

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Beaufort County

R. Scott Sprouse, Circuit Court Judge

PRESTON C. MORSE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-002314

APPENDIX

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) CASE NO.: 2012-GS-07-2409-2411,
2431, AND 2434

THE STATE OF SOUTH CAROLINA,)
v.) TRANSCRIPT OF RECORD
PRESTON MORSE,)
DEFENDANT.)

MARCH 18th, 2013
BEAUFORT COUNTY, SOUTH CAROLINA
BEFORE THE HONORABLE CARMEN T. MULLEN, JUDGE.

APPEARANCES:

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ORIGINAL

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1 THE COURT: Good morning, Solicitor.

2 ASST. SOL. SHELTON: Your Honor, the State calls
3 Preston Morse. Your Honor, as you are aware, Mr. Morse is
4 up for trial this morning. His attorney, apparently, is Ms.
5 Trasi Campbell of the public defender's office. She is a
6 public defender of Beaufort County. Madame court reporter,
7 he is indicted currently to 2012-GS-07-2410, 2-4-9, 2-4-11,
8 2-4-3-1, as well as 2-4-3-4.

9 At this time, it's the State's understanding that Mr.
10 Morse would like to be relieved of the services of Ms.
11 Campbell. The State opposes any such motion made by Mr.
12 Morse because she was appointed. It's the State's position
13 that if he wants to hire a lawyer, he of course can do so.

14 Under our laws, it's not the State's position that you
15 have a choice if you're appointed an attorney and we find
16 that Ms. Campbell is one of the most capable, if not the
17 most capable, public defense attorneys in the county. Thank
18 you, Your Honor.

19 THE COURT: Mr. Morse, we've met before; I'm Carmen
20 Mullen, as you know. You've been up in front of me, I
21 believe, on some bond motions and some other things. My
22 understanding is that you want to relieve Ms. Campbell; is
23 that correct?

24 MR. MORSE: No, I'm just gonna take the plea.

25 THE COURT: You're sure? Sir, I can tell you, I

1 obviously do know your case. You've been in front of me
2 before and I understand what your charges are and I
3 understand that they carry mandatory minimums, which are
4 significant, and I will tell you that I understand and
5 appreciate that, and understand it's difficult.

6 As you know, Trasi Campbell is an outstanding lawyer.
7 I'm sure she has represented you well, and I have no doubt,
8 and I can tell you that I have no equivocation if I were in
9 trouble, I'd be going to Ms. Campbell. Unfortunately,
10 though, we are at the point where your case has been called
11 for trial. As you know, it is time now to either pull a
12 jury or it is time to enter a guilty plea. Are you sure you
13 want to enter a guilty plea?

14 MR. MORSE: Yes, ma'am.

15 THE COURT: All right, sir. And I see you have some
16 lovely children with you, as well as it appears maybe your
17 parents, as well, family members; is that correct?

18 MR. MORSE: Yes, ma'am. My daughters, my grandparents,
19 my father and my mother.

20 THE COURT: Very good. They are absolutely beautiful.
21 All right. Well, let's go ahead and we will enter your plea
22 and we will go from there.

23 ASST. SOL. SHELTON: Thank you, Your Honor. The State
24 calls Preston Morse. For the court reporter, 2012-2409 is
25 forgery, value less than \$10,000. 2012-2411 is resisting

1 arrest, assault while resisting arrest. 2012-2431 is
2 forgery, less than \$10,000. 2012-2434 is burglary in the
3 first degree. And 2012-2410 is also resisting arrest,
4 subsection (b), assault while resisting arrest. He is
5 pleading guilty to all charges without any negotiation or
6 recommendation by the State. The State does not object to
7 the charges running concurrent. We would like to be heard
8 on that matter at a later time. Thank you.

9 (Whereupon, the defendant, Mr. Preston Morse is duly
10 sworn.)

11 THE COURT: Ms. Campbell, have you explained and does
12 your client understand the charges against him, the possible
13 punishment, and his constitutional rights?

14 MS. CAMPBELL: He does.

15 THE COURT: Mr. Morse, it's my understanding that you
16 want to plead guilty to forgery, value less than \$10,000;
17 resisting arrest under subsection (b), which is a ten-year
18 statute; forgery, value less than \$10,000; burglary in the
19 first degree; and another resisting arrest under subsection
20 (b); sir, is that correct?

21 MR. MORSE: Yes, ma'am.

22 THE COURT: Ms. Campbell, based on your investigation,
23 does the State have adequate evidence to prove your client's
24 guilt on these charges beyond a reasonable doubt?

25 MS. CAMPBELL: I believe they do, yes.

1 THE COURT: Mr. Morse, have you taken any medication or
2 drank any alcohol in the last 24 hours?

3 MR. MORSE: No, ma'am. I'm fine.

4 THE COURT: Do you suffer from any mental or physical
5 infirmity that would prevent you from understanding what
6 you're doing here today?

7 MR. MORSE: (NO RESPONSE.)

8 THE COURT: Sir, I'm going to need you to speak up
9 because my court reporter is taking everything down.

10 MR. MORSE: No, ma'am.

11 THE COURT: Thank you, sir. I'm going to go through
12 and read each of these indictments to you and I'm going to
13 ask if you are, in fact, guilty of what they state you did,
14 all right, sir? The first one is 2012-2409, forgery, value
15 less than \$10,000. This indictment states that you did, in
16 Beaufort County, South Carolina, on or about November 9th,
17 2012, did falsely forge the signature of Mr. Williams on a
18 check drawn on the Bank of America on an account of Custom
19 Carpentry of Hilton Head in the amount of \$2500, and you
20 intended to cash this check at the Hilton Head Island branch
21 of Bank of America. I'm assuming he was not able to get the
22 money; is that correct, Ms. Campbell?

23 MS. CAMPBELL: Yes.

24 THE COURT: All right. Sir, do you understand the
25 charge contained in this indictment?

1 MR. MORSE: Yes, ma'am.

2 THE COURT: How do you wish to plead to it, guilty or
3 not guilty?

4 MR. MORSE: Guilty.

5 THE COURT: Are you pleading guilty to this charge
6 because you are, in fact, guilty?

7 MR. MORSE: Yes, ma'am.

8 THE COURT: Sir, you understand that forgery, less than
9 \$10,000, carries up to five years in prison?

10 MR. MORSE: Yes, ma'am.

11 THE COURT: Understanding that, sir, do you still wish
12 to plead guilty?

13 MR. MORSE: Yes, ma'am.

14 THE COURT: You're also pleading guilty to indictment
15 number 2012-2410 for assault and battery, or resisting
16 arrest, of a police officer. This indictment states that
17 you did, in Beaufort County, on or about November 9th, 2012,
18 did assault Officer Odum, who is a law enforcement officer,
19 while he was attempting to make a lawful arrest on you, and
20 that you did swing your arms at Officer Odum and attempted
21 to strike him, and that you had an unsecured handcuff at the
22 time. Sir, do you understand the charge contained in this
23 indictment?

24 MR. MORSE: Yes, ma'am.

25 THE COURT: Do you wish to plead guilty to it, sir?

1 MR. MORSE: Yes, ma'am.

2 THE COURT: And are you pleading guilty because you
3 are, in fact, guilty?

4 MR. MORSE: Yes, ma'am.

5 THE COURT: All right. Sir, you understand that it
6 carries up to ten years in prison, sir?

7 MR. MORSE: Yes, ma'am.

8 THE COURT: And understanding that, do you still wish
9 to plead guilty?

10 MR. MORSE: Yes, ma'am.

11 THE COURT: You're also pleading guilty to indictment
12 2012-2411. Again, this is for assault while resisting
13 arrest. This indictment states that you did, in Beaufort
14 County, on or about November 9th, 2012, did knowingly and
15 willfully assault Officer Lyndsey Marion and that you swung
16 an arm at Officer Marion attempting to strike her. Sir, do
17 you understand the charge contained in this indictment?

18 MR. MORSE: Yes, ma'am.

19 THE COURT: How do you wish to plead to it, guilty or
20 not guilty?

21 MR. MORSE: Guilty.

22 THE COURT: And are you pleading guilty because you
23 are, in fact, guilty?

24 MR. MORSE: Yes, ma'am.

25 THE COURT: And it was apparently two officers that

1 were attempting to arrest you for the same incident; is that
2 correct, sir?

3 MR. MORSE: Yes, ma'am.

4 THE COURT: All right, sir. You are pleading guilty to
5 indictment 2012-2431. Again, for forgery, value less than
6 \$10,000. This indictment states that you did, in Beaufort
7 County, on or about October 16th of 2012, with the intent to
8 defraud, present a check to RegionsBank on Hilton Head drawn
9 on the RegionsBank account of a Mr. Graves in the amount of
10 \$400. Sir, do you understand the charge contained in this
11 indictment?

12 MR. MORSE: Yes, ma'am.

13 THE COURT: How do you wish to plead, guilty or not
14 guilty?

15 MR. MORSE: Guilty.

16 THE COURT: Are you pleading guilty to this charge
17 because you are, in fact, guilty?

18 MR. MORSE: Yes, ma'am.

19 THE COURT: Was he able to cash this check, Ms.
20 Campbell?

21 MS. CAMPBELL: Not to my knowledge.

22 THE COURT: Okay.

23 ASST. SOL. SHELTON: That one was cashed.

24 MS. CAMPBELL: Oh, that one was? Okay.

25 THE COURT: All right. Did the bank reimburse the

1 victim in this case?

2 ASST. SOL. SHELTON: I believe they did. Ms. Graves is
3 here; they did.

4 THE COURT: Okay. Very good. Thank you. Lastly,
5 you're pleading guilty to 2012-2434 with burglary in the
6 first degree. This indictment states that you did, in
7 Beaufort County, South Carolina, on or about September 17th
8 of 2012, did enter the dwelling of Mr. Theis located at 51
9 Buck Island Road in Bluffton, South Carolina, without his
10 consent and with intent to commit a crime therein, and that
11 you entered during the nighttime and/or you were armed with
12 a deadly weapon. Sir, do you understand the charge
13 contained in this indictment?

14 MR. MORSE: Yes, ma'am.

15 THE COURT: How do you wish to plead to it, guilty or
16 not guilty?

17 MR. MORSE: Guilty.

18 THE COURT: Are you pleading guilty to this charge
19 because you are, in fact, guilty?

20 MR. MORSE: Yes, ma'am.

21 THE COURT: Sir, do you understand that burglary in the
22 first degree carries a mandatory minimum sentence of 15
23 years; do you understand that?

24 MR. MORSE: Yes, ma'am.

25 THE COURT: And up to life; do you understand that,

1 sir? Yes or no?

2 MR. MORSE: Yes, ma'am.

3 THE COURT: And understanding that, do you still wish
4 to plead guilty?

5 MR. MORSE: Yes, ma'am.

6 THE COURT: Also, sir, it is a violent offense, which
7 simply means, number one, the significance of that is that
8 you're going to do 85 percent of whatever sentence you
9 receive at a minimum as a result of pleading guilty to
10 burglary in the first degree; do you understand that?

11 MR. MORSE: Yes, ma'am.

12 THE COURT: Sir, it is also considered a most serious
13 offense, and what the significance of that is, is once you
14 get out of prison and if you are convicted for a second or a
15 subsequent most serious or serious offense, you could be
16 looking at life without parole if the Solicitor's Office
17 chooses to seek it; do you understand that?

