

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Beaufort County

R. Scott Sprouse, Circuit Court Judge

SHERMAN MYERS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-002054

APPENDIX

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RECEIVED

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S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NUMBER 2011-GS-07-00925

STATE OF SOUTH CAROLINA

PLAINTIFFS

VERSUS

ORIGINAL

NOVEMBER 18, 2014

TRANSCRIPT OF GUILTY PLEA

BEAUFORT, SOUTH CAROLINA

SHERMAN MYERS

DEFENDANT

B E F O R E:

HON. W. THOMAS COOPER, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

APPEARANCES

ON BEHALF OF THE STATE:

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EXHIBITS

No exhibits were admitted.

1 BEGINNING 9:34 A.M.

2 BY THE COURT:

3 MS. KEENEY: May it please the Court.

4 THE COURT: We'll come to order. Thank you very
5 much.

6 MS. KEENEY: State calls Sherman Myers. Your
7 Honor, this is Case Number 2011-GS-07-00925. Mr. Myers
8 is charged with burglary in the first degree. He is
9 here to plead to that charge, with a recommendation of
10 the State of 15 years. And I'm passing up the
11 sentencing sheet right now.

12 MADAM CLERK: Will you raise your right hand,
13 please, sir? Do you solemnly swear or affirm the
14 testimony you give the Court in this trial -- excuse me
15 -- is the truth?

16 DEFENDANT MYERS: Yes, ma'am.

17 MADAM CLERK: Thank you.

18 BY THE COURT:

19 THE COURT: Ms. Saxon, you have advised Mr. Myers
20 of the nature of the charge, the significance of his
21 plea to an 85 percent, no parole, most serious offense
22 in the eyes of the law, and of his constitutional
23 rights, including that of a trial, does he seem to
24 understand all of those things, as far as you know?

25 MS. SAXON: Yes, your Honor.

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GUILTY PLEA

1 THE COURT: Indicates that he wishes to plead
2 guilty?

3 MS. SAXON: Yes, your Honor.

4 THE COURT: Thank you. Mr. Myers, when you plead
5 guilty to burglary in the first degree, you can get up
6 to life imprisonment. Anywhere from 15 years to life
7 imprisonment is the sentence that the law provides. Do
8 you understand that?

9 DEFENDANT MYERS: Yes, sir.

10 THE COURT: Whatever sentence you get, you have to
11 serve at least 85 percent of it before you will be
12 allowed to be released into the community. Do you
13 understand that?

14 DEFENDANT MYERS: Yes, sir.

15 THE COURT: You also will be on community
16 supervision, which is a form of probation that you'll
17 have to successfully complete to keep from going back to
18 jail. Do you understand that?

19 DEFENDANT MYERS: Yes, sir.

20 THE COURT: This is a most serious offense in the
21 eyes of the law. That means that, today, you use up one
22 of the two strikes that you have for a most serious
23 offense. Under our law, if a person commits two most
24 serious offenses, upon the commission of that second
25 one, then, that person goes to jail for life, doesn't

1 get out of jail. Dies in jail. And today, you use up
2 one of those two strikes. You understand that?

3 DEFENDANT MYERS: Yes, sir.

4 THE COURT: It's also a violent crime, which has
5 some impact on your custody status in the Department of
6 Corrections. Do you understand that?

7 DEFENDANT MYERS: Yes, sir.

8 THE COURT: When you plead guilty, you have to give
9 up certain important rights, Mr. Myers. You have to
10 give up, first of all, your right to remain silent.
11 Under our law, nobody can make you testify against
12 yourself, or force you to admit that you're guilty. But
13 if you plead guilty, you have to tell me you're guilty.
14 So, you give up your right to remain silent when you
15 plead guilty. Do you understand that?

16 DEFENDANT MYERS: Yes, sir.

17 THE COURT: You have a right to a jury trial. A
18 jury has been selected, as you know. You don't have to
19 convince a jury that you're not guilty. The State has
20 to convince the jury that you are guilty. All of them,
21 beyond a reasonable doubt. But if you plead guilty, you
22 don't get a jury trial. You give up that right. Do you
23 understand that?

24 DEFENDANT MYERS: Yes, sir.

25 THE COURT: If you had a jury trial, Ms. Saxon

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1 would have the right to question the State's witnesses
2 who have testified against you. You would have the
3 right to call your own witnesses to testify for you, to
4 tell your side of the story, if you've got some who will
5 do that.

6 But when you plead guilty, you give up those
7 rights. You don't get to question or call witnesses.
8 Do you understand that?

9 DEFENDANT MYERS: Yes, sir.

10 THE COURT: Have you understood the rights that
11 I've just explained to you, Mr. Myers?

12 DEFENDANT MYERS: Yes, sir.

13 THE COURT: Do you want me to go over any of them
14 with you again?

15 DEFENDANT MYERS: No, sir.

16 THE COURT: The indictment says that you did, here
17 in Beaufort County, on or about March the 30th of 2011,
18 enter a dwelling of Douglas Moss on Vaux Road, without
19 his consent, and with the intent to commit a crime while
20 you were there. And that you have at least two prior
21 convictions of burglary on your record, making this a
22 burglary in the first degree, because of your prior
23 record. Do you understand that?

24 DEFENDANT MYERS: Yes, sir.

25 THE COURT: How do you plead to that charge?

1 DEFENDANT MYERS: Guilty.

2 THE COURT: The State had recommended a 15-year
3 sentence. Other than that, has anybody promised you
4 anything to get you to plead guilty?

5 DEFENDANT MYERS: No, sir.

6 THE COURT: Has anybody threatened you or forced
7 you in any way to make you plead guilty?

8 DEFENDANT MYERS: No, sir.

9 THE COURT: Are you pleading guilty freely and
10 voluntarily?

11 DEFENDANT MYERS: Yes, sir.

12 THE COURT: Are you satisfied with everything Ms.
13 Saxon and Mr. Bax have done for you as your lawyers?

14 DEFENDANT MYERS: Yes, sir.

15 THE COURT: Have they done everything you've asked
16 them to do?

17 DEFENDANT MYERS: Yes, sir.

18 THE COURT: Have you had enough time to talk with
19 them about that?

20 DEFENDANT MYERS: Yes, sir.

21 THE COURT: Have you understood those talks?

22 DEFENDANT MYERS: Yes, sir.

23 THE COURT: You have ten days from today to appeal
24 this plea to a higher court, but you have to file a
25 paper with this court within ten days, if you wish to

1 appeal. Do you understand that?

2 DEFENDANT MYERS: Yes, sir.

3 THE COURT: All right. All right, Ms. Keeney, tell
4 me about it.

5 MS. KEENEY: Thank you, your Honor. This incident
6 occurred on March 30th of 2011, around 1:30 in the
7 afternoon, at [REDACTED], in Beaufort, South
8 Carolina, which is in Beaufort County.

9 The defendant went to the victim's home, Keith --
10 Douglas Keith Moss, and took a -- on the side of the
11 victim's garage, and took a power washer that was
12 sitting in the garage. The defendant put it in the back
13 of the car he was driving.

14 There was another witness to the crime, Renella
15 Watkins. Both she and Mr. Moss identified the defendant
16 out of a six-pack lineup. The defendant confessed twice
17 to the crime, and the defendant does have prior
18 convictions for burglary. I have two certified copies
19 in my hand right now, if your Honor would like to see
20 them.

21 THE COURT: Okay.

22 MS. KEENEY: He does have a pretty lengthy prior
23 record, and a total of five burglary convictions for
24 various degrees.

