1653, -1656,
20 and -170, those are all indictments also charging you with
21 burglary in the second degree.

22 Well, I apologize to madam court reporter, I'm
23 going to really mess up this record it looks like.

24 I went a little bit too fast, Mr. Gaston.

25 Indictment 2013-GS-24-71 is an indictment for

1 burglary in the first degree. However, it is my
2 understanding that you are before the Court on that
3 indictment and entering a plea as to burglary in the
4 second degree, a lesser charge of burglary second; is that
5 correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Let me point out, and then I'll
8 let y'all tell me whether you object or not, in looking at
9 the sentencing sheet on that, it has up at the top the
10 correct statute, 16-11-311, which is the burglary first.
11 Okay? Right?

12 MR. GEOLY: Yes, sir, I believe.

13 MR. SHEEK: Yes, sir.

14 THE COURT: Then at the bottom underneath what he's
15 pleading to it says he's pleading to burglary second
16 degree non-violent but it puts 16-11-311 down there.

17 MR. SHEEK: And that is incorrect.

18 THE COURT: That should be 312; correct?

19 MR. SHEEK: Yes, sir. It should be.

20 THE COURT: Any objection to me correcting that?

21 MR. GEOLY: No objection, Your Honor. Sorry we
22 didn't catch that, Your Honor.

23 THE COURT: That's okay.

24 MR. SHEEK: Not from the State.

25 THE COURT: Let's also look, so that we don't run

1 into a problem down the road, the CDR code for burglary in
2 the second degree, is that 0080? Is that 80?

3 MR. YOUNG: I believe that's correct, 0079 I
4 believe is burglary first.

5 THE COURT: And that's really the number.

6 MR. SHEEK: 0080.

7 THE COURT: And that is correct.

8 So, Mr. Gaston, you understand now on Indictment
9 2013-GS-24-71, that's an indictment, true-billed
10 indictment for burglary in the first degree but you're
11 before the Court on the lesser charge of burglary second
12 degree; is that correct?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And as I said earlier, that carries a
15 maximum penalty of up to 10 years.

16 Now, 2013-GS-24-74 that's an indictment for
17 burglary second which you are before the Court on and
18 you're pleading guilty to. That carries 10 years.

19 2013-GS-24-77 is also a burglary second indictment
20 which you're pleading before the Court on.

21 2013-GS-24-1653 is another indictment where it's
22 true billed for burglary in the first degree. However, it
23 is my understanding that you're before the Court on that
24 charge to the lesser count and that is burglary in the
25 second degree; is that correct?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. 1656 is also a true-billed
3 indictment for burglary in the first degree, however it is
4 being accepted as a plea to burglary second degree;
5 correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And then 2013-GS-24-170 is a burglary
8 in the second degree to which you are pleading guilty
9 straight up to burglary in the second degree which, as I
10 said, on all these carries of a maximum penalty of up to
11 10 years. Do you understand that, sir?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Now, Mr. Gaston, understanding the
14 nature of the charges against you and the possible
15 punishment that is associated with those charges, how do
16 you plead to these charges that I've called out, guilty or
17 not guilty?

18 THE DEFENDANT: Guilty.

19 THE COURT: All right. Thank you, sir.

20 Mr. Geoly, you represent Mr. Gaston on these
21 matters?

22 MR. GEOLY: I do, Judge. I've represented him from
23 the beginning to end.

24 THE COURT: Okay. And you've discussed with him
25 the various charges he's before the Court on and his

1 constitutional rights to a trial?

2 MR. GEOLY: I have, Judge.

3 THE COURT: Okay. All right. And have you also --
4 is there any objection from the defense to having these
5 cases heard here in Saluda County?

6 MR. GEOLY: No, 'sir, Judge. We'd like to resolve
7 it all at one time.

8 THE COURT: So we're taking up the Saluda case
9 which is properly here. And then you're, jurisdictionally
10 you have no objection to having the Greenwood County
11 matters taken up at this time as well?

12 MR. GEOLY: That's right, Judge. We asked the
13 Court to hear it and we waive any kind of jurisdiction or
14 venue issues.

15 THE COURT: Okay. Well, Mr. Gaston, if I may, let
16 me ask you, am I correct, sir, you are 23 years of age?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you work anywhere, sir?