18 MR. MORSE: Yes, ma'am.

19 THE COURT: And understanding that, do you still wish
20 to plead guilty?

21 MR. MORSE: Yes, ma'am.

22 THE COURT: Sir, you have the right to have a jury
23 trial on all five of these charges, and I do know you were
24 prepared to go forward on a jury trial today. In a jury
25 trial, first, you are never required to prove yourself

1 innocent. The burden is on the State to prove your guilty
2 beyond a reasonable doubt. And certainly, no one could ever
3 make you be a witness against yourself. The Fifth Amendment
4 to the constitution gives you guarantees and protections to
5 that, but what I want you to understand and appreciate is
6 that by pleading guilty, you are waiving your right to a
7 jury trial and you're waiving all of the other
8 constitutional rights that go along with a jury trial. Do
9 you understand that you are coming forward to the Court and
10 you're pleading guilty, you're telling me you're guilty, and
11 asking me to sentence you; do you understand that?

12 MR. MORSE: Yes, ma'am.

13 THE COURT: And you understand that, again, you're
14 waiving the right for Ms. Campbell to go into the Court,
15 present your defense, talk to witnesses. Again, I want to
16 make sure you understand and appreciate you're pleading
17 guilty here today to these five charges that you understand
18 that the mandatory minimum sentence I can give you is 15
19 years, and up to life? Do you understand that?

20 MR. MORSE: Yes, ma'am.

21 THE COURT: And understanding that, do you still wish
22 to plead guilty?

23 MR. MORSE: Yes, ma'am.

24 THE COURT: Sir, are you completely satisfied with how
25 Ms. Campbell has represented you?

1 MR. MORSE: Yes, ma'am.

2 THE COURT: Has she done everything you've asked her to
3 do?

4 MR. MORSE: Yes, ma'am.

5 THE COURT: And have you understood all of your
6 discussions with Ms. Campbell?

7 MR. MORSE: Yes, ma'am.

8 THE COURT: Mr. Morse, has anyone promised you anything
9 or held out any hope of reward to get you to plead guilty?

10 MR. MORSE: No, ma'am.

11 THE COURT: Has anyone pressured you or threatened you
12 or told you that you had to plead guilty?

13 MR. MORSE: No, ma'am.

14 THE COURT: Has anyone from law enforcement or the
15 Solicitor's Office mistreated you in any way regarding these
16 charges?

17 MR. MORSE: No, ma'am.

18 THE COURT: Have you understood all of my questions?

19 MR. MORSE: Yes, ma'am.

20 THE COURT: Have you been truthful in your responses to
21 the Court?

22 MR. MORSE: You have the right to appeal this guilty
23 plea and the sentence of this Court, but you must do so
24 within 10 days of today's date. If you can't afford an
25 attorney for an appeal, one will be appointed for you at no

1 cost to you if you request it; do you understand that, sir?

2 MR. MORSE: I do.

3 THE COURT: All right, sir. Solicitor, will you tell
4 me about it? And I want to know the extent of the injuries
5 to the officers and, again, I want to make sure who and know
6 who is out of money, if it's the bank or no one.

7 ASST. SOL. SHELTON: Absolutely.

8 THE COURT: Thank you.

9 ASST. SOL. SHELTON: Thank you, Your Honor. First, I
10 was going to give a chain of events, because they kind of
11 all run together at the end. If you need clarification at
12 any time, please let me know.

13 THE COURT: Absolutely. Also, as far as the burglary
14 victims are concerned, I need to know what was taken and if
15 insurance covered anything.

16 ASST. SOL. SHELTON: On September 17th, 2012, Mr.
17 Morse, with co-defendant, Ms. Roxanne Vie, who is now facing
18 charges of conspiracy, forgery, and is most likely going to
19 be facing charges of burglary first, as well.

20 THE COURT: What is his relation to her?

21 ASST. SOL. SHELTON: It was his ex-girlfriend, now. At
22 the time, they were dating and they were taking roxycontin
23 together; shooting it up together. She knew the victim and
24 arranged with Mr. Morse to get the victim out of his house,
25 while Mr. Morse could go in and steal whatever he could find

1 inside the house.

2 She called the victim, went to his house, the victim
3 then caught her unlocking doors, went back behind her and
4 locked the doors back. Went out to the truck, and then she
5 said she had to go back in and use the restroom. He
6 followed her in there and she went to the back restroom and
7 unlocked the back window. Came back out and then went to
8 Savannah. On the way to Savannah, she was texting the whole
9 time. They get to Savannah, it's supposed to be kind of a
10 date, she is paying no attention to him; she's just texting.
11 So, he becomes very suspicious and he calls his friend, his
12 ex-roommate, Ms. Stephanie Garmin, who has three children
13 and who just moved out a month beforehand, after living with
14 him for four months when she first moved to the area. She
15 drove to his house. She was watching an Atlanta Falcons
16 game, and it was towards half-time of the Atlanta Falcons
17 game, she left.

18 She got to the house and she goes up, it's pitch black
19 outside, can hardly see anything, except sees the front door
20 is open when she drives up. She can hear the burglar alarm
21 going off inside. Her nine-year-old daughter is in the back
22 seat with her at the time. She walks up to the front steps,
23 has Mr. Theis on the phone, the victim. She looks inside,
24 he's asking her, "Does it look like anything is stolen? Is
25 anything stolen?" She said, "I see your flat screen. I

1 can't see anybody inside. There's a light on in the back
2 corner, but I can't see anyone right now."

3 She gets back in her car. Of course, she's scared.
4 She pulls around the back. She shines a light on the back
5 of the house and sees someone inside the house pull back a
6 curtain, so she knows whoever is inside is inside at that
7 point and it's dark outside. She pulls back around front,
8 puts her lights on to make sure that she sees if anybody is
9 coming out, that they are coming out at her, and she's also
10 in her car, calls Mr. Theis again. Mr. Theis, at this time,
11 has ditched the co-defendant and calls 9-1-1 himself from
12 Savannah; it transfers to Beaufort County. Law enforcement
13 officers respond and no one's there.

14 By the time Mr. Theis gets there, goes through his
15 house, can't find anything that's stolen, except for a .7-
16 millimeter rifle. It's a hunting rifle that's the same
17 caliber as an assault rifle; a very powerful hunting rifle.

18 Thereafter, Investigator Syfrett was assigned to the
19 case, looked into the case, had an interview with Ms. Vie.
20 Ms. Vie was trying to make it sound like the victim was
21 setting himself up for insurance purposes, or possibly that
22 he was going to be robbed of drugs instead of anything else,
23 and Investigator Syfrett contacted the victim and wanted him
24 to take a polygraph test. At that point, the victim was
25 basically upset and frustrated that they were believing the

1 co-defendant, as opposed to him, and they had no way to know
2 that the gun was stolen, because it wasn't registered, so
3 the case was closed.

4 Now, fast forward to November 9th, 2012. At that time,
5 Mr. Morse presents a forged check in Bluffton. At the bank,
6 the bank catches it. They know the policy holder and they
7 know that that's not his signature. They call him to
8 confirm it and then they call law enforcement and law
9 enforcement arrives.

10 Lyndsey Marion, as well as Officer Odum, of Bluffton
11 respond and they get to the -- I think this is the
12 RegionsBank --

13 OFFICER MARION: Bank of America.

14 ASST. SOL. SHELTON: Bank of America. RegionsBank was
15 involved as well. I apologize. Bank of America. They get
16 there and he's already agitated. He looks like he's under
17 the influence at the time. They can tell that he's about to
18 run. His father responds and they try to put him into
19 custody, and he runs. His father actually stops him and
20 keeps him from running. Without him, we might not have been
21 able to get him.

22 Officer Marion and Officer Odum place him under arrest
23 and he resists, and this is not just moving his arm one
24 time. This was a 15 to 20 minute resisting event where he
25 was reaching for Officer Marion's gun. She broke her finger

1 during the resisting, and he had one handcuff loose for a
2 good amount of time. After the resisting, they finally had
3 him handcuffed, and he continued to resist on ground.
4 Officer Marion had to stay on him the entire time.

5 THE COURT: This was at the bank?

6 ASST. SOL. SHELTON: At the bank, outside in the
7 parking lot.

8 THE COURT: Okay.

9 ASST. SOL. SHELTON: Finally, EMS arrives, because he
10 was tased, I believe, five times, and it did not affect him.
11 He told them that he was under the influence of roxycontin
12 at the time. Thereafter, Caullie Cameere, who is a witness
13 and who is the co-defendant's, Ms. Vie, best friend, goes up
14 to -- Ms. Vie confesses to her. She tells Investigator
15 Syfrett about the confession and tells him that Mr. Morse
16 was involved and he's the one who committed the burglaries.

17 At that point, Syfrett then goes and interviews Mr.
18 Morse on the 14th. Mr. Morse confesses to the forgery and
19 says, "'F' it, I did it," to the burglary. He leaves at
20 that time, doesn't give a full confession. Mr. Syfrett
21 talks to Mr. Morse's parents. They're very concerned about
22 him getting drug treatment. Syfrett is also concerned about
23 him getting drug treatment. Never makes him any promises,
24 and is very clear from the conversations from the jail tapes
25 that no promises were made. He understood that we're trying

1 to help him. He could make a recommendation, but it's not
2 going to affect anything necessarily the Solicitor's Office
3 is going to do.

4 He goes back on the 16th, interviews him again, and he
5 gives a full, detailed confession that is completely
6 corroborated by the victim's statement that he only stole
7 the gun. He admits to stealing the gun to sell it to a guy
8 in Beaufort, and also corroborates everything the co-
9 defendant said, besides the fact that she initially said
10 that she wasn't involved, and corroborates everything the
11 co-defendant tells Ms. Cameere from here.

12 Your Honor, three victims are here; Ms. Janice Graves
13 is here. I don't believe she wishes to address the Court,
14 and I do believe that she was reimbursed through her bank;
15 her account was credited. However, I do believe that
16 Officer Marion does wish to address the Court.

17 THE COURT: Okay.

18 OFFICER MARION: Yes, ma'am, on the day of the
19 incident, I did respond as a back-up officer to Officer Odum
20 when the Bank of America did call. They were aware of the
21 victim's name. They were quite familiar with his face.
22 They recognized it wasn't the signature on the check. When
23 I got there, Officer Odum was actually speaking with Mr.
24 Morse, and he went inside to talk to the bank employee. As
25 he was sitting there, he was getting more and more agitated.

1 He asked me why he can't cash his check, tells me that he is
2 a sub-contractor with the business and is on a salary. He
3 sits down on the curb and Officer Odum comes up, pulls me to
4 the side, told me what was going on, what the people inside
5 the bank had said.

6 At this point, Mr. Morse's father pulls up and walks to
7 the side, and I'm parked behind Officer Odum's patrol car,
8 and he walks to the front of Officer Odum's patrol car and
9 he looks at Mr. Morse and asks him, "Why did you steal the
10 checks?" So at that point, we kind of knew what we had and
11 we went to go place him under arrest. He stood up, put his
12 hands behind his back, and then he ran from Officer Odum
13 straight into his father, who was able to give him a bear
14 hug, and kind of stop him. At which point, that's when we
15 were able to put our hands on him and try to arrest him.

