

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Marlboro County
Roger E. Henderson, Circuit Court Judge

S.C. SUPREME COURT

GEORGE A. COUSINS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2017-002630

APPENDIX

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSION
<u>COUNTY OF MARLBORO</u>	)	2011-GS-34-00050
		2011-GS-34-00051

STATE OF SOUTH CAROLINA	)	
PLAINTIFF	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
GEORGE A. COUSINS	)	
<u>DEFENDANT</u>	)	

May 24, 2012
Bennettsville, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE.

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

HEATHER S. WEISS, ASSISTANT ATTORNEY GENERAL
Attorney for the State

KELLY W. HALL, ASSISTANT ATTORNEY GENERAL
Attorney for the State

RICHARD JONES, PUBLIC DEFENDER
Attorney for the Defendant

SANDI WOFFORD, Victims Advocate

DEANDER LOCKLEAR, Victim's Brother

REBECCA LOCKLEAR, Victim's Daughter

HATTIE O. GORDON
Circuit Court Reporter

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EXHIBITS

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

COLLOQUY

GEORGE COUSINS, after being duly sworn,
testified as follows:

MS. HALL: State v. George Cousins, Your Honor.

These are indictments 2011-GS-34-0050 and 0051. May it please the Court. My name is Kelly Hall. I'm a prosecutor with the Attorney General's Office. With me today also is Heather Weiss who is a prosecutor with the Attorney General's Office. We are here today for a plea this morning. Your Honor.

Mr. Cousins, represented by Mr. Rick Jones with the Public Defender's office is here to plead guilty pursuant to plea negotiations with the defense and with the agreement of the victim's family. He's going to be pleading guilty to voluntary manslaughter as a lesser included offense of murder. And straight up to the possession of a firearm charge. There is no agreed recommendation, however, the State will be asking for the maximum, and we will explain at the appropriate time.

This case was initially conflicted to our office because Solicitor Rogers' former law partner, Elizabeth Munnerlyn represented Mr. Cousins in a prior Family Court matter.

THE COURT: Okay. All right, Mr. Cousins, I believe this indicated that you're 44 years of age?

1 MR. COUSINS: Yes, sir.

2 THE COURT: And you're from Tatum, South Carolina?

3 MR. COUSINS: Yes, sir.

4 THE COURT: What is your education?

5 MR. COUSINS: Graduated 12 years high school, and I
6 went to college a couple of years.

7 THE COURT: And your occupation?

8 MR. COUSINS: I was 17 years with Shaffer Group
9 N.U.S.A. in Cheraw. Shipping clerk, receiving clerk,
10 order puller, and boxed up UPS and got that stuff ready.

11 THE COURT: Mr. Jones, have you discussed with
12 Mr. Cousins the charges, the possible punishment, the
13 elements of the offenses he's pleading to and also his
14 jury trial rights?

15 MR. JONES: I have, Your Honor.

16 THE COURT: In your opinion does he understand your
17 advice?

18 MR. JONES: Yes, sir.

19 THE COURT: Is that correct, Mr. Cousins?

20 MR. COUSINS: Yes, sir.

21 THE COURT: Now, Mr. Cousins, originally in this
22 indictment, 2011-50, you were charged with the offense of
23 murder. And you have indicated on this sentencing sheet
24 and the Attorney General's Office has indicated that it
25 will be a plea coming forthwith for voluntary

1 manslaughter. Similar elements. I'm going to read the
2 indictment to you, and then we'll discuss voluntary
3 manslaughter. The indictment alleges that in Marlboro
4 County on or about July the 18th 2010 that you, George
5 Anthony Cousins, did feloniously, willfully and with
6 malice aforethought kill one Tammy Locklear Norris by
7 shooting the victim. And that the victim died as a
8 proximate result thereof all in violation of 16-3-10 of
9 the Code of Laws of South Carolina 1976 as amended.

10 Now, voluntary manslaughter is a lesser included
11 offense of the offense of murder, and it does not require
12 the element of malice aforethought. For voluntary
13 manslaughter you can receive up to a maximum of 30 years.
14 Any questions about at that charge?

15 MR. COUSINS: No, sir.

16 THE COURT: You also understand that that is a
17 violent, most serious offense, and of course, I do not get
18 into trying to explain how that applies to strikes and
19 parole eligibility and things like that. You got any
20 questions about that you need to talk with your attorney.
21 I don't have that information available to me.

22 All right. The other indictment is for possession of
23 a weapon during the commission of a violent crime. That
24 indictment alleges that on July the 18th 2010 that you did
25 possess a firearm during the commission of a violent crime

1 which in this case would be the voluntary manslaughter.

2 Any questions about that particular charge?

3 MR. COUSINS: No, sir.

4 THE COURT: How do you plead to both of those?

5 MR. COUSINS: Guilty.

6 THE COURT: And you understand that by entering a
7 plea of guilty that you waive your jury trial rights?
8 That's a constitution right.

9 MR. COUSINS: Yes, sir.

10 THE COURT: If you were to have a trial the State
11 would have to prove your guilt beyond a reasonable doubt
12 and convince 12 jurors unanimously of your guilt. You
13 understand that?

14 MR. COUSINS: Yes, sir.

15 THE COURT: You also understand that you would be
16 able, of course, through your attorney to cross examine
17 the State's witnesses and put up your own defense and
18 witnesses?

19 MR. COUSINS: Yes, sir.

20 THE COURT: You understand that you could testify at
21 your own defense, but you would also have a constitutional
22 right to elect not to testify? In other words if you
23 remain silent it couldn't be held against you and I would
24 even tell the jury that?

25 MR. COUSINS: Yes, sir.

1 THE COURT: That's your Fifth Amendment right under
2 the United States Constitution.

3 MR. COUSINS: Yes, sir.

4 THE COURT: You also understand that you are presumed
5 innocent, and that presumption of innocence stays with you
6 throughout any trial and would only end if a jury
7 convicted you?

8 MR. COUSINS: Yes, sir.

9 THE COURT: If a jury did convict you you would have
10 a right to appeal just as you can appeal a guilty plea
11 sentence as long as you file a Notice of Appeal within ten
12 days of sentencing.

13 MR. COUSINS: Yes, sir.

14 THE COURT: Those are your basic rights. Any
15 questions?

16 MR. COUSINS: No, sir.

17 THE COURT: You understand them?

18 MR. COUSINS: Yes, sir.

19 THE COURT: You do not want a trial?

20 MR. COUSINS: No, sir.

21 THE COURT: Has anybody promised you anything, held
22 out any hope of reward or threatened you in any way in
23 order to get you to plead?

24 MR. COUSINS: No, sir.

25 THE COURT: Are you under the influence of any drugs,

1 alcohol or medication that could be affecting your
2 understanding?

3 MR. COUSINS: No, sir.

4 THE COURT: Have you ever been declared mentally
5 incompetent?

6 MR. COUSINS: No, sir.

7 THE COURT: You fully understand what you're doing?

8 MR. COUSINS: Yes, sir.

9 THE COURT: You don't have any physical or mental
10 problems that could possibly be affecting your
11 understanding?

12 MR. COUSINS: No, sir.

13 THE COURT: You are entering this plea of your own
14 free will and accord?

15 MR. COUSINS: Yes, sir.

16 THE COURT: Nobody is making you do it?

17 MR. COUSINS: That's right.

18 THE COURT: All right. Do you have any questions at
19 this time?

20 MR. COUSINS: No, sir.

21 THE COURT: I find your plea be freely, voluntarily
22 and intelligently entered into. Before I accept it though
23 let me ask you another thing. Are you satisfied with your
24 attorney's representation?

25 MR. COUSINS: Yes, sir.

1 THE COURT: Answered all your questions?

2 MR. COUSINS: Yes, sir.

3 THE COURT: Contacted everybody you asked him to
4 contact, if any?

5 MR. COUSINS: Yes, sir.

6 THE COURT: Any problems you can think of tell me now
7 with his representation?

8 MR. JONES: If you have trouble with me he wants to
9 know about it.

10 MR. COUSINS: No, sir.

11 THE COURT: All right. Once again, I find your plea
12 is freely, voluntarily and intelligently entered into and
13 you tell me you're satisfied with your attorney's
14 services, and he's a competent attorney. And been before
15 me many time and I have no problem accepting your plea.
16 Madam Attorney General.

17 MS. HALL: Facts of the case, Your Honor. On July
18 18th 2010 at [REDACTED] [REDACTED] in Tatum, South
19 Carolina which is in Marlboro County the Defendant, George
20 Cousins, according to his statement, got into an argument
21 with the victim, his girlfriend at the time, Tammy
22 Locklear Norris. As the argument escalated the Defendant
23 shot the victim in the head with his .22 caliber pistol.

24 The Defendant then cleaned up the crime scene and
25 cleaned up the victim. After he completed cleaning he

1 called 911 and told the dispatcher that he had shot the
2 victim during an argue. When Marlboro County Sheriff's
3 Department arrived the deputy -- the defendant told the
4 deputy about the gun but did not mention that he had
5 cleaned up the scene which was later revealed during
6 S.L.E.D's crime scene investigation.

7 The defendant placed the bloody clothes and rags that
8 he had used to clean up the scene along with a bag of his
9 own packed in a storage building that was adjacent to the
10 home. Although law enforcement found the evidence
11 pursuant to a search warrant after monitoring jail phone
12 calls the storage building burned down a few days after
13 the law enforcement officers obtained the bag of bloody
14 clothes and the carry bag packed by Mr. Cousins.

15 The victim on July 18th was transported from the
16 scene to Scotland Memorial Hospital in Laurinburg, North
17 Carolina where she died the next day as a result of the
18 homicidal gunshot wound to the head as determined by the
19 coroner.

20 As I mentioned, Your Honor, Marlboro County Sheriff's
21 Office, particularly Deputy Britney English, was the lead
22 investigator on the case. We will address sentencing, and
23 the victim's family is hear and would like to address the
24 Court at the appropriate time.

25 THE COURT: Yes, sir.

1 MR. JONES: Your Honor, I think I can fairly say that
2 this is one of the most troubling cases that I've ever
3 been involved with. Mr. Cousins is 44. He told you that
4 he graduated from high school. He has about a year and a
5 half or two years of technical training in the Cheraw
6 area. He's got about 21 years of work history. He worked
7 for an outfit for about three and a half, four years and
8 then began working with the Shaffer Group where he was
9 employed for 17 years until the day he was arrested.

10 While in high school he was an Eagle Scout. He ran
11 to the track team. He did what I would call just normal
12 things growing up. There is absolutely nothing that I can
13 find in his background that would indicate that he would
14 be standing in front of you today charged with the crime
15 that he's charged with.

16 As far as I was able to determine I think he got a
17 two-point traffic ticket in 2009, and that was the only
18 problem with the law I think I was able to find from the
19 time he was born, Your Honor.

20 However, as the Attorney General just said on that
21 evening in Tatum his actions resulted in the death of his
22 girlfriend. Judge, his -- in addition to his work
23 history, his family life. He was married, had a son. He
24 divorced sometime in the late 90s, early 2000s. As I said
25 he continued to work.

1 The home that this event occurred in was the home I
2 believe his mother was buying, and he was either buying
3 from her or renting from her. He met the defendant I
4 think about a year prior to this event. They were
5 friends. They entered into a boyfriend, girlfriend
6 relationship, and again, nothing during that time that
7 they saw each other indicated that it would ever cum
8 culminate into an action such as this.

9 My understanding was that on the afternoon of the
10 date that Miss Locklear was shot that they spent the
11 afternoon. They didn't do anything out of the ordinary.
12 I think they might have had a little beer, but nothing as
13 far as being intoxicated or anything out of control. And
14 there was an altercation that occurred after they returned
15 to Mr. Cousins house that in an instant turned into the
16 event that we have ourselves in front of you today for,
17 Your Honor.

18 I have asked him numerous times about the gun. I
19 don't think he is a gun fanatic, but he had a .22. And
20 the only thing I can figure out that was wrong was that
21 that gun was out. I asked him as late as yesterday, and
22 he said, "Well, it always stayed on the kitchen table
23 where we ate." He target practiced. I guess he had it
24 for his own safety, but that -- if there was something
25 that went wrong that was probably the worse thing that I

1 can tell that Mr. Cousins had done up until the time that
2 this event occurred.

3 Judge, I've spent a fair amount of time with
4 Mr. Cousins over the last couple of years. He's been -- I
5 won't say difficult to communicate with, but we've had --
6 it took us a while to get our relationship to the point
7 where I think he trusted in me enough to talk to me and
8 open up during the last, probably, five or six meetings
9 that I've had with him. I've had numerous conversations,
10 and that's why I think I can tell you in all honesty that
11 it is -- it's puzzling why Mr. Cousins is standing here in
12 front of you today.

13 I don't think he knows exactly what happened other
14 than it all went terribly wrong in a heartbeat while they
15 were arguing at his house that afternoon. From what I can
16 understand he had a descent relationship with
17 Miss Locklear's family. I just -- I don't know if there
18 is a reason why what happened happened.

19 In talking with Mr. Cousins I know that there were --
20 there's been many a conversation that he and I have had
21 where he has indicated that he has relived that moment
22 from the time that he was arrested until the time that he
23 is standing in front of you. And as I said I don't know
24 if he can give you a reason what happened.