19 THE DEFENDANT: Yes, sir. I work at Carolina Pride
20 in Greenwood, South Carolina.

21 MR. GEOLY: That's the meat packing plant, Your
22 Honor, in Greenwood.

23 THE COURT: Yeah. I'm familiar. Okay. Good. Are
24 you married or single, sir?

25 THE DEFENDANT: I'm single.

1 THE COURT: Any children?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: How many?

4 THE DEFENDANT: Two.

5 THE COURT: And, Mr. Gaston, did you spend any time
6 in jail on these charges?

7 THE DEFENDANT: I spent four months.

8 THE COURT: Four months?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right, sir.

11 THE DEFENDANT: Four months and one week.

12 THE COURT: Okay. Mr. Gaston, I am going to -- I
13 know you've talked with Mr. Geoly at length about your
14 constitutional rights and all of that. I'm just going to
15 review that stuff with you.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: If at any time while I'm having this
18 conversation with you -- if at any time you have any
19 questions about anything that I bring up and you need to
20 talk to Mr. Geoly, you let me know and I'll stop and I'll
21 give you whatever time you need to talk to your lawyer.
22 Okay?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: It's just important that you understand
25 the things that I share with you. Okay?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Now, any time anybody enters a guilty
3 plea they give up certain constitutional rights. You have
4 the right to remain silent and you have the right to a
5 jury trial. But when you plead guilty you give up both of
6 those rights. Do you understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now when you give up your right to a
9 jury trial, you give up all of the rights that are
10 connected to that or associated with that. And probably
11 the best way to go over that with you is to simply walk
12 you through that process.

13 In other words, Mr. Gaston, if you were to have a
14 jury trial you would be presumed innocent of these
15 charges. And that presumption of innocence places the
16 burden of proof on the State to prove guilt. The way they
17 would try to do that is during that jury trial they would
18 bring witnesses into court and those witnesses would be
19 placed under oath and they would take the witness stand
20 and testify. And more than likely they would testify
21 against your best interests.

22 Now the Constitution of the United States says that
23 every person charged with a criminal offense has the right
24 to face their accusers. And what that means is that
25 during that trial you have the right to face the State's

1 witnesses and to question them through your lawyer,
2 Mr. Geoly. You would have the right to ask those
3 witnesses questions about their testimony. Do you
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: That is what we call your right of
7 confrontation. You have that during that trial phase.

8 But when you plead guilty, by entering that guilty
9 plea, you give up that presumption of innocence I spoke
10 about and you relieve the State of their burden of proof.
11 And since they don't have to prove your guilt they don't
12 have to bring their witnesses into court. And so you give
13 up the right to face those witnesses or to question those
14 witnesses. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Now the State's not the only one that
17 can call witnesses during a trial. You can call witnesses
18 in your defense or you yourself could take the witness
19 stand if you chose to. But you don't have to do anything.
20 In this country a person charged with a criminal offense
21 is never required to prove themselves innocent. The
22 burden of proof rests on the State. You could remain
23 silent and if you did that, if you had a trial and you
24 decided to remain silent, I would tell the members of the
25 jury that the State has the burden of proof and that you

1 don't have to prove anything. And the fact that you chose
2 to remain silent could not be considered by that jury in
3 any way when they're trying to decide your guilt or
4 innocence. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: As a matter of fact, Mr. Gaston, I
7 would take it a step further. I would tell the members of
8 the jury that the fact that you chose to remain silent
9 could not even be discussed in the jury room. Do you
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, as I said earlier, the State has
13 the burden of proof. They have to prove your guilt beyond
14 a reasonable doubt and they have to do it to a unanimous
15 decision. In other words, all 12 members of the jury
16 would have to agree that you were guilty or they could not
17 convict you. Do you understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now if you did have a jury trial and if
20 you were convicted you could appeal that conviction to a
21 higher court if you felt that to be appropriate. You also
22 have an appeals right with regards to this proceeding here
23 today.

24 In other words, if at the end of this hearing today
25 you wish to appeal this Court's decision you may do that

1 but you would have to file a notice of intent to appeal
2 within 10 days of today's date. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, Mr. Gaston, these are rights that
5 all of us have, we all have them. But when you plead
6 guilty for purposes of your plea, you waive or you give up
7 these rights. You will not have a jury trial and your
8 case will be disposed of pursuant to your plea here today.

9
10 Understanding that, do you still wish to go forward
11 with your plea?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right, sir. Now on a few of these
14 charges the State has reduced these charges from a
15 burglary first down to a burglary second.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And on, I think one of the charges out
18 of the Saluda County case Mr. Young indicated they were
19 going to dismiss that charge. So you've got these eight
20 cases out of Greenwood and this one case out of Saluda.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Other than the reduction of
23 some of those charges and the dismissal of that one
24 charge, other than that, has anybody promised you
25 anything, held out any hope of reward or threatened you in

1 any way to get you to enter these pleas?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you satisfied with the
4 representation and the advice Mr. Geoly has provided?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you have any complaints against him
7 or any member of his office?

8 THE DEFENDANT: No, sir.

9 THE COURT: As you stand before the Court here
10 today, are you under the influence of any substance that
11 would affect your ability to understand what you're
12 doing?

13 THE DEFENDANT: No, sir.

14 THE COURT: Are you pleading guilty on these
15 charges of your own free will, sir?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And are you guilty of these matters?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Mr. Gaston, I'm going to
20 ask the solicitors to give me a just a brief rendition of
21 the facts. If you please listen carefully and I'll get
22 back with you in just a moment. Okay?

23 THE DEFENDANT: Yes, sir.

24 MR. GEOLY: Judge, if I could, just one moment.
25 Just a little housekeeping. There are a few collateral

1 charges that Greenwood's dismissing as well which will
2 resolve all of his matters so he'll have no other pending
3 matters.

