

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County

J. Mark Hayes, Circuit Court Judge

SUZANNE COOK,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-002195

APPENDIX

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF AIKEN
3
4 STATE OF SOUTH CAROLINA,
5 -vs-
6 SUZANNE COOK,
7 Defendant.
8
9 Heard on Wednesday, July 13, 2016
10 Aiken, South Carolina
11
12 BEFORE:
13 THE HONORABLE G. THOMAS COOPER
14
15
16
17 APPEARANCES:
18 Counsel on Behalf of the State:
19 Samuel B. Grimes, Jr., Esq.
20 Counsel on Behalf of the Defendant:
21 Elmer W. Hatcher, Jr., Esq.
22
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25 P O Box 5232
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CIRCUIT COURT
2016-GS-02-00393

TRANSCRIPT OF RECORD

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EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

1 ON WEDNESDAY, JULY 13, 2016 AT 10:55 A.M.:

2 MR. GRIMES: Suzanne Cook.

3 (Defendant placed under oath.)

4 MR. GRIMES: Your Honor, this is Suzanne
5 Cook. She is before you on one indictment for
6 felony driving under the influence involving
7 death. She is -- has a couple of other drug
8 charges that are going to be dismissed as part of
9 this plea.

10 THE COURT: Drug charges?

11 MR. GRIMES: Yes, Your Honor. No
12 recommendation as to sentencing.

13 THE COURT: All right. 20-year max?

14 MR. GRIMES: 25.

15 THE COURT: Mr. Hatcher, you represent
16 Suzanne Cook?

17 MR. HATCHER: I do, Your Honor.

18 THE COURT: Have you advised your client of
19 the charge contained in this indictment, the right
20 to trial by jury?

21 MR. HATCHER: I have, Your Honor.

22 THE COURT: How's your client indicate she
23 wishes to plead?

24 MR. HATCHER: She wishes to plead guilty.

25 THE COURT: Ms. Cook, you're charged in this

1 indictment with what's known as felony DUI. Do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: This charge has a penalty of up
5 to 25 years in jail. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Understanding the
8 charges you face, the punishment you could receive,
9 how do you wish to plead, guilty or not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: Can't quite hear you.

12 THE DEFENDANT: Guilty.

13 THE COURT: Do you understand by pleading
14 guilty you're giving up your right to remain
15 silent?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand by pleading
18 guilty you're giving up your right to a trial by
19 jury?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: If you requested or demanded a
22 trial by jury the State would give you a trial. Do
23 you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: At that trial you'd have the

1 right to confront and cross-examine all witnesses
2 against you. You'd have the right to present any
3 witnesses and/or evidence in your own defense.
4 You'd have a right to testify in your own defense
5 if you wished to do so, but no one can make you
6 testify at your own trial.

7 If you decide to go to trial and not testify,
8 the judge would tell the jury they could not hold
9 your failure to testify against you. In fact, the
10 jury could not even consider your failure to
11 testify in their deliberations on your guilt or
12 innocence.

13 You'd be presumed innocent throughout your
14 trial. The State would have to prove you guilty
15 beyond a reasonable doubt to a jury of 12 people.
16 All 12 people would have to unanimously agree that
17 you were guilty in order for you to be convicted.
18 Even if you were convicted you'd still have the
19 right to appeal that conviction.

20 Do you understand your rights with regard to
21 a trial by jury?

22 THE DEFENDANT: I understand, sir.

23 THE COURT: Understanding your rights, do you
24 still want to go forward and plead guilty?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Has anyone promised you anything
2 or held out any hope of reward or threatened you in
3 any manner to make you plead guilty?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. Are you satisfied
6 with the manner in which your attorney has advised
7 and represented you in this case?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You and your attorney fully
10 discussed these charges in this case?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Has he done
13 everything you asked him to do in preparation for
14 this plea?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You're satisfied with his advice?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you under the influence of
19 any alcoholic beverages, drugs or prescription
20 medications at this time?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you aware of any mental or
23 emotional condition that would keep you from
24 understanding what you're doing here today?

25 THE DEFENDANT: No, sir.

1 THE COURT: You clearly understand what
2 you're doing here today?

3 THE DEFENDANT: Yes, sir. Yes, sir.

4 THE COURT: You're pleading guilty of your
5 own free will and accord?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Solicitor, give me
8 the factual basis for the plea.

9 MR. GRIMES: Your Honor, on April 3rd of
10 2015, just before two p.m., 75-year-old Betty Cain
11 was driving a red 2012 Nissan four-door sedan.

12 THE COURT: Slow down. Again -- go ahead.
13 Start over. I was distracted.

14 MR. GRIMES: Yes, Your Honor.

15 75-year-old Betty Cain, the victim in this
16 case, was driving a red 2012 Nissan vehicle down
17 421. She had her two grandchildren in the back
18 seat, three-year-old Emily Banks and two-year-old
19 Camden Banks, and all of them were restrained in
20 that vehicle.

21 At the same time the Defendant was traveling
22 in a white 2007 Infinity in the opposite direction
23 also on Highway 421. And at the time of the
24 collision the Defendant's vehicle crossed the
25 center line and traveled all the way to the far

1 outside lane, the opposite direction of travel, and
2 collided with the victim in this case, Betty Cain's
3 vehicle.

4 Your Honor, I've printed some, some of the
5 pictures from the MATE report to hand up to Your
6 Honor to illustrate how the wreck occurred.

7 THE COURT: Have you seen these?

8 MR. HATCHER: I have, Your Honor.

9 THE COURT: All right.

10 MR. GRIMES: Both of the drivers in that
11 collision were entrapped in the vehicles and
12 ultimately had to be extricated. And all four of
13 the people involved in the collision, both drivers
14 and both children, were transported to Georgia
15 Regents University Medical Center. That's our
16 closest trauma center. It's just over the river in
17 Augusta.

18 At the time of the transport the victim in
19 this case was speaking. She was noted to have had
20 a broken leg and abdominal pain. The troopers
21 investigating this collision noted finding a
22 digital scale in the Defendant's vehicle.
23 Additionally the trooper upon arrival at the
24 hospital in Augusta was provided by hospital staff
25 with four Percocet pills that the hospital staff

1 had located in the Defendant's pants pocket, I
2 believe. They were not in a pill container.

3 And the Defendant at the time, I believe, was
4 undergoing a CAT scan, was not conscious or able to
5 be interviewed. Ultimately Highway Patrol obtained
6 blood samples in this case pursuant to implied
7 consent and provided those samples for SLED to
8 test.

9 One of the children involved in this
10 collision suffered a laceration and received some
11 stitches. The other child received minor injuries
12 related to the collision.

13 After Highway Patrol obtained a warrant for
14 the Defendant's arrest she was interviewed by the
15 Highway Patrol. She did indicate that she takes
16 antidepressants, pain medication and smokes half a
17 joint every night before bed.

18 Ultimately on the day of the incident, that
19 afternoon, the victim in this case, Ms. Betty Cain,
20 was at the hospital, she lost her vital signs. She
21 suffered a hemorrhagic anemia due to blunt trauma,
22 cardiac arrest and ultimately passed away at the
23 hospital that same day.

24 Upon testing by SLED, the Defendant's blood
25 indicates she was positive for methamphetamine.

1 THE COURT: Meth?

2 MR. GRIMES: Yes, Your Honor, .56 megagrams
3 per liter, .08 megagrams per liter of amphetamine
4 which is a metabolite of methamphetamine, and
5 metabolites for marijuana. The metabolites of
6 course would not be impairing at the time of the
7 collision. She also had a small amount of Xanax
8 and Diazepam which is a metabolite and Versed.