25 The only event I think that, and it's a significant

1 event in his life, that probably maybe altered his mindset
2 was -- I believe it started in 2008, but his only son
3 killed his mother. And that young man ended up in prison
4 or in detention in North Carolina. Mr. Cousins, I think,
5 obviously, was extremely upset over that situation, and
6 his daily routine was altered significantly because I
7 think either Sunday afternoon or Monday he spent that day
8 going to North Carolina to visit with his son.

9 And, Your Honor, that I -- if there is an explanation
10 of why his behavior was so out of character on that day
11 that's the only thing that he and I have talked about
12 which would indicate that there was something that would
13 have caused him to snap in such a way to do something that
14 was so, so out of character for the way he was.

15 He has -- he has shown remorse from the time he began
16 talking with me, and as I said it took a while. He -- I
17 don't think he trusted anybody much after that bond
18 hearing that we had here in the courtroom. Least of all
19 me, but as I began talking with him and as he began to
20 open up I for the life of me still can't figure out what
21 he's doing standing in front of you.

22 His family has been very supportive, his mother and
23 some relatives and friends are in the courtroom today.
24 And as I said they -- I don't think that have an answer
25 either, Your Honor. I can tell you that Mr. Cousins has

1 spent the last two years at the Darlington County
2 Detention Center. I don't think he had ever seen the
3 inside of a detention center before that, but that has
4 become his home.

5 And I've spoken with him and told him that his
6 residence will be at the State Correction Facility for as
7 long as His Honor deems appropriate, and that one instant,
8 obviously, changed the life of the victim's family and
9 certainly changed the life of Mr. Cousins and his family.

10 He and I have talked a great deal about what if
11 anything he should say to not only Your Honor but to the
12 family. He has labored over it. He is a gentlemen of
13 very few words, but if you will allow him he would like to
14 I think apologize to you and say something to the victim's
15 family.

16 THE COURT: Yes, sir.

17 MR. JONES: He's written it down, Your Honor, in case
18 he was forgetful.

19 MR. COUSINS: Your Honor, everything he says is true.
20 And I'm not a bad person. Never been in trouble. I
21 obeyed all the laws until that day. I'm still not sure
22 what happened on that day. I'm just not sure. Something
23 went wrong with me. I know I wasn't thinking right.
24 Something went wrong, and I've regretted it ever since.
25 I'm very sorry for what I've done, and I wish I could

1 change it ever day. I hope that the family ---

2 MR. JONES: Your Honor, can he address the family?

3 THE COURT: Yes.

4 MS. WEISS: Your Honor, it may be better if he
5 addresses, Your Honor.

6 THE COURT: I already know what happened down here
7 during the previous hearing. Now, if anybody can't handle
8 this proceeding they need to get out the door now. I'm
9 not going to tolerate any violence in this courtroom. Am
10 I absolutely clear?

11 MS. HALL: Yes, sir, Your Honor.

12 THE COURT: Now, if anybody even raises an arm to try
13 to get up you're going to jail. I'm not going to tolerate
14 any misbehavior or any violence. Now, it may be best that
15 you don't look at them, but where they can hear year you
16 can turn to the side, okay.

17 MR. COUSINS: Okay. To the family, I would like to
18 ask them from the bottom of my heart that if they could
19 find a way to forgive me. I'm so sorry. So sorry. This
20 tragedy should have never occurred and I pray that one day
21 they can forgive me for what happened. I'm so sorry.

22 MR. JONES: And, Judge, I just conclude by saying I
23 am sincere when I say I have absolutely no idea what
24 Mr. Cousins is standing here in front of you today. There
25 is not a thing in his background that would have indicated

1 that an event like this would have happened. He describes
2 his relationship with Miss Locklear as great. And I have
3 absolutely no idea why -- what happened happened that day,
4 and we just ask for mercy.

5 THE COURT: Anything else?

6 MR. JONES: No, sir.

7 THE COURT: All right. Now, I've got to be stern
8 about how I run this courtroom, but having to warn people,
9 now, I don't want to deter anyone from having their say.
10 So don't think that my warning by not tolerating any
11 misbehavior in any way affects anybody's right to have a
12 say because I'm a firm believer in hearing from the
13 victims and also -- or the victim's family and any other
14 concerned individuals on either side of this matter.

15 So I want to make sure that I do not in any way deter
16 anyone from speaking with the Court because I believe in
17 that right, and also have always firmly believed in
18 letting the victim's representative having the last say.
19 So with that said, Madam Attorney General, if you have
20 some folks that want to talk to me about this.

21 MS. HALL: Thank you, Your Honor. May it please the
22 Court. Your Honor, just for the record the representative
23 of the victim family that are here include her son -- her
24 brother, Deander Locklear; her son, Nathaniel Norris;
25 Rebecca Locklear, daughter; Joshua Norris, Rondale Norris,

1 Jr. and Tina Locklear, that are all here on behalf of the
2 Victim, Tina Locklear Norris -- Tammy Locklear Norris.

3 Your Honor, first of all, three of the victim's
4 family have written statements, and Your Honor I'd like to
5 hand those up to the Court. But the victims, if Your
6 Honor would allow, for our victim advocate, Sandi Wofford,
7 to read them into the record while they stand with her
8 because they don't feel like that at this time they are
9 able to read them to the Court, if that's okay with Your
10 Honor?

11 THE COURT: That's fine.

12 MS. HALL: I'm going to hand these three statements
13 up while they stand up. Your Honor, I've shown this to
14 the Defense, and they're aware that we want to hand this
15 up. The victim's family said that, obviously, this memory
16 of their mother, their sister, their aunt, that is in this
17 courtroom the deceased victim in this case. And, Your
18 Honor, they have brought a picture, the last picture that
19 was taken of her, and this is how they want her to be
20 remembered.

21 And they have asked that we hand this up to Your
22 Honor just to have a memory of what their mother -- their
23 family member was like the last time she had a picture
24 made. And the Defense is aware of that, and I'm handing
25 that up. And, Your Honor, before the family begins I just

1 want to say that, because I know there was some discontent
2 with the family members as the Defense was speaking, that
3 clearly as this Court knows there are two sides to every
4 story.

5 There are two sides to how people perceive
6 relationships, and when the Defense said they had -- the
7 Defendant thought that he had a good relationship with the
8 family the one thing that was made clear in meeting with
9 the victim's family and preparing for this plea was that
10 the relationship they had with this defendant was on
11 behalf of their mother and sister. Tammy was with the
12 defendant, and they had already lost their family.

13 Their father was taken from them in a tragic way as
14 well. So the one thing they said was, "Please take care
15 of my mom. Please take care of my sister. We've already
16 lost our dad. We don't want to lose our mom." That was
17 about the extent of the relationship they had. And so
18 this incident that we're here about today, this killing of
19 their mother, was the one most horrific thing that they
20 had specifically asked.

21 The only -- they really didn't have much of a
22 relationship with the defendant. That was the one thing
23 they had asked of him because they had already lost their
24 father. The victim's mother has been with us in
25 discussions on this case, but was unable to come today.

1 She just didn't feel like she could be here. But I did
2 want to say on behalf of the family that they did not
3 perceive their relationship with the defendant the way
4 that he seems to have perceived it just before they begin
5 to speak.

6 And speaking from our office is Sandi Wofford, our
7 victim's advocate.

8 THE COURT: Ms. Wofford.

9 MS. WOFFORD: Your Honor. (inaudible).

10 MS. HALL: I'm sorry, Your Honor. If we can have --
11 I know she's reading the statement. I didn't realize she
12 was going to read it herself, and simply, the court
13 reporter would like a copy of it.

14 THE COURT: Okay. Please speak up as much as you can
15 because Madam Court Reporter needs to hear it.

16 MS. LOCKLEAR: My name is Rebecca Locklear. I'm the
17 oldest of my brothers. I have an eight year old son that
18 my mother will never get to see get grown because she was
19 took from us too soon in a way that she shouldn't of
20 happen. I am 25 years old, and I feel like I have lost
21 part of my life because she isn't here. I miss her a lot.
22 And since she's been gone it has been hard to deal with.
23 And the only thing I want to know is why he did what he
24 did. Why he took -- why he killed my best friend, my
25 mother, my son's grandma. Why he did it. And is he sorry

1 for what he did.

2 THE COURT: Thank you.

3 MS. WOFFORD: I'm reading for Rondale Norris.

4 THE COURT: Okay.

5 MS. WOFFORD: My name is Rondale Norris, Jr. I'm the
6 second oldest of four children. I have a one year old
7 daughter who will never know her grandmother Tammy. I
8 can't get in my car and take my baby to see his
9 grandmother. That might seem small to some people, but it
10 is important to me. When I was growing up I thought about
11 me having children and going to my parent's house on
12 Christmas and other special occasions.

13 The family circle has been broken, and I seem lost
14 and don't know what direction I should go in my life. I
15 miss my mother so bad it hurts. I lie in bed most nights
16 and cry myself to sleep. Please, I am asking the Court
17 for the max sentence. Rondale Norris, Jr.

18 THE COURT: Thank you for being here.

19 MS. WOFFORD: I'll do one more from Joshua Norris.
20 My name is Joshua Norris. I am 21 years old. I am the
21 youngest of four children. I want the Court to know how
22 George Cousins has affect my life. I was 16 years old
23 when I lost my father, and I thought I would never be able
24 to get over it. I had my mom there to help me. She was
25 the only person I had left in this world that I loved.

1 She was suddenly taken away from me.

2 I will never get over the hurt, the pain and the
3 anger that I felt inside. Both my parents are gone. You
4 not only destroyed my mother, but you destroyed me. The
5 thing that most young people take for granted is the love
6 parents have for them. You took my mother down like she
7 was nothing. You don't have love, compassion, mercy or
8 kindness to function in society as a normal person.
9 Therefore, you should never be able to do this to anyone
10 else. Joshua Norris.

11 MS. HALL: Your Honor, at this time Nathaniel Norris,
12 the victim's son, will address the Court.

13 THE COURT: Mr. Norris.

14 MR. NORRIS: Thank you, Your Honor. I'm Nathaniel
15 Norris. I'm 22 years old. I got a son. He's fixing to
16 turn four. My momma didn't get to see him very much.
17 (undecipherable) only issue, and I drink a lot. I see
18 stuff. I can't think. It's hard to live every day. It
19 may seem easy to live 30, 40 years in prison. It may seem
20 easy to think, but you know, it's all right. I ain't got
21 to worry about nothing.

22 My momma's gone. She's in a better place. My daddy
23 was murdered and now my mom. I accept the fact that she's
24 gone. He thought it was all right to take a loved one out
25 of my life. My little boy will grow up and never know it.

1 He's going to ask questions of what happened. I don't
2 know what I'm supposed to tell him. I don't know what to
3 tell him.

4 I don't sleep. I can't eat. I can barely talk.
5 It's hard to look at a person knowing what they've done to
6 your family. I've been through a lot. Yeah, he says he's
7 sorry, but it don't give a person the right to take
8 anybody out of this world. It's not his will. That's
9 God's way. So what do I have to say. I don't expect
10 nobody in my family to. So, therefore, what goes around
11 comes around.

12 MS. HALL: And, finally, Your Honor the victim's
13 brother would like to address the Court, Deander Locklear.

14 THE COURT: Mr. Locklear.

15 MR. LOCKLEAR: Good morning, Your Honor. You know
16 what you did to my family is very wrong. You turned my
17 life, my whole life, around. You took a very special
18 person from me and my family and friends. She wasn't just
19 a sister, but she was my friend and like a mom to me. Out
20 of all the people you knew how close she was to me, but
21 you took her.

22 It wasn't bad enough she was dealing with cancer, and
23 she finally came back around. But you took her back away
24 anyway. She lay there like a dog and you took what little
25 bit of life she had from her. You took her clothes off

1 while she just laid there helpless.

2 George, you could have beat her. You could have
3 called me and I would have come and got her. We could
4 have fixed that. But, no, you just shot her and left her
5 there like she wasn't nothing. You might get away with a
6 few years to suffer, but we'll suffer for the rest of our
7 lives.

8 I will do whatever it takes to see that you stay in
9 there. And when you get out and it might be over, but
10 what goes around always comes back around. And I hope
11 that I'm still around when it comes around.

12 MS. HALL: And, Your Honor, this is the letter that
13 was just read by Deander Locklear, the brother of the
14 victim. I'm just handing it up.

15 Your Honor, at this time I would like to speak to
16 sentencing. On behalf of the State we have negotiated the
17 with the Defense and talked to the victim's family and
18 have allowed the defendant to plead guilty to voluntary
19 manslaughter and possession of a weapon during a violent
20 crime. Understanding that voluntary manslaughter carries
21 two to 30 years.

22 I think it's important to lay on behalf of the State
23 why we believe the full 30 years is appropriate in this
24 case. George Cousins was with the victim in this case for
25 around two years. This is a case of the worse evidence of

1 domestic violence. The victim's family felt that they
2 didn't know the defendant very well because he kept their
3 mother, their sister, away from them. Did what he could
4 to keep her away from them. When she was around them and
5 in their opinion she didn't want them to see what was
6 going on. And she also kept him away from them.

7 He was controlling and jealous. He monitored the
8 mileage on her vehicle to see how far she went. If she
9 spoke to another man, whether it was a lifelong friend or
10 a new acquaintance, he became very jealous. And that was
11 most likely the root of the argument although only the
12 defendant knows exactly what they were arguing about. But
13 that was most likely the root of the argument that day.