4 THE COURT: Is that right, Mr. Sheek?

5 MR. SHEEK: That's right, Your Honor.

6 THE COURT: At the conclusion of today everything
7 pending in Greenwood will be resolved?

8 MR. SHEEK: That is correct. I have 13 indictments
9 here. They range from conspiracy to larceny. They're all
10 attendant to these burglaries. They'll be dismissed.
11 They'll resolve all his outstanding charges.

12 THE COURT: All right. So you understand,
13 Mr. Gaston, that if we get to the end of this hearing and
14 you've entered your plea on all these cases and
15 everything, that's going to take care of any criminal
16 cases you have pending in Greenwood County and in Saluda
17 County. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: So that will wrap up everything.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. How do you want to do it?

22 MR. YOUNG: It might be best if I start at the end
23 in this case, Your Honor.

24 THE COURT: All right.

25 MR. YOUNG: Because the end actually led to

1 revelation of the facts in all the others.

2 THE COURT: All right.

3 MR. YOUNG: And if I could, I'd like to step across
4 the jurisdictional lines for a moment and say that
5 Investigator Ray Watson who is now Sheriff of Abbeville
6 County who was then one of the primary investigators for
7 Greenwood County was in this county investigating what he
8 thought would be the likely location that a group of
9 persons connected with a burglary in Ninety-Six would be
10 going to, he'd be coming to Saluda County is what he
11 believed. And so he was in this county at the point in
12 time that the burglary in Saluda County was called in.

13 What had happened up in Ninety-Six was -- and I
14 believe these are much similar facts that you'll
15 present -- is that a person had come to his home. A car
16 was parked in his driveway. There were two people outside
17 of the car and two people in the car. One of those people
18 in the car was our Defendant in this case and the other
19 person was the driver who is the only older person in the
20 car. And his name was Antwon Anderson. He was the driver
21 of a vehicle that would later be identified in this
22 county.

23 In short, Your Honor, in about 40 minutes after the
24 event that happened at the house in Ninety-Six, that same
25 group of people which happened in basically the same

1 fashion. Two people were observed, and these were the two
2 juveniles in the car, observed outside the vehicle by the
3 owner of the house who came upon them as they were at the
4 house and attempting to break in.

5 They ran from the house. They -- the car that was
6 in the driveway got out of that driveway in Ninety-Six,
7 picked up those two individuals and left the scene. And
8 that's why Mr. Watson or Investigator Watson was in this
9 county, thinking that he might be able to find the lead
10 because he knew that probably that particular driver,
11 Mr. Anderson, would come to this area.

12 And they weren't very far away when it happened.
13 What happened was that about 9:50 a call came in from
14 Mr. Trotter, who's neighbors. He rides by their house
15 everyday going to and from his house. And he saw two
16 people -- he saw one person actually trying to break in
17 the front door of this house on Spann Road here in this
18 county, in the Batesburg area. And he slowed down and
19 looked square at the person and the person turned around
20 and looked at him and then began to run down the hill.

21 He had previously noticed that there was this
22 silver automobile that had come past him and turned around
23 previously. There were two people in that car. But as he
24 came down -- he just started following along as this
25 juvenile male was running and went through the garden area

1 and was joined in by a second black male juvenile running
2 through that same garden area down the hill. And around
3 him all of a sudden comes the same car he had just seen, a
4 silver what-he-thought-was-a BMW. It was a Lexus.

5 But he slowed down when he saw that this car met up
6 with these two people and then they jumped in the car as
7 they, you know, almost drug one of them off the road. But
8 jumped in the car and then took off at a high rate of
9 speed. He followed as far as he could while he's on the
10 phone with law enforcement, telling them what he's seeing
11 and what they're doing.

12 They had actually kicked in the door of this
13 house. The house was the residence of Glenda and Michael
14 Rivers at [REDACTED] Spann Road. And they were in the process
15 of trying to break in.

16 In this case Mr. Antwon Anderson was in fact the
17 one driving the car. And in the car with him was
18 Mr. Gaston. What happened was the call comes in and goes
19 back to Greenwood County. Mr. Watson calls it in. They
20 give the description of the car and the description of the
21 individuals. And it starts to match with what they had at
22 the location in Greenwood County at Ninety-Six.

23 By the time they reached the intersection of 378
24 and 251, one officer was behind that car. The reason he
25 was behind that car was because he was set up on 378 with

1 his arms crossed on Greenwood Highway looking -- 178,
2 sorry -- 178 looking at some people who were essentially
3 coming behind, going through, looking for this particular
4 vehicle.

5 Four black males in a silver-looking foreign car
6 come by and they don't make any eye contact at all.
7 That's suspicious. Don't even look at him. Everybody
8 else looks at him, but not these guys.

9 He starts to follow. By the time they turn on
10 378 -- or, excuse me, 25, going into Greenwood, a stop is
11 made when they try to do a U-turn. In the car is this
12 individual, Antwon Anderson, and the two juveniles I
13 previously described. The clothes match. The tools were
14 in the car associated with it.