9 Of note, the impairing substance would be
10 methamphetamine and potentially the metabolite of
11 methamphetamine being amphetamine. She had a
12 couple of other positive tests but those were for
13 things that she likely would have been given at the
14 hospital and aren't of significance for this
15 investigation, Your Honor.

16 The Defendant has prior convictions: In 1998
17 for criminal domestic violence; in 2007, two
18 convictions for simple possession of marijuana, and
19 two convictions for possession of controlled
20 substance schedule one to five, first offense.

21 Your Honor, the Defendant was charged with
22 felony driving under the influence involving death
23 in this case for the incident that occurred on
24 April 3rd, and additionally for the Percocet pills
25 although I'm informed from defense counsel that

1 those were prescribed, and we won't be pursuing
2 that charge. It may actually have already been
3 dismissed; I don't recall.

4 She was released on bond in this case and
5 while on bond she was re-arrested in April of this
6 year for possession of methamphetamine.

7 Mr. Hatcher doesn't represent her on that charge
8 but that charge is going to be nolle prossed as a
9 result of this plea. That's why she's currently
10 incarcerated, not as a result of this initial
11 felony driving under the influence charge.

12 THE COURT: How long has she been in jail?

13 MR. HATCHER: She had 63 days time served for
14 the felony DUI before she was released on bond for
15 that. What she's got -- I understand, I think she
16 has 128 days now because of her new arrest.

17 THE COURT: 128 on the new arrest?

18 MR. HATCHER: Yes, sir.

19 THE COURT: Okay.

20 MR. GRIMES: And I don't believe that the
21 bondsman ever came off of her bond on this, on the
22 original charge. So, as far as the jail's
23 concerned, she probably wouldn't have that 128 days
24 credit on her initial charge. She's actually still
25 technically on bond for that charge.

1 The victim's family in this case is here,
2 Your Honor, and I believe three members of the
3 family would like to address the Court in regards
4 to sentencing.

5 THE COURT: All right. I'll hear from them.

6 MR. GRIMES: While they're coming up here,
7 I'll point out the trooper involved in
8 investigating this case and the first sergeant here
9 in Aiken are also both present here in court. I
10 don't believe they wish to address the Court. They
11 are certainly interested in this case, Your Honor.

12 UNIDENTIFIED SPEAKER: I have a brother who's
13 disabled --

14 MR. GRIMES: Tell him your name.

15 MR. D. CAIN: I'm Darrell Cain.

16 THE COURT: Mr. Cain.

17 MR. D. CAIN: The son.

18 THE COURT: How are you doing?

19 MR. D. CAIN: My brother, he's older than me,
20 he's disabled. She took care of him and so now
21 that's a big problem.

22 But, right after my mother was killed, and
23 thank the Lord my grand babies lived, and she was
24 riding on the back of a motorcycle and we took
25 pictures of her, and they didn't do nothing about

1 it, but --

2 THE COURT: Now, wait a minute. Hold on.

3 MR. GRIMES: He's referring to the Defendant
4 while she was on bond.

5 MR. D. CAIN: While she was on house arrest
6 she was --

7 THE COURT: Oh. This Defendant?

8 MR. D. CAIN: She was on the back of the
9 motorcycle. And she was -- then she was arrested
10 for the same drugs she was on when my mother was
11 killed. And, really, I see it as murder myself,
12 but you can help me and my family by saving
13 somebody else's life by giving her the max.

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

15 MR. D. CAIN: Thank you.

16 THE COURT: Good morning.

17 MS. D. CAIN: Good morning.

18 My name is Deidre Cain. I am the
19 granddaughter of Betty and I am the mother of the
20 two kids who were involved in the accident. Mainly
21 I want to speak on behalf of my kids. At that time
22 in point (sic) they were ages two and there. My
23 son was two, my daughter was three. My son had a
24 total of 19 stitches. Nine were on the side on
25 the -- on the left side of his head which is

1 permanently scarred, three dissolvable behind his
2 ear, and then six butterfly across the side of his
3 face on the left side which is now all scars. My
4 daughter didn't get as much. She had a good bit of
5 trauma, but my son, he's permanently scarred as far
6 as emotionally and physically. He would wake up in
7 the middle of the night screaming that he had never
8 done before the wreck. And seeing my kids having
9 to go through something like that because somebody
10 makes poor decisions is not right.

11 And, like my dad said, she's got charged
12 again with the same thing. She has no remorse.
13 She doesn't feel sorry for what she's done to this
14 family and my kids. And my grandma, she didn't
15 deserve it.

16 THE COURT: All right. Thank you, ma'am.
17 Does she need a chair?

18 MR. HATCHER: Are you all right?

19 THE DEFENDANT: I'm all right.

20 THE COURT: Good morning, sir.

21 UNIDENTIFIED SPEAKER: Good morning, sir.

22 THE COURT: And your name?

23 MR. SMITH: I'm Roland Smith. Ms. Betty was
24 my sister.

25 THE COURT: All right.

1 MR. SMITH: She was a very dear lady. Highly
2 respected in the entire community. She loved her
3 children, her grandchildren, and she kept children
4 there all the time, her grandchildren. She -- when
5 her life was taken she left a son, a grown son,
6 he's totally invalid. Ms. Betty would take her --
7 take him and put him in the bed at night. Even
8 when he lit his cigarette she had to put the
9 cigarette in his mouth and light it for him. He
10 had no control of doing anything. Therefore he's
11 having to have folks come stay with him now to take
12 care of him. She was a very loving parent,
13 grandparent. To me, most of all, she was my sister
14 and I loved very dearly. And there's nothing could
15 ever replace her in my life, and our family's life.

16 And, Your Honor, I sincerely ask you to
17 remember what happened. My sister was driving down
18 the road with her grandchildren, going to the store
19 to get ice cream. Her life was taken away from
20 her. We don't have her anymore.

21 Thank you, Your Honor.

22 THE COURT: Yes, sir. Is that it?

23 MR. GRIMES: Yes, sir.

24 THE COURT: Mr. Hatcher?

25 MR. HATCHER: Your Honor, Ms. Cook is 50

1 years old. When -- the first time I saw her in
2 jail she appeared to me to be significantly older
3 than that. I was surprised to find out she was
4 only 50. She's the second oldest of six
5 siblings.

6 And this is the, essentially the culmination
7 of a very sad life, unfortunately, that she's
8 lived. She grew up in a very poor family in the
9 Valley section of Aiken County in what was
10 essentially an old mill village where, you know,
11 the situation isn't very good because of the
12 poverty involved, the ignorance involved. She grew
13 up with an alcoholic father who physically abused
14 her mother. And in turn Suzanne who as you can see
15 is a tiny woman, was abused by her mother. It was
16 such a bad situation that as a child her family has
17 told me about her crawling under the house to hide
18 and sleep at night under the house to not be
19 involved in what was going on in the home above
20 her.

21 When she was as young as 13-years-old her
22 father had her driving him around with his
23 girlfriends going from bar to bar as a chauffeur.
24 She only had got to the seventh grade in school.
25 She got married when she was 14-years-old, I think

1 more to get out of her home situation than for any
2 other reason. She had a child when she was 17.
3 Her husband left her and the child when she was
4 18. And she's left there with no education.