14 They had been out together most of the day, and
15 people had seen them arguing throughout the day. And he
16 was very jealous, and often that would lead to these
17 arguments. As they got back to the house and were arguing
18 and that argument began escalating as it did times in the
19 past. The family was aware of that.

20 The defendant could have called as the victim's
21 brother just stated. He could have called. He could have
22 come over and gotten his sister. She could have gone to
23 her mother's house. She didn't live there. That wasn't
24 her permanent home. She still stayed -- she still had
25 other places to stay. But he didn't call. He didn't

1 de-escalate it. A weapon was brought into this argument.
2 This time a gun was brought into the argument, and that
3 gun was used, pointed at the victim, and she was shot in
4 the head, Your Honor.

5 No doubt that that shot was meant to kill the victim
6 as it ultimately did. And this is the ultimate in
7 domestic violence. The victim in this case didn't die
8 immediately from the gunshot wound. The defendant in this
9 case didn't call 911 and get her help realizing that she
10 was still alive laying on the floor, laying in that room,
11 get her help and see what he could do to possibly save her
12 life.

13 What he did was try to cover up this crime. He
14 meticulously tried to clean the crime scene. Took all of
15 her clothes, her bloody clothes, off of her. Used rags to
16 clean it up, put everything in a bag and put it in the
17 outhouse in the outside house along with a go back. A bag
18 of his clothes, his toiletries, his things so that he
19 could get away from here. So he could get away from this
20 crime scene.

21 It was only at that time when she was still alive
22 unbelievably that he called 911 to seek any help for the
23 victim in the case. The victim, as the family has told
24 you already, she would suffered through extreme bouts with
25 cancer and come through on the other side and was now

1 trying to live her life again. She was laying there still
2 alive when law enforcement showed up, ambulance showed up
3 and took her to the hospital where she remained alive
4 until the next day. Finally dying from the gunshot wound
5 that the defendant had inflicted.

6 The defendant told 911 that he shot her in the head.
7 Told the dispatcher that he shot her in the head. He also
8 told law enforcement that there was gun there. It was
9 lying on the floor next to, as the victims told you, her
10 naked body. He had taken her clothes off but didn't even
11 have the decency to redress her or call for help or let
12 law enforcement do that or E.M.S. He did it to try to
13 hide the evidence from the case. Not sure exact how he
14 anticipated that would work for him.

15 She was lying there naked with a gun. He told law
16 enforcement about the gun. They were able to get that,
17 and she was able to be taken to the hospital. It was only
18 when S.L.E.D. Crime Scene came in and began to work the
19 crime scene that they were able to notice all of the blood
20 that had been present when the Defendant, George Cousins,
21 took the time to clean it up.

22 The time he must have taken to clean that up before
23 he even bothered to seek help for this victim. A victim
24 who cared about him and tried to protect him from a family
25 that she knew would not have put up with what she was

1 going through. But they loved her, and they tried to let
2 her enjoy this life that she was finally able to start
3 living again.

4 Your Honor, we believe -- and it was because one
5 of -- let me add one more thing about the phone call. Law
6 enforcement in this case was monitoring the phone calls
7 from the jail and heard the defendant tell his mother
8 about those bloody rags and the bloody clothes and the go
9 bag; things that were in that outside storage house. So
10 law enforcement went there with a search warrant and got
11 all of the evidence before that building mysteriously
12 burned down just a couple days later.

13 They got that from monitoring phone conversations.
14 Your Honor, there may not be a lot of evidence that this
15 was a premeditated murder, and that's part of the
16 reason -- main part of the reason that the State has
17 allowed this plea to voluntary manslaughter.

18 But there is definitely evidence that this man had a
19 malicious heart when the victim lay there dying of the
20 gunshot wound and he did not seek assistance. And he
21 cleaned up trying to do what he could to clean up a crime
22 scene and then trying to destroy the evidence that did
23 exist that he put in the out house. He definitely thought
24 about covering up this crime, Your Honor. And it's for
25 that and the way that he treated this victim as she lay

1 there dying that the State believes that the full 30 years
2 would be appropriate in this case.

3 And, Your Honor, with the gun -- but for this gun we
4 wouldn't be here today. The defendant chose to point the
5 gun at the victim, chose to have a firearm in the middle
6 of a volatile argument, a volatile situation. Defendant
7 was much bigger than the victim. Could have definitely
8 taken control of the situation in many ways, but he chose
9 to take this gun, point it at the victim's head and shoot
10 her. So but for this gun we wouldn't be here.

11 So we would ask that you consider running the gun
12 charge to five years consecutive to the full 30 years that
13 we're asking the Court for today, respectfully. Thank
14 you, Your Honor.

15 MR. JONES: Your Honor, if I may. I feel like I've
16 got to respond to that. I don't think, first of all,
17 there was any indication of any prior problems between
18 these two. No characterization of any of the information
19 that I received in discovered indicated that there was any
20 problems between Mr. Cousins and Miss Locklear.

21 And I hesitate to talk about what the Attorney
22 General talked about cleaning the situation up.
23 Mr. Cousins very frankly explained to me what happened
24 cause I asked him, too, what had happened. And very
25 frankly he said after the event had occurred that Miss

1 Locklear had lost control of her bodily functions, and he
2 was embarrassed and he attempted to clean up as best he
3 could.

4 There was not a lengthy period of time where that
5 happened. I think there was one towel found in the shed.
6 He immediately called 911. On the 911 tape I believe said
7 that he was there holding her hand while they were in
8 route. Met them at the door. There was never any
9 indication that there was anything other a simple
10 altercation that went terribly, terribly wrong, Your
11 Honor.

12 I would feel remiss if I didn't respond to that cause
13 I did -- there was no indication of any of that in any of
14 the prior information that we have either received or
15 talked about. And, certainly, from Mr. Cousins standpoint
16 he emphatically denies all that.

17 The other thing I would want to mention is
18 Mr. Cousins and I spoke at length concerning a trial, and
19 honestly, we were prepared a trial. We, again, are very
20 thankful for the opportunity to enter this plea to what
21 probably is the correct crime for which Mr. Cousins should
22 be charged and plea. He did not in any way want to put t
23 his family through any additional turmoil or heartache
24 other than what has already occurred cause he, again, from
25 the start has been extremely remorseful.

1 I think the 911 tape indicates the remorse he had
2 even as the event was happening. And I just wanted to
3 make sure that you understood that, Your Honor, from his
4 standpoint.

5 SENTENCE OF THE COURT

6 THE COURT: Okay. All right. I know it's been a
7 difficult time period for a lot of you on both sides of
8 this issue, and I thank those of you that are here for
9 coming and taking part. And I appreciate your behavior in
10 this cause I think everybody in this area is aware had
11 some problems before. And I urge you to turn away from
12 vengeful thoughts cause like I've said many times before
13 holding a vengeful heart is just like having a cancer
14 which I understand the victim here had overcome.

15 But bottom line on that a vengeful heart will eat
16 away at you like a malignment cancer. So don't fall in
17 that trap. Because of church and State the issues of that
18 I don't get into religion too much. And the courts don't
19 allow a whole lot of religious input into court
20 proceedings.

21 But for those of you that are Christians out there I
22 would certainly urge like you, like I have many in the
23 past, you better take a look at the book of Matthew cause
24 it will give you some help about how to put this behind
25 you and get on with your life cause life is too short to

1 let something affect you to the point that it ruins your
2 health or anybody else's health.

3 Now, with that little world of advice this is a
4 troubling case. I have a reduced plea here from murder
5 down to manslaughter, and I understand the reasoning for
6 it because of the elements of the offense.

7 Unfortunately for you, Mr. Cousins, there is not a
8 whole lot of mitigation on your side of it because I've
9 heard nothing that would have provoked you in this matter.
10 It's not a matter of having a heat of passion or anything
11 like that. When you tell me that you don't know why you
12 did it that does not mitigate too well nor you.

13 The nature of what happened here along with some
14 actions after that mitigate against you. Now, what does
15 mitigate for you is the fact that you have decided to face
16 the music in this matter. You have resolved this matter
17 without taking both families through the ordeal of a
18 trial. You seem to be remorseful at this time about what
19 you did. And you basically have a clean record.

20 Like I've said many times before lot of times I make
21 everybody mad in situations like this. But that's nature
22 of what we have to do in the criminal justice system.
23 Some people would say you should be maxed to the full
24 degree, consecutive sentences. Many would say that you
25 should have some mitigation in your favor. So, that's

1 where the tough decision comes on my part.

2 And what I'm going to do on the voluntary
3 manslaughter, it is a sentence of 30 years and on the
4 possession of a weapon it's going to be five years.
5 However, I'm going to run that concurrent for obvious
6 reasons that the public might not know but we in the
7 practice of law and on the bench know various reasons why
8 that is done without being that elaborated on.

9 But I just -- I'm going to close it out by saying
10 everybody better do some soul searching. We don't need
11 anybody else hurt.

12 You get credit for -- I need the total time on that,
13 Mr. Jones or Solicitor?

14 MR. JONES: Your Honor, it's July the -- I'm sorry,
15 Your Honor. I'll get that.

16 MR. COUSINS: July 18th 2010.

17 MR. JONES: July the 18th 2010.

18 THE COURT: And everybody needs to understand that
19 jail credit is mandatory under our case law decisions.
20 All right. Good luck.

21 MS. HALL: Thank you, Your Honor.

22 END OF TRANSCRIPT OF RECORD

23

24

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

I, HATTIE O. GORDON, Official Court Reporter for the
4th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Marlboro County, South Carolina, on the 24th day of May,
2012.

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

January 13, 2014

A handwritten signature in black ink, appearing to read 'Hattie O. Gordon', is written over a horizontal line.

HATTIE O. GORDON, Court Reporter

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSION
<u>COUNTY OF MARLBORO</u>	)	2011-GS-34-0050
		2011-GS-34-0051

STATE OF SOUTH CAROLINA	)	
PLAINTIFF	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
GEORGE COUSINS	)	
<u>DEFENDANT</u>	)	

April 8, 2013
Bennettsville, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE.

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

ASHLEY A, MCMAHAN, ASSISTANT ATTORNEY GENERAL
Attorney for the State

STUART AXELROD, ESQUIRE
Attorney for the Defendant

MALE FAMILY MEMBER,

HATTIE O. GORDON
Circuit Court Reporter

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I N D E X

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Certificate of Reporter	8

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E X H I B I T S

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

COLLOQUY

MS. McMAHAN: May it please the Court. This is ---

CLERK OF COURT: Hold on. She is going to swear him in.

GEORGE COUSINS, after being duly sworn, testified as follows:

MS. McMAHAN: Now, may it please the Court, Your Honor. This is the State v. George Cousins. Indictment Number 2011-GS-34-50. It was murder pled down to voluntary manslaughter. And 2011-51, possession of a weapon during the commission of a violent crime. This is Mr. Cousin's motion to reconsider so I'll turn it over to Mr. Axelrod at this time.

THE COURT: Counsel.

MR. AXELROD: Your Honor, Mr. Cousins, George, filed a motion to reconsider approximately 11 months ago. It has taken about 11 months to get Your Honor back in this courtroom to be heard. Your Honor, my client pled voluntarily to voluntary manslaughter. Took a 30 year sentence from Your Honor. He took a charge of five years run concurrently with the gun. So he's got a max out date right now I believe 2036.

Your Honor, my client has been in jail since 2010. He comes before you today asking the Court for mercy to reconsider and possibly lower his sentence from what he

1 received. I spoke with my client. My client told me that
2 since he's been in S.C.D.C. he's had no trouble with
3 S.C.D.C. He's articulate, and Your Honor, I believe
4 sometimes it's in the interest of justice and mercy to
5 possibly bring down someone's sentence.

6 This was a heated controversy that happened a couple
7 of years ago. Still a bad thing that happened. Someone
8 has died. And we're asking the Court for the mercy to
9 reconsider the sentence that you possibly gave him. Where
10 you gave him possibly bring it down to a lower sentence.

11 And, Your Honor, I would ask the Court to consider
12 lowering this in half to 15 years.

13 THE COURT: All right. Anything your client want to
14 say?

15 MR. AXELROD: No. I think he's fine with what I
16 said, Your Honor.

17 MS. McMAHAN: Judge Burch, as you know you accepted
18 this plea, the plea and the sentencing, on May 24th 2012.
19 You sentenced him to 30 years for the voluntary
20 manslaughter and five for the weapon charge to run
21 concurrent. The State feels that the timely made motion,
22 however, that the sentence was proper at the time and
23 shouldn't be changed.

24 He had the benefit of pleading guilty from murder to
25 voluntary manslaughter. He got the concurrent on the

1 possession of a weapon charge. I do believe the victim's
2 family is here and would like to speak unless you have any
3 objections to that.

4 THE COURT: Be glad to. Yes, sir.

5 MAN: Look here. I don't see why he should have the
6 chance to get out no less than what he got now. We had to
7 go to her grave to celebrate her 45th birthday. We get to
8 take no mercy in just letting her lie there, and he
9 refused to call anybody until the time that he called. He
10 didn't feel sorry for her. Why should anybody feel sorry
11 for him less than what he got right now.

12 THE COURT: I appreciate your coming up.

13 MS. McMAHAN: Your Honor, as you know you have wide
14 discretion in changing the sentence. Just a few key
15 points about this case to keep in mind.