15 And from that the point Mr. Gaston started telling
16 what happened and revealed, I believe, the facts
17 associated with the other cases that are essentially at
18 bar here on Greenwood County and he has, I believe, since
19 that time cooperated extensively.

20 THE COURT: Mr. Sheek?

21 MR. SHEEK: Thank you, Your Honor. I'll go
22 chronologically with the indictments which are not
23 necessarily chronological with events. We'll try to move
24 through them pretty quick.

25 In Indictment Number 2013-66, it happened on August

1 the 30th, 2012, in Greenwood County, [REDACTED] Vaughns Road.
2 There it was discovered that somebody had attempted to
3 enter a residence at [REDACTED] Magnolia Drive and at [REDACTED] Vaughns
4 Road which was this incident location. Later, as you were
5 just told, the suspects were developed and the Defendant
6 attempted -- that he was one of the people that tried to
7 enter that residence, attempted to commit a burglary on
8 that day.

9 Your Honor, on Indictment 2013-67, this was
10 actually the August 31st, 2012, incident also in Greenwood
11 County located at [REDACTED] Pheasant Road. There a person
12 returned to the home around ten o'clock -- I mean, 10 till
13 nine that morning, discovered a silver vehicle that you
14 just heard about backed into the driveway. Two
15 individuals in the car and one attempting to pry open the
16 back door. The individuals fled from the location. As
17 they fled they saw a fourth individual run and also get in
18 the car, took off and then later these individuals were
19 actually apprehended in that car matching the
20 description. And subsequently, as you just heard,
21 statements were given by this Defendant implicating
22 himself also in the attempt to go into that residence.

23 2013-69 occurred on August the 29th, 2012, at [REDACTED]
24 Hitching Post Road there in Greenwood County. The person
25 at that home said that sometime between seven o'clock in

1 the morning and 1:30 in the afternoon someone actually
2 entered that home, took an HP laptop computer, a
3 printer-scanner combo. When they came home, found the
4 door open, law enforcement was called. Law enforcement
5 then came and did an investigation discovering the items
6 that were taken.

7 Your Honor, we have a restitution amount of \$860 in
8 that incident. I have a proposed restitution order I'll
9 hand up if the Court's inclined to grant it.

10 THE COURT: All right, sir.

11 MR. SHEEK: In Indictment 2013-071, this occurred
12 on August 13th, 2012, [REDACTED] Simpkins Road in Greenwood
13 County. Sheriff's officers received a call that a
14 homeowner had arrived home, found that his son's vehicle,
15 a '69 Chevy Impala, was opened outside when he hadn't left
16 it open. Then they found that his front door and a
17 storage room door in the garage also had been forced
18 open.

19 In that particular instance, Your Honor, after
20 investigation it was found there were numerous items taken
21 from the home, many of which were firearms, also a wedding
22 band that belonged to the homeowner's wife. We also have
23 a restitution order to hand up in that case. That is
24 probably the one with the largest loss of value, Your
25 Honor.

1 Taken from it were items totaling about \$11,940
2 because, as I said, it was numerous firearms and the ring
3 was valued at about \$2,200. There was also damage to the
4 residence of approximately \$5,000. We will hand up a
5 proposed restitution order in reference to that incident.

6 2013-074 occurred on August the 30th, 2012. On
7 that date a homeowner returned home and found her front
8 door also opened. Called law enforcement. When they
9 arrived and cleared the house they noticed that numerous
10 items were taken from it; a couple of TVs, some silverware
11 and that the house was also damaged upon entry. We will
12 also present a restitution order in that case totaling
13 2,700 -- I'm sorry, Your Honor. I've given you the wrong
14 amount. \$8,415 in all.

15 2013-077 also occurred on August the 30th, 2012.
16 That was at [REDACTED] Vaughns Road there in Greenwood County.
17 Again the homeowners returned home and found out that
18 between six o'clock in the morning when they left for work
19 and two o'clock in the afternoon someone had entered the
20 home and took various items. Ultimately these suspects
21 were all of course developed as you've been told and
22 admitted their -- his complicity in entering that home and
23 taking those items.

24 In that particular case, Your Honor, we don't have
25 any confirmation of the items that were taken. Perhaps

1 they were recovered. Anyway, the homeowner has not
2 requested us to seek restitution in that one.

3 2013-1656 occurred on May 17th, 2013 [sic]
4 sometime between 7:30 in the morning, 2:20 in the
5 afternoon, the home was pried open, again, the doorway to
6 the home. When the person returned home they found that
7 the house had been entered. Taken was a Nintendo, a bunch
8 of Wiis, one of these video gaming systems, and a tablet,
9 Your Honor.

10 2013-170 occurred on August the 17th, 2012. At
11 that point the Defendant entered sometime between 7:40 in
12 the morning and 12:30 in the afternoon by breaking a back
13 door and window of a laundry room. Again, various items
14 were taken including TV, some cash out of a bedroom. We
15 also do not have confirmation from the homeowner regarding
16 any requests for restitution in that case, Your Honor. So
17 I will hand up three proposed restitution orders.