5 Quite frankly, she's not very bright. She
6 was -- worked at Shoney's for 17 years as a
7 waitress and various other waitressing jobs.
8 That's the only kind of work she was capable of
9 getting. And as you know, that probably doesn't --
10 isn't one particularly well paying.

11 When -- over the last several years she's
12 been in extremely bad health. She had to leave --
13 she worked up until the day before she had to have
14 a mastectomy. She was diagnosed with ovarian
15 cancer in 2003, had chemotherapy for that and a
16 total hysterectomy in 2005. The breast cancer for
17 which she had the mastectomy for developed in 2012
18 and she had radiation for that and then the
19 mastectomy in 2013. All right. Now she currently
20 has stage four skin cancer. She has been on total
21 disability now since 2014. I think the check she
22 was getting for that wasn't more than about \$500 a
23 month which is barely sufficient to live on.

24 She's, she was given the disability because
25 of the breast cancer and because of back problems

1 she has with a deteriorated spine. She has a lot
2 of medical needs now. She still needs chemotherapy
3 for the skin cancer, medication for the breast
4 cancer, dentures, hormone therapy. She takes an
5 antidepressant and anxiety meds which is part of
6 what was indicated by the solicitor as having been
7 in her system at the time she was in the hospital.
8 She takes skin cancer medication. And I think she
9 still needs to have surgery for a deviated septum
10 resulting from this accident.

11 She had -- back when she was 18, about the
12 time her husband left her, she had a younger
13 brother who was 13 at the time who was killed by a
14 drunk driver. So she can certainly understand the
15 way Ms. Cain's family feels about this.

16 THE DEFENDANT: Oh, yes.

17 MR. HATCHER: And she has reiterated to me
18 how horrible she feels about it. She still has bad
19 dreams about it. She has told me many times, and I
20 believe sincerely, that she wishes it had been her
21 instead of Ms. Cain that had died in that accident.

22 THE DEFENDANT: I do.

23 MR. HATCHER: Now she's been -- she had been
24 living with her boyfriend of 16 years up until her
25 being re-arrested.

1 She tells me that while she got involved with
2 the illicit drugs, particularly the meth, was she
3 was extremely tired from chemo and the medication
4 and one of her sisters got her using this stuff to
5 try to make her feel somewhat better. Now the
6 sister -- one day in discussing this case with the
7 solicitor and one of his investigators I brought up
8 the sister's name and they immediately recognized
9 it as being somebody that's been a problem in Aiken
10 County as a drug abuser and other problems as a
11 result of that.

12 This sister's house was where she had been on
13 the day of this accident, using drugs there with
14 her sister. Now, what her sister had been doing
15 was, I don't think really caring anything about her
16 but when it was time for her disability check, that
17 little disability check she got every month, her
18 sister was around to get her disability money. And
19 that's how this problem developed in the first
20 place.

21 Well, she has on the, I guess, the third row
22 back on this side of the courtroom, numerous
23 members of her family there. Of course this
24 particular sister isn't here today.

25 Now, she was also severely injured in this

1 accident. From looking at the videos of what was
2 going on at the accident scene afterward and from
3 some of the reports, it kind of appears to me that
4 the first responders that came on the scene at
5 first thought she was more seriously injured than
6 Ms. Cain. She spent, I think, about a week in the
7 hospital. She had bitten her tongue in half,
8 crushed facial bones. She still needs surgery on
9 her nose. She had a laceration on her left leg,
10 busted her dentures in several places and
11 apparently was unconscious at the time the first
12 responders arrived.

13 Your Honor, as I said originally, this is
14 just the culmination of a very sad life from it's
15 origins, really. It would have taken -- not many
16 people could have come out well out of that
17 background.

18 As I said, her family is here. And her
19 daughter may have something to say. I'm not sure.

20 The man who waves his hand is Greg Boucher
21 who is her boyfriend. Would you like to say
22 something, Greg?

23 MR. BOUCHER: Yes, sir.

24 MR. HATCHER: Please step up.

25 THE COURT: Good morning, sir.

1 MR. BOUCHER: Good morning. First of all,
2 I'm very nervous.

3 THE COURT: That's all right. Take your
4 time.

5 MR. BOUCHER: My condolences, first of all,
6 for the family. No one wins in this situation.
7 I've loved her 16 years, and I've been through a
8 lot with her. I wish there had been more
9 intervention because she's a great woman and drugs
10 has taken her away from me, her grandchildren, her
11 daughter, and everything. And I just love her and
12 I wish you'd show mercy on her, sir, because drugs
13 is the problem here. And I don't know what else to
14 say. I'm -- no one wins, no one wins.

15 THE COURT: I understand that.

16 MR. BOUCHER: Yes, sir.

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

18 MR. BOUCHER: Yes, sir. Thank you.

19 THE COURT: Come on up, ma'am.

20 UNIDENTIFIED SPEAKER: Good morning.

21 THE COURT: Good morning.

22 MS. WARREN: My name's Jennifer Warren. I'm
23 her only child. I just agree with what her
24 boyfriend said. It's truly been a lot of bad
25 decisions, a lot of bad decisions. I feel like

1 over the last year I didn't even have a lot to do
2 with mama when she got out but I feel like nobody
3 went to the situation with her going away. I guess
4 I agree with him. I wish they would have mercy on
5 her. She is 50 and her health isn't that great.
6 She does have two grand kids. I have a 15-year-old
7 and a 13-year-old. At some point I would like her
8 to spend some time with them.

9 She needs some type of help. At times --
10 there's nothing in this area for people that are on
11 drugs. They don't offer anything. If they don't
12 want help, you can't make them. I mean, there's
13 nothing.

14 But my mom's a good person when she's not on
15 drugs. She would have give the shirt off her
16 back. I mean, I know this wasn't something
17 intentional. She made bad choices. There is a lot
18 of remorse. I mean, I talk to her every day. I go
19 and visit her twice a week.

20 So now she's herself after being in there
21 for, you know, three or four months. The reality
22 has set in and she's herself and she can actually
23 think about what she's done, you know. And she can
24 realize that, you know. She has remorse. I know
25 that she does.

1 So, but like I said, I do have children too
2 myself and I don't know how I would feel if
3 something like that happened if my kids were in the
4 car because I love my boys more than anything in
5 the world. But, like Greg said, nobody wins in
6 this situation. If you take her away from us for
7 25 years, I don't know, my boys will be grown and
8 have their own lives. I hope she'll, you know,
9 still have some time to spend with them so they can
10 get to know her and have a normal life with her
11 because they never had that.

12 So, thank you.

13 THE COURT: Thank you, ma'am.

14 MR. GRIMES: Your Honor --

15 THE COURT: Mr. Hatcher, yes.

16 MR. GRIMES: -- Ms. Cain just asked that I
17 pass up pictures of the other passengers in the
18 vehicle.

19 THE COURT: All right. Mr. Hatcher, you've
20 got several people back there raising their hands
21 including this lady. I think maybe three is
22 enough.

23 MR. HATCHER: All right. Maybe one more
24 person.

25 THE COURT: This will be three here.

1 MR. HATCHER: Oh, I'm sorry. I didn't see
2 that lady up there. I'm sorry.

3 THE COURT: Your name?

4 MS. KRISTINE: My name is Kristine. I'm her
5 niece.

6 Everything that you've heard here is true.
7 I -- as embarrassed as I am, it is -- my
8 grandfather was very abusive. Us as grand kids, we
9 dealt with it. That's not an excuse for why we're
10 here today. The life has been hard to several
11 more, a little bit stronger than the others because
12 we could deal with it and move on and deal with
13 life.