25 THE COURT: All right.

1 MS. KEENEY: No burglary first convictions.

2 THE COURT: The five burglaries, including the two
3 that you have today?

4 MS. KEENEY: Including the two. Five total. And I
5 just brought two sentencing --

6 THE COURT: I see. What kind of span do those
7 things encompass, Ms. Keeney?

8 MS. KEENEY: One sentence date for a burglary
9 second out of Richland County was October of 2005. I
10 think he had two on that day. I have the other copy at
11 my desk. And then, one burglary conviction, January
12 2002. And then, his rap sheet was pretty lengthy, but I
13 counted about 22 convictions for various things, ranging
14 from driving under -- driving under suspension to
15 burglary.

16 THE COURT: All right. Thank you.

17 MS. KEENEY: It looks like his -- I'm sorry.

18 THE COURT: Go ahead.

19 MS. KEENEY: It looks like his most recent
20 burglary, burglary third degree, the offense date was in
21 2008.

22 THE COURT: Okay. Does Mr. Moss wish to be heard
23 further?

24 MS. KEENEY: He is present today, but he indicated
25 he did not need to say anything.

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1 THE COURT: All right. Thank you. Anything
2 further, then, from the State, then, Ms. Keeney?

3 MS. KEENEY: No, your Honor.

4 THE COURT: All right. Mr. Myers, does that sound
5 like your record that she just described to me?

6 DEFENDANT MYERS: Yes, sir.

7 THE COURT: I'll take your plea. You understand
8 what you're doing; you have the service of a competent
9 lawyer that you're satisfied with. Ms. Saxon?

10 MS. SAXON: Thank you, your Honor. Mr. Myers is 46
11 years old, and as you might have gleaned from the
12 information you've heard over the past day and a half,
13 he has a serious drug problem, which has been the
14 instigator of all of his criminal activity, for the most
15 part.

16 THE COURT: Right.

17 MS. SAXON: He has used cocaine or crack cocaine in
18 some form for a large portion of his life, without --
19 surprisingly, without having O.D.'d and lost his life,
20 but it has landed him here in this situation today, your
21 Honor, where he is going to lose a significant portion
22 of his life.

23 His fiancée is in the Court today. She is in the
24 back row. She has been steadfast by him for -- they
25 have been together for 16-plus years at this point in

1 time. She is a very good and kind woman, and she loves
2 this man completely.

3 Sherman, he -- actually, the last charge he had of
4 Richland County, they placed him on probation, and he
5 had been doing well. This charge was actually pending
6 when he was placed on probation in Richland County, and
7 he was only violated on his probation when he did not
8 appear for court, and then, attempted to flee at that
9 point. But he hadn't committed any crimes in quite a
10 few years, since this incident, and he had seemed to
11 have a handle on his drug problem.

12 He is considerably upset about what he is facing,
13 but he understands, and he is asking for the Court's
14 leniency in sentencing. He knows that he cannot get
15 less than 15, despite our conversations. Despite what
16 my opinion is of mandatory minimums, our hands are tied
17 there.

18 THE COURT: Right.

19 MS. SAXON: And that is the lowest that you can go,
20 your Honor.

21 THE COURT: Right.

22 MS. SAXON: Mr. Myers knows that, and he would ask
23 the Court to not sentence him to more than that 15
24 years, as that is still a good 11 to 12 years out of his
25 life that will be served behind bars.

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1 Again, I say he is 46 years old, so he will be
2 close to 60 by the time he is released.

3 THE COURT: Okay.

4 MS. SAXON: And I have no doubt that it will be a
5 hard row for him to hoe, but I do believe he will do it,
6 and come out on the other end. The only other thing we
7 would ask, your Honor, is credit for any time he has
8 served to be calculated accordingly.

9 THE COURT: All right. Thank you. Mr. Myers, I
10 watched the taped interview between you and Detective
11 Goebel last night, in which you told him if you've been
12 on crack cocaine for, what, 20 years or more?

13 DEFENDANT MYERS: Yes, sir.

14 THE COURT: All right. Were you able to keep a job
15 during those periods of time, to keep --

16 DEFENDANT: Yes, sir. I used to hang drywall.

17 THE COURT: Right.

18 DEFENDANT MYERS: Yes, sir.

19 THE COURT: Do you have any children?

20 DEFENDANT MYERS: I got two, a stepson and a
21 daughter who's 22 years old.

22 THE COURT: All right.

23 DEFENDANT MYERS: My son is 18.

24 THE COURT: All those crimes on the record that Ms.
25 Keeney just read to me a while ago, were most of those

1 committed while you were on crack cocaine?

2 DEFENDANT MYERS: Yes, sir.

3 THE COURT: Ms. Keeney, I didn't ask you this, but
4 I gather from what you told me, that most of the crimes
5 are crimes of property crimes, theft, burglaries, and
6 things of that nature?

7 MS. KEENEY: Correct, your Honor. Property.
8 Property crimes. Maybe -- I think I saw maybe drugs,
9 but same issue.

10 THE COURT: Right. But no crimes of violence? No
11 assaults, things of that nature?

12 MS. KEENEY: Let me look real quick. Sorry.

13 No, your Honor, I don't see any crimes of violence.

14 THE COURT: Thank you.

15 MS. KEENEY: Your Honor, I apologize. He does not
16 have any kind of drug conviction on his record. That
17 was my mistake.

18 THE COURT: Mr. Myers, I was checking once more, to
19 find out what I thought the case already was, as Ms.
20 Saxon has indicated to me, that the law gives me no
21 discretion in this regard, and I regret that.

22 DEFENDANT MYERS: Yes, sir.

23 THE COURT: I wish I had the discretion --

24 DEFENDANT MYERS: Yes, sir.

25 THE COURT: -- to sentence you to something less

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1 than 15 years, but I do not. It is one of those cases
2 in which the General Assembly, in its wisdom, has seen
3 that it's in a better position to sentence criminal
4 defendants from the halls from the General Assembly than
5 we are in the courtroom, where these things are actually
6 tried. But nonetheless, that's the reality of the
7 situation.

8 If I had that discretion, I don't mind telling you,
9 I would exercise it in your favor to some extent. But I
10 don't.

11 The sentence of the Court, Mr. Myers, is, you be
12 committed to the State Department of Corrections for a
13 period of 15 years. You will get credit for the time
14 that you've served. You will undergo drug counseling
15 and drug testing while you are there, and you will also
16 undergo treatment through the drug treatment -- the
17 addiction treatment unit of the Department of
18 Corrections while you're there. Good luck to you.

19 DEFENDANT MYERS: Thank you.

20 MS. KEENEY: Thank you, your Honor.

21 MS. SAXON: Thank you, your Honor.

 END PROCEEDING 9:53 A.M.

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CERTIFICATE OF REPORTER

NOVEMBER 18, 2014 TRANSCRIPT OF GUILTY PLEA

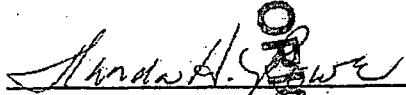
STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-M, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing November 18, 2014 Transcript of Guilty Plea is a true, accurate, and complete record of the proceedings had on said date, in the case of State v Sherman Myers, Beaufort County, South Carolina, Court of General Sessions, Case Number 2011-GS-07-00925; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

A CERTIFICATE OF REPORTER IS ATTACHED TO THE ORIGINAL OF THIS TRANSCRIPT AND CONTAINS MY ORIGINAL SIGNATURE. PURSUANT TO SCACR 607, REQUESTS FOR COPIES OF THIS TRANSCRIPT MUST BE MADE TO THE COURT REPORTER. UNAUTHORIZED COPYING/EMAILING OF THIS TRANSCRIPT IS PROHIBITED.

Witness my signature December 2, 2015.