18 THE COURT: All right, sir.

19 MR. SHEEK: Those are the ones that we have victims
20 requesting restitution in. Several of our victims have
21 been contacted and are aware this was going on, did not
22 request to be present. We have a couple victims that we
23 have lost contact with and we could not locate but we have
24 attempted phone calls, sent investigators to our
25 last-known address, everything within our power to notify

1 them.

2 THE COURT: All right, Mr. Sheek. Thank you. Any
3 prior history on Mr. Gaston?

4 MR. SHEEK: None that I'm aware of.

5 MR. YOUNG: No, sir. He has no record that I'm
6 aware of either.

7 Your Honor, Mr. and Mrs. Rivers were notified and
8 as with the previous case, they have other
9 responsibilities. They're just too busy, and they said
10 they could not attend.

11 THE COURT: All right. Mr. Gaston, you heard both
12 Mr. Young and Mr. Sheek go through these various
13 burglaries and the things that occurred on those times and
14 dates. Are the things that they shared with the Court
15 regarding these burglaries, are those descriptions
16 correct, sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. I find that the State has
19 provided a substantial factual basis to support the
20 charges that Mr. Gaston has pled guilty to. I think your
21 decision to enter these pleas has been done freely and
22 voluntarily and intelligently. He's had the advice and
23 counsel of an outstanding attorney in Mr. Geoly. And
24 Mr. Gaston has indicated to the Court that he is satisfied
25 with that representation and advice, and I'm going to

1 accept his plea.

2 Mr. Geoly, I'm happy to hear from you and anyone
3 else that wants to address the Court.

4 MR. GEOLY: If it please the Court, Judge. I'd
5 kind of like to start at the end where Mr. Young did.
6 And, you know, as you heard those facts, Judge, you have
7 two juveniles out there trying to approach the house.
8 Antwon Anderson who's kind of this ringleader, a little
9 older and kind of a mastermind and my guy's along for the
10 ride. And I don't mean that to try to excuse
11 responsibility, Judge.

12 Your Honor, the Lord gives us all different talents
13 and I don't mean to demean my client when I say this but,
14 you know, he's not the sharpest Crayon in the box. But
15 having said that, his mother wanted me to make sure that
16 you knew he actually used to receive a check because of
17 his IQ is not the highest.

18 But, Judge, I have no doubt that he is competent to
19 stand trial. I'm not questioning that.

20 Your Honor, having said what I've just said I would
21 say that he's one of the most kind individuals you'll ever
22 meet. That's really inconsistent with the charges you see
23 before you, Judge. He's 23 years old and obviously has a
24 plethora of charges here. Your Honor, all of them are of
25 a similar nature in a similar time pattern. Almost all of

1 them involving this Antwon Anderson who's been sentenced.

2 He is kind-hearted. He's a gentle soul. His
3 grandmother will tell what you a good help he is to her.
4 She's here today. She has health issues and he helps out
5 with her care.

6 Your Honor, he never has had a criminal history
7 prior to this. As you heard the recitation of the facts,
8 Your Honor, he immediately began cooperating with law
9 enforcement. He is kind of the follower, the go-along. I
10 mean, once law enforcement was up with him he was an open
11 book to them. He then told me upon my retention by his
12 grandmother to represent him that he wanted to cooperate
13 with law enforcement. And he did, Judge. Going, I think,
14 to the solicitor's office no less than probably a half
15 dozen times, sometimes with me, sometimes without me.
16 Full cooperation.

17 Your Honor, I think it is of note that none of the
18 victims are here because I think they also recognize that
19 the primary principal co-defendants have already been
20 convicted.

21 The reason there's such a full detailed accounting
22 of what occurred in these cases is because my client,
23 Adrian Gaston, told the police officers and deputies what
24 happened. He met with them for hours. He was
25 instrumental, Your Honor, in recovering a lot of items.

1 Your Honor, I think it is very definitely worth
2 noting that his life was threatened. I think the
3 solicitor can back that up. During the trial, I think one
4 of the assistant solicitors actually heard a threat.
5 There were threats made to him in the parking lot while he
6 was coming to and from the courthouse. Then, Your
7 Honor -- that was during the trial of Edward Dean?

8 MR. SHEEK: That was. Yes, Edward Dean.

9 MR. GEOLY: Then, Your Honor, Antwon Anderson was
10 up for trial, the other co-Defendant that we would take
11 the position was kind of the mastermind, the more
12 culpable. And it was not until the eve of trial knowing
13 that my client was going to be testifying, his
14 grandmother, I think, can attest to them receiving threats
15 at the home --

16 THE DEFENDANT: Yeah.

17 MR. GEOLY: -- from family members of Antwon
18 Anderson. But my client stood fast and was doing the
19 right thing.

20 He went into this, Your Honor, with no deal. He
21 had no deal. But he counted on the fact that, I think he
22 responded to questions from co-defendant's counsel that he
23 was trusting me to vehemently represent him and try to get
24 him the best result possible.

25 And that's the way these things are done, Judge.

1 My client was instrumental in securing the
2 conviction of the primaries in these, Your Honor.
3 Certainly has some responsibility under the hand-of-one-
4 hand-of-all scenario but, Your Honor, he cooperated with
5 law enforcement. He cooperated with the solicitor's
6 office.