14 When she is her, she is the best person you
15 can ask for. And, I know what drugs can do to a
16 person because it done it to my brother when he
17 committed suicide in February. So I know what it
18 does. I've seen. I've seen the start, I've seen
19 the end. And I stand here and say that I'm so
20 sorry to your family for your loss. And we pray
21 for them every day.

22 She needs help. She doesn't -- I understand
23 that she has to face the consequences, everybody
24 does for their sins, but she needs somebody to help
25 her to get off drugs, to stay off drugs, to be the

1 person that we know and that we love and that we
2 know that she can be because she truly is a great
3 person. Anybody that's standing back there, they
4 can tell you that. She really is.

5 THE COURT: Thank you, ma'am. Yes, sir?

6 MR. HATCHER: Did you want to --

7 THE DEFENDANT: Yes, I'd like to read this to
8 her family.

9 THE COURT: Go ahead.

10 THE DEFENDANT: On April 3rd, 2015, not only
11 did I change the life, my life forever so -- wait,
12 I'm sorry.

13 On April the 3rd, 2015, not only did my life
14 change forever so did the life of an innocent
15 family. I wish I could go back and give my life
16 and save hers. Instead I will spend the rest of my
17 life suffering for the horrible mistake I made that
18 horrible day. More than anything in this world I
19 wish I could take all the pain and suffering away
20 from all the loved ones that I caused. My heart
21 will always cry for her family. The pain I carry
22 is so deep and so real.

23 Since that horrible day I have turned my life
24 to God and I have asked His and Ms. Cain's
25 forgiveness and pray everyday He will be with the

1 family that I never meant to destroy. I hope that
2 one day her family will forgive me and y'all will
3 always be in my heart and in my prayers. I never
4 meant to take a mother, a grandmother, an aunt, a
5 cousin, or anyone.

6 I have waited for this day since April the
7 3rd to say my regards to my victim's family and
8 friends to let them know how truly and very sorry I
9 feel for the life I took due to my careless action.
10 I ask the family and the judge to have mercy on me
11 and my soul, to Ms. Cain's family, please, please
12 know that I am so, so sorry. It is very important
13 to my heart to know that y'all will forgive me one
14 day. Thank you.

15 THE COURT: Thank you, ma'am. Mr. Hatcher?

16 MR. HATCHER: I have nothing further, Your
17 Honor.

18 THE COURT: Anything further from the State?

19 MR. GRIMES: Nothing else, Your Honor.

20 THE COURT: Well, Ms. Cook, it's -- as you
21 say, it's a tragedy for both of these families.

22 THE DEFENDANT: Yes, sir, it is.

23 THE COURT: There's no, no taking anything
24 back. You've got, you got in the car that day and
25 drove. That probably was the, maybe the greatest

1 mistake you ever made in your life.

2 THE DEFENDANT: It is, Your Honor.

3 THE COURT: And that's -- it doesn't give any
4 comfort to the victims that you've had a hard life.
5 I understand that maybe some of the victims have,
6 too. Maybe the victim's family. I realize that
7 methamphetamine takes over your life, but
8 nevertheless we all must be accountable for our
9 actions. You understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Ms. Cook, THE
12 SENTENCE OF THE COURT: YOU BE COMMITTED TO THE
13 STATE DEPARTMENT OF CORRECTIONS FOR A PERIOD OF 18
14 YEARS.

15 Good luck to you, ma'am.

16 THE DEFENDANT: Thank you.

17 END OF CASE: 11:31 A.M.

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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 Aiken County, on the 13th day of July, 2016.

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

I have hereunder set my hand this 22nd day of December, 2016.

Cheri L. Young, RPR
Official Court Reporter

2015 A0210200470
2015 A0210200471
2015 A0210200472

2016 CP0202156
STATE OF SOUTH CAROLINA

FORM 5

IN THE COURT OF COMMON PLEAS

County of Aiken

Suzanne Cook 369011
Full name and prison number (if any) of Applicant

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

FILED 9/26 2016

Shi Gladard

William M. Page

11:50

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Aiken County Detention Center
2. Name and location of Court which imposed sentence Aiken County Courthouse - Aiken County
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2015A0210200470
 - (b) 2015A0210200471 - Charges were dropped?

(c) 2015 A02102 00472

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

(a) ~~April~~ July 13, 2016

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

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

NO

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

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

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) _____

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: Ineffective Assistance of Counsel

(a) Inadequate legal representation

(b) My attorney told me to plead guilty w/out explaining.

(c) _____

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

(a) Attorney didn't explain my charges

(b) Attorney didn't make sure I understood.

(c) _____

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

(a) any petition in a State Court under South Carolina Law? NO

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO

(d) any other petitions, motions or applications in this or any other Court? NO

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

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

NO

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

(a) which grounds have been presented:

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

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

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

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

- (a) I do not understand anything due to health conditions.
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Yes
- (b) your trial, if any? NO
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NO

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

- (a) the name and address of each attorney who represented you:
 - i. Elmer Hatcher Attorney at Law
142 Pendleton St, N.W. #11
 - ii. Aiken, SC 29801
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Arraignment and plea
 - ii. Sentencing
 - iii. _____

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

Reconsideration of sentence, new hearing, vacate current sentence, re-sentencing

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

NO

STATE OF SOUTH CAROLINA)
County of Aiken)

VERIFICATION

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

Suzanne Cook

SWORN to and subscribed before me this 23rd day of September, 2016.

Cynthia Jones (L.S.)
Notary Public

My Commission Expires: July 22nd, 2026

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

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

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

Suzanne Cook
Applicant

SWORN or affirmed to and subscribed before me this
23rd day of September, 2016.

Craig J. [Signature]
Notary Public

My Commission Expires: July 22nd 2026

STATE OF SOUTH CAROLINA)
 COUNTY OF AIKEN)
)
)
 Suzanne Cook, #369011,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
IN THE SECOND JUDICIAL CIRCUIT

2016-CP-02-2156

RETURN

Respondent, making its Return to the application for post-conviction relief ("PCR") filed September 26, 2016, would respectfully show this Court:

I.

Suzanne Cook ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. Applicant was indicted at the March 2016 term of the Barnwell County Grand Jury for felony driving under the influence, death results (2016-GS-02-0393). Elmer W. Hatcher, Jr., Esquire, represented Applicant. On July 13, 2016, Applicant pled guilty as indicted before the Honorable G. Thomas Cooper, Jr. Judge Cooper sentenced Applicant to imprisonment for eighteen (18) years. Applicant did not appeal her conviction or sentence.

II.

In her PCR application, Applicant alleges that she is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of trial counsel, in that;
 - i. "My attorney told me to plead guilty w/out explaining."
 - ii. "Attorney did not explain my charges."
 - iii. "Attorney did not make sure I understood."

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

III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The applicant "must first demonstrate that counsel was deficient and then must also show the deficiency resulted in prejudice." Walker v. State, 407 S.C. 400, 404-05, 756 S.E.2d 144, 146 (2014). "The two-part test adopted in Strickland also applies to challenges to guilty pleas based on ineffective assistance of counsel." Holden v. State, 393 S.C. 565, 572, 713 S.E.2d 611, 615 (2011).

First, the applicant must show that counsel's performance "fell below an objective standard of reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal

cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, he would not have pleaded guilty, but would have insisted on going to trial." Thompson v. State, 340 S.C. 112, 116, 531 S.E.2d 294, 297 (2000).