16 At that point, I tried to stun him with my taser. He
17 then tried to go for my gun. We were, literally, business
18 as usual, people going in and out, security was there.
19 Nobody else decided to call for help. My radio went dead.
20 Officer Odum's body radio fell off. We had no way to call
21 anybody for help. So it was a long fight. He did break my
22 finger. I'm still having to go to the doctor for it; it's
23 healed, but I'm getting cortisone injections now, but it was
24 a very serious, scary thing.

25 THE COURT: I appreciate that. Thank you.

1 ASST. SOL. SHELTON: Would you like to hear his prior
2 record, now?

3 THE COURT: Please.

4 ASST. SOL. SHELTON: I have certified convictions for
5 failure to stop for a blue light; that's from 2012.
6 Domestic violence, third offense, in 2010. Assault and
7 battery of a high and aggravated nature. You were the
8 sentencing judge and I was actually the solicitor in that
9 case in 2009. Criminal domestic violence, second offense,
10 from 2007. Criminal domestic violence in magistrate's
11 court, as well as petty larceny in magistrate's court from
12 this year, as well as fleeing to evade from magistrate's
13 court in 2007.

14 And I have these certified convictions if you'd like to
15 see them, but Your Honor, the State is without
16 recommendation or negotiation. We will leave it to Your
17 Honor's discretion and wisdom of the Court. We just ask
18 that the sentence, whatever is handed down, takes into
19 consideration all of the victims in the case, all of the
20 circumstances, also takes into consideration his addiction.

21 However, there's addicts and there's people that commit
22 criminal acts, and his record has shown that he's someone
23 who has committed criminal acts repeatedly before he became
24 an addict, and now it's worse. And that's the reason the
25 State is not budging on this case. We just ask you to take

1 into consideration all of his prior convictions, all of the
2 victims in the case, and the totality of the circumstances.

3 THE COURT: Ms. Campbell, was he ever in drug court?

4 MS. CAMPBELL: No, Your Honor.

5 THE COURT: No, he has never gone to drug court, okay.
6 Well, first, Mr. Morse, you understand the facts against
7 you. It sounds to me like you have given a full confession.
8 I think it's true, as far as what he has stated, as far as
9 the incidents are concerned. I find a substantial factual
10 basis for this plea. I find that your decision to plead
11 guilty has been made freely, voluntarily, knowingly, and
12 intelligently with the consent of competent counsel with
13 whom you tell me you are satisfied, and I am going to accept
14 your guilty plea. Ms. Campbell?

15 MS. CAMPBELL: May it please the Court, Your Honor? I
16 would like to pass up to Your Honor, and mark as defendant's
17 exhibit one, the consultation report from Judy Lohr, who was
18 retained as the expert for Mr. Morse in anticipation of his
19 trial.

20 (Whereupon, Defendant's Exhibit Number One,
21 consultation report of Ms. Judy Lohr, is received into
22 evidence.)

23 Ms. Lohr, as you well know, and I'll give you an
24 opportunity to review that, formally was running our drug
25 court here, and she is available for Your Honor if you have

1 any questions in the courtroom today. And I will continue
2 when you tell me.

3 (Brief pause The Court reviews defendant's exhibit
4 number one.)

5 THE COURT: All right. I have read the report from Ms.
6 Lohr. Thank you for it. I appreciate it.

7 MS. CAMPBELL: Thank you, Your Honor. At this point,
8 Your Honor, on behalf of my client in mitigation and in
9 request to the Court, obviously, Your Honor, Mr. Morse is
10 asking Your Honor for mercy. The minimum sentence, he
11 realizes, on the lead indictment, which is the burglary
12 first, is 15 years, and I'm sure that Preston and his family
13 would be most thankful if that were the sentence of this
14 Court.

15 You can see by the report from Judy Lohr the condition
16 of Mr. Morse at this age in his life, and he's just turned
17 30, and this has been a 15-year struggle for Mr. Morse.
18 He's here admitting his guilt today and taking
19 responsibility for his criminal actions; and I know his
20 family wants to address Your Honor, and I will let them do
21 that at this time.

22 THE COURT: Ms. Campbell, let me ask you, it's my
23 understanding that he was released on bond this weekend.
24 Was that because if he wasn't tried by a certain time, he
25 was to be released or how did that occur?

1 MS. CAMPBELL: Well, Your Honor fashioned the bond
2 paperwork so that there was a possibility that he could be
3 released if his family could take advantage of that on
4 electronic monitoring pending his trial date. His mother
5 and the rest of his family came together so that he's been
6 able to be home with his family since late last week, and
7 you know, of course, showed up here today. That's my
8 understanding of the situation with the bond.

9 THE COURT: Mr. Morse, I want to ask you, did you use
10 any type of substance over the weekend?

11 MR. MORSE: Drinking.

12 THE COURT: You had alcohol; is that correct?

13 MR. MORSE: Yes, ma'am.

14 THE COURT: But you didn't use any type of either
15 roxycontin or any type of other drug?

16 MR. MORSE: Oh, no, none of that. That's ruined my
17 life.

18 THE COURT: Okay. How long were you incarcerated or
19 how long have you been incarcerated before you got out late
20 last week?

21 MR. MORSE: Almost -- about five months.

22 THE COURT: About five months?

23 MR. MORSE: Yes, ma'am.

24 THE COURT: What's the longest you were ever clean in
25 the last 15 years or so?

1 MR. MORSE: I haven't been.

2 THE COURT: There's never been a long period of time?
3 And when I say "long", I don't even know what that means,
4 and Ms. Lohr could probably help me more than that, but was
5 there ever a time when you were able to go months without
6 using?

7 MR. MORSE: No, ma'am.

8 THE COURT: Okay. Can I ask you how you started with
9 this? Because, obviously, and again, I understand you say
10 in her letter that you do have an alcohol dependence, which
11 we know you can buy legally, but to the point where you were
12 shooting up and injecting yourself with roxycodone, how do
13 you get there?

14 MR. MORSE: Well, how I got there was I was living with
15 a roommate and he used to shoot steroids; he was like a
16 physical trainer, whatever, so he was always shooting
17 himself up. And then, I used to -- we used to give him pain
18 pills and he used to inject them, and at one time I was,
19 like, really drunk and I was, like, let me try that, and
20 he's like you don't want to do this. I said, "Just let me
21 try it or whatever," and it was the biggest mistake of my
22 life. The hardest drug I ever tried to get off of in my
23 life. It's ridiculous.

24 THE COURT: And how long ago was that when that
25 started?

1 MR. MORSE: The pills, probably about four years now.

2 THE COURT: Let me ask you, also, looking at your prior
3 record, obviously, you also have three criminal domestic
4 violences, you have an assault and battery, failure to stop
5 for a blue light, and then the charges you are pleading
6 guilty to here are two resisting arrests of police officers.
7 Where does the assault and battery and the anger issues and
8 the battery portion; where does that fit in to all of this?
9 And what I need to know is, is it something that you believe
10 is either exacerbated or caused by being under the influence
11 or is it maybe something in your background, or in your
12 past, or your childhood? What is with the aggression issues
13 is my question; do you know?

14 MR. MORSE: Honestly, I don't know. Like the situation
15 with them is I was high on drugs at the time, and I didn't
16 want to go back to jail at the time, or whatever, because
17 you know, I was high on drugs at the time, but ---

18 THE COURT: Okay.

19 MS. CAMPBELL: May it please the Court?

20 THE COURT: Please. I'm just trying to figure out how
21 we get to this point, because so many people come in front
22 of me and they always say, "Listen, I was high on drugs." I
23 want to know how it starts that way, because I have people
24 who -- you're 30 now, but ---

25 MR. MORSE: I started drinking, and then when I get

1 drunk, it leads to, like to, whatever, like if I'm drunk and
2 I don't want to be drunk no more, I go, okay, well, I'll go
3 get some coke and I'll sniff that and it will kill the drunk
4 high, you know.

5 THE COURT: Okay. It makes you not drunk?

6 MR. MORSE: Yeah, like, and then you're high off of the
7 coke, you know.

8 THE COURT: Okay. Have you worked at all?

9 MR. MORSE: Oh, yeah. I just came home in June. I had
10 a job at the National Guard cooking and everything. I was
11 doing really good. I just met some girl, came home, and was
12 doing good for about three months, making \$15 an hour, and
13 like I said, I met some girl and went downhill.

14 THE COURT: Have you ever had any type of drug or
15 alcohol treatment?

16 MR. MORSE: No, ma'am.

17 THE COURT: Sir, I understand these convictions, other
18 than the criminal domestic violence, third offense, which
19 carries a much more substantial -- I mean, these are,
20 obviously, misdemeanor charges, so you've never been to drug
21 court or had any type of drug treatment?

22 MR. MORSE: No, ma'am.

23 THE COURT: Okay. Ms. Campbell, I'm happy to hear from
24 his family, as well, and then if there is anything else you
25 want to tell me. Certainly, if any of the others, the

1 victims, want to speak?

2 ASST. SOL. SHELTON: I don't believe so, Your Honor.

3 THE COURT: Okay.

4 MS. CAMPBELL: Your Honor, I think at this point, I
5 would just ask whoever would like to speak from Preston's
6 family, if they would stand and speak clearly and give their
7 full name for the record.

8 (Family member stands.)

9 THE COURT: Yes, ma'am. You're fine. I know it's
10 pretty tight back there.

11 MS. PASCOE: I'm Jessica Nicole Pascoe. I am the
12 victim of the domestic violences, all alcohol-induced, but I
13 wrote something and this is on behalf of the family.
14 Preston Morse is a fun-loving, charismatic, intelligent
15 individual. Preston started displaying behavioral issues at
16 the age of 11. On 4-10-02, our first daughter, Aleah, was
17 born. Preston stepped up and wanted to be a father.

18 Two years later, in 2004, Preston expressed to me that
19 he wanted to seek medical attention because he was so
20 frustrated with constantly getting in trouble and having
21 uncontrollable outbursts. He was diagnosed by Dr. Kent
22 England with manic phase bi-polar, oppositional defiant
23 conduct disorder, adult ADHD, and post-traumatic stress
24 disorder due to his childhood. He was given an
25 antipsychotic risperadol, along with an antidepressant,

1 Zoloft. Preston functioned normally while taking these
2 medicines.

3 In 2005, he had twin daughters, Isabella and Adrianna.
4 Unfortunately, at this time, and from what I've been told,
5 mental illness starts to show itself in the early '20's.
6 Due to issues like driving under suspension, Preston was
7 forced to go off of his medicine because he was detained. I
8 am no medical professional, but it is clear that Preston
9 needs mental, psychological, and serious therapy for
10 substance abuse. All of his diseases work hand-in-hand
11 together and have unfortunately caused a lot of problems.
12 If Preston was a monster, I would not be standing here
13 today.

14 I believe with all of my heart that with medication and
15 therapy, he can function normally. I say this because I've
16 seen it. I've seen the good. I've seen the bad. I've seen
17 the ugly. Preston wants to take care of his children, to
18 work, to be normal, and to function. He's like every other
19 human being and he has hopes and dreams. Obviously, jail is
20 not working. It's not giving him what he needs.