7 Judge, we would implore you to consider, based on
8 his below-average intelligence quotia {sic} the fact that
9 he's been so helpful and instrumental in securing these
10 other convictions, and, Your Honor, he has structure and
11 probably a more disciplined lifestyle at this point in his
12 life than he ever has before. I think he's held a job now
13 for the longest he ever has continuously.

14 How long have you been at Carolina Pride?

15 THE DEFENDANT: Six months.

16 MR. GEOLY: He's been there six months.

17 THE DEFENDANT: I was there because I had to leave
18 because of dirt, so I had to leave and get in another
19 department.

20 MR. GEOLY: He's mentioned one of the co-defendants
21 that threatened him, Judge, I don't know if he was working
22 there at the time.

23 THE DEFENDANT: One of his friends.

24 MR. GEOLY: One of his friends apparently. But,
25 Judge, he's been at Carolina Pride for the past six

1 months. That's instilled a discipline. He was concerned,
2 which I mentioned earlier, Judge, that, you know, he's
3 concerned about needing a note for work tomorrow because
4 he's here today because he takes this job very seriously.
5 It's something he attends to daily. He's a full-time
6 employee.

7 Your Honor, you'll see he's a well loved. Like I
8 say, he's a very likeable, gregarious guy. His family is
9 here in support of him. I think you see to -- I guess
10 it's to your left, Your Honor. That's family in support.
11 His grandmother is here. His grandmama wants you to know
12 too he goes to church regularly, Judge.

13 This is an anomaly in his life. And I know it
14 looks, Judge, so bad because it's so much but it all kind
15 of really happened at once. As you've heard, he has no
16 criminal record prior to this. And we would hope you
17 would take all of that into account, Judge, and realize
18 that this is somebody that you are very unlikely to see
19 before you again, Judge.

20 At this point -- and I realize so many times we
21 say -- or people outside the system think if somebody
22 doesn't get jail time then it's not punishment. Realize,
23 Your Honor, my client's already done four months in jail,
24 has cooperated, you know, extensively.

25 And I would take the position, Your Honor, and I

1 would hope you would see this aspect too that if he goes
2 to prison now he loses his job. Somebody of his level of
3 education and the fact that he then has a criminal record,
4 it's going to be almost impossible for him to get back
5 into the workforce. Right now he's got a job. He can
6 provide for his two children. He can help his grandmother
7 and that's what he's been doing, Your Honor, for the last
8 couple years. I think these charges are from 2012.

9 MR. SHEEK: Correct.

10 MR. GEOLY: So you're almost -- well, you're three
11 years into some of them. He's been really in no
12 additional trouble. He's to work now.

13 Your Honor, I would implore you to consider if not
14 a time-served sentence something like maybe a YOA
15 suspended to probation or at the conclusion of it all he
16 could maybe one day get it off of his record so he would
17 have a chance at better employment. And that's, Your
18 Honor, the gist of my argument.

19 He's certainly here ready to answer any questions
20 you would have of him, if you have questions for him. His
21 grandmother's here in support of him and, again, his
22 family. He's got a support staff. All these young ladies
23 out here who love their cousin and brother, and his mom.
24 I'm sorry. His mama is on the second row, Judge, with the
25 black jacket on. His mama's here, too. His mother and

1 his grandmother both have been instrumental in raising him
2 up.

3 And, again, he's been a good boy. Anybody will
4 tell you, he's a likeable guy. This little stint, you
5 know, three years ago when he was 20 years old was out of
6 character for him. And it really, I think, was a result
7 of him following these other boys around to negative
8 result, Judge.

9 MR. SHEEK: Your Honor, and I failed to state on
10 the record. I apologize. I had -- this originally wasn't
11 my case. Mr. Gaston did testify against co-defendants.
12 He showed up every time he was asked. He testified as
13 you were just told by Mr. Geoly. He gave complete
14 information to the police whenever they asked him any
15 questions and was instrumental in gaining a conviction
16 against Edward Dean and was prepared to testify against
17 Mr. Anderson when he decided to plea.

18 MR. YOUNG: Your Honor, and I'd like to state on
19 the record something just to make sure that there's no
20 question should any issue arise in collateral fashion with
21 regard to Mr. Dean or Mr. Anderson's situation. In our
22 case Mr. Gaston came forward. Mr. Geoly and I discussed
23 this matter in depth. Mr. Gaston spoke openly and freely
24 with me about what happened. We had absolutely no deal of
25 any kind should he go forward with trial. In fact, he

1 signed up to plead guilty to burglary second without
2 recommendation. I had taken no action on the criminal
3 conspiracy.

4 Today based upon what I understood Greenville's
5 approach -- excuse me, Greenwood's approach would be with
6 the Eighth Circuit, I felt comfortable with changing that
7 recommendation to make my sentence, any sentence you
8 adjudge in our charges in Saluda County, to run concurrent
9 with their charges. And today I've made that decision.
10 And today I made the decision to dismiss the criminal
11 conspiracy based upon his cooperation.