16 Miss Norris did not actually die until a day later in
17 Laurinburg, North Carolina at the hospital. Obviously,
18 Mr. Cousins had tried to clean the scene. Rags were found
19 in the barn with her blood all over them along with a
20 carry bag and all other kinds of evidence in it.

21 Obviously, you've heard all these facts before, but
22 we feel the sentence he has today is appropriate.

23 MR. AXELROD: Your Honor, add one point. I believe
24 that prior to this event George had no criminal record.
25 He might have had a few speeding tickets, but he had no

1 criminal record I believe.

2 THE COURT: All right. I will -- the Attorney
3 General's Office will assist. I need to take a look at
4 prison his records since his incarceration, facilities
5 that he's been in. May be more than one.

6 MS. McMAHAN: I'll be happy to do that, Your Honor.
7 Would you just like for me to e-mail that to you?

8 THE COURT: If you would I'd appreciate it and also
9 Mr. Axelrod on that. I can take a look at that, and I'll
10 come down with my decision as soon as possible.

11 MS. McMAHAN: Is that P. Burch J?

12 THE COURT: Yeah.

13 END OF TRANSCRIPT OF RECORD

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

I, HATTIE O. GORDON, Official Court Reporter for the
4th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Marlboro County, South Carolina, on the 8th day of April,
2013.

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

May 19, 2017

A handwritten signature in dark ink, appearing to read 'Hattie O. Gordon', is written over a horizontal line.

HATTIE O. GORDON, Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF Marlboro

George A. Cousins #35096

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

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2014CP3400127

APPLICATION FOR

POST-CONVICTION RELIEF

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 Lieber Correctional Institution
2. Name and location of Court which imposed sentence Marlboro County Court of General Sessions
3. Name(s) of co-defendant(s) (if any)
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) Voluntary Manslaughter 2011-GS-34-0050(b) Poss. of a Weapon During the Comm. of a Violent Crime 2011-GS-34-0051(c) A CERTIFIED
TRUE COPY

William B. Sundbuck

CLERK OF COURT
MARLBORO COUNTY2014 MAY 12 PM 2
WILLIAM B. SUNDUCK
CLERK OF COURT
MARLBORO COUNTY, S.C.

FILED

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

(a) Voluntary Manslaughter- 27 years imposed originally imposed on May 24, 2012 & reduced based on Motion to Reconsider on May 17, 2013.

(b) Poss. of a Weapon - 5 years imposed on May 24, 2012 (Reconsideration Denied May 17, 2013)

(c)

6. Check whether a finding of guilty was made:

(a) after a plea of guilty X

(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

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iii

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

i

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2014 MAY 12 PM 2 23
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CLERK OF COURT
MARLBORO COUNTY, S.C.

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William B. Fundenburg
CLERK OF COURT
MARLBORO COUNTY

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

(a) No issue for direct appeal

(b)

(c)

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

(a) Involuntary Guilty Plea

(b) Ineffective Assistance of Counsel

(c) Violation of Due Process

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

(a) Applicant plead with the assurance of Counsel that he would get approximately 15 years.

(b) Applicant was assured by Counsel that he would be sentenced to approximately 15 years and based his decision to waive his right to a trial on this advice.

(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.

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MARLBORO COUNTY, S.C.

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MARLBORO COUNTY

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

- 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) This application is my first opportunity.

(b)

(c)

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

(a) your arraignment and plea? Yes

(b) your trial, if any?

(c) your sentencing? Yes

(d) your 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? Yes

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 Rick Jones 300 Russel St. Ste. 113, Darlington, SC 29532

ii Stuart Axelrod 604 Sixteenth Ave. North, Myrtle Beach, SC 29577

iii Tristan Shaffer 120 Gantt Street, Lexington, SC 29072

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

i Plea and Sentencing

ii Reconsideration of Sentence and This Application for PCR

iii This Application for PCR

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 CLERK OF COURT
 MARLBORO COUNTY, S.C.

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CLERK OF COURT
MARLBORO COUNTY

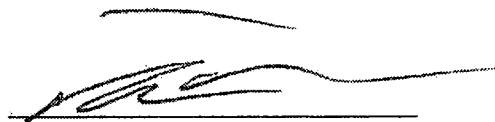
19. State clearly the relief you seek in filing this application:

New Trial

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

No

Respectfully Submitted,



Tristan Shaffer
120 Gantt Street
Lexington, SC 29072

Attorney for Applicant

FILED

2019 MAY 12 PM 2 23

WILLIAM B. FUNDERBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

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William B. Funderburk

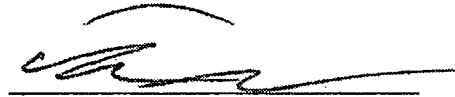
CLERK OF COURT
MARLBORO COUNTY

STATE OF SOUTH CAROLINA

County of Marlboro

VERIFICATION

Pursuant to Rule 11(b), SCRCP, I hereby verify that based on information and belief all the content of this application for post-conviction relief is true and accurate. And sets for the grounds for attacking the sentence that are known to me at this time.



Tristan Shaffer
120 Gantt Street
Lexington, SC 29072

Attorney for Applicant

SWORN to and subscribed before me this 7
day of May, 2014.

Danielle C. Johnson (L.S.)
Notary Public

My Commission Expires: 5/29/2019

FILED
2014 MAY 12 PM 2 23
WILLIAM B. FUNDERBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED
TRUE COPY

William B. Funderburk
CLERK OF COURT
MARLBORO COUNTY

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

Pursuant to Rule 11(b), SCRCP, Applicant through his undersigned attorney applies for leave to proceed in this action without prepayment of fees or costs or security. In support of this application I declare under penalty of perjury that the following facts are true:

- (1) The Applicant in this action believes he is entitled to redress.
- (2) Because of Applicant's poverty he is unable to pay the costs of said proceeding or give security thereof.
- (3) Applicant has previously be determined to be indigent and qualified for a public defender.


Tristan Shaffer
120 Gantt Street
Lexington, SC 29072

Attorney for Applicant

SWORN to and subscribed before me this 7
day of May, 2014.

Danielle C. Johnson (L.S.)
Notary Public

My Commission Expires: 5/29/2019

FILED
2014 MAY 12 PM 2 23
WILLIAM B. FUNDENBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

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William B. Fundenburg
CLERK OF COURT
MARLBORO COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF Marlboro

George Cousins # 350976

Plaintiff(s)

vs.

The State of South Carolina

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014-CP-34-00127

RECEIVED

JUN 11 2015

Submitted By: Tristan Shaffer
 Address: 120 Gantt Street
 Lexington, SC 29072

SC Bar #: 77565

Telephone #: 803-820-0727

Fax #: 803-403-9965

Other:

E-mail: shafferlawfirm@gmail.com

ATTORNEY GENERALS
OFFICE

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

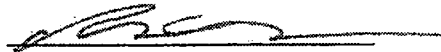
*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- -
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☒ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex/Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | | | |
| ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | | |

Submitting Party Signature:



CLERK OF COURT
 Date: 5/7/14
 MARLBORO COUNTY

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF MARLBORO

GEORGE A. COUSINS # 350976

vs.

THE STATE OF SOUTH CAROLINA

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FOURTH JUDICIAL CIRCUITCERTIFICATE OF MAILING AND
SERVICE

2014 CP3400127

I hereby certify that on May 7, 2014, I mailed the PCR Application, Verification, and Application to Proceed without Cost to the Marlboro County Clerk of Court via U.S. Mail with overnight delivery. I also certified that I served the same document on Counsel for the State at the below listed address via first-class U.S. Mail.



Tristan Michael Shaffer
Attorney for Applicant

Other Counsel of Record:

Josh Thomas
S.C. Attorney General's Office
1000 Assembly Street Room 519
Columbia, South Carolina 29201

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CLERK OF COURT
MARLBORO COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF MARLBORO)

IN THE COURT OF COMMON PLEAS
OF THE FOURTH JUDICIAL CIRCUIT

George A. Cousins,
S.C.D.C. No. 350976,

Case No.: 2014-CP-34-0127

Applicant,

RETURN

v.

State of South Carolina,

Respondent.

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2016 DEC 7 PM 2:14
WILLIAM B. ZUNDERBUND
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MARLBORO COUNTY, S.C.

In response to the Applicant's post-conviction relief application filed May 12, 2014, the Respondent would respectfully show this Court:

I.

Applicant is presently incarcerated with the South Carolina Department of Corrections pursuant to the Marlboro County Clerk of Court's orders of commitment. The Marlboro County Grand Jury indicted Applicant at the January 2011 term for Murder (2011-GS-34-0050) and Possession of a Firearm during the Commission of a Violent Crime (2011-GS-34-0051). J. Richard Jones, Esquire represented Applicant.

On May 24, 2012, Applicant pled guilty to the lesser included offense of Voluntary Manslaughter and to Possession of a Weapon during the Commission of a Violent Crime. The Honorable Paul M. Burch sentenced Applicant to thirty (30) years imprisonment for voluntary manslaughter and five (5) years imprisonment for Possession of a Firearm during the Commission of a Violent Crime. The sentences were to run concurrently.

After the imposition of Applicant's sentence, Stuart M. Axelrod, Esquire, filed a Motion

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MARLBORO COUNTY

to Reconsider on Applicant's behalf. As a result, Applicant's sentence for Voluntary Manslaughter was reduced from thirty (30) years to twenty-seven (27) years on May 17, 2013. Reconsideration for the weapons conviction was denied at that time. Applicant did not appeal his conviction or sentence.

II.

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

1. Ineffective Assistance of Counsel
 - a. Counsel "assured" Applicant that he would receive a fifteen year sentence
2. Involuntary Guilty Plea
 - a. Applicant waived his right to a jury trial based on Counsel's "assurance" that he would receive a fifteen year sentence
3. Violation of Due Process

Respondent denies Applicant is entitled to relief on any of these claims, and demands strict proof thereof. Any claims not specifically enumerated in the application or amendments thereto will be opposed by Respondent at the evidentiary hearing. All amendments should be made well in advance of hearing and should be filed in compliance with Rule 11, SCRCP.

Attached to this return and incorporated herein are the records of the Marlboro County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the guilty plea transcript, and the records of this action. Any records not attached will be forwarded upon receipt. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III.

Respondent submits that any allegation that Applicant's guilty plea was involuntary is without merit. In post-conviction relief cases, an applicant asserting a constitutional violation

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must frame the issue as one of ineffective assistance of counsel. Al-Shabazz, 338 S.C. at 363-64, 527 S.E.2d at 747 (citing Drayton v. Evatt, 312 S.C. 4, 430 S.E.2d 517 (1993); Hyman v. State, 278 S.C. 501, 299 S.E.2d 330 (1983); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (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 defendant 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) (citing Hill v. Lockhart, 474 U.S. 52; Jackson v. State, 342 S.C. 95, 535 S.E.2d 926 (2000); Thompson v. State, 340 S.C. 112, 531 S.E.2d 294 (2000); Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994)). An applicant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. at 56. "A guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. However, allegations regarding the voluntariness of the plea may raise questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper, 279 S.C. 264, 305 S.E.2d 247.

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IV.

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

Where ineffective assistance of counsel is alleged 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 on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

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

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

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reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

V.

Applicant also alleges due process violations. These allegations appear to be merely recitations of his grounds for ineffective assistance of counsel. Therefore, Respondent submits these allegations are without merit and incorporates its response in Part IV, supra.

In the event Applicant alleges independent claims of due process violations, Respondent submits such claims are likewise without merit. A due process violation only occurs “when a defendant in a criminal trial is denied the fundamental fairness essential to the concept of justice.” State v. Hornsby, 326 S.C. 121, 129, 484 S.E.2d 869, 873 (1997) (citing 21 Am.Jur.2d, Criminal Law § 640 (1981)). Respondent submits the record fully demonstrates Applicant’s plea procedures fully complied with the requirements of due process. Accordingly, Respondent submits this allegation should be dismissed pursuant to Rule 12(b)(6), SCRPC.

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MARLBORO COUNTY

VI.

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

VII.

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

Respectfully submitted,

ALAN WILSON
Attorney General

J. ROBERT BOLCHOZ, JR.
Chief Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

CATLIN BAZAN HASTINGS
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:

Caitlin Hastings
Attorneys for the Respondent

Columbia, South Carolina
December 5th, 2016

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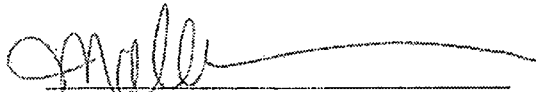
CLERK OF COURT
MARLBORO COUNTY

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF MARLBORO	)	
	)	
	)	2014-CP-34-0127
GEORGE A. COUSINS, 350976,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

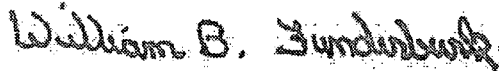
1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** on the above-captioned matter on the following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

Mr. Lance S. Boozer Esquire
 Boozer Law Firm, LLC
 807 Gervais Street, Suite 203
 Columbia, SC 29201

DATED this 5th day of December, 2016.


 Mallory Morris, Legal Assistant
 For Respondent

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 MARLBORO COUNTY, S.C.