Respondent submits that Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant must specify any claims she intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code Ann. § 17-27-10 *et seq.*; Rule 71.1, SCRCP. All claims should be made well in advance of the PCR hearing. Because Applicant has been appointed an attorney, the attorney is the only individual authorized to file amendments to this application, and filings by Applicant will not be considered at the PCR hearing. See Rule 11, SCRCP. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. Rule 15(a), SCRCP.

V.

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

VI.

WHEREFORE, having made its Return, Respondent requests that an evidentiary hearing be held solely on the claim of ineffective assistance of trial counsel.

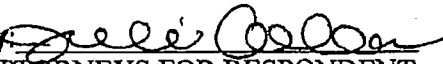
Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JULIE A. COLEMAN
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

June 12, 2017

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)
 SUZANNE COOK, #369011)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

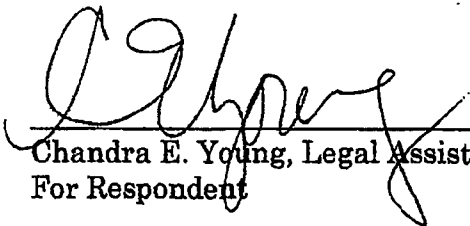
2016-CP-02-2156

AFFIDAVIT OF SERVICE BY MAIL

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

Lance S. Boozer, Esquire
 1400 Laurel Street, Suite 4A
 Columbia, SC 29201

DATED this 12TH day of June, 2017.


 Chandra E. Young, Legal Assistant
 For Respondent

State of South Carolina)	In the Court of Common Pleas
County of Aiken)	Second Judicial Circuit
	2016-CP-02-2156

Suzanne Cook,)	
)	
Applicant,)	
)	
vs.)	Transcript of Record
)	
State of South Carolina,)	
)	
Respondent.)	
)	
)	

September 22, 2017
Aiken, South Carolina

B E F O R E:

The Honorable J. Mark Hayes, II, Judge

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

Lance S. Boozer, Esquire
Attorney for Applicant

Julie A. Coleman, Esquire
Attorney for Respondent

Maryann S. Nevers, CVR-M-CM
Circuit Court Reporter

I N D E X

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Proceedings 4

Suzanne Cook,

 Direct Examination by Mr. Boozer 5

 Cross-Examination by Ms. Coleman 10

Elmer Hatcher, Jr., Esq.,

 Direct Examination by Ms. Coleman 11

 Cross-Examination by Mr. Boozer 18

Certificate Page 20

EXHIBITS

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
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No exhibits marked during proceeding.

TRANSCRIPT OF RECORD

1
2 (Whereupon, the proceeding was commenced at 11:25 a.m.)

3 MS. COLEMAN: All right. May it please the Court:
4 This is *Suzanne Cook v. the State of South Carolina*, Docket
5 No. 2016-CP-02-2156. Applicant is presently confined in
6 the South Carolina Department of Corrections pursuant to
7 orders of commitment of the Aiken County Clerk of Court.

8 Applicant was indicted at the March 2016 term of the
9 Barnwell County Grand Jury for felony driving under the
10 influence resulting in death. Elmer W. Hatcher, Jr., Esq.,
11 represented the applicant.

12 On July 13th, 2016, the applicant pled guilty as
13 indicted before the Honorable G. Thomas Cooper, Jr. Judge
14 Cooper sentenced applicant to imprisonment for 18 years.
15 Applicant did not appeal her conviction or sentence.

16 Applicant filed a timely application for
17 postconviction relief on September 26th, 2016, alleging
18 that she was being held in custody unlawfully based on the
19 following allegations: "Ineffective assistance of trial
20 counsel; my attorney told me to plead guilty without
21 explaining; attorney did not explain my charges; and
22 attorney did not make sure I understood."

23 The state filed its return June 12th, 2017. And she's
24 present today and represented by Mr. Lance Boozer.

25 MR. BOOZER: Thank you, Your Honor. If it pleases the

DIRECT EXAMINATION BY MR. BOOZER - SUZANNE COOK 5

1 Court, we'll go ahead and call Ms. Cook to the stand.

2 THE COURT: Ma'am, just come right up here. Let the
3 clerk of court swear you in.

4 (Whereupon, the witness came forward.)

5 SUZANNE COOK, having been first duly sworn,
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BOOZER:

9 Q Please state your full name, Ms. Cook.

10 A Suzanne Cook.

11 Q And how do you spell that last name?

12 A C-o-o-k.

13 Q Okay. Ms. Cook, how are you today?

14 A I'm doing great. You ---

15 Q And if you would, just try and keep your voice up so
16 madam court reporter can take down everything you're
17 saying, okay?

18 A Okay.

19 Q All right. Ms. Cook, now, do you know why it is that
20 we're here today?

21 A Yes, sir.

22 Q And -- and what is it that you filed to get into
23 court?

24 A A PCR.

25 Q All right. And, Ms. Cook, what are you currently

1 incarcerated for?

2 A Felony DUI with death.

3 Q All right. And what type of sentence did you receive
4 as a result of that conviction?

5 A Eighteen years.

6 Q Okay. Now, you and I have certainly had quite a bit
7 of discussion about what a PCR is and what this Court can
8 do for you. And I -- I know you've sort of wrestled with
9 that. But do you understand that the only thing that this
10 Court can do for you is essentially -- if -- if it agrees
11 with your case and grants your PCR application, is send it
12 back to day one and you just start this case all over
13 again? Do you understand that?

14 A Yes, sir.

15 Q Okay. And you do understand that there may be some
16 risk associated with that in that you could go back and
17 have a trial and, if you're found guilty, there's a chance
18 you could get more time than what you got the first time or
19 more time than what you have left on your sentence? Do you
20 understand that?

21 A Yes, sir.

22 Q Okay. And understanding that risk, do you still wish
23 to go forward with your PCR?

24 A Yes, sir.

25 Q Okay. Who represented you for your charges?

1 A Elmer Hatcher.

2 Q All right. And did you hire Mr. Hatcher, or was he
3 appointed?

4 A Yes, sir. My boyfriend got him.

5 Q Your boyfriend hired him?

6 A Yes, sir.

7 Q Okay. Prior to your plea, do you know about how many
8 times you met or spoke with Mr. Hatcher?

9 A Not really, but it wasn't very many.

10 Q Do you know what you two would discuss?

11 A Not really. Not -- not really.

12 Q Okay. Well, let me ask you this: Did y'all talk
13 about going to trial and how you would defend the case?

14 A Yeah. Just that I'm guilty. I was guilty -- say I
15 was guilty.

16 Q Okay. He was -- he was telling you to say you were
17 guilty?

18 A Yeah.

19 Q Okay. Did he discuss with you that you could -- you
20 had the option to go to trial and the state would have to
21 prove that you were guilty?

22 A Really was -- no -- no. Unh-unh. But I say, I -- I
23 forget a lot of these because I've done a lot of chemo.
24 But there -- no. Like, things wasn't done, I don't think,
25 like the way it should. Now that -- you know, that I've

1 been to prison and, you know -- and go to the law library
2 and stuff, now I know more ---

3 Q Well ---

4 A --- than I did.

5 Q Well -- well, let's talk specifically about that.

6 Obviously, in your application, you -- you've made two
7 allegations: one, that your lawyer failed to explain the
8 charges to you; and that your guilty plea was involuntary.
9 What -- what is it that you -- as you were beginning to
10 explain, what have you since learned that you feel like has
11 made your plea involuntarily entered?