12 THE COURT: All right, sir.

13 MR. SHEEK: Likewise, Judge, the understanding with
14 Mr. Geoly was we would certainly convey to the Court if he
15 cooperated in the trials but other than that there were no
16 deals made beforehand.

17 THE COURT: Let me ask you this: The two
18 co-defendants who have been disposed of, was there any
19 restitution order from either one of those individuals?

20 MR. SHEEK: I do not know that, Judge. And I
21 apologize for not having the answer. I tried to find that
22 out. I don't believe there was in regards to Mr. Dean
23 because he got a straight prison sentence. And I believe
24 the same happened to Mr. Anderson but I would certainly
25 have no objection to, if there has been, this Defendant

1 being given an offset for anything they pay. I'm not
2 asking that he shoulder the entire burden.

3 MR. YOUNG: There was no restitution in the Saluda
4 case.

5 THE COURT: I know y'all have been sitting
6 patiently and listening to all of this and everything.
7 I'm going to take just a brief recess. I'm going to ask
8 Mr. Sheek and Mr. Geoly to step back and let me talk with
9 you about this and then we'll come back and we'll complete
10 the matter. Okay?

11 MR. SHEEK: Yes, sir, Judge.

12 (Off-the-record discussion. Court stood at ease
13 from 3:55 until 4:16 p.m., and the case resumed:)

14 MR. GEOLY: If it please the Court, Judge.

15 Your Honor, today is the first day I've been
16 confronted with these restitution numbers. I would ask
17 the Court to accept the plea and sentence my client and if
18 we could, Your Honor, schedule a restitution hearing some
19 time in the future when I might have an opportunity to,
20 one, review what evidence the solicitor's office has in
21 terms of what these victims are claiming.

22 I don't know -- my client, Your Honor, as I
23 mentioned during -- earlier, was instrumental in
24 recovering a lot of property. I don't know if these
25 property lists are a result of what initially was taken

1 before he made and recovered some of these properties.

2 THE COURT: So they may not be reflective of the
3 actual loss and what may have been recovered.

4 MR. SHEEK: It may be, Your Honor, but some of
5 these numbers seem very high for what would have been
6 taken. And, again, he recovered a lot or was instrumental
7 in recovering a lot of things with law enforcement, taking
8 them out to places and recovering some of the guns and
9 items that had been taken from these homes.

10 So, Your Honor, if you would, I would ask that
11 Mr. Sheek and I be allowed to set up a restitution hearing
12 some time in the future. I think the code actually
13 provides for that, Your Honor, that you take the plea and
14 if we request a restitution hearing. So I would ask you
15 to allow us to have a restitution hearing in the future
16 where these victims could come and present whatever
17 evidence they have.

18 Not that my client would, you know -- obviously
19 don't want an itemized sheet, Your Honor. He's been
20 cooperative the whole way but if we could just get some
21 form of evidence, you know, at a future hearing we would
22 appreciate that, Judge.

23 THE COURT: All right, sir.

24 All right. Mr. Gaston, I'm doing something here
25 that is maybe a little bit out of character for me.

1 Typically someone with these kind of charges I'd be
2 sending to the penitentiary.

3 I'm going to give you a chance. There's a couple
4 reasons. First off, it doesn't appear to me based on what
5 I've heard and know of these matters that you were the
6 lead guy on this. It sounds to me like you got caught up
7 with a couple of fellows that had bad intentions and for
8 whatever reason you decided to go with it. It was a bad
9 move.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: I want you to understand that it was a
12 bad move.

13 THE DEFENDANT: (Nods head.)

14 THE COURT: I'm -- it's -- it's forgivable but
15 you've got to learn from this because the worst thing in
16 the world is you're going to have quite a record.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I don't think if you come back in front
19 of the Court with this record now that you're going to get
20 a whole lot of consideration of leniency. Part of the
21 reason I am doing this as well is because you have no
22 prior record.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: But that changes as of today. Now you
25 have a prior record and it's substantial.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: In the future, Mr. Gaston, I know
3 you're a bright enough young man to know the difference
4 between right and wrong.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You got to make the right decisions,
7 sir. Okay?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And I hope you're going to do that
10 because you need to understand something. You say you got
11 two kids?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Boy and a girl or two boys or two
14 girls?

15 THE DEFENDANT: Two girls.

16 THE COURT: Boy?

17 THE DEFENDANT: Two girls.

18 THE COURT: I've got two little girls and I got a
19 little boy. I know one thing if I don't know anything
20 else in this world. I know that my kids need me.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Your kids need you, Mr. Gaston. They
23 don't need you in prison.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: They need you working your job,

1 bringing home your pay and taking care of them.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, I can't impress more upon you that
4 you need -- you're going to be on probation. So you're
5 going to be watched and monitored. If you screw up you're
6 going to go to the penitentiary.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: But what you're going to know is that
9 if you don't know anything else you're going to know this.
10 Judge Russo didn't put me there. I put myself there.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Because he gave me a chance and I
13 screwed it up. Don't screw it up.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right.