21 On the family's behalf, we ask for your leniency
22 regarding these cases. In my opinion -- in our opinion,
23 this can only destroy everyone who loves him, his life, his
24 children. The outcome of this 10 years can truly break him
25 and my innocent children are already broken. These diseases

1 are genetic and are so real. I see it in my seven-year-old
2 daughter. We are asking for the sentence to be lesser, and
3 really are asking for the help that he was promised in
4 exchange for telling the alleged truth under the influence
5 of drugs. What he needs is to be committed to a state
6 mental institution so that he can obtain rehabilitation and
7 psychological treatment. Yes, he is a repeat offender.
8 Preston is a sick man. Please soften your heart and help.
9 Life is not guaranteed and this could be it for every single
10 one of us.

11 THE COURT: Thank you. Anyone else?

12 GENTLEMAN: I'm wordless; she says it all.

13 THE COURT: Thank you. Ms. Campbell, just so I'm
14 clear, is there any question as far as his competency?

15 MS. CAMPBELL: No, ma'am.

16 THE COURT: There's no issue? I mean, every time he
17 has ever been in front of me, he's highly intelligent,
18 clearly.

19 MS. CAMPBELL: Oh, yes.

20 THE COURT: Mr. Morse, what would you like to tell me?

21 MR. MORSE: Really, Your Honor, I'd like -- I do have a
22 drug problem with heroin and it's ruined my life. My kids
23 are gonna pay for it, but I'm sorry for everything. I don't
24 even really know, Your Honor. I'm at a loss for words right
25 now.

1 THE COURT: Mr. Morse, as you know, there is a
2 mandatory minimum sentence on this case and you understand
3 it is a significant amount of time, but it is not the end; I
4 will tell you that. Based on your age, based on how much
5 time you're going to have to do, you are going to have an
6 opportunity to change yourself and to better yourself and to
7 come out. Unfortunately, your daughters will all be grown,
8 but you will have an opportunity to make a change, and all I
9 can tell you is that I hope, while, unfortunately, our
10 services are woefully inadequate as far as drug and alcohol
11 treatment, but I can tell you that in the prison system you
12 can choose whether or not you want to participate in AA or
13 NA, and seek out counsel. It's a choice you're going to
14 have to make. I wish there were more, because if there were
15 more then I wouldn't be up here and I think there would be a
16 lot less judges, and I think there would be a lot less
17 crime, and a lot less addicts.

18 MS. CAMPBELL: Judge?

19 THE COURT: Yes?

20 MS. CAMPBELL: Judge Mullen, if the Department of
21 Corrections is still offering the alcohol and addiction
22 treatment unit, would you please order that unit for Mr.
23 Morse?

24 THE COURT: No question. Absolutely.

25 MS. CAMPBELL: Thank you. Thank you.

1 THE COURT: What I hate, Mr. Morse, is we've gotten to
2 this point and you've never had any drug treatment. That to
3 me is where the failure lies and that's very difficult. I
4 do think, though, you can make the choice here on out. And
5 I think, unfortunately, some of it's going to have been
6 forced on you. There are no withdrawal issues, because he
7 has been clean for the last four months, so Ms. Lohr, there
8 is no issue with withdrawal or any issues while he's ---

9 MS. LOHR: That is correct. He would be out of that
10 phase.

11 THE COURT: Okay. Thank you. Indictment 2012-2409, it
12 is for forgery, value less than \$10,000. The sentence of
13 this Court is that you are to be committed to the Department
14 of Corrections for a period of five years.

15 On indictment 2012-2411 for resisting arrest,
16 subsection (b), the sentence of this Court is you be
17 committed to the Department of Corrections for a period of
18 ten years.

19 Indictment 2012-2431 for forgery, value less than
20 \$10,000. The sentence of this Court is you be committed to
21 the Department of Corrections for a period of five years.

22 Indictment number 2012-2410 for, again, resisting
23 arrest, subsection (b), the sentence of this Court is you
24 are to be committed to the Department of Corrections for a
25 period of ten years.

1 Indictment 2012-2434 for burglary in the first degree,
2 the sentence of this Court is you are to be committed to the
3 Department of Corrections for a period of 15 years. Those
4 are to run concurrent to each other and I'm giving you
5 credit for time you've served, and I'm also ordering if
6 there is bed space available for you to attend the alcohol
7 and drug treatment unit while you're in the Department of
8 Corrections. Best of luck to you, Mr. Morse. Thank you for
9 all of the people who have been here that are the victims in
10 this case, and best of luck to your family.

11 MS. CAMPBELL: Thank you, Your Honor.

12 ASST. SOL. SHELTON: Thank you, Your Honor.

13 THE COURT: Thank you.

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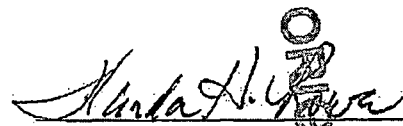
STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

CERTIFICATE

I, WANDA ROWE, Official Court Reporter for the Judicial Department 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 in the hearing of the captioned case, in the Court of General Sessions for Beaufort County, South Carolina, on the 18th day of March 2013.

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

February 5th, 2014


Wanda H. Rowe
CVR-M

ORIGINAL

FORM 5

STATE OF SOUTH CAROLINA)

County of BEAUFORT)FRESON CHARLES MORSE 323236)

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

v.)

State of South Carolina)

2013-CP-07-3087
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

DEC-9 PM 4:31
CLERK OF COURT
BEAUFORT COUNTY, S.C.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 BEAUFORT COUNTY
3. Name(s) of co-defendant(s) (if any) ROXANNE VIGH
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) _____
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) MARCH 18th 2013
- (b) SENTENCE IS 15 YEARS 85% FOR BUREAU 2nd
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
- _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) WAS NOT THE PROPER TIME
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) State Violated Plea Agreement (Didn't Honor)
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
- (b) _____
- (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? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

NO

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

(a) which grounds have been presented:

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

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

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

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

(a) Just became a issue when sentenced
 (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? _____

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. Tracy Campbell - Guilty Plea
1965 Duke St - Beaufort, S.C 29901
 ii. 1
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Arraignment
 ii. Guilty Plea
 iii. _____

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

Reduction of Sentence / Resentence And Have
The State

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

YES - 10 years Resisting Arrest
5+5 years Check Fraud

STATE OF SOUTH CAROLINA)

County of ~~BEAUFORT~~ BEAUFORT)

VERIFICATION

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

Preston Worst

SWORN to and subscribed before me this 5th
day of December, 2013.

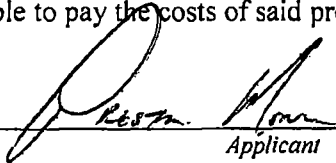
Ludeman Bryant (L.S.)
Notary Public

My Commission Expires: May 26, 2020

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

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

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



Applicant

SWORN or affirmed to and subscribed before me this
5th day of December, 2013.



Notary Public

My Commission Expires: May 26, 2020

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	
	)	
	)	2013-CP-07-3087
Preston C. Morse, #323236,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The Respondent, making its Return to the application for post-conviction relief (PCR) filed December 9, 2013, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Beaufort County Clerk of Court. The Applicant was indicted at the December 2012 term of the Beaufort County Grand Jury for burglary- first degree (2012-GS-07-2434), two counts of resisting arrest (2012-GS-07-2411, -2410), and forgery less than \$10,000 (2012-GS-07-2409). The Applicant was represented by Trasi Campbell, Esquire.

On March 18, 2013, the Applicant pled guilty as indicted. The Applicant was sentenced by the Honorable Carmen T. Mullen to confinement for a period of fifteen (15) years for burglary, ten (10) years for resisting arrest, and five (5) years for forgery. The sentences are to be served concurrently. The Applicant did not appeal his convictions or sentences.

Attached herewith and incorporated herein are the records of the Beaufort County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina

Department of Corrections, and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective assistance of counsel.
2. Involuntary guilty plea.
 - a. "State violated plea agreement."

III.

In this application, the Applicant alleges ineffective assistance of counsel. In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was

deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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

IV.

The Applicant also alleges that his guilty plea was not freely and voluntarily entered. The Respondent submits this allegation has no merit. To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The Respondent submits the transcript reflects that the pleas were knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Boykin, *supra*; Dover, *supra*. Further, because a guilty plea is a solemn, judicial admission of the

truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). The Respondent submits the Applicant should not be allowed to depart from the truth of the statements he made during his guilty plea hearing.

A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). Given the Applicant's burden of proof and the analysis to be applied to this claim, the Respondent submits that the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it should therefore, be treated as such. Accordingly, this allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

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

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

ASHLEIGH R. WILSON
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

February 6, 2015.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PRESTON C. MORSE, #323236

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

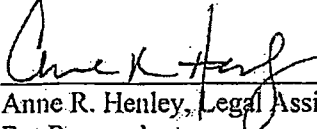
2013-CP-07-3087

AFFIDAVIT OF SERVICE BY MAIL

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DATED this 6th day of February


Anne R. Henley, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF COMMON PLEAS
CASE NUMBER 2013-CP-07-03087

PRESTON C. MORSE

PETITIONER

VERSUS

STATE OF SOUTH CAROLINA

RESPONDENT

FEBRUARY 14, 2017

TRANSCRIPT OF

POST-CONVICTION RELIEF HEARING

BEFORE HON. R. SCOTT SPROUSE, JUDGE

BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

APPEARANCES

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EXHIBITS

No exhibits were admitted.

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PCR HEARING

1 BEGINNING 9:35 A.M.

2 BY THE COURT:

3 THE COURT: Thank you. You all be seated, please.

4 MR. NEELY: Your Honor, the first case the State
5 would call is Preston Morse versus State of South
6 Carolina, Case Number 2013-CP-07-03087. Applicant is
7 currently confined in the South Carolina Department of
8 Corrections pursuant to orders of commitment of the
9 Beaufort County Court of Clerk. Applicant was indicted
10 December 2012, by the Beaufort County Grand Jury for
11 burglary in the first degree, three counts of resisting
12 arrest, and forgery less than \$10,000.00. He was
13 represented by Traci Campbell, of Beaufort County Public
14 Defender's Office. On March 18, 2015, applicant pled
15 guilty as indicted. He was sentenced by the Honorable
16 Carmen Mullen to confinement for a period of fifteen
17 years for burglary first degree, ten years for resisting
18 arrest, and five years for forgery. Those charges were
19 run concurrent. Applicant did not appeal his conviction
20 or his sentences.

21 THE COURT: All right. Mr. Shaffer?

22 MR. SHAFFER: Thank you, your Honor. Applicant
23 would call Preston Morse.

24 MADAM CLERK: Left hand on the *Bible*, and raise
25 your right, please. Do you solemnly swear or affirm

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MORSE - DIRECT

1 that the testimony you give to the Court in this case
2 shall be the truth, so help you God?

3 PRESTON MORSE: Yes, ma'am.

4 MADAM CLERK: You may be seated.

5 PRESTON MORSE

6 DIRECT EXAMINATION BY MR. SHAFFER:

7 Q Good morning, Mr. Morse.

8 A Good morning.

9 Q You are currently in the custody of the Department
10 of Corrections. Is that correct?

11 A Yes, sir.

12 Q Okay. And this is out of a charge from this
13 county, correct?

14 A Yes, sir.

15 Q And you're currently scheduled to max out in 2025?

16 A Yes, sir.

17 Q Now, the charge that you're currently entering that
18 you pled guilty to, correct?

19 A Oh, yes, sir.

20 Q Tell us a little bit about the allegations against
21 you. And I don't want to talk -- I'm not asking you
22 what happened. I'm asking you what the State said you
23 did.