12 A Well, my biggest thing is I want to know why it wasn't
13 brought up that I had a seizure at -- that caused the
14 wreck.

15 Q Okay. Did you -- you've had -- you -- you feel like
16 you had a seizure that ---

17 A I know ---

18 Q --- caused this?

19 A --- I had a seizure.

20 Q Okay. Did you discuss that with your lawyer?

21 A Yes. It's been brought up.

22 Q Okay. Did he bring that up and tell you that y'all
23 could maybe pursue that as a -- as a defense at trial?

24 A No.

25 Q Okay.

DIRECT EXAMINATION BY MR. BOOZER - SUZANNE COOK 9

1 A In court it was more time spent talking about my dad
2 than anything.

3 Q Okay. Had -- had you known you maybe could've used
4 that or pursued that as a defense at trial, would you have
5 pled guilty?

6 A Well, I'm still guilty. I took a life. I mean, but
7 it was an accident.

8 Q Okay. Ms. Cook, do you have -- we're here talking
9 about your PCR application, obviously. Are there -- is
10 there anything that we haven't covered that you want to
11 tell this Court about why you want a new trial in this
12 case?

13 A I just want to prove that I had a seizure that day and
14 that is the -- that's what caused the wreck.

15 Q Okay. Thank you, Ms. Cook. That's all the questions
16 ---

17 A Okay.

18 Q --- I have.

19 A Thank you.

20 Q And please answer any that -- that -- Ms. Cook, please
21 remain seated and answer ---

22 A Oh.

23 Q --- any questions ---

24 A I'm sorry.

25 Q --- that Madam Attorney General may have ---

1 A Sorry.

2 MS. COLEMAN: Thank you.

3 Q --- for you.

4 CROSS-EXAMINATION

5 BY MS. COLEMAN:

6 Q That's okay. Good morning, Ms. Cook.

7 A Good morning.

8 Q Your blood tested positive for methamphetamine?

9 A Yes, it did.

10 Q All right. So you ---

11 A Yes, it did.

12 Q --- were on meth at the time of the wreck ---

13 A I did ---

14 Q --- right?

15 A --- do some meth the night before. Yes, I did.

16 Q Okay. Nothing further. Thank you.

17 THE COURT: Any redirect, limited to what she went
18 into?

19 MR. BOOZER: No, Your Honor.

20 THE COURT: Ms. Cook, thank you very much. You may
21 step down. Watch your step, please.

22 THE WITNESS: Okay.

23 (Whereupon, the witness exited the witness stand.)

24 MR. BOOZER: And no further witnesses, Your Honor.

25 MS. COLEMAN: The state calls Elmer Hatcher.

DIRECT EXAMINATION BY MS. COLEMAN - ELMER HATCHER 11

1 (Whereupon, the witness came forward.)

2 ELMER HATCHER, having been first duly sworn,
3 testified as follows:

4 THE WITNESS: My full name is Elmer Ward Hatcher, Jr.

5 DIRECT EXAMINATION

6 BY MS. COLEMAN:

7 Q Good morning, Mr. Hatcher. How are you?

8 A I'm fine.

9 Q Good. How long have you been practicing law?

10 A A little over 40 years.

11 Q Okay. And have you represented anyone on felony DUI
12 charges before this case?

13 A Yes.

14 Q Okay. How many times would you say you had dealt with
15 these charges?

16 A Once or twice, maybe.

17 Q Okay.

18 A I did some as a prosecutor, too, when I was that ---

19 Q Okay.

20 A --- doing that.

21 Q Were you retained by the applicant in this case?

22 A I was.

23 Q How long did you represent her before the guilty plea?

24 A I'm not sure exactly. It would've been over a year, I
25 think.

1 Q How many times did you meet with the applicant before
2 she pled?

3 A Well, when she mentioned that testifying, I kind of
4 quickly went through my notes. And it -- I noted at least
5 20 to 30 times. I'm pretty sure it was significantly more
6 than that.

7 Q Okay. And what -- did you file any Rule 5, or *Brady*,
8 motions in this case?

9 A I did.

10 Q Did you review the discovery with -- materials with
11 the applicant?

12 A I did.

13 Q Okay. Did she seem to understand the evidence that
14 the state had against her?

15 A I think so.

16 Q Okay. What were your discussions with the applicant
17 about possible defenses?

18 A Well, we did talk somewhat about her allegation about
19 having had a seizure of some kind. And I told her that I
20 thought, for that to be a viable defense, we would need
21 some sort of medical evidence with regard to that. I had
22 asked her to -- if she had ever been treated for seizures
23 before this happened. And she could not provide me with
24 any doctor that had done so.

25 And I asked her to provide me with any information

DIRECT EXAMINATION BY MS. COLEMAN - ELMER HATCHER 13

1 with regard to her having possibly received any medication
2 for it. And she gave me a -- it took a -- a good while to
3 get it, but I eventually got a list from at least one
4 pharmacy of various medications she had received over a
5 long period of time and went through all of that. And
6 apparently, none of that was something that would've been
7 prescribed for any sort of seizure.

8 I talked to members of her family about it, including
9 her sister, who had been with her immediately prior to this
10 accident. And the -- I cannot recall exactly who told me
11 what. But the -- at least a couple of people indicated to
12 me that she may have had seizures, but the only time she
13 did was when she was using drugs. And I thought, if
14 anything, that might be more detrimental than helpful.

15 Q Okay. And was she -- did she test positive for
16 methamphetamine at the time of the accident?

17 A She did.

18 Q Okay. Were you preparing this for trial?

19 A It never got seriously to that point of preparing for
20 trial because the investigation -- you know, it -- of the
21 case indicated that there really was no viable defense.
22 And my attempt was to try to minimize her eventual sentence
23 as much as possible.

24 Q Okay. And what kind of mitigation did you present on
25 her behalf at the guilty plea?

1 A She had an exceedingly bad background with abusive
2 parents, growing up in poverty; had very little education.
3 I think she quit school when she was 13, something like
4 that. And, you know, just in talking to her, she was
5 obviously not very well educated or very intelligent,
6 really.

7 Her background had been, I think -- her job work was
8 always as a waitress from low-paying jobs. She had gotten
9 married when she was 14 years old; had a child at 17. Her
10 husband had deserted her and the child when she was 18.

11 Having grown up in poverty without any education, she
12 had really no way of bettering herself. She had also had
13 very -- some extensive physical problems that prevented her
14 from working. She had been living with a boyfriend for 16
15 years and was totally dependent on him, other than a social
16 security -- disability, I think, was something like \$600 a
17 month.

18 So she was pretty well stuck with him. And I think
19 that was kind of an abusive relationship too. Because of
20 her physical problems, she had -- had a lot of pain and she
21 was undergoing chemotherapy, which, you know, weakens
22 people and generally makes them have a significant sense of
23 malaise.

24 And she had a sister that started giving her
25 methamphetamine, or selling it to her, I guess, telling her

DIRECT EXAMINATION BY MS. COLEMAN - ELMER HATCHER 15

1 it would make her feel better. And it appeared to me that
2 what was happening with this sister was the sister would
3 show up right after the first of the month when she got her
4 little, tiny disability check and get her to spend all her
5 disability check on her buying drugs. And I think this
6 accident took place right after the first of the month, and
7 that's what had happened on this occasion.