18 WITH REGARDS TO INDICTMENTS 2013-GS-41-34, 2013-GS-
19 24-66, 69, 71, AND 74, ON THOSE INDICTMENTS THE SENTENCE
20 OF THE COURT IS THAT YOU BE COMMITTED TO THE STATE
21 DEPARTMENT OF CORRECTIONS FOR A PERIOD OF SEVEN YEARS.
22 PROVIDED, HOWEVER, THAT UPON THE SERVICE OF 128 DAYS THE
23 BALANCE IS SUSPENDED. PLACE YOU ON PROBATION FOR FIVE
24 YEARS. I'M GOING TO GIVE YOU CREDIT FOR THE 128 DAYS THAT
25 YOU HAVE SERVED.

1 Now, with regards to the probation. SPECIAL
2 CONDITION OF PROBATION IS GOING TO BE RESTITUTION, IF
3 THAT'S DEEMED APPROPRIATE AT A LATER DATE. THERE'S GOING
4 TO BE A RESTITUTION HEARING AT A LATER DAY TO DETERMINE
5 THE AMOUNT OF RESTITUTION.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Here's what I'm going to do. I'M GOING
8 TO ALLOW OR PROVIDE THAT YOUR PROBATION CAN END AFTER TWO
9 YEARS IF YOU'VE PAID WHATEVER RESTITUTION IS OWED, IF
10 YOU'VE PAID THAT IN FULL, AND YOU'VE HAD NO VIOLATIONS.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So you can reduce a five-year probation
13 down to two years if you just do the things you're
14 supposed to do.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: If you just do the things that all of
17 us who get up everyday and do, that is, obey the law and
18 go about your business, if you do those things you can
19 reduce this probation from five years down to two years.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And then on INDICTMENTS 2013-GS-24-67,
24 77, 1653, 1656 AND 170, ON THOSE INDICTMENTS THE SENTENCE
25 OF THE COURT IS THAT YOU BE COMMITTED TO THE STATE

1 DEPARTMENT OF CORRECTIONS FOR A PERIOD OF SEVEN YEARS.
2 PROVIDED, HOWEVER, THAT UPON THE SERVICE OF 128 DAYS THE
3 BALANCE IS SUSPENDED WHILE YOU'RE ON PROBATION. AND I'M
4 GOING TO GIVE YOU CREDIT FOR THE 128 DAYS THAT YOU HAVE
5 SERVED.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: So I've given you probation on the
8 cases where there's a question of restitution. That will
9 be decided at a later date when you have a restitution
10 hearing. And then on the other matters you're going to --
11 they're suspended while you're on probation. If you don't
12 mess up your probation and you do probation like you're
13 supposed to --

14 THE DEFENDANT: Yes, sir.

15 THE COURT: -- those matters will go away.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: If you get violated on your probation,
18 those matters are going to be subject to being revoked.
19 Do you understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Good luck to you, sir.

22 MR. GEOLY: If it please the Court, Judge, and all
23 of those are to run concurrent; is that correct? Is that
24 what I understand?

25 THE COURT: I'm sorry. They are all to run

1 concurrent, yes.

2 MR. GEOLY: Thank you, Judge.

3 MR. YOUNG: Your Honor, did you issue a sentence on
4 the Saluda case? I didn't --

5 THE COURT: I did.

6 MR. YOUNG: I missed it.

7 MR. GEOLY: Seven years suspended.

8 THE CLERK: You did.

9 THE COURT: But it is the same.

10 MR. YOUNG: Seven years time served.

11 THE COURT: Seven years provided upon the service
12 of 128 days, balance is suspended.

13 MR. YOUNG: Okay. Got it.

14 THE COURT: Five years, credit for 128, two years
15 PTUP if no violations and the restitution is paid.

16 MR. YOUNG: Gotcha.

17 THE COURT: Oh, there's no restitution on that one.

18 MR. YOUNG: There's no restitution on that one. I
19 wasn't sure about that. That's why I asked. Okay. Thank
20 you.

21 THE COURT: All right.

22 END OF PROCEEDINGS: 4:33 P.M.

23

24

25

CERTIFICATE OF REPORTER

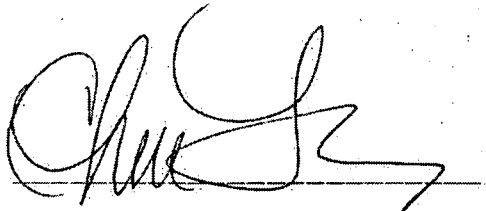
STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, Cheri L. Young, Registered Professional Reporter and Official Court Reporter for the State of South Carolina, Second Circuit-At Large, do hereby certify that the foregoing proceedings were written stenographically by me using computer-aided translation; further, that the foregoing is a true, accurate and complete record, to the best of my skill and ability, of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions for Saluda County, on the 14th day of May, 2015.

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

I have hereunder set my hand this 10th day of August, 2015.



Cheri L. Young, RPR
Official Court Reporter

CERTIFICATE OF COUNSEL

Counsel for the Appellant/Respondent hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record On Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Findings."



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February 12, 2018

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