Wanda H. Rowe, CVR-M
Official Court Reporter

FORM 5

STATE OF SOUTH CAROLINA

County of Beaufort2015-CP-07-859
IN THE COURT OF COMMON PLEASSherman Myers #300067
Full name and prison number (if any) of Applicant

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS B READ CAREFULLY

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

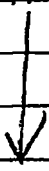
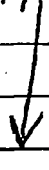
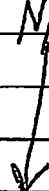
Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

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

1. Place of detention Lee Corr. Inst. 990 Wisacky Hwy
Bishopville SC 29010
2. Name and location of Court which imposed sentence Court of General
Sessions Beaufort County
3. Name(s) of co-defendant(s) (if any) Reanella Marie Watkins
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2011 GS 0700925 Burglary First Degree

- (b) _____
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) October 18, 2014 15 years
- (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 Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. ↓
- iii. ↓
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. ↓
- iii. ↓
- (c) the date of each such result:
- i. N/A
- ii. ↓
- iii. ↓
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. ↓
- iii. ↓
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) Filed a motion for reconsideration

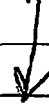
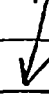
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) See: Attachment
- (b) See: Attachment
- (c) See: Attachment
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See: Attachment
- (b) See: Attachment
- (c) See: Attachment
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 Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____

- iv. _____
- (c) the disposition thereof:
- i. N/A
- ii. 
- iii. _____
- iv. _____
- (d) the date of each such disposition:
- i. N/A
- ii. 
- iii. _____
- iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. N/A
- ii. 
- iii. _____
- iv. _____

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

No

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

- (a) which grounds have been presented:
- i. N/A
- ii. 
- iii. _____
- (b) the proceedings in which each ground was raised:
- i. N/A
- ii. 
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) First time filing PCR
 - (b) First time filing PCR
 - (c) First time filing PCR
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? yes
 - (b) your trial, if any? _____
 - (c) your sentencing? _____
 - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____
18. If you answered Ayes@ to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
 - i. Jessica M. Saxon Assistant public
defender Human Service Building 1905 Duke St.
Beaufort SC 29901-0525
 - ii. _____
 - iii. _____
 - (b) the proceedings at which each such attorney represented you:
 - i. _____
 - ii. _____
 - iii. _____

10(a) Applicant was denied U.S.C.A. Fourth Amendment right to be free from the unreasonable seizure, effective assistance of counsel, and due process, whence he unknowingly, unintelligently and involuntarily entered in his guilty plea because: defense counsel failed to advise Applicant prior to plea that he could proceed to trial and challenge Officer J. Goebel's false statements in the Affidavit for which second degree burglary warrant was sought to the effect that Sherman Myers did, on 3/30/11, at approximately 13:30, enter the residence of the victim through the attached garage.

11(a) Arrest Warrant #M-056728, Burglary Second Degree, Affidavit reads as follows: 'In that the defendant Sherman Myers did on 3/30/11 at approximately 13:30 enter the residence of the victim through the attached garage.'

Supplemental incident report: Interview with victim (Keith Moss Douglas): Douglas stated on 3/16/2011 at approximately 13:30 hours he observed a dark blue or black SUV back into the driveway of his residence (). Douglas stated he went to see what was going on and observed a black male (Suspect #1) loading his red TROY BILT power washer into the back of the vehicle. Douglas stated he grabbed his unloaded 12 guage shotgun, contacted the BCSO and attempted to stop Myers from loading the power washer into the vehicle. Douglas stated when the Suspect saw him with the shotgun, he quickly stopped what he was doing, leaving the rear of the vehicle unsecured and returned to the driver side of the vehicle, at the same time Reanella Marie Watkins (Suspect #2) exited the vehicle via the front passenger side door. Douglas the Suspect quickly drove off the power washer fell out of the vehicle, landing on the driveway pavement damaging the power washer. Douglas held Watkins at gun-point until Deputies arrived.

Interview with co-defendant Suspect #2 (Reanella Marie Watkins): Watkins stated on 3/16/2011 at approximately 14:15 hours she

was riding in a dark blue Mazda SUV with Suspect #1 who she identified as Sherman. Watkins stated she had been riding with Sherman backed into the driveway of [REDACTED] [REDACTED]. Watkins stated she jumped out of the vehicle when she saw Douglas with the shotgun because she was afraid for her life. Watkins stated she was willing to provide a written statement.

Indictment #2011 GS0700 95 Burglary 1st Degree: That in Beaufort County, on or about March 30, 2011 the defendant, Sherman Meyers did enter the dwelling of Douglas Moss located at [REDACTED] [REDACTED] Road Beaufort, South Carolina.

Applicant was prejudiced by defense counsel's failure to advise him that without J. Goebel's false statement that he entered the residence of the victim through the attached garage door which is an essential element of burglary, the Magistrate Judge would not have found probable cause that a burglary occurred. Further, the outcome of his proceeding would have been different had he went to trial and presented false information before the jury. Moreover, he would not have a most serious strike against him which subjects him to LWOP if he commits another most serious offense upon release. Further, Applicant waived his substantial rights to U.S.C.A. Fourth and Fourteenth Amendments unknowingly, unintelligently, and involuntarily because of defense counsel's ineffectiveness.

- 10(b) Applicant was denied U.S.C.A. Fourth Amendment right to be free from unreasonable seizure, ineffective assistance of counsel, due process violations, where Applicant unknowingly, unintelligently, and involuntarily entered a guilty plea because: defense counsel failed to advise Applicant he could proceed to trial prior to plea and motion to quash first degree burglary indictment due to false statements made by Officer J. Goebel in an Affidavit for which warrant was sought to the effect that Sherman Myers

did, on 3/30/11, at approximately 13:30, enter the residence of the victim through the attached garage.

- 11(b) Arrest Warrant #M-056728, Burglary Second Degree, Affidavit reads as follows: 'In that the defendant Sherman Myers did on 3/30/11 at approximately 13:30 enter the residence of the victim through the attached garage'.

Supplemental Incident report: Interview with victim (Keith Moss Douglas): Douglas stated on 3/16/2011 at approximately 13:30 hours he observed a dark blue or black SUV back into the driveway of his residence (). Douglas stated he went to see what was going on and observed a black male (Suspect #1) loading his red TROY BILT power washer into the back of the vehicle. Douglas stated he grabbed his unloaded 12 gauge shotgun, contacted the BCSO and attempted to stop Meyers from loading the power washer into the vehicle. Douglas stated when the Suspect saw him with the shotgun, he quickly stopped what he was doing, leaving the rear of the vehicle unsecured and returned to the driver side of the vehicle, at the same time Reanella Marie Watkins (Suspect #2) exited the vehicle via the front passenger side door. Douglas stated the Suspect quickly drove off the power washer fell out of the vehicle, landing on the driveway pavement damaging the power washer. Douglas held Watkins at gun-point until Deputies arrived.

Interview with co-defendant Suspect #2 (Reanella Watkins): Watkins stated on 3/16/2011 at approximately 14:15 hours she was riding in a dark blue Mazda SUV with Suspect #1 who she identified as Sherman. Watkins stated she had been riding with Sherman when he backed into the driveway of (). Watkins stated she jumped out of the vehicle when she saw Douglas with the shotgun because she was afraid for her life. Watkins stated she was willing to provide a written statement.

Indictment #2011 GS0700 95 Burglary 1st Degree: That in Beaufort County, on or about March 30, 2011 the defendant, Sherman Meyers did enter the dwelling of Douglas Moss located at [REDACTED] Road Beaufort, South Carolina.

Applicant was prejudiced by defense counsel's failure to advise him that without J. Gobel's false statement that he entered the residence of the victim through the attached garage door which is an essential element of burglary, the Magistrate Judge would not have found probable cause that a burglary occurred/ Further, the outcome of his proceeding would have been different had he went to trial and presented false information before the jury. Moreover, he would not have a most serious strike against him which subjects him to LWOP if he commits another most serious offense upon release. Further, Applicant waived his substantial rights to U.S.C.A. Fourth and Fourteenth Amendments unknowingly, unintelligently, and involuntarily because of defense counsel's ineffectiveness.