8 Q Did she have any -- did anyone else speak on her
9 behalf at the plea?

10 A Her boyfriend did. And her daughter did, and one
11 other relative did.

12 Q Okay.

13 A And they said, essentially, the things I think I just
14 testified to.

15 Q How would you characterize the state's evidence
16 against the applicant? Would you describe it as strong or
17 overwhelming?

18 A Overwhelming.

19 Q Okay.

20 A She -- I don't -- I don't remember the -- the number.
21 But she had a -- a very high amount of methamphetamine in
22 her system. And the chemist indicated that it would be
23 extremely intoxicating, I guess, at that level.

24 Q And could you briefly just review the facts of the
25 case?

1 A Ms. Betty Cain was driving along Highway 421, which is
2 in the -- the Valley area of Aiken County, with her two
3 either grandchildren or great-grandchildren in the vehicle
4 with her. And they were very young children, I think
5 something like 5 and 7, maybe -- maybe a little younger
6 than that. And Ms. -- was driving in the opposite
7 direction and, for no apparent reason, crossed the
8 centerline and hit her -- hit Ms. Cain pretty much head-on.

9 As a result of that, both Ms. Cain and her suffered
10 very significant injuries. I think they were possibly both
11 unconscious at the time the first-responders got there.
12 And thankfully, the two young children weren't seriously
13 injured.

14 But they were both taken to a hospital. And Ms. Cain
15 died. And she was there, I think, maybe a -- a week or so
16 before she was released, fairly major injuries.

17 Q Regarding the guilty plea, before she pled guilty, did
18 you review with her, her constitutional rights and what she
19 was waiving by pleading guilty?

20 A I did.

21 Q Did she seem to understand that conversation?

22 A I believe so.

23 Q Did she ever tell you that she didn't understand
24 something during the plea?

25 A No.

DIRECT EXAMINATION BY MS. COLEMAN - ELMER HATCHER 17

1 Q Okay. Were there any plea offers from the state?

2 A The -- the only one was to dismiss the other charges
3 she had against her and a charge she had also picked up
4 while she was on house arrest on bond.

5 Q Uh-huh. And is ---

6 A That ---

7 Q --- that was you agreed to in this guilty plea?

8 A It is.

9 Q Okay.

10 A I thought ---

11 Q Did she ---

12 A --- it was the best possible thing we could do.

13 Q Okay. Did she seem to understand that or agree with
14 that?

15 A She did.

16 Q Okay. Whose decision was it to plead guilty?

17 A Hers.

18 Q Do you -- you still agree with that decision?

19 A Oh, yes. I'm confident it was the best thing to do.

20 Q Did the applicant ever indicate that she wanted to go
21 to trial on these charges?

22 A No.

23 Q Okay. Thank you. Nothing further.

24 THE COURT: Any redirect -- I mean -- sorry -- cross-
25 examination?

1 MR. BOOZER: Just briefly, Your Honor.

2 THE COURT: Uh-huh.

3 CROSS-EXAMINATION

4 BY MR. BOOZER:

5 Q Mr. Hatcher, how are you?

6 A I'm fine.

7 Q Good. You would agree with me, as you've indicated
8 today, and back in the transcript at the plea on page 17
9 that you had basically said, quite frankly, she's not very
10 bright. Is -- is ---

11 A Oh, I ---

12 Q --- that your opinion?

13 A It is.

14 Q Do you think that she fully grasped what it meant to
15 have a trial and what you guys would present versus
16 entering the plea?

17 A I think so.

18 Q Okay. Is that just based on your discussions with
19 her?

20 A Yes.

21 Q Okay.

22 MR. BOOZER: Beg the Court's indulgence, Your Honor?

23 THE COURT: Uh-huh.

24 (Whereupon, Mr. Boozer and the applicant conferred.)

25 Q That's all I have. Thank you, Mr. Hatcher.

CROSS-EXAMINATION BY MR. BOOZER - ELMER HATCHER 19

1 THE COURT: Any redirect ---

2 A Thank you.

3 THE COURT: --- limited to what he -- she -- he ---

4 MS. COLEMAN: No, Your Honor.

5 THE COURT: --- went into?

6 MS. COLEMAN: Nothing.

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

8 THE WITNESS: Thank you.

9 MS. COLEMAN: And -- and the state had no further
10 witnesses.

11 (Whereupon, the witness exited the witness stand.)

12 THE COURT: Any reply witnesses, Mr. Boozer?

13 MR. BOOZER: No, Your Honor.

14 THE COURT: All right. Thank y'all. I'll let you
15 know.

16 MS. COLEMAN: Thank you.

17 (Whereupon, the proceeding was concluded at 11:44 a.m.)

18 --- END OF TRANSCRIPT OF RECORD ---

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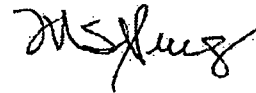
24

25

CERTIFICATE

I, THE UNDERSIGNED MARYANN S. NEVERS, CERTIFIED
VERBATIM REPORTER - MASTER, CERTIFICATE OF MERIT,
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 IN THE HEARING OF THE
CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT
COURT FOR AIKEN COUNTY, SOUTH CAROLINA, ON THE 22ND
DAY OF SEPTEMBER, 2017.

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



MARYANN S. NEVERS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

NOVEMBER 25, 2017

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

) IN THE COURT OF COMMON PLEAS
) SECOND JUDICIAL CIRCUIT
)

Suzanne Cook, #369011,

) 2016-CP-02-2156
)

) Applicant,
)

) v.
)

) ORDER OF DISMISSAL
)

) State of South Carolina,
)

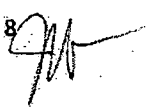
) Respondent.
)
)

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on September 26, 2016. Respondent submitted its Return on June 12, 2017. An evidentiary hearing was convened on September 21, 2017, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Lance S. Boozer, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

Applicant testified on her own behalf at the evidentiary hearing. Respondent presented testimony from Elmer W. Hatcher, Jr., Esquire ("Plea Counsel"). The Court had before it a copy of the guilty plea transcript, the records of the Aiken County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. Applicant was indicted at the March 2016 term of the Aiken County Grand Jury for felony driving under the influence, death results (2016-GS-02-0393). Elmer W. Hatcher, Jr.,



Esquire, represented Applicant. On July 13, 2016, Applicant pled guilty as indicted before the Honorable G. Thomas Cooper, Jr. Judge Cooper sentenced Applicant to imprisonment for eighteen years. Applicant did not appeal her conviction or sentence.

II. ALLEGATIONS

In his current application, Applicant alleges that he is being held in custody unlawfully based on the following allegations:

1. Ineffective Assistance of Counsel
 - i. "My attorney told me to plead guilty w/out explaining."
 - ii. "Attorney did not explain my charges."
 - iii. "Attorney did not make sure I understood."
2. Involuntary Guilty Plea

III. APPLICABLE LAW

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

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness



under prevailing professional norms." *Id.* (citing *Strickland*, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 117-18, 386 S.E.2d at 625. With respect to guilty pleas, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 106 S.Ct. 366 (1985).

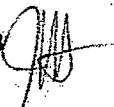
V. SUMMARY OF RELEVANT TESTIMONY

Applicant's testimony

Applicant testified that her boyfriend retained Plea Counsel for her after she was arrested. She stated she did not meet with Plea Counsel very many times before the plea, and she does not remember what they discussed. She stated she does not remember much because she has done a lot of chemotherapy and her memory is not very good. Applicant testified she just wants to prove that she had a seizure at the time of the accident, which caused the car wreck. She stated that she did take a life, but it was an accident. She stated that she was on methamphetamines at the time of the accident.