State of South Carolina)	In Circuit Court of the
County of Marlboro)	Fourth Judicial Circuit
	2014-CP-34-0127

George A. Cousins,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Transcript of Record
	)	
The State,	)	
	)	
Defendant.	)	
	)	
_____	)	

Dillon, South Carolina
July 18, 2017

B E F O R E:

The Honorable Roger E. Henderson

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

Mr. Lance S. Boozer, Esquire
Attorney for Plaintiff

Mr. Johnny E. James, Jr., Esquire
Attorney for Defendant

Lisa Carter
Circuit Court Reporter

I N D E X

WITNESSESPAGE

George Cousins:

Direct Examination by Mr. Boozer

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Cross Examination by Mr. James

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Richard Jones:

Direct Examination by Mr. Boozer

21

Cross Examination by Mr. James

32

Direct Examination by Mr. James

37

Stuart Axlerod:

Direct Examination by Mr. James

33

EXHIBITSNO.DESCRIPTIONEV.

(NO EXHIBITS INTRODUCED DURING HEARING)

1 MR. JAMES: May it please, the Court? This is the
2 matter of George Cousins versus the State of South
3 Carolina. Docket number 2014-CP-34-00127. Mr. Cousins is
4 here today and is represented by attorney, Lance boozier.
5 He is challenging his May, 2012 conviction for voluntary
6 manslaughter and possession of a weapon during the
7 commission of a violent crime for which he was sentenced to
8 thirty (30) years for voluntary manslaughter and five (5)
9 years for possession of the weapon, which were to run
10 concurrent. He did not appeal that plea or that sentence.

11 He filed his application for post-conviction relief on
12 May 12, 2014 and it has been continued once back in
13 January.

14 Your Honor, it's the State's understanding the
15 allegations here today are that his guilty plea was entered
16 involuntarily because applicant pled with the assurance of
17 counsel that he would get approximately fifteen (15) years.
18 Additionally, he alleges ineffective assistance of counsel
19 substantially for the same reason. The applicant was
20 assured by counsel that he would be sentence to
21 approximately fifteen (15) years and based his decision to
22 waive his right to trial on this advice.

23 And finally he alleges that all of these were in
24 violation of his due process rights. And with that
25 statement, Your Honor, I give the Court, Mr. Boozier.

George Cousins- Direct Examination by Mr. Boozer:

5

1 THE COURT: Mr. Boozer?

2 MR. BOOZER: Thank you, Your Honor, if it pleases,
3 the Court? We'd go ahead and call Mr. George Cousins to
4 the stand.

5 THE COURT: All right. Thank you. Come forward,
6 Mr. Cousins.

7 THE CLERK: Place your left hand on the Bible and
8 raise your right hand. You solemnly swear or affirm the
9 testimony you're about to give the Court is the truth, the
10 whole truth, and nothing but the truth so help you God?

11 MR. COUSINS: Yes, ma'am.

12 THE COURT: If you'll have a seat in the witness
13 box and state your full name for the Court please, sir?

14 MR. COUSIN: I'm George Cousins.

15 GEORGE COUSINS first being
16 duly sworn, testified as follows:

17 **Direct Examination by Mr. Boozer:**

18 Q. Mr. Cousins, how are you?

19 A. Okay.

20 Q. And let me tell you this, that microphone does not
21 work so you just need to speak up, make a good rapport, and
22 leaned forward a little bit.

23 A. Okay.

24 Q. Just keep your voice up when you're answering the
25 questions, okay?

George Cousins- Direct Examination by Mr. Boozer:

6

1 A. Okay.

2 Q. Mr. Cousins, do you know why you're here today?

3 A. Yes, sir.

4 Q. Okay. What did you file to get into court?

5 A. Motion for reconsideration -- I mean, ---

6 Q. Let me ask you this, did you file what's called an
7 application for post-conviction relief?

8 A. Yes, sir.

9 Q. Okay. Now, what are you currently incarcerated for?

10 A. Incarcerated for?

11 Q. What are you serving time for?

12 A. Manslaughter, sir.

13 Q. What were you originally charged with?

14 A. Originally charge, murder.

15 Q. And as a result of your conviction, what type of
16 sentence did you receive?

17 A. I received a thirty (30) year sentence.

18 Q. Okay. Was that later reduced?

19 A. Yes.

20 Q. To what?

21 A. That was, I went back on a motion for reconsideration
22 in April of 2013 and was granted a three-year deduction.

23 Q. To twenty-seven (27) years?

24 A. Yeah.

25 Q. Okay.

1 A. But I never received that.

2 Q. Well, let's talk about all of that.

3 A. Okay.

4 Q. Going back though, you understand that the only thing
5 that this Court can do for you is to grant you a new trial,
6 and, basically, to start your case completely over on the
7 original charge which is the murder charge, you understand
8 that?

9 A. Yes, sir.

10 Q. And you and I discussed that?

11 A. Yes, sir.

12 Q. All right. An you understand that there is certain
13 risk involved in that and that, that potentially you could
14 go back and have a trial and if everything does not go your
15 way, be found guilty of murder and get a longer sentence
16 than what you have, than what you've originally received or
17 what you left to receive to do, you understand that?

18 A. Yes, sir.

19 Q. And knowing that there is some risk involved, do you
20 still want to go forward with your PCR case?

21 A. Could you repeat that please?

22 Q. Yes, sir. Knowing that there is some risk involved
23 with going back and getting a new trial, do you still want
24 to go forward with your PCR?

25 A. Yes.

George Cousins- Direct Examination by Mr. Boozer:

8

1 Q. Okay. Now, tell me this, less walk through a couple,
2 some of your allegations that you filed in your PCR
3 application. You've alleged that your lawyer assured you
4 that you were receiving a fifteen (15) year sentence.
5 You've alleged that you waive your right to a jury trial
6 based on your lawyers assurance that you would receive a
7 fifteen (15) year sentence. And you've also allege that
8 your due process rights were violated, is that correct?

9 A. That's correct.

10 Q. All right. When did you enter this guilty plea, do
11 you recall when it was?

12 A. When it came to me?

13 Q. Well, no ---

14 A. With the guilty plea?

15 Q. Did you plead guilty on May 24, 2012, is that when
16 your plea was?

17 A. Yes, that's right.

18 Q. All right. Who was your lawyer for your plea?

19 A. At that time, Stuart Axelrod.

20 Q. No. No. No.

21 A. I mean ---

22 Q. Who represented you before Mr. Axelrod?

23 A. Oh, oh, oh, my bad, Richard Jones.

24 Q. All right. How did Mr. Jones come on your case, did
25 you hire him or was he appointed?

1 A. He's a public defender. He was appointed.

2 Q. All right. Do you know about how many times you met
3 with Mr. Jones prior to your plea?

4 A. I was in the Marlboro detention center for about
5 twenty-two months and he came like seven or eight different
6 times.

7 Q. How soon after you were arrested was Mr. Jones
8 appointed to your case?

9 A. How soon?

10 Q. Yes, sir.

11 A. I think -- I think -- I think we first sat down and
12 talked, I was, um, was eight months.

13 Q. It was about eight months before you first spoke to
14 him?

15 A. Right.

16 Q. From the time you were arrested?

17 A. Right.

18 Q. Okay.

19 A. Although -- although, he was he was -- there was a
20 bond hearing he was -- he was at a bond hearing but that
21 was -- I didn't know he was, you know, my lawyer at that
22 time. He hadn't been -- he hadn't been assigned to my
23 case.

24 Q. And we'll talk about that in a moment as well.

25 A. Okay.

George Cousins- Direct Examination by Mr. Boozer:

10

1 Q. During your meetings with Mr. Jones, what would you
2 discuss with him?

3 A. You mean before the, um, went to court?

4 Q. Correct. Yeah. What did y'all talk about?

5 A. Um, okay, he, basically, -- he would asked me -- he
6 would asked me different things, right. Okay. He wanted
7 to know what happened, you know, and the situation and I
8 feel him in, you know, on -- then later on, he would come
9 back -- well, I wouldn't see him for long time and then he
10 would come back and start all over again, you know, just
11 want to know what, you know, details and stuff and what
12 happened. Finally, he comes to me and he says he has a one
13 time deal. If I took the deal for fifteen (15) years, you
14 know, if I pleaded out I would get fifteen (15) years.
15 That was the one time deal. He came like April of 2012 and
16 went to court in May of 2012. Yeah.

17 Q. Okay. So he came to you with a one time, with what
18 you say is a one time, deal for a fifteen (15) year
19 sentence to voluntary manslaughter?

20 A. That's correct.

21 Q. Okay. Tell me how he explained that to you? Is that
22 the deal you thought -- let me ask you this, is that the
23 deal you thought you were accepting? Did you accept that
24 deal?

25 A. Yes, sir. That was my understanding. Yes, sir.

George Cousins- Direct Examination by Mr. Boozer:

11

1 Q. Okay. Tell me exactly what your lawyer -- did he tell
2 you if you pled guilty to voluntary manslaughter, you would
3 receive a fifteen (15) year sentence?

4 A. He told me that was a one time deal for fifteen (15)
5 years for all the charges.

6 Q. Okay.

7 A. Okay.

8 Q. And did you tell your lawyer that you wanted to accept
9 that?

10 A. Yes, sir.

11 Q. All right. Had you -- let me ask you this, had y'all
12 made any sort of preparations for trial?

13 A. I had -- I had -- I have plan on going to trial.

14 Q. All right.

15 A. Yes.

16 Q. Had your lawyer done anything to prepare for trial?

17 A. No, sir. Not -- not -- I don't think so.

18 Q. Did he review with you any evidence that may have been
19 produced by the State?

20 A. No, sir. I asked for my discovery, Rule 5, I ask him
21 for, seven, eight times and he promised to bring it to me
22 but he never did. I never saw it. But he said the State
23 had a very strong case and if I went to trial and lost I
24 would receive thirty (30) years. That was it, basically.
25 Then later on he came up to me and said he had a one time

George Cousins- Direct Examination by Mr. Boozer:

12

1 deal if I pleaded guilty to the charges I would receive
2 fifteen (15) years.

3 Q. All right. Now, when you went to plea on May 24,
4 2012, do you remember that?

5 A. Yes.

6 Q. Okay. When you went in there that day, what sentence
7 did you think you were going to get? Did you think you
8 were going to get a fifteen (15) year sentence?

9 A. Yes.

10 Q. All right. And is that because of what your lawyer
11 told you?

12 A. Yes.

13 Q. Okay.

14 A. Otherwise -- otherwise, if I was not -- if I knew then
15 that I was not going to receive fifteen (15) years, I
16 would've -- I would've insisted on going to trial.

17 Q. Had you not -- had you known that you were going to
18 get more than fifteen (15) years, you would've gone to
19 trial?

20 A. Yes, sir. Absolutely.

21 Q. Okay. Now, after your plea, did you ask -- you
22 received a thirty (30) year sentence, were you surprised?

23 A. Actually, shocked, yes, sir.

24 Q. Okay.

25 A. Because it was his ---

1 Q. Why were you shocked ---

2 A. Say - - -

3 Q. Why were you shocked?

4 A. Okay. The prosecutor talked. Then the judge talked.
5 Then I talked. He asked me questions. And then it was
6 time for Richard Jones to talk, he didn't say anything.
7 Then the judge says thirty (30) years.

8 Q. And you were expecting to receive fifteen (15)?

9 A. Yes, sir.

10 Q. All right. Now, after your case, was there a motion
11 for reconsideration filed, after your plea?

12 A. Yes, sir.

13 Q. All right. Who filed that?

14 A. Richard Jones.

15 Q. All right. Did you ask him to file that or did he
16 file it on his own?

17 A. Yes, at that time I was in Kirkland and I had
18 contacted my mother and made sure she contacted him to make
19 sure that he did file the motion for reconsideration.

20 Q. All right. And who represented you -- did Mr. Jones
21 represent you for the motion for reconsideration?

22 A. No, sir. That was - - I hired Stuart Axelrod.

23 Q. Okay. So you privately retained Mr. Axelrod to
24 represent you?

25 A. That's correct.

George Cousins- Direct Examination by Mr. Boozer:

14

1 Q. All right. And did you have a hearing into that
2 motion for reconsideration?

3 A. That's -- yes.

4 Q. All right. Did you tell Mr. Axelrod that Mr. Jones
5 told you that you would get a fifteen (15) year sentence?

6 A. Yes.

7 Q. When do you recall when you told him that?

8 A. I told him that in a letter. He came, let's see --
9 anyway I told him before we went to the motion for
10 reconsideration.

11 Q. Okay.

12 A. It was a short time before, like, six months or
13 something.

14 Q. All right. What was your relationship like with Mr.
15 Jones?

16 A. I'd say kind of rocky.

17 Q. Why was it rocky?

18 A. I hardly ever see him.

19 Q. Okay.

20 MR. BOOZER: Your Honor, I'm going to refer to the
21 plea transcript of pages 14 and 15.

22 Q. And Mr. Cousins, beginning on line, excuse me, page 14
23 line 4 of the transcript, do you recall Mr. Jones
24 addressing the Court and stating, "he's been, I won't say
25 difficult to communicate with", meaning you, "but we've

George Cousins- Direct Examination by Mr. Boozer: 15

1 had, it took us a while to get our relationship to the
2 point where I think he trusted in me enough to talk to me."
3 And then skipping over to page 15 at line 16, your lawyer
4 made the comment, "I don't think he trusted anybody much
5 after that bond hearing that we had here in the courtroom,
6 least of all, me, but as I began talking with him as he
7 began to open up. I for the life of me, still can't figure
8 out what he's doing standing here". What happened at the
9 bond hearing?