- 10(c) Applicant was denied U.S.C.A. Fourth Amendment right to be free from the unreasonable seizure, ineffective assistance of counsel, and due process violations, whence he unknowingly, unintelligently, and involuntarily entered a guilty plea because: defense counsel failed to advise Applicant prior to plea that he could proceed to trial^{2nd} and challenge Officer J. Gobel's false statements in the Affidavit for which second degree warrant was sought to the effect that Sherman Meyers did on 3/30/11 at approximately 13:30 enter the residence of the victim through the attached garage.
- 11(c) Arrest Warrant #M-056728, Burglary Second Degree, Affidavit reads as follows: 'In that the defendant Sherman Meyers did on 3/30/11 at approximately 13:30 enter the residence of the victim through the attached garage'.

Supplemental Incident Report: Interview with victim (Keith Moss Douglas): Douglas stated on 3/16/2011 at approximately 13:30 hours he observed a dark blue or black SUV back into the driveway of his residence [REDACTED]. Douglas stated he went to see what was going on and observed a black male (Suspect #1) loading his red TROY BILT power washer into the back of the vehicle. Douglas stated he grabbed his unloaded 12 guage shotgun, contacted the BCSO and attempted to stop Meyers from loading the power washer into the vehicle. Douglas stated when the Suspect saw him with the shotgun, he quickly stopped what he was doing, leaving the rear of the vehicle unsecured and returned to the driver side of the vehicle, at the same time Reanella Marie Watkins (Suspect #2) exited the vehicle via the front passenger side door. Douglas stated the Suspect quickly drove off and the power washer fell out of the vehicle, landing on the driveway pavement damaging the power washer. Douglas held Watkins at gun-point until Deputies arrived.

Interview with co-defendant Suspect #2 (Reanella Marie Watkins): Watkins stated on 3/16/2011 at approximately 14:15 hours she was riding in a dark blue Mazda SUV with Suspect #1 who she identified as Sherman. Watkins stated she had been riding with Sherman when he backed into the driveway of [REDACTED]. Watkins stated she jumped out of the vehicle when she saw Douglas with the shotgun because she was afraid for her life. Watkins stated she was willing to provide a written statement.

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Applicant was prejudiced by defense counsel's failure to advise him that without J. Gobel's false statement that he entered

the residence of the victim through the attached garage door which is an essential element of burglary, the Magistrate Judge would not have found probable cause that a burglary occurred. Further, the outcome of his proceeding would have been different had he went to trial and presented false information before the jury. Moreover, he would not have a most serious strike against him which subjects him to LWOP if he commits another most serious offense upon release. Further, Applicant waived his substantial rights to U.S.C.A. Fourth and Fourteenth Amendment unknowingly, unintelligently, and involuntarily because of defense counsel's ineffectiveness.

- 10(d) Applicant was denied the U.S.C.A. Fourth Amendment right to be free from the unreasonable seizure, ineffective assistance of counsel, and due process violations, whence he unknowingly, unintelligently, and involuntarily entered a guilty plea because: defense counsel failed to advise Applicant prior to plea that he could proceed to trial and challenge to Officer J. Gobel's false statement in the Affidavit for which second degree warrant was sought to the effect that Sherman Meyers did on 3/30/11 at approximately 13:30 enter the residence of the victim through the attached garage.

- 11(d) Arrest Warrant #M-056728, Burglary Second Degree, Affidavit reads as follows: 'In that the defendant Shermen Meyers did on 3/30/11 at approximately 13:30 enter the residence of the victim through the attached garage'.

Supplemental Incident Report: Interview with victim (Keith Moss Douglas): Douglas stated on 3/16/2011 at approximately 13:30 hours he observed a dark blue or black SUV back into the driveway of his residence (). Douglas stated he went to see what was going on and observed a black male (Suspect #1) loading his red TROY BILT power washer into the back of the

vehicle. Douglas stated he grabbed his unloaded 12 gauge shotgun, contacted the BCSO and attempted to stop Meyers from loading the power washer into the vehicle. Douglas stated when the Suspect saw him with the shotgun, he quickly stopped what he was doing, leaving the rear of the vehicle unsecured and returned to the driver side of the vehicle, at the same time Reanella Marie Watkins (Suspect #2) exited the vehicle via the front passenger side door. Douglas stated the Suspect quickly drove off and the power washer fell out of the vehicle, landing on the driveway pavement damaging the power washer. Douglas held Watkins at gun-point until Deputies arrived.

Interview with co-defendant Suspect #2 (Reanella Marie Watkins): Watkins stated on 3/16/2011 at approximately 14:15 hours she was riding in a dark blue Mazda SUV with Suspect #1 who she identified as Sherman. Watkins stated she had been riding with Sherman when he backed into the driveway of [REDACTED]. Watkins stated she jumped out of the vehicle when she saw Douglas with the shotgun because she was afraid for her life. Watkins stated she was willing to provide a written statement.

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Applicant was prejudiced by defense counsel's failure to advise him that without Officer J. Gobel's statement that he entered the residence of the victim through the attached garage door which is an essential element of burglary, the Magistrate Judge would not have found probable cause that a burglary occurred. Further, the outcome of his proceeding would have been different had he went to trial and presented false information before

the jury. Moreover, he would not have a most serious strike against him which subjects him to LWOP if he commits another most serious offense upon release. Further, Applicant waived his substantial rights to U.S.C.A. Fourth and Fourteenth Amendment unknowingly, unintelligently, and involuntarily because of defense counsel's ineffectiveness.

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

Vacate sentence and conviction

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

No

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Lee)

VERIFICATION

I, Shermin Myers 300067, 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.

Shermin Myers

SWORN to and subscribed before me this 1ST
day of April, 2015.

Janet E. Briggers (L.S.)
Notary Public

My Commission Expires: 11-05-2019

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

I, Shermie Myers 300067, 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.

Shermie Myers
Applicant

SWORN or affirmed to and subscribed before me this

1ST day of April, 2015.

Janet J. Diggers
Notary Public

My Commission Expires: 11-05-2019

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	FOURTEENTH JUDICIAL CIRCUIT
	)	
	)	
Sherman Myers, #300067,	)	2015-CP-07-0859
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the application for post-conviction relief (PCR) filed April 6, 2015, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Beaufort County Clerk of Court. The Applicant was indicted at the May 2011 term of the Beaufort County Grand Jury for one (1) count of Burglary, 1st Degree (2013-GS-07-0925). Jessica M. Saxon, Esquire, represented him. The Applicant plead guilty and was sentenced by the Honorable Thomas W. Cooper to incarceration for fifteen (15) years for Burglary, 1st Degree. Applicant did not appeal his conviction or sentence.

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

II.

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

1. Ineffective Assistance of Counsel:
2. Unknowingly, Unintelligently and Involuntarily entered his guilty plea:
 - a. "Defense counsel failed to advise Applicant prior to peal that he could proceed to trial and challenge officer J. Goebel's false statements in the Affidavit for which second degree burglary warrant was sought to the effect that Sherman Myers did on 3/30/2011 at approximately 13:30, enter the resident of the victim through the attached garage."
3. Due Process Violations
 - a. "Unreasonable Seizure"

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

Respondent submits that Applicant's allegation of Ineffective Assistance of Counsel is without merit. In a post-conviction relief action, Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, 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, 88 L.Ed. 2d 203 (1985).

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

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

IV.

Applicant also alleges that he did not plead guilty freely and voluntarily. The State submits this allegation is without merit. To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The State submits the transcript reflects that the plea was knowingly and voluntarily entered with a full understanding of the charge and consequences of the plea. Boykin, *supra*; Dover, *supra*. Further, because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. 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. U.S., 519 F.2d 317 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). The State submits the Applicant should not be allowed to depart from the truth of the statements he made during his guilty plea hearing.

A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). Given the Applicant's burden of proof and the analysis to be applied to this claim, the

Respondent submits that the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it should, therefore, be treated as such.

V.