24 A State said that I entered a home; while in the
25 home, I found a weapon; took a weapon; and left the

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1 house.

2 Q Okay. So they charged you with burglary first,
3 right?

4 A Yes, sir.

5 Q And did you give a statement in this case?

6 A Yes, sir. After a few days.

7 Q When did you give the statement?

8 A Couple days afterwards.

9 Q Okay. Now.

10 A After I was arrested.

11 Q After you were arrested, you gave a statement.

12 Okay. And you were represented by Ms. Campbell,
13 correct?

14 A Yes, sir.

15 Q Now, tell me about your interaction with Ms.
16 Campbell.

17 A I seen -- be honest with you, I was in County about
18 four months. I don't -- I don't think I seen Ms.
19 Campbell one time. She came to me on a Thursday, I
20 believe. She was like, they're taking you to trial on
21 Monday. And that's pretty much -- I mean, there was no
22 plea offer, and that was pretty much it.

23 And when I got in here on Monday, I was picking out
24 a jury trial, and I was busy through that, was there no
25 need to go through a trial, because I didn't want to get

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1 more time taken in a trial.

2 Q Okay.

3 A So that why I pleaded guilty.

4 Q What was your understanding of the plea offer?

5 A Well, it was burglary second at the whole time.

6 All the way up 'til the day they took me to trial. Then
7 on Sunday, I bumped the burglary first. Okay. Yeah, it
8 was burglary second all up until the day I got taken to
9 trial, which was Monday, on the 18th of March.

10 Q All right. Now, I want you to slow down a little
11 bit, just because the court reporter's going to take
12 down everything you say --

13 A Okay.

14 Q -- and make a record of this. Now, you said that
15 originally you were charged with burglary second,
16 correct.

17 A Um-hmm. Yes, sir. Yes, sir.

18 Q Okay. Now, when did this -- when did it become a
19 burglary first, or when did you get notified that you
20 were charged with burglary first?

21 A March 18th, the day I was taken to trial.

22 Q Okay. Now, when Ms. Campbell originally came to
23 you, what did she indicate was the plea offer in the
24 case?

25 A I didn't have a plea offer.

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MORSE - DIRECT

1 Q Did she just say you're going to trial?

2 A Um-hmm. Yes, sir.

3 Q Okay. Now, so she never mentioned anything about a
4 plea offer at that point, whenever she came to visit you
5 at the jail?

6 A No, sir.

7 Q Okay. Whenever you came to court, the day you were
8 supposed to go to trial, you learned that it was a
9 burglary first charge?

10 A Um-hmm.

11 Q Okay.

12 A Yes, sir.

13 Q And it's important to do verbal answers, because
14 um-hmm and hm-mmm doesn't turn up too good on a
15 transcript. Okay?

16 A Yes, sir.

17 Q So, when you learned it was burglary first, what
18 did Ms. Campbell tell you about the potential to plead?
19 Could you have pled guilty?

20 A Yeah. That's when -- that's when the plea came in.
21 She's was like, you need to take fifteen; or if you go
22 to trial, you can get 25 to life. So that's when I
23 decided, to take the fifteen, because I didn't want to
24 get 25 to life.

25 Q Okay. She said 25 to life. That's your

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1 recollection of it?

2 A Yes, sir.

3 Q Did she ever say anything about drug court or
4 anything like that?

5 A No, she didn't -- initially, when I was arrested at
6 the time, at the beginning, when the detectives came and
7 everything, you know, he called the solicitor when I was
8 in the office when they were trying to get me to give a
9 statement. But I told them I didn't want to give a
10 statement yet, because I wanted to speak with my parents
11 first and find out, you know, how they thought about all
12 this. Apparently, he called my parents. They met them
13 on the south end in the police department. They talked
14 to them. Then I got in contact with them. They called
15 and told me to go ahead and write a statement because
16 the officer was going to get me into a drug treatment
17 program, because I was withdrawing from drugs at the
18 time for opiate, heroin, or whatever. And they -- they
19 promised me that they would get me the drug treatment
20 and everything if I gave my statement. I just told my
21 parents just to -- soon as I gave my statement and wrote
22 the thing, the next day, the solicitor got fired. Got
23 fired or quit. I believe he got fired. I had four
24 different solicitors on my case in the two-month period.

25 Q Now, did you tell this to Ms. Campbell?

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1 A Um-hmm. She knew about it. Yes.

2 Q Did she tell you anything about moving to enforce a
3 plea deal?

4 A No. They basically said because that solicitor got
5 fired or whatever, they had nothing to do with what was
6 going on. So apparently, I mean, I feel like if that's
7 was a fact, then they should -- all -- everything that I
8 did from that point should have been thrown out, along
9 with that whole situation with the solicitor that they
10 wasn't on my case no more.

11 Q Well, and let's go back to this. You said that you
12 gave a statement, correct?

13 A Um-hmm. Yes, sir.

14 Q And that statement, was that statement that
15 implicated you in the --

16 A Yes, sir.

17 Q -- in the burglary?

18 A Yes, sir.

19 Q Okay. Why did you give that statement?

20 A Because I was told I was going to get -- I don't
21 know. When you're withdrawing from drugs, especially
22 something heroin, basically opiate, you know, it's --
23 it's like most people go and get methadone or something,
24 you know, because it's -- it's -- it's a real, I guess,
25 a hard drug to get off of or whatever. And you know,

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1 when they told me they was going -- I was going to get
2 drug treatment and all this stuff, and I was going to go
3 start right away, you know, I'm thinking they was going
4 to help me with my -- so I'm going to try to do anything
5 to get un-sick, you know, from --

6 Q Did they ever promise you drug treatment in order
7 to get you --

8 A Um-hmm.

9 Q -- to give a statement?

10 A Pretty much that's what it was. They said if I
11 give a statement, that he a get me into a drug treatment
12 program. Officer Seifert.

13 Q Okay. Now, you said, *pretty much*, but I need
14 exactly what he told you that made you want to give that
15 statement.

16 A Okay. Yeah, he told -- well, we agreed -- like I
17 said, he called the solicitor when I was in the office,
18 in the little office, little room where you give the
19 statement or whatever. And that's when he came up with
20 if you -- if you write a statement saying everything,
21 what happened, that we'll put you in a drug treatment
22 program.

23 Q Okay. Now, did they promise you anything related
24 to your sentence?

25 A No.

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1 Q Or just drug treatment.

2 A They didn't even say anything about a sentence.

3 They was just saying that they were going to get me into
4 a drug treatment program.

5 Q Okay. Did they ever get you in a drug treatment
6 program?

7 A No, sir.

8 Q Now, there was a recommendation for drug treatment.
9 Is that correct?

10 A Um-hmm. Yes, sir.

11 Q And why are you not in that program?

12 A Because I got sentenced to fifteen years in prison.

13 Q And how?

14 A SCDC doesn't even have a drug program. They can't
15 even afford C.O.'s right now, officers. The whole SCDC
16 lock down 6:00 o'clock because they're short of staff.

17 Q Have you been informed as to whether or not you'll
18 receive any sort of drug treatment under your current
19 sentence?

20 A Oh, yeah. They sentenced me to three years to a
21 drug treatment program doesn't even exist.

22 Q Okay.

23 A Yes, they did.

24 Q Okay.

25 A It was mandatory out of the fifteen-year sentence,

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MORSE - DIRECT

1 but that program doesn't exist.

2 Q What did Ms. Campbell tell you about this drug
3 treatment program?

4 A Nothing.

5 Q Did Ms. Campbell tell you that if you ever went to
6 trial, you might be able to challenge that statement
7 that you gave?

8 A No, sir.

9 Q Did she ever tell you that you could move to
10 enforce any sort of plea offer that was given to you?

11 A No, sir.

12 Q What did you all talk about?

13 A Be honest with you, that morning that I was going
14 to trial, it was a -- it was a -- it was a rushed
15 situation. You know. I told -- I asked if I could
16 think it over, and they were basically like, look, you
17 need to get, you know, we need to get this taken care of
18 like, right now. So I kind if hadn't really no time to
19 think about it. I had like five minutes to decide
20 whether I wanted to get fifteen years or take it to
21 trial and get life. So.

22 Q Okay.

23 MR. SHAFFER: No further questions at this time.

24 THE COURT: All right. Mr. Neely?

25 MR. NEELY: Thank you, your Honor. Is it Morrissey

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MORSE - CROSS

1 or Morse.

2 PRESTON MORSE: Morse, like Morse Code.

3 PRESTON MORSE

4 CROSS-EXAMINATION BY MR. NEELY:

5 Q Okay. Mr. Morse, now, you said you knew that the
6 offer was burglary second the whole time at the trial.
7 Is that correct?

8 A Um-hmm. Yes, sir.

9 Q And but you said that your attorney didn't tell you
10 that offer. Is that correct?

11 A Not until that day that, you know, that -- on
12 Monday, yeah. Monday they told me that they were
13 bumping it up to burglary first, and you could take the
14 fifteen years, or they're going to take you trial right
15 now.

16 Q Right, and I understand that. But you said that
17 the whole time up until the trial, the offer was
18 burglary second?

19 A Yes, they was. Yeah. Yes, sir.

20 Q So how did you know the offer was burglary second
21 up until time of trial?

22 A Because I have warrants. My warrant said burglary
23 second.

24 Q The warrant says burglary second?

25 A Yeah.

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MORSE - CROSS

1 Q Now, I mean, you were indicted for burglary first
2 degree.

3 A Um-hmm.

4 Q So what you're saying is -- you're not saying the
5 offer was burglary second; you're saying you were
6 charged with burglary second?

7 A Um-hmm. Yes, sir.

8 Q Okay. And you're saying that you only met your
9 attorney one time before the trial?

10 A Yeah. That was about -- I think it was Thursday,
11 the week before. I called her multiple times, but you
12 know. Like I said -- yeah, I tried to call her multiple
13 times, but you know, she was busy with all the other
14 cases and everything, so. But I did see her about five
15 days, four or five days, before I went to trial.

16 THE COURT: Sir, speak slowly, because the court
17 reporter's is having to take down what you say.

18 A Okay. I'm sorry.

19 THE COURT: You're wanting to give a lot of
20 information, and you're rushing into it, and she's
21 having to hard time keeping up.

22 A Okay. Okay. I'm sorry. I'll try to slow down for
23 you.

24 BY MR. NEELY:

25 Q All right. And when I look at the transcript, the

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1 please transcript, do you remember that day, the day you
2 pled guilty?

3 A Yes, sir.

4 Q And do you remember the judge and the clerk, they
5 swore you to tell the truth, the whole truth, and
6 nothing but the truth?

7 A Yes, sir.

8 Q And what the solicitor presented to the Court that
9 day was that there were basically two confessions that
10 you gave? Do you remember that?

11 A No, sir.

12 Q Do you remember the forgery charge that you had, as
13 well as the burglary charge?

14 A Oh, yeah, I'm not -- I'm not fighting those
15 charges. Only one I'm trying to fight is my burglary
16 charge. As far as the other charges, I mean, I'm guilty
17 of the resisting arrest and the forgery. I'm fighting
18 for my burglary charge.