10 A. What happened at the bond hearing? I went for a bond
11 ---

12 MR. JAMES: Objection, Your Honor. I'm not sure
13 how the events of the bond hearing are relevant to the
14 allegations that are set forth in the application.

15 MR. BOOZER: Judge, I think it goes to the
16 background of their relationship. I would like for the
17 Court to hear what happened.

18 THE COURT: I agree with you Mr. Boozer. I'll
19 overrule the objection.

20 MR. BOOZER: Thank you, Your Honor.

21 MR. JAMES: Thank you very much.

22 Q. Go head, Mr. Cousins. What happened at the bond
23 hearing?

24 A. What happened, I went for a bond and I was jumped.

25 THE COURT: What?

George Cousins- Direct Examination by Mr. Boozer:

16

1 A. Sir?

2 THE COURT: Tell me again.

3 A. I went for the bond hearing and I was jumped by family
4 members.

5 THE COURT: Oh, okay.

6 A. Yes, sir.

7 Q. Why would that affect, sort of, your relationship with
8 Mr. Jones?

9 A. Things just -- things just didn't seem, seem right.
10 Do you see what I'm saying? Before -- before then
11 something just didn't seem right.

12 Q. All right. We've talked about a number of things, is
13 there anything else that you wish to tell the Court about
14 your case or why you're here today?

15 A. Would you repeat that?

16 Q. Sure. I want to make sure we covered everything. Is
17 there anything else that you wish you tell the Court about
18 your case today?

19 A. Oh, okay. All right. Had I had my Rule 5 discovery,
20 had I saw it before I pleaded, I would've insisted on going
21 to trial. The South Carolina Code of Law 17-27-20 numbers
22 (1) and (5), violation of my constitutional ---

23 MR. JAMES: Objection.

24 THE COURT: Hang on just a minute.

25 A. Yes, sir.

George Cousins- Direct Examination by Mr. Boozer: 17

1 MR. JAMES: Objection. It's not really appropriate
2 for a witness to testify as to the law. We know the law.

3 THE COURT: I agree with you Mr. James. Don't try
4 to tell us and explain to us what the law is, sir.

5 A. Yes, sir.

6 Q. Mr. Cousins, have we covered why you're here today?
7 Have you told the judge what it is that you feel like Mr.
8 Jones didn't do for you or promised you, have we covered
9 that?

10 A. I think he didn't -- he didn't -- he didn't properly
11 represent me.

12 Q. Okay.

13 A. He didn't do his job.

14 Q. All right.

15 A. Or had he represented me, done a better job, probbly
16 wouldn't be sitting here today.

17 Q. And do you feel that your recollection is he promised
18 you that you would receive a fifteen (15) year sentence and
19 that's why you accepted the plea?

20 A. Yes, sir.

21 Q. Okay. And had you not -- had you known that you were
22 not going to get a fifteen (15) year sentence, you would've
23 instead proceeded to trial and would've not pled guilty?

24 A. That's correct.

25 Q. Okay.

George Cousins- Cross Examination by Mr. James:

18

1 MR. BOOZER: Thank you, Mr. Cousins. Please answer
2 any questions that the state may have for you.

3 Cross Examination by Mr. James: I

4 Q. Good morning, Mr. Cousins.

5 A. Good morning.

6 Q. Whose decision was that to plea?

7 A. Whose decision?

8 Q. Whose decision was it?

9 A. My decision.

10 Q. And you did plead guilty, correct?

11 A. Yes, sir. Without knowing the facts.

12 Q. Do you recall if that plea was a, came with the
13 recommendation or a negotiated sentence?

14 A. From my understanding it was a one time deal if I took
15 the offer at that time I would receive fifteen (15) years.
16 Had I known I wasn't going to receive the fifteen (5)
17 years, I would've insisted on going to trial.

18 Q. Mr. Cousins, isn't it true that at your plea
19 proceeding, the State explicitly stated that they were no
20 agreed recommendations that they were going to ask for the
21 maximum?

22 A. I don't recall.

23 Q. You don't recall?

24 A. No, sir.

25 MR. JAMES: Your Honor, if I may approach the

1 witness?

2 THE COURT: Yes, sir.

3 Q. Mr. Cousins, I would direct your attention to page 4,
4 this is a copy of the plea transcript.

5 A. Mmm, hmm.

6 Q. Lines 17 through 19, I have highlighted them.

7 A. Okay.

8 Q. All right. If you would just read that quietly to
9 yourself and let me know when you're done.

10 (Whereupon, the witness complies)

11 A. Okay.

12 Q. So I'll ask you again, is it true that at your plea
13 the State stated that there is no agreed recommendation but
14 that they would be asking for the maximum?

15 A. Yes, sir.

16 Q. And you went ahead and pled anyway?

17 A. Yes, sir, by my public defender. From my
18 understanding, the one time deal, was good. That was my
19 understanding. He had a one time deal for fifteen (15)
20 years. That was my whole understanding.

21 Q. Do you understand that the maximum possible sentence
22 for voluntary manslaughter is thirty (30) years?

23 A. Yes, sir, I understand that.

24 Q. And you recall the judge telling you that at the plea
25 proceedings?

George Cousins- Cross Examination by Mr. James:

20

1 A. Yes, sir, I remember that.

2 Q. All right. Do you recall telling the judge that you
3 weren't promised anything in exchange for your plea?

4 A. I don't recall.

5 Q. I'm going to show you page 8 of your plea transcript
6 lines 19 through, I'm sorry, 21 through 24. If you would
7 just read it from here to here quietly to yourself and let
8 me know when you're done.

9 (Whereupon, the witness complies)

10 A. Okay.

11 Q. So I'll ask you again, do you recall telling the judge
12 that nobody had threatened you or promised you anything in
13 exchange for your plea?

14 A. Yes.

15 MR. JAMES: I beg the Court's indulgence just one
16 moment.

17 THE COURT: Yes, sir.

18 Q. Mr. Cousins, this one time deal, did you ever see
19 anything in writing?

20 A. No, sir.

21 Q. Did you ever hear the solicitor or, I suppose in this
22 case, the Attorney General, tell you about this deal?

23 A. No, sir.

24 MR. JAMES: I have no further questions, Your
25 Honor.

Richard Jones- Direct Examination by Mr. Boozer:

21

1 THE COURT: Mr. Boozer, anything else?

2 MR. BOOZER: Nothing further, Your Honor.

3 THE COURT: All right. You can step down, Mr.
4 Cousins. Any other witnesses?

5 MR. BOOZER: Yes, Your Honor, we would go ahead and
6 call Mr. Rick Jones.

7 THE COURT: Mr. Jones.

8 THE CLERK: Do you solemnly swear or affirm the
9 testimony you're about to give the Court is the truth, the
10 whole truth, and nothing but the truth so help you God?

11 MR. JONES: I do.

12 THE COURT: Have a seat in the witness box, stating
13 your full name please, sir?

14 RICHARD JONES, first being
15 duly sworn, testified as follows:

16 **Direct Examination by Mr. Boozer:**

17 Q. Mr. Jones, how are you doing?

18 A. Good.

19 Q. Do you recall representing Mr. Cousins in this case
20 that we're here on today?

21 A. I certainly do.

22 Q. All right. Were you appointed in that matter?

23 A. As a public defender, yes.

24 Q. And do you recall about how long you were on the case
25 for?

Richard Jones- Direct Examination by Mr. Boozer:

22

1 A. I'm not exactly sure. As Mr. Cousins said I
2 represented him at the bond hearing when he was first
3 before the court. I only did that because I was up there
4 helping. I was, basically, assigned to Darlington County
5 but for a time I roamed all four of the counties in the
6 circuit and helped out when I could. The day I was there I
7 pretty much volunteer to do his bond hearing because they
8 were quite a few of them and so that's how I ended up doing
9 that. I was not assigned to his case at that time.

10 Q. Okay. Did you get assigned to his case shortly
11 thereafter or....

12 A. It wasn't shortly. I don't recall who was there, I
13 think Myesha Brown was there. Then I think there might
14 have been, Ms. Creighton may have been there. Mr. Grove.
15 There were a number of different people in Marlboro County.
16 To be honest, I don't know who actually got assigned to his
17 case first.

18 Q. Did you know about how many times in total you may
19 have met with him?

20 A. He may be right, probably seven, eight, nine times.

21 Q. And in those meetings, what were you two doing to
22 prepare for trial?

23 A. When I began meeting with Mr. Cousins it was quite a
24 time after he was initially arrested. He'd been at the
25 detention center for some period of time. I don't know if

1 any of the other public defenders up there had talked with
2 him. But his case was getting some age on it and when I
3 began to talk with him and again I really don't really
4 remember when I got assigned to Mr. Cousins, but when I
5 began talking with him, it was, basically, about what do
6 you want to do about this case.

7 Q. Okay. What sort of -- what did he want to do about
8 the case?

9 A. Well, as y'all read in the colloquy in the plea he
10 didn't really much say anything to me for quite a while. I
11 would go up and I'd do a lot of talking about here's what
12 we've got, here's what it looks like they have, what do you
13 want to do about it. And to be honest, he didn't talk much
14 at all to me. I did most of the talking for the first few
15 times I talked to him.

16 Q. So let's -- and let's talk about that ---

17 A. Sure.

18 Q. --- since you're on that subject. Have you been in
19 the courtroom for Mr. Cousins testimony?

20 A. I was.

21 Q. Okay. And do you recall me asking Mr. Cousins about
22 some statements you made it to the Court on pages 14 and 15
23 of the transcript?

24 A. Yes.

25 Q. And, specifically, you'd indicated that you won't say

Richard Jones- Direct Examination by Mr. Boozer:

24

1 it was difficult for y'all to communicate, but it took you
2 a while to get your relationship to the point where you
3 felt he trusted you enough?

4 A. Absolutely.

5 Q. And that there was a statement made that you didn't
6 think he trusted anybody much after the bond hearing, he
7 started to talk to you. And then he, on page 16, you talked
8 about how Mr. Cousins labored over, I guess labored over
9 the decision to enter the plea in the case?

10 A. Yes.

11 Q. Why did you make those statements to the Court? What
12 were you telling the Court?

13 A. Because the case was getting some age on it, I knew
14 that something was going to happen before long and somebody
15 better get ready for the case. That's when I began to talk
16 with him about what exactly he wanted to do. If we were
17 going to have a trial, we were going to go one route. If
18 we were going to try and negotiate a plea, we were going to
19 go another route. As I spoke with him and we went over
20 what the State has, he finally began to talk and we had
21 some very good conversations about what happened. And I
22 don't recall exactly when it was, but at some point in
23 time, I asked him I said, "well, what do you want to do?" I
24 said, "do you want me to see if I can talk to the State
25 about a plea?" And he said, "yes." And I did.

1 Q. Okay. Now, ultimately, he ends up entering the plea
2 to voluntary manslaughter and from the plea the State
3 indicates there was no agreement or negotiations and that
4 they were seeking the maximum?

5 A. Absolutely.

6 Q. Did you tell Mr. Cousins that he would be receiving a
7 fifteen (15) year sentence if he entered a plea to
8 voluntary manslaughter?

9 A. I did not.

10 Q. And what -- what did you tell him?

11 A. I had -- I had several conversations concerning --
12 well, let me back up a little bit, Ms. Kelly Hall was
13 representing the State. It was an Attorney General's case.
14 The solicitor's office in the Fourth Circuit had conflict
15 it out because I believe either they had, someone in their
16 office had a relationship with either Mr. Cousins or his
17 family. The Attorney General ended up with the case. Ms.
18 Hall had the case. At the point in time when Mr. Cousins
19 said that he wanted me to work on a plea, I called Ms.
20 Hall, ask her about the possibility of voluntary, to my
21 surprise, several days later, she got back and said yeah,
22 we'd agreed to that. At that point in time, I went back
23 and talk to Mr. Cousins and began to explain to him how it
24 was going to work. And from my understanding of how it was
25 going to work was that they would be asking for the

Richard Jones- Direct Examination by Mr. Boozer:

26

1 maximum, would be asking for the minimum. Where I believe
2 Mr. Cousins may have got confused is I explained to him
3 what my understanding of how the trial judge was going to
4 handle his plea. Judge Burch was the trial judge and I've
5 practiced in front of Judge Burch for longer than I'd like
6 to admit but probably twenty to twenty-five years. He has
7 told various defense counsel on the record how he handles
8 pleas, particularly, straight up pleas. And my
9 understanding of that is what I explained to Mr. Cousins
10 and that is, you start with the maximum sentence, you cut
11 it in half, and then you go up or down based on either
12 mitigation or aggravation, good things or bad things that
13 he hears. And I had that conversation with Mr. Cousins
14 many times.

15 Q. Okay. So let's break down those numbers ---

16 A. Okay.

17 Q. --- so that would be on voluntary manslaughter,
18 carries what?

19 A. Two (2) to thirty (30), I think.

20 Q. All right. So, if you cut that in half, what would
21 that then be?

22 A. Fifteen (15).

23 Q. Okay. So your testimony is you didn't tell him or
24 assure him that he would receive fifteen (15), it's that
25 you explained to him Judge Burch looks at the case on an

1 open plea, starts at the top, looks at the bottom, and
2 then, basically, starts in the middle and goes up or down
3 depending on mitigation or aggravation?