Respondent further submits Applicant's allegations of due process violations are without merit. The Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that an Applicant must "... specifically set forth the grounds upon which the application is based." S.C. Code § 17-27-50 (2003). In an application for post-conviction relief, it is incumbent upon the Applicant to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since the Applicant has failed to make even a *prima facie* showing, the Respondent would submit that this allegation should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act. This allegation is so vague that it is impossible for the State to respond.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held on Applicant's allegations.

[SIGNATURE BLOCK ON NEXT PAGE]

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

2015-CP-07-0859

SHERMAN MYERS, #300067)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA,)

Respondent.)

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

James K. Falk, Esq.
Falk Law Firm, LLC
PO Box 1058
Charleston, SC 29402

DATED this 3rd day of February, 2016.


 Elizabeth McVellan, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF COMMON PLEAS
CASE NUMBER 2015-CP-07-00859

SHERMAN MEYERS

PETITIONER

VERSUS

STATE OF SOUTH CAROLINA

RESPONDENT

TRANSCRIPT OF
POST-CONVICTION RELIEF HEARING

FEBRUARY 13, 2017

BEFORE HON. R. SCOTT SPROUSE, JUDGE

BEAUFORT, SOUTH CAROLINA

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

APPEARANCES

ON BEHALF OF PETITIONER
SHERMAN MEYERS:

HON. JAMES K. FALK
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ON BEHALF OF RESPONDENT
STATE OF SOUTH CAROLINA:

HON. RUSTON NEELY
ASSISTANT ATTORNEY GENERAL
STATE OF SOUTH CAROLINA
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No Exhibits were admitted.

2-13-17 SHERMAN MEYERS V STATE

BY THE COURT

1 BEGINNING 10:25 A.M.

2 BY THE COURT:

3 MR. NEELY: State would call the case of Sherman
4 Meyers versus State of South Carolina. Case Number
5 2015-CP-07-0859. Applicant is currently confined at the
6 South Carolina Department of Corrections pursuant to
7 orders of Beaufort County Clerk of Court. Applicant was
8 indicted May 2011 term of the Beaufort County Grand Jury
9 for one count of burglary first degree. Jessica Saxon
10 represented him. The applicant pled guilty and was
11 sentenced by the Honorable Thomas W. Cooper to
12 incarceration of fifteen years for burglary first
13 degree. Applicant did not appeal his conviction.

14 THE COURT: Okay.

15 MR. FALK: Your Honor, just sort of a summary.
16 This is a -- this was a plea case, and my client
17 believes that he pled guilty without being fully advised
18 of the facts of the case and the strength of his
19 potential defenses. I'll call my client to the stand.

20 THE COURT: Okay. Thank you, Mr. Falk. Come
21 forward, sir.

22 MADAM CLERK: Do you solemnly swear or affirm that
23 the testimony you give to the Court in this case shall
24 be the truth, so help you God?

25 SHERMAN MEYERS: Yes, ma'am.

2-13-17 MYERS V STATE

MYERS - DIRECT

1 MADAM CLERK: You may be seated.

2 SHERMAN MEYERS

3 DIRECT EXAMINATION BY MR. FALK:

4 Q Would you please state your name, for the record.

5 A My name's Sherman Meyers.

6 Q And who represented you on your charges here?

7 A Mrs. Jessica Saxon.

8 Q And how did she come to represent you? Did you
9 retain her? Was she a public defender?

10 A She was a public defender.

11 Q Okay. And can you recall how much -- were you in
12 custody at the time, or were you out on bond?

13 A I was out on bond.

14 Q Okay. Do you recall how many conversations you had
15 with her prior to your pleading in this case?

16 A Probably three. Probably three, at the most.

17 Q Okay. And what do you recall about -- did she
18 review all of the discovery with you?

19 A I didn't get the fully understanding about the
20 first degree, what was put on by charging me with the
21 first degree, because I never entered Mr. Douglas'
22 garage. The pressure washer was at the gara -- breaking
23 up outside of the garage door. And she never understood
24 -- I never explained it to me fully [sic].

25 Q Well, did she go over the police reports with you?

2-13-17 MYERS V STATEMYERS - DIRECT

1 A Yes. Once or twice.

2 Q And did the police -- how did the police reports
3 indicate that you -- what led to the theft in this case?

4 A The police report -- the investigator's saying I
5 entered through the garage, into the resident, which and
6 I never entered it in the garage or the resident,
7 because the pressure washer was outside of the garage
8 door. And they charged -- they enhanced the charge to
9 make it first degree burglary.

10 Q And what was -- was your rec -- what was your
11 understanding that -- was it your understanding that for
12 first degree burglary you had to enter into somebody's
13 house or garage, whatever?

14 A That was -- that was my fully understanding, that I
15 got to go inside the plane of the house to get charged
16 with a first degree burglary, or a burglary at all.

17 Q And what is your concern about Ms. Saxon's
18 representation of you in this case?

19 A She didn't fully represent me to the fullest, I
20 don't think of, because I was trying to -- well, this is
21 shouldn't go on the record, though. I was contacting
22 her over two years ago by trying to get my time
23 straight, because they didn't credit -- the time was run
24 concurrent, and I wrote her over a year and a half ago.
25 And then, finally the first part of this year I wrote

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MYERS - DIRECT

1 her again. And I guess she noticed PCR was coming up.
2 I finally got the paperwork about a week or two ago from
3 her.

4 Q So you got -- so you got your time straightened
5 out?

6 A Well, she sent it to Inmate Records, and send me a
7 copy of it to give the case worker at the prison, but it
8 was over two years. I had to wrote her twice. And I
9 guess she know this was case was coming up, so she took
10 the time to go on and do it this time.

11 Q Were there witnesses -- did you think that there
12 were witnesses that would have seen?

13 A Well, the witness, the suspect was in the car with
14 me. And the owner of the house, he even mentioned he
15 seen me loading the pressure washer. He never -- on the
16 statements, on his statements, it never said that I
17 entered the garage or the resident to get the pressure
18 washer, and he's one of the witness. One or two.

19 Q Okay. So you -- you fully admit that you took the
20 pressure washer. Is that correct?

21 A I attempt to take it. I didn't take it. Yes.

22 Q Right. Because it fell off the back of the truck
23 --

24 A Yes, sir.

25 Q -- as you all were driving away?

2-13-17 MYERS V STATE

MYERS - DIRECT

1 A Yes, sir.

2 Q And So when they asked you whether or not the facts
3 were correct, you had -- you were meaning the attempt to
4 take the pressure washer. Is that correct?

5 A Yes, sir. Yes, sir.

6 Q Okay.

7 A Yes, sir.

8 Q Was it your understanding the significance of
9 whether or not it was inside the house or outside the
10 house?

11 A That's right.

12 Q I'm sorry. Did you have any understanding of how
13 it would be different if it was inside the house or
14 outside of the house?

15 A No, I --

16 Q When you pled?

17 A I wouldn't have pled to guilty if I'd a known
18 better that they was charging from the inside from the
19 outside.

20 Q Okay. And is it true in this case -- do you recall
21 the judge, during your -- during the plea hearing, do
22 you recall the judge saying that he felt that his hands
23 were tied as far as having to give you the fifteen
24 years?

25 A Yes, sir. It took him a long time before he

2-13-17 MYERS V STATE

MYERS - CROSS

1 deliberate, because he said he didn't really want -- he
2 said because he was trying to see could he overrule the
3 case, because he just didn't see it was right either.
4 And it took him awhile before he deliberated it, the
5 fifteen years. Yes, sir.

6 MR. FALK: No further questions of this witness.

7 THE COURT: Okay. Mr. Neely?

8 SHERMAN MEYERS

9 CROSS-EXAMINATION BY MR. NEELY:

10 Q Mr. Meyers, do you recall being sworn to tell the
11 truth at your guilty plea?

12 A Yes, sir.

13 Q And let me take a step back. Before your guilty
14 plea, you had actually picked a jury and were preparing
15 for the trial. Isn't that right?