19 Q Okay. And I understand that. But for the forgery,
20 the State presented evidence that said, you know, *F it,*
21 *I did it,* for the burglary, whenever they caught you
22 with the check for the forgery. Remember that?

23 A Yes, I -- I -- I -- yeah, I plead guilty to the
24 check, yes.

25 Q And then, when you give a full confession at a

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MORSE - CROSS

1 later date and you were under arrest, and that was like,
2 the more detailed confession, that was the statement
3 that you're talking about?

4 A The statement that I wrote, yeah.

5 Q Okay. And even -- I don't know if you remember
6 this, but during your plea, the solicitor actually
7 talked about that your parents were concerned about you
8 getting drug treatment; and that you were getting
9 concerned about you getting drug treatment; and that the
10 officer recommended you getting drug treatment. Do you
11 remember that?

12 A Yeah. Yes, sir.

13 Q And but they clarified that there was no promise
14 given that that's exactly what happened. He just said
15 that he would recommend that to the solicitor. Do you
16 recall that?

17 A I recall that. I believe it's written in my -- in
18 my legal work that he did said that he was going to get
19 me into a drug treatment, but I have that in some of the
20 paperwork.

21 Q But, you know, in the record it says that he never
22 promised that you would get that, but he would recommend
23 that you would get that to the solicitor.

24 A Well, why did he call the solicitor when he was in
25 the office and make a deal if that was the case, if it

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MORSE - CROSS

1 wasn't promised? I don't understand.

2 Q Well, what I'm trying to get over here right now is
3 that it was talked about at your guilty plea.

4 A Um-hmm. Well, I remember when Carmella -- I mean
5 Ms. Mullen, the judge, asked me if I had made any
6 promises. And when I stated my promise, she said that
7 that wasn't -- it should be right in there. She said
8 that I wasn't -- it had nothing to do with -- it should
9 be in there, because I remember her ask me. I asked her
10 if I could say something, and when I started to say
11 something, she was like oh, well you can't; that has
12 nothing to do or something like that. I remember her
13 asking me, and I wanted to say something, because I
14 learned from before experience it's better to speak up,
15 because, you know, it's my life and my freedom on the
16 line.

17 Q Right. But you knew at the plea that the minimum
18 you could get was fifteen years, didn't you?

19 A Yes. The minimum was fifteen, yeah.

20 Q But you understood that when you were pleading
21 guilty, right?

22 A Yeah, I understood that.

23 Q And you pled guilty because you were scared of
24 getting maybe life in prison if you went to trial?

25 A Yes, sir.

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MORSE - CROSS

1 Q And the State recommended fifteen years, I think,
2 at your plea. Isn't that right?

3 A No, the judge -- it was open.

4 Q It was open?

5 A I mean, that's what I believe. That's --

6 Q And do you remember you said you spoke with your
7 attorney on the phone a few times, and you met with her
8 once?

9 A Um-hmm.

10 Q Do you remember in those discussions on the phone
11 what you all talked about?

12 A Mainly just what was going on with the court and --
13 because, like I said, I had so many different solicitors
14 on my case in a four-month period. One quit; one got
15 fired; one came back; another one -- it was -- it was
16 ridiculous.

17 Q All right. But the solicitor wouldn't call you or
18 talk to you?

19 A No. No, sir.

20 Q And so, it would have been your attorney that was
21 talking with you.

22 A Um-hmm.

23 Q Right. Yes or no?

24 A Yes, sir. Yes, sir.

25 Q So she was talking to you about what was going to

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MORSE - CROSS

1 happen in court. Did she talk with you about what the
2 elements of the offense were?

3 A Well, she didn't know none of this, apparently.
4 Like I said, this came like on a Thursday I believe she
5 came there, and she was like, look, they're going to
6 take you to trial on Monday, you know. She did mention
7 something about the fifteen years, I think. I believe
8 she did. But she was like, yeah, they're going to take
9 you to court on Monday. There is no plea, you know,
10 like, there wasn't no plea at the time, but it was
11 burglary second all the way up until the day I went
12 trial. That's when they came and they were like, oh,
13 we're indicting you on burglary first now because of the
14 -- I guess the taking of the weapon at the house.

15 Q Right. So because of the firearm taken is why they
16 it was enhanced to burglary first degree?

17 A That's it. Yes, sir.

18 Q And just kind of going back, the judge ordered that
19 you get ATU, which is an addiction's treatment unit.

20 A Yeah, yeah.

21 Q You say it doesn't exist anymore?

22 A No, sir.

23 Q And it doesn't exist because it's understaffed, I
24 believe is what you said?

25 A I believe it is. I would say money problems for

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MORSE - CROSS

1 SCDC, I'm, cause right now they're -- they're verdict --
2 very understaffed. The whole department is logging out
3 at 6:00, 6:30. Every prisoner is locked down at 6:30
4 right now, because they don't have enough staff.

5 Q Okay. But just kind of going back, the confession
6 that you gave or the statement that you gave to law
7 enforcement, it did match the situation with what the
8 victim testified to what was taken and how it was taken.

9 A Um-hmm.

10 Q So you knew what was taken in the burglary, right?

11 A Yes, a weapon.

12 Q And right. In the statement, you said that you
13 sold the weapon. Was it for heroin?

14 A I didn't -- I didn't sell the weapon, not in the
15 statement. I don't know what it says, but it said that
16 my co-defendant stole the -- I mean, sold the weapon.
17 That's what the detective know.

18 Q Well, wasn't the co-defendant in the car with the
19 victim while the burglary was taking place?

20 A Oh, yeah. Yes, yes.

21 Q Okay. So he couldn't have stolen the weapon.

22 A No. No, no. It was the female.

23 Q Right. So the female was in the car with the
24 victim when the burglary took place, right?

25 A Yes, sir.

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MORSE - CROSS

1 Q And so, when they got back to the house, the gun
2 was gone, right?

3 A I picked her up from -- with him.

4 Q You picked who up?

5 A Roxy. Roxanne, I believe.

6 Q The co-defendant?

7 A Yes, sir.

8 Q Okay. But when did you pick him [[sic] up?

9 A I picked her up that night. I picked her up from
10 the guy she was with, the victim, at a restaurant in
11 Savannah.

12 Q Okay. So you picked her up that night from the
13 restaurant in Savannah, the night of the burglary?

14 A Right after this took place.

15 MR. SHAFFER: Objection, your Honor. I think we're
16 going afield of what the PCR actually is. Having him
17 clarify his previous statement probably doesn't
18 necessarily go to any relevant issue in this case.

19 THE COURT: Well, the statement's been made an
20 issue. I'm going to overrule the objection.

21 MR. NEELY: Thank you, your Honor.

22 BY MR. NEELY:

23 Q One more question, just to clarify. So you knew
24 that the fifteen years was the minimum you'd get if you
25 pled guilty, right?

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MORSE - RE-DIRECT

1 A Um-hmm. Yes, sir.

2 Q And you pled guilty because you were afraid of
3 getting life in prison?

4 A Yes, sir.

5 Q Thank you.

6 MR. NEELY: That's all the questions I have.

7 THE COURT: Mr. Shaffer, any re-direct?

8 PRESTON MORSE

9 RE-DIRECT EXAMINATION BY MR. SHAFFER:

10 Q Why did you give your statement to the police?

11 A Because I thought I was going to get drug
12 treatment.

13 MR. SHAFFER: That's all the questions that I have.

14 THE COURT: Thank you. Anything further from this
15 witness?

16 MR. NEELY: Not from the State, your Honor.

17 THE COURT: All right. Thank you, Mr. Morse. You
18 can go back to the chair over there.

19 MR. SHAFFER: The petitioner would call Ms. Trasi
20 Campbell.

21 MADAM CLERK: Do you solemnly swear that the
22 testimony that you give in this case shall be the truth,
23 the whole truth, and nothing but the truth, so help you
24 God?

25 TRASI CAMPBELL: I do.

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CAMPBELL - DIRECT

1 MADAM CLERK: You may be seated.

2 TRASI CAMPBELL

3 DIRECT EXAMINATION BY MR. SHAFFER:

4 Q Good morning, Ms. Campbell. You represented Mr.
5 Morse, correct?

6 A I represented Preston Morse on these charges, yes.

7 Q Tell me a little bit about the allegations against
8 him and the evidence the State gave to you.

9 A Mr. Morse had a number of pending charges. I've
10 heard the information about the burglary first, so I'll
11 address that first. Mr. Morse had a co-defendant named
12 Roxanne Vie, who, according to the information from the
13 State, that there was a plan hatched between Mr. Morse
14 and Ms. Vie to have Ms. Vie lure a victim, Mr. Thiess,
15 out on a date. And then, Mr. Morse would go into Mr.
16 Thiess's home while they were on this date in Savannah,
17 and obtain whatever he could from the home while she had
18 Mr. Thiess distracted.

19 Ms. Vie made a statement against Mr. Morse, and on
20 the date of trial, was prepared to testify against him
21 as to the plan. And then, the subsequent passing of a
22 weapon over to her, I guess, there was something about
23 it being sold to a black gentleman for \$200.00 later
24 that evening, or maybe early the next morning. So
25 that's essentially the crux of the State's case when it

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CAMPBELL - DIRECT

1 came to the burglary.

2 Q Okay. Now, do you -- you obviously discussed this
3 with the applicant, correct?

4 A Correct.

5 Q Now, do you recall his statement that he gave to
6 the police?

7 A Mr. Morse gave two statements. He gave a statement
8 on November 14th, and a statement on November 16th. I
9 transcribed both of those and I listened to them. And
10 there was a lot of talk in the first statement with Doug
11 Seifert, the investigator, about his illness, his
12 disease of alcoholism and addiction. And then, there
13 was some request for Officer Seifert to get in touch
14 with Mr. Morse's family, and to see what they wanted him
15 to do. So between the 14th and the 16th, there was a
16 conversation between the family and Officer Seifert
17 where, I believe, based on the information I received
18 from all of the parties, they encouraged Mr. Morse to be
19 truthful, and to speak to Officer Seifert voluntarily,
20 to make a statement, essentially a confession, which he
21 did. And they talked about his disease and his
22 addiction. Then, that, you know, was the conclusion of
23 the interviews and statements and confessions.

24 Q Had you gone to trial, were you planning on
25 challenging that statement?

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CAMPBELL - DIRECT

1 A We could have.

2 Q What would have been your challenge to it?

3 A Well, Mr. Morse really had a belief that there were
4 promises made. I did not see that in the viewing that I
5 had of the taped statement. But again, if he wanted to
6 make that an issue, we could have. It would not have
7 been successful.

8 Q Was there any talk about sentencing or drug
9 treatment during the statements?

10 A I represented Mr. Morse long enough, and again, let
11 me say this, I've known Mr. Morse a long time, having
12 had opportunities to represent him in the past. So when
13 I came to this situation, I knew it was very difficult,
14 because the State was taking a very firm stance that,
15 even though he had been arrested for burglary second,
16 they were indicting him for burglary first. And that
17 indictment came down December 13, 2012.

18 And so, my conversations with Mr. Morse were about
19 the dire circumstances that he was facing with the
20 warrant for burglary second, but yet, the solicitor
21 taking it and getting an indictment for burglary first,
22 which has no wiggle room. It's fifteen; it's the
23 minimum. And based on the facts, they could prove their
24 case at trial.

25 Q Did you ever have any conversations with his

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CAMPBELL - CROSS

1 mother?