Plea Counsel's testimony

Plea Counsel testified he has been practicing law for forty years, and he had done one or two felony DUI cases before this case. He stated he met with Applicant between twenty and thirty times before her guilty plea. Plea Counsel stated he believed the evidence against Applicant was overwhelming. He stated they discussed possible defenses, including the theory that she had a seizure which caused the accident. He testified that this could have been a viable defense, but he needed medical support to prove it to the jury, and he did not have any. He stated



there were no doctors and no records of medication to show that she had a history of seizures. He further stated that Applicant only had seizures when she did drugs, which was the case here. He stated Applicant's blood tested positive for methamphetamine after the accident.

Plea Counsel testified he never got to the point of preparing for trial because Applicant had no viable defense. He stated he entered into plea negotiations with the State and was able to get them to dismiss the other charges in exchange for her guilty plea. At the plea, he explained in mitigation Applicant's exceedingly bad background, with no education, abusive parents, the fact that she was married at age fourteen, had a child at age seventeen, and was left by her husband at age eighteen. He stated he explained Applicant had many physical problems, and was also receiving treatment for cancer. He explained that Applicant's sister started offering her drugs to help ease her the pain of her cancer, and that's how she got involved with meth. Plea Counsel testified that though Applicant was not very bright, he believes that she fully understood what she was doing when she pled guilty. He stated it was her decision to plead guilty, and he agreed and still agrees with that decision.

VI. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

As a matter of general impression, this Court finds Plea Counsel's testimony to be credible and persuasive. These credibility findings have been applied to the Court's findings and conclusions set forth below.

INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant alleges Plea Counsel was ineffective in his representation surrounding her guilty plea. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985).

Applicant has failed to meet her burden in proving Plea Counsel was ineffective in any regard. This Court finds that Plea Counsel properly relayed the State's plea negotiations and went over the discovery with Applicant, as well as fully explained the possible outcomes in sentencing. This Court finds Plea Counsel did explain the charges to Applicant as well as her option to plead guilty rather than going to trial. Plea Counsel credibly testified that Applicant fully understood what she was doing when she pled guilty. The transcript of the plea hearing shows that the plea court fully explained the rights she was waiving and the consequences of pleading guilty to Applicant. This Court further finds that Applicant's assertion that the accident was caused by a seizure is only based on speculation. This Court finds that Applicant has not shown that she was prejudiced by any of Plea Counsel's actions as she has failed to show that she

would not have pled guilty but would have gone to trial but for Plea Counsel's actions. Accordingly this allegation must be dismissed.

INVOLUNTARY GUILTY PLEA

Applicant argues her plea was not given freely and voluntarily. This Court finds otherwise and concludes that Applicant's plea was entered freely and voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

Applicant claims her plea was given involuntarily because her attorney did not explain the charges or understand what she was doing. The guilty plea transcript shows Applicant was fully advised on her rights and the consequences of pleading guilty. Furthermore, Trial Counsel credibly testified Applicant fully understood what she was doing when she pled guilty. This Court finds that there was no coercion affecting Applicant's decision to plead guilty, the record

reflects that Applicant was fully advised of the rights she was giving up by pleading guilty, and that her plea was entered into knowingly and intelligently. Applicant presented no credible evidence as to why she should be able to depart from her statements at the plea hearing. This Court finds very credible Plea Counsel's testimony that Applicant understood everything at the plea and that it was solely Applicant's decision to plead guilty. Applicant has failed to present any probative or credible evidence that she was coerced into pleading guilty. As a result, she has failed to meet her burden, and this allegation is denied and dismissed.

VII. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this court to grant her application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

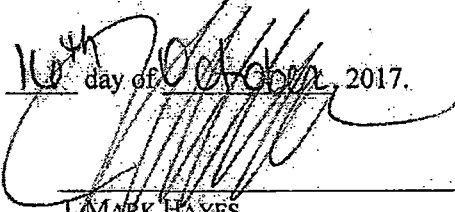
This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an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

[signature page to follow]

IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. That Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 10th day of October, 2017.



J. MARK HAYES
Presiding Judge
Second Judicial Circuit

Aiken, South Carolina

ELECTRONICALLY FILED - 2017 Oct 23 1:30 PM - AIKEN - COMMON PLEAS - CASE#2016CPF0202156

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
Suzanne Cook,)
Plaintiff(s),)
-vs-)
South Carolina State Of,)
Defendant(s).)

IN THE COURT OF COMMON PLEAS
2nd JUDICIAL CIRCUIT
CASE NO.: 2016CP0202156
APPOINTMENT OF COUNSEL OR GAL
(Select one.)

ORDER
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- Post-Conviction Relief (PCR)/habeas case
- Adoption
- Juvenile
- SVP case
- Custody and/or Visitation
- Abuse and Neglect
- Minor Name Change
- Other: Post Convict Rel 500

It appears Suzanne Cook, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained , Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- Other:

Therefore, it is ordered that Lance Boozer hereby is appointed as (Select one.)

counsel lead counsel (if capital PCR case) guardian ad litem
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED
October 27, 2016

Liz Goodbyrd by Amanda M. Payne
 Circuit Judge Clerk of Court

Plaintiff Attorney:

Lance Boozer	Suzanne Cook # 369011
807 gervais St Ste 2013	CGGCI
Columbia, SC 29201	4450 Broad River Road
	Columbia, SC 29210

Defendant Attorney:

Julia Amanda Coleman	
PO Box 11549	
Columbia, SC 29211	

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov and further direct that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

Amanda M. Payne
12:45

WITNESSES

SC Dept. of Public Safety (SCHP)

Jn Michlovitz

Law Enforcement Case #:

SBG

ARREST WARRANT NUMBER

2015A0210200470 FILED 17 March 2016

Liz Godard
C.C.P. & G.S.
Deborah M. Beck
Deputy Clerk

ACTION OF GRAND JURY

June Bill

[Signature]
Foreperson of Grand Jury
Date: March 17, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS0200393

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH TERM 2016

THE STATE

vs.

SUZANNE COOK

CDR #: 0395

Indictment for

CAUSING DEATH BY OPERATING A
VEHICLE WHILE UNDER THE
INFLUENCE OF DRUGS OR ALCOHOL

§ 56-05-2945(A)(2)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original document which has been filed in my office this
17th day of March 2016.

Liz Godard
C.C.P. & G.S. Aiken County, S.C.
Deborah M. Beck

STATE OF SOUTH CAROLINA)	INDICTMENT FOR
)	CAUSING DEATH BY OPERATING A VEHICLE
COUNTY OF AIKEN)	WHILE UNDER THE INFLUENCE OF DRUGS
)	OR ALCOHOL

§ 56-05-2945(A)(2)

At a Court of General Sessions, convened on March 21, 2016, the Grand Jurors of Aiken County present upon their oath:

That **SUZANNE COOK** did in Aiken County on or about April 3, 2015, while driving a vehicle under the influence of alcohol, drugs, or a combination thereof, do an act forbidden by law or neglect a duty impose by law in driving of said vehicle, by failing to operate vehicle in a safe and reasonable manner and failure to maintain proper control of vehicle, which act or neglect proximately caused death to Betty Daniels Cain (Deceased). All in violation of Section 56-5-2945 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 case made and provided.


 J. STROM THURMOND, SOLICITOR