16 A Yes, sir.

17 Q And there was actually pretrial motions that were
18 done by your -- by Jessica Saxon, your counsel in the
19 case?

20 A Yes, sir.

21 Q And after those pretrial motions you decided to
22 plead guilty?

23 A Yes, sir. Because I was facing fifteen to life.
24 And I plead guilty to admitting I attempted to take the
25 pressure washer, but they charged -- they enhanced the

2-13-17 MYERS V STATE

MYERS - CROSS

1 charge from a second degree burglary to a first degree
2 burglary.

3 Q And there were two witnesses that picked you out of
4 a lineup.

5 A Neither one said I entered the resident, though.
6 On -- in their -- in their -- on their statements.

7 Q And you admitted in audio and video to law
8 enforcement that you did take the washer, right?

9 A I attempt to take it. I didn't take it.

10 Q Do you recall during the guilty plea the judge
11 asking whether you were satisfied with your counsel?

12 A I even came back on one term to try to have a
13 relieve of my counselor, and it was a female judge. She
14 wouldn't relieve her. And then, I finally got a copy of
15 my motion discovery, probably -- probably about nine to
16 ten months, a year after I caught the fifteen years. I
17 ain't never had a copy of my motion of discovery or
18 nothing. She wouldn't even present it, and I came back
19 trying to fire her on ineffective counsel then, and the
20 judge wouldn't go with it. So I didn't need a motion of
21 discovery after I done caught fifteen years. What I
22 gonna do with it then? The time I needed it, I never
23 received it.

24 Q Well, I'm asking you whether the judge asked you on
25 the record whether you were satisfied with your -- with

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MYERS - CROSS

1 your counsel. You remember that?

2 A Not to the fullest.

3 Q Not to the fullest? Would it help you to remember
4 what happened at that time if I showed you a copy of the
5 transcript?

6 A If you -- if you choose to.

7 COURT REPORTER: I'm sorry. What was your answer?
8 What was your answer, please?

9 A I can -- I can look at it, yes, ma'am, I can look
10 at it.

11 MR. NEELY: Your Honor, may I approach?

12 THE COURT: Yes, sir.

13 BY MR. NEELY:

14 Q I'm going to show you what's on Page 8 of the
15 transcript. If you'd just look at Line 12 through 14.

16 A I don't remember saying it, but like I said, I was
17 trying to have her relieved, and they wouldn't -- they
18 wouldn't appoint me a new attorney.

19 Q All right. So you're saying you don't remember it,
20 but does the record reflect that you said that, sir?

21 A That's what -- that's what the record said. I see
22 what the record's saying that. Yes, sir.

23 Q And when they asked you after that, on the record,
24 have they done everything you've asked them to do, you
25 said, yes, sir.

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SAXON - DIRECT

1 A I don't remember all that.

2 Q But it is on the record; is it not?

3 A It's -- yeah, what you showed me just now.

4 MR. NEELY: That's all the questions I have for
5 this witness, your Honor.

6 THE COURT: Any re-direct?

7 MR. FALK: No, your Honor.

8 THE COURT: All right. Thank you, Mr. Meyers. You
9 can step down.

10 MR. FALK: I'm going to call Ms. Saxon to the
11 stand.

12 MADAM CLERK: Do you solemnly swear or affirm that
13 the testimony that you give to the Court in this case
14 shall be the truth, so help you God?

15 JESSICA SAXON: I do.

16 MADAM CLERK: You may be seated.

17 JESSICA SAXON

18 DIRECT EXAMINATION BY MR. FALK:

19 Q Ms. Saxon, you're a public defender here in --

20 A I am.

21 Q And were you the only one appointed to this case?

22 A No, I would -- I took over his case after Matthew
23 Walker, who had been Public Defender, transferred to one
24 of our other offices.

25 Q Okay. Do you recall him asking you to do -- coming

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SAXON - DIRECT

1 to court to try and get you removed from this case?

2 A I do remember that day quite clearly.

3 Q What was your recollection of that day?

4 A That, at that point in time, Sherman was back in
5 custody. I think he had picked up some new charges.
6 And he had decided he did not want me as his attorney
7 anymore, and we went before Judge Mullen. He -- I don't
8 remember exactly what grounds he alleged, but he said he
9 just wasn't happy with me and wanted a new attorney.
10 Judge Mullen said she was not going to assign a new
11 public defender; that he could, if he wanted to, apply
12 -- or find private counsel; but otherwise he would stay
13 with me.

14 Q He had testified that you -- he maybe saw you three
15 times, three or four times. What is your recollection
16 of your meetings with him?

17 A I saw Sherman quite a bit when he was out on bond.
18 I have notes from conversations we have, starting with
19 original plea offers --

20 Q Okay.

21 A -- that I have -- can pull notes out on if we need
22 those. We talked about an original plea offer that was
23 to a straight-up burg third. And kind of, from that
24 point on, we would meet and talk about things. Sherman
25 -- Sherman's mantra was that's just too much time, every

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SAXON - DIRECT

1 time we talked.

2 Q What was the offer on the burg third? Do you have
3 a recollection?

4 A It was a straight plea. The State would recommend
5 five on a burg third. I was -- my -- I was of the
6 opinion that we could get less in front of the judge,
7 but that was the first plea offer we had.

8 Q You said first. So there were other plea offers?

9 A Yes. After -- Sherman had actually been signed up
10 to take that plea offer, and then backed out of it.
11 That was when Mr. Walker had the case. After that, it
12 was re-extended, and Mr. Meyers decided not to take it.
13 A later offer to a burg second, nonviolent, for five
14 years was extended. That was rejected. Then a burg
15 second violent for five years, which was rejected.

16 And then, right before trial, at that point, the
17 State stopped offering things. And then, right before
18 trial Mr. Meyers had called and asked if the -- if he
19 could plead to one of the burg second charges for the
20 five years. But the State was not inclined at that
21 point, as it was already on the trial docket.

22 Q And were each of these plea offers communicated to
23 Mr. Meyers?

24 A Yes, and discussed in detail.

25 Q Were they -- what is the practice in the office

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SAXON - DIRECT

1 here? Are they written-notification plea offers, or how
2 does it go?

3 A Everyone does it differently. For me, I make a
4 note, usually, of the meeting I have. In this case we
5 weren't -- at this point in time we weren't utilizing
6 our computer system the way we do now, so most of my
7 notes are handwritten that we sat and talked about.
8 Again, went over the case. Went over the offer. Went
9 over the possible sentences. Went over what would
10 happen if we lost at trial. It was pretty much the same
11 conversation over and over again. I believe at the
12 time, Mr. Meyers was on probation for a burglary out of
13 Richland County, and he was wanting probation here,
14 which is just -- was not -- and I went back to the State
15 numerous times to try and get that; but it just wasn't
16 -- not something they were willing to offer.

17 Q What was your -- could you just repeat your
18 testimony about you said he called the week before
19 trial, the --

20 A Yeah. He had called -- if you'll just give me a
21 second to find the page. Let's see. It looks like I
22 sent -- it looks like I sent an email on April 10th that
23 -- to the solicitor who had the case at the time,
24 stating that he was willing to plead to the burg second
25 nonviolent for five years, if the State would re-extend

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SAXON - DIRECT

1 the offer; but that I had received a trial notice; and
2 told Sherman his last chance to plead had been on the
3 8th of that month. But since he had called, I wanted to
4 ask her if she would be willing to re-extend it. At
5 that point in time, they were not, again, because they
6 had already put the case on the trial docket. And it's
7 the Solicitors Office policy in Beaufort that once it's
8 on the trial docket, they generally don't re-extend plea
9 offers.

10 Q And does it -- is there a similar communication in
11 your file about him turning down an offer for a burglary
12 third?