2 A I believe I did. I talked to her on the phone a
3 number of times. It was a very sad situation, and I
4 always try to reach out to the family. And they talked
5 about his problems and his use, and his, you know,
6 difficulties growing up, and his alcoholism, and his
7 addiction issues, and the family aspect of that. In
8 conjunction with working with the family and with his
9 mother, I obtained the services of an expert in this
10 field who, you know, worked with Mr. Morse and the
11 family and me, to present a report to our circuit judge;
12 which, you know, I was either going to have to use at
13 sentencing, whether we were at trial, or whether we pled
14 guilty. Dr. Judy Lower was the expert that we retained
15 the services of, and she did an excellent job of, you
16 know, detailing for our circuit judge what Mr. Morse had
17 been living through for some fifteen or so years. It
18 was made a court's exhibit.

19 MR. SHAFFER: Okay. No further questions.

20 THE COURT: All right. Mr. Neely?

21 MR. NEELY: Thank you, your Honor.

22 TRASI CAMPBELL

23 CROSS-EXAMINATION BY MR. NEELY:

24 Q Just to kind of clarify the issues, would you agree
25 with Mr. Morse's statement that you met with him one

2-14-17 MORSE V STATE

CAMPBELL - CROSS

1 time?

2 A No, I met with Mr. Morse more than one time. I
3 know, particularly in the weeks leading up to the trial
4 date, which was the trial date was listed as the week of
5 March 18, 2013. We actually worked with him and his
6 family to bring him to circuit court on February 28th
7 before Judge Mullen, so we could have a reconsideration
8 of his bond and the possibility of electronic
9 monitoring, because we knew we were going to trial and
10 wanted to give him some time, if possible, with his
11 children before the trial date. So we had that hearing.
12 She put a number of conditions on it. And I guess just
13 prior to the trial date, the family was able to secure
14 his bond, put an ankle monitor on him, and allow him
15 home for a few days with the family. And he did show up
16 on Monday morning for the trial date, and we had to make
17 our decisions that morning. I had a trial notebook
18 ready. He was ready to try the case, but ultimately
19 made the decision to plead guilty.

20 Q And you're kind of speaking about this as if his
21 trial were basically -- or a plea straight up was his
22 only possibility. Was there ever an offer made by the
23 State?

24 A No.

25 Q How long from indictment to trial date?

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CAMPBELL - CROSS

1 A Well, he was indicted December 13, 2012. And the
2 trial date I have on my notes is March 18, 2013.

3 Q It was a fairly quick process in this case?

4 A Yes.

5 Q Did you think this was one of the State's priority
6 cases?

7 A Most definitely.

8 Q Did you go over with Mr. Morse his *Rule 5* evidence?

9 A I did.

10 Q And obviously the statements that he made?

11 A Yes.

12 Q Did you discuss with him -- you know, obviously he
13 would say that the State made promises. Did you discuss
14 the prospects of that argument winning or losing at
15 trial?

16 A Well, yes. And again, I just have a different
17 interpretation of what I heard in terms of the
18 conversations on the tape and so forth with Officer
19 Seifert from, you know, my perspective of whether that
20 would be, you know, involuntarily. We talked about it.

21 Q And in the end, was it his decision to plead
22 guilty?

23 A Yes, it was his decision.

24 Q Did you encourage him one way or the other?

25 = One way or the other?

2-14-17 MORSE V STATE

TERRY MORSE - DIRECT

1 A No.

2 MR. NEELY: I believe that's all I have, your
3 Honor.

4 THE COURT: Re-direct?

5 MR. SHAFFER: Nothing, your Honor.

6 THE COURT: Thank you, ma'am. You may step down.

7 MR. SHAFFER: The Applicant would call Terry Morse.

8 MADAM CLERK: Left hand on the *Bible*, and raise
9 your right, please. Do you solemnly swear or affirm the
10 testimony you give to the Court in this case shall be
11 the truth, the whole truth, and nothing but the truth,
12 so help you God?

13 TERRY MORSE: Yes, I do.

14 MADAM CLERK: You may be seated.

15 COURT REPORTER: Spell your name, please.

16 TERRY MORSE: Pardon me?

17 COURT REPORTER: Spell your name, please.

18 TERRY MORSE: T/e/r/r/y, M/o/r/s/e.

19 TERRY MORSE

20 DIRECT EXAMINATION BY MR. SHAFFER:

21 Q Ms. Morse, you had conversations -- when your son
22 was arrested on these charges, you had conversations
23 with law enforcement, correct?

24 A After they called my husband and I and asked to
25 meet us. I did not call them.

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TERRY MORSE - DIRECT

1 Q Okay. And what was your understanding of -- well,
2 did they seek to have you speak with your son --

3 A Yes.

4 Q -- about giving a statement?

5 A Yes, they did.

6 Q Okay.

7 A And they -- and they made me -- my husband would've
8 been here. We were here yesterday. We didn't know this
9 was going to happen today, or my husband would have been
10 here. They made my husband and I believe that if we
11 would tell our son to give a statement, that he was
12 going to get drug rehab. I even went so far as to get
13 him a placement in the Owl's Nest.

14 Q Okay. So you believed he was going to get drug
15 rehab?

16 A Hundred percent, hundred percent.

17 Q Well, based on that belief -- well, where did you
18 develop that belief?

19 A In Hilton Head, at the police station, where Mr.
20 Seifert told my husband and I to meet him.

21 Q Now --

22 A And actually, while we were there, my son called me
23 from jail.

24 Q Did you have a chance to speak with your son about
25 this matter?

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TERRY MORSE - DIRECT

1 A Yes.

2 Q What did you tell him to do?

3 A We told him that he was going to be able to go to
4 the Owl's Nest for drug rehab, and that he should
5 cooperate with the officer. There was no mention of
6 jail time to my husband and I.

7 Q Do you think that -- did you have the impression
8 that him going to the Owl's Nest was contingent on him
9 giving a statement?

10 A Yes, a hundred percent.

11 Q Did you develop that impression after speaking with
12 the officers in this case?

13 A Absolutely.

14 Q Did you convey that impression to your son?

15 A Absolutely. We've went out, of course, to Beaufort
16 to visit him and talk to him through the glass window
17 about it. And it was --

18 Q Did you ever inform Ms. Campbell of this?

19 A Yes. I didn't have lots of conversations,
20 especially the day -- that Monday. It was -- it was
21 nothing but pressure and -- and scare, scare.

22 MR. SHAFFER: No further questions at this time.

23 THE COURT: Re-cross?

24 MR. NEELY: No. Thank you, your Honor.

25 THE COURT: Thank you, ma'am. You may step down.

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ARGUMENT

1 MR. SHAFFER: Applicant rests, your Honor.

2 THE COURT: Anything further from the State, Mr.
3 Neely?

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

5 THE COURT: Mr. Shaffer?

6 ARGUMENT:

7 MR. SHAFFER: Your Honor, may I give a brief
8 argument?

9 THE COURT: Yes, sir.

10 MR. SHAFFER: Your Honor, and by the way, I have
11 advised my client that, you know, with the time that
12 he's currently doing, that, if he went back, he could
13 potentially get more time. And he does want to proceed
14 forward with this case. And I'm sorry. I think I left
15 those questions off, and I wanted to put in the record
16 that I had advised him of that.

17 Your Honor, for our argument in this case, I think
18 that, obviously, if Ms. Morse conveyed that to Ms.
19 Campbell, okay, that gives grounds for possible
20 suppression of the statement. It also gives grounds for
21 a possible motion to essentially enforce a plea offer.
22 Okay? The police, acting as agents, gave the impression
23 to Ms. Morse, I mean, as agents of the State, gave the
24 impression to Ms. Morse that he would -- if he gave a
25 statement, he would get favorable treatment; he could

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ARGUMENT

1 get drug rehab. That was then conveyed, obviously, with
2 the police or law enforcement's, consent, if not
3 facilitation, because of the fact that he was in jail at
4 the time. His mother conveyed to him, hey, you're not
5 going to get very much, you know, you're going to get
6 drug rehab if you cooperate. He then acted on that by
7 giving a statement to his detriment. So I think that
8 you could possibly enforce a plea offer based on that.
9 You could also say that the statement was involuntary at
10 that point, because they're promising him some reward on
11 sentencing, holding that out for him to actually give
12 that statement.

13 His attorney never -- she told him that she didn't
14 think that would be a successful motion, but -- or
15 that's her testimony. He says that he never heard any
16 of that. Which, your Honor, obviously, you're the judge
17 of the credibility on that. But regardless, I think
18 that you do have a potential motion to suppress that
19 statement at very least, if not move to actually enforce
20 a plea deal based off of that.

21 THE COURT: Okay. Thank you, Mr. Shaffer. Any
22 response from the State, Mr. Neely?

23 MR. NEELY: Just briefly, your Honor. First off, I
24 was going to say that I think this case, the evidence is
25 pretty overwhelmingly against Mr. Morse. He had a co-

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ARGUMENT

1 defendant that was going to testify to the entire plan
2 of the burglary. We had two statements given by Mr.
3 Morse, one which was found with the check from the
4 burglary. And he had confessed to that check as well,
5 and then he had a made a full statement corroborating
6 how the burglary went down and basically matching up
7 with the co-defendant's statement.

8 I don't see any basis that this statement could
9 have been overturned. Ms. Campbell gave testimony that
10 she didn't that any promises were made. In fact, in the
11 transcript of the plea, it's actually gone over what the
12 law enforcement said to him on tape; that they would
13 make a recommendation to the Solicitor's Office; but
14 that they couldn't guarantee it was going to do anything
15 to affect the solicitor's decision; that it was their
16 decision in the end. And that's what it came down to.
17 This was a priority case at the Solicitor's Office, and
18 they decided to pursue a burglary first degree, and they
19 had the evidence to prove it.

20 I think that both the applicant and Ms. Campbell
21 testified that it was his decision to plead guilty; that
22 he knew fifteen years was the minimum he could get; and
23 that's what he got.

24 I believe Ms. Campbell did her due diligence, and
25 in fact, went above and beyond when she hired an expert

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ARGUMENT

1 to speak to his addiction to the judge on sentencing.

2 THE COURT: Thank you. All right. Gentlemen, I
3 want to read the materials that I've been submitted, so
4 I'm going to take this under advisement, and I'll let
5 you know my decision by the end of the week.

6 MR. SHAFFER: Thank you, your Honor.

END PROCEEDING 10:17 A.M.

2-14-17 MORSE V STATECERTIFICATE OF REPORTER

CERTIFICATE OF REPORTER

FEBRUARY 14, 2017 TRANSCRIPT OF PCR HEARING

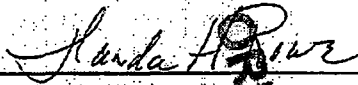
-STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing February 14, 2017 Transcript of PCR Hearing is a true and accurate record of the proceedings had on said date, in the case of Preston Morse versus State of South Carolina, Beaufort County, Court of Common Pleas, Case Number 2013-CP-07-03087; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

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

Witness my signature January 8, 2018.


Wanda H. Rowe, R-M
Official Court Reporter

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL CIRCUIT

Case No. 2013-CP-07-3087

Preston C. Morse, #323236)

v.)

ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)

This Court convened an evidentiary hearing into this matter on February 13, 2016, at the Beaufort County Courthouse. Applicant was present at the hearing and represented by Tristan Shaffer, Esquire. Ruston W. Neely, Esquire, of the South Carolina Attorney General's Office, represented Respondent. Applicant's plea counsel Trasi Campbell, Esquire (hereinafter "counsel"), was present and testified. This Court had the opportunity to listen to the testimony of Applicant and counsel. This Court had before it a copy of the plea transcript, the records of the Beaufort County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this matter. This Court finds as follows:

I. PROCEDURAL HISTORY

Applicant was indicted at the December 2012 term of the Beaufort County Grand Jury for burglary- first degree (2012-GS-07-2434), two counts of resisting arrest (2012-GS-07-2411, -2416), and forgery less than \$10,000 (2012-GS-07-2409). Applicant was represented by T. Trasi Campbell, Esquire.

On March 18, 2013, the Applicant pled guilty as indicted. Applicant was sentenced by the Honorable Carmen T. Mullen to confinement for a period of fifteen years for burglary, ten

years for resisting arrest, and five years for forgery. The sentences were to be served concurrently. Applicant did not appeal his convictions or sentences.

II. ALLEGATIONS

Applicant alleged the following grounds in his original application:

1. Ineffective assistance of counsel
2. Involuntary guilty plea
 - a. State violated plea agreement

III. SUMMARY OF FACTS

Applicant presented a forged check at a bank on November 9th, 2012. The bank called law enforcement and law enforcement arrested Applicant. During the arrest, Applicant resisted for an extended period of time and broke an officer's finger during the struggle. As a result of Applicant's arrest, Applicant's codefendant, Roxanne Vie, told a friend that she took part in a burglary with Applicant. During the burglary, a checkbook, from which the forged check derived, and a firearm were taken. The codefendant's friend reported the statement to law enforcement. Law enforcement questioned Applicant and his codefendant about the burglary and each gave a full confession. The night of the burglary, Applicant's codefendant was to lure the victim away from his house on a date so Applicant could burgle the house while the victim was away. The victim became suspicious during the date and ended the date. When he arrived Applicant fled the house, but was not identified.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court finds the record fully supports the knowing and voluntary nature of Applicant's guilty plea. In addition, Applicant has presented no evidence or valid reasons why he should be allowed to depart from the truth of his statements made at the plea. See Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) ("[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.”)

This Court reviewed the record in its entirety, listened to the testimony given, and heard the arguments presented at the evidentiary hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. This Court finds counsel’s testimony was credible and persuasive and Applicant’s testimony lacked credibility. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

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

A. Ineffective Assistance of Counsel

This Court finds that Applicant has failed to satisfy his burden to prove that counsel was deficient or that he was prejudiced by counsel’s alleged deficiencies. Counsel articulated valid reasons for her recommendation to Applicant that he plead guilty. Mainly, the evidence against Applicant was overwhelming. The State’s evidence included Applicant’s own video-taped statement, the victim’s statement, and the statement of his codefendant. Each statement corroborated the other statements. Counsel reasonably explained the steps she undertook to mitigate Applicant’s sentence and the discussions they had concerning the consequences of his choices.

Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The Court uses a two-pronged test in evaluating allegations of ineffective assistance of counsel. Strickland, at 117, 386 S.E.2d at 625. First, Applicant must prove counsel’s performance was deficient. Strickland, at 117, 386 S.E.2d at 625. Under this first prong, the proper measure of performance is whether plea counsel provided

representation within the range of competence required in criminal cases. Id. The Court strongly presumes plea counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. Second, any deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." Strickland, 466 U.S. at 688.

Applicant admitted that he gave a confession to law enforcement concerning his guilt, but said he only confessed because he thought he would receive drug court. Counsel testified she would have challenged the taped confession at trial. However, counsel did not believe a judge would suppress the confession because no promises were made to Applicant during the video confession. Counsel testified she explained this to Applicant. Counsel testified she went over Applicant's discovery, his statements, and his likelihood of success at trial. There was no plea offer from the state and the case was docketed for trial three months after it was indicted. Therefore, counsel believed it in Applicant's best interest that he plead guilty.

The overwhelming evidence against Applicant necessitated a plea. Based on the overwhelming evidence against him, counsel did the best job she could to mitigate Applicant's sentence. Counsel spoke with Applicant and went over the evidence with him on a number of occasions in the limited time before Applicant's case was called to trial. Counsel advised him to plead guilty to mitigate his potential sentence. Counsel even made additional efforts to mitigate Applicant's sentence. Counsel hired an addiction expert, who wrote a sentencing report for the plea judge, and transcribed Applicant's statements to law enforcement. Applicant has failed to show how he was prejudiced by counsel's actions.

This Court finds that Applicant has failed to satisfy his burden to prove that counsel was deficient. Applicant also failed to prove he was prejudiced by the alleged deficiency. Counsel did an admirable job in difficult circumstances. Accordingly, Applicant has failed to satisfy his burden to prove ineffective assistance of counsel with regard to this allegation and it is therefore denied and dismissed.

B. Involuntary Guilty Plea

It is clear to this Court that Applicant hoped to receive drug court based on his cooperation and confession. However, counsel credibly testified that, based on her experience and review of the video-taped confession, law enforcement did not coerce Applicant and a judge would not have suppressed his confession at trial.

Applicant claimed counsel did not tell him that he could challenge his confession or that he could enforce his plea offer. Counsel testified she spoke with Applicant concerning his defenses, but did not believe they would be successful. Counsel also testified that the State did not make a plea offer to Applicant and set his case on the trial docket within months of the indictment. This Court finds Applicant's testimony lacks credibility and counsel's testimony to be credible. To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238 (1969). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). A defendant who enters a plea on the advice of counsel

may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001).

This Court finds that Applicant was properly informed of his potential defenses by counsel prior to his plea and there was no enforceable plea offer made by the State. Applicant has failed to satisfy his burden to prove that counsel was deficient. Applicant also failed to prove he was prejudiced by the alleged deficiency. Accordingly, Applicant has failed to satisfy his burden to prove ineffective assistance of counsel with regard to this allegation and it is therefore denied and dismissed.

C. All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds Applicant has abandoned any such allegations.

V. CONCLUSION

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

This Court notes Applicant must file and serve a notice of appeal within thirty (30) days from receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991),

Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCR, provides that if Applicant wishes to seek appellate review, his post-conviction relief attorney must serve and file a notice of appeal on Applicant's behalf. Applicant and his attorney are directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

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

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



R. SCOTT SPROUSE
Presiding Judge
1st Judicial Circuit

Wahalla, South Carolina

03

WITNESSES

Officer B. Odom, Bluffton PD

ARREST WARRANT NUMBER

2012A0720200175

ACTION OF GRAND JURY

Melissa Buere
Foreperson of Grand Jury
Date: **DEC 13 2012**

VERDICT

True Bill

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS0702409

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

DECEMBER Term 2012

THE STATE

vs.

Preston Morse

Indictment for

Forgery, Value less than \$10,000

SC Code: 16-13-0010

CDR Code:3436

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.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0702409

At a Court of General Sessions, convened on December 13, 2012, the Grand Jurors of Beaufort County present upon their oath:

Forgery, Value less than \$10,000

That in Beaufort County, South Carolina, on or about November 9, 2012, the Defendant, Preston Morse, did falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; or wilfully acted or assisted in the false making, forging, or counterfeiting of a writing with a value less than \$10,000, to wit: the Defendant forged the signature of Gale Williams on check 4163 drawn on the Bank of America checking account of Custom Carpentry of HHI in the amount of \$2500 and attempted to cash this check at the Hilton Head Island branch of Bank of America; all in violation of Section 16-13-0010, 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.


Solicitor

WITNESSES

Officer L. Marion, Bluffton PD

ARREST WARRANT NUMBER

2012A0720200178

ACTION OF GRAND JURY*Melissa Beer*

Foreperson of Grand Jury

Date: DEC 13 2012

VERDICT **True Bill**

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS0702411

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

DECEMBER Term 2012

THE STATE

vs.

Preston Morse

Indictment for**Assault, beat, or wound police officer while
resisting arrest**SC Code: 16-09-0320(B)
CDR Code:0256After being fully advised as to my legal
rights, I hereby waive presentment to the
Grand Jury.

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

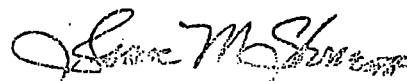
INDICTMENT
2012GS0702411

At a Court of General Sessions, convened on December 13, 2012, the Grand Jurors of Beaufort County present upon their oath:

Assault, beat, or wound police officer while resisting arrest

That in Beaufort County, South Carolina, on or about November 9, 2012, the Defendant, Preston Morse, knowingly and willfully did assault Officer Lindsay Marion, a law enforcement officer of this State, while resisting the officer's attempt to make a lawful arrest of the Defendant when he knew or reasonably should have known that Officer Marion was a law enforcement officer, to wit: the Defendant swung his arms at Officer Marion and attempted to strike her with an unsecured handcuff, in violation of Section 16-9-320(B), 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.



Solicitor

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WITNESSES

Inv. D. Seifert, BCSO

ARREST WARRANT NUMBER

2012A0710300273

ACTION OF GRAND JURY

Melissa Beere

Foreperson of Grand Jury

Date: DEC 13 2012

VERDICT

True Bill

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS0702431

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

DECEMBER Term 2012

THE STATE

VS.

Preston Morse

Indictment for

Forgery, Value less than \$10,000

SC Code: 16-13-0010

CDR Code:3436

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.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

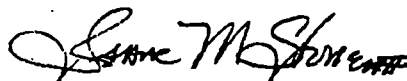
INDICTMENT
2012GS0702431

At a Court of General Sessions, convened on December 13, 2012, the Grand Jurors of Beaufort County present upon their oath:

Forgery, Value less than \$10,000

That in Beaufort County, South Carolina, on or about October 16, 2012, the Defendant, Preston Morse, with intent to defraud, falsely did make, forge, counterfeit or did cause or procure falsely to be made, forged, or counterfeited a writing, or did utter and publish as true a forged, false or counterfeited writing, or willfully act or assist in any of the foregoing, to wit: present check number 813 to Regions Bank, Hilton Head Island drawn on the Regions Bank account of John Graves, the check in the amount of \$400, all in violation of Section 16-13-10, 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.



Solicitor

66

WITNESSES

Inv. D. Seifert, BCSO

ARREST WARRANT NUMBER

2012A0710300318

ACTION OF GRAND JURY

Melinda Beere
Foreperson of Grand Jury

Date: **DEC 13 2012**

VERDICT

True Bill

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS0702434

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

DECEMBER Term 2012

THE STATE

vs.

Preston Morse

Indictment for

Burglary / Burglary - First Degree

SC Code: 16-11-0311

CDR Code:0079

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.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0702434

At a Court of General Sessions, convened on December 13, 2012, the Grand Jurors of Beaufort County present upon their oath:

Burglary / Burglary - First Degree

That in Beaufort County, South Carolina, on or about September 17, 2012, the Defendant, Preston Morse, did enter the dwelling of the victim, Brandon Theiss, located at [REDACTED] Road, Bluffton, South Carolina, without consent and with the intent to commit a crime therein, and that the entering or remaining occurred at nighttime and/or while the Defendant was armed with a deadly weapon, in violation of Section 16-11-311 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.



Solicitor