4 A. That's exactly what I told him.

5 Q. Okay. Do you think he understood that?

6 A. I think he understood it very well. Now, I understand
7 that probably that fifteen (15) is where he really thought
8 he was going to end up. And I'll be real honest with you,
9 I have never in all of my years practice been as shocked at
10 a sentence as I was at that sentence.

11 Q. Okay. Because he goes in there to enter a plea,
12 basically, gets the max although it's a reduced charge, he
13 gets the max which is thirty (30)?

14 A. Absolutely.

15 Q. Had you known that you would go in there get a thirty
16 (30) year sentence, do you think you would've, that he
17 would've pled guilty or you would've advised him to enter a
18 guilty plea?

19 A. I don't know, that's a good question. The evidence in
20 the case was very interesting because there appeared to be
21 some type of altercation. One of the things that Mr.
22 Cousins never did is explain to me exactly what happened
23 and I'm not sure if he knows. But he and his girlfriend
24 had an argument. He said that he kept a .22 in the kitchen
25 either on the wash machine or somewhere, a table, all the

Richard Jones- Direct Examination by Mr. Boozer:

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1 time and all of a sudden that pistol ended up in his hand
2 and he shot her between the eyes.

3 Q. Based on those statements that you made to the Court
4 about y'all's relationship and the issue with trust, would
5 you say that y'all had a strained relationship?

6 A. I don't think we had any relationship to start with
7 and that's what I said what I did. I think it took a while
8 before he would open up. I don't know if it was me because
9 I happen to be at the bond hearing with him or if it was
10 anybody because one of the things that we talked about as
11 we talked about getting ready to plea is the fact that he
12 had no criminal record at all. I think he had a two-point
13 traffic ticket and that's the only, that was his only
14 interaction with the law prior to being charged with
15 murder.

16 Q. You're saying that you don't feel like y'all had any
17 relationship at all, do you think at that point may have
18 been something that you needed to bring to the Court's
19 attention or that you should have maybe asked that another
20 lawyer be appointed to represent him?

21 A. If he had never talk to me at all, yes. But the point
22 of me saying what I did, is we developed a relationship and
23 at that point in time when I ask him if he wanted me to try
24 negotiate a plea of some sort and he said, yes, well, that
25 took me from the trial route to the plea route.

1 Q. Now, after the plea you actually file the motion for
2 reconsideration?

3 A. Yes, I did.

4 Q. Okay. Was that something you did on your own or was
5 it at George's direction?

6 A. I think that I mentioned -- in Bennettsville the
7 person who pleas is immediately taken to a little small
8 holding cell right in the back and I think George and I may
9 have spoken very briefly and I think I just told him I was
10 going to file a motion for reconsideration and he agreed.

11 Q. Okay. After it was filed, there was a hearing,
12 correct?

13 A. There was.

14 Q. Okay. And were you preparing to represent him at the
15 hearing or did another attorney become involved?

16 A. I prepared up until the week before. Judge Burch for
17 some reason, I don't recall, but he was out of, I don't
18 know if he was out of the circuit, but he was certainly out
19 of Bennettsville for almost a full year. So he was not
20 coming back for quite some time. I prepared for the motion
21 for reconsideration and if I remember correctly the week
22 before, it was either a week or two before it was
23 scheduled, I did the scheduling, Mr. Cousins mother called
24 me and asked me if I was representing him and I said, as
25 far as I know. And then she as I recall she related the

Richard Jones- Direct Examination by Mr. Boozer:

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1 fact that Mr. Axlerod had been retained and that was the
2 first I'd heard of it.

3 Q. Did you have any discussions with Mr. Axlerod about
4 the motion for reconsider or about any background in the
5 case?

6 A. The day of the hearing.

7 Q. Okay. Did you tell Mr. Axlerod that you told Mr.
8 Cousins he would get, you thought he was going to get a
9 fifteen (15) year sentence or that you were sure that he
10 would get a fifteen (15) year sentence?

11 A. I did not.

12 Q. Okay. But you did speak with Mr. Axlerod?

13 A. I did. The conversation had to do pretty much with,
14 basically, my lack of preparation for a trial in the
15 situation.

16 Q. Your lack of preparation?

17 A. Absolutely.

18 Q. Okay.

19 MR. BOOZER: Court's indulgence, Your Honor.

20 THE COURT: Yes, sir.

21 Q. Did you file or receive Rule 5 materials?

22 A. The standard practice for our office was that it was
23 filed out of I think at that time, the Dillon office, but
24 yes, it was filed. Yes, it was received. And yes, I don't
25 know if I had physical possession of it all the time. Most

Richard Jones- Direct Examination by Mr. Boozer:

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1 of our files, we were paperless, so most of them were on a
2 laptop computer.

3 Q. Did you review those materials that you would've
4 received with Mr. Cousins?

5 A. My recollection is that we went over everything that I
6 had received or that was in his file, yes. But what I do
7 not remember, is I don't remember if I gave him a copy of
8 that, Rule 5. I do not recall that.

9 Q. Okay. Do you know if you may have provided that to
10 him after the plea and after his conviction?

11 A. I don't remember. Probably what happened is what
12 happens frequently is that the person gets sentence. Goes
13 off. Does not have all of their materials and they write
14 back and ask for a copy of it. And most of the time we'll
15 give them a new copy. I think the procedure in the Fourth
16 Circuit at that time was if there was documentation in the
17 file that the Rule 5 had been provided to the client, that
18 they did not receive another copy of it. I don't remember
19 if Mr. Cousins got another copy of his Rule 5 at that time
20 but it wouldn't surprise me.

21 Q. Okay.

22 MR. BOOZER: Thank you, Mr. Jones. I saw the
23 questions I have of him.

24 MR. JONES: Sure.

25 THE COURT: Mr. James?

Richard Jones- Cross Examination by Mr. James:

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Cross Examination by Mr. James:

Q. Just to be clear on a few points, you indicated a moment ago that you ceased preparing for trial because Mr. Cousins indicated that he wanted to plea, correct?

A. Absolutely. I did not -- I had plenty of cases to prepare for trial and if I was going to plea one, I didn't prepare for trial.

Q. If he had ask you to take this to trial, would you have been able to do so?

A. Absolutely.

Q. About how long have you been practicing law?

A. I was afraid you were going to ask me that, forty-one years.

MR. JAMES: I beg the Court's indulgence. I have no further questions.

THE COURT: Anything else, Mr. Boozer?

MR. BOOZER: No redirect, Your Honor.

THE COURT: All right. You can step down. Thank you, Mr. Jones.

MR. JONES: Thank you.

MR. BOOZER: Your Honor, we'd call Stuart Axelrod to the stand.

THE COURT: All right.

THE CLERK: Do you solemnly swear or affirm the testimony you're about to give the Court is the truth, the

Stuart Axelrod- Direct Examination by Mr. Boozer:

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1 whole truth, and nothing but the truth so help you God?

2 MR. AXLEROD: Yes, ma'am, I do.

3 THE COURT: Have a seat in the witness stand.

4 State your full name please, sir.

5 MR. AXLEROD: I'm Stuart Mark Axelrod.

6 STUART AXELROD, first being
7 duly sworn, testified as follows:

8 **Direct Examination by Mr. Boozer:**

9 Q. Good morning, Mr. Axelrod, how are you doing?

10 A. Well today, sir. Thank you for asking.

11 Q. And did you represent or have -- how did you represent
12 Mr. Cousins in this case that we're here for?

13 A. I represented him on the motion for reconsider his
14 sentence.

15 Q. And how did that representation come about?

16 A. I was trying to think, I don't know if I saw him at
17 Lieber, I saw him somewhere, I'm not sure where I saw him,
18 but it came to my attention that he wanted me to represent
19 him for reconsideration of his plea on voluntary
20 manslaughter.

21 Q. Did you file that motion for reconsider or was it
22 already filed when you came on board?

23 A. I believe it was already filed from listening to the
24 testimony. I came in -- I came in to do the motion for
25 reconsider. I'm pretty sure I met with him at Lieber and I

Stuart Axelrod- Direct Examination by Mr. Boozer:

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1 spoke with him and we went forward from there and the
2 family retained me some amount.

3 Q. All right. Now, did you actually represent him at a
4 hearing into that motion for reconsider?

5 A. I did.

6 Q. Prior to the actual hearing, did you have an
7 opportunity to speak with his former attorney, Mr. Rick
8 Jones?

9 A. I did.

10 Q. All right. And during that -- what were the details
11 of that discussion?

12 A. Would it be possible to give a little background with
13 the conversation I had with Mr. Cousins?

14 Q. Of course. If you would, tell us sort of what your
15 understanding of everything that had occurred based on your
16 discussions with Mr. Cousins leading up to the motion for
17 reconsider and I'll let you begin.

18 A. I think that would -- that would be in context to do
19 it that way. I've been a criminal defense attorney for
20 twenty years and, you know, when people plead guilty and
21 you do a PCR you kinda look at them and you go, "yeah,
22 right." It's like you pled. The judge ask you, were you
23 promised anything, no, this or that. And I met with Mr.
24 Cousins and he had told me when I met him that he had been
25 promised fifteen (15) years to plead guilty. And ---

1 Q. Who had promised him?

2 A. He had told me that Mr. Jones had promised fifteen
3 (15) years.

4 Q. Okay.

5 A. And I kind of took it with a grain of salt because
6 usually inmates will tell you things that aren't true. And
7 that was, that was my mindset going into the motion for
8 reconsideration was that I didn't really believe George.
9 We scheduled the motion for reconsideration and it took a
10 while because we had to be back in front of Judge Burch and
11 I believe there was another Attorney General there because
12 whoever did the original trial, I don't think she was
13 there, but it was another female Attorney General. And I
14 went out into the hallway and I was directed to where Mr.
15 Jones was and I said, "Mr. Jones, Mr. Cousins tells me that
16 you told him that if he pled guilty he would get fifteen
17 (15) years." Mr. Jones told me, "he did." And I said to
18 myself, damn, George is telling me the truth. Now, at that
19 point I went into chambers, Judge Burch was there and the
20 Attorney General was there and I said, "you know, we have a
21 little problem." I said, "I believe that he was promised
22 the fifteen (15) years," and Judge Burch, went like that,
23 he just kind of shook his shoulders. And I myself in
24 twenty years have not been in a situation like that and,
25 you know, I had to do what I had to do and I told the judge

Richard Jones- Re-cross Examination by Mr. James:

36

1 I said, "you know, if we don't fix this, we're going to
2 have a PCR someday." And I read back in my colloquy from
3 my motion for reconsider and in it at the end, you know,
4 I'm doing the motion for reconsider on a murder charge that
5 was reduced to a voluntary manslaughter and in the end I
6 say to the judge, I said to Judge Burch -- one second, Your
7 Honor and I'll find it, and I know Judge Burch and he's the
8 longest sitting circuit judge and I said, "Your Honor, I
9 would ask the Court to consider lowering this and asked for
10 fifteen (15) years." And that's why I did it.

11 Q. That wasn't an arbitrary number?

12 A. No. And I had told George, you know, it was just like
13 almost a twilight zone because I believe Mr. Jones. I
14 believed he told me the truth right there. And I told
15 George, I said, "look," I said, "my goal in this
16 reconsideration is to maybe get you the twenty (20)", and I
17 said, "and that something that maybe you're going to have
18 to live with," but he did tell me the truth and there's
19 always an expression that a judge always says to a jury,
20 they say, you know, to the jury they say, "you have no
21 friends to reward and no enemies punish," and I sit here, I
22 don't have a dog in this fight. I'm telling you what I was
23 told that day and that's all I can tell you. And I really
24 don't want to be here.

25 MR. BOOZER: Thank you, Mr. Axelrod. That's all I

1 have for you.

2 THE COURT: Mr. James?

3 MR. JAMES: No questions for this witness.

4 THE COURT: Okay. You may step down. Thank you.

5 MR. AXELROD: May I be excused, Your Honor?

6 THE COURT: Any objection?

7 MR. BOOZER: No objection, Your Honor.

8 MR. JAMES: No objection.

9 THE COURT: You May be excused.

10 MR. AXELROD: Good day, sir.

11 THE COURT: Mr. Boozer?

12 MR. BOOZER: Nothing further, Your Honor.

13 THE COURT: Mr. James?

14 MR. JAMES: We need to call Rick Jones back to the
15 stand.

16 THE COURT: Yes, sir. You are already under oath,
17 Mr. Jones.

18 **Re-cross Examination by Mr. James:**

19 Q. Hello again, Mr. Jones.

20 A. Yes, sir.

21 Q. If you could, Mr. Jones, what was -- what was the full
22 nature of your conversation with Mr. Axelrod regarding your
23 client, Mr. Cousins?

24 A. Mr. Axelrod, as I said before, talk to me about lack
25 of preparation for trial. The only specific thing I

Richard Jones- Re-cross Examination by Mr. James:

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1 remember him mentioning is why didn't I get him a plea for
2 involuntary manslaughter and I told Mr. Axelrod to the best
3 of my recollection because Mr. Cousins shot the young lady
4 between the eyes with a pistol and it did not fit
5 involuntary manslaughter. And that's about all the
6 conversation we had.

7 Q. Did you ever promised Mr. Cousins fifteen (15) years?

8 A. I told you -- no -- the answer to the question is, no.
9 The explanation is he probably got the fifteen (15) years
10 when I cut the thirty (30) in half and said he'd go up or
11 down. In reading the transcript of the plea, I think Judge
12 Burch just didn't hear anything or didn't hear what he
13 expected to hear in mitigation and that's why, again, I
14 think he went on the high side or to the high side.