13 A Let's see. So this one is -- I have an email from
14 the solicitor that he had a straight-up plea for burg
15 third signed up in the May term of court. We were
16 supposed to plead him, but he changed his mind. So he
17 wanted to put that rejection on the record.

18 Q I'm sorry. You're saying there's a rejection of a
19 plea offer on the record?

20 A That's what my notes say. It looks like then I
21 went back and talked to the offer. On August 19th of
22 2013, the new solicitor was willing to go back to the
23 straight-up plea for the burg third, and that offer was
24 going to expire on September 9th of that year. And
25 that's something, again, that we talked about.

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SAXON - DIRECT

1 Q Was he in custody at this time, or was he out on
2 bond?

3 A He was not. He was out on bond.

4 Q And it's your recollection that you spoke with him,
5 what, by phone and in the office?

6 A If we spoke by phone -- a lot of our conversations
7 were in person. He would come to court and we would sit
8 down, you know, once the kind of chaos of a court-week
9 Monday was over. We did talk on the phone. I
10 definitely spoke with him more than three times
11 throughout the course of my representation. It extended
12 about a year and a half, I think, was about the total
13 time I represented him.

14 Q And what is the practice of this office as far as
15 getting the *Rule 5* materials?

16 A We make a copy, and we give it over to them. I
17 have in -- somewhere in my file I have notes that I -- I
18 had delivered a copy of the *Rule 5* to him. We don't
19 make copies of the disc, just because that's cost-
20 prohibitive, but we send any written material that we
21 have. We make copies and provide it. If they're in the
22 Detention Center, we take it over to them. If they're
23 out on bond, we either bring it to court for them to
24 pick up, or set it up at the office for them to pick up.

25 Q And you said you have a record in your file that

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SAXON - DIRECT

1 you gave them?

2 A I have -- this used to be in a nice notebook. And
3 when we close a file, it gets put in a accordion folder,
4 which makes it a lot more difficult to find everything.

5 There is something in here somewhere. I can't put
6 my hands on it right now. I'll keep looking, but I can
7 multi-task if you want to keep asking questions.

8 Q Did you go through the elements of burglary first,
9 burglary second, burglary third with him?

10 A I did. In our conversations, you know, Sherman was
11 very adamant about the fact that he did not get away
12 with anything; he did not actually get the power washer.
13 It is something that we talked about the fact that it
14 did not matter that he did not get away with the power
15 washer. The fact of the matter was that the garage
16 where it was said to have been located, where not only
17 the alleged victim placed it, but his co-defendant, as
18 well as Mr. Meyers himself, in an interview, stated that
19 it was in the garage, was attached to the home, with a
20 door from the garage, into the dwelling. And therefore,
21 the house is considered a portion of the dwelling -- or
22 the garage was considered a portion of the dwelling.

23 Excuse me. I mis-spoke.

24 We discussed that. He -- he was still very upset
25 about the fact that he didn't get away with anything,

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SAXON - CROSS

1 and therefore, he didn't understand, you know, why the
2 charge was so high, especially as we got closer to
3 trial. That, of course, went back to his record. His
4 past burglary is the reason for the enhancement, which
5 is something that we talked about as well.

6 Q And you're still looking for --

7 A Like I said, it used to be real organized. But
8 they take it out and --

9 MR. FALK: Your Honor, if I may, I would like to
10 recall my client, just as a follow-up witness. I
11 thought maybe she could -- I have no further questions
12 for her. If she still wants to look, she can still
13 look.

14 THE COURT: All right. Listen, the State is
15 entitled to cross-examine her first, and then we'll deal
16 with any further testimony.

17 Mr. Neely?

18 MR. NEELY: Thank you.

19 JESSICA SAXON

20 CROSS-EXAMINATION BY MR. NEELY:

21 Q Ms. Saxon, it is your testimony that you gave it to
22 him?

23 A Yes.

24 Q Okay. And it's your office policy to make that
25 available as well?

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SAXON - CROSS

1 A Yes.

2 Q I don't think you testified yet, but what was your
3 advice to your client? Did you advise him to plead
4 guilty?

5 A When we had -- especially when we had the first
6 offer, I advised him very strongly to take that, just
7 based on -- on the facts of the case, and his prior
8 record, knowing that, going forward, he was risking a
9 fifteen to life, which is what he ended up being faced
10 with. It was my belief that, with the straight-up plea
11 to burg third, he had the opportunity to have anywhere
12 from zero to five, and I felt that we would fall likely
13 in the middle range of that, based on the facts of the
14 case.

15 Q And so, what you said the first time, on the first
16 offer, would you characterize this case as a strong case
17 for the State?

18 A Yes.

19 Q And the case -- my understanding of the case was
20 the State was moving forward with burglary first degree
21 based on his two prior burglaries?

22 A Yes.

23 Q And those two prior burglaries would have been used
24 as an element of the defense?

25 A Yes.

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SAXON - CROSS

1 Q Does that kind of further go to cement the fact
2 that he should have pled guilty?

3 A It -- it does. The -- because in crimes -- or when
4 a prior conviction is being used as an enhancement, it's
5 something that gets to go before the jury, which is
6 never something you want to happen. If you can keep
7 your client's background out, you know, that's what you
8 want to do. Unfortunately, though, the State has a
9 right on a burg first charge to present those, even if
10 you agree to stipulate to them. They don't do that very
11 often, so. Yeah, I was very much in favor of Sherman
12 taking a plea.

13 Q Okay. And you said two eyewitnesses put the power
14 washer inside the garage?

15 A Yes. The homeowner stated that it was inside of
16 his garage, and I believe Ms. Watkins did as well. And
17 then, in his taped interview, even Mr. Meyers states he
18 saw it in the garage.

19 MR. NEELY: That's all the questions I have, your
20 Honor.

21 MR. FALK: No re-direct.

22 THE COURT: All right. Thank you, Ms. Saxon.

23 Mr. Falk?

24 MR. FALK: Yeah. Can I just call my client again
25 as a brief rebuttal witness?

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MYERS - REBUTTAL

1 THE COURT: I'll allow it. Mr. Meyer, let me
2 remind you, you're still under oath.

3 SHERMAN MEYERS: Yes, sir.

4 THE COURT: The clerk's already put you under oath.

5 SHERMAN MEYERS ON REBUTTAL

6 EXAMINATION BY MR. FALK:

7 Q Mr. Meyers, were you ever told of an offer for
8 burglary third?

9 A Not that I can recall of. And neither the five.
10 She mentioned the five. I never got that offer either,
11 that she told me.

12 Q Do you have any recollection of any plea offers
13 being made?

14 A They came at me with a five nonviolent when I had
15 Matthew Walker, yes, sir.

16 Q But do you recall Ms. Saxon ever conveying plea
17 offers to you?

18 A Well, she came one time, saying that they was going
19 to offer five.

20 Q And did she ever give you the discovery prior to
21 your sentencing date?

22 A No, sir. That's a lie. She never. She never did
23 that. I won't sit on the stand and lie about that
24 situation. That's why she don't have record of it. She
25 never gave it to me. She gave it to me after I caught

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1 the fifteen years. I got it about a year later.

2 MR. FALK: No further questions.

3 THE COURT: Anything further?

4 MR. NEELY: Nothing from the State, your Honor.

5 THE COURT: All right. Thank you, Mr. Meyer.

6 MR. FALK: We have no further witnesses.

7 THE COURT: Any witnesses from the State?

8 MR. NEELY: None from the State, your Honor.

9 THE COURT: Okay. Gentlemen, I'm going to -- I
10 want to read the materials submitted. I'm going to take
11 this under advisement, and I'll --

12 MR. FALK: Thank you.

13 THE COURT: -- have you a decision by the end of
14 the week.

15 MR. FALK: Thank you.

END PROCEEDING 10:50 A.M.

2-13-17 MYERS V STATECERTIFICATE OF REPORTER

CERTIFICATE OF REPORTER

FEBRUARY 23, 2017 TRANSCRIPT OF PCR HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing February 13, 2017 Transcript of PCR Hearing is a true and accurate record of the proceedings on said date, in the case of Sherman Myers versus State of South Carolina, Beaufort County, Court of Common Pleas, Case Number 2015-CP-07-00859; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

This Certificate of Reporter contains my signature and is attached to the original of this transcript requested by SCCID. Pursuant to SCACR 607, requests for copies of transcripts must be made to the court reporter. Unauthorized copying/ mailing is prohibited.

Witness my signature December 28, 2017.



Wanda H. Rowe, CVR-M
Official Court Reporter

2-13-17 MYERS V STATECERTIFICATE OF REPORTER

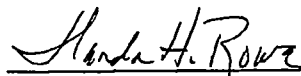
CERTIFICATE OF REPORTER

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Witness my signature December 28, 2017.



Wanda H. Rowe, CVR-M
Official Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
THE FOURTEENTH JUDICIAL CIRCUIT

Case No. 2015-CP-07-0859

2017 SEP 22 PM 12:20
CLERK OF COURT
BEAUFORT COUNTY, S.C.

Sherman Myers, #300067,
Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

This Court convened an evidentiary hearing into this post-conviction relief (PCR) matter on February 13, 2017 at the Beaufort County Courthouse. Applicant was present at the hearing and represented by James K. Falk, Esquire. Ruston W. Neely, Esquire, of the South Carolina Attorney General's Office, represented Respondent. Applicant's plea counsel was Jessica Saxon (Counsel), Esquire, who was present and testified. This Court had the opportunity to listen to the testimony of Applicant and Counsel. This Court had before it the records of the Beaufort County Clerk of Court regarding the subject conviction, the guilty plea transcript, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this matter. This Court finds as follows:

I. PROCEDURAL HISTORY

Applicant was indicted at the May 2011 term of the Beaufort County Grand Jury for one (1) count of Burglary, 1st Degree (2013-GS-07-0925). Applicant pleaded guilty and was sentenced by the Honorable Thomas W. Cooper to incarceration for fifteen (15) years for Burglary, 1st Degree. Applicant did not appeal his conviction or sentence.

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II. ALLEGATIONS

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

1. Ineffective Assistance of Counsel:
 - a. "Defense counsel failed to advise Applicant prior to peal that he could proceed to trial and challenge Officer J. Goebel's false statements in the Affidavit for which second degree burglary warrant was sought to the effect that Sherman Myers did on 3/30/2011 at approximately 13:30, enter the resident of the victim through the attached garage."
2. Due Process Violations
 - a. "Unreasonable Seizure"

III. SUMMARY OF TESTIMONY

Applicant claimed Counsel never explained the elements of burglary to him. He also claimed he didn't go inside the garage and didn't realize that was an element of burglary. Counsel saw him three or four times and didn't give him his evidence. He never heard about a five year plea deal.

Counsel testified she spoke with him on numerous occasions. Applicant was given a plea offer of five years on a burglary third degree charge. After the deadline ran on that offer, the offer became five years on a burglary second violent. After the deadline ran on the second offer, there was no offer as his trial date approached and the State would not renew his second offer. Counsel testified she discussed the elements of burglary third, second, and first to him. Counsel advised him strongly to take the plea offer to burglary third degree and five years. Applicant did not take Counsel's advice. Counsel testified she did provide Applicant with a copy of his discovery and reviewed it with him.

This Court finds Counsel's testimony was credible and Applicant's testimony lacked credibility.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court reviewed the record in its entirety, listened to the testimony given, and heard the arguments presented at the evidentiary 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. This Court finds Counsel's testimony was credible and persuasive and Applicant's testimony lacked credibility. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Therefore, this Court dismisses Applicant's application for the reasons set out below:

A. Ineffective Assistance of Plea Counsel

This Court finds the record fully supports the knowing and voluntary nature of Applicant's guilty plea. Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). "A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Thus, an applicant must show both error and prejudice to win relief in a PCR proceeding." Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001).

The court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of

competence required in criminal cases. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238 (1969). For the reasons set out below, this Court finds the record and credible testimony support Applicant had a full understanding of the charges and consequences of his guilty plea:

1. Counsel did not advise Applicant a necessary element of burglary first is the entering of a dwelling.

Applicant confessed to the crime on two different occasions to law enforcement and the burglary was witnessed by a neighbor. One of Applicant's confessions was taped and contained audio and video.

At his guilty plea, Applicant admitted entering the dwelling with the intent to commit a crime therein. A guilty plea is a solemn, judicial admission of the truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge, 431 U.S. at 97. In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris, 282 S.C. at 318 S.E.2d at 360. Applicant's admission proves he was aware that entering a dwelling was part of the charge against him:

THE COURT: The indictment says that you did, here in Beaufort County, on or about March the 30th of 2011, enter a dwelling of Douglas Moss on Vaux Road, without his consent, and with the intent to commit a crime while you were there. And that you have at least two prior convictions of burglary on your record, making this a burglary in the first degree, because of your prior record. Do you understand that?

DEFENDANT MYERS: Yes, sir.

THE COURT: How do you plead to that charge?

DEFENDANT MYERS: Guilty.

Tr. 7.

The defendant went to the victim's home, Keith – Douglas Keith Moss, and took a – on the side of the victim's garage, and took a power washer that was sitting in the garage. The defendant put it in the back of the car he was driving.

Tr. 9.

Here, the record reflects the plea court clearly went over the elements of the offense to which Applicant plead. Any error of Counsel to properly advise Applicant an element of burglary first degree requires entrance into a dwelling was cured by the plea judge's colloquy. Further, the State clearly indicated Applicant went into the garage to steal the power washer. In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. See Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997). Applicant clearly understood the State's allegation he went into the garage when he pleaded guilty.

Therefore, this Court finds Applicant failed to prove Counsel was deficient or that he was prejudiced by any deficiency. This Court finds the record clearly reflects Applicant's plea of guilty was knowingly, intelligently, and voluntarily entered into. Accordingly, this allegation is denied and dismissed.

B. Unreasonable Seizure

Applicant failed to present any evidence of an illegal seizure at the PCR hearing. Further, Applicant waived his right to present any defenses by pleading guilty. Accordingly, this allegation is denied and dismissed.

IV. CONCLUSION

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

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

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of the Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 14 day of September, 2017.


 R. SCOTT SPROUSE
 Presiding Judge
 14th Judicial Circuit

Waltham, South Carolina

WITNESSES

J. Gobel (BCSO)

ARREST WARRANT NUMBER

M056728

ACTION OF GRAND JURY

TWO

*Brett Wolfe*Foreperson of Grand Jury
Date:

MAY 19 2011

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2011GS0700925

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

May Term 2011

THE STATE

vs.

Sherman Meyers

FTA 3/14/14
IMS**Indictment for**Burglary / Burglary (After June 20, 1985) – 1st
DegreeSC Code: 16-11-0311
CDR Code:0079After being fully advised as to my legal
rights, I hereby waive presentment to the
Grand Jury.

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

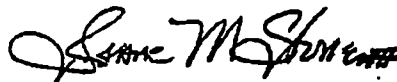
INDICTMENT
2011GS0700925

At a Court of General Sessions, convened on May 19, 2011, the Grand Jurors of Beaufort County present upon their oath:

Burglary / Burglary (After June 20, 1985) – 1st Degree

That in Beaufort County, on or about March 30, 2011 the Defendant, Sherman Meyers, did enter the dwelling of Douglas Moss located at [REDACTED], Beaufort, South Carolina, without consent and with the intent to commit a crime therein; that in addition, the Defendant has prior record of two or more convictions for burglary. All in violation of Section 16-11-311 of the South Carolina Code of Laws (1976, as amended).

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



Solicitor