15 Q. Did you ever tell anybody else that you had promised
16 Mr. Cousins fifteen (15) years?

17 A. I hadn't promise Mr. Cousins fifteen (15) years so I
18 never told anybody that. Again I'll tell you, though, I
19 was as shocked at the sentence as I've been in a plea that
20 I've done. I can't remember another time that I was as
21 shocked at the thirty (30) year sentence that Mr. Cousins
22 received. It had nothing to do with the fact that he was
23 promised anything because he wasn't.

24 MR. JAMES: I beg indulgence. No further
25 questions.

1 THE COURT: Mr. Boozer?

2 MR. BOOZER: No questions, Your Honor.

3 THE COURT: All right. You can step down. Thank
4 you. Anything else, Mr. James?

5 MR. JAMES: No, Your Honor.

6 THE COURT: Okay. I'll take this matter under
7 advisement. I'll let you gentlemen hear from me in the
8 next day or so.

9 MR. JAMES: Thank you, Your Honor.

10 MR. BOOZER: Thank you, Your Honor.

11 (CONCLUSION OF THE HEARING ON JULY 18, 2017)

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Dillon County, South Carolina, on the 18th day of July, 2017.

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

s/ Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

September 17, 2017

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF MARLBORO) FOR THE FOURTH JUDICIAL CIRCUIT
)

George A. Cousins,) Case No.: 2014-CP-34-00127
S.C.D.C. No. 350976,)
)

Applicant,)

ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

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ANITA H. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, SC

This matter comes before the Court by way of an application for post-conviction relief filed by George A. Cousins ("Applicant") on May 12, 2014. Respondent made its return on or about December 5, 2016. The Court convened an evidentiary hearing into the matter on July 18, 2017, at the Dillon County Judicial Center in Dillon, South Carolina. Applicant was present at the hearing and represented by Lance S. Boozer, Esquire. Johnny Ellis James Jr., of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, J. Richard Jones, Esquire ("Jones") and post-sentence motion counsel, Stuart M. Axelrod ("Axelrod") also testified. The Court had before it Applicant's records from the South Carolina Department of Corrections, a copy of the original plea transcript, a copy of the transcript of the hearing on the motion to reconsider, the records of the Marlboro County Clerk of Court regarding the subject convictions, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Marlboro County Clerk of Court. Applicant was indicted at the January

2011 term of the Marlboro County Grand Jury for murder (2011-GS-34-00050) and possession of a firearm during the commission of a violent crime (2011-GS-34-00051). J. Richard Jones represented Applicant on the charges. Kelly W. Hall and Heather S. Weiss, of the South Carolina Attorney General's Office, prosecuted the case. On May 24, 2012, Applicant pled guilty to the lesser-included charge of voluntary manslaughter, and to the weapon charge as indicted. The Honorable Paul M. Burch sentenced Applicant to imprisonment for concurrent terms of 30 years for voluntary manslaughter and 5 years for the weapon charge.

After the imposition of Applicant's sentence, Jones filed a motion to reconsider on Applicant's behalf. After the filing of the motion, but prior to the hearing thereon, Stuart M. Axelrod substituted for Jones as counsel. Applicant proceeded to a hearing before Judge Burch on April 8, 2013. Axelrod represented Applicant, and Ashley A. McMahan, of the South Carolina Attorney General's Office, represented the State. The Court granted Applicant's motion in part, and reduced his sentence for voluntary manslaughter from 30 to 27 years on May 17, 2013. Reconsideration for the weapons conviction was denied at that time. Applicant did not appeal his plea or sentence.

Present Application

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

1. Ineffective assistance of counsel, in that:
 - a. Counsel "assured" Applicant that he would receive a fifteen year sentence
2. Involuntary Guilty Plea, in that:
 - a. Applicant waived his right to a jury trial based on Counsel's "assurance" that he would receive a fifteen year sentence
3. Violation of Due Process

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 MARLBORO COUNTY, S.C.

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II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel & Involuntary Guilty Plea

In a post-conviction relief action, an applicant has the burden of proving the allegations in his or her application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, he or she must prove "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." Butler at 442, 334 S.E.2d 441 (quoting Strickland v. Washington, 466 U.S. 668, 686 (1984)). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Id.

"[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler at 442, 334 S.E.2d 441 (quoting Strickland at 690). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989). "Judicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at

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689; Edwards v. State, 392 S.C. 449, 456-57, 710 S.E.2d 60, 64 (2011). “[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel.” Smith v. State, 386 S.C. 562, 567, 689 S.E.2d 629, 632 (2010) (citing Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000)).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry at 117, 386 S.E.2d at 625 (citing Strickland at 688). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry at 117-18, 386 S.E.2d at 625 (citing Strickland at 694). The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Strickland, 466 U.S. at 696-97.

Applicant further claims his plea was not entered knowingly or voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of his plea and the charges against him. See Boykin v. Alabama, 395 U.S. 238, 243 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as

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well as evidence presented at the PCR hearing. See Harris v. Leeke, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir. 1985)).

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. See Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and the Court treats it as such.

IAC Allegation #1 – Misadvice as to Certainty of 15 Year Sentence

Applicant alleges that he only pled guilty due to Jones' assurance that he would receive a sentence of only 15 years for voluntary manslaughter. Even where counsel offers misinformation as to the duration of sentence a defendant faces upon pleading guilty, the deficiency can be cured where the trial court properly informs the defendant about the sentencing range. Holden v. State, 393 S.C. 565, 575, 713 S.E.2d 611, 616 (2011) (citations omitted); see

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also Moorehead v. State, 329 S.C. 329, 333, 496 S.E.2d 415, 416-17 (1998) ("Even if trial counsel erroneously informed [Applicant] his sentence would be probationary, any misconception was cured at the plea hearing."). Furthermore, where a defendant signs a properly prepared, and accurate sentencing sheet, he or she thereby manifests his or her desire to plead guilty and acknowledges the character of his or her plea. Id., 393 S.C. at 575, 713 S.E.2d at 616-17.

At the evidentiary hearing, Applicant testified that Jones met with him in April 2012 and communicated a "one time deal" in which Applicant could plead guilty in exchange for a sentence of 15 years. Applicant testified he communicated his acceptance of that plea to Jones and that he appeared in court in May 2012 with the belief that he would be entering a plea for 15 years based on what Jones told him. Applicant was "shocked" when Judge Burch imposed a sentence of 30 years. Applicant testified he told Axelrod about six months before the hearing on his motion for reconsideration that Jones had communicated to him an offer of 15 years. Applicant described his relationship with Jones as "kind of rocky" after Applicant was attacked by members of the victim's family at his bond hearing. Applicant testified he would have proceeded to trial had he known he would not receive a sentence of 15 years. On cross-examination, Applicant admitted the court told him the maximum possible sentence for voluntary manslaughter was 30 years. Applicant never saw anything in writing to reflect the purported plea deal.

Jones testified he asked Applicant if he wanted to explore the possibility of a plea, to which Applicant replied that he did. Jones denied ever telling Applicant that he would receive a sentence of 15 years. Jones called the attorney general working on the case and asked about the possibility of voluntary manslaughter; to Jones' surprise, the attorney general agreed. Jones



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MARLBOROUGH COUNTY, S.C.

explained to Applicant that he would ask for the minimum sentence while the State would ask for the maximum. Jones further explained to Applicant Judge Burch's process for sentencing during guilty pleas: Judge Burch would take the maximum sentence, cut it in half, and then go up or down based on either mitigation or aggravation. Jones explained Judge Burch's process to Applicant on multiple occasions. Jones, like Applicant, testified he was shocked by the 30 year sentence. Jones filed a motion for reconsideration and prepared until about a week before the hearing, at which time Applicant's mother called and informed Jones that Applicant had retained Axelrod to represent him on the motion. Jones met with Axelrod to discuss the case the day of the hearing on the motion for reconsideration. Jones denied telling Axelrod that he'd guaranteed Applicant a 15 year sentence; rather, the conversation revolved around Axelrod's concerns about the extent of Jones' trial preparation.

Axelrod testified he was retained to represent Applicant on his motion for reconsideration, which had already been filed. Axelrod testified Applicant communicated to him that Jones promised a sentence of 15 years. Axelrod expressed initial skepticism of Applicant's claim. Axelrod testified he told Jones' about Applicant's report that Jones promised 15 years, which Jones then confirmed. Axelrod testified he communicated the problem to Judge Burch and the attorney general in chambers and specifically requested a sentence of 15 years during the hearing. Axelrod affirmed that he did not wish to be at the evidentiary hearing.

Jones was again called as a witness by Respondent and reaffirmed his recollection of his conversation with Axelrod. Jones noted the only specific recollection he had was Axelrod asking why Jones did not pursue a plea for involuntary manslaughter, to which Jones replied that the facts of the case did not fit involuntary manslaughter. Jones denied ever promising Applicant

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 MARSHALL COUNTY S.C.

a sentence of 15 years. Jones denied ever telling anybody else that he promised Applicant a sentence of 15 years.

This Court finds that Applicant's testimony was not credible and entirely self-serving. The plea transcript shows that Judge Burch properly and clearly communicated to Applicant the full breadth of his sentencing exposure, and when asked if he had any questions about that exposure, Applicant replied "No, sir." Tr. 6. The State was unequivocal that "[t]here is no agreed recommendation," and zealous in its demand for the maximum sentence within the range available for voluntary manslaughter and the weapon charge. Tr. 4, 18-30. Applicant's testimony at the evidentiary hearing that Jones' said nothing during the plea proceeding is plainly inconsistent with Jones' efforts to mitigate the killing. Tr. 12-15, 30-32. Applicant was there and present for the entire proceeding and signed the sentencing sheets—there was no room for confusion in that plea.

This Court finds Jones' testimony was clear, thorough, consistent, and credible. Jones accurately explained Judge Burch's sentencing process to Applicant. Axelrod misunderstood a statement by Jones during their conversation immediately prior to the hearing on the motion for reconsideration, then requested a modification of Applicant's sentence to 15 years based upon that misunderstanding. Jones committed no deficiency in his representation and Applicant suffered no prejudice. Accordingly, Applicant cannot meet his burden as to either prong of Strickland and his request for relief is **DENIED**.

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III. CONCLUSION

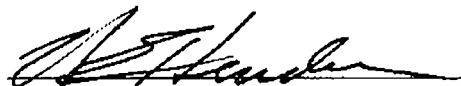
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) 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 PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 16th day of November, 2017.


 ROGER E. HENDERSON
 Presiding Judge
 Fourth Judicial Circuit

Chesterfield, South Carolina

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 CLERK OF COURT
 MARLBORO COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF MARLBORO) IN THE COURT OF GENERAL SESSIONS

INDICTMENT

At a Court of General Sessions, convened on January 18, 2011 the Grand Jurors of Marlboro County present upon their oath:

MURDER

That George Anthony Cousins did in Marlboro County on or about July 18, 2010, feloniously, willfully, and with malice aforethought, kill one Tammy Locklear Norris, by shooting the victim, and that the victim died as a proximate result thereof, all in violation of §§ 16-3-0010, 0020 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.


ALAN WILSON (jkc)
ATTORNEY GENERAL

WITNESSES

Brittany R. English, Marlboro County
Sheriff's Office

B. R. English

ARREST WARRANT NUMBER

J-728199

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 1-18-2011

VERDICT

Robert R. Allison

True Bill

Foreperson of Petit Jury

Date:

Docket Number 2011-GS-34-0050

The State of South Carolina
County of Marlboro

COURT OF GENERAL SESSIONS
January 2011 Term

THE STATE

vs.

GEORGE ANTHONY COUSINS

DEFENDANT

**INDICTMENT FOR
MURDER**

S.C. Code: §§ 16-3-0010, 0020
CDR Code: 116

After 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.

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MARLBORO COUNTY, S.C.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF MARLBORO)

INDICTMENT

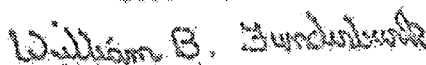
At a Court of General Sessions, convened on January 18, 2011 the Grand Jurors of Marlboro County present upon their oath:

**POSSESSION OF FIREARM DURING
COMMISSION OF A VIOLENT CRIME**

That George Anthony Cousins did in Marlboro County on or about July 18, 2010, possess a firearm, during the commission of a violent crime as defined in Code § 16-1-60, to wit: MURDER, in violation of § 16-23-490 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.


 ALAN WILSON (jkc)
 ATTORNEY GENERAL

A CERTIFIED
 TRUE COPY

 CLERK OF COURT
 MARLBORO COUNTY

WITNESSES

Brittany R. English, Marlboro County
Sheriff's Office

B. R. English

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 1-18-2011

VERDICT

Robert R. Altman

True B-11

Foreperson of Petit Jury

Date:

Docket Number 2011-GS-34-0051

The State of South Carolina
County of Marlboro

COURT OF GENERAL SESSIONS
January 2011 Term

THE STATE

vs.

GEORGE ANTHONY COUSINS

DEFENDANT

INDICTMENT FOR
POSSESSION OF FIREARM DURING
COMMISSION OF A VIOLENT CRIME

S.C. Code: § 16-23-490

CDR Code: 549

After 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.

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WILLIAM J. FORTSON
CLERK OF COURT
MARLBORO COUNTY, S.